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
2ND FLOOR CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JANUARY 25, 2006

BOARD MEMBERS PRESENT:
Perry Aasness, MDA; Wayne Anderson and Lisa Thorvig, PCA; Paul Brutlag, Bob Burandt, Kay Cook, Jerome Deal, Quentin Fairbanks, Brian Kletscher, Paul Krabbenhoft, Randy Kramer, Barb Liukkonen, MES; Gene Merriam, DNR; Louise Smallidge, LuAnn Tolliver, Dan Wilson, MDH

BOARD MEMBERS ABSENT:
Dana Allen and Clair Nelson

STAFF PRESENT:
Mary Jo Anderson, Dan Girolamo, Jim Haertel, Ron Harnack, Bill Eisele, Al Kean, Jim Lemmerman, Kevin Lines, Doug Thomas, Dave Weirens, Tom Wenzel, Steve Woods

OTHERS PRESENT:
Andrew Arends, DNR Forestry
Ray Bohn, Minnesota Association of Watershed Districts
Sandy Hooker, Minnesota Association of Townships
Kerry Netzke, Area II
Kerry Saxton and Colleen Allen, Wright SWCD

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

PLEDGE OF ALLEGIANCE

** 06-01 **ADOPT AGENDA** – Moved by Louise Smallidge, seconded by Randy Kramer, to adopt the agenda as presented. Motion passed on a voice vote.

** 06-02 **MINUTES OF DECEMBER 14, 2005** – Moved by Randy Kramer, seconded by LuAnn Tolliver, to approve the minutes of December 14, 2005, as circulated. Motion passed on a voice vote.

STATE EMPLOYEE RECOGNITION WEEK – Chair Deal read a letter of recognition that will be sent to staff acknowledging their good work throughout the year.

REPORTS

Chair's Report - Jerome Deal extended condolences to Paul Brutlag and his family for the loss of his mother. Chair Deal reported that Dick Nelson, lobbyist for the Red River Watershed Management Board and mayor of the City of Warren, passed away last week due to cancer. The Board extends its sympathies to the Nelson family.

Chair Deal appointed Louise Smallidge to chair the Cost-Share Committee. Chair Deal attended the EQB meeting; discussion included airport issues involving weight limits and noise levels at the airport.

Executive Director's Report – Ron Harnack is just back from a two-week vacation in Las Vegas. Ron commented on the new IRS mileage rates for 2006. Ron appreciates board members timely submittal of their expense reports.

Ron commented on the Governor's 2006 bonding proposal with a recommendation of $30.2M for CREP and $4.2M for road replacement. Ron stated that the Clean Water Legacy meetings continue with strong support for moving forward. Ron attended a meeting in Austin yesterday called by Congressman Gil Gutnecht to promote the benefits of CREP-2 in helping address flooding issues in Austin. The Mayor of Austin, SWCD Supervisors and staff, Turtle River WD Managers; John Monson, State FSA Director, NRCS staff were in attendance as well as local media folks.

Dispute Resolution Committee – Jim Haertel reported that 15 appeals are pending. He gave a brief update on eight new appeals.

Wetlands Committee – Ron Harnack stated that the Wetlands Committee and stakeholders group will meet on February 22.

Cost-Share Committee – Paul Krabbenhoft reported that the Cost-Share Committee will meet this afternoon. Louise Smallidge will take over as chair of the Cost-Share Committee.

Education Committee – Kay Cook stated that the Education Committee had an excellent meeting on December 14. NEMO was addressed. The State Envirothon is moving forward. There will be a junior envirothon. The Education Committee is meeting this afternoon, Kay is excited about what the Education Committee is doing.

Administrative Advisory Committee – Chair Deal reported that the Administrative Advisory Committee met this morning regarding committee assignments and other items on the agenda today.

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

Freeborn County Priority Concerns Scoping Document (PCSD) – Brian Kletscher reported that the Southern Water Planning Committee recommends approval of the Freeborn County PCSD. Moved by Brian Kletscher, seconded by Randy Kramer, to approve the Freeborn County Priority Concerns Scoping Document. Motion passed on a voice vote.

** 06-03

RIM Easement Alteration Committee

Ron Harnack reported that BWSR received a letter from Jerry Larson, President of Otter Tail Ag Enterprises, to withdrawal their request for the Fergus Falls Fish and Game Club conservation easement exchange. Chair Deal thanked the Committee for the exceedingly speedy process and the excellent work they did on this issue; this Committee set the groundwork for future issues. Randy Kramer thanked Kevin Lines for his work on this matter.

OLD BUSINESS

Update on CREP Technical Assistance and Payment Rates – Ron Harnack explained that under the existing CREP-2 memorandum of agreement, we are unable to enroll flood-prone or floodplain cropland if there is already an existing buffer (natural or CCRP buffer) which meets FSA's minimum requirements for

water quality. This does not allow us to enroll cropland that floods or has a flooding history. The original agreement and CREP-2 protocols that were endorsed by BWSR and FSA envisioned eligibility for flood prone lands up to 600 feet on both sides of a waterway, river, stream or ditch. Ron stated that staff have been meeting with FSA and NRCS to develop a new or amended practice. Kevin Lines stated that the recommendation is to be called "flood plain restoration with native grass and forbs" to be available for all CREP-2 watersheds. This practice is to reduce flood damage to eligible cropland. Kevin stated that this is a draft, a conceptual agreement. Moved by Quentin Fairbanks, seconded by Perry Aasness, to endorse the concept, to add a new or amended cp practice to deal with flood prone areas as originally envisioned. Finalization will come before the Board later. Motion passed on a voice vote.

** 06-04

Public Drainage Ditch Buffer Study Update – Doug gave an overview and status of the work group. Doug explained that this is a Legislative directive for BWSR to 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. Doug presented a brief history of Section 103E.021. The work group met four times and is scheduled to meet one more time in order to meet the February 15th deadline for submittal to the Legislature. Doug presented the preliminary findings. January 27th is the deadline for surveys; the work group will review the draft report on February 8th; then review report recommendations with the Governor's office. Discussion followed. LuAnn Tolliver requested periodic updates from the work group. Chair Deal requested that the Administrative Advisory Committee review the report before it goes to the Legislature.

NEW BUSINESS

SWCD Audit Policy Revision – Ron Harnack reported that Bill Eisele worked with the Office of the State Auditor regarding the SWCD audit policy revision. Ron explained that both the Office of the State Auditor and BWSR must approve the change. The current policy is: an audit of the district is required every three years, or earlier if cumulative revenues since the last audit reach $400,000. The proposed policy is to increase $400,000 to $500,000. The Administrative Advisory Committee recommendation is to raise the $400,000 to $500,000. Moved by Bob Burandt, seconded by Paul Krabbenhoft, to accept the Administrative Advisory Committee's recommendation to raise the cumulative revenues from $400,000 to $500,000. Motion passed on a voice vote.

** 06-05

Chair Deal called for a break in the meeting at 10:15 a.m. The meeting reconvened at 10:30 a.m.

Public Road Wetland Replacement Credit Solicitation – Dan Girolamo and Dave Weirens gave an overview of the proposed 2005-2007 Road Replacement Program, dollars available, the methods to acquire credits, allocation of available funds, the selection criteria, price determination, and timing. Discussion followed. Dave presented a draft resolution that BWSR authorize implementing the following elements of the 2006-07 public road wetland replacement strategy:

1. enter into discussions with the Department of Natural Resources on cooperating on the fee title purchase of property with restorable wetlands;
2. solicit soil and water conservation districts and private landowners for sites where an easement can be obtained and wetlands can be restored;
3. solicit private bank account holders for the purchase of credits that have been certified and deposited in the wetland bank and credits that have yet to be certified and deposited;
4. staff to prioritize potential projects based on program criteria that include location, price, wetland type and quality; and
5. the Wetland Committee to provide input and oversight to these processes.

** 06-06 Moved by Louise Smallidge, seconded by Brian Kletscher, to approve the public road wetland replacement credit solicitation resolution as presented. Motion passed on a voice vote.

Appeals of Watershed District Rules and Permit Decisions – Conversion of Exempt Rule to Permanent Rule – Jim Haertel presented a resolution delegating authority to adopt rules governing appeals of watershed district rules and permit decisions. The executive director is authorized and directed to sign and to give Notice for Minnesota Rules Chapter 8415 of the Board's Intent to Adopt Rules Without a Public Hearing to all persons who have registered their names with the Board for that purpose and publish the Notice and rules in the State Register, and to perform any and all acts incidental hereto. That if there are fewer than 25 outstanding hearing requests, the executive director is hereby granted the authority and directed to sign the order Adopting Rules and to perform any and all acts incidental thereto. That if there are 25 or more outstanding hearing requests, the executive director is hereby granted the authority and directed to act as the Board's representative at the hearing and to perform any and all acts incidental thereto. Moved by Kay Cook, seconded by LuAnn Tolliver, to approve the resolution delegating authority to adopt rules governing appeals of watershed district rules and permit decisions. Motion passed on a voice vote.

** 06-07

WCA Appeal of an Exemption Decision, City of Albertville, Wright County, File 04-25, Dispute Resolution Committee – Randy Kramer stated that the Dispute Resolution Committee (DRC) reviewed and decided on a 3-2 vote to recommend affirming the decision of the City of Albertville to approve the exemption per the Order. Jerome Deal and Paul Brutlag were the descending votes. Chair Deal stated that the 1989 platting, the U.S. Army Corps of Engineers permit stands. Jim Haertel clarified that the DRC agreed that the 60-day rule applied. The scope of the permit that was issued stands. The Attorney General's office stated that 1599 applies. The Board has two options: 1) to remand to the City for additional findings; or 2) amend the City's action based on what's in the record. Moved by Randy Kramer, seconded by Louise Smallidge, 06-08 to affirm the City of Albertville's decision, define the scope of the document, plat is based on the 1989 plat, and the U.S. Army Corps of Engineer's last permit. Discussion followed. Chair Deal called for a roll call vote. Affirmative: Perry Aasness, Paul Brutlag, Bob Burandt, Kay Cook, Quentin Fairbanks, Brian Kletscher, Paul Krabbenhoft, Randy Kramer, Barb Luikkonen, Gene Merriam, Louise Smallidge, Lisa Thorvig, LuAnn Tolliver, Dan Wilson, Jerome Deal. The ~~amended~~ resolution passed. Chair Deal thanked Jim Haertel for this work on this issue.

Area II River Basin Projects, Inc. – Ron Harnack explained that the 2005 Minnesota Legislature appropriated $500,000 in bonding to Area II for flood control work in their nine-county joint powers area. This appropriation required a 25% local match. Area II River Basin Projects Inc. seeks approval for expenditure of the $500,000 bonding appropriation granted to them through BWSR. In June of 2005, BWSR approved the annual work plan and administrative grant for Area II. This request is follow-up to that plan and is specific to bonding. Staff recommends approval of the project list and entering into the grant agreement with Area II. Moved by Quentin Fairbanks, seconded 06-09 by Brian Kletscher, to approve the Area II bonding projects as presented. Motion passed on a voice vote.

An Examination of the Processes Contained in the term "TMDL" – Lisa Thorvig presented an overview on some of the PCA's internal processes pertaining to how and why waters have to be assessed, and the implications of being labeled "impaired". Discussion followed. Chair Deal thanked Lisa for her presentation.

State of Minnesota 2007 Farm Bill Recommendations – Doug Thomas stated that BWSR and the Department of Agriculture are leading this effort, which also involves the PCA and DNR. Doug acknowledged the outstanding efforts of Barbara Weisman, Department of Agriculture, on this effort. Doug stated that the Clean Water Cabinet plans to develop conservation policy recommendations for the 2007 Farm Bill, based on broad stakeholder input. Doug presented the clean water vision guiding principles. The goal is to complete recommendations by June 2006, although the timeline is not set in stone. The Clean Water Cabinet will use the following principles to guide its development of conservation policy recommendations for the 2007 Farm Bill; 1) strengthen the economic viability of farming; 2) facilitate state and local efforts to address environmental priorities; 3) implement long-term conservation plans. Discussion followed. Chair Deal thanked Doug for the update and his work on this effort.

Trends in Private Forest Management in Minnesota – Jim Lemmerman, BWSR, and Dave Epperly, Director, DNR Division of Forestry, presented information on private forest management, timber sales, and the top 10 forestry issues for 2005 nationwide. DNR Commissioner Gene Merriam introduced Dave Epperly, newly appointed DNR Forestry Director. Dave stated that he is honored to be at DNR Forestry. Chair Deal thanked Jim and Dave for their presentation.

AGENCY REPORTS

Department of Natural Resources (DNR) – Gene Merriam announced that DNR had a significant accomplishment last month; Minnesota received forestry certification of its forest lands. Andrew Arends spearheaded that achievement. Gene reported that he attended the Red River Basin Commission (RRBC) conference in Winnipeg. Gene briefly commented on the groundwater supply that goes into Fargo/Moorhead. Ron requested that this issue be on the March Board meeting agenda. Gene requested that the Duck Plan be on an upcoming Board meeting agenda. Gene reported that Dave Schad has been appointed as the DNR Fish & Wildlife Director, effective this week. "The Conservation Volunteer" has been in circulation for 65 years.

Minnesota Extension Service (MES) - Barb Liukkonen reported that there is a merger of the College of Natural Resources and the College of Agricultural, Food and Environmental Sciences. There is a national search for a dean of the new college. Barb reported that a proposal was submitted to PCA to engage local citizens on TMDLs. Barb distributed a publication "Great Lakes Regional Water Program, Progress & Impact Report" and "Improving Your Shoreland 2006" brochure for the Board's information.

Pollution Control Agency (PCA) - Lisa Thorvig reported that the citizens board met yesterday and approved the southeast TMDL. The municipal stormwater permit will come before the Board in February. Lisa stated that the 2006 impaired waters list is now out for the 30-day comment period, January 26 through February 24. An informational hearing will be held on this tomorrow.

ADVISORY COMMENTS

Minnesota Association of Watershed Districts (MAWD) - Ray Bohn stated that MAWD is moving ahead with bonding projects. He will be involved in lobbying for CREP. Ray has been involved in the buffer strip study. Eminent domain could have a significant impact on watershed districts. Ray thanked Ron Harnack, Doug Thomas, and Al Kean for their assistance on the MAWD annual meeting. MAWD's legislative breakfast will be held on March 23; the briefing is scheduled for the evening of March 22. Ray was very saddened by the death of Dick Nelson, we've all suffered a great loss as Dick was such a great asset to all.

UPCOMING MEETINGS

- Next BWSR Meeting, March 22, 2006, in St. Paul.
- Wetlands Committee and stakeholders meeting, February 22, 2006, St. Paul.

Chair Deal thanked the board members for attending the meeting today.

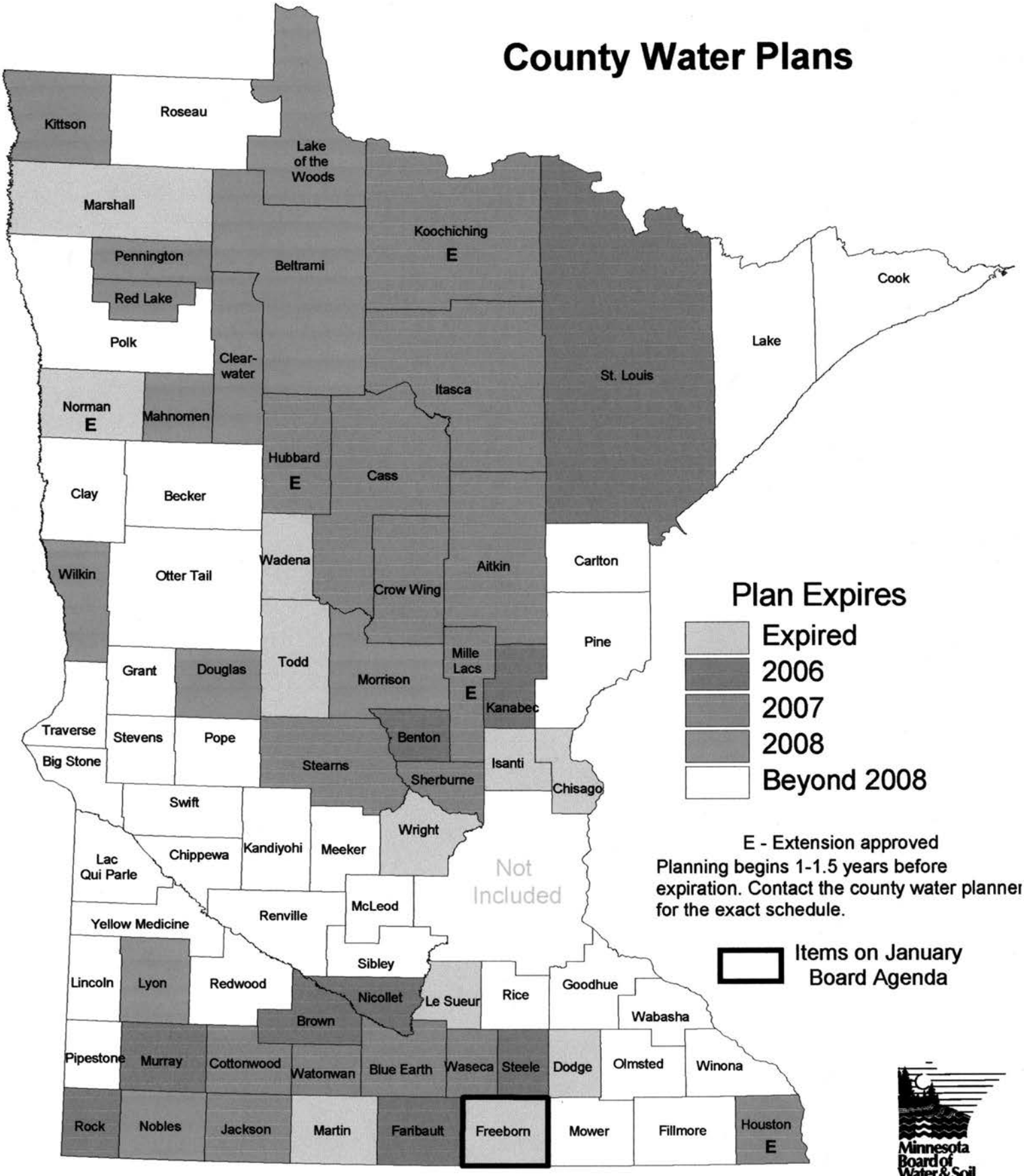
Iris Montgomery introduced herself as an interested citizen attending the meeting today.

** 06-10 Moved by Louise Smallidge, seconded by Kay ~~Clark,~~ Cook to adjourn the meeting at 1:25 p.m. Motion passed on a voice ~~voice~~. vote

Respectfully submitted,

Jerome Deal
Chair

County Water Plans



Plan Expires

- Expired
- 2006
- 2007
- 2008
- Beyond 2008

E - Extension approved
Planning begins 1-1.5 years before expiration. Contact the county water planner for the exact schedule.

Items on January Board Agenda

Minnesota Board of Water & Soil Resources
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map updated: January, 2006

Dispute Resolution Report
January 12, 2006
by Jim Haertel

There are presently twelve appeals pending. All of the appeals involve WCA except number 05-24. There have been five new appeals filed since the last report dated November 17.

File 06-1. This is a new appeal of a replacement plan approval in Itasca County. The appeal contends that sequencing was not followed. The TEP recommended denial on a 3:1 vote. The SWCD approval was on a 3:2 vote. The application sought wetland filling for three outbuildings and lake access. No decision has been made on the appeal.

File 05-26. This is a new appeal of a replacement plan decision in Crow Wing County. The appeal concerns the denial of a wetland replacement plan application. The application was denied because there was no hardship to support approval. Upon inspection it appears a decision was made to deny a variance, however it is likely no WCA decision was made. No decision has been made on the appeal.

File 05-25. This is a new appeal of a replacement plan decision in Kanabec County. Under appeal is the LGU's refusal to consider a wetland replacement plan application because of an existing violation concerning the wetland. No decision was made by the LGU on the application, other than to deny review of it. No decision has been made on the appeal.

File 05-24. This is an appeal, actually three appeals, of the Bois de Sioux Watershed District compensation to landowners related to a project. The appeal has been held in abeyance pending settlement discussions.

File 05-23. This is a new appeal of a wetland banking plan decision in Stearns County. The decision denied a wetland banking plan application involving a gravel pit. Wetland creation work had been done, however no plan had been previously approved. The appeal was denied.

File 05-22. This is a new appeal of a restoration order in Anoka County. At issue is the continued restoration of a site where wetland filling has occurred. A previous restoration order was issued, not fully complied with, and the court case resulted in an odd outcome. Then it was discovered that an incorrect elevation was used for the benchmark that the previous restoration order was based on. Now a new restoration order referencing the correct benchmark elevation has been issued and it has been appealed. No decision has been made on the appeal.

File 05-20. This is an 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 and the record has been received. 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 04-23. 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 2005 (All WCA except #24)

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	Denied, Restoration Order Affirmed
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 received, scheduling pre-hearing conference
18	Restoration Order	Le Sueur (Montgomery)	SWCD	Denied, Restoration Order Affirmed
19	Restoration Order	Kanabec	County	Denied, Restoration Order Affirmed
20	Replacement Plan	Wright County (Cokato)	City	Remanded
21	Restoration Order	St. Louis	County	Denied, Restoration Order Affirmed
22	Restoration Order	Anoka	Coon Creek WD	Pending
23	Wetland Banking	Stearns	County	Denied as meritless
24	Watershed district appeal of Bois de Sioux WD			Pending
25	Replacement Plan	Kanabec	County	Pending
26	Replacement Plan	Crow Wing	County	Pending

Updated 1/10/06

Water & Soil Resources Board

Project Funding Summary
($ in Thousands)

Project Title	Agency Priority	Funding Source	Agency Request 2006	Agency Request 2008	Agency Request 2010	Governor's Rec 2006	Governor's Planning Estimates 2008	Governor's Planning Estimates 2010
RIM Reserve Program and CREP II	1	GF	$4,750	$4,000	$4,000	$4,750	$1,500	$1,500
		GO	25,400	10,000	10,000	25,400	10,000	10,000
Local Government Road Wetland Replacement	2	GF	700	700	700	700	700	700
		GO	3,500	3,983	4,298	3,500	3,983	4,298
Streambank, Lakeshore, Road Retention	3	GF	260	260	260	0	0	0
		GO	5,000	5,000	5,000	0	0	0
Study Area II	4	GO	500	0	0	0	0	0
Army Compatible Use Buffer (ACUB)	5	GO	500	0	0	0	0	0
Grass Lake	6	GO	2,200	0	0	0	0	0
Project Total			$42,810	$23,943	$24,258	$34,350	$16,183	$16,498
General Obligation Bonding (GO)			$37,100	$18,983	$19,298	$28,900	$13,983	$14,298
General Fund Projects (GF)			$5,710	$4,960	$4,960	$5,450	$2,200	$2,200

Funding Sources:			
	GF = General Fund	THF = Trunk Highway Fund	OTH = Other Funding Sources
	GO = General Obligation Bonds	THB = Trunk Highway Fund Bonding	UF = User Financed Bonding

2006 Governor's Environment and Natural Resources Bonding Requests			
		Total Project	
Agency	**Project**	**Amount**	
DEED			
	Wastewater Infrastructure	15,300	
	US EPA Drinking Water/Wastewater Capitalization	38,800	
	TOTAL		54,100
Met Council			
	Metro Regional Parks	11,700	
	TOTAL		11,700
DNR			
	Flood Hazard Mitigation Grants	**9,000**	
	Dam Repair/Reconstruction/Removal	**2,000**	
	Large Scale Forest conservation Easements	**10,000**	
	State Land Reforestation	**4,000**	
	State Forest Land Acquisition	**4,000**	
	Wildlife Area Acquisition and Improvement	**15,000**	
	Native Prairie Bank Easements and Develp	**1,000**	
	Fisheries Acquition and Improvement	**4,000**	
	Waterfowl Habitat Structures	**1,000**	
	Fish Hatchery Improvement	**1,000**	
	Stream Protection and Restoration	**2,000**	
	SNA Acquisition and Development	**3,000**	
	State Park Building Rehabilitation	**3,000**	
	State Park Infrastructure Rehab and NR Restoratior	**3,000**	
	Water Acccess Acq., Devlpmnt. And Fishing Piers	**3,000**	
	State Trail Acquisition, Rehab and Repair	**2,000**	
	State Park and Recreation Area Acquition	**2,000**	
	Statewide Asset Preservation	**2,000**	
	Buying Out Trust Fund Lands	**1,000**	
	Off-Highway Vehicle Recreation Area	**1,500**	
	State Park Camper Cabins	**2,000**	
	TOTAL		**75,500**
PCA			
	Capital Assistance Program	4,000	
	Closed Landfill	7,150	
	TOTAL		11,150
BWSR			
	Local Govt. Road Wetland Replacement	4,200	
	CREP	30,150	
	TOTAL		34,350
	TOTAL OUTDOOR RELATED BONDING PROJECTS		186,800

Otter Tail Ag Enterprises, LLC.
ethanol A Clean Air Choice

Jerry Larson, President
Mark Ellison, Secretary

Jonathan Piekarski, Vice-President
Hans Ronnevik, Treasurer

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

January 6, 2006

IN RE: Otter Tail Ag Enterprises, LLC
Fergus Falls Fish and Game Club Easement Exchange
Easement No. 56-01-93-01-W

Dear Gentlemen:

I wanted to follow up in writing to verify that Otter Tail Ag Enterprises, LLC will not, at this time, be proceeding to develop its ethanol plant on the tract of land near Fergus Falls owned by the Fergus Falls Fish and Game Club. After lengthy analysis and due diligence, and for a variety of reasons, it was determined that the Fergus Falls Fish and Game site did not meet the requirements of the ethanol project. Otter Tail Ag Enterprises is continuing with its ethanol development project on a site just northwest of Fergus Falls, and the support from the local community remains strong.

RECEIVED
JAN 09 2006
Bd. of Water & Soil Resources
St. Paul

1220 N. Tower Road, Suite 201, Fergus Falls, MN 56537
Phone 218-998-4301 - fax 218-998-4302 - e-mail: otaellc@yahoo.com

I also wanted to pass on to the two of you, your staff and other board members, that the consideration by the Minnesota Board of Water & Soil Resources given to this project, and the time committed to the easement exchange request was very much appreciated.

I am providing a copy of this letter to representatives of the Fergus Falls Fish and Game Club. I have verified with the Fergus Falls Fish and Game Club that the easement exchange request that is presently before the Board of Water & Soil Resources can be withdrawn.

If you require any further information on this matter, please let me know. Again, I appreciate the consideration given to the easement exchange matter.

Jerry Larson

Jerry Larson, President

CREP II – TECHNICAL ISSUES:

Issue:

Under existing CREP II MOA we are unable to enroll flood-prone or floodplain cropland if there is already an existing buffer (natural or CCRP buffer) which meets FSA's minimum requirements for water quality. This does not allow us to enroll cropland that floods or has a flooding history.

Solution:

We have developed with our FSA & NRCS partners a new CCRP practice CP? That we are recommending called: "Flood Plain Restoration with Native Grass and Forbs" to be available for all CREP II Watersheds. This practice is to reduce flood damage to eligible cropland within the 100 year flood plain.

Background Information on the Public Drainage Ditch Buffer Strip Study

Components of Current Public Drainage Ditch Buffer Strip Study

- Photos and drawings of drainage ditches and their purpose, to enable a more common understanding.
- Brief history of Section 103E.021 and the 1986 study.
- Survey questionnaire of all public drainage authorities regarding implementation of 103E.021 (Minnesota State University, Mankato contracted by BWSR to assist).
- Literature review for benefits of grass buffer strips along drainage ditches (University of Minnesota contracted).
- Summary of programs and voluntary buffers along drainage ditches (via GIS?) (FSA to provide CRP information, BWSR has RIM and CREP information).

Survey Questionnaire to all MN Drainage Authorities

- Developed by BWSR in consultation with ad hoc Work Group
- Focus is on implementation of Section 103E.021, including installation and maintenance of grass strips since 1986
- BWSR sent to all Minnesota drainage authorities in October 2005 (Counties, WDs, 1 WMO)
- Requested return to Minnesota State University, Mankato by December 9, 2005

Draft Topics for ProactiveWork Group Discussion

- BMP Manual for ditches
- Use of maintenance funds for grass strips
- Enhanced use of RIM and CRP for grass strips
- Require grass buffers by a defined date
- Training and certification for Viewers
- Annual reporting by drainage authorities
- Dispute review by other than drainage authority or courts
- Abandonment procedures
- Prioritizing buffer work for maximum benefits
- Workshops on drainage law, buffers & integrating programs for drainage management
- Drainage research

AUDIT POLICY REVISION PROPOSAL
FOR
SOIL AND WATER CONSERVATION DISTRICTS

This is a proposal to change the audit timetable for districts. Both BWSR and the Office of the State Auditor must approve the change.

Current Policy
An audit of the district is required every three years, or earlier if cumulative revenues since the last audit reach $400,000.

Proposed Policy (language change underlined)
An audit of the district is required every three years, or earlier if cumulative revenues since the last audit reach $500,000.

Background
Minnesota Statue 103C.325 subdivision 2 and BWSR grant agreements state that an audit is required.

BWSR and State Auditor preference has been that approximately one-third of all districts obtain an audit per year. In the past, the threshold was increased from $300,000 to its present level of $400,000 when more than one-third of all districts were being audited per year. That is now happening again.

The following table shows the number of audits under the current policy:

For year ended:	# audits required	% of total districts
2002	55	60%
2003	47	52%
2004	48	53%

If the threshold had been $500,000:

For year ended:	# audits required	% of total districts
2002	43	47%
2003	47	52%
2004	39	43%

As shown above, the number of audits under an increased threshold would still have remained in the recommended range each year. In total, there would have been 150 audits under the current policy and 129 under the proposed policy. Because agencies would still have the three-year requirement, what would happen in many instances is that audits would be deferred one year at the most. Over time this would result in less audits for districts and reduce expenses.

2005 – 2007 Road Replacement Program Overview

January 25, 2006 BWSR Board Meeting

1.) Over view of the road program

In 1996 the Legislature enacted the Minnesota Local Government Road Wetland Replacement Program which requires the state to replace wetlands lost to repair, rehabilitation, reconstruction or repair of public roads as required under M.S. 103G.222, Subd. 1(l). BWSR has been directed to implement this program. Over the last ten years, the Road Replacement Program has been accepted as a valuable tool by local road authorities and continues to provide high quality replacement for impacted sites.

2.) Over view of dollars available

Currently available funding to support the acquisition and development of wetland mitigation sites for the Road Replacement Program include bond funds from 2003 ($131,014) and 2005 ($3,800,000), MnDOT compact funds ($800,000 per year for 5 years) and revenue from the sale of wetland credits to public transportation authorities (approximately $80,000.00)

3.) Review of methods to acquire credits

Four methods are proposed to secure credits, as follows:

A. fee title acquisitions in partnership with a public entity;
B. conservation easements with private landowners (RIM-like option);
C. purchase of existing wetland credits from private bank account holders; and
D. entering into a purchase agreement with private landowners for wetland credits that will be developed (purchase agreement option).

4.) Proposed allocation of available funds

Approximately $5.6 million is available for projects through 2007. In an effort to efficiently utilize these funds, a proposed allocation is recommended to distribute dollars among the four methods.

Fund distribution is restricted by the Attorney General's opinion regarding the use of bond funds. This restriction places all bonding funds into RIM-like, purchase agreements and fee title methods. MnDOT dollars and BWSR program fee revenue will be used to fund purchase agreements with existing bank account holders and develop new sites. The following amounts are recommended for each method:

2006- 2007 Funding Scenario

	Bonding	MnDot	BWSR
Fee Title/Rim-Like	$2,950,000	$800,000	
Purchase Existing Credits		$800,000	$80,000
Purchase Agreement	$980,000		
	$3,930,000	$1,600,000	$80,000

5.) Selection Criteria
Geographic location is a prime consideration in determining which projects should be pursued. The Wetland Conservation Act and Section 404 of the Clean Water Act require wetland replacement on site, if possible, or within the same watershed or bank service area. The enclosed Credit/Debit map (See attachment A) presents the current supply and demand status of the local road program. Reported impacts exceed credits in blue watersheds and credits exceed impacts in red watersheds.

The search process will place a priority on projects that are located in blue watersheds and watersheds where continued development activity is expected to occur that will drive increased road construction activity.

Other factors that will be weighed during this process include cost per acre of wetland credit and wetland type.

6.) Method for determining price
Determining the price for restoring wetlands for the Local Government Road Wetland Replacement Program are most straightforward for fee title acquisitions and RIM-like projects where an appraisal is conducted in the case of fee title or 125% of the 2005 RIM easement price is used for RIM like. In both of these cases, BWSR is responsible for all development and restoration costs.

To establish the acquisition price of private bank credits, either existing banked credits or under the purchase agreement option, BWSR will implement competitive bidding and tier pricing respectively. For existing account holders to offer credits for sale, they will be required to submit a bid. For an applicant to offer credits under a purchase agreement, they will need to use a tier pricing value that corresponds to their geographic location and includes all project costs. Tier pricing will utilize the prices for Sale of Wetland Credits to Public Transportation Authorities which are as follows: $35,420 in the 7-county metro area, $7,980 in watersheds tributary to the 7-county metro area, and $4,050 elsewhere in the state.

7.) Timing
The timing for the Local Government Road Wetland Replacement Program rollout is short. The bank retooling effort is near completion and is proposed for a February 2006 debut. All LGUs and SWCDs in the state will be offered bank program training and will receive application/RFP packages.

A May 5, 2006 application deadline is recommended to give local staff an opportunity to field verify site characteristics prior to submitting an application. All applications will be reviewed, prioritized and submitted to the Wetland Committee for approval in May, 2006. The Board will be asked to consider the Wetland Committee's recommendations in June 2006.

Resolution # 06-06

Public Road Wetland Replacement Credit Solicitation
Draft, 1-25-06

WHEREAS, BWSR is directed pursuant Minn. Stat. 103G.222, Subd. 1(l) to replace wetlands drained or filled as a result of the repair, maintenance, or rehabilitation of existing public roads; and

WHEREAS, BWSR is authorized pursuant to 2005 Minn. Laws Chap. 20, Art. 1 Sec. 9 to enter into agreements with political subdivisions and fee owners to acquire land and restore wetlands to be used to replace wetlands lost as a result of the repair, maintenance, or rehabilitation of existing public roads; and

WHEREAS, BWSR on June 22, 2005 adopted the Policy Establishing Payment Rates for Conservation Easements Acquired for Public Road Wetland Replacement Bank Sites; and

WHEREAS, BWSR and the Minnesota Department of Transportation (MN/DOT) entered into an agreement on August 24, 2005 whereby BWSR and MN/DOT agreed to cooperatively develop and manage the establishment of wetland credits to mitigate wetland impacts resulting from state highway projects; and

WHEREAS, pursuant to Minn. Stat. 103G.222, Subd. 1(k), BWSR is authorized to sell wetland credits to public transportation authorities at BWSR's cost to establish wetland credits.

NOW THEREFORE BE IT RESOLVED, that the BWSR authorize implementing the following elements of the 2006-07 Public Road Wetland Replacement Strategy:

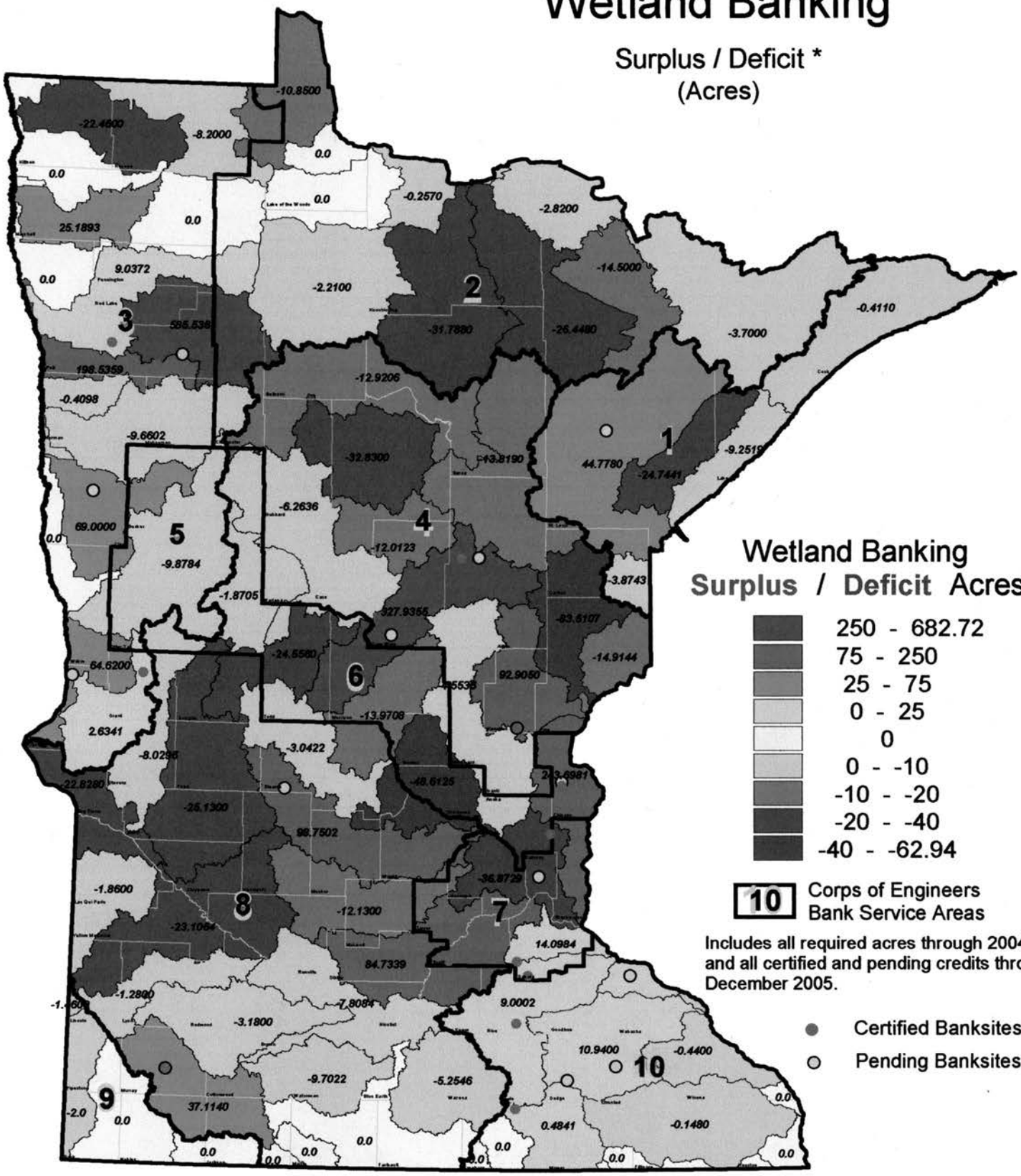
1. enter into discussions with the Department of Natural Resources on cooperating on the fee title purchase of property with restorable wetlands;
2. solicit soil and water conservation districts and private landowners for sites where an easement can be obtained and wetlands can be restored;
3. solicit private bank account holders for the purchase of credits that have been certified and deposited in the wetland bank and credits that have yet to be certified and deposited;
4. staff to prioritize potential projects based on program criteria that include location, price, wetland type and quality; and
5. the Wetland Committee to provide input and oversight to these processes.

Jerome Deal
Jerome Deal, Chair

1/25/06
Date

BWSR Local Road Wetland Banking

Surplus / Deficit *
(Acres)



Wetland Banking
Surplus / Deficit Acres

250 - 682.72
75 - 250
25 - 75
0 - 25
0
0 - -10
-10 - -20
-20 - -40
-40 - -62.94

10 Corps of Engineers Bank Service Areas

Includes all required acres through 2004, and all certified and pending credits through December 2005.

● Certified Banksites

○ Pending Banksites

January, 2006

* Includes certified and pending banksites.

Resolution # 06-06

Public Road Wetland Replacement Credit Solicitation
Draft, 1-25-06

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WHEREAS, pursuant to Minn. Stat. 103G.222, Subd. 1(k), BWSR is authorized to sell wetland credits to public transportation authorities at BWSR's cost to establish wetland credits.

NOW THEREFORE BE IT RESOLVED, that the BWSR authorize implementing the following elements of the 2006-07 Public Road Wetland Replacement Strategy:

1. enter into discussions with the Department of Natural Resources on cooperating on the fee title purchase of property with restorable wetlands;
2. solicit soil and water conservation districts and private landowners for sites where an easement can be obtained and wetlands can be restored;
3. solicit private bank account holders for the purchase of credits that have been certified and deposited in the wetland bank and credits that have yet to be certified and deposited;
4. staff to prioritize potential projects based on program criteria that include location, price, wetland type and quality; and
5. the Wetland Committee to provide input and oversight to these processes.

Jerome Deal

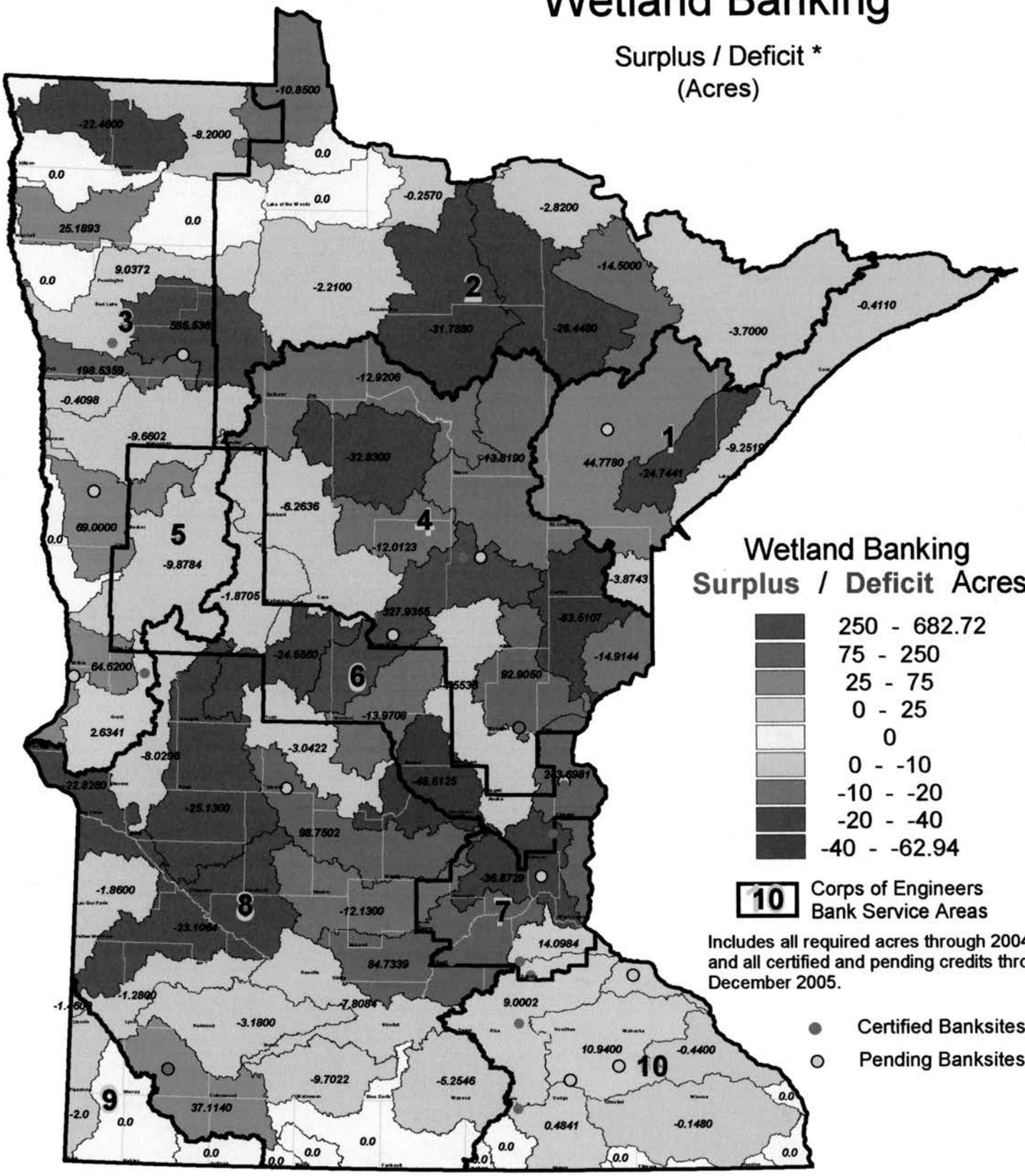
Jerome Deal, Chair

1/25/06

Date

BWSR Local Road Wetland Banking

Surplus / Deficit *
(Acres)



Wetland Banking
Surplus / Deficit Acres

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- -20 - -40
- -40 - -62.94

10 Corps of Engineers Bank Service Areas

Includes all required acres through 2004, and all certified and pending credits through December 2005.

- Certified Banksites
- Pending Banksites

January, 2006

* Includes certified and pending banksites.

BWSR Board Meeting Agenda Item – January 25, 2006, from Jim Haertel

NEW BUSINESS

Appeals of Watershed District Rules and Permit Decisions - Conversion of Exempt Rule to Permanent Rule – DECISION, Jim Haertel

Minnesota Rules, parts 8415.0100 through 8415.0120 contain rules of procedure that govern appeals made to the Board of watershed district rules and watershed district permit decisions. The Board approved the exempt rule under emergency rulemaking authorized by the legislature. The exempt rule became effective on April 12, 2004. The exempt rule is effective for two years, unless superceded by permanent rule.

History: 2003 legislation required the Board to adopt rules governing appeals to the Board of watershed district permit decisions and rules. The legislation required the Board to adopt exempt rules by January 1, 2005 and permanent rules within two years thereafter. Minnesota Statutes Section 103D.537 was also amended to allow public transportation authorities the ability to appeal watershed district permit decisions to the Board. Further revisions to section 103D.537 gave public transportation authorities the option to request an expedited appeal process in appeals to the Board of watershed district permit decisions.

A stakeholder group consisting of representatives from AMC, MNDOT, the Minnesota County Engineers Association, MAWD, and some watershed districts convened two times to review and comment on the draft rule. The draft rule was also forwarded for comment to the Governor's Office and to the senate and house environment and natural resources and transportation policy committees. Consensus was achieved on all aspects of the draft rule.

Two requests for comments have been distributed to the stakeholders and legislative committees previously listed, and one request for comments has been distributed to the general public during the past ten months. No comments have been received other than the comments that no revisions are necessary.

The Administrative Advisory Committee and staff recommend Minnesota Rules, parts 8415.0100 through 8415.0120 be converted from exempt rule to permanent rule with no revisions per the attached resolution.

RESOLUTION NUMBER 06-___

RESOLVED, that, Ronald D. Harnack, the Executive Director of the Minnesota Board of Water and Soil Resources, is hereby granted the authority and directed to sign and to give Notice of the Board's Intent to Adopt Rules Without a Public Hearing to all persons who have registered their names with the Board for that purpose and publish the Notice and rules in the State Register, and to perform any and all acts incidental thereto.

FURTHER RESOLVED, that, if there are fewer than 25 outstanding hearing requests, Ronald D. Harnack, the Executive Director of the Minnesota Board of Water and Soil Resources, is hereby granted the authority and directed to sign the Order Adopting Rules and to perform any and all acts incidental thereto.

FURTHER RESOLVED, that, if there are 25 or more outstanding hearing requests, Ronald D. Harnack, the Executive Director of the Minnesota Board of Water and Soil Resources, is hereby granted the authority and directed to act as the Board's representative at the hearing and to perform any and all acts incidental thereto.

CERTIFICATE OF THE MINNESOTA BOARD OF WATER AND SOIL RESOURCES

RESOLUTION DELEGATING AUTHORITY TO ADOPT RULES GOVERNING APPEALS OF WATERSHED DISTRICT RULES AND PERMIT DECISIONS

MINNESOTA RULES CHAPTER 8415

I, Jerome Deal, do hereby certify that I am a member and the Chair of the Minnesota Board of Water and Soil Resources, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Water and Soil Resources, duly and properly called and held on the 25h day of January, 2006, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

Resolution Number 06-07

RESOLVED, that, Ronald D. Harnack, the Executive Director of the Minnesota Board of Water and Soil Resources, is hereby granted the authority and directed to sign and to give Notice for Minnesota Rules Chapter 8415 of the Board's Intent to Adopt Rules Without a Public Hearing to all persons who have registered their names with the Board for that purpose and publish the Notice and rules in the State Register, and to perform any and all acts incidental thereto.

FURTHER RESOLVED, that, if there are fewer than 25 outstanding hearing requests, Ronald D. Harnack, the Executive Director of the Minnesota Board of Water and Soil Resources, is hereby granted the authority and directed to sign the Order Adopting Rules and to perform any and all acts incidental thereto.

FURTHER RESOLVED, that, if there are 25 or more outstanding hearing requests, Ronald D. Harnack, the Executive Director of the Minnesota Board of Water and Soil Resources, is hereby granted the authority and directed to act as the Board's representative at the hearing and to perform any and all acts incidental thereto.

1/25/06
Date

Jerome Deal, Chair
Minnesota Board of Water and Soil Resources

BWSR Board Meeting Agenda Item – January 25, 2006, from Jim Haertel

NEW BUSINESS

WCA Appeal of an Exemption Decision, City of Albertville, Wright County, File 04-25 – DECISION, Dispute Resolution Committee

An appeal of an "Approved Development" exemption decision by the City of Albertville, Wright County, was filed with BWSR on October 18, 2004. The exemption was granted by the city, basically by default, after the requirements under Minn. Stat. § 15.99 (the "60-day rule") were not met. The project involves wetland filling for commercial development.

The appeal was accepted on November 9, 2004. A pre-hearing conference was held on January 20, 2005. Settlement was explored at the pre-hearing conference and negotiations continued for nine months. During settlement discussions in early August of 2005, the landowner's legal counsel verbally agreed to a settlement offer, but then failed to respond to the offer in writing by November. The written briefing schedule began in November and the DRC heard oral arguments on January 5, 2006.

The DRC deliberated over the issue of whether or not Minn. Stat. § 15.99 applied in this case. Also, the DRC deliberated over the scope of the permit and whether wetland impacts could be minimized or avoided under the plat that had been approved.

Based on the standard of review contained in WCA, the dispute resolution committee decided on a 3-2 vote to recommend affirming the decision of the City of Albertville to approve the exemption per the attached draft Order.

Minnesota Board Of Water And Soil Resources

520 Lafayette Road North
St. Paul, Minnesota 55155

BWSR File No. 04-25

In the Matter of Michael Potter's Petition for an Exemption to Drain and Fill Wetland, Without a Replacement Plan, for the Purpose of Developing "Potter's Commercial Park", Albertville, Wright County, Minnesota.

ORDER

This is an appeal of the grant of an Application for Certificate of Exemption submitted by Michael Potter ("Potter") to the City of Albertville ("City"). Potter applied for a Certificate of Exemption pursuant to Minn. R. 8420.0122, subp. 8. The City acted as the local government unit ("LGU") under the Wetland Conservation Act ("WCA"). The City failed to approve or deny Potter's Application within 60 days, as required under Minn. R. 8420.0210 and Minn. Stat. § 15.99. The City issued its decision on September 7, 2004, approving the application because the City failed to timely approve or deny the exemption request and by operation of Minn. R. 8420.0210 it is automatically approved. Colleen Allen, a member of the Technical Evaluation Panel ("TEP") appealed to the Board of Water and Soil Resources ("BWSR").

On January 5, 2006, the Dispute Resolution Committee ("DRC") of BWSR heard oral arguments. Thomas C. Zins, Wright County Attorney's Office, Government Center, 10 - 2nd Street NW, Buffalo, Minnesota 55313 appeared on behalf of Colleen Allen, Appellant. Jack Y. Perry, Briggs and Morgan, P.A., 80 South Eighth Street, 2200 IDS Center, Minneapolis, Minnesota 55402 appeared on behalf of Michael Potter, Respondent.

The attorneys for the parties agreed that the record before the City consisted of Items A-G, as identified in an LGU Record provided by the City.

Following oral arguments, the DRC by a 3-2 vote, adopted a resolution recommending that the decision of the City be affirmed.

At its meeting on January 25, 2006, BWSR adopted the recommendation of the DRC and authorized the Chair of BWSR to issue this Order.

Based upon the entire record of this proceeding, BWSR makes the following:

ORDER

1. The September 7, 2004 decision of the City of Albertville to grant the Application for Certificate of Exemption for Michael Potter is affirmed.

2. The attached Memorandum is incorporated by reference and made a part of this Order.

Dated: January ___, 2006

Board of Water and Soil Resources

_____

Its Chair

MEMORANDUM

The standard of review for appeals to BWSR is established in Minn. R. 8420.0250, subp. 3 (2005). The Rule provides:

> The board will affirm the local government unit's decision if the local government unit's findings of fact are not clearly erroneous; if the local government unit correctly applied the law to the facts, including this chapter; and if the local government unit made no procedural errors prejudicial to a party. Otherwise, the board will reverse the decision, amend it, or remand it with instructions for further proceedings.

We find that the City's findings of fact were not clearly erroneous, that the City correctly applied the law to the facts, and that there were no procedural errors in the City's proceedings.

Under Minn. R. 8420.0210 (2005), the LGU "decision must be made in compliance with Minnesota Statutes, section 15.99." Section 15.99 establishes a 60-day time limit for an agency to make a decision on a written request. If an agency fails to deny a request in writing within 60 days of the request, the request is approved. *See* Minn. Stat. § 15.99, subd. 2 (2004).

In this proceeding, the LGU reviewed the application and determined it to be incomplete. It complied with Minn. Stat. § 15.99, subd. 3(a) (2004) by timely informing Potter in writing what information was missing from the application. Potter subsequently supplied the missing information. The information was received by the LGU on June 25, 2004. The City found that Potter's application was complete as of June 25, 2004.

The LGU attempted to extend its deadline for approving or denying the application by letter dated August 26, 2004. Under Minn. Stat. § 15.99, subd. 3(f) (2004), a 60-day extension is allowed if certain requirements are met. Those requirements are that the LGU give written notice of the extension, that the notice be given prior to the expiration of the original deadline, that the notice provides the reasons for the extension, and that the notice identifies the anticipated length of the extension. *See* Minn. Stat. § 15.99, subd. 3(f). The City found that the requirements of Minn. Stat. § 15.99, subd. 3(f) were not met. Specifically, the notice of

extension was not timely provided to Potter because the City's 60-day deadline expired on August 24, 2004 and the City prepared a letter dated August 26, 2004, received by Potter on August 27, 2004, regarding the extension.

The City concluded that the extension was not effective. The City also concluded that it had not denied Potter's application in writing within 60 days of the submission of the application, so the application was automatically approved by operation of Minn. Stat. § 15.99, subd. 2 and Minn. R. 8420.0210. The City made no determinations on the merits of the application.

Because we find that the City's findings of fact were not clearly erroneous, that the City correctly applied the law to the facts, and that there were no procedural errors in the City's proceedings, the decision of the City is affirmed.

AG: #1543989-v1

BWSR Meeting Date 1/25/06

Motion: WCA Appeal affirm future scope of document 1989 platting, CoE permit stands.

Moved by: Randy Kramer

Seconded by: Louise Smallidge

	Affirmative	Opposed
Perry Aasness	✓	
~~Dana Allen~~		
~~Jim Anderson~~		
Paul Brutlag	✓	
Bob Burandt	✓	
Kay Cook	✓	
Quentin Fairbanks	✓	
Brian Kletscher	✓	
Paul Krabbenhoft	✓	
Randy Kramer	✓	
Barb Luikkenon	✓	
~~Joe Martin~~		
Gene Merriam	✓	
~~Clair Nelson~~		
Louise Smallidge	✓	
Lisa Thorvig	✓	
LuAnn Tolliver	✓	
Dan Wilson	✓	
Jerome Deal	✓	

H: roll-call vote

FISCAL 2006
PLANNED BONDING PROJECTS

χ **Alta Vista 36 Road Retention – Lyon/Lincoln County Line** ($530,000 Estimate)
This project has a long history with previously unwilling landowners. The dangerously deficient 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, both townships, and Area II to obtain easements and right-of-way. All permits have been acquired. The project was awarded $250,000 in May 2005 from MNDOT's Local Road Improvement Program. The planned design will reduce peak flood flows up to 56% with 568 cfs reduction of the 100-year storm. 498 acre-feet of storage will create a temporary flood pool of 41 acres.

χ **North Hero 34E Road Retention - Redwood County** ($ 263,000 Estimate)
This project is a cooperative effort between Area II, Redwood County, Redwood County Water Plan, and North Hero Township. Peak flow reductions will be 21% amounting to 204 cfs on a 100-year storm event. 370 acre-feet of flood storage will temporarily pond on 54 acres.

χ **Springdale 21 Road Retention - Redwood County** ($ 230,000 Estimate)
This project is joint 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)
The planned design provides peak flow reductions of 68% amounting to 508 cfs on a 100-year storm event. 214 acre-feet of flood storage will temporarily pond on 22 acres.

η ***Alternate Project Sites:***

- η ***Monroe 10 Road Retention/Dam – Lyon County*** ($201,765 Estimate)
  515 cfs reduction on a 100-year storm event (38%). 211 acre-feet of storage will pond upon 22.8 acres.
- η ***Marble 10 Road Retention – Lincoln County*** ($113,557 Estimate)
  247 cfs reduction on a 100-year storm event (68.7%). 36 acre-feet of storage will pond upon 6.4 acres.

AREA II MINNESOTA RIVER BASIN PROJECTS,

RESOLUTION OF
LOCAL FINANCIAL COMMITMENT

The following resolution offered by ANDREW LOCHNER (BROWN) and moved for adoption at the Annual Board of Directors Meeting held January 5, 2006 at the Area II Minnesota River Basin Projects, Inc. office at Marshall, MN:

WHEREAS, the Alta Vista 36, Springdale 21, Springdale 30, and North Hero 34E Road Retention projects in Lincoln and Redwood Counties have been identified as priority floodwater retarding and/or retention projects consistent with a general plan for floodplain management; and

WHEREAS, the State of Minnesota has appropriated $500,000 for the construction of floodwater retention projects through the 2005 Bonding Bill; and

WHEREAS, the local match of 25%, or $166,667, is required to match the State funding.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

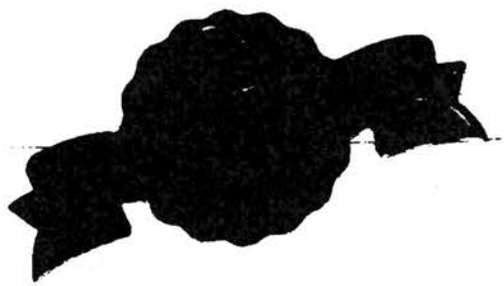
1) The nine member counties of Area II Minnesota River Basin Projects, Inc. have levied and collected the local match in the amount of $166,667; and

2) This funding has been established in an account and is committed for use as local match in addition to other local matching funds from project partners.

Seconded by LUKE JOHNSON (PIPESTONE) and the same being put to vote and duly carried. This resolution shall become effective immediately and without publication. Adopted by the following vote: Ayes 9 Nayes 0
Dated this 5th day of January, 2006.

Joseph Schouvieller
Chairman
Area II Minnesota River Basin Projects, Inc.

Attested by: Philip Nelson
Philip Nelson
Secretary/Treasurer
Area II Minnesota River Basin Projects, Inc.



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Seconded by LUKE JOHNSON (PIPESTONE) and the same being put to vote and duly carried. This resolution shall become effective immediately and without publication. Adopted by the following vote: Ayes 9 Nayes 0
Dated this 5th day of January, 2006.

Joseph Schouvieller
Joseph Schouvieller
Chairman
Area II Minnesota River Basin Projects, Inc.

Attested by: Philip Nelson
Philip Nelson
Secretary/Treasurer
Area II Minnesota River Basin Projects, Inc.

AREA II MN RIVER BASIN PROJECTS INC. 27th ANNIVERSARY 1978 2005 MARSHALL MN

TMDL Process

- Federal Clean Water Act directs MN to designate uses for waters
- MN set most of the quality standards in '67 and '90 to meet the intended use
- Large-scale, low-intensity monitoring done to determine whether physical, chemical, and biological standards are met enough of the time
- Waters consistently violating standards must be added to list of "impaired waters" (even years)
- Impaired waters prioritized for study and cleanup

- Higher intensity monitoring determines if listing appropriate (if not, de-list) and further study needs
- Total Maximum Daily Load (TMDL) study and pollutant allocations performed (pollutant budget)
- Public comment period
- PCA approval and submittal to EPA for approval
- TMDL implementation plan developed within 1 yr.
- Implementation of TMDL until standards met
- De-list water when standards consistently met

Common Qs

- Doesn't low-intensity monitoring just result in more impaired listings than MN can afford to address?
- Why start to listing wetlands before strategies for lakes and streams is well established?
- How does PCA prioritize TMDL studies? Will the Coordinating Council take this over?
- What is the time lag between listing and availability of money for doing TMDL study?
- What avenues exist for a community if the standard for a water makes no sense to them?
- What are the impacts of ovelapping TMDLs (e.g. MN River and Lake Pepin)?
- Can a Watershed District or County do a TMDL as part of their local Plan?

STATE OF MINNESOTA

Office of Governor Tim Pawlenty

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

December 30, 2005

United States Department of Agriculture
Washington, DC

Re: Request for Public Comments to be Used in Developing USDA Recommendations for the 2007 Farm Bill: Conservation and Environmental Goals

To Whom It May Concern:

Thank you for the opportunity to comment relative to the recommendations the USDA will develop for the 2007 Farm Bill. I am writing in regard to the USDA's fourth question, which asks how farm policy can best achieve conservation and environmental goals.

As a leading agricultural state with more surface waters than any of the 48 contiguous states and a $10 billion-a-year tourism industry based largely on abundant natural resources, Minnesota has major stake in the 2007 Farm Bill. More so than nearly any other state, the water quality in Minnesota is central to our way of life. This is the reason I launched a statewide Clean Water Initiative in June 2003.

As part of Minnesota's Clean Water Initiative, I established a Clean Water Cabinet comprised of the leaders of six state agencies. The Cabinet has met regularly for more than two years to oversee progress on priorities such as impaired waters restoration, drinking water protection, and fish and wildlife habitat enhancement. These priorities fit well with Farm Bill conservation and environmental goals.

In order to share our priorities with the USDA, I have directed Minnesota's Clean Water Cabinet to develop conservation policy recommendations for the 2007 Farm Bill, based on broad stakeholder input. The Minnesota Department of Agriculture and Minnesota Board of Water and Soil Resources are leading the effort, which also involves the Minnesota Pollution Control Agency and the Minnesota Department of Natural Resources. The attached guiding principles and timeline describe the Clean Water Cabinet's 2007 Farm Bill conservation policy effort. Both are working documents subject to change as the Cabinet gathers additional stakeholder input.

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In addition to these efforts, we are eager to develop conservation policy recommendations for the 2007 Farm Bill relative to Minnesota's Clean Water Legacy Act. The Act creates an unprecedented partnership of local governments, environmental organizations, businesses, agricultural interests, and state agencies to address TMDLs and to restore and protect the quality of Minnesota's lakes, rivers, and streams. State investments designed to enhance Minnesota's ability to leverage Farm Bill conservation programs, such as funding for supplemental conservation planning and technical assistance to landowners, are also important components of the Clean Water Legacy Act.

Thank you again for the opportunity to provide input as you develop the Farm Bill. Minnesota's Clean Water Cabinet hopes to submit its final 2007 Farm Bill conservation policy recommendations and background information to the Minnesota Congressional delegation and the USDA in May or June of 2006. If you have any questions about this effort or the attached documents, please feel free to contact Joe Martin, Assistant Commissioner, Minnesota Department of Agriculture, at 651-201-6551 or Doug Thomas, Assistant Director, Minnesota Board of Water and Soil Resources, at 651-297-5617.

Sincerely,

Tim Pawlenty
Governor

Via email *FarmBillRules@usda.gov*

Attachments (2)

cc: U.S. Senators Norm Coleman and Mark Dayton
U.S. Representatives Gil Gutknecht, Mark Kennedy, John Kline, Betty McCollum, James Oberstar, Collin Peterson, Jim Ramstad, and Martin Sabo
William Hunt, State Conservationist, USDA Natural Resources Conservation Agency
John Monson, State Executive Director, USDA Farm Services Agency
Gene Hugoson, Commissioner, Minnesota Department of Agriculture
Sheryl Corrigan, Commissioner, Minnesota Pollution Control Agency
Gene Merriam, Commissioner, Minnesota Department of Natural Resources
Ron Harnack, Executive Director, Minnesota Board of Water and Soil Resources

Guiding Principles for Developing the Clean Water Cabinet's Recommendations for Conservation in the 2007 Farm Bill – A Working Document

The overall purpose of the Conservation Title of the federal Farm Bill is to partner with the nation's agricultural producers & landowners to improve the quality of the nation's soil, water, air, plant & animal resources. Minnesota's Clean Water Cabinet priorities closely mirror these national resource goals, with emphasis on impaired waters restoration, drinking water protection & habitat enhancement. The Clean Water Cabinet will use the principles below (a working document) to guide its development of conservation policy recommendations for the 2007 Farm Bill.

In order to meet national & state environmental goals, the 2007 Farm Bill should:

Strengthen the economic viability of farming. Conservation programs & provisions should be designed to enhance natural resources & producer profitability at the same time, since farming operations must be economically viable to invest in conservation. Keeping the people who work the land on the land is necessary to achieve environmental goals. This involves:

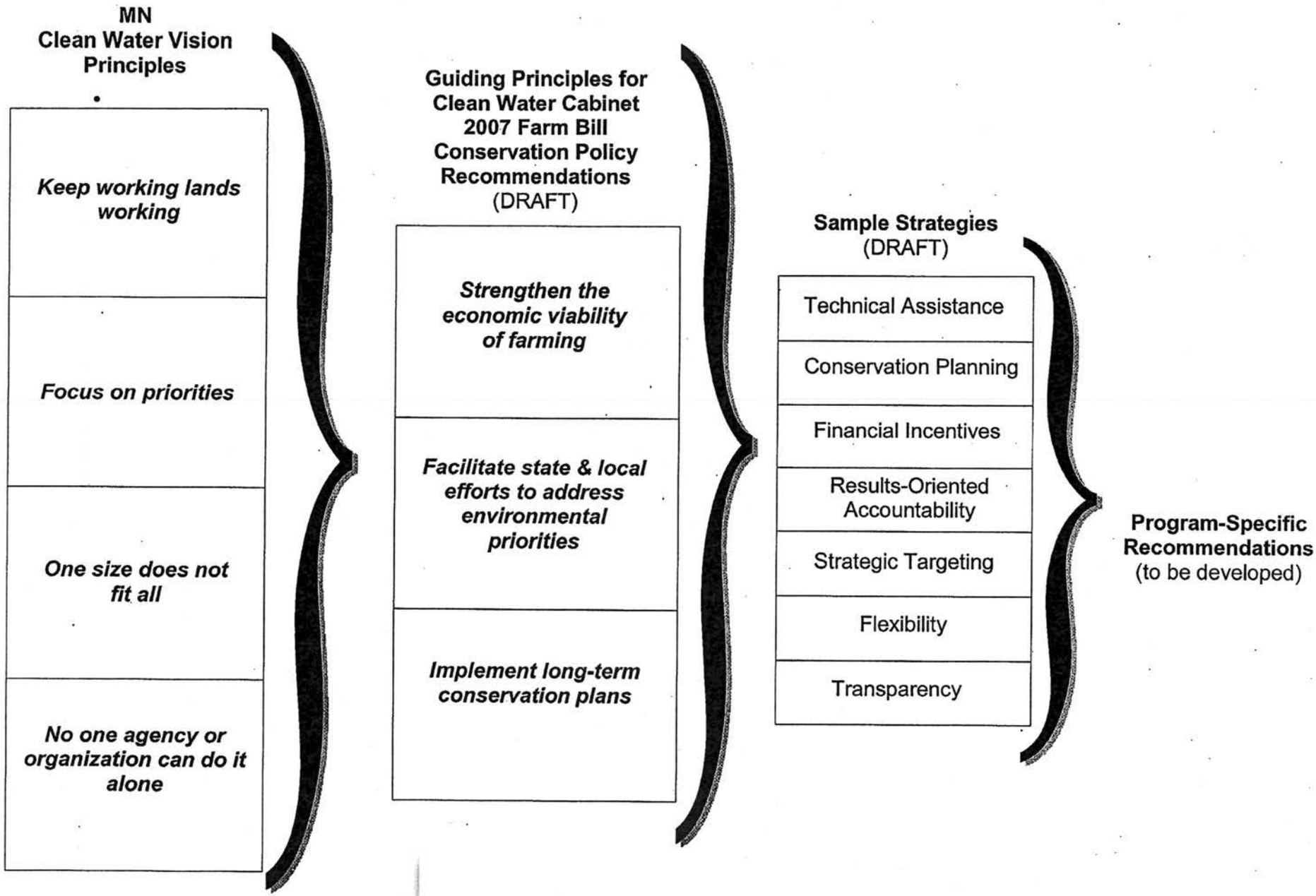
- A healthy balance between funding for land retirement/restoration & funding for working lands conservation.
- Financial incentives (e.g., cost share, incentive payments) sufficient to accelerate producers' own investments in conservation efforts that address national & state priorities
- Strategically targeted conservation promotional efforts, financial incentives & technical assistance to address specific environmental priorities, such as restoring impaired waters, protecting drinking water sources, or enhancing grassland-wetland habitat.
- Enough flexibility to make effective conservation treatments practical for producers
- Evaluating the economics of conservation treatment options as part of conservation planning

Facilitate state & local efforts to address environmental priorities, recognizing that different states have different priorities or face similar environmental challenges of different magnitude. This involves:

- Designing and funding federal conservation programs in ways that allow & encourage states to target & leverage farm bill resources based on environmental priorities
- Transparency in the criteria used to make conservation funding decisions
- The flexibility to refine program rules at the state or local level to improve environmental outcomes, based on scientifically sound supporting data.
- Results-oriented programs that focus on specific priorities, yet encourage & reward conservation treatments as well as state & local programs that provide additional environmental benefits
- Policies & provisions that facilitate and reward conservation partnerships

Implement long-term conservation plans to achieve ongoing, measurable results on the ground at both the farm & watershed levels. Conservation programs & conservation planning services should be broadly available to all producers & landowners. This involves:

- Promotional efforts, financial incentives & technical assistance driven by state, local, and landowner conservation priorities rather than program rules and regulations
- Renewed focus on individual conservation plan promotion, development & implementation
- Performance-based approaches that allow producers to use the full range of NRCS-approved conservation practices to implement conservation plans
- Highly accessible programs that use a common, easy to understand application process
- Financial incentives to stimulate on-farm research, evaluation & demonstrations for improved understanding of conservation treatment effectiveness & greater accountability
- Meeting increased demands for conservation funding & technical assistance



DRAFT 12/21/05 prepared by the Minnesota Dept. of Agriculture

Top 10 Forestry Issues for 2005
National Woodland Owners Association
Survey results

From Summer 2005 issue National Woodlands magazine

1. Fair income, Inheritance, and property taxes – ranking range 1-6. This has been the number one issue for 18 of the past 19 years. Nationally owners are finding that annual taxes are getting too expensive to justify continuing investment in forestry.

2. Private property rights – ranking range 1-10. Property Rights come into question most often when a public agency or utility acquire private land for a public purpose (roads, power lines, schools, etc. This can be done legally without the consent through a process called "taking". The landowner can challenge the price offered for the land called "compensation".

3. Right to practice forestry – ranking range 2 - 8. Always one of the top three, surprisingly last year this dropped to #6, suggesting that the issue was being resolved. This year it is back up in the top three. Many woodland owners cannot imagine a law being enacted that would prevent them from cutting their timber if they decide to do so, but it can and does happen. This is a local/state issue.

4. Extension Education and service forestry – ranking range 1-9. Investment in forestry education through the Extension Service and cooperating state and local agencies yields good return to society through improved forest health and productivity. In the National Woodland Owners Association opinion "Forest education beats Forest regulation every time".

5. Wildfire and forest health – ranking range 1-9. Fortunately this has not been a huge issue in Minnesota. Fire is more of an issue in the west. The movement of invasive species and new insects and disease are going to pose a growing threat here.

6. Timber markets and fair trade – ranking range 1-9. America has some advantage in growing timber and is a leader in sustainable forestry. There is a cost for these though; we have some the highest price sumpage in the world.

7. Cost-sharing and incentives – ranking range 3-10. Costs sharing for forest practices as well as other incentives are proven programs in getting forestry on the ground. There are new cost share initiatives that focus on integrated resource management (water quality, wildlife habitat, stewardship plans).

8. Landowner Liability – ranking range 4-8. With more people moving to rural areas, private landowners are experiencing increased trespass, dumping, and unwanted public use of their property. Liability is governed by states, so those laws vary in each of the fifty states.

9. Certification of loggers, foresters, and forest practices – ranking range 4-10. Certification of loggers and foresters is a confirmation that they practice under a code of ethics and receive periodic training to a higher standard. Certification of a forest practice results from a review by a independent qualified third party of actual forest practices on the ground. This is an emerging issue in Minnesota; there are a number of public land management agencies that have their lands/practices certified, but there is little private land certification at this time. The Society of American Forester and Minnesota Logger Education Program have certified many professional foresters and loggers.

10. Forestry on wetlands: best management practices – ranking range 3-10. Timber production is a compatible and appropriate use on the majority of privately owned woodlands. All fifty states have adopted best management practices-BMPs which, when followed, help assure the protection of wetlands as well as woodlands.

About the Program

The University of Minnesota Extension Service Shoreland Education Program provides information, practical experience, and resources for people interested in practicing or promoting shoreland stewardship. The Shoreland Education Program is based at the University of Minnesota Extension Service with cooperation from the University of Minnesota Water Resources Center and Minnesota Sea Grant Program. Our goal is to educate Minnesota citizens about shoreland management to improve water quality, habitat, and aesthetics of our lakes and rivers.

Workshops are offered on a regular basis throughout Minnesota. We also provide educational products, including the Minnesota Shoreland Management Resource Guide (www.shorelandmanagement.org), a bi-monthly newsletter (*From Shore to Shore*), fact sheets, and educational how-to DVDs and videos. You may order materials online at **www.extension.umn.edu/shoreland**.

You can play a vital role in protecting your local shorelands. Past participants have restored shorelines, monitored lakes and rivers, helped prevent the spread of aquatic invasive species, created exhibits and taught youth, and initiated and strengthened local organizations.

You Can Sponsor a Shoreland Workshop!

Developed in partnership with citizens, lake leaders and agencies, customized shoreland workshops provide classroom, field and hands-on instruction. Workshops are tailored to address your local shoreland needs and may last anywhere from one hour to a day and a half. We can offer workshops in the evening, weekdays, or weekends depending on your needs.

Customized workshops may be offered for a specific group or lake association, or they may be open to the public. For information about how to host a workshop in your area, or to suggest a topic for future shoreland education workshops, please contact:

Eleanor Burkett at ***burke044@umn.edu***
(888) 241-0720 or
Mary Blickenderfer at ***blick002@umn.edu***
(888) 241-0885.

For a current listing of workshops and for more information about shoreland programs and educational materials, visit:
www.extension.umn.edu/shoreland

Water Resources Center

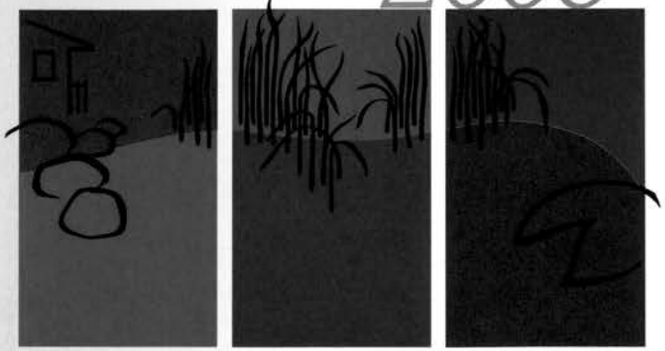
Sea Grant Minnesota

University of Minnesota Extension Service

11/05

Improving Your Shoreland

2006



Learn how you can protect and improve water quality while maintaining a healthy and attractive shoreline

University of Minnesota Extension Service
University of Minnesota Water Resources Center
Minnesota Sea Grant

Shoreland Management

Shoreland property should come with an owner's manual. In these workshops you'll receive practical solutions and technical information about the best ways to manage your property to maintain a healthy lake or stream, now and for the future.

Shoreland Best Practices

These workshops will be tailored to address your lakeshore and riverbank issues. You can learn the basics about how lakes and rivers are affected by shoreline activities, or find out more about water quality, shoreland zoning and permits, property values, wastewater treatment, stewardship practices, or communication techniques.

Erosion Control for Property Owners

Learn to evaluate a shoreline, select appropriate erosion control methods, and develop a lake-friendly stabilization plan for an eroding shoreline. This one-day workshop will be helpful for shoreland property owners, lake association members, local government officials, and landscape, nursery, and natural resource professionals.

Monitoring Bacteria or Macroinvertebrates

Monitoring *E. coli* bacteria or macroinvertebrates (bottom dwelling organisms like insect larvae, snails, or worms) will help you characterize the health of your stream or lake. These workshops provide background on monitoring, training, equipment, and field experience for beginners or advanced volunteers.

Rain Gardens

Help protect water quality by learning how to design and install an effective rain garden to minimize stormwater runoff from your property.

Shoreland Revegetation

Learn how to protect and enhance your shoreline! These workshops emphasize a holistic approach–addressing property owner expectations, the beneficial functions of natural shorelines, and shoreland regulations–that will enable you to make sound shoreland management decisions and implement revegetation projects.

Introduction to Shoreland Landscaping

During this one-day workshop, you will design a simple, lake-friendly shoreland landscape project. A popular course for shoreland property owners, lake association members, and local government officials wanting to understand the relationship between shoreland plants and water quality.

In-depth Shoreland Landscaping

This two-day series guides participants through a step-by step design process. Master Gardeners, shoreland property owners, nursery, landscape, and natural resource professionals will walk away with hands-on experience in planning a lake-friendly shoreland project.

Shoreland Planting

Participants spend one day assisting with site preparation and planting an actual shoreland revegetation project.

Shoreland Maintenance and Monitoring

This one-day workshop involves participants in maintenance and monitoring of one or more existing shoreland landscaping projects. Strategies for weed and pest control, traffic management, erosion control, and replanting will be covered. Learn from the successes and challenges of other projects.

Shoreland Plants

It is crucial to know about native plants to protect clean water, as well as to recognize the invasive non-native plants and animals that may threaten your enjoyment or the ecological health of your favorite lake or stream.

Aquatic or Wetland Plant Identification

This 1.5-day workshop provides a simple plant key and valuable field experience to lake association members and natural resource professionals involved in lake mapping, lake management plans, shoreland or wetland restoration, and invasive plant monitoring and control.

Curly-leaf Pondweed Management

Shoreland property owners and lake association members attending this half-day workshop will learn to identify curly-leaf pondweed and understand why its unique life cycle makes it difficult to control. Learn how maintaining a healthy aquatic plant community can minimize the growth and spread of curly-leaf pondweed in your lake, and hear about management options.

Algae Management

In this half-day workshop, shoreland property owners, lake association members, and natural resource professionals will learn to identify the algae in their lake or river, understand why algae become a nuisance in only some of our water bodies, and discover what methods are effective in reducing or controlling this common summertime nuisance.

Stop Aquatic Hitchhikers!

Protect our lakes and rivers and your shoreland investment from the impacts of invaders such as zebra mussels and Eurasian watermilfoil. Learn about the threats they pose, how to identify and monitor them, and what you and your organization can do to help prevent their spread.

Great Lakes Regional Water Program

Progress & Impact Report

Applying Knowledge to Improve Water Quality

www.uwex.edu/ces/regionalwaterquality

GREAT LAKES Regional Water Program

Graphic design by Amy B. Hurley UW-Extension Environmental Resources Center

Regional Contacts

Jim Anderson
University of Minnesota
Water Resources Center
173 McNeal Hall, 1985 Buford Ave.
St. Paul, MN 55108
(612) 625-0279
Email: ander045@umn.edu

Jon Bartholic
Michigan State University
Institute of Water Resources
115 Manly Miles Building
East Lansing, MI 48823
(517) 353-9785
Email: bartholi@msu.edu

Joe Bonnell
Ohio State University
OSU Extension
210 Kottman Hall C
Columbus, OH 43210
(614) 292-9383
Email: bonnell.8@osu.edu

Mike Hirschi
University of Illinois
332-P Ag Engineering Sciences
1304 W. Pennsylvania Ave
Urbana, IL 61801
(217) 333-9410
Email: mch@uiuc.edu

Jane Frankenberger
Purdue University
Dept. of Ag and Biological Engineering
1146 ABE Building
West Lafayette, IN 47907
(765) 494-1194
Email: frankenb@purdue.edu

Robin Shepard
University of Wisconsin
Regional Water Quality Coordinator
CNRED State Program Leader for Extension
625 Extension Building
432 N. Lake Street
Madison, WI 53706
(608) 262-1748
Email: robin.shepard@uwex.edu

Ruth Kline-Robach
Michigan State University
Institute of Water Research
115 Manly Miles Building
East Lansing, MI 48823
(517) 355-0224
Email: kliner@msu.edu

Lois Wolfson
Michigan State University
Institute of Water Research
115 Manly Miles Building
East Lansing, MI 48823
(517) 353-9222
Email: wolfson1@msu.edu

Rebecca Power
Regional Water Quality Liaison
University of Wisconsin-Extension
101 Hiram Smith Hall
1545 Observatory Drive
Madison, WI 53706
(608) 263-3425
Email: rebecca.power@uwex.edu

National Contacts

For a list of Regional Program Coordinators, Regional Liaisons, National Facilitation Project Coordinators, and CSREES State Water Quality Coordinators, please visit the National Water website and the National Water Directory at:

www.usawaterquality.org/directory/WQCDirectory_Aug05.pdf.

Introduction

People use water – and lots of it. According to the US Environmental Protection Agency, the average American individual uses over 150 gallons of water a day, and can only survive five to seven days without it (in comparison to being able to survive about a month without food). Without water, many industries would cease to function. Approximately 62,600 gallons of water are needed to produce one ton of steel, 9.3 gallons to process one can of fruit or vegetables, and that favorite beer takes approximately 1,500 gallons to process (per barrel).

The biggest threats to the nation's water supply and quality are water consumption that outstrips supply for prolonged time periods and contamination by excess sediments, nitrogen, and phosphorous. Significant sources of contaminants include animal waste from livestock and pets, commercial fertilizers from farm fields and lawns, and sediments from farm fields, construction site erosion, and rivers and streams with altered hydrology.

The Cooperative State Research, Education, and Extension Service (CSREES), the Land Grant Universities, and many important partners have been instrumental in cleaning up our nation's waters for more than 30 years. Through national and regional collaborations on water quality programs and projects, these organizations are working to improve the effectiveness and efficiency of water quality programming nationwide. This report describes the CSREES National Water Program, the structure and goals of the Great Lakes Regional Water Program, and specific programming successes in the Great Lakes Region. Please see the National Water Program website **www.usawaterquality.org** and the Regional Program website **www.uwex.edu/ces/regionalwaterquality** for more information about what each program is doing to make sure that an abundant supply of clean, usable water is available for future generations.

The National Water Program

The goal of the National Water Program, partnership of USDA CSREES and the Land Grant Colleges and Universities, is to protect or improve the quality of water resources throughout the United States and its territories, particularly in agriculturally managed watersheds. The program seeks to address this goal at the national, regional, state, and local levels.

The CSREES National Water Program brings university scientists, instructors, and Extension educators into more effective and efficient partnerships with federal interagency priority programs to address water quality issues in agriculture. A key emphasis of the program is integration of extension, research, and education resources to solve water problems at the local level.

This funding enabled the formation and linkage of 10 Regional Water Programs, which serve as the foundation of the National Water Program. The program is guided by a unique model for shared leadership, which includes representatives from each of 10 regional programs (corresponding to US Environmental Protection Agency regions), representatives from the traditional black and tribal Land Grant institutions, and the CSREES National Program Leader for Water.

The National Water Program is supported by the 406 Integrated Research, Education, and Extension Competitive Grants Program. This program is often referred to as the "406" Program because of its legislative roots in Section 406 of the Agricultural, Research, Education, and Extension Reform Act of 1998 (AREERA)(7 U.S.C. 7626), the legislation that authorized the Secretary of Agriculture to establish this competitive grants program.

The National Water Program has identified eight priority themes for research, education, and extension projects. An associated team of experts will address each theme on the national scale, helping to focus the efforts of CSREES on water quality issues. These themes are listed below:

- Animal Waste Management
- Drinking Water and Human Health
- Environmental Restoration
- Nutrient and Pesticide Management
- Pollution Assessment and Prevention
- Water Conservation and Agricultural Water Management
- Watershed Management
- Water Policy and Economics

The Great Lakes Regional Water Program

The Great Lakes Regional Water Program (GLRWP), corresponding to USEPA's Region 5, supports water-related research, education and outreach initiatives in Minnesota, Wisconsin, Michigan, Illinois, Indiana, and Ohio. Regional coordination projects within the National Water Program enhance the sharing and delivery of successful programs and encourage multi-state and multi-region efforts to protect and restore water resources. The Program has made significant strides in elevating multi-state, trans-boundary thinking in the region, an important change considering the truly boundless (but not limitless) nature of water. The stories that follow are a sample of regional activities in four of the six national priority themes adopted by the Great Lakes Regional Program: Animal Waste Management, Drinking Water and Human Health, Environmental Restoration, Nutrient and Pesticide Management, Water Policy and Economics, and Watershed Management (two Themes – Environmental Restoration and Water Policy and Economics are new). For more information, please contact any one of the Regional Team members listed on page 1 of this document, or visit the Program website at:

www.uwex.edu/ces/regionalwaterquality

Program Goals

- Provide regional coordination of research, education, and extension/outreach efforts addressing water quality problems related to agricultural activities within Extension's North Central Region and USEPA Region 5.
- Work cooperatively to share responsibilities and resources in the interest of resolving water quality problems that are complex in nature and regional in scope.
- Build continuing education and professional develop ment programs based on currently available information for agricultural and nonagricultural audiences.
- Offer an entry point for state and federal agencies, commodity organizations, and other non-governmental organizations to access the resources within the Land Grant universities and collectively address water issues of mutual interest.

Framework and Organization

- A Regional Water Leadership Team of (CSREES) State Water Quality Coordinators from Great Lakes states, CSREES Regional Water Liaison, and a liaison from USEPA Region 5.
- Regional Theme Teams of experts in six regional priority themes derived from the eight CSREES national priority themes.
- Multi-state Flagship projects that bring together the research, education, extension/outreach, and environmental professionals to address water management issues.

Regional Coordination Impacts

Overall, the GLRWP has:

- Increased communication and networking among CSREES State Water Quality Coordinators, Land and Sea Grant institutions, 1994 Tribal Colleges, Water Resource Research Institutes (WRRIs), and federal and state agencies within the North Central Region and USEPA's Region 5.
- Increased awareness of the Great Lakes Regional Program among Land and Sea Grant Institutions, 1994 Tribal Colleges, WRRIs, and federal and state agencies within the North Central Region and USEPA's Region 5.
- Elevated the visibility of collaborative multi-state approaches to addressing water quality issues, paving the way for others to consider similar efforts. Within Extension's North Central Region, The Great Lakes Regional Water Program is often cited as an example of how to implement a multi-state land grant program.
- Increased documentation of Regional and National Water Program projects and success stories through development, utilization and maintenance of a national reporting system.

The Great Lakes Regional program has leveraged over $8 million (more than a 3:1 ratio) since its inception in 2000, benefiting water quality research and outreach efforts and participating agencies and organizations, as well as building the visibility and reputation of CSREES as a productive and contributing partner.

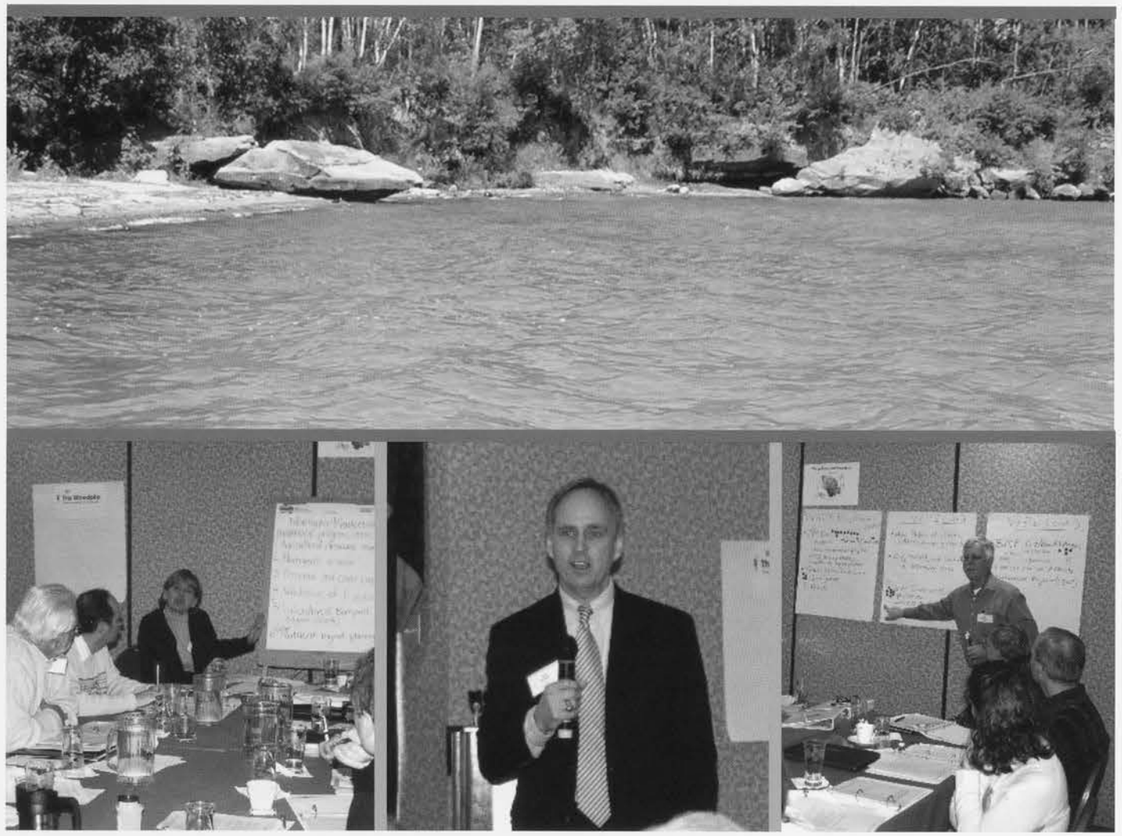
Selected Coordination Activities:

- With USEPA, the GLRWP designed and facilitated a regional working session titled, "Multi-State Collaborative Approaches to Water Quality Improvement: Creating Mass and Momentum in the Midwest." The purpose of this working session was to bring professionals together around each of the GLRWP's six priority Themes to agree upon priority issues within each and action items to address these issues. More than 80 people from Land and Sea Grant universities and colleges, state environmental agencies, federal agencies, non-profit organizations, and other water quality-related organizations attended, and approaches (in the form of logic models) were developed for most of the identified priority issues in each Theme. Please see the Collaboration Success Story on page 7 for more details.
- The Regional Program continues to coordinate with the Agriculture Drainage Management Task Force. The Task Force is a partnership of ARS, NRCS, CSREES and Land Grant University researchers that focuses attention on new management practices that can mitigate the negative impact of drainage. The Task Force serves the function of an advisory group to the Regional Team.
- The Great Lakes Regional Leadership Team, coordinated participation of the Land Grant Universities in a USEPA regional training: Technical Fundamentals of Concentrated Animal Feeding Operations (CAFOs) for Permit Writers and Inspectors. The Team has also been working with USEPA Region 5 on determining needs for follow-up trainings for each state related to CAFOs.

- The Regional Program hosted stormwater listening sessions and worked with state advisory groups in Region 5 states to bring state agency, municipal, and Land Grant expertise together to discuss research and outreach needs and Land Grant capacity and roles in meeting those needs. This information will be used to help communities comply with USEPA Phase II requirements by supporting regional prioritization of stormwater research and outreach activities both within and outside the Land Grant Universities.

- The Regional Program has funded three students from the Lac Courte Oreilles Ojibwa Community College (a 1994, or tribal institution) to attend a summer session on Conservation Design and "Green" Housing. This class is one component of a trans-disciplinary partnership between the Community College and UW-Madison founded to enhance educational opportunities, job training, and small business development for Native Americans, while implementing conservation development and new home construction practices that meet community needs and preserve/improve the water quality necessary to sustain the traditional wild rice food culture. This project is part of regional efforts to increase faculty, staff, and student collaborations among 1862 and 1994 institutions.

- The Region has initiated planning efforts for a wild rice conservation and management conference in 2006. A coordination session with Tribal Colleges in the region (at a minimum this will include Lac Courte Oreilles Ojibwa Community College and the Fond du Lac Community College) will be held in conjunction with the conference. This session will identify regional extension, research and educational priorities where greater collaboration between the 1994 and 1890 Land Grant institutions can occur.



Regional Collaboration Success Story

Multi-State Collaborative Approaches to Water Quality Improvement: Creating Mass and Momentum in the Midwest

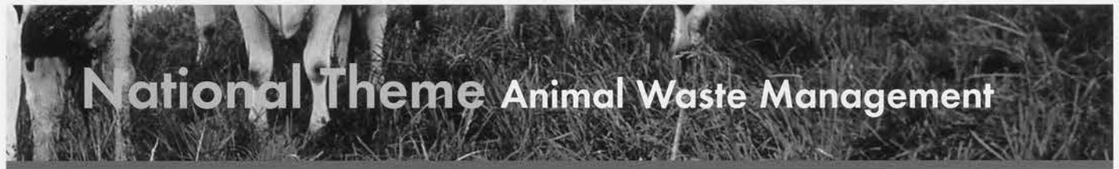
The Great Lakes Regional Water Program (GLRWP) and USEPA Region 5 co-sponsored a multi-state working session to foster regional collaboration on six national themes and help plan priorities and activities for the next four years. Over 80 people from Land and Sea Grant Universities and Colleges, state environmental agencies, federal agencies, non-profit organizations, and other water quality related organizations attended. Participants in the working session organized into six groups according to USDA CSREES National Integrated Water Quality Program Themes important in the Great Lakes Region, including Animal Waste Management, Drinking Water and Human Health, Environmental Restoration, Nutrients and Water Quality, Water Policy and Economics, and Watershed Management. The groups completed all or part of five key tasks during the course of the meeting, including:

- Prioritizing water quality issues and programs that lend themselves to multi-state research, outreach, and management.
- Participating in the development of six regional coordination teams that will move theme priorities forward.
- Proposing and ranking project ideas, coordination needs, and/or other action items for the teams to implement.
- Establishing basic team practices and agreeing upon tasks and timelines for selected projects or coordination efforts.
- Identifying key administrative and operational support items that will help ensure successful multi-state water quality programming.

Both the GLRWP and USEPA Region 5 have committed staff and financial resources to support the growth and development of this regional network. The Land Grant Universities have each created a Theme Coordinator position, and USEPA has designated at least one staff person to work with each Team. Others are expected to begin participating in the Theme Team development process based on their areas of expertise and interest as outcomes and action items for each priority program area are refined. In addition, this structure was included in USEPA Region 5's Watershed Game Plan, a document designed to integrate numerous water program elements at the watershed level, employ multi-scale water qualty data, apply innovative ideas, and engage diverse federal, state, tribal and local stakeholders in problem solving for the purpose of watershed protection, improvement, and restoration. This effort builds upon the work of the four Theme Teams initiated in the first four-year Great Lakes Regional Water Quality Coordination Grant, and the strategic planning session hosted by the Regional Team in 2002.

Regional Programming Impacts

In addition to building long-term relationships among agencies, universities, commodity groups, non-profit organizations and others, the GLRWP has fostered specific projects related to each of the national priority Themes. The following summaries describe a water quality issue in each Theme, the action taken by Great Lakes partners to address the issue, and the impact the action had on the affected community. Key project personnel identified for each project can provide additional information about the project and related efforts. There are many other issues being addressed by Extension and its partners in each state and regionally. Please contact the Regional Water Liaison or any member of the Regional Leadership Team (see page 1 for contact information) for more information about water-related programs within the Great Lakes Region.



National Theme Animal Waste Management

Animal waste from farms and livestock/poultry and dairy production operations can severely threaten water quality if not managed properly. Animal waste from the 1.3 million farms with livestock and poultry (USEPA estimate) across the nation has the potential to contribute excess nutrients, pathogens, organic matter, solids, and odorous compounds to the environment. This pollution can cause eutrophication of surface waters, degradation of ground water, and can threaten human health. The following stories highlight efforts in the Great Lakes Region to protect and improve water quality by appropriately managing animal waste.

Regional Programming Success Story

Professional Development for Manure Haulers

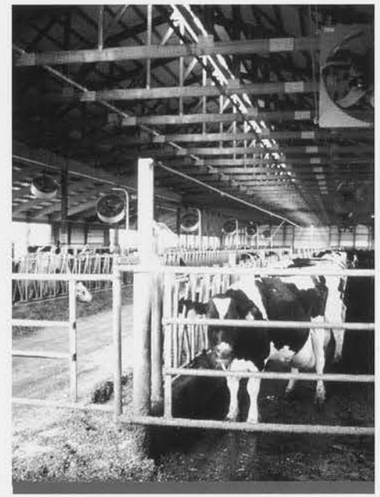
SITUATION:

A series of unrelated manure runoff events in Wisconsin in 2002 (80% of which involved for-hire manure applicators with less than two years experience) convinced the industry that something needed to be done to improve professionalism in the industry. Through their association (Professional Nutrient Applicators of Wisconsin), they approached UW-Extension about developing a training and certification program. A subcommittee of the Extension Nutrient Management Team responded to their request by first looking at existing training programs across the country. During this process, it was discovered that Michigan's for-hire applicators had made the same request of Extension in their state.

ACTION:

Using Regional Section 406 funding, the two states, along with Illinois, created a training and education program that met the needs of applicators in all three states. A three-stage program was created that combines existing educational materials (Livestock and Poultry Environmental Stewardship curriculum), adapted for this audience's needs, with new material that meets the educational needs of the field-level employee. Project goals are to insure that:

- Every applicator knows how to prevent manure spills, and the steps to take in the event one does occur
- Every applicator is knowledgeable of their state's regulations
- Basic, common sense can be demonstrated as it relates to manure application
- Advanced training and testing in odor control, ethics, and equipment calibration is provided for crew supervisors and business owners
- An opportunity exists for the most advanced firms to demonstrate their commitment to proper application and environmental protection



OUTCOMES/IMPACTS:

The original project objective was to reduce manure spills and increase nutrient management plan implementation. Spill numbers have increased in each of the three states, but regulatory staff attribute this to the fact that both for-hire applicators and farmers are now more willing to report spills than they were in the past. The telling fact is that in Wisconsin, more than 10% of the reported spills from July 2004 to March 2005 involved a for-hire applicator. Of those, two involved a trained individual – one was a runoff event (rain after application), the other was an unpreventable mechanical failure.

Market-based incentives created by the insurance industry have been the key to the program's adoption. The opportunity to save $500-$8,000 per year gives small businesses a powerful incentive for implementation. The insurance underwriters and agents have also taken responsibility for the annual audits of Level 3 Certification, saving an average of $500 in agency expense each year for each firm in the program. In Wisconsin, the program has prevented the state from implementing a regulatory program for the industry. Taxpayer savings are estimated at $80,000 annually based on the cost of similar programs in Iowa and Minnesota. In addition, within-industry partnerships multiplied as a result of this project, increasing learning and resource sharing, which is particularly beneficial to smaller businesses.

A recently funded Ohio component of this project has led to the formation of a new Ohio nutrient applicator's association. About 100 nutrient applicators have been trained in Best Management Practices for Liquid Manure Application there.

Contacts

Kevin Erb
University of Wisconsin Extension
1150 S. Bellvue St.
Green Bay, WI 54302
(920) 391-4652
Email: kevin.erb@uwex.edu

Randy Fonner
University of Illinois Extension
332K Agricultural Engineering Sciences
1304 W. Pennsylvania
Urbana, IL 61801
(217) 333-2611
Email: refonner@uiuc.edu

M. Charles Gould
Michigan State University Extension
333 Clinton St.
Grand Haven, MI, 49417
(616) 846-8250
Email: gouldm@msu.edu

Jon Rausch
The Ohio State University Extension
260 Ag Engineering
590 Woody Hayes Drive Columbus, OH 43210
(614) 292-4504
Email: rausch.7@osu.edu

Partners

Professional Nutrient Applicators Association of Wisconsin
Wisconsin Department of Natural Resources
Wisconsin Department of Agriculture, Trade and Consumer Protection
Illinois Environmental Protection Agency
University of Illinois Extension
Michigan Department of Environmental Quality
Michigan State University Extension
Michigan Agriculture Environmental Assurance Program
The Ohio State University Extension
Vincent Urban Walker and Associates Insurance, Green Bay

National Theme Drinking Water & Human Health

The health and livelihood of Americans depends on the availability of a safe drinking water supply. In some areas of the country, drinking water is a scarce resource, while in other areas abundant water supplies are available. Community water systems now supply drinking water to over 80 percent of the U.S. population. Other citizens drink water from private sources, mostly wells. Increasing water demands from a growing population, economic expansion and increasing use per capita have led to a need to emphasize the wise use, proper management and protection of this resource. Both community and private sources of drinking water are susceptible to a myriad of chemical contaminants, biological pollutants and nuisance water problems that may vary depending on site conditions and other factors. Many U.S. citizens are becoming more concerned about potential health risks and nuisance problems associated with their drinking water. The following stories highlight efforts in the Great Lakes Region to promote healthy drinking water through sound science and effective regional partnerships.

Regional Programming Success Story

Building the Capacity of *E. coli* Monitoring by Volunteer Networks: A Multi-State Effort

SITUATION:

The public is demanding increased water quality monitoring to ensure that waters are protected from agricultural and urban runoff that may lead to elevated pathogen levels. At the same time, citizens and volunteers often gather and distribute water quality sample data without an understanding of pollutant sources or proper sampling techniques. A comprehensive training program on bacteria sampling for volunteer monitors was needed to address these concerns. Furthermore, an evaluation of the best test kit methods (based on usability, accuracy and preference) for volunteer monitors to use was needed. This project builds upon the strengths of Cooperative Extension Volunteer Monitoring Programs in six states in the Upper Midwest (Minnesota, Wisconsin, Michigan, Iowa, Indiana and Ohio) to train citizen volunteers specifically in the collection of water samples for bacterial testing. A multi-state steering team is working to evaluate results, build in-state support, and create training materials in order to build the capacity of volunteer monitoring networks to properly collect bacteria water quality data. Nationally, only 8 of the 26 volunteer monitoring programs sponsored or co-sponsored by Cooperative Extension currently test for bacteria (National Volunteer Monitoring Facilitation Project, 2003).

ACTION: The goals of the project are to:

- Build the capacity of volunteer monitoring programs to understand and use the most appropriate *E. coli* testing protocols (test kits) and watershed-based sampling strategies with their volunteers.
- Develop a comprehensive training program for volunteers on *E. coli* testing in targeted watersheds in a six-state area.
- Develop and disseminate educational materials about *E. coli* and its associated health risks, sources and reasons for monitoring.
- Increase awareness and acceptance of the use of volunteer-collected water quality data in various watershed programs, including watershed assessments and TMDL development.
- Share results of the work with other states across the country, primarily via the National Volunteer Monitoring Facilitation Project efforts.
- Demonstrate how to set up an appropriate watershed-based *E. coli* sampling strategy utilizing volunteer networks and begin collecting usable data.

The Project Team was launched with leveraged funds from the Great Lakes Water Program. In 2004, trained volunteers in Indiana and Iowa collected grab samples to evaluate the accuracy, reliability, and usability of several commercially available *E. coli* test kits. Test kits chosen for this project included Coliscan Easy Gel (incubated and not incubated), 3M "Petrifilm", Coliscan, MF Method, and IDEXX COLISURE™. Samples analyzed by the volunteers were compared to split samples sent to a laboratory certified in *E. coli* analysis. Following the sampling season, volunteers were surveyed to determine the usability of the various test kits. Based on statistical comparison of the test kits results with lab analysis, the project team will identify and recommend the test kit method that best combines accuracy and user-friendliness.

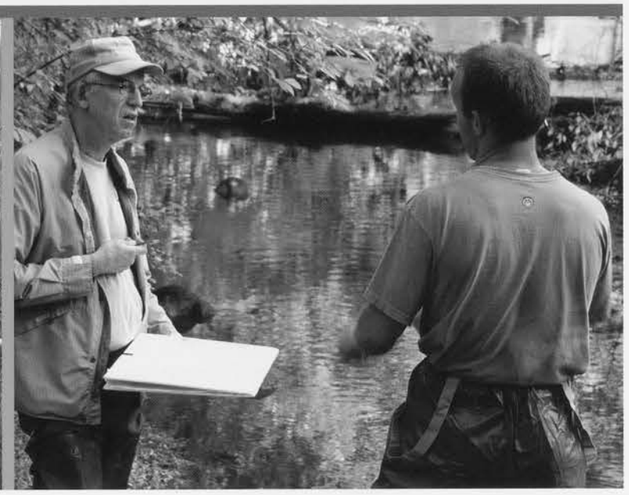
In 2005 and 2006, volunteers in Minnesota, Wisconsin, Michigan, and Ohio will use the recommended kit and split samples for *E. coli* analysis at a certified lab. Volunteers will be trained with methods consistent across the six states. A pre-training questionnaire will establish the basis of their knowledge with respect to water quality and bacterial contamination issues. Volunteer knowledge and proficiency in the use of the test kits will be tracked over time. Training methods will be assessed and revised as necessary to produce proficient volunteers. The project will produce test kit recommendations, a training curriculum, and educational materials that will be transferable to other regions.

OUTCOMES/IMPACTS:

This project benefits existing bacteria monitoring efforts nationally, and provides a wealth of data that can be transferred to the other programs that wish to expand their volunteer monitoring programs. The strong link between this project and the National Volunteer Monitoring Facilitation Project will enable this sharing and capacity building to occur.

Each project staff person has established informal partnerships with state agencies involved with bacteria monitoring. The project has provided a strong link between the research and outreach functions at the Land Grant Universities in each of the six participating states.

This project would not have been possible without Section 406 Extension Education funding and initial start-up funds received through the Great Lakes Regional Water Program. These funds are helping, in this time of extreme budget cuts, to build the credibility of volunteer monitoring by creating a strong research foundation on which programs function.



Contacts

Barbara Liukkonen
University of Minnesota Extension
Water Resources Center
173 McNeal Hall
1985 Buford Ave.
(612) 625-9256
Email: liukk001@umn.edu

Kris Stepenuck
University of Wisconsin-Extension/Wisconsin DNR
Room 210 Hiram Smith Hall
1545 Observatory Drive
Madison, WI 53706
(608) 265-3887
Email: kris.stepenuck@ces.uwex.edu

Lois Wolfson
Michigan State University Extension
Institute of Water Research
115 Manly Miles Building
East Lansing, MI 48823
(517) 353-9222
Email: wolfson1@msu.edu

Partners

Purdue University
Indiana Department of Natural Resources (Hoosier Riverwatch Program)
Iowa Department of Natural Resources (IOWATER Program)
University of Minnesota
Ohio State University
University of Wisconsin
Michigan State University

National Theme Nutrient & Pesticide Management

Nutrients and pesticides are potential pollutants of both surface and ground water. Pesticide and nutrient (fertilizer) use is almost ubiquitous across our developed and agricultural landscapes. Nutrients originate from a variety of sources including organic and inorganic fertilizers, plant parts, animal manures and human wastes. Likewise, pesticides are used for a wide range of purposes from disease, weed, and insect control in agricultural production systems to control of pests in urban lawns and landscapes. Proper handling, use, and disposal of these important and beneficial products are critical for preventing adverse impacts on water resources and aquatic habitats. The following story highlights efforts in the Great Lakes Region to protect and improve water quality though research, education, and outreach efforts related to agricultural nutrient management.

Regional Programming Success Story

Integrating Phosphorus Indexes with National Nutrient Management Planning Software

SITUATION:

The USEPA final Concentrated Animal Feeding Operations (CAFO) rule released in 2003 requires the development of nutrient management plans (NMPs) for approximately 18,000 large CAFOs by 2006. The USDA-Natural Resources Conservation Service generally requires livestock producers to develop and implement nutrient management planning as part of their cost-sharing programs, and recommends that all livestock producers (approximately 250,000) develop NMPs. As part of the nutrient management planning process in both the USEPA and NRCS programs, phosphorus (P) must be specifically addressed in NMPs, using either agronomic soil test P, soil P threshold values, or the P index (PI). All states in USEPA Region 5 have chosen some version of the phosphorus index as their tool of choice for developing P-based nutrient management plans. However, in USEPA Region 5, most PIs are either not fully developed or have not been released for use by the public. Illinois, Wisconsin and Minnesota do not currently have recommended PIs. Michigan and Ohio have spreadsheet versions of their PIs that must be used interactively, and the results of the PI are not linked to any other software used for writing and implementing NMPs. Indiana does have a preliminary risk assessment tool that is already linked to Manure Management Planner (MMP) software, but the final version is still under development. The target audiences for this effort include producers, technical service providers and NRCS. Land Grant Extension and regulatory agency personnel can all use MMP and MMPs risk assessment tools to streamline the nutrient management planning development and review process.

ACTION:

This project has developed an approach to implement all state-developed phosphorus indexes or other risk assessment tools as state-specific reports produced entirely in MMP. To date, it has implemented the following state-specific risk assessment tools as custom reports in MMP: Ohio's phosphorus index, Indiana's offsite risk index, Illinois' phosphorus loss assessment and Minnesota's phosphorus risk assessment. All of these custom reports are in accordance with each state's 590 specifications. Michigan's manure application risk index (MARI) and Wisconsin's phosphorus index have yet to be completed. The MARI custom report will be developed next; Wisconsin's phosphorus index will follow. Neither Illinois nor Minnesota have developed more comprehensive phosphorus indexes yet. Michigan will not have their full phosphorus index developed for at least six months. However, the MARI index is included in the Michigan CAFO rule, so that is the current state regulatory tool for phosphorus risk assessment. In addition to implementing the Michigan MARI tool and the Wisconsin phosphorus index, the project will likely make further improvements to Indiana's offsite risk index as it transitions to the nutrient and sediment transport risk assessment tool (NASTRAT).

OUTCOMES/IMPACTS:

This project has leveraged nearly $800,000 of federal support over the past five years. MMP software developers and the project leader have established closer working relationships with state NRCS, Land Grant, and regulatory agency personnel through the PI/risk assessment tool development and implementation project funded by this grant. This project not only speeds the nutrient management planning process, but also allows plan reviewers to verify that all risk assessment outputs were generated properly.

Without Section 406 Coordination Quality funding, this project would not have been able to implement phosphorus indexes or other risk assessment tools as part of the Manure Management Planner (MMP) software. While these tools were actually developed by the states, they were only implemented as paper worksheets or Excel spreadsheets, neither of which is verifiable by plan reviewers. This project has allowed us to speed the implementation of state-developed phosphorus indexes and other risk assessment tools and also has provided a way for plan reviewers to verify that all calculations were completed correctly.

Contact

Brad C. Joern
Dept. of Agronomy, Lilly Hall of Life Sciences,
915 West State Street Purdue University,
West Lafayette, IN 47907-2054
(765) 494-9767
Email: bjoern@purdue.edu
www.agry.purdue.edu/mmp/

National Theme Watershed Management

Watershed management recognizes that the water quality of our streams, lakes, and estuaries results from the interaction of upstream features. Watershed management programs unite social, economic, and environmental concerns with research devoted to "scaling-up" the cumulative effects of site-specific actions on rangelands, forests, agricultural lands, and rural communities.

Effective planning and long-term change in impaired watersheds requires citizen participation in many stages of the process. CSREES and the Land Grant Universities, with their system of community-based educators carrying out public outreach education, are uniquely poised to direct programming to increase community involvement in watershed management. CSREES Extension programs educate agricultural producers, residents, and community decision makers on water quality and watershed management issues using a wide array of programming, including workshops on the Total Maximum Daily Load (TMDL) process, model and geographical information system (GIS) demonstrations, hands-on training of watershed-scale tools available to reduce pollution risks within watersheds, and media publications. Extension supports numerous volunteer water quality monitoring programs that educate and empower volunteers while collecting valuable data to assess water quality before and after watershed restoration. The CSREES network is engaging stakeholders in the watershed management process, resulting in changing attitudes and behaviors that reduce contamination throughout watersheds and consequently improve water quality.

Regional Programming Success Story

Developing a Social Component for the USEPA Region 5 Nonpoint Source Evaluation Framework

SITUATION:

State Nonpoint Source (NPS) management programs are implemented to improve and protect water resources in a variety of ways. Environmental management and stakeholder education and outreach are both important to achieving and maintaining long-term water quality goals. Most state environmental agencies have the necessary expertise to address the environmental dimension of water quality management, but lack expertise in the human dimensions of water quality, such as fostering behavior change. In addition, because the effectiveness of public funding is being closely scrutinized in every agency, the need for outcome-based program evaluations is high. Evaluation expertise exists at the regional and state program levels, but is constrained by high workloads and limited funding.

USEPA Region 5, state environmental agencies, and the Great Lakes Regional Water Program have recognized the need to understand and include human dimension indicators to help evaluate progress toward water quality goals in the region. Of particular interest are indicators associated with behavioral changes that reduce threats to water resources but do not immediately translate into measurable water quality differences, as well as contextual information about watersheds that will provide insight into the system in which NPS management is taking place.

ACTION:

The Great Lakes Regional Water Program and the Land Grant Universities in the region are assisting USEPA and Region 5 states with the development of a system for incorporating social indicators in the evaluation of 319 non-point source reduction efforts. A core work team has been formed, information about existing indicators is being gathered and workshops are being held in each state for agency, staff, grant recipients and others involved in NPS management efforts. The core planning team has developed a project outline and plan of work for activities through July 2007. The two overarching objectives of this project are:

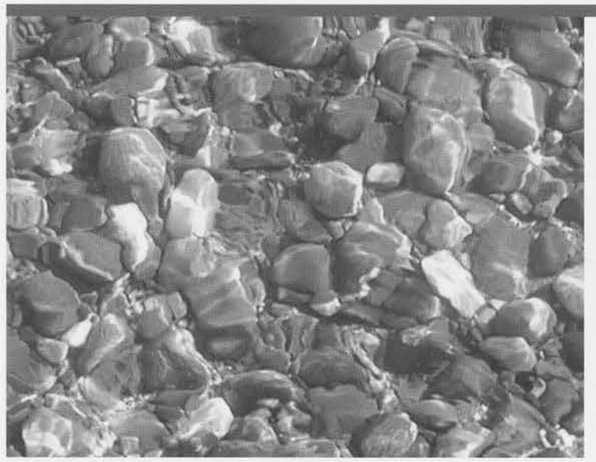
- Develop a system for collecting and using social data to evaluate NPS water quality management efforts at regional, state, and project levels.

- Provide support for USEPA Region 5, states, and project-level personnel to plan and perform effective program and project evaluations, with a focus on human dimensions, including the social component of the NPS evaluation framework.

OUTCOMES/IMPACTS

This project is early in its development, but has already expanded relationships among state environmental agencies and Land Grant Universities in the region. Because the project takes a collaborative approach across the region, it is expected to help programs and projects share information and help regional, state, and local NPS programs and projects effectively navigate program planning and evaluation challenges. It is also anticipated to enhance mechanisms for gathering evaluation information and feeding it back into regional, state, and local project decision-making, thus assuring ongoing improvement of program and project approaches to managing nonpoint source pollution.

This project is a strong collaborative effort with USEPA Region 5 and the state environmental agencies, and is the result of over three years of preliminary collaboration and relationship development. The leadership and commitment of USEPA Region 5 staff was essential to the development of this important component of NPS program planning and evaluation. The project is funded primarily by Section 319, with additional funding from the Great Lakes Regional Water Program and Land Grant Universities in the region. This project has significant potential as a national pilot for other NPS program evaluation strategies.



CONTACTS

Ken Genskow
Director, Wiscosin Basin Initiative
Assistant Professor, Dept. of Urban and
Regional Planning, University of Wisconsin
Rm. 102 Hiram Smith Hall,
1545 Observatory Drive Madison, WI 53706
(608) 262-8756
Email: kgenskow@wisc.edu

Linda Stalker Prokopy
Assistant Professor of Natural Resources Planning,
Purdue University
195 Marsteller Street,
West Lafayette, IN 47907
(765) 496-2221
Email: lprokopy@purdue.edu

PARTNERS

U.S. Environmental Protection Agency Region 5
Illinois Environmental Protection Agency
Indiana Department of Environmental Management
Michigan Department of Environmental Quality
Minnesota Pollution Control Agency
Ohio Environmental Protection Agency
Wisconsin Department of Natural Resources
University of Illinois
Purdue University
Michigan State University
University of Minnesota
The Ohio State University
University of Wisconsin

NATIONAL CITIZENSHIP

The Great Lakes Region has strengthened the capacity of the CSREES Water Program by continuing development, maintenance and ongoing support for a national-scale reporting system for Section 406 activities. The Regional Program has provided technical support for the electronic reporting system and the data it generates, and has fostered regional and state capacity in conducting program evaluations to improve future extension programming. The University of Wisconsin is assisting the Sub-Committee for Program Support on Reporting/Evaluation that was designated by the CSREES Committee for Shared Leadership for Water (CSL). This element of the Great Lakes Regional program receives guidance from and offers support to that CSL sub-committee.

The reporting and evaluation systems supported by the Great Lakes Region are essential for improving program design and delivery, demonstrating accountability for use of Section 406 funds, and documenting the many successes of Land Grant water quality research, education, and extension efforts in this region and nationwide.

Contact

Robin Shepard
University of Wisconsin
Regional Water Quality Coordinator
CNRED State Program Leader for Extension
625 Extension Building
432 N. Lake Street
Madison, WI 53706
(608) 262-1748
Email: robin.shepard@uwex.edu

Rebecca Power
Regional Water Quality Liaison
University of Wisconsin-Extension
101 Hiram Smith Hall
1545 Observatory Drive
Madison, WI 53706
(608) 263-3425
Email: rebecca.power@uwex.edu

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
2ND FLOOR CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MARCH 22, 2006

BOARD MEMBERS PRESENT:
Dana Allen, Jim Anderson-MES; Wayne Anderson-PCA; Bob Burandt, Kay Cook, Jerome Deal, Quentin Fairbanks, Randy Kramer, Joe Martin-MDA; Gene Merriam-DNR, Clair Nelson, Louise Smallidge, LuAnn Tolliver, Dan Wilson-MDH

BOARD MEMBERS ABSENT:
Paul Brutlag
Brian Kletscher
Paul Krabbenhoft

STAFF PRESENT:
Mary Jo Anderson, Tim Fredbo, Ron Harnack, Kari Keating, Al Kean, Dave Weirens, Wayne Zellmer

OTHERS PRESENT:
Carol Berg and LeAnn Buck, MASWCD
Wayne Edgerton, DNR
Dave Fricke and Kent Sulem, Minnesota Association of Townships
Jack Frost, Met Council
Iris Montegomery
Rick Reimer, MACDE

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

PLEDGE OF ALLEGIANCE

** 06-11 **ADOPT AGENDA** – Moved by Clair Nelson, seconded by Louise Smallidge, to approve the agenda as presented. Motion passed on a voice vote.

MINUTES OF JANUARY 25, 2006 – Randy Kramer stated that a change is needed on page six; under WCA Appeal of an Exemption Decision. The second to last sentence states, "The amended resolution passed." It was not an amended resolution; the word "amended" will be stricken. The resolution passed. A correction is needed on page eight; the motion for adjournment was ** 06-12 seconded by Kay Cook. Moved by Randy Kramer, seconded by Bob Burandt, to approve the minutes of January 25, 2006, as corrected.

OPEN MIKE

Dave Fricke and Kent Sulem, Minnesota Association of Townships (MAT) commented on legislative bill HF #3527 (Cornish) SF #3214 (Tomassoni) regarding BWSR membership to include township officials. Dave Fricke stated that the environment is a major interest in Minnesota; MAT has a vested interest. Mr. Fricke stated that it would be a great benefit to BWSR, and appropriate, if MAT staff and expertise would be represented on BWSR. Kent Sulem stated that Sandy Hooker has attended the meeting for years in an advisory membership role. MAT would be a more official voice on the Board if included in a membership role. Mr. Sulem stated that they would like to get the bill passed this legislative session, but they can work on the effective date. MAT would appoint Sandy Hooker to represent MAT if the bill is passed. Discussion followed. Randy Kramer stated that county commissioners, citizens, and farmers, are currently represented, why not contact those representations? Would BWSR then have oversight of townships? Mr. Fricke referred to townships role in WCA and their participation in WMOs. Chair Deal thanked Dave Fricke and Kent Sulem for coming in, and complimented Sandy Hooker for her attendance at BWSR meetings.

REPORTS

Chair's Report – Jerome Deal was unable to attend the EQB meeting; Ron Harnack attended on his behalf. Ron reported that the EQB meeting involved discussions regarding a residential development on Otter Tail County's largest natural environment lake in the State. There is a proposed cluster development on the lake involving an EAW; an appeal for an EIS, and a petition for EQB to determine the adequacy of EIS. This is a discretionary decision for EQB. The

EQB voted 6-2 to not accept the adequacy determination for the EIS. EIS needs to be done and the adequacy decision is the responsibility of Otter Tail County. Gene Merriam attended the EQB meeting and related a concern for the marina design and lake surface use. The county board voted not to object to the EQB accepting the decision. The EIS scoping document was already complete and not an issue in the discussion. Gene stated that it was an interesting discussion.

Executive Director's Report – Ron Harnack updated board members legislative issues. Policy issues include:
HF 3527 (Cornish) SF 3214 (Tomassoni) BWSR membership to include townships. Ron stated that the League of Minnesota Cities' is also interested in Board membership. Their perspective is to have two members on BWSR. It is questionable if the bills on this matter will make it through the process by the deadlines. Ron suggested that some of the issues include size of the board; costs to the board; redistribution of current membership, etc. BWSR has already eliminated two board meetings due to budget issues and what's the role of townships in soil and water resources. Randy Kramer stated that board members have a personal opinion, when asked, voice it. This issue shouldn't come to BWSR for a vote.

HF 3416 to adjust board member per diem from $55 to $75/for at least an eight hour day.

HF 3418 (Hansen) SF 3316 (Chaudhary) requiring reports by drainage authorities to BWSR, creating a work group. Ron stated that the Public Drainage Ditch Buffer Study is completed, the work group continues to meet, not necessary to have legislation. Delete all amendment recommended.

SF 3365 (Chaudhary) provides for abandonment of public drainage systems in seven-county metro area.

HF 3478 (Hosch) SF 3262 (Fischbach) Watershed district provisions, eliminates the need for a bond for terminating a watershed district. Ron stated that the Administrative Advisory Committee discussed the bond waiver for termination of the South Two Rivers Watershed District. The Administrative Advisory Committee agreed that Statute provides for procedures that will be followed. Chapter 103D.271 "Procedure for termination of watershed district."

Eminent domain – Ron stated that the provision for Red River Valley projects can not use condemnation for those NRE projects. Ron reported that the Marshall District Court has issued a Reference Order to BWSR. The litigation involves the

Agassiz Valley Water Management project by the Middle-Snake-Tamarac Rivers Watershed District. Findings and recommendations from BWSR need to be done; formal legal process with administrative law judge by July 15.

HF 2972 (Tingelstad) SF 2814 (Sams) LCMR reform bill is moving forward.

Ron commented on the supplemental budget – Governor's recommendation is $20M for Clean Water Legacy. Joe Martin, Department of Agriculture (MDA), stated that MDA is trying to get more funding for TMDLs and research for BMPs. Ron stated that the bonding bill is in Senator Langseth's Capital Investment Committee. The biggest concern is that CREP received 0 funding in the Senate. Ron stated that there is a need to get dollars on the ground; payment rates are an issue for SWCDs, the price is not competitive. Ron attended the MASWCD Legislative Briefing this week; looking at options for the state's side of payments. Ron is also talking with the Governor's office regarding this issue. The Capital Investment Committee recommended funding for Grass Lake, Wetland Road Replacement, and Area II.

Dispute Resolution Committee – Ron Harnack reported that six additional appeals have come in. There are presently fifteen appeals pending, all but one involve WCA. There have been discussions with DNR Enforcement regarding appeals that are filed and how they fit together with BWSR.

Wetlands Committee – Clair Nelson reported that the stakeholders meeting was held yesterday; the Wetlands Committee will meet this afternoon immediately following the Board meeting.

Cost-Share Committee – Louise Smallidge reported that the Cost-Share Committee met to review the criteria for the beaver damage control grants and allocations and also to review the feedlot cost-share policy. Both items are on the agenda later today.

Education Committee – Kay Cook reported that the Envirothon is on schedule. Steve Woods has been working with the League of Minnesota Cities (LMC) and others regarding a proposal to fund a new NEMO position; the philosophy is to educate local units of government and provide a non-threatening way of giving local decision makers the knowledge base for making informed choices. Kay reported that Bruce Johnson and other representatives from Minnesota Waters are working with BWSR on a proposal to provide water planner training during the Minnesota Water Conference in September in Duluth.

Administrative Advisory Committee – Chair Deal stated that the Administrative Advisory Committee met this morning; Ron Harnack covered issues that were discussed.

Chair Deal reported that Paul Brutlag is scheduled for heart surgery later next week. He will be out for some time. We'll keep him in our thoughts.

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

Revised Todd County Comprehensive Local Water Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee recommends approval of the revised Todd County Comprehensive Local Water
** Management Plan. Moved by Quentin Fairbanks, seconded by Kay Cook, to
06-13 approve the revised Todd County Comprehensive Local Water Management Plan. Motion passed on a voice vote.

Revised Wadena County Comprehensive Local Water Management Plan – Quentin Fairbanks reported the Northern Water Planning Committee recommends approval of the revised Wadena County Comprehensive Local
** Water Management Plan. Moved by Quentin Fairbanks, seconded by Bob
06-14 Burandt, to approve the revised Wadena County Comprehensive Local Water Management Plan. Motion passed on a voice vote.

Red Lake Watershed District Withdrawal of Territory – Quentin Fairbanks reported that the Northern Water Planning Committee recommends approval of
** the withdrawal of territory from the Red Lake Watershed District. Moved by
06-15 Quentin Fairbanks, seconded by Louise Smallidge, to approve the Red Lake Watershed District withdrawal of territory. Motion passed on a voice vote.

Ron distributed the Office of Legislative Auditor's "Watershed Management" paper for board members' information.

NEW BUSINESS

Alteration of Conservation Easement 43-03-89-01, Robert Billiet - Tim Fredbo presented information regarding the exchange of the conservation easement that would release 1.3 acres and replace it with 9.5 acres, a net gain of 8.2 easement acres to the State. Staff recommends approval of the exchange on the easement, which would improve the wildlife habitat values of the easement area. Gene Merriam asked what the economic value/gain of the easement is to the State. Ron Harnack explained that the gain is in resource value. The State

receives a substantial benefit from exchange. Ron stated that the resource value/gain issue is before the RIM Easement Alteration Committee; the Committee will present information and criteria for future decisions to the Board in April or May on this matter. Discussion followed. Moved by Randy Kramer,
06-16 seconded by LuAnn Tolliver, to approve the alteration of the conservation easement, with the condition of changing the release acre to include area east of proposed driveway, making release ~ 1.3 acres. Motion passed on a voice vote. Dana Allen is concerned with consistency, she requested that until the new criteria is finalized, that these alterations come before the RIM Easement Alteration Committee before they come to the full Board.

Chair Deal called for a break in the meeting at 10:45 a.m. The meeting reconvened at 11:00 a.m.

Chair Deal appointed Randy Kramer to chair the RIM Easement Alteration Committee in the interim while Paul Brutlag is out. Dana Allen has been added to the Committee.

Beaver Damage Control Grants Allocations – Wayne Zellmer reported that 27 applications were received requesting $323,609. The Cost-Share Committee reviewed the applications and considered six allocation options. The Cost-Share Committee requests the Board to authorize staff to allocate the '06 Beaver
** Damage Control Grants according to the third option. Moved by Louise
06-17 Smallidge, seconded by Kay Cook, to approve the third option of allocations and authorize staff to allocate the Beaver Damage Control Grants . Quentin Fairbanks suggested looking at the plan and damage done when prioritizing the applications. Discussion followed. Motion passed on a voice vote. Chair Deal suggested sending a copy of the applications to the authors of this legislative bill to give them an idea of the need. Quentin complimented staff on doing a good job for all their work on this.

Feedlot Cost-Share Policy – Wayne Zellmer reported that the Cost-Share Committee has completed their review of the State Cost-Share Standard for feedlot projects; and policies and ranking priorities of the Feedlot Water Quality Management Grant Program. Wayne distributed the feedlot cost-share policy revision highlights, and recommends approval of the revisions reflecting current objectives of BWSR and does not conflict with other agency policies. The Cost-Share Committee is not recommending any changes to the ranking priorities or eligibility criteria. The Committee recommends authorization of $1.35M for the '07 Feedlot Water Quality Management Grants Program. The Cost-Share
** Committee recommends adoption of their recommendations. Moved by Louise
06-18

Smallidge, seconded by Bob Burandt, to approve the Cost-Share Committee's recommendations to approve the revisions to the State Cost-Share Standard for feedlot projects and the $1.35M allocation for '07 Feedlot Water Quality Management Grants. Motion passed on a voice vote.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Joe Martin reported that MDA has been busy with legislative issues. A task force has been formed to research proposals for better usage of fertilizer on farms to address yields. MDA is working with USDA on bovine tuberculosis issues. MDA went through legislative audit on pesticide program.

Minnesota Department of Health (MDH) – Dan Wilson reported that well construction revenue is down about 15%; staff retained to inspect wells. Snow pack in the Red River Valley is about at the1997 level, going through a pre-staging effort on pre-flooding, preparing for emergency response.

Minnesota Department of Natural Resources (DNR) – Gene Merriam commented on the supplemental budget; DNR is not in there for too many things. The Clean Water Legacy appropriation is $20M; avian flu response is $10.5M/year (DNR in for a small part of that for migrating waterfowl). Gene stated that DNR has a small appropriation for Bovine Tuberculosis. There is an infected herd in northwestern Minnesota; DNR will continue to monitor this.

Gene reported that the first confirmed chronic wasting disease in three years showed up on a deer farming operation in southwestern Minnesota. DNR is tracking this with the Board of Animal Health, concerned why it showed up now. Gene reported that invasive zebra mussels were found in the Mississippi waterways around Brainerd. The Mississippi River in Minnesota has now been designated as infested waters.

Gene stated that the Senate Capital Investment Committee has allocations for DNR in flood hazard mitigation; wildlife management mitigation; forestry legacy initiative, timber products industry, forest management; and state parks and trails. Gene stated that DNR is concerned with CREP in the Senate.

Gene stated that the Clean Water Cabinet discussion included wetlands assessment project, measuring what's happening in quality and quantity of wetlands. The Governor's initiative is to dedicate a portion of sales tax for clean water and natural resource enhancement.

Gene reported that the Duck, Wetlands and Clean Water Rally will be held on Earth Day, April 22. DNR is a stakeholder in that event. Ron stated that BWSR will have a booth in partnership with other agencies/organizations at the rally.

Minnesota Extension Service – Jim Anderson reported on the Star Tribune's article in Sunday's paper regarding the new University of Minnesota college, "The College of Food, Agriculture, Natural Resource Sciences". Jim stated that a new committee has been formed to find a dean for the new college. Another major issue before the U of M President is the establishment of a system-wide institute of environment, an idea that was brought up at the Board of Regents meeting; it's moving on a fast track. Jim stated that the third carbon sequestration forum will be held April 20, regarding trade issues. The announcement for this will be out next week.

Minnesota Pollution Control Agency (MPCA) – Wayne Anderson stated that the Clean Water Cabinet's position on the 2007 Farm Bill is now an on-line forum for comments. He encouraged board members to participate in that effort. Wayne commented on the TMDL technical conference on the Lake Pepin TMDL; it's a challenging and complex contributing area on the impairments of Lake Pepin.

ADVISORY COMMENTS

Minnesota Association of Conservation District Employees (MACDE) – Rick Reimer reported that MACDE met on February 16. Brian Watson was elected as President, Rick Reimer elected as Vice-President. Rick will now represent MACDE on BWSR; Brian Watson as an alternate. MACDE attended the MASWCD Legislative Briefing and Breakfast. The MACDE summer meeting and training session will be held in Granite Falls. The next MACDE meeting will be held on April 19 in St. Cloud.

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – Carol Berg thanked BWSR staff for their work on the ditch buffer study and for Ron Harnack's input and assistance with MASWCD. Carol looks forward to a continued working relationship with BWSR. The MASWCD Legislative Briefing was held on Monday night, about 100 participants were in attendance, and they spent the day at the Capitol on Tuesday. Carol and LeAnn Buck will attend the National Legislative Session in Washington, D.C. next week. MASWCD appreciates that Doug Thomas will be attending that session as well.

LeAnn Buck thanked BWSR for the discussion on the beaver damage control issue. LeAnn stated that she's proud of the Legislative Briefing forum that the

MASWCD holds and the major initiatives they are involved in. MASWCD is in support of CREP and the Clean Water Legacy. LeAnn is a member of the G-16 group. She appreciates the partnerships that exist regarding restoration activities and allocation of funding for Clean Water Legacy. MASWCD thanks BWSR for their assistance.

Kay Cook stated that the MAWD Legislative Briefing will be held tonight and the legislative breakfast tomorrow. MAWD's summer tour will be held June 22-24, hosted by the Sauk River Watershed District.

Ron Harnack reported that Paul Flynn at NRCS has been transferred to Washington, D.C. for two months.

Met Council – Jack Frost appreciates the opportunity to attend BWSR meetings in an advisory capacity. Jack stated that local water plans will be completed by 2008.

UPCOMING MEETING
- Next BWSR Meeting, April 26, 2006.

** 06-19 Moved by Kay Cook, seconded by Dana Allen, to adjourn the meeting at 12:15 p.m. Motion passed on a voice vote.

Respectfully submitted,

Jerome Deal
Chair

Dispute Resolution Report
March 9, 2006
by Jim Haertel

The Marshall District Court has issued a Reference Order to BWSR. The litigation involves the Agassiz Valley Water Management Project by the Middle-Snake-Tamarac Rivers Watershed District. BWSR has four months to pursue alternative dispute resolution with the parties, hold hearings and issue findings in a report to the court. The findings and report must address the various questions in the Reference Order.

There are presently fifteen appeals pending. All of the appeals involve WCA except number 05-24. There have been six new appeals filed since the last report dated January 12.

File 06-7. This is a new appeal of a wetland replacement plan decision in Douglas County. The wetland replacement plan application was conditionally approved to allow filling of wetlands for an access road with replacement on the site. The application sought to fill the entire wetland with replacement from the wetland bank. No decision has been made on the appeal.

File 06-6. This is a new appeal of a restoration order in Stearns County. At issue are numerous wetlands impacted by filling, sedimentation, reduction of hydrology and lack of Best Management Practices associated with a residential development. No decision has been made on the appeal.

File 06-5. This is a new appeal of a wetland boundary and type decision in the City of Hermantown in St. Louis County. The appeal concerns the denial of a wetland delineation. There are issues regarding the soils and vegetation in a disturbed area. The appeal has been remanded for further processing by the LGU.

File 06-4. This is a new appeal of a restoration order in Carlton County. At issue is the unauthorized placement of fill in wetland for a roadway. The appeal is in abeyance pending completion of a wetland delineation during the growing season.

File 06-3. This is a new appeal of a wetland replacement plan decision in Rice County. The wetland replacement plan application was denied because no specific project was proposed, thus sequencing could not be adequately evaluated. The appeal has been denied.

File 06-2. This is a new appeal of a restoration order in Mille Lacs County. At issue is the unauthorized placement of fill in wetland for construction of a road. Also, unstable steep slopes exist along the edge of the fill in wetland. The appeal is in abeyance pending further technical work during the growing season.

File 06-1. This is an appeal of a replacement plan approval in Itasca County. The appeal contends that sequencing was not followed. The TEP recommended denial on a 3:1 vote. The SWCD approval was on a 3:2 vote. The application sought wetland filling for three outbuildings and lake access. The appeal has been accepted and is in abeyance pending settlement discussions.

File 05-26. This is an appeal of a replacement plan decision in Crow Wing County. The appeal concerns the denial of a wetland replacement plan application. The application was denied because there was no hardship to support approval. Upon inspection it appears a decision was made to deny a variance, however it is likely no WCA decision was made. The appeal has been accepted and is in abeyance pending settlement discussions.

File 05-24. This is an appeal, actually three appeals, of the Bois de Sioux Watershed District compensation to landowners related to a project. The appeal has been held in abeyance pending settlement discussions.

File 05-20. This is an 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 and is in abeyance pending settlement discussions.

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 04-23. 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.

COMMITTEE RECOMMENDATIONS

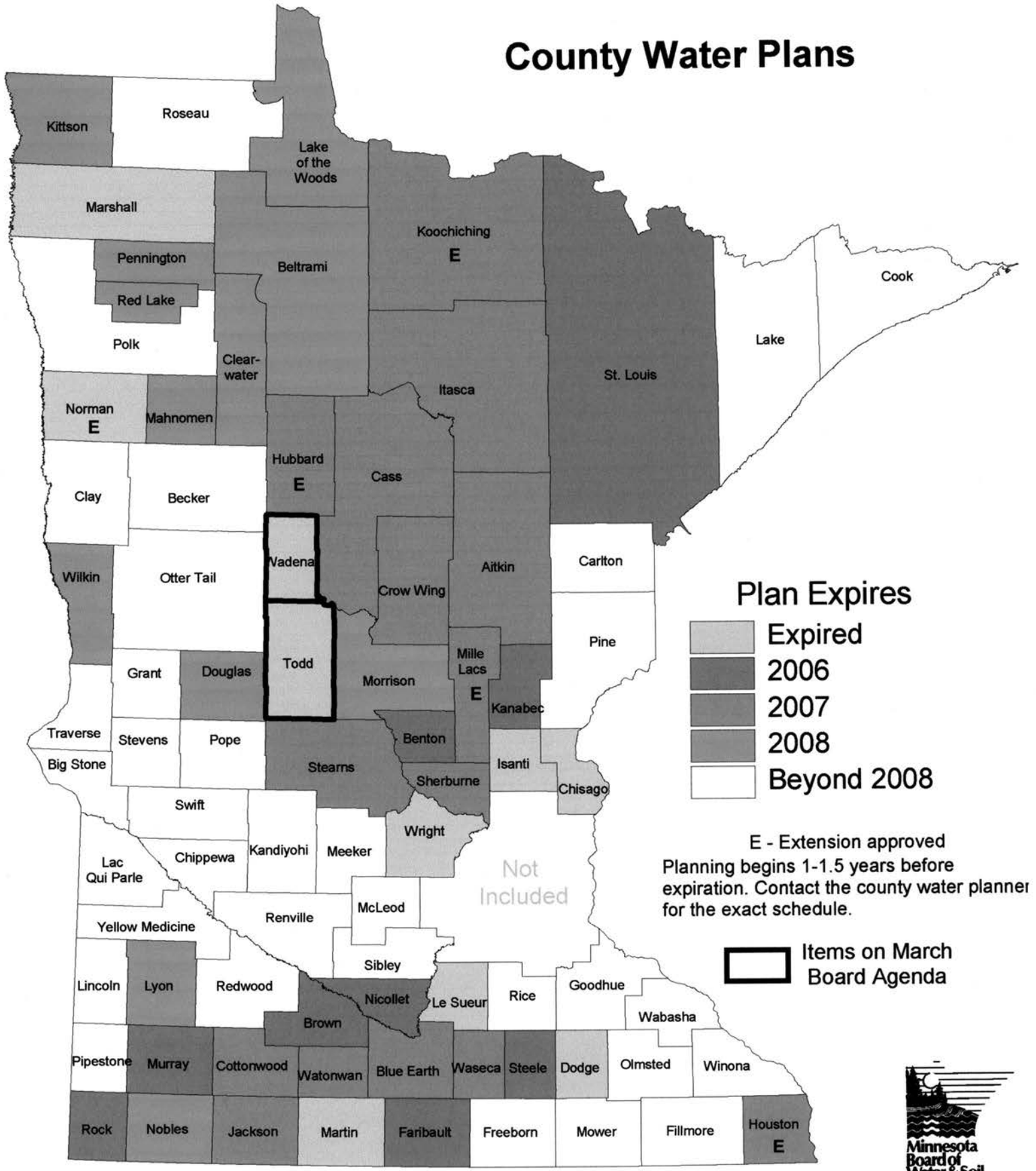
Northern Water Planning Committee

1. Revised Todd County Comprehensive Local Water Management Plan – ***DECISION ITEM***

2. Revised Wadena County Comprehensive Local Water Management Plan – ***DECISIN ITEM***

3. Red Lake Watershed District Withdrawal of Territory – ***DECISION ITEM***

County Water Plans



map updated: March, 2006

Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US

DATE: February 23, 2006

TO: BWSR North Region Water Plan Review Subcommittee

FROM: Dan Steward, BWSR Board Conservationist

SUBJECT: Review of Todd County Final Local Water Management Plan (LWMP)

On April 28, 2005, BWSR and the other state review agencies received the Priority Concerns Scoping Document (PCSD) from Todd County. The North Region Review Subcommittee (Committee) met June 8, 2005 in Bemidji to discuss state review comments, the content of the PCSD and recommendations for the final plan.

BWSR's June 22, 2005 letter pursuant to M.S.section 103B.313, subdivision 5, communicated the State's official comments pertaining to the priority concerns chosen by Todd County. BWSR commended Todd County for the process used to select the concerns, and did not require any changes to the PCSD. The BWSR did recommend that the Plan include a paragraph that discusses the County's role in coordinating local water management activities.

Todd County's three Priority Concerns are:

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 final draft was submitted on December 1, 2005 for review by state agencies. Agency comments were due to Ron Shelito by January 18, 2006. Todd County held the required public hearing on January 17, 2006, as part of a regular County Board meeting.

The duration of the LWP is from March 2006 to March 2011.

The following agencies provided these comments:

January 4, 2006, the Minnesota Department of Health stated the Plan does not violate any statutory or rule requirement administered by MDH and recommends the BWSR approve the Plan as submitted. The MDH also commended Todd County for its recognition of the importance of groundwater quality and quantity and its commitment to wellhead protection efforts.

January 10, 2006, the Minnesota Department of Agriculture stated the Plan does not violate and statutory or rule requirement administered by the MDA and recommends the BWSR approve the Plan as submitted.

January 11, 2006, the Minnesota Pollution Control Agency stated the Plan recognizes the impaired waters that have been identified in Todd County, and has addressed comments made previously regarding impaired waters. The MPCA also stated the Plan does not violate any statutory or rule requirements administered by the MPCA, and recommended the BWSR approve the entire Plan as submitted.

January 18, 2006, The Minnesota Department of Natural Resources stated the County should consider adding a reference to the 5 county North Central Lakes pilot project, and mentioning wetland restoration as a BMP.

Kitty Tepley, Todd County Water Planner and other county representatives will attend the March 8th meeting in Brainerd, and make a short presentation on the Final Plan.

After reviewing the final plan, I find it contains all requirements of M.S. 103B.314 for content, and is consistant with the previously reviewed PCSD. The state agencies have recommended approval. I recommend the subcommittee approve the Todd County Local Water Management Plan at their March 8th meeting prior to the Board approval March 22, 2006. Todd County would then adopt the Plan in April, 2006.

Todd County Comprehensive Local Water Management Plan
Executive Summary

Purpose

The purpose of local water management planning at the county level is to meet the requirements set forth in Chapter 103B.311 and 103B.315, through identification of existing and potential problems or opportunities for protection, management and development of water resources and related land resources. The development and implementation of a plan of action to promote sound hydrologic management of water and related land resources, and to work toward effective environmental protection and management throughout the entire county, including municipalities.

In Todd County we recognize that the County must develop a long term mechanism for managing our water resources or we will eventually lose the opportunity to make intelligent local choices that anticipate or prevent water resource problems before the costs escalate and options are limited. We also recognize that a well developed water management plan can integrate local initiatives with existing state and federal water related programs and funding sources.

This integration and the partnerships that are developed with the Todd SWCD as the catalyst for the water management planning process allow for efficient management and local ownership of all of these programs for the protection of water resources and the general well being of the environment. Local citizens, representatives from local organizations and agency staff, working together, as evident by the membership of the Advisory Committee, is the basis for the accomplishments of the Todd County Local Water Management Plan.

Priority Concerns

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 in the county.**

4. **Continue ongoing programs, practices and projects from previous plans**

Projected Costs

The cost estimates outlined in the implementation schedule are based on the assumption that Todd County will receive a minimum of $23,750. for water management in each of the years of this plan as a result of the Natural Resources Block Grant and the local levy. The remainder of the estimated expenditures described, are based on county expenditures, in-kind contributions, self generated funds, grants, and outside funding sources.

Todd County recognizes that schedules and cost estimates will change throughout the plan implementation and cautions that the cost estimates provided here are only intended to illustrate the general magnitude and allocation of Todd County Water Management efforts. Throughout the next five years, this plan will undergo continuous review and revisions will certainly be made to schedules and resource allocations. Financial resources are limited and some priority actions described in this plan may require staff and funding beyond the current capabilities.

Consistency with Other Plans

During the development of the original comprehensive local water management plan, the 1995 update, the 2000 update and now the 2005 update, every attempt has been made to ensure that the plans were compatible with all existing local, state and regional plans and controls. We requested plans and official controls from cities, townships and watershed districts, and no conflicts or problems were identified.

Todd County completed a Community Based Comprehensive Plan that was adopted on July 31, 2001, and was updated on March 17, 2003. The Sauk River Watershed District completed a ten year overall plan for the watershed in 2003. The cities of Staples, Browerville, and Long Prairie and Grey Eagle Township have also developed comprehensive plans. MPCA completed the Upper Mississippi Basin Plan in January of 2004. Representatives from Todd County, the Sauk River Watershed District, MPCA and several cities, and townships were members of the Advisory Committee and ensured that the updated Todd County Comprehensive Local Water Management Plan goals, objectives and action items were compatible or in many cases very similar to the items
found in the existing plans.

Recommendations to Other Plans and Official Controls

Todd County is currently re-structuring the Planning and Zoning Department and starting the process to revise several county ordinances. Several action items in this document encourage specific ordinance changes in regard to development plats, issuing of variances, drainage maintenance, storm water, and sensitive ground water areas. In addition, we are encouraging MPCA to work with wastewater treatment facilities to develop alternatives to surface water discharges and to give the public notice when these discharges take place.

Priority Concerns

Protect and preserve ground water quality and quantity

1. Provide support for the development and implementation of the geologic atlas and regional hydrogeologic assessment (Atlas).
2. Participate in the development and implementation of Wellhead Protection Plans
3. Encourage the sealing of unused, unsealed wells in the County
4. Provide and distribute education materials related to these issues

Protect and preserve surface water quality and quantity

1. Participate in and provide guidance for Impaired waters and TMDL projects
2. Encourage proper maintenance of public and private drainage systems through compliance with federal, state and local regulations and guidelines.
3. Promote storm water control in urban, rural and shore land areas
4. Encourage Todd County Planning & Zoning and other appropriate Units of government to enforce ISTS compliance
5. Encourage both agency and citizen monitoring & data collection
6. Provide and distribute education materials related to these issues

Promote and encourage land uses that lessen the impacts on water resources in the county.

1. Encourage orderly growth and development in rural, urban and shore land areas
2. Promote Nutrient Management plans and implementation
3. Provide technical and financial support for Best Management Practices (BMP's)
4. Encourage the Todd County Board of Commissioners to update and enforce ordinances concerning development issues and to include provisions for natural resource protection
5. Provide and distribute education materials related to these issues

Continue ongoing programs, practices and projects from previous plans

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 Todd County (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Todd County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on December 1, 2006, 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 April 25, 2005, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Todd County, pursuant to M.S. Section 103B.312.

2) On June 8, 2005, the BWSR North Region Water Plan Review Committee met with representatives of Todd County to review the Priority Concerns Scoping Document.

3) On June 22, 2005, the Board of Water and Soil Resources approved official comments on the Todd County Priority Concerns Scoping Document, which were mailed to the county on June 22, 2005.

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

   - Protect and Preserve Ground Water Quality and Quantity.
   - Protect and Preserve Surface Water Quality and Quantity.
   - Promote and Encourage Land Uses That Lessen the Impacts on Water Resources.

5) On December 1, 2005, the BWSR received the **Todd** 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.

6) On March 8, 2006, the Regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Todd 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: provided comment without recommendation on Board action.

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.

7) This update will be in effect for a five-year period until March 31, 2011.

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 Todd County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2. The Todd 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 Todd County Local Water Management Plan – March 22, 2006 to March 31, 2011.

Dated at St Paul, Minnesota, this twenty-second day of March 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

DATE: February 24, 2006

TO: BWSR North Region Water Plan Review Subcommittee

FROM: Dan Steward, BWSR Board Conservationist

SUBJECT: Review of Wadena County Final Local Water Management Plan (LWMP)

On February 1. 2005, BWSR and the other state review agencies received the Priority Concerns Scoping Document (PCSD) from Wadena County. The North Region Review Subcommittee (Committee) met March 9, 2005, in Moorhead to discuss state review comments, the content of the PCSD and recommendations for the final plan.

BWSR's March 24, 2005 letter pursuant to M.S section 103B.313, subdivision 5, communicated the State's official comments pertaining to the priority concerns chosen by Wadena County. BWSR commended Wadena County for the process used to select the concerns, and did not require any changes to the PCSD. The BWSR encouraged the Task Force to include language in the Plan that is proactive in advocating a strong Individual Sewage Treatment System program for the county. The Board also supported the County's request for a ten year plan, with the implementation plan being updated in five years.

Wadena County's three Priority Concerns are:

1. Protection of Drinking Water Quality
2. Protection of Surface Water Quality
3. Efficient Utilization of Water.

Wadena County held the required public hearing on December 22, 2005. The final draft was submitted on January 6, 2006, for review by state agencies. Agency comments were due to Ron Shelito by February 10, 2006.

The duration of the LWP is from March 2006 to March 2016 with a five-year implementation program which would extend to 2011. An amendment to the plan and implementation schedule will be completed prior to March 31, 2011 for the final five years of the ten-year plan.

The following agencies provided these comments:

January 20, 2006, the Minnesota Department of Agriculture stated the Plan does not violate any statutory or rule requirement administered by MDA and recommends the BWSR approve the Plan as submitted.

February 9, 2006, the Minnesota Department of Health stated the Plan does not violate any statutory or rule requirement administered by MDH and recommends the BWSR approve the Plan as submitted. The MDH also commended Wadena County for its recognition of the importance of protecting drinking water quality and quantity.

January 31, 2006, The Minnesota Department of Natural Resources stated the Plan is consistent with DNR priorities; stated that the Plan does not violate any statutory or rule requirement administered by the DNR; and recommends the BWSR approve the Plan as submitted. Also, Rob Naplin, Area Wildlife Supervisor, is designated as the local DNR contact for Wadena County's LWMP.

February 13, 2006, the Minnesota Pollution Control Agency stated the Plan does not violate any statutory or rule requirements administered by the MPCA, and recommended the BWSR approve the entire Plan as submitted.

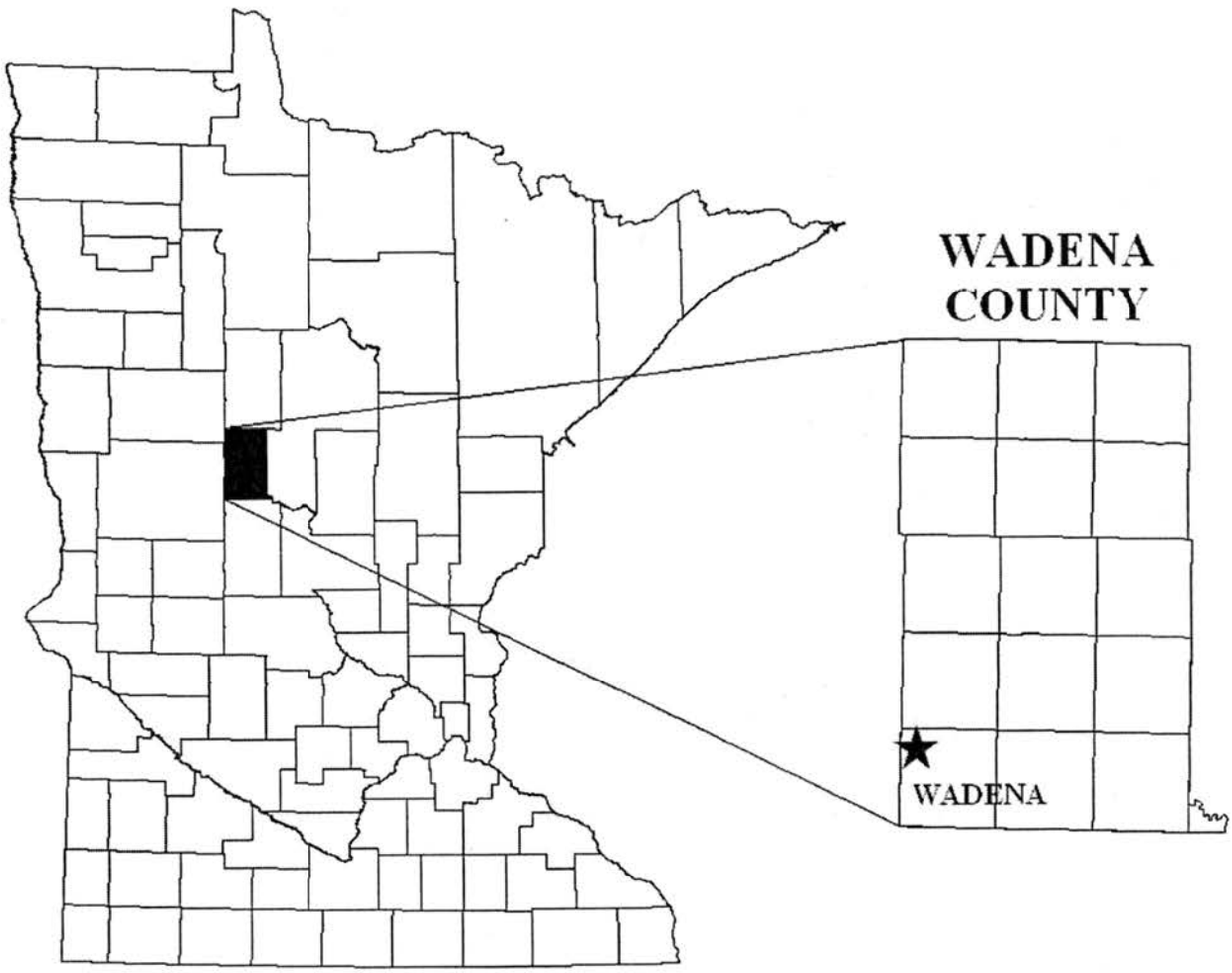
Kari Tomperi, Wadena County Water Planner and Malinda Dexter, Wadena SWCD Manager, will attend the March 8th meeting in Brainerd, and make a short presentation on the Final Plan.

After reviewing the final plan, I find it contains all requirements of M.S. 103B.314 for content, and is consistent with the previously reviewed PCSD. The state agencies have recommended approval. I recommend the subcommittee approve the Wadena County Local Water Management Plan at their March 8th meeting prior to the Board approval March 22, 2006. Wadena County would then adopt the Plan in April, 2006.

Wadena County

Comprehensive Local Water Management Plan

2006- 2016



Wadena County Local Water Management Plan

TABLE OF CONTENTS

A. EXECUTIVE SUMMARY

1. Purpose of the Wadena County Local Water Management Plan
2. Summary of goals and actions to be taken along with the projected total cost
3. Comparison of the plan with other pertinent local, regional, and state plans
4. Summary of recommended amendments to other plans and official controls.

B. PRIORITY CONCERNS

1. Identify the priority concerns the plan will address and reference the Priority Concerns Scoping Document (contained in the appendix)
2. Assessment of the priority concerns
3. Goals and Objectives for the Priority Concerns

C. IMPLEMENTATION SCHEDULE – PRIORITY CONCERNS

D. IMPLEMENTATION SCHEDULE - ONGOING ACTIVITIES

E. APPENDIX –

1. Priority Concerns Scoping Document
2. FIGURES
    1. Watersheds
    2. Aquifers
    3. Ecoregions
3. List of 2004 Impaired Waters in Wadena County
4. List of Water Suppliers
5. Map of Land Use
6. Map of Surface Water Resources
7. List of Special Use Waters
8. List of Public Well Parameters
9. Resources & References

Frequently Used Acronyms and Abbreviations

BMP Best Management Practice
BWSR Minnesota Board of Water and Soil Resources
CLMP Citizen Lake Monitoring Program
CMIC Central Minnesota Irrigators Corp
CRP Conservation Reserve Program
CSMP Citizen Stream Monitoring Program
CWI Minnesota Public Health County Well Index
CWP Clean Water Partnership/319 Grant
DNR Minnesota Department of Natural Resources
EQB Environmental Quality Board
EQIP Environmental Quality Incentives Program
FEMA Federal Emergency Management
FIREWISE
IBI Index of Biological Integrity
ISTS Individual Sewage Treatment System
IT Information Technology
LCMR Legislative Commission on Minnesota Resources
MCL Minnesota Public Health Maximum Contaminant Level
MDA Minnesota Department of Agriculture
MDH Minnesota Department of Health
MFRC Minnesota Forest Resource Council
MGA Minnesota Geological Survey
MPCA Minnesota Pollution Control Agency
NEMO Non-point Source Education of Municipal Officials
NRCS Natural Resource Conservation Service
NCJPB North Central Joint Powers Board
P&Z Wadena County Planning and Zoning
PHD Wadena County Public Health Department
SWCD Soil & Water Conservation District
TMDL Total Maximum Daily Load
USCOE United States Corp of Engineers
USDA United States Department of Agriculture
USFWS United States Fish and Wildlife Service
USGS United States Geological Survey
WRM Water Resource Management
WCA Wetland Conservation Act Administration
WRP Wetland Reserve Program
WHELP Wadena Historical Environmental Learning

A. EXECUTIVE SUMMARY

1. PURPOSE

The purpose of the Wadena County Local Water Management Plan is to develop and implement in a timely manner, a working document where local citizens and… "State and local government can hold each other accountable for water planning. The water planning process envisions shared goals and objectives, shared responsibility and accountability and shared success. A shared effort will realize more outcomes because citizens will support the effort and the state and local governments both realize benefits from the shared water management effort. If each holds the other accountable to the outcomes, it will create more citizen support and more dollars will be committed to the process."

LOCAL WATER PLANNING NEWSLETTER FALL 2000

The Wadena County Comprehensive Local Water Management Plan is developed and written under legislative authority of the "Comprehensive Local Water Management Act." (Minnesota Statute 103B.301-103B.355) Funding for the water plan is provided through the Natural Resources Block Grant from the State of Minnesota through its Board of Water and Soil Resources (BWSR) and Wadena County, along with in-kind services provided by the Wadena Soil and Water Conservation District (SWCD). The Wadena County Board of Commissioners passed a resolution on January 7, 1992 to initiate the first water plan. The Wadena SWCD was designated coordinating agency for the plan. The first plan was adopted in 1995. The second plan update was adopted in 2000.

The Wadena County Comprehensive Local Water Management Plan 2006-2016 is a local effort by citizen and technical task force members who examine Wadena County water data for quality and quantity for both surface and ground water. With local citizen input through public hearings, the plan is developed to establish what priority concerns will be addressed in the short term through a five year implementation plan and in the long term by setting priorities for the next ten years and into the future. Establishing priority concerns focuses limited resources on the most serious issues for the county.

Education of citizens, landowners, businesses, local governments, interest organizations, and other agencies is the most effective approach to managing our water resources. Assistance is then needed to implement change.

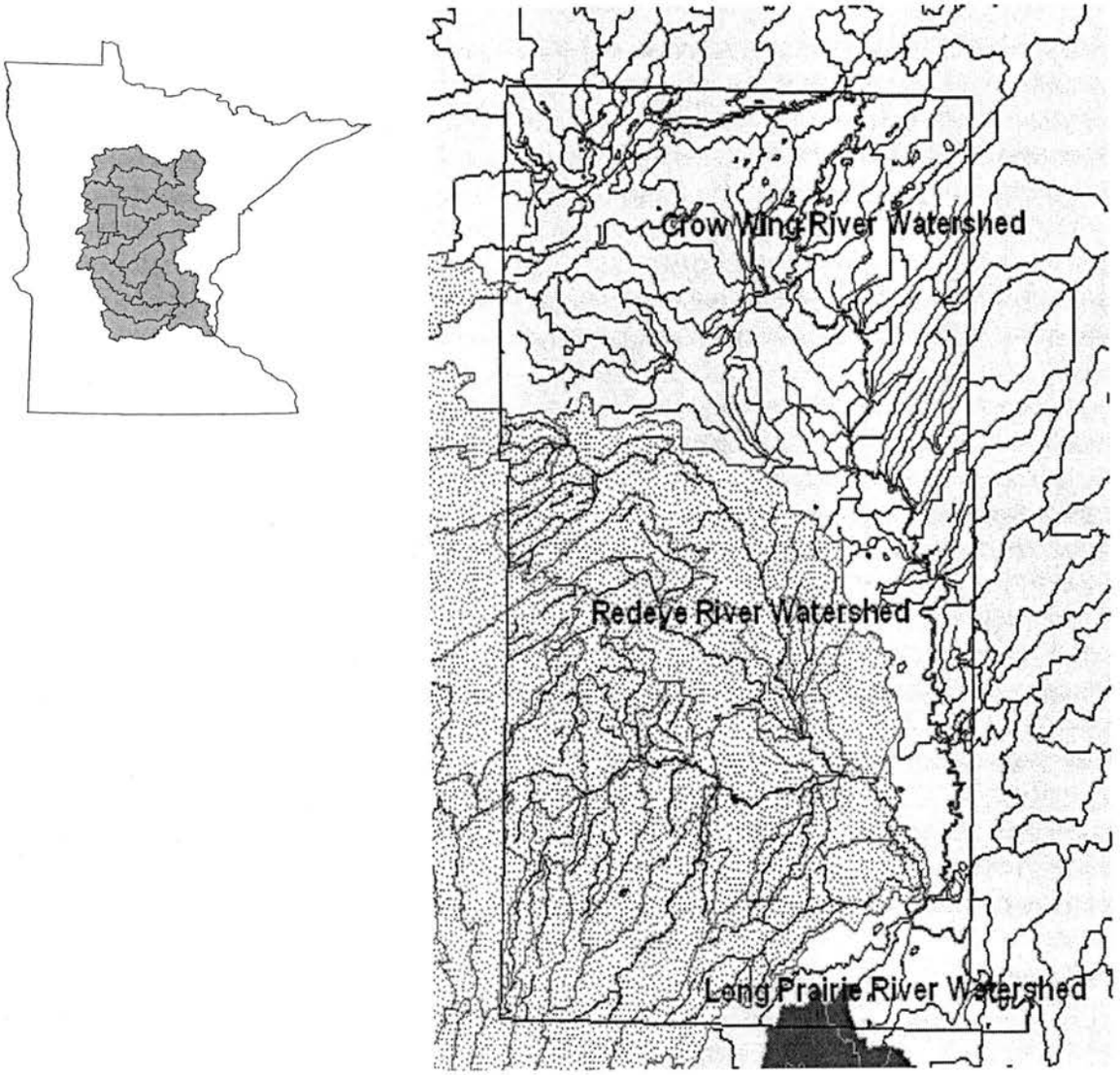
The Wadena County Comprehensive Local Water Management Plan (herein after "Plan") focuses primarily within Wadena County borders as it is formally adopted by the Wadena County Commissioners. However; as more emphasis is placed on looking at the watershed level for corrective actions, the plan also addresses the watersheds within which the county borders fall.

All of Wadena County is located within the Upper Mississippi River Basin. Three major named watersheds of the basin have waters that flow in Wadena County. The Redeye Watershed 07010107 (DNR Major 13) is a combined sub-watershed

containing both the Redeye and Leaf Rivers. The Redeye and Leaf Rivers are tributaries of the Crow Wing River Watershed 07010106 (DNR Major 12) and confluences or joins with the Crow Wing River within the county borders. The Crow Wing River Watershed and the Redeye/Leaf River Watershed cover over 90% of the county. The Long Prairie watershed 07010108 (DNR major 14) receives waters from Wadena County but joins with the Crow Wing River outside of county borders. The Crow Wing River mainly flows southeast and joins with the Mississippi River about forty miles outside of the county borders. All headwaters of the three watersheds originate outside of the Wadena County borders. (Figure 1 Watersheds)

Figure 1

Watersheds of Wadena County



Wadena County is located within North Central Minnesota. It is located approximately 170 miles northwest of the Metro area, approximately 90 miles east of the Fargo - Moorhead area and approximately 160 miles southwest of Duluth. It has a population of 13,268 residents as of the 2000 census. It is mainly rural with Wadena as its largest city with a population of 4,244 residents and the county seat. Two major U.S. Highways 71 and 10 intersect in the City of Wadena. An Environmental Impact Statement has been developed for potential expansion of Highway 10 as it passes through Wadena or two additional possible routes north of Wadena. The most northern route must cross the Leaf River and surrounding wetlands.

Historically agriculture and forestry industries have been the main source of revenue within the county. A land use change has been occurring where many farms containing marginal farmland or wetlands are being sold to absentee landowners for recreational uses. Forested acres are becoming more fragmented and as they are harvested, need management for sustainability.

Wadena County is a stream based county with few recreational lakes but many stream miles and over 80% of its wetlands remaining from pre-development times. The majority of land use in the Crow Wing River Watershed is forestry in the northeast corner of the county and the majority land use within the Redeye/Leaf River Watershed is agriculture although each flow through both land uses.

Wadena County also lies on top of two very vulnerable surficial aquifers within the Glacial Outwash, the Pineland Sand Plains (shared mainly with Hubbard County to the north and is positioned below the Crow Wing River Watershed) and the Wadena Sand Plains (shared mainly with Ottertail County to the West and is positioned below the Redeye/Leaf River Watershed). Formed from several glacial advances, thick sand and gravel deposits were left as the ice melted. These water bearing sands were not covered and remained at or near land surface. Glacial outwash aquifers are easily recharged making them a significant source of water supplies. Due to their proximity to land surface, however, these aquifers are susceptible to contamination from human activity. They are also precipitation fed and during drought years can have low recharge rates. With the presence of high water tables, water moves freely from surface to ground and back, especially in the Pineland Sand Plain. High water tables frequently exist where depth to groundwater can be less than 1'. The sand plains make up about 70% of the county (Figure 2 Aquifers). The remaining percent is drumlin fields and is composed of heavier clays and higher topographies.

Figure 2 Aquifers of Wadena County

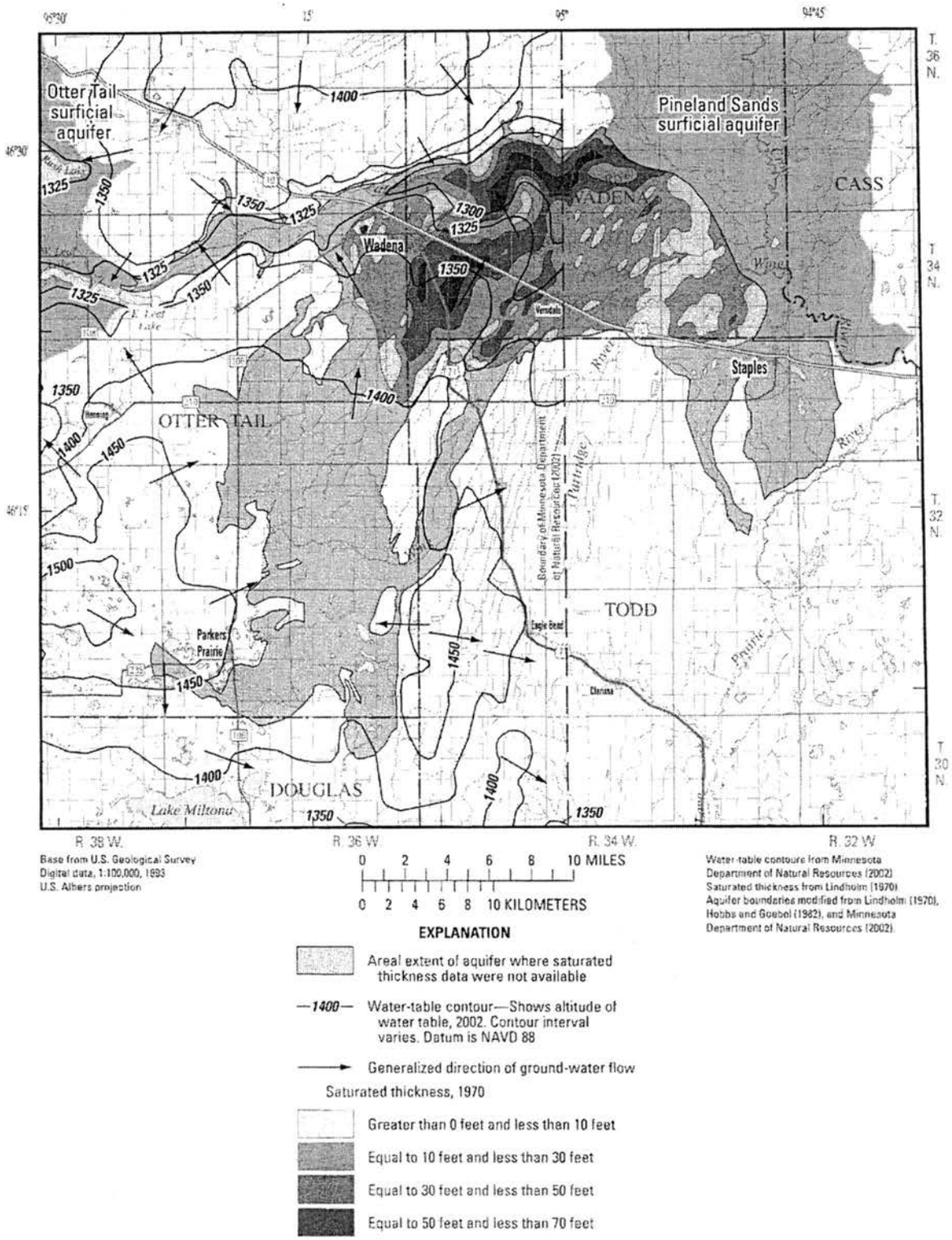


Figure 8. Generalized extent, saturated thickness, altitude of regional water table, and generalized direction of ground-water flow of Wadena surficial aquifer.

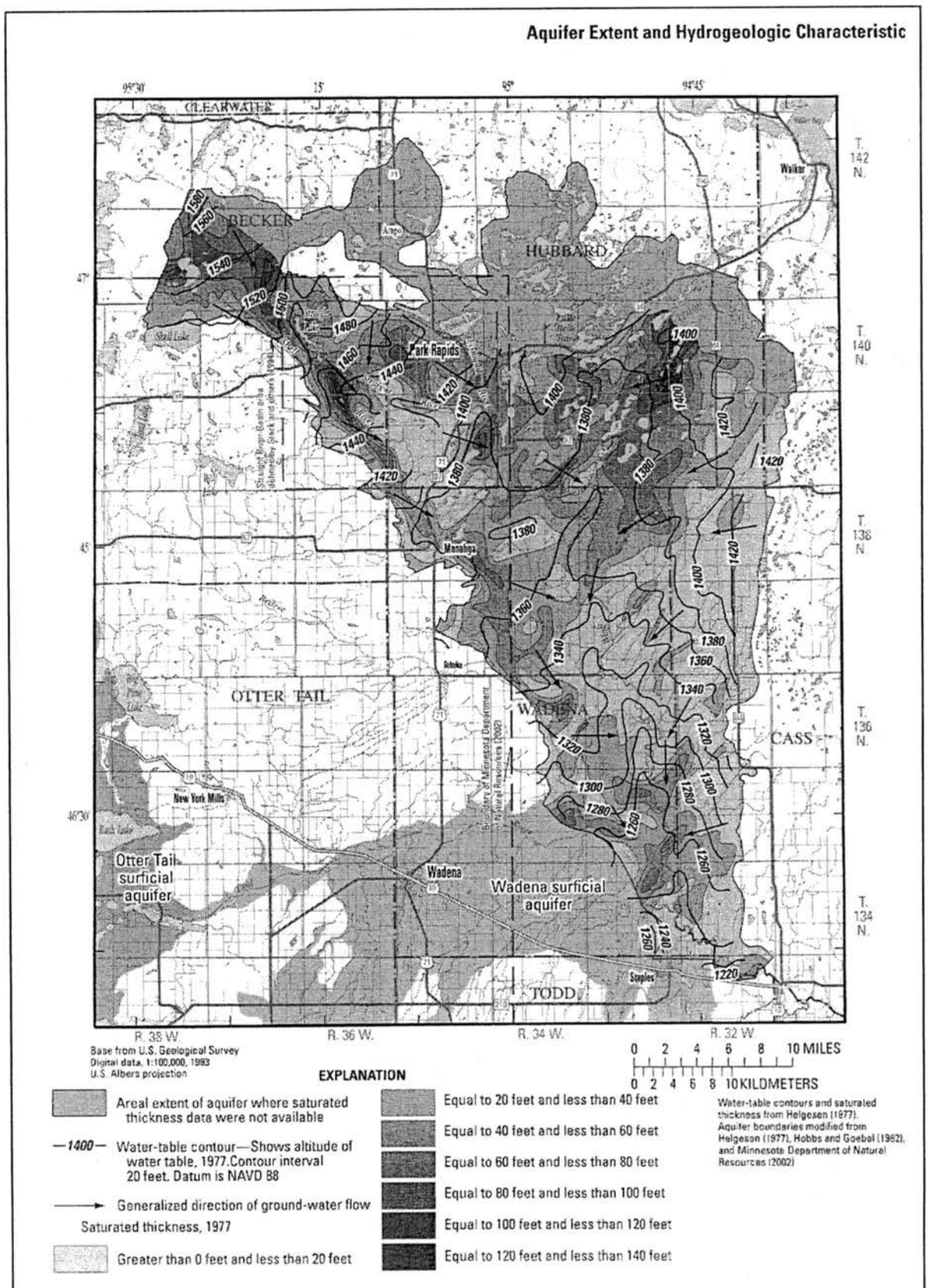
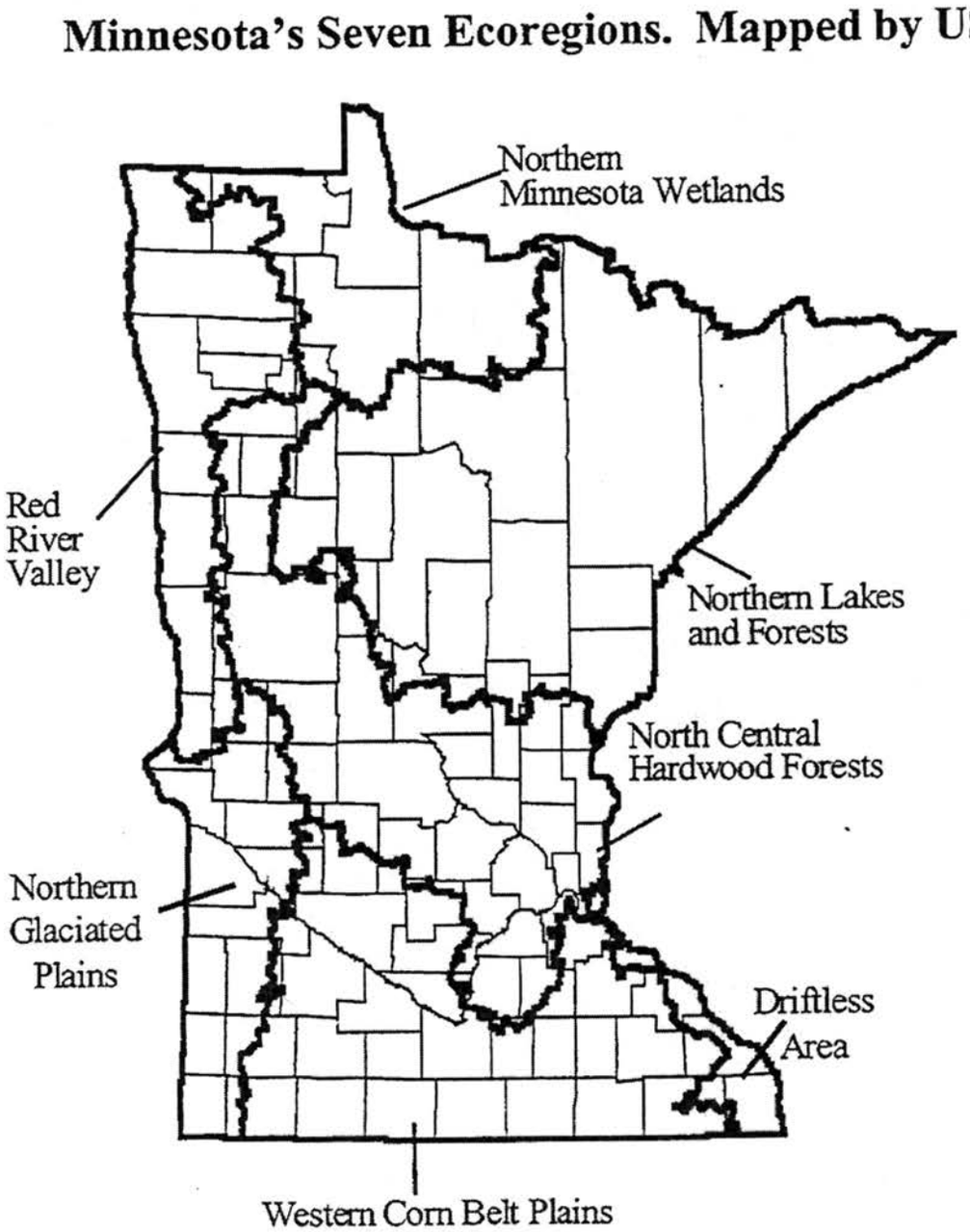


Figure 9. Generalized extent, saturated thickness, altitude of water table, and generalized direction of ground-water

Wadena County also falls within two distinct eco-regions, the Northern Lakes and Forests and the North Central Hardwood Forests. Eco-regions have been mapped by EPA for the lower 48 states based on overlying maps of land form, soil type, land use, and potential natural vegetation. Minnesota has seven eco-regions. Water quality standards are being developed by the Minnesota Pollution Control Agency for each eco-region. (Figure 3 Ecoregions)

Figure 3

Ecoregions of Wadena County



The Wadena County "Plan" is a collaboration of local citizens and technical members. The following are the current members of the Wadena County Local Water Resource Management Task Force:

WRMTF2005

Membership		**Name**	
Citizen	Gerald	Breid	CMIC Board Member, Farmer, Irrigator
Citizen	John	Finnegan	Farmer, Sportsman
Citizen	Mark	Hepokoski	Stocking Lake Association
Citizen	Melvin	Kinnunen	Farmer, Irrigator, P&Z Commission, SWCD Supervisor, Township Supervisor
Citizen	Leofwin	Lindblom	CLMP/CSMP Volunteer
Citizen	Orville	Meyer	Wadena County Commissioner
Citizen	Jim	Mohler	Minnesota Forest Resource Council
Citizen	Gary	Peters	City of Wadena
Citizen	Hugo	Pulju	Spirit Lake Association
Citizen	Jamie	Robertson	WHELP
Citizen	Marvin	Runyan	Farmer, Irrigator, SWCD Supervisor
Citizen	Jerry	Siegel	CSMP Volunteer
Citizen	Sharon	Tate	Menahga Conservation Club
Citizen	Mabel	Tomperi	Menahga Conservation Club
Citizen	Chuck	Tritz	Twin Lakes Association
Citizen	Mel	Weins	CSMP, WHELP
Technical	Dave	Aldeen	USDA-NRCS District conservationist
Technical	Molly	Costin	County Feedlot Officer, WCA, SWCD District Technician
Technical	Tim	Crocker	DNR-Waters
Technical	Malinda	Dexter	Wadena SWCD, Wadena County Ag. Inspector
Technical	Sheila R.	Grow	MN Dept. of Health
Technical	Donald	Hansen	USGS
Technical	Jim	Hodgson	MPCA
Technical	Jeff	Hrubes	MPCA
Technical	Norm	Krause	Central Lakes College
Technical	Karen	Nelson	Wadena County Public Health
Technical	Don	Sirucek	MDA
Technical	Deana	Skov	Wadena Co P&Z, Parks, Hazardous Waste, DNR Shoreland
Technical	Dan	Steward	BWSR
Technical	Kari	Tomperi	Water Resource Tech Wadena SWCD

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 Wadena County (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Wadena County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on January 6, 2006, 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 February 1, 2005, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Wadena County, pursuant to M.S. Section 103B.312.

2) On March 9, 2005, the BWSR North Region Water Plan Review Committee met with representatives of Wadena County to review the Priority Concerns Scoping Document.

3) On March 23, 2005, the Board of Water and Soil Resources approved official comments on the Wadena County Priority Concerns Scoping Document, which were mailed to the county on March 24, 2005.

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

- Protection of Drinking Water Quality.
- Protection of Surface Water Quality.
- Efficient Utilization of Water.

5) On January 6, 2006, the BWSR received the **Wadena** 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.

6) On March 8, 2006, the Regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Wadena 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 Meeting recommends approval.

7) This update will be in effect for a ten year period until March 31, 2016; with the Goals, objectives and Action Items amended by March 31, 2011.

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 Wadena County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2. The Wadena 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 Wadena County Local Water Management Plan – March 22, 2006 to March 31, 2016; with the Goals, Objectives and Action Items being amended prior to March 31, 2011.

Dated at St Paul, Minnesota, this twenty-second day of March 2006.

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 Petition for Withdrawal of Territory in the Red Lake Watershed District in Clearwater County pursuant to Minnesota Statutes § 103D.255

ORDER WITHDRAWAL OF TERRITORY

Whereas, the Clearwater County Board of Commissioners and the Red Lake Watershed District Board of Managers jointly filed a Petition dated October 27, 2005 with the Board of Water and Soil Resources (Board) on December 1, 2005, to withdraw territory from the Red Lake Watershed District pursuant to Minn. Stat. § 103D.255, 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

1. **Petition.** The Petition to withdraw territory from the Red Lake Watershed District was filed jointly by the Clearwater County Board of Commissioners and the Red Lake Watershed District Board of Managers with the Board on December 1, 2005.

2. **Property Description.** The territory proposed to be removed from the watershed district, the Petitioned Area, is approximately 3,637.5 acres located in the Townships of Copley, Shevlin and Moose Creek in Clearwater County described as follows:

T. 147 N, R. 37 W (Copley Township)

NE ¼	Section	24
E ½ of SE ¼	Section	24
E ½ of NE ¼	Section	25
SW ¼ of NE ¼	Section	25
E ½ of SW ¼	Section	25
SE ¼	Section	25

T. 147 N, R. 36 W (Shevlin Township)

E ½ of NE ¼	Section	8
SW ¼ of NE ¼	Section	8
E ½ of SW ¼	Section	8
SW ¼ of SW ¼	Section	8
SE ¼	Section	8
W ½	Section	17
Lot 4	Section	18
Lot 5	Section	18
Lot 1	Section	19
Lot 2	Section	19
Lot 3	Section	19
Lot 4	Section	19
W ½	Section	20
W ½	Section	29
Lot 1	Section	30
Lot 2	Section	30
Lot 3	Section	30
Lot 4	Section	30
W ½	Section	32

T. 146 N, R. 36 W (Moose Creek Township)

NW ¼	Section	5
E ½ of SW ¼	Section	5
NW ¼ of SW ¼	Section	5
E ½	Section	8
E ½ of NE ¼	Section	17
NW ¼ of NE ¼	Section	17
E ½ of SE ¼	Section	17

3. **No Benefits Received.** The Petition states that the Petitioned Area has not received and will not receive any benefits from the operation of the watershed district.

4. **District Performance.** The Petition states that the watershed district can perform the functions for which it was established without the inclusion of the Petitioned Area.

5. **Territory not in Watershed.** The Petition states that the Petitioned Area is not, in fact, a part of the watershed for which the Red Lake Watershed District was formed.

6. **Notice of Filing.** Legal Notice of Filing was published in the Bemidji Pioneer on January 22, 2006, the Leader Record on January 25, 2006, Farmers Independent on January 25, 2006, the Thief River Falls Times on January 25, 2006, the Thirteen Towns on January 24, 2006, and the Oklee Herald on January 26, 2006. The Legal Notice of Filing was also mailed on January 23, 2006 to several addressees including the affected county board of commissioners, county auditors, Soil and Water Conservation District, Watershed District and the Department of Natural Resources Division of Waters.

7. **Public Hearing.** The legal notice of filing was published pursuant to Minn. Stat. §§ 103D.105, Subd. 2 and 103D.255, Subd. 1 (e), 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 submitted to the Board before a hearing will be held. No requests for hearing were received during the specified period of time and no hearing was held.

8. **Comments Received.** No comments were submitted within 30 days of the last publication date of the legal notice of filing.

9. **Northern Water Planning Committee.** The Northern Water Planning Committee met on March 8, 2006. Based on the record in this matter a unanimous decision was reached to recommend to the full Board that all of the Petitioned Area be released from the Red Lake Watershed District because the Petitioned Area does not drain into the Red Lake watershed. The Committee also decided that the Petitioned Area to be released has not

received and will not receive any benefits from the operation of the Red Lake Watershed District, that the watershed district can perform the functions for which it was established without the inclusion of the released area, and that the released area is not a part of the watershed.

CONCLUSIONS

1. The Petition for the withdrawal of territory in the Red Lake Watershed District is valid in accordance with Minn. Stat. § 103D.255.

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 withdrawal of territory.

4. None of the Petitioned Area drains into the Red Lake watershed.

5. The Petitioned Area to be released has not received and will not receive any benefits from the operation of the Red Lake Watershed District.

6. The Red Lake Watershed District can perform the functions for which it was established without the inclusion of the released area.

7. The released area is not a part of the watershed for which the Red Lake Watershed District was formed.

ORDER

The Board hereby orders the withdrawal of the territory of the Red Lake Watershed District that is in Clearwater County described as follows:

T. 147 N, R. 37 W (Copley Township)

NE ¼	Section	24
E ½ of SE ¼	Section	24
E ½ of NE ¼	Section	25
SW ¼ of NE ¼	Section	25
E ½ of SW ¼	Section	25
SE ¼	Section	25

T. 147 N, R. 36 W (Shevlin Township)

E ½ of NE ¼	Section	8
SW ¼ of NE ¼	Section	8
E ½ of SW ¼	Section	8
SW ¼ of SW ¼	Section	8
SE ¼	Section	8
W ½	Section	17
Lot 4	Section	18
Lot 5	Section	18
Lot 1	Section	19
Lot 2	Section	19
Lot 3	Section	19
Lot 4	Section	19
W ½	Section	20
W ½	Section	29
Lot 1	Section	30
Lot 2	Section	30
Lot 3	Section	30
Lot 4	Section	30
W ½	Section	32

T. 146 N, R. 36 W (Moose Creek Township)

NW ¼	Section	5
E ½ of SW ¼	Section	5
NW ¼ of SW ¼	Section	5
E ½	Section	8
E ½ of NE ¼	Section	17
NW ¼ of NE ¼	Section	17
E ½ of SE ¼	Section	17

Dated this 22nd day of March, 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Jerome Deal, Chair

NEW BUSINESS

1. Alteration of Conservation Easement 43-03-89-01, Robert Billiet – Kevin Lines – ***DECISION ITEM***

2. Beaver Damage Control Grants Allocations – Wayne Zellmer – ***DECISION ITEM***

3. Feedlot Cost Share Policy – Wayne Zellmer – ***DECISION ITEM***

MCLEOD COUNTY

Offices of
Planning & Zoning Environmental Services
Courthouse-830 11th Street E Suite 113
Glencoe, MN 55336
Phone (320) 864-1259 Fax (320) 864-3410

March 13, 2006

Tim Fredbo
520 Lafayette Rd N
St. Paul, MN 55155

Mr. Fredbo,

Please consider this letter as verification from the McLeod County Zoning Office that Mr. Bob Billiet has been granted the approval of Tamarrose Aspen Acres. This is a one lot residential plat within the SW ¼ of SE ¼ of Section 14, Acoma Township.

If you have any other concerns or questions please feel free to contact our office at any time.

Sincerely,

Larry Gasow
Zoning Administrator
McLeod County

RECEIVED
MAR 15 2006
Bd. of Water & Soil Resources
St. Paul

March 7, 2006

TO: Board Members

THRU: Kevin Lines, Easement Section Administrator

FR: Tim Fredbo, Conservation Easement Specialist

RE: Alteration of Conservation Easement 43-03-89-01, Robert Billiet

BACKGROUND:

Robert Billiet, through the McLeod SWCD, has requested the BWSR to approve removing 1.1 acres of land currently in a perpetual RIM Reserve conservation easement. The land is located in the SW 1/4 of Section 14, T117N, R30W, (Acoma Township), of McLeod County. Mr. Billiet is proposing to replace the released acres with 9.5 acres of land adjacent to the present easement area boundary. The original easement on Mr. Billiets property for 59.7 acres was recorded on October 1, 1990, and was owned by the Billiets at that time. The land was eligible as a RIM Reserve wetland restoration area. The acres for release are adjacent to the existing farmstead on the property and are established to non-native grasses. The release acres are well drained with no wetland acres present. The Billiets have requested the alteration to enable them to build a retirement home on the released acres. The Billiets are the original easement grantors with the State.

MN Statute Section 84C.02, and 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. 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.

The above listed 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. The landowner worked with SWCD staff in McLeod County to come up with the proposed alteration request.

SUMMARY OF INFORMATION PROVIDED TO SUPPORT REQUEST:

A copy of Robert and Debra Billiets October 25, 2005 letter to the McLeod SWCD is attached for your review. Their initial request was to remove 3.9 acres from the easement and replace it with 7 acres. This request was not well supported by the SWCD. The Billiets worked with the SWCD to reach a compromise that they both could agree on which now release 1.1 acres and replaces it with 9.5 acres.

The McLeod SWCD Board approved the Billiets revised request at their January meeting. This is confirmed in the attached letter from Ryan Freitag, McLeod SWCD Program Director.

Mr. Joel Anderson, DNR Area Wildlife Manager has also reviewed this proposal. Mr. Anderson approves the current easement alteration request in his 2/8/06 letter to Ryan Freitag. A copy is attached for review.

FINDINGS:

This alteration request, as proposed, would release 1.1 acres and replace it with 9.5 acres, a net gain of 8.4 easement acres for the State. Acres proposed for release were cropland prior to being put under easement. Replacement acres consist of 4.5 acres of cropland currently in CRP, and 5 non-crop acres in a mix of existing trees and grasses. These replacement acres are adjacent to the existing easement area and will provide an excellent buffer and habitat area to the adjacent wetland. The landowner requests this change to enable him to build a new home on the property.

This easement area currently has an 8 acre restored wetland on the site. In addition there is a roughly 10 to 12 acre created wetland on the site that is an old gravel pit operation that has filled with water partly as a result of our restoration of the adjacent 8 acres and groundwater infiltration. This 12 acre gravel pit area was donated into the original RIM easement by the Billiets.

This area of McLeod County is currently zoned as agricultural land with one residence allowed per 40 acres. The Billiets own the W1/2 of the SE1/4 except the farmstead in the SE corner, and the SW1/4 of the NE1/4, all in Section 14. They are proposing to transfer the 1 residence allowed from the SW1/4 of the NE1/4 into the SW1/4 of the SE1/4 to enable them to build.

The proposed new driveway area off of Vista Road is located where it is because there is an existing field access off the road with a culvert already in place.

OPTIONS AND STAFF RECOMMENDATION:

1. Approve of the exchange on the easement. **RECOMMENDED**. It is my opinion, along with both the McLeod 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 8.4 acres of additional easement lands. No cover will need to be established as the cropland acres (4.5 acres) are already in CRP.

   * If the Board moves to approve this alteration I would suggest that the motion to approve would contain a condition that requires the Billiets to supply a letter or other proof of approval from the zoning administrator for the new building site prior to easement staff sending out the amended easement for recording.

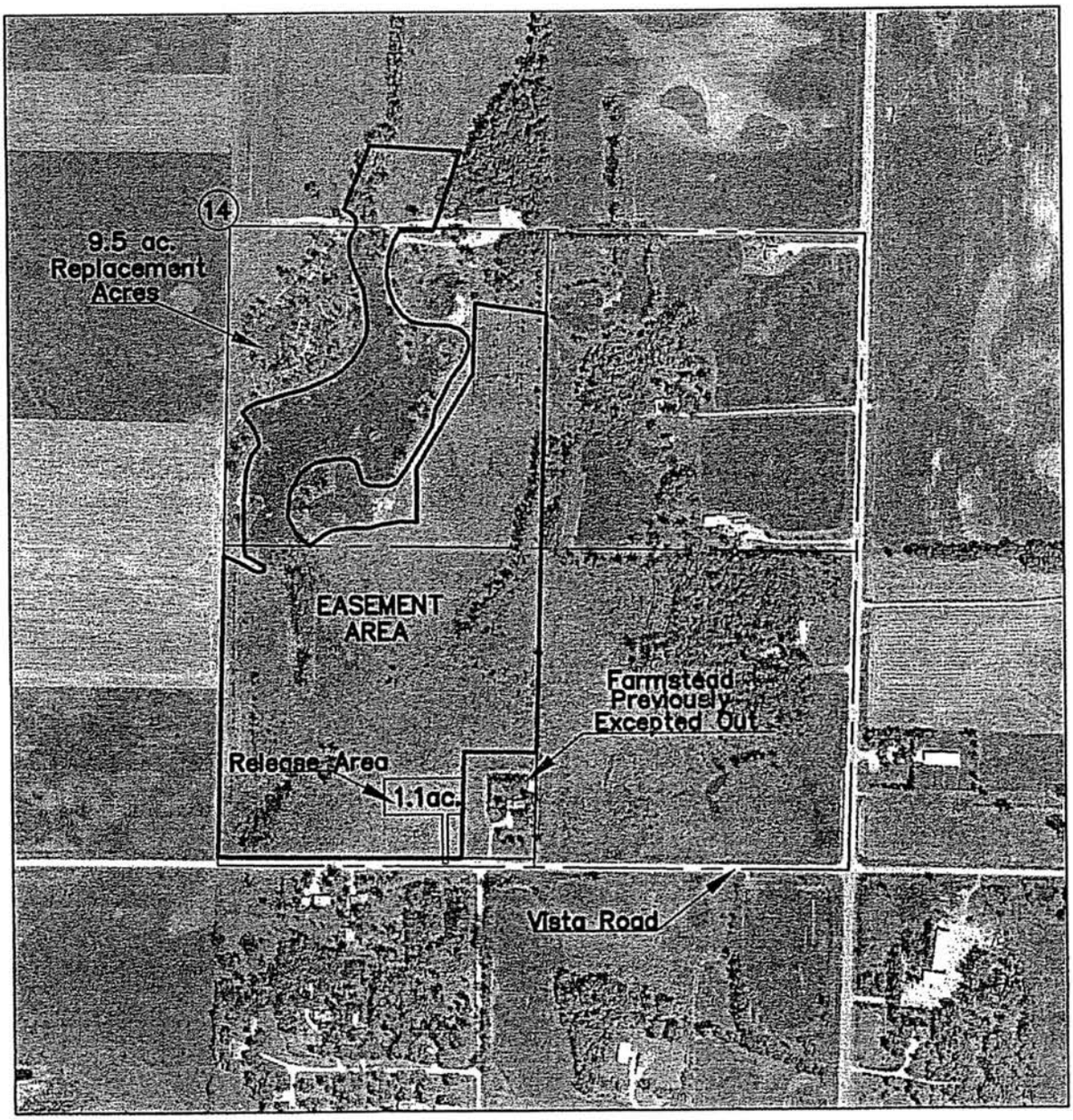
2. Deny the request to exchange. NOT RECOMMENDED. This is a reasonable request proposed by the landowner, who is the original easement grantor with the State. The Billiets worked with the SWCD staff to make this proposal agreeable to all parties involved. The RIM Reserve easement program needs to be flexible when the benefits to the soil, water and wildlife resources our easements are protecting are maintained or increased.

Easement I.D. No: 43-03-89-01
Map 1 of 1

STATE OF MINNESOTA
BOARD OF WATER AND SOIL RESOURCES
CONSERVATION EASEMENT
AMENDED EXHIBIT 'A'

This map delineates the easement area(s) referred to in the attached easement conveyance. ***This is not a legal survey, and not intended for use as a survey plat.***

Section 14 T. 117 N., R. 30 W., McLeod County



OCTOBER 25, 2005

DEAR MCLEOD CO. BOARD OF SOIL & WATER CONSERVATION DISTRICT

I WOULD LIKE TO REQUEST A ALTERATION OF 3.91 ACRES OF EXISTING RIM LAND. I WOULD LIKE TO TRANSFER THIS TO EXISTING CRP AS OUTLINED IN THE ATTACHED AREAIL MAP.
I HAVE APPLIED TO PLAT THIS AREA FOR A SINGLE FAMILY DWELLING. MY WIFE AND I ARE CONSIDERING BUILDING A HOUSE FOR OUR RETIREMENT. THIS MAY NOT HAPPEN FOR A FEW YEARS THOUGH.
AS THIS EXISTING AREA IS SURROUNDED BY ROAD AND HOUSING ON 2 SIDES I FIND THAT IT IS SELDOM USED BY WILDLIFE.
THE AREA THAT IT WOULD TRANSFER TO IS MUCH MORE REMOTE AND CAN NEVER BE DEVELOPED. THIS AREA IS NOW IN CRP AND WOULD THEREFORE REMAIN AS WILDLIFE HABITAT.
I WOULD ALSO LIKE TO STATE THAT YEARS AGO I DONATED THE OLD GRAVEL PIT AREA (NOW FULL OF WATER) INTO THE RIM PROGRAM. THIS 10 ACRE POND IS NOW FULL OF WILDLIFE. I ALSO HAVE APPROXIMATELY 1 ACRE THAT IS PLANTED WITH SWITCH GRASS AND NOT IN ANY PROGRAM.
MY FUTURE PLANS ALSO INCLUDE ENROLLING MY REMAINING 7 TILABLE ACRES INTO RIM OR CRP TYPE PROGRAM.
I ALSO PLAN ON REENTERING THE NORTH CREP & CRP ACRES INTO THE PROGRAM WHEN IT ENDS IN 5 YEARS.
I HAVE HAD THE AREA TO BE PLATTED DELINEATED FOR WETLANDS. THERE WILL BE NOT BUILDING OR DESTROYING OF THESE AREAS. I PLAN ON LEAVING THIS AREA AS IT IS, AS MUCH AS POSSIBLE.
PLEASE FEEL FREE TO CALL ME WITH ANY CONCERNS.

ROBERT AND DEBRA BILLIET PHONE #587-5727
22517 Tagus Ave , Hutchinson, MN 55350

Robert K Billiet Debra J Billiet

McLEOD SOIL AND WATER CONSERVATION DISTRICT

2570 9th Street East
Post Office Box 160
Glencoe, MN 55336

320-864-5176 PHONE
320-864-5737 FAX

RE: RIM Alteration

BWSR
Tim Fredbo
520 Lafayette Road North
St Paul MN 55155

Dear Mr. Fredbo,

The McLeod SWCD has received a request from Mr. Robert Billiet to alter his current RIM easement. The McLeod SWCD review his first proposal, and at that point recommended denial due to several factors. Mr. Billiet requested to meet with the McLeod SWCD Board at our January meeting to potentially work out some of the problems they had with his request.

Mr. Billiet is requesting alteration of 1.1 acres that is currently enrolled into the RIM program. He has offered 9.5 acres to replace the 1.1 that he has proposed to alter. Attached is his letter requesting the alteration and also a map showing the alteration and replacement.

At the January Board Meeting the McLeod SWCD did recommend approval for his request to BWSR. This would be removal of 1.1 acres, with replacement of 9.5 acres. If approved by BWSR, a plan would be developed by the McLeod SWCD to adequately seed and manage the 9.5 acres of newly enrolled ground.

At the date of this letter, no response has been received by Joel Anderson MNDNR Area Wildlife Manger. Several requests were made for a recommendation, but nothing has been received. If you have any further questions, please do not hesitate to contact me.

Sincerely,

Ryan Freitag
Program Director
McLeod SWCD

Enclosure (2)

RECEIVED
JAN 12 2006
Bd. of Water & Soil Resources
St. Paul

State of
DEPARTMENT OF NATURAL RESOURCES

Date: 2/8/06

Ryan Freitag
Program Director
McLeod SWCD
PO Box 160
Glencoe, MN 55336

Dear Ryan,

I have reviewed Mr. Billiet's request for an alteration of his RIM easement. I approve of this project. Mr. Billiet's proposal is a net plus for the RIM program.

Joel Anderson

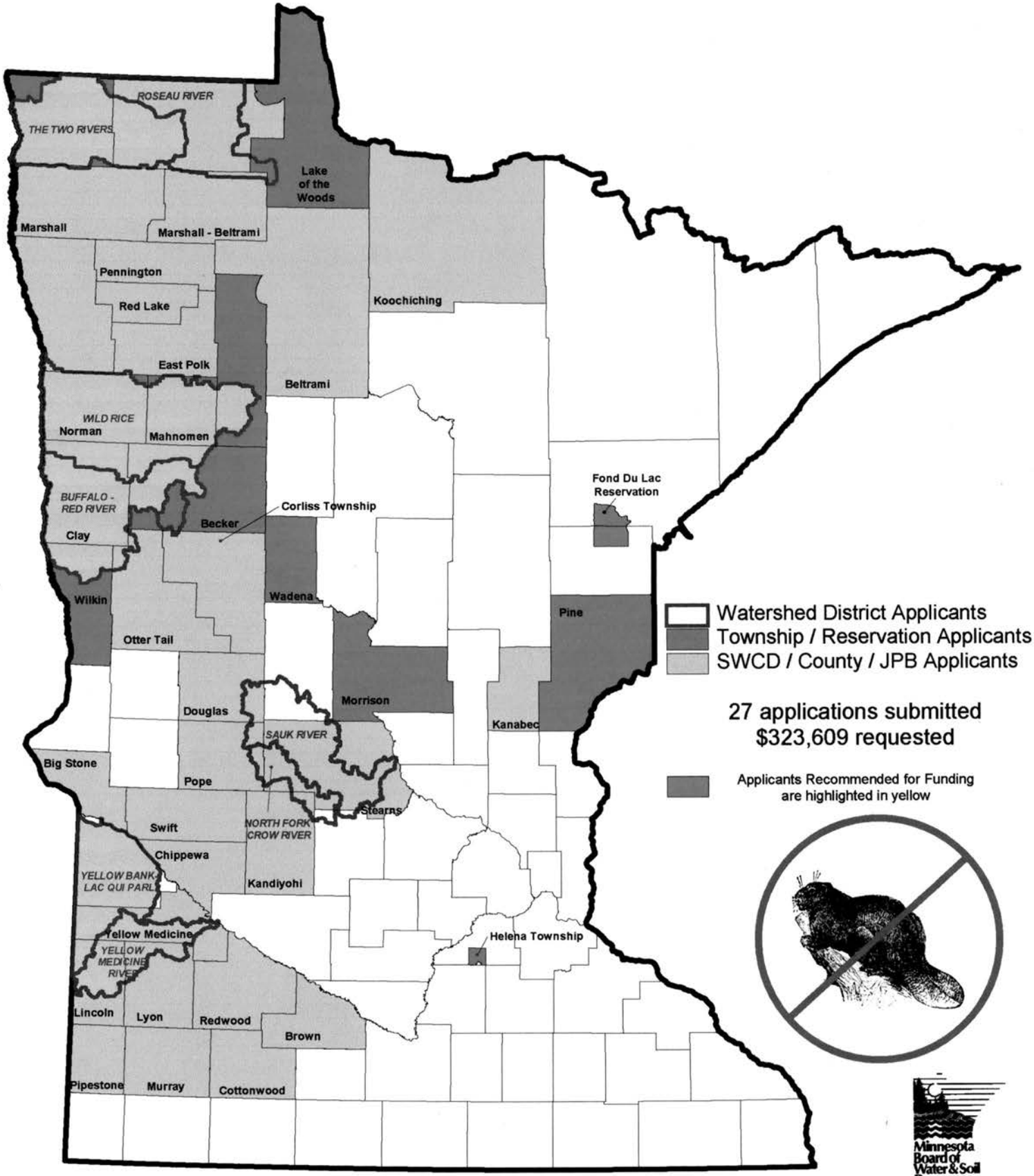
Area Wildlife Manager
501 9th St.
Nicollet, MN 56074

Phone: 507-225-3572
e-mail: www.joel.anderson@dnr.state.mn.us

RECEIVED
FEB 17 2006
Bd. of Water & Soil Resources
St. Paul

Beaver Damage Control Grant

Summary of all applications
Available funding: $100,000



Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US

February 2006

Board Resolution # 06-17

BEAVER DAMAGE CONTROL GRANTS PROGRAM ALLOCATIONS

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; and,

WHEREAS, The BWSR authorized 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:

25% Description of the extent of the beaver control problem.

25% Description of the beaver control program including how beaver damage control will be accomplished.

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.

25% How will grant and match funds be spent? – Budget
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.

NOW THEREFORE, The BWSR authorizes staff to allocate the 06 Beaver Damage Control Grants according to the third option as indicated on the attached *Beaver Damage Control Grant Application Reviews.*

Jerome Deal

Date: 3/22/06

Jerome Deal, Chair
Board of Water and Soil Resources

Attachment: *Beaver Damage Control Grant Application Reviews.*

H:BDCGPAR

BEAVER DAMAGE CONTROL GRANTS PROGRAM

BACKGROUND

The MN Legislature of 2005 in their 1st Special Session appropriated to BWSR $100,000 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; and
(2) Soil and water conservation districts; and
(3) Indian tribal governments.

A 1:1 match is required.

At their October 26, 2005 Meeting, the Board adopted the following policies for Program implementation:

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 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.

RECOMMENDATION

The BWSR received 27 applications requesting $323,609. The Grants Team reviewed and scored the applications. On February 22, the Cost Share Committee considered six allocation options.

(Please refer to *Beaver Damage Control Grant Application Reviews* and *Beaver Damage Control Grant Applications – Short Summary*)

ACTION

The Committee is requesting the Board to authorize staff to allocate the 06 Beaver Damage Control Grants according to the third option as indicated.

BEAVER DAMAGE CONTROL GRANT APPLICATIONS – SHORT SUMMARY

West Central Minnesota County & Watershed JPB
Big Stone, Chippewa, Douglas, Kandiyohi, Pope, Stearns, & Swift Counties; North Fork Crow River & Sauk River WDs. Beaver trapping. Dam Removal. 1:1 cash match.

Tordenskjold Township
In agreement with Otter Tail County. Install screening devices in waterways. Rebuild roads. 1:1 cash match.

Fortier Township
In agreement with Yellow Medicine County. Trapping and dam removal. 1:1 cash match.

Wadena SWCD
12 of 15 townships have problems. Trap and assure water flow. Remove dams. Have mapped problem sites. County Highway Dept. in-kind match.

Clearwater SWCD
Thousands of acres of timber lost to flooding. Flood washed-out dams cause sediment damage to trout streams. Dam and beaver removal. Cash and in-kind match.

Marshall-Beltrami SWCD
$30 bounty. Excellent connection to LWM Plan. Questionable con-con (state) match.

Corliss Township
Questionable eligibility. Remove beaver and dams. Install beaver control posts. Cash match.

Redwood-Cottonwood Rivers Control Area
JPB consisting of Brown, Cottonwood, Lincoln, Lyon, Murray, Pipestone, Redwood, and Yellow Medicine SWCDs and Counties. Trapping and dam removal. 1:1 cash match.

Wild Rice WD
JPB consisting of Becker, Clay, Norman, Clearwater, and Mahnomen SWCDs, and, Wild Rice WD. Install Clemson levelers. Beaver and dam removal. 4:1 match.

Fond du Lac Reservation
Beaver dams flooding-out wild rice. 200 active beaver dams inventoried. Remove dams and beaver. $70,000 match

Morrison SWCD
JPB consisting of Morrison County and SWCD, and 8 townships. Install levelers. Trap beaver and remove dams. Cash and in-kind match.

Buffalo-Red River WD
JPB consisting of Buffalo-Red River WD, Clay, Wilkin, and Becker SWCDs. Extensive drainage ditch and culvert impairments. Bank erosion and road failures. Excellent relationship to LWM Plans. 1.5:1 cash and in-kind match.

Two Rivers WD
JPB with Kittson SWCD. Supplement to comprehensive existing program. Removal of beavers and dams. Excellent relationship to LWM Plans. Cash match.

West Central Joint Powers
JPB between Lac qui Parle-Yellow Bank and Yellow Medicine WDs. Incentive program to remove beavers and dams. Install beaver guards on culverts. Experimental liquid glue application to trees project. Concentrate on CREP lands. 1:1 match.

Northwest MN JPB
JPB consisting of Beltrami, Clearwater, Marshall, Pennington, Polk, and Red Lake Counties. Well-organized and productive history. Beaver trapping and dam removal. 1:1 cash match.

Watonwan County JPB
County and SWCD JPB. Spring and fall field flooding. Bank erosion. 1:1 match.

Becker SWCD and Pelican River WD
Flooding of drainage ditches and residences. Trapping and dam removal. 1:1 cash match

Koochiching SWCD
Beaver trapping and dam removal from drainage ditches. 1:1 cash and in-kind match.

South Two Rivers WD and Stearns SWCD
Flooding and sediment build-up. Remove problem beavers and dams. Encourage riparian buffers. 1:1 match.

East Polk SWCD
Flooding problems. Pay for dam removal. 1:1 cash match

Red Lake SWCD
Road, ditch, and private property damage. Remove problem beavers. 1:1 match.

Roseau County Beaver Control JPB
JPB consisting of 15 unidentified counties. Beavers damming ditch systems. Extensive flooding. Remove beavers and dams. 1:1 cash match.

Pine SWCD and Pine County
Dams blocking ditch systems. Plugged culverts. Plan to remove beavers and dams. Excellent relationship to LWM Plan. Cash match.

Helena Township
Questionable eligibility. Block culverts. Cash match.

Kanabec SWCD and County
Install levelers. Remove dams and beavers. 1:1 in-kind match.

Lake of the Woods SWCD and County
Damming of ditches and culverts. Well-documented damage costs to roads and timber. County adopted beaver management policy to remove beavers, dams, and obstructions. Excellent relationship to LWM Plan. 1.5:1 cash match.

Becker SWCD and County
Blocked culverts and road damage. Install water levelers. Cash and in-kind match.

BEAVER DAMAGE CONTROL GRANT APPLICATIONS REVIEWS

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. ***Bonus*** 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.
15 POINTS MAX.

	APPLICANT	AMOUNT REQUESTED	SCORE	OPTIONS 1 %	1 $	2 %	2 $	3 %	3 $	4 %	4 $	5 %	5 $	6 %	6 $
1	Buffalo-Red River Watershed District	$ 20,000	14	100%	20,000	100%	20,001	75%	**15,000**	55%	11,000	60%	12,000	50%	10,000
2	West Central Joint Powers	$ 19,975	13	100%	19,975	75%	14,981	65%	**12,984**	45%	8,989	50%	9,988	50%	9,988
3	Wild Rice Watershed District	$ 20,000	13	100%	20,000	75%	15,000	65%	**13,000**	45%	9,000	50%	10,000	50%	10,000
4	Fond du Lac Reservation Natural Resources Program	$ 4,544	13	100%	4,544	75%	3,408	65%	**2,954**	45%	2,045	50%	2,272	50%	2,272
5	Lake of the Woods SWCD and County	$ 20,000	13	100%	20,000	75%	15,000	65%	**13,000**	45%	9,000	50%	10,000	50%	10,000
6	Pine SWCD	$ 20,000	12	70%	14,074	50%	10,000	55%	**11,000**	42%	8,446	45%	9,000	50%	10,000
7	Clearwater SWCD	$ 2,000	12	70%	1,407	50%	1,000	55%	**1,100**	42%	845	45%	900	50%	1,000
8	Wadena SWCD	$ 20,000	11			34%	6,870	52%	**10,321**	42%	8,446	40%	8,000	45%	9,000
9	Morrison SWCD	$ 20,000	11			34%	6,870	52%	**10,321**	42%	8,446	40%	8,000	45%	9,000
10	Two Rivers Watershed District	$ 20,000	11			34%	6,870	52%	**10,321**	42%	8,446	40%	8,000	45%	9,000
11	Marshall-Beltrami SWCD	$ 5,000	10							42%	2,111	36%	1,820	33%	1,645
12	Redwood Cottonwood Rivers Control Area JPO (RCRCA)	$ 20,000	10							42%	8,446	36%	7,280	33%	6,580
13	Northwest Minnesota Joint Powers Board	$ 20,000	10							42%	8,446	36%	7,280	33%	6,580
14	East Polk SWCD	$ 5,000	10							42%	2,111	36%	1,820	33%	1,645
15	Roseau County Beaver Control Joint Powers Board	$ 10,000	10							42%	4,223	36%	3,640	33%	3,290
16	West Central Minnesota County & Watershed Joint Powers	$ 35,500	9												
17	Koochiching SWCD	$ 5,000	9												
18	Kanabec SWCD	$ 8,890	9												
19	Becker SWCD & Pelican River Watershed District	$ 5,000	8												
20	Becker SWCD & County	$ 5,000	8												
21	Watonwan County Joint Powers Board	$ 2,000	7												
22	Red Lake SWCD	$ 5,000	7												
23	Tordenskjold Township	$ 1,500	7												
24	Corliss Township	$ 5,000	7												
25	South Two Rivers Watershed District joint Stearns County S	$ 20,000	7												
26	Fortier Township - Yellow Medicine County	$ 500	6												
27	Helena Township	$ 5,000	5												
		$323,609			**$100,000**		**$100,000**		**$100,000**		**$100,000**		**$100,000**		**$100,000**

Board Resolution #_____

BEAVER DAMAGE CONTROL GRANTS PROGRAM ALLOCATIONS

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NOW THEREFORE, The BWSR authorizes staff to allocate the 06 Beaver Damage Control Grants according to the third option as indicated on the attached *Beaver Damage Control Grant Application Reviews.*

_____ Date: _____

Jerome Deal, Chair
Board of Water and Soil Resources

Attachment: *Beaver Damage Control Grant Application Reviews.*

H:BDCGPAR

FEEDLOT COST SHARE POLICY

BACKGROUND

Over the last few years, SWCDs, BWSR staff, the Cost Share Committee, and producer groups, have noted several Feedlot Cost Share Policy issues identified as needing review. Also, during this time, certain related-agency feedlot policies have changed.

Examples of These Issues are:

Animal Unit Eligibility Limits (currently <500)
Project Start Date (currently not an eligibility criteria, but a FWQMG ranking priority)
Cost/Benefit of Funded Projects (currently not a ranking priority)

Examples of Changed Policies:

Maximum EQIP Cost Share Rate is 50% (used to be 75%)
Sign-up for Open Lot Agreements has expired (October 1, 2005)
Partial Systems no-longer eligible for EQIP funding (changed for FFY 05)

ISSUES

Beginning last December, the Cost Share Committee convened a series of three meetings to examine policies and issues, including a producer-group forum that received input from the MN Milk Producers, MN Cattlemens Assoc., and the MN Pork Producers.

The examination of issues and policies consisted of two facets; 1) the State Cost Share standard for feedlot-related projects; and, 2) the 07 Feedlot Water Quality Management Grants eligibility and project ranking criteria.

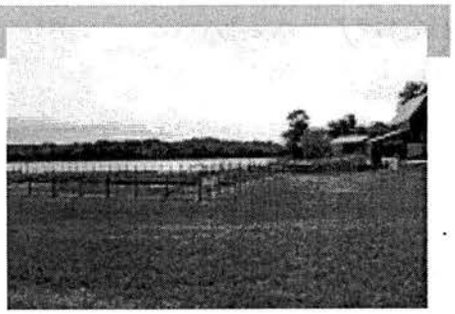
RECOMMENDATIONS

1) **The Cost Share Standard**
   The Committee is recommending the Board approve the recommended revisions to the State Cost Share Standard. These revisions will update the standard to reflect current objectives of BWSR and not conflict with other agency policies.
   (Please refer to *D.6 Livestock Waste Management*)

2) **07 Feedlot Water Quality Management Grants**
   A thorough review was conducted of current project ranking priorities. The ranking priority as well as alternative priorities were considered. The Committee is *not* recommending any changes to the ranking priorities or eligibility criteria. The Committee is also recommending authorization of a $1.35 M 07 FWQMG Program according to the following schedule:
   (Please refer to *Cost Share Committee Feedlot Water Quality Management Grant Policy*.)

March 22	BWSR Request to Authorize FY 07 FWQMG Program
April 1	07 FWQMG Application Period Begins
May 15	07 FWQMG Application Period Ends
May 24	Cost Share Com. FWQMG Allocation Recommendation
June 28	BWSR Request to Approve 07 FWQMG Allocations
July	Grant Agreements Sent to SWCDs

D. 6 Livestock Waste Management



Conservation Practice

Livestock Waste Management: The application of eligible conservation practice components to improve water quality associated with livestock wastewater and runoff.

Eligible Component(s):

Diversion (362)
Runoff Management System (570)
Waste Storage Facility (313)
Filter Strip (393)
Fencing (382)
Heavy Use Area Protection (561)
Roof Runoff Management (558)
Wastewater and Feedlot Runoff Control (784)

(In certain circumstances, other eligible components may be applicable. If other eligible components are needed, please see Part V.E. Other Recognized Technical Practices.)

The number in parentheses corresponds to the practice number in the Field Office Technical Guide (FOTG). Please refer to the FOTG for a definition of the practice, its purpose, applicability, and recommended standards and specifications.

STATE FEEDLOT COST-SHARE POLICIES

General Policies

1) Cost-sharing is limited to correction of existing pollution problems at feedlots that are at least 5 years old.
2) Cost-sharing is limited to feedlots that are not classified as a Large Concentrated Animal Feeding Operation (CAFO) and have less than 1000 animal units, in accordance with state feedlot rules.
3) Feedlot pollution abatement projects must acquire all applicable permits and comply with all applicable environmental standards to be eligible for cost-share.
4) Partial systems that correct only a portion of an existing feedlot pollution problem are eligible for cost-share only if allowable by the applicable regulatory authority.
5) The maximum cost-share rate is 75% for eligible practices. (Applies to combined state and federal cost-share from any source.)
6) The maximum cost-share amount is limited to the amount authorized by the district board for the most feasible and practical alternative that achieves the cost-share program objectives, not to exceed $50,000 per feedlot project, including interim and final measures.
7) Cost-sharing is authorized for eligible runoff control, waste storage and treatment practices for manure and process wastewaters, including milkhouse wastewater and silage leachate, and for associated transfer components.
8) Cost-sharing is not authorized for production facilities or equipment including, but not limited to, buildings, feed storage, feeding facilities and equipment, or manure application equipment, except that cost-sharing is authorized for waste storage structures that serve as foundations for buildings, up to the eligible cost-share for a functionally comparable waste storage structure that does not serve as a foundation for a building.
9) Cost-sharing is not authorized for manure or process wastewater collection facilities, except for the inlet of eligible systems to transfer manure or process wastewater to storage or treatment facilities.
10) Innovative waste management systems with multiple benefits, or design standard variances, can be considered by submitting a written request to the BWSR Grants Coordinator.

STATE FEEDLOT COST-SHARE POLICIES, CONTINUED

11) BWSR will review feedlot cost-share eligibility on a case-by-case basis where formal enforcement actions have been taken, considering the environmental and legal facts of the situation, as well as the feedlot owner's demonstration of good faith.
12) If a project is canceled in a SWCD, cost-share funds may be encumbered on another feedlot project, with Board Conservationist approval.
13) In order to maximize the leveraging of EQIP funding, which has a 50% cost-share maximum, SWCDs may replace FWQMG funds with available EQIP funds and use the excess FWQMG funds for their next highest priority feedlot project, with Board Conservationist approval.

Feedlot Relocation Policies (in addition to General Policies)

1) Cost-sharing at a feedlot relocation site is limited to:
   a) the maximum cost-share amount approved to upgrade the existing eligible feedlot site;
   b) eligible practices and components of the most feasible and practical waste management system at the relocation site, as determined by the district board, with applicable assistance from its technical advisors.
2) The existing eligible feedlot must be permanently closed in accordance with the state feedlot rules and, thereafter, is no longer eligible for feedlot cost-share.
3) Cost-sharing is authorized for closure of the existing feedlot in accordance with state feedlot rules, including fence removal, waste storage facility closure and seeding, but is not authorized for removal or land application of manure from an open lot or waste storage facility.
4) Feedlot relocation and associated closure of an existing feedlot shall be considered one feedlot project for application of limitations on the cost-share amount.

Feedlot Roof Structure Policies (in addition to General Policies)

1) A feedlot roof to eliminate precipitation on a feedlot, and associated runoff, is eligible for cost-share only when a documented alternatives analysis shows this to be part of the most feasible and practical alternative that meets applicable state feedlot rule requirements, including manure storage, land application and feedlot runoff requirements, or when the amount of cost-share approved by the district board for the feedlot project is based on the estimated costs for the most feasible and practical alternative. The documented alternatives analysis must be kept in the district file for the feedlot project.
2) Cost-sharing is authorized only when the roof structure design and construction is approved by a professional engineer registered in Minnesota.
3) Cost-sharing is not authorized when the roof structure is to be a component of a planned waste management system that will also include a waste storage or treatment facility, unless drainage conditions make routing of the feedlot runoff to the waste storage or treatment facility impractical, as determined by the district board, with applicable assistance from its technical advisors.
4) Cost-sharing is not authorized for surfaced floors or walls, but is authorized for a 1-foot high curb for clean water diversion, or up to a 4-foot high retaining wall to contain a manure pack, if applicable.

COST SHARE COMMITTEE
FEEDLOT WATER QUALITY MANAGEMENT GRANT POLICY

Current FWQMG Allocation Priorities

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 2006.
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.

Discussion

- **Riparian Location** –
    A. Within 1,000 feet of a lake
    B. Within 300 feet of a stream
    C. Within a 100- year floodplain
    D. Sinkhole Catchment Area
    E. Drinking Water Supply Management Area

The long-term outcome (8 yrs.) of priority funding riparian feedlots has funded 364 riparian feedlots out of the 410 feedlots funded (89%). It appears logical that surface runoff from feedlots located close to an important water body or to soil whose features provide a direct conduit to important waters receives, a higher assistance priority than feedlots at other locations. The Forum has stated that water quality benefits are aligned with BWSR's mission and should be an allocation priority.

- **Stewardship Plans** –
  Producers enrolled in these programs have agreed to a comprehensive environmental analysis of their livestock operation. This analysis assesses environmental issues categories including water quality, odor and air quality, soil quality and nutrient management, habitat quality and diversity, and community relations. Deficiencies in any of these categories are then identified and corrective options developed in a remedial plan.

The Forum members confirmed that these stewardship plans reflect the common environmental protection and sustainability goals of BWSR and our member agencies, and is recommending that producers who have enrolled and been accepted in one of these stewardship plans be given priority in FWQMG funding. Also, these are assumed to be "long-term" operations.

- **FLEval** (Feedlot evaluation model)
  A uniform means of objectively evaluating potential pollution problems at their discharge. The FLEVAL program assigns a rating to a feedlot from zero to one hundred. A zero rating indicates that contaminants are not high enough to be a

pollution problem at the feedlot. A rating from one to one hundred indicates a pollution problem.

FLEval ratings for 06 FWQMGs ranged from 18 – 60. The FLEval model is considered an industry standard and the forum has stated that FLEval should be a ranking priority.

- **Projects that will be started in 2005**
  Projects that will be applied in the year of funding (FY 06) are considered a priority because they are "ready to go" and State Cost Share funds will be put to immediate use. "Ready to go" indicates that a higher level of assessments and engineering have been done and implies a firmer commitment from the producer.

Statements have been made that" projects scheduled to start in the current year of funding" should not be a priority but be a general-eligibility criterion and that such limited funds should be used ASAP. But, it is well noted that many SWCDs and producers will not proceed to incur engineering costs until funding is approved. For FY 06, 40 of the 48 projects funded were to be started in 2005.

- **Feedlot operators who have received a notice of violation.**
  Originally, this was the #1 funding priority. Beginning in FY 01, it was recognized that riparian feedlots with high FLEval ratings were not being funded. It was also noted that "notices of violation" were not administered uniformly on a statewide basis. This allocation priority was then lowered.

For FY 06, 10 of the 15 projects receiving a "notice of violation" were funded. Some forum members stated that a feedlot that has received a "notice of violation" is by definition a high priority feedlot because some environmental impact has caused it to be out-of-compliance.

- **Feedlots in counties that are conducting or have completed a level 2 or level 3 feedlot inventory.**
  Originally, this was the #2 funding priority. A level 2 or 3 inventory indicates that some advanced formal assessment and analysis, recognized by MPCA, has been completed or is in the process of being completed. Beginning in FY 01, it was recognized that riparian feedlots with high FLEval ratings were not being funded. This allocation priority was then lowered.

For FY 06, 37 of the 48 projects funded were in counties that had completed or were in the process of completing such an inventory.

Other Specific Comments

1. **Piggybacking** – Combining State and EQIP funding is an effective way to maximize limited funding. *For FY 06, 14 of the 48 projects received EQIP funding. The early availability of EQIP funds for FY 07 should allow SWCDs to maximize piggybacking opportunities.*
2. **Animal Unit Cap, max.** – A higher AU cap may allow swine and poultry producers more funding opportunities. *In the last five years, the average project size was 175 AUs. Usually, the $50,000 per project cap is reached long before the 500 AU cap. Set maximum at AFO.*

Animal Unit Cap, min. – The state has no minimum project size. The very small projects tend to be more costly/AU. Some efficiencies are gained with scale. *It is also recognized that the associated benefits of upland protection contribute greatly to the value of very small feedlots.*

3. **Cost Per Animal Unit Cap** – Some feedlots projects of relative size differ extremely in cost per AU. In order to increase cost share efficiency, it is suggested that a maximum per AU cost be established. *In the last five years, the average total project cost/AU was $308. The average State cost share/AU was $71.*

Other Potential Options of Interest

Incentive Payments
Buy-Outs
Priority to TMDLs
Lower Cost Share Rate
Priority to OLAs
Cost Share only to "Long-Term" Operations
Cost Share According to Environmental Benefit

COST SHARE COMMITTEE

Feedlot Cost Share Policy Revisions Highlights

1. **Change State Cost Share Practice Category D.6 *Wastewater and Feedlot Control* to *Livestock Waste Management*.**

The BWSR, MPCA, and SWCDs, are promoting partial systems to maximize cost share opportunities (FWQMGs) and available technical assistance (OLAs). The current practice category *Wastewater and Feedlot Control* identifies with practice standard 784 and implies a full system in which all needed components are installed.

The proposed category *Livestock Waste Management* would include the eligible components to allow full or partial systems and reflect the current usage and intent of this category.

Proposed Description – The application of eligible conservation practice components to improve water quality associated with livestock wastewater and runoff.

2. **Add *Roof Runoff Management* (558) as an eligible component of the *Livestock Waste Management* practice category.**

Roof Runoff Management is a useful component of *Livestock Waste Management* already used by SWCDs and consistently approved by BWSR as an ORTP to exclude sensitive areas from livestock, and should be added.

STATE FEEDLOT COST-SHARE POLICIES

Draft Proposed Policy Updates 1-30-06, Al Kean

General Policies
1) Cost-sharing is limited to correction of existing pollution problems at feedlots that are at least 5 years old.
2) Cost-sharing is limited to feedlots that are not classified as a Large Concentrated Animal Feeding Operation (CAFO) and have ~~with~~ less than~~, or equal to, 5~~1,000 animal units in accordance with state feedlot rules.
3) Feedlot pollution abatement projects must acquire all applicable permits and comply with all applicable environmental standards~~(including compliance with the state Feedlot Rule)~~ to be eligible for cost-share.
4) Partial systems that correct only a portion of an existing feedlot pollution problem are eligible for cost-share only if allowable by the applicable regulatory authority.~~implemented in accordance with the Open Lot Agreement provisions of the Feedlot Rule.~~
5) The maximum cost-share rate is 75% for eligible practices. (Applies to combined state and federal cost-share from any source.)
6) The maximum cost-share amount is limited to the amount authorized by the district board for the most feasible and practical alternative that achieves the cost-share program objectives, not to exceed $50,000 per feedlot project, including~~. This cost-share limit shall apply to the total cost-share for~~ interim and final measures~~. implemented in accordance with an approved Open Lot Agreement under the Feedlot Rule.~~
7) Cost-sharing is authorized for eligible runoff control, waste storage and treatment practices ~~for a feedlot project, and associated transfer components~~ for manure and process

wastewaters, including milkhouse wastewater and silage leachate, and for associated transfer components.
8) Cost-sharing is not authorized for production facilities or equipment including, but not limited to, buildings, feed storage, feeding facilities and equipment, or manure application equipment, except that cost-sharing is authorized for waste storage structures that serve as foundations for buildings, up to the eligible cost-share for a functionally comparable waste storage structure that does not serve as a foundation for a building.
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10) Innovative waste management systems with multiple benefits, or design standard variances, can be considered by submitting a written request to the BWSR Grants Coordinator.
11) BWSR will review feedlot cost-share eligibility on a case-by-case basis where formal enforcement actions have been taken, considering the environmental and legal facts of the situation, as well as the feedlot owner's demonstration of good faith.
12) If a project is canceled in a SWCD, funds may be encumbered on another feedlot project, with Board Conservationist approval.
13) In order to maximize the leveraging of EQIP funding, which has a 50% cost-share maximum, SWCDs may replace FWQMG funds with available EQIP funds and use the excess FWQMG funds for their next highest priority feedlot project, with Board Conservationist approval.

Feedlot Relocation Policies (in addition to General Policies)
1) Cost-sharing at a feedlot relocation site is limited to: a) the maximum cost-share amount approved to upgrade the existing eligible feedlot site; b) eligible practices and components of the most feasible and practical waste management system at the relocation site, as determined by the district board, with applicable assistance from its technical advisors.
2) The existing eligible feedlot must be permanently closed in accordance with the state Feedlot Rule and, thereafter, is no longer eligible for feedlot cost-share.
3) Cost-sharing is authorized for closure of the existing feedlot in accordance with the Feedlot Rule, including fence removal, waste storage facility closure and seeding, but is not authorized for removal or land application of manure from an open lot or waste storage facility.
4) Feedlot relocation and associated closure of an existing feedlot shall be considered one feedlot project for application of limitations on the cost-share amount.
Feedlot Roof Structure Policies (in addition to General Policies)
1) A feedlot roof to eliminate precipitation on a feedlot, and associated runoff, is eligible for cost-share only when a documented alternatives analysis shows this to be part of the most feasible and practical alternative that meets applicable Feedlot Rule requirements, including manure storage, land application and feedlot runoff requirements, or when the amount of cost-share approved by the district board for the feedlot project is based on the estimated costs for the most feasible and practical alternative. The documented alternatives analysis must be kept in the district file for the feedlot project.
2) Cost-sharing is authorized only when the roof structure design and construction is approved by a ~~registered~~ professional engineer registered in Minnesota. ~~as meeting the requirements of ASAE EP288.5, Agricultural Building Snow and Wind Loads.~~
3) Cost-sharing is not authorized when the roof structure is to be a component of a planned waste management system that will also include a waste storage or treatment facility, unless drainage conditions make routing of the feedlot runoff to the waste storage or treatment facility impractical, as determined by the district board, with applicable assistance from its technical advisors.
4) Cost-sharing is not authorized for surfaced floors or walls, but is authorized for a 1-foot high curb for clean water diversion, ~~if needed.~~ or up to a 4-foot high retaining wall to contain a manure pack, if applicable.

Legislative Items

- HF #3527 –modifying Board of Water and Soil Resources membership
- HF #3416 – modifying provisions of state board member per diem
- MASWD Legislative Update
- MAWD Legislative Update

H.F. No. 3527, as introduced - 84th Legislative Session (2005-2006) Posted on Mar 15, 2006

A bill for an act

relating to waters; modifying membership of the Board of Water and Soil Resources;amending Minnesota Statutes 2004, section 103B.101, subdivisions 1, 2.

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

Section 1. Minnesota Statutes 2004, section 103B.101, subdivision 1, is amended to read:

Subdivision 1. **Membership.** The Board of Water and Soil Resources is composed of ~~12~~ 13 members knowledgeable of water and soil problems and conditions within the state and five ex officio members.

Sec. 2. Minnesota Statutes 2004, section 103B.101, subdivision 2, is amended to read:

Subd. 2. **Voting members.** (a) The members are:

(1) three county commissioners;

(2) three soil and water conservation district supervisors;

(3) three watershed district or watershed management organization representatives;

(4) three citizens who are not employed by, or the appointed or elected officials of, a governmental office, board, or agency;

(5) one township officer; +2 city

~~(5)~~ (6) the commissioner of agriculture;

~~(6)~~ (7) the commissioner of health;

~~(7)~~ (8) the commissioner of natural resources;

~~(8)~~ (9) the commissioner of the Pollution Control Agency; and

~~(9)~~ (10) the director of the University of Minnesota Extension Service.

(b) Members in paragraph (a), clauses (1) to ~~(4)~~ (5), must be distributed across the state with at least three members but not more than five members from the metropolitan area, as defined by section 473.121, subdivision 2; and one from each of the current soil and water conservation administrative regions.

(c) Members in paragraph (a), clauses (1) to ~~(4)~~ (5), are appointed by the governor. In making the appointments, the governor may consider persons recommended by the Association of Minnesota Counties, the Minnesota Association of Townships, the Minnesota Association of Soil and Water Conservation Districts, and the Minnesota Association of Watershed Districts. The list submitted by an association must contain at least three nominees for each position to be filled.

(d) The membership terms, compensation, removal of members and filling of vacancies on the board for members in paragraph (a), clauses (1) to ~~(4)~~ (5), are as provided in section 15.0575.

HF3527 Status in House for Legislative Session 84

Bill Name: HF3527 Companion: n/a Revisor Number: 06-5990
Bill Text

Senate Search

House Authors Cornish; Howes; Hosch; Buesgens; Tingelstad; Dill

Short Description Board of Water and Soil Resources modified.

Long Description Unofficial Actions (includes committee actions and initial committee hearings) House Research Summary

Body	Date	Action	Description / Committee	Page	Roll Cal
House	03/15/2006	Introduction and first reading, referred to	Environment and Natural Resources		

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General questions or comments.

last updated: 12/28/2005

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H.F. No. 3416, as introduced - 84th Legislative Session (2005-2006) Posted on Mar 13, 2006

A bill for an act

relating to state government; modifying provisions governing per diem for members of state boards and advisory groups; amending Minnesota Statutes 2004, sections 15.0575, subdivision 3; 15.059, subdivision 3.

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

Section 1. Minnesota Statutes 2004, section 15.0575, subdivision 3, is amended to read:

Subd. 3. **Compensation.** (a) Members of the boards may be compensated at the rate of $55 a day spent on board activities, when authorized by the board, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2. If the amount of time spent on a board activity, including time spent traveling to and from the member's home, is more than eight hours per day, the member may be compensated at the rate of $75 for that day. Members who, as a result of time spent attending board meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon board authorization.

(b) Members who are state employees or employees of the political subdivisions of the state must not receive the daily payment for activities that occur during working hours for which they are compensated by the state or political subdivision. However, a state or political subdivision employee may receive the daily payment if the employee uses vacation time or compensatory time accumulated in accordance with a collective bargaining agreement or compensation plan for board activities. Members who are state employees or employees of the political subdivisions of the state may receive the expenses provided for in this subdivision unless the expenses are reimbursed by another source. Members who are state employees or employees of political subdivisions of the state may be reimbursed for child care expenses only for time spent on board activities that are outside their working hours.

(c) Each board must adopt internal standards prescribing what constitutes a day spent on board activities and how to document days on which a person spends more than eight hours on board activities for purposes of making daily payments under this subdivision.

Sec. 2. Minnesota Statutes 2004, section 15.059, subdivision 3, is amended to read:

Subd. 3. **Compensation.** (a) Members of the advisory councils and committees may be compensated at the rate of $55 a day spent on council or committee activities, when authorized by the council or committee, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2. If the amount of time spent on a council or committee activity, including time spent traveling to and from the member's home, is more than eight hours per day, the member may be compensated at the rate of $75 for that day. Members who, as a result of time

spent attending council or committee meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon council or committee authorization.

(b) Members who are state employees or employees of political subdivisions must not receive the daily compensation for activities that occur during working hours for which they are compensated by the state or political subdivision. However, a state or political subdivision employee may receive the daily payment if the employee uses vacation time or compensatory time accumulated in accordance with a collective bargaining agreement or compensation plan for council or committee activity. Members who are state employees or employees of the political subdivisions of the state may receive the expenses provided for in this section unless the expenses are reimbursed by another source. Members who are state employees or employees of political subdivisions of the state may be reimbursed for child care expenses only for time spent on board activities that are outside their working hours.

(c) Each council and committee must adopt internal standards prescribing what constitutes a day spent on council or committee activities and how to document days on which a person spends more than eight hours on council or committee activities for purposes of making daily payments under this subdivision.

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General questions or comments.

MAWD
Legislative Update & Alert
March 20, 2006

The 2006 session is well underway and fast approaching first policy committee deadline on March 28. The session has taken on an almost frantic pace as legislators eye the 2006 elections. With that tone, we are seeing more watershed district related bills than in any of my past ten sessions dealing with these issues. You need to take a good look at the bills listed below. Many of them are not in our best interest, and action needs to be taken by you to help prevent them from becoming law. If you are coming to the Legislative Breakfast you will hear more about these bills for your discussions with your legislators, if not, you will need to contact your legislators and let them know how these bills will effect you if passed this session.

For example, bills have been introduced to elect managers instead of appointment by the county board and another to recall managers. Threats to our eminent domain authorities have been ever present this session in pending bills. In addition, there are several bills dealing with our relationship with the state auditor and citizen audit requests.

There are some productive activities pending with the bonding bill. Both House and Senate Environmental Finance committees have or are about to make final recommendations on the environmental part of the bill.

Governor Pawlenty finally threw his support behind the Clean Water Legacy Bill (impaired waters) in his supplemental budget request. He is advocating $20 million from the general fund and another $20 million in bonding funds to get us to our $40 million request for the next year. Hearings will begin on this revised bill on Tuesday in the House Environment Finance committee.

Up to this time we have been able to be held harmless on the eminent domain issue, but we need to be watchful to ensure no amendments are added that will effect our ability to exercise eminent domain when necessary for our flood projects and drainage ditches.

CREP II is running into some difficulty for additional funding because of a very slow start. The reimbursement rate is not as competitive as it should be, thus causing problems. Hopefully those program issues can be rectified before the end of the session.

Below are bills of interest to watershed districts. Copies of all bills can be found on the legislative web site at http://www.revisor.leg.state.mn.us. Please share this legislative update with your managers, key staff, and key partners.

HF826 Ozment, SF762 Frederickson: Clean Water Legacy Act, proposing an amendment to the Minnesota Constitution, article XI; creating the Clean Water Legacy Act; providing authority, direction, and funding to achieve and maintain water quality standards for Minnesota's surface waters in accordance with section 303(d) of the federal Clean Water Act; modifying soil and water cost-share contract provisions; extending citizen water monitoring; and creating a municipal grant program; Hearing Tuesday, March 22 in the House Environment Finance Committee. Will be amended to appropriate $20 in general fund dollars for the Clean Water Legacy programs.

HF2632 Lanning, SF2665 Skoe; Wild Rice Watershed District flood hazard mitigation project funding provided, bonds issued, and money appropriated. $5.5 million appropriated for Flood Hazard Mitigation projects. Amended to $1.8 million. $1.5 million recommended by House Environment Finance committee.

HF2846 Johnson, J., SF 2750 Bakk; Eminent domain public use or purpose defined and modified, evidence for certain takings required, attorney fees provided, and other changes provided. Both house file and senate file have moved through several committees and various changes have been made. Watershed districts and drainage authorities are defined as public service corporations in both bills under Chapter 117 and are exempt from most provisions of the bill. Next hearing for HF2846 is in the House Ag Committee on Tuesday, March 22nd. SF2750 was heard last week in the Transportation Committee.

HF2872 Erickson, SF2612 Robling; defining political subdivision for the purposes of the chapter governing the state auditor; applying provisions for the state auditor to all political subdivisions; Basically this bill places watershed districts and other special purpose districts under the state auditor similar to other local units of governments. Annual audits will be required for all special districts with more that $150,000 in revenue by either the state auditor or a CPA. Less than $150,000 revenue must have an audit once every 5 years, but financial statements must be prepared yearly.

All audits must be completed within 180 days of the end of the fiscal year. Governance information must be filed within 60 days of adoption of the bill to the state auditor. Allows auditor to complete an examination instead of an audit as the state auditor deems the public interests to demand. SF2612 has passed to the Senate floor, and HF2872 is in the House Government Operations Finance committee.

HF2919 Lanning, SF2782 Langseth; Clay county Oakport township flood mitigation bond issue and appropriation. Appropriates $12 million for the Flood Hazard Mitigation program.

HF2971 Dorman, SF3118 Sparks; Shell Rock River Watershed District storm water retention and flood mitigation grants provided, bonds issued. $790,000 appropriated for the Flood Hazard Mitigation program.

HF2972Tingelstad, SF2814 Sams; LCMR reform bill. Lists membership of 17 members, five legislators each from the senate and house, including the chairs of the environment and natural resources finance committees, and seven citizens, five appointed by the governor and one each appointed by the senate and the house. Two legislative members from each body must be from the minority caucus. The chair must rotate between legislative and citizen members. Citizen members appointed for initial staggered terms, and all LCCMR members serve for a maximum of six years. Citizen members must have environment and natural resource experience, know the issues, and show ability to work collaboratively. Needs an affirmative vote of 12 members or more to approve a recommended trust fund expenditure bill to the full legislature

HF3057 Beard, SF 2655 McGinn; Allows the Lower Minnesota River Watershed District to acquire, maintain, operate, and improve a dredge material site, authorizes fees, use for public and private purposes, and the use eminent domain to acquire the land if needed. Hearing schedule for Monday, March 20th in the Senate Environment Policy Committee.

HF3071 Severson, SF3382 Fischback; Watershed district manager elections are mandated, automatic termination of watershed district if a project has not been successfully completed within 5 years of establishment. Changes the language to terminate a watershed district to make it easier to terminate a district, establishes election process, manager districts, members, terms, etc. and repeals existing statutes.

HF3163 Dorman, SF3118 Sparks; Austin, Albert Lea, and Shell Rock Watershed District flood mitigation grants provided; bonds issued; $5.3 million appropriated to the Flood Hazard Mitigation program.

HF3176 Smith, SFXXXX; Minnehaha Creek Watershed District funding provided, bonds issued, and $500,000 is appropriated for the Flood Hazard Mitigation program.

HF3348 Lanning, SFXXXX; Buffalo-Red River Watershed District levy increase; Allows levy increase from 0.00798 to 0.02394% of taxable market value to pay the cost attributable to basic water management features of a project initiated by petition. Can also be used for TMDL implementation. For taxes payable 2007 – 2012.

HF3535 Lanning, SF3391 Skoe; Wild Rice Watershed District flood hazard prevention study money appropriated. Appropriates $692,000 from the general fund for Wild Rice Flood Hazard Prevention Study.

HFXXXX, SF3362 Higgins; A bill for an act relating to watershed districts; If the annual audit is to be made by the state auditor it must be initiated by a petition with 100 resident owners or a resolution by the board of managers. If fewer than 500 residents owners, the petition must bear 25 names. Sent to Environment and Natural Resources.

HF 3478 Hosch, SF3262 Fischbach: A bill for an act relating to waters; modifying watershed district provisions; Eliminates the need for a bond for terminating a watershed district, and allows for a recall election to remove watershed district board of managers from office if the BWSR has issued three or more letters of non-compliance for failure to comply with a requirement of Chapt. 103D, and a recall petition signed by at least 25 percent of the resident owners residing in the district. If the managers are removed, the county commissioners must appoint a successor board within 60 days and managers removed cannot be re-appointed.

HF 3527Cornish, SF3214 Tomassoni; A bill for an act relating to waters; modifying membership of the Board of Water and Soil Resources; Adds one township officer to BWSR.

HF3418, Hansen, SF3316 Chaudhary; A bill for an act relating to water; requiring reports by drainage authorities to the Board of Water and Soil Resources; creating a work group; Referred to the Senate Environment Policy committee and House Government Operations committee. Agreed-to amendment moved in House Government Operation committee and passed.

HFXXXX, SF3365 Chaudhary; A bill for an act relating to natural resources; providing for abandonment of public drainage systems in the seven-county metropolitan area; Referred to the Committee on Environment and Natural Resources.

March 17, 2006

Memo To: **Districts**
From: **Judy Erickson, MASWCD Legislative Specialist**

Re: **MASWCD Session Update**

Bonding. Clearly, passing the bonding bill is the most critical work the Legislature must accomplish and competition is very stiff for those bonding resources. The Governor considered nearly $2 billion in requests before submitting his bonding proposal to the Legislature. Likewise, Senator Dallas Sams' Environment, Agriculture and Economic Development Budget Division just completed a series of hearings on over $900 million worth of projects!

The next phase of the bonding process began this week as Rep. Ozment and Senator Sams' Committees are making recommendations to the House and Senate Capital Investment Committees.

We do not anticipate any significant problems with the Governor's request for $30.2 million for CREP 2, but chatter about slow sign-ups, are definitely a factor.

Clean Water Legacy. In his State of the State address Governor Pawlenty pledged $20 million out of the surplus to begin implementation of the Clean Water Legacy Act. This is a definite boost to efforts at the capital to get this passed and started this year. However, $20 million is only half of what the G-16 identified for start up costs and the real need is $80 million a year.

A hearing was held on the CGMC bill, HF 2896, before the House Environment and Natural Resources Policy Committee Tuesday, March 14. At that time the committee defeated the bill and it did not move forward.

Thank you to those who responded to the "Action Needed" portion of the March 3rd legislative update.

Public Drainage Ditch Buffer Study. As a follow up to a legislative directive from last year, a public Drainage Ditch Buffer Study was completed. The study provided an assessment of public drainage ditch buffers and was facilitated by BWSR. The study was done in consultation with a representation from various organizations including the MASWCD. As a member of the working group, MASWCD has requested a hearing on the Public Drainage Ditch Buffers report. I have been told this hearing will take place sometime after the committee deadlines, April 4th.

Conservation Constitutional Amendment. Momentum continues to pick up for this issue. SF2734 was heard in the Senate Environment and Natural Resources Policy Committee on Friday, March 10 and passed to the Senate State and Local Government Operations Committee. The bill was amended to raise the amount of the dedication from 1/4 of 1% of the sales tax to 3/8ths of 1% of the sales tax. This will dedicate more money; but the exact fiscal implications are not known at the time of this writing. Stay tuned.

Meanwhile, HF1909, the Hackbarth bill which dedicates .25 of 1% of the existing sales tax to fish, wildlife and clean water was scheduled for a hearing on Thursday, March 16 in the House Tax Committee. At that hearing, Rep. Hackbarth offered an amendment to strip out the Clean Water piece and reduce the bill to a dedication of 1/8th of 1% for fish and wildlife only. Rep. Davids offered an amendment to add 1/8th back and divided it between parks and trails and arts and humanities. The amendment was adopted on a roll call vote of 17-11. In another twist, Chair Krinkie offered an amendment to change the wording on the transportation constitutional amendment that is already scheduled to be on the ballot this fall. The bill was then laid over and is scheduled again on Tuesday, March 21 at 10:15! So, as it stands, the Hackbarth bill no longer includes Clean Water, but members will be considering adding it back in next week.

Finally, in a new wrinkle, Rep. Dennis Ozment introduced the companion bill to the Sams bill, HF3269, with 35 co-authors. A hearing was held on Tuesday, March 14 at in the House Agriculture, Environment and Natural Resources Finance Committee, it was amended to eliminate the arts, reduce the parks and trails portion and increased the clean water and fish and wildlife portion. The bill was referred to Taxes and no hearing has been scheduled at this time.

After the events of this week, this issue clearly has a long way to go.

A PEEK AT NEXT TUESDAY!
There will be opportunities for Districts to watch the Legislature at work next Tuesday.

8:15 AM
Committee: Agriculture, Environment and Natural Resources Finance
Room: 5 State Office Building
Chair: Rep. Dennis Ozment
Agenda: SF762(HF826) Ozment Creating the Clean Water Legacy Act

10:15 AM
Committee: Taxes
Room: 200 State Office Building
Chair: Rep. Phil Krinkie
Agenda: HF1909 (Hackbarth) Game and fish heritage enhancement and clean water funds and councils established, sales tax percentage dedicated, and constitutional amendment proposed.

12:30 PM
Committee: Environment and Natural Resources
Room: Basement Hearing Room
Chair: Rep. Tom Hackbarth
Agenda: HF3436 (Hackbarth) Dishonored check payment penalty specified as suspension of certain registrations and licenses, watercraft certificate title delivery provided and penalties established.
HF3353 (Hackbarth) All-terrain vehicle usage on privately owned land during deer season rulemaking required.
HF2541 (Penas) All-terrain vehicle regulations modified.
Additional bills may be added

So far, no SENATE hearings of interest.

BONDING 2006(add 000 to each number)

	Project	Fund	Request		C-I-C 3-21-06	Governor
1	**U of M**		Total Project	State Share	State Share	State Share
3	Medical Bioscience Res Prog/Authrty-Bldg Ph 1		60,000	40,000	40,000	4,346
4	HEAPR		80,000	80,000	40,000	40,000
5	Carlson School of Mgmt Expansion		39,900	26,600	13,300	26,600
6	Duluth Labovitz School of Bus & Infrastructure		23,000	15,333	15,333	15,333
7	Science Teaching & Student Services		62,000	41,334	41,334	41,334
8	Regional Centers & Stations		4,200	2,800	2,800	0
9		Bond	**269,100**	**206,067**	**152,767**	**127,613**
10						
11	**MnSCU**		Total Project	State Share	State Share	State Share
13	HEAPR*	GO	110,000	110,000	55,000	20,000
14	MSU Mankato - New Science/Trafton Renov		32,900	21,944	21,944	21,944
15	St Cloud SU - Math & Science Add & Renov		14,000	9,338	9,338	9,338
16	Century CTC New Scienc/Library		19,900	13,273	13,273	13,273
17	FonduLac TCC - Library & Cultural Addition		12,390	8,264	8,264	0
18	MSU - Moorhead - MacLean Renovation		9,680	6,457	6,457	0
19	Mpls CTC - Health & Science Renovation		18,874	12,589	12,589	12,589
20	St Paul - Transp & Applied Tech Lab		3,000	2,000	2,000	2,000
21	Bemidji SU - Sattgast Science Add & Renov		700	467	467	467
22	MSC-SETC Red Wing - LRC & Student Servs		4,855	3,238	3,238	3,238
23	Normandale CC - Classroom Renov & Add		5,125	3,418	3,418	3,418
24	Inver Hills CC - Classroom Add & Renov-Fine Arts		700	467	467	0
25	St Cloud SU - Riverview Hall Renov		4,500	3,000	3,000	0
26	Winona SU - Maxwell Hall Renov		11,186	7,461	7,461	7,461
27	Systemwide Science Lab & Workforce		5,140	3,428	3,428	3,428
28	Systemwide Demolition	GO	1,660	1,660	1,660	0
29	Systemwide Property Acqusition		11,440	7,630	6,180	4,567
30	North Hennepin - Bus & Tech Add & Renov		700	467	467	0
31	Northland CTC - E Grand Forks - Nurs & Lib		600	400	400	0
32	MSU Moorhead - Lommen Hall Add & Renov		600	400	400	0
33	Lake Superior CTC - Health & Science		840	560	560	0
34	Metropolitan SU - Smart Classroom Center		4,880	3,255	3,255	0
35	Alexandria TC - Law Enforcement Center		840	560	560	0
36	Metro/MCTC - Co-Located Law Enforcement		700	467	467	0
37	NHED Mesabi - Eveleth - Industrial Shop		4,300	2,868	2,868	0
38	Southwest MSU - Science & HRI Lab Renov		500	334	334	0
39	Winona SU - Memorial Hall Expansion & Ren		400	267	267	0
40	Project totals		280,410	224,361	167,713	101,732
41		GO/UF	56,049	56,049	55,527	40,798
42		Bond	**224,361**	**224,345**	**167,713**	**101,732**
43						
44	Total Project/Recommendations		280,410	280,410	223,240	142,530
45						
46						
47						
48						

	Project	Request	C-I-C	Governor
49	**Education**			
50				
51	Nett Lake Facility Construction	10,698	10,700	0
52	Red Lake School - Capital Loan	55,383	15,000	10,000
53	Duluth Grant School	1,634	0	0
54	Osseo - NW Hennepin Regional Family Cntr	1,500	1,500	0
55	Library Capital Improvement Grants	2,000	1,000	0
56	Mpls MacPhail Center Music Bldg Grant(15 mill match)	5,000	1,000	0
57	Early Childhood Facilities	2,000	500	0
58	Bond	**78,215**	**29,700**	**10,000**
59				
60	**Minnesota State Academies**			
61				
62	Asset Preservation	4,509	2,509	2,509
63	MSAD Frechette Renovation	5,557	5,557	5,557
64	Roads & Parking	1,525	0	0
65	Bond	**11,591**	**8,066**	**8,066**
66				
67	**Perpich Arts Center**			
68				
69	Asset Preservation	1,051	1,051	1,051
70	Bond	**1,051**	**1,051**	**1,051**
71				
72	**DNR**			
73				
74	Flood Hazard Mitigation Grants	12,000	[24,170]	9,000
75	Albert Lea		500	
76	Austin		5,260	
77	Crookston		4,500	
78	East Grand Forks		4,000	
79	Grand Marais(Polk Cnty)		600	
80	Granite Falls		1,450	
81	Inver Grove Heights		200	
82	Manston Slough		1,500	
83	Oakport Township		4,000	
84	Riverton Township		230	
85	St. Vincent Flood Dike Repairs		430	
86	Wild Rice Watershed		1,500	
87	Dam Repair and Removal	2,000	2,000	2,000
88	Wildlife Area Acquisition & Improvement	20,000	10,000	15,000
89	Forestland Conservation Esements	10,000	6,000	10,000
90	State Parks - Rehab & Restoration	10,000	6,000	3,000
91	State Parks - Bldg Rehab	10,000	6,000	3,000
92	Fisheries	6,000	2,000	4,000
93	Reforestation of State Lands	6,000	4,000	4,000
94	State Forest Land Acquisition	6,000	1,000	4,000
95	State Parks - Land Acquisition	6,000	4,000	2,000
96	SNA's Acquisition & Dev	5,000	3,000	3,000
97	Water Access Acquis & Dev & Fishing Piers	5,000	2,000	3,000
98	State Trail Acquisition & Rehab Initiative-DNR Request 5 Mill	32,110	[10,543]	2,000
99	Agassiz Recreational Trail Bridges		648	
100	Blufflands Trail -Chesterwoods		350	
101	Blufflands Trail-Preston to Forestville State Park		300	
102	Gitchi Gami State Trail		1,185	
103	Glacial Lakes		1,000	
104	Goodhue Pioneer		200	
105	Great River Ridge Trail		625	

	Project		Request	C-I-C	Governor
106	Heartland			1,000	
107	Mesabi Trail-Boundry Waters Connection			950	
108	Mill Towns State Trail			750	
109	Minnesota River Trail			250	
110	Paul Bunyan			1,000	
111	Shooting Star Trail			750	
112	Soo Line Park & Ride			125	
113	Soo Line Trail Recreation Bridge-Hghwy 169			250	
114	Soo Line Trailhead - Bowlus			175	
115	St. Louis River Trail			500	
116	Xcel Regional Trail			485	
117	Safe Harbors		3,000	3,000	0
118	Stream Restoration		2,000	1,000	2,000
119	Local Community Grants		2,000	1,000	0
120	Native Prairie		1,000	1,000	1,000
121	Waterfowl Habitat Structures		1,000	1,000	1,000
122	Fish Hatcheries		1,000	1,000	1,000
123	Metro Greenways(Adv Co) & Natural Areas		1,000	1,000	0
124	Statewide Asset Preservation		3,000	2,000	2,000
125	Buying Out Trust Fund Lands		5,000	0	1,000
126	Forest Roads & Bridges		2,000	0	0
127	Field Office Consolidation & Improvements		3,000	0	0
128	Big Bog Recreation Area		1,600	1,600	0
129	Off-Road Vehicle Recreation Area	UF	1,500	1,500	1,500
130	Camper Cabins	UF	2,000	2,000	2,000
131		Total	159,210	96,813	75,500
132		UF	3,500	3,500	3,500
133		Bond	**155,710**	**93,313**	**72,000**
134					
135	**Pollution Control Agency**				
136					
137	Closed Landfill Bonding		33,500	7,150	7,150
138	Capital Assistance Program		42,200	4,000	4,000
139	CAP-Kooching Co Plasma Gasification Clean Energy		10,000	1,000	1,000
140		Bond	**85,700**	**12,150**	**12,150**
141					
142	**Water & Soil Resources Board**				
143					
144	RIM Reserve & CREP II		25,400	0	25,400
145	RIM Reserve & CREP II	GF	4,750	0	4,750
146	Local Govt Road Wetland Replacement		3,500	3,500	3,500
147	Local Govt Road Wetland Replacement	GF	700	700	700
148	Streambank, Lakeshore, Erosion Control		5,000	0	0
149	Streambank, Lakeshore, Erosion Control	GF	260	0	0
150	Study Area II-MN River Basin Projects		500	500	0
151	Army Compatible Use Buffer		500	0	0
152	Grass Lake		2,200	2,200	0
153		Total	42,810	6,900	34,350
154		GF	5,710	700	5,450
155		Bond	**37,100**	**6,200**	**28,900**

	Project		Request	C-I-C	Governor
156					
157	**Agriculture**				
158					
159	Joint Biosafety Lab Facilities		1,500	1,500	1,500
160	Municipal Reforestation		20,000	5,000	0
161		Bond	**21,500**	**6,500**	**1,500**
162					
163	**Zoological Gardens**				
164					
165	Asset Preservation		10,000	8,000	8,000
166	Zoo Master Plan Design/Construction		16,000	0	13,000
167		Bond	**26,000**	**8,000**	**21,000**
168					
169	**Administration**				
170					
171	DOT Exterior	THB	10,161	0	10,161
172	Statewide CAPRA		5,000	4,000	5,000
173	Asset Preservation - Admin Properties		5,862	4,000	5,862
174	Asset Preservation	GF	330	0	330
175	Agency Relocation	GF	500	0	200
176	Workers Memorial Design and Construct		400	400	0
177		Total	22,253	8,400	21,553
178		GF	830	0	530
179		THB	10,161	0	10,161
180		Bond	**11,262**	**8,400**	**10,862**
181					
182	**CAAPB**				
183					
184	Capitol Interior Renovation - Phase 1		23,485	3,184	0
185	Capitol Interior Renovation - Phase 1	GF	2,916	2,916	0
186		Total	26,401	6,100	0
187		GF	2,916	2,916	0
188		Bond	**23,485**	**3,184**	**0**
189					
190	**Amatuer Sports Commission**				
191					
192	Bloomington Ski Jump		550	300	0
193	Rochester Volleyball Center Expansion		3,500	3,500	0
194		Bond	**4,050**	**3,800**	**0**
195					
196	**Military Affairs**				
197					
198	Asset Preservation		5,200	4,000	5,200
199	Facility Life/Safety		1,000	1,000	1,000
200	Range Lead Abatement & Conversion		1,029	1,029	1,029
201	Facility ADA Compliance		1,400	1,400	1,400
202		Bond	**8,629**	**7,429**	**8,629**
203					
204	**Public Safety**				
205					
206	Gonvick Northern Emergency Training Center		2,000	100	0
207	Rochester Regional Pub Safety Training/Rehab		1,771	1,700	0
208	Scott Co Regional Pub Safety Training Facility		4,220	600	0
209		Bond	**7,991**	**2,400**	**0**
210					
211					
212					
213					
214					
215					

	Project		Request	C-I-C	Governor
216					
217	**Transportation**				
218					
219	Mankato Headquaters	THB	18,228	0	18,228
220	Northstar Commuter Rail		60,000	60,000	60,000
221	Greater MN Transit		7,100	2,000	0
222	Local Bridge Replacement		70,000	50,000	30,000
223	Local Road Improvement		20,000	12,000	10,000
224	Chaska Truck Station	THB	6,949	0	6,949
225	Arden Hills Training Center Addition	THB	4,507	0	0
226	Maple Grove/Osseo Truck Station	THB	11,677	0	0
227	Rail Service Improvements		6,000	3,000	0
228	Port Development Assistance		6,000	3,000	0
229	Ely Joint Public Works Facility		1,400	700	0
230	Kittson Cnty Disaster Relief		842	842	0
231	McLeod Co Glencoe RR Congestion Mitigation		700	700	0
232	MN Valley Reg Rail Authority - Rehab Rail Line		4,000	1,000	0
233	St. Cloud Regional Airport Property Acquisition		2,000	2,000	2,000
234	St. Louis Co NE MN Commuter Rail Initiative		2,575	2,575	0
235		Total	221,978	137,817	127,177
236		THB	41,361	0	25,177
237		Bond	**180,617**	**137,817**	**102,000**
238					
239	**Metropolitan Council**				
240					
241	I-35W Bus Rapid Transit		8,300	0	8,300
242	Central Corridor Transitway-St. Paul to Mpls		10,000	5,000	2,500
243	Cedar Ave Bus Rapid Transit		5,000	5,000	5,000
244	Metropolitan Regional Parks		11,000	7,000	11,700
245	Lake of the Isles			2,500	
246	Port Crosby			2,000	
247	Springbrook			2,500	
248	Cedar Avenue(Old) Bridge Trail Connection		300	300	0
249	Cedar Lake Trail			1,816	0
250	Dakota County - Robert Street Corridor		2,000	1,000	0
251	Grand Rounds		250	250	0
252	Lake Avenue Regional Trail-White Bear Lake		191	191	0
253	Lower Afton Trail		321	321	0
254	Mpls Park Bd-East Phillips Cultural & Community Center		3,500	3,500	0
255	Ramsey Co Union Depot Revitalization		12,500	6,250	0
256	St. Paul Como Zoo Renovations & Exhibit		10,000	9,000	0
257	St. Paul Great River Park Area Improvements		12,050	500	0
258	Vento Trail			300	0
259		Total	**36,600**	**47,428**	**27,500**
260					
261	**Health**				
262					
263	Minneapolis/St Paul Water Interconnection		10,000	0	0
264		Bond	**10,000**	**0**	**0**
265					
266	**Human Services**				
267	Moose Lake - Design/Construct Phase 1		44,580	41,321	44,580
268	Moose Lake - Design Phase 2		3,200	3,200	3,200
269	Systemwide Demolition/Redevelopment		7,000	5,000	7,000
270	St Peter - Construct New Program Bldg		2,500	2,500	2,500
271	Systemwide - campus Security/Safety		2,500	2,500	2,500
272	Systemwide Roof Repair & Replacement		1,500	1,500	1,500
273	Systemwide Asset Preservation		4,000	3,000	4,000
274		Bond	**65,280**	**59,021**	65,280

	Project		Request	C-I-C	Governor
275					
276	**Veterans Home Board**				
277					
278	Asset Preservation		10,005	6,000	6,000
279	Mpls Emergency Power		2,457	2,457	2,457
280	Mpls Adult Day Care		2,261	0	0
281	Silver Bay Master Plan Renovation		4,851	1,697	0
282	Luverne Dementia Unit/Wander Area		599	0	599
283	Mpls Dining/Kitchen Renovation		5,331	1,866	5,331
284	Fergus Falls Special Care Unit		7,699	2,695	637
285	Mpls Phase 2 - Assisted Living Cottage		20,104	0	0
286	Hastings Supportive Housing		6,953	0	0
287	Mpls Phase 3 - Skilled Nursing Development		175	175	0
288		Bond	**60,435**	**14,890**	**15,024**
289					
290	**Corrections**				
291					
292	Faribault Expansion - Phase 2		27,993	0	27,993
293	Stillwater Seg Unit		19,580	19,580	19,580
294	Shakopee Expansion		5,375	5,375	5,375
295	Shakopee Fence		5,899	0	4,922
296	Lino Lakes - Medical Bldg Renovate & Equip		2,494	2,494	2,494
297	Asset Preservation		20,000	10,000	10,000
298	Red Wing - Education Bldg		6,230	0	0
299		Bond	**87,571**	**37,449**	**70,364**
300					
301	**Employment & Economic Development**				
302					
303	Redevelopment Grant Program		20,000	10,000	13,000
304	Bioscience Bus Dev Grant Program '		10,000	2,000	10,000
305	Bioscience Bus Dev Grant Program-Rochester		0	6,300	0
306	Greater MN Bus Dev Public Infrastructure		15,000	10,000	7,500
307	Wastewater Infrastructure		15,000	20,000	15,000
308	Wastewater Infrastructure	GF	300	300	300
309	US EPA Drinking Water/Wastewater Cap		38,800	38,800	38,800
310	Impaired Waters-Max Daily Load Grants		35,000	5,000	0
311	North Mpls WFC Repair		1,994	0	600
312	Bemidji - Regional Event Center - Predesign		3,000	0	3,000
313	Burnsville Water Treatment		3,000	3,000	0
314	Duluth DECC-Design and Construct New Arena		33,737	0	33,737
315	Duluth Lake Superior Zoo-Repairs and Improvements		200	200	0
316	Duluth Native American Heritage Center-Predesign/Design		100	100	0
317	Hennepin Co Lowry Ave Corridor Improvements-Phase II		5,000	5,000	0
318	Itasca Cnty Infrastructure - for Minnesota Steel Plant		52,000	20,000	7,000
319	Lewis & Clark Rural Water System-State Match		3,200	3,200	0
320	Little Falls Zoo Improvements		400	400	0
321	Mountain Iron Construct Renewable Energy Park		500	500	0
322	Mpls Shubert Theater Construct & Furnish		15,000	11,000	0
323	Redwood Falls Lake Redwood Reservoir Reclamation		1,600	1,600	0
324	St. Paul Asian Community Center-Design & Construct		4,500	500	0
325	St. Paul Ordway Renovation		12,000	10,000	0
326	Virginia Regional Medical Center Helipad		750	750	0
327	Willmar Rice Hosp/UoM Regional Dental Clinic-Construct		500	500	0
328		Total	271,581	149,150	128,937
329		GF	300	300	300
330		Bond	**271,281**	**148,850**	**128,637**
331					

	Project	Request		C-I-C	Governor
332	**Political Subdivisions**				
333					
334	Ah-Gwah-Ching RTC Redevelopment & Reuse Grants		3,111	0	0
335	Aitkin County-Great River Road Paving		1,750	0	0
336	Aitkin County-Long Lake Conservation Cntr-Repairs		700	0	0
337	Albert Lea-Acquire Land for Flood Mitigation		500	0	0
338	Albert Lea-Contaminated Soil/Water Site Cleanup-Matched		917	0	0
339	Albert Lea-Katherine Island Stablization/Revital		142	0	0
340	Albert Lea-Sanitary/Storm Sewer Lift Stations		542	0	0
341	Anoka Cnty/Lino Lakes I-35 & CSAH 23 Interchange	THB	2,860	0	0
342	Anoka Cnty Regional Forensic Crime Lab - Construct		6,000	0	0
343	Askov Wastewater Treatment Facility		4,500	0	0
344	Austin Flood Damage Repair - Federal DR-1569 Area		5,700	0	0
345	Bemdji - Paul Bunyan Land Acquisition		2,000	0	0
346	Bemdji - Paul Bunyan Trail Improvements & Repairs		325	0	0
347	Bemidji - Paul Bunyan State Trail Bridge Over TH 197		500	0	0
348	Big Stone Nat'l Wildlife Refuge Bike Trail to Ortonville		226	0	0
349	Biofuels Research Nat'l Center Design-Univ of Minn		2,500	0	0
350	Biosafety L3 Lab Addition-Veterinary Lab Bldg St. Paul Campus		2,150	0	0
351	Bioscience Greater Mn Infrasturcture Grants		5,000	0	0
352	Bioscience Initiatives/Investments - St Cloud and Willmar		2,000	0	0
353	Bird Island Sewer Separation		2,900	0	0
354	Blooming Prairie Street & Sewer Improvements Grant		1,500	0	0
355	Blufflands Trail-Preston to Forestville State Park		2,900	0	0
356	Blufflands Trail-Root River Segment in Houston Cnty		2,000	0	0
357	Brainerd RTC Meth Treatment Center-Women and Children		5,600	0	0
358	Brainerd RTC Redevelopment & Reuse of Facilities		1,000	0	0
359	Brooten & St. Martin Wastewater Treatment Systems		3,640	0	0
360	Carlton County-St Louis River Trail		500	0	0
361	Carlton City Water Tower		250	0	0
362	Central Iron Range Sanitary Sewer Construction		20,000	0	0
363	Central MN Regional Parks Coordinating Board:				
364	Kraemer Lake park site acquisition(Stearns Cnty)		1,250	0	0
365	River Bluffs Regional Park Improvements(St. Cloud)		2,200	0	0
366	Chisago City Ojiketa Reg Park Acquistion & Creation		4,000	0	0
367	Cloquet Business Park Infrasturcture		1,000	0	0
368	Cold Springs Rocori Trail Connection Improvements		1,000	0	0
369	Coleraine CSAH 61 and Powell Ave Infrastructure		515	0	0
370	Cottage Grove TH 10/61 Corridor Improvements		1,000	0	0
371	Cuyana Lakes Trail Acquisition & Developmlent		1,100	0	0
372	Dakota Co - Affordable Assisted Living Development		3,100	0	0
373	Dakota Co - Brown to Green-Waste Cleanup/Redev		1,100	0	0
374	Dakota Co - Byllesby Dam Improvements/Public Safety		500	0	0
375	Dakota Co - Comm & Public Safety Multi-Jurisdiction Supt Cntr		13,860	0	0
376	Dakota Co - Empire Township Wetlands Acquisition		7,000	0	0
377	Dakota Co - Lebanon Hills Flood Mitigation		1,500	0	0
378	Dakota Co - Regional Travel Demand Study		200	0	0
379	Dawson Community Swimming Pool		1,285	0	0
380	Dayton Land Acquisition I-94/Brockton Ln Interchange		1,600	0	0
381	Delano Flood Hazard Mitigation		1,200	0	0
382	Detroit Lakes Multi-Use Trail to Heartland Trail		4,620	0	0
383	Duluth Skyline Parkway Corridor Improvements		500	0	0
384	Duluth Bayfront-Public Water Access Improvemnts		325	0	0
385	East Bethel Wastewater Treatment Plant Construction		5,200	0	0
386	East Range Sanitary Initiative(Aurora, Hoyt Lakes)		350	0	0
387	Elizabeth Drinking Water Grant-Improvements/Treat Arsenic		600	0	0
388	Ellendale Sewer & Water Infrastructure		3,000	0	0
389	Ely International Wolf Center Bldg Renovations		250	0	0
390	Eveleth Water Treatment Facitlity Renovation		2,200	0	0
391	Fairmont Southern Minnesota Educational Campus		528	0	0

	Project	Request	C-I-C	Governor
392	Faribault City Water Reclamation Plant	6,000	0	0
393	Faribault Mill Towns Trail Construction	4,468	0	0
394	Faribault New National Guard Armory Land Acquisition	750	0	0
395	Fairbault Paradise Arts Center Handicapped Accessibility	151	0	0
396	Faribault Safety & Capacity Improvements TH60	1,800	0	0
397	Fergus Falls Prairie Wetlands Environmental Learning Center	2,500	0	0
398	Gateway Trail Acq & Dev-Pine Point to O'Brien St Parks	750	0	0
399	Goodhue Pioneer Trail-Acquisition & Development	500	0	0
400	Grand Meadows Sch District - Install (9) Dome Canopies	150	0	0
401	Grand Rapids South Side Fire Hall	1,111	0	0
402	Grand Rapids EDA: North Central Res & Tech Lab	3,000	0	0
403	Granite Falls Relocate/Renovate Burlington Northern Depot	120	0	0
404	Great River Road Restoration Grant-MN Missip Parkway Comm	3,400	0	0
405	High-speed Rail Line Between St. Paul and Chicago	10,000	0	0
406	Hokah City Hall and Library Renovations & Repairs	170	0	0
407	Houston Cnty Historical Soc Museum Addition-Design/Construct	500	0	0
408	Inver Grove Hts - Heritage Village Park-Mississippi River	250	0	0
409	Itasca Cnty Public Infrastructure - for Mesabi Energy Project	4,620	0	0
410	Jackson Cnty Trail Connections-Acquisition & Construction	60	0	0
411	Kenyon Embankment Removal Project	250	0	0
412	Kittson Cnty Flood Hazard Mitigation	159	0	0
413	Lake Benton/Ivanhoe Renew Engy Sch Const(Lincoln Cnty)	4,000	0	0
414	Lake Chapeau Public Access		0	0
415	Lake County TH61 - Split Rock River to Silver Bay	2,416	0	0
416	Lake County Forest Hwy 11 reconstruction	348	0	0
417	Lake County Two Harbors Ped/Bike Trails	223	0	0
418	Lake Township Waste Water Treatment Facility	5,955	0	0
419	Luce Line Trail Paving Winsted to Hutchinson	1,700	0	0
420	Marshall-Southwest Regional Multipurpose Event Center	12,774	0	0
421	McGregor Reroute Treated Water Discharge	100	0	0
422	Mendota Heights Pilot Knob Historic Site, Trail, Overlook	50	0	0
423	Met Council Sustainable Energy Center	3,000	0	0
424	Midway Township(St Louis Cnty) Sanitary Sewer	600	0	0
425	Mill Towns Trail Links-Cannon Valley & Sakatah Hills Trails	2,500	0	0
426	Mille Lacs/Garison/Kathio Wastewater Collection System	1,000	0	0
427	Mississipi W Reg Park-Cntr Sustainable Energy	3,000	0	0
428	Monson Lake State Park-Construct Utility Hookups	50	0	0
429	Mora Multipurpose Nonmotorized Rec Trail Predesign/Design	150	0	0
430	Mora Spring Lake Trail Extension and Bridge Construction	100	0	0
431	Mpls Park Bd- Lake of the Isles	5,000	0	0
432	Mpls Park Bd- Grand Rounds - Parkway Lighting	1,000	0	0
433	Mpls Park Bd- JD Rivers Urban Ag Center	2,500	0	0
434	Mpls University Research Park Infrast Improvements	6,640	0	0
435	Mpls Heritage Park Redevelopment	6,000	0	0
436	Mpls Target Center Debt Relief	71,000	0	0
437	Mn River Trail-Granite Falls/Montevideo Acquisition & Dev	3,800	0	0
438	Natural Resources-SNAs, Outdoor Rec Areas, NonMetro Parks	5,000	0	0
439	Northshore Trail Development for ATV	300	0	0
440	Oakport Township Flood Mitigation	13,000	0	0
441	Ortonville Bonanza Eduction Center Grant	100	0	0
442	Otter Tail River River Restoration Grant	320	0	0
443	Palisade Wastewater Treatment Expansion	199	0	0
444	Perham Resources Recovery Facility	3,000	0	0
445	Polk County Design & Consturct 10 Ton Road	250	0	0
446	Ramsey Co Central Corridor-Design/Constuction	50,000	0	0
447	Ramsey Co Rush Line Corridor Park & Ride Lots	1,000	0	0
448	Rapidan Dam GF	60	0	0
449	Red Lake River Corridor/Canoe Access	910	0	0
450	Red Rock Corridor Transitway-Pre Eng/Env Review	1,000	0	0
451	Red Rock Township-Nicolville Wastewater System	200	0	0

	Project		Request	C-I-C	Governor
452	Red Wing Community Arts & Rec Center		400	0	0
453	Richfield 17th Ave Pkwy Airport Traffic Mitigation		4,632	0	0
454	Richfield Recreation Asset Replacement		550	0	0
455	Richmond Wastewater Treatment Improvements		3,966	0	0
456	Ridgewater College Renovate Instructional Space		800	0	0
457	Riverland Cmnty Coll-Rehab HVAC, Roof, Labs, Campus		7,650	0	0
458	Rochester Truck Station/Olmstead Cnty	THB	600	0	0
459	Roseau County DOT Radio Tower Construction	THB	380	0	0
460	Roseville John Rose MN OVAL Improvements		960	0	0
461	Royalton Wastewater Treatment System		1,530	0	0
462	Saulk Rapids Brige-Connecting Roads	THB	5,000	0	0
463	Shell Rock River Watershed Distr Flood Mitigation Impoundments		1,580	0	0
464	Shell Rock River Watershed District - Pickerel Lake Flooding		300	0	0
465	Shell Rock River Watershed Distr -So Industrial Park Flooding		490	0	0
466	Sherburne County Firehall/Sheriff's Station		750	0	0
467	Silver Bay Redev of Apartment Complex-Affordable Housing		170	0	0
468	Slayton Regional Event Center		1,000	0	0
469	South St Paul Port Crosby Site Closure/Redmediation		4,500	0	0
470	St Cloud Civic Center Expansion/Renovation		10,000	0	0
471	St. Cloud National Hockey Center at SCSU		8,000	0	0
472	St Louis Co Infrast for Mesabi Energy Project (LTV site)		2,310	0	0
473	St Louis Park TH7/ Wooddale Intersection Reconstruction		1,000	0	0
474	St Michael Improvements Adjacent to TH 241		2,605	0	0
475	St Paul Pierce Butler Route Extension		10,000	0	0
476	St Paul Great River Park Area Improvements		12,050	0	0
477	St Paul Bioscience Infrastructure Improvements		3,700	0	0
478	St Peter Early Learning Center Building Renovations		1,350	0	0
479	Thomson Light Industrial Park Infrastructure		400	0	0
480	Three Rivers Park - Silver Lake Rec Area Improvements		2,250	0	0
481	United South Central ISD 2134 Coop Facilities Grant		10,000	0	0
482	Univ of MN Plasma Tech-Biomass Materials		5,000	0	0
483	Verndale Regional Family Resource Center-Design/Construct		260	0	0
484	Virginia TH 53 Relocation - EIS		500	0	0
485	Wadena Cnty Reg Justice Cntr-Construct 66 Bed Facility		16,595	0	0
486	Walker Area Community Center Grant		200	0	0
487	Washington Co Red Rock Transitway		1,000	0	0
488	Washington Co Remove Toll Bridge Between IGH and SPP		1,500	0	0
489	Washington Co Rail Authority-High Speed Rail Corridor		10,000	0	0
490	Watkins Infrastructure/Reconstruction		7,171	0	0
491	Wells City Hall-Renovate, Furnish & Equip		285	0	0
492	Western Mesabi Mine Canisteo Outflow		2,783	0	0
493	Willmar new Wastewater Treatment Plant/Upgrades		4,000	0	0
494	Windom Wastewater Line Extension		385	0	0
495	Winnebago Area Museum Native American Artifacts		524	0	0
496	Woodbury - Radio Drive & I94 Interchange		15,000	0	0
497	Workforce Centers(2) Development-Design		850	0	0
498	Worthington Infrastructure Replace and Repairs Grant		200	0	0
499	Worthington Soil Remediation Grant		800	0	0
500	Wrenshall Water Tower/Storage/Improvements		150	0	0
501	Wright Cnty-Stanley Eddy Reg Park Land Acquisition		6,000	0	0
502		Total	564,776	0	0
503		GF	60	0	0
504		THB	8,840	0	0
505		Bond	**555,876**	**0**	**0**

	Project		Request	C-I-C	Governor
506					
507	**Housing Finance Agency**				
508					
509	Permanent Supportive Housing Loans		33,000	20,000	25,000
510	Hennepin Co Center for Changing Lives-Affordable Housing		5,000	5,000	0
511		Bond	**38,000**	**25,000**	**25,000**
512					
513	**MN Historical Society**				
514					
515	Historic Sites Asset Preservation		5,491	4,000	4,000
516	Fort Snelling Revitalization		22,649	1,100	1,100
517	County and Local Preservation Grants		2,500	1,150	1,000
518	History Center Visitor Services		572	572	572
519	State Capitol Visitor Services	GF	550	0	0
520	Kelley Farm Revitalization		300	300	0
521	Heritage Trails		685	685	0
522		Total	32,747	7,807	6,672
523		GF	550	0	0
524		Bond	**32,197**	**7,807**	**6,672**
525					
526	**Finance**				
527					
528	Bond Sale Expenses		**886**	**988**	**886**
529					
530					
531					
532					
533	Summary				
534	Totals		2,371,732	1,052,866	930,782
535	General Fund	GF	10,366	3,916	6,280
536	General Obligation Bonds	Bond	**2,241,439**	**989,923**	**844,866**
537	General Obligation Bonds-User Financed	GO/UF	59,549	59,027	44,298
538	Trunk Highway Bonds	THB	60,362	0	35,338
539			2,371,716	1,052,866	930,782
540					

Watershed Management

Topic Selection Background Paper **March 2006**

BACKGROUND

A watershed is an area of land that drains to one outlet, such as a lake, river, stream, or wetland. Along with the federal government, various state agencies, including the Department of Natural Resources, Pollution Control Agency, and Department of Agriculture, play roles in regulating water use and protecting water quality. But local units of government have much of the responsibility for managing water resources.

Because watersheds cross county and municipal boundaries, the Legislature authorized special units of local government, called watershed districts, to manage water resources. The state has 46 watershed districts that range in size from 43 to nearly 6,000 square miles. Various other local government entities are also involved managing water resources. These include, among others, 23 watershed management organizations in the Twin Cities area and 91 soil and water conservation districts, which are generally contiguous with counties. Watershed districts have taxing authority and are governed by boards appointed by county commissioners; soil and water conservation district boards are elected but do not have taxing authority.

The Minnesota Board of Water and Soil Resources is the state agency that oversees watershed management and implements state water, wetland, and soil conservation policies, with a particular focus on privately owned lands. It approves local water plans, provides technical assistance, and administers several grant programs. The board's fiscal year 2006 appropriation is $15.4 million, which includes $4.1 million for grants.

POSSIBLE EVALUATION ISSUES

1. To what extent do the duties of the various watershed management agencies overlap, and is their work adequately coordinated? To what extent are they duplicating efforts, and are there service gaps?

2. Is the Minnesota Board of Water and Soil Resources providing adequate oversight and assistance?

3. Is the mix of state funding and local taxing authority for watershed management sufficient and equitable?

4. Are local watershed districts, soil and water conservation districts, and metropolitan water management organizations well managed, and do the boards have sufficient expertise?

DISCUSSION

Legislators are concerned about the efficiency and effectiveness of the state's multilayered structure for managing watersheds, particularly as Minnesota faces a significant challenge in meeting federal water quality standards and other water and wetland conservation goals. Some legislators want to know if the individual local boards and organizations are well managed and if the various organizations are adequately coordinating their priorities, projects, and budgets.

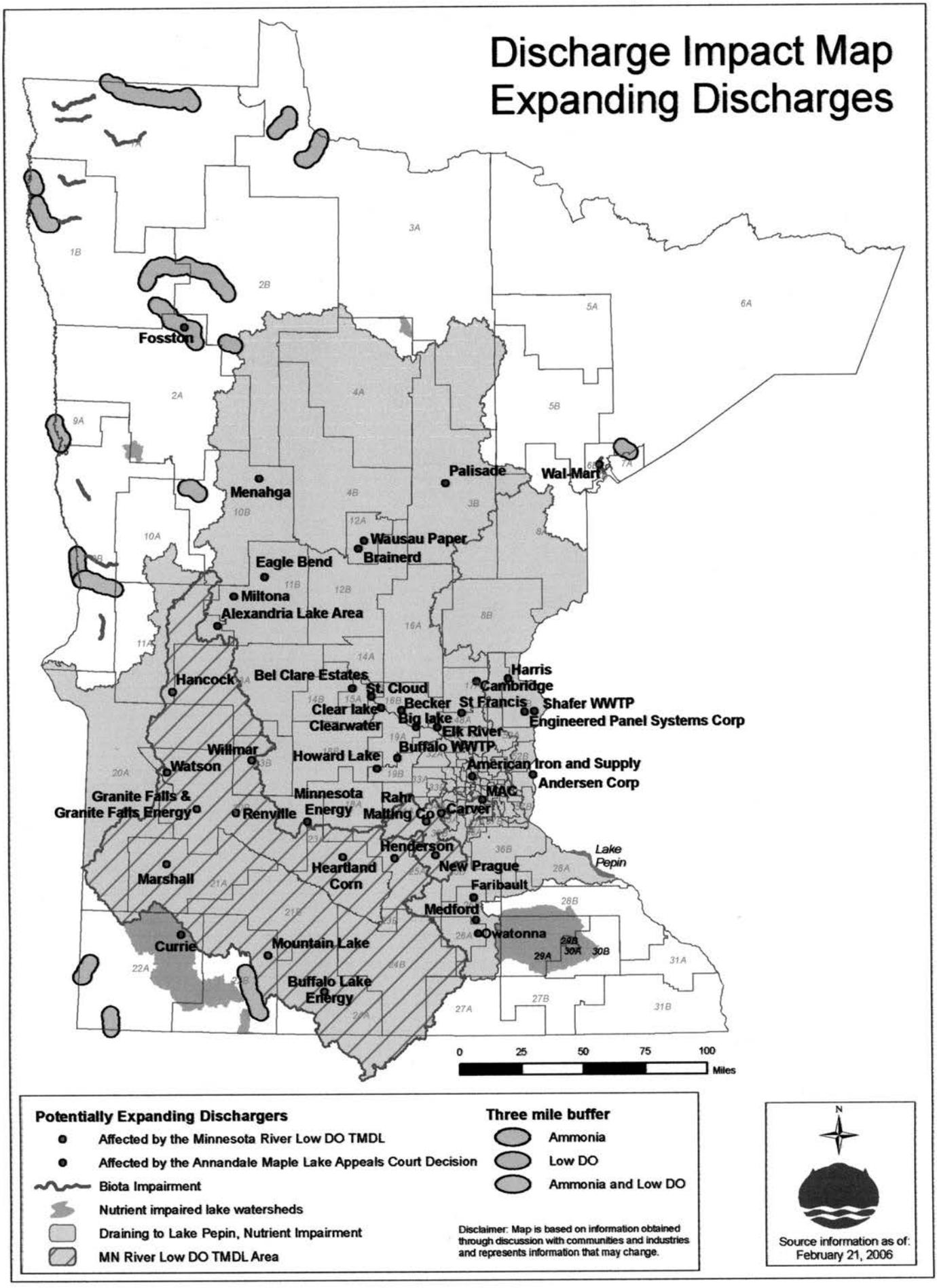
Although other state agencies are involved in water resource management, this evaluation would focus specifically on those organizations most directly involved in watershed management—watershed districts, soil and water conservation districts, water management organizations, and the Minnesota Board of Water and Soil Resources.

This topic is well suited to a program evaluation, but the scope would have to be clarified to determine the relative emphasis to be placed on the internal management of various local units of government and the effectiveness of the system as a whole. With over 100 local entities involved in watershed management, we would probably rely, to some extent, on case study methodology.

Topic Selection Criteria: Watershed Management

State Resources *Low*	State funding specific to the Board of Water and Soil Resources and grants to local watershed management organizations total under $20 million.
State Control *Medium*	The state provides funding and oversight for watershed management, but watershed districts, soil and water conservation boards, and watershed management organizations are either elected or appointed locally and, in part, are locally funded.
Impact *High*	Watersheds cover about 30 percent of Minnesota's land mass, and water quality is an issue affecting all Minnesotans.
Timeliness *High*	The Legislature will be considering water resource and water quality issues next session. The House and Senate environment committee chairs support an evaluation of this topic.
Feasibility *High*	With over 100 local entities involved in watershed management, the evaluation would be challenging, but overall, the evaluation is feasible and appropriate for our office.
Balance *High*	This is the only natural resources topic being considered this year, and we have not done work on water quality issues since our Pollution Control Agency evaluations in 2002.
OLA Comment *A strong, timely topic*	Effective management of water resources is a timely issue, and an evaluation would meet the needs of legislative committees that consider water quality issues.

Discharge Impact Map
Expanding Discharges



Potentially Expanding Dischargers

- Affected by the Minnesota River Low DO TMDL
- Affected by the Annandale Maple Lake Appeals Court Decision
- Biota Impairment
- Nutrient impaired lake watersheds
- Draining to Lake Pepin, Nutrient Impairment
- MN River Low DO TMDL Area

Three mile buffer

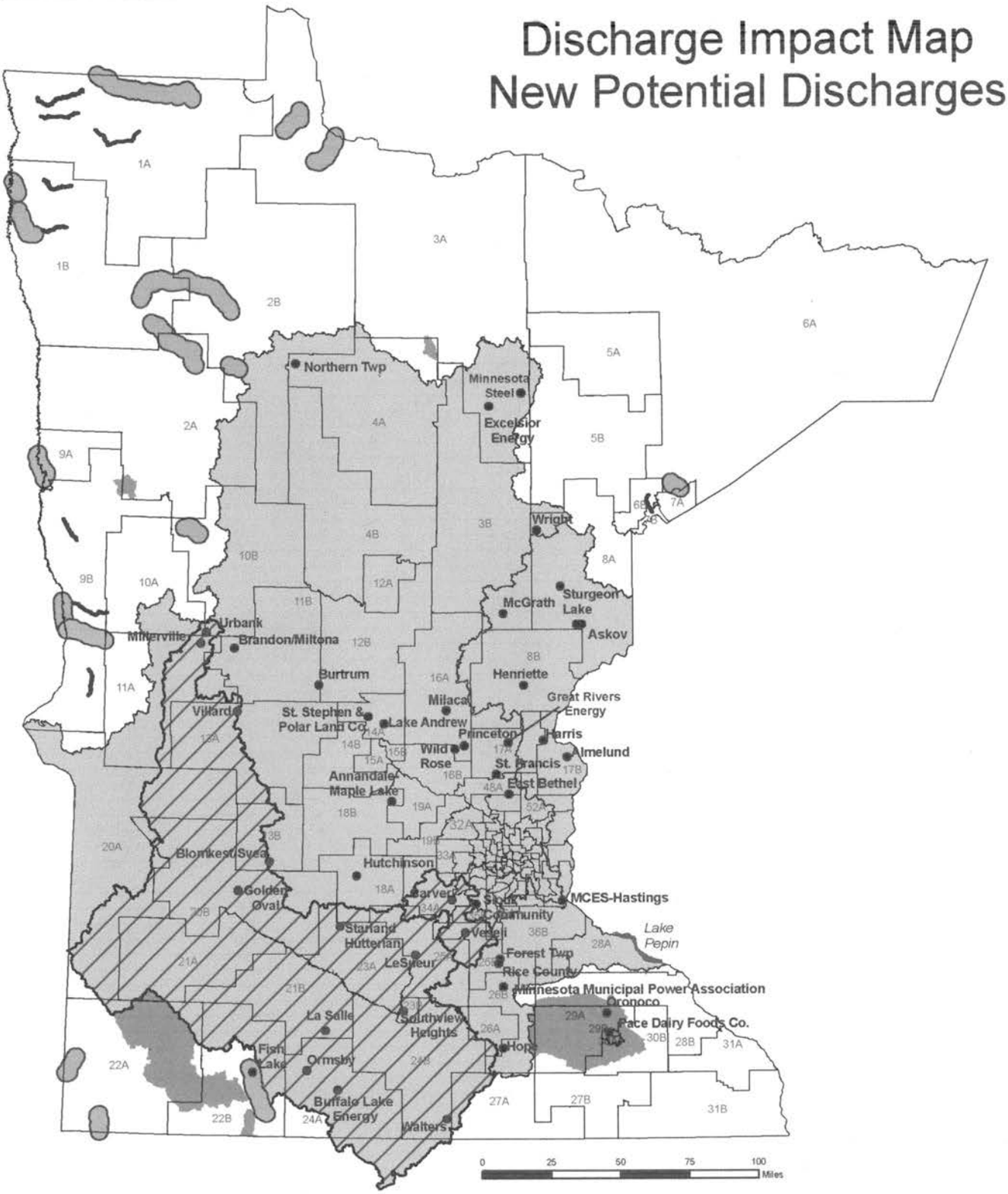
- Ammonia
- Low DO
- Ammonia and Low DO

Disclaimer: Map is based on information obtained through discussion with communities and industries and represents information that may change.

N

Source information as of:
February 21, 2006

Discharge Impact Map
New Potential Discharges



Permit Application for New Surface Water Discharge

- Affected by the Annandale Maple Lake Appeals Court Decision
- Affected by the Minnesota River Low DO TMDL
- Biota Impairment
- Nutrient impaired lake watersheds
- Draining to Lake Pepin, Nutrient Impairment
- MN River Low DO TMDL Area

Three mile buffer

- Ammonia
- Low DO
- Ammonia and Low DO

Disclaimer: Map is based on information obtained through discussion with communities and industries and represents information that could change.

N

Source information as of:
February 21, 2006

DRAFT DRAFT DRAFT

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
2ND FLOOR CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, APRIL 26, 2006

BOARD MEMBERS PRESENT:
Jim Anderson, Minnesota Extension Service; Bob Burandt, Kay Cook, Jerome Deal, Quentin Fairbanks, Brian Kletscher, Randy Kramer, Joe Martin, Department of Agriculture; Gene Merriam, Department of Natural Resources; Louise Smallidge, LuAnn Tolliver, Dan Wilson-Department of Health; Lisa Thorvig, Pollution Control Agency.

BOARD MEMBERS ABSENT:
Dana Allen, Paul Brutlag, Paul Krabbenhoft, Clair Nelson

STAFF PRESENT:
Mary Jo Anderson, Tim Fredbo, Dan Girolamo, Jim Haertel, Tabor Hoek, Al Kean, Kari Keating, Les Lemm, Kevin Lines, Kristi Mack, Jeff Nielsen, Pete Raeker, Ron Shelito, Doug Thomas, Jason Weinerman, Dave Weirens, Tom Wenzel

OTHERS PRESENT:
Wayne Edgerton, DNR
Bob Lefebvre, MN Milk Producers Association
Don Bajumpaa, Wilkin County
Sandy Hooker, Minnesota Association of Townships
Jack Frost, Met Council
Kay Clark and Clark Lingbeek, Cottonwood County
Bev Nordby and John Erickson, Mower County
Lance Yohe, Red River Basin Commission
Keith Hanson, Minnesota Power
Frank Pafko, MNDOT

Chair Deal called the meeting to order at 9:00 a.m. Chair Deal stated that Doug Thomas is in for Ron Harnack today.

PLEDGE OF ALLEGIANCE

** 06-20 **ADOPT AGENDA** – Moved by Louise Smallidge, seconded by Bob Burandt, to adopt the agenda as presented. Motion passed on a voice.

** 06-21 **MINUTES OF MARCH 22, 2006** – Moved by LuAnn Tolliver, seconded by Quentin Fairbanks, to approve the minutes of March 22, 2006, as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Jerome Deal stated that Dana Allen is absent today due to a medical appointment; Paul Brutlag is absent today as he's recovering from heart surgery, and Clair Nelson is in Washington, D.C. Chair Deal reported that he did not attend the EQB meeting. Chair Deal reported that the Red River flooding has subsided.

Executive Director's Report – Doug Thomas stated that the Wetlands and Clean Water Rally was held on Saturday, April 22 at the State Capitol. Good attendance, BWSR staff were present; Governor Pawlenty acknowledged his support.

Doug introduced Jason Weinerman, newly hired board conservationist in the BWSR Brainerd office. Doug reported that the Middle River-Snake River Watershed District issue was mediated last week, a tentative settlement agreement has been reached. This issue still needs to be approved by the watershed district board.

Dispute Resolution Committee – Jim Haertel reported that three of the seven watershed district managers signed the tentative agreement regarding the Middle River-Snake River Watershed District, after 16 hours of mediation. Jim stated that the draft of the tentative agreement is confidential at this point. Jim reported on the WCA violation in Jackson Estates, Hermantown. Developers filled and drained a wetland area, approximately 27 houses and driveways were constructed, some landscaping done. A cease and desist order has been issued to the developer. BWSR staff are working closely with the Corps of Engineers and the City of Hermantown in an attempt to bring quick and coordinated resolution to this situation. Jim reported that six new appeals have been received.

Wetlands Committee – Doug Thomas stated that the Wetland Committee will meet this afternoon. Two stakeholder meetings to address wetland exemptions have been held.

Cost-Share/Soil Conservation Committee – Doug Thomas stated that the next Cost-Share Committee will be held on May 24.

Education Committee – Kay Cook reported that everything is on schedule for the State Envirothon on May 17. Steve Woods is working on the NEMO position. Kay reported that the Sauk River Watershed District is host for MAWD's summer tour. Chair Deal encouraged board members' attendance at the State Envirothon.

Administrative Advisory Committee – Chair Deal stated that the Administrative Advisory Committee has met several times to discuss items that are on the agenda today.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Middle St. Croix Watershed Management Organization, Watershed Management Plan – LuAnn Tolliver reported that the Metro Water Planning Committee reviewed the Middle St. Croix Watershed Management Organization, Watershed Management Plan and recommends approval. Moved by LuAnn Tolliver, seconded by Louise Smallidge, to approve the Middle St. Croix Watershed Management Organization, Watershed Management Plan. Motion passed on a voice vote.

** 06-22

Prior Lake-Spring Lake Watershed District, Watershed Management Plan Amendment – LuAnn Tolliver reported that the Metro Water Planning Committee reviewed the Prior Lake-Spring Lake Watershed District, Watershed Management Plan amendment, and recommends approval. Moved by LuAnn Tolliver, seconded by Bob Burandt, to approve the Prior Lake-Spring Lake Watershed District, Watershed Management Plan amendment. Motion passed on a voice vote.

** 06-23

Sherburne County Priority Concerns Scoping Document – LuAnn Tolliver reported that the Metro Water Planning Committee reviewed the Sherburne County Priority Concerns Scoping Document and recommends approval. Moved by LuAnn Tolliver, seconded by Jim Anderson, to approve the Sherburne County Priority Concerns Scoping Document. Motion passed on a voice vote.

** 06-24

Southern Water Planning Committee

Faribault County Priority Concerns Scoping Document – Brian Kletscher reported that the Southern Water Planning Committee recommends approval of
** the Faribault County Priority Concerns Scoping Document. Moved by Brian
06-25 Kletscher, seconded by Randy Kramer, to approve the Faribault County Priority Concerns Scoping Document. Motion passed on a voice vote.

LeSueur County Priority Concerns Scoping Document – Brian Kletscher reported that the Southern Water Planning Committee recommends approval of
** the LeSueur County Priority Concerns Scoping Document. Moved by Brian
06-26 Kletscher, seconded by Randy Kramer, to approve the LeSueur County Priority Concerns Scoping Document. Motion passed on a voice vote.

Rock County Priority Concerns Scoping Document – Brian Kletscher reported that the Southern Water Planning Committee recommends approval of
** the Rock County Priority Concerns Scoping Document. Moved by Brian
06-27 Kletscher, seconded by Randy Kramer, to approve the Rock County Priority Concerns Scoping Document. Motion passed on a voice vote.

NEW BUSINESS

Stearns County Local Water Plan Extension Request – Ron Shelito reported that Stearns County requests a one-year extension to update their Comprehensive Local Water Management Plan. This would extend the
** effectiveness of the current plan to January 31, 2008. Moved by Kay Cook,
06-28 seconded by Lisa Thorvig, to approve the Stearns County Local Water Plan extension request for one-year. Motion passed on a voice vote. Quentin Fairbanks asked for a copy of the BWSR approval letter. Motion passed on a voice vote.

Bond Requirement for Termination Petition for South Two River Watershed District – Jim Haertel explained that a petition has been filed with the Board to terminate the South Two River Watershed District. As part of the petition process, a bond is required to reimburse the Board for the costs and expenses of the termination proceedings, but only in the case of the termination petition being dismissed or denied. If the watershed district is terminated by an order of the Board, the bond would be returned to the petitioners. The pertinent statute follows: *Minn. Stat. § 103D.271, Subd. 6.* ***Petitioners' bond.*** *Before the board gives notice of a termination hearing, the petitioners must file a bond with the board. The bond must be in an amount determined by the board and is subject to the board's approval. The bond must state that the petitioners will pay all costs and expenses of the termination proceedings if the termination petition proceedings are dismissed or denied.*

Jim Haertel reported that the concerned citizens group have requested the bond amount be waived. Jim reported that a fax was received from the Stearns County Auditor this morning at 8:00 a.m. certifying the number of petitioners in Stearns County; and also an invoice to BWSR for $2,135. Yesterday a letter was received from the Morrison County Auditor certifying the number of petitioners in Morrison County. Jim reported that Stearns County Auditor verified the number of resident owners based upon tax records, following criteria listed in their letter to BWSR. Jim stated that there is a threshold that needs to be met regarding the number of petitioners, which is 25% of resident owners in the district to be valid, however, only 23% were received in Stearns County . Jim stated that the Morrison County Auditor gave the number of resident owners signing the petition, however, Morrison County did not determine what percentage of resident owners signed the position. Jim explained that the Administrative Advisory Committee had made a recommendation to deny the request to waive the bond and instead recommends that the bond be set at $2,000 to cover the estimated costs and expenses for the termination proceedings. However, after receipt of the Stearns County correspondence this morning, further clarification is needed.

Ernie Schmit, Mayor of the City of Holdingford, was introduced. He stated that he does not want to pay a bond for the termination of the watershed district. Doug explained that there is a bond requirement in Statute and the BWSR must follow the procedures in Statute. Doug explained the costs involved to the Board for the bond. Barb Lang was introduced. She's an active concerned citizen in the watershed district. She explained that they have enough signatures for the termination petition that the Stearns County Auditor is wrong, she gave a history of the watershed district, and begged BWSR to waive the bond. Chair Deal stated that the issue before the Board is for the bond requirement only and that the Board is not taking testimony on why the watershed district should be terminated.

** 06-29 Moved by Randy Kramer, seconded by Louise Smallidge, to table the issue at this time. Motion passed on a voice vote. Bob Burandt asked that the Administrative Advisory Committee meet on this issue and make a recommendation to the Board at the May meeting. The Administrative Advisory Committee had a recommendation before receiving the bill from Stearns County in excess of $2,000. Chair Deal stated that a meeting is needed with the Attorney General's Office. Doug clarified that Barb Lang needs to give additional petitioners names to the Stearns County Auditor and that BWSR would need those names from the Stearns County Auditor before BWSR could make a determination on having a valid petition.

Chair Deal called for a break in the meeting at 10:00 a.m. The meeting reconvened at 10:20 a.m.

Chair Deal introduced Representative Larry Hosch. Representative Hosch commented on the bond requirement; although it's in statute, he encouraged BWSR to waive that requirement. Representative Hosch stated that the legislative auditor is conducting an audit. He stated that a recall election was held for elected officials with no bond requirement. He encouraged the democratic process, we don't want frivolous requests, he urges the Board to lend a hand and be willing to listen to concerns, please vote for the waiver for the bond requirement, and move forward in a positive fashion. Gene Merriam stated that the venue for this is in the hands of the legislature; to change a statute is a legislative process. BWSR's authority is listed in statute. Chair Deal thanked Representative Hosch for coming in today, we will work expeditiously to resolve this issue.

CREP Update – Doug Thomas explained that representatives from each of the CREP-2 areas were invited today to hear their perspective on what's happening with implementing CREP-2. It's a good opportunity for discussion and to bring partners together. Kevin Lines stated that we all want CREP-2 to be successful, how can we improve things to make this program successful. Kevin gave a brief overview of the status of CREP-2.

Kevin introduced Bev Nordby and John Erickson, Mower County, representing southeast CREP-2. Bev thanked BWSR for the opportunity to discuss recommendations. John stated that they were excited about the sign-up, and now we're stuck; we need to reevaluate where to go from here. Bev stated that CREP-2 is an excellent program, they've marketed it; however, payment rates are too low, non-competitive, there is no incentive to enroll. Bev stated that FSA just lowered the rates to $45/$50 dollars an acre; this is very frustrating. Bev distributed a suggested increase needed per acre to "sell" CREP-2. The payment rates need to be changed sooner than later as the deadline is December 2007.

Kevin introduced Don Bajumpaa, Wilkin County, representing northwest CREP-2. Don stated that he reiterates what Bev said, CREP-2 has been marketed, they've done their best to sell the program, yet it's frustrating when there is no incentive for enrollment. Don distributed examples of the payment rates in the northwest for CREP-2. It's a money issue; the investment needs to be made up front. They are targeting and marketing those areas that are most sensitive. Joe

Martin stated that we need to find a balance between 15-year and long-term that is good, we need to market conservation not be in this for the money.

Kevin introduced Tabor Hoek and Pete Waller, BWSR CREP-2 staff. Kevin introduced Kay Clark and Clark Lingbeek, Cottonwood County, representing southwest CREP-2. Kay appreciated the opportunity to come before the Board, CREP-2 is a great program, but they can't get it out the door. Kay stated that payment rates are too low. Clark Lingbeek stated that marketing has not been the issue, it's a land value increase issue.

Kevin presented an overview of the payment rate, CREP-2 is a challenging program, we need to enhance it, we need to look at minor tweaks. Joe Martin stated that we need to talk about easement value and the option of 15-year easements.

Kevin introduced Greg Anderson, Glen Schafer and Alex Dubish, FSA. Greg briefly commented on CREP-2 enrollments - what is the value that should be put on the land. Greg stated that present day dollars of CRP and adding RIM payment with county land values under CREP are almost equal for 2005 and 2006. Greg stated that enrollment is an individual opinion, CREP-2 is very targeted, protocols have been signed by Ron Harnack and John Monson that we're following, promotional efforts are in line. Greg stated FSA's perspective, speaking on behalf of the FSA State Board, "let's let it work, give it a chance to work" FSA State Committee is not inclined right now to make any changes to the payment rates. Chair Deal thanked staff and everyone for working on CREP-2. Chair Deal stated that the Administration has decided to finish the legislative session before they address this issue.

Army Compatible Use Buffer (ACUB) Project Cooperative Agreement – Doug explained that BWSR and the National Guard Bureau (NGB) have entered into a cooperative agreement to establish the terms and conditions applicable to the contribution of federal funds to assist BWSR's acquisition of long-term interest into parcels of land adjacent to the Minnesota Department of Military Affairs' Camp Ripley in accordance with Title 10 U.S. Chapter 159 Section 2684a. The Administrative Advisory Committee and the Attorney General's Office have reviewed the ACUB cooperative agreement and

** 06-30 recommend approval. Moved by Quentin Fairbanks, seconded by Kay Cook, to sign the ACUB cooperative agreement with authority given to the executive director to sign the document. Motion passed on a voice vote.

Open Lot Technical Assistance Project – Wayne Zellmer explained that MPCA has made funds available through BWSR to LGUs and have jointly agreed to establish the Open Lot Technical Assistance Project (OLTAP) to assist livestock producers that are either signed up for the Open Lot Agreement (OLA) or that were eligible for the OLA but didn't sign up. The Board has received Board Conservationist approved work plans and budgets from NPEA JPBs 5 and 9, and the SE MN WRB, for these funds. The Administrative Advisory Committee recommends approval of the $97,000 allocation to each of the NPEA JPBs 5 and 9, and the Southeast Minnesota Water Resources Board for the
** Open Lot Technical Assistance Project. Moved by Louise Smallidge, seconded
06-31 by Bob Burandt, to approve the Open Lot Technical Assistance Project as presented. Motion passed on a voice vote.

Public Road Wetland Replacement Credit Acquisition – Dan Girolamo explained the three issues before the Board. 1) Purchase of existing wetland credits from private bank account holders; 2) Conservation easements with private landowners (RIM-like option); and 3) Entering into a purchase agreement with private landowners for wetland credits to be developed (purchase agreement option). Dan stated that the Wetland Committee recommends approval. Discussion followed. Doug Thomas stated that BWSR has been
** working to get the geographic proximity in place. Moved by LuAnn Tolliver,
06-32 seconded by Randy Kramer, to approve the Public Road Wetland Replacement Credit Acquisition as presented. Motion passed on a voice vote.

Red River Basin Commission (RRBC) Grant and Work Plan – Doug Thomas introduced Lance Yohe, RRBC executive director. Doug explained that the $100,000 grant to the RRBC is matched by resources from North Dakota, South Dakota, and Manitoba for coordination of water resources issues in the Red River Basin. Lance Yohe distributed a packet of information and gave an update on activities involving water protection and management in the Red River Basin.
** Moved by Louise Smallidge, seconded by Bob Burandt, to approve the $100,000
06-33 grant to the Red River Basin Commission and approval of the RRBC work plan. Motion passed on a voice vote. Chair Deal asked that board members be added to the RRBC mailing list.

Legislative Update – Doug gave an update on legislative issues. The Constitutional amendment bill in the House version is 3/16 of 1% and would come out of existing sales tax, funding to begin in 2009. The Senate version is 3/8 of 1%, would be a new sales tax, beginning in 2008.

Doug explained the appropriation language in the Clean Water Legacy bill and the significance to BWSR to fund clean water legacy activities. Doug reported on the comparison of the Governor's recommendation, the House and Senate recommendations, and recommendation of G16 in CWLA general fund/bonding expenditures by agency and function. Doug stated that the G16 leadership group meets on May 6 to discuss the implementation plan. Doug commented on TMDLs coming before the Board requesting technical assistance possibly needing a longer commitment, need to put the program together and deliver it in a timely manner, a challenge we face.

Doug commented on the bonding bill, conferees have been named, unclear when the conference committee will formally meet. BWSR road replacement - the Senate includes implementation, the House does not include implementation costs just the project. Zero for CREP in the Senate and $2.7M in the House.

Doug commented on the drainage ditch buffer study bill and its status in the House and Senate; and the watershed district eminent domain restriction on NRE enhancements is in the Senate bonding bill.

Doug stated that a legislative programs audit will be conducted regarding watershed management. The Legislative Auditor will look into the various state and local watershed management authorities. Staff have met with the Legislative Auditor's staff, scope not yet fully defined. The Legislative Auditor's Office will work for nine months on this effort; beginning with the interview process, gathering information from people, issues and concerns.

AGENCY REPORTS

Minnesota Pollution Control Agency (MPCA) - Lisa Thorvig distributed an updated listing of organizations participating in the completion of TMDLs. Third party TMDLs by public agencies are important to accomplishing the Clean Water Legacy goals. PCA estimates that 70% of all TMDLs will be lead by other public agencies. Lisa reported that a ten-year plan to upgrade and maintain Minnesota's on-site treatment systems is funded under the CWLA – both funding for counties for state mandate and funding to address failing systems, private (AgBMP loans) and public (PFA/small community septic systems and TMDL grant programs).

Lisa reported that mercury TMDL will be going to the MPCA Citizens' Board in June for approval of responses to comments, and changes to the TMDL for submittal to EPA for approval. Lisa reported that the Annandale Maple Lake Supreme Court oral argument is scheduled for the morning of May 3rd. There are currently 32 proposals for new discharges and 31 proposals for expanding discharges are being held up because of the Appellate Court decision.

Lisa reported that the Lake Pepin TMDL is well underway. CWLA has additional funding for this TMDL. Stakeholders are interested in accelerating because of growth and development constraints occurring due to the Annandale Maple Lake decision.

Minnesota Extension Service (MES) - Jim Anderson stated that MES is involved with the NEMO jointly funded position, will continue to work with Steve Woods on the agreement. Jim commented on the campus reorganization, new "College of Food, Agriculture and Natural Resources Sciences". The search for a new dean continues. Chair Deal thanked Jim and MES for the assistance that Jodi Hornvedt has provided. Chair Deal acknowledged her great facilitation skills.

Department of Natural Resources (DNR) - Wayne Edgerton reported that he took part in a ceremony held last week at the Mill Creek trout stream restoration project in Chatfield. This new initiative involves four states: Minnesota, Iowa, Illinois, and Wisconsin. These four states, with the United States Department of Agriculture will work toward restoring and enhancing the lands and waters of the Driftless Area. Wayne suggested a potential agenda item for a future BWSR meeting – "Birds Eye View". This is a statewide flight effort to view WCA violations. Wayne stated that there is a need for SWCDs, BWSR, and DNR enforcement officers. Doug stated that DNR is coordinating this effort with local authorities, it creates a heavy workload for all staff involved.

Minnesota Department of Health (MDH) - Dan Wilson reported that free water testing is available in the northwest flooding area, not too many takers, small number of samples coming in. This tells MDH that there have been lots of improvements in the area – good news. The free sampling will continue for the next few months. Dan reported that the new Freeman Office Building, housed by MDH and part of MDA was dedicated last Friday. Many dignitaries were in attendance. The building is named after Governor Freeman. Dan reported that a nitrate clinic, sponsored by MDH and MDA, was held with 60 participants, good opportunity to talk about well water quality.

Minnesota Department of Agriculture (MDA) - Joe Martin reported that MDA has been watching the Clean Water Legacy to see how that turns out. MDA will receive appropriations for their new lab, gypsy moth infestation, drainage research and new technology for implementation. Joe reported that livestock issues are taking up a lot of time at MDA. TB testing continues in the north; no additional positives have been found. Joe reported that there has been a recent development with a low pathogenic avian influenza identified in the State. There is an opportunity to educate the public on this.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD) - LeAnn Buck appreciated the CREP-2 discussion today. MASWCD challenges FSA's comment to "let it work" – need to look at options and policy discussions. MASWCD looks forward to Clean Water Legacy funding.

Minnesota Association of Townships (MAT) - Sandy Hooker stated that MAT is not "anti-ag" – this needs to be addressed. Sandy stated that most townships she represents do not do land use planning. Sandy takes pride that township government is active.

Minnesota Department of Transportation (MNDOT) - Frank Pafko thanked BWSR for the invitation to participate as an advisory member.

UPCOMING MEETINGS

- State Envirothon, May 17, 2006, Lake Bronson State Park
- Next BWSR meeting, May 24, 2006, St. Paul
- BWSR Cost-Share Committee, May 24, 2006 (following Board meeting)

** 06-34 Moved by Kay cook, seconded by Jim Anderson, to adjourn the meeting at 1:17 p.m. Motion passed on a voice vote.

Respectfully submitted,

Jerome Deal

Jerome Deal
Chair

BOARD OF WATER AND SOIL RESOURCES
Attendance Roster

	Name	Affiliation	Phone #
1.	Jack FROST	MCES	
2.	Ron Shelito	BWSR	
3.	Jason Verein	BWSR	
4.	Bob Lefebure	MMPA	320-203-8336
5.	Lance Yohe	RRBC	701-371-8246
6.	Tabor Hale	BWSR	
7.	Clark Lrnbeck	Cottonwood SWCD	
8.	Kay Clark	"	"
9.	Pete Raller	BWSR	
10.	Bill Bordby	Mower SWCD	
11.	Jon Erichson	"	"
12.	KEITH HANSON	MN POWER	218-722-5642, 368
13.	PETE WALLER	BWSR	
14.	Lillian Buck		
15.	Frank Pafko	Mn/DOT	651 284 3751
16.	Dan Gunlaw	BWSR	
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			

Dispute Resolution Report
April 13, 2006
by Jim Haertel

The Marshall District Court Reference Order to BWSR regarding the Agassiz Valley Water Management Project has been progressing. Mediation is scheduled for April 20. An Administrative Law Judge has been assigned to the case. A pre-trial conference was held on April 12 and will continue on April 24 after the mediation. The proposed schedule currently has the trial occurring in later June, the ALJ's recommendations ready in mid-September, the matter before the DRC in early October and before the Board in late October.

Another item, although not an appeal before the Board at least at this time, is a major WCA violation in Jackson Estates, Hermantown, St. Louis County. Briefly, the developers filled and drained much more wetland area than was, approximately 27 houses and driveways were constructed, and some landscaping was done. A cease and desist order has been issued to the developer. Board staff are coordinating closely with the Corps of Engineers and city in an attempt to bring quick resolution to this situation. Needless to say, landowners in these upscale houses are outraged.

There are presently nineteen appeals pending. All of the appeals involve WCA except number 05-24. There have been five new appeals filed since the last report dated March 9.

File 06-12. This is a new appeal of a no-loss decision in Stearns County. It involves the same project and issues as File 06-6. After a restoration order was issued, a no-loss application was submitted by the developer and denied by the LGU. No decision has been made on the appeal.

File 06-11. This is a new appeal of a restoration order in Rice County. The purpose of the project, constructed by a sportsmen's club, was to raise walleye fry by increasing the depth of water in a Type 3 wetland by excavation in the wetland and construction of a water control structure and associated diking. No decision has been made on the appeal.

File 06-10. This is a new appeal in Mower County of a wetland replacement plan application that was denied based on a lack of sequencing. The proposed project would improve an existing drainage ditch located in wetland. The surrounding area was determined not to be agricultural land. No decision has been made on the appeal.

File 06-9. This is a new appeal of a restoration order in Carlton County. At issue is the filling of 1.8 acres of Types 6 and 7 wetland with earth, concrete demolition debris, concrete slurry and paste. No decision has been made on the appeal.

File 06-8. This is a new appeal of a wetland replacement plan decision in Wright County. The application was denied by the LGU. No decision has been made on the appeal.

File 06-6. This is an appeal of a restoration order in Stearns County. At issue are numerous wetlands impacted by filling, sedimentation, reduction of hydrology and lack of Best Management Practices associated with a residential development. No decision has been made on the appeal.

File 06-5. This is an appeal of a wetland boundary and type decision in the City of Hermantown in St. Louis County. The site is another proposed phase of Jackson Estates, which is the subject of the second paragraph of this report. The appeal concerns the denial of a wetland delineation. There are issues regarding the soils and vegetation in a disturbed area. The area has been disturbed by wetland filling and a cease and desist order has been issued to the developer. The appeal has been remanded for further processing by the LGU.

File 06-4. This is an appeal of a restoration order in Carlton County. At issue is the unauthorized placement of fill in wetland for a roadway. The appeal is in abeyance pending completion of a wetland delineation during the growing season.

File 06-2. This is an appeal of a restoration order in Mille Lacs County. At issue is the unauthorized placement of fill in wetland for construction of a road. Also, unstable steep slopes exist along the edge of the fill in wetland. The appeal is in abeyance pending further technical work during the growing season.

File 06-1. This is an appeal of a replacement plan approval in Itasca County. The appeal contends that sequencing was not followed. The TEP recommended denial on a 3:1 vote. The SWCD approval was on a 3:2 vote. The application sought wetland filling for three outbuildings and lake access. The appeal has been accepted and is in abeyance pending settlement discussions.

File 05-26. This is an appeal of a replacement plan decision in Crow Wing County. The appeal concerns the denial of a wetland replacement plan application. The application was denied because there was no hardship to support approval. Upon inspection it appears a decision was made to deny a variance, however it is likely no WCA decision was made. The appeal has been accepted and is in abeyance pending settlement discussions.

File 05-24. This is an appeal, actually three appeals, of the Bois de Sioux Watershed District compensation to landowners related to a project. The appeal has been held in abeyance pending settlement discussions and is now starting to be moved forward for a hearing before the DRC.

File 05-20. This is an 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 and is in abeyance pending settlement discussions.

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.

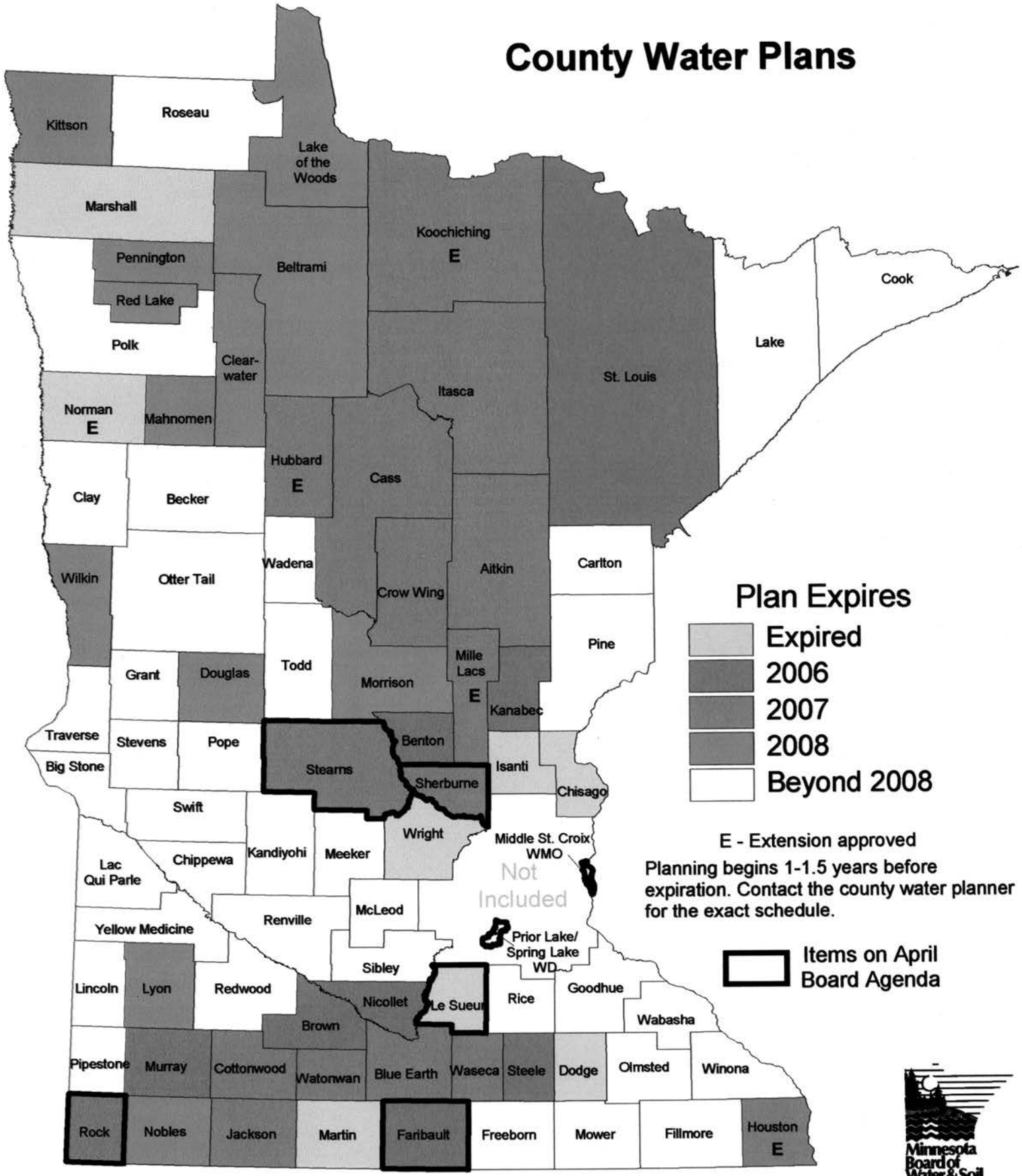
File 04-27. This is an appeal of an exemption decision in Cass County. The exemption denial involves the placement of drain tile in a Type 2 wetland that was previously hayed and is now a sod farm. The appeal has been remanded for a hearing.

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 04-23. 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



Plan Expires

- Expired
- 2006
- 2007
- 2008
- Beyond 2008

E - Extension approved

Planning begins 1-1.5 years before expiration. Contact the county water planner for the exact schedule.

Items on April Board Agenda

map updated: April, 2006

Minnesota Board of Water & Soil Resources
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COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Middle St. Croix Watershed Management Organization, Watershed Management Plan – *DECISION ITEM*

2. Prior Lake-Spring Lake Watershed District, Watershed Management Plan Amendment – *DECISION ITEM*

3. Sherburne County Priority Concerns Scoping Document – *DECISION ITEM*

Minnesota Board of Water and Soil Resources
April 2006 Board Meeting

MSCWMO Watershed Boundary Map and Fiscal Context

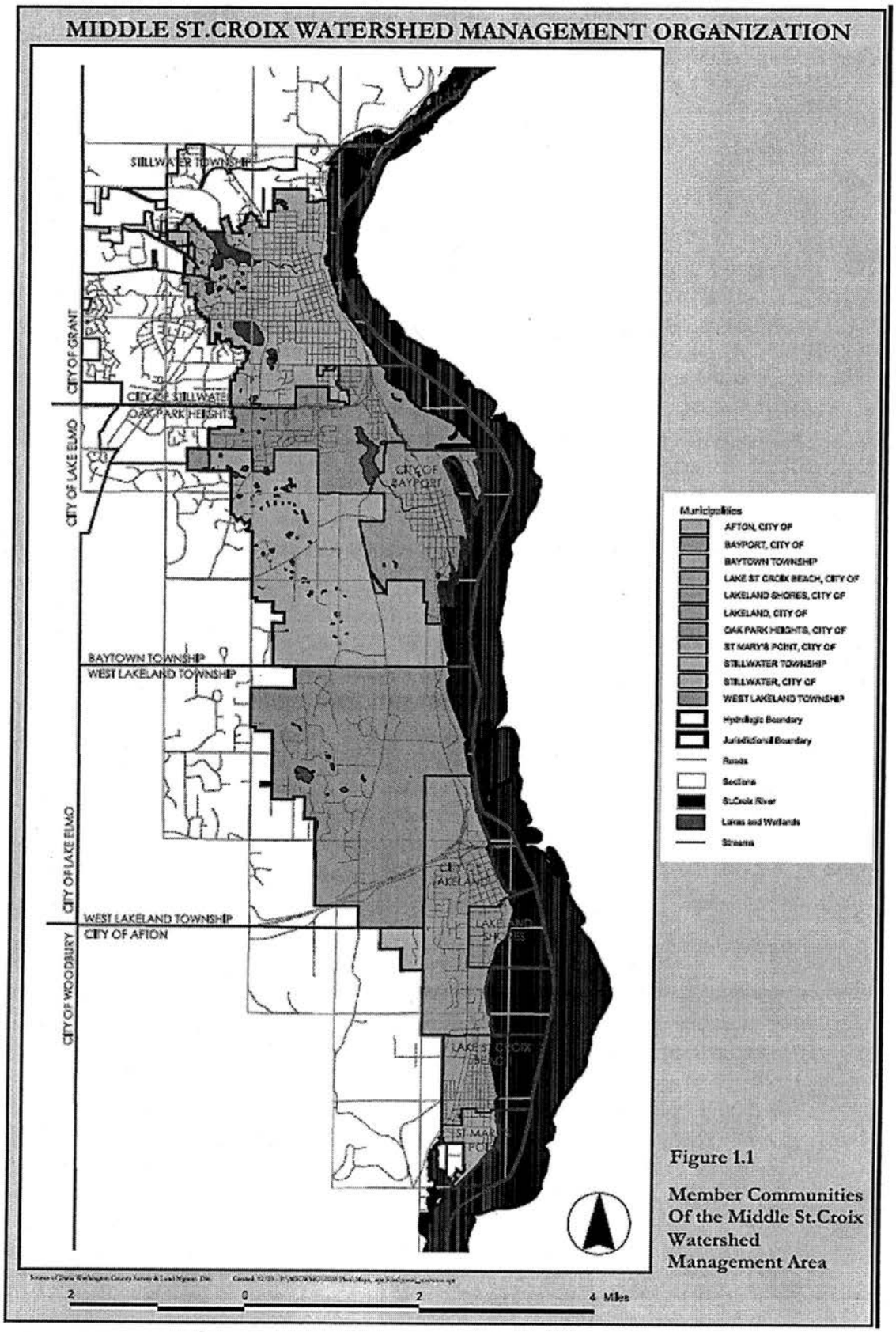

Figure 1.1

Member Communities Of the Middle St.Croix Watershed Management Area

Fiscal Context and Implementation

Water Management Organizations	Counties	Area (sq mi)	Expenditures			
			2001	2002	2003	2004
Bassett Creek	Hennepin	40	433,208	390,653	318,823	1,176,382
Black Dog	Dakota	26	124,711	181,628	159,941	114,637
Carver County	Carver	280	76,722	69,447	104,573	138,255
Elm Creek	Hennepin	127	160,360	156,370	121,562	140,500
Grass Lake	Ramsey	9			18,594	5,969
Gun Club Lake	Dakota	33	42,900	28,125	18,451	32,237
Lower Mississippi River	Dakota, Ramsey	56	43,324	50,727	57,383	85,842
Lower Rum River	Anoka	56	31,007			50,353
Lower St. Croix	Washington	46				
Marine on St. Croix	Washington	37				
Mississippi River	Hennepin	30		239,658	487,438	722,226
Middle St. Croix	Washington	19	14,044	11,257	32,918	42,659
North Cannon River	Dakota	150	20,500	33,915	11,628	2,500
Pioneer-Sarah Creek	Hennepin	72	91,150	103,625	75,501	60,472
Richfield-Bloomington**	Hennepin	8	0	0	0	0
Scott County	Scott	323				
Shingle Creek	Hennepin	44	238,813	353,581	374,809	349,990
Six Cities	Anoka	21	9,954	9,810	6,317	
Sunrise River	Anoka	71	28,913	14,893	19,327	9,960
Upper Rum River	Anoka	127	2,212	2,233	2,273	2,417
Vadnais Lake Area	Ramsey, Anoka	24	63,192	66,409	78,431	625,126
Vermillion River	Dakota, Scott	335			154,447	303,967
West Mississippi	Hennepin	24	83,385	125,104	149,051	115,215

* Gray cells indicate incomplete data.

** All RBWMO expenditures occur through member communities.

The table above reveals a slightly increasing trend with regards to expenditures of MSCWMO over the past four years of available data. MSCWMO expenditures appear to be on the low end of active WMOs and significantly lower than Metro Watershed District expenditures, which averaged $1.37 million annually during the same period. WMO expenditures vary considerably between organizations and location, particularly proximity to the metropolitan area, and the table does not capture an increase in expenditures and activity level for many WMOs since 2004.

MSCWMO expenditures are projected to vary from approximately $87,000 to $102,000 annually during the life of the Plan. This level of expenditures should be comparable to the projected expenditures of other WMOs in the lower funding bracket over that time period.

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 **Middle 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 Middle St. Croix Watershed Management Organization (MSCWMO) 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. **MSCWMO Establishment.** The MSCWMO was established by a joint powers agreement in 1984 between the following ten member communities: Afton, Bayport, Baytown Township, Lakeland, Lakeland Shores, Lake St. Croix Beach, Oak Park Heights, St. Mary's Point, Stillwater, and West Lakeland Township. The first Watershed Management Plan was approved by the Board in 1987, and amended in November 1988 and April 1991 in accordance with the Metropolitan Surface Water Management Act of 1982.

   The draft Plan was submitted to BWSR, other state agencies, and local governments for the required 60-day review on September 17, 2004. A public hearing was held on January 13, 2005 and no comments were received. On May 2, 2005, all review agencies had received the revised draft Plan for the required 45-day review period. As per comments received, the JPA was required to be updated. The final draft Plan with updated and executed JPA was submitted to BWSR on February 14, 2006.

   According to the Plan, "The mission of the Middle St. Croix Watershed Management Organization is to jointly and cooperatively manage the water resources of the watershed. The ten member communities will do so to conserve and protect the water resources in an efficient and effective manner."

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 Middle St. Croix watershed encompasses approximately 19.8 square miles and is located in the east-central part of Washington County. The WMO is bound by the St. Croix River on the east, Valley Branch Watershed District on the west and south, and the Browns Creek Watershed District to the north. A distinction exists between the Middle St. Croix watershed and the other watersheds of Washington County in that the Middle St. Croix watershed has many small, parallel watersheds that all flow to the St. Croix, whereas the other watersheds in the County generally have one major drainage with a headwaters and outlet. Land use in the watershed is evenly distributed between agricultural uses, rural residential, and high-density residential/commercial land uses.

4. **Local Review.** The MSCWMO circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. The following local units of government commented on the draft Plan:

Washington County. The County commented that the MSCWMO should assume the responsibility to address flooding issues throughout the watershed, rather than attempt to defer this authority to other agencies. The MSCWMO expanded the discussion of flooding and specified development of future floodplain policies. The County recommended the Plan reference the 19 implementation actions that WD/WMOs are responsible for as team members or project partners in the Washington County Groundwater Plan. The MSCWMO added reference to team member implementation actions in the Plan. The County noted that the plan does not identify any Capital Improvement Projects, and the MSCWMO responded by clarifying that all CIPs will be funded by the communities that directly benefit from the project. The County suggested the MSCWMO develop Watershed Rules to establish performance standards for priority water bodies and recommended the WMO work closely with individual communities during the review and permitting process for new developments. The MSCWMO established general performance standards, and stated their intent to work closely with the member communities. In response to County comments, the MSCWMO included the Revised Implementation Plan for Water Governance as an appendix to the Plan, and provided responses to the stated criteria. The MSCWMO also added the number of feedlots and a discussion of above ground storage tanks, additional data, and wording clarifications. The County provided a general comment that they oppose taxing authority for WMOs unless the WMO board is comprised of only elected officials from the member communities.

Washington Conservation District. WCD indicated that more up to date land cover information (MLCCS) will be available by 2007. WCD also suggested changes in text regarding wetlands, and the addition of a priority list for valuation of wetlands. A functional assessment was completed for all wetlands in the watershed, as well as corresponding prioritization of those wetlands. The MSCWMO also added several clarifications and text changes to address other WCD comments.

Valley Branch Watershed District. The District expressed the desire to work cooperatively with the MSCWMO if legal boundary changes are needed between the District and MSCWMO, and on review of projects proposed along their common

boundary. MSCWMO added language to the Plan regarding permit reviews along jurisdictional boundaries and updated the WMO's legal description for inclusion in the final draft Plan. The District also recommended minor revisions to figures, which were revised by MSCWMO.

City of Lakeland. The City pointed out two grammatical errors that were corrected by MSCWMO.

5. **Metropolitan Council Review.** The Council found the Plan to provide a framework for managing water resources in the area, but pointed out a number of areas in the plan that could be clarified or strengthened. The Council recommended timeframes for ensuring member communities come into conformance with the watershed plan, and for further assessment of wetlands in the watershed. MSCWMO added the recommended timeframes. MSCWMO also clarified policy and performance standard wording in response to Council recommendations.

6. **Department of Agriculture Review.** MDA recommended developing strategies to address TMDLs. MSCWMO responded that the Plan does mention TMDLs, but the appropriate section would be clarified and strengthened per other comments received.

7. **Department of Health Review.** MDH did not provide comments on the draft Plan.

8. **Department of Natural Resources Review.** The DNR recommended the Plan include specific information about the rare features found in the watershed, including a list of native plant communities and rare plant and animal species that have been documented in the watershed, and a list of goals and strategies to address how they will be protected. The MSCWMO added the requested information to the plan, indicated that future MLCCS data will also be added to the plan upon completion, and added a prioritization table to Section 6 to address protection of rare features. The DNR recommended the Plan incorporate strategies to reach the St. Croix River Basin Planning Team (SCBPT) to reduce nutrient loads by 20%. The MSCWMO added wording recognizing the SCBPT goal, and indicated a willingness to incorporate strategies to meet the goal when available. The DNR also included background information regarding stream restoration and recommended its incorporation in the plan. MSCWMO responded that it appreciated the information, but would not be incorporating it into the plan at this time. The DNR recommended establishing a range of wetland buffer widths based on site-specific conditions. The MSCWMO modified buffer width standards in response to this and other comments. The MSCWMO also updated various tables and wording to provide more specificity in response to other DNR comments.

9. **Pollution Control Agency Review.** The PCA, similar to the DNR, recommended the Plan incorporate strategies to reach the St. Croix River Basin Planning Team (SCBPT) to reduce nutrient loads by 20%. The MSCWMO added wording recognizing the SCBPT goal, and indicated a willingness to incorporate strategies to meet the goal when available. The PCA recommended modification of performance standards to include no increase of runoff from 1-year events as well as 2, 10, and 100-year events, and urged consideration of a performance standard that reflects the goal of infiltrating any incremental volumes of runoff created by development. The MSCWMO added a policy

and corresponding performance standard to address these concerns. Concerning MSCWMO water quality monitoring plans and impaired waters, the PCA recommended incorporating monitoring protocols that ensure the data generated meet the MPCA requirements for datasets used in the identification, listing, and restoration of impaired waters, and noted that McKusiak Lake will be a candidate for listing in the 2006 list of impaired waters. The MSCWMO added the requirement that data collection practices encompass dataset requirements set by the PCA, and added wording about McKusiak Lake. The MSCWMO also included additional MPCA permit information, groundwater contamination information, and text about the current Section 401 certification waiver in response to PCA comments.

10. **Board Review.** BWSR commented that the Plan must contain a functional analysis and valuation of wetlands, or a process for determining such, and corresponding policies and performance standards. The MSCWMO completed a functional assessment for all wetlands in the watershed and developed corresponding management strategies, and a plan for a functional assessment of all wetlands in the watershed. BWSR requested clarification as to when WMO review of projects would be required. The WMO first proposed clarifying these issues as part of updating the JPA, which was added as an implementation item. Subsequent BWSR review of the JPA revealed the need for update prior to plan approval. The MSCWMO has since clarified the requirements for WMO review of projects, and updated the JPA to address BWSR's comments. The MSCWMO adequately addressed additional BWSR comments by adding information on local shoreland ordinances and existing monitoring data, expanding discussion of flooding issues and specifying development of future floodplain policies, adding a map of anticipated land use, providing more specificity regarding priority resources, providing a more thorough assessment of existing and future potential water resource related problems, changing performance standards to correspond more directly to stated policies (including the addition of a specific performance standard addressing runoff volume control), and adding an amendment section with a table of potential amendments.

11. **Highlights of the Plan.**

- The Plan is a significant step forward in the management of the watershed's resources.
- The Plan provides for WMO review of projects meeting certain thresholds.
- The Plan includes a performance standard requiring retaining the first one-half inch of runoff for all projects requiring WMO review.
- As part of the Plan update, a functional assessment was performed on all wetlands within the watershed and corresponding management categories and strategies were developed, including variable buffer widths, greater emphasis on avoidance of high valued wetlands, and not allowing excavation or type alteration of high valued wetlands.
- The Plan provides for improved communications between member communities within the MSCWMO.
- The plan includes a fully updated and executed Joint Powers Agreement and updated legal description.
- The Plan was revised significantly to address comments submitted by review agencies.

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 Middle St. Croix Watershed Management Organization pursuant to Minnesota Statutes Sections 103B.201, Subd. 9.

3. The Middle St. Croix Watershed Management Organization plan attached to this Order defines water and water-related problems within the MSCWMO 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 February 14, 2006 as the Watershed Management Plan for the Middle St. Croix Watershed Management Organization.

Dated at Saint Paul, Minnesota this 26th day of April 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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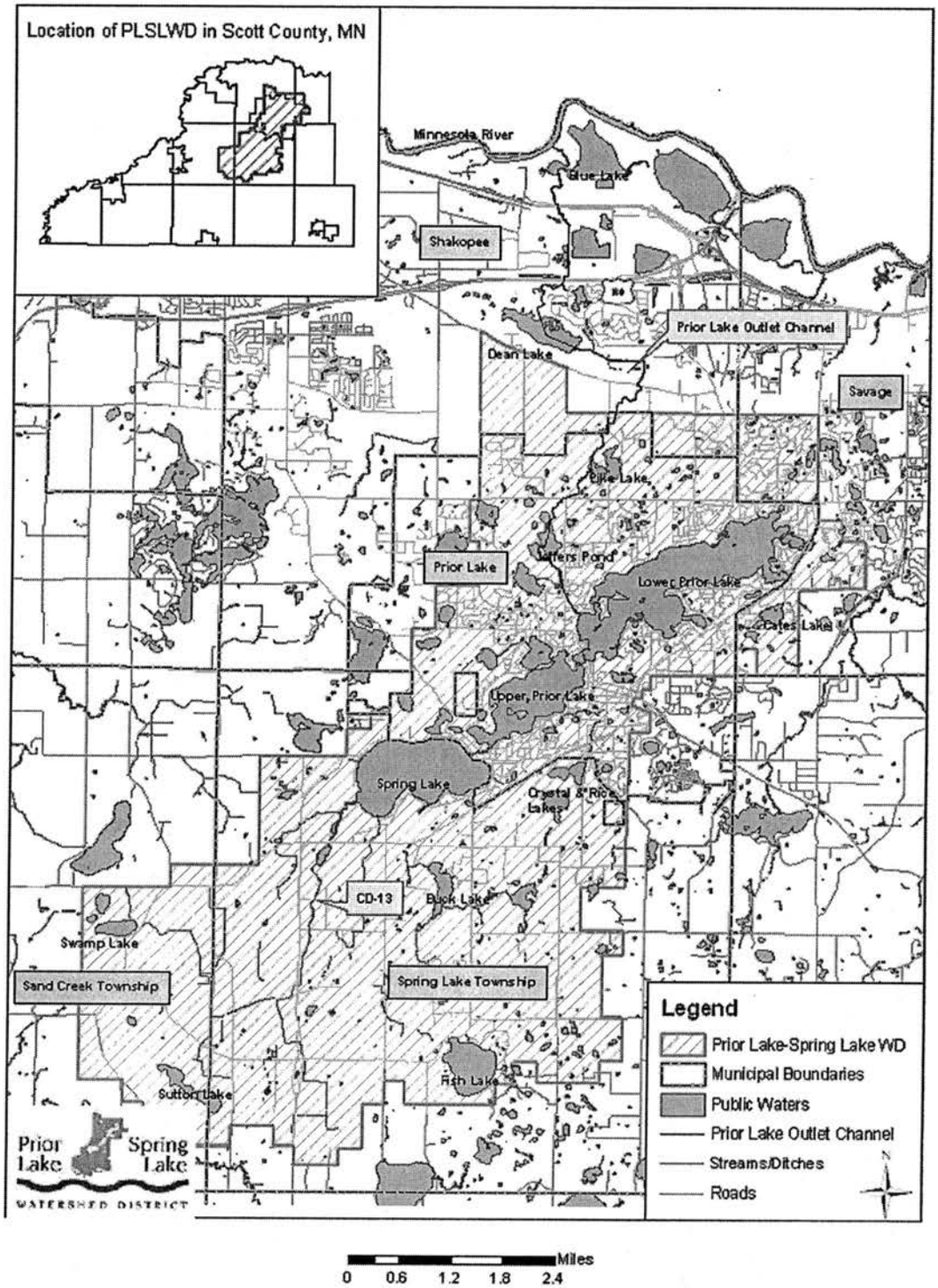
BY: Jerome Deal, Chair

Minnesota Board of Water and Soil Resources
April 2006 Board Meeting

Prior Lake-Spring Lake Watershed District Plan Amendment
Watershed Boundary Map and Fiscal Context

Prior Lake-Spring Lake Watershed District and Outlet Channel



Fiscal Context and Implementation

The table below reveals an increasing trend with regards to expenditures of PLSLWD over the past four years of available data. PLSLWD expenditures appear to be comparable to other Metro Watershed Districts in the lower funding bracket. Expenditures for the PLSLWD Capital and Administrative Improvements Program are projected to vary from approximately $623,000 to $800,000 annually during the life of the amended plan, with a roughly linear yearly increase. This does not include significant contributions from PLSLWD partners for certain specified projects, such as the Outlet Channel Restoration and Enhancement Project.

Watershed District	Taxes Payable 2004 (TMV)	Area (sq mi)	Expenditures			
			2001	2002	2003	2004
Browns Creek	1,118,882,500	28	1,035,814	536,531	403,906	320,385
Capitol Region	12,180,656,400	37	397,354	386,503	577,504	1,327,715
Carnelian-Marine	517,571,600	43	404,561	447,838	491,103	420,888
Comfort Lake Forest Lake	1,289,010,500	49	77,716	301,143	206,157	287,058
Coon Creek	6,763,641,200	96	467,285	601,544	660,523	640,591
Lower Minnesota River	5,748,966,600	64	427,058	292,621	204,346	318,216
Minnehaha Creek	28,338,875,675	184	6,086,030	5,270,636	3,343,963	2,436,635
Nine Mile Creek	13,293,860,700	50	1,021,981	950,905	1,015,845	1,484,029
Prior Lake-Spring Lake	1,882,034,700	42	410,171	610,534	732,799	655,410
Ramsey-Washington Metro	9,197,769,100	53	3,048,986	3,329,310	3,370,862	2,350,399
Rice Creek	13,893,021,700	201	1,319,055	1,692,567	2,589,521	3,041,834
Riley-Purgatory-Bluff Creek	9,434,538,700	47	480,471	772,593	2,366,737	2,245,286
South Washington	6,070,592,700	53	2,356,478	2,323,327	5,771,911	1,921,135
Valley Branch	2,681,731,600	64	443,537	526,532	730,992	

* Gray cell indicates incomplete data.

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 **Prior Lake-Spring Lake Watershed District** pursuant to Minnesota Statues Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHED MANAGEMENT PLAN AMENDMENT

Whereas, the Board of Managers of the Prior Lake-Spring Lake Watershed District (PLSLWD) 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. **PLSLWD Establishment.** The PLSLWD was established on March 4, 1970 by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act (Minnesota Statutes, Chapter 112). The order was in response to a petition filed by residents within the watershed on June 24, 1969. The first water resources management plan for the PLSLWD was prepared and adopted in 1971, shortly after the District's inception, in accordance with the Minnesota Statute 103D. The plan was then revised in accordance with the Metropolitan Surface Water Management Act of 1982, and adopted by the PLSLWD in 1991. The second generation watershed management plan was approved by the Board on January 27, 1999. According to the plan, the stated mission of the PLSLWD is "to manage and preserve the water resources of the Prior Lake-Spring Lake Watershed District to the best of our ability using input from our communities, sound engineering practices, and our ability to efficiently fund beneficial projects which transcend political jurisdictions."

   The Amendment is an update of the District's implementation program. The draft Amendment was submitted to BWSR, other state agencies, and local governments for the required 60-day review on September 9, 2005. A public hearing was held on December 13, 2005 and no comments were received. On December 23, 2005, all review agencies had received the revised draft Amendment for the required 45-day review period. The final draft Amendment was submitted to BWSR on February 17, 2006.

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 PLSLWD is approximately 42 square miles in size and located in north central Scott County, within the Minnesota River basin. The upper one-half of the PLSLWD is largely developed, with residential land use being the predominant use. The lower one-half of the watershed is rural land use comprising small to medium farms. Development pressure and changes in land uses within the watershed will likely increase over the next five years. The major water resource features of the District are Spring Lake, Upper Prior Lake, and Lower Prior Lake.

   The following communities lie partially or entirely within the District: the cities of Prior Lake, Savage, and Shakopee, and the Sand Creek and Spring Lake Townships. The District is bound by the Lower Minnesota River Watershed District to the north, and the Scott County managed Credit River, Sand Creek, and Shakopee Basin watersheds to the east, south, and west respectively.

4. **Local Review.** The PLSLWD circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 11. The local units of government did not comment on the Amendment.

5. **Metropolitan Council Review.** The Council found the Amendment to be consistent with the Council's Water Resources Management Policy Plan and stated no significant concerns.

6. **Department of Agriculture Review.** MDA did not provide comments on the PLSLWD Amendment.

7. **Department of Health Review.** The MDH comment letter noted favorably that the PLSLWD's proposed Amendment adds language regarding the District's intent to "support and coordinate" with the efforts of the Scott County Groundwater Protection Plan within the watershed and with regional groundwater protection efforts. As part of the PLSLWD's efforts to support groundwater protection, the MDH encouraged the PLSLWD to do the following:

   - Coordinate and support the wellhead protection activities of the public water suppliers with the PLSLWD,
   - Become involved in the implementation of the Scott County NPDES Phase II Storm Water Pollution Prevention Program (SWPPP) which will provide many opportunities for partners in water resources management to implement surface water best management practices (BMPs) that will also benefit groundwater, and
   - Provide assistance to public water suppliers in the PLSLWD that could use the District's help in inventorying and managing unused or abandoned wells within their wellhead protection areas.

PLSLWD's written response indicated that they are very interested in coordinating efforts with and supporting the wellhead protection activities of the public water suppliers within the watershed, and will actively seek opportunities to do so. The District is an active partner with Scott County in the implementation of the NPDES Phase II requirements, and noted that they will be revising their SWPPP once the new Phase II general permit is promulgated, and will look for opportunities to incorporate additional BMPs into the District's SWPPP that will also benefit groundwater. PLSLWD also pointed out that the additional monitoring they propose will provide information to assist public water suppliers in managing the system, and that the District will work with its partners to provide an expanded abandoned well sealing effort if identified as a need in the watershed.

8. **Department of Natural Resources Review.** The DNR noted that several agency staff were involved in elements of the proposed Amendment, and commended PLSLWD Board and staff for the District's past accomplishments and continued implementation of its plan and rules.

9. **Pollution Control Agency Review.** The PCA provided information on a study regarding in-lake alum treatment and supported the District's approach to this treatment option. The PCA also had several specific suggestions in regards to wording, noted that the TMDL studies listed in Table 5-3 should be complementary to management plans which have been or are planned to be prepared by the District for impaired waters, and pointed out the requirements of Minn. Rule 7050.

10. **Board Review.** BWSR did not provide comments on the PLSLWD Amendment.

11. **Highlights of the Amendment.**

- Provides for the establishment of nutrient TMDLs and implementation plans for Spring, Upper Prior, Pike, and Fish lakes.
- Establishes a program to inspect and maintain buffer areas and infiltration features.
- Provides for purchase of permanent easements over wetland restorations and water storage areas to progress towards the District goal of 1,500 to 3,000 acre-feet of additional storage.
- Provides for accelerated, in-depth lake monitoring and vegetation surveys for an increased understanding of lake water quality and trend tracking.
- Restoration, enhancement, and management of the Prior Lake outlet channel to improve and maintain stability, enhance water quality and habitat, and meet water conveyance needs.
- Establishes a significant BMP program for technical design assistance and cost-share for rain gardens, shoreland restoration, and innovative BMPs that exceed rule requirements.

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 Prior Lake-Spring Lake Watershed District pursuant to Minnesota Statutes Sections 103B.201, Subd. 9.

3. The Prior Lake-Spring Lake 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 Prior Lake-Spring Lake Watershed District dated February 17, 2006.

Dated at Saint Paul, Minnesota this 26th day of April, 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

TO: BWSR Metro Water Planning Subcommittee

FROM: Brad Wozney, Board Conservationist

DATE: March 24, 2006

SUBJECT: SHERBURNE COUNTY PRIORITY CONCERNS SCOPING DOCUMENT (PCSD) REVIEW

The following memo outlines the BWSR staff review and recommendations of the Sherburne County PCSD. Background information of the County, a summary of the priority concerns development process, and the reviewing agencies' preliminary recommendations can be found in the PCSD and adjoining documents.

The Third Generation Local Watershed Management Plan for Sherburne County was approved in 2002 and is set to expire on February 19, 2007. The process that led up to the development of the PCSD before you today allowed ample opportunity for stakeholders as well as local, state, and federal agencies to provide input, prioritize, and review the water management issues identified for Sherburne County. In June 2005, BWSR staff drafted their priority concerns (please refer to the "Priority Concerns Identification" document).

On February 17, 2006, Mark Basiletti, the Sherburne County Water Plan Coordinator submitted the PCSD to the reviewing agencies for final review and approval. The BWSR Metro Water Planning Subcommittee meets on April 6, 2006, to refine and/or recommend approval of the following potential priority concerns (please note several recommended changes by BWSR staff to the original priority concerns from p.3-4 of the PCSD):

- Impaired and degraded lakes and streams in the Elk River Watershed.
- Increasing urban and residential land use replacing agriculture, forest and open space creates a concern about water quality and quantity due to increased impervious areas. Sedimentation from construction site runoff is also associated with development. Many areas of the County with older development do not have any means to store or treat stormwater runoff.

  (**Please note BWSR staff recommends including the following two priorities only if adequate staff and financial resources are available to fully implement.)

- **Quality of riparian and aquatic vegetation. Native vegetation has been replaced by the invasion of undesirable species or has been removed and replaced with turf grasses. Exotic aquatic species most notably Curly Leaf Pondweed dominate some lakes in the County. The result is the loss of the filtering provided by buffers, increased shorline and streambank erosion, and loss of wildlife and fish habitat.

- **Ground water use. Rapid growth and new developments on city water supplies and on private wells create a concern about the increasing demand for ground water. In some areas, there is a concern about the availability of safe drinking water due to nitrate contamination.

Two other priority concerns identified by the county were recommended by BWSR staff to be eliminated due to inadequate staff and financial resources. These two priority concerns will likely be incorporated into a list of "on-going action items".

All reviewing agencies responded to the PCSD and concur with the priority concerns identified. The DNR, Department of Health, and MPCA offered resources/inclusions when drafting the Plan.

Possible points of discussion at the meeting for the subcommittee in addition to the proposed priority concerns might include: 1) the county water plan's position on TMDLs, 2) their education plan (i.e. Will they target elected officials, realtors, grade schoolers?), 3) the county water plan's intent to address agricultural–induced pollution? 4) Shoreland development and re-development, 5) There seems to be a need in Sherburne County for something akin to the Washington County program that pulls together all entities involved in stormwater management for regular meetings. We recommend that a technical advisory group reach out to the consultants and public works directors who help municipal officials assess infrastructure alternatives.

In summary, the PCSD lays out the potential issues the Sherburne County Water Plan Task Force considered. Given the above-mentioned changes, I recommend approving the Sherburne County PCSD.

March 17, 2006

Mark Basiletti
Sherburne SWCD
14855 US Hwy 10
Elk River, MN 55330

Dear Mark:

This letter is intended to update you on the Priority Concerns Scoping Document (PCSD) process and provide BWSR comments. As of the comment deadline, I have received comments from the MPCA, Department of Health, and Department of Agriculture. I have also followed up with the Department of Natural Resources and EQB in an effort to get their clear recommendation regarding the PCSD. I eventually received responses from both agencies.

The PCSD process is intended to promote solid, up-front agency input near the beginning of your planning process. The intent is to ascertain the County's intention to address common issues. The feedback received from the commenting agencies shows no major objections. MPCA, DNR, and Department of Health offered suggestions when drafting the Plan.

As for BWSR's recommendation, I concur that the priority concerns you have selected are high priority and if achieved do not come without controversy. However, it is imperative that your priority concerns and subsequent plan implementation strategies reflect the financial resources and staff time available to pull off everything listed. The BWSR Board adopted the PCSD concept in part because they saw attempts by counties at doing too much with too few resources. It is this reason that I recommend paring down the number of priority concerns, perhaps in half, unless the county can illustrate how they intend to allocate their time to sufficiently accomplish action items within all 6 priority concerns. BWSR staff agrees that Priority Concerns #1, and #2 are "time sensitive" and are critical objectives as significant development pressures increase countywide. Prioritiy Concerns #3 and #6 should be more closely considered for inclusion, whereas Priority Concerns #4 and #5 could be categorized as activities with a lesser time dependency, and consequently may need to be sacrificed based on limited resources. Alternatively, #4 and #5 could be placed in a separate section of the water plan as "water management plan ongoing action items" per our phone conversation.

As you wade through the plan writing process, enough detail will emerge to determine just how your staff time is allocated. Another aspect of your water management role consists

of coordination, such that if you can synchronize activities creating partnerships with other agencies and cooperators given your support (financial or otherwise) to assist with plan goals, then it obviously augments your own Local Water Management accomplishments, particularly if the water quality issues transcend county boundaries.

We anticipate that there will be liberal use of the Water Management Task Force in the development of plan goals and subsequently in guiding the implementation process. It is our hope that you include a targeted education effort as part of your implementation strategies, particularly aimed at officials making land use decisions, for each of the final priority concerns. We also encourage those involved in the county water management process to complete an annual self-assessment of progress.

I want to commend the County for a very good public/stakeholder participation process and for identifying a number of priority concerns that coincide with local and state priorities. With the exception of the revisions noted above and on my memo to the BWSR subcommittee, we will likely be recommending approval to our Metro Subcommittee on April 6th. It is there that the subcommittee will establish dialogue with you and debate the recommended priority concerns.

Sincerely,

Bradley J. Wozney
Board Conservationist

Cc: Steve Woods, BWSR (office copy)
Dave Weirens, BWSR
John Wells, EQB
Sharon Pfeifer, DNR
Fred Bengtson, DNR
David L. Johnson, MPCA
Art Persons, MDH
Mike Howe, MDH
Becky Balk, MDA

Minnesota Board of Water & Soil Resources

April 26, 2006

Sherburne County Commissioners
C/o Mark Basiletti, Water Plan Coordinator
Sherburne County Soil and Water Conservation District
14855 US Hwy 10
Elk River, MN 55330

RE: Official State Comments Pertaining to the Review of Sherburne County Priority Concerns Scoping Document for the Fourth Generation Water Management Plan Update.

Dear Sherburne County Commissioners:

Pursuant to MS Section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns that Sherburne County has chosen to eventually address in the update of their comprehensive local water management plan. The State reviewing agencies reviewed the priority concerns scoping document (PCSD) and submitted all comments by March 17, 2006. The DNR received an extension and submitted their draft comments by March 24, 2006. The Board of Water and Soil Resources' (BWSR) metro water planning sub-committee (the subcommittee) met on April 6, 2006, to discuss agency comments, the content of the PCSD, and recommendations for the content of the final plan.

The subcommittee highly 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 along with Water Plan Coordinator Mark Basiletti have done an effective job of condensing these down to the priority issues, which will be the focus of the water plan coordinator 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 MPCA, Department of Health, and the DNR offered suggestions and resources when drafting the plan. 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:

- **Impaired and degraded lakes and streams in the Elk River Watershed**
- **Increasing urban and residential land use replacing agriculture, forest and open space creates a concern about water quality and quantity due to increased impervious areas.**

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

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[It is important to be aware of the county's authority under MS 103B.331 to regulate the use and development of water and related land resources within incorporated areas if a municipality does not have official controls consistent with standards in the approved local water management plan. Once standards are adopted into the Sherburne County Water Plan and mailed to LGUs within their jurisdiction, municipalities have 270 days adopt the minimum standards (or make an appeal to BWSR) pursuant to MS 103B.325, subd. 2.]

- **Quality and quantity of riparian and aquatic vegetation.**

These priority concerns are fewer and somewhat altered compared to those originally submitted for review.

As discussed at the subcommittee meeting, Sherburne County will add a written section under "Ongoing Water Activities Coordinated by the Plan" generally addressing the actions they will undertake to address ground water use/quantity, groundwater quality including but not limited to contamination from nitrates and pesticides, and pollution of water resources by toxic chemicals. The plan should also contain a section briefly explaining the water resource concerns/activities they will not implement, or expect another entity to carry out. An education plan will also be incorporated into various, pertinent implementation sections of the Plan update.

In summary, the committee was impressed with the breadth of information assembled by the county and the willingness to run a very open process incorporating a large number of stakeholders. We look forward to participating in the completion of your plan and its ultimate implementation.

Sincerely,

Jerome Deal
Chair

cc: Steve Woods
Doug Thomas
Dave Weirens
John Wells, EQB
Sharon Pfeifer, DNR
David L. Johnson, MPCA
Art Persons, MDH
Becky Balk, MDA

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

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COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Faribault County Priority Concerns Scoping Document – *DECISION ITEM*

2. LeSueur County Priority Concerns Scoping Document – *DECISION ITEM*

3. Rock County Priority Concerns Scoping Document – *DECISION ITEM*

Minnesota Board of Water & Soil Resources

January 31, 2006

Jeff Nielsen
Minnesota Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff:

Faribault County has submitted their Priority Concerns Scoping Document (PCSD) for the 2006 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on December 30, 2005. State agency comments were received from DNR, MDA and MPCA. DNR concurred with the priority concerns identified. MDA commented that the process to identify priority concerns is commendable but inadequate and requested the water planning committee consider MDA comments that were inadvertently not included in the scoping document. Subsequently Faribault County did agree to include MDA priority concerns in the agency response section of the scoping document and bring the comments to the water planning committee for priority concern consideration. The MPCA concurred with the priority concerns. MPCA recommended a water quality monitoring component be included with the priority concerns and commented on the importance of a watershed-system analysis and implementation strategy that includes land use/management and water quality management. No other state agency comments were received during this review period. In addition to PCSD comments the 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 Faribault County PCSD and recommend the BWSR concur with the priority concerns identified.

I look forward to working with Faribault 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

Chris Hughes
Board Conservationist

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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April 26, 2006

Draft

Faribault County Commissioners
c/o Michele Stindtman
Faribault County SWCD Water Plan Coordinator
Faribault County Ag Center
415 South Grove Street, Suite 8
Blue Earth, MN 56013

Dear Faribault County Commissioners:

RE: Official Comments Pertaining to the State Review of the Faribault 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 Faribault 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 Faribault County Priority Concerns Scoping Document (PCSD) on December 30, 2005.

Faribault 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.

1. ***Water Quality Concerns*** - including addressing impaired waters (TMDLs) by major watershed for priority pollutants; groundwater quality focusing on wellhead protection and sealing abandoned or unused wells; lake watershed management; and targeting non-point pollution sources.
2. ***Urban and Rural Stormwater Management Concerns*** – including addressing urban stormwater control and treatment; drainage management focusing on public drainage systems; and flood damage reduction focusing on controlled drainage, out of county drainage inputs, water retention areas and wetland restorations.
3. ***Erosion Concerns*** – including prevention of soil erosion and sedimentation from runoff and stream banks; and construction site erosion control regulations and techniques.
4. ***Agriculture Concerns*** – including animal agriculture; land application of manure and setbacks from sensitive features; crediting of manure nutrients; and nutrient management planning.
5. ***Natural Resource Concerns*** – including identifying and targeting natural corridors to be enhanced and protected; increased wetland resources; and preserving the natural resources of the county.

The BWSR received comments from Minnesota Pollution Control Agency (MPCA), the Department of Natural Resources (DNR), and the Minnesota Department of Agriculture (MDA) on the Faribault County PCSD during the official review period. All agencies concurred with priority concerns identified. The MPCA recommended a water quality monitoring component be included with the priority concerns and commented on the importance of a watershed-system analysis and implementation strategy that includes land use/management and water quality management.

The BWSR southern region water planning review committee (hereinafter referred to as Committee) met on April 6, 2006, to discuss content of the PCSD, state review agency comments on the PCSD, and recommendations for the content of the final LWM Plan.

The Committee commends Faribault 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

Draft

c: Becky Balk, MDA
Joe Martin, MDA
John Wells, EQB
Art Persons, MDH
Cheryl Heide, DNR
David L. Johnson, MPCA
Dan Wilson, MDH
Dana Allen, BWSR Board
Brian Kletscher, BWSR Board
Randy Kramer, BWSR Board
Jeff Nielsen, BWSR Southern Region Supervisor
Chris Hughes, Board Conservationist
Michele Stindtman, Faribault County SWCD

Minnesota Board of Water & Soil Resources

February 13, 2006

Jeff Nielsen
Minnesota Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff:

LeSueur County has submitted their Priority Concerns Scoping Document (PCSD) for the 2006 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on January 9, 2006. State agency comments were received from DNR, MDA and MPCA. DNR concurred with the priority concerns identified. DNR felt the priority concern identification process was adequate and that the county did a good job of gathering input from local organizations and residents. DNR also commented that the document was adequate on which to base their future work. MDA commented that the process to identify priority concerns was adequate and concurred with the priority concerns identified. The MPCA concurred with the priority concerns and strongly recommended, but does not require, the priority concerns include a direct reference to lake monitoring, protection and prioritization at the local level. MPCA also provided information about what to include in a basic lake monitoring. Also, the county should work with partners like MPCA, the Cannon River Watershed Partnership and BWSR to fully understand lakes (via monitoring), to prioritize potential management opportunities, and integrate findings/ideas/concepts into local planning and zoning. No other state agency comments were received during this review period. In addition to PCSD comments the MPCA, BWSR, DNR, MDA, MDH and numerous other local stakeholders provided comments early on in the process.

On behalf of the BWSR I have completed my review of the LeSueur County PCSD and recommend the BWSR concur with the priority concerns identified and consider adding lake monitoring as a priority concern.

I look forward to working with 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

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
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fax (651) 284-0000

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April 26, 2006

Le Sueur County Commissioners
c/o Lauren Klement
Le Sueur County Water Plan Coordinator
88 South Park Avenue
LeCenter, MN 56057

Dear Le Sueur County Commissioners:

RE: Official Comments Pertaining to the State Review of the Le Sueur 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 Le Sueur 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 Le Sueur County Priority Concerns Scoping Document (PCSD) on January 9, 2006.

Le Sueur 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
- Wastewater Treatment
- Stormwater Management
- Protection of Undeveloped Shorelines
- Drinking Water Protection
- Reduce Contamination from Agricultural Sources

The BWSR received comments from the Minnesota Pollution Control Agency (MPCA), the Department of Natural Resources (DNR), and the Minnesota Department of Agriculture (MDA) on the Le Sueur County PCSD during the official review period. All agencies concurred with priority concerns identified. DNR concurred with the priority concerns identified. DNR felt the priority concern identification process was adequate and that the County did a good job of gathering input from local organizations and residents. DNR also commented that the document was adequate on which to base their future work.

MDA commented that the process to identify priority concerns was adequate and concurred with the priority concerns identified. MPCA concurred with the priority concerns and strongly recommended, but does not require, the priority concerns include a direct reference to lake monitoring, protection, and prioritization at the local level. MPCA also provided information about what to include in a basic lake monitoring. Also, the County should work with partners like MPCA, the Cannon River Watershed Partnership, and BWSR to fully understand lakes (via monitoring), to prioritize potential management opportunities, and integrate findings/ideas/concepts into local planning and zoning.

The BWSR southern region water planning review committee (hereinafter referred to as Committee) met on April 6, 2006, to discuss the content of the PCSD, state review agency comments on the PCSD, and recommendations for the content of the final LWM Plan.

The Committee commends Le Sueur 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.

Sincerely,

Jerome Deal, Chair
Minnesota Board of Water and Soil Resources

Draft

c: Becky Balk, MDA
Joe Martin, MDA
John Wells, EQB
Art Persons, MDH
Cheryl Heide, DNR
David L. Johnson, MPCA
Dan Wilson, MDH
Dana Allen, BWSR Board
Brian Kletscher, BWSR Board
Randy Kramer, BWSR Board
Jeff Nielsen, BWSR Southern Region Supervisor
Chris Hughes, Board Conservationist
Lauren Klement, Le Sueur County SWCD

Minnesota Board of Water & Soil Resources

March 27, 2006

Jeff Nielsen
Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff:

Rock County has submitted their Priority Concerns Scoping Document (PCSD) for the 2006 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on February 23, 2006.

State agency comments received from MPCA on March 10, 2006, concurred with the County's priority concerns identified. State agency comments were received from DNR on March 20, 2006. DNR was pleased with the PCSD, but asked for clarification of Priority #4, Goal 3 as it relates to wetlands and endangered species. State agency comments were received from MN Dept. of Ag on March 13, 2006 concurring with the PCSD.

Representing BWSR staff, I have completed my review of the Priority Concerns Scoping Document for Rock County and recommend that BWSR concur with the priority concerns identified:

1. Protect groundwater quality and supply.
2. Feedlot program management.
3. Non-Conforming ISTS.
4. Protect surface water quality.

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.

Sincerely,

Tabor Hoek
Board Conservationist
c: Doug Bos, Rock County Water Plan Coordinator

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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April 26, 2006

Draft

Rock County Commissioners
c/o Doug Bos
Rock County Land Management Office
311 West Gabrielson Road
Luverne, MN 56156

RE: Official Comments Pertaining to the State Review of the Rock County Priority Concerns Scoping Document

Dear Rock County Commissioners:

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Rock 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 Rock County Priority Concerns Scoping Document (PSCD) on February 23, 2006.

Rock 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 Groundwater Quality and Supply
- Feedlot Program Management
- Non-Conforming Individual Septic Treatment Systems (ISTS)
- Protect Surface Water Quality

While these issues may vary in priority within the different watersheds, each is considered a priority concern within all the major watersheds.

The Board of Water and Soil Resources received comments from the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources, and the Minnesota Department of Agriculture. Review of the PCSD by BWSR staff noted that the priority issues identified and established in the document are reasonable and appropriate.

The BWSR southern region water planning review committee (hereinafter referred to as the Committee) met on April 6, 2006, to discuss the content of the PCSD, state review agencies comments on the PCSD, and recommendations for the content of the final plan.

The Committee commends Rock County for the process they used to select the concerns – input from state agencies, local government, and citizens was incorporated into the four priority concerns. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate.

In summary, the Board encourages the County to continue to engage in a process that includes citizens, local government officials, and state and federal resource managers during the development of goals, objectives, and an implementation plan. We look forward to the completion of your plan and its implementation!

Sincerely,

Draft

Jerome Deal, Chair
Board of Water and Soil Resources

c: Becky Balk, MDA
Joe Martin, MDA
John Wells, EQB
Art Persons, MDH
Cheryl Heide, DNR
David L. Johnson, MPCA
Dan Wilson, MDH
Dana Allen, BWSR Board
Brian Kletscher, BWSR Board
Randy Kramer, BWSR Board
Jeff Nielsen, BWSR Southern Region Supervisor
Tabor Hoek, Board Conservationist

NEW BUSINESS

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

2. Bond Requirement for Termination Petition for South Two River Watershed District – *DECISION ITEM*

3. Army Compatible Use Buffer (ACUB) Project Cooperative Agreement – *DECISION ITEM*

4. Open Lot Technical Assistance Project – *DECISION ITEM*

5. Public Road Wetland Replacement Credit Acquisition – *DECISION ITEM*

6. Red River Basin Commission (RRBC) Grant and Work Plan – *DECISION ITEM*

7. Legislative Update – *INFORMATION ITEM*

COUNTY OF STEARNS

Environmental Services Department

Administration Center Rm 343 • 705 Courthouse Square • St. Cloud, MN 56303
320-656-3613 • Fax 320-656-6484 • 1-800-450-0852

December 27, 2005

Dan Steward
Board Conservationist
MN BWSR
217 South 7Th Street
Brainerd, MN 56401

Dear Mr. Steward,

Stearns County is requesting a one year extension to update the Stearns County Comprehensive Local Water Management Plan. The new proposed date is January 31, 2008. This request is being driven by the fact that over the next two years, the Stearns County Comprehensive Landuse Plan will be re-written in conjunction with the Water Management Plan re-write.

Stearns County wants to take advantage of the public meetings that will be held for the Landuse Plan re-write. By coordinating efforts, public funds will be expended in an efficient manner and duplication of efforts will be avoided. Attached is a resolution requesting the extension as requested by BWSR. Future correspondence regarding the Water Management Plan can be submitted to Sue McGuire of this Department. Thank you.

Sincerely,

Robert L. Sip
Environmental Supervisor

RECEIVED
DEC 28 2005
BD OF WATER & SOIL
RESOURCES - BRAINERD

Stearns County Resolution Number 05-138

Resolution to Update the Stearns County Comprehensive Local Water Management Plan

WHEREAS, Minnesota Statutes, Chapter 103B.301, Comprehensive Local Water Management Act, authorizes Minnesota Counties to develop and implement a local water management plan; and

WHEREAS, the Act requires that a county update and revise their local water management plan on a periodic basis; and

WHEREAS, the Act encourages that a county coordinate its planning with contiguous counties, and solicit input from local governmental units and state review agencies; and

WHEREAS, the Act requires that plans an official controls of other local governmental units be consistent with the local water management plan; and

WHEREAS, Stearns County has determined that the revision and continued implementation of a local water management plan will help promote the health and welfare of the citizens of Stearns County; and

NOW, THEREFORE, BE IT RESOLVED, that the Stearns County Board of Commissioners resolve to revise and update its current local water management plan and to request a one year extension to update the plan by January 31, 2008.

BE IT FURTHER RESOLVED that Stearns County will coordinate its efforts in the revision and update of its plan with all local units of government within the county, and the state review agencies; and will incorporate, where appropriate, any existing plans and rules which have been developed and adopted by watershed districts having jurisdiction wholly or partly within Stearns County into its local water management plan.

BE IT FURTHER RESOLVED that the Stearns County Board of Commissioners authorizes the Stearns County Comprehensive Local Water Management Advisory Committee to revise and update the plan and shall report to the County Board on a periodic basis.

BE IT FURTHER RESOLVED that the Stearns County Board of Commissioners delegates the Stearns County Environmental Services Department the responsibility of coordinating, assembling, writing and implementing the revised local water management plan pursuant to M.S. 103B.301.

Adopted by the Stearns County Board of Commissioners this 20th day of December, 2005.

APPROVED:

Vince Schaefer, Chair
Stearns County Board of Commissioners

ATTEST:

Randy Schreifels, Auditor-Treasurer
Clerk
Stearns County Board of Commissioners

COUNTY OF STEARNS

Office of the County Auditor-Treasurer

Administration Center Rm 148 • 705 Courthouse Square • St. Cloud, MN 56303
320-656-3900 • FAX 320-656-3916
Randy R. Schreifels, County Auditor-Treasurer

April 25, 2006

Minnesota Board of Water and Soil Resources (BOWSR)
520 Lafayette Road North
St. Paul, MN 55155
Attention: Ron Harnack, Executive Director & Jerome Deal, Chair

Re: South Two Rivers Watershed District (STRWD) Termination Petition

Gentlemen:

Please find enclosed the Auditor's Certification of Petitioners filed pursuant to Minn.Stat. §103D.271, subdivision 5. I offer a few brief comments and observations concerning this certification.

The above-cited statute states, in pertinent part, that:

> An auditor who receives a termination petition must determine from the *tax records* whether the petitioners are resident owners within the watershed district. The auditor must certify the number of petitioners that are resident owners and file the certification with the board.
>
> Minnesota Statutes §103D.271, subdivision 5. (2004) [emphasis added]

Based upon an analysis of our tax records, I have certified 746 petitioners as resident owners within the meaning of this statute. On advice of counsel, the following criteria were used in making this determination:

1. If the person listed in the petition is a taxpayer with a legal interest in homestead property located within the geographic boundaries of the Stearns portion of the South Two Rivers Watershed District (STRWD), then the name was included among those certified.

2. For names which appear in the petition more than once, we certified the name only once.

3. We did not certify names that were illegible in the petition.

There are 2,246 separate homesteaded tax parcels within the Stearns portion of the STRWD. There are 3,179 names of interested parties associated with the homesteaded tax parcels located in the Stearns portion of the STRWD. There are more interested parties than homesteaded parcels due to primary joint ownership, life estates, and other ownership situations. Some of these properties had more than one interested party sign the petition.

A portion of this Watershed District is located in Morrison County. Stearns County does not possess tax records concerning the Morrison County portion of the STRWD.

Calculation of the percentage of resident property owners who have signed the petition is the responsibility of BOWSR. If in the opinion of BOWSR additional information is required to make this determination, Stearns County will provide such information from its tax records to the extent that we have it. If BOWSR, or any party, disputes the conclusions reached in certifying the number of petitioners, then Stearns County will provide the relevant records to the disputing party.

Please call if you have questions. I thank you for your kind attention to this matter.

Yours truly,

Randy Schiefels
Stearns County Auditor-Treasurer

COUNTY OF STEARNS

Office of the County Auditor-Treasurer

Administration Center Rm 148 • 705 Courthouse Square • St. Cloud, MN 56303
320-656-3900 • FAX 320-656-3916
Randy R. Schreifels, County Auditor-Treasurer

Invoice Date: 4/25/06
Due Date . : 5/25/06

Invoice # : 60000940
Customer #: 5378

MN BOARD OF WATER AND SOIL RESOURCE
520 LAFAYETTE RD N
ST. PAUL MN 55155

AUDITOR MISC BILLINGS

Total Due: $2135.00

Checks payable to: STEARNS CO AUDITOR-TREAS.
MAIL to the ABOVE ADDRESS.
Please REFER to our INVOICE # WITH PAYMENT
CALL 320-656-3871 if you have QUESTIONS

Description	Unit of Measure	Quantity	Amount Per Unit	Total
SOUTH TWO RIVERS WATERSHED DIS STEARNS COUNTY COST TO CERTIFIY PETITION	Each	1.0000	2,135.0000	2,135.00

RESOLUTION NUMBER 06-___

RESOLVED, that Jerome Deal, the Chair of the Minnesota Board of Water and Soil Resources, is authorized to determine if the Termination Petition involving the South Two River Watershed District meets the requirements of Minn. Stat. § 103D.271, subdivisions 4 and 5 and the petitioner's bond has been filed pursuant to subdivision 6, and, if those provisions have been fully met, is further authorized to sign the Order for the Termination Hearing setting forth the date, time and location of the hearing, along with appointing the hearing panel.

Tabled

~~446~~
746 — 3179 23%
16 — 16+
762 21%

MORRISON COUNTY
"HOME OF LINDBERGH"

County Auditor
RUSS NYGREN
Government Center
213 S.E. 1st Avenue
Little Falls, Minnesota 56345-3196
320/632-0130

April 24, 2006

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

To Whom It May Concern:

Pursuant to MN Statute 103D.271 subd. 5, I am hereby certifying the information regarding petitions to terminate the South Two Rivers Watershed District.

There were 16 signatures of individuals that own real estate and also have their home located within the watershed district.

There were four signatures of individuals who own land within the watershed but their home is located outside of the district.

There were two signatures of individuals that appear to live within the district but their names do not appear on the tax rolls.

If you have any questions, please contact me.

Sincerely,

Russ Nygren

Russ Nygren

RN/sw

RECEIVED
APR 25 2006
Bd. of Water & Soil Resources
St. Paul

April 23, 2006

To: Ron Harnack
520 Layette Road N.
St. Paul, MN
55155

In Reference to why people aren't happy about South Two Rivers Watershed District Just a couple of the events in the past year.

After my resignation the only project that was ever petitioned for and completed under a contract between the land owners the contractor and the STRWD still has not been paid for by STRWD. This was a project that should have been one of the first things the STRWD did when it was formed in 1986. It's at almost the highest point or top of the watershed district. It is three holding ponds North East of Pelican Lake that are now in place and doing a great job of helping to filter out the sediment flowing to pelican Lake. This project was approved twice at STRWD meetings, and then in July just before it was done a Stipulation was added that Stearns County Soil and Water had to sign off on the project. After receiving letters from two different people from that office saying if they were not timely enough we should feel free to get someone else to get it done. I considered that to be signing off on the project and had it done. I was the manager appointed in charge of projects for the District.
This was a small project at a total cost of $7186.00

Another disappointment was the CRP cost share project on Pine Lake that I made a motion on at the July 2005 meeting and it was approved but did not happen because STRWD would not give the land owner the cost share amount that was agreed on. This was $1687 a very small cost to pay for the benefit it would have been. It seems one of the board members and the land owner doesn't get along. This would have been of great benefit to not only Pine Lake but part of that land drains to Two River Which of course runs to Two River Lake and of course it would have benefited the wild life also.
To make matters even worse after the assessment was done on STRWD STRWD published in the local news paper that they did a flooding project on this land owners land that they never did. To date they have not made a correction in the paper or an apology to the land owners.

I'm sorry I truly did try to make this watershed district work I even took Dan Stewart from the Brainerd office around the District to show him what had been done and some of what could be done. He is the one person I worked with that made me believe that we could get things done and doing small projects was much better then doing nothing. Its unfortunate that the Stearns County commissioners have choose the people they did to be on the board and put a stop to all the progress that had been made.

It's hopeless to think any good will come out of this board or this district now. It needs to be shut down closed or what ever. I plan to work with the DNR to get things done from now on. The watershed District can't be counted on. The Stearns County Soil and Water Conservation District has done almost nothing compared to what they should have done by now, again with them it's who they are friends with that get the projects done first. They may say they take projects in the order that they get them but it's hard to believe after two years they had nothing done on ours. These projects have to be worked on right away before land owners changed there mind or move or sale out to developers. Another thing that happens is farmers offer to rent land and put row crops where there could have been natives grasses and holding ponds so we get more pollution running into our lakes rivers and streams because heaven forbid that they leave buffer stripes along the ditches etc after all they only care about a extra bushel of corn or beans instead of having hay planted along them. I don't mean to say all land owners have no interest in protecting our waters we have many in our area that have done buffers etc. Just like every thing else a few give many a bad name. This watershed district was successful in forcing me off the board how many other people have tried to do the right thing and also got forced off or were never able to get on as manager or were turned down for trying to do projects that would help our lakes rivers and streams. This system doesn't work it needs to be revised or terminate that is the whole idea of watershed District managers. We have more qualified people already in charge of keeping our waters in good condition. During the time I was a watershed district manager I talked to many other managers who joked about how they made more money going to board meetings then they did many days as farmers or other jobs they had. The purpose is not to earn an income but rather work with all the people and come up with a solution that the public can live with. At the present time watershed district are no better then dictatorships. It is unfortunate that the people have no say in what they do.

For some reason they think they are some kind of dictator's that don't have to answer to the people. That is called communism and there is no place for that here.

Each meeting the public attended some how the minutes always came out in one way or anther to degrade the public or the minutes would be skewed incorrectly to change the whole purposes or meaning of motions etc. That is the reason Scott Hanson resigned off the board. Most people have jobs where when you say this is how it's to be done you get it done. In this environment he could not get any thing done in any kind of timely manner and realized he was wasting his time at the meetings.

In the beginning we tried to work with the STRWD and the County Now we no that didn't work. We asked the board of Soil and Water to help that's not working. So now were forced to see if they are doing there job and what recourse do we have. The longer this takes the more we have to dig in and find out what else is wrong that needs the attention of the tax payers. I pray for a speedy solution to the issues at hand, far too much time and tax payers dollars are being spent defending the South Two River watershed district, time that could be better spent taking care of the good Watershed Districts and making sure they don't end up the way this one is now.

Thanks for your time in this matter please read or summit this at the time of the hearing regarding STRWD and the bond Requirements from the petitioners.

Joseph Lang

Oct 2005

To: The Stearns County Commissioners
From: Joe Lang Manager of
South Two River Watershed District
37075 Pelican Lake Rd
Avon, MN 56310

Greetings,

I give up. I slid the STRWD mail under the office door for the last time. Since the first meeting in 2005 I've been pretty much black balled. It should not be that hard to get things done for water quality in the District. Since I was on the board I'm the only manager that ever presented a project to the board including cleaning out the river in Holdingford, water monitoring in the district, a wet land restoration project on the East end of Pelican Lake. Barb and I were the first contact people in a project North West of Albany. We helped the land owner get in contact with the right people to get it done. STRWD did not pay any part of that project. We were also the first contact on two projects at the North West end of Two River Lake. This one done with a cost share between STRWD and STEARNS County Soil and Water Conservation District and different programs they put together. Another project on the East end of Albany where Barb and I worked with the developer at the planning stage and the developer agreed to reducing the flow from his project more then the required amount. STRWD paid ½ of the cost for the additional holding ponds and so on. I also got a cost share approved for a project on Pine Lake for CRP where trees and native plants will be established. Between Scott Hanson and me, we got approval on holding ponds on the North East Inlet of Pelican Lake. This project was to be done with Stearns County Soil and Water Conservation district, a project they had since May 2003 to design. After getting letters from Greg Berg and Dennis Fuchs from that office saying they were busy and they were doing projects in the order they came and that if they were not timely enough for us I should find someone else to design and do the project. So I did get a contractor who works with the US Fish and Wild Life on projects like this and had it done the way they have done many projects for US Fish and Wild Life in the past. They designed and constructed three ponds that will hold about 750,000 gallons of water that will help reduce sediment and nutrient loading.

These are the kind of things watershed districts are suppose to do, not play games like locking other managers out of the office and changing pass words with out any advance notice or allowing all managers access to it. I can no longer be a manager of this STRWD. Without full access I can't be responsible for the actions of the district. The other managers don't want me there anyway. An example of this is we had only three managers since July. Richard and Leroy decided they were the only two that needed to be officers. They both decided to lock me out of the office and cut me off the internet access of STRWD. I did not get on the board to play games. I wanted to get things done. It's making me sick to stay on this board so I have to resign.

Thanks for the opportunity to work to improve water quality. I will continue to do what I can to make sure the lakes, rivers and streams are safe for our children, grandchildren and future generations.

Thanks

Joe Lang

COOPERATIVE AGREEMENT	DRAFT 4/11/06
AGREEMENT NO.	PAGE 1 OF 20 PAGES
ISSUED BY: NATIONAL GUARD BUREAU	ISSUED TO: MINNESOTA BOARD OF WATER AND SOIL RESOURCES

TABLE OF CONTENTS

ARTICLE	DESCRIPTION	PAGES	ARTICLE	DESCRIPTION	PAGES
I	SCOPE, PURPOSE AND AUTHORITY	1	VII	GENERAL PROVISIONS	4
II	OBLIGATIONS OF THE PARTIES	1	VIII	REPRESENTATIONS AND CERTIFICATIONS	2
III	COSTS	1	IX	RESERVVED	1
IV	FUNDING LIMITATIONS	1	X	LEGAL AUTHORITY	1
V	PAYMENT	1	XI	TERMINATION, ENFORCEMENT, CLAIMS, DISPUTES RESOLUTION AND APPEALS	1
VI	DEFINITIONS	1		ATTACHMENTS	4

EXECUTION

By executing this Cooperative Agreement, the parties agree to the terms and conditions contained herein, including attachments.

IN WITNESS WHEREOF, the parties, by their authorized representatives, execute this Cooperative Agreement.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES	NATIONAL GUARD BUREAU
BY: _____ BWSR, Director _____ Date	BY: _____ NGB-PARC (Principal Assistant Responsible for Contracting) _____ Date
Contract review and approval: _____ Dept. of Administration _____ Date	Approved as to legal form: _____ NGB-JA _____ Date
	Approved as to availability of funds: _____ NGB-ARZ-DRM

ARTICLE I - SCOPE, PURPOSE AND AUTHORITY

Section 101. General.

a. The National Guard Bureau (NGB) and the State of Minnesota, acting by and through its Minnesota Board of Water and Soil Resources (BWSR) have entered into this Cooperative Agreement (CA) to establish the terms and conditions applicable to the contribution of Federal funds to assist BWSR's acquisition of long-term interest in or title to parcels of land adjacent to Minnesota Department of Military Affairs' Camp Ripley in accordance with Title 10 U.S.C. Chapter 159 Section 2684a.

b. This CA with attachments includes all terms and conditions related to NGB's contribution of funds for the above stated purpose. Attachments are an integral part of this CA.

Section 102. Scope.

The scope of this CA includes all activities enumerated in this agreement and Attachments.

Section 103. Performance Specifications.

Specifications for the performance of these activities are contained within the scope of this CA are contained in Article VII and Attachments.

Section 104. Authority.

a. Section 2684a of Title 10, United States Code as added by Section 2811 of the National Defense Authorization Act for Fiscal Year 2003, Public Law 107-314, authorizes the Secretary of the Army to enter into agreements with State or Local governments or private conservation organizations to address the use or development of real property in the vicinity of a military installation. Such agreements are for the purposes of (a) limiting any development or use of the property that would be incompatible with the mission of the installation; or (b) preserving habitat on the property that is compatible with environmental requirements and that may eliminate or relieve environmental restrictions that would restrict, impede, or interfere with military training, testing, or operations on the installation. By Delegation of Authority dated September 4, 2003, the Acting Secretary of the Army delegated this authority to the Assistant Secretary of the Army (Acquisition, Logistics, and Technology). On September 30, 2003, the Assistant Secretary of the Army (Acquisition, Logistics, and Technology) delegated this authority to the Chief, National Guard Bureau. Also on September 30, 2003, the Chief, National Guard Bureau, has re-delegated this authority to the Principal Assistant Responsible for Contracting, National Guard Bureau. All aforementioned delegations expire on July 1, 2011, unless sooner rescinded in writing.

b. Minnesota Statutes, section 103B.101, subdivision 9 (2005), states that the BWSR may accept grants, gifts, donations, or contributions in money, services, materials, or otherwise from the United States, a state agency, or others source to achieve an authorized purpose. The Board may receive and expend money to acquire conservation easements, as defined in Minnesota Statutes Chapter 84C (2004), on behalf of the state and federal government consistent with the Camp Ripley's Army Compatible Use Buffer Project (ACUB). Any money received is hereby appropriated and dedicated for the purpose for which it is granted.

Minnesota Statutes sections 103F.501 to 103F.531 (2004) authorizes BWSR to keep certain marginal agricultural land out of production to protect soil and water quality and support fish and wildlife habitat. It is state policy to encourage the retirement of marginal, highly erodible land, particularly adjacent to public waters, drainage systems, wetlands, and locally designated priority waters, from crop production and to reestablish a cover of perennial vegetation.

ARTICLE II - OBLIGATIONS OF THE PARTIES

Section 201. Obligations of the BWSR

a. The BWSR shall exercise its best efforts to supervise, manage, operate and/or maintain all activities or projects within the scope of this CA according to sound, efficient, commercial practice and the terms, conditions, and specifications of this CA.

b. The BWSR will generate sufficient funds to satisfy the cost sharing requirements of this CA, which will include but not be limited to in-kind services and real estate transactions provided by the BWSR, landowners, and Project Participants throughout the ten mile project area as outlined in Attachment B. An annual report will be submitted by the BWSR to document the cost sharing invested in the project area.

c. The BWSR's obligations under the provisions of this CA are contingent upon the NGB funding of this CA in each fiscal year.

Section 202. Obligations of NGB.

a. NGB shall reimburse or advance funds to the BWSR for the allowable acquisition costs as defined in Section 721 incurred in performance of this CA according to its terms and conditions for reimbursement or advance. NGB will send reimbursement or advance funds to BWSR within 30 days of the receipt of an invoice or memorandum requesting advance funds with supporting documentation to justify the advance. NGB may reimburse the BWSR in advance as stated in Section 501a of this CA.

b. Whenever the terms of this CA provide for approval by NGB, the approval will not be unreasonably withheld. Any request for approval shall be considered and acted upon by NGB in a timely fashion.

c. The obligations of NGB are subject to the availability of Federal funds for the CA.

ARTICLE III - COSTS

Section 301. General.

a. NGB shall make available an amount not to exceed $500,000 for Fiscal Year 2006 toward the cost of acquiring real estate interests in land parcels identified in Attachment A of the CA.

b. Future funding will depend upon availability of Federal funds in each fiscal year.

Section 302. Cost Sharing.

a. The total estimated Federal cost of this CA for Fiscal Year 2006 is an amount not to exceed $500,000. The minimum cost sharing contribution from the BWSR, Landowners, and Project Participants for Fiscal Year 2006, is $125,000 to include reimbursable expenses outlined in Section 721 and in-kind services, Landowner contributions, and Project Participant contributions as defined in Attachment C. The BWSR, Landowners, Project Participant, and NGB contributions will be documented in the annual report submitted by the BWSR for each fiscal year.

Section 303. BWSR Annual Report.

a. The BWSR shall deliver to the Chief, National Guard Bureau, Environmental Programs Division an accounting of funding and disbursements under the CA for each fiscal year. The accounting shall include properties where NGB's funds are being expended and include the items outlined in Attachment B.

ARTICLE IV - FUNDING LIMITATIONS

Section 401. Funding Limitation.

a. The maximum funding limitation amount for NGB for Fiscal Year 2006 is an amount not to exceed $500,000

b. Funding for subsequent Fiscal Years will be accomplished by a bilateral modification of this CA.

c. The BWSR shall be responsible for management of lands or interest in lands acquired and held by the BWSR through this CA contingent upon appropriations by the Minnesota Legislature.

Section 402. Method of Funding.

a. The Army National Guard Comptroller in conjunction with the NGB Environmental Programs Division will provide funding in an amount not to exceed $500,000 to the BWSR.

1. Advance Funds: The BWSR must request advance funds at least 30 days prior to the date needed for closing on parcels. The request for funds will include documentation supporting the request to include: closing date, acreage, location, appraised value of parcel or easement, amount of NGB funds requested, and nature of interest being acquired. NGB acknowledges that the property interests subject to the CA, if successfully negotiated for acquisition by BWSR, cannot be acquired until the acquisition funds are received from NGB and NGB has authorized expenditure of such funds.

2. Reimbursement of Expenditures: The NGB will reimburse the BWSR for expenses incurred within 30 days of invoice receipt for allowable expenditures as outlined in Section 721.

b. All funds to be contributed through this CA shall be considered to be obligated upon final signature of the CA and proper posting to the NGB accounting system during the current Fiscal Year.

Section 403. Limitation on the Availability of Funds for BWSR's Obligation.

a. Funds provided by NGB under this CA for any federal fiscal year are available for obligation (as the term "obligation" is defined in 32 CFR 33.3) by the BWSR only as long as the BWSR or Project Participant initiates action during the fiscal year to accomplish real estate transactions for parcels listed in the applicable Attachment A. "Initiates action" as the phrase is used herein shall mean and refer to the inclusion of the property on an acquisition list and the receipt of a signed easement application.

b. The BWSR will purchase conservation easements from landowner who voluntarily enroll in the ACUB Program. Landowners who chose to enroll will be paid 50% of the county assessor's average market value of the land in township the land is located. Conservation easement payment rates are shown in Attachment B.

ARTICLE V - PAYMENT

Section 501. Payment by Advance

a. NGB may reimburse the BWSR in advance. The advance payment shall be made according to the procedures established by the Defense Finance and Accounting Service and the NGB Army Comptroller Division.

b. Funds advanced shall be deposited into a special account indicating the source and purpose of the funds pursuant to State Accounting and Budgetary Procedures Law.

c. The BWSR agrees to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the BWSR.

d. The funds provided by this advance payment arrangement are to be used solely by the BWSR for the items of allowable acquisition costs incurred in the performance of this CA as defined in Section 721.

e. Appropriate payment documents, such as vouchers, options, or closing statements, for actual expenditures shall be submitted to the NGB Army Comptroller Division during the period for which advanced payments have been made. The documents shall be reconciled with the advanced payments that were previously made and shall be applied to the liquidation of those advanced payments outstanding.

f. The BWSR shall make records and accounts pertaining to this CA available for inspection by auditors and other authorized Federal government officials as required.

Section 502. Direct Federal Payment of State Obligations.

a. In no event, shall the NGB make direct payment to a BWSR contractor, BWSR employee, contractor employee, or BWSR vendor for any costs incurred by the BWSR under this CA.

ARTICLE VI - DEFINITIONS

Section 601. Chief, National Guard Bureau.

The Chief, National Guard Bureau means the head of the National Guard Bureau or his designee.

Section 602. Fiscal Year.

Fiscal Year (FY) means the federal funding year that begins on October 1 and ends on September 30.

Section 603. STATE OF MINNESOTA BOARD OF WATER AND SOIL RESOURCES

a. As set forth in Minnesota Statutes sections 103F.501 to 103F.531 (2005), the BWSR is the state's administrative agency for 90 soil and water conservation districts, 46 watershed districts, 23 metropolitan watershed management organizations, and 80 county water managers. The agency's purpose, working through local government, is to protect and enhance the state's irreplaceable soil and water resources by implementing the state's soil and water conservation policy, comprehensive local water management, and the Wetland Conservation Act as it relates to the 41.7 million acres of private land in Minnesota.

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

c. The BWSR has a unique service delivery system using the staff and resources of local government, along with the state staff and resources, to work with private landowners to implement conservation on the ground. This provides an opportunity to partner state, federal, local, and private resources to private lands projects that help maintain water quality, prevent soil loss and erosion, plan for land use, and protect wetlands. These partnerships in service delivery ensure that the interest of state policy is implemented with local issues and problems in mind.

Section 604. Grants Officer.

a. Grants Officer (GO) shall mean an individual appointed by the NGB, Head of Contracting Activity (HCA) authorized to provide approvals, receive reports, modify or change the terms of this CA, provide funds under the CA or take any other action for NGB under this CA except for deciding any appeal of a dispute under this CA as provided in Section 1203 and any other action delegated to a specific person by this CA. For purposes of this agreement, the Grants Officer shall be the National Guard Bureau Principal Assistant Responsible for Contracting.

Section 605. Grants Officer Representative.

a. Grants Officer Representative (GOR) means a representative of the Grants Officer acting within the limits of his or her authority as delegated, in writing, by the Grants Officer.

Section 606. National Guard Bureau.

a. The National Guard Bureau (NGB) is a Joint Bureau of the Department of the Army and the Department of the Air Force, headed by a chief who is the advisor to the Army Chief of Staff and the Air Force Chief of Staff on National Guard matters. The National Guard Bureau is the channel of communication between the departments concerned and the several States, Territories, Puerto Rico, and the District of Columbia, on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

Section 607. State.

a. Any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State exclusive of local governments.

Section 608. Project Participants.

a. The Project Participants refer to the list enumerated in Attachment B.

ARTICLE VII - GENERAL PROVISIONS

Section 701. Term of Agreement.

a. Unless sooner terminated by its terms or extended for project completion, this CA shall terminate on September 30, 2011.

Section 702. Primary Benefit.

a. This CA is intended for the primary benefit of NGB, Minnesota Department of Military Affairs, and the State of Minnesota through the BWSR.

Section 703. Modification.

a. This CA may be modified only by a written instrument signed by the parties hereto.

Section 704. Successors and Assigns.

a. This CA may not be assigned by a party without the express written consent of the other party. All covenants made under this CA shall bind and inure to the benefit of any successors and assigns of the parties whether or not expressly assumed or acknowledged by such successors or assigns.

Section 705. Entire Agreement.

a. This CA forms the entire agreement between the parties as to scope and subject matter of this CA. All prior discussions and understandings concerning the scope and subject matter are superseded and incorporated by this CA.

Section 706. Severability.

a. If any provision of this CA is held judicially invalid, the remainder of the CA shall continue in force and effect to the extent not inconsistent with such holding.

Section 707. Waiver of Breach.

a. If a party waives enforcement of any provision of this CA upon any event of breach by the other party, the waiver shall not automatically extend to any other or future events of breach.

Section 708. Notices.

a. Any notice, transmittal, approval, or other official communication made under this CA shall be in writing and shall be delivered by hand, facsimile transmission, or by mail to the other party at the address or facsimile transmission telephone number set forth below or at such other address as may be later designated:

Dr. Tom Kennedy
Principal Assistant Responsible for Contracting
National Guard Bureau
ATTN: NGB-AQ
1411 Jefferson Davis Highway
Arlington, VA 22202-3231
703-607-1174 fax

Ron Harnack
Executive Director
Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, MN 55155
651-296-0878
651-297-5615 (fax)

Section 709. Execution.

a. This CA may be executed in several counterparts, each of which shall be deemed an original.

Section 710. Conflict of Interest.

a. The BWSR shall insure that its employees are prohibited from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others.

Section 711. Access to and Retention of Records.

a. The BWSR shall afford any authorized representative of NGB, the Department of Defense, or the Comptroller General access to and the right to examine all records, books, papers, and documents ("Records") that are within the State's custody or control and that relate to its performance under this CA. The BWSR shall retain all such records intact in a form, if not original documents, as required by Minnesota law for at least three (3) years following termination of this CA.

Section 712. Change of Circumstances.

a. Each party shall promptly notify the other party of any legal impediment, change of circumstances, pending litigation, or any other event or condition that may adversely affect the party's ability to carry out any of its obligations under this CA.

Section 713. Liability and Indemnity.

a. Nothing in this CA shall be construed as an indemnification by one party of the other for liabilities of a party or third persons for property loss or damage or death or personal injury arising out of and during the performance of this CA, or arising from any other action that may arise as a result of this agreement. Any claims or any liabilities or claims for property loss or damage or for death or personal injury by a party or its agents, employees, contractors or assigns or by third persons, arising out of and during the performance of this CA shall be determined according to applicable law. The BWSR's liability is subject to the limits and exclusions contained in the Minnesota Tort Claims Act, Minnesota Statutes, sec. 3.736.

Section 714. Reports.

a. In addition to any financial or other reports required by the terms of this CA, NGB will require the BWSR to prepare an annual report to document the contributions of the BWSR and Project Participants. The NGB may request the BWSR to provide additional information relating to this CA. The BWSR agrees to provide any additional information within a reasonable time of request and in such detail as may be required.

Section 715. Special State Requirements.

a. Changes to established requirements of this CA made necessary by governing state statutes will be coordinated with NGB Office of the Chief Counsel prior to submission of this CA for approval by NGB. Upon acceptance of the submitted change or alteration by the NGB Office of Chief Counsel, a complete statement of alterations or changes, along with their justification, must be either presented below or attached to this CA and will be considered a part hereof.

Section 716. Confidentiality of Appraisals.

a. In accordance with Army Regulation 405-10, paragraph 1-7b, the NGB will maintain the confidentiality of all appraisals until the data becomes public.

Section 717. Availability of Public Records

a. Except as provided in Section 716 above, the NGB understands and agrees that all documents, papers, letters, maps and other materials specifically relating to the acquisition of a parcel are public data, unless otherwise provided under the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13 (2004).

Section 718. Certifications.

a. None.

Section 719. Ownership of Real Estate.

a. Title to land interests acquired with federal funds under this CA shall be subject to 10 U.S. C. Sec. 2684a(d)(3), and shall be held either: (i) solely by the State of Minnesota, acting by and through the BWSR, or (ii) jointly by the State of Minnesota, acting by and through the BWSR and a non-governmental organization or other government unit as a subcontractor to the BWSR, and authorized to hold conservation easements pursuant to Minnesota Statutes, section 84C.01, section 103B.101, subd 9, and sections 103F.501 to 103F.531. The BWSR may transfer management responsibilities in its holding of a conservation easement to a party eligible to hold conservation easements under Minnesota Statutes. The BWSR may transfer ownership and management responsibilities in its holding in a conservation easement to Cass County, Crow Wing County, Morrison County or the Minnesota Department of Natural Resources, which are eligible to hold conservation easements. Any transfer of ownership or management responsibilities will provide that the recipient is subject to the terms and conditions of this CA, as amended and modified.

b. If requested by the Secretary of the Army in the future, the BWSR agrees to transfer any portion of the property or interest acquired under this agreement or a lesser interest therein to the United States. Any request from the Secretary of the Army shall be limited to the minimum property or interests necessary to ensure that the property concerned is developed and used in a manner appropriate for purposes of 10 U.S.C. §2684a as outlined in Section 104a.

c. The parties agree and acknowledge that only the parcel or parcels of land severed from the properties acquired in less than fee simple with funds provided by NGB under the provisions of this CA shall be deemed "under" the CA, as referred to in title 10, chapter 159, Section 2684a(d)(3). This CA shall not be construed to apply to any real property or interest therein acquired by the BWSR with state funds whether or not such property is included within the properties listed in Attachment A.

d. The BWSR and the Minnesota Army Reserve National Guard must agree with the selection of parcels to be acquired under this agreement.

Section 720. Interest To Be Acquired.

a. The real property interest to be acquired will be less-than-fee; provided, however, the parties shall have agreed to the form of the acquisition, the property rights to be acquired and the legal rights and responsibilities to be obtained or assumed, and the specifications for such less-than-fee acquisition are attached to this CA as an exhibit.

Section 721. Allowable Acquisition Costs.

a. Except on limited in paragraph 2 below, the NGB shall contribute to all valid reimbursable expenses associated with the acquisition of less-than-fee simple real property interests including but not limited to: all administrative and technical costs associated with conservation easement acquisition for BWSR or project participants, conservation plan implementation costs, easement purchase price, legal fees and title insurance costs. The NGB cost is not to exceed 10% above the purchase price in expenses for the contract services or acquisition costs in accordance with federal auditable standards.

b. The NGB will reimburse the BWSR or Project Participants for certain expenses associated with the acquisition of less-than-fee simple real property interests including, but not limited to, easement monitoring escrows and indirect expenses.

Section 722. Negotiations

a. Negotiations with the owners of all parcels will be conducted by the BWSR, or its Project Participants, in a manner intended to assure that the most favorable price and terms are obtained for the BWSR.

Section 723. Management and Monitoring of Lands Acquired by the BWSR

a. The costs of long-term management and easement monitoring is the responsibility of the BWSR or Project Participants. In the event that a Project Participant defaults in the long-term monitoring of easements, the BWSR will assume responsibility or reassign management responsibilities to a party that is eligible to hold a conservation easement. Pursuant to 10 USC Section 2684a(d)(1)(B), the US may share only in the cost of acquisitions The NGB shall cooperate in development of each land management plan where appropriate and practicable. Each parcel shall be managed such that development or use of the land will be compatible with the mission of Camp Ripley and such that natural resources on the parcel are preserved to help eliminate or relieve current or anticipated environmental restrictions that might otherwise restrict, impede, or otherwise interfere, either directly or indirectly, with current or anticipated military training and operations on Camp Ripley. Any parcel encumbered through a conservation easement pursuant to this CA shall be managed or monitored by the BWSR or the party holding a conservation easement, under the provisions of Section 719 a., for the conservation purposes set forth in this CA, and implemented according to a management plan or the terms of the easement.

ARTICLE VIII - REPRESENTATIONS AND CERTIFICATIONS

Include the following provisions in any contracts resulting from this Cooperative Agreement

Section 801. Applicable Law.

a. This CA is incidental to the implementation of a Federal program. Accordingly, this CA shall be governed by and construed according to Federal law as it may affect the rights, remedies, and obligations of the United States.

Section 802. Governing Regulations.

a. To the extent not inconsistent with the express terms of this Agreement, the provisions of 32 CFR Part 33, Uniform Administrative Requirements for Grants and Cooperative Agreements, apply to this CA.

Section 803. Nondiscrimination.

a. The Contractor/Vendor agrees that no person shall be denied benefits of, or otherwise be subjected to discrimination in connection with the State of Minnesota's performance under this CA, on the ground of race, religion, color, national origin, sex or handicap. Accordingly and to the extent applicable, the BWSR covenants and agrees to comply with the following:

1. Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), and DOD regulations (32 CFR Part 300) issued thereunder;

2. Executive Order 11246 and Department of Labor regulations issued thereunder (41 CFR Part 60);

3. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and DOD Regulations issued thereunder (32 CFR Part 56); and,

4. The Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.) and regulations issued thereunder (45 CFR Part 90).

Section 804. Lobbying.

a. The Contractor/Vendor agrees that it will not expend any funds appropriated by Congress to pay any person for influencing or attempting to influence an officer or employee of any agency, or a Member of Congress in connection with any of the following covered Federal actions: the awarding of any Federal contract; the making of any Federal grant; the making of any Federal loan; the entering into of any cooperative agreement; and, the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. The Final Rule, New Restrictions on Lobbying, issued by the Office of Management and Budget and the Department of Defense (32 CFR Part 28) to implement the provisions of section 319 of Public Law 101-121 (31 U.S.C. § 1352) is incorporated by reference.

Section 805. Drug-Free Work Place.

a. The Contractor/Vendor agrees that it will comply with the provisions of the Drug-Free Work Place Act of 1988 (Public Law 100-690, Title V, Subtitle D; 41 U.S.C. § 701 et seq.) and maintain a drug-free workplace.

b. The Final Rule, Government-Wide Requirements for Drug-Free Workplace (Grants), issued by the Office of Management and Budget and the Department of Defense (32 CFR Part 28, Subpart f) to implement the provisions of the Drug-Free Work Place Act of 1988 is incorporated by reference and the BWSR covenants and agrees to comply with all the provisions thereof, including any amendments to the Final Rule that may hereafter be issued.

Section 806. Equal Employment Opportunity.

a. The Contractor/Vendor agrees to comply with Executive Order 11246 of September 24, 1965 entitled "Equal Employment Opportunity," as amended by Department of Labor regulations (41 CFR Chapter 60).

Section 807. Copeland "Anti-Kickback" Act.

a. The Contractor/Vendor agrees that it will comply with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). As applied to this CA, the Copeland "Anti-Kickback" Act makes it unlawful to induce, by force, intimidation, threat or procuring dismissal from employment, or otherwise, any person employed in the construction or repair of public buildings or public works, financed in whole or in part by the United States, to give up any part of the compensation to which that person is entitled under a contract of employment.

Section 808. Exceptions to Provisions of Article VIII.

a. The above provisions in Article VIII do not apply to land transactions. They apply only to any other contracts written as a result of this agreement, which are funded with these federal funds.

ARTICLE IX - RESERVED

ARTICLE X - LEGAL AUTHORITY

Section 1001. Legal Authority.

a. Neither the BWSR nor NGB is under any existing or foreseeable legal disability that would prevent or hinder it from fulfilling the terms and conditions of this CA. The parties shall promptly notify each other of any legal impediment that arises during the term of this CA that may prevent or hinder its fulfillment of its obligations under this CA.

b. The NGB enters into this CA pursuant to the provisions of 10 USC Section 2684a and 31 USC Section 6305.

c. The BWSR enters into this CA pursuant to the provisions of Minnesota Statutes, 2005, Section 103B.101, subdivision 9, Minnesota Statutes, Chapter 84C, Minnesota statutes 103F.505 – 103F.521 and other applicable law.

ARTICLE XI - TERMINATION, ENFORCEMENT, CLAIMS, DISPUTES RESOLUTION AND APPEALS

Section 1101. Termination.

a. This CA may be terminated by either party according to the terms and conditions of 32 CFR § 33.44. See also Article VII, Section 724.

Section 1102. Enforcement.

a. NGB may take such actions to enforce the terms of this CA as may be provided for in and under the terms of 32 CFR § 33.43.

Section 1103. Claims, Disputes Resolution and Appeals.

a. Any claim made by the BWSR arising out of this CA shall be presented in writing to the Grants Officer. The claim shall include: the amount of monetary relief claimed or the nature of other relief requested; the basis for relief; and, the documents or other evidence pertinent to the claim.

b. Claims shall be made within 60 days after the basis of the claim is known or should have been known, whichever is earlier. It is the BWSR's duty to include in its claim all information needed to demonstrate its timeliness.

c. Upon receipt of a claim, the Grants Officer shall provide a written decision denying or sustaining the claim, in whole or part, which decision shall include the reason for the action, within 60 days of the date of the receipt of a claim. The determination shall be final unless appealed by the BWSR pursuant to the provisions of this section.

d. Alternative Dispute Resolution (ADR).

1. It is NGB policy to try to resolve all issues concerning cooperative agreements at the Grants Officer's level. Grant Officers are encouraged to use ADR procedures to the maximum extent practicable.

2. If the BWSR decides to appeal a Grants Officer's decision, the Grants Officer shall encourage the BWSR to enter into ADR procedures. The ADR procedures to be used shall be agreed to at the time the parties determine to employ them.

e. Appeals.

1. Grant Appeal Authority. The CNGB shall designate a Grants Appeal Authority at the time of receipt of appeal.

2. Right of Appeal. The BWSR has the right to appeal a Grants Officer's decision to the Grant Appeal Authority.

3. Appeal Procedures.

a. The BWSR may appeal a decision of the Grants Officer within 90 days of receiving that decision, by filing a written notice of appeal to the Grant Appeal Authority and to the Grants Officer.

b. Within 30 days of receiving the notice of appeal, the Grants Officer shall forward to the Grant Appeal Authority and the BWSR the appeal file, which shall include copies of all documents relevant to the appeal.

c. Any fact-finding or hearing shall be conducted using procedures that the Grant Appeal Authority deems appropriate.

f. Nothing in this section is intended to limit the BWSR's right to any remedy under the law or in equity.

Attachment A: Parcels to be Pursued by the BWSR in Fiscal Year 2006

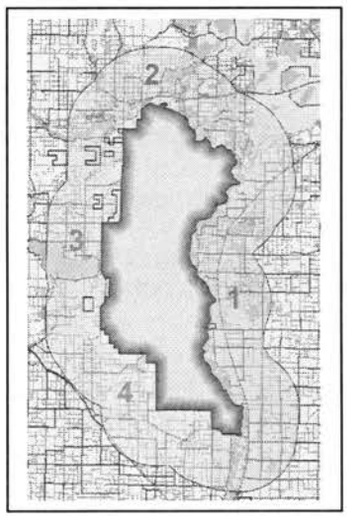
A parcel, interest in a parcel or parcels to be pursued by the BWSR in Fiscal Year 2006 must be located within the three-mile buffer area surrounding Camp Ripley. Furthermore, the parcels will be pursued in accordance with a prioritization process presented in the Camp Ripley Army Compatible Use Buffer (ACUB) proposal including, but not limited to, proximity to Camp Ripley, size of parcel(s), potential for development, land owner willingness, availability, and cost. The three-mile buffer area encompasses a total of 110,923 acres and is further subdivided into four priority areas including:

Priority Area 1 – Mississippi River Corridor (40,925 total acres)

Priority Area 2 – Crow Wing River Corridor (30,838 total acres)

Priority Area 3 – Lincoln Lakes Area (16,707 total acres)

Priority Area 4 – Randall Agricultural Lands (22,453 total acres)



The four priority areas shown in the attached map were delineated based on the potential for development, opportunities for land and/or development right acquisitions, and the potential for partnering.

Parcels to be pursued by the BWSR in FY06 include interest in a parcel or parcels valued at approximately $1,125,000 ($900,000 federal and $225,000 minimum cost-share) severed from one or more of the priority areas within the Camp Ripley ACUB.

Whether a parcel or parcels is sufficiently in the vicinity of Camp Ripley shall be determined by NGB.

The parties agree and acknowledge that only the parcel or parcels of land severed from the properties located within the four priority areas listed above and acquired with funds provided by NGB under the provisions of this CA shall be deemed "under" the CA, as referred to in title 10, chapter 159, s. 2684a(d)(3).

Attachment B: Payment Rates

County	Township/City	ACUB Payment Rate
Cass	Ansel township	541
Cass	Barclay township	661
Cass	Becker township	579
Cass	Birch Lake township	564
Cass	Blind Lake township	524
Cass	Boy Lake township	500
Cass	Boy River township	388
Cass	Bull Moose township	552
Cass	Bungo township	604
Cass	Byron township	546
Cass	Chickamaw Beach city	678
Cass	Deerfield township	543
Cass	Fairview township	653
Cass	Federal Dam city	375
Cass	Gould township	355
Cass	Hiram township	500
Cass	Home Brook township	547
Cass	Inguadona township	458
Cass	Kego township	540
Cass	Lake Shore city	676
Cass	Leech Lake township	516
Cass	Lima township	461
Cass	Loon Lake township	646
Cass	Maple township	552
Cass	May township	561
Cass	McKinley township	544
Cass	Meadow Brook township	538
Cass	Moose Lake township	542
Cass	Pike Bay township	350
Cass	Pillager city	949
Cass	Pine River township	593
Cass	Ponto Lake township	498
Cass	Poplar township	545
Cass	Powers township	521
Cass	Remer city	505
Cass	Remer township	492
Cass	Rogers township	504
Cass	Salem township	367
Cass	Shingobee township	643
Cass	Slater township	420
Cass	Smoky Hollow township	436
Cass	Sylvan township	662
Cass	Thunder Lake township	450
Cass	Torrey township	380
Cass	Trelipe township	530
Cass	Turtle Lake township	500
Cass	Unorg. 142-25	428
Cass	Unorg. 144-25	396
Cass	Wabedo township	750
Cass	Walden township	568
Cass	Wilkinson township	375
Cass	Wilson township	609
Cass	Woodrow township	514

County	Township/City	ACUB Payment Rate
Crow Wing	1st Assessment	1,907
Crow Wing	Baxter city	2,822
Crow Wing	Bay Lake township	815
Crow Wing	Center township	732
Crow Wing	Crosslake city	1,376
Crow Wing	Crow Wing township	767
Crow Wing	Daggett Brook township	827
Crow Wing	Dean Lake township	719
Crow Wing	Deerwood township	792
Crow Wing	Emily city	826
Crow Wing	Fairfield township	703
Crow Wing	Fifty Lakes city	827
Crow Wing	Fort Ripley city	819
Crow Wing	Fort Ripley township	829
Crow Wing	Gail Lake township	711
Crow Wing	Garrison township	661
Crow Wing	Ideal township	1,211
Crow Wing	Jenkins city	991
Crow Wing	Jenkins township	1,053
Crow Wing	Lake Edwards township	1,100
Crow Wing	Little Pine township	662
Crow Wing	Long Lake township	768
Crow Wing	Maple Grove township	788
Crow Wing	Mission township	1,217
Crow Wing	Nokay Lake township	801
Crow Wing	Oak Lawn township	550
Crow Wing	Pequot Lakes city	1,086
Crow Wing	Perry Lake township	942
Crow Wing	Platte Lake township	614
Crow Wing	Rabbit Lake township	580
Crow Wing	Roosevelt township	601
Crow Wing	Ross Lake township	767
Crow Wing	St. Mathias township	826
Crow Wing	Timothy township	866
Crow Wing	Wolford township	606
Morrison	Agram township	723
Morrison	Belle Prairie township	734
Morrison	Bellevue township	725
Morrison	Bowlus city	748
Morrison	Buckman city	744
Morrison	Buckman township	731
Morrison	Buh township	742
Morrison	Culdrum township	749
Morrison	Cushing township	706
Morrison	Darling township	722
Morrison	Elmdale city	753
Morrison	Elmdale township	762
Morrison	Flensburg city	746
Morrison	Genola city	748
Morrison	Granite township	770
Morrison	Green Prairie township	719
Morrison	Harding city	717
Morrison	Hillman city	700
Morrison	Hillman township	733
Morrison	Lakin township	735
Morrison	Lastrup city	742
Morrison	Leigh township	707
Morrison	Morrill township	593
Morrison	Motley township	706
Morrison	Mount Morris township	729
Morrison	Parker township	734
Morrison	Pierz city	733
Morrison	Pierz township	744
Morrison	Pike Creek township	741
Morrison	Platte township	731
Morrison	Pulaski township	723
Morrison	Randall city	727
Morrison	Richardson township	710
Morrison	Ripley township	717
Morrison	Rosing township	960
Morrison	Royalton city	699
Morrison	Scandia Valley township	737
Morrison	Sobieski city	746
Morrison	Swan River township	768
Morrison	Swanville township	754
Morrison	Two Rivers township	785
Morrison	Upsala city	747

Attachment C: Project Participants

Realizing the significance that encroachment poses to military installations across the country, the Minnesota Department of Military Affairs prepared an Army Compatible Use Buffer (ACUB) proposal for Camp Ripley. The study was initiated in October 2001and focused on a ten-mile area around Camp Ripley encompassing 516,000 acres or 806 square miles. This represents the "Study Area" for the purposes of this CA.

The primary purpose of the ACUB is to create and enhance a natural buffer around Camp Ripley to ensure that the military training mission of Camp Ripley is not impeded by the impacts of encroachment. Secondarily, the ACUB will greatly benefit the natural resources of central Minnesota by minimizing the fragmentation of surrounding lands and subsequent loss of valuable habitat for sensitive species. Lastly, the ACUB will contribute to preserving the local heritage by maintaining the rural character of the area that residents cherish. Because of the multiple benefits that will be realized through the ACUB, the Camp Ripley ACUB has generated interest from numerous governmental and conservation organizations. As a result, the Camp Ripley ACUB is known locally as *"Central Minnesota Prairie to Pines Partnership…preserving our heritage"*.

To date, twenty-one organizations have come forward as partners to assist in the implementation of the Camp Ripley ACUB. The following list of partners, herein referred to as "Project Participants," are parties to the Central Minnesota Prairie to Pines Partnership.

- Audubon Society, Minnesota Chapter
- Brainerd Lakes Area Audubon Society
- Cass County Board of Commissioners
- Cass County Soil and Water Conservation District
- Crow Wing County Board of Commissioners
- Crow Wing County Soil and Water Conservation District
- Ducks Unlimited
- Minnesota Board of Water and Soil Resources
- Minnesota Department of Natural Resources
- Minnesota Department of Transportation, District 3
- Minnesota Deer Hunters Association
- Minnesota Land Trust
- Minnesota National Guard
- Morrison County Board of Commissioners
- Morrison County Soil and Water Conservation District
- National Wild Turkey Federation, Minnesota Chapter
- Parks and Trail Council of Minnesota
- Pheasants Forever
- The Nature Conservancy, Minnesota Chapter
- The Trust for Public Land
- 1000 Friends of Minnesota

Section 302 of this CA requires cost-sharing from the Project Participants and the BWSR, Landowners, and Project Participants in support of the federal contribution of funds. The total estimated Federal cost of this CA for Fiscal Year 2006 is an amount not to exceed $900,000. The minimum cost-sharing contribution from the BWSR, Landowners, and Project Participants for Fiscal Year 2006, is $225,000 to include reimbursable expenses outlined in Section 721 and in-kind services, Landowners contribution, or Project Participant contributions as defined in this attachment. Project Participant contributions including but not limited in-kind services such as staff time, appraisals, legal support/documents, recording fees, closing costs, transportation costs, acquisition costs, preparing/ recording a conservation easement, purchasing conservation easements and purchasing fee simple property. Landowner contributions include no less than 50% of the fair market value of the conservation easements.

For the purposes of tracking cost-sharing contributions, the BWSR and Project Participants will prepare an annual report which documents contributions for the federal fiscal year (1 October 2005 through 30 September 2006). The report will be submitted to NGB for this fiscal year and subsequent fiscal years. A standard format will be used to capture and document the contributions of the BWSR and the Project Participants. The standard information will include:

1. Name of cost-sharing contributor;
2. description of land deal including legal description, acreage, and name of landowners; and
3. list of expenses incurred including, but not limited to: direct staff costs, legal fees, appraisal and appraisal review fees, closing fees, surveying costs, environmental assessments, taxes payable, and negotiated indirect expenses.

Attachment C: Guidelines and Policies for Use of Conservation Easements

The following policies and practices will control the use of easements in the Camp Ripley ACUB.

1. Easements will be obtained from willing landowners only.
2. Easements will be obtained only within the priority zones identified by Camp Ripley ACUB management staff and recognizing prioritization that achieves ACUB program objectives.
3. Camp Ripley Environmental staff and the BWSR shall approve which property easements are obtained.
4. Easement may be obtained through a combination of purchase and donation on a case-by-case basis.
5. Value paid for easements will be determined through accepted practices used in state easement acquisition programs.
6. All easements will secure development rights and will restrict residential and commercial development that would otherwise result in increased density within the project area that threatens the ability of Camp Ripley to achieve its objectives.
7. When a landowner is willing and the property has appropriate characteristics, easements may also include restrictions on additional uses or agreements to implement management practices that preserve, protect, or improve the characteristics of the property including but not limited to soil, water, forest, wetland, endangered or threatened species and communities or other natural resource values appropriate to the organization that will hold and enforce the easement.
8. Easements will be held by the BWSR or Project Participants (Appendix B) that have the capacity and expertise to monitor and enforce the terms of the easement.
9. Easements will be structured with the intent to be perpetual, but can be limited term contingent upon Camp Ripley functioning as a military facility.
10. Easements will be structured to allow the Department of Defense to secure the rights in the easement in the event the easement holder does not fulfill its duties and the objectives of the ACUB are not being met.
11. Easement documents shall be a fully recordable instruments meeting all standards for form and execution patterned upon accepted legal practices.

OPEN LOT TECHNICAL ASSISTANCE PROJECT

BACKGROUND

The Minnesota Pollution Control Agency (MPCA), the Board of Water and Soil Resources (BWSR) and Local Governmental Units (LGUs) have jointly agreed to establish the Open Lot Technical Assistance Project (OLTAP) to assist livestock producers that are either signed up for the Open Lot Agreement (OLA) or that were eligible for the OLA but didn't sign up.

Approximately three FTE engineering technician positions will be created by participating LGUs to provide technical assistance to livestock producers who have signed an OLA. The engineering technicians will contact producers at sites that have been identified by LGUs as having the highest pollution potential. The technicians will have the authority to approve low-tech corrective action plans at the OLA site in accordance with the Open Lot Agreement Technical Assistance Guide (OLA Guide) and assist with their implementation. The cost of the project is estimated to be about $582,000 with $291,000 to come from 2004-05 MPCA County Feedlot Program appropriations.

The Agency has identified 3,800 livestock producers who have signed an Open Lot Agreement who are awaiting technical assistance. Most of these producers are located within the NPEA JPB areas 5, 9, and 11. It is projected that approximately 300 (50 producers/year x 3 FTEs x 2 years) producers will receive technical assistance.

The OLTAP will make available $291,000 ($97,000 each) to these three JPBs to employ OLA Engineering Technicians. These Technicians are to provide technical assistance to these OLA producers. A minimum 1:1 cash and/or in-kind match is required.

ISSUE

The Board has received Board Conservationist approved Workplans and Budgets from NPEA JPBs 5 and 9, and the SE MN WRB, for these funds.

NOTE: The SE MN WRB is the applicant (in full agreement with the NPEA JPB) for this area instead of the NPEA JPB. The WRB currently has a very similar EPA 319 grant. The OLTAP would complement this existing program very well.

Priority producers will be identified as follows:

NPEA JPB #5 – According to an environmental prioritization matrix.

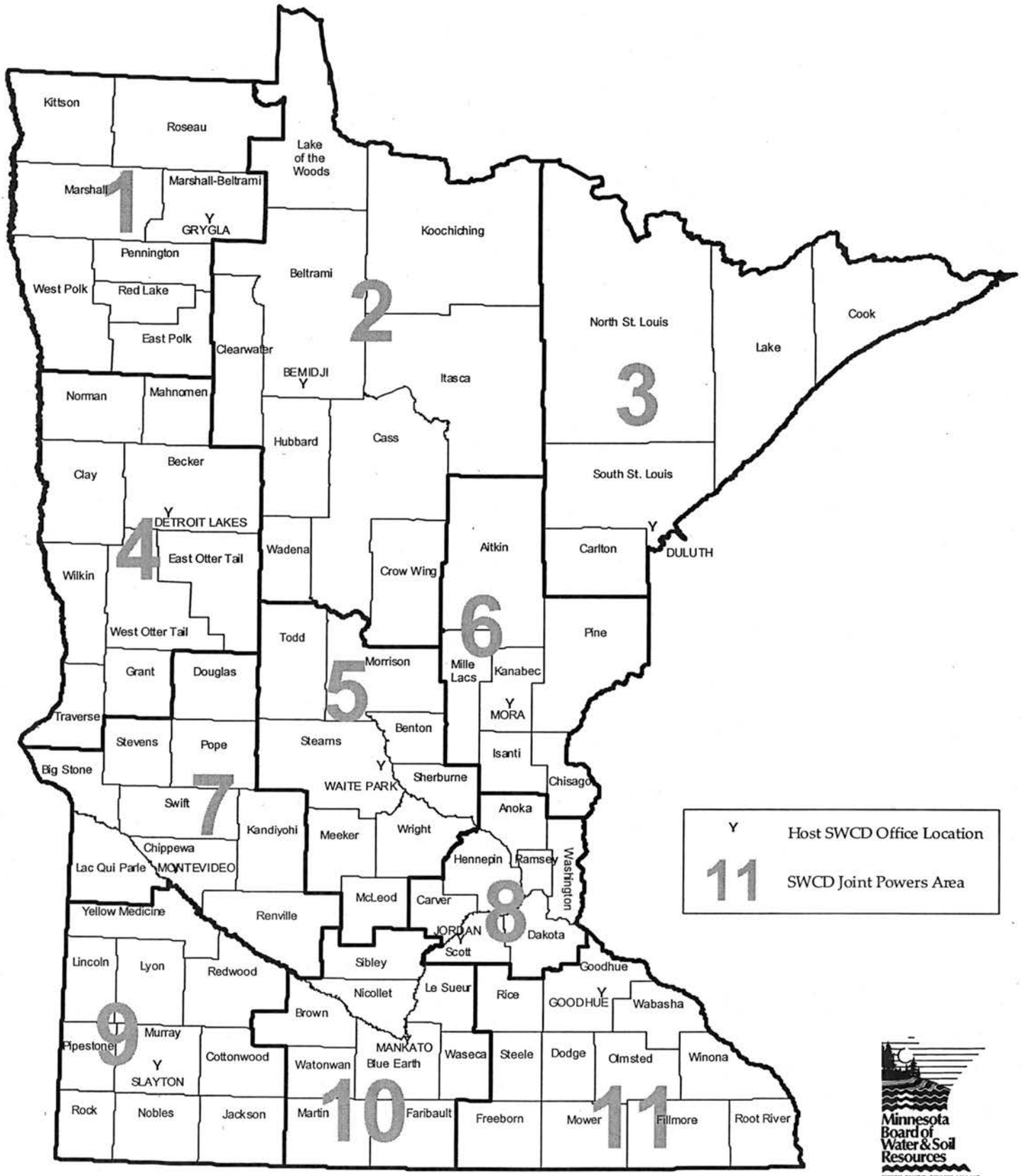
NPEA JPB #9 – A county commissioner and the county feedlot officer from each county, will jointly with the SWCD Supervisors, identify 5 producers in each county (10), each year.

SE MN WRB – Each county determines their priority feedlots according to varying methods.

RECOMENDATION

The Administrative Advisory Committee recommends Board approval of allocations of $97,000 each to the NPEA JPBs 5 and 9, and the SE MN WRB, for the OLTAP.

Nonpoint Engineering Assistance Program



January 2003

Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US

Resolution # 06-32

Public Road Wetland Replacement Credit Acquisition

WHEREAS, BWSR is directed pursuant Minn. Stat. 103G.222, Subd. 1(l) to replace wetlands drained or filled as a result of the repair, maintenance, or rehabilitation of existing public roads; and

WHEREAS, BWSR is authorized pursuant to 2005 Minn. Laws Chap. 20, Art. 1 Sec. 9 to enter into agreements with political subdivisions and fee owners to acquire land and restore wetlands to be used to replace wetlands lost as a result of the repair, maintenance, or rehabilitation of existing public roads; and

WHEREAS, BWSR on June 22, 2005 adopted the Policy Establishing Payment Rates for Conservation Easements Acquired for Public Road Wetland Replacement Bank Sites; and

WHEREAS, BWSR and the Minnesota Department of Transportation (MN/DOT) entered into an agreement on August 24, 2005 whereby BWSR and MN/DOT agreed to cooperatively develop and manage the establishment of wetland credits to mitigate wetland impacts resulting from state highway projects;

WHEREAS, pursuant to Minn. Stat. 103G.222, Subd. 1(k), BWSR is authorized to sell wetland credits to public transportation authorities at BWSR's cost to establish wetland credits;

WHEREAS, BWSR on January 25, 2006 authorized implementation of the 2006-07 Public Road Wetland replacement Strategy.

NOW THEREFORE BE IT RESOLVED, that the BWSR authorize acquiring wetland credits as follows:

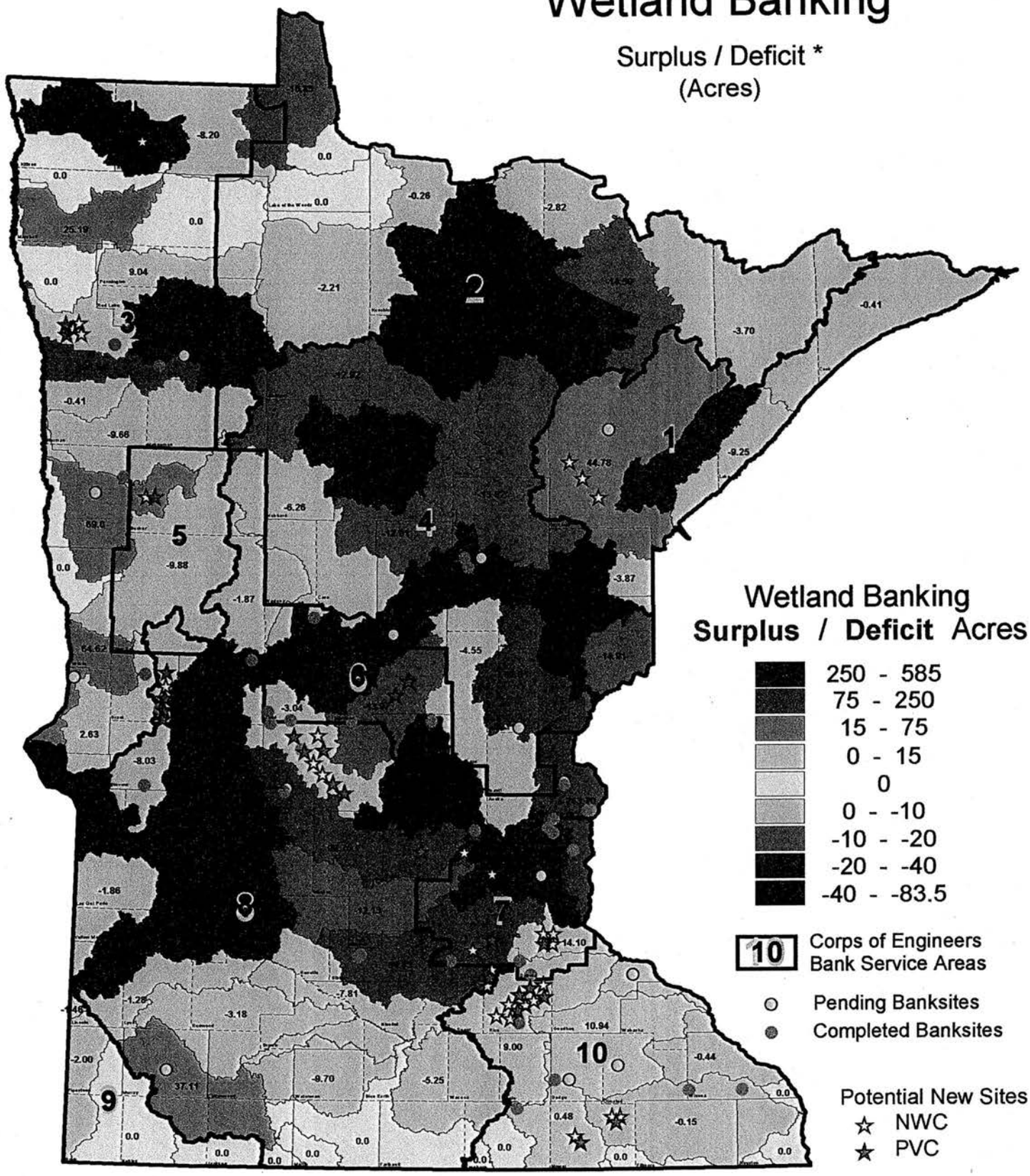
1. Purchase existing wetland credits from private bank account holders that have been reviewed by the Interagency Wetland Banking Committee, the Staff Wetland Banking Team, recommended by the BWSR Wetland Committee and meet all BWSR requirements and conditions;
2. Purchase conservation easements with two private landowners (RIM-like option) in Renville County for projects that have been reviewed by BWSR wetland staff, recommended by the BWSR Wetland Committee and meet all BWSR Requirements and conditions; and
3. Enter into a purchase agreement with one landowner in Beltrami County and one in Lake of the Woods County that have been reviewed by BWSR wetland staff, recommended by the BWSR Wetland Committee and meet all BWSR requirements and conditions.

Jerome Deal, Chair

4/26/06
Date

BWSR Local Road Wetland Banking

Surplus / Deficit *
(Acres)



Wetland Banking
Surplus / Deficit Acres

- 250 - 585
- 75 - 250
- 15 - 75
- 0 - 15
- 0
- 0 - -10
- -10 - -20
- -20 - -40
- -40 - -83.5

10 Corps of Engineers Bank Service Areas

Pending Banksites

Completed Banksites

Potential New Sites

NWC

PVC

January, 2006

* includes pending credits, not yet certified

Public Road Wetland Replacement Credit Acquisition

April 26, 2006 BWSR Board Meeting

1. Purchase of Existing Wetland Credits from Private Bank Account Holders

A. Process

The BWSR approved the 2006-07 Public Road Wetland Replacement Strategy on January 25, 2006. Staff have divided the solicitation process into two steps:

(1) a request for bids from current wetland bank account holders was sent out in early February with a response deadline of March 3; and
(2) a solicitation will be sent out before the end of April to look to identify projects that can be developed via fee title acquisitions in partnership with a public entity, conservation easements with private landowners (RIM-like option), and entering into a purchase agreement with private landowners for wetland credits that will be developed (purchase agreement option).

B. Over view of dollars available

Currently available funding to acquire existing private wetland bank credits for the Road Replacement Program include MnDOT compact funds ($800,000) and revenue from the sale of wetland credits to public transportation authorities (approximately $80,000.00)

C. Selection criteria

Credits recommended for purchase place a priority on geographic location, cost per acre of wetland credit and wetland type.

D. Method for determining price

The price that BWSR will pay for existing private wetland bank will be determined on the basis of competitive bids.

E. Bid Results

A total of 19 bids were received that included a total of 219 acres of wetland and public value credit at a total bid cost of $3,138,123.

These bids were reviewed and ranked by the Interagency Wetland Banking Team and the BWSR Wetland Banking Staff Team. Nine of the nineteen bids were prioritized by staff and submitted to the BWSR Wetland Committee on 3/22/06 for further review and discussion. The wetland committee approved forwarding the nine bids to the full board.

2. Conservation Easements with Private Landowners (RIM-like option)

Approval is requested to finalize conservation easements with two private landowners (RIM-like option) in Renville County for projects that have been reviewed by BWSR wetland staff and meet all BWSR requirements and conditions. The first project includes 57.3 acres with a 125% RIM rate of $2,957.67 resulting in a total easement cost of

$169,474.50. The second project includes 20.5 acres with a 125% RIM rate of $2,610.84 resulting in a total easement cost of $53,522.22. Opportunity to modify agreement language and amounts will be retained by BWSR as project specific details are finalized.

3. Entering into a Purchase Agreement with Private Landowners for Wetland Credits that will be Developed (purchase agreement option.

In addition, approval is requested to enter into purchase agreements for wetland credits with two landowners, one in Lake of the Woods County and one in Beltrami County. These sites have also been reviewed by BWSR wetland staff and meet all BWSR requirements and conditions. The Lake of the Woods County site will include 80.0 acres with a purchase agreement price of $4,050.00 resulting in a total easement payment of $330,482.00. The Beltrami County site will include 46.7 acres with a purchase agreement price of $4,050.00 resulting in a total easement payment of $189,135.00. Unfortunately, this project has taken a turn toward private banking rather than contracting with BWSR Road Program. Again, opportunity to modify agreement language and amounts will be retained by BWSR as project specific details are finalized.

RFP Bid Responses from Account Holders with Wetland Bank Credits

Acct. #	Account Holder	County	WS	COE Svc Area	Acres offered	Credit Type	Wet Type	Topo	COE?	$/Acre	Total Price	Cum. Acres	Cum. Total Cost	2004 Calc. Value/ Acre	Cost ratio
1147	**Heggedal & Krog**	Roseau	70	3	10	NWC	3	Isolated	Y	$8,276.40	$82,764.00	10	$82,764	2,061	4.02
1057	**Diane Westrom**	Grant	23	9	0.66	PVC	3	Trib	Y	$6,098.00	$4,024.68	11	$86,789	7,237	0.84
1057	**Diane Westrom**	Grant	23	9	1.67	NWC	3	Trib	Y	$6,098.00	$10,183.66	12	$96,972	7,237	0.84
1057	**Diane Westrom**	Grant	23	9	7.7	PVC	U	Buffer	Y	$6,098.00	$46,954.60	20	$143,927	7,237	0.84
1112	**Mike Kuka**	Hennepin	18	7	3	NWC	4	F-T	Y	$35,420.00	$106,260.00	23	$250,187	28,015	1.26
1039	**Dr. Held**	Wright	18	7	2.6067	PVC	5	Isolated	Y	$10,890.00	$28,386.96	26	$278,574	12,380	0.88
1029	**Thomas Mariska***	Rice	39	8	0.241	NWC	1	Isolated	Y	$16,900.00	$4,072.90	26	$282,647	18,211	0.93
1029	**Thomas Mariska***	Rice	39	8	0.175	NWC	2	Isolated	Y	$16,900.00	$2,957.50	26	$285,604	18,211	0.93
1029	**Thomas Mariska***	Rice	39	8	2.3	PVC	4	Isolated	Y	$11,500.00	$26,450.00	28	$312,054	18,211	0.63
1029	**Thomas Mariska***	Rice	39	8	0.1017	PVC	U	Buffer	Y	$11,500.00	$1,169.55	28	$313,224	18,211	0.63
1264	**Dale Quist**	Rice	39	8	1.25	NWC	2	F-T	Y	$18,211.00	$22,763.75	30	$335,988	18,211	1
1264	**Dale Quist**	Rice	39	8	13.04	NWC	3	F-T	Y	$18,211.00	$237,471.44	43	$573,459	18,211	1
1264	**Dale Quist**	Rice	39	8	2.88	NWC	4	F-T	Y	$18,211.00	$52,447.68	46	$625,907	18,211	1
1143	**Bruce Paakh**	Becker	58	5	2	NWC	3	Isolated	Y	$12,196.80	$24,393.60	48	$650,300	4,862	2.51
1143	**Bruce Paakh**	Becker	58	5	2	PVC	U	Buffer	Y	$12,196.80	$24,393.60	50	$674,694	4,862	2.51
1142	**Mueller for MnDOT**	Sibley	33	9	4.3366	NWC	2	Isolated	Y	$14,347.00	$62,217.20	54	$736,911	13,841	1.04
1142	**Mueller for MnDOT**	Sibley	33	9	4.3365	PVC	U	Buffer	Y	$8,712.00	$37,779.59	58	$774,691	13,841	0.63
174	**Thomas Ryan**	Rice	33	9	1.75	NWC	4	Isolated	Y	$18,211.00	$31,869.25	60	$806,560	18,211	1
174	**Thomas Ryan**	Rice	33	9	4.486	PVC	U	Buffer	Y	$18,211.00	$81,694.55	65	$888,255	18,211	1
174	Thomas Ryan	Rice	33	9	0.436	NWC	3	Isolated	Y	$18,211.00	$7,940.00	65	$896,195	18,211	1
184	Linus Meyer	Stearns	16	7	0.0297	NWC	3	Isolated	Y	$13,068.00	$388.12	65	$896,583	8,805	1.48
1113	Thomas Mariska*	Rice	39	8	1.5	NWC	4	Isolated	Y	$17,900.00	$26,850.00	66	$923,433	18,211	0.98
1081	Thomas Mariska*	Rice	39	8	1.5	PVC	3	Trib	Y	$11,500.00	$17,250.00	68	$940,683	18,211	0.63
1119	Dirk Blundell	Hennepin	20	7	2	NWC	4	Isolated	Y	$70,000.00	$140,000.00	70	$1,080,683	28,015	2.5
1105	George Erickson	Mower	43	8	8	NWC	2	F-T	Y	$10,000.00	$80,000.00	78	$1,160,683	13,966	0.72
1144	Alan Bachman**	Dakota	38	8	13.47	NWC	3	Trib	Y	$32,000.00	$431,040.00	91	$1,591,723	14,495	2.21
1106	George Erickson	Mower	48	8	7	NWC	3	Isolated	Y	$12,000.00	$84,000.00	98	$1,675,723	13,966	0.86
1153	Terry Banick	Morrison	15	7	7.33	PVC	2	F-T	Y	$4,050.00	$29,686.50	106	$1,705,409	7,547	0.54
1105	George Erickson	Mower	43	8	7	NWC	3	F-T	Y	$12,000.00	$84,000.00	113	$1,789,409	13,966	0.86
1056	Steve Alvstad	Grant	23	9	1.08	PVC	3	Trib	Y	$4,356.00	$4,704.48	114	$1,794,114	7,237	0.6
1144	Alan Bachman**	Dakota	38	8	11.71	PVC	U	Buffer	Y	$32,000.00	$374,720.00	126	$2,168,834	14,495	2.21
1106	George Erickson	Mower	48	8	17	PVC	U	Buffer	Y	$4,000.00	$68,000.00	143	$2,236,834	13,966	0.29
181	Philip Miller	Stearns	16	7	7.8665	PVC	U	Buffer	Y	$10,340.00	$81,339.61	150	$2,318,173	8,805	1.17
1105	George Erickson	Mower	43	8	15	PVC	U	Buffer	Y	$4,000.00	$60,000.00	165	$2,378,173	13,966	0.29
1056	Steve Alvstad	Grant	23	9	4.121	PVC	U	Buffer	Y	$4,356.00	$17,951.08	170	$2,396,124	7,237	0.6
1044	M. Burggraff	Morrison	15	7	3.6354	PVC	U	Buffer	Y	$4,050.00	$14,723.37	173	$2,410,848	7,547	0.54

Resolution # _____

Public Road Wetland Replacement Credit Acquisition

WHEREAS, BWSR is directed pursuant Minn. Stat. 103G.222, Subd. 1(l) to replace wetlands drained or filled as a result of the repair, maintenance, or rehabilitation of existing public roads; and

WHEREAS, BWSR is authorized pursuant to 2005 Minn. Laws Chap. 20, Art. 1 Sec. 9 to enter into agreements with political subdivisions and fee owners to acquire land and restore wetlands to be used to replace wetlands lost as a result of the repair, maintenance, or rehabilitation of existing public roads; and

WHEREAS, BWSR on June 22, 2005 adopted the Policy Establishing Payment Rates for Conservation Easements Acquired for Public Road Wetland Replacement Bank Sites; and

WHEREAS, BWSR and the Minnesota Department of Transportation (MN/DOT) entered into an agreement on August 24, 2005 whereby BWSR and MN/DOT agreed to cooperatively develop and manage the establishment of wetland credits to mitigate wetland impacts resulting from state highway projects;

WHEREAS, pursuant to Minn. Stat. 103G.222, Subd. 1(k), BWSR is authorized to sell wetland credits to public transportation authorities at BWSR's cost to establish wetland credits;

WHEREAS, BWSR on January 25, 2006 authorized implementation of the 2006-07 Public Road Wetland replacement Strategy.

NOW THEREFORE BE IT RESOLVED, that the BWSR authorize acquiring wetland credits as follows:

1. Purchase existing wetland credits from private bank account holders that have been reviewed by the Interagency Wetland Banking Committee, the Staff Wetland Banking Team, recommended by the BWSR Wetland Committee and meet all BWSR requirements and conditions;
2. Purchase conservation easements with two private landowners (RIM-like option) in Renville County for projects that have been reviewed by BWSR wetland staff, recommended by the BWSR Wetland Committee and meet all BWSR Requirements and conditions; and
3. Enter into a purchase agreement with one landowner in ~~Beltrami~~ withdrawn? County and one in Lake of the Woods County that have been reviewed by BWSR wetland staff, recommended by the BWSR Wetland Committee and meet all BWSR requirements and conditions.

_____ _____

Jerome Deal, Chair Date

Southwest Minnesota CREP II Payments

County & Township	Easement Length	Current CRP/Acre	Current RIM Payment	Total Payment over 15 years	***Present Day Value CRP & RIM**	*Estimated Market Value 2005	2006	2007
Cottonwood/Dale	45 years	$ 120.53	$ 350.50	$1,807.95	**$1,601.56**	$1,757.00	$1,985.41	$2,243.51
Cottonwood/Sthbrk	45 years	$ 122.08	$ 335.79	$1,831.20	**$1,602.94**	$1,685.00	$1,904.00	$2,151.58
Murray/Lowville	45 years	$130.55	$311.57	$1,958.25	**$1,666.63**	$1,565.00	$1,768.45	$1,998.35
Murray/Masson	Perm	$126.48	$413.05	$1,897.20	**$1,725.87**	$1,628.00	$1,839.64	$2,078.79
Nobles/Worthington	45 years	$159.43	$383.71	$2,391.45	**$2,038.54**	$2,014.00	$2,275.82	$2,571.68
Nobles/Worthington	45 years	$147.51	$383.71	$2,212.65	**$1,941.81**	$2,014.00	$2,275.82	$2,571.68
Jackson/HeronLake	45 Years	$154.96	$365.03	$2,324.40	**$1,973.46**	$2,110.00	$2,384.30	$2,694.26

**Present Day Value Numbers are due to payments being spread out over 15 years*

**Based on a 13% increase each year*

**Estimated Market Value EMV is what the County has on Tax statements.*

Northwest Minnesota CREP II Payment Examples

Location	CRP/Acre	RIM/Acre	Total Present Value Payment over 15 Years/Ac.	2005 EMV	Estimated 2006 EMV	Estimated 2007 EMV	Years
Wilkin-Foxhome Twp	$89.50	$244.10	$1,173.10	$1,411.00	$1,594.43	$1,801.71	45
Clay-Barnesville Twp	$65.36	$194.04	$872.45	$877.00	$991.00	$1,119.83	Permanment
Clay-Barnesville Twp	$68.45	$194.04	$904.53	$877.00	$991.00	$1,119.83	Permanment
Clay-Barnesville Twp	$70.46	$194.04	$925.39	$877.00	$991.00	$1,119.83	Permanment
East Polk-King Twp	$58.77	$88.18	$698.18	$499.00	$566.00	$643.00	45

Summary
Southeast Minnesota CREP II Payments

County & Township	Easement Length	* 2007 Estimated Market Value	*90% of Estimated Market Value	*Current "Present Day Value" for CRP & RIM	**What increase we need per acre to sell CREP II**
Winona/New Hartford	45 year	$ 2,731.00	$ 2,457.90	$ 1,950.53	**$ 507.37**
Winona/Elba Twp	45 year	$ 2,950.00	$ 2,655.00	$ 1,890.39	**$ 764.61**
Fillmore/Forestville	45 year	$ 2,638.00	$ 2,374.20	$ 1,700.10	**$ 674.10**
Fillmore/Sumner	Perm	$ 2,912.00	$ 2,620.80	$ 2,078.66	**$ 542.14**
Mower/Lansing	Perm	$ 2,830.00	$ 2,547.00	$ 1,998.97	**$ 548.03**
Mower/Frankford	45 yr	$ 2,891.00	$ 2,601.90	$ 2,049.93	**$ 551.97**
Freeborn/Riceland	Perm	$ 3,087.00	$ 2,778.30	$ 2,093.19	**$ 685.11**
Freeborn/Riceland	Perm	$ 3,087.00	$ 2,778.30	$ 2,208.72	**$ 569.58**

**Based on an 13% increase each year from 2005*

**90% is the RIM Rate Policy*

**Based on 5% interest and paid out over 15 years*

See back for more details on numbers

Southeast Minnesota CREP II Payments

County & Township	Easement Length	Current CRP/Acre	Current RIM Payment	Current Total Payment over 15 years	*Present Day Value	*Estimated Market Value 2005	*Estimated Market Value 2006	*Estimated Market Value 2007
Winona/New Hartford	45 year	$ 157.05	$ 320.40	$ 2,676.15	**$ 1,950.53**	$2,139.00	$ 2,417.00	$ 2,731.00
Winona/Elba Twp	45 year	$ 151.19	$ 321.09	$ 2,588.94	**$ 1,890.39**	$ 2,310.00	$ 2,610.00	$ 2,950.00
Fillmore/Forestville	45 year	$ 128.24	$ 369.01	$ 2,292.61	**$ 1,700.10**	$ 2,066.00	$ 2,334.00	$ 2,638.00
Fillmore/Sumner	Perm	$ 153.40	$ 486.42	$ 2,327.22	**$ 2,078.66**	$ 2,281.00	$ 2,577.00	$ 2,912.00
Mower/Lansing	Perm	$ 145.36	$ 490.18	$ 2,670.58	**$ 1,998.97**	$ 2,217.00	$ 2,505.00	$ 2,830.00
Mower/Frankford	45 yr	$ 156.61	$ 424.37	$ 2,773.47	**$ 2,049.93**	$ 2,264.00	$ 2,558.00	$ 2,891.00
Freeborn/Riceland	Perm	$ 147.22	$ 565.10	$ 2,773.40	**$ 2,093.19**	$ 2,418.00	$ 2,732.00	$ 3,087.00
Freeborn/Riceland	Perm	$ 158.35	$ 565.10	$ 2,940.32	**$ 2,208.72**	$ 2,418.00	$ 2,732.00	$ 3,087.00

**Present Day Value Numbers are due to payments being spread out over 15 years*

**Based on a 13% increase each year*
**Estimated Market Value EMV is what the County has on Tax statements.*

Time for Action Water Management Workshop

Wednesday, April 19, 2006
Grand Forks Holiday Inn

Hosted by
Red River Basin Commission
Funding provided by
International Joint Commission
Manitoba Water Stewardship

Time for Action: Water Management Workshop Agenda

Water Quality in the Red River Basin

Wednesday, April 19, 2006, Grand Forks Holiday Inn

9:30 **REGISTRATION**

10:00 **WELCOME**—Dan Wilkins, Red River Basin Commission Board Chair
BASIN GOALS—Red River Basin Natural Resources Framework Plan (NRFP) Water Quality Goal 9
NUTRIENT OUTREACH PROGRAM Red River Basin Commission

10:30 **PERSPECTIVES OF BASIN WATER QUALITY**
North Dakota Monitoring Results and Goals, Dennis Fewless, North Dakota Department of Health
Minnesota Monitoring Results and Goals, Bruce Paakh, Minnesota Pollution Control Agency
Manitoba Monitoring Results and Goals, Dwight Williamson, Manitoba Water Stewardship

12:00 **LUNCH**
Introduction to Nutrients and Pollutants in Lake Winnipeg
Claire Hebert, Lake Winnipeg Research Consortium Inc.

1:00 **PROGRAM CASE STUDIES**
Red River Riparian Project, Dave Rush, Red River Regional Council
MB Riparian Heath Initiative, Tim Sopuk, Manitoba Habitat Heritage Corporation
MPCA - Phosphorus Strategy, Mark Tomasek, Minnesota Pollution Control Agency

2:00 **BREAK**

2:15 **JURISDICTIONAL BREAK OUTS:**
WHAT ARE YOU DOING, AND WHAT ARE THE BARRIERS TO ACHIEVING NUTRIENT REDUCTION

Attendees will breakout into jurisdictional groups to discuss nutrient reduction. Each group will have a facilitator to help keep the discussion going and recorder to report to the large group. Various state, provincial and federal employees will be on hand to provide further background on programs available to reduce nutrient loading and add to the discussion.

Manitoba	Minnesota	North Dakota
Facilitators:	Facilitators:	Facilitators:
Ute Holweger, Ag-Ca (PFRA)	Linda Kingery, NRSDP	Dave Glatt, ND DoH
Tim Sopuck, MB HHC	Jon Evert, Clay County	Mike Kotchman, Landowner

3:15 **JURISDICTIONAL REPORT TO PLENARY**
Facilitator: Don Buckhout, Minnesota Department of Natural Resources

3:55 **CLOSING COMMENTS**—Lance Yohe, Red River Basin Commission

WATER QUALITY IN THE RED RIVER BASIN

A Report to Basin Residents and a Call to Action

The Red River Basin Commission has developed this guide to inform basin residents of concerns that agencies are addressing in water quality management, as well as to provide solutions that all basin residents can utilize to upgrade the health of our water resources.

Water Quality Issues of Major Concern in the Red River Basin

A major water quality concern has been identified through the monitoring efforts of the states, province and federal agencies. Monitoring at the international border has shown a gradual increase in total nitrogen and phosphorus levels over a period of 30 years. Lake Winnipeg, the world's 10th largest freshwater lake and Canada's 6th great lake, is facing a critical point in water quality health. This critical point is the advanced stages of eutrophication, which is caused by excess nutrients (nitrogen and phosphorus) entering the lake.[1] Lake Winnipeg is not the only water body experiencing this problem; Minnesota and North Dakota have also identified water bodies which have excess nutrient loading.

What is Eutrophication, and Why Does It Matter to the Health of Surface Waters?

Eutrophication is the "process of enrichment with nutrients. . . and the degree of enrichment." "Natural" eutrophication occurs from nutrient sources from geologic and climatic factors in land surrounding the water body. "Cultural" eutrophication comes from human activities accelerating the loading of nutrients into water bodies.[2]

Nitrogen and phosphorus are essential ***nutrients*** for plant life and are found in nature. However, as minerals, they are not readily available for plant use without undergoing complex chemical changes. The two primary nitrogen and phosphorus compounds affecting surface water quality are nitrates and phosphates which can come from many sources, including:

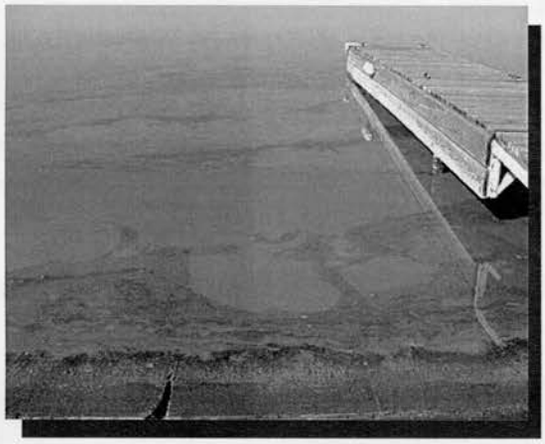
- Inorganic fertilizer, found in agriculture and residential lawn runoff
- Municipal sewage treatment plants and individual septic systems
- Animal feedlots
- Atmospheric deposition from both industrial pollution and wind-borne sediment
- Household cleaning products
- Highway de-icing agents

Nitrate concentrations can also become problematic in ground water. The primary health concern is "Blue Baby Syndrome," which may not be recognized until babies or very young children become sick. The syndrome occurs when excessive nitrates ingested through contaminated water react with hemoglobin in the blood preventing the blood from carrying the proper amount of oxygen, thus turning the extremities blue.[3] Individual ground water systems should be checked regularly to ensure that the nitrate concentration is not too high. This is especially true if the ground water is near animal feedlots with sandy soil which leaches nitrates more easily than other soils.

Nitrogen loading in surface water and ground water systems can cause a number of problems for aquatic life, including fish kills due to excess ammonia, a nitrogen compound, and a decline in the amphibian population.[3]

What is the Connection between Phosphorus and Nitrogen and Why are We Worried?

Nitrogen accounts for 78% of the earth's atmosphere; atmospheric nitrogen is readily used by plant life.[4] When only natural phosphorus and nitrogen are available to an aquatic system, there may be little or no eutrophication problem because plants have evolved to use what is available from the natural environment. In freshwater systems, plant growth is generally limited by a lack of natural phosphorus. When additional phosphorus becomes available from cultural sources, plants and algae use it to nourish a rapid population growth.



When plants can no longer grow because they have used up the nitrogen source, they die. This type of eutrophication isn't necessarily harmful, especially if the plant growth is green algae, because the algae provides food for fish and other aquatic organisms. Excessive decayed green algae is a problem when it reduces the available dissolved oxygen necessary for other aquatic life.

The growth of blue-green algae (*cyanobacteria*) is the major concern for hyper-eutrophic lakes. Blue-green algae uses nitrogen and phosphorus but rapid growth can turn into huge mats of non-edible, filamentous growth that does not provide food for fish and may produce toxins harmful to humans or other aquatic life.[5]

In the Red River Basin, it is believed that phosphorus is the nutrient causing damaging eutrophication to Lake Winnipeg and other shallow lakes. Phosphorus reduction from all cultural sources is the key to the health of the basin's aquatic resources. This may not be easy to achieve; to reduce the transportation of phosphorus from its various human-influenced sources, sediment must also be reduced.

Sediment is solid particulate matter carried by surface water. Sediment can come from urban street runoff, erosion from agricultural fields, eroding stream banks, decomposing grass clippings or leaves deposited in streams or sewage effluent, to name a few sources. Sediment acts as the transport mechanism for phosphorus, as phosphorus attaches itself to the sediment particles and,

when the sediment is deposited in lakes, the phosphorus becomes available for aquatic plant life to utilize. Therefore, a higher sediment load means potential for higher phosphorus loading, and the potential for eutrophication increases.

Eutrophication can lead to loss of water clarity. Many agencies monitor this loss of clarity as turbidity (T). Turbidity of water can lead to an increase in water temperature and reduction in the amount of dissolved oxygen, which in turn affects the viability and health of aquatic life. Turbidity can occur in moving water systems as well as lakes and is not always caused by the process of eutrophication.

The Minnesota Pollution Control Agency is formulating new regulations because of eutrophication problems. They define the problem for lakes as:

> "Associated with algae blooms is a reduction in water clarity, possibility of floating mats of algae on the surface, and other undesirable effects, which make these lakes a lot less inviting for swimming or even fishing. In very severe cases, algae blooms can include species that are toxic to pets, wildlife and humans. Excess phosphorous is almost always the cause of these undesirable changes. 'Eutrophication' is the term applied to this increase in biological productivity due to increased nutrient loading. 'Cultural eutrophication' is the term used when the excess nutrients are a result of human activities."[6]

In 2005, Minnesota outlawed application of phosphate-containing fertilizers in urban landscapes. Use of phosphate fertilizer for agriculture is allowed. The best rule for using fertilizers in any location is to use the least amount necessary. Lawn or garden soil should be tested annually for its nutritional value to determine what nutrient additive it needs, if any.

The North Dakota Department of Health has also identified water quality concerns in their 2004 Final Integrated Total Maximum Daily Load Report. In this report, some lakes are characterized as hyper-eutrophic, or being "highly productive. . . containing excessive phosphorus and are characterized by large growths of weeds, blue-green algal blooms and low dissolved oxygen concentrations." The report further states, "Mesotrophic and eutrophic lakes have lower phosphorus levels, low to moderate levels of aquatic plant growth and good dissolved oxygen (DO) concentrations throughout the year. Mesotrophic lakes do not experience algal blooms, while eutrophic lakes may occasionally experience algal blooms of short duration."[7]

The US government banned phosphates in most household cleaning agents in the mid-1970's. However, some products, such as dishwasher detergents, are allowed to contain phosphates. Individuals should check product labels and purchase those that do not contain phosphates.

By proactively changing the amount of fertilizer applied and decreasing household use of phosphates, there will be less phosphate added to our natural systems and, therefore, fewer problems in our rivers and lakes.

Who Sets Water Quality Objectives?

Water quality objectives for the Red River are developed by several different agencies.

Environmental Protection Agency: In the United States, the Clean Water Act regulates requirements and procedures for developing U.S. water quality standards and is administered by the Environmental Protection Agency (EPA). Regulations adopted by the EPA stipulate that water quality standards must be identified for designated ***beneficial uses*** of water. The EPA has identified four types of beneficial uses for water bodies:

- ***Aquatic life***
- ***Recreation***
- ***Drinking water***
- ***Industrial/agriculture or other local needs***

The EPA has also identified four classification levels to indicate whether or not selected pollutants deter use of the water body and to what degree it is impaired. The four water use classifications are:

- ***Fully supported***
- ***Partially supported***
- ***Threatened***
- ***Not supported***[2]

Each state must adopt regulations based on Total Maximum Daily Loads (TMDL) identifying parameters to be monitored for each type of beneficial use. When the specified parameters exceed the standard, then the water body is considered impaired. North Dakota, Minnesota and South Dakota have developed regulations which EPA has accepted as conforming to the Clean Water Act.

Manitoba: The Province of Manitoba is in the process of formulating water quality criteria regulations. The Province has identified Water Quality Management Zones which separate the landscape into landuse categories for which runoff or leaching of nutrients criteria can be regulated. The regulations are being formulated under the Water Protection Act.[9] Regulations provide mechanisms for watershed planning and application of fertilizers, riparian buffer setbacks and regulations pertaining to sewage treatment and individual septic systems.

International Red River Board: Water Quality objectives are also identified by the International Red River Board (IRRB), an advisory body established by the International Joint Commission. The International Joint Commission serves as an advisor to the governments of the United States and Canada pursuant to the 1909 Boundary Waters Treaty. The Treaty stipulates that "the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other."[10]

The IRRB lists seven parameters which they consider to indicate degradation of water quality. These seven parameters are:

- Nitrogen
- Dissolved Oxygen
- Fecal Coliform
- Total Dissolved Solids
- Phosphorus
- Chloride
- Sulfate

Nitrogen and phosphorus are considered nutrients and were added to the IRRB list in April 2005, upon the request of Manitoba Conservation.[11] Concerns about nutrients are shared by many state and federal agencies working to improve water quality throughout the U.S. and Canada. The IRRB also monitors water temperature, pH and flow (volume) at the border.

Red River Basin Commission: The Red River Basin Commission has developed a **Natural Resources Framework Plan (NRFP)** to act as a guide for basin residents, organizations, local governments and state and federal agencies. This Plan was developed over a period of years, through countless hours from volunteers and public focus groups. The Plan identified 13 goals and associated objectives covering many topics concerning land and water stewardship.

NRFP Goal 9: Maintain, protect and restore surface and ground water quality in the Red River Basin.

The objectives associated with this goal include the following 6 issues:

1. Develop a common approach to assessing water quality goals and conditions
2. Develop scientifically based water quality restoration goals for impaired waters
3. Reduce non-point and point source pollution to protect basin waters
4. Reduce nutrient loading to Lake Winnipeg by 10% within 5 years
5. Encourage respect for all existing water quality standards, objectives and guidelines within the basin
6. Develop and coordinate programs to prevent the further spread of non-native aquatic species. . .and prevent the introduction of new species to the basin.[12]

Other Water Quality Concerns

In addition to nitrogen and phosphorus, five other water quality parameters are monitored at the international boundary. They are sulfate, total dissolved solids (TDS), fecal coliform, dissolved oxygen (DO) and chloride.

Sulfate is an oxidized component of the natural element sulfur. Excess sulfates in drinking water can cause bad taste, digestive problems and a buildup of scale in plumbing and water appliances. Sulfur availability to plants can be supplied through the air as sulfur dioxide, a by-product of burning fossil fuels. Some soils have a higher sulfur content than others and cause sulfate to occur at a higher level in the soil profile and surface runoff. Sulfates are very mobile in ground water as well as surface water. Areas with shallow, unconfined aquifers, with large inputs from atmospheric deposition, fertilizer use and land application of animal waste can also have high levels of sulfates in their water sources. Locally high concentrations of sulfates can also occur from decomposition of organic matter, oxidation of sulfur-bearing mineral deposits or industrial deposition from air particulates.[2]

Total Dissolved Solids (TDS) can also cause unpleasant taste and a buildup in water lines and water appliances. TDS come from both man-made and natural sources. They are usually composed of nonliving sources, but can be from plant or animal sources. The U.S. Environmental Protection Agency has listed TDS as a parameter for monitoring under the "secondary" drinking water standards.[13]

Fecal Coliform bacteria is easily identified and is used as an ***indicator*** in monitoring water sources for potential problems. Fecal coliform is a form of bacteria that lives in intestines of warm-blooded animals, including humans, and is easily transmitted to water sources through feces. When community drinking water sources are not disinfected, any disease-causing pathogens, such as bacteria, protozoa and viruses, in the water are not destroyed. Sources of fecal coliform bacteria are include feedlots, animal yards, septic systems and municipal sewer systems.[6]

Dissolved Oxygen (DO) levels indicate whether or not a water body can sustain aquatic life and what type of aquatic life it can sustain. Some fish (trout, for example) need higher dissolved oxygen levels than other fish. Some invertebrates require less DO than others. Measurement of DO can also give a sense of the ecosystem health of a water body. The amount of oxygen in water also affects the pH and molecular form of other chemicals in the water. Dissolved oxygen is present in healthy water bodies through natural aeration, such as ripples and water falls. If there is too much bacteria decomposing plant debris, if the water is stagnant or if a water body is shallow or turbid, the water generally will have low available oxygen.

Chloride is a natural element. High levels of chloride can harm aquatic life, especially fish, by blocking the mechanism for them to extract oxygen from the water.[6] Chloride is very mobile in water and soil and can move readily through surface and ground water sources.[7] Elevated levels of chloride can be used as an indicator for pollution from a wide variety of sources. Man-made products that contain chloride include fertilizer, road salt, human and animal waste and industrial waste.

Who Can Help Reduce the Nutrient Loading Problem?

The effort of reducing nutrient loads in the Red River Basin is an immense job and requires the work of the general public, municipalities, agencies and agriculture interests. Efforts need to include changing land use patterns, enforcing regulations and fostering a commitment from Red River Basin residents to enhance water quality by their own efforts.

Following are some actions that can be taken to help reduce the nutrient loading problem.

Individuals: Recycle grass clippings and leaves. Get your garden soil tested to determine what nutrients are deficient. Fertilize yards and gardens sparingly, using only what is needed for your soil. Mulch gardens to reduce water needs. Water yards and gardens so the water soaks in and doesn't run off. Accept an attitude that the greenest lawn in the neighborhood isn't the best. Develop a xeriscape garden that uses less water. Use compost to provide organic matter instead of fertilizer. Don't put waste down the curb to be flushed into the storm sewer with rain. Pick up the waste from animals and dispose of it properly.

Clean debris from curbs and gutters so it doesn't wash down the drain to the storm sewer system. Use non-phosphate household cleaners (dishwasher detergent, etc.)

Landowners/Producers: Utilize "Best Management Practices" when farming. Contact your nearest Conservation District office for technical assistance or advice for areas where gullies are forming in fields, drainage areas or along river banks. Fence livestock from crucial riparian areas and eroded river banks. Establish vegetative buffer strips along field edges and in field drainage areas to reduce sediment entering the water. Plant windrows to minimize blowing soil that would deposit into ditches and highway rights-of-way. Plant permanent vegetation, which can reduce soil erosion from farmed fields and also trap nutrients, in areas that frequently flood. Before applying fertilizers or manure compost, have field soil analyzed to determine the proper application rate.

Community Leaders: Establish locations for recycling of tree branches, grass clippings and leaves. Promote composting for reuse in gardens. Require construction sites to use Best Management Practices to reduce soil erosion. Encourage use of storm water retention basins. Develop proper waste water treatment programs. Establish regular street cleaning programs to reduce soil, chemical pollutants and organics from entering storm sewer systems. Establish protocols for upgrading individual septic systems when vacation homes become full-time residences or when homes are enlarged. Encourage reduced residential phosphate use.

Protection of water sources is also important. Source water protection generally involves government testing of water sources used by municipal water supply providers. *Ground water wellhead protection* is of particular importance to both municipalities and individuals. Basin residents can help by notifying local, state or provincial agencies concerning open or inactive wellheads so they can be sealed. Areas of ground water recharge must also be protected to prevent contamination from septic systems, landfills and other forms of pollutant discharge. Notify your local agency if you know of sources of potential contamination for ground water systems. Source water protection is also vital for surface water intake areas. Notify your local agencies if you know of potential pollutant sources that would affect municipal or individual water sources locations.

Conclusion

A proactive approach by each citizen in the Basin will eventually restore the Red River and Lake Winnipeg to their natural ecological functions. The efforts of governments, elected leaders and residents to cooperate and communicate will demonstrate that the vision of Basin-wide watershed stewardship and management is alive and well.

Thank you for participating in this workshop sponsored by the Red River Basin Commission.

Footnotes

1 Restoring the Health of Lake Winnipeg: Report to the Lake Winnipeg Implementation Committee. November 2005
2 Miller, G. Tyler Jr., Living in the Environment: Concepts, Problems and Alternatives. 1975
3 Minnesota Department of Agriculture, Nitrogen Fertilizer Management Plan, Chapter 2
4 Seelig, Bruce, and John Nowatzki. Water Quality and Nitrogen, North Dakota State University Extension Service, AE-1216, December 2001
5 Restoring the Health of Lake Winnipeg: Report to the Lake Winnipeg Implementation Committee. November 2005
6 Proposed Water Quality standards rule revisions, www.pca.state.mn.us/water/standards/rulechange
7 North Dakota 2004 Integrated Section 305(b) Water Quality Assessment Report and Section 303(d) List of Waters Needing Total Maximum Daily Loads. North Dakota Department of Health, August 2004
8 The International Red River Board, Fourth Annual Progress Report to the International Joint Commission. October 2003
9 Regulation Under the Manitoba Water Protection Act, Manitoba Water Stewardship, July 2005
10 International Joint Commission communication 3-23-06.
11 International Red River Board, Status Report to the International Joint Commission, April 2005
12 Natural Resources Framework Plan, Red River Basin Commission, 2005
13 www.fmriver.org/waterquality/index.html Link to: http://bcn.boulder.co.us/basin/data/NUTRIENTS/info/TDS.html

Where to Learn More:

Water Quality in the Red River Basin, Part 2 - Program Assistance Reference Guide, RRBC

Red River Basin Commission, www.redriverbasincommission.org

Prairie Public TV - FM River Water Quality, http://imap.prairiepublic.org/eerc/didyouknow.asp

US Environmental Protection Agency, www.epa.gov/water/states/

River Keepers, www.riverkeepers.org/

Minnesota Pollution Control Agency, www.pca.state.mn.us/data/edaWater/index.cfm

North Dakota Department of Health - Water Quality, www.health.state.nd.us/WQ/default.htm

Environment Canada, www.ec.gc.ca/water/e_main.htm

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RED RIVER BASIN COMMISSION

Red River Basin Commission
119 S. 5th St. • PO Box 66
Moorhead, MN 56561-0066
Ph: 218-291-0422 • Fax: 218-291-0438
staff@redriverbasincommission.org

Red River Basin Commission
410 - 283 Bannatyne Avenue
Winnipeg, MB R3B 3B2
Ph: 204-982-7250 • Fax: 204-982-7255
redriverbasincommission@shawcable.com
www.redriverbasincommission.org

The RRBC is a group of people from the Red River Basin working together to achieve common goals for water protection and management.

WATER QUALITY IN THE RED RIVER BASIN

A Report to Basin Residents and a Call to Action
Part 2 - Program Assistance Reference Guide

This guide highlights financial assistance programs provided by federal, provincial and state governments for local leaders, landowners and individuals to help reduce or remove nutrients in the waterways of the Red River Basin.

United States Programs
Federal and State

Agricultural Programs: Federal Assistance

US Department of Agriculture: www.usda.gov
The US Department of Agriculture (USDA), through the Natural Resource Conservation Service (NRCS) and the Farm Service Agency (FSA), has the largest and broadest number of programs for agricultural producers. These programs have been developed through the Farm Bill Program; the current program was developed in 2002 and is active until 2007. Typically, these two federal agencies coordinate efforts with local units of governments such as the Soil (and Water) Conservation Districts. The US Fish and Wildlife Service has initiatives for private land owners as well.

USDA programs offer economic incentives ranging from annual payments for conservation use to up-front, onetime payments and may include cost-share incentives for installation of conservation measures. NRCS offers technical assistance to landowners for conservation practices on their land and may also have "certified technical service providers" available who are not federal employees, but who are contracted to assist landowners in developing farm plans. USDA also partners with local or nongovernmental groups that work to achieve conservation enhancements on private lands. NRCS works closely with the Soil (and Water) Conservation Districts situated in each throughout the basin.

Farm Service Agency (FSA) Programs: www.fsa.usda.gov/dafp/cepd
- Conservation Reserve Program (CRP): provides annual rent payments for planting permanent vegetation on idle or highly-erodible farmland.
- Conservation Reserve Enhancement Program (CREP): a state and federal partnership that provides incentive payments for installing specific conservation practices. Targeted priority areas are described by the agreement between the state and FSA.
- Grassland Reserve Program (GRP): easements or rental incentives provided to the landowner to limit the future use of the land while retaining the ability to graze, hay or produce seed. Its focus is to restore and protect grassland and rangeland, enhance biodiversity and protect land from being converted to other land uses.

Natural Resources Conservation Service (NRCS) Programs: www.nrcs.usda.gov/programs
NRCS has the largest amount of Technical Assistance Program and activities of any federal agency. Some of their most recognized programs are:
- **Environmental Quality Incentives Program (EQIP):** promotes agriculture production and environmental quality as compatible goals. Financial assistance is available to install or implement structural and management practices on eligible land.
- **Conservation Security Program (CSP):** provides technical and financial assistance to promote, conserve and improve soil, water, air, energy, plant and animal life and other conservation purposes on Tribal and working previous efforts of the landowner, and assists with further development of conservation on the land.
- **Wildlife Habitat Incentive Program (WHIP):** this program provides technical assistance and 75% cost-share assistance to people who want to develop and improve wildlife habitat on private land.
- **Wetland Reserve Program (WRP):** restoring wetlands that have been lost due to farming prior to 1985 can be restored to provide wildlife benefits under this program.

Other programs that may be of interest and which the NRCS can provide more information about include: Watershed Protection and Flood Prevention, Emergency Watershed Protection Program, Farm and Ranch Lands Protection Program; Conservation of Private Grazing Lands; Conservation Partnership Initiative, to name a few.

US Fish and Wildlife Programs (USFWS): www.fws.gov

- **Partners for Fish and Wildlife:** working with private landowners, tribes, organizations, businesses and communities, this program restores, enhances and protects important habitat. Participation is voluntary; technical and financial assistance is available. Habitats targeted include wetlands, grasslands, riparian corridors and in-stream improvements. www.fsw.gov/partners/
- **Waterfowl Production Areas:** these lands are purchased with funds derived from the US Federal Duck Stamp program. The lands are acquired as a means to manage and provide high quality wetlands and nesting cover for waterfowl and other wildlife species. The WPAs are open to the public for activities including hunting, hiking, birdwatching and photography. www.fws.gov/refuges/faqs/WPAs.html
- **Habitat Easement Programs:** The USFWS also acquires easements for both wetland and grassland habitats. The purpose is to manage habitat for specific wildlife needs in areas of concern.

Agricultural Programs: State Assistance

Minnesota Programs

Board of Water and Soil Resources (BWSR): www.bwsr.state.mn.us

- **State Cost-share Program:** base grant funding is provided to the state Soil and Water Conservation Districts (SWCDs) to help local landowners offset costs of installing conservation practices that protect and improve water quality by controlling soil erosion and reducing sedimentation.
- **Feedlot Water Quality Management Grant:** funding from this grant assists SWCDs to provide financial and technical assistance to identify and evaluate water quality problems and develop solutions with feedlot operators.
- **Reinvest in Minnesota:** a program to purchase conservation easements from landowners for the protection of highly erodible land, riparian areas and sensitive groundwater recharge areas. The program further protects and creates habitat for fish and wildlife and improves water quality.
- **Minnesota CREP II:** is a state and federal partnership providing incentive payments for installing specific conservation practices. Targeted priority areas are described by the agreement between the state and FSA.
- **Wetland Banking Program:** also administered through BWSR, this program allows landowners to utilize wetland credits to mitigate unavoidable impacts. It is a mechanism to provide wetland protection and enhancement, and allow property owners an ability to develop their property.

Minnesota Department of Agriculture: www.mda.state.mn.us

- **Agriculture Best Management Practices Loan Program:** provides low-interest financing to farmers, rural landowners and agriculture supply businesses to encourage best management practices to prevent or reduce runoff from feedlots and farm fields and provides loans for projects that reduce existing water quality problems caused by agricultural activities or failing septic systems.
- **Sustainable Agriculture Loan Program:** these loans enable farmers to adopt practices that will lead to a more sustainable farming system. The loans are for capital purchases enhancing the environmental and economic viability of the farm. Eligible purchases may include: rotational grazing systems, tree plantings, on-farm energy production, composting equipment, solar-powered equipment, low-cost livestock housing, hoop buildings, breeding livestock, processing equipment, no-herbicide weed control, equipment to handle cover crops, alternative fertilizer management equipment, soil conserving equipment and more.
- **Livestock Equipment Pilot Loan Program:** this loan program is designed to help finance the first purchase of livestock-related equipment and make livestock facilities improvements. Loans may be used for the acquisition of equipment for animal housing confinement, animal feeding, milk production and waste management.

Minnesota Department of Natural Resources (DNR): www.dnr.state.mn.us/grants/land

- **Wetland Tax Exemption Program:** provides financial incentives to maintain wetlands in their natural state and promotes awareness of wetland values.
- **Native Prairie Tax Exemption and Native Prairie Bank Program:** these two programs are oriented to sustaining, protecting and conserving native prairie grasslands. Financial assistance may be in the form of tax exemptions or purchased easements. Both programs allow the land to remain in private ownership.
- **Shoreland Habitat Restoration Grant Program:** this program is oriented to diversifying and enhancing the abundance of native aquatic and shoreland plants; protecting the quality of shoreland habitat and enhance water quality.
- **Landowner Incentive Program:** is a cooperative program between DNR and the US FWS. It assists private landowners who wish to manage their land to benefit listed species. Financial assistance is available for habitat management and enhancement.
- **Reinvest in Minnesota (RIM):** this program funds acquisition and development of critical fish and wildlife habitat. A special state fund will match donations of land or cash to restore wetlands, improve forest habitat, plant critical habitat cover and other habitat preservation projects. Funding comes from the annual registration fee associated with "critical habitat" automobile license plates.

Minnesota Pollution Control Agency (MPCA): www.pca.state.mn.us/water/cwp-319.html

- **Clean Water Partnership and 319 Program:** MPCA provides financial and technical assistance to local governments and other water resource managers to address nonpoint-source water pollution through the Clean Water Partnership (CWP) and Clean Water Act Section 319 programs. Both programs are used to support efforts of local units of government and citizens to address nonpoint sources of pollution. The programs provide financial and technical assistance for the study of water bodies experiencing pollution problems, development of action plans to address the problems and implementation of the plans to fix the problems. Projects funded by both programs are led by local coalitions of those concerned about water quality in the area. www.pca.state.mn.us/water/cwp-319.html
- **Clean Water Partnership Loan Program:** this low-interest loan program targets restoration of specific water resources. Activities could include replacing or upgrading individual sewage treatment systems and fostering beneficial agricultural practices.

North Dakota Programs

North Dakota Game and Fish Department: www.nd.gov/gnf/info/pli-program.html

- **Private Lands Initiative:** provides funding for cost-share and easement reimbursement to create habitat and access for hunting and fishing. Habitat enhancement provides reduction in sediment from wind and water erosion. Financing for the program comes through the sale of hunting licenses, habitat stamps and legislative appropriation. Signs identifying the use of the program are provided to the landowner and publicize the location of the project.
- **Coverlocks for Conservation:** is a jointly funded program using the USDA Conservation Reserve Enhancement Program (CREP), Pheasants Forever and the NDG&F Department. The program enhances habitat, while providing public access.

North Dakota Department of Health: www.health.state.nd.us/wq/

- **North Dakota 319 (non-point source reduction) program:** local oriented projects are funded through the State Department of Health to target reduction of non-point source pollution, including sediment and nutrients that are delivered to surface waters or ground water aquifers. Local projects can be funded up to 60% with a 40% local match required. Projects can be sponsored by Soil Conservation Districts, Water Resource Boards, City Councils and nonprofit organizations.
- **Red River Basin Riparian Project:** this program utilizes best management practices along riparian areas to restore function of streambank stabilization, grass filter strip plantings and bioengineering. The program is funded with cost-share from the EPA-319 programs. www.health.state.nd.us/rrbrp/

North Dakota Department of Agriculture: www.agdepartment.com/programs/plant/waterbank.html

- **Water Bank program:** a program that is funded by several state and federal agencies that provides financial incentive to landowners to preserve wetlands. The Department of Agriculture administers the programs and develops 5- or 10-year agreements.

State Forest Service: www.ndsu.nodak.edu/forestservice/

- **Forest Land Enhancement Program (FLEP):** funded through the 2002 US Farm Bill, this program provides technical, educational and cost-share assistance to promote sustainability of nonindustrial private forests. Cost-share applications for treatments are taken through the county Soil Conservation Districts.
- **Forest Stewardship Tax Law:** provides incentives to landowner to preserve native and planted tree stock by reducing property taxes on eligible lands.
- **Living Snow Fence:** this program utilizes tree rows established along roadways to reduce wind erosion, helping hold soil in place, and to reduce drifting snow, minimizing road maintenance and reducing accidents. This is a national program administered by the State Forest Service.

South Dakota

Game and Fish Department Private Lands Programs: www.sdgfp.info/wildlife/privatelands/PrivatelandsIndex.html
The Department of Game and Fish has several financial assistance programs to help landowners develop critical habitat for wildlife, primarily upland game birds. The following programs are funded by the Department:

- **Dense Nesting Cover Establishment:** to establish cool season grasses and legumes to provide dense nest cover for upland game.
- **Food Habitat Plots Establishment:** attracts and retains wildlife in areas where there is sufficient wintering habitat, or to keep wildlife away from areas where they aren't wanted.
- **Habitat Fence Construction:** the program utilizes fences to protect riparian areas from overuse by livestock.
- **Native Warm Season Grass Establishment:** the program helps landowners reestablish the tall grass native prairie grasses that South Dakota was once covered with. This habitat is important for wildlife.
- **Woody Habitat Projects:** the program assists landowners stretch funding from other agencies to maximize success of establishment of woody habitats by providing assistance to maintain woody tree rows up to four years beyond the planting date.

Department of Agriculture

- **Coordinated Soil and Water Conservation Grant Fund:** the program provides assistance for projects that show natural resource conservation benefit to the state. Any organized conservation district within the state may make an application to the State Conservation Commission. Potential projects: windbreak tree plantings, water developments for livestock to protect riparian areas, waterway construction and seeding, water quality improvements including watershed assessments

Municipal/Residential Programs: Federal Assistance

US Department of Agriculture

Rural Development www.usda.gov/rurdev.usda.gov

The Rural Development agency is committed to helping improve the economy and quality of life in all of rural America. The Office of Community Development administers rural community development programs within USDA Rural Development. Each program and initiative promotes self-sustaining, long-term economic and community development in rural areas.

- **Water and Environmental Programs (WEP):** provides loans, grants and loan guarantees for drinking water, sanitary sewer, solid waste and storm drainage facilities in rural areas and cities and towns of 10,000 or less. Public bodies, nonprofit organizations and recognized Indian tribes may qualify for assistance. WEP also makes grants to nonprofit organizations to provide technical assistance and training to assist rural communities with their water, wastewater, and solid waste problems. www.usda.gov/rus/water/index.htm

Resource Conservation and Development www.nrcs.usda.gov/programs/rcd

The purpose of the Resource Conservation and Development (RC&D) program is to accelerate conservation, development and utilization of natural resources, to improve the general level of economic activity and to enhance the environment and standard of living in designated RC&D areas. It improves the capability of state, tribal and local units of government and local nonprofit organizations in rural areas to plan, develop and carry out programs for resource conservation and development.

How RC&D Works Assistance is provided, as authorized by the Secretary of Agriculture, to designated RC&D areas through their organized RC&D councils (comprised of local leaders). RC&D councils and their sponsors, in association with state, local, and federal governments and nonprofit organizations, develop and implement local RC&D area plans. Councils also obtain assistance from other local, state, and federal agencies; private organizations; and foundations. RC&D priorities are set by area residents to meet their needs. RC&D councils implement their area plans through projects that may include natural resource improvement, community improvement, forestry, education, economic development, water quantity and quality, recreation and tourism, marketing and merchandising, fish and wildlife habitat enhancement and waste management and utilization.

Municipal/Residential Programs: State Assistance

Minnesota

Minnesota Pollution Control Agency

- **MPCA Storm Water Permit Program:** this program is aimed at reducing sedimentation from entering surface waters through the use of Best Management Practices. There are three types of permits, for construction sites, industrial areas and municipal levels, designed to control polluted discharges from entering water bodies. A "Stormwater Compliance Assistance Toolkit for Small Construction Operators" is available to help identify obligations.
- **Capital Assistance Program:** cities, counties, solid waste management districts and sanitary districts are eligible for grants to help finance capital costs of building solid waste processing facilities. Projects funded include waste-to-energy, recycling or composting facilities; transfer stations to serve waste processing facilities and projects that reduce amounts or toxicity of waste-processing residuals. The project must be located in a county with a comprehensive solid waste management plan approved by the Minnesota Office of Environmental Assistance (as of this date, the OEA has been joined with MPCA). www.moea.state.mn.us/grants/cap.cfm
- **Open Grant Program:** the environmental assistance Open Grant Program was established by the Legislature to provide financial assistance in the development of environmentally sustainable practices in Minnesota through voluntary partnerships and goal-oriented, economically driven approaches to pollution prevention and resource conservation. This Open Grant round is a competitive, two-stage application process to identify and assist projects that will be most beneficial in meeting the Agency's mission of working with Minnesotans to protect, conserve and improve Minnesota's air, land and water resources. www.pca.state.mn.us/grants/index.html
- **Environmental Assistance Loan Program:** this program allows MPCA to award up to a maximum loan of $100,000 at zero percent interest. Program guidelines call for loan funds to be matched by a minimum dollar-for-dollar match (1:1) by loans from a participating financial institution. www.pca.state.mn.us/grants/index.html

- **Small Business Environmental Loan Program:** this program provides low-interest loans to small businesses to finance environmental projects such as capital equipment upgrades that meet or exceed environmental regulations and costs associated with the investigation and cleanup of contaminated sites. These loans help small businesses help themselves with environmental projects. Through the program, small businesses are able to achieve successes with their environmental projects and goals, while at the same time helping to preserve Minnesota's air, land, lakes and quality of life. www.pca.state.mn.us/grants/index.html
- **Water Pollution Control Revolving Fund:** (also known as the Clean Water State Revolving Fund) this program provides below-market financing to local governments to upgrade and construct wastewater treatment and collection facilities. The program is administered in conjunction with the Pollution Control Agency. The fund also provides monies to the Pollution Control Agency, the Department of Agriculture and the Department of Employment and Economic Development for loan programs to address nonpoint source pollution.
- **Wastewater Infrastructure Fund:** Provides supplemental assistance to local governments for high cost wastewater treatment projects. Supplemental assistance is provided in conjunction with the U.S. Department of Agriculture's Rural Development grant and loan program, or in conjunction with financing from the Water Pollution Control Revolving Fund.

Minnesota Department of Natural Resources
- **Minnesota DNR Remediation Fund Grant Program:** this program focuses on helping communities finance protection and restoration of natural resources lost due to landfill operations. The state has identified damages to resources from the release of hazardous substances from closed landfills and provides a mechanism for communities to restore and maintain the area in native vegetation. www.dnr.state.mn.us/grants/land/remediation_fund.html

Minnesota Department of Health www.health.state.mn.us/divs/eh/water/dwrf/index.html
- **Drinking Water Revolving Fund (DWRF):** provides below-market-rate loans for new public water systems or extensions or improvements to existing public water systems. Projects that protect public health, achieve or maintain compliance with drinking water regulations and supply communities in financial need receive priority. Eligible systems include publicly owned, municipal-type systems; regional water systems; privately owned condominium and manufactured home park systems or nonprofit, non-community systems such as schools, day care centers, churches or retreat centers. To be eligible, a service area must consist of established homes and/or businesses receiving water from contaminated private wells or private wells not providing adequate water quantity. (This addresses well contamination.) Well sampling must be conducted, documented, and the results forwarded to the department of health. When well contamination is used to justify installing a public water system, the sites with contaminated water should be connected to the new system when it becomes available.

North Dakota

North Dakota State Forest Service Grants www.ndsu.nodak.edu/forestservice/comm_forestry/community_home.htm
- **America the Beautiful Challenge Grant:** this program is funded through the North Dakota State Forest Service and assists communities to establish trees in or around their communities.

North Dakota Department of Health/Division of Municipal Facilities: www.health.state.nd.us/mf
- **Drinking Water and Clean Water State Revolving Loan Funds (SRF):** The following types of projects are eligible for Clean Water SRF : Wastewater treatment plants; sewer rehabilitation; sludge management; non- PWSs are not eligible to receive DWSRF assistance. Community water systems are PWSs which serve at least 15 service connections used by year-round residents or regularly serve at least 25 year-round residents. Non-community water systems are PWSs that primarily provide service to other than year-round residents. Examples of nonprofit non-community water systems that are eligible for DWSRF assistance include schools and publicly-owned campgrounds, parks and rest areas.

South Dakota

Department of Environment and Natural Resources
- **Small Community Planning Grant Program:** was established to promote a proactive approach to water and wastewater infrastructure management. The grant is available to systems serving a population of 2,500 or fewer. The project sponsor must be an entity of government or a special purpose district or nonprofit organization if their primary purpose is to supply public water system or sanitary service.
- **Solid Waste Management Program:** provides grants and loans for solid waste and recycling projects.
- **Clean Water State Revolving Fund Program:** provides low interest loans for wastewater, storm sewer, and nonpoint source projects.
- **Consolidated Water Facilities Construction Program:** provides grants and loans for small water, wastewater and watershed projects. www.state.sd.us/DENR/DFTA/WWFunding/wwfprg.htm

Canada Programs
Federal, Provincial, Municipal and Non-Government

Agricultural Programs: Federal

Agriculture and Agrifood Canada

- **Canada-Manitoba Environmental Farm Plan (EFP) Program:** this program helps the agriculture sector better identify its environmental impacts and to promote growth of stewardship activities within the industry. The program utilizes EFP workshops where producers receive technical assistance and guidance to perform an environmental assessment of their farm operations to outline risks and benefits and then develop an action plan to mitigate their on-farm agri-environmental risks. This program involves collaboration between the Farm Stewardship Association of Manitoba (FSAM), Agriculture and Agri-Food Canada (AAFC),and Manitoba Agriculture, Food and Rural Initiatives (MAFRI). Contact the Farm Stewardship Association of Manitoba at 866-872-8521. www.agr.gc.ca/env/efp-pfa/index_e.php
- **Canada-Manitoba Farm Stewardship Program (CMFSP):** this program assists Manitoba producers to address on-farm environmental risk through adoption of beneficial management practices (BMP). Thirty environmentally sustainable BMP categories are eligible for cost-share funding. Many of these BMPs, such as manure treatment, nutrient management planning and nutrient recovery from waste water, contribute to decreased nutrient loading in river and lake systems. A producer is eligible to apply for financial and technical assistance through the CMFSP after completing an Environmental Farm Plan. The program is delivered by the Prairie Farm Rehabilitation Administration and is the Manitoba component of the National Farm Stewardship Program under the Agricultural Policy Framework. Call 1-800-667-8567. www.agr.gc.ca/env/efp-pfa/index_e.php?section=nfsp-pnga&page=mb-nfsp-pnga
- **Greencover Canada Program:** this program targets producers, helping them improve grassland-management practices, protect water quality, reduce greenhouse gas emissions and enhance biodiversity and wildlife habitat. The program involves four component areas that include: land conversion, critical areas management, technical assistance and shelterbelts. Call 1-866-844-5620. www.agr.gc.ca/env/greencover-verdir/index_e.phtml
- **Riparian Stewardship Program:** this program assists landowners and rural communities with protection and restoration of riparian habitat for wildlife, fish and cleaner water. The program is delivered by the Manitoba Habitat Heritage Corporation, Agriculture and Agri-Food Canada through the Prairie Farm Rehabilitation Administration and Manitoba Agriculture, Food and Rural Initiatives. Program features include cost-shared fencing of riparian and associated lands, assistance to explore off-site water supply options, financial assistance for seed to establish permanent forage buffer strips on cultivated lands adjacent to permanent wetlands and recognition for landowners who protect riparian areas under the program. Call (204) 784-4350. www.mhhc.mb.ca/riparian/steward.html

Farm Credit Canada (a Federal Crown Corporation)

- **Enviro-Loan Program:** This program is available through and is targeted at the Canadian agricultural community. Its goal is to provide financing for environment related projects on farms such as the installation of methane digesters, upgrading of manure storage handling facilities, or the development of buffer zones between crop areas and watercourses. Contact the Steinbach office at (204) 326-9400, the Morden office at (204) 822-7350 or the Carman office at (204) 745-6759. www.fcc-fac.ca/en/products/lending/enviro_loan_e.asp

Fisheries & Oceans Canada (DFO)

- **Stewardship-In-Action (SIA) initiative:** DFO is seeking project proposals for this 2006-2007 initiative, which was conceived of as a way to expand and strengthen existing prairie watershed stewardship initiatives that enable an ethic of ownership and responsibility to protect, maintain and restore freshwater fish and fish habitat among people that influence and affect it. The program provides matched financial support, up to $7,500, to help regional, watershed and local community groups increase their capacity to be effective advocates of fish habitat. The SIA initiative strives to strengthen and expand prairie stewardship group capacity by helping groups identify their interests and capabilities and come to their own conclusions about how best to meet their stewardship objectives. Information and guidance on writing a funding proposal can be found at www.prenticehall.ca/rogers/3_6.html.

Agricultural Programs: Manitoba Provincial, Municipal and Non-Governmental Organizations

Manitoba Riparian Health Council (MRHC) www.riparianhealth.ca/index.html

The Council is a network of agencies working collaboratively on riparian initiatives. It has developed a vision for cooperative programming that enhances riparian areas and surface water quality across agro-Manitoba in ways that also support landowner needs. A series of Manitoba Watershed Reports are available on the MRHC website and provide a summary of resources and land use issues related to riparian areas.

Manitoba Finance

- **Riparian Tax Credit Program:** this program is designed to encourage farm operators to upgrade management of lakeshores and river and stream banks to help contribute to protecting rural water quality. Property tax credit

benefits are available to farmers and livestock producers who make a 5-year commitment to protect a strip of agricultural land along a waterway. The program was initiated by the Manitoba Department of Finance and includes beneficial riparian management practices such as elimination of tillage, limitation of grazing and watering by livestock, and the maintenance of various types of riparian vegetation to control erosion. Call 800-782-0771. www.gov.mb.ca/finance/esa/riparian.html

Manitoba Agriculture, Food and Rural Initiatives

- **Covering New Ground (CNG):** this program provides funding and technical help to producer groups and commodity organizations to carry out sustainable agriculture demonstration or technology transfer programs, with the goal of improving health of agricultural ecosystems. CNG focuses on projects related to sustainable crop management, livestock and forage management and integrated pest management. Funding supports projects that emphasize two major goals: (1) projects must offer solutions to challenges of sustainable development with an emphasis on improving the environmental performance of the agricultural industry, and (2) projects must encourage activities built on partnerships, particularly among producers, government and industry; projects are conceived by local industry stakeholders seeking local solutions or by provincial industry stakeholders seeking sector-wide solutions. www.gov.mb.ca/agriculture/research/covering/index.html
- **Public Concerns with Livestock Production (Living with Livestock Production):** this initiative involves a series of 15 fact sheets dealing with manure management. It is a multi-department provincial government collaboration prepared by Manitoba Agriculture, Food and Rural Initiatives, Manitoba Conservation, Manitoba Health and Manitoba Water Stewardship. Various topics are available, including "Land Application of Manure," "Livestock Manure Storage," "Livestock Operations and Groundwater Quality," "Nitrates in Soil and Water," "Phosphorus in Soil and Water" and "Surface Water Issues." www.gov.mb.ca/agriculture/livestock/publicconcerns/cwa01s00.html
- **Soil Testing Awareness Initiative:** this initiative was informs producers about soil testing options and nutrient management and was developed in relation to the Lake Winnipeg Action Plan to help reduce nutrients from all sources that enter Lake Winnipeg. A "Test Your Soil" brochure is associated with this initiative, as well as the "Manitoba Soil Fertility Guide" that provides more detailed information on soil testing and general fertilizer use considerations in Manitoba. www.gov.mb.ca/agriculture/soilwater/soil/fbd05s01.html

Manitoba Conservation

- **Environmental Youth Corps (EYC) Program:** administered through the Pollution Prevention Branch, this program provides an opportunity for Manitoba youth to become involved in a variety of environmental activities. Financial assistance is available to project sponsors who plan to carry out activities such as community clean-ups or creating green space. Projects must relate to environmental protection, enhancement, rehabilitation, conservation and resource management. Project sponsors eligible to apply for funding support include: charitable and voluntary organizations; environmental organizations; service clubs; educational institutions and student groups; and local government organizations including municipalities, band councils and Aboriginal organizations. Call (204) 945-8443. www.gov.mb.ca/conservation/pollutionprevention/eyc/index.html
- **Sustainable Development Innovations Fund (SDIF):** this program provides funding for development, implementation and promotion of environmental innovation and sustainable development projects delivered by local governments, industry, community and youth groups, Aboriginal organizations and First Nation communities. Grants are provided through several priority program areas; proposed projects must address one or more priority area and achieve or demonstrate measurable progress toward achieving the fund's objectives, be environmentally and ecologically sound, promote a sustainable approach, have clear environmental benefits, take into account benefits to the community and the economy and, where possible, involve youth. Call 800-282-8069, ext. 0146 or email sdif@gov.mb.ca. www.susdev.gov.mb.ca or www.gov.mb.ca/conservation/pollutionprevention/sdif/index.html

Municipal/Residential Programs

Canada-Manitoba Infrastructure Program - Municipal Rural Infrastructure Fund:

- **Canada-Manitoba Infrastructure Program - Municipal Rural Infrastructure Fund (CMIP-MRIF):** this program provides approximately $120 million for infrastructure renewal in Manitoba over a six-year period. The Infrastructure Program assists municipal governments with funding for various types of projects including investments in Green Environmental Infrastructure projects that have the effect of providing cleaner air, water or wastewater or optimizing energy usage. www.infrastructure.mb.ca

City of Winnipeg Water and Waste Department Programs: a number of initiatives are in place to reduce waste and the potential for nutrient contributions to the Red River. The City offers a Blue Box recycling program to collect recyclable materials and prevent them from going to the landfill. The "leaf it with us" program involves collection depots where bagged and loose leaves can be dropped off to be collected and composted into a reusable soil-like material. The "let's chip in" program involves Christmas tree collection depots; the wood chips are then available for free pick-up. The City also promotes "grasscycling," leaving clippings on lawns after mowing so that nutrients can be recycled back into the lawn. An educational brochure titled "Don't Throw Garbage Down the Drain" detailing

household items that should not be disposed of in toilets, sinks or storm drains due to the potential harm they can cause to our rivers is also available. Call (204) 986-5858. www.winnipeg.ca/waterandwaste/default.stm

***Municipal/Residential*: Non-Governmental Organizations**

- **Evergreen:** Evergreen is nonprofit environmental organization that has three core programs through which it provides funding, tools, materials and other resources to various stakeholders in support of environmental stewardship and community naturalization projects. Nature and green grant programs are available to community stewardship groups in cities and towns across Canada through the Common Grounds program. The Learning Grounds program is targeted at schools across Canada to help teachers engage students in nature-related topics. Call 888-426-3138. www.evergreen.ca/en/index.html
- **Resource Conservation Manitoba - Compost Action Project:** provides how-to-compost information to consumers, from backyard enthusiasts to community groups, schools, municipalities, agricultural producers, industry and government departments. Nutrient management through effective composting of organics protects ground and surface water sources, rebuilds soil fertility and can eliminate the need for chemical inputs. Call 866-394-8880. www.resourceconservation.mb.ca/cap/
- **Manitoba Product Stewardship Corporation:** this organization encourages expansion of recycling services across Manitoba. Programs include municipal residential recycling, promotion and education, technical support and consulting, waste reduction initiatives and research and development. A Community Recycling Handbook has been developed to help municipalities establish and maintain well-planned and cost-efficient recycling programs. The website also offers various recycling-related resources and materials. www.mpsc.com/main.asp?contentID=1
- **Lake Winnipeg Research Consortium Inc. (LWRC):** LWRC was founded in 1998 to facilitate scientific research on Lake Winnipeg and is comprised of representatives from various agencies. Their website offers several ideas and projects to help improve the Lake's water quality. One resource is a page targeted towards urban and rural residents of the Lake Winnipeg Watershed titled "What Can You Do." The web page offers suggested actions for individuals to help contribute to the health and restoration of Lake Winnipeg by reducing shoreline degradation and water quality deterioration. Topics addressed include phosphorus reduction, shoreline restoration to natural conditions, septic system maintenance, among others. Call (204) 642-4446. www.lakewinnipegresearch.org/lwrc%20pages/whatyoucando.htm
- **North American Stormwater and Erosion Control Association of Manitoba:** this organization is dedicated to bringing individuals together to discuss, inform and network in the erosion and sediment control industry. Call (204) 477-1700. www.naseca.org/Manitoba/
- **International Erosion Control Association - Northern Plains Chapter:** provides education, resource information and business opportunities for professionals in the erosion and sediment control industry. IECA's Northern Plains Chapter includes Manitoba, Saskatchewan and Alberta in Canada, as well as Minnesota, North Dakota and South Dakota in the United States. Call (204) 478-1322. www.ieca.org/Chapter/northernplains/northernplainshome.asp
- **Manitoba Livestock Manure Management Initiative Inc.:** the initiative is a livestock industry-driven approach to address manure management concerns. The Initiative's mission is to foster sustainable development of the livestock industry in Manitoba in an environmentally sound and community friendly manner, through research and development and demonstration. The Initiative's challenge is to coordinate the work being done to develop new approaches and to serve as a clearinghouse for information on effective manure management. Call (204) 945-0225. www.manure.mb.ca/

RED RIVER BASIN COMMISSION

Red River Basin Commission
119 S. 5th St. • PO Box 66
Moorhead, MN 56561-0066
Ph: 218-291-0422 • Fax: 218-291-0438
staff@redriverbasincommission.org

Red River Basin Commission
410 - 283 Bannatyne Avenue
Winnipeg, MB R3B 3B2
Ph: 204-982-7250 • Fax: 204-982-7255
redriverbasincommission@shawcable.com

www.redriverbasincommission.org

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The RRBC is a group of people from the Red River Basin working together to achieve common goals for water protection and management.

Time for Action: Water Management Workshop Agenda
Water Quality in the Red River Basin
Wednesday, April 19, 2006, Grand Forks Holiday Inn

Thank you for taking the time to fill out this survey. Please complete and hand in to staff at the end of the sessions today. Please use the back of the page for additional comments.

Please note that where appropriate 1= Agree/Yes 5= Disagree/No

1. Do you understand the effects of *nitrogen* on people and the environment? 1 2 3 4 5
   a. *Phosphorus* 1 2 3 4 5
   b. *Total dissolved solids* 1 2 3 4 5
   c. *Total suspended solids* 1 2 3 4 5
   d. *Dissolved oxygen* 1 2 3 4 5
2. Do you think these nutrients are a concern:
   a. Within your local area 1 2 3 4 5
   b. In the region (province, state) 1 2 3 4 5
   c. At the international border 1 2 3 4 5
   d. Within the Red River Basin watershed 1 2 3 4 5
3. Are you pleased with the way nutrients are currently being managed? 1 2 3 4 5
4. How important is it that we all work together to improve conditions? 1 2 3 4 5

Red River Basin Natural Resources Framework Plan (NRFP)

5. Do you support the NRFP as a vision for future water management in the Basin? 1 2 3 4 5
6. Do you see a connection between the NRFP and the nutrient programs discussed?..... 1 2 3 4 5
7. Are the Basin goals and objectives in the NRFP relevant to your local situation? 1 2 3 4 5
8. Are there any specific activities in your local area that should be included in the Action Agenda?

_____

_____

Workshop and Breakout Session Feedback

9. Was the workshop information presented relevant to you? 1 2 3 4 5
10. Can you apply workshop information in your everyday life? 1 2 3 4 5
11. Did you find the small group sessions effective? 1 2 3 4 5
12. Did the workshop fulfill your reason for attending? 1 2 3 4 5
13. If not, what would you like to see done differently?

_____

_____

14. Do you have any other comments or suggestions about any of the topics discussed today?

_____

_____

Additional Questions

15. Would you like to receive the RRBC publications? ..... Yes No
16. Would you like to participate on the RRBC Board or a committee? ..... Yes No

_____

Please provide your name address, telephone and email address

_____

OVER

Please use this space for additional comments:

RED RIVER BASIN COMMISSION

The Red River Basin Commission (RRBC) is a group of people from the Red River Basin working together to achieve common goals for water protection and management.

1. ACTIVITIES:

Red River Basin Commission activities are focused around four centers:

a. LEADERSHIP CENTER:

Plan Implementation Committee: The activities in this center focus on the Natural Resources Framework Plan (NRFP) and its implementation.

i. **Natural Resources Framework Plan (NRFP):** The RRBC continues to gather feedback on the current draft version of the NRFP and is working to establish support and buy-in and implement activities where appropriate and support agency and other group activities that address NRFP goals and objectives. The task at this time is to move forward toward implementation of the 13 goals, so that efforts by agencies and others are recognized and integrated into the basin action plan. Efforts are underway to get feedback, revise as necessary, and develop ongoing communication and update techniques to be all inclusive of activities throughout the basin.

ii. **Comprehensive Flood Mitigation Plan-Framework (CFMP-F):** The CFMP-F is a collaborative document of IJC, IRRB and RRBC that follows up on the 1997 flood recommendations. It identifies what provincial and state governments could consider to move forward on unfulfilled recommendations. Local support, a final document and a meeting with the Premier and Governors to agree on "what next" is the short-term strategy that RRBC is assisting to complete. If a CFMP strategy emerges, RRBC has offered staff time, by board resolution, to assist.

iii. **Nutrient and NRFP Workshops:** This series of workshops around the basin will educate and gather feedback on water quality nutrient load affecting Lake Winnipeg and the RRBC NRFP. RRBC is preparing to hold numerous workshops around the basin to inform groups and citizens about the nutrient problems in the basin and their impact on Lake Winnipeg. The workshop will also inform on the NRFP and gather feedback on how the NRFP can guide and link to what others are doing from their jurisdictional viewpoints and based on their operational mandates.

Legislative Committee: Activities in this center focus on communication and education for provincial, state and federal elected officials and their staff to update them on Red River Basin activities, projects and needs. A meeting with MN state elected leaders in the basin was hosted by RRBC, the Red River Watershed Management Board and the MN Flood Damage Reduction Work Group. The meeting provided the opportunity for dialogue, presentations on current activities and needs and an opportunity for the leaders to provide feedback. Similar meetings in MB, ND and SD are being planned for the future.

- **Policy Committee:** RRBC assists a jurisdictional policy committee to create dialogue at the highest levels. Current activities of the Policy Committe are: developiong a basin drought plan terms of reference; working with the ND Consensus Council on the 2006 Legislative Forum water policy panel; and studying treatment options for the out of basin water transfer alternatives.

- **Water Use and Allocation:** RRBC convened key water law experts from each of the jurisdictions, appointed by the policy committee. The water law experts assist in the development of a report on the differences on water use and allocation between the jurisdictions. The report will guide decisions regarding policy strategies for the committee for the future.

b. COMMUNICATION CENTER: The activities in this center focus on RRBC activities related to communication and education.

i. **Annual Conference:** The RRBC holds an annual basin-wide land and water international summit conference that TIC began in 1983. January 23-25, 2007 will be the 24th conference and will be held in Fargo, ND.
ii. **Newsletter:** RRBC produces a newsletter, "Around the Basin," that is published quarterly to keep 3,800 leaders and stakeholders in the basin informed of water issues and projects around the basin.
iii. **Red River of Expression:** This project encourages youth K-12 to become more aware of and involved in the land and water issues in the basin. Prizes are offered for poetry, artwork and photography, with the winners have an opportunity for their entry to be displayed to the public on billboards around the basin.
iv. **Science Fair Contest:** RRBC awards students for their science fair projects related to land and water. These science fairs are organized through local high schools.
v. **Presentations:** RRBC presents information on current projects and water issues to groups, leaders and conferences.
vi. **Water Minutes**: The RRBC Communications Committee has developed a series of radio spots that will help educate the public on water issues in the Basin. These have also been turned into newspaper articles that will appear under the heading "The Ripple Effect." Watch and listen for them on your local media.
vii. **Website:** The RRBC maintains a website at www.redriverbasincommission.org.

c. PARTNERSHIP CENTER: The activities in this center relate to partnerships between RRBC and others to create opportunities for dialogue, planning and education.

i. **RRIW:** The Roseau River International Watershed Board (RRIW) consists of local leaders from MB and MN who have officers, appointed members, and who regularly meet to work together on land and water issues affecting the Roseau River. RRBC (and predecessors to RRBC) helped form this group and continues to assist as needed.
ii. **PRBAB:** The Pembina River Basin Advisory Board (PRBAB) consists of local leaders from MB and ND who are established similar to RRIW and also meet regularly to work cooperatively on Pembina River issues. RRBC (and predecessors to RRBC) helped form this group and RRBC continues to assist in facilitating meetings.
iii. **South Valley Initiative (SVI)**: RRBC is working with local leaders in ND and SD to develop a mechanism similar to RRIW for the Wild Rice River watershed. RRBC has helped organize this group and will continue to facilitate meetings. A similar group is being considered between MN and ND with a Lake Traverse focus.
iv. **MB Chapters**: RRBC (and predecessors to RRBC) has established a north of Winnipeg and a south of Winnipeg chapter, with officers and nine regularly scheduled meetings each year. Education and dialogue are the main focus of these chapter meetings.
v. **MN Joint Powers Board**: RRBC coordinates and facilitates a quarterly meeting for education and discussion between 15 counties in MN on issues related to natural resources.
vi. **Barnes County Water Management Team**: RRBC helped Barnes County, ND, gather all entities in the county together and begin a process of regular sharing and updating of water related activities within the county. RRBC continues to assist as needed.

d. TECHNICAL RESOURCE CENTER: The activities in this center focus on developing, producing and sharing of technical information on the ground actions, basin approaches and decision-making tools. RRBC supports, facilitates or participates in the following activities.

i. **RRWP:** RRBC is working with the Rural Municipalities of Franklin, Montcalm, Piney and Stuartburn; the Roseau River First Nation and Manitoba Water Stewardship to develop a plan for the MB portion of the Roseau River that will be compatible with the plan already developed for the MN portion of the Roseau River.
ii. **TMDL:** The Total Maximum Daily Load project is an analysis the Fargo-Moorhead reach of the Red River to model and report on the TMDL related to nutrients and fecal coliforms. NDSU, MPCA, NDDH and RRBC are jointly working on this project.
iii. **CREP:** Conservation Reserve Enhancement Program is a project funded by the US Department of Agriculture that leverages federal and state funds to pay farmers to establish riparian areas that benefit water quality, flooding and habitat. RRBC wrote proposals with public input for both MN and ND. MN is moving forward with a project that will establish 37,500 acres in the Red River Basin as part of CREP.
iv. **Buffer Strip Project:** RRBC is working in MN with the MPCA, local Soil and Water Districts and local landowners in three targeted sub-watersheds to increase participation in available buffer strip and riparian programs that are currently available.
v. **Roseau River Hydrology:** RRBC (predecessor) worked with a consultant to model the MB portion of the Roseau River and produce a report.
vi. **Mainstem Unsteady Flow Model Development:** RRBC is working with modelers from MB, MN and ND water agencies, the Army Corps of Engineers, private engineering firms and a consultant and has developed a Phase I mainstem model for the Red River. Phase II of the modeling project is now underway and will include more detailed data in the model (on bridges, each tributary, overflow areas on the Maple/Sheyenne Rivers and MB stream meanders on the Red). The model will then be re-calibrated and will be seamless from Lake Traverse to Lake Winnipeg.
vii. **Modeling Scenario Identification Report:** A modeling report has been completed that identifies numerous tributary and mainstem modeling scenarios that could be modeled using the Mike 11 Model to determine tributary inflows to the Red River, 10% - 20% continuous flow reductions and 25% - 50% peak flow reductions to develop Red River FDR strategies.
viii. **Mainstem Modeling and Workshop:** This project will model the scenarios identified in the report. A workshop was held for stakeholders to share the report and discuss future needs.
ix. **Social Based Marketing:** RRBC is working with MPCA and a consultant and has provided the opportunity to learn about new methods to reach people regarding land and water issues.
x. **Nutrient Ion Inventory Data Base:** RRBC is gathering water quality data for the IRRB Aquatic Ecosystem Health (AEH) Committee that will be used to analyze trends in the basin.
xi. **Lower Pembina Modeling:** RRBC has subcontracted for a modeling effort on the Lower Pembina River that is exploring the choke point at Pembina and Emerson, looking at the impacts of bridges, dikes, etc. The report that follows will be used by IRRB and the IJC to address the local concerns regarding flooding in that area.
xii. **Pembina Structure Survey:** RRBC is subcontracting for a field survey effort that will identify culvert and dike parameters for a 20+ mile stretch of dikes along the Pembina River.
xiii. **Lake Winnipeg Research:** RRBC supports the Lake Winnipeg Stewardship Board and the work of the research vessel the Namao and is also a part of the Lake Winnipeg Consortium.
xiv. **Ground Water Modeling:** RRBC was a catalyst by facilitating meetings between the MN Geological Survey and the US Bureau of Reclamation (BOR) to model ground water resources to assist in the BOR water supply study.
xv. **RRBDIN:** RRBC is a cooperating partner with NDSU and IWI to bring the Red River Basin Decision Information Network, a web based site for accessing data for decision-making, into the basin and working to keep it useful and relevant.
xvi. **Lake Winnipeg Implementation Strategy:** RRBC is assisting a consultant team appointed by the Province of Manitoba and Federal Canadian government to outline a Lake Winnipeg Strategy for the future.
xvii. **International Institute for Sustainable Development Prairie Water Policy Project:** The RRBC presented reports on ND, MN and transboundary efforts at IISD's Prairie Water Policy Symposium. The symposium examined the unique and common challenges to development, implementation and adaptive evolution of water strategies; innovative and successful approaches to water strategies and will assess how well existing strategies are able to respond to threats facing prairie watersheds.

2. ORGANIZATIONAL BACKGROUND: The RRBC was formed in July 2002 when the following organizations merged:

   • **Red River Water Resources Council (RRWRC):** This organization was formed at the conclusion of the US federal basin studies (Red, Souris, Rainey Study) that began in the 1960s. The studies formally ended in the 1970s, and the RRWRC purpose was to continue dialogue and exchange information between the state and federal agencies. Manitoba was invited to the table during the study and as part of the RRWRC.

   • **The International Coalition for Land and Water Stewardship (TIC):** As a public response to the spring flood of 1979, this organization was formed to involve grass-roots citizens and local leaders in the process of finding answers to the flooding problems. TIC became a place for dialogue, information exchange, education and a network for people to get to know each other and begin to build trust.

   • **Red River Basin Board (RRBB):** This organization was formed in 1996 to assist the province and states on issues related to the licensing and permitting process. This organization was formed to link local and provincial and state in a stronger manner.

3. BOARD MEMBERSHIP: The RRBC is made up of 41 members (each chooses their own alternate).

   a. **Manitoba Board Membership:**
      i. 3 appointed by Premier
      ii. 4 elected by Rural Municipalities (2 North and 2 South of Winnipeg)
      iii. 1 appointed by City of Winnipeg
      iv. 1 appointed by City of Selkirk
      v. 1 appointed by environmental community
      vi. 1 appointed by Pembina Valley Water Cooperative
      vii. 1 elected at-large by annual conference attendees
   b. **Minnesota and North Dakota Board Membership:** (each state representation is the same)
      i. 3 appointed by Governor
      ii. 2 elected by Counties
      iii. 2 elected by Watershed Districts
      iv. 3 elected by Cities
      v. 1 appointed by environmental community
      vi. 1 elected at-large by annual conference attendees
   c. **South Dakota Board Membership:**
      i. 1 appointed by Governor
      ii. 1 elected by local government (as their at-large)
   d. **Tribal Membership**
      i. 3 appointed by Tribal/First Nations

4. BOARD MEETINGS:
   - 7 each year (additional meetings scheduled if needed)
   - 4 full board meetings: First Thursday of March, May, September, November
   - 2 tours, discussions and short board meetings: First Thursday in June & August
   - 1 business only board meeting in January during annual conference

RED RIVER BASIN COMMISSION

Red River Basin Commission
119 S. 5th St. • PO Box 66
Moorhead, MN 56561-0066
Ph: 218-291-0422 • Fax: 218-291-0438
staff@redriverbasincommission.org

Red River Basin Commission
410 - 283 Bannatyne Avenue
Winnipeg, MB R3B 3B2
Ph: 204-982-7254 • Fax: 204-982-7255
redriverbasincommission@shawcable.com

www.redriverbasincommission.org

RRBC Vision:
A Red River Basin where residents, organizations and governments work together to achieve basinwide commitment to comprehensive integrated watershed stewardship and management.

RRBC Mission:
To develop a Red River Basin integrated natural resources framework plan; to achieve commitment to implement the framework plan; and to work toward a unified voice for the Red River Basin.

Table 1. Goals with objectives for the Natural Resources Framework Plan, Red River Basin Commission, 2005

Basin-Wide Goals		Objectives
1.0	Manage natural resources in the RRB by watershed boundaries rather than political boundaries	1.1- Raise awareness of the benefits of basin-wide planning for decision makers and the public; increase 1.2 coordinated and comprehensive watershed planning
2.0	Integrate natural resource management	2.1- Conduct integrated, comprehensive, multi-disciplinary planning efforts, policies, projects and programs 2.2 that accommodate a balance in resource preservation, conservation and consumption; apply conservation criteria in the review and approval of all land-use plans, projects and programs
3.0	Increase applied research and data management to support decision-making	3.1- Distribute data and research to decision makers; standardize collection, storage and sharing of data; 3.4 develop and use technical models to support decision making; develop and use GIS for data management and planning
4.0	Improve stakeholder participation and awareness of land and water issues	4.1- Develop a stewardship ethic in the RRB; provide comprehensive watershed education and outreach; 4.4 provide opportunities for early involvement of project stakeholders; increase awareness of economic and environmental benefits of assistance programs
5.0	Maintain state-of-the-art flood forecasting tools for the Red River Basin	5.1 Increase data availability and level of coordination between jurisdictions for flood forecasting and planning
6.0	Reduce risk of flood damages for people, property and the environment in the main stem floodplain and in tributary waters	6.1- Implement flood mitigation measures that reduce risk to individuals and communities on the main stem and 6.2 tributaries; implement flood mitigation strategies in the upper basin that reduce risk locally and downstream
7.0	Ensure that flood (natural disaster) response and recovery programs meet the needs of all RRB residents	7.1 Increase availability of response and recovery programs that are adequate and equitable to residents in all jurisdictions
8.0	Manage urban and agricultural drainage systems to enhance productivity, while minimizing impacts to others	8.1- Manage drainage systems to protect agricultural land and minimize environmental impacts; design and 8.3 improve drainage systems with consideration of local, sub-watershed and main stem effects; design and implement urban and rural storm water strategies that minimize environmental impacts
9.0	Maintain, protect and restore surface and ground water quality in the Red River Basin	9.1- Develop a common approach to assessing water quality goals and conditions; develop water quality 9.6 restoration goals for impaired waters; reduce point- and non-point source pollution to protect surface and ground water; develop strategies to reduce nutrient loading to Lake Winnipeg by 10% in 5 years; encourage respect for water quality standards; develop programs that prevent the spread of non-native aquatic species and prevent the introduction of new species to the basin
10.0	Ensure the appropriate use and sustainability of the Basin's surface and groundwater	10.1- Develop a basin-wide strategy for future water supply needs; develop water supply emergency programs; 10.3 develop an understanding of minimum in-stream flow criteria to protect all users
11.0	Increase soil conservation efforts within the basin	11.1- Increase availability of conservation programs to landowners; use Best Management Practices to minimize 11.2 runoff and maintain soil on site
12.0	Conserve, manage and restore diversity and viability of native fish and wildlife populations and their habitats	12.1- Maintain, enhance and protect aquatic and terrestrial populations; enhance, protect or restore natural 12.4 systems (floodplains, stream functions, riparian areas, wetlands, grasslands); enhance or develop corridors between habitat blocks; identify and protect rare and unique species, habitat types and plant communities
13.0	Enhance and develop recreational infrastructure and access to the Basin's natural resources	13.1- Increase awareness and participation in outdoor recreational opportunities by the general public; promote 13.2 unique RRB habitats to enhance economic development and quality of life

RED RIVER BASIN NATURAL RESOURCES FRAMEWORK PLAN
EXECUTIVE SUMMARY

The Red River Basin Commission (RRBC) is a non-profit organization that works across the political boundaries of Manitoba, Minnesota, North Dakota and South Dakota, in the United States and Canada, to create a shared vision for action with regard to land and water issues. We are an organization with broad representation throughout the Red River Basin. We can be contacted online at www.redriverbasincommission.org, at P.O. Box 66, Moorhead, MN 56561, USA, 218-291-0422, or 410 283 Bannatyne Ave., Winnipeg, MB, R3B 3B2, CAN, 204-982-7250.

RRBC Mission Statement

To develop a Red River Basin integrated natural resources framework plan; to achieve commitment to implement the framework plan; and to work toward a unified voice for the Red River Basin.

RRBC Vision Statement

A Red River Basin where residents, organizations and governments work together to achieve basin-wide commitment to comprehensive integrated watershed stewardship and management.

INTRODUCTION

The Natural Resources Framework Plan (NRFP) was developed as a tool that contributes to developing a ***unified voice*** for the basin. This Executive Summary was prepared to provide a brief synopsis of the Plan for ease in dissemination. A full copy can be provided upon request from the above address, or on the RRBC website.

The Red River Basin encompasses 45,000 sq. miles (116,000 km^2) of flat valley and outer escarpments that were formed by the advance and retreat of glacial Lake Agassiz. The Red River flows northward from its beginning at the Minnesota/North Dakota/South Dakota boundaries, terminating some 300 miles (480 km) north at Lake Winnipeg in Manitoba, Canada. The basin is recognized as an agriculturally productive area in the upper midwest. It also supports the ecologically abundant prairie-pothole region. Because of its geomorphology and hydrology, flooding is a major concern for residents in the basin. The largest recorded flood occurred in 1997 and resulted in the greatest recorded amount of damages - over $5 billion USD ($6.85 billion CDN).

Not only is the Basin's geography complex, but so are the economic/social and governmental aspects of the region. The population is shifting from rural to urban settings, creating strain not only on rural areas that are losing their citizens, but also to growing cities that need to find ways to provide water and services to a growing populace. Jurisdictions within the basin have differing laws and policies that make it difficult to create consistency in managing land and water resources. Especially difficult are the differences in water law and institutional water management, established at the time of European settlement.

The Red River Basin Commission reflects the multi-jurisdictional nature of the basin. It is made up of a board of 41 members, each representing the principal federal and state/provincial governments, as well as Tribes, First Nations, local elected officials (towns, cities, counties, rural municipalities), and subdivisions of governments representing soil and water management districts or agencies. Landowners and citizens of the basin are also represented by their constituents and environmental advocates. The Commission's broad membership represents the wide range of interests in the basin.

PURPOSE AND NEED

The complex nature of the Red River Basin has resulted in challenges to effective, integrated land and water management. As such, the Red River Basin Commission has developed the "Natural Resources Framework Plan" to aid in achieving a basin-wide approach to integrated natural resource management and to provide a framework for overcoming political barriers.

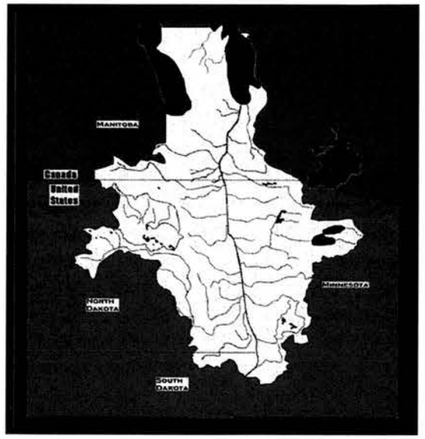
The three main barriers identified are:

1) Solutions to local problems may have unintended consequences in other areas of the basin; therefore, a **basin-wide approach** is needed.

2) There are diverse natural resource issues and challenges that are of concern to basin residents. **Integrated natural resource management** is a tool that will help address this issue.

3) The existence of multiple political jurisdictions at federal, provincial, state and local levels complicates decision-making and cross-boundary cooperation. **Overcoming political barriers** to water management will take continual work on the part of all stakeholders.

Developing the Plan



The plan was developed over a period of years, beginning with an intensive inventory of basin resources. The following inventories were researched and compiled: 1) drainage, 2) hydrology, 3) flood damage reduction, 4) water quality, 5) water supply, 6) water law, 7) water institutions, 8) conservation and 9) fish, wildlife and outdoor recreation. Numerous agencies provided personnel to accomplish this enormous task. The public was involved through a series of "face to face forums" around the basin. In 1997, the board developed a set of "Guiding Principles" to enable its approach to pursuing its vision, mission and goals. The guiding principles, inventories and public participation provided the background material to develop the Natural Resources Framework Plan, its goals and its processes for action.

The Natural Resources Framework Plan outlines thirteen goals and objectives for each goal relating to natural resources in the Red River Basin (*Table 1, back page*). They describe areas of improvement, identified by many stakeholders in the basin, necessary to move the Red River Basin toward *comprehensive, integrated watershed stewardship and management*. In November of 2005, the Board will finalize and adopt the plan, incorporating the comments from agencies and the public. In addition, the plan includes a "Red River Basin Action Agenda," a preliminary list of activities, projects and programs that further the goals and objectives in Table 1. The Action Agenda will be developed during the first year of implementation of the NRFP, in consultation with the basin stakeholders that are conducting the work (i.e., the activities, projects and programs) that will move us toward achieving the goals and objectives outlined in the NRFP.

PLAN IMPLEMENTATION

The RRBC readily acknowledges that as an organization it lacks legal authority to compel compliance with its plan and programs. Therefore, the success of the NRFP will be due to the actions of various organizations within the basin, and a willingness to inherently want to work in a complementary way with one another. The RRBC will serve as a convener and coordinator for the Basin water and resource management activities; however, it is the agencies and local governments that have the real authority, skilled staff and financial resources to get the majority of the work done. Real progress toward achieving these goals can only be realized if all jurisdictions do their part to contribute to the vision of *comprehensive integrated watershed stewardship and management*. The RRBC, agencies and non-governmental organizations working in the basin share in the responsibility for plan implementation.

The RRBC has three primary responsibilities to achieve the goals described in the NRFP:

1) Pursuit of the objectives listed in Table 1;
2) Preparation of an annual work plan; and,
3) Review and critique of RRB plans and projects for consistency with the NRFP goals and RRBC Guiding Principles.

As the goals listed in Table 1 are comprehensive and far-reaching, so also are the objectives that are listed with them. However, these objectives cannot all be achieved at the same time, or by one authority or stakeholder. In some cases, the objectives are written as a sequence of steps that must be taken over time. In any case, it will be the responsibility of the RRBC each year to establish its priorities from among the objectives and Action Agenda. The RRBC will also examine outside groups' programs, plans and projects for consistency with the NRFP. It is hoped that as the credibility of the NRFP grows, member jurisdictions will freely volunteer their plans for review by the RRBC in this manner.

In order to achieve NRFP goals, as RRBC's NRFP credibility and usefulness grows, it will become common practice for RRB jurisdictions to:

1) Participate in RRBC sponsored inter-jurisdictional issue forums;
2) Participate in implementation of the NRFP by sharing objectives and actions from their respective workplans that address basin goals; and,
3) Submit plans, projects and programs affecting RRB resources to RRBC review.

This plan is not a regulation to be enforced by the Red River Basin Commission. It is a ***GUIDE*** to be used by any or all entities in their decision-making processes. It is a guide to use when making choices for activities on the land and in making decisions that have an impact on our water. **It is a guide to move the Basin forward with a unified purpose and a unified voice.**

In conclusion, the NRFP is fully intended to be a living document that will remain relevant to the real needs and priorities of the citizens of the Basin and will serve as an effective guide to the application of the public's resources to achieve *comprehensive integrated watershed stewardship and management.*

The RRBC has linked an Action Agenda (Appendix III) to the Natural Resources Framework Plan (NRFP) by listing current activities that contribute to the Basin-wide Goals and Objectives identified in Table I of the NRFP. This agenda will guide the development of the RRBC Annual Workplan, allow the RRBC Board of Directors to seek out priorities based on current activities and identify future needs. Other entities or stakeholders in the basin are encouraged to develop their own objectives and/or activities that help achieve the goals for the Basin. During the first year of implementation of the NRFP, stakeholders throughout the Basin will be consulted to further develop the Action Agenda. The Action Agenda will require constant review and updating to be an effective component of the NRFP.

GOALS	OBJECTIVES	Example Actions or Projects		Primary Contact	Supporting Organizations	Status	Lead	Support	Review/Commen	Communciate	Other
1 Manage natural resources in the RRB by watershed boundaries rather than political boundaries	*1.1 Raise awareness of the benefits of basin-wide planning for decision makers and the public*	1.1.1	Education and adoption of the NRFP by member jurisdictions	RRBC		Current		•			
		1.1.2	Continue to refine basin goals and processes for NRFP implementation	RRBC		Current		•			
	1.2 Increase coordinated and comprehensive watershed planning	1.2.1	Roseau River International Watershed hydrologic study - MB	WEDC; MB Conservation	RRBC, others	Completed			•		
		1.2.2	Roseau River International Watershed planning - MB	local, federal, provincial	RRBC & RRIW	Current		•			
		1.2.3	Pembina River Basin Advisory Board activities - ND & MB	PRBAB	RRBC	Current			•		
		1.2.4	North and South Dakota Wild Rice watershed efforts	RRBC		Current		•			
		1.2.5	North Dakota Wild Rice River Watershed Project	Wild Rice SCD, others		Current				•	
		1.2.6	North Dakota Devils Lake Plan	Devils Lake Joint Powers Board	ND SWC & local	Current				•	
		1.2.7	North Dakota Red River Mainstem Plan	Red River Joint Powers Board	ND SWC & local	Current				•	
		1.2.8	North Dakota Upper Sheyenne River Plan	Upper Sheyenne Joint Powers Board	ND SWC & local	Current				•	
		1.2.9	Manitoba Conservation Districts and Water Management Associations	MB WS	local	Current			•	•	
		1.2.10	Brokenhead River Restoration Project - MB	Brokenhead River - local group	RRBC	Current			•		
		1.2.11	Minnesota Wild Rice Watershed Management Plan	Wild Rice WD	Local/State/Federal	Completed				•	
		1.2.12	Minnesota Bois de Sioux Watershed Management Plan	Bois de Sioux WD	Local/State/Federal	Completed				•	
		1.2.13	Minnesota Two Rivers Watershed Management Plan	Two Rivers WD	Local/State/Federal	Current				•	
		1.2.14	Minnesota Joe River Watershed Management Plan	Joe River WD	Local/State/Federal	Current				•	
		1.2.15	Minnesota Roseau River Watershed Management Plan & hydrologic studies	Roseau River WD	Local/State/Federal	Completed				•	
		1.2.16	Minnesota Red Lake Watershed Management Plan	Red Lake WD	Local/State/Federal	Current				•	
		1.2.17	Minnesota Buffalo Red Watershed Management Plan	Buffalo Red WD	Local/State/Federal	Current				•	
		1.2.18	Provide a forum for identifying, developing and implementing solutions to cross boundary issues	RRBC		Planned		•			
2 Integrate natural resource management	*2.1 Conduct integrated, comprehensive, multi-disciplinary planning efforts, policies, projects and programs that accommodate a balance in resource preservation, conservation, and consumption*	2.1.1	Fargo-Moorhead Upstream Feasibility Study	USACE	Local/State	Current			•		•
		2.1.2	Greenway programs	Greenway on the Red, Rivers West, Grand Forks		Current				•	•
		2.1.3	Agassiz Valley Water Resource Management Area (MN)	Middle River-Snake River WD		Current					•
		2.1.4	Hay Creek Aquatic Ecosystem Restoration (MN)	Roseau River WD	USACE	Planned				•	•
		2.1.5	North Ottawa Dam (MN)	Bois de Sioux WD		Current				•	•
		2.1.6	Review US, MN, ND conservation programs for applicability in MB	MB WS	RRBC	Planned		•			•
		2.1.7	MPCA Red River Basin Plan	MPCA		Current				•	•
	2.2 Apply conservation criteria in the review and approval of all land-use plans, projects and programs	2.2.1	Increase planners' awareness of conservation principles	RRBC	local governments	Planned			•		•

GOALS	OBJECTIVES		Example Actions or Projects	Primary Contact	Supporting Organizations	Status	Lead	Support	Review/Commen	Communiciate	Other
3 Increase applied research and data management to support decision-making	3.1 *Distribute data and research to decision makers*	3.1.1	Identify and share research needs and gaps.	IWI, EERC, post-secondary institutions	RRBC	Current			•		
		3.1.2	Support continued development, funding, and use of RRB Decision Information Network (RRBDIN) for data access and sharing	IWI	RRBC, PPTV, NDSU	Current			•		•
		3.1.3	Impact of subsurface (tile) drainage on aquatic ecosystems: literature study	University of MN	NRCS, MN Ag, MPCA	Current			•	•	
	3.2 *Standardize collection, storage, and sharing of land and water resources data*	3.2.1	Coordinated ecological data collection (biological and water quality monitoring) to define reference conditions in 2005/2006	ND DoH, MPCA, MB WS	AEC, IWI	Current					•
	3.3 *Develop and use standardized technical models to support decision making*	3.3.1	MIKE- 11 mainstem unsteady flow model from Lake Traverse to Lake Winnipeg	IWI; NDSWC; MB WS, RRWMB, USACE	RRBC	Current			•		•
		3.3.2	Coordinate above with the development of HEC/RAS unsteady flow model from Lake Traverse to the Canadian border	USACE	RRBC & EERC	Current			•		
		3.3.3	Lower Pembina area modeling - link with MIKE-11 above	RRBC	PRBAB, IJC	Current		•	•		
		3.3.4	Development of 3-D groundwater models for the entire basin similar to that of the Minnesota Geological Survey/BOR			Planned			•		•
	3.4 *Develop and use Geographic Information Systems for data management and planning*	3.4.1	Identify and share use of GIS products for comprehensive watershed planning	local/state/provincial/federal	EERC, RRBDIN	Planned					•
4 Improve stakeholder participation and awareness of land and water issues	4.1 *Develop a stewardship ethic in the RRB*	4.1.1	Define and adopt a stewardship ethic for RRBC members	RRBC		Planned		•			
	4.2 *Provide comprehensive watershed education and outreach for all audiences/stakeholders*	4.2.1	Provide annual report card on comprehensive, integrated watershed stewardship and management			Planned		•			
		4.2.2	Develop appropriate informational and educational resources for watershed education & outreach	IWI, RiverKeepers, RRBC, many others		Current			•		•
		4.2.3	Develop appropriate school curricula and monitoring programs for all grades. Examples:								
			Red River Water Festival - Fargo-Moorhead	RiverKeepers		Current					•
			French High School Science Program - Winnipeg	Division scholaire Franco-Manitobain	MB WS, RRBC	Current					•
			Riverwatch - MN & ND high schools	RRWMB, IWI		Current					•
			Envirothon	MB, MN, ND, SD		Current					•
			Project WET	MB, MN, ND, SD		Current					•
			Ecological Monitoring & Assessment Network (EMAN)	Environment Canada		Current					•
		4.2.4	Use Community Based Social Marketing to increase awareness of conservation programs	MPCA/RRBC	SWCD	Current			•		
		4.2.5	Continue to convene the MN Joint Powers Board	RRBC		Current		•			
		4.2.6	Continue to convene MB North and South RRBC Chapters & conduct workshops	RRBC		Current		•			
		4.2.7	Presentations to CDs & WMAs - MB	RRBC		Current			•		
		4.2.8	Revision of Lake Winnipeg Shoreline Management Handbook	RRBC	MB WS, DFO	Planned		•			
		4.2.9	Use the RRBC Annual conference to provide education and outreach	RRBC	many	Current		•			
	4.3 *Provide opportunities for early involvement of project stakeholders*	4.3.1	ND Water Education Foundation		various						•
		4.3.2	MPCA Red River Basin Water Quality Team/Red River Reporter	MPCA	various	Current					•
	4.4 *Increase awareness of the economic and environmental benefits of programs available to landowners and decision-makers*	4.4.1	Promote & develop conservation programs throughout the basin	local, state, provincial & federal agencies	RRBC, Agricultural extension services	Planned					•
		4.4.2	Continue projects (MN Buffer Initiative and CREP) that reach out to landowners (lines 9.3.3 & 11.1.2 below)								

GOALS	OBJECTIVES	Example Actions or Projects	Primary Contact	Supporting Organizations	Status	Lead	Support	Review/Comment	Communicate	Other
FLOOD DAMAGE REDUCTION										
5 Maintain state of the art flood forecasting tools for the Red River Basin	***5.1** Increase data availability and level of coordination between jurisdictions for flood forecasting and planning*	**5.1.1** MIKE-11 Mainstem hydrology model (line 3.3.1 above)								
		5.1.2 WAFFLE Project	EERC	NRCS	Current					•
		5.1.3 Implement recommendations of the IJC Living with the Red Report	Federal, state & provincial agencies		Planned			•		
FLOOD DAMAGE REDUCTION										
6 Reduce risk of flood damages for people, property and the environment in the mainstem floodplain and in tributary watersheds	***6.1** Implement flood mitigation measures that reduce risk to individuals and communities on the mainstem and tributaries*	**6.1.1** Inventory FDR measures (ring dikes, floodways, elevation of property, buy-outs, green spaces, floodplain management, etc.) by community	RRBC &/or partners		Planned			•		
		6.1.2 Develop a Comprehensive Flood Mitigation Plan	Federal, state & provincial	IJC, IRRB,RRBC	Planned			•		
		6.1.3 Tobacco Creek Model Watershed Project (MB)	Deerwood Soil and Water Management Association		Current					•
		6.1.4 Lake Roseau Flood protection	MB WS/ RM Montcalm	RRBC, RRIW	Current			•		
		6.1.5 Maple River Dam (ND)	Cass County Joint Water Resources District, ND SWC		Current			•	•	
		6.1.6 North Ottawa Dam (line 2.1.5 above)								
		6.1.7 Fargo-Moorhead Upstream Feasibility Study (line 2.1.1 above)								
	***6.2** Implement flood mitigation strategies in the upper basin (escarpment and beach ridges) that reduce risk locally and downstream*	**6.2.1** Estimate collective benefits of projects using the MIKE-11 mainstem model (line 3.3.1)	RRBC &/or partners		Planned		•	•		
		6.2.2 Define flood damage reduction needs in the upper basin that are not being met	RRBC &/or partners		Planned		•	•		
		6.2.3 CFMP (Line 6.1.2 above)								
FLOOD DAMAGE REDUCTION										
7 Ensure that flood (natural disaster) response and recovery programs meet the needs of all RRB residents	***7.1** Increase availability of response and recovery programs that are adequate and equitable to residents in all jurisdictions*	**7.1.1** Document program availability, identify gaps (ND DEM, MEMO, FEMA, etc)	RRBC & partners		Planned			•		
		7.1.2 Comprehensive Flood Mitigation Plan (line 6.1.2 above)								
DRAINAGE										
8 Manage urban and agricultural drainage systems to enhance productivity while minimizing impacts to others	***8.1** Manage drainage systems to protect ag land (using 10 year/24 hour or better criteria) and to minimize environmental impacts*	**8.1.1** Develop drainage protocols for MB	DFO	Agencies, NGOs	Current				•	
		8.1.2 Tile Drainage study (line 3.1.3 above)								
		8.1.3 Continue projects (MN Buffer Initiative and CREP) that minimize environmental impacts (lines 9.3.3 & 11.1.2 below)								
	***8.2** Design and improve drainage systems with consideration of local, sub-watershed and mainstem effects*	**8.2.1** Promote stream restoration concepts as FDR measures	Federal, state, provincial	RRBC & partners	Planned			•		•
	***8.3** Design and implement urban and rural storm water strategies that minimize environmental impacts*	**8.3.1** Red River Regional Stormwater Coordination Program for Fargo, Moorhead, Grand Forks, East Grand Forks	EERC	local and state	Current					•

GOALS	OBJECTIVES	Example Actions or Projects	Primary Contact	Supporting Organizations	Status	Lead	Support	Review/Commen	Communciate	Other
WATER QUALITY										
9 Maintain, protect, and restore surface and ground water quality in the Red River Basin	***9.1*** *Develop a common approach to defining, setting, monitoring and assessing water quality goals and conditions in the Red River Basin*	**9.1.1** Provide a forum for each jurisdiction to discuss issues related to implementing basin approaches to water quality management	AEC, MB WS, MPCA, ND DoH	RRBC, IWI	Current			•		
		9.1.2 Basin-wide analysis of nutrient concentrations and loads	RRBC, IWI	IJC, AEC	Current		•			
		9.1.3 Ensure jurisdictional interpretation of water quality data is undertaken with a basin-wide perspective. Example: Participate in the MPCA's biennial best professional judgment group assessing water quality (July 2005)	RRBC		Planned		•		•	
		9.1.4 Project EMPACT - Fargo-Moorhead water monitoring & citizen outreach	RiverKeepers		Current					•
	9.2 *Develop scientifically-based water quality restoration goals for impaired water bodies in the basin*	**9.2.1** Provide a forum for each jurisdiction to discuss issues related to developing restoration goals	MB WS, MPCA, ND DoH, USGS, others	AEC, RRBC, IWI	Planned			•		
	9.3 *Reduce point-source and non-point source (NPS) pollution to protect basin surface and ground water*	**9.3.1** Implementation of Best Management Practices (BMP) throughout the basin	State & provincial agencies		Current			•		•
		9.3.2 Impaired waters identification in the US & Canada	State & provincial agencies					•		•
		Example: Fargo-Moorhead TMDL study (Turbidity & Fecal coliform)	RRBC	MPCA, ND DoH	Current		•			
		9.3.3 Red River Basin Buffer Initiative (MN)	RRBC	MPCA	Current		•			
		9.3.4 Permitting of regulated facilities	MB, MN, ND agencies		Current				•	•
	9.4 *Develop coordinated strategies to reduce loadings of nutrients to Lake Winnipeg by 10 % within five years to support the recommendations of the IRRB*	**9.4.1** Provide a forum for each jurisdiction to discuss issues related to developing strategies to reduce nutrient loading to Lake Winnipeg	LWSB, MB WS, state agencies	RRBC, AEC	Planned			•		•
		9.4.2 MPCA Basin Plan (line 2.1.7 above)								
		9.4.3 Lake Winnipeg Dredging Study II	DFO	MB WS, RRBC	Planned		•			
	9.5 *Encourage respect for all existing water quality standards, objectives, and guidelines within the basin, including those established by the IJC at the international boundary and those established by other jurisdictions*	**9.5.1** Water Quality Forum (line 9.1.1 above)								
		9.5.2 Basin-wide analysis of nutrient concentrations and loads (line 9.1.2 above)								
	9.6 *Develop and coordinate programs to prevent the further spread of non-native aquatic species presently within the basin and to prevent the introduction of new species to the basin*	**9.6.1** Provide a forum for each jurisdiction to discuss issues related to control and management of exotic species.	MB WS, MPCA, ND DoH	AEC, RRBC, IWI	Planned			•		•
		9.6.2 Provide basin-wide perspective to each jurisdiction's programs (e.g., ND Aquatic Nuisance Species plan, developed 2005)	MB, MN, ND, SD	AEC, RRBC, IWI	Planned			•		
		9.6.3 Provide basin-wide perspective to jurisdictional interpretation of exotic species status.	MB, MN, ND, SD	AEC, RRBC, IWI	Planned			•		

Red River Basin Action Agenda - Acronyms are listed on last page

GOALS	OBJECTIVES	Example Actions or Projects	Primary Contact	Supporting Organizations	Status	Lead	Support	Review/Comment	Communicate	Other
WATER SUPPLY										
10 Ensure the appropriate use and sustainability of the Basin's surface- and ground-water	*10 Develop a basin-wide strategy to meet current and projected water supply needs in the basin*	**10.1.1** Red River Valley water supply study (basin-wide analysis of water supply alternatives for eastern ND)	BOR	Local, State and federal	Current				•	•
		10.1.2 Lake Agassiz Water Authority - East ND Water Supply	Garrison Conservancy District, BOR		Current				•	
		10.1.3 Establish a basin water allocation and use task force	MB, MN, ND, SD	RRBC	Current		•			
	10 Develop water supply emergency management plans for contamination, drought and flooding		local, state & provincial agencies		Planned				•	•
	10 Develop an understanding of the approaches and differences in minimum in-stream flow criteria to maintain and protect all users	**10.4.1** Use task force established in 10.1.3 to assess this issue	MB, MN, ND, SD	RRBC, IJC	Planned			•		•
CONSERVATION										
11 Increase soil conservation efforts within the basin	*11 Increase availability of conservation programs to landowners through establishment of appropriate delivery organizations*	**11.1.1** Enhance and develop local delivery of conservation programs	Federal, state, provincial agencies		Current					•
		11.1.2 CREP II - Red River Basin (MN)	BWSR, FSA	RRBC	Current			•		•
		11.1.3 MN Buffer Initiative (line 9.3.3 above)								
		11.1.4 Greencover Canada	PFRA	Agriculture & Agri-Food Canada	Current					•
	11 Manage land and land uses to minimize runoff and maintain soil on site (i.e., through the use of Best Management Practices)	**11.2.1** Provide a forum for watershed managers and soil conservation staff to strategize how to implement this recommendation.	RRBC	WDs, SWCDs, SCDs, CDs, WMAs	Planned		•			
		11.2.2 Continue projects (MN Buffer Initiative and CREP) that minimize runoff & erosion (lines 9.3.3 & 11.1.2 above)								
FISH, WILDLIFE, OUTDOOR RECREATION										
12 Conserve, manage, and restore diversity and	*12 Maintain, enhance and protect aquatic and terrestrial populations*	**12.1.1** Provide a forum for agency staff to strategize how to implement this recommendation.	RRBC	MB Cons, MN DNR, ND/SD Game & Fish,	Planned		•			
	12 Enhance, protect or restore natural systems (natural floodplains, stream functions, riparian areas, wetlands, grasslands and woodlands)	**12.2.1** Provide a forum for agency staff to strategize how to implement this recommendation.	RRBC	MB Cons, MN DNR, ND/SD Game & Fish,	Planned		•			
		12.2.2 Continue projects (MN Buffer Initiative and CREP) that enhance natural systems (lines 9.3.3 & 11.1.2 above)								
	12 Enhance or develop corridors between habitat blocks	**12.3.1** Provide a forum for agency staff to strategize how to implement this recommendation.	RRBC	MB Cons, MN DNR, ND/SD Game & Fish, USFWS, USGS	Planned		•			
	12 Identify and protect rare and unique species, habitat types and plant communities	**12.4.1** Provide a forum for agency staff to strategize how to implement this recommendation.	RRBC	MB Cons, MN DNR, ND Game & Fish, USFWS	Planned		•			
13 Enhance and develop recreational infrastructure and access to the Basin's natural resources	*13 Increase awareness and participation in outdoor recreational opportunities by the general public*	**13.1.1** Provide a forum for agency staff to strategize how to implement this recommendation.	RRBC, River Keepers, others	MB Cons, MN DNR, ND Parks & Rec, SD	Planned		•	•		
		13.1.2 Inventory all public lands available for outdoor recreation.	RRBC	as above	Planned		•	•	•	
		13.1.3 Greenway programs (line 2.1.2 above)								
		13.1.4 River Keeprs programs: Fishermen's Derby; Race the Red Canoe Race								
	13 Promote unique RRB habitats to enhance economic development and quality of life	**13.2.1** Provide a forum for agency staff to strategize how to implement this recommendation.	RRBC	MB Cons, MN DNR, ND Parks & Rec, SD	Planned		•			

GOALS	OBJECTIVES	Example Actions or Projects	Primary Contact	Supporting Organizations	Status	Lead	Support	Review/Comment	Communicate	Other

List of Acronyms

AEC	Aquatic Ecosystem Committee (reports to the IRRB)
BOR	Bureau of Reclamation (US Federal Agency)
BWSR	Board of Soil & Water Resources (MN)
CD	Conservation District (MB)
CREP	Conservation Reserve Enhancement Program (funded jointly by the US Department of Agriculture & participating state)
DFO	Department of Fisheries & Oceans Canada
EERC	Energy and Environmental Research Center (University of North Dakota, Grand Forks)
FDR	Flood Damage Reduction
FSA	Farm Service Agency (U.S. Department of Agriculture)
GIS	Geographic Information Systems
HEC-RAS	A computer model that simulates water flow (developed by USACE)
IJC	International Joint Commission
IRRB	International Red River Board (reports to the International Joint Commission)
IWI	International Water Institute (formerly Red River Basin Institute)
LWSB	Lake Winnipeg Stewardship Board
MB Cons	Manitoba Conservation
MB WS	Department of Water Stewardship (Province of Manitoba)
MN Ag	Minnesota Department of Agriculture
MN DNR	Minnesota Department of Natural Resources
MPCA	Minnesota Pollution Control Agency
MIKE-11	A computer model that simulates water flow (developed by DHI Software Inc)
NGO	Non-governmental organization
ND DoH	North Dakota Department of Health
ND SWC	State Water Commission (ND)
NDSU	North Dakota State University (Fargo)
NRFP	Natural Resources Framework Plan (RRBC)
NRCS	Natural Resources Conservation Service (U.S. Department of Agriculture)
PFRA	Prairie Farm Rehabilitation Administration
PPTV	Prairie Public TV
PRBAB	Pembina River Basin Advisory Board (MB, ND)
RM	Rural Municipality (MB)
RRBC	Red River Basin Commission
RRBDIN	Red River Basin Decision Information Network (rrbdin.org)
RRIW	Roseau River Internation Watershed (MB, MN)
RRWB	Roseau River Watershed Board (MB, MN)
RRWMB	Red River Watershed Management Board (MN)
SCD	Soil Conservation District (ND & SD agencies)
SWCD	Soil and Water Conservation District (MN agency)
USACE	United States Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
WD	Watershed District (MN)
WEDC	Western Economic Diversification Canada
WMA	Water Management Associations (MB

2005
OVERALL WORKPLAN

NRFP GOAL & ISSUE AREA	RRBC ACTION	NRFP ACTION	TIMELINE	STAFF
			MT Management Team: ly, jg, akn	
New Activities	CODES:		ly - Lance	mo - Mike
Ongoing Projects	Grey = Current Project - Wrapping Up		jg - Julie	rh-Ron
Outreach Partnerships	Blue = Ongoing Linking Roles --Facilitation/Support		akn - April	ra - Rachel
	Yellow = Upcoming Major Focus Activities		ri - Ruth	lab - Leigh Anne
			all - all staff	ksp - Kathy
	ADMINISTRATION		Con- Consultant	
	Board Meetings			
	7 Board Meetings in 2006-Jan, Mar, May, June, Aug, Sept, & Nov- 1st Thursday		Ja, Mr,My,Jn,Ag,S,N	ra,lab,all
	2 Board Tours & Discussion in 2006-June & August		Jn,Ag	ra,lab,all
	1 Board Retreat-Nov-1st Thursday (and day before)		Nov	ra,lab,all
	Executive Committee Meetings			
	12 Executive Committee Meetings in 2006--3rd Thursday		3rd Th -- Month	MT
	Executive Director Evaluation		3/30/2006	ly
	Human Resource Committee Meetings		as Needed	ly
	General			
	All Staff Evaluations, Documentation, Records, Workplans		2006	MT,ra,lab
	Monthly Staff Meetings		2nd Fri -- Month	all
	Management Team Meetings		Weekly	MT
	FIANANCE			
	Finance Committee Meetings			
	12 Finance Committee Meetings n 2006 -- 3rd Wednesday		3rd Wed -- Month	MT
	General			
	Monthly Finances		ongoing	ra,lab,ly
	Base Funding --Local, Provincial, State Requests, Federal Strategies		1/1/05 to 6/3/2006	MT,ra,lab,ksp
	Project Funding--as needed		2006	all
	Prepare 2007 Budget		6/1/30 to 12/31/05	ly,Mt
	2005 Audit		1/1/05 to 6/30/05	ly,lab,ra

2005
OVERALL WORKPLAN

	LEADERSHIP CENTER			
	Plan Implementation Committee			
	11 Plan Management Committee Meetings in 2006		11 meetings	rl,mo,rh, MT
	Review Projects, Programs, Studies, etc. and Link to NRFP	6.1.3-6.1.6	ongoing	rl,mo,rh, MT
WATERSHEDS--G # 1	Assist with Roseau River Watershed Planning Concept	1.2.2	Jan-June	mo,ly
	NRFP: Educate on, Gain Support, Refine, & Implement--mini conference	1.1.1, 1.1.2	4/19/2006	board,all
	Review Red Lake Watershed Plan	1.2.19	2/28/2006	rl
	Board Update on Goal # 1 in 2006		Jan-Dec	all
INTEGRATE MNG--G # 2	Support Integrated Projects through Plan Implementation	2.1.2-2.1.2.6	Jan-Dec	board,all
	Board Update on Goal # 2 in 2006		Jan-Dec	board,all
RES & DATA--G # 3	Model Red River using Mike II	3.3.1	Jan-Apr	ly,rh
	Model Pembina River using Mike II	3.3.3	Jan-Apr	ly, con
	Board Update on Goal # 3 in 2006		Jan-Dec	all
FDR--G # 5, 6, 7	Board Presentation & Discussion on FDR strategies	6.1.1	11/6/2006	board, all
	CFMP-F		Jan-Dec	ly,rl,h,mo,board
	Mainstem Modeling Scenario Workshop		May	ly,rh,rl
DRAINAGE G # 8	Board Presentation & Discussion on Drainage needs		May-06	all
WATER QUALITY--G # 9	Board Update on Goal # 8 in 2006	9.1.1	Jan-Dec	all
	Finish Lake Winnipeg Implementation Strategy Project		Jan-Mar	ly, con
WATER SUPPLY--G # 10	Board Presentation & Discussion on Water Supply needs	10.1.1	9/6/2006	board,all
	Basin Drought Plan		Jan-Dec	ly,rl,mo con
CONS,F,W,OR--G # 11, 12, 13	Board Presentation & Discussion on Conservation, F, W, OR needs	11.1.1, 12.1.1, 13.1.1	Mar 06	board,all
	Identify RRBC actions		Mar 06	board,all
	Legisaltive Committee			
	Inform, Educate, and Dialogue on RRB with Provincial and State Legislators		1 x year	ly,
	Provide Briefing for Canada and US Federal Legislators		as needed	ly,
	Continue Basin Policy Committee		ongoing	ly,
	Report FDR Needs to Prem/Gov		1 x year	ly,
	Support legislative funding for RRB		ongoing	ly,
	Asssist with Legislator's Forum		May	ly,
	Conflict Resolution			
	Identify Conflict Areas in Basin		ongoing	all
	Develop Strategies to Address Conflict Areas		2006	MT
	Develop Expertise to Address Conflict		ongoing	board,MT
	Facilitation			
	CFMP-F			
	Basin Drought Plan		as needed	ly,rl,h,mo,
	Treatment Requirments for Out of Basin Water Report		3-4 x year	ly,akn,mo,con
			montly	ly,akn,rl
			3-4 x year	all

	PARTNERSHIP CENTER			
	Partnerhship Committee			
	4 Partnerhship Committee Meetings		1st M of quarter	ht,jg
STAKEHOLDER	Attend L/P/S/F water meetings		set mtgs for each	all
PART & AWARENESS--G # 4	Support River Festivals	4.2.2	ongoing	jg,lab,rl,ra
	Support River Watch & Explore Working Relationship	4.2.4	ongoing	all
	Continue JPB	4.2.6	ongoing	ly
	Continue N/S Chapters	4.2.7	quarterly	lab
	Wild Rice--Southern Basin	1.2.5	quarterly	rl,jg,ly
	RRIW	1.2.1	monthly	mo,ly
	PRBAB	1.2.3	tbd	jg,mo,ly
	COMMUNICATION CENTER			
	Education & Communication Committee			
	10 Education & Communication Meetings in 2006		1st M -- Month	jg,ra
STAKEHOLDER				
PART & AWARENESS--G # 4	NRFP & Nutrient Workshops -- Feedback, buy-in,	1.1.1, 1.1.2	2006	all
	Develop and Implement Water Minutes	4.2.1	by 12/31/2006	jg,com com
	Publish Quarterly Newsletter "Around the Basin"	4.2.1	each quarter	jg,all
	Maintain and Improve Web Site	4.2.1	improve by 6/30/05-ongoing	jg,all
	Produce Press Releases on Topics and Activities	4.2.1	ongoing	jg,lab,ht,ra
	Produce Board Highlights After Each Board Meeting	4.2.1	8 brd mtgs	jg
	Attend Conferences, Trade Shows, etc with RRBC Display and Materials	4.2.1	ongoing	all
	RRB Education/Awareness (watershed approach, cross border issues, integration,	4.2.2, 4.2.3	2006	jg, com com
	Develop Stewardship Ethic "Basin Statesman"	4.2.1	2006	jg,ly
	Report Card--Comp/Integ Wat Stew & Manag		2006	ra, conf com
	Report Card--Basin FDR Activities		2006	ra, conf com
	Report on Jurisdictional Nutrient Data Base Study	9.1.2, 9.5.2	June	akn
	Report on Water Supply Use, Allocation, and Needs	10.1.3, 10.4.1	March	jg
	Report on In-Stream Flow Criteria and Differences	10.1.3, 10.4.1	March	jg
	Conference Committee			
	9 Conference Planning Committee Meetings in 2006		2006	ra,all
	Hold Annual Conference -- 24th in January 2007 in Fargo	4.2.1	Jan-07	ra,all
	Begin Planning for 25th Annual Conference		2006-2007	ra,all
	Develop Recognition Program for all NRFP Goal areas	1.1.1	ongoing	ra,all

	TECHNICAL RESOURCE CENTER			
	Technical Resource Committee			
	4 - Technical Resource Committee Meetings in 2006		As needed	rl,rh,mo,MT
WATERSHEDS--G # 1	Complete RRWP Project	1.2.2	2006	mo, rh,ly
INTEGRATE MNG--G # 2	Support & Assist F/M (FMUS) Feasibility Study-- Phase II	2.1.1, 6.1.7	ongoing	ly,jg,rl,ra,ksp
FDR--G # 5, 6, 7	Model Mainstem using Mike 11 Mainstem Model	3.3.1, 3.3.2, 5.1.1	6/30/2006	ly,rl
	Develop & Implement Scenario Workshop	6.2.1	May	ly,rl
	Complete Lower Pembina Modeling Project	3.3.3	June	ly
	Complete Pembina Survey Project	6.1.1	June	ly
	Assist CFMP-II	6.1.2, 6.2.3, 7.1.2	Ongoing if needed	MT,rl,mo,rh
	Determine the Need for CFMP-II	6.1.2, 6.2.3, 7.1.2	Jan-June	ly
	Pembina Lidar Survey		Ongoing if needed	ly
	Complete Lake Winnipeg Implementation Strategy	9.4.1	Jan-March	ly,lab
	Explore Dredging Phase II	9.4.1	Ongoing	ly
WATER QUALITY--G # 9	Develop and Implement Nutrient Data Base Study	9.1.2, 9.5.2	Jan-April	rh,akn,ly
WATER SUPPLY--G # 10	Complete Water Law Analysis	10.1.3, 10.4.1	Jan-March	jg,ly
CONSERVATION G # 11	Hold Social Marketing Workshop as Needed	11.1.4	2006	jg,rl
CONS,F,W,OR--G # 11, 12, 13	Continue Buffer Strip	4.4.2, 9.3.3, 8.1.1, 11.1.3, 11.2.2, 12.2.2	2006-2007	rl
	Assist CREP	4.4.2, 9.3.3, 11.1.2, 11.2.2, 12.2.2	ongoing	rl

Clean Water legacy – BWSR Initiatives

BWSR money in the Clean Water Legacy funding is directed toward one thing: non-point restoration and protection strategies envisioned in the Act. From the beginning the entire G16 recognized that in order to address non-point source pollution and to protect waters from becoming impaired, local governments and private citizens must be fully engaged partners. This principle formed the basis for the allocation of non-point source pollution restoration and protection activities that will be funded by BWSR, DNR, and MDA.

Following is a breakdown of the appropriation language found in the Clean Water Legacy bills **(in bold)** and a brief description of the activity of each.

Board of Water and Soil Resources. The following amounts are appropriated to the Board of Water and Soil Resources for restoration and prevention actions. All money appropriated as grants to local governments will be administered through the BWSR's Local Water Resources Protection and Management Program (103B.3369).

The Local Water Resources protection and Management Program (LWRPMP) was chosen as the vehicle to deliver grant dollars to local governments because it provides BWSR with the greatest amount of flexibility to:

- *Coordinate and maximize the use of local water management planning and management programs.*
- *Coordinate our funding decisions with programs such as MPCA's section 319 program and MDA's AgBMP loan programs.*
- *Be responsive to varied partnerships that will be necessary in individual impaired. watersheds and lake basins depending on the pollutant/s of concern.*
- *Create a single point of entry for the various partners that will be engaged in. implementing TMDL plans.*
- *Utilize BWSR's current eLINK grant and reporting system.*
- *Provide multi year commitments.*

(blank amount) is for targeted non-point restoration cost-share and incentive payments.

This activity is designed to:

- *Provide financial assistance to offset a portion of landowner costs to implement agricultural, forestry and urban non-point source pollution best management practices.*
- *Leverage federal farm bill conservation programs such as EQIP.*
- *Targe implementation requests submitted from areas with implementation plans completed by 2008.*
- *Utilize SWCD's as the local administrator, similar to our regular cost-share program.*

(blank amount) is for targeted non-point restoration technical, compliance, and engineering assistance activities.

This activity is designed to:

- *Provide technical and engineering assistance that landowners need for planning, design, and implementation of a wide variety of water quality improvement practices.*
- *Funnel though local governments, with a primary emphasis on those SWCD's and Non-point Engineering Assistance Teams in impaired watershed and lake basins.*
- *Leverage farmbill conservation and technical assistance programs.*

(blank amount) in fiscal year 2007 is for reporting and evaluation of applied soil and water conservation practices

This activity will enhance the eLINK reporting system so that it becomes the primary mechanism for local governments to report projects and activities that will be conducted as part of a local TMDL implementation plan. Funds will also provide additional user support to local government offices that will be entering data into eLINK.

(blank amount) is for grants for implementation of county individual sewage treatment programs

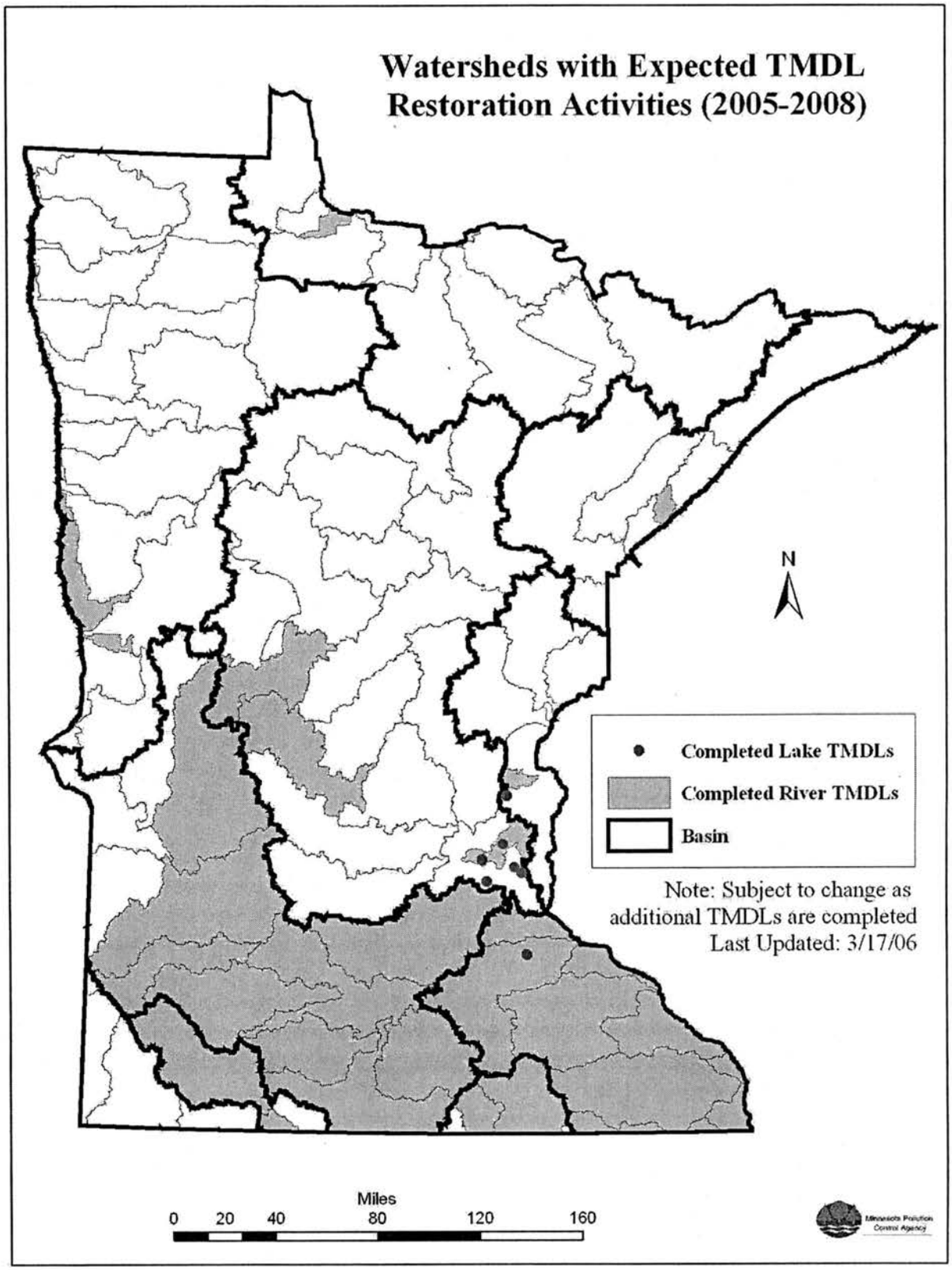
These funds will be disbursed statewide to counties to assist them in addressing non-conforming and failing septic systems and to support the implementation of county ISTS ordinances. These grants will be administered by BWSR as part of the base grant provisions (NRBG) of the LWRPMP.

(blank amount) is for grants to support local non-point source protection activities related to lake and river protection and management

These grants are designed to accelerate lake and river non-point source protection activities. These funds will allow local governments with state approved and locally adopted comprehensive local water management plans to apply for to help them implement programs and projects designed to protect high priority surface water resources form becoming impaired.

(blank amount) is appropriate to the BWSR for grants to soil and water conservation districts for streambank, stream channel, lakeshore, and roadside protection and restoration projects.

These grants are for lakeshore, streambank and roadside projects focused on reducing erosion and subsequent sedimentation of surface waters and restoring native vegetation. These grants will be administered through soil and water conservation districts.


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
Last Updated: 3/17/06
Miles
0 20 40 80 120 160
Minnesota Pollution Control Agency

COMPARISON

G16 - Governor's - House - Senate CWLA General Fund/Bonding Expenditure by Agency and Function

MPCA	G16	GovRec	HOUSE	SENATE
Monitoring at 32 of 80 Milestone sites per year and collecting chemistry at 86 flow sites	$0.195	$0.195	$0.195	$0.195
Biological, chemical and physical sampling at 600 sites per year by FY09	$0.330	$0.330	$0.330	$0.330
MPCA/Local Org Chem & Lab costs for Citizen Stream Monitoring Program and pass through money to ~81 local organizations.	$0.510	$0.510	$0.305	$0.510
Assessment of 100 lakes per year by FY09, starting with lakes over 500	$0.100	$0.100	$0.100	$0.100
MPCA/Local Orgs Chemistry and lab costs for Citizen Lake Monitoring Program expansion and pass through money to lake organizations.	$0.500	$0.500	$0.295	$0.500
Statewide remote sensing of lakes and streams once every 5 years	$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	$0.150	$0.150
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	$0.390	$0.390
MPCA-led TMDLs: - Development of TMDLs, including monitoring, land use assessment, data analysis, modeling, load allocations, document preparation, public participation	$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.	$1.430	$1.430	$1.430	$1.430
MPCA Total	**$5.030**	**$5.030**	**$4.620**	**$5.030**

DNR	G16	GovRec	HOUSE	SENATE
DNR/USGS flow monitoring at 86 sites	$0.150	$0.150	$0.150	$0.150
Lake biological monitoring	$0.080	$0.080	$0.080	$0.080
Mercury in fish tissue trend monitoring	$0.050	$0.050	$0.050	$0.050
Forest stewardship plans on private riparian forest lands	$1.000	$0.200	$0.000	$0.200
Fee title acquisition and easements of high priority, sensitive riparian lands that provide high value for watershed protection	$0.000	$0.000	**$2.248**	$0.000
Fee title acquisition and easements of high priority, sensitive riparian lands that provide high value for watershed protection	**$1.000**	$1.000	$0.000	$1.000
Research, reporting, evaluation & monitoring	$0.400	$0.400	$0.000	$0.400
Agency implementation costs to expand capacity to provide technical assistance to local units of government	$0.500	$0.250	$0.200	$0.250
DNR Total	**$3.180**	**$2.130**	**$2.728**	**$2.130**

COMPARISON

G16 - Governor's - House - Senate CWLA General Fund/Bonding Expenditure by Agency and Function

BWSR	G16	GovRec	HOUSE	SENATE
Targeted Financial Assistance: BWSR - Cost-Share & Incentive payments	$2.500	$1.500	$0.875	$1.500
Targeted Technical Assistance to support practice implementation	$2.000	$1.000	$0.875	$1.000
Grants to SWCD's for engineering and technical assistance via the SWCD General Services Grant	$2.000	$1.000	$0.700	$1.000
Research, reporting, evaluation & monitoring (e-link)	$0.200	$0.200	$0.200	$0.200
Comprehensive Local Water Management	$1.500	$1.500	$0.500	$1.500
Streambank, stream channel, lakeshore road	**$2.500**	$0.000	**$2.500**	$0.000
County ISTS	$0.730	$0.730	$0.250	$0.730
BWSR Total	**$11.430**	**$5.930**	**$5.900**	**$5.930**

MDA	G16	GovRec	HOUSE	SENATE
Targeted Financial Assistance: MDA - AgBMP Loan Program	$2.200	$1.400	$1.000	$1.400
Technical assistance for nutrient and pasture management	$0.400	$0.400	$0.300	$0.400
Promotion of Priority practices in impaired watersheds	$0.100	$0.100	$0.000	$0.100
Conservation planning assistance	$0.300	$0.300	$0.000	$0.300
Research, reporting, evaluation and monitoring	$1.000	$0.400	$0.200	$0.400
MDA Total	**$4.000**	**$2.600**	**$1.500**	**$2.600**

PFA	G16	GovRec	HOUSE	SENATE
Small Community Septic low interest loans and direct assistance to local governments or private landowners with permanent easement for septic systems	**$0.900**	$0.900	**$0.900**	$0.900
Small Community Septic Tech Assistance through PFA to Extension on small community septic	$0.100	$0.100	$0.100	$0.100
75% grants for phosphorus treatment infrastructure	**$10.000**	$2.000	**$7.000**	$2.000
Funds for low interest loans for qualified public infrastructure projects - change in $40.	**$5.360**	$1.310	**$4.000**	$1.310
PFA Total	**$16.360**	**$4.310**	**$12.000**	**$4.310**

Total FY2007 Clean Water Legacy Act Expenditures	**$40.000**	**$20.000**	**$26.748**	**$20.000**

General Fund Expenditure	**$20.240**	**$20.000**	**$10.100**	**$20.000**
Capital Budget Expenditure	**$19.760**	**$0.000**	**$14.400**	**$0.000**
ETF Expenditure (FY2006-FY2007)	**$0.000**	**$0.000**	**$2.248**	**$0.000**
Total FY2007 Clean Water Legacy Act Expenditures	**$40.000**	**$20.000**	**$26.748**	**$20.000**

G16 - Governor's - House - Senate CWLA General Fund/Bonding Expenditure by Agency and Function

TMDL GRANT PROGRAM	G16	GovRec	HOUSE	SENATE
Grants to municipalities to cover up to one-half 50 percent of the cost of wastewater treatment or stormwater projects made necessary by wasteload reductions under TMDL's required by the CWA			$3.000	$5.000
	G16	GovRec	HOUSE	SENATE
General Fund Expenditure	$20.240	$20.000	$10.100	$20.000
Capital Budget Expenditure	$19.760	$0.000	$17.400	$5.000
ETF Expenditure (FY2006-FY2007)	$0.000	$0.000	$2.248	$0.000
	$40.000	$20.000	$29.748	$25.000

Last updated: 4/14/06

Organizations (Entities) Participating in the Completion of TMDLs

Projects with local entities leading the completion of TMDLs:

TMDL Project	Entity
Beaver Lake, Metro Mississippi River Basin	Ramsey-Washington Watershed District
Blue Earth River Basin - Fecal Coliform	Minnesota State University Mankato, Water Resources Center; Blue Earth River Basin Initiative; Martin County
Blue Earth River Basin - Turbidity *(federal funding request pending)*	Minnesota State University Mankato, Water Resources Center; Greater Blue Earth Basin Alliance
Byllesby Reservoir, Lower Mississippi River Basin	Cannon River Watershed Partnership
Cannon River, Lower Mississippi Regional Turbidity	Cannon River Watershed Partnership
Carver and Bevens Creek - Fecal Coliform	Carver County
Carver and Bevens Creek - Turbidity & Chloride	Carver County
Carver County Lakes	Carver County
Clearwater River Watershed and Lake Louisa, Upper Miss. Basin	Clearwater River Watershed District
Clearwater River/Walker Brook Impaired Waters TMDL Project	Red Lake Watershed District
Deer Creek – Turbidity *(federal funding request pending)*	Carlton County SWCD
Golden Lake, Metro Mississippi River Basin	Rice Creek Watershed District
Hardwood Creek, Upper Mississippi River Basin - Impaired Biota & Dissolved Oxygen	Rice Creek Watershed District

Independence Lake, Metro Mississippi River Basin	Pioneer-Sarah Creek Watershed Management Commission
Jessie Lake, Rainy River Basin	Itasca County SWCD
Keller and Kohlman Lakes, Metro Mississippi River Basin	Ramsey-Washington Watershed District
Knife River, Lake Superior Basin	South St. Louis Soil and Water Conservation District
Lake Byllesby, Lower Mississippi River Basin	Cannon River Watershed Partnership
Lake Shaokatan, Minnesota River Basin	Yellow Medicine River Watershed District
Little Rock Creek - Impaired Biota	Benton County SWCD
Miller Creek, Lake Superior Basin	South St. Louis Soil & Water Conservation District
Minnehaha Creek Watershed Lakes, Metro Mississippi River Basin	Minnehaha Creek Watershed District
Nemadji River - Turbidity *(federal funding request pending)*	Carlton County SWCD
Ninemile Creek - Turbidity, Impaired Biota, & Chloride	Nine Mile Creek Watershed District
Pomme de Terre River - Turbidity & Fecal Coliform	WesMin RC & D
Red River - Moorhead - Ammonia	Red River Basin Commission
Red River - Moorhead - Fecal Coliform & Turbidity	Red River Basin Commission
Red River Basin Turbidity TMDL	Red River Watershed Management Board
Riley, Purgatory, and Bluff Creeks - Turbidity & Impaired Biota	Riley, Purgatory, and Bluff Creek Watershed District
Sauk River - Fecal Coliform	Sauk River Watershed District

Sauk River Chain of Lakes (Horseshoe Chain)	Sauk River Watershed District
Shingle Creek, Upper Mississippi River Basin - Chloride	Shingle Creek Watershed Management Organization
Shingle Lakes Group, Metro Mississippi River Basin	Shingle Creek Watershed Management Commission
Sunrise River, North Branch - Fecal Coliform	Chisago County
Upper Prior-Spring Lakes, Metro Mississippi River Basin	Prior Lake-Spring Lake Watershed District
Yellow Medicine River, South Branch - Fecal Coliform *(approved 9/04)*	Yellow Medicine Watershed District

Projects with local entities <u>assisting</u> in the completion of TMDLs:

<u>TMDL Project</u>	**<u>Entity</u>**
Baudette River - Dissolved Oxygen	Lake of the Woods Soil and Water Conservation District
Chippewa River – Ammonia *(approved 10/04)*	Chippewa River Watershed Project
Chippewa River - Fecal Coliform	Chippewa River Watershed Project
Crow River Watershed TMDLs - Multiple Reaches & Pollutants	Crow River Organization of Waters
Groundhouse River - Fecal Coliform & Impaired Biota	Snake River Watershed Management Board, Kanabec Soil and Water Conservation District
Lac Qui Parle River - Dissolved Oxygen	Lac qui Parle-Yellow Bank Watershed District
Long Prairie River - Dissolved Oxygen *(approved 8/05)*	Todd County
Lower Mississippi River Basin - Fecal Coliform *(originally approved 11/02, revision approved 4/06)*	Cannon River Partnership, Dakota County Soil and Water Conservation District, BALMM

Lower Ottertail River - Turbidity	Wilkin County, Wilkin County Soil and Water Conservation District
Martin and Typo Lakes, St. Croix River Basin	Anoka Conservation District
Pipestone Creek - Fecal Coliform & Turbidity	Pipestone County
Poplar River (North Shore Streams Group) - Turbidity	Cook SWCD and Cook County
Upper Mississippi River Headwaters - Dissolved Oxygen	Bemidji State University
West Fork Des Moines River Watershed and Heron Lake - Turbidity, Fecal Coliform & Excess Nutrients	Cottonwood County, Heron Lake Watershed District
Williams Creek - Dissolved Oxygen	Lake of the Woods Soil and Water Conservation District

Projects led by the MPCA with <u>little to no assistance</u> from local entities:

TMDL Project
Lake Pepin Area - Turbidity & Excessive Nutrients
Lower Minnesota River - Dissolved Oxygen *(approved 9/04)*
Lower Mississippi Regional Turbidity
Minnesota River Basin, Mainstem and Mouth of Major Watersheds - Turbidity
Red River Headwaters - Dissolved Oxygen
Vermillion River, Lower Mississippi River Basin - Turbidity
Alexandria Area Lakes - Winona Lake *(federal funding request pending)*

PCA update:

- CWLA is moving and looks like it will pass this session. Senate passed the bill last year. Governor proposed $20 million in general fund as part of supplemental budget in February. House took up Senate bill from last session and has moved it forward with general fund and bonding. One year of funding – still need a long-term funding source.

- PCA, BWSR, MDA, DNR and PFA working on CWLA implementation plan. Legacy, including the funding, will be effective the day after enactment.

- Third party TMDLs by public agencies are important to accomplishing the clean water legacy goals. PCA estimates that 70% of all TMDLs will be lead by other public agencies. ~~Updated list of TMDLs completed and underway and who is leading them. Status on PCA website.~~ provided updated list.

- 10 Year Plan to Upgrade and Maintain MN's On-site Treatment Systems is funded under the CWLA – both funding for counties for state mandate and funding to address failing systems – private (AgBMP loans) and public (PFA/Small community septic systems and TMDL grant programs).

- Mercury TMDL will be going to MPCA Citizens' Board in June for approval of responses to comments, and changes to the TMDL for submittal to EPA for approval. ~~TMDL implementation plan will be developed once EPA approves the TMDL.~~

- Annandale Maple Lake (AML) Supreme Court oral argument scheduled for the morning of May 3rd. Currently 32 proposals for new discharges and 31 proposals for expanding discharges are being held up because of the Appellate Court decision.

- Lake Pepin TMDL is well underway. CWLA has additional funding for this TMDL. Stakeholders are interested in accelerating because of growth and development constraints occurring due to the AML decision.

- ~~Feedlots and impaired waters. Concerns being raised. Clean Water Act coverage.~~

Mary Jo - this is what I reported on.

Lisa

DRAFT DRAFT DRAFT

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 24, 2006

BOARD MEMBERS PRESENT:
Dana Allen, Jim Anderson, Minnesota Extension Service; Paul Brutlag, Bob Burandt, Kay Cook, Jerome Deal, Wayne Edgerton, Department of Natural Resources; Quentin Fairbanks, Brian Kletscher, Randy Kramer, Joe Martin, Department of Agriculture; Clair Nelson, Bruce Olson, Department of Health; Louise Smallidge, Lisa Thorvig, Pollution Control Agency; LuAnn Tolliver

BOARD MEMBERS ABSENT:
Paul Krabbenhoft

STAFF PRESENT:
Mary Jo Anderson, Tim Fredbo, Ron Harnack, Jim Haertel, Al Kean, Kari Keating, Kevin Lines, Doug Thomas, Steve Woods, Brad Wozney

OTHERS PRESENT:
LeAnn Buck, Minnesota Association of Soil and Water Conservation Districts
Jack Frost, Met Council
Sandy Hooker, Minnesota Association of Townships
James Vagle, Builders Association
Joe, Darlene and Mary Peters
Ray Bohn, Minnesota Association of Watershed Districts
Barbara Weisman, Department of Agriculture

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

PLEDGE OF ALLEGIANCE

** 06-35 **ADOPT AGENDA** – Moved by LuAnn Tolliver, seconded by Louise Smallidge, to adopt the agenda as presented. Motion passed on a voice vote.

** 06-36 **MINUTES OF APRIL 26, 2006 –** Moved by Clair Nelson, seconded by Quentin Fairbanks, to approve the minutes of April 26, 2006, as circulated. Motion passed on a voice vote.

OPEN MIKE

Joe, Dee, and Mary Peters presented information regarding the Big Fish Lake shoreland alteration and water quality issue in Stearns County, explaining that nothing has been done over the years to resolve this problem. The Peters' family requested that BWSR assist with resolving this issue. Ron Harnack suggested that regional staff review the concern with DNR, PCA, Stearns County, the SWCD, township, and Mary Peters, President of the Lakes Association. They will look at the alleged problem, causes, possible solutions and related implementation roles, and provide a report by August 15. The Board acknowledged this approach and thanked the Peters' for their time. The Peters' family asked to present a one-minute video showing the area of concern. Ron asked for a copy of the one-minute video.

REPORTS

Chair's Report – Jerome Deal reported that EQB did not meet this month. Chair Deal, Ron Harnack, and Joe Martin attended the 'National Wetland Month' celebration on May 15, in Albert Lea, sponsored by NRCS. BWSR received an "Outstanding Conservationist Award" from FSA in recognition of 20 years of dedicated and professional service and partnership with the Farm Service Agency in administering the Conservation Reserve Program and the Conservation Reserve Enhancement Program (CREP). Jerome stated that it was a great event, good attendance. Chair Deal reported that he attended the State Envirothon, held on May 17, at Lake Bronson State Park in Hallock.

Executive Director's Report – Ron Harnack reported that the 2006 legislative session has adjourned. Ron reported on bonding appropriations for BWSR: no dollars available for CREP; wetland road replacement was funded at $2.4M; streambank, lakeshore sediment and erosion control - $1M; Area 2 - $500,000; and Grass Lake - $2.2M. Ron commented on the comparison of general fund/bonding recommendations of G16-Governor-House-Senate by agency.

Ron briefly commented on the Clean Water Legacy appropriations. Ron reported that SF 2973 – Watershed District Termination Petition Amended and Bond Requirement Repealed. Ron stated that to date, the Governor has not yet signed the bill, which is part of a larger bill. Ron briefly commented on the wetland mitigation amendment for a mining company to access tax forfeit land in St. Louis County.

Ron briefly commented on the Middle River Snake River issue that was mediated last month, the agreement has not yet been finalized, but he anticipates that will happen next week.

Ron stated that Kari Keating's father passed away last week; Kevin Lines's mother-in-law passed away last week; and Les Lemm's father is in poor health. Our condolences, thoughts and prayers are with staff and their families.

Dispute Resolution Committee – Jim Haertel reported that a new appeal has been received from Kanabec County. One item of note is the appeal in Hermantown, current status is that field work is being compiled, then possibly talks with developers. Ron stated that he met with the Senator Tom Bakk and Representative Mary Murphy to inform them of the issue. A public meeting will be held with the landowners in June. Chair Deal thanked Jim for his hard work and great efforts on the appeals.

Wetlands Committee – Clair Nelson reported that he has received questions regarding the ditch law. Ron stated that the wetlands stakeholders meeting was held yesterday. The Wetland Committee will meet next month. Lisa Thorvig reported that the Wetlands Committee will meet all day on July 24.

Cost-Share/Soil Conservation Committee – Louise Smallidge reported that the Cost-Share Committee will meet this afternoon.

Education and Public Relations Committee – Kay Cook reported that the State Envirothon was a success. 27 high school teams competed; Rushford-Peterson was the winner. Jerome Deal, Quentin Fairbanks, and Kay attended, as well as Carol Berg, President of MASWCD. The Rushford-Peterson team will now compete at the national level in Winnipeg, July 23-29. Kay stated that if any board members are interested in being a judge next year, contact Peter Raeker. Ron commended the volunteers for making the State Envirothon a success.

Chair Deal thanked everyone for their assistance with the State Envirothon. Kay stated that the Education Committee will meet on June 28th.

Administrative Advisory Committee – Jerome Deal stated that the Administrative Advisory Committee met a few times via conference calls and again this morning. Board member appointments have not yet been made.

COMMITTEE RECOMMENDATION

Metro Water Planning Committee

Isanti County Comprehensive Local Water Management Plan Update – LuAnn Tolliver reported that the Metro Water Planning Committee reviewed the Isanti County Comprehensive Local Water Management Plan Update and recommends approval.

** 06-37 Discussion followed. Moved by LuAnn Tolliver, seconded by Lisa Thorvig, to approve the Isanti County Comprehensive Local Water Management Plan Update. Motion passed on a voice vote.

OLD BUSINESS

Termination Petition for South Two River Watershed District Petitioner's Bond, Number of Signatures, Termination Hearing – Jim Haertel explained that 2006 legislative amendments to Minnesota Statute 103D.271, subdivisions 4 and 5, states that no bond is required, pending the Governor's signature. Jim reported that enough signatures have been received. Jim stated that he is very satisfied with the termination petition meets the requirements of the statute. He presented a draft resolution that recommends ordering the termination hearing and authorizing the executive director to

** 06-38 set the time and location of the hearing. Moved by Clair Nelson, seconded by Louise Smallidge, to approve the following resolution:

RESOLVED, that the Minnesota Board of Water and Soil Resources affirms that the Termination Petition involving the South Two River watershed District meets the requirements of Minnesota Statute 103D.271, subdivisions 4 and 5, that no bond is required pursuant to legislative amendments and pending the Governor's signature, therefore, orders the Termination Hearing authorizing the Executive Director to set the time and location of the hearing.

FURTHER RESOLVED, that the hearing panel will consist of Randy Kramer, Paul Brutlag, Louise Smallidge, Quentin Fairbanks, and Kay Cook.

Motion passed on a voice vote.

NEW BUSINESS

Conservation Easement Alteration Subcommittee's Policy Recommendation – Randy Kramer explained that the subcommittee consists of Randy as co-chair; Paul Brutlag, co-chair; Louise Smallidge, Dana Allen, Gene Merriam, and Joe Martin. In addition, Kevin Lines, conservation easement section manager, and Tim Fredbo,

conservation easement specialist. Randy explained that the Board may alter, release or terminate a conservation easement after consultation with the Commissioner of the Department of Agriculture and the Commissioner of the Department of Natural Resources, and only if determined that the public interests and general welfare are better served by the alteration, release or termination. Kevin presented the proposed policy recommendations. All alteration requests will be accompanied by a $500 minimum processing fee. For alterations where actual costs to amend the easement exceed $500, the State reserves the right to charge the applicant the actual cost.

** 06-39 Moved by Randy Kramer, seconded by Wayne Edgerton, to endorse the Easement Alteration Subcommittee's proposed policy recommendations. Discussion followed. Motion passed on a voice vote.

Chair Deal called for a break in the meeting at 10:30 a.m. The meeting reconvened at 10:45 a.m.

Update on Clean Water Cabinet's Development of Conservation Recommendations for 2007 Farm Bill – Doug Thomas introduced Barbara Weisman, Department of Agriculture, and stated that he appreciated Barbara's work on this effort. Barbara explained that the Clean Water Cabinet (CWC) will use guiding principles (working document) for development of conservation policy recommendations for the 2007 Farm Bill. In order to meet the state and national environmental goals, the 2007 Farm Bill should strengthen the economic viability of farming; facilitate state and local efforts to address environmental priorities; and implement long-term conservation plans. The draft Conservation Policy Recommendations for the 2007 Farm Bill will be posted on the Clean Water Cabinet website by the end of May. Discussion followed. Paul Brutlag suggested adding a soils issue; participation in other programs, as well as liability. Chair Deal thanked Doug and Barbara for the update.

AGENCY REPORTS

Department of Health (MDH) - Bruce Olson, Department of Health, briefly reported on MDH's wellhead protection program.

Minnesota Pollution Control Agency (MPCA) - Lisa Thorvig reported that the Clean Water Legacy received funding. MPCA is now working on an implementation plan with agencies on how to spend the appropriation. MPCA is addressing the issue of hiring staff. Lisa stated that counties will receive significant funding for septic systems implementation. Lisa reported that MPCA is trying to streamline the process for ethanol plant proposals, 10-15 applications have been received for new or expansion of ethanol plants.

Department of Agriculture (MDA) - Joe Martin reported that MDA received Clean Water Legacy funding for AgBMP funding matches with local governmental units with apparent water issues. The funding is for research focused on how conservation practices impact counties and land use. Working with stakeholder group on delivery of TMDL plans. Joe reported that MDA received funding for an event held last week for controlled drainage structures, a remote sensor, showing the future of modern drainage systems, and a groundwater drinking system for St. Peter and Seven Mile Creek.

Department of Natural Resources (DNR) - Wayne Edgerton reported that the dedicated funding legislation did not pass. Wayne stated that there is good fishing in the northwest.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD) LeAnn Buck reported that SWCDs are looking forward to receiving funding for non-point source engineering. LeAnn suggested that the Farm Bill guiding principles document should address forestry and the Conservation Security Program. LeAnn stated that MASWCD supports technical assistance. They will watch the legislative auditing in local watershed management planning.

Minnesota Association of Watershed Districts (MAWD) - Ray Bohn reported that MAWD played a lot of defense this year during the legislative session. MAWD is happy that BWSR is moving forward on the hearing for termination petition for the South Two River Watershed District. MAWD was willing to participate on the buffer task force, even though the legislation did not pass. Ray reported that the MAWD Summer Tour will be held June 22-24, hosted by Sauk River Watershed District.

UPCOMING MEETINGS

- All Staff Meeting, May 31-June 1, 2006, Willmar
- Next BWSR Meeting, June 28, 2006, St. Paul
- BWSR Tour and Meeting, August 23-24, Martin County

** 06-40 Moved by Kay Cook, seconded by Bob Burandt, to adjourn the meeting at 11:50 a.m.

Respectfully submitted,

Jerome Deal
Chair

See back of this 5/24/06 memo.

May 24. 2006

Hello, My name is Dee
My Husband Joe
Our Daughter Mary
who bought our home on Big Fish Lake in Stearns County

We are here to ask your help to restore a shoreland wetland that was mechanically clear cut by a bulldozer, catdozer and telescopic boom truck, removing all of the filter functions, resulting in tons of phosphorus and millions of gallons of agricultural runoff going straight to the lake. This alteration was completed without permits, no best management practices and no sequencing.

The delineation of this shoreland, wetland was completed by Joe Fitgerald, Soil and Water, along with Chelle Benson, Stearns County Environmental Services.

It is also easily identified on the USGS Topographic Map. There are two in our 1923 plot plan. One is 20 feet wide and the other is 15 feet wide. Minnesota Statute 505 requires them to be included in the plat.

The plot plan also shows marsh symbols and a dashed line around the boundary of water flowage for this wetland.

The township claimed this area as their road access without any preliminary hydrology survey.

We were shocked to be told by Ron Harnack and Ron Shelito that there were no violations to the wetland act while at the same time Ron Harnack states that these shoreland wetlands are what keep our lake waters clean.

The transformation from wetland to road access caused a great deal of erosion and pollution to Big Fish Lake. The 19.8 acres of unfiltered agricultural runoff has continued for 14 years. Our lake can not take anymore.

This prompted the DNR and SCS to complete a hydrological survey. At this time, The township was instructed to install three silt fences and a plastic sheet over some of the erosion or they would be charged with the

unauthorized alteration of a public waters. The DNR and SCS gave the township four restoration plans. The township chose number 4 and would complete it the next spring. That plan was to restore the ice ridge and revegetate. In the spring, Steve Sellnow, SCS, told the township that a restoration plan was not necessary. Instead he gave them a few grassed waterway BMP's and enclosed a guide sheet for critical areas.

Urban Spanier from the Local Soil and Water Board wrote a letter to Ron Harnack that they will NOT allow anyone to get involved from their staff because they only help out critical areas.

Water samples and flow rates were taken by Sauk River Watershed and then tested by Braun Intertec. You have those results in your packet. They clearly show the heavy amounts of phosphorus entering the lake. These never entered the lake before the destruction. The wetland can no longer function as it had for 10,000 years.

Marcus Marsh, who coauthored the wetland act has continually supported restoration and also advised us to contact Dr. Sheree Cohn who authored the wetland chapter in the 1991 Stearns County Water Comprehensive plan.

Minnesota Statute 103B.311 required the county to select a priority for the 1996 water comprehensive plan update. On page 126, the County chose Shoreland Wetland's to be preserved, restored and enhanced.

The township has held this wetland hostage and makes a mockery of our protection and long term planning for all future generations.

Ron Harnack visited with us at our home in 2003. He said it was time for them to push a few of their buttons. That is why we are here. Our recent Clean Water Study recommendations are: conforming septic systems, lakescaping, and to restore wetlands and minimize agricultural runoff.

Our lake is very sensitive in its trophic state. For the first time we have algae blooms as early as May. We need your state oversight for stringent shoreland wetland protection.

Our Engineer's plan is ready to go. We have everyone's recommendations, we need regulatory action!

- Have them provide the video.
- Mary is Pres. & new V.P.
- Ron S. – coordinate with Township, Co, SWCD, DNR, PCA & others Engineers plan as well as review of the situation alleged.
- Bring a report back for August mtg –
  - Problem
  - Causes of problem
  - solutions if any.
  - ~~who~~ implementation of solution options.

Ron H suggested that regional staff review the concern with DNR, PCA, the County, SWCD, Township and Mary, Chair HK Austin. Look at the alleged problem, causes, possible solutions & ~~implement~~ related implementation roles. Provide a report ~~by~~ for August 15. ~~Board & Peters were satisfied with, seemed supportive of their approach & the Board does & the Peter's second~~ by the Board acknowledged their approach & thanked the Peters for their time.

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Our Daughter Mary
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WETLAND CONSERVATION ACT OF 1991

October 28, 1992

SECTION I: REQUEST FOR WETLAND DETERMINATION (TO BE COMPLETED BY LGU)

Date: 10-28-92 (ON SITE)

Applicant: JOE PETERS Plat Name: SUNSET VIEW

Address: City: Phone: 685-8878

Lot: 31-37 Block: 01 Section: 28 Twp No: Range: Twp: Collegeville

Brief Explanation: ON BIG FISH LAKE (EAST SIDE) PARCEL # 05-03393-000

SECTION II: USDA CURSORY REVIEW

ASCS CURSORY REVIEW:
AD-1026 on file: ____ yes X no Crop Year ____

Notes:

Signed (ASCS CD): [signature] Date: 10/29/92

SCS CURSORY REVIEW:
Farm No.: ____ Tract No.: ____

SCS-CPA-026 completed ____ yes X no Date: ~~10-29-92~~

Notes: NONE

Signed (SCS DC): [signature] Date: 10-29-92

SECTION III: WETLAND DETERMINATION (TO BE COMPLETED BY SWCD)

Soil Map Unit No: 159B Ag. Cap. Class: 3E

Are hydric soils present: Yes X No ____ Is hydrophitic vegetation present: Yes X No ____

List plants present: ash, [illegible]

Is a wetland present: Yes X No ____ If no, stop here. If yes, continue.

Type of wetland: VI Acres of wetland: ____ Is this agricultural land: Yes ____ No X

Comments: This area is a small inclusion. Mottling at 4", glying at 8" and H_2O at 20"

Mileage: ____ Hours: 3 Determination done by: [signature]

251-6718

SECTION IV: EXEMPTION CERTIFICATION (TO BE COMPLETED BY LGU)

emption Applies: Yes ____ No ____ If no, permit is required.

t applicable exemption: (1-24) If yes, give applicant certification of exemption

COUNTY OF STEARNS

Planning Department

Administration Center Rm343 • 705 Courthouse Square • St. Cloud, MN 56303
612-656-3613

November 5, 1992

What about BMP's
What about Sequencing

Mr. Kenneth Hanson, Chair
Collegeville Township
16055 County Rd 51
St. Joseph, MN. 56374-9662

Dear Mr. Hanson,

The purpose of this correspondence is to clarify the County's position regarding the alley located between Lots 30 & 31 of Sunset View subdivision, which is located in Collegeville Township. It is our understanding that your Township is developing the alley for a lake access.

A site inspection by Chelle Benson of our office and Joe Fitzgerald of the Soil and Water Conservation District occurred on October 28, 1992. It was then determined that the property is considered a Type 6 wetland according to the criteria defined by the Wetland Conservation Act. Therefore, according to the Shoreland Management Ordinance, Section 5.32(e) any grading or filling of a wetland would require a Conditional Use Permit through Stearns County.

The Wetland Conservation Act of 1991 prohibits the draining, filling, or burning in a wetland, and the State requires that there is a no net loss in wetlands. At this time it has not been determined if the ice ridge is part of the wetland, or if its removal, would result in the loss of the wetland area. A closer inspection of the ice ridge will be required before a final determination can be made.

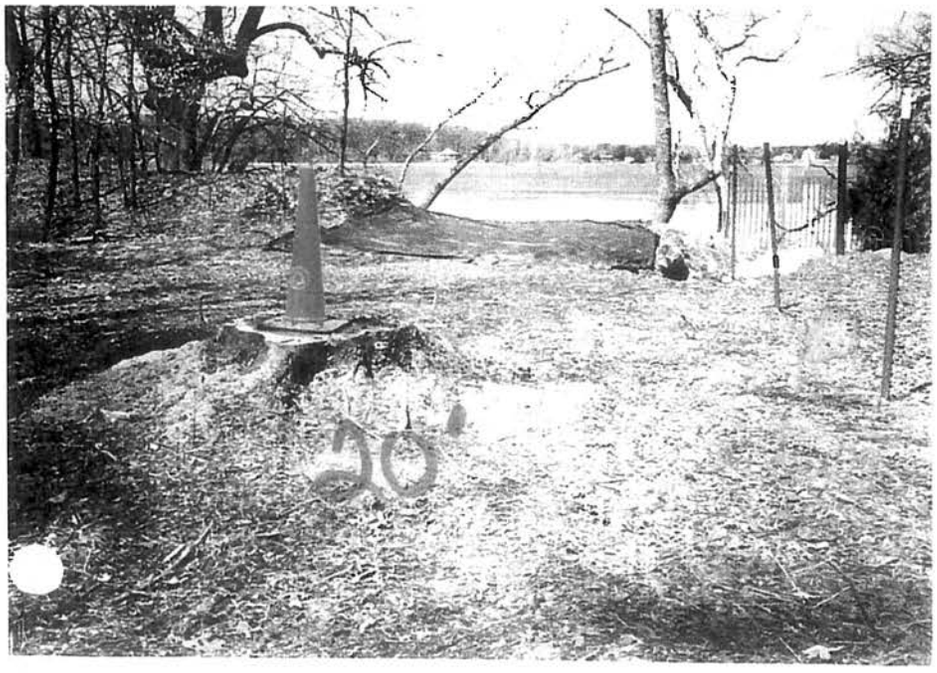
If additional work on the alley is proposed, including ice ridge removal, our office is requesting that Collegeville Township submit for review a project plan for the previously mentioned alley so that we can assure compliance with both the Shoreland Management Ordinance and the 1991 Wetland Conservation Act.

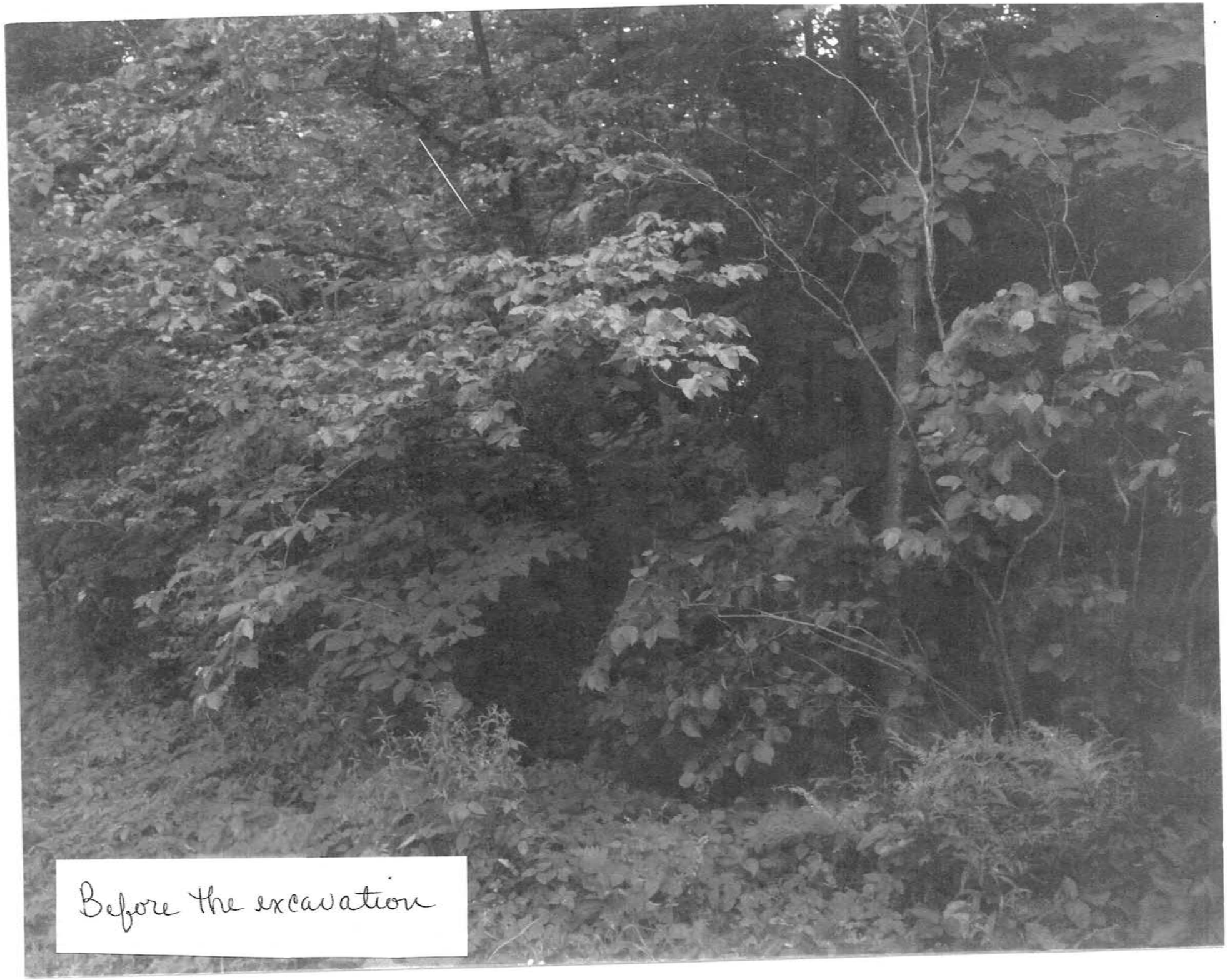
If you have any questions or concerns regarding the above matter, please give Chelle Benson at our office a call.

Sincerely,

Jack Wimmer
Zoning Administrator
JW/ja

Easements for drainage ways of widths sufficient to accommodate anticipated storm water run-off. They are preserved thru dedication so that they can intercept polluants before they reach the public waters.





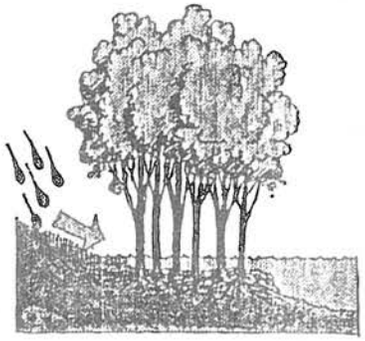
Before the excavation

Federal Register VOL 51 No. 219 -1986

3.2 Mechanized land clearing or other excavation activities bears the burden of demonstrating that such activity would not degrade waters of the state.

Federal Register VOL 56 No. 226 - 1991

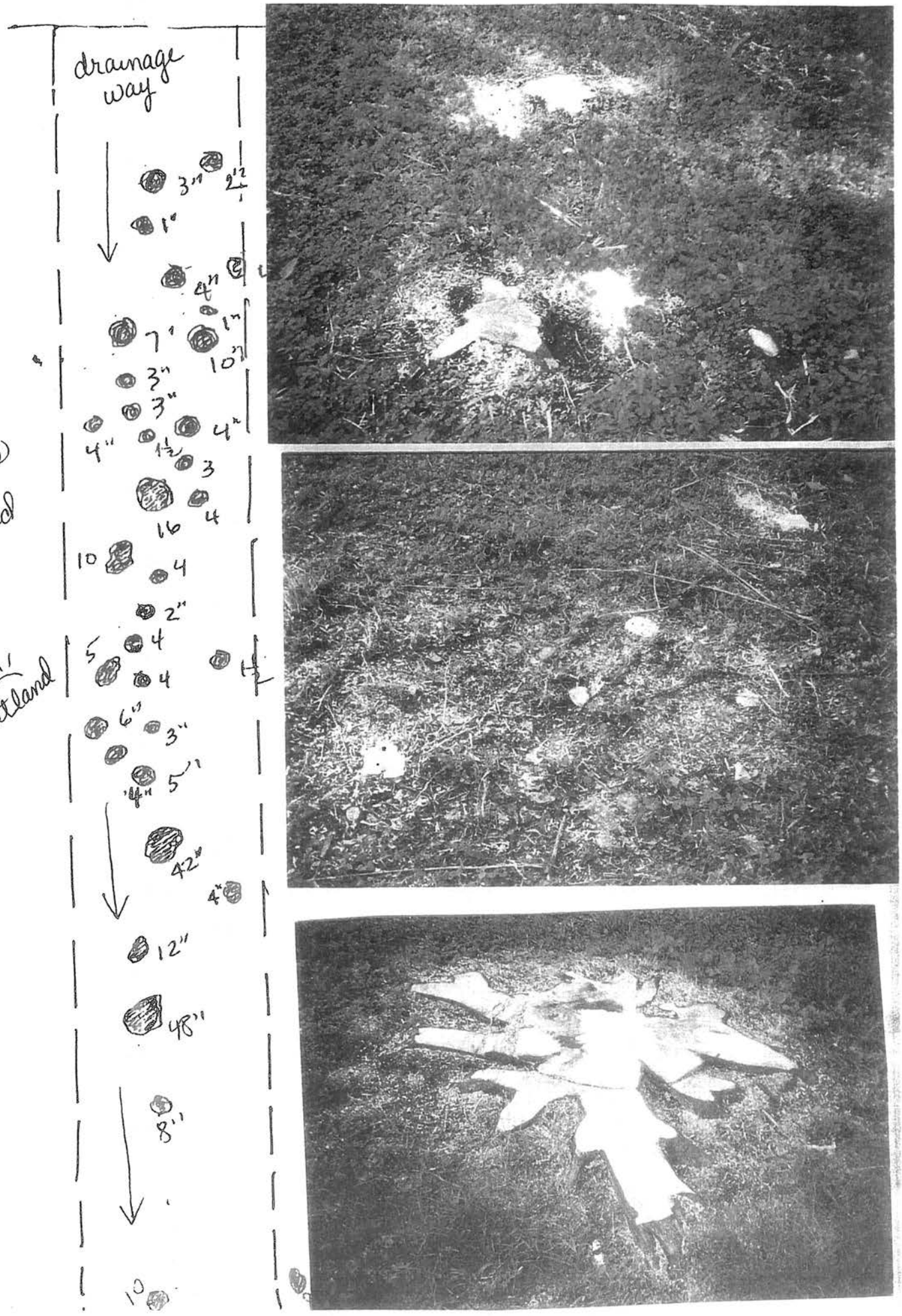
Surface Tributary Waters



Trap Nutrients

Recent studies show that riparian forests trap and retain significant amounts of nutrients in runoff from agricultural fields. More than 80 percent of nitrogen and phosphorus can be kept from entering the stream.

The Benefits of Riparian Trees


drainage way
3"
2½"
1"
4"
1"
7"
10"
3"
3"
4"
4"
1½
3
16
4
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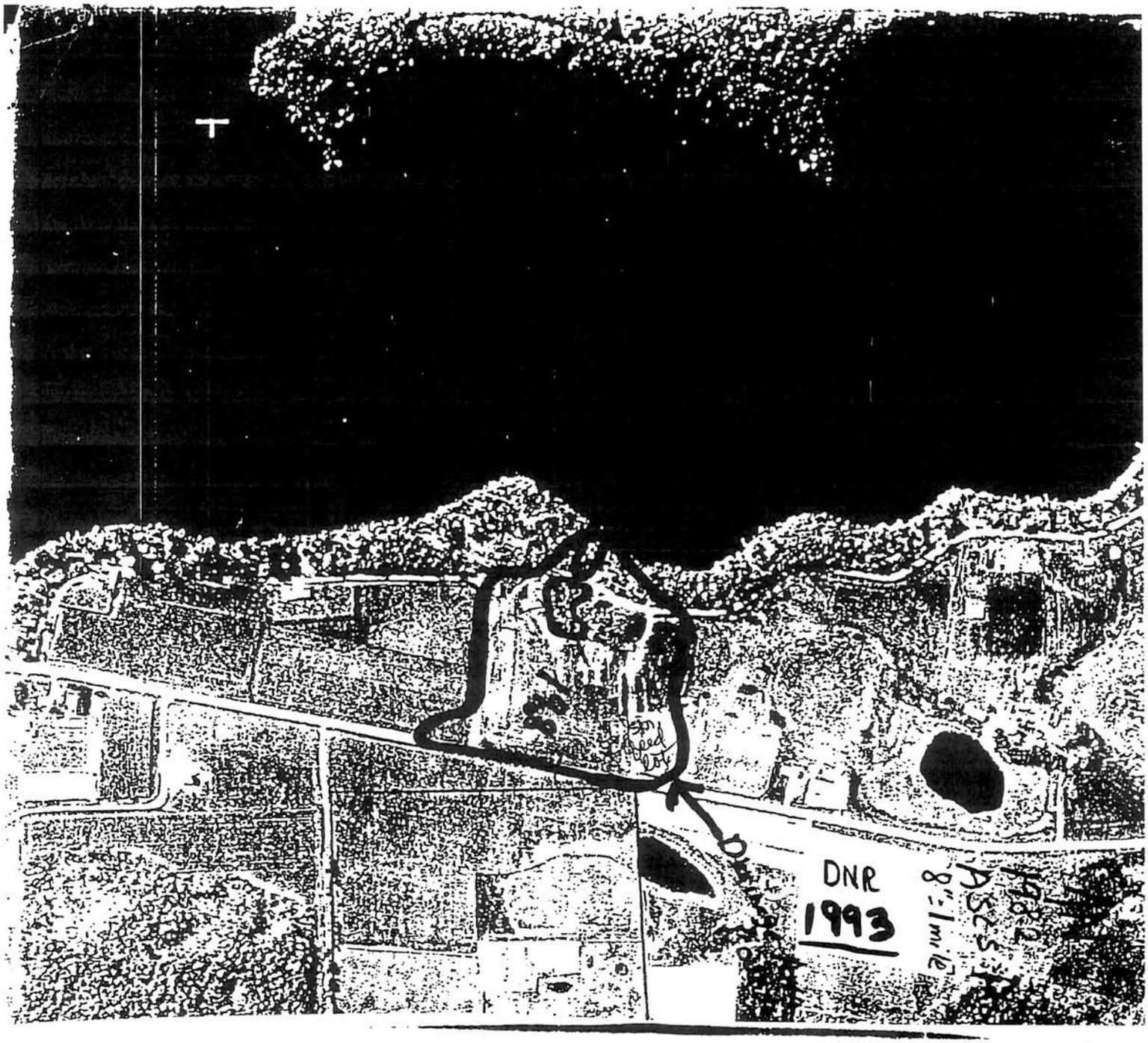
2"
4
5
4
1½
6"
3"
4"
5"
42"
4"
12"
48"
8"
10
About 30 trees were removed
Wetland



MANNING Formula - Flow thru natural stream channels -

$$L = \frac{k Q^{5/8} S^{3/16}}{n^{3/8} f}$$

L = length of swale (stream channel)
K = side slope constant
Q = Average Runoff Flow Rate
S = Longitudinal Slope
f = Infiltration Rate
n = Manning coefficient flow with a free surface

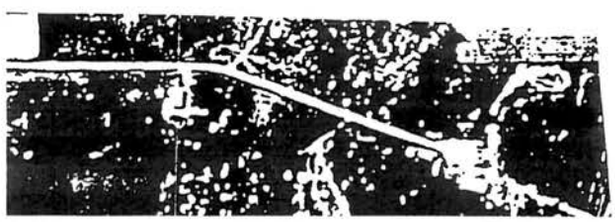
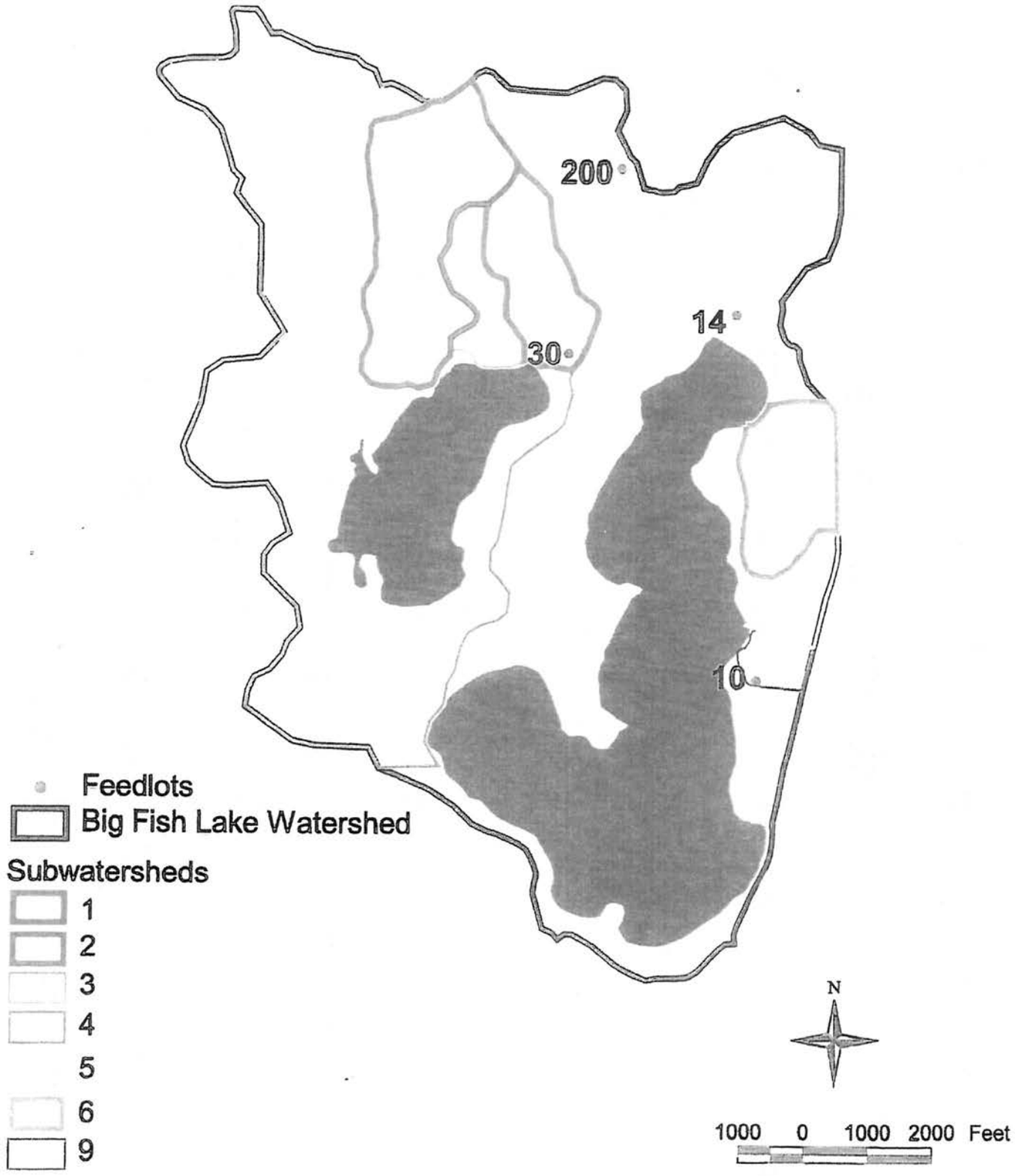
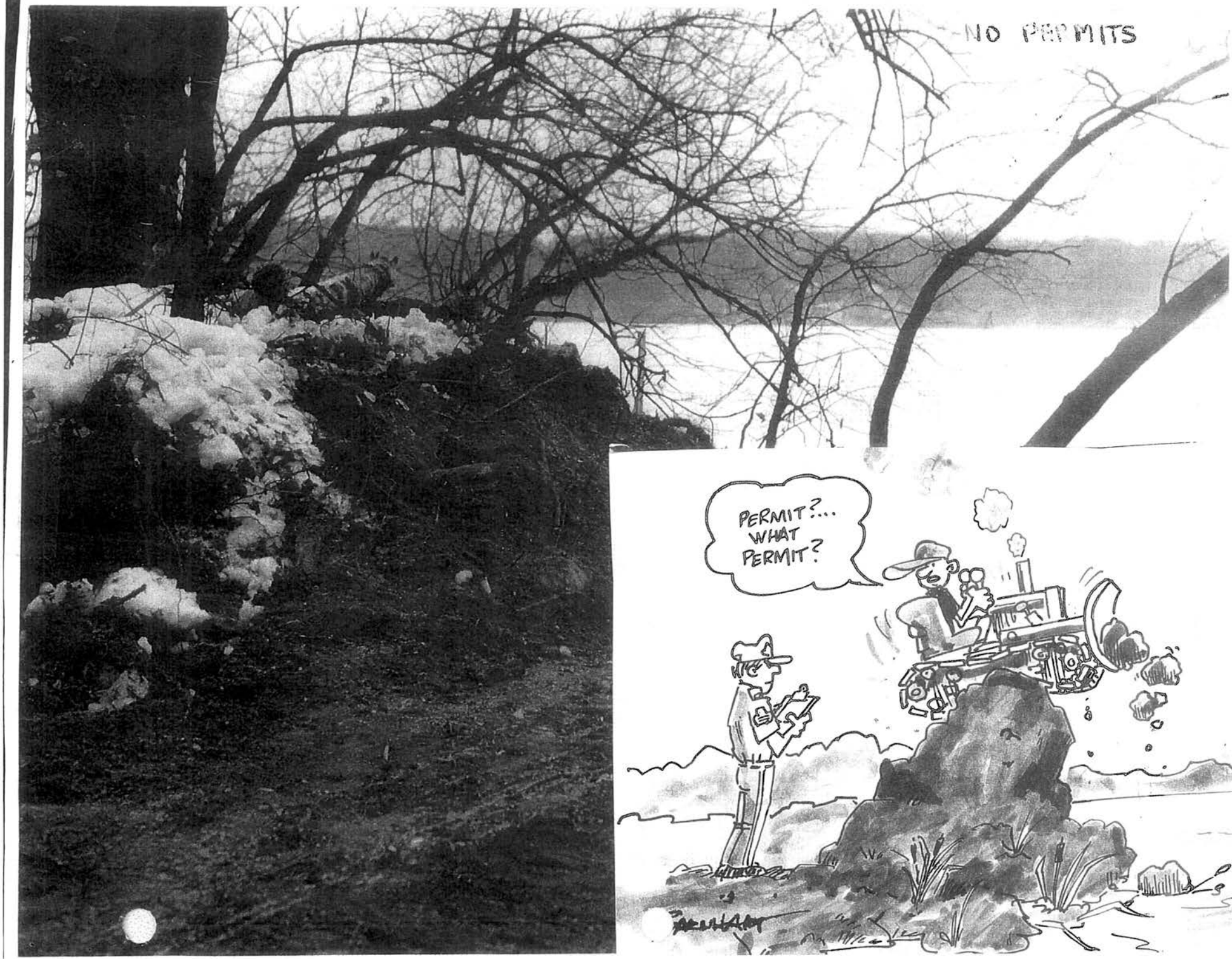
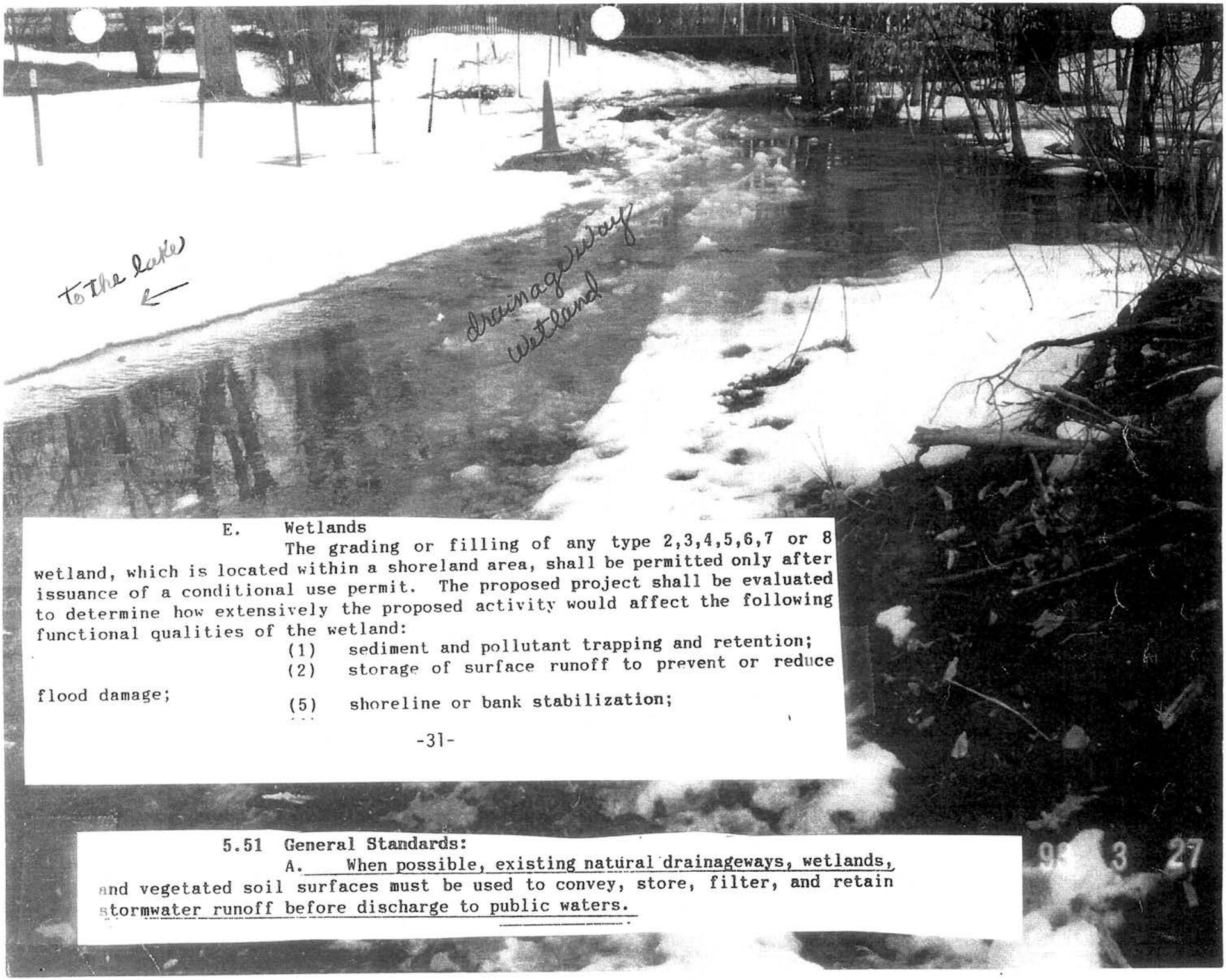


Figure 25

REGISTERED FEEDLOTS AND NUMBER OF ANIMAL UNITS BIG FISH LAKE WATERSHED




NO PERMITS
PERMIT?... WHAT PERMIT?



E. Wetlands

The grading or filling of any type 2,3,4,5,6,7 or 8 wetland, which is located within a shoreland area, shall be permitted only after issuance of a conditional use permit. The proposed project shall be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland:

(1) sediment and pollutant trapping and retention;

(2) storage of surface runoff to prevent or reduce flood damage;

(5) shoreline or bank stabilization;

5.51 General Standards:

A. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.

93 3 27

GULLY

A
GULLY

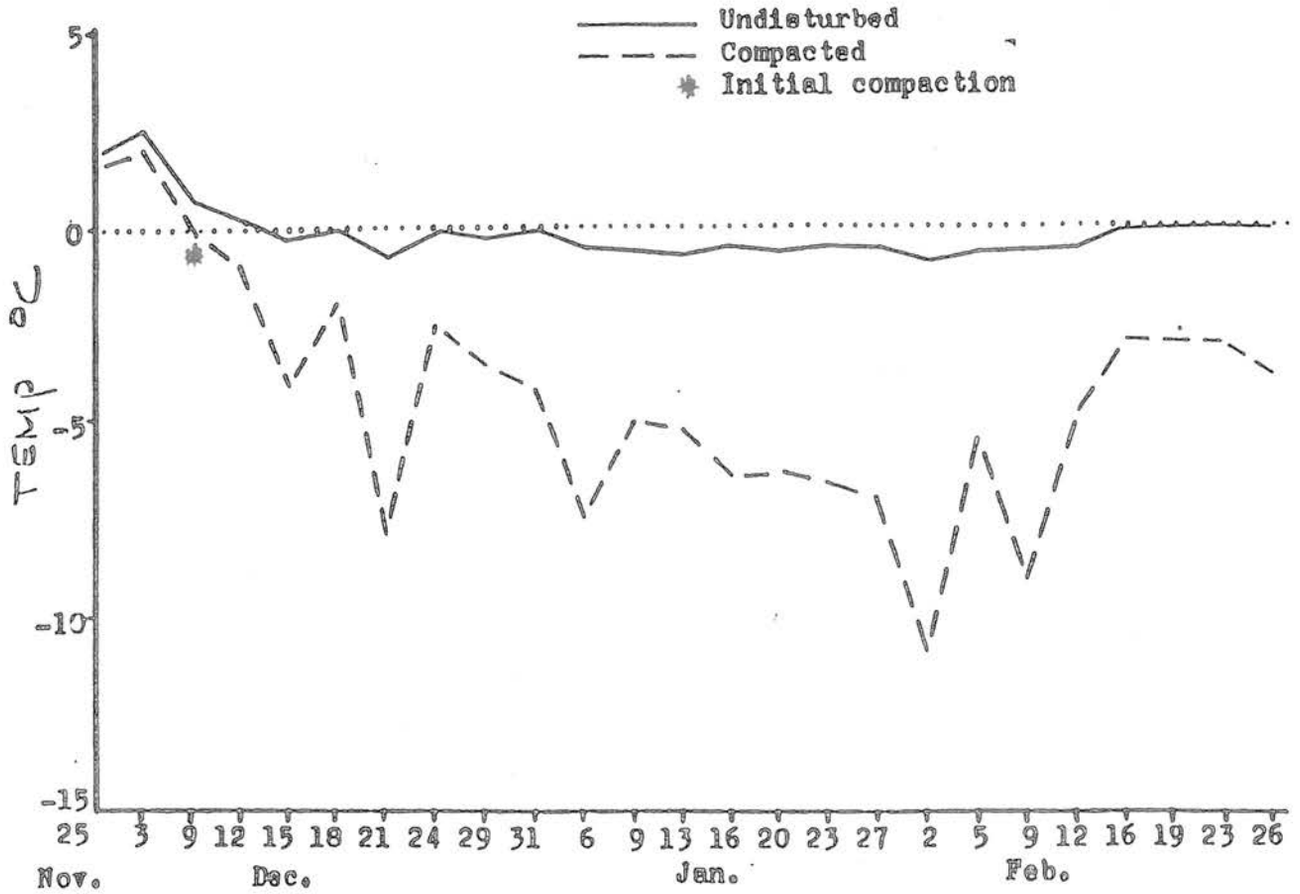
The Center for Environmental Studies

Wallace J. Wanek, Ph.D.

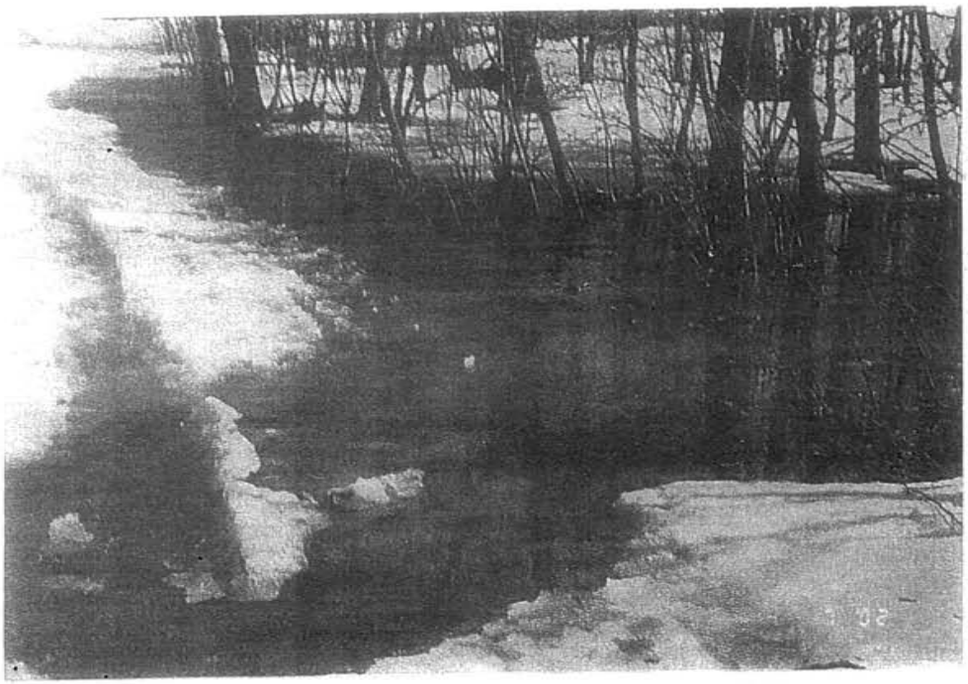
Snowmobile traffic may significantly alter the soil temperature regime by compacting natural snow cover thereby altering its insulative properties.

No one has the right to accelerate the natural aging process of Big Fish Lake. The laws do not allow anyone to go beyond the natural limitations presented by the topography.

4.7.94



April 2002

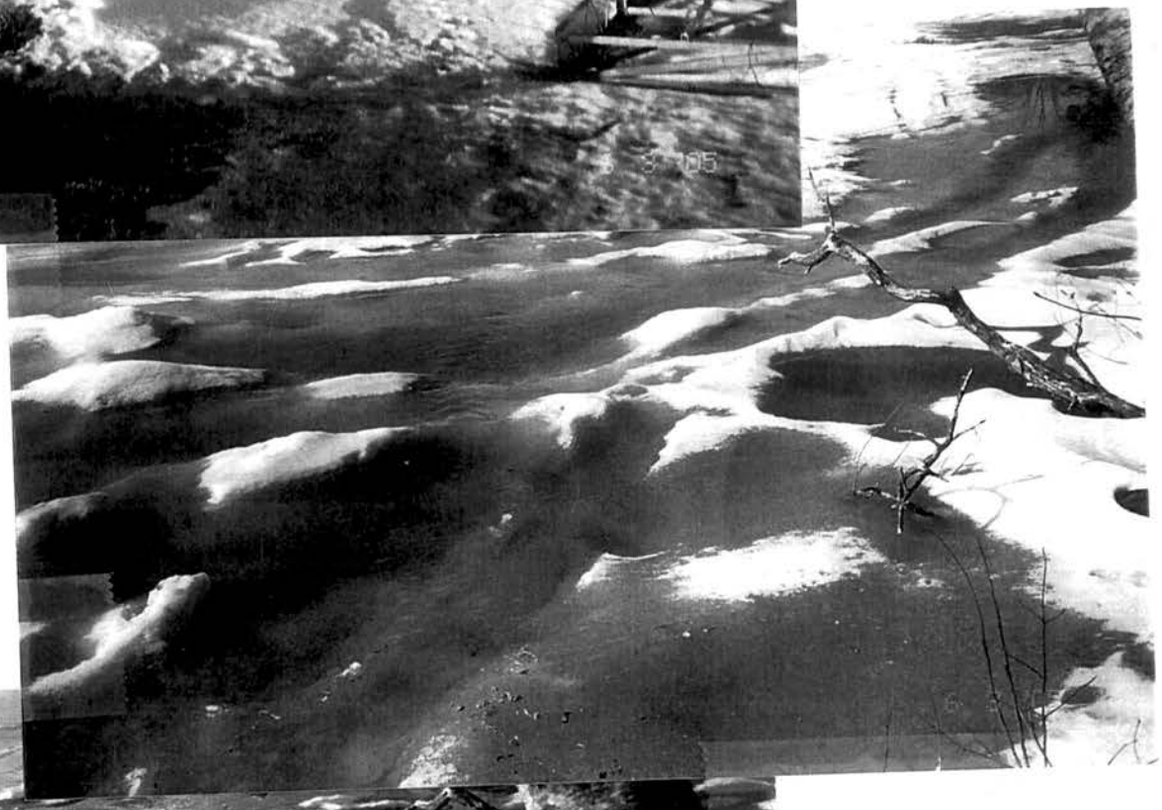


MARCH RUN-OFF 3/29/02

2005 F.B run-off

March run-off

2005



(18)

Assessment of 1996 Amendments to the *Minnesota Wetland Conservation Act*

The 1996 changes to the Wetland Conservation Act will make the law more workable for all areas of the state, particularly those areas with a high percentage of wetlands remaining, while maintaining a high level of resource protection.

Specifically, the 1996 amendments offer the following:

* The changes give local governments and citizens the opportunity to approach wetland protection as a part of a comprehensive water management strategy. To accomplish this, the bill provides for the integration of wetland protection measures with the local water planning process and local zoning ordinances.

* Rather than focusing strictly on the acreage amount of wetlands drained or filled in a given situation, the changes provide for the functional assessment of wetlands. This means that wetlands will be replaced based upon the amount of actual benefits they provide, as well as their size. This will help ensure the preservation of the public values of the state's wetland and water resources.

* Recognizing the importance of Minnesota's lakes and rivers to our quality of life, and the role wetlands play in preserving the quality of our surface waters, the amendments emphasize stringent wetland protection standards within shoreland areas.

* The amendments streamline the approval process for landowners proposing projects that impact wetlands by enabling local governments to act in a reasonable time frame, including allowing on-site determinations for small projects. In addition, the bill offers opportunities to provide landowners with "one-stop-shopping" for project information and decisions via a toll-free phone number and local government program integration.

* Recognizing the need for safe roads and wetland protection, the bill establishes a dedicated state fund for restoring wetlands impacted by local road authorities. This program will generate successful wetland replacement sights in a cost-effective and efficient manner.

* The level of benefits wetlands provide often depends in part upon the adjacent land use. By providing additional incentives to include vegetative buffers and water quality treatment systems in these areas, the amendments will enhance the water quality and wildlife habitat benefits of wetlands.

* The changes provide for a strong state participation and oversight role in the development, implementation and enforcement of local government comprehensive wetland protection and management plans. This state presence is intended to ensure that the law is consistently and fairly administered.

Wetlands

Wetlands help keep lakes clean by filtering sediments and excess nutrients. Acting like a natural sponge, wetlands retain water to prevent flooding, stabilize lake levels,

What can you do?

- Don't fill or alter lakeshore wetlands, even if they only are wet in the spring.
- Consider restoring drained or filled wetlands.

FOCUS 10,000—Minnesota's Lakeside Magazine

Wetlands Bills Differ Significantly

MAY 1995

While two bills amending the Minnesota Wetland Conservation Act both allow for greater local flexibility, they differ significantly in the effects they would have on the environment, according to Ron Harnack, executive director of the Board of Water and Soil Resources (BWSR).

The two bills—one moving through the Senate, one through the House of Representatives—provide very different levels of protection for shoreland wetlands, which are key to maintaining the water quality of lakes and rivers and to providing habitat for many fish and wildlife species, Harnack said.

"The House bill provides far greater protection for these all-important shoreland wetlands," Harnack said. "These are the wetlands that do the most to maintain Minnesota's clean lakes and rivers and sustain the economic stability of the lakes' regions of the state," he said.

FERDINAND F. PETERS
1708 PORTLAND AVENUE
SAINT PAUL
MINNESOTA 55104

February 1, 1995

Chairman
Board Of Commissioners
Stearns County
County Administration Center
Room 121
705 Courthouse Square
St. Cloud, MN 56303

Re: Preservation of the Water Quality of Big Fish Lake, Collegeville Township

Dear Chairman:

I was appalled to find out that Collegeville Township officials have managed to evade being supervised by the Stearns County Board of Commissioners regarding the township's destruction of a valuable filtering wetland connected to Big Fish Lake (the infamous "alley" between the Carlson and J.F. Peters' properties). You as Chairman, and each member of the Board, are required to exercise leadership in ensuring that no political subdivision acts in disregard of the laws and regulations that apply to all of us.

The example that you exhibit to the citizens of Stearns County is not one of strong leadership if you permit unimpeded agricultural run-off to diminish the water quality of Big Fish Lake. I strongly urge you to take immediate action to require the total repair and reconstruction of the natural ice ridge that was destroyed by Collegeville Township officials. You must also take action to prohibit any type of vehicle to use the natural drainage way for access to the lake. The buildup of an ice road due to the heavy packing of snow by vehicles will undoubtedly produce flooding of private property during spring run-off. Finally, you must prohibit any future cutting of grasses and other vegetation by Collegeville Township.

I implore you to act on these matters with all due speed and deliberateness. You are the leaders of Stearns County. It is time to do the right thing.

Very truly yours,

Ferdinand Peters

Ferdinand F. Peters

Dr. Knutson has completed lake studies on Big Fish since 1972

Dr. Keith M. Knutson
Consulting Limnologist
St. Cloud, Minnesota
612-253-6845

July 19, 1994

Big Fish Lake (DNR#73-0106) is classified by the Minnesota Pollution Control Agency as **Mesotrophic**, based on the average 4.1 meter Secchi disk water transparency from 1981 to 1993. A mesotrophic lake is transitional from clean ,very transparent good water quality, to turbid water of low water quality, with impairments that affect fish populations and recreation, and property values. Only 2 large mesotrophic drainage lakes exist in Stearns County, it is a treasure; Big Watab Lake being the other. **George Anderson's documented research on the lake in 1972, Dr. Knutson's documented monitoring studies in 1982, and 1987, all conclude that the lake is mesotrophic and in a sensitive transitional time period of its geological life.** Normal input of nutrients from the watershed will naturally age this lake, but direct erosion of soil, that carries adherent phosphorus, will greatly speed up the eutrophication or fertilization process. This analogy will render the transitional sensitivity more understandable. As soon as a new car hits the road its value begins to drop, but at a steady pace for the first few years. But when the first rust spots push through the paint of the frame, its value drops abruptly, the threshold of rust inhibitors has given out. Big fish lake is at the brink of experiencing "open rust spots", that final transition from good water quality to bad water quality. Any new additional amounts of soil and accompanying phosphorus will begin to push Big Fish Lake over the threshold and will have sufficient nutrients to change the algal community to the turbid water floating, and scum forming types found in eutrophic lakes in Stearns County.

April 30, 2001

Commissioner Rose Arnold
Stearns County Board of Commissioners

Dear Commissioner Arnold,

I recently spoke with you on the phone the first week of April about the runoff into Big Fish Lake.

We pay a hefty property tax for our little spot on the shore of Big Fish lake and we do our best to learn how to protect our natural resource. We are advised on the benefits of vegetating our own shoreline.

We do not appreciate the Spring and Summer runoffs from our neighboring shoreland natural drainageway and wetland that was bulldozed and mechanically butchered. Your negative action discounts our desire to preserve the shoreland protection impact zone. The cost of the restoration recovery plan, by a registered Civil Engineer, of the filter area is minimal. The restoration results would be priceless.

We fully understand the natural aging process of the lake. What we don't understand is your lack of eagerness to protect our natural resource. You display incredibly poor judgment for a very important filter system. (See page 126 in your 1996 water comprehensive plan.)

Man-made changes accelerate the lakes natural aging process. As the water quality declines, we loose a substantial amount of the value of our investment as well as the enjoyment of the lake. Since the LAP study, we know that Big Fish Lake is extremely sensitive in its trophic status.

We have read two letters from the DNR, stating that the County is clearly in charge and that restoration is what is best for the lake. Yet, in our phone conversation you implied that the Township is in charge. We just don't get it! You referred to the wetland-drainageway as a township road. That would be like telling me that my truck is a car!

This whole ordeal could have been over with years ago if you would have taken on your responsiblity from the beginning instead of shuffling it over to the township and referring to it as a township alley road access instead of what it was delineated as a shoreland wetland and drainageway.

We believe you are deliberately jeopardizing our investment by your lack of responsibility of leadership in protecting Big Fish Lake.

Rose, we are in your district, yet you let Leigh Lenzmeier make the motion to not honor the DNR requests for restoration, and then you voted in favor of his motion.

Perhaps Commissioner Lenzmeier would like to pay my property taxes.

Commissioner Mark Sakry was quoted in the St. Cloud Daily Times, that protecting our natural resources was one of his top three priorities. Well Hello Mark, here was your chance!

Stop pointing your fingers and reciting mis-information. Don't tell me that the Peters stopped a restoration plan. Get your facts straight. Just follow the protection laws and your water and land use comprehensive plans.

You should also be very concerned about the traffic, which poses a threat to public safety. The township added a sign last year that said no vehicle traffic which was ignored just like their no parking signs. And who authorized fill to be brought in for a road approach into the wetland?

We all fought hard to prevent the wetland destruction and now for too many years we have fought for the restoration.

Rose, we have done our homework. Now please do yours. Stop shrugging your duty. You can't deny your responsibility.

The County is "clearly" in charge and yet you are the only agency that refuses to restore it.

We expect the proper action now!

You have been told, "It's what's best for the lake."

Sincerely,

Dale, Emmy + Derek

COLLEGEVILLE TOWNSHIP
STEARNS COUNTY, MINNESOTA

May 29, 2001

Larry Haws, Chair
Stearns County Board of Commissioners
555 North 5th Avenue
St. Cloud, MN 56303

Dear Mr. Haws;

The Collegeville Township Board of Supervisors has received your letter dated May 22, 2001 regarding the long-debated Big Fish Lake Alleyway.

You may or may not be aware of the fact that the Big Fish Lake Association is currently working with the MPCA through the Clean Water Partnership Program to collect data, identify potential threats to water quality, and propose solutions to any problems found. Also involved with this project are the Sauk River Watershed District (Lynn Nelson), the Soil and Water Conservation District (Greg Berg), and Stearns County Environmental Services (Karen Voz).

While Collegeville Township recognizes that this is a recurring issue with the County, the Board of Supervisors feels that it is best to wait until the study is completed to address the concerns which have recently been brought to your board. It is doubtful that any conclusions may be reached from a meeting at this time. The Collegeville Township Board of Supervisors does not wish to jeopardize the efforts currently under way to assess and protect the quality of water of Big Fish Lake.

If you feel that there are specific issues which need to be addressed, perhaps they can be handled through the Lake Association and the current study efforts. Also, your Environmental Services Department has a great deal of background information on this issue, and may be able to inform the County Board of its relevance, and to keep the County Board abreast of developments and progress of the study.

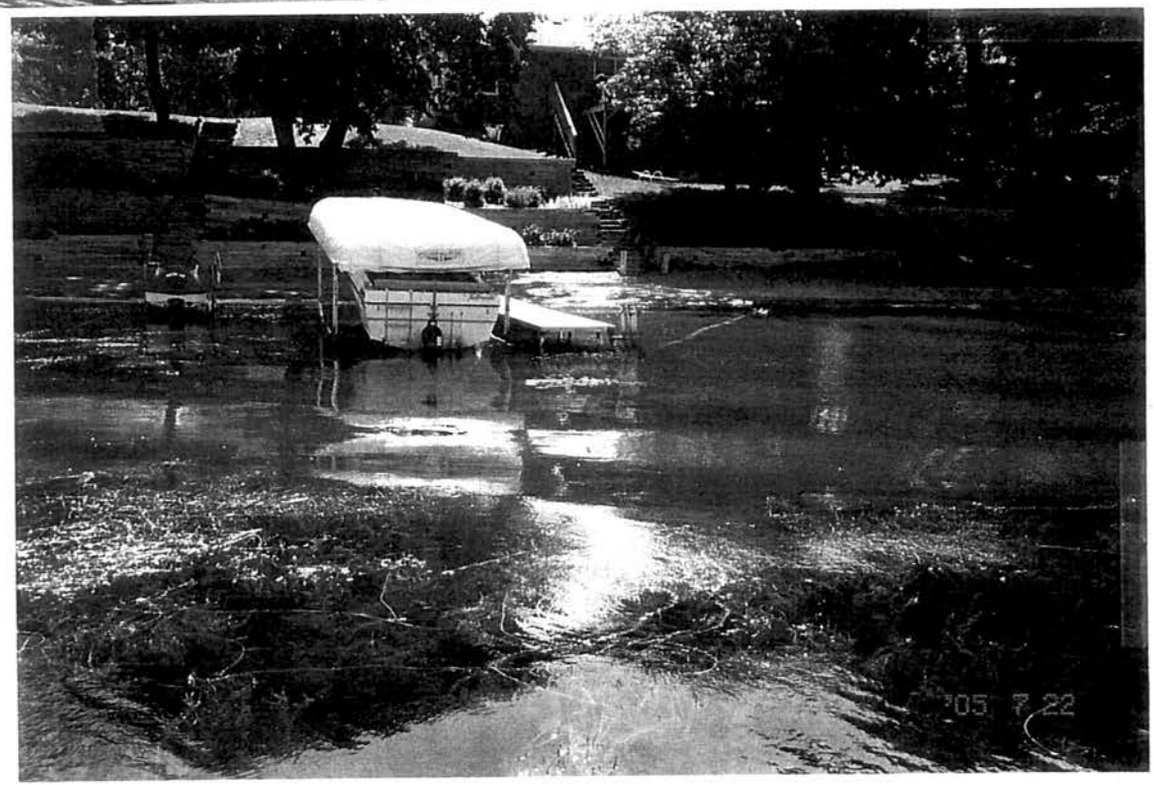
It is the opinion of the Collegeville Township Board of Supervisors that the issue is being sufficiently addressed through the efforts underway.

Sincerely,

Ken Hanson

Ken Hanson
Chair
Collegeville Township Board of Supervisors

Cc: Don Adams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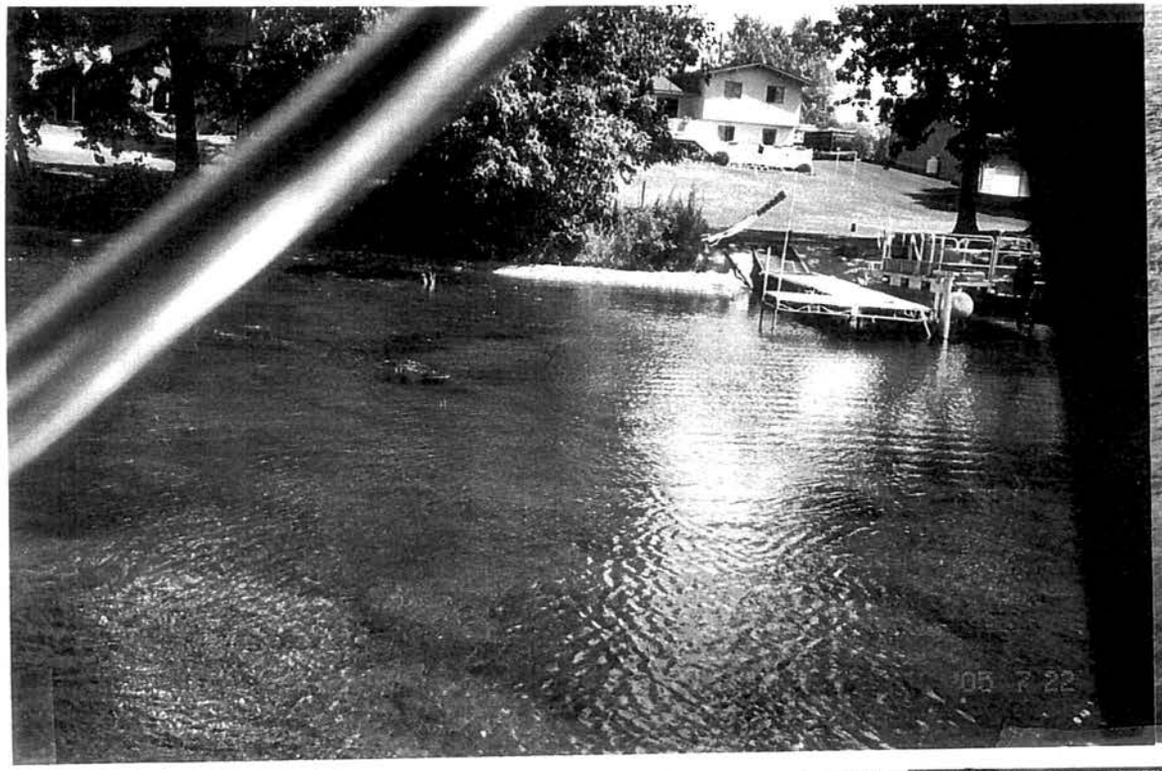

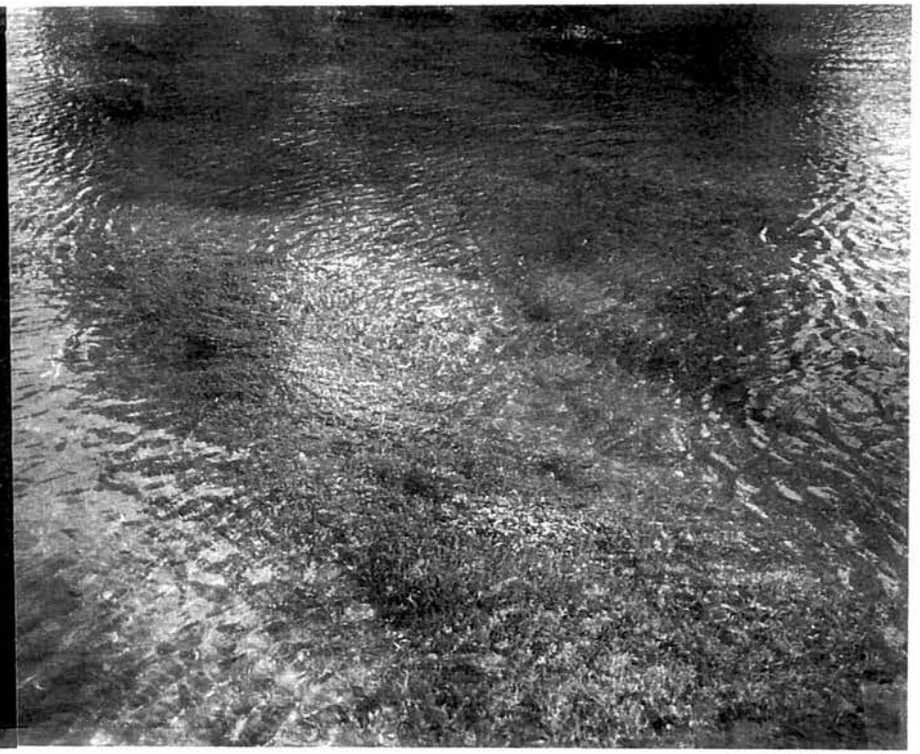

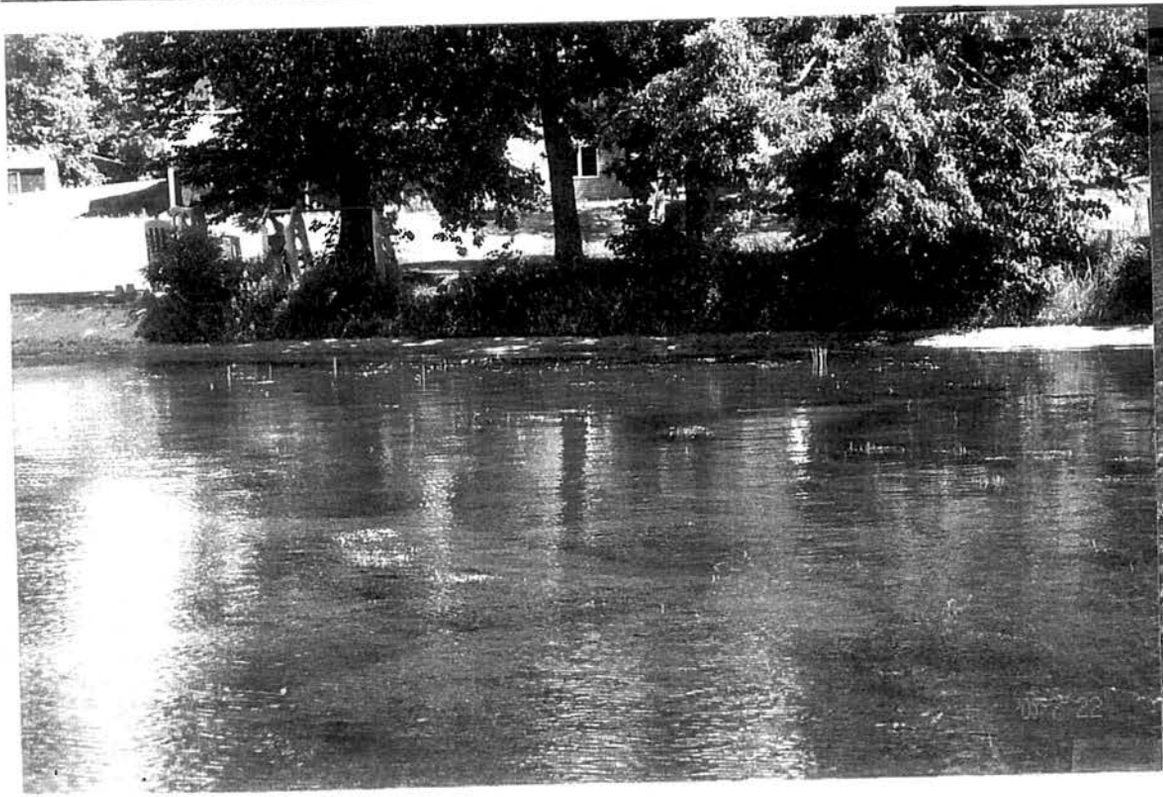

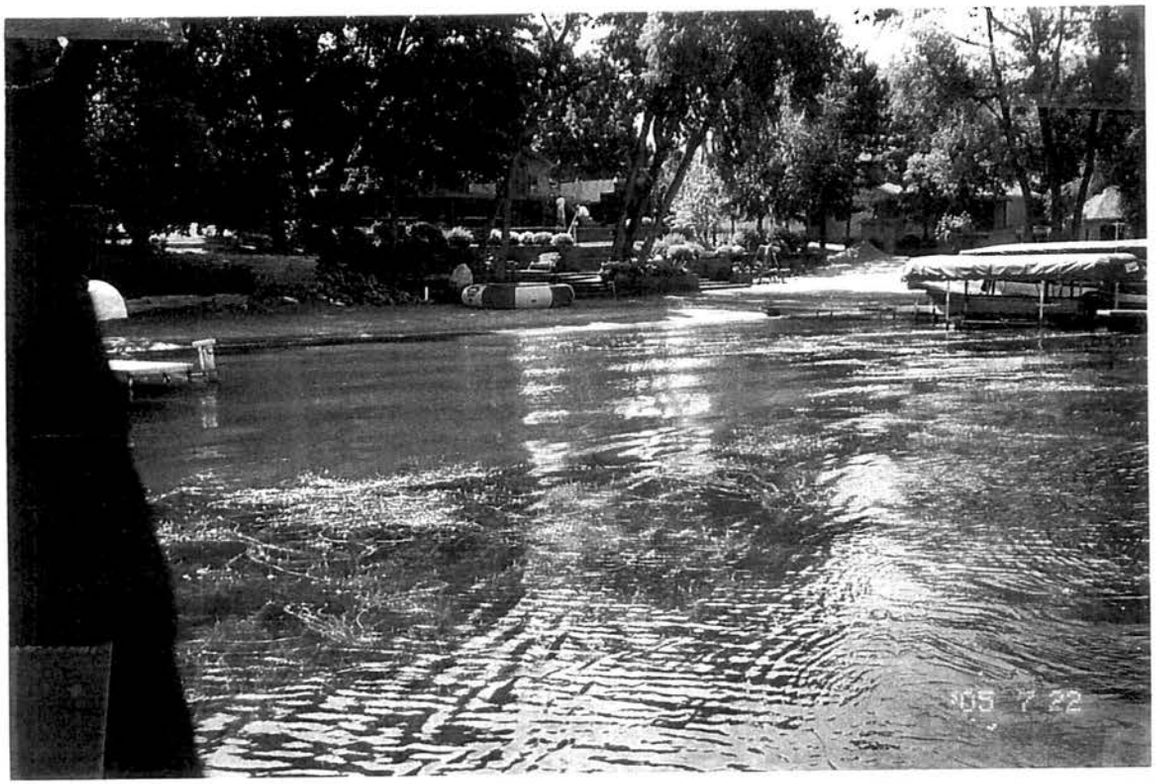
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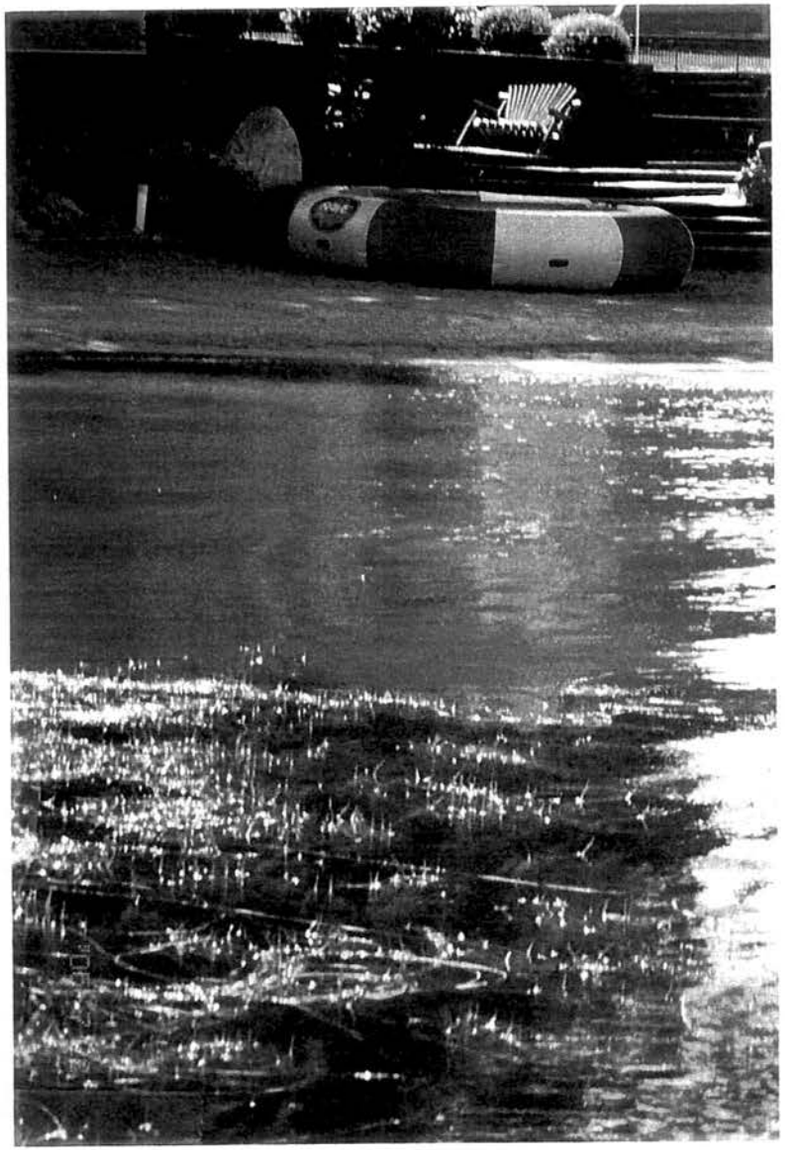


17 6 '05

The Wetland tried to come back - so the Township moved the wetland that they call "road access"

(1)

RINKE NOONEN
SEMINAR

Feb 9th 1996 Seminar by Rinke Noonan

SEMINAR SPEAKERS

NOTES FROM WOPATS SPEECH

February 9, 1996 - RINKE NOONEN SEMINAR, ST. CLOUD

Speaker, Ben Wopat, Chief Corp of Engineer and Lawyer

Wetlands are great purifiers for Mother Nature
Avoid - Minimize - Replace
Clean Water Act
Drippings from a bucket must be considered (fill)

Wetlands - isolated - no connection to lake.

Connection or adjacency - wetland adjacent to a river, stream, or lake must be preserved. No exemptions apply. Because it is a threat to the natural resource.
Example: cut off by a road, they didn't win because there was a ground water connection. Courtcases go back to the 30's.

Ben Wopat - is chief of the Regulatory Branch of the St. Paul District Corps of Engineers. He is directly involved in policy and enforcement of permits and jurisdiction throughout Minnesota.

James D. Ruyak - is area manager for the Mississippi Headwaters Lakes Project, U.S. Army Corps of Engineers.

Don Ogaard - is the executive director of the Red River Water Mgmt. Board and is a past member on the Board of Water & Soil Mgmt. Don has extensive experience with watershed district issues.

Frank Pafko - is director of Environmental Process Section of MN Dept. of Transportation. Frank has 16 years experience with transportation-related environmental issues with emphasis in wetlands. He is also prime author of MN DOT's wetland bank.

Ron Harnack - executive director, Board of Water and Soil Resources. Ron was instrumental in the development and passage of the 1991 Wetland Conservation Act.

case law

there was other testimony as well) that all three lakes exceed the minimum criteria: they serve as watersheds, have sediment and nutrient entrapment, have waterfowl habitat, exceed the minimum size of 10 acres, and have conditions of inflow which can recharge subsurface formations of water. Three of these categories—recharge, nutrient entrapment, and wildlife habitat—are very similar to three of the four uses rejected as *insubstantial* in aggregate under the old test in *Titrud v. Achterkirch*, 298 Minn. 68, 213 N.W.2d 408 (1973).

We hold the conclusions of the district court are justified by the evidence and the applicable legal authority. The 1973 statutory amendments reclassified plaintiff's lakes from private to public.

[3] The state next contends it should have a new trial for surprise and lack of notice because the trial court decided an issue that was not pleaded nor raised by either counsel, namely, the finding that the lakes were private before 1973 and the conclusion that a compensable taking therefore occurred by reason of the legislative reclassification. We disagree.

The state argues that if it received a new trial it would show the three lakes were public before 1973. At the hearing on the new trial motion, the state made no showing of what new evidence it might produce other than an affidavit indicating that in 1971 the DNR, in a classification of public waters for Crow Wing County, had listed Rice Lake and Tamarack Lake as public waters. But other than this there was no showing how the factual characteristics of the three lakes were any different before 1973 than after, and, indeed, at the trial evidence was received of the lake characteristics going back to at least the 1950's. Further, it is undisputed the DNR was aware Mr. Pratt was using a mechanical picker for about 20 years prior to 1975 and never objected. And, finally, the state does not dispute that the legal test for public waters was broadened after 1973.

Moreover, the state should not have been surprised, since the trial court, on its own initiative, raised the taking issue during the hydrologist's testimony, and counsel for the state responded that the court's questions would be answered in the trial briefs.[5]

This brings us, then, to the truly troublesome issue in this case. Was there a taking?

ownership

[4] 2. First of all, reclassifying and declaring waters to be "public" does not, by itself, constitute any taking in the constitutional sense. Ownership, in a proprietary sense, does not thereby pass to the state; rather, waters, once declared public, simply become subject to the protection and control of the state under its regulatory scheme. The state exercises this control by virtue of its police power. The state is said to hold title only in a sovereign capacity, as trustee for the public good, and not in a proprietary sense. *Lamprey v. State*, 52 Minn. 181, 198, 53 N.W. 1139, 1143 (1893); and *see Herschman v. State*, 303 Minn. 50, 225 N.W.2d 841 (1975); *State v. Longyear Holding Co.*, 224 Minn. 451, 478, 29 N.W.2d 657, 672 (1947).

1036.005

(f) Public navigation other than for recreational purposes;

(g) Wildlife habitat areas for the spawning, rearing, feeding, and nesting of wildlife; or

(h) Areas designated as scientific and natural areas pursuant to section 84.033.

This statute was amended again in 1979, deleting the phrase "beneficial public purpose." The three lakes in question still remain public waters under the new changes, however. Section 105.37, subd. 6, was repealed and replaced by subdivisions 14 and 15. Under these new provisions, the three lakes are now classified as type 4 and type 5 wetlands by the DNR—a classification pursuant to U. S. Fish and Wildlife Circular No. 39 and authorized by the statute. Minn.Stat. § 105.37, subd. 15 (1980). The statute, for most purposes, then declares that all wetlands are public waters. *Id.*, subdivision 14.

5. The trial court asked: "I guess what I am really getting at is that these regulations are based upon law in '74 promulgated in '76 and interfere with an established private use. Was there any method of paying just compensation for that interference within an established private use as required by the Constitution?" Counsel for the state responded, "I think some of the Court's questions will be answered in the briefs. I assume a lot of the questions will be answered in briefs."

Monday, April 15, 1996

Legals

STEARNS COUNTY BOARD OF COMMISSIONERS REGULAR SESSION TUESDAY, MARCH 19, 1996 9:00 A.M.

After reviewing a grant agreement making up to $80,580 in grant funds available from the Minnesota Board of Water and Soil Resources to aid in administering and implementing the Comprehensive Local Water Plan, the Wetland Conservation Act and the Shoreland Management Program, motion was made by Commissioner Sakry, seconded by Commissioner Lenzmeier and carried unanimously to adopt resolution 96-18, approving said grant agreement and authorizing an expenditure of $89,984 in cash and in-kind contributions to match said grant.

3/19/96

80,580

for
LOCAL Water Plan
+
Wetland Act
+
Shorland
Man. Ord

Neil & Kay Cook
20783 Eastway Court
Richmond, MN 56368
320-597-2794
neilkay@cloudnet.com

October 23, 2000

Dear Volunteer,

Thank you for volunteering to help with the Sauk River Watershed District's (SRWD) Comprehensive plan. We've met with the consultant that will facilitate this process and have additional information you will need in your final decision. We are asking for a time commitment from November through June 2001 per the project schedule. That doesn't mean you have to make EVERY meeting but it does mean that you will move forward with the group.

Be More Proactive — Identify the Red Flag areas / sensitive areas in the watershed

The reason we are proceeding this way with the plan is because we are being challenged by the Bureau of Water and Soil Resources (BWSR) to be more proactive. Previously the policy of the watershed was to wait for citizens to bring problems forward; that will change. The Managers and staff of the watershed will be charged with the responsibility to find where pollution (or another problem) originates and fix it. We need your help to seek these out and to help prioritize their importance.

manage our resources on a watershed basis

We will be focusing on the whole watershed; looking at how problems flow through the watershed and how we can stop them. Specific problems will not be our focus. You may not have a good idea of what a watershed is; or what pollution elements might be. If you're willing to ask questions, we need you. Then, we will ask you to help prioritize the importance of each problem. Once the plan is complete and approved by BWSR, watershed staff will develop practices to meet the goals set out in the plan.

Currently we're looking at one meeting in November (orientation type) and in December (workshop). January, February, and March meetings will be scheduled to actually develop the plan. One of the things we'll be asking you to do is 'talk up' meetings in this area to get more citizen involvement. After getting this input we'll be working on putting the plan together. The draft plan will go back to the public the same way. The project schedule suggests June 5, 2001, we'll have a public hearing for the completed plan. The plan will be revised further if necessary and then go before the BWSR review.

We are looking for volunteers in each Manager's section of the watershed from the Osakis area to Waite Park. If you know of someone willing to become involved that lives in this area please either ask them to call me or give me their number to call them. Monies have been dedicated to pay mileage at 30 cents per mile and a per diem. If you have other questions, please give me a call.

Sincerely,

Kay Cook

Kay Cook
Manager, SRWD

MN STATUTES 103B.311 Water Plan

Chapter P. 36
8420
Wetland Conservation Act Rules

Identify priority areas in next scheduled water management plan update on P. 126 - in Water Comp. Plan (enclosed)

STEARNS

COUNTY

COMPREHENSIVE

LOCAL

WATER PLAN

from Stearns County Water Comprehensive Plan

Permit 17 (GP 17). General Permit 17 represents the first step towards "one stop shopping" relative to wetland regulations. General Permit 17 is issued for a 5 year period. The County, however, does not intend to stop with GP 17 authority and will be exploring the delegation of additional permit authority regarding other types of wetland activities.

To improve implementation and administration of the wetland program County, staff meet monthly with the Corps of Engineers, Board of Water and Soil Resources, and Soil and Water Conservation District. This continual review process allows the County to expedite services relative to the wetland programs.

Stearns County was eligible for additional funding because of the GP 17 authority. A grant of $42,000 was awarded and will be matched with $42,000 in local dollars or in kind services. Of the $84,000 total, $70,000 will be used to digitize the County soil maps, USFWS wetland inventory maps and USDA farmed and converted wetland maps. Digitizing these maps in a GIS format will be a tremendous time saver and serve as an excellent information source when dealing with wetland matters. The County will begin digitizing the soil maps in late 1995. The grant runs to January 1, 1997.

3. WETLAND PRIORITIES

Stearns County could designate the entire County as a high priority area for wetland preservation, enhancement, restoration, and establishment because we have less than 50% of the original wetland acres remaining. The County's goal, however, is to develop a comprehensive wetland plan which will identify specific high priority areas within the County where preservation, enhancement, restoration, and establishment of wetlands would have a high public value by providing benefits for water quality, flood water retention, public recreation, and wildlife habitat.

The first step in achieving this goal is to conduct an inventory of existing wetlands in the County. Once the wetland inventory is complete, the County will be better able to apply the parameters contained Minnesota Rules Section 8420.0350 and designate high priority areas which will provide the maximum benefits to water quality, flood water retention and wildlife habitat.

The development of a comprehensive wetland plan and policy will take time to complete and certain wetland areas need prioritization during the interim. Stearns County recognizes that the public waters and public waters wetlands are two of the County's most valuable resources and deserve special consideration. Wetlands adjacent to these public water bodies are important and are an integral part of the ecosystem of the public waters or public water wetlands and should have a high priority for preservation. In addition, the isolated wetlands within defined shoreland management areas are important to the watershed of the public waters or public water wetlands and should have a high priority for preservation.

Stearns County also recognizes the importance of wetland areas to endangered species such as the Blanding's turtle. In the absence of a County Biological Inventory it is, however, difficult to prioritize preservation areas with this purpose in mind.

Priority

In summary, the goal is to complete a comprehensive wetland plan within the next 5 years. In the interim, however, adjacent wetlands to public waters and public waters wetlands and isolated wetlands within defined shoreland management areas should be designated as high priority areas for preservation, enhancement, restoration, and establishment.

BSWR - Board Chairman said they have to follow their comp plan

Governor Pawlenty's Clean Water Cabinet

Robert Schroeder, Governor's Office

Sheryl Corrigan, Commissioner, Pollution Control

Gene Hugoson, Commissioner, Agriculture

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

Dianne Mandernach, Commissioner, Health

Gene Merriam, Commissioner, Natural Resources

Peter Bell, Chair, Metropolitan Council

Wetland Vision and Strategies

February 3, 2006

Minnesota is blessed with an abundance of wetlands. They help support diverse and abundant fish and wildlife populations and play an integral part in protecting water quality, replenishing ground water resources and minimizing flooding. An evolving recognition of wetland values and benefits has led us away from programs that encourage drainage and filling to those that restore wetlands and regulate impacts. Today, the state and its partners are undertaking a number of initiatives to further protect and enhance wetlands. This statement provides a framework for integrating these efforts.

Vision

We will protect, restore and enhance the values and benefits Minnesotans receive from wetlands, adding to their quantity, quality and biological diversity. We will do this by coordinating spending, policy and partnerships to implement our priority strategies.

Strategies

Improve accounting and reporting. By October 2006, we will adopt a system for wetlands reporting and accounting that provides a sound basis for assessing program effectiveness, improving policy and setting priorities.

Target restorations. By September 2006, we will target restorations to enhance wetland values and optimize benefits, recognizing regional differences and strategically locating mitigation sites, banking sites and voluntary restorations.

Simplify conservation efforts. By July 2007, we will coordinate and integrate local, state and federal regulation and restoration to provide clear direction, increase efficiency, improve accounting, promote participation and improve environmental benefits.

Reduce wetland losses. By August 2007, we will implement opportunities in the Wetland Conservation Act framework to protect existing wetlands.

Engage partners. We will engage interested Minnesotans and leverage partnerships to ensure the success of these efforts.

PROJECT: BIG FISH LAKE - PHOSPHORUS FROM 20' DRAINAGEWAY | DATE: | SHEET: 1 OF 2

LOCATION: | PRELIM. | FINAL

CUSTOMER NAME:

TELEPHONE NO.:

CALCULATED BY:

USE AVG FLOW of 500,000 GAL/YEAR - CAN VARY FROM 100,000 GAL/YEAR TO 1.6 MILLION GAL/YEAR
500,000 GAL @ 3.785 l/GAL = 1,892,500 l IN 500,000 GAL.

1995 - 3/13/95 - T. PHOS = 510 ug/l = 0.51 mg/l
1,892,500 l x 0.51 mg/l = 965,175 mg = 965.2 gms
965.2 gms / 453.6 gms/lb = 2.13 lbs PHOS

1996 - 4/14/96 - T. PHOS = 1100 ug/l = 1.10 mg/l
1,892,500 l x 1.10 mg/l = 2,081,750 mg = 2,082 gms
2,082 gms / 453.6 gms/lb = 4.59 lbs PHOS

1997 - 4/1/97 - T. PHOS = 200 ug/l = 0.20 mg/l
1,892,500 l x 0.20 mg/l = 378,500 mg = 378.5 gms
378.5 gms / 453.6 gms/lb = 0.84 lbs PHOS

1998 - - T. PHOS = 460 ug/l = 0.46 mg/l
1,892,500 l x 0.46 mg/l = 870,550 mg = 870.6 gms
870.6 gms / 453.6 gms/lb = 1.92 lbs PHOS

1999 - 2/28/99 - 690 ug/l = 0.69 mg/l
1,892,500 l x 0.69 mg/l = 1,262,355 mg = 1,262.4 gms
1,262.4 gms / 453.6 gms/lb = 2.78 lbs PHOS

2000 - - T. PHOS = 1040 ug/l = 1.04 mg/l
1,892,500 l x 1.04 mg/l = 1,902,680 mg = 1,902.7 gms
1,902.7 gms / 453.6 gms/lb = 4.2 lbs PHOS

2001 - 4/9/01 - T. PHOS = 750 ug/l = 0.75 mg/l
1,892,500 l x 0.75 mg/l = 1,419,375 mg = 1,419.4 gms
1,419.4 gms / 453.6 gms/lb = 3.13 lbs PHOS

1993, 1994, 2002, 2003, 2004, 2005 } THESE 6 YEARS WERE NOT TESTED

= 19.59 lbs PHOS
x 500 lbs ALGAE PER lb PHOS

= 9,795 lbs ALGAE / 7 YEARS

PROJECT	DATE	SHEET 2 OF 2
LOCATION	PRELIM.	FINAL
CUSTOMER NAME	CALCULATED BY:	
TELEPHONE NO.		

FOR STREAM FLOW WE USED THE MANNING FORMULA FOR FLOW THRU NATURAL STREAM CHANNELS

$$L = \frac{K Q^{5/8} S^{3/16}}{n^{3/8} f}$$

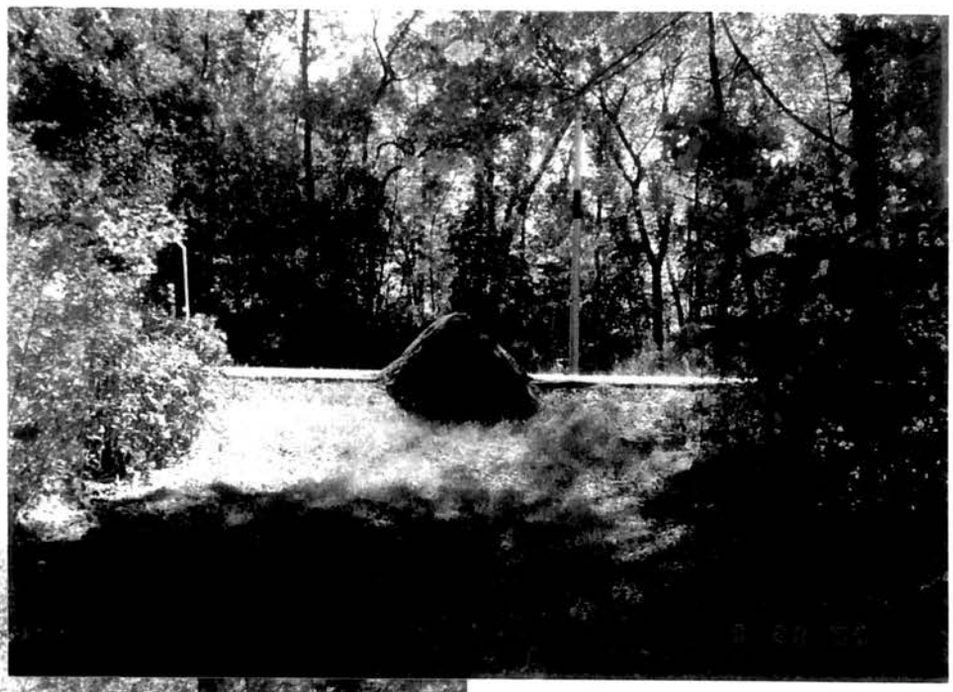
WHERE L = LENGTH of SWALE (STREAM CHANNEL)
K = SIDE SLOPE CONSTANT
Q = AVERAGE RUNOFF FLOW RATE
S = LONGITUDIONAL SLOPE
f = INFILTRATION RATE
n = MANNING COEFFICIENT FLOW WITH A FREE SURFACE

AREA TO BE FILTERED = 20 ACRES = 870,400 SQFT.

FILTER AREA (MAX) IF LEFT ALONE = 25000 SQFT.

RATIO = 3% → MAX of 4%

A road approach by the Township into the drainage swale.



TO THE LAKE

The following recommendations are based on the 1994 Lake Assessment Program (LAP) study of Big Fish Lake:

1. Big Fish Lake is extremely sensitive to change in trophic status because it presently has very low phosphorus and chlorophyll concentrations. Relatively minor increases in the nutrient loading rates from any watershed or in-lake sources, which would increase the in-lake phosphorus concentration, can degrade the lake. It is essential, therefore, that lake protection efforts be conveyed by all local government groups with land use/zoning authorities for Stearns County. The Association should be commended for their efforts to date, which include interacting with Stearns County, and participating in the CLMP and LAP programs. To complement these efforts, the Association should develop a plan for protecting the water quality of the lake. This plan, referred to as a lake management plan, should incorporate a series of activities in a prioritized fashion which will aid in the long-term protection and improvement of the lake. The plan should be developed cooperatively by a Committee consisting of representatives from State Agencies (e.g., MDNR, MPCA, BWSR), local units of government, and lake association members. The following activities could be included in the plan:

2. The 1994 water quality of Big Fish Lake is very good relative to other lakes in the ecoregion. It could, however, exhibit a measurable decline in transparency, increases in the amount of algae, and possibly increases in the amount of rooted vegetation with a fairly small increase in in-lake total phosphorus. Changing land use practices (i.e. increased urbanization), poor management of shorelands, draining of wetlands in the watershed, nonconforming septic systems, and runoff from feedlots provide the greatest likelihood for changes in phosphorus loading.

   Conversely, a reduction of the amount of nutrients that enter the lake may result in improved transparency and a reduction in algal concentrations. One means of reducing nutrient input is by implementing best management practices (BMPs) in the watershed (land management activities used to control nonpoint source pollution). Technical assistance in BMP implementation may be available through local resource management agencies. The Association should continue to work with the Sauk River Watershed District, Stearns SWCD and Stearns County Planning and Zoning to examine land use practices in the watershed and develop strategies for reducing the transport of nutrients to the lake. It may be wise to first focus efforts on the watershed near the lake first and then proceed back into the rest of the watershed.

   Restoring or improving wetlands in the watershed may also be beneficial for reducing the amount of nutrients or sediments which reach Big Fish Lake. The U.S. Fish and Wildlife Service at Fort Snelling may be able to provide technical and financial assistance for these activities.

UNIVERSITY OF MINNESOTA
Soil Testing Laboratory

SOIL TEST REPORT
Lawn and Garden

Department of Soil, Water, and Clim
Horticultural Science Department
Minnesota Extension Service
Agricultural Experiment Station

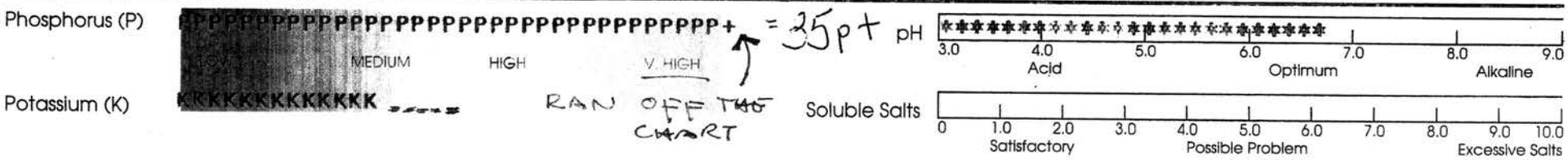
PO BOX 454
27203 HIDDEN COVE RD
COLD SPRING MN 56320

Report No. 2917
Laboratory No. 6414
Date Received 04/16/97
Date Reported 04/17/97

Soil Test Results

Sample Designation	Soil Texture	Soil pH	Buffer Index	Organic Matter	P Phosphorus (ppm)	K Potassium (ppm)	Soluble Salts (mmhos)
2	COARSE	6.7		LOW	(BRAY 1) 51 PPM X 2	76 = LB/ACRE	

INTERPRETATION OF SOIL TESTS



RECOMMENDATIONS FOR: EVERGREEN TREES/SHRUBS

TOTAL AMOUNT OF EACH NUTRIENT TO APPLY PER YEAR:

NITROGEN	PHOSPHATE	POTASH
0.2 LB/100 SQ.FT.	0 LB/100 SQ.FT.	0.1 LB/100 SQ.FT.

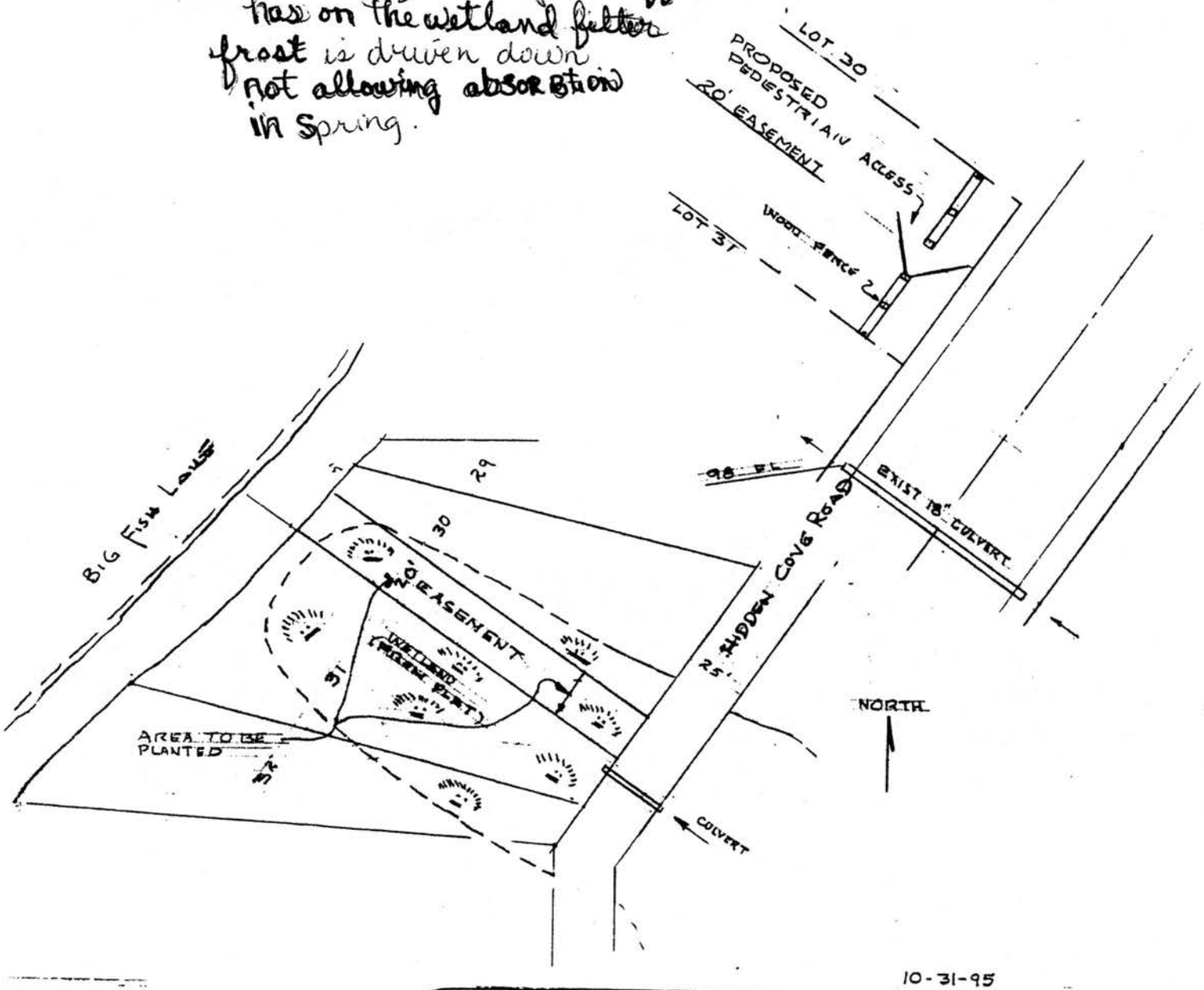
THE APPROXIMATE RATIO OR PROPORTION OF THESE NUTRIENTS IS: 10- 0- 5 OR 20- 0-10
USE A FERTILIZER WITH THE PERCENTAGE OF NUTRIENTS CLOSEST TO THE ABOVE RATIO.
DETERMINE THE AMOUNT REQUIRED FROM THE INSTRUCTIONS GIVEN ON THE BACK SIDE OF THE REPORT.
SINCE MEETING THE EXACT AMOUNT REQUIRED FOR EACH NUTRIENT WILL NOT BE POSSIBLE IN MOST CASES, IT'S MORE IMPORTANT TO APPLY THE AMOUNT OF NITROGEN REQUIRED AND COMPROMISE SOME FOR PHOSPHATE AND POTASH.

APPLY FERTILIZER EVENLY ON THE GROUND IN THE SPRING BEFORE GROWTH STARTS. FOR TREES WITH LARGE CANOPIES, APPLY THE FERTILIZER UNIFORMLY UNDER THE CANOPY AND EXTENDING BEYOND 3-6 FEET. AS AN ALTERNATIVE, ADD PROPORTIONAL AMOUNTS TO 1-2 INCH DIAMETER HOLES DRILLED 12-16 INCHES DEEP AT 3 FT. OR MORE FROM THE TRUNK. USE LESS DEPTH AND SPACING FOR SHRUBS. FOR NEW PLANTINGS, USE 1/10 OF THE ABOVE AMOUNTS MIXED INTO THE BACKFILL. DO NOT ALLOW THE FERTILIZER TO COME INTO CONTACT WITH THE ROOTS.

EXTENSION EDUCATOR

John Wilkenson

Will not allow traffic - will not sign it if they want traffic because of the negative effect it has on the wetland filter frost is driven down not allowing absorption in Spring.



IMPROVEMENT PLAN
FOR
DRAINAGE EASEMENT
COLLEGEVILLE TOWNSHIP
GOVT LOT SECTION 26

SCOPE OF WORK

1. REPLACE ICE RIDGE
2. PLANT FLOOD PLAIN TREE IN PLATTED WETLAND
3 CONSTRUCT FENCE

RECOMMENDED TREES
SILVER MAPLE
ASH
RIVER WILLOW
HACKBERRY
ELM

1-26-96

I hereby certify that this plan specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of Minnesota

Date 10/31/95 Reg. No. 13229

SHT 1 OF 3

From: Ron Harnack
To: Deal, Jerome; Kramer, Randy; Ron Harnack
Date: 5/23/2006 8:30:37 AM
Subject: Legislative Finals

Bonding Bill HF 2959 - Conference Committee Report -

http://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=ccrhf2959.html&session=ls84&print=1

Line reference by Agency:
DNR - 15.28 to 25.15;
PCA - 25.16 to 26.14;
BWSR - 26.15- 27.27;
AGR - 27.34 - 28.80
DEED - 42.29 to 52.21 (Clean Water Legacy 46.31 to 47.10)

BWSR Appropriations:

- CREP	$ 0
- Wetland Road Replacement	$ 4,200,000
- Stream/Lake Sedmt & Erosion Control (CWL)	$ 1,000,000
- AREA 2	$ 500,000
- Grass Lake	$ 2,200,000

SF 762 Clean Water Legacy Conf Cmt Report.

- http://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=ccrsf0762.html&session=ls84

HF 4162 Supplemental Budget Conference Committee

Clean Water Legacy $ 15M was agreed to in conference committee. The Conf Cmt Report Reference:

http://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=ccrhf4162.html;0&session=ls84e

Allocation specifics attached.

SF 2973 Article 2, Section 15/20 - WD Termination Petition Amended & Bond Requirement Repealed - SF was the vehicle for a number of bills and passed both the Senate and House.

Sec. 20. REPEALER.

Minnesota Statutes 2004, sections 89.011, subdivisions 1, 2, 3, and 6; and 103D.271, subdivision 6, are repealed.

Sec. 15. Minnesota Statutes 2004, section 103D.271, subdivision 7, is amended to read:

subd. 7. Termination hearing order. When the board determines a termination petition has been filed that meets the requirements of subdivisions 4 and 5 (*and the petitioners' bond has been filed)*, (language repealed) the board must, by order, set a time by 35 days after its determination and a location within the watershed district for a termination hearing.

Game & Fish SF2974/3116 Conf Cmt Report:

http://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=ccrhf3116.html&session=ls84

The SN bill had the buffer study language and the HS did not. The Conf Cmt agreed to remove the language from the bill.

ARTICLE 10
CLEAN WATER LEGACY

Section 1. **CLEAN WATER LEGACY APPROPRIATIONS.** The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund to the agencies and for the purposes specified in this article. Unless otherwise specified, the appropriations in this article are available for the fiscal year ending June 30, 2007. Appropriations in this article that are encumbered under contract, including grant contracts, on or before June 30, 2007, are available until June 30, 2009. All the appropriations in this article are onetime appropriations. The appropriations in this article must be used to protect, restore, and preserve the quality of Minnesota's surface waters. Allowable activities include surface water assessments, program activities that target identified impairments, and development of total maximum daily load studies (TMDL's) as required by section 303(d) of the federal Clean Water Act, United States Code, title 33, section 1313(d), and applicable federal regulations.

SUMMARY BY FUND

	2007 TOTAL
General	$ 15,000,000 $ 15,000,000

APPROPRIATIONS

	Available for the Year Ending June 30 2007

Sec. 2. **POLLUTION CONTROL AGENCY** $ 5,030,000

This appropriation may be spent for the following purposes:

(a) Statewide assessment of surface water quality and trends 1,860,000

Up to $1,010,000 is available for grants or contracts to support citizen monitoring of surface waters.

(b) Develop TMDL's and TMDL implementation plans for waters listed on the United States Environmental Protection Agency approved 2004 impaired waters list 3,170,000

Up to $1,740,000 is available for grants or

contracts to develop TMDL's.

Sec. 3. **PUBLIC FACILITIES AUTHORITY**

100,000

Small community wastewater treatment loans and grants

100,000

Sec. 4. **AGRICULTURE DEPARTMENT**

2,400,000

This appropriation may be spent for the following purposes:

(a) Agricultural best management practices loan program

1,200,000

For loans to producers and rural landowners. This appropriation is available until spent. At least $1,000,000 is available for pass-through to local governments and lenders for low-interest loans.

(b) Technical assistance

400,000

To expand technical assistance to producers and conservation professionals on nutrient and pasture management, target practices to sources of water impairments, coordinate federal and state farm conservation programs to fully utilize federal conservation funds, and expand conservation planning assistance for producers. $210,000 is available for grants or contracts to develop nutrient and conservation planning assistance information materials.

(c) Research, evaluation, and effectiveness monitoring of agricultural practices in restoring impaired waters

800,000

Sec. 5. **BOARD OF WATER AND SOIL RESOURCES**

5,840,000

All of the money appropriated in this section as grants to local governments shall be administered through the Board of Water and Soil Resources' local water resources protection and management program under Minnesota Statutes, section 103B.3369. This appropriation may be spent for the following purposes:

(a) Targeted nonpoint restoration cost-share and incentive payments

1,500,000

Up to $1,400,000 is available for grants.

(b) Targeted nonpoint restoration technical, compliance, and engineering assistance activities

2,000,000

Up to $1,800,000 is available for grants.

(c) Reporting and evaluation of applied soil and water conservation practices

200,000

(d) Grants to implement county individual sewage treatment system programs

730,000

(e) Grants to support local nonpoint source protection activities related to lake and river protection and management

1,410,000

Sec. 6. **DEPARTMENT OF NATURAL RESOURCES**

1,630,000

This appropriation may be spent for the following purposes:

(a) Statewide assessment of surface water quality and trends

280,000

(b) Acquire high priority, sensitive riparian lands

500,000

(c) Forest stewardship planning and implementation; research, evaluation, and monitoring; and technical assistance to local units of government

850,000

Sec. 7. Minnesota Statutes 2004, section 114D.30, subdivision 2, as added by 2006 S.F. No. 762, if enacted, is amended to read:

Subd. 2. **Membership; appointment.** The commissioners of natural resources, agriculture, and the Pollution Control Agency, and the executive director of the Board of Water and Soil Resources shall appoint one person from their respective agency to serve as a member of the council. Agency members serve as nonvoting members of the council.

Nineteen additional nonagency members of the council shall be appointed by the governor as follows:

(1) two members representing statewide farm organizations;

(2) two members representing business organizations;

(3) two members representing environmental organizations;

(4) one member representing soil and water conservation districts;

(5) one member representing watershed districts;

(6) one member representing nonprofit organizations focused on improvement of Minnesota lakes or streams;

(7) two members representing organizations of county governments, one member representing the interests of rural counties and one member representing the interests of counties in the seven-county metropolitan area;

(8) two members representing organizations of city governments;
(9) one member representing the Metropolitan Council established under section 473.123;
(10) one township officer;
(11) one member representing the interests of tribal governments;
(12) one member representing statewide hunting organizations;
(13) one member representing the University of Minnesota or a Minnesota state university; and
(14) one member representing statewide fishing organizations.
Members appointed under clauses (1) to (14) must not be registered lobbyists. In making appointments, the governor must attempt to provide for geographic balance. The members of the council appointed by the governor are subject to the advice and consent of the senate.

Sec. 9. **BOARD OF WATER AND SOIL RESOURCES**

Subdivision 1.To the Board of Water and Soil Resources for the purposes specified in this section

7,900,000

Subd. 2.**Wetland replacement due to public road projects**

4,200,000

$700,000 is from the general fund to administer the program.

To acquire land for wetlands or restore wetlands to be used to replace wetlands drained or filled as a result of the repair, maintenance, or rehabilitation of existing public roads as required by Minnesota Statutes, section 103G.222, subdivision 1, paragraphs (k) and (l).

The purchase price paid for acquisition of land, fee, or perpetual easement must be the fair market value as determined by the board. The board may enter into agreements with the federal government, other state agencies, political subdivisions, and nonprofit organizations or fee owners to acquire land and restore and create wetlands and to acquire existing wetland banking credits. Acquisition of or the conveyance of land may be in the name of the political subdivision.

Subd. 3.**Streambank, Lakeshore Erosion Control**

1,000,000

For grants to soil and water conservation districts for streambank, stream channel, lakeshore, and roadside protection and restoration projects through the state cost-share program under Minnesota Statutes, section 103C.501.

Subd. 4. **Minnesota River Area II** 500,000

For grants to assist local governments in Area II of the Minnesota River Basin to acquire, design, and construct floodwater retention systems. The grants are not available until the board determines that $1 has been committed to the project from nonstate sources for every $3 of state grant.

Subd. 5. **Grass Lake** 2,200,000

To acquire conservation easements, reroute County Ditch 23A, construct water control structures, and plant vegetation in order to restore the Grass Lake prairie wetland basin adjacent to the city of Willmar in Kandiyohi County.

COMPARISON

G16 - Governor's - House - Senate-CONF CWLA General Fund/Bonding/ENRTF Expenditure by Agency and Function

MPCA	G16	GovRec	HOUSE	SENATE	CONF
Monitoring at 32 of 80 Milestone sites per year and collecting chemistry at 86 flow sites	$0.195	$0.195	$0.195	$0.195	$0.195
Biological, chemical and physical sampling at 600 sites per year by FY09	$0.330	$0.330	$0.330	$0.330	$0.330
MPCA/Local Org Chem & Lab costs for Citizen Stream Monitoring Program and pass through money to ~81 local organizations.	$0.510	$0.510	$0.305	$0.510	$0.510
Assessment of 100 lakes per year by FY09, starting with lakes over 500	$0.100	$0.100	$0.100	$0.100	$0.100
MPCA/Local Orgs Chemistry and lab costs for Citizen Lake Monitoring Program expansion and pass through money to lake organizations.	$0.500	$0.500	$0.295	$0.500	$0.500
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	$0.150	$0.150	$0.150
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	$0.390	$0.390	$0.390
MPCA-led TMDLs: - Development of TMDLs, including monitoring, land use assessment, data analysis, modeling, load allocations, document preparation, public participation	$1.350	$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.	$1.430	$1.430	$1.430	$1.430	$1.430
MPCA Total	**$5.030**	**$5.030**	**$4.620**	**$5.030**	**$5.030**

DNR	G16	GovRec	HOUSE	SENATE	CONF
DNR/USGS flow monitoring at 86 sites	$0.150	$0.150	$0.150	$0.150	$0.150
Lake biological monitoring	$0.080	$0.080	$0.080	$0.080	$0.080
Mercury in fish tissue trend monitoring	$0.050	$0.050	$0.050	$0.050	$0.050
Forest stewardship plans on private riparian forest lands	$1.000	$0.200	$0.000	$0.200	$0.200
Fee title acquisition and easements of high priority, sensitive riparian lands that provide high value for watershed protection	$0.000	$0.000	$1.140	$0.000	$0.640
Fee title acquisition and easements of high priority, sensitive riparian lands that provide high value for watershed protection	$1.000	$1.000	$0.000	$1.000	$0.500
Research, reporting, evaluation & monitoring	$0.400	$0.400	$0.000	$0.400	$0.400
Agency implementation costs to expand capacity to provide technical assistance to local units of government	$0.500	$0.250	$0.200	$0.250	$0.250
DNR Total	**$3.180**	**$2.130**	**$1.620**	**$2.130**	**$2.270**

BWSR	G16	GovRec	HOUSE	SENATE	CONF
Targeted Financial Assistance: BWSR - Cost-Share & Incentive payments	$2.500	$1.500	$0.875	$1.500	$1.500
Targeted Technical Assistance to support practice implementation	$2.000	$1.000	$0.875	$1.000	$1.000
Grants to SWCD's for engineering and technical assistance	$2.000	$1.000	$0.700	$1.000	$1.000
Research, reporting, evaluation & monitoring (e-link)	$0.200	$0.200	$0.200	$0.200	$0.200
Comprehensive Local Water Management	$1.500	$1.500	$0.500	$1.500	$1.410
Streambank, stream channel, lakeshore road	$2.500	$0.000	$2.500	$0.000	$1.000
County ISTS	$0.730	$0.730	$0.250	$0.730	$0.730
BWSR Total	**$11.430**	**$5.930**	**$5.900**	**$5.930**	**$6.840**

COMPARISON

G16 - Governor's - House - Senate-CONF CWLA General Fund/Bonding/ENRTF Expenditure by Agency and Function

MDA	G16	GovRec	HOUSE	SENATE	CONF
Targeted Financial Assistance: MDA - AgBMP Loan Program	$2.200	$1.400	$1.000	$1.400	$1.200
Technical assistance for nutrient and pasture management	$0.400	$0.400	$0.300	$0.400	$0.400
Promotion of Priority practices in impaired watersheds	$0.100	$0.100	$0.000	$0.100	$0.000
Conservation planning assistance	$0.300	$0.300	$0.000	$0.300	$0.000
Research, reporting, evaluation and monitoring	$1.000	$0.400	$0.200	$0.400	$0.800
MDA Total	**$4.000**	**$2.600**	**$1.500**	**$2.600**	**$2.400**

PFA	G16	GovRec	HOUSE	SENATE	CONF
Small Community Septic low interest loans and direct assistance to local governments or private landowners with permanent easement for septic systems	$0.900	$0.900	$1.000	$0.900	$0.000
Small Community Septic Tech Assistance through PFA to Extension on small community septic	$0.100	$0.100	$0.000	$0.100	$0.100
75% grants for phosphorus treatment infrastructure	$10.000	$2.000	$7.000	$2.000	$2.310
TMDL Grant Program - Grants to municipalities to cover up to one-half 50 percent of the cost of wastewater treatment or stormwater projects made necessary by wasteload reductions under TMDL's required by the CWA	$0.000	$0.000	$3.000	$5.000	$5.000
Funds for low interest loans for qualified public infrastructure projects - change in $40.	$5.360	$1.310	$4.000	$1.310	$1.000
PFA Total	**$16.360**	**$4.310**	**$15.000**	**$9.310**	**$8.410**

Total FY2007 Clean Water Legacy Act Expenditures	**$40.000**	**$20.000**	**$28.640**	**$25.000**	**$24.950**

General Fund Expenditure	**$20.240**	**$20.000**	**$13.000**	**$20.000**	**$15.000**
Capital Budget Expenditure	$19.760	$0.000	$14.500	$5.000	$9.310
???ETF Expenditure (FY2006-FY2007)???	$0.000	$0.000	$1.140	$0.000	$0.640
Total FY2007 Clean Water Legacy Act Expenditures	**$40.000**	**$20.000**	**$28.640**	**$25.000**	**$24.950**

CWLA + TMDL GRANT PROGRAM TOTAL BY FUNCTION	G16	GovRec	HOUSE	SENATE	CONF
Assessment & Monitoring Subtotal	**$2.140**	**$2.140**	**$1.730**	**$2.140**	**$2.140**
TMDL Development Subtotal	**$3.170**	**$3.170**	**$3.170**	**$3.170**	**$3.170**
Nonpoint Source Protection & Restoration Subtotal	**$19.330**	**$11.380**	**$9.740**	**$11.380**	**$11.330**
Point Source Protection & Restoration Subtotal	**$15.360**	**$3.310**	**$14.000**	**$8.310**	**$8.310**
TOTAL	**$40.000**	**$20.000**	**$28.640**	**$25.000**	**$24.950**

CWLA PERCENTAGE BY FUNCTION	G16	GovRec	HOUSE	SENATE	CONF
Assessment & Monitoring Subtotal	5.350%	10.700%	6.041%	8.560%	8.577%
TMDL Development Subtotal	7.925%	15.850%	11.068%	12.680%	12.705%
Nonpoint Source Protection & Restoration Subtotal	48.325%	56.900%	34.008%	45.520%	45.411%
Point Source Protection & Restoration Subtotal	38.400%	16.550%	48.883%	33.240%	33.307%

Dispute Resolution Report
May 11, 2006
by Jim Haertel

There are presently eighteen appeals pending. All of the appeals involve WCA except number 05-24. There have been three new appeals filed since the last report dated April 13.

File 16-15. This is a new appeal of a Restoration Order in Isanti County. At issue is excavation in a Type 5 wetland. No decision has been made on the appeal.

File 06-14. This is a new appeal of a Replacement Order in the City of Green Isle in Sibley County. A replacement plan was approved, replacement wetlands were constructed, and wetland impacts have occurred as authorized under the approved replacement plan. The ownership of the wetland replacement credits is in dispute. A district court decision on the ownership issue was appealed to the Minnesota Court of Appeals. The appeal has been placed in abeyance and the Replacement Order has been stayed until the court proceedings have been finalized.

File 06-13. This is a new appeal of a Restoration Order in Brown County. The appeal regards tiling and drainage of a Type 3 wetland on agricultural land. No decision has been made on the appeal.

File 06-12. This is an appeal of a no-loss decision in Stearns County. It involves the same project and issues as File 06-6. After a restoration order was issued, a no-loss application was submitted by the developer and denied by the LGU. The appeal has been remanded for further technical evaluation.

File 06-6. This is an appeal of a restoration order in Stearns County. At issue are numerous wetlands impacted by filling, sedimentation, reduction of hydrology and lack of Best Management Practices associated with a residential development. The appeal has been denied in part. The Restoration Order has been affirmed in part and has been stayed in part.

File 06-5. This is an appeal of a wetland boundary and type decision in the City of Hermantown in St. Louis County. The appeal concerns the denial of a wetland delineation. There are issues regarding the soils and vegetation in a disturbed area. The area has been disturbed by wetland filling and a cease and desist order has been issued to the developer. The appeal has been remanded for further processing by the LGU.

File 06-4. This is an appeal of a restoration order in Carlton County. At issue is the unauthorized placement of fill in wetland for a roadway. The appeal is in abeyance pending completion of a wetland delineation during the growing season.

File 06-2. This is an appeal of a restoration order in Mille Lacs County. At issue is the unauthorized placement of fill in wetland for construction of a road. Also, unstable steep slopes exist along the edge of the fill in wetland. The appeal is in abeyance pending further technical work during the growing season.

File 06-1. This is an appeal of a replacement plan approval in Itasca County. The appeal contends that sequencing was not followed. The TEP recommended denial on a 3:1 vote. The SWCD approval was on a 3:2 vote. The application sought wetland filling for three outbuildings and lake access. The appeal has been accepted and is in abeyance pending settlement discussions.

File 05-26. This is an appeal of a replacement plan decision in Crow Wing County. The appeal concerns the denial of a wetland replacement plan application. The application was denied because there was no hardship to support approval. Upon inspection it appears a decision was made to deny a variance, however it is likely no WCA decision was made. The appeal has been accepted and is in abeyance pending settlement discussions.

File 05-24. This is an appeal, actually three appeals, of the Bois de Sioux Watershed District compensation to landowners related to a project. The appeal has been held in abeyance pending settlement discussions and is now starting to be move forward for a hearing before the DRC.

File 05-20. This is an 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 and is in abeyance pending settlement discussions.

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 04-23. 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. Previously 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.

MEMORANDUM

DATE: May 2, 2005

TO: Metro Water Management Subcommittee

FROM: Brad Wozney, Board Conservationist

SUBJECT: **Review of Isanti County Third Generation Plan Update - Final Draft**

The Isanti Soil and Water Conservation District (SWCD) is currently responsible for the administration of the Local Water Management Plan (Plan) for Isanti County. The Plan expired on December 31, 2005. Consultant Marilyn Bayerl was hired to produce Isanti County's Third Generation Water Management Plan. Ms. Bayerl was also hired as interim County Water Plan Coordinator for one year (2006) as the County establishes a budget for a more permanent Water Plan Coordinator position for 2007.

BWSR staff have been active participants throughout the Plan update process. The Priority Concerns Scoping Document was approved on May 25, 2005. Numerous Task Force and Technical Advisory meetings were held thereafter allowing ample opportunities for state/local agencies' and citizen input in the plan development. The Isanti County Board held a public hearing of the final draft on February 15, 2006.

The final draft was submitted to the state agencies on March 20, 2006 for the required 30-day review. Comments were received from Department of Ag, DNR, EQB, and MPCA:

The Department of Ag approved the entire plan as submitted. The DNR commended the County for an ambitious plan, emphasizing the need for a dedicated staff person in order to implement it adequately, rather than utilizing existing staff resources. The EQB submitted comments complimenting the well developed document, while recommending that the county and local jurisdictions adopt this Plan into their Comprehensive Land Use Plans and incorporate the water plan language into their ordinances. MPCA recommended approval of the entire Plan, but insisted there be a clear intent by the County to support implementation of it. BWSR staff noted this concern to the county and SWCD staff early on in the planning process, which in part lead to the delay in submittal of the final draft. MDH did not comment.

Ms. Bayerl should be commended for a well developed Plan given the tight timeframe needed to get it approved. The Isanti County Local Water Management Plan meets all requirements set forth in 103B and in the "Updating Water Management Plan guidance" 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.

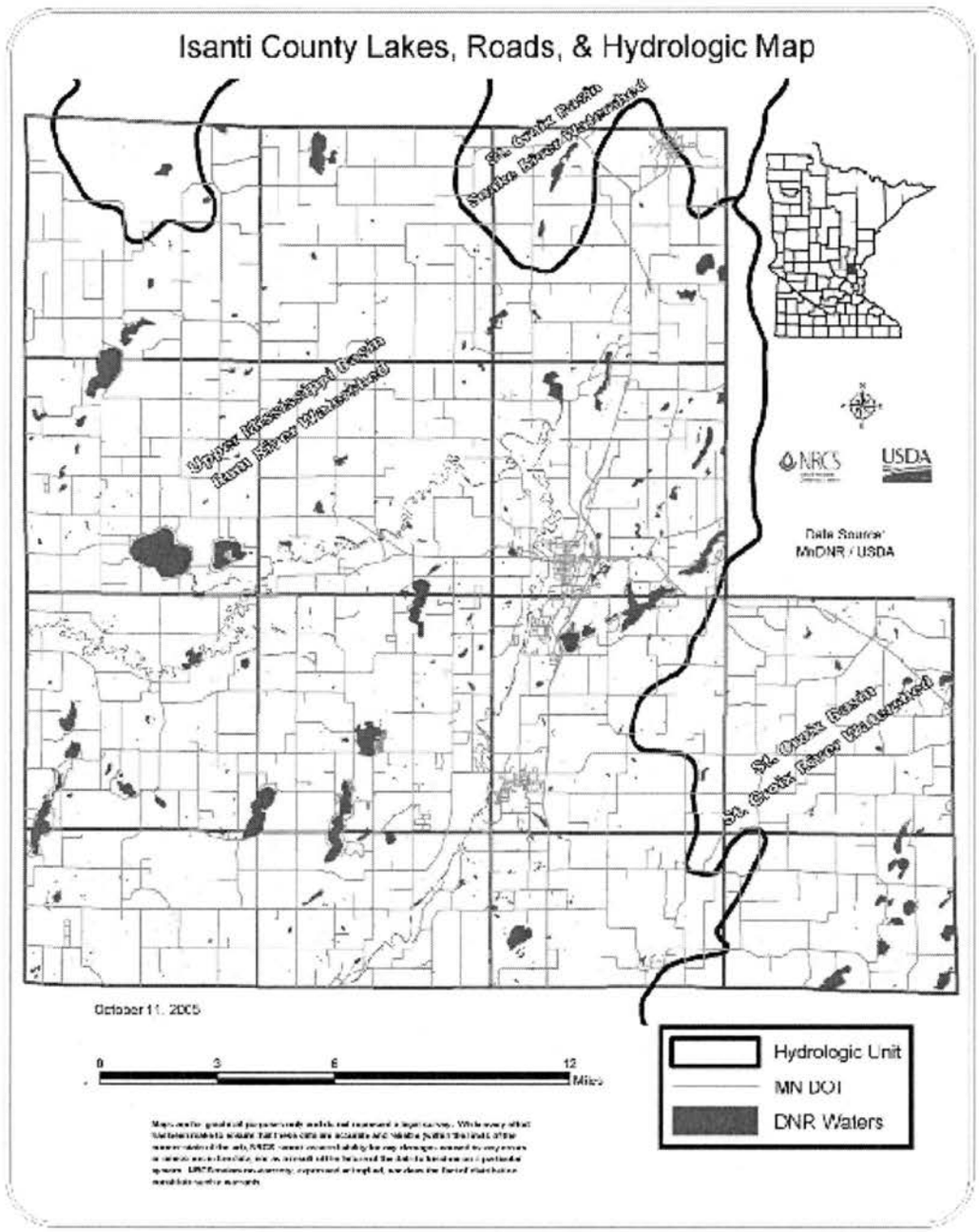
Highlights of the Plan include:

1) A thorough assessment of each priority concern
2) A more committed approach to water plan implementation as evidenced by implementation activities that have already begun: lake association meeting attendance to commence the TMDL process, cooperation with neighboring counties for TMDLs that extend outside county boundaries, awarded the Healthy Lakes and Rivers grant program for development of lake management plans
3) Incorporation of water plan language into the County Comp Plan.
4) Aggressive education efforts targeting elected officials throughout the county.
5) Provides support and funding to update the 1958 county soil survey.
6) Aggressive approach to stormwater management in developing areas near priority waterbodies via assessment of nutrient loads and runoff volume under "full build-out" conditions
7) Mapping of areas susceptible to groundwater/drinking water contamination

Included in the packet for the Subcommittee is the agencies' comments and several sections of the Plan, ie. Executive Summary, Goals/Objectives/Actions section (with various budget items to be revised), Implementation Schedule, and an On-going Activities table.

I have advised Ms. Bayerl to include expected costs or amount of staff time associated with the various action items missing this information. With the inclusion of those revisions, I recommend approval of the entire Plan.

DRAFT
Figure One



I. Executive Summary

Introduction

Isanti County is located north of the twin cities metro region amid the Anoka Sand Plain with relatively smooth relief and fingerlike depressions of lakes and rivers, developing into gently rolling hills along the northwestern and southwestern edges. The majority of the county's 54 protected lakes and 151 protected wetlands are formed in this sandy area. The Rum River flows through the county from the west to the northeast, then abruptly turns and flows out the to the south – southeast. Greater than eighty percent of the county lies within the Rum River Watershed. The eastern edge (14%) is in the St. Croix River Watershed and two fingers (5%) of the Snake River Watershed creep down along the northern edge of the county. Isanti County is bordered on the east by Chisago County, north by Kanabec County, west by Mille Lacs County and Sherburne County and south by Anoka county in east central Minnesota. It is 24 miles across at the southern border and 18 miles across at the northern border, extending 22 miles from north to south. It encompasses a total area of 452 square miles or 289,404 acres. The City of Cambridge is the county seat. The county population between 1990 and 2000 has increased by 20.7%.

Agriculture, in the form of cultivated land is the dominant land use within the county. Of the 289,404 acres of land in Isanti County, 103,358 acres (35.7%) is classified as cultivated land. The county acreage includes 3.1% water and 3.4% wetlands classification.

Isanti County's Local Water Management Plan (LWMP) is implemented by the Soil and Water Conservation District. The original LWMP was formally adopted on August 18, 1993. A plan revision was implemented in 2000 and expired on December 31, 2005. This 5-year plan will be effective on or before January 1, 2006 and be implemented through December 31, 2011.

Purpose

The purpose of this LWMP is to identify existing and potential problems and opportunities for protection, management and development of water resources and related land resources in Isanti County. Pursuant to the requirements of Minn. Stat. 103B.311subd., 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 must cover a five year period (2004 – 2009).

Changing development patterns and economic growth will eventually create more pressure on natural resources and impact agricultural, water resources and recreational needs of Isanti County residents.

Description of Priority Concerns

Following public participation meeting in Isanti County, priority concerns were established. This meeting was facilitated with both a survey of perceived threatened resources and problems within the county and an active participation process to address these problems. From this process, the following priority concerns were identified:

1. Development Pressures: Zoning and Ordinances – platting within the shoreland / sensitive areas, stormwater runoff and existing drainage systems.
2. Natural Habitat / Impaired Waters: breaking up contiguous natural areas for habitat, destruction of wetlands, development of agriculture lands and diminishing water quality in area lakes.
3. Groundwater Quality and Quantity: failing septic systems, agriculture contamination, potential for well contamination, arsenic / radon, and education needs of the public.

These three issues will be the focus in establishment of goals, objectives and a plan for implementation.

Summary of Goals and Actions

During the public input process, pressure on the lakes created by development was the number one concern of residents in Isanti County.

Cumulative Effects of Development on Surface Waters Goal: Develop regulations, education, and incentives to ensure orderly development with minimal impacts to sensitive areas to preserve Isanti County's natural resources. Actions focus on implementation of the following objectives:

- Guide new development with comprehensive planning, accurate information, and consideration for natural resources.
- Improve stormwater runoff quality by compliance with stormwater rules, continuing public education, and promotion of BMPs.

Protection and Restoration of Natural Habitat and Impaired Waters Goal: Preserve and improve quality and quantity of habitat areas and quality of lakes and wetlands in Isanti County. Actions focus on implementation of the following objectives:

- Implement and promote land use practices that will reduce and/or mitigate negative human impacts on natural resources.
- Position Isanti County to maximize local control and funding of TMDLs.
- Reduce the loss of water clarity in Isanti County lakes and rivers by promoting lakeshore and river stewardship, wetland restoration, and preservation of habitat areas.

Groundwater Quality and Quantity Goal: Protect groundwater quality and quantity through education and enforcement of existing regulations. Actions focus on implementation of the following objectives:

- Educate County residents about distribution of naturally occurring contaminants in groundwater, well construction, and geologic factors that affect contaminant distributions.
- Work to prevent failure of ISTS and related sewage pollution in Isanti County.

Consistency of plan with other pertinent local, state, and regional plans

Plans considered in the completion of this document include the Upper Mississippi River Basin Plan with data and concerns regarding the Rum River and the St. Croix Basin Water Resources Planning Status Report with its data on the North Branch of the Sunrise River. Input from Chisago and Anoka County was considered and included in the implementation strategies of this plan. Chisago County expressed concerns regarding the North Branch of the Sunrise River TMDL, increased coordination on water resources issues between Chisago and Isanti Counties, and stormwater management in developing areas. Anoka County expressed concern as a downstream neighbor that has already experienced the development pressures now being faced by Isanti County. Their suggested focus on Impaired Waters, protection of sensitive areas and the Rum River fit with Isanti County's focus areas.

Summary of recommended amendments of other plans and official controls

The Isanti County Local Water Management task force recommends statewide revision of the Shoreland Regulations. It was the feeling of the general public, supported by the task force, that the existing regulations do not adequately preserve the sensitive shorelines that are still undeveloped.

NOTE: For a complete description of each strategy, refer to Isanti CLWMP, Section III.

Isanti County Implementation Schedule				Ongoing Activities	
Programs	Cooperators	Staff/ Cooperator match	Funding	Grant Sources	Watershed
Shoreland Management	Zoning	$4,562	$4,562	BWSR Base Grant	ALL
WCA	Zoning	$23,599	$23,599	BWSR Base Grant	ALL
WCA	SWCD	$5,000	$5,000	BWSR Base Grant	ALL
EQIP	NRCS	$263,475	$263,475	USDA	ALL
WHIP	NRCS	$35,607	$11,869	USDA	ALL
ISTS Administration	Zoning	$1,500	$1,500	BWSR Base Grant	ALL
State Cost Share Program	SWCD	$7,000	$11,303	BWSR / State	ALL
Local Water Management Plan	SWCD	$9,132	$17,447	BWSR Base Grant	ALL
Pheasants Forever	SWCD	$5,000	$10,000	Isanti County PF	ALL
Ag BMP Loan Program	SWCD	$3,200	$188,000	MN Department of Ag	ALL
Total Annual Projected Cost		**$358,075**	**$536,755**		

Isanti

NOTE: for a complete description of each strategy, refer to Isanti CLWMP, Section III.

Isanti County Implementation Schedule									Priority Concerns
			Responsible	2006	2007	2008	2009	2010	Watershed
Priority 1 - Cumulative Effects of Development on Surface Waters									
Objective A -- Guide new development with comprehensive planning, accurate information, consideration for natural resources and continued protection.									
Actions	1	Encourage CB to fully fund implementation of CLWMP	SWCD Zoning DNR LA	X					ALL
	2	Participate with cities / county to promote stormwater management	WPM Zoning	X	X				ALL
	3	Create matrix of all land use ordinances in county	WPM	X					ALL
	4	Support / input on County Comp Plan update	WPM DNR LA Zoning	X	X				ALL
	5	On-going education program for elected officials	WPM	X	X	X	X	X	ALL
	6	Natural Resource information on county website	Zoning WPM	X $7,000					ALL
Objective B -- Improve stormwater runoff quality by compliance with stormwater rules, continuing public education and promotion of BMPs..									
Actions	1	Low impact development standards	WPM	X	X	X	X	X	ALL
	2	Identify development sensitive stormwater sites	WPM DNR MPCA	X					ALL
	3	Digital Soil Survey	NRCS WPM	X $7,000	X				ALL
	4	Quantify runoff volume for "full build out" on development areas	MPCA WPM Summer Intern	X $7,000					ALL
	5	Education for local decision makers	WPM Zoning	X	X	X	X	X	ALL
	6	Project NEMO	WPM	X					ALL

NOTE: for a complete description of each strategy, refer to Isanti CLWMP, Section III.

Isanti County Implementation Schedule									Priority Concerns
			Responsible	2006	2007	2008	2009	2010	Watershed
Priority 2 - Protection and restoration of natural habitat and impaired waters in Isanti and bordering counties.									
Objective A -- Implement and promote land use practices that will reduce and/or mitigate negative human impacts on natural resources.									
Actions	1	Identify and designate Conservation Corridors	DNR WPM	X					ALL
	2	Address natural resource issues at sketch plan	Zoning WPM		X				ALL
	3	Pursue DNR acquisition / easement-sensitive areas	DNR WPM	X $7,000	X	X	X	X	ALL
	4	Adopt policies for conservation easement, etc. for sensitive areas	Zoning WPM	X	X				ALL
	5	Support existing standards Rum River Scenic District	DNR WPM Citizen groups	X					Rum River
	6	Lakescaping Education / Incentives	DNR WPM LID / LA	X $7,000	X	X	X	X	ALL
	7	Buffers in Ag areas	USDA SWCD WPM County LID / LA	X $7,000	X	X	X	X	ALL
Objective B -- Position Isanti County to maximize local control and funding of TMDLs.									
Actions	1	103.B levy / funding	WPM	X	X	X	X	X	ALL
	2	Prioritize impaired waters	WPM	X	X	X	X	X	ALL
	3	North Branch of Sunrise River / Chisago County	WPM	X	X	X	X	X	St. Croix River
	4	Typo Lake TMDL / Anoka County	WPM	X	X	X	X	X	Rum River

NOTE: for a complete description of each strategy, refer to Isanti CLWMP, Section III.

Isanti County Implementation Schedule									Priority Concerns
			Responsible	2006	2007	2008	2009	2010	Watershed
Objective C -- Reduce the loss of water clarity in Isanti County lakes and rivers by promoting lakeshore and river stewardship, wetland restoration, and preservation of habitat areas.									
Actions	1	Long-term basin monitoring program	WPM	X	X	X	X	X	ALL
	2	Funding to quantify nutrient loading	WPM	X	X				ALL
	3	Lakeshed mapping	DNR WPM Summer Intern	X $7,000	X $7,000	X $7,000	X $7,000	X $7,000	ALL
	4	Coordinated data collection approach	WPM	X	X	X	X	X	ALL
	5	Inventory drained wetlands	WPM SWCD	X					ALL
	6	wetland setback / buffer recommendations	DNR WPM	X					ALL
	7	PICKM Water Quality Team	WPM	X	X	X	X	X	ALL
	8	Lakeshore property owners education	WPM	X	X	X	X	X	ALL
	9	Healthy Lakes and Rivers program	WPM	X	X				ALL
	10	Host Healthy Rivers workshop w/DNR	WPM	X					Rum River
	11	Countywide COLA	WPM DNR	X	X	X	X	X	ALL

NOTE: for a complete description of each strategy, refer to Isanti CLWMP, Section III.

Isanti County Implementation Schedule									Priority Concerns
			Responsible	2006	2007	2008	2009	2010	Watershed
Priority 3 - Groundwater Quality and Quantity									
Objective A -- Educate County residents about distribution of naturally occurring contaminants in groundwater, well construction, and geologic factors that affect contaminant distributions.									
Actions	1	Education program / Anoka Sand Plain	WPM City Managers	X	X				ALL
	2	Newsletter - HHW	WPM	X $7,000	X $7,000	X $7,000	X $7,000	X $7,000	ALL
	3	Wellhead Protection Plans	WPM	X	X	X	X	X	ALL
	4	Mapping Radon areas	WPM MDH	X	X				ALL
	5	Cost-share well sealing	SWCD WPM	X $7,000	X $7,000	X $7,000	X $7,000	X $7,000	ALL
	6	Promote water conservation	DNR WPM MDH	X	X	X	X	X	ALL
	7	Irrigation permits in sensitive groundwater areas	DNR WPM	X	X	X	X	X	ALL
	8	Annual nitrate clinic / education	MDH WPM	X	X	X	X	X	ALL
	9	Nitrate Probability Map	MDH WPM	X	X				ALL
	10	Protect, preserve, restore wetlands	DNR WPM Zoning	X	X	X	X	X	ALL
Objective B -- Work to prevent failure of ISTS and related sewage pollution in Isanti County.									
Actions	1	ISTS maintenance education	Zoning WPM	X $7,000	X $7,000	X $7,000	X $7,000	X $7,000	ALL
	2	Lake / River Association education	WPM DNR	X	X	X	X	X	ALL
	3	Low interest loan program	SWCD WPM	X $7,000	X $7,000	X $7,000	X $7,000	X $7,000	ALL
Annual Total Cost									

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 **Isanti County** (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Isanti** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **March 20, 2006**, 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 **March 23, 2005,** the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Isanti** County, pursuant to M.S. Section 103B.312.

2) On **May 25, 2005,** the Board of Water and Soil Resources approved official comments on the **Isanti** County Priority Concerns Scoping Document, which were mailed to the county on **May 26, 2005**.

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

   A) **The cumulative effects of development on surface waters.**
   B) **Protection and restoration of natural habitat and impaired waters in Isanti and bordering counties.**
   C) **Groundwater quality and quantity.**

4) On **March 20, 2006,** the BWSR received the **Isanti** 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 **May 10, 2006** the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the **Isanti** 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: recommends approval.
   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 **May 31, 2016, with the Goals, Objectives, and Action Items amended by May 31, 2011.**

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 **Isanti** County pursuant to Minnesota Statutes , 103B.315, Subd. 5.

2. The **Isanti** 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 **Isanti County** Local Water Management Plan - **May 31, 2006 to May 31, 2016,** with the Goals, Objectives, and Action Items being amended prior to **May 31, 2011**.

Dated at **St. Paul** , Minnesota, this **twenty-fourth day of May 2006**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

CERTIFICATE OF THE MINNESOTA BOARD OF WATER AND SOIL RESOURCES

RESOLUTION REGARDING TERMINATION HEARING FOR SOUTH TWO RIVER WATERSHED DISTRICT

I, Jerome Deal, do hereby certify that I am a member and the Chair of the Minnesota Board of Water and Soil Resources, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Water and Soil Resources, duly and properly called and held on the 24th day of May, 2006, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

Resolution Number 06-38

RESOLVED, that the Minnesota Board of Water and Soil Resources affirms that the Termination Petition involving the South Two River Watershed District meets the requirements of Minn. Stat. § 103D.271, subdivisions 4 and 5, that no bond is required pursuant to legislative amendments and pending the Governor's signature, therefore, Orders the Termination Hearing authorizing the Executive Director to set the time and location of the hearing.

FURTHER RESOLVED, that the hearing panel will consist of Randy Kramer, Paul Brutlag, Louise Smallidge, Quentin Fairbanks, and Kay Cook.

5/24/06
Date

Jerome Deal
Jerome Deal, Chair
Minnesota Board of Water and Soil Resources

RESOLUTION NUMBER 06-38

RESOLVED, that the Minnesota Board of Water and Soil Resources affirms that the Termination Petition involving the South Two River Watershed District meets the requirements of Minn. Stat. § 103D.271, subdivisions 4 and 5, that no bond is required pursuant to legislative amendments and pending the Governor's signature, therefore, Orders the Termination Hearing authorizing the Executive Director to set the time and location of the hearing.

FURTHER RESOLVED, that the hearing panel will consist of Randy Kramer, Paul Brutlag, Louise Smallidge, Quentin Fairbanks, and Kay Cook.

Conservation Easement Alteration Requests and Board Action

RIM Reserve Rule Affecting Alteration Requests
8400.3610 Alteration, Release or Termination of Conservation Easements

The state board may alter, release, or terminate a conservation easement after consultation with the commissioners of agriculture and natural resources. The board may alter, release, or terminate an easement only if the state board determines that the public interests and general welfare are better served by the alteration, release, or termination.

The state board must be provided the following information at least 30 days prior to a state board meeting, before the state board will consider a request to alter, release, or terminate a conservation easement:

A. a copy of the letter from the landowner to the district board justifying the change and identifying how the public interest and general welfare will be better served;
B. a letter from the district board recommending either approval or disapproval of the proposed change;
C. a letter from the Department of Natural Resources area wildlife manager recommending either approval or disapproval of the proposed change; and
D. other supporting documents, including:
    1) an aerial photo identifying the requested change;
    2) a soil survey map of the area;
    3) cropping history information; and
    4) other pertinent documentation that will support the request.

The state board reserves the right to require special provisions to ensure at least equal resource value as a condition of approving the request. The state board must be compensated by the landowner for all damages and loss of benefits to the conservation easement and the state board may also require reimbursement for administrative expenses and costs incurred in the alteration, release, or termination of a conservation easement.

Proposed Policy as Recommended by Easement Alteration Subcommittee

All alteration requests will be accompanied by a $500 minimum processing fee. For alterations where actual costs to amend the easement exceed $500 the state reserves the right to charge the applicant the actual cost.

Public initiated projects
Easement staff have the authority to tentatively approve of releases for public infrastructure projects. However, releases are not considered final until after the release request is presented to and approved by the Board and all fees have been paid.

In addition to the fee as outlined above, public entities must pay:

1) Two times the current average township assessed market value (ATAMV) for acres released, and
2) An amount equal to all state funds dispersed as reimbursement for costs incurred to establish cover on the land being released.

Private landowner requests
All requests must meet the following conditions for BWSR approval:

1) Replacement acres will increase by a minimum factor of 2:1 (replacement acres to released acres). Replacement acres proposed on easements must meet crop history requirements, cropped 2 of last 5 years, if land proposed for release was cropland at the time the easement was granted.
2) The resource protection and habitat benefits of the original easement will remain the same or be enhanced by the proposed alteration. For example;
   - restored wetland acres will not be drained or filled by the proposal
   - riparian buffers will be preserved or enhanced
   - easement configuration will preserve or enhance wildlife benefits (larger blocks of habitat, not fractured puzzle-like boundaries).
3) The SWCD Board and/or the DNR Area Wildlife Manager approve of the proposed alteration.
4) Landowners will be required to pay all costs associated with establishment of conservation cover practices on replacement acres according to an approved conservation plan.
5) Any alteration proposed would not allow or enable any land development projects to occur on lands currently under easement.

Meeting the criteria outlined above for private requests does not guarantee that the Board will approve of the request for release and alteration of a conservation easement.

Guiding Principles for Developing the Clean Water Cabinet's Recommendations for Conservation in the 2007 Farm Bill – A Working Document

The overall purpose of the Conservation Title of the federal Farm Bill is to partner with the nation's agricultural producers & landowners to improve the quality of the nation's soil, water, air, plant & animal resources. Minnesota's Clean Water Cabinet priorities closely mirror these national resource goals, with emphasis on impaired waters restoration, drinking water protection & habitat enhancement. The Clean Water Cabinet will use the principles below (a working document) to guide its development of conservation policy recommendations for the 2007 Farm Bill. The diagram on the back shows the context of the principles and eventual recommendations relative to Minnesota's Clean Water Vision.

In order to meet national & state environmental goals, the 2007 Farm Bill should:

Strengthen the economic viability of farming. Conservation programs & provisions should be designed to enhance natural resources & producer profitability at the same time, since farming operations must be economically viable to invest in conservation. Keeping the people who work the land on the land is necessary to achieve environmental goals. This involves:

- A healthy balance between funding for land retirement/restoration & funding for working lands conservation.
- Financial incentives (e.g., cost share, incentive payments) sufficient to accelerate producers' own investments in conservation efforts that address national & state priorities
- Strategically targeted conservation promotional efforts, financial incentives & technical assistance to address specific environmental priorities, such as restoring impaired waters, protecting drinking water sources, or enhancing grassland-wetland habitat.
- Enough flexibility to make effective conservation treatments practical for producers
- Evaluating the economics of conservation treatment options as part of conservation planning

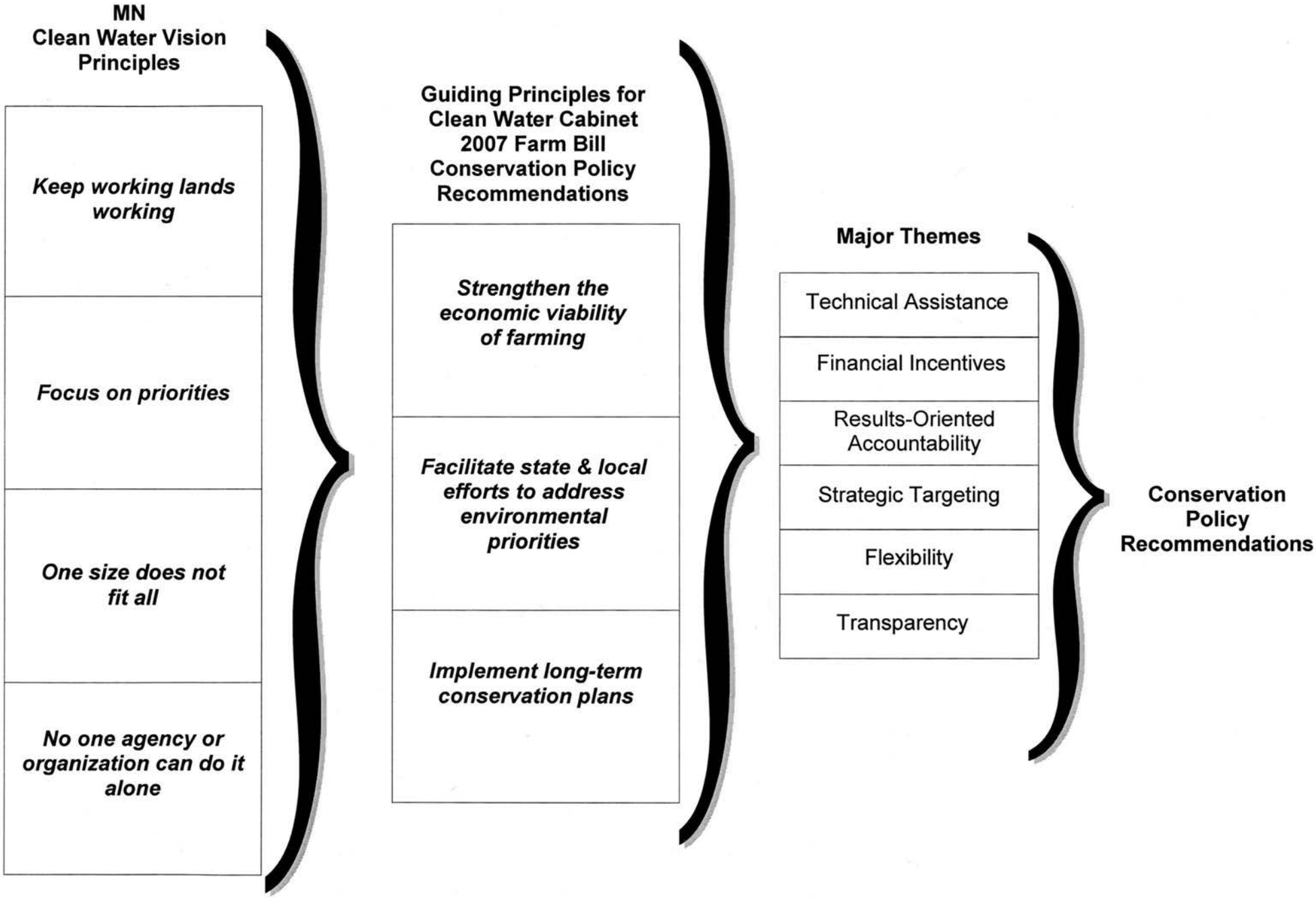
Facilitate state & local efforts to address environmental priorities, recognizing that different states have different priorities or face similar environmental challenges of different magnitude. This involves:

- Designing and funding federal conservation programs in ways that allow & encourage states to target & leverage farm bill resources based on environmental priorities
- Transparency in the criteria used to make conservation funding decisions
- The flexibility to refine program rules at the state or local level to improve environmental outcomes, based on scientifically sound supporting data.
- Results-oriented programs that focus on specific priorities, yet encourage & reward conservation treatments as well as state & local programs that provide additional environmental benefits
- Policies & provisions that facilitate and reward conservation partnerships

Implement long-term conservation plans to achieve ongoing, measurable results on the ground at both the farm & watershed levels. Conservation programs & conservation planning services should be broadly available to all producers & landowners. This involves:

- Promotional efforts, financial incentives & technical assistance driven by state, local, and landowner conservation priorities rather than program rules and regulations
- Renewed focus on individual conservation plan promotion, development & implementation
- Performance-based and results-oriented approaches that allow producers to use the full range of NRCS-approved conservation practices to implement conservation plans
- Highly accessible programs that use a common, easy to understand application process
- Financial incentives to stimulate on-farm research, evaluation & demonstrations for improved understanding of conservation treatment effectiveness & greater accountability
- Meeting increased demands for conservation funding & technical assistance

prepared by the Minnesota Dept. of Agriculture, 12/23/05



prepared by the Minnesota Dept. of Agriculture, 12/23/05

Draft 5/17/2006

Minnesota Clean Water Cabinet

Conservation Policy Recommendations for the 2007 Farm Bill

Guiding Principle #1
Strengthen the Economic Viability of Farming

The nation's environmental goals are best met by keeping the people who work the land on the land, and farming operations must be economically sound to invest more in conservation. The Conservation Title should therefore enhance natural resources in ways that maintain or improve producers' profitability.

1.1. Farm Income: Explore ways for conservation payments to contribute a larger share of farm income while continuing to provide a strong commodity and insurance-based hedge against major market swings and natural disasters.

1.2. Conservation on Actively Farmed Lands: Increase funding for programs that support conservation on actively farmed lands (EQIP, CSP, CCRP, GRP, FRPP).

Financial Incentives: Provide voluntary financial incentives and rewards sufficient to accelerate producers' own investments in conservation measures that address national and state priorities.

- **CSP**: Fully fund CSP to help support farm income while making conservation an integral part of the nation's agricultural land base, giving farmers in every watershed the opportunity to enroll in CSP or upgrade contracts at least once every five years.
- **EQIP**: Maintain EQIP's statutory purpose, which is to help agricultural producers meet federal, state and local environmental standards such as TMDLs.
  - **Cost-Share Rates**: Establish a standard national cost-share rate for EQIP to ensure equal access to cost-share across state lines.
  - **Livestock Producers:** Ensure that state or locally derived EQIP dockets and application scoring systems provide equitable opportunities to address environmental concerns on all types of livestock operations, regardless of the type of livestock or production system.
  - **EQIP State Partnership**: Establish an EQIP-related program to leverage state, local and private investments in conservation on actively farmed lands (similar to the way WREP & CREP leverage investments in conservation on set-aside and retired lands).

1.3. Use a Targeted Approach to "Farm the Best": Use the best available science to strategically target conservation funding, pinpointing where conservation treatments are most needed to reduce specific pollutants and improve designated natural resources. A targeted approach will achieve watershed-based conservation and environmental goals more effectively, help contain Conservation Title costs, and preserve the most productive lands for agricultural use.

Retire the Least Productive Lands: Continue to use and improve methods of targeting land retirement programs (CRP) to the least productive farmlands.

CRP Re-Enrollments: Continue the policy in which only those expiring CRP contracts whose original Environmental Benefits Index score (minus the cost factor) fell into the highest 20% may be automatically renewed for another 10-year or (for restored wetlands) 15-year term.

Expiring CRP Lands Suitable for Farming: Promote and provide incentives to return expiring CRP lands suitable for farming (e.g., Land Capability Class II or III) to conservation-oriented production systems, using CCRP, CSP, GRP, EQIP or other programs where applicable to help producers maintain conservation benefits (also see 1.6).

Ratio of General to Continuous CRP: Devote more funding to conservation buffers, wetland restorations and other high-priority practices by reserving a higher percentage of total CRP acres for CCRP and CREP.

Forage and Cover Crop Incentives: Offer more incentives and rewards for producers to establish and maintain forage and cover crops as part of their farming operations while providing conservation benefits.

- **Agricultural Grassland**: Ensure that Conservation Title programs which establish or protect grasslands (e.g., GRP, CRP, CCRP) do not necessarily prohibit or overly restrict agricultural uses such as grazing, haying, and biomass production, provided that the grassland is managed according to an NRCS-certified conservation plan that ensures priority conservation benefits are maintained.
- **Contour Farming**: Encourage producers to improve the environmental effectiveness of contour farming systems by allowing contour grass strips enrolled in CCRP to rotate to different contours.
- **GRP**: Continue to utilize GRP to help sustain livestock operations. Explore ways for GRP to help offset the rising property taxes that often underlie decisions to convert grazing land to crops. Increase total GRP funding, including not only easement payments to preserve existing grazing lands but also cost-share to restore grazing lands.

Farmland Preservation: Significantly step up efforts to preserve the nation's most productive agricultural lands in the face of rapidly accelerating development and sprawl, through increased funding for the Farm & Ranch Land Protection Program and other measures.

1.4. Customer Orientation: Make landowners' needs a primary consideration in the design and implementation of conservation programs.

One-Stop Shopping: Make conservation funding more accessible to landowners by establishing a unified, streamlined process that links conservation planning, program application, and contract or easement administration across all Conservation Title programs (also see 3.1).

Reasonable, Convenient Signup Opportunities: Ensure that conservation program signup periods do not conflict with primary planting or harvesting times of year and do not vary widely from year to year in timing or duration. CSP signups, in particular, should be at least three months long if not year-round, given the program's complexity.

Transparent Funding Decisions: Ensure that any and all methods used to target or prioritize Conservation Title funding at any scale (national, state or local) are transparent, fully documented, and clearly communicated to landowners and conservation professionals. Examples include CSP watershed selections, the CRP Environmental Benefits Index, state allocations for NRCS conservation programs, and Local Work Group recommendations for EQIP and other programs.

Cost-Effective Conservation: Evaluate the economics of conservation treatment options as part of the conservation planning process (also see 3.1 and 3.2).

Practical, Flexible Programs: Make conservation programs more attractive to farmers by enabling them to participate in ways that enhance or help meet practical needs of their farming operations, while providing and maintaining conservation benefits.

- **CRP Haying & Grazing**: Reduce restrictions for haying and grazing on CRP land, provided that conservation benefits are maintained.
- **Squaring Off Fields**: Allow landowners to "square off" fields enrolled in set-aside and land retirement programs.

1.5. Beginning Farmers: The future of agriculture depends on the ability of new generations to make a living at farming. Continue to incorporate beginning farmer provisions in Conservation Title programs and explore ways to increase the effectiveness of these provisions in helping beginning farmers get established.

1.6. Market-Based Conservation Incentives: Support the development of markets for the products and services of conservation-oriented production systems to help diversify agricultural landscapes as well as farm income.

Renewable Energy: Provide incentives in the Conservation Title that reinforce and coordinate with incentives authorized by other titles of the farm bill or other federal legislation to develop, produce and consume all types of renewable energy.

- **CRP Incentives:** Reserve a percentage of new General CRP acres for multi-year perennial energy crops suitable for energy production, such as switchgrass, and require the majority of the crop to be harvested for this purpose.
- **EQIP Incentives**: Ensure adequate EQIP funding for cost-share and incentive payments to implement soil and water conservation treatments on row crops harvested for ethanol or biodiesel.

Environmental Credit Trading: Build on efforts begun in the 2002 farm bill to facilitate the development of market-based carbon and nutrient credit trading systems. Ensure that receiving conservation program payments does not disqualify a landowner from participating in environmental credit trading systems.

Productive Use of CRP Land: Allow and encourage agriculturally productive uses of grassland, trees and other CRP vegetative cover in exchange for reduced rental rates, in accordance with an NRCS-approved conservation plan. Paying lower rental rates for more CRP contracts will reduce the cost of CRP not only short term but also long term, as allowing productive use will leverage the program's potential to help develop market-based incentives for conservation-oriented production systems.

- **Post-CRP Considerations**: CRP is well suited to help producers convert previously marginal cropland to other agriculturally productive uses that maintain conservation benefits. The Conservation Title should therefore ensure that potential post-CRP land uses are a primary consideration in selecting CRP vegetative cover, especially for larger tracts of land. For example, forage species can be selected to facilitate conversion to prescribed grazing after a CRP contract expires. Native species suitable for harvesting seed can be selected to help a producer supply a growing consumer demand for native vegetation. Perennial cover crops can be selected to facilitate a transition to renewable energy or organic production.

Public Access to Conservation Lands: Consider a financial bonus for landowners who permit public access for hunting, fishing and other outdoor recreation on land enrolled in Conservation Title programs. Ensure, however, that landowner's decisions regarding public access do not impact their chances of merely participating in any Conservation Title program.

Guiding Principle #2: Facilitate State & Local Efforts to Address Environmental Priorities

Conservation Title goals can be achieved more effectively by recognizing that different states may face different but equally important environmental challenges, or similar environmental challenges of different magnitude. The Conservation Title should therefore allow and encourage states to designate state and local conservation priorities and target and leverage Conservation Title resources accordingly.

2.1. Locally Led Conservation: Build on USDA's commitment to locally led conservation by empowering states to target Conservation Title funding to designated state and local conservation and environmental priorities that correspond to at least one national priority. The locally led process should involve substantial input from State Technical Committees, Local Work Groups and potential new Watershed Conservation Committees.

State and Local Priorities: Give states more opportunity to target Conservation Title funding to specific state and local environmental priorities such as, for example, restoring impaired waters, protecting drinking water sources, or enhancing specific types of wildlife habitat.

- **State Technical Committee Authority:** Give State Technical Committees the authority to set state-level priorities.
- **Partnership Grants and Agreements:** Build on the Partnerships and Cooperation provision to give states more flexibility in targeting programs to state and local priorities.
- **Watershed-Based Conservation Planning** (see 3.2): Allow states to establish or designate existing committees at the 8-digit watershed level to facilitate watershed-based conservation planning (if not already completed or under way) and recommend the resulting conservation funding priorities to the State Technical Committee. Provide funding through Conservation and Partnerships or a similar provision to help watersheds build partnerships to leverage and target Conservation Title funds to implement watershed-based conservation plans.

State Accountability through Monitoring & Evaluation: Hold the locally led process accountable for achieving its designated conservation and environmental goals, and provide funding to conduct voluntary monitoring and evaluation at the state and local levels in support of and consistent with the NRCS Conservation Effects Assessment Program.

Science-Based Performance Accountability. Allow states to adjust conservation program rules to improve the intended environmental outcome of a given conservation practice or program provision, provided that the state can furnish peer-reviewed scientific data to support its case.

- **Examples Related to CRP in Minnesota**: One example is the Minnesota Department of Health's scientifically-based delineation of wellhead protection areas, versus the national across-the-board CRP rule, which—in the absence of good data nationwide on actual wellhead areas—limits CRP enrollment for wellhead protection purposes to the area within a certain radius around the wellhead, regardless of where the actual wellhead area lies. Another example is the requirement to establish trees on marginal pastureland enrolled in CRP—even in areas historically dominated by prairie vegetation—whose existing cover adequately protects water quality.

2.2. National Priorities: Conservation Title priorities should expand to reflect pressing, nationwide water quality and water quantity issues and support a growing number of watershed, flyway and other regional conservation initiatives throughout the nation.

Impaired Waters: Given the national scope and relevance of EPA's impaired waters policy, make addressing impaired waters a national priority across all Conservation Title programs that offer financial incentives for water quality practices. This will help states comply with the federal policy.

Wetlands to Reduce Nutrient Loadings and Flood Damage: Expand the national priorities for WRP and CRP wetland restorations to include reductions in nutrient loadings and flood damage.

Incentives to Involve Multiple Landowners: Provide extra incentives to encourage landowner participation in conservation initiatives involving multiple landowners within a designated area, such as a continuous stretch of riparian buffer in an impaired watershed or a contiguous block of wetland-grassland habitat near a federal Waterfowl Production Area.

Driftless Area Initiative: The Midwestern Driftless Area's unique geology, landforms and hydrology—including over 600 spring creeks—make it a national natural resource treasure. Below are examples of ways in which the Conservation Title could support the April 2006 joint resolution signed by the U.S. Secretary of Agriculture and the Governors of Wisconsin, Minnesota, Iowa and Illinois, agreeing to work together to promote and facilitate watershed restoration in the four-state area.

- Make the Driftless Area a national CRP Priority Area.
- Make the Driftless Area a priority when ranking watersheds for CSP participation.
- Make Driftless Area watersheds a priority when awarding Conservation Partnership Initiative and Rapid Watershed Assessment grants.

Guiding Principle #3: Implement Long-Term Conservation Plans
The Conservation Title can best achieve measurable, ongoing environmental results on the ground, at both the farm and watershed levels, by placing renewed emphasis on comprehensive conservation planning. The Conservation Title should make conservation planning services broadly available to all producers and landowners, along with programs to implement the plans.

3.1. Comprehensive Farm Conservation Plans: Make comprehensive farm conservation plans the centerpiece of the Conservation Title, the starting point for access to all Conservation Title programs, and the foundation for a unified, streamlined, easy-to-understand process for simultaneous enrollment in one or more programs.

Conservation Planning Funding & Standards: Establish an NRCS conservation practice standard for Comprehensive Farm Conservation Planning and provide adequate funding for the development of comprehensive farm conservation plans.

- **Conservation Planning Incentives**: Provide financial incentives and technical assistance through EQIP or CSP for producers to develop, implement and maintain comprehensive farm conservation plans. This may help defray government conservation costs in the long run, as producers with conservation plans are more likely to implement some or all of the practices in their plan at their own expense. Financially reward CSP applicants who have already developed a comprehensive plan that meets the NRCS standard.

Focus on Results: The Conservation Title should offer cost-share, incentive payments and technical services for the full range of NRCS-approved conservation practices (not just a limited or prescribed set), as long as a given practice is suitable to address a resource concern identified in a landowner's farm conservation plan. Using farm conservation plans as a common access point for all Conservation Title programs will free landowners to focus more on the conservation measures needed on their land, and less on mastering an overwhelming array of program eligibility rules and application processes.

Conservation Performance: Provide financial incentives and technical assistance to engage producers in on-farm research, evaluation & demonstrations, leading to improved understanding of conservation treatment effectiveness and greater accountability for environmental results. Provide incentives to help watersheds link these on-farm activities to watershed-scale monitoring and performance evaluation (see 3.2).

Program Coordination: Consider the ways in which a unified conservation planning, application and contracting process tied to farm conservation plans could increase the environmental effectiveness while reducing the costs of Conservation Title programs. It could, for example:

- Facilitate conservation partnerships by making it easier to pool funds from multiple conservation programs to implement a farm conservation plan;
- Facilitate the evaluation of program effectiveness for CEAP and other reporting requirements; and,
- Help prevent duplication of effort in contract administration, including unintentional duplicate payments from different programs for the same practice on the same land.

Technical Assistance Funding: Create a single revenue stream for all conservation technical services, including those that also receive financial assistance from Conservation Title programs.

3.2. Watershed-Scale Conservation Planning

Conservation as a Rural Development Issue: Explore ways for the Rural Development Title to help support watershed-scale conservation planning (including TMDL studies and implementation) as well as farm conservation plans that complement or contribute to rural economic development initiatives.

- **TMDLs and Development**: Because the federal impaired waters policy can halt regional and local economic development if not adequately addressed, the farm bill should place a high priority on assistance to watershed planning efforts that address impaired waters.

Rapid Watershed Assessments: Build on the 2006 Conservation Partnership Initiative "Rapid Watershed Assessment" program or a similar program to fully fund watershed assessments nationwide.

Farmland Preservation: Explore incentives to include FRPP and GRP in watershed-scale conservation planning.

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
2ND FLOOR CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 28, 2006

BOARD MEMBERS PRESENT:
Jerome Deal, Dana Allen, Jim Anderson, Minnesota Extension Service; Bob Burandt, Michael Convery, Department of Health; Kay Cook, Quentin Fairbanks, Paul Krabbenhoft, Randy Kramer, Joe Martin, Department of Agriculture; Gene Merriam, Department of Natural Resources; Clair Nelson, Louise Smallidge, LuAnn Tolliver, Lisa Thorvig, Poilution Control Agency

BOARD MEMBERS ABSENT:
Paul Brutlag
Brian Kletscher

STAFF PRESENT:
Mary Jo Anderson, Ron Harnack, Jim Haertel, Sarma Straumanis, Kevin Lines, Tim Fredbo, Dale Krystosek, Pete Waller, Tabor Hoek, Steve Woods, Kristi Mack, Wayne Zellmer

OTHERS PRESENT:
Bev Nordby, Mower SWCD
Dr. Steve Taff, Department of Applied Economics, University of Minnesota
Wayne Edgerton, Department of Natural Resources
Keith Hanson, Minnesota Power

Chair Deal called the meeting to order at 9:10 a.m.

PLEDGE OF ALLEGIANCE

** 06-41 **ADOPT AGENDA** – Moved by Louise Smallidge, seconded by Bob Burandt, to approve the agenda as presented. Motion passed on a voice vote.

** 06-42 **MINUTES OF MAY 24, 2006** – Moved by Randy Kramer, seconded by Quentin Fairbanks, to approve the minutes of May 24, 2006, as circulated. Motion passed on voice vote.

OPEN MIKE

Matt Holland, Pheasants Forever, urged the Board to take leadership action regarding payment rates for CREP II. He stated that the CREP program is a tremendous benefit for wildlife and water quality, but the payment rate is not competitive enough to interest landowners. Timing of the program is important for the private organization partnerships and for getting contracts on the ground. Pheasants Forever doesn't want the program to languish, need to work with federal partners so we don't lose acreage or the leveraging of dollars. He encouraged BWSR to take action now to adjust the RIM Reserve payment rates. Pheasants Forever is willing to assist as needed.

REPORTS

Chair's Report – Jerome Deal was unable to attend the EQB meeting this month. He mentioned the Bois de Sioux Watershed District new office dedication. Jerome also attended the MAWD summer tour and commended the Sauk River Watershed District for putting on such a great tour.

Executive Director – Ron Harnack stated that Brian Kletscher is in Milwaukee with his family as his mother-in-law is ill; our thoughts and prayers are with the Kletscher family. Ron reported that Paul Brutlag received clearance from the doctor that he is able to go to Alaska on a motorcycle trip with his two brothers. He left this morning and will be back on August 3.

Ron stated that he has been in contact with the Governor's office regarding board member appointments. Ron stated that he was notified that current board members will not be reappointed, their terms will end on June 30. Formal appointments will be made within the next few days.

Ron reported that the South Two River Watershed District hearing was held last week. The record will be kept open for 60 days. The BWSR hearing panel will

make a recommendation to the full BWSR Board on the termination of the South Two River Watershed District for the August meeting.

Ron reported that the Brainerd office is moving this week into the DNR regional office location. Ron reported that Peter Raeker has taken a job with Met Council, Metro Transit. Peter's last day with BWSR was June 23. This is a great opportunity for Pete, we wish him well in his new position. Peter's position has been posted.

Ron stated that staff and the Administrative Advisory Committee will be working on the biennial budget for the next two years developing proposals to be brought before the full Board in September/October.

Dispute Resolution Committee – Jim Haertel reported that nineteen appeals are pending. The City of Montgomery appeal has been remanded. Jim will be meeting with officials and the developer of the Jackson Estates in Hermantown, regarding settlement.

Wetlands Committee – Clair Nelson reported that the Wetlands Committee will meet this afternoon after the full board meeting. Ron Harnack stated that the WCA assessment stakeholders met yesterday. Ron again noted that the wetland assessment process is NOT intended to open up the whole WCA rule and statute but to focus on options for greater wetland trends and accounting; potential for reducing regulatory net-losses through assessment of exemptions and mitigation ratios and lastly the potential for regulatory simplification. The BWSR Wetland Committee will meet on July 26 to continue discussions on wetland assessment options from the stakeholders. A wetland roundtable will be held the third week in November as a means of developing consensus on options for rule and statute changes to WCA.

Cost-Share Committee – Louise Smallidge stated that the Cost-Share Committee has recommendations on the agenda later today.

Education and Public Relations Committee – Kay Cook stated that the Education Committee will be at a loss without Peter Raeker. Kay reported that the Sauk River Watershed District hosted the MAWD summer tour. It was well attended, education was the main goal. She will provide a copy of the tour booklet for Board members.

Administrative Advisory Committee – Jerome Deal reported that the Administrative Advisory Committee met this morning, a recommendation on CREP II will be presented later on the agenda.

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

Kanabec County Priority Concerns Scoping Document – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Kanabec
** County Priority Concerns Scoping Document and recommends approval. Moved
06-43 by Quentin Fairbanks, seconded by Kay Cook, to approve the Kanabec County Priority Concerns Scoping Document. Motion passed on a voice vote.

Norman County Local Water Management Plan Update – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Norman County Local Water Management Plan Update and recommends approval.
** Moved by Quentin Fairbanks, seconded by Clair Nelson, to approve the Norman
06-44 County Local Water Management Plan Update. Motion passed on a voice vote.

Red Lake Watershed District Revised Watershed Management Plan – Quentin Fairbanks referred to Jim Haertel for the report. Jim Haertel reported that the Northern Water Planning Committee reviewed the Red Lake Watershed District Revised Watershed Management Plan and recommends approval of the
** Plan. Moved by Quentin Fairbanks, seconded by Kay Cook, to approve the Red
06-45 Lake Watershed District Revised Watershed Management Plan. Motion passed on a voice vote. Quentin reported that there was much controversy on this Plan, although there is some limited opposition, there has been no alternative proposal presented and a revised plan is needed. Motion passed on a voice vote.

Wild Rice Watershed District Redistribution of Managers – Jim Haertel reported that the Northern Water Planning Committee reviewed the petition and recommends approval of the redistribution of managers for the Wild Rice Watershed Disrict. Jim explained that the Mahnomen County Board of Commissioners will appoint two managers from Mahnomen and Clearwater County. A new manager district will consist of two managers appointed by the Clay County Board of Commissioners from Clay and Becker Counties. The Clay County manager position that is currently vacant will be redistributed to Mahnomen and Clearwater Counties. The current Becker County manager and
** the current Clay County manager will finish their terms. Moved by Quentin
06-46 Fairbanks, seconded by Louise Smallidge, to approve the petition for redistribution of managers for the Wild Rice Watershed District. Discussion followed. Motion passed on a voice vote.

NEW BUSINESS

FY 07 SWCD Grants – Wayne Zellmer explained that the Cost-Share Committee recommends approval of the FY07 SWCD allocations for four BWSR grant programs: 1) Regular Statewide Cost-Share Base Grants; 2) General Services; 3) Easement Services; and 4) Feedlot Water Quality Management Grants.

** 06-47 Moved by Kay Cook, seconded by Paul Krabbenhoft, to approve the FY 07 SWCD Grants as presented. Motion passed on a voice vote.

FY07 Natural Resources Block Grant – Wayne Zellmer explained that the Natural Resources Block Grant 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 (including the new ISTS dollars from the Clean Water Legacy). On behalf of BWSR, DNR, MPCA staffs, and the Cost-Share Committee, the Board is requested to authorize staff to allocate the grants.

** 06-48 Moved by Lisa Thorvig, seconded by Louise Smallidge, to authorize staff to appropriate individual grant amounts to counties meeting the Natural Resources Block Grant Program requirements, as determined by BWSR, DNR, and MPCA. Motion passed on a voice vote.

Red River Valley Set-Aside Program, Reallocation – Wayne Zellmer explained that the 2000 Legislature appropriated $2,650,000 to BWSR to establish an agricultural land set-aside program to provide short-term economic assistance to landowners. The Cost-Share Committee recommends the remaining balance, $189,177 available to the original SWCDs (9) on an equal basis, $21,020 each. If an SWCD desires a lesser amount, the remainder is available to the other SWCDs. Up to 20% of the allocation actually spent on projects may be used for SWCD technical and administrative costs. Priority consideration will be given to projects for living snow fences on county and township roads and township roads and ditch buffers with watershed district match. Secondary consideration will be given to extensions on existing

** 06-49 contracts. Moved by Paul Krabbenhoft, seconded by Bob Burandt, to approve the Red River Valley Set-Aside Program Reallocation. Motion passed on a voice vote.

BOARD MEMBER RECOGNITION – Ron Harnack, on behalf of BWSR, presented a print to Paul Krabbenhoft, and a certificate of commendation from Governor Pawlenty. Paul has been a board member since 1998, representing SWCDs. Paul served as chair of the Cost-Share Committee. Paul stated that it's been an honor and a privilege to serve on the Board and he's enjoyed his time as

a board member. Paul stated that as stewards of God's creation, we need to continue to educate.

Ron Harnack, on behalf of BWSR, presented a print to Clair Nelson, and a certificate of commendation from Governor Pawlenty. Clair has been a board member since 1998, representing county commissioners. Clair has served as chair of the Wetlands Committee since 2003. Clair stated that it's been a privilege to serve on the Board.

Ron Harnack, on behalf of BWSR, presented a print to Jerome Deal, and a certificate of commendation from Governor Pawlenty. Jerome has been chair of BWSR since 2003, and a board member representing watershed districts since 1998. Ron personally thanked Jerome for all his support, leadership, and tenacity. BWSR has been faced with a number of challenges and Jerome has provided leadership in helping protect who and what BWSR is. He's been active; and has provided a common-sense approach to working lands conservation. Jerome has served as BWSR's representative on the Environmental Quality Board. Jerome commended the exceptional BWSR staff, and the great open-minded people that serve on the Board. Jerome stated that things are working beautifully; don't change that.

Chair Deal called for a break in the meeting at 10:30 a.m. The meeting reconvened at 10:45 a.m.

City of Hermantown Comprehensive Wetland Protection and Management Plan – Quentin Fairbanks reported that an eighteen-member task force of residents, elected officials, environmental groups and agency staff contributed in the development of the City of Hermantown Comprehensive Wetland Protection and Management Plan. Dale Krystosek reported that the city is in the process of also developing a Special Area Management Plan (SAMP) in cooperation with the Corps of Engineers. Dale stated that all relevant and procedural requirements of law and rule have been fulfilled, and the Plan is in conformance with the requirements of Minnesota Statutes. Moved by Quentin Fairbanks, seconded by Clair Nelson, to approve the City of Hermantown Comprehensive Wetland Protection and Management Plan and Local Wetland Management Ordinance. Motion passed on a voice vote.

** 06-50

Area II Minnesota River Basin Projects Inc., FY 2007 Annual Work Plan (General Fund and Bonding) – Tabor Hoek introduced Andy Lochner, Gary Sorenson, and Joe Schouvieller, Area II Board. Joe thanked BWSR for their support in the past and appreciates the assistance in the future. Tabor stated that

this plan is for the BWSR oversight of project and administrative funding related to the flood control efforts of the Area II project. Project funding for FY 2007 has been established at $500,000 in bonding. This new funding will facilitate the implementation of up to seven new flood control projects. A minimum 25% local match is required. Numerous other projects are also underway with previous years funding. Administrative funding for Area II, via state general fund, is $105,000. A budget is included in the plan. Staff recommends approval of this
** plan and execution of the administrative and project grant agreements. Moved by
06-51 Lisa Thorvig, seconded by Louise Smallidge, to accept the staff recommendation to approve the Area II Minnesota River Basin Projects, Inc., Annual Work Plan for the administrative grant and bonding projects grants. Motion passed on a voice vote. Chair Deal encouraged board members to get out to Area II to see first-hand the completed projects. Kay Cook suggested that BWSR, as part of the biennial budget look at getting the Area II administrative grant back to $120,000/year.

Clean Water Legacy Update – Steve Woods explained that staff from BWSR, MDA, DNR, and MPCA have been meeting to strategize how the one-time Clean Water Legacy Act funds will be processed and distributed. Steve presented the framework strategy to the Board. Ron Harnack encouraged the Board to endorse the two-page strategy. Discussion followed. Steve stated that the money appropriated to BWSR will use the process similar to the local water management challenge grants program. The money needs to be expended by
** 2009; with signed contracts by 2007. Moved by LuAnn Tolliver, seconded by Kay
06-52 Cook, to approve the strategy document. Motion passed on a voice vote. Ron thanked the other agencies for pulling this together in a cooperative fashion.

CREP II Payment Rate Modifications – Kevin Lines explained that the current payment structure for CREP II is not conducive to achieving program outcome goals. The current payment rate is not competitive with rising land values and therefore is not getting landowner interest. SWCD's in the CREP II areas suggest that the program is dead unless RIM Reserve payment rates are significantly adjusted. The recommended RIM Reserve payment rate is based on a projected 2007 estimated market value (EMV) based upon a trend analysis prepared by Dr. Steve Taff, Department of Applied Economics at the University of Minnesota. Kevin presented the proposed RIM Reserve payment rate increase for CREP II. Ron Harnack stated that FSA has supported changing the federal bonus percentage, but has advised that the state needs to adjust the state rate. This decision does not require an amendment to the State/USDA CREP II agreement. The Legislature has amended the BWSR RIM Reserve appropriation to allow the appropriation to be used for more than just CREP II. Kevin stated that the

payment rate increase will be effective through December 31, 2007. Steve Taff will provide updated 2006 estimated market value (EMV) averages on Minnesota Land Economics to the Board. Joe Martin stated that he supports the rate increase, but he's skeptical that this is just a money issue and term of easement may be contributing to landowner interest as well. Ron presented the resolution as recommended by the Administrative Advisory Committee.

1) RIM Payment Rate for CREP II
   a) The payment structure is hereby modified to achieve 90% of EMV with a 5% discount rate, and multipliers be increased to .333 for a 30 year easement (15 year CRP + 30 years = 45 years) and .433 for a perpetual easement (15 year CRP + perpetual easement), contingent on current and future legislative appropriations for the three approved CREP II project areas through December 31, 2007.
   b) BWSR will work with Local Ditch Authorities to promote incentives to achieve water quality.
   c) Payment would apply to pre-existing landowners applications/easements.
   d) RIM Reserve authorized for "squaring-up" easements not to exceed 10% of the easement acreage.

2) Authorize RIM Reserve leveraging of Wetlands Reserve Program (WRP) in the CREP II areas.

** 06-53 Discussion followed. Moved by Gene Merriam, seconded by Randy Kramer, to strike the word "easements" from 1.c of the resolution – "Payment would apply to pre-existing landowners applications/easements". Chair Deal asked for a roll call vote: Affirmative: Dana Allen, Jim Anderson, Paul Krabbenhoft, Randy Kramer, Joe Martin, Gene Merriam, Clair Nelson, Lisa Thorvig, Michael Convery, Jerome Deal. Opposed: Bob Burandt, Kay Cook, Louise Smallidge, LuAnn Tolliver. Motion passed on a roll call vote. The word "easements" is stricken.

** 06-54 Moved by Joe Martin, seconded by Dana Allen, to remove #2 from the resolution- Authorize RIM Reserve leveraging of Wetlands Reserve Program (WRP) in the CREP II areas. Kevin stated that the State does have an active agreement with the federal government; BWSR has the ability to leverage NRCS dollars. Ron stated that the Board has to authorize WRP to be used. Discussion followed. Motion passed on a voice vote. #2 is removed.

** 06-55 Moved by Lisa Thorvig, seconded by Michael Convery, to endorse the amended resolution to approve the RIM Reserve payment rate increase for CREP II. Motion passed on a voice vote.

FY 2007 Farm Bill Assistance Project – CREP II Implementation – Kevin Lines explained that during the development of CREP II it was decided to continue to utilize the structure of the Farm Bill Assistance Project and merge financial resources of BWSR, DNR, Pheasants Forever, local sport groups and the SWCDs to implement the program. Presently, we have 36.8 FTE's in 52 counties and are looking to maintain that level of effort. The funding formula for non-CREP and partial CREP counties would be a state/local split of 70/30. Due to increased workload demands on SWCDs 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 of $40,000/FTE with the appropriate split being applied. Kevin distributed a map showing the Farm Bill assistance positions for Phase VI, July 1, 2006 – June 30, 2007; a staffing plan of 33.84 FTEs in 48 SWCDs. Staff recommends approval of the

** 06-56 FY 2007 Farm Bill Assistance Project. Moved by Jim Anderson, seconded by Louise Smallidge, to approve the FY 2007 Farm Bill Assistance Project, CREP II implementation process. Motion passed on a voice vote.

** 06-57 Moved by Randy Kramer, seconded by Jim Anderson, to bring the resolution back for approval "to authorize RIM Reserve leveraging of Wetlands Reserve Program (WRP) in the CREP II areas". Joe Martin stated that WRP payments are significantly higher than RIM; need to be cautious. Joe requested more documentation on how this will be implemented in relation to the other conservation programs, particularly CREP II. The shifting or changing priorities and using CREP dollars for WRP, Joe feels guidance is appropriate. Ron stated that staff will bring back more specific information at the August Board meeting. Motion passed on a voice vote.

AGENCY REPORTS

Minnesota Pollution Control Agency (MPCA) - Lisa Thorvig reported that applications are now being accepted for membership on the Clean Water Council. Lisa distributed information on the Clean Water Council membership. Lisa reported that MPCA is going through some management changes. Kristen Appelgate is leaving to spend some time with her 2-year old twins. Regional Division Director Leo Raudys will be moving into the deputy commissioner position. Lisa stated that additional changes in the management structure will be made, Commissioner Corrigan likes to rotate senior managers.

Department of Natural Resources (DNR) - Gene Merriam reported that many reports have come in regarding the good game numbers, pheasant counts and grouse counts are up. There is no press out on this yet, but the spring nesting duck counts are way down. Commissioner Merriam reported that the BWSR Brainerd staff are moving into the DNR office tomorrow.

Ron Harnack asked for agency perspectives on the water supply issue regarding ethanol. Michael Convery, Department of Health, stated that it's going to be difficult getting water into some of these areas. Lisa Thorvig, MPCA, stated that the ethanol team is working through the environmental review of MPCA, DNR, and the Department of Agriculture. Gene Merriam, DNR, stated that an analysis can be done upfront so people know where the water supply is. Lisa stated that there is group of consultants that are meeting tomorrow regarding the environmental review of projects.

Department of Agriculture (MDA) - Joe Martin, reported that recommendations relating to the next federal farm bill have been finalized by the Clean Water Cabinet, a signed cover letter will be delivered to USDA. Joe reported that funding has been received for controlled drainage to continue work on two control drainage sites, measuring nitrates and soil temperatures, remotely controlled from a farm office.

Kay Cook, on behalf of Minnesota Waters, recognized Ron Harnack and Gene Merriam as honored guests at the Minnesota Waters meeting.

Upcoming Meetings

- BWSR Tour and Meeting, August 23-24, 2006, in Martin County.
- BWSR Wetland Committee, July 26, 2006, at BWSR.

Chair Deal stated that he has received numerous calls regarding the need to increase CREP II payment rates. This is the most calls he has received on a single issue.

Chair Deal stated that he has confidence in BWSR's future. BWSR takes a practical, common sense approach to conservation and gets real outcomes on the ground. Randy Kramer will serve as interim chair until the appointment is made.

** 06-58 Moved by Randy Kramer, seconded by Louise Smallidge, to adjourn the meeting at 12:50 p.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer

Jerome Deal
Chair

Dispute Resolution Report
May 11, 2006
by Jim Haertel

There are presently 19 appeals pending. All of the appeals involve WCA except number 05-24. There have been 3 new appeals filed since the last report dated May 11.

File 06-18. This is a new appeal of a Restoration Order in the City of Montgomery in LeSueur County. The appeal regards filling in a Type 2 wetland. The filling has occurred over several years and some of the fill is demolition material The appeal concerns the same area as File 06-17. No decision has been made on the appeal.

File 06-17. This is a new appeal of a Replacement Plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. No decision has been made on the appeal.

File 06-16. This is a new appeal of a Replacement Plan decision in Kanabec County. The LGU denied a wetland replacement plan application based on a lack of sequencing. Sequencing flexibility had been requested, however the proposed replacement wetland was found to have less functions and values than the impacted wetland. The appeal has been remanded for further processing at the local level.

File 06-14. This is an appeal of a Replacement Order in the City of Green Isle in Sibley County. A replacement plan was approved, replacement wetlands were constructed, and wetland impacts have occurred as authorized under the approved replacement plan. The ownership of the wetland replacement credits is in dispute. A district court decision on the ownership issue was appealed to the Minnesota Court of Appeals. The appeal has been placed in abeyance and the Replacement Order has been stayed until the court proceedings have been finalized.

File 06-12. This is an appeal of a no-loss decision in Stearns County. It involves the same project and issues as File 06-6. After a restoration order was issued, a no-loss application was submitted by the developer and denied by the LGU. The appeal has been remanded for further technical evaluation.

File 06-6. This is an appeal of a restoration order in Stearns County. At issue are numerous wetlands impacted by filling, sedimentation, reduction of hydrology and lack of Best Management Practices associated with a residential development. The appeal has been denied in part. The Restoration Order has been affirmed in part and has been stayed in part.

File 06-5. This is an appeal of a wetland boundary and type decision in the City of Hermantown in St. Louis County. The appeal concerns the denial of a wetland delineation. There are issues regarding the soils and vegetation in a disturbed area. The area has been disturbed by wetland filling and a cease and desist order has been issued to the developer. The appeal has been remanded for further processing by the LGU.

File 06-4. This is an appeal of a restoration order in Carlton County. At issue is the unauthorized placement of fill in wetland for a roadway. The appeal is in abeyance pending completion of a wetland delineation during the growing season.

File 06-2. This is an appeal of a restoration order in Mille Lacs County. At issue is the unauthorized placement of fill in wetland for construction of a road. Also, unstable steep slopes exist along the edge of the fill in wetland. The appeal is in abeyance pending further technical work during the growing season.

File 06-1. This is an appeal of a replacement plan approval in Itasca County. The appeal contends that sequencing was not followed. The TEP recommended denial on a 3:1 vote. The SWCD approval was on a 3:2 vote. The application sought wetland filling for three outbuildings and lake access. The appeal has been accepted and is in abeyance pending settlement discussions.

File 05-26. This is an appeal of a replacement plan decision in Crow Wing County. The appeal concerns the denial of a wetland replacement plan application. The application was denied because there was no hardship to support approval. Upon inspection it appears a decision was made to deny a variance, however it is likely no WCA decision was made. The appeal has been accepted and is in abeyance pending settlement discussions.

File 05-24. This is an appeal, actually three appeals, of the Bois de Sioux Watershed District compensation to landowners related to a project. The appeal has been held in abeyance pending settlement discussions and is now starting to be move forward for a hearing before the DRC.

File 05-20. This is an 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 and is in abeyance pending settlement discussions.

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 04-23. 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. Previously 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.

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Kanabec County Priority Concerns Scoping Document - *DECISION ITEM*

2. Norman County Local Water Management Plan – *DECISION ITEM*

3. Red Lake Watershed District Revised Watershed Management Plan – *DECISION ITEM*

4. Wild Rice Watershed District Redistribution of Managers – *DECISION ITEM*

Minnesota Board of Water & Soil Resources

June 29, 2006

Kanabec County Commissioners
c/o Teresa Bearce
Kanabec County Environmental Services Department
18 North Vine Street Suite 291
Mora, MN 55051

SUBJECT: Official Comments Pertaining to the State Review of the Kanabec County Priority Concerns Scoping Document

Dear Kanabec 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 Kanabec 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 Kanabec County Priority Concerns Scoping Document on April 4, 2006. The Northern Water Planning Committee (hereinafter referred to as Committee) met on June 14, 2006, 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 any changes or offer any to the priority concerns selected to be addressed by the plan.

The Committee offers no specific suggestions to be considered in the development of the final plan, however, the Committee encourages the Kanabec County Water Management Plan Task Force to consider the following points in the development of the final plan:

- Consider the significance of residential and recreational development on the use and quality of lakes, rivers and streams
- Consider how to preposition the county to address challenge grants for ditch assessment and management
- Enhance public and local government participation in the development of the final plan
- Develop a strategy to inform local residents about the importance of the comprehensive local water management plan

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) 828-2385
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

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Bearing these issues in mind, the Committee encourages the county to submit the final plan for board approval within six (6) months of receiving this letter.

Sincerely,

Jerome Deal
Chair
cc: Ron Shelito, BWSR
David Weirens, BWSR
Jason Weinerman, BWSR
Sharon Pfeifer, DNR
Art Persons, MDH
Becky Balk, MDA
David L. Johnson, MPCA
John Wells, EQB

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) 828-6056

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
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Minnesota Board of Water & Soil Resources

Norman County Commissioners
Norman County Courthouse
P.O. Box 266,
Ada, MN 56510

June 28, 2006

Dear Norman County Commissioners:

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you that Norman County's revised Local Water Management Plan was approved at its regular meeting held on June 28, 2006. 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 Norman County Local Water Management Plan, once locally adopted by resolution, is effective for a ten-year period until December 31, 2016, with a review of the plan to be conducted in five years.

For Norman County's 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 Norman Soil and Water Conservation District staff and water plan advisory members are to be commended for developing a Local Water Management Plan that emphasizes the need for Norman County to coordinate the efforts of local, state, and federal entities in addressing the priority concerns and related actions needed that not only effect water issues facing Norman County but the Red River Basin. With the continued implementation of your updated Local Water Management Plan the protection, and management of Norman 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: Curtis Borchert, County Water Plan Coordinator
Brian Dwight, Board of Water and Soil Resources
File copy

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

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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

Minnesota Board of Water and Soil Resources
520 Lafayette Road N.
Saint Paul, MN 55155

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Norman County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on May 10, 2006, 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 9, 2005 the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Norman County, pursuant to M.S. Section 103B.312.

2) On June 22, 2005 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 June 22, 2005.

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

   - Norman County will focus on wind and water erosion and the associated sedimentation that occurs within Norman County.
   - Norman County will focus on surface and ground water quality
   - Norman County will focus on the correct use of the natural resources within Norman County
   - Norman County will focus on water movement through the county

4) On May 11, 2006 the BWSR received the Norman 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 14, 2006, 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: 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, 2016, with a review of the Plan Update in five years.

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 Norman County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2. The Norman County Plan Update attached to this Order states water and water-related problems within the county; 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 – July 1, 2006 to December 31, 2016.

Dated at St Paul, Minnesota, this twenty-fourth day of June 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

OVERVIEW
Red Lake Watershed District updated Long Range Plan

Background
The Red Lake Drainage and Conservancy District was originally established in February, 1920. Becoming inactive after its establishment, the Red Lake Drainage and Conservancy District was re-activated and new board members appointed in January, 1946. The board members of the Drainage and Conservancy felt the District could function better under the Minnesota Watershed Act and petitioned District Court. The Red Lake Watershed District (RLWD) was established on April 2, 1970, by order of the Minnesota Water Resources Board under the provisions of Minnesota Statutes, Chapter 112, otherwise referred to as the Minnesota Watershed Act. The initial long-range plan for the Red Lake Watershed District was prescribed in November, 1972, and an Order prescribing an updated plan was adopted in October, 1990.

Location and Land use
RLWD is located in northwestern Minnesota and includes the entire drainage basin, in Minnesota, of the Red Lake River and tributaries such as the Clearwater River and Thief River. The Counties included in this area are Red Lake County and parts of the following counties: Beltrami, Clearwater, Itasca, Koochiching, Mahnomen, Marshall, Pennington, Polk and Roseau. Major cities within the RLWD include Thief River Falls, East Grand Forks, Crookston and Red Lake Falls. The total area is about 5,990 square miles of which 41% is cultivated land, 30% is forested, and 20% is wetland/brush/grasslands. The Red Lake River, draining Lower and Upper Red Lakes, the Clearwater River and the Thief River make up the major drainage areas of the RLWD.

The mission of the Red Lake Watershed District is to "Reduce flooding and flood damages to seek to improve water quality and enhance fish and wildlife habitat through sound water management".

Plan process and content
This being a planning effort done following the "Red River Basin Flood Damage Reduction Work Group Agreement of December 1998" (Mediation Agreement) BWSR staff worked closely with watershed district staff, consultants, and the meeting facilitator to assure that the intent of the Mediation Agreement was incorporated into the Plan. The Following is a partial list on Plan strengths:

- Incorporates the principles of the "Mediation Agreement".
- Comprehensive natural resource inventory/assessment.
- Aggressive public/agency - issue/solution identification process.
- Development of a hydrologic model.
- Balanced flood damage reduction and natural resources enhancement goals

The plan includes a general description of the RLWD and its water resources. It outlines the problems known to exist in the RLWD, potential solutions and the policies the district's Board intends to follow. This plan is intended to be a guide to implementation

of watershed projects. The plan identifies problems through goals, objectives and actions developed on a watershed-wide basis as well as on a subwatershed basis.

Problems identified include:

- Flooding of agricultural land;
- Flood damages to public and private property;
- Erosion and sedimentation;
- Water quality impairment;
- Loss of fish and wildlife habitat;

Some of the potential solutions and implementation items include:

- Impoundments, levees and drainage system modifications;
- Acquisition and relocation of structures;
- Wetland and watercourse restorations;
- Buffer and filter strips;
- Enhanced public education and outreach; and
- Watershed permitting programs.

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

In the Matter of prescribing a Revised Watershed Management Plan for the **Red Lake Watershed District** pursuant to Minnesota Statutes Section 103D.405

ORDER PRESCRIBING WATERSHED MAGEMENT PLAN

Whereas, the Board of Managers of the Red Lake Watershed District (RLWD or District) filed a Draft Revised Watershed Management Plan (Plan) dated April, 2006 with the Minnesota Board of Water and Soil Resources (Board) 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 Red Lake Watershed District was established on April 2, 1970 by order of the Minnesota Water Resources Board under the provisions of Minnesota Statutes, Chapter 112 otherwise referred to as the Minnesota Watershed Act.

2. **Requirement to Plan.** The Plan includes an executive summary, a physical description of the District, an updated hydrologic model, identifies the flood damage reduction (FDR) and natural resource enhancement (NRE) issues within the District, sets overall watershed and sub-watershed goals for FDR and NRE, identifies alternative projects and programs and the utilization of project work teams to accomplish these goals, recognizes other planning efforts and the need to coordinate efforts, and the rules and policies of the District. Challenges facing the District are: flooding of agricultural land, flood damages to public and private property, erosion and sedimentation, water quality impairments, loss of fish and wildlife habitat, and limited recreational opportunities. The Plan was developed and will be implemented following the principals and process identified in Minnesota Statutes Section 103D.405 and the " Red River Basin Flood Damage Reduction Work Group Mediation Agreement". The mission of the Red Lake Watershed District is to

reduce flooding and flood damages, to seek to improve water quality and enhance fish and wildlife through sound water management.

3. **Nature of the Watershed.** The RLWD is approximately 5,990 square miles in size in northwestern Minnesota. It lies between Range 28 west and Range 50 west and Township 146 North and Township 158 North. The District includes the watersheds of the Red Lake River, Thief River, Clearwater River and the Grand Marais River, which are tributaries to the Red River of the North. The District occupies all or parts of Beltrami, Clearwater, Itasca, Koochiching, Mahnomen, Marshall, Pennington, Polk, Red Lake and Roseau Counties. The RLWD also encompasses a major portion of the Red Lake Indian Reservation.

4. **Local Review.** On December 13, 2005 the RLWD sent a copy of the draft Plan to units of government for their review pursuant to Minnesota Statutes Section 103D.405. In addition, copies were sent to member of the Citizens Advisory Committee (CAC) and the Technical Advisory Committee (TAC) which where assembled for the plan update process, the Red River Basin Commission, Flood Damage Reduction Work Group, the Northwest Regional Development Commission, additional local units of government, and numerous non-governmental organizations.

5. **Citizens Advisory Committee (CAC) review.** Four members of the CAC provided written comments. Items identified where corrections in map labeling, concerns over some NRE establishment and management activities on peat lands, and the need to provide actions addressing identified concerns of flooding in the cities of Clearbrook, Bagley, and Mentor. Also identified was that the concept plan to address flooding concerns in the Thief River watershed did not have consensus and should not be included in the plan.

6. **Marshall-Beltrami Soil and Water Conservation District review.** Comments received from the Marshall-Beltrami SWCD indicated that before more flood damage reduction structures are installed in the Thief River watershed a better outlet is needed. They also felt that the discussion on the concept plan for flood control in the Thief River watershed should not be included in the Plan because consensus was not reached.

7. **Marshall County review.** Marshall County comments requested not including the flood damage reduction concept plan in the Thief River watershed section and also felt it was in conflict with the Marshall County Land use plan.

8. **Department of Natural Resources (DNR) review.** Comments received from the DNR where primarily rectifying and further clarifying the historical and existing conditions of the RLWD in the areas of fisheries and the natural resources within the Thief River watershed. The proposed activities seemed consistent with DNR priorities.

9. **Minnesota Department of Health (MDH) review.** MDH stated it was "great to see" inclusion of wellhead protection information and drinking water protection issues and commended the RLWD for their recognition of, and commitment to, sound water quantity and quality management.

10. **Minnesota Department of Agriculture (MDA) review.** MDA requested that they, as well as producer groups, be identified on the list of cooperating partners in the policies of the RLWD. They also stated that they look forward to working with the RLWD as it continues its planning efforts.

11. **Minnesota Pollution Control Agency (PCA) review.** PCA asked the RLWD to include a brief impaired water description. PCA provided language with an identified web site as a reference.

12. **The Board of Water and Soil Resources review.** Board comments encouraged the RLWD to further describe the factors that drive the need for water management in the RLWD, which are land use, water use, and recreation. Board comments requested the inclusion of more maps showing the natural resource enhancement areas within the watershed. Board comments requested the RLWD expand the discussions on the existing conditions in the sub-watershed section of the Plan. Board comments recommended that the RLWD develop guiding principles to follow in project development. Board comments identified two items that needed to be included in the plan to meet 103D.405 requirements, namely a description of active or planned projects and an analysis of the effectiveness of the RLWD's rules and permits in the achieving the RLWD's objectives.

13. **U.S. Fish and Wildlife Service (USFWS) review.** USFWS provided comments further clarifying endangered species, identified the need to further clarify the impacts drainage has on existing wetland hydrology, provided some suggested actions to address erosion and sedimentation, and suggested implementing a permit system for actions affecting drainage on land more than 20 acres in size.

14. **RLWD response to local review comments received.** In review of the RLWD response to local review comments received, the Board feels the RLWD has adequately addressed all of the comments received.

15. **Highlights of the Plan.** Critical elements in the Plan include:
    a. Incorporates the principles of the "Red River Flood Damage Reduction Work Group Mediation Agreement".
    b. Aggressive citizen input process.
    c. Utilization of a Citizens Advisory Committee (CAC) for identification and prioritizations of issues.
    d. Utilization of a Technical Advisory Committee (TAC) for alternative solutions development.
    e. Comprehensive natural resource inventory/assessment.
    f. The development of a watershed hydrologic model.
    g. Focused FDR and NRE goals to address "vision statements" on an overall watershed basis as well as 6 sub-watershed basis.
        i. Water Quantity vision statement: " We envision a reduction in flood damages with the active cooperation and education of constituents and public partners. Goal 1of 5 "Reduce peak flows from the Red Lake River at East Grand forks and Crookston by 10 percent and reduce corresponding flood stages by approximately 1 foot".
        ii. Water Quality vision statement: " We envision that there will be measured improvement in water quality in the majority of district water bodies through increased knowledge in location and sources of problems within the RLWD, improved public education, interagency cooperation, and project implementation. Goal 1of 4 "Increased knowledge of sources that cause water quality problems".
        iii. Erosion vision statement: " We envision a RLWD that will have a reduction in the delivery of sediment to district water bodies and drainage systems through enhanced interagency cooperation and public education on erosion causes and effects. Goal 1of 6 " Reduce agricultural erosion".
        iv. Natural Resources vision statement: " We envision a Red Lake watershed with a quantity and quality of habitats that function to sustain diverse and healthy fish and wildlife populations and provide abundant recreational opportunities". Goal 1of 5 " Maintain existing quality habitats, such as watercourses, wetlands, lakes, grasslands, and brushlands.

16. **Publish Notice of Public Hearing.** Legal notice of public hearing was published in the Roseau Times-Region on May 6, 2006, the Exponent on May 10, 2006, the Pioneer on May 10, 2006, the Leader Record on May 10, 2006, the Farmer on May 10, 2006, the Grygla Eagle on May 11, 2006, the Thief River Falls Times on May 10, 2006, the Crookston Daily Times on May 10, 2006, the Red Lake Falls Gazette on May 10, 2006, the Grand Rapids Herald Review on May 10, 2006, the Daily Journal on May 11, 2006, and the Mahnomen Pioneer on May 11, 2006. Legal notice was also mailed to several addressees including the auditors of each county in the RLWD, the county boards of each county in the RLWD, each SWCD in the RLWD, all cities in the RLWD, the Red Lake Indian Reservation, and the DNR.

17. **Public Hearing.** A public hearing was held on May 22, 2006, at the RLWD office located at 102 North Main Avenue in Thief River Falls. The proceedings were tape recorded. The hearing panel consisted of Board members Louise Smallidge, Kay Cook, 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 June 5, 2006 for receipt of written comments.

    The following list of exhibits comprise the hearing record.

Exhibit 1. Revised Watershed Management Plan for the Red Lake Watershed District entitled "10-Year Comprehensive Plan" dated April, 2006.

Exhibit 2. Letter dated May 4, 2006, from Jim Haertel, Board of Water and Soil Resources, to several addressees notifying them of the public hearing, together with the List of Addressees, the Legal Notice, and an Affidavit of Mailing dated May 5, 2006.

Exhibit 3. Affidavit of Publication dated May 15, 2006, of Legal Notice in the Roseau Times-Region on May 6, 2006.

Exhibit 4. Affidavit of Publication dated May 10, 2006, of Legal Notice in the Exponent on May 10, 2006.

Exhibit 5. Affidavit of Publication dated May 10, 2006, of Legal Notice in the Pioneer, Bemidji on May 10, 2006.

Exhibit 6. Affidavit of Publication dated , 2006, of Legal Notice in the Leader Record on May 10, 2006.

Exhibit 7. Affidavit of Publication dated May 31, 2006, of Legal Notice in the Farmers Independent on May 10, 2006.

Exhibit 8. Affidavit of Publication dated July 8, 2006, of Legal Notice in the Grygla Eagle on May 11, 2006.

Exhibit 9. Affidavit of Publication dated May 10, 2006, of Legal Notice in the Thief River Falls Times on May 10, 2006.

Exhibit 10. Affidavit of Publication dated May 15, 2006, of Legal Notice in the Crookston Daily Times on May 10, 2006.

Exhibit 11. Affidavit of Publication dated May 10, 2006, of Legal Notice in the Red Lake Falls Gazette on May 10, 2006.

Exhibit 12. Affidavit of Publication dated May 12, 2006, of Legal Notice in the Grand Rapids Herald Review on May 10, 2006.

Exhibit 13. Affidavit of Publication dated , 2006, of Legal Notice in the Daily Journal on May 11, 2006.

Exhibit 14. Affidavit of Publication dated May 11, 2006, of Legal Notice in the Mahnomen Pioneer on May 11, 2006.

Exhibit 15. Letter dated May 19, 2006, received on May 22, 2006 from Brent Boen, Marshall County Chairperson, in opposition to the Thief River Subwatershed component of the revised Plan.

The following exhibits were entered into the record after the hearing and before 4:30PM on June 5, 2006 when the record closed.

Exhibit 16. Letter dated May 25, 2006 from Jan Kaspari, Marshall County Water Plan Coordinator, requesting the plan acknowledge their partnership in contributing to water quality monitoring.

Exhibit 17. Letter received on May 30, 2006 from Steven Jorland in favor of the Thief River Subwatershed component of the revised Plan.

Exhibit 18. Copy of electronic mail dated May 31, 2006 from Myron Jesme, Red Lake Watershed District Administrator, stating the Marshall County Water Planner should be added as a partner in water quality monitoring in the revised Plan.

Exhibit 19. Letter dated May 31, 2006, with attachments, from Donald Barron and Ronald Lindberg, Thief River Falls Director of Public Works, in favor of the Thief River Subwatershed component of the revised Plan.

Exhibit 20. Petition received on June 5, 2006 from 10 residents of the Thief River Subwatershed in opposition to the Thief River Subwatershed component of the revised Plan.

Exhibit 21. Petition received on June 5, 2006 from four residents of the Thief River Subwatershed in opposition to the Thief River Subwatershed component of the revised Plan.

Exhibit 22. Letter dated June 5, 2006 from Virgil and Cathy Erickson in favor of the Thief River Subwatershed component of the revised Plan.

Exhibit 23. Letter dated May 25, 2006 from Stacy Blawat in favor of the Thief River Subwatershed component of the revised Plan.

Exhibit 24. Letter received on June 5, 2006 from Clifford Steinhaur in favor of the Thief River Subwatershed component of the revised Plan.

Exhibit 25. Letter received on June 5, 2006 from Owen Steinhaur in favor of the Thief River Subwatershed component of the revised Plan.

Exhibit 26. Letter dated May 31, 2006 from Donald Larson in favor of the Thief River Subwatershed component of the revised Plan.

Exhibit 27. Letter dated May 31, 2006 from the Grand Plain Board of Supervisors in opposition to the Thief River Subwatershed component of the revised Plan.

Exhibit 28. Petition received on June 5, 2006 from 39 residents of the Thief River Subwatershed in opposition to the Thief River Subwatershed component of the revised Plan.

Exhibit 29. Petition received on June 5, 2006 from 11 residents of the Thief River Subwatershed in opposition to the Thief River Subwatershed component of the revised Plan.

Exhibit 30. Letter dated June 5, 2006 from David Rodahl in opposition to the Petition.

18. **Northern Water Planning Committee.** The committee met on Wednesday, June 14, 2006 and, based on the oral and written testimony on the Plan, and based on the entire record, the committee decided to recommend approval of the Red Lake Watershed District Revised Watershed Management Plan to the full Board contingent on the Marshall County Water Planner being added as a partner in water quality monitoring in the Thief River watershed.

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 Red Lake Watershed District pursuant to Minnesota Statutes Section 103D.405.

3. The Marshall County Water Planner should be added as a partner in water quality monitoring in the Thief River watershed

4. The Red Lake Watershed District Revised Watershed Management Plan attached to this Order defines water-related problems within the District's boundaries, possible solutions thereto, and an implementation program.

5. The attached Plan is in conformance with the requirements of Minnesota Statutes Chapter 103D, Board guidelines for Watershed District Plan content, the "Red River Basin Flood Damage Reduction Mediation Agreement, and is consistent with the affected counties' comprehensive water plans.

ORDER

The Board hereby prescribes the attached Plan dated April, 2006 as the Revised Watershed Management Plan for the Red Lake Watershed District contingent on the addition of the Marshall County Water Planner as a partner in water quality monitoring in the Thief River watershed.

Dated at Saint Paul, Minnesota this 28th day of June 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

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

In the Matter of the Petition for Redistribution of Managers for the Wild Rice Watershed District pursuant to Minnesota Statutes Section 103D.301, Subd. 3

ORDER REDISTRIBUTION OF WATERSHED DISTRICT MANAGERS

Whereas, the Board of Commissioners of Mahnomen County filed a Petition dated January 17, 2006 for Redistribution of Managers for the Wild Rice Watershed District (District) with the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103D.301, Subd. 3, and;

Whereas, the Board has completed its review of the Petition;

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

FINDINGS OF FACT

1. **Petition for Redistribution of Managers.** The Mahnomen County Board of Commissioners filed a Petition with the Board on January 26, 2006. The Petition requests the seven managers of the District be redistributed such that Mahnomen County would appoint two managers.

2. **Reasons for Redistribution.** The Petition states the following:

   A. Ten years or more has lapsed since the establishment of the District.
   B. A petition to redistribute managers has not been filed with the Board within the previous ten years.
   C. When more than one county is affected by a watershed district, Minnesota Statutes Section 103D.301 requires the distribution of managers be made according to residence among the affected counties.
   D. Mahnomen County presently has only one manager on the District board.
   E. Mahnomen County has approximately 26 percent of the population of the District.
   F. Mahnomen County also has approximately 26.5 percent of the total land within the District.

G. Mahnomen County has to levy for approximately 25.5 percent of all revenue that goes into funding the District.
H. Mahnomen County's percentage of valuation on levy certifications to the District were approximately 25.6 percent.

3. **Present Distribution of Managers.** Presently, Mahnomen County appoints one manager for Clearwater and Mahnomen Counties, Norman County appoints three managers for Polk and Norman Counties, Clay County appoints two managers and Becker County appoints one manager.

4. **Publish Notice of Public Hearing.** Legal notice of public hearing was published in the Norman County Index on March 14, 2006, the Twin Valley Times on March 14, 2006, the Becker County Recorder on March 15, 2006, the Mahnomen Pioneer on March 16, 2006, the Clay County Union on March 15, 2006, the Farmers Independent on March 15, 2006, the Valley Journal on March 13, 2006, and the Fertile Journal on March 15, 2006. Legal notice was also mailed to several addressees including the auditors of each county in the District, the county boards of each county in the District, each SWCD in the District, all cities in the District, and the DNR.

5. **Public Hearing.** A public hearing was held on March 30, 2006, at the Twin Valley Community Center located at 107 Second Street in Twin Valley. The proceedings were tape recorded. The hearing panel consisted of Board members Kay Cook, 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 two weeks until 4:30 PM on April 20, 2006 for receipt of written comments. Based on comments received, on April 17, 2006 the closing date for the hearing record was extended until 4:30 PM on May 18, 2006.

   The following list of exhibits comprise the hearing record.

Exhibit 1. Letter dated January 24, 2006, from Frank Thompson, Mahnomen County Auditor, forwarding Exhibit 2.

Exhibit 2. Resolution from the Mahnomen County Board of Commissioners adopted on January 17, 2006, requesting the redistribution of managers of the Wild Rice Watershed District Board of Managers to increase the representation from Mahnomen County from one manager to two managers.

Exhibit 3. Letter dated February 17, 2006, from Vijay Sethi, Clay County Administrator, forwarding Exhibit 4.

Exhibit 4. Excerpts from the minutes of the Clay County Board of Commissioners meeting held on February 14, 2006, showing a unanimous vote to approve a motion stating their strong support for retaining two manager appointments on the Wild Rice Watershed District Board of Managers.

Exhibit 5. Legal Notice of Public Hearing dated March 7, 2006, signed by Jim Haertel of the Board of Water and Soil Resources.

Exhibit 6. Letter dated March 9, 2006, from Jim Haertel, Board of Water and Soil Resources, to several addressees providing notification of the public hearing, together with the List of Addressees, the Legal Notice, and an Affidavit of Mailing dated March 13, 2006.

Exhibit 7. Affidavit of Publication dated March 14, 2006, of Legal Notice in the Norman County Index on March 14, 2006.

Exhibit 8. Affidavit of Publication dated March 14, 2006, of Legal Notice in the Twin Valley Times on March 14, 2006.

Exhibit 9. Affidavit of Publication dated March 15, 2006, of Legal Notice in the Becker County Recorder on March 15, 2006.

Exhibit 10. Affidavit of Publication dated March 16, 2006, of Legal Notice in the Mahnomen Pioneer on March 16, 2006.

Exhibit 11. Affidavit of Publication dated March 20, 2006, of Legal Notice in the Fertile Journal on March 15, 2006.

Exhibit 12. Letter dated March 22, 2006, from the Chairman of the Mahnomen Soil and Water Conservation District, in support of the Petition.

Exhibit 13. Letter dated February 24, 2006 from Brian Berg, Becker County Administrator stating no objection to granting the Petition.

Exhibit 14. Resolution of Statements from the "Concerned Citizens of the Wild Rice Watershed District".

Exhibit 15. Statement from the Mahnomen County Board of Commissioners in support of the Petition.

Exhibit 16. Table showing population, taxable market value and land area by county within the Wild Rice Watershed District.

Exhibit 17. Letter dated February 23, 2006 from Thomas Anderson, Clearwater County Board of Commissioners Chairman, in support of the Petition.

Exhibit 18. Letter dated March 21, 2006 from Dean Newland, Clearwater County Commissioner, District 2, in support of the Petition.

Exhibit 19. Affidavit of Publication dated April 3, 2006, of Legal Notice in the Clay County Union on March 15, 2006.

Exhibit 20. Affidavit of Publication dated April 3, 2006, of Legal Notice in the Farmers Independent on March 15, 2006.

Exhibit 21. Affidavit of Publication dated April 13, 2006, of Legal Notice in the Valley Journal on March 13, 2006.

Exhibit 22. Testimony of Mark Harless at the hearing in support of Clay County retaining two managers.

The following exhibits were entered into the record after the hearing and before 4:30PM on May 18, 2006 when the record closed.

Exhibit 23. Letter dated March 31, 2006 from Mark Harless in support of Clay County retaining two managers.

Exhibit 24. Letter dated April 12, 2006 from Curt Jacobson in support of the Petition with a recommendation that Norman County retain three managers and a new manager district be formed of Clay and Becker Counties with Clay County appointing two managers.

Exhibit 25. Letter dated April 17, 2006 from Jim Haertel, Board of Water and Soil Resources, to several addressees providing notification of an extension of the close of the hearing record and the purpose for the extension, together with the List of Addressees and an Affidavit of Mailing dated April 18, 2006.

Exhibit 26. Letter faxed on April 17, 2006 from Perry Ellingson in support of the Petition with a recommendation that Norman County retain three managers and a new manager district be formed of Clay and Becker Counties with Clay County appointing two managers.

Exhibit 27. Email dated April 18, 2006 from Curt Jacobson encouraging the Board to make a prompt decision on the Petition.

Exhibit 28. Email dated April 18, 2006 from Perry Ellingson regarding problems with the current leadership of the watershed district.

Exhibit 29. Norman County Board of Commissioners Resolution dated April 12, 2006 supporting the Petition with one manager position from Clay County being redistributed to Mahnomen County.

Exhibit 30. Letter dated April 17, 2006 from Zenas Baer on behalf of A. C. Heiraas in support of Clay County retaining two managers and in opposition to the Petition.

Exhibit 31. Letter dated April 18, 2006 from Randy Berggren, Mayor, City of Hendrum, in support of Norman County retaining three managers.

Exhibit 32. Becker Soil and Water Conservation District Resolution dated April 19, 2006 in support of Becker County retaining one manager.

Exhibit 33. Letter dated April 20, 2006 from Chuck Hopwood regarding problems with the current leadership of the watershed district.

Exhibit 34. Letter dated April 18, 2006 from Don Vellenga regarding problems with the current leadership of the watershed district.

Exhibit 35. Letter dated May 16, 2006 from Mike McCarthy, Chair, Clay County Board of Commissioners, with attached Resolution from the Becker County Board of Commissioners dated April 25, 2006 and attached letter from Zenas Baer dated May 4, 2006, all in opposition to the Petition because removal of one manager from Clay and Becker Counties would "...have a tendency to dilute membership of the Watershed District for those people who live on the flat portion of the watershed" and factors other than market value, population and land area as listed in the Petition should be considered, such as downstream river flows, hydraulic capacity, extent of flood damage and number, location and cost of flood control projects.

Exhibit 36. Mahnomen County Board of Commissioners comment dated May 16, 2006 signed by five commissioners in support of Becker County maintaining their right to appoint a manager.

Exhibit 37. Letter dated May 18, 2006 from Frank Thompson, Mahnomen County Auditor, forwarding exhibit 36.

6. **Northern Water Planning Committee.** The committee met on Wednesday, June 14, 2006 and, based on the oral and written testimony on the Petition, and based on the entire record, the committee decided to recommend approval of the Petition to the full Board with the one redistributed manager position coming from a new manager district of Clay and Becker Counties. The new manager district would consist of two managers appointed by the Clay County Board of Commissioners. The Clay County manager position that is currently

vacant will be redistributed to Mahnomen and Clearwater Counties. The current Becker County manager will finish their term. The Committee determined the changes were supported by the taxable market value of each county's area within the District, the percent of area of each county within the District, and the percent of population of each county's area within the District, as further depicted in the following table.

COUNTY	'02 TMV ($ millions)	AREA (% of WD)	'90 POP'L (% of WD)
Norman	446	43%	44%
Polk	11	2%	0.6%
Norman & Polk subtotal	457	45%	45%
Mahnomen	207	27%	29%
Clearwater	34	10%	7%
Mahnomen & Clearwater subtotal	241	37%	36%
Clay	150	13%	11%
Becker	104	7%	7%
Clay & Becker subtotal	254	20%	18%

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 redistribution of a manager position for the Wild Rice Watershed District pursuant to Minnesota Statutes Section 103D.301, Subd. 3.

3. The 2002 taxable market value of the Mahnomen and Clearwater manager district is approximately $241 million and for the Clay and Becker manager district it is approximately $254 million.

4. The percent of area within the District for the Mahnomen and Clearwater manager district is approximately 37% and for the Clay and Becker manager district it is approximately 20%.

5. The 1990 population percentage within the District for the Mahnomen and Clearwater manager district is approximately 36% and for the Clay and Becker manager district it is approximately 18%.

ORDER

The Board hereby approves the Petition for Redistribution of Managers for the Wild Rice Watershed District. The Mahnomen County Board of Commissioners will appoint two managers from Mahnomen and Clearwater County. A new manager district will consist of two managers appointed by the Clay County Board of Commissioners from Clay and Becker Counties. The Clay County manager position that is currently vacant will be redistributed to Mahnomen and Clearwater Counties as of the date of this order. The current Becker County manager and the current Clay County manager will finish their terms.

Dated at Saint Paul, Minnesota this 28th day of June 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

NEW BUSINESS

1. FY 07 SWCD Grants – Wayne Zellmer – *DECISION ITEM*

2. FY 07 Natural Resources Block Grant – Wayne Zellmer – *DECISION ITEM*

3. Red River Valley Set-Aside Program, Re-Allocation – Wayne Zellmer – *DECISION ITEM*

4. FY 2007 Farm Bill Assistance Project-CREP II Implementation – Kevin Lines – *DECISION ITEM*

5. City of Hermantown Comprehensive Wetland Protection and Management Plan - Quentin Fairbanks - *DECISION ITEM*

6. Area II Minnesota River Basins Project Inc., FY 2007 Annual Work Plan - Tabor Hoek, BWSR, and Joe Schouvieller, Area II Board Chair – *DECISION ITEM*

7. Clean Water Legacy Update – Steve Woods - *INFORMATION ITEM*

8. CREP II Payment Rate Modifications – Kevin Lines – *DECISION ITEM*

Board Resolution # 06-47

FISCAL YEAR 07 SOIL AND WATER CONSERVATION DISTRICT GRANT ALLOCATIONS

WHEREAS, Fiscal Year 07 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 Laws of Minnesota for 2005, 1st Special Session, appropriate cost share and service grant funds to BWSR; and,

WHEREAS, all SWCDs that have BWSR approved plans and reports to comply with statutory allocation requirements, are eligible to receive these grants.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate these individual grant amounts to eligible SWCDs for these respective grant programs.

Jerome Deal

Date: 6/28/06

Jerome Deal, Chair
Board of Water and Soil Resources

H:07SWCDBR

PROPOSED FY 07 SWCD GRANTS

The Board is requested to approve the Cost Share Committee's recommendations to approve FY 07 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 - $2,026,428 These base grants are for the installation of conservation practices. The FY 07 legislative appropriation is $1,820,000. These allocations utilize the Board's Performance Standards allocation policy:

. . . . . 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. . . .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 07, 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:

Brown	Dakota	Cass	Sherburne	Wadena	Chippewa
Fillmore	Rock	Pine	Redwood	Watonwan	Koochiching
Lincoln	Root River	Morrison	Olmsted	Nicollet	Pope
Mower	Grant	Cook	Clay	Ramsey	Lake of the Woods
Wright	Clearwater	Kittson	Anoka	Lake	Crow Wing
Kanabec	Benton	Swift	Goodhue	Hubbard	East Ottertail
Hennepin	Becker	Scott	Pipestone	Lac Qui Parle	North St. Louis
Waseca*	Washington	Wilkin	West Polk	Le Sueur	Kandiyohi
Renville					

The following SWCDs (5) will receive a 5% decrease for spending less than 60% of their base grant on projects: McLeod Marshall South St. Louis Beltrami Aitkin

* Waseca's performance increase is not recommended because of State Cost Share Program Rule violations.

Cost Share Performance Range: Highest – Brown 97%, 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 $206,428. There is sufficient rollover to cover this amount.

B) General Services Grant - $2,155,595 - This base grant is for expenditures necessary to the operations of the district. It is noncompetitive.

Recommendation
Proposed allocations are listed on the enclosed composite spreadsheet.

C) Easement Services Grant - $344,972 - 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 - $1,523,324 – The BWSR received requests of $2,691,024 to fund 112 projects. The FY 07 appropriation is $1,350,000. Grant funds must be used for waste management systems for feedlots less than 1,000 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 2006.
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.

NOTE: The proposed funding recommendation, as indicated on attached FWQMG spreadsheet would fund all the 55 riparian projects. The additional $173,324 above the appropriation is proposed to come from available Cost Share Roll-Over funds.

Total amounts proposed to be allocated to SWCDs are listed on the composite spreadsheet.

Board Resolution # 06-48

FY 07 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, 1st Special Session, appropriated FY 07 Natural Resources Block Grant funds to BWSR and MPCA; and the Laws of Minnesota for 2006 appropriated funds to MPCA.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate appropriate individual grant amounts to counties meeting the NRBG Program requirements, as determined by the BWSR, MPCA, and DNR.

Jerome Deal

Date: 6/28/06

Jerome Deal, Chair
Board of Water and Soil Resources

H:07NRBGBR

PROPOSED FY 2007 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.

FY 2007 NRBG Schedule

June 28, 2006	BWSR Requested to authorize the FY 2007 NRBG Counties Begin to Apply
July 2006	Grant Agreements Sent to Counties
August 2006	Grant Agreements Executed and Payments Transferred
October 30, 2006	Application Deadline
February 1, 2007	eLINK Reports Due

Selected Program Highlights of the FY 2007 NRBG:

Comprehensive Local Water Management - $1,499,824

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 - $2,171,973

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 - $429,926

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 - $1,966,875

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 .75:1 cash and/or in-kind match is required. Grant amounts are based on the grant formula that includes the following highlights:

- Grant amounts are based on feedlot registration database information from 2005 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, 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. Ten percent of the legislative appropriation is reserved for performance credit awards.

MPCA County Individual Sewage Treatment Systems Program - $859,995 ($730,000 one-time funding from Clean Water Legacy)
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. Grant amount of $9,885 determined by equal county allocations. (If dedicated funding is achieved for FY 08, this amount will become the base amount for FY 08 grants.)

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 2007 BWSR NATURAL RESOURCES BLOCK GRANT
BASE GR[illegible]BREAKDOWN BY PROGRAM

	$1.5 M	$2.17 M		$.43 M	$1.97 M	$.86 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	ISTS BASE GRANT	GRANT AMOUNT
AITKIN	$18,285	$37,870	$5,681	$12,288		$9,885	$78,328
ANOKA	$10,657	$71,992	$10,799	$2,979		$9,885	$95,513
BECKER	$17,210	$27,613	$5,000	$12,234		$9,885	$66,942
BELTRAMI	$18,022	$69,034	$8,679	$6,272		$9,885	$103,213
BENTON	$17,473	$36,000	$5,400	$3,744		$9,885	$67,102
BIG STONE	$20,685	$10,000	$5,000	$3,065	$7,500	$9,885	$51,135
BLUE EARTH	$13,197	$20,710	$5,000	$3,695	$34,681	$9,885	$82,168
BROWN	$17,949	$10,000	$5,000	$3,048	$41,225	$9,885	$82,107
CARLTON	$17,575	$25,641	$5,000	$4,474		$9,885	$57,575
CARVER	$10,657	$36,000	$5,400	$2,979	$30,474	$9,885	$89,995
CASS	$13,827	$51,000	$7,650	$12,189		$9,885	$86,901
CHIPPEWA	$19,592	$10,000	$5,000	$2,990		$9,885	$42,467
CHISAGO	$14,803	$31,558	$5,000	$5,631		$9,885	$61,877
CLAY	$16,685	$18,737	$5,000	$3,354		$9,885	$48,661
CLEARWATER	$20,086	$22,682	$5,000	$3,604		$9,885	$56,257
COOK	$19,528	$14,793	$5,000	$4,780		$9,885	$48,986
COTTONWOOD	$19,544	$10,000	$5,000	$3,158	$27,109	$9,885	$69,696
CROW WING	$10,657	$43,392	$6,509	$21,792		$9,885	$85,726
DAKOTA	$10,657	$60,158	$9,024	$2,979	$25,707	$9,885	$109,386
DODGE	$19,070	$18,734	$5,000	$3,047	$30,474	$9,885	$81,210
DOUGLAS	$15,901	$24,655	$5,000	$9,734	$47,768	$9,885	$107,943
FARIBAULT	$19,157	$10,000	$5,000	$3,116	$38,981	$9,885	$81,139
FILLMORE	$18,799	$10,000	$5,000	$3,067	$106,754	$9,885	$148,505
FREEBORN	$17,274	$10,000	$5,000	$3,576	$36,738	$9,885	$77,473
GOODHUE	$12,419	$18,737	$5,000	$3,158	$75,906	$9,885	$120,105
GRANT	$20,411	$15,779	$5,000	$3,482		$9,885	$49,557
HENNEPIN	$10,657	$65,089	$9,763	$0		$9,885	$85,631
HOUSTON	$19,353	$14,793	$5,000	$3,105	$43,468	$9,885	$90,604
HUBBARD	$17,438	$28,599	$5,000	$9,609		$9,885	$65,531
ISANTI	$17,447	$28,599	$5,000	$4,562		$9,885	$60,493
ITASCA	$13,754	$50,296	$7,544	$11,514		$9,885	$85,449
JACKSON	$19,376	$10,000	$5,000	$3,430	$42,533	$9,885	$85,224
KANABEC	$19,843	$28,599	$5,000	$4,660		$9,885	$62,987
KANDIYOHI	$15,829	$24,655	$5,000	$7,693	$47,301	$9,885	$105,363
KITTSON	$20,116	$18,737	$5,000	$3,016	$7,500	$9,885	$59,254
KOOCHICHING	$19,782	$32,939	$5,010	$3,101		$9,885	$65,707
LAC QUI PARLE	$20,346	$10,000	$5,000	$2,995	$7,500	$9,885	$50,726
LAKE	$19,401	$18,737	$5,000	$5,257		$9,885	$53,280
LAKE OF THE WOODS	$20,814	$38,461	$5,769	$3,978	$7,500	$9,885	$80,638
LE SUEUR	$17,776	$18,737	$5,000	$5,603	$23,370	$9,885	$75,371
LINCOLN	$20,391	$10,000	$5,000	$3,153	$41,412	$9,885	$84,841
LYON	$18,023	$10,000	$5,000	$3,119		$9,885	$41,027
MCLEOD	$16,645	$18,737	$5,000	$3,404	$36,364	$9,885	$85,035
MAHNOMEN	$20,853	$14,793	$5,000	$3,828		$9,885	$49,359
MARSHALL	$19,740	$21,696	$5,000	$2,979	$7,500	$9,885	$61,800
MARTIN	$18,033	$10,000	$5,000	$3,445	$57,116	$9,885	$98,479
MEEKER	$18,419	$21,696	$5,000	$5,394	$27,109	$9,885	$82,503
MILLE LACS	$18,908	$25,641	$5,000	$5,478	$8,133	$9,885	$68,045

PROPOSED 2007 BWSR NATURAL RESOURCES BLOCK GRANT
BASE GRANT BREAKDOWN BY PROGRAM

	$1.5 M	$2.17 M		$.43 M	$1.97 M	$.86 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	ISTS BASE GRANT	GRANT AMOUNT
MORRISON	$17,918	$34,517	$5,178	$4,494	$57,490	$9,885	$124,304
MOWER	$17,178	$14,793	$5,000	$3,719	$26,688	$9,885	$72,263
MURRAY	$19,815	$10,000	$5,000	$3,670	$39,075	$9,885	$82,445
NICOLLET	$17,321	$18,737	$5,000	$3,055	$38,514	$9,885	$87,512
NOBLES	$18,962	$10,000	$5,000	$3,032	$49,264	$9,885	$91,143
NORMAN	$20,461	$14,793	$5,000	$2,989	$7,500	$9,885	$55,628
OLMSTED	$10,657	$28,599	$5,000	$3,588		$9,885	$52,729
OTTER TAIL	$12,934	$68,047	$13,807	$20,219		$9,885	$111,085
PENNINGTON	$20,198	$18,737	$5,000	$3,228	$7,500	$9,885	$59,548
PINE	$18,241	$39,448	$5,917	$6,720		$9,885	$74,294
PIPESTONE	$20,075	$10,000	$5,000	$2,979	$48,049	$9,885	$90,988
POLK	$17,732	$24,655	$10,000	$3,939	$10,470	$9,885	$66,681
POPE	$19,874	$17,751	$5,000	$4,842	$32,998	$9,885	$85,350
RAMSEY	$10,657	$19,000	$5,000	$0		$9,885	$39,542
RED LAKE	$20,877	$14,793	$5,000	$3,273	$7,500	$9,885	$56,328
REDWOOD	$19,054	$11,834	$5,000	$2,979		$9,885	$43,752
RENVILLE	$18,495	$10,000	$5,000	$3,033	$33,372	$9,885	$74,785
RICE	$13,768	$27,613	$5,000	$4,772	$70,390	$9,885	$126,428
ROCK	$19,980	$10,000	$5,000	$2,979	$47,394	$9,885	$90,238
ROSEAU	$19,922	$27,613	$5,000	$3,073		$9,885	$60,493
ST. LOUIS	$10,657	$86,193	$20,474	$22,712		$9,885	$129,447
SCOTT	$10,657	$47,337	$7,101	$2,979	$18,696	$9,885	$89,554
SHERBURNE	$10,657	$36,000	$5,400	$5,551		$9,885	$62,093
SIBLEY	$19,242	$15,325	$5,000	$3,076	$32,718	$9,885	$80,246
STEARNS	$10,657	$52,268	$7,840	$10,257	$199,099	$9,885	$282,166
STEELE	$16,405	$13,806	$5,000	$3,266	$28,060	$9,885	$71,422
STEVENS	$20,151	$10,000	$5,000	$3,108	$15,518	$9,885	$58,662
SWIFT	$19,816	$13,806	$5,000	$3,126	$15,892	$9,885	$62,525
TODD	$19,323	$24,655	$5,000	$5,620	$71,045	$9,885	$130,528
TRAVERSE	$20,520	$10,000	$5,000	$3,195	$7,500	$9,885	$51,100
WABASHA	$18,665	$13,806	$5,000	$4,008	$47,768	$9,885	$94,132
WADENA	$20,262	$22,682	$5,000	$3,514	$18,603	$9,885	$74,946
WASECA	$18,790	$13,806	$5,000	$3,425	$26,455	$9,885	$72,361
WASHINGTON	$10,657	$47,337	$7,101	$2,979		$9,885	$70,858
WATONWAN	$19,892	$10,000	$5,000	$3,114	$20,753	$9,885	$63,644
WILKIN	$20,055	$10,000	$5,000	$2,999		$9,885	$42,939
WINONA	$15,598	$13,806	$5,000	$3,021	$58,892	$9,885	$101,202
WRIGHT	$10,657	$48,323	$7,249	$10,640	$41,225	$9,885	$120,730
YELLOW MEDICINE	$19,980	$10,000	$5,000	$2,995	$28,324	$9,885	$71,184
MARSHALL-BELTRAMI SWCD	$0	$6,004	NA	$0			$6,004
TOTALS	**$1,499,824**	**$2,171,973**		**$429,926**	**$1,966,875**	**$859,995**	**$6,928,593**

NOTE: THE LOCAL WATER PLANNING BASE GRANT REQUIRES A LOCAL LEVY MATCH. THE WETLAND CONSERVATION ACT and DNR SHORELAND REQUIRE A 1:1 CASH/IN-KIND MATCH. THE FEEDLOT BASE GRANT REQUIRES A .75:1 CASH/IN-KIND MATCH. THE MPCA COUNTY ISTS PROGRAM BASE GRANT DOES NOT REQUIRE A MATCH.

H:07NRBG

PROPOSED 2007 BWSR NATURAL RESOURCES BLOCK GRANT
BASE GRANT BREAKDOWN BY PROGRAM

	$1.5 M	$2.17 M		$.43 M	$1.97 M	$.86 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	ISTS BASE GRANT	GRANT AMOUNT
AITKIN	$18,285	$37,870	$5,681	$12,288		$9,885	**$78,328**
ANOKA	$10,657	$71,992	$10,799	$2,979		$9,885	**$95,513**
BECKER	$17,210	$27,613	$5,000	$12,234		$9,885	**$66,942**
BELTRAMI	$18,022	$69,034	$8,679	$6,272		$9,885	**$103,213**
BENTON	$17,473	$36,000	$5,400	$3,744		$9,885	**$67,102**
BIG STONE	$20,685	$10,000	$5,000	$3,065	$7,500	$9,885	**$51,135**
BLUE EARTH	$13,197	$20,710	$5,000	$3,695	$34,681	$9,885	**$82,168**
BROWN	$17,949	$10,000	$5,000	$3,048	$41,225	$9,885	**$82,107**
CARLTON	$17,575	$25,641	$5,000	$4,474		$9,885	**$57,575**
CARVER	$10,657	$36,000	$5,400	$2,979	$30,474	$9,885	**$89,995**
CASS	$13,827	$51,000	$7,650	$12,189		$9,885	**$86,901**
CHIPPEWA	$19,592	$10,000	$5,000	$2,990		$9,885	**$42,467**
CHISAGO	$14,803	$31,558	$5,000	$5,631		$9,885	**$61,877**
CLAY	$16,685	$18,737	$5,000	$3,354		$9,885	**$48,661**
CLEARWATER	$20,086	$22,682	$5,000	$3,604		$9,885	**$56,257**
COOK	$19,528	$14,793	$5,000	$4,780		$9,885	**$48,986**
COTTONWOOD	$19,544	$10,000	$5,000	$3,158	$27,109	$9,885	**$69,696**
CROW WING	$10,657	$43,392	$6,509	$21,792		$9,885	**$85,726**
DAKOTA	$10,657	$60,158	$9,024	$2,979	$25,707	$9,885	**$109,386**
DODGE	$19,070	$18,734	$5,000	$3,047	$30,474	$9,885	**$81,210**
DOUGLAS	$15,901	$24,655	$5,000	$9,734	$47,768	$9,885	**$107,943**
FARIBAULT	$19,157	$10,000	$5,000	$3,116	$38,981	$9,885	**$81,139**
FILLMORE	$18,799	$10,000	$5,000	$3,067	$106,754	$9,885	**$148,505**
FREEBORN	$17,274	$10,000	$5,000	$3,576	$36,738	$9,885	**$77,473**
GOODHUE	$12,419	$18,737	$5,000	$3,158	$75,906	$9,885	**$120,105**
GRANT	$20,411	$15,779	$5,000	$3,482		$9,885	**$49,557**
HENNEPIN	$10,657	$65,089	$9,763	$0		$9,885	**$85,631**
HOUSTON	$19,353	$14,793	$5,000	$3,105	$43,468	$9,885	**$90,604**
HUBBARD	$17,438	$28,599	$5,000	$9,609		$9,885	**$65,531**
ISANTI	$17,447	$28,599	$5,000	$4,562		$9,885	**$60,493**
ITASCA	$13,754	$50,296	$7,544	$11,514		$9,885	**$85,449**
JACKSON	$19,376	$10,000	$5,000	$3,430	$42,533	$9,885	**$85,224**
KANABEC	$19,843	$28,599	$5,000	$4,660		$9,885	**$62,987**
KANDIYOHI	$15,829	$24,655	$5,000	$7,693	$47,301	$9,885	**$105,363**
KITTSON	$20,116	$18,737	$5,000	$3,016	$7,500	$9,885	**$59,254**
KOOCHICHING	$19,782	$32,939	$5,010	$3,101		$9,885	**$65,707**
LAC QUI PARLE	$20,346	$10,000	$5,000	$2,995	$7,500	$9,885	**$50,726**
LAKE	$19,401	$18,737	$5,000	$5,257		$9,885	**$53,280**
LAKE OF THE WOODS	$20,814	$38,461	$5,769	$3,978	$7,500	$9,885	**$80,638**
LE SUEUR	$17,776	$18,737	$5,000	$5,603	$23,370	$9,885	**$75,371**
LINCOLN	$20,391	$10,000	$5,000	$3,153	$41,412	$9,885	**$84,841**
LYON	$18,023	$10,000	$5,000	$3,119		$9,885	**$41,027**
MCLEOD	$16,645	$18,737	$5,000	$3,404	$36,364	$9,885	**$85,035**
MAHNOMEN	$20,853	$14,793	$5,000	$3,828		$9,885	**$49,359**
MARSHALL	$19,740	$21,696	$5,000	$2,979	$7,500	$9,885	**$61,800**
MARTIN	$18,033	$10,000	$5,000	$3,445	$57,116	$9,885	**$98,479**
MEEKER	$18,419	$21,696	$5,000	$5,394	$27,109	$9,885	**$82,503**
MILLE LACS	$18,908	$25,641	$5,000	$5,478	$8,133	$9,885	**$68,045**

PROPOSED 2007 BWSR NATURAL RESOURCES BLOCK GRANT
BASE GRANT BREAKDOWN BY PROGRAM

	$1.5 M	$2.17 M		$.43 M	$1.97 M	$.86 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	ISTS BASE GRANT	GRANT AMOUNT
MORRISON	$17,918	$34,517	$5,178	$4,494	$57,490	$9,885	**$124,304**
MOWER	$17,178	$14,793	$5,000	$3,719	$26,688	$9,885	**$72,263**
MURRAY	$19,815	$10,000	$5,000	$3,670	$39,075	$9,885	**$82,445**
NICOLLET	$17,321	$18,737	$5,000	$3,055	$38,514	$9,885	**$87,512**
NOBLES	$18,962	$10,000	$5,000	$3,032	$49,264	$9,885	**$91,143**
NORMAN	$20,461	$14,793	$5,000	$2,989	$7,500	$9,885	**$55,628**
OLMSTED	$10,657	$28,599	$5,000	$3,588		$9,885	**$52,729**
OTTER TAIL	$12,934	$68,047	$13,807	$20,219		$9,885	**$111,085**
PENNINGTON	$20,198	$18,737	$5,000	$3,228	$7,500	$9,885	**$59,548**
PINE	$18,241	$39,448	$5,917	$6,720		$9,885	**$74,294**
PIPESTONE	$20,075	$10,000	$5,000	$2,979	$48,049	$9,885	**$90,988**
POLK	$17,732	$24,655	$10,000	$3,939	$10,470	$9,885	**$66,681**
POPE	$19,874	$17,751	$5,000	$4,842	$32,998	$9,885	**$85,350**
RAMSEY	$10,657	$19,000	$5,000	$0		$9,885	**$39,542**
RED LAKE	$20,877	$14,793	$5,000	$3,273	$7,500	$9,885	**$56,328**
REDWOOD	$19,054	$11,834	$5,000	$2,979		$9,885	**$43,752**
RENVILLE	$18,495	$10,000	$5,000	$3,033	$33,372	$9,885	**$74,785**
RICE	$13,768	$27,613	$5,000	$4,772	$70,390	$9,885	**$126,428**
ROCK	$19,980	$10,000	$5,000	$2,979	$47,394	$9,885	**$90,238**
ROSEAU	$19,922	$27,613	$5,000	$3,073		$9,885	**$60,493**
ST. LOUIS	$10,657	$86,193	$20,474	$22,712		$9,885	**$129,447**
SCOTT	$10,657	$47,337	$7,101	$2,979	$18,696	$9,885	**$89,554**
SHERBURNE	$10,657	$36,000	$5,400	$5,551		$9,885	**$62,093**
SIBLEY	$19,242	$15,325	$5,000	$3,076	$32,718	$9,885	**$80,246**
STEARNS	$10,657	$52,268	$7,840	$10,257	$199,099	$9,885	**$282,166**
STEELE	$16,405	$13,806	$5,000	$3,266	$28,060	$9,885	**$71,422**
STEVENS	$20,151	$10,000	$5,000	$3,108	$15,518	$9,885	**$58,662**
SWIFT	$19,816	$13,806	$5,000	$3,126	$15,892	$9,885	**$62,525**
TODD	$19,323	$24,655	$5,000	$5,620	$71,045	$9,885	**$130,528**
TRAVERSE	$20,520	$10,000	$5,000	$3,195	$7,500	$9,885	**$51,100**
WABASHA	$18,665	$13,806	$5,000	$4,008	$47,768	$9,885	**$94,132**
WADENA	$20,262	$22,682	$5,000	$3,514	$18,603	$9,885	**$74,946**
WASECA	$18,790	$13,806	$5,000	$3,425	$26,455	$9,885	**$72,361**
WASHINGTON	$10,657	$47,337	$7,101	$2,979		$9,885	**$70,858**
WATONWAN	$19,892	$10,000	$5,000	$3,114	$20,753	$9,885	**$63,644**
WILKIN	$20,055	$10,000	$5,000	$2,999		$9,885	**$42,939**
WINONA	$15,598	$13,806	$5,000	$3,021	$58,892	$9,885	**$101,202**
WRIGHT	$10,657	$48,323	$7,249	$10,640	$41,225	$9,885	**$120,730**
YELLOW MEDICINE	$19,980	$10,000	$5,000	$2,995	$28,324	$9,885	**$71,184**
MARSHALL-BELTRAMI SWCD	$0	$6,004	NA	$0			**$6,004**
TOTALS	**$1,499,824**	**$2,171,973**		**$429,926**	**$1,966,875**	**$859,995**	**$6,928,593**

NOTE: THE LOCAL WATER PLANNING BASE GRANT REQUIRES A LOCAL LEVY MATCH. THE WETLAND CONSERVATION ACT and DNR SHORELAND REQUIRE A 1:1 CASH/IN-KIND MATCH. THE FEEDLOT BASE GRANT REQUIRES A .75:1 CASH/IN-KIND MATCH. THE MPCA COUNTY ISTS PROGRAM BASE GRANT DOES NOT REQUIRE A MATCH.

H:07NRBG

FY 07 FEEDLOT WATER QUALITY MANAGEMENT GRANT APPLICATIONS

TOTAL FWQMG REQUESTED: $2,691,024

TOTAL PROJECTS: 112

APPROPRIATION; $1,350,000

05/24/06

	SWCD	PRODUCER	STEW. PLAN	RIP. LOC	FLEVAL	START DATE	COMP. INVENT.	LEVEL	AU	SPECIES	VIOLATION	PARTIAL SYSTEM	PROJECT COST	EQIP FUNDS REQUESTED	EQIP AMOUNT	FWQMG FUNDS REQUESTED	T/A FUNDS REQUESTED	TOTAL FUNDS REQUESTED	CUMMULATIVE	
1	Stearns	Paul	YES	A	90	10/1/06	YES	3	775	Dairy	NO	NO	$818,800	YES	$409,400	$45,455	$4,545	$50,000	$50,000	
2	Stearns	George	YES	A	48	10/1/06	YES	3	61	Buffalo	NO	NO	$5,640	YES	$2,820	$1,410	$141	$1,551	$51,551	
3	Todd	Jerome	YES	B	45	7/1/07	YES	3	160	Dairy	NO	NO	$106,000	YES	$0	$42,400	$4,200	$46,600	$98,151	
4	Lyon	Peter	YES	B	44	7/1/06	YES	0	112	Beef	NO	NO	$80,200	YES	$40,100	$20,050	$2,000	$22,050	$120,201	
5	Lyon	Brian	YES	B	40	7/1/06	YES	0	135	Swine	NO	NO	$86,730	YES	$43,365	$21,682	$2,100	$23,782	$143,983	
6	Stearns	Bob	YES	B	39	10/1/06	YES	3	140	Dairy	NO	NO	$95,000	YES	$42,500	$28,750	$2,875	$31,625	$175,608	
7	Lyon	John	YES	B	37	7/1/06	YES	0	600	Steer	NO	NO	$220,766	YES	$106,838	$45,455	$4,545	$50,000	$225,608	
8	Stearns	Stanley	YES	B	36	10/1/06	YES	3	191	Dairy	NO	NO	$7,600	YES	$3,180	$2,520	$252	$2,772	$228,380	
9	Stearns	Ken	YES	B	28	10/1/06	YES	3	148	Dairy	NO	NO	$31,000	YES	$12,700	$10,550	$1,055	$11,605	$239,985	
10	Stearns	Michael	YES	B	27	10/1/06	YES	3	52	Dairy	NO	NO	$25,000	YES	$12,160	$6,590	$659	$7,249	$247,234	
11	Stearns	Ben	YES	B	22	10/1/06	YES	3	147	Dairy	NO	NO	$75,000	YES	$37,500	$18,750	$1,875	$20,625	$267,859	
12	Stearns	William	YES	B	18	10/1/06	YES	3	75	Dairy	NO	NO	$200,000	YES	$83,250	$45,455	$4,545	$50,000	$317,859	
13	Stearns	Shawn	YES	B	18	10/1/06	YES	3	80	Horse	NO	NO	$30,000	YES	$15,000	$7,500	$750	$8,250	$326,109	
14	Lake of the Woods	Steven	NO	B,C	82	7/15/06	YES	3	285	Beef	NO	NO	$35,000	NO	$0	$26,250	$2,625	$28,875	$354,984	
15	Morrison	David	NO	B	80	7/6/06	YES	3	80	Dairy	YES	NO	$27,000	NO	$0	$20,250	$2,025	$22,275	$377,259	
16	Winona	Mark	NO	B	76	8/1/06	YES	3	560	Dairy	NO	NO	$403,779	YES	$201,887	$45,500	$4,500	$50,000	$427,259	
17	Lake of the Woods	Mark	NO	B,C	73	7/1/06	YES	3	248	Beef	NO	YES	$38,000	NO	$0	$28,500	$2,850	$31,350	$458,609	
18	Fillmore	Kevin	NO	B	69	8/1/06	YES	2	200	Beef	YES	NO	$95,000	NO	$0	$45,500	$4,500	$50,000	$508,609	
19	Fillmore	Terry	NO	B	66	8/1/06	YES	2	275	Dairy	NO	NO	$66,000	NO	$0	$45,500	$4,500	$50,000	$558,609	
20	Fillmore	Dave	NO	B	63	8/1/06	YES	2	160	Beef/Hogs	NO	NO	$128,567	YES	$66,380	$30,045	$3,004	$33,049	$591,658	
21	Winona	Ben	NO	B	58	8/1/06	YES	3	518	Dairy	NO	NO	$181,550	NO	$0	$45,500	$4,500	$50,000	$641,658	
22	Winona	Earl	NO	B	57	9/1/06	YES	3	165	Beef	NO	NO	$30,000	NO	$0	$22,500	$2,250	$24,750	$666,408	
23	Mower	Ron	NO	B	56	8/1/06	YES	3	184	Beef/Hogs	YES	YES	$56,400	NO	$0	$30,145	$3,014	$33,159	$699,567	
24	Goodhue	John	NO	B	55	10/1/06	NO	3	250	Dairy	NO	NO	$70,065	NO	$0	$45,500	$4,500	$50,000	$749,567	
25	Rock	Farms	NO	B	52	9/1/06	YES	0	560	Dairy	YES	NO	$60,000	YES	$30,000	$15,000	$1,500	$16,500	$766,067	
26	Ottertail, East	Dan	NO	YES	50	8/15/06	NO	0	110	Dairy	NO	YES	$72,000	NO	$0	$45,455	$4,545	$50,000	$816,067	
27	Sibley	Mark	NO	B	49	8/1/06	YES	2	999	Dairy	YES	NO	$72,776	YES	$36,388	$18,194	$1,819	$20,013	$836,080	
28	Fillmore	Jerry	NO	B	49	8/1/06	YES	2	295	Beef	NO	NO	$102,000	NO	$0	$45,500	$4,500	$50,000	$886,080	
29	Fillmore	Rodney	NO	B	49	8/1/06	YES	2	300	Beef/Hogs	NO	NO	$157,194	NO	$0	$45,500	$4,500	$50,000	$936,080	
30	Renville	Willard	NO	YES	48	7/1/06	NO	3	119	Beef	YES	NO	$90,214	YES	$45,107	$22,554	$2,000	$24,554	$960,634	
31	Goodhue	Brad	NO	B	46	10/1/06	NO	3	300	Dairy	NO	NO	$160,000	NO	$0	$45,500	$4,500	$50,000	$1,010,634	
32	Fillmore	Lynn	NO	D	45	8/1/06	YES	2	150	Beef	NO	NO	$61,000	NO	$0	$45,500	$4,500	$50,000	$1,060,634	
33	Goodhue	Mark	NO	B	40	7/1/07	NO	3	60	Beef	NO	NO	$14,700	NO	$0	$11,025	$1,103	$12,128	$1,072,762	
34	Renville	Craig	NO	B	35	7/1/06	NO	3	100	Beef	YES	NO	$67,000	YES	$10,000	$21,000	$2,000	$23,000	$1,095,762	
35	Pine	Dairy	NO	B	34	8/1/07	YES	3	226	Dairy	NO	NO	$91,080	YES	$45,540	$22,770	$2,277	$25,047	$1,120,809	
36	Stearns	Peter	NO	B	33	10/1/06	YES	3	189	Dairy	NO	NO	$30,000	YES	$15,000	$7,500	$750	$8,250	$1,129,059	
37	Pipestone	Scott	NO	B	33	7/1/06	YES	2	400	Beef	NO	NO	$50,000	YES	$25,000	$12,500	$1,250	$13,750	$1,142,809	
38	Rock	Troy	NO	B	32	9/1/06	YES	0	167	Beef	YES	NO	$3,000	NO	$0	$2,250	$225	$2,475	$1,145,284	
39	Rock	Craig	NO	B	32	9/1/06	YES	0	100	Beef	YES	NO	$35,000	YES	$19,200	$7,050	$705	$7,755	$1,153,039	
40	Kanabec	Tom	NO	B	32	9/1/06	YES	0	75	Beef	NO	NO	$0	NO	$0	$4,000	$400	$4,400	$1,157,439	
41	Root River	John	NO	B	31	9/1/06	YES	3	280	Dairy	NO	NO	$296,887	YES	$140,390	$45,500	$4,500	$50,000	$1,207,439	
42	Morrison	Mike	NO	B	31	7/6/06	YES	3	102	Dairy	YES	NO	$52,500	YES	$7,500	$31,875	$3,187	$35,062	$1,242,501	
43	Renville	Jason	NO	B	30	7/1/06	NO	3	80	Dairy	YES	NO	$42,376	YES	$21,188	$10,594	$1,000	$11,594	$1,254,095	
44	Morrison	Jim	NO	YES	30	7/6/06	YES	3	136	Dairy	YES	NO	$52,500	NO	$0	$39,375	$3,937	$43,312	$1,297,407	
46	Root River	Randy	NO	B	28	9/1/06	YES	3	85	Beef	NO	NO	$68,000	NO	$0	$45,500	$4,500	$50,000	$1,347,407	
45	Washington	Faith	NO	A	28	9/1/06	YES	1	8	Horse	NO	NO	$9,000	NO	$0	$6,750	$675	$7,425	$1,354,832	**$1.35 Million Appropriated**
47	Rice	Mark	NO	B	27	7/15/06	YES	3	168	Dairy	NO	NO	$14,980	NO	$0	$11,235	$1,123	$12,358	$1,367,190	
48	Rock	Myron	NO	E	27	9/1/06	YES	0	250	Beef	YES	NO	$8,600	NO	$0	$6,450	$645	$7,095	$1,374,285	
49	Morrison	John	NO	A	26	7/6/06	YES	3	489	Dairy/Hog	YES	NO	$114,500	YES	$57,131	$28,744	$2,874	$31,618	$1,405,903	
50	Winona	Donald	NO	B	26	8/1/06	YES	3	300	Dairy	NO	NO	$190,550	YES	$95,275	$45,500	$4,500	$50,000	$1,455,903	
51	Martin	James	NO	A	25	10/1/06	YES	1	10	Beef	NO	NO	$5,030	NO	$0	$3,772	$377	$4,149	$1,460,052	
52	Wadena	Timothy	NO	YES	17	7/1/06	YES	3	17	Dairy/Beef	YES	NO	$23,700	NO	$0	$17,770	$1,777	$19,547	$1,479,599	
53	Morrison	Gilbert	NO	B	14	7/6/06	YES	3	124	Dairy	YES	NO	$27,000	NO	$0	$20,250	$2,025	$22,275	$1,501,874	
54	***Winona*** *	Luke	NO	B	N/A	7/1/06	YES	3	599	Dairy	NO	NO	$13,000	NO	$0	$9,750	$975	$10,725	$1,512,599	

	SWCD	PRODUCER	STEW. PLAN	RIP. LOC	FLEVAL	START DATE	COMP. INVENT.	LEVEL	AU	SPECIES	VIOLATION	PARTIAL SYSTEM	PROJECT COST	EQIP FUNDS REQUESTED	EQIP AMOUNT	FWQMG FUNDS REQUESTED	T/A FUNDS REQUESTED	TOTAL FUNDS REQUESTED	CUMMULATIVE	
55	***Winona ****	Ron	NO	B	N/A	7/1/06	YES	3	200	Dairy	NO	YES	$13,000	NO	$0	$9,750	$975	$10,725	$1,523,324	**Funding Recommendation $173,324 Roll-over**
56	Stearns	Randy	YES	NO	66	10/1/06	YES	3	61	Dairy	NO	YES	$14,000	YES	$3,465	$7,035	$704	$7,739	$1,531,063	
57	Stearns	Joseph	YES	NO	66	10/1/06	YES	3	15	Swine	NO	NO	$30,000	YES	$12,400	$10,100	$1,010	$11,110	$1,542,173	
58	Pipestone	Pat	YES	NO	58	7/1/06	YES	2	290	Dairy	NO	NO	$78,500	NO		$45,455	$4,545	$50,000	$1,592,173	
59	Wabasha	Mark	YES	NO	51	7/22/06	YES	3	174	Dairy	NO	NO	$76,808	NO	$0	$45,500	$4,500	$50,000	$1,642,173	
60	Stearns	Fred	YES	NO	49	10/1/06	YES	3	161	Dairy	NO	NO	$27,840	YES	$13,920	$6,960	$696	$7,656	$1,649,829	
61	Rock	Dave	YES	NO	39	9/1/06	YES	0	197	Beef	YES	NO	$36,000	YES	$18,000	$6,000	$600	$6,600	$1,656,429	
62	Stearns	Michael	YES	NO	36	10/1/06	YES	3	286	Dairy	NO	NO	$70,200	YES	$35,100	$17,550	$1,755	$19,305	$1,675,734	
63	Stearns	Kurt	YES	NO	35	10/1/06	YES	3	104	Dairy	NO	NO	$58,000	YES	$27,000	$16,500	$1,650	$18,150	$1,693,884	
64	Martin	Richard	YES	NO	32	9/1/06	YES	1	300	Beef	NO	NO	$42,738	YES	$21,364	$10,684	$1,068	$11,752	$1,705,636	
65	Stearns	Steve	YES	NO	30	10/1/06	YES	3	97	Dairy	NO	NO	$60,000	YES	$28,000	$17,000	$1,700	$18,700	$1,724,336	
66	Stearns	Leon	YES	NO	30	10/1/06	YES	3	103	Dairy	NO	NO	$56,000	YES	$28,000	$14,000	$1,400	$15,400	$1,739,736	
67	Stearns	Ken	YES	NO	30	10/1/06	YES	3	125	Dairy	NO	NO	$64,000	YES	$25,000	$23,000	$2,300	$25,300	$1,765,036	
68	Stearns	Gill	YES	NO	28	10/1/06	YES	3	82	Dairy	NO	NO	$51,738	YES	$25,869	$12,935	$1,293	$14,228	$1,779,264	
69	Stearns	Doug	YES	NO	27	10/1/06	YES	3	185	Beef	NO	NO	$45,000	YES	$21,221	$12,529	$1,253	$13,782	$1,793,046	
70	Stearns	Glen	YES	NO	19	10/1/06	YES	3	115	Dairy	NO	NO	$53,306	YES	$26,653	$13,327	$1,333	$14,659	$1,807,705	
71	Stearns	Theresa	YES	NO	18	10/1/06	YES	3	77	Dairy	NO	NO	$50,000	YES	$25,000	$12,500	$1,250	$13,750	$1,821,455	
72	Stearns	Ryan	YES	NO	16	10/1/06	YES	3	100	Dairy	NO	NO	$18,000	YES	$8,790	$4,710	$471	$5,181	$1,826,636	
73	Stearns	Joel	YES	NO	10	10/1/06	YES	3	104	Dairy	NO	NO	$80,000	YES	$34,000	$26,000	$2,600	$28,600	$1,855,236	
74	Scott	Martin	YES	NO	3	10/1/06	YES	3	50	Dairy	YES	NO	$7,000	YES	$2,605	$2,645	$265	$2,910	$1,858,146	
75	Stearns	Scott	YES	NO	3	10/1/06	YES	3	100	Swine	NO	NO	$30,000	YES	$12,500	$10,000	$1,000	$11,000	$1,869,146	
76	Stearns	Martin	YES	NO	3	10/1/06	YES	2	50	Dairy	NO	NO	$7,000	YES	$2,605	$2,645	$265	$2,910	$1,872,055	
77	Stearns	Jamie	NO	NO	85	10/1/06	YES	3	65	Dairy	NO	NO	$30,000	YES	$2,950	$19,550	$1,955	$21,505	$1,893,560	
78	Pipestone	Mike	NO	NO	64	7/1/06	YES	2	263	Dairy Heifers	NO	NO	$78,720	YES	$39,360	$19,680	$1,968	$21,648	$1,915,208	
79	Goodhue	David	NO	NO	60	7/1/07	NO	3	250	Beef	NO	NO	$43,500	NO	$0	$32,625	$3,263	$35,888	$1,951,096	
80	Stearns	James	NO	NO	58	10/1/06	YES	3	134	Dairy	NO	NO	$110,000	YES	$54,472	$28,028	$2,803	$30,831	$1,981,926	
81	Lincoln	Andrew	NO	NO	55	7/14/06	YES	2	390	Beef	NO	NO	$138,075	YES	$34,600	$48,000	$2,000	$50,000	$2,031,926	
82	Stearns	Steve	NO	NO	53	10/1/06	YES	3	400	Beef	NO	NO	$65,000	YES	$27,662	$21,088	$2,109	$23,197	$2,055,123	
83	Fillmore	John	NO	NO	52	6/1/07	YES	2	250	Beef	NO	NO	$66,000	NO		$45,500	$4,500	$50,000	$2,105,123	
84	Stearns	Neal	NO	NO	47	10/1/06	YES	3	118	Dairy	NO	NO	$73,000	YES	$36,039	$18,711	$1,871	$20,582	$2,125,705	
85	Stearns	Joe	NO	NO	44	10/1/06	YES	3	998	Dairy	NO	NO	$32,000	YES	$11,000	$13,000	$1,300	$14,300	$2,140,005	
86	Pipestone	Bill	NO	NO	43	8/1/06	YES	2	228	Dairy	YES	NO	$89,500	YES	$44,750	$45,455	$4,545	$50,000	$2,190,005	
87	Stearns	Joe	NO	NO	43	10/1/06	YES	3	149	Dairy	NO	NO	$54,000	YES	$27,000	$13,500	$1,350	$14,850	$2,204,855	
88	Goodhue	Steve	NO	NO	42	7/1/07	NO	3	250	Dairy	NO	NO	$91,050	NO	$0	$45,500	$4,500	$50,000	$2,254,855	
89	Stearns	Greg	NO	NO	41	10/1/06	YES	3	121	Dairy	NO	NO	$78,000	YES	$39,000	$19,500	$1,950	$21,450	$2,276,305	
90	Lincoln	Gene	NO	NO	41	7/15/06	YES	2	494	Beef	NO	NO	$310,000	YES	$61,700	$48,000	$2,000	$50,000	$2,326,305	
91	Stearns	Perry	NO	NO	38	10/1/06	YES	3	150	Dairy	NO	NO	$30,000	YES	$2,825	$19,675	$1,968	$21,643	$2,347,948	
92	Stearns	Christina	NO	NO	36	10/1/06	YES	3	73	Beef	NO	NO	$33,000	YES	$15,228	$9,522	$952	$10,474	$2,358,422	
93	Stearns	James	NO	NO	35	10/1/06	YES	3	92	Dairy	NO	NO	$40,000	YES	$16,837	$13,163	$1,316	$14,479	$2,372,901	
94	Stearns	Richard	NO	NO	33	10/1/06	YES	3	154	Dairy	NO	NO	$30,000	YES	$6,200	$16,300	$1,630	$17,930	$2,390,831	
95	Sibley	Dale	NO	NO	31	8/1/06	YES	2	120	Beef	NO	NO	$71,600	YES	$30,800	$22,900	$2,290	$25,190	$2,416,021	
96	Stearns	David	NO	NO	29	10/1/06	YES	3	150	Dairy	NO	NO	$13,700	YES	$6,250	$4,025	$403	$4,428	$2,420,449	
97	Winona	Dave	NO	NO	26	7/1/06	YES	3	84	Dairy	NO	NO	$61,000	NO	$0	$45,500	$4,500	$50,000	$2,470,449	
98	Dakota	Jay	NO	NO	25	8/1/06	YES	2	140	Beef	YES	NO	$23,000	YES	$11,500	$5,750	$575	$6,325	$2,476,774	
99	Stearns	Lawrence	NO	NO	21	10/1/06	YES	3	68	Dairy	NO	NO	$19,996	YES	$9,998	$4,999	$500	$5,499	$2,482,272	
100	Stearns	Gene	NO	NO	21	10/1/06	YES	3	70	Dairy	NO	NO	$45,000	YES	$22,360	$11,390	$1,139	$12,529	$2,494,801	
101	Washington	George	NO	NO	20	5/1/07	YES	1	18	Dairy	YES	NO	$12,000	NO	$0	$9,000	$900	$9,900	$2,504,701	
102	Dakota	Melvin	NO	NO	20	8/1/06	YES	2	250	Dairy	YES	NO	$20,630	NO	$0	$15,473	$1,547	$17,020	$2,521,721	
103	Root River	Mike	NO	NO	17	9/1/06	YES	3	140	Dairy	NO	NO	$97,484	NO	$0	$22,725	$2,525	$25,250	$2,546,971	
104	Washington	Brian	NO	NO	17	5/1/07	YES	1	44	Beef	YES	NO	$25,000	NO	$0	$18,750	$1,875	$20,625	$2,567,596	
105	Rice	Randy	NO	NO	14	10/1/06	YES	3	190	Dairy	NO	NO	$15,000	NO	$0	$11,250	$1,125	$12,375	$2,579,971	
106	Stearns	Michael	NO	NO	11	10/1/06	YES	3	92	Dairy	NO	NO	$23,000	YES	$8,840	$8,410	$841	$9,251	$2,589,222	
107	Stearns	Darrell	NO	NO	4	10/1/06	YES	3	158	Dairy	NO	NO	$82,000	YES	$31,020	$30,480	$3,048	$33,528	$2,622,750	
108	Stearns	Jeff	NO	NO	3	10/1/06	YES	3	240	Dairy	NO	NO	$15,000	YES	$5,617	$5,633	$563	$6,196	$2,628,947	
109	Stearns	Kevin	NO	NO	3	10/1/06	YES	3	180	Swine	NO	NO	$35,000	YES	$16,250	$10,000	$1,000	$11,000	$2,639,947	
110	Wadena	John	NO	NO	0	7/1/06	YES	3	140	Dairy	NO	YES	$44,000	NO	$0	$33,000	$3,300	$36,300	$2,676,247	
111	Sibley	Silvio	NO	NO	0	7/1/06	YES	2	275	Hogs	YES	NO	$31,000	YES	$15,500	$7,750	$775	$8,525	$2,684,772	
112	Yellow Medicine	Rolland	NO	NO	0	8/1/06	NO	2	400	Swine	NO	NO	$117,248	YES	$82,252	$5,684	$568	$6,252	$2,691,024	

Note: Milkhouse waste projects. FLEVAL not available at this time.

PROPOSED FY 2007 GRANTS TO SOIL AND WATER CONSERVATION DISTRICTS

COMPOSITE

	COST SHARE		SERVICE GRANTS		
SWCD	BASE GRANTS	FEEDLOT	GENERAL SERVICES	EASEMENT SERVICES	GRANT TOTALS
AITKIN	$7,738		$24,649	$144	**$32,531**
ANOKA	$17,803		$25,304		**$43,107**
BECKER	$44,711		$23,245	$361	**$68,317**
BELTRAMI	$11,553		$23,105	$722	**$35,380**
BENTON	$19,869		$23,479	$1,733	**$45,081**
BIG STONE	$12,239		$22,075	$2,383	**$36,697**
BLUE EARTH	$31,340		$23,058	$14,801	**$69,199**
BROWN	$23,624		$23,152	$12,057	**$58,833**
CARLTON	$12,000		$22,824		**$34,824**
CARVER	$29,202		$24,041	$2,888	**$56,131**
CASS	$11,648		$22,356	$144	**$34,148**
CHIPPEWA	$17,001		$23,152	$11,696	**$51,849**
CHISAGO	$16,524		$24,087	$722	**$41,333**
CLAY	$26,821		$23,526	$3,827	**$54,174**
CLEARWATER	$12,025		$22,918	$505	**$35,448**
COOK	$15,000		$22,263		**$37,263**
COTTONWOOD	$26,328		$23,152	$13,140	**$62,620**
CROW WING	$14,000		$22,450		**$36,450**
DAKOTA	$39,207		$25,866	$505	**$65,578**
DODGE	$18,513		$23,620	$144	**$42,277**
DOUGLAS	$27,712		$24,602	$6,281	**$58,595**
FARIBAULT #	$19,173		$23,620	$13,285	**$56,078**
FILLMORE	$41,432	$283,049	$24,555	$722	**$349,758**
FREEBORN	$26,846		$23,386	$5,487	**$55,719**
GOODHUE	$44,358	$112,128	$24,462	$3,971	**$184,919**
GRANT	$20,173		$23,245	$1,661	**$45,079**
HENNEPIN	$23,072		$33,071	$2,383	**$58,526**
HUBBARD	$13,500		$22,216	$72	**$35,788**
ISANTI	$11,303		$24,602	$650	**$36,555**
ITASCA	$10,000		$23,011		**$33,011**
JACKSON	$20,990		$22,403	$5,632	**$49,025**
KANABEC	$15,000	$4,400	$22,871	$505	**$42,776**
KANDIYOHI	$22,759		$23,807	$9,530	**$56,096**
KITTSON	$14,000		$23,432	$505	**$37,937**
KOOCHICHING	$15,000		$22,590		**$37,590**
LAC QUI PARLE	$38,341		$22,918	$12,563	**$73,822**
LAKE	$15,000		$22,403		**$37,403**
LAKE OF THE WOODS	$15,000	$60,225	$22,075		**$97,300**
LE SUEUR	$32,447		$23,947	$6,931	**$63,325**
LINCOLN	$25,062		$24,275	$6,859	**$56,196**
LYON	$22,472	$95,832	$23,479	$10,252	**$152,035**
MAHNOMEN #	$15,030		$22,169		**$37,199**
MARSHALL	$12,363		$22,497	$1,227	**$36,088**
MARSHALL-BELTRAMI	$9,025		$22,824	$289	**$32,138**
MARTIN	$33,528	$4,149	$23,105	$13,790	**$74,572**

SWCD	COST SHARE		SERVICE GRANTS		GRANT TOTALS
	BASE GRANTS	FEEDLOT	GENERAL SERVICES	EASEMENT SERVICES	
MC LEOD	$21,609		$22,965	$4,188	**$48,762**
MEEKER	$27,983		$22,684	$5,198	**$55,865**
MILLE LACS	$9,025		$23,058	$1,155	**$33,238**
MORRISON	$38,665	$154,542	$24,696	$2,238	**$220,141**
MOWER	$19,214	$33,159	$25,351	$3,538	**$81,262**
MURRAY	$20,336		$22,309	$5,632	**$48,277**
NICOLLET	$20,082		$23,479	$5,126	**$48,687**
NOBLES	$32,479		$22,637	$1,011	**$56,127**
NORMAN	$17,947		$23,198	$2,383	**$43,528**
OLMSTED	$56,252		$26,474	$866	**$83,592**
OTTER TAIL EAST	$27,809	$50,000	$23,198	$794	**$101,801**
OTTER TAIL WEST	$36,159		$23,198	$3,466	**$62,823**
PENNINGTON	$17,674		$22,871	$72	**$40,617**
PINE	$20,424	$25,047	$23,198	$72	**$68,741**
PIPESTONE	$26,707	$13,750	$22,824	$1,444	**$64,725**
POLK EAST	$15,282		$23,011	$433	**$38,726**
POLK WEST	$25,063		$23,011	$72	**$48,146**
POPE	$33,283		$22,731	$11,408	**$67,422**
RAMSEY *	$18,988		$22,439		**$41,427**
RED LAKE	$8,574		$22,122	$289	**$30,985**
REDWOOD	$21,418		$23,620	$22,238	**$67,276**
RENVILLE	$15,594	$59,148	$23,807	$27,580	**$126,129**
RICE	$24,873	$12,358	$27,878	$3,249	**$68,358**
ROCK	$27,802	$33,825	$23,620	$1,083	**$86,330**
ROOT RIVER	$35,104	$100,000	$27,363	$3,249	**$165,716**
ROSEAU	$16,716		$22,918	$72	**$39,706**
SCOTT	$30,366		$24,321	$3,393	**$58,080**
SHERBURNE	$12,000		$26,333		**$38,333**
SIBLEY	$16,825	$20,013	$23,058	$7,076	**$66,972**
ST. LOUIS NORTH	$12,025		$22,965		**$34,990**
ST. LOUIS SOUTH	$9,352		$22,965		**$32,317**
STEARNS	$64,834	$191,927	$26,801	$1,372	**$284,934**
STEELE	$17,874		$24,415	$3,466	**$45,755**
STEVENS	$28,603		$23,432	$4,549	**$56,584**
SWIFT	$14,839		$22,731	$11,841	**$49,411**
TODD	$27,056	$46,600	$24,462	$289	**$98,407**
TRAVERSE	$10,044		$23,386	$1,516	**$34,946**
WABASHA	$28,775		$23,947	$1,733	**$54,455**
WADENA	$15,000	$19,547	$22,871	$794	**$58,212**
WASECA #	$16,488		$23,198	$7,581	**$47,267**
WASHINGTON	$23,081	$7,425	$25,070	$144	**$55,720**
WATONWAN	$17,113		$22,497	$7,437	**$47,047**
WILKIN	$21,139		$23,526	$1,805	**$46,470**
WINONA	$21,728	$196,200	$25,538	$1,300	**$244,766**
WRIGHT	$25,565		$26,006	$3,105	**$54,676**
YELLOW MEDICINE	$27,926		$23,526	$12,346	**$63,798**
ALLOCATED TOTALS	**$2,026,428**	**$1,523,324**	**$2,155,595**	**$344,972**	**$6,050,318**

NOTES:

COST SHARE BASE GRANT PENALTIES FOR RULE VIOLATION.

WASECA - $1,279

FARIBAULT - $4,464

MAHNOMEN - $1,199

* 5% GENERAL SERVICES PENALTY FOR LATE REPORTING

H:FY07SWCD

Board Resolution #_____

FISCAL YEAR 07 SOIL AND WATER CONSERVATION DISTRICT GRANT ALLOCATIONS

WHEREAS, Fiscal Year 07 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 Laws of Minnesota for 2005, 1st Special Session, appropriate cost share and service grant funds to BWSR; and,

WHEREAS, all SWCDs that have BWSR approved plans and reports to comply with statutory allocation requirements, are eligible to receive these grants.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate these individual grant amounts to eligible SWCDs for these respective grant programs.

_____ Date: _____

Jerome Deal, Chair
Board of Water and Soil Resources

H:07SWCDBR

RED RIVER VALLEY SET ASIDE PROGRAM, RE-ALLOCATION

BACKGROUND

The 2000 Legislature appropriated $2,650,000 to BWSR to establish an agricultural land set aside program to provide short-term economic assistance to landowners. The legislature recognized that agricultural areas have suffered through disaster declarations due to flooding, crop disease, and excess precipitation. Funds were allocated to northwest Minnesota SWCDs in Clay, Polk, Red Lake, Pennington, Marshall, Kittson, and Roseau counties.

ISSUE

Our grant agreement with these SWCDs expired June 30, 2002. At that time, $189,177 remained unspent and was returned to BWSR. The legislative appropriation allows BWSR to keep these funds until they are expended.

RECOMMENDATION

The Cost Share Committee recommends the BWSR make the remaining balance, $189,177, available to the original SWCDs (9) on an equal basis, $21,020 each. If an SWCD desires a lesser amount, the remainder is available to the other SWCDs. Up to 20% of allocation actually spent on projects may be used for SWCD technical and administrative costs.

priority

- ~~Primary~~ consideration will be given to projects for living snow fences on county and township roads and ditch buffers with watershed district match.
- Secondary consideration will be given to extensions on existing contracts.

* get from Wayne

H:RRVSAR

City of Hermantown Wetland Plan
Executive Summary

The City of Hermantown wetland plan is the first Wetland Conservation Act (WCA) planning effort in Minnesota that is coordinating with the development of a Special Area Management Plan (SAMP) under the Clean Water Act. The City, BWSR, and Corps of Engineers and other cooperating agencies have coordinated planning efforts to dovetails the plans to the extent possible. Because of special federal requirements, the SAMP is likely to take an additional 18 to 24 months to complete.

An 18 member special task force of city residents, environmental groups, elected officials and local staff and local, state and federal agencies oversaw the planning effort. This task force met for 17 months and participated in policy discussions, wetland function and value training and field trips.

The City of Hermantown is a suburb of Duluth in northeastern Minnesota and covers an area of 20,480 acres or 32 square miles. The city has experienced very rapid commercial and residential growth in recent years. A 2003 wetland inventory within the city identified 4,380 acres of wetlands within the city, compared to 5,466 acres of wetlands within the city identified in the National Wetland Inventory by the U.S. Fish and Wildlife Service. The technical advisory committee has recommended to the city that a digital map that combines the two inventories be used for planning purposes. That map is included in the plan. Jurisdictional decisions will continue to be made based on a wetland delineation report prepared by applicants based on the 1987 Corps of Engineers Wetland Delineation Manual.

Highlights of the Hermantown Comprehensive Wetland Protection and management plan include:

1. **Requiring a MnRAM (Minnesota Routine Assessment Methodology for Assessing Wetland Functions) on all wetland impact proposals.**
2. **City policy to permanently preserve highest functioning wetlands, such as wetlands within 500 feet of a trout stream, through zoning restrictions, deed restrictions, and conservation easements.**
3. **Tracking of wetland impacts by watershed and limiting impacts by watershed water quality conditions.**
4. **City has commenced development of a Special Area Management Plan (SAMP) with the Corps of Engineers that has been coordinated with the WCA plan. The city hopes to have the SAMP completed and approved by 2007.**
5. **Tracking the cumulative impacts of exemptions by watershed on a yearly basis.**
6. **Establishment of reference wetlands within the city that were evaluated in 2004 using MnRAM 3.0 to establish baseline wetland function scores.**
7. **Establishment a Hermantown wetland banking account to provide opportunities for mitigation within the city and contributing watersheds.**
8. **Use of wetland mitigation ratio matrix (page 38) that incorporates mitigation location, wetland type, and timing. The mitigation matrix also considers the MnRAM 3.0 results and the resulting management classification (from Preserve to Manage 3) to vary the replacement ratios from a minimum of 1:1 to a maximum of 3:1.**

Comparison of
Hermantown Comprehensive Wetland Management Plan
With WCA and 404 Minimum Standards

ISSUE	Hermantown Wetland Management Plan	WCA Minimum Standards	404 Min. Standards
Mitigation Ratios	**1:1 to 3:1 based on MnRAM & Corps matrix**	1:1 (in >80% pre-settlement wetland areas	1:1 to 1.5:1 based on Corps matrix
Mitigation Methods	**Follows WCA standards**	See Minnesota Rule 8420.0541	Restoration, creation, enhancement, and preservation allowed
Mitigation siting	**Same as WCA**	On-site/same minor watershed, Same major watershed, Same county, Adjacent county/major watershed	"In-place" preferred, increased replacement ratio penalty for "Not In-Place"
Sequencing	**Same as WCA, plus exemptions must meet avoidance/minimization**	See Minnesota Rule 8420.0520	Similar to WCA
Exemptions	**Exemptions same as WCA standards (agricultural exemptions NOT expanded for non-ag. Uses)**	See Minnesota Rule 8420.0122	See Section 404 of Clean Water Act
Enforcement	**DNR Conservation Officers and Hermantown Police Force**	DNR Conservation Officers and other licensed peace officers	EPA/Corps
Wetland Functional Assessment	**MnRAM 3.0 / Hermantown version**	MnRAM 3.0 or other board approved methods	MnRAM 3.0/other methods
Wetland banking	**City will establish an Account in BWSR bank**	BWSR administered bank	Recognize BWSR administered bank
Technical Issues	**TEP/ Monthly Technical Advisory Committee Meetings (incl. Corps)**	3-4 Member Technical Evaluation Panel plus outside experts	Corps staff
Jurisdictional Decisions	**Pre-project delineations using 1987 Manual required with approval of boundary by TEP**	1987 Manual	1987 Manual

Minnesota Board of Water and Soil Resources
520Layfayette Road N.
St. Paul, Minnesota 55155

In the Matter of the review of the Wetland Management Plan for City of Hermantown pursuant to Minnesota Statutes Section 103G.2242 Subd. 1 (c,)

ORDER APPROVING WETLAND MANAGEMENT PLAN

Whereas, the City of Hermantown submitted a Wetland Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103G.2242 Subd. 1 (c.), and;

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

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

FINDINGS OF FACT

Requirement to Plan. Minnesota Statutes Section 103G.2242 Subd. 1 (c.) allows the Board to approve a comprehensive wetland protection plan developed by a local government unit provided that the Plan is incorporated into sections 103A.201, Subd. 2 and 103G.222, is adopted as part of an approved local water plan under section 103B.231 and is adopted as part of the local government 's official controls.

The intent of the Plan is to provide the means for the City to protect and manage its wetlands by utilizing the flexibility within the Wetland Conservation Act. The Plan provides guidelines for wetland protection and management, assistance with the Wetland Conservation Act, and acts as a reference guide to developers to use when working near wetlands. The development of protection and management strategies for wetlands within the City stems from the function and values assessment completed as part of the Plan. These management strategies allow the City to protect and manage wetland resources by implementing flexibility in the Wetland Conservation Act.

Background of the City. Hermantown is located in northeastern Minnesota near the City of Duluth. Wetland resources within the City total approximately 4,380 acres of the 20,480 acres of total land area in the City. The major wetland types in the City are Type 6 (scrub shrub swamps) totaling 1,805 acres; 595 acres of Type 7 deciduous forested wetland; and 525 acres of Type 7 coniferous forested wetland. There is significant commercial and residential development pressure along the major surface waters in the City. Much of this development has the potential to impact wetlands. Several important trout streams and riparian wetlands adjacent to the streams lie within the city limits.

Local Review. The Wetland Management Plan (Plan) was developed with assistance from an 18-member task force of city residents, environmental groups, elected officials and staff of state, local and federal agencies. The Hermantown City Council has reviewed the plan and ordinance. The Plan and attached wetland management ordinance will be adopted by ordinance and is to be used in conjunction with other City land use ordinances.

Department of Natural Resources Involvement. The Minnesota Department of Natural Resources was an active participant in the plan development. Deserae Hendrickson, MnDNR, Duluth, Division of Fisheries, assisted with evaluation of fisheries issues.

Pollution Control Agency Involvement. The MPCA was an active participant in the planning process. Tom Estabrooks, MPCA Duluth Regional Office, assisted with evaluation of the water quality functions and issues and participated in other aspects of the plan development.

Army Corps of Engineers Involvement. The Corps participated in the planning effort in several ways. Two Harbors Corps staff Tim Peterson participated in most of the monthly meetings. In addition, Steve Eggers, St. Paul District Corps Ecologist participated in several meetings to coordinate development of a Special Area Management Plan (SAMP) for Section 404 of the Clean Water Act.

Board Review and Involvement. The BWSR Staff recommends approval of the City of Hermantown Wetland Plan contingent on City Council approval of the plan and attached Hermantown Wetland Protection Ordinance.

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

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

Highlights of the Plan. The critical elements included in the Plan are:

a. Definition of specific projects/actions, responsible parties and set time line,

b. Identification of wetland management classifications determined through citizen involvement and agency participation,

c. Concise implementation section with identified management standards and activities,

d. Communication among the various responsible departments within the City and SWCD and partnership with other local technical and regulatory partners and programs.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Wetland Management Plan for the City of Hermantown pursuant to Minnesota Statutes Section 103G.2242 Subd. 1 (c.).

3. The City of Hermantown Final Wetland Management Plan attached to this Order provides a function and value assessment framework for all wetlands within the City of Hermantown jurisdictional boundary and defines all wetland-related problems within the City boundaries, possible solutions thereto, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103G.221 to 103G.2373.

ORDER

The Board hereby approves the attached Comprehensive Wetland Protection and Management Plan and Local Wetland Management Ordinance dated May 2006 for Hermantown City contingent on City Board of Commissions approval of Plan and ordinance.

Dated at Saint Paul, Minnesota this 28th day of June 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

ANNUAL PLAN – FISCAL 2007

JULY 1, 2006 – JUNE 30, 2007

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

CONTENTS

ANNUAL PLAN – FISCAL 2007

2006 BOARD OF DIRECTORS - PAGE 1

ADMINISTRATIVE WORK PLAN - PAGE 2

FY'06 COMPLETED PROJECTS - PAGE S 3 & 4

FY 2006/2007 PENDING PROJECTS - PAGE 5

2005 BONDING PROJECTS FOR FY'07 - PAGE 6

2007 BONDING PROJECTS FOR FY'07 - PAGE 7

LCMR PROJECTS FOR FY'07 - PAGE 8

LAZARUS CREEK UPDATE - PAGE 9

ATTACHMENT A - PAGE 10
FISCAL 2007 TECHNICAL OFFICE BUDGET

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

2006 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 2007
ADMINISTRATIVE WORK PLAN

AREA II STAFF:

Kerry Netzke, *Coordinator* Joe DeSchepper, *Engineering Technician* Duane Hansel, P.E. ~ *Consultant Engineer*
Bolton & Menk, Inc.

NARRATIVE:

Looking toward Fiscal 2007 is exciting as there is a great supply of cost-share funding for floodwater retention projects within our reach. We continue to expend the 2005 appropriations of $500,000 LCMR and $500,000 Bonding funds, and now we add a 2006 appropriation of $500,000 of Bonding funds to that pot.

We continue to rely upon project partners to partially fund projects to further our project implementation dollars. Credit is due to the Redwood-Cottonwood Rivers Control Area (RCRCA) and their Clean Water Partnerships and the federally-funded Environmental Quality Incentives Program (EQIP) through NRCS. Without those resources and partnerships, many of the projects would not have been completed.

We are already experiencing a busy construction season in 2006. Of the nine projects on the **Other Projects** list (*page 5*), all are currently active in some shape or form. Our main priority is seeing that the LCMR and 2005 Bonding projects are completed as scheduled. We hope to construct at least four of the six remaining projects this summer/fall with cooperation from the weather and permitting authorities. When staff is not busy staking or inspecting ongoing construction, design work for the projects slated to receive the 2006 Bonding appropriation will be of importance. With a small staff, the project management of multiple projects becomes challenging.

Administrative funding will again become an issue in 2007 (Fiscal 2008) as our annual appropriation of $105,000 will need to be reinstituted. The Board hopes to see this amount increased to at least $140,000 per year as it was before the cut to the current allotment. The local legislators that represent Area II are very supportive and dedicated and have been very successful in assisting with funding needs. The nine member counties are currently considering increasing their levies to Area II by 2% as the levies have remained the same for essentially ten years. Even when the State's funds for administration were reduced from $189,000 annually, the nine member counties choose to keep their levies the same despite the financial strain on the county governments at that time. Their dedication to Area II remains strong.

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!

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

FISCAL 2006 COMPLETED PROJECTS

χ **Lake Marshall 32 Dam - Lyon County** ($137,473.35)

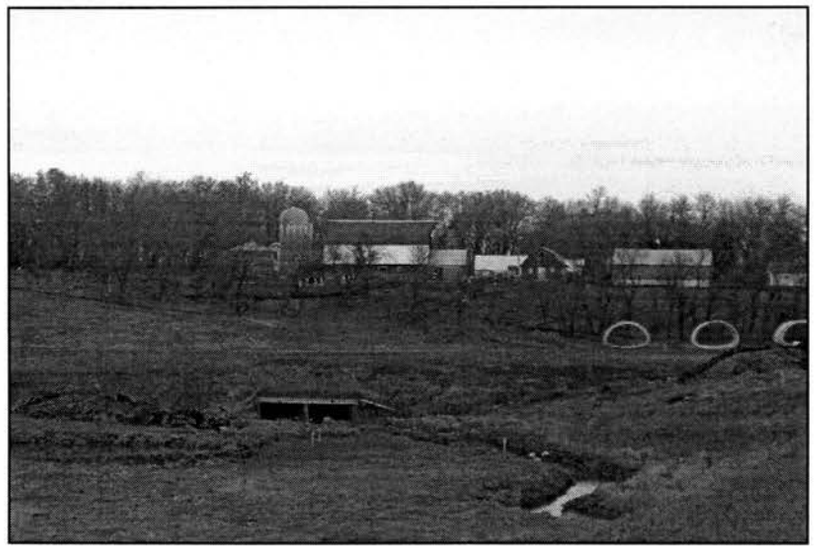
BWSR Cost-Share	$45,934.51
EQIP Federal Funds	$46,869.00
Lyon County	$11,500.00
Marshall Utilities	$12,000.00
Area II counties	$21,169.84

χ **Custer 13 Dam - Lyon County** ($104,558.68)

BWSR Cost-Share	$23,295.10
EQIP Federal Funds	$52,029.34
Wild Turkey Federation	$20,000.00
Area II counties	$ 9,234.24

χ **Alta Vista 36 Road Retention – Lincoln/Lyon County** ($658,603.34)

MNDOT Local Road Improvement Grant	$250,000.00	2005 Bonding Funds	$155,000.00
Lincoln County – MNDOT State Aid	$ 73,104.66	Lincoln County In-kind (Engineering)	$ 58,521.98
Yellow Medicine Watershed District	$ 51,976.70	Lyon County In-kind (asphalt surfacing)	$ 70,000.00



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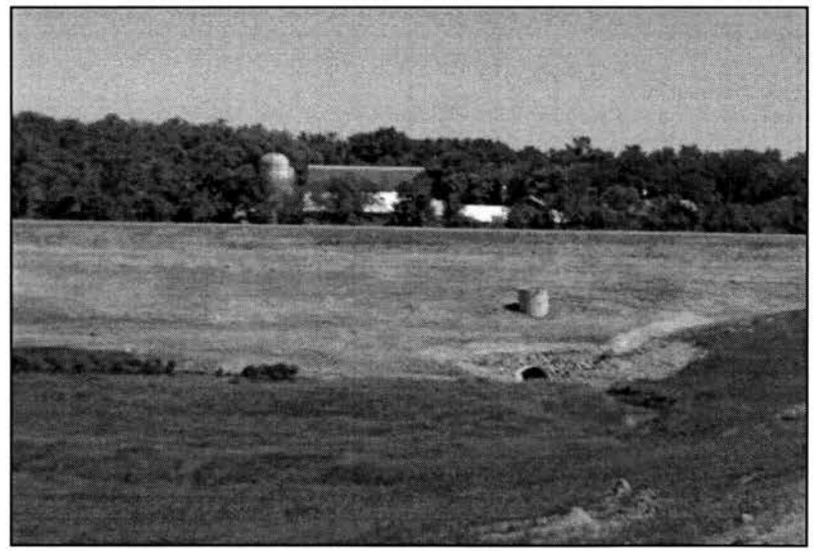


AFTER

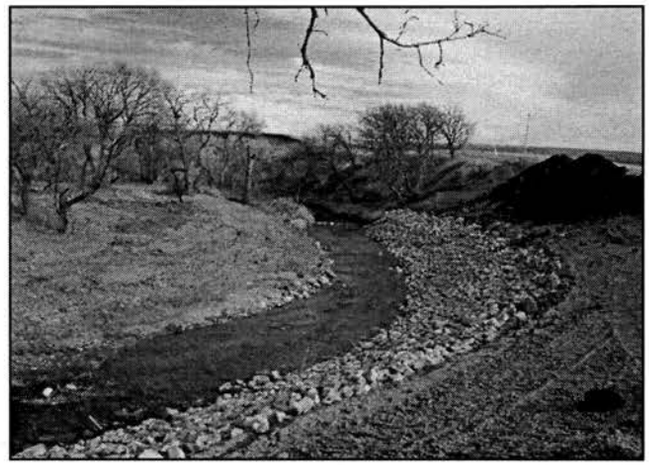
χ **Springdale 32 Small Dam Repair - Redwood County** ($10,632.68)

RCRCA Cost-Share	$ 2,974.51
WHIP Federal Funds	$ 5,000.00
Landowner/Renter	$ 2,658.17

χ **Nordland 16 Streambank Stabilization - Lyon County** ($38,155.00)

Lyon SWCD	$ 4,000.00
Lyon Water Plan	$ 15,000.00
Yellow Medicine Watershed District	$ 9,577.50
Nordland Township	$ 9,577.50

BEFORE



AFTER

χ **Coon Creek 24 Small Dam Repair - Lyon County** ($17,378.60)

RCRCA Cost-Share	$12,906.00
Area II counties	$ 2,321.60
Landowner	$ 2,151.00

χ **Florida 9 Road Retention – Yellow Medicine County** ($112,366.59)

LCMR	$81,307.57
Area II counties	$31,059.02

COMPLETED PROJECTS TOTAL
$1,079,168.24

FISCAL 2007 OTHER PROJECTS

χ **Gales 17 Small Dam Repair - Redwood County** ($9,775.14)
Funding has been secured through the Redwood-Cottonwood River Control Area providing 75% for construction. The remaining local match of 25% is being provided by the landowner. The bid has been awarded and we await construction in June.

χ **Monroe 1 Small Dam Repair - Lyon County** ($10,734.81)
Funding has been secured through the Redwood-Cottonwood River Control Area providing 75% for construction. The remaining local match of 25% will be provided by the landowner. The bid has been awarded and we await construction in June.

χ **Monroe 7 Small Dam Repair - Lyon County** ($24,162.00 estimate)
Funding has been secured through the Redwood-Cottonwood River Control Area providing 75% for construction. The remaining local match of 25% will be provided by the landowner. We are finalizing plans and specifications to solicit construction bids.

χ **Lynd 8 Small Dam Repair - Lyon County** ($17,514.00 estimate)
Funding has been secured through the Redwood-Cottonwood River Control Area providing 75% for construction. The remaining local match of 25% will be provided by the landowners. We are finalizing plans and specifications to solicit construction bids.

χ **Aetna 22 Small Dam Repair - ~~Lyon~~ Pipestone County** ($15,425.50 estimate)
Funding has been obtained through the Redwood-Cottonwood River Control Area providing 75% for construction. The remaining local match of 25% will be provided by the landowner. The bid will be awarded June 16th and we will await construction in July.

χ **Custer 15 Small Dam Repair - Lyon County**
Funding will be obtained through the Redwood-Cottonwood River Control Area providing 75% for construction. The remaining local match of 25% will be provided by the landowner. We are finalizing the design to secure funding.

χ **Lake Marshall 31 Small Dam Repair - Lyon County** ($20,834.55 estimate)
Funding will be obtained through the Redwood-Cottonwood River Control Area providing 75% for construction. The remaining local match of 25% will be provided by the landowner. We are finalizing the design to secure funding.

χ **Nordland 35 Small Dam Repair – Yellow Medicine County** ($20,834.55 estimate)
Funding has been secured through EQIP and the Yellow Medicine River Watershed District. We are finalizing the design to solicit bids.

χ **Lac qui Parle 28 Streambank Stabilization – Lac qui Parle County**
Funding is being sought from the Corps of Engineers under Section 14 - Streambank Protection as the erosion is threatening the integrity of a county highway. Area II has provided survey, engineering, and preliminary plans to be provided to the Corps for continued design.

FISCAL 2007
2005 BONDING PROJECTS

χ **Alta Vista 36 Road Retention – Lyon/Lincoln County** ($658,603.34) **COMPLETED**

χ **North Hero 34E Road Retention - Redwood County** ($ 264,669 Estimate)
This project is a collaboration between Area II, Redwood County, and North Hero Township. Peak flow reductions will be 54% amounting to 393 cfs on a 100-year storm event. 390.4 acre-feet of flood storage will temporarily pond on 56.1 acres. Plans are currently being drafted and will then be submitted to Redwood County for review and approval. Once approved, a wetland delineation will be conducted and permit applications submitted for Fall 2006 or Spring 2007construction.

χ **Springdale 21 Road Retention - Redwood County** ($ 274,963 Estimate with $160,000 MNDOT participating)
This project is joint 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. Draft plans have been submitted to Redwood County for review and approval. Once approved, a wetland delineation will be conducted and permit applications submitted for Fall 2006 construction.

χ **Monroe 10 Road Retention/Dam - Lyon County** ($ 289,000 Estimate)
Lyon County initiated the project but encountered problems acquiring the DNR Dam Safety permit. With Area II's assistance, soil borings were obtained and additional dam-like features were added to the design. The new plans will soon be submitted to DNR for review and permit issuance. Summer/Fall 2006 construction is planned.

FISCAL 2007
2007 BONDING PROJECTS

χ **Sodus 27 Dam - Lyon County**
The project had been submitted for EQIP funding, but due to the large demand in funds, project funding was not granted since 60% of all EQIP dollars are earmarked for feedlot improvements. Final design is complete and permits are being prepared.

χ **Hansonville 17/18 Dam – Lincoln County**
The location of the project is immediately downstream of Fish Lake (South Dakota) that has been operating with an uncontrolled outlet for decades. This reach has caused tremendous damage as it drains to the Lac qui Parle River.

χ **Aetna 9 Dam - Pipestone County**
This location near the headwaters of the Redwood River is a great opportunity to keep the water where it falls on the landscape.

χ **Ann 36 Dam - Cottonwood County**
The location of this project in the upper reaches of the Cottonwood River will be especially beneficial as the floodflows are "flashy" in nature here, meaning that they come fast and unexpected.

χ **Springdale 17 Dam - Redwood County**
This location immediately upstream of a county highway is drawing the interest and cooperation of Redwood County. Outflows from this area have caused extensive damage to township roadways and private property in the past.

χ **Lynd 32 Dam – Lyon County**
The proposed dam site is adjacent to Camden State Park, near Marshall, and within one mile of the Redwood River.

χ **Bashaw 20/21 Road Retention – Brown County**
This site may utilize the adjacent, abandoned railroad line to help hold floodwaters. The bridge to be replaced is only 1.5 miles from the start of the Little Cottonwood River.

FISCAL 2007 LCMR PROJECTS

χ **Florida 9 Road Retention – Yellow Medicine County** ($112,367.09) **COMPLETED**

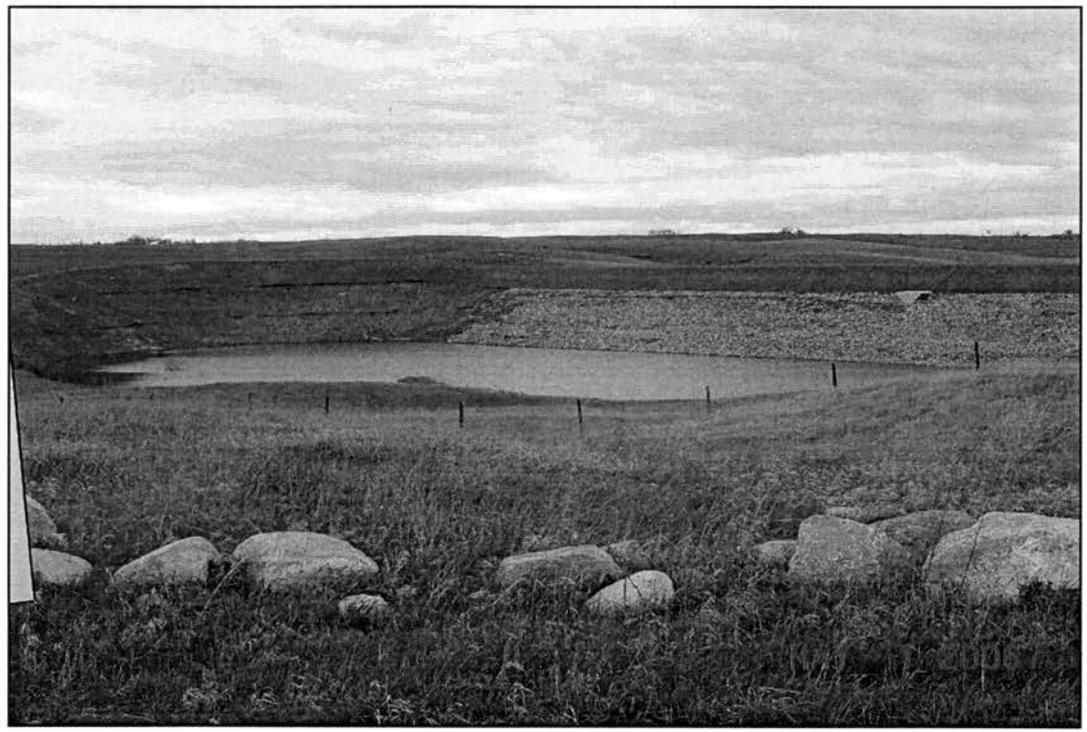
χ **Holly 9 Dam - Murray County**
Previously, soil borings revealed a sand layer which could have required an expensive slurry trench cut-off if the project was to proceed. Additional soil borings were acquired which showed more favorable soil conditions just 200' upstream of the previous centerline location. The restoration of a small dam upon the property will be done in conjunction with the construction of the large dam. Construction is planned for Fall 2006.

χ **Germantown 4 Road Retention - Cottonwood County**
Phase I of this project was completed in 2004 which consisted of installing the 12' x 12' box culvert and raising the roadway elevation 15'. Phase II will consist of adding the low-flow inlet and riser pipe to the existing culvert and raising the road an additional 5' to create the retention capability of the project.

χ **Lyons 12 Dam - Lyon County**
This project has a long history as it was once designed by the Soil Conservation Service and construction begun. The contractor declared bankruptcy just after finishing the core trench. The project has remained incomplete since that time. From our updated design, 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. We will soon conduct a wetland delineation and begin the permitting process. Some wetland mitigation may be necessary for this project.

FISCAL 2007
LAZARUS CREEK UPDATE

Since the project's completion and Dedication Ceremony on July 7, 2005, there has been little activity at the project site other than the contractor finalizing some minor "fix its" before final payment was released in October. Houston Engineering, Inc. conducted the final walk-through inspection on June 7, 2006 to certify that the project requires no further attention from the contractor. The seeded vegetation has established very well due to plentiful spring rains and the silt fences were approved for removal. Just a few minor details remain, and the project looks fantastic.



The floodpool is 8' deep following heavy rains in South Dakota.

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

ATTACHMENT A

FY'07 Technical Office Budget

OFFICE OPERATIONS

Personal Services:	
*Directors' Compensation	$ *5,600.00**
*Directors' FICA	*430.00**
Employees' Salaries	82,631.06
Employees' FICA	6,321.28
Employees' Medical Insurance	13,868.00
Employees' Retirement	4,957.86
Employee' FlexPlan	300.00
Total Personal Services	**$ 114,108.20**

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	650.00
Postage	1,000.00
Vehicle Expense	3,500.00
*Director's Insurance	*1,299.00**
Other Insurance	13,668.00
Rent	7,083.00
Miscellaneous & Other Expenses	2,500.00
*Miscellaneous Expenses - Directors	*0.00**
Total Other Services and Costs	**$ 65,950.00**

TOTAL OFFICE OPERATIONS	**$** 182,558.20
Total Ineligible for Cost-Share by the State	*11,079.00**
Total Eligible for Cost-Share by the State	$ 171,479.20
STATE SHARE OF ELIGIBLE OFFICE COSTS	**$** 105,000.00 (61%)
Local Share of Eligible Office Costs	66,479.20 (39%)

**** These items not cost-shared by the State***

SUMMARY:		
Previous Annual Allocation from the State of Minnesota	***$ 105,000.00***	
Less: Technical Office Grant	***105,000.00***	***(100%)***
Less: Project Grants	***0.00***	***(0%)***
Balance	***$ 0.00***	

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

Surface Water Restoration and Protection
Restoration
Protection
TMDL Plan
Comprehensive Water Management Plan
Proposals For
Land Treatment | Technical Assistance | Monitoring
Interagency Review
Agency Grants & Funding
Local Implementation
Reporting & Effectiveness Monitoring
Reports to Clean Water Council

Interagency Review & Agency Commitments

Agency Programs & Resources

BWSR	**MDA**	**DNR**	**MPCA**
CWLA – Cost-share & incentives CWLA – Local technical assistance CWLA – Local surface water management & protection CWLA – Streambank, lakeshore, and roadside water quality protection and restoration BWSR – cost-share rollover	CWLA – AgBMP loans	CWLA – Forest stewardship CWLA – Acquire high priority sensitive riparian lands	MPCA 319 – federal non-point restoration program

Mix & match programs and resources to proposals

Letter of commitment to applicant

Clean Water Legacy
Non-Point Restoration and Protection
Strategy Document

PREAMBLE

The Board of Water and Soil Resources (BWSR, the Minnesota Department of Agriculture (MDA), the Minnesota Pollution Control Agency (MPCA), and the Minnesota Department of natural Resources (DNR), share a common purpose in their mission to protect, restore and preserve the quality of Minnesota's surface waters as prescribed by the legislative purpose and findings of the Clean Water Legacy Act. The agencies desire to coordinate nonpoint protection and restoration strategies with the objective to enhance the state's efforts to support local government and citizen efforts.

GUIDING PRINCIPLES

Fiscal Year 2007 Clean Water Legacy agency allocations apportioned to non-point restoration activities will be targeted to those watersheds and/or lake basins that will have a TMDL approved before the end of 2006. Based on information from MPCA, their will be several TMDLs, that include a non-point source load allocation, some with approved implementation plans, by the end of 2006:

Already completed TMDLs:

- Lower Mississippi River Basin Fecal Coliform
- Lower Minnesota River – Dissolved Oxygen
- South Branch Yellow Medicine River – Fecal Coliform
- Long Prairie River – Fecal Coliform

Nearly Completed TMDLs

- Chippewa River – Fecal Coliform
- Shingle Creek, Upper Mississippi River Basin – Chloride
- Baudette River – Dissolved Oxygen
- North Branch Sunrise River – Fecal Coliform
- Otter Tail River - Turbidity
- Cannon River - Turbidity
- Blue Earth River - Fecal Coliform
- Bevens and Silver Creeks - Fecal Coliform
- Lake Independence - Nutrients

Clean Water Legacy agency allocations apportioned to non-point **protection** activities will be targeted to priority surface water protection strategies identified in regional, watershed or county comprehensive water management plans.

A pre-proposal process will be used by the agencies to collect requests for funding from eligible local applicants. Agencies will then use an interagency review team to coordinate their funding decisions from the various Clean Water Legacy appropriations, and other sources of funding,

where deemed appropriate. Each agency would then continue its individual administrative procedures for awarding financial assistance.

Agencies agree to assign staff to inter-agency teams, where appropriate, to help coordinate local partners, prioritize and targeting of BMP's, and leveraging of federal farm programs prior to the submission of project proposals.

Agencies agree to require the use of eLINK to report the land and water treatment projects and activities supported by Clean Water Legacy funding.

SPECIFIC AGENCY CLEAN WATER LEGACY APPROPRIATINS TO BE COORDINATED THROUGH THIS NON-POINT RESTORATION AND PROTECTION STRATEGY.

BWSR

- Targeted non-point restoration cost-share and incentive payments in impaired watersheds and lake basins ($1.5 million)
- Targeted non-point restoration technical, compliance, and engineering assistance activities. 75% for restoration activities and 25% for protection activities ($2.0 million)
- Support local non-point source protection activities related to lake and river protection and management ($ 1.41 million)
- Streambank, stream channel, lakeshore, and roadside protection and restoration projects ($1.0 million).

MDA

- Targeted financial assistance - Ag BMP Loan Program ($1.2 million)

DNR

- Forest stewardship ($200,000)
- Acquisition or easements on sensitive riparian lands that provide a high value for watershed protection ($1.14 million)

PCA (non Clean Water Legacy Funds)

- EPA Section 319 funds for non-point source restoration (approx. $1 million)

TIMELINE

July 1 to August 30 – Agency outreach to potential participants
July 1 to August 30 – Development of request for proposal and review procedures
September 1 – Request for proposal sent out to all potential participants
September 30 – Request for proposals due to State
October 10 – Interagency review & recommendations completed
November 1 – Agency administrative procedures or notification of funding begins

Board Resolution # 06-55

Approve RIM Reserve Payment Rate Increase for CREP II

WHEREAS the Board of Water and Soil Resources has received a request from its conservation easement section to increase the RIM Reserve payment rate for CREP II used to calculate state payments to landowners for enrolling in long-term conservation easements;

WHEREAS the RIM Reserve payment rate for CREP II is presently based on a 70% estimated market value (EMV) with a 8% discount rate, with multipliers .173 for a 30-year easement (15 year CRP + 30 year easement) and .221 for a perpetual easement (15 year CRP + perpetual easement)

WHEREAS the current payment structure is not conducive to achieving program outcome goals;

WHEREAS the RIM Reserve payment rate is based on a projected 2007 estimated market value (EMV) based upon a trend analysis prepared by Professor Steve Taff, Dept. of Applied Economics, University of Minnesota;

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources approves and adopts a:

1) RIM Payment Rate for CREP II.
   a) The payment structure is hereby modified to achieve 90% of EMV with a 5% discount rate, and multipliers be increased to .333 for a 30 year easement (15 year CRP + 30 years = 45 years) and .433 for a perpetual easement (15 year CRP + perpetual easement), contingent on current and future legislative appropriations for the three approved CREP II project areas through December 31, 2007.
   b) BWSR will work with Local Ditch Authorities to promote incentives to achieve water quality.
   c) Payment would apply to pre-existing landowners applications.
   d) RIM Reserve authorized for "squaring-up" easements not to exceed 10% of the easement acreage.

Jerome Deal

Jerome Deal, Chair
Minnesota Board of Water and Soil Resources

6/28/06
Date

CREP II PAYMENT RATE INCREASE

Minnesota CREP II needs your immediate attention. Since the programs start on June 6, 2005 we have enrolled 1650 ac., far off the pace needed to attain the 120,00 ac. goal by Dec. 31, 2007. At the April 26, 2006 Board meeting we heard from representatives from each of the three project areas in Minnesota's CREP II. Landowner interest in the CREP concept remains strong, but payment low rates discourage them from enrolling. Each stated that at the present payment rate Minnesota's CREP II is "dead". They urged the Board to significantly increase the CREP II RIM Reserve payment rate if we are serious about landowners enrolling in Minnesota's CREP II. The term of the easement was not voiced as an issue, only the low payment rate.

BWSR Easement staff in consultation with Dr. Steve Taff, Department of Applied Economics at the University of Minnesota. (See attached letter) has conducted an analysis of CREP II payment rates.

Attached is our recommendation for the state RIM Reserve increase for CREP II payment rate adjustment:

- 90% of project 2007 EMV is our payment rate target.

- 2007 EMV based upon Steve Taff's trend analysis.

- RIM payment rate multipliers for RIM Reserve Payment to achieve 90% of EMV using a 5% discount rate would be .333 for 30 yr. easement and .433 for perpetual easement.

- We need to establish a competitive payment rate that will not change for the term of this CREP II agreement (December 31, 2007).

Background:

- First 13 months of Implementation has achieved 82 easement applications signed for 1,650 acres (see attached map).

- $1.3 M invested in local marketing of CREP II program in 37 counties. Built on the successful Minnesota River model. Have developed thousands of individual proposals to landowners.

- August 2005, FSA, NRCS & SWCD's sent a joint letter sent to all eligible landowners in CREP II project areas. (50,000 letters).

- The 3 CREP II project representatives reported findings to BWSR board at April 26, 2006 meeting. Low payment rates were the number one issue discussed.

•Original application for CREP 2 requested a 50% CRP bonus payment and a 30% was approved by USDA. The RIM Reserve payment was not adjusted accordingly.

• State's RIM Reserve interest in CREP II is long-term conservation, not short term contracts (45 years and permanent). Landowners already have a short-term option with CRP and CCRP.

• Low enrollment has resulted in zero bonding appropriation in 2006 legislative session. $19M presently available.

• 18 months remaining in our CREP II open enrollment through December 31, 2007.

• Conservation programs must be financially competitive with other options available to landowners if we want them to be successful. RIM Reserve payment rates for regular RIM Reserve are 90% EMV for permanent; limited duration easements may not exceed 75 % of EMV.

•There is a tremendous backlog of interest for WRP/WREP. The amended RIM Reserve appropriation provides latitude for BWSR to use the funds for other than CREP 2. It would be appropriate to consider WREP as an equal with CREP 2 and market WREP along with CREP 2.

UNIVERSITY OF MINNESOTA

Twin Cities Campus

Department of Applied Economics
College of Agricultural, Food and Environmental Sciences

231 Classroom Office Building
1994 Buford Avenue
St. Paul, MN 55108-6040
612-625-1222
Fax: 612-625-6245
http://www.apec.umn.edu

RECEIVED
MAY 11 2006
Bd. of Water & Soil Resources
St. Paul

May 9, 2006

To: Kevin Lines, Board of Water and Soil Resources
From: Steven J. Taff, Department of Applied Economics, University of Minnesota
Subject: Estimated land values for CREP easements

You asked me for an estimate of average farmland values for three regions of Minnesota, to be used to help prepare CREPII budgets. In the following table, I have prepared a simple extrapolation of 2002-2005 average assessor estimated land values (EMV) from Minnesota Land Economics for the Northwest, Southwest, and South East regions. The estimates are not based upon an economic model; rather, they are the best exponential fit (using Microsoft Excel) for values reported by assessors.

I suspect that these values will prove to be underestimates of actual 2006-2008 average land prices when these become available. Estimated land values tend to lag actual sales price movements in many areas, because assessors are required to use previous year sales prices to help them estimate land values for the indicated year. Sellers tend to look at current sales prices, not at assessor estimates, when they consider what they think their land is worth.

I include the actual 2005 averages for comparison. I will record 2005 sales prices and 2006 EMV averages on Minnesota Land Economics in June 2006.

		Dollars per acre				
	2005 actual	**2006 estimate**	**2007 estimate**	**2008 estimate**	Rate of increase	equation
Northwest	775	**827**	**904**	**988**	.093	530.7exp(.089x)
Southwest	2,076	**2,250**	**2,481**	**2,737**	.103	1378.2exp(.098x)
South East	3,235	**3,617**	**4,100**	**4,648**	.133	1933.4exp(.125x)

You also asked me to calculate the present value multiplier for RIM payments for 90% of EMV at a 5% rate for both a 30-year and a perpetual easement after year 15. These proportions are shown in the chart below. For example, using the CREPII payment procedure, a 30-year RIM contract would be priced at .333 of estimated market value.

Years in RIM contract (after CRP expires)	Payment proportion
20	0.270
30	0.333
50	0.395
forever	0.433

MN CREP II Offers Discounted at 5 Percent*

CREP II Area	County	Township	CREP II Bonus@ 30% CRP/Acre	15 yrs CRP PV	CREP II (1) $ RIM/Acre	Total $ PV/Acre	Present 2005 EMV	Proposed 2007 EMV**	Proposed CREP II $ RIM/Acre Perp. (2) .433	Proposed Total $ PV/Acre	% of 2007	Proposed CREP II $ RIM/Acre Limited (3) .333	Proposed Total $ PV/Acre	% of 2007
NW- NORTH														
NW - Perp.	Clay	Barnesville	94	976	194	1169	$877	$1,048	454	1430	136%	349	1325	126%
NW - Perp.	Clay	Barnesville	96	996	194	1190	$877	$1,048	454	1450	138%	349	1345	128%
NW - Perp.	Clay	Barnesville	90	934	194	1128	$877	$1,048	454	1388	132%	349	1283	122%
NW - CCRP Ex.	Clay	Kurtz	82	851	247	1098	$1,426	$1,704	738	1589	93%	567	1418	83%
NW - CCRP Ex.	Clay	Moland	68	706	246	952	$1,422	$1,699	736	1442	85%	566	1272	75%
NW - CCRP Ex.	Clay	Georgetown	66	685	237	922	$1,372	$1,639	710	1395	85%	546	1231	75%
NW - CCRP Ex.	Clay	Ulen	70	727	155	882	$894	$1,068	462	1189	111%	356	1083	101%
NW	E. Polk	King	59	612	86	698	$499	$596	258	870	146%	199	811	136%
NW - FSA Ex.	Kittson	Skane	51	529	172	701	$992	$1,185	513	1042	88%	395	924	78%
NW - FSA Ex.	Red Lake	River	47	488	94	581	$570	$681	295	783	115%	227	715	105%
NW- NORTH AVG.			**72**	**747**	**182**	**932**	**$981**	**$1,171**	**507**	**1254**	**107%**	**390**	**1137**	**97%**
NW- SOUTH														
NW - CCRP Ex.	E. Ottertail	Pine Lake	69	716	142	857	$820	$980	424	1140	116%	326	1042	106%
NW - CCRP Ex.	E. Ottertail	Gormon	69	716	154	869	$888	$1,061	459	1175	111%	353	1069	101%
NW - CCRP Ex.	E. Ottertail	Henning	57	592	158	751	$911	$1,088	471	1063	98%	362	954	88%
NW - CCRP Ex.	E. Ottertail	Woodside	53	550	149	702	$860	$1,027	445	995	97%	342	892	87%
NW - CCRP Ex.	E. Ottertail	Newton	83	862	149	1010	$859	$1,026	444	1306	127%	342	1204	117%
NW - CCRP Ex.	Grant	Lawrence	113	1173	252	1424	$1,459	$1,743	755	1928	111%	580	1753	101%
NW - CCRP Ex.	Grant	N. Ottawa	105	1090	254	1343	$1,473	$1,760	762	1852	105%	586	1676	95%
NW - CCRP Ex.	Grant	Gorton	87	903	243	1146	$1,404	$1,677	726	1629	97%	559	1462	87%
NW - CCRP Ex.	Grant	Logan	98	1017	243	1260	$1,402	$1,675	725	1742	104%	558	1575	94%
NW - CCRP Ex.	Traverse	Folsom	92	955	251	1206	$1,450	$1,732	750	1705	98%	577	1532	88%
NW - CCRP Ex.	Traverse	Dollymount	99	1028	285	1312	$1,651	$1,972	854	1882	95%	657	1685	85%
NW - CCRP Ex.	Traverse	Lake Valley	92	955	276	1230	$1,596	$1,907	826	1781	93%	635	1590	83%
NW	Wilkin	Foxhome	75	778	244	1022	$1,411	$1,686	730	1508	89%	561	1339	79%
NW - FSA Ex.	Wilkin	Mitchell	88	913	205	1118	$1,186	$1,417	613	1526	108%	472	1385	98%
NW - CCRP Ex.	Wilkin	Bradrup	101	1048	244	1292	$1,410	$1,684	729	1777	106%	561	1609	96%
NW - CCRP Ex.	Wilkin	Bradford	116	1204	247	1451	$1,426	$1,704	738	1942	114%	567	1771	104%
NW - CCRP Ex.	Wilkin	Wolverton	93	965	237	1202	$1,370	$1,637	709	1674	102%	545	1510	92%
NW - CCRP Ex.	Wilkin	Tangberg	86	892	175	1067	$1,012	$1,209	523	1415	117%	403	1295	107%
NW - CCRP Ex.	Wilkin	Ankron	93	965	175	1140	$1,010	$1,207	522	1487	123%	402	1367	113%
NW - CCRP Ex.	Wilkin	Atherton	86	892	166	1058	$957	$1,143	495	1387	121%	381	1273	111%
NW- SOUTH AVG.			**88**	**913**	**212**	**1123**	**$1,228**	**$1,467**	**635**	**1548**	**106%**	**488**	**1401**	**96%**
NW- TOTAL AVG.			**83**	**862**	**202**	**1059**	**$1,145**	**$1,368**	**592**	**1454**	**106%**	**456**	**1318**	**96%**

*For USDA and BWSR use only

** SE EMV trend .133/yr, SW EMV trend .103/yr., NW EMV Trend .093/yr.

(1) 70% of EMV at 8% discount rate (.221) for permanent easement

(2) 90% of EMV at 5% discount rate (.433) for permanent easement

(3) 90% of EMV at 5% discount rate (.333) for limited duration easement

S:\#Crep2\CREPOffers@5%7

MN CREP II Offers Discounted at 5 Percent*

CREP II Area	County	Township	CREP II Bonus@ 30% CRP/Acre	15 yrs CRP PV	CREP II (1) $ RIM/Acre	Total $ PV/Acre	Present 2005 EMV	Proposed 2007 EMV**	Proposed CREP II $ RIM/Acre Perp. (2) .433	Proposed Total $ PV/Acre	% of 2007	Proposed CREP II $ RIM/Acre Limited (3) .333	Proposed Total $ PV/Acre	% of 2007
SE	Dodge	Ellington	160	1661	482	2142	$2,786	$3,576	1549	3210	90%	1191	2852	80%
SE	Fillmore	Holt	155	1608	364	1972	$2,157	$2,769	1199	2807	101%	922	2530	91%
SE	Fillmore	Jordan	145	1505	374	1879	$2,159	$2,771	1200	2705	98%	923	2428	88%
SE	Fillmore	Jordan	142	1474	374	1847	$2,159	$2,771	1200	2674	96%	923	2397	86%
SE	Fillmore	Spring Valley	133	1380	370	1750	$2,138	$2,745	1188	2568	94%	914	2294	84%
SE	Fillmore	York	122	1266	381	1647	$2,158	$2,770	1199	2465	89%	922	2188	79%
SE	Goodhue	Bell Creek	144	1495	513	2007	$2,967	$3,809	1649	3144	83%	1268	2763	73%
SE	Goodhue	Belvidere	166	1723	448	2171	$2,548	$3,271	1416	3139	96%	1089	2812	86%
SE	Goodhue	Goodhue	153	1588	474	2062	$2,739	$3,516	1522	3110	88%	1171	2759	78%
SE	Goodhue	Leon	140	1453	540	1993	$3,119	$4,004	1734	3187	80%	1333	2786	70%
SE - Perp.	Mower	Austin	195	2024	493	2517	$2,234	$2,868	1242	3266	114%	955	2979	104%
SE	Mower	Dexter	174	1806	461	2267	$2,664	$3,420	1481	3287	96%	1139	2945	86%
SE - Perp.	Mower	Lansing	145	1505	527	2032	$2,382	$3,058	1324	2829	93%	1018	2523	83%
SE	Mower	Lansing	148	1536	423	1959	$2,382	$3,058	1324	2860	94%	1018	2554	84%
SE - Perp.	Mower	Lansing	145	1505	524	2029	$2,382	$3,058	1324	2829	93%	1018	2523	83%
SE	Olmsted	Kalmer	118	1225	516	1740	$2,920	$3,748	1623	2848	76%	1248	2473	66%
SE	Olmsted	Orion	119	1235	495	1730	$2,858	$3,669	1589	2824	77%	1222	2457	67%
SE	Winona	St Charles	166	1723	388	2111	$2,236	$2,870	1243	2966	103%	956	2679	93%
SE	Winona	Utica	152	1578	410	1987	$2,375	$3,049	1320	2898	95%	1015	2593	85%
SE	Winona	Whitewater	142	1474	308	1781	$1,780	$2,285	989	2463	108%	761	2235	98%
SE AVERAGES			**148**	**1536**	**443**	**1981**	**$2,457**	**$3,154**	**1366**	**2902**	**92%**	**1050**	**2586**	**82%**
SW	Cottonwood	Dale	121	1256	351	1606	$2,026	$2,465	1067	2323	94%	821	2077	84%
SW	Cottonwood	Great Bend	119	1235	321	1514	$1,857	$2,259	978	2213	98%	752	1987	88%
SW	Cottonwood	Lakeside	124	1287	416	1703	$2,406	$2,927	1267	2554	87%	975	2262	77%
SW	Cottonwood	Southbrook	124	1287	336	1623	$1,942	$2,363	1023	2310	98%	787	2074	88%
SW	Jackson	Christiania	128	1329	400	1706	$2,315	$2,816	1220	2549	90%	938	2267	80%
SW	Martin	Jay	135	1401	443	1844	$2,562	$3,117	1350	2751	88%	1038	2439	78%
SW	Martin	Lake Belt	153	1588	434	1976	$2,506	$3,049	1320	2908	95%	1015	2603	85%
SW	Martin	Lake Belt	148	1536	433	1969	$2,506	$3,049	1320	2856	94%	1015	2551	84%
SW	Martin	Manyaska	152	1578	429	1692	$2,478	$3,015	1305	2883	96%	1004	2582	86%
SW	Murray	Iona	127	1318	386	1704	$2,231	$2,714	1175	2493	92%	904	2222	82%
SW	Murray	Leeds	140	1453	298	1751	$1,722	$2,095	907	2360	113%	698	2151	103%
SW	Murray	Mason	127	1318	323	1641	$1,870	$2,275	985	2303	101%	758	2076	91%
SW	Murray	Murray	108	1127	331	1452	$1,916	$2,331	1009	2136	92%	776	1903	82%
SW	Murray	Murray	120	1246	331	1576	$1,916	$2,331	1009	2255	97%	776	2022	87%
SW	Nobles	Hersey	153	1588	399	1987	$2,304	$2,803	1214	2802	100%	933	2521	90%
SW	Nobles	Hersey	157	1630	399	2028	$2,304	$2,803	1214	2844	101%	933	2563	91%
SW	Nobles	Ransom	131	1360	392	1751	$2,263	$2,753	1192	2552	93%	917	2277	83%
SW	Nobles	Worthington	148	1536	384	1920	$2,219	$2,700	1169	2705	100%	899	2435	90%
SW	Pipestone	Rock	104	1079	233	1312	$1,347	$1,639	710	1789	109%	546	1625	99%
SW	Rock	Clinton	154	1598	457	2055	$2,667	$3,245	1405	3003	93%	1080	2678	83%
SW AVERAGES			**134**	**1391**	**375**	**1741**	**$2,168**	**$2,637**	**1142**	**2533**	**96%**	**878**	**2269**	**86%**

*For USDA and BWSR use only

** SE EMV trend .133/yr, SW EMV trend .103/yr., NW EMV Trend .093/yr.

(1) 70% of EMV at 8% discount rate (.221) for permanent easement

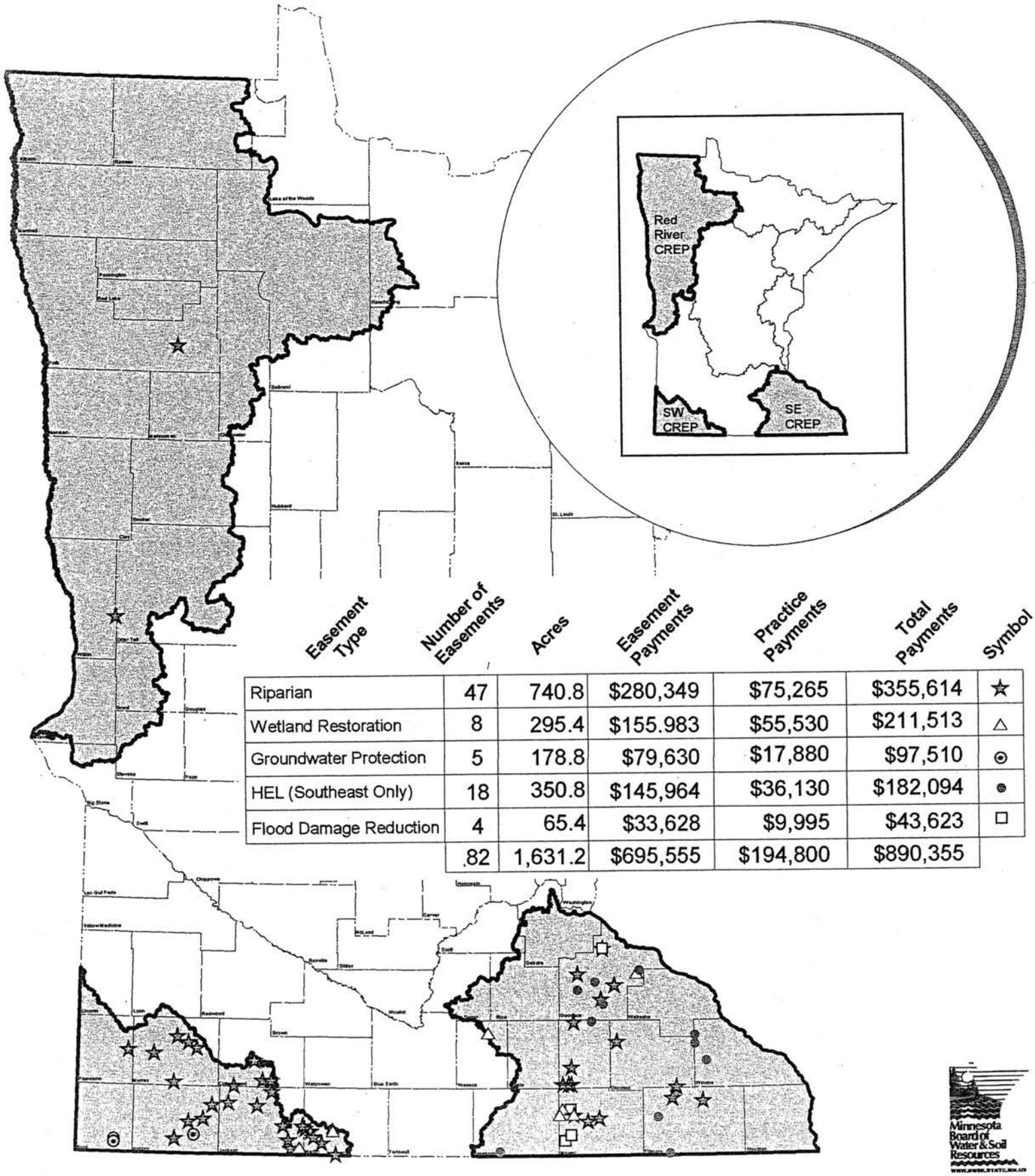
(2) 90% of EMV at 5% discount rate (.433) for permanent easement

(3) 90% of EMV at 5% discount rate (.333) for limited duration easement

S:\#Crep2\CREPOffers@5%7

Minnesota CREP II

BWSR Applications Approved
June 6th, 2005 through June 15, 2006



Easement Type	Number of Easements	Acres	Easement Payments	Practice Payments	Total Payments	Symbol
Riparian	47	740.8	$280,349	$75,265	$355,614	☆
Wetland Restoration	8	295.4	$155.983	$55,530	$211,513	△
Groundwater Protection	5	178.8	$79,630	$17,880	$97,510	⊙
HEL (Southeast Only)	18	350.8	$145,964	$36,130	$182,094	●
Flood Damage Reduction	4	65.4	$33,628	$9,995	$43,623	□
	.82	1,631.2	$695,555	$194,800	$890,355	

Minnesota Board of Water & Soil Resources
www.bwsr.state.mn.us

June 2006

Board Resolution # _____

Approve RIM Reserve Payment Rate Increase for CREP II

WHEREAS the Board of Water and Soil Resources has received a request from its conservation easement section to increase the RIM Reserve payment rate for CREP II used to calculate state payments to landowners for enrolling in long-term conservation easements;

WHEREAS the RIM Reserve payment rate for CREP II is presently based on a 70% estimated market value (EMV) with a 8% discount rate, with multipliers .173 for a 30-year easement (15 year CRP + 30 year easement) and .221 for a perpetual easement (15 year CRP + perpetual easement)

WHEREAS the current payment structure is not conducive to achieving program outcome goals;

WHEREAS the RIM Reserve payment rate is based on a projected 2007 estimated market value (EMV) based upon a trend analysis prepared by Professor Steve Taff, Dept. of Applied Economics, University of Minnesota;

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources approves and adopts a:

1) RIM Payment Rate for CREP II
   a) The payment structure is hereby modified to achieve 90% of EMV with a 5% discount rate, and multipliers be increased to .333 for a 30 year easement (15 year CRP + 30 years = 45 years) and .433 for a perpetual easement (15 year CRP + perpetual easement), contingent on current and future legislative appropriations for the three approved CREP II project areas through December 31, 2007.
   b) BWSR will work with Local Ditch Authorities to promote incentives to achieve water quality.
   c) Payment would apply to pre-existing landowners applications/~~easements.~~
   d) RIM Reserve authorized for "squaring-up" easements not to exceed 10% of the easement acreage.

2) Authorize RIM Reserve leveraging of Wetlands Reserve Program (WRP) in the CREP II areas.

remove

_____ _____

Jerome Deal, Chair
Minnesota Board of Water and Soil Resources

Date

FARM BILL IMPLEMENTATION FUNDING

6/28/2006

FUNDING

PARTNERS	FY 2006
DNR	$337,500
BWSR	$757,000
Carry-Over	$206,633
Total Cash	**$1,301,133**

MATCH	
SWCD Match	~~$153,074~~ 141,142
Local Organization	~~$76,537~~ 5
Other	
TOTAL FUNDING	~~**$1,530,744**~~ 1,299,285

S:\2Farmbill\Partners Farmbill FY2007 Funding.xls6/16/2006

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

H.F. No. 2959, Conference Committee Report - 84th Legislative Session (2005-2006) Posted on May 21, 2006

Chapter 258

CONFERENCE COMMITTEE REPORT ON H. F. No. 2959

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; establishing new programs and modifying existing programs; authorizing sale of state bonds; appropriating money;amending Minnesota Statutes 2004, sections 16A.11, subdivision 1; 16A.86, subdivisions 2, 4; 85.013, by adding a subdivision; 123A.44; 123A.441; 123A.442; 123A.443; 136F.98, subdivision 1; 446A.12, subdivision 1; Minnesota Statutes 2005 Supplement, sections 116.182, subdivision 2; 116J.575, subdivision 1; Laws 2000, chapter 492, article 1, section 7, subdivision 21, as amended; Laws 2002, chapter 393, section 19, subdivision 2; Laws 2005, chapter 20, article 1, sections 7, subdivisions 14, 21; 19, subdivision 6; 20, subdivisions 2, 3; 23, subdivisions 3, 12; 27; proposing coding for new law in Minnesota Statutes, chapters 16B; 85; 116J; 446A.

May 20, 2006

The Honorable Steve Sviggum

Speaker of the House of Representatives

The Honorable James P. Metzen

President of the Senate

We, the undersigned conferees for H. F. No. 2959 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2959 be further amended as follows:

Delete everything after the enacting clause and insert:

across Excelsior Road in the city of Baxter to connect with the Oberstar Tunnel and may be used to match federal money for the trail; $900,000 is to acquire right-of-way in the city of Bemidji and to rehabilitate the trail. $450,000 is for the Shooting Star Trail.

Sec. 44. Laws 2005, chapter 20, article 1, section 10, subdivision 2, is amended to read:

Subd. 2. **RIM and CREP Conservation Easements** 23,000,000

This appropriation is to acquire conservation easements from landowners on marginal lands to protect soil and water quality and to support fish and wildlife habitat as provided in Minnesota Statutes, ~~section 103F.515~~ sections 103F.501 to 103F.535. $3,000,000 is to implement the program.

Sec. 45. Laws 2005, chapter 20, article 1, section 19, subdivision 6, is amended to read:

Subd. 6. **Metropolitan Regional Parks Capital Improvements** 14,664,000

This appropriation must be used to pay the cost of improvements and betterments of a capital nature and acquisition by the council and local government units of regional recreational open-space lands in accordance with the council's policy plan as provided in Minnesota Statutes, section 473.147. Priority should be given to park rehabilitation and land acquisition projects. For purposes of Minnesota Statutes, section 473.351, Columbia Parkway, Ridgeway Parkway, and Stinson Boulevard are

BWSR Meeting Date _____

Motion: Strike "easements" in c

Moved by: _____

Seconded by: _____

	Affirmative	Opposed
Dana Allen	✓	
Jim Anderson	✓	
~~*Paul Brutlag*~~ out		
Bob Burandt		✓
Kay Cook		✓
~~*Quentin Fairbanks*~~ out		
~~*Brian Kletscher*~~ out		
Paul Krabbenhoft	✓	
Randy Kramer	✓	
Joe Martin	✓	
Gene Merriam	✓	
Clair Nelson	✓	
Louise Smallidge		✓
Lisa Thorvig	✓	
LuAnn Tolliver		✓
~~*Dan Wilson*~~ Michael Convery	✓	
Jerome Deal	✓	
	10	4

H: roll-call vote

BWSR Meeting Date _____

Motion: Remove #2 to be addressed seperately.

Moved by: _____

Seconded by: _____

	Affirmative	**Opposed**
Dana Allen	___	___
Jim Anderson	___	___
~~***Paul Brutlag***~~	___	___
Bob Burandt	___	___
Kay Cook	___	___
~~***Quentin Fairbanks***~~	___	___
~~***Brian Kletscher***~~	___	___
Paul Krabbenhoft	___	___
Randy Kramer	___	___
Joe Martin	___	___
Gene Merriam	___	___
Clair Nelson	___	___
Louise Smallidge	___	___
Lisa Thorvig	___	___
LuAnn Tolliver	___	___
~~***Dan Wilson***~~ Michael Convery Health	___	___
Jerome Deal	___	___

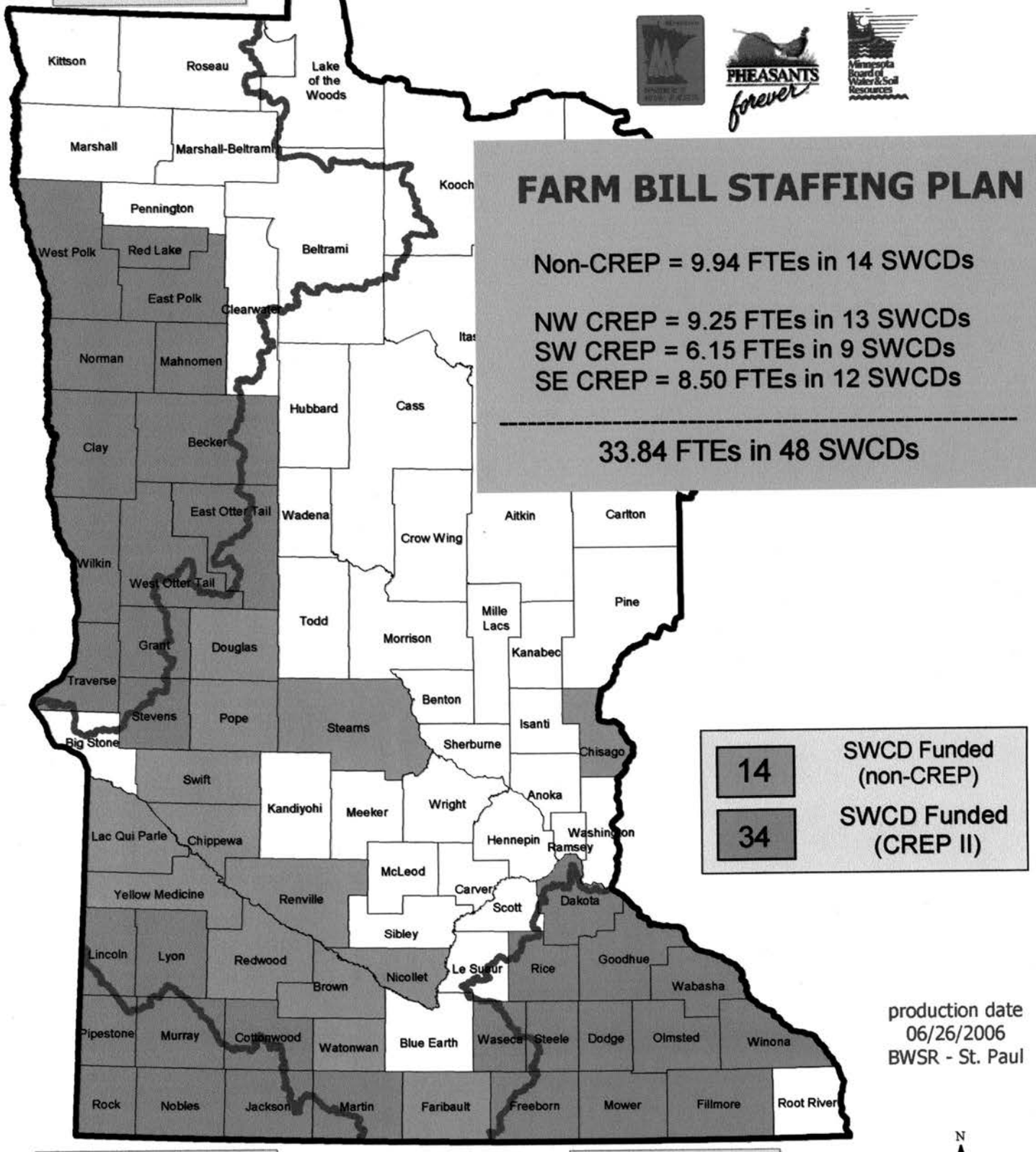
not roll call

H: roll-call vote

Farm Bill Assistance Positions
PHASE VI - July 1, 2006 to June 30, 2007

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 = 9.94 FTEs in 14 SWCDs

NW CREP = 9.25 FTEs in 13 SWCDs
SW CREP = 6.15 FTEs in 9 SWCDs
SE CREP = 8.50 FTEs in 12 SWCDs

33.84 FTEs in 48 SWCDs

14	SWCD Funded (non-CREP)
34	SWCD Funded (CREP II)

production date
06/26/2006
BWSR - St. Paul

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

Clean Water Council Established - Applicants Sought

Applications are now being accepted **(through 7/25/06)** for membership on the Clean Water Council, which was established through the 2006 Clean Water Legacy Act (CWLA). The CWLA and associated start-up funding will accelerate the comprehensive monitoring of Minnesota's waters, and provide resources for TMDL development and clean up of Minnesota's most contaminated waters. The Council will advise on the administration and implementation of the Act, including recommendations to the Governor on how money for the CWLA should be appropriated each biennium.

The 23-member Clean Water Council will serve staggered four-year terms and be comprised of 19 citizens and 4 agency representatives (PCA, DNR, BWSR, MDA). The 19 nonagency members are subject to the open appointments process and appointed by the Governor. Nonagency members are:

· two members representing statewide farm organizations;

· two members representing business organizations;

· two members representing environmental organizations;

· one member representing soil and water conservation districts;

· one member representing watershed districts;

· one member representing nonprofit organizations focused on improvement of Minnesota lakes or streams;

· two members representing organizations of county governments: one member representing the interests of rural counties and one member representing the interests of counties in the seven-county metropolitan area;

· two members representing organizations of city governments;

· one member representing the Metropolitan Council;

· one township officer;

· one member representing the interests of tribal governments;

· one member representing statewide hunting organizations;

· one member representing the University of Minnesota or a Minnesota state university; and

· one member representing statewide fishing organizations.

Non-agency members may not be registered lobbyists. The meeting schedule/location has not yet been determined, but the first meeting is anticipated for September 2006.

To apply for the Clean Water Council, here are some helpful links:

· Application form from the Secretary of State: http://www.sos.state.mn.us/docs/oa_application.pdf.

· Additional information on the Open Appointments Process: http://www.sos.state.mn.us/home/index.asp?page=305

Board of Water and Soil Resources
Special "Meet-Me Conference Call"
Wednesday, August 9, 2006

Board Members Present: Randy Kramer; Dana Allen, Bob Burandt, Kay Cook, Quentin Fairbanks, Paul Langseth, Joe Martin, Brian Napstad, Louise Smallidge, LuAnn Tolliver, Dan Wilson.

Board Members Absent: Jim Anderson, Paul Brutlag, Brian Kletscher, Gene Merriam, Lisa Thorvig.

Staff Present: Ron Harnack, Bill Eisele, Jon Fure, Mary Jo Anderson

Chair Kramer called the meeting to order at 8:31 a.m.

This special meeting (via conference call) of the Board was held to consider a resolution (attached) requesting the Governor and the State Executive Council to authorize temporary suspension of the State Cost-Share rules to provide livestock producers in drought stricken areas of the State to apply for State Cost-Share grants for drought-related livestock watering facilities and practices.

Ron Harnack explained that the need has been raised at the State Drought Task Force meetings and BWSR and the Department of Agriculture have considered options to address the concerns of livestock producers. The Cost-Share Committee has, in the past, considered adding watering systems and prescribed grazing to the approved practice list; however, has not done so as USDA's EQIP program already provided for the practice. Unfortunately, all of the EQIP funds have been obligated and no dollars are currently available. BWSR has the ability to help address this need by this resolution.

Ron reported that Chair Randy Kramer and Louise Smallidge, chair of the Cost-Share Committee, have been involved in these considerations. The Administrative Advisory Committee met yesterday, endorsed the resolution and recommends Board approval.

** **06-59** Moved by Quentin Fairbanks, seconded by Kay Cook, to accept the resolution, with the removal of "30 days" of the effective date. "Nutrient management plan" will be added to #5. Discussion followed. Chair Kramer called for a roll-call vote. Affirmative: Dana Allen, Bob Burandt, Kay Cook, Quentin Fairbanks, Paul Langseth, Joe Martin, Brian Napstad, Louise Smallidge, LuAnn Tolliver, Dan Wilson, Randy Kramer. Opposed: None. Motion passed, resolution adopted.

Chair Kramer adjourned the meeting at 8:46 a.m.

Respectfully submitted,

Randy Kramer

Randy Kramer, chair

Board Resolution # 06-59

FY 07 DROUGHT DISASTER COST SHARE ASSISTANCE

WHEREAS, regionally severe drought conditions have drastically limited normally available water supplies for livestock producers; and

WHEREAS, the severe drought conditions have produced critical financial burdens adversely affecting the ability of livestock producers to provide adequate water supplies to maintain livestock; and

WHEREAS, the State of Minnesota has requested a federal United States Department of Agriculture declaration of drought emergency in numerous Minnesota counties affected by drought conditions; and

WHEREAS, the Board of Water and Soil Resources' ("BWSR") State Cost Share Program created by Minnesota Statutes, Section 103C.501 provides funds to share the cost of systems or practices for erosion or sedimentation control and water quality improvement that are designed to protect and improve soil and water resources; and

WHEREAS, responsible practices for livestock agriculture are an integral component of soil and water conservation and resource management in Minnesota; and

WHEREAS, pursuant to Minnesota Statues, Section 103C.501, BWSR has promulgated administrative rules to implement the State Cost Share Program and these administrative rules are contained in Minnesota Rules Chapter 8400; and

WHEREAS, Minnesota Rules 8400.0300 references qualifying criteria for practices eligible for cost share grants and references the practices contained in the Administrative Guidelines; and

WHEREAS, practices relating to livestock watering systems and grazing practices are within the statutory referenced uses related to erosion control and water quality improvement; and

WHEREAS, grants related to livestock watering systems have been available under a federally funded program but the funds from this program have already been obligated; and

WHEREAS, the use of currently available funds in the State Cost Share Program is consistent with the program's overall purposes and will provide much needed assistance to farmers.

NOW THEREFORE, the Board requests that the Governor and the State Executive Council authorize a temporary suspension of State Cost Share Program Rules in order to provide livestock producers in drought stricken areas of the State to apply for State Cost Sharing grants for drought-related livestock water facilities, according to the following parameters:

1. A maximum $500,000 of designated roll-over funds shall be made available and administered under all State Cost Share Program rules and policies.

2. A qualifying producer would be eligible for 50% cost share up to a maximum of $5,000 per applicant.

3. Only livestock producers in proposed federally declared disaster counties, or livestock producers in all Minnesota Soil and Water Conservation Districts ("SWCDs") declared as drought impacted by resolution of the SWCD Board, are eligible to apply.

4. To meet the emergency needs of livestock producers due to drought conditions, the BWSR rules, including but not limited to Minnesota Rules 8400.0300 and the Administrative Guidelines are suspended and/or amended to include the following as eligible practices: well drilling, pipelines, watering facilities, portable pumps, fencing, watering pond restorations, and fabricated shelterbelts.

5. As a condition of receiving Cost Share Program funds, livestock producers must also have a prescribed grazing plan or nutrient management plan approved no later than September 1, 2007.

6. USDA NRCS practice standards and specifications, or "generally recognized industry standards and specifications" apply.

7. SWCDs are eligible to receive 10% of Program funds spent on practices for their technical and administrative costs.

Randy Kramer

Date: August 9, 2006

Randy Kramer, Chair
Board of Water and Soil Resources

From: Ron Harnack
To: Allen, Dana; Anderson, Jim; Brutlag, Paul; Burandt, Robert; Burns, Paul; Cook, Kay; Edgerton, Wayne; Fairbanks, Quentin; Kletscher, Brian; Kramer, Randy; Langseth, Paul; Martin, Joe; Merriam, Gene; Napstad, Brian; Smallidge, Louise; Thorvig, Lisa; Tolliver, LuAnn; Wilson, Dan
Date: 8/8/2006 2:29:08 PM
Subject: Special Meeting of BWSR

Randy Kramer, Chair, has called a special Board meeting by conference call for 8:30 am on August 9 to consider a resolution requesting the Governor and the State Executive Council to authorize temporary suspension of the State Cost Share Rules to provide livestock producers in drought stricken areas of the state to apply for State Cost Share grants for drought-related livestock watering facilities & practices.

The need has been raised at the State Drought Task Force meetings and BWSR and the Dept of AGR have considered options to address the concerns of livestock producers. The Cost-Share committee has, in the past, considered adding watering systems and prescribed grazing to the approved practice list, however has not done so as USDA's EQUIP program already provided for the practice. Unfortunately all of the EQUIP funds have been obligated and no $'s are currently available. BWSR has the ability to help address this need by this resolution.

Randy Kramer, Board Chair & Louise Smallidge, Chair of the Cost Share Committee has been involved in these considerations and the AAC met today and endorsed the resolution and recommends Board approval. Attached is a draft resolution for consideration. I'll send a final version as soon as available.

The "Meet-Me Conference Call" has been scheduled for Wednesday, August 9, at 8:30 a.m. To connect to the call,
dial 1-888-592-9603, pass code 24235.

Special Note: The Southern Water Plan Committee members will take this call from the New Ulm BWSR offices.

Any specific questions please contact (651-296-0878) me or Wayne Zellmer (651-297-7361).

CC: Anderson, MaryJo; Bordelon, Laura; Jeff Nielsen; Perry Aasness; Ron Harnack; Shelito, Ron; Thomas, Doug; Woods, Steve; Zellmer, Wayne

DRAFT (8/8/06 2:30 pm) Board Resolution #_____

FY 07 DROUGHT DISASTER COST SHARE ASSISTANCE

WHEREAS, regionally severe drought conditions have drastically limited normally available water supplies for livestock producers; and,

WHEREAS, the severe drought conditions have produced critical financial burdens adversely affecting the ability of livestock producers to provide adequate water supplies to maintain livestock production; and,

WHEREAS, livestock agriculture is an integral component of soil and water conservation and resource management in Minnesota; and,

WHEREAS, the State of Minnesota is proposing a federal United States Department of Agriculture declaration of drought emergency in the affected counties; and,

WHEREAS, the Board of Water and Soil Resources' (BWSR) State Cost Share Program created by Minnesota Statutes. Section 103C.501 makes funds available to share the cost of systems or practices for erosion or sedimentation control and water quality improvement that are designed to protect and improve soil and water resources; and

WHEREAS, BWSR has promulgated a number of administrative rules in relation to implementation of the State Cost Share Program and developed Administrative Guidelines for approved practices and although watering systems, potentially within the statutory framework of practices related to erosion control and water quality improvement were not included within the Administrative Guidelines because funding for watering systems was available though a separate federally funded program; and

WHEREAS, the federally funded program has already obligated its available funding for this year and access to and use of roll-over funds from the State Cost Share Program would be consistent with the programs' purposes and provide much needed assistance to farmers.

NOW THEREFORE, the Board hereby requests that the Governor and the State Executive Council authorize a temporary suspension of State Cost Share Program Rules to provide farmers in drought stricken areas of the state to apply for State Cost Sharing grants for drought-related livestock water facilities, according to the following parameters:

1. A maximum $500,000 of designated Roll-over funds shall be made available and administered under all State Cost Share Program rules and policies.

2. A qualifying producer would be eligible for 50% cost share up to a maximum of $5,000.

3. Only livestock producers in proposed federally declared disaster counties, or ~~and~~ livestock producers in **all Minnesota Soil and Water Conservation Districts** ("SWCDs") declared as drought impacted by resolution of the SWCD Board, are eligible to apply.

4. The BWSR rules, Minnesota Rules 8400.0300 and the Administrative Guidelines are amended to include as eligible the following practices may include, but are not limited

to: well drilling, pipelines, watering facilities, portable pumps, fencing, watering pond restorations, and fabricated shelterbelts.

5. Livestock producers participating in this Program must have a prescribed grazing plan approved no later than by September 1, 2007.

6. USDA NRCS practice standards and specifications, or "generally recognized industry standards and specifications" apply.

7. Eligible livestock producers must apply within 30 days of the effective date of the Governor's Emergency Executive Order and approval by the Executive Council.

8. SWCDs are eligible to receive 10% of Program funds spent on practices for their technical and administrative costs.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

BWSR Meeting Date 8/9/06

Motion: accept draft resolution w/ removal of "30 days"

Moved by: Fairbanks

Seconded by: Kay Cook

	Affirmative	Opposed
Dana Allen	✓	
Jim Anderson	—	
Paul Brutlag	—	
Bob Burandt	✓	
Kay Cook	✓	
Quentin Fairbanks	✓	
Brian Kletscher	—	
Paul Langseth	✓	
Joe Martin	✓	
Gene Merriam	—	
Brian Napstad	✓	
Louise Smallidge	✓	
Lisa Thorvig	—	
LuAnn Tolliver	✓	
Dan Wilson	✓	
vacancy	—	
Randy Kramer	✓	
	11	

H: roll-call vote

BOARD OF WATER AND SOIL RESOURCES
HOLIDAY INN
AMBER MEETING ROOM
FAIRMONT, MINNESOTA 56031
THURSDAY, AUGUST 24, 2006

BOARD MEMBERS PRESENT:
Dana Allen, Paul Brutlag, Bob Burandt, Mike Convery, Department of Health; Kay Cook, Wayne Edgerton, Department of Natural Resources; Quentin Fairbanks, Brian Kletscher, Randy Kramer, Joe Martin, Department of Agriculture; Brian Napstad, Louise Smallidge, Lisa Thorvig, Minnesota Pollution Control Agency

BOARD MEMBERS ABSENT:
Jim Anderson, Minnesota Extension Service (MES)
Paul Langseth
LuAnn Tolliver

STAFF PRESENT:
Mary Jo Anderson, Bill Eisele, Tom Fischer, Jon Fure, Dan Girolamo, Jim Haertel, Ron Harnack, Mark Hiles, Tabor Hoek, Chris Hughes, Kari Keating, Jeff Nielsen, Ron Shelito, Doug Thomas, Jason Weinermann, Wayne Zellmer

OTHERS:
Kathy Smith, Cat Thiessen, and Darwin Roberts, Martin SWCD
Ray Bohn, MAWD
Mary Peters-Schramel
Merle Anderson and Ralph Blenker, South Two River Watershed District
LeAnn Buck, MASWCD

Chair Kramer called the meeting to order at 8:30 a.m.

PLEDGE OF ALLEGIANCE

Chair Kramer welcomed everyone to the meeting. Chair Kramer thanked Martin SWCD for the excellent tour yesterday. He thanked everyone for their efforts in planning the tour.

** 06-60 **ADOPT AGENDA** – Ron Harnack stated that the New Business items will be moved up on the agenda and addressed before the Old Business item. Moved by Lisa Thorvig, seconded by Louise Smallidge, to adopt the order of the agenda as presented. Motion passed on a voice vote.

** 06-61 **MINUTES OF JUNE 28, 2006** – Moved by Quentin Fairbanks, seconded by Bob Burandt, to approve the minutes of June 28, 2006, as circulated. Motion passed on a voice vote.

** 06-62 **MINUTES OF AUGUST 9, 2006** – Moved by Louise Smallidge, seconded by Kay Cook, to approve the minutes of August 9, 2006, as presented. Motion passed on a voice vote.

INTRODUCTION OF NEW BOARD MEMBER BRIAN NAPSTAD – Chair Kramer welcomed newly appointed Brian Napstad, Aitkin County Commissioner.

Paul Brutlag gave a brief update on his health condition.

OPEN MIKE

- Big Fish Lake Issue – Mary Peters Schrammel distributed information and presented a video tape showing the area of concern. She stated that they've been working endlessly on this wetland tributary.

- South Two River Watershed District (STRWD) - Ray Bohn, MAWD, addressed the Board regarding the termination of the STRWD. Ray read a letter from LeRoy Gondringer, STRWD Manager. Ray personally thanked the managers of the STRWD, and applauded the managers for voicing their concerns.

- South Two River Watershed District (STRWD) - Merle Anderson, administrator of the STRWD, and on behalf of the STRWD, requested that if BWSR orders the termination of the STRWD, the Board stay enforcement of such decision for a period of 30 days. This request is made to allow the Board of Managers of the STRWD sufficient time to

exercise its rights to appeal the decision. Merle stated that he is not in favor of terminating the watershed district.

- South Two River Watershed District (STRWD) - Ralph Blenker explained that he was elected as chair of the STRWD in October, and he is not in favor of terminating the watershed district. Mr. Blenker has since been personally attacked by the news media and personally attacked by the citizen wanting the STRWD terminated. As chair of the STRWD, he submitted a letter to BWSR requesting that if the Board orders termination, that the BWSR stay enforcement of the such decision, as provided in Minn. Stat. Section 14.65, for a period of 30 days. This request is made to allow the Board of Managers for the District sufficient time to exercise its rights to appeal the decision and order as provided in Minn. Stat. Section 103D.111.

REPORTS

Chair's Report - Randy Kramer reported that Jim Haertel attended the EQB meeting on Chair Kramer's behalf. Jim Haertel reported that discussion at the EQB meeting was on EAW rule amendments and the Water Policy Report. Jim stated that the Water Policy Report is to be submitted to the Legislature in October; however, the Water Policy Report will not be submitted until after the Clean Water Cabinet Report is complete. Chair Kramer thanked Jim Haertel for attending the EQB meeting on his behalf.

Nomination of BWSR Vice-Chair – Chair Kramer nominated Paul Brutlag as vice-chair of BWSR. Chair Kramer asked for other nominations, he asked a second time for nominations; he asked a third time for nominations for vice-chair. No other nominations were received. By unanimous vote, Paul Brutlag was elected as vice-chair of BWSR.

Executive Director's Report – Ron Harnack introduced new BWSR staff, Jon Fure, communications manager; and Mark Hiles, board conservationist in New Ulm.

Dispute Resolution Committee – Jim Haertel attended the meeting regarding the Hermantown appeal issue. Jim stated that the complexity of appeal files has grown considerably.

Wetlands Committee – Ron Harnack reported that LuAnn Tolliver had a prior commitment and is not able to attend the Board meeting today. Ron read her report and stated that a Wetland Roundtable will meet in mid-November to reach

consensus recommendations on statute, rule and policy changes for WCA. The Wetland Committee will also be scheduling a special meeting in September to continue their discussions toward recommendations on the WCA assessment.

Cost-Share Committee – Louise Smallidge reported that the Cost-Share Committee recommendation regarding base grants is on the agenda later today.

Education Committee – Kay Cook looks forward to working with Jon Fure on education issues. Jon will begin working on the State Environment.

Administrative Advisory Committee – Randy Kramer reported that the Administrative Advisory Committee has met a few times to work with staff regarding the Board's budget.

NEW BUSINESS

Termination Petition, South Two River Watershed District – Jim Haertel reported that a petition to terminate the South Two River Watershed District was filed with the Board on April 11, 2006. The petition listed several reasons why the watershed district should be terminated. The major overall concern was the failure of the watershed district to address water resource issues, which was substantiated by the lack of projects the district has completed and the lack of programs the district has undertaken. The Morrison and Stearns County Auditors subsequently certified the number of petitioner signatures. On May 24, 2006, the Board determined the petition met the statutory requirements and consequently ordered a public hearing to be held. A public hearing was held on June 19th in Albany. The hearing panel consisted of Kay Cook, Randy Kramer, Quentin Fairbanks, and Louise Smallidge as chair. The petitioners gave a presentation at the hearing, then the watershed district gave a presentation, then individuals testified. The hearing record remained open until August 2, 2006. The hearing record consists of 183 exhibits with the vast majority of the exhibits supporting the petition to terminate the district. The Stearns County Board of Commissioners unanimously approved a resolution to support termination. Also, supporting termination are the two main cities in the district, one township, all area legislators and numerous citizens. The hearing record contains no support for continuation of the watershed district from any local units of government affected by the watershed district. The hearing panel met on August 8, 2006, based on the entire record and after due consideration, decided with a 3:1 vote to recommend to the full Board the watershed district be terminated. Louise Smallidge, as chair of the hearing process, stated that an overwhelming number of people that testified were in favor of termination of the watershed district.

Louise personally believes that a watershed district is needed, but with the background information received, the inability to find and keep watershed managers, the lack of public trust in the watershed district, it's hard to support continuation. Quentin Fairbanks would personally like to see the watershed district remain, he has seen the success of watershed districts in his area, however; believes that it is almost impossible for the STRWD to be successful. Lisa Thorvig agreed. Kay Cook stated that BWSR has to determine what goals and objectives of the watershed district would no longer exist.

** 06-63 Moved by Louise Smallidge, seconded by Quentin Fairbanks, to proceed with the termination of the South Two River Watershed District. The Board hereby orders that the South Two River 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 and real property of the South Two River Watershed District must be transferred, in proportion to the manner collected, to the Morrison County Auditor and the Stearns County Auditor/Treasurer within 30 days of the date this Order is filed with the Secretary of State and recommends the funds be transferred to the Morrison and Stearns Soil and Water Conservation Districts for water resource projects within the area of the District. It is further ordered that all District records be transferred to the Board of Water and Soil Resources within 30 days of the date this Order is filed with the Secretary of State.

Discussion followed. Lisa Thorvig stated that she could not support termination as watershed districts are important local governments in addressing water quality issues. Kay Cook stated that the STRWD had established a new advisory committee and the district should be given time to show what it can accomplish. Chair Kramer stated that he initially did not support termination of the watershed district, but due to the lack of support from any local units of government, and the unanimous vote to terminate the watershed district by the Stearns County Board of Commissioners, he recommends termination of the watershed district. Chair Kramer asked for a roll call vote for the termination of the South Two River Watershed District. Affirmative: Dana Allen, Paul Brutlag, Bob Burandt, Quentin Fairbanks, Brian Kletscher, Joe Martin, Wayne Edgerton, Brian Napstad, Louise Smallidge, Mike Convery, Randy Kramer. Opposed: Kay Cook and Lisa Thorvig. Motion passed.

Ron Harnack stated that the Board action is in no way a reflection of watershed districts at large in the State of Minnesota. Watershed based management of water resources is what is required to adequately respond to the water quality

and water quantity issues in Minnesota. However, BWSR also has a responsibility to judge these types of petitions on their individual merits consistent with the authority granted BWSR under the watershed district law. Joe Martin stated that he's concerned with alleged level of harassment that has been raised on this issue. He feels that this type of activity is not acceptable and BWSR will not condone this conduct.

FY '07 Non-Point Engineering Assistance (NPEA) Base Grant – Wayne Zellmer explained that this is a non-competitive annual grant allocated to the eleven SWCD Technical Service Areas (TSAs). It is to be used by each TSA to provide engineering/technical services to assist landowners implement erosion control and water quality improvement practices consistent with current allocation policy and criteria. Wayne presented the summary of applications and recommends approval. Moved by Louise Smallidge, seconded by Brian Napstad, to approve the FY '07 NPEA base grants and authorize staff to allocate these grants according to policies, to joint powers boards meeting program requirements. Motion passed on a voice vote.

** 06-64

CREP-2 Payment Rate Reconsideration for the Eight Landowners with Recorded Easements Prior to Payment Rate Change – Ron Harnack explained that BWSR has received requests from Cottonwood SWCD, Goodhue SWCD, Okabena-Ocheda Watershed District, Rock SWCD and from Ron Boyenga, Rock County landowner. Each of the individual LGU's and the landowner requests the Board to reconsider the decision not to include the eight landowners as part of the payment rate change for CREP-2. Each of the eight, prior to the rate change, had finalized and recorded the easement for their lands. Staff has reviewed the matter with the Attorney General's Office and their assessment is that BWSR has no authority to pay these eight landowners beyond what the easement provided for. The Attorney General's opinion is that under Minnesota's laws and Constitution, it would be illegal for BWSR to take such action. Therefore, it is recommended that the Board respectfully NOT reconsider the decision. Discussion followed.

Ron Harnack introduced Ron Boyenga, Rock County landowner; Justin Decker, Rock SWCD; and Chris Fritz, Goodhue SWCD. Ron Boyenga thanked the BWSR for the opportunity to come before the Board today. Mr. Boyenga stated that depending upon the Board's decision today, he'll continue to discuss options with the other landowners in an attempt to realize some greater fairness and equity on this issue. Options to consider are taking permanent easements on these lands rather than 45 years; seeking consideration from the legislative process, partnership with other conservation organizations, and maybe legal

avenues. Ron Harnack stated that we need to weigh our options, but due to the BWSR agreement with FSA we are limited. Chris Fritz stated that he understands BWSR's position and all sides of this issue. It's a matter of compromise; yet frustrating when he's simply trying to take care of landowners, play fair, and needs to take care of our people. Justin Decker commented that it's a major issue when you're trying to get the good word out about this program; it's a water quality issue. Justin stated that it's a tough spot to be in their position, and to promote government programs in the future. Ron, Justin and Chris acknowledged the importance of the CREP program to address the water issues in their areas and the payment rate adjustments will certainly contribute to the success of the their efforts. However, the coffee shop talk on fairness to these eight landowners gives folks cause to question participation. They feel they can ultimately get around those concerns, but it takes time.

Kay Cook stated that water degradation is a big issue; and public relations is an issue with the program. It's regrettable that we can't turn back the clock, but BWSR will work with the eight landowners, reviewing options, to rectify this matter. Bob Burandt understands the legal option, but what else? Randy Kramer stated that staff could be directed to look at other options, otherwise our hands are tied due to the Attorney General's opinion. Wayne Edgerton stated that BWSR could look beyond state and federal funding, possibly private for the greater need of the program. Joe Martin stated that this is a dangerous situation, we're setting precedence, we need to limit the window to a very short length of time. Dana Allen stated the need to look at changing the easement length. Brian Kletscher asked if the practice has been implemented? Yes, it is on the ground.

** 06-65 Moved by Lisa Thorvig, seconded by Kay Cook, to direct staff to seek other ways to provide some financial equity for the eight property owners or as a last option, draft legislation to seek compensation. Discussion followed. Motion passed on a voice vote. Ron stated that the Legislative Claims Committee is an option. Ron stated that staff will pursue other options, legislative changes, and report to the full Board next month. Joe Martin suggested non-RIM dollars for enhancement work to provide for additional compensation. Brian Napstad suggested being cautious with the legislative intent regarding the budget; BWSR staff are expected to be readily available to do specific projects at the drop of a hat, when we do not appear to have an overabundant budget. Chair Kramer thanked Ron Boyenga, Justin Decker and Chris Fritz for coming before the Board today.

Update on Drought Resolution – Ron Harnack referred to the 2006 Drought Assistance Allocations to SWCDs that was distributed. Ron stated that the Administrative Advisory Committee met on August 22, 2006, and endorsed a

resolution to authorize SWCDs to use the 2006 cost-share base grant allocations for drought assistance. Wayne Zellmer stressed that this is in effect until September 7, 2006; landowners signature needed by that date. Louise Smallidge stated that the need is there, applications have been received. Joe Martin asked about priorities of local units of government; scrutiny between commercial operations versus hobby operations. Ron stated that SWCD offices were contacted raising that issue; he and Wayne believe that the SWCD's have addressed that issue in the second round of requests. Moved by Louise Smallidge, seconded by Dana Allen, to allow SWCDs to use 2006 cost-share base grant allocations for drought assistance by September 7, 2006. Motion passed on a voice vote.

** 06-66

Update on Biennial Budget – Ron Harnack explained that staff are working with the Administrative Advisory Committee on the budget process. Ron presented a proposed resolution, "Be it Resolved, that the Board of Water and Soil Resources' (BWSR) Administrative Advisory Committee is given limited authority between Board meetings to approve necessary submittals to the Department of Finance regarding BWSR's budget request for the Fiscal Year 2008-09 biennium. This includes approval of Action Items, which are requests for new appropriation authority or change in existing appropriation authority". Moved by Lisa Thorvig, seconded by Louise Smallidge, to approve the resolution as presented regarding the Administrative Advisory Committee's limited authority regarding BWSR's budget requests for Fiscal Year 2008-09 biennium. Motion passed on a voice vote.

** 06-67

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

Martin County Local Water Management Plan Update – Jeff Nielsen reported that the Southern Water Planning Committee reviewed the Martin County Local Water Management Plan Update and recommends approval. Moved by Brian Kletscher, seconded by Dana Allen, to approve the Martin County Local Water Management Plan Update. Chair Kramer commended Martin County for their Plan. Motion passed on a voice vote.

** 06-68

Freeborn County Local Water Management Plan Update – Jeff Nielsen reported that the Southern Water Planning Committee reviewed the Freeborn County Local Water Management Plan Update and recommends approval. Moved by Brian Kletscher, seconded by Dana Allen, to approve the Freeborn County Local Water Management Plan Update. Jeff stated that they will do an implementation plan in five years; goals and objectives are on track, the update will be in effect until December 31, 2015. Kay Cook stated that education starts

** 06-69

from the beginning, actions should begin in 2006 and be ongoing. Motion passed on a voice vote.

Dodge County Local Water Management Plan Update - Jeff Nielsen reported that the Southern Water Planning Committee reviewed the Dodge County Local
** Water Management Plan Update and recommends approval. Moved by Brian
06-70 Kletscher, seconded by Mike Convery, to approve the Dodge County Local Water Management Plan Update. Motion passed on a voice vote.

Chair Kramer called for a break in the meeting at 10:15 a.m. The meeting reconvened at 10:25 a.m.

Murray County Priority Concerns Scoping Document – Jeff Nielsen reported that the Southern Water Planning Committee reviewed the Murray County Priority Concerns Scoping Document and recommends approval. Moved by
** Brian Kletscher, seconded by Wayne Edgerton, to approve the Murray County
06-71 Priority Concerns Scoping Document. Motion passed on a voice vote.

Steele County Priority Concerns Scoping Document – Jeff Nielsen reported that the Southern Water Planning Committee reviewed the Steele County Priority
** Concerns Scoping Document and recommends approval. Moved by Brian
06-72 Kletscher, seconded by Dana Allen, to approve the Steele County Priority Concerns Scoping Document. Motion passed on a voice vote.

Brown County Request for Extension of Comprehensive Water Management Plan - Jeff Nielsen reported that the Southern Water Planning Committee reviewed the Brown County request for a two-year extension of their Comprehensive Water Management Plan and recommends approval. The primary reason for the extension request is changes in staff and responsibilities for the water management program, which has slowed the current revision
** process. Moved by Brian Kletscher, seconded by Bob Burandt, to approve the
06-73 extension of the Brown County Comprehensive Water Management Plan until December 31, 2008. Chair Kramer encouraged Brown County to keep the process moving. Motion passed on a voice vote.

Northern Water Planning Committee

Itasca County Priority Concerns Scoping Document – Ron Shelito stated that the Northern Water Planning Committee reviewed the Itasca County Priority Concerns Scoping Document and recommends approval. Dan Steward will work

** 06-74 with Itasca County to focus on priority concerns. Moved by Quentin Fairbanks, seconded by Wayne Edgerton, to approve the Itasca County Priority Concerns Scoping Document. Quentin stated that the Committee was impressed with the surveys taken. Motion passed on a voice vote.

OLD BUSINESS

Big Fish Lake Update – Ron Shelito reported that at the request of BWSR, he and Jason Weinerman facilitated a meeting on August 2, 2006, to try to reach a consensus on project implementation to improve water quality issues and to develop management recommendations to mitigate these concerns surrounding the township alleyway on the east side of Big Fish Lake in Collegeville Township, Stearns County. Ron explained that the issue has been with us since 1992. Ron reviewed the Big Fish Lake alleyway timeline. He also reviewed his summary of the meeting. A meeting to develop a plan is scheduled for August 25, 2006, with Stearns SWCD, Stearns County Environmental Services, and BWSR (MPCA, DNR, Sauk River Watershed District have been invited but not yet confirmed).

In summary, Ron Shelito stated that there is no WCA wetland violation, no shoreland violations, no DNR public waters violation and water quality impacts from this location have been determined by PCA to be insignificant. There does continue to be differences and conflicts over the use of the area by snowmobiles and ATV's. Kay Cook attended the meeting on behalf of BWSR. Kay stated that it was an excellent meeting, input from many people, lots of information provided, it's time to move on. Kay indicated that the SRWD had been part of helping promote a conservation plan for the area some time back, however, there was no local agreement to move forward. Ron stated that the Wilkinson Plan, proposed in 1996-1997, has several parts to it, it's not that dissimilar from what came out of the recent meeting, a good plan to work from. Discussion followed. Lisa Thorvig stated that Big Fish Lake is widely characterized as one of the healthiest lakes in the county with no major impairments. Lisa stated that she supports the efforts of locals to care for the lake and supports the Wilkinson Plan. MPCA has noted that the access issue is not an issue to be addressed as a contributor to phosphorus in the lake. Wayne Edgerton, DNR, supports the Wilkinson Plan, acknowledging that a conservation plan can help prevent future problems, but access is a local issue and should be addressed independent of the conservation plan. Louise Smallidge stated that we've spent an inordinate amount of staff time on this issue and so have local governments. BWSR has no formal legal authority for final resolution. BWSR's role in coordinating with the state and local agencies should complete BWSR's involvement. Ron Harnack stated that there's no violation of water quality standards, no wetland violation. Kay Cook stated that mowed shorelands result in more nutrients in this alleyway. The

Board needs to have resolution, or accept Ron Shelito's report acknowledging that there will be a meeting to finalize the conservation plan strategy. The Plan would then be submitted to the township and lake association, and a commitment from the county and SWCD to work with township and adjacent landowners on implementing the Plan. Joe Martin stated that the Board should not be approving conservation plans, stick with are there wetland violations or not? The Board shouldn't be interjecting in local disputes that are not related to BWSR programs and authorities. Paul Brutlag stated that BWSR has done anything and everything we can on this issue.

** 06-75 Moved by Lisa Thorvig, seconded by Kay Cook, to accept Ron Shelito's report, to facilitate development of a modified Wilkinson Plan; and to work with the local governments and landowners to promote Plan implementation as the State's final role in this alleyway issue. Motion passed on a voice vote.

Update on Wetland Assessment – Ron Harnack asked that board members review the WCA Assessment and BWSR Wetlands Committee recommendations related to exemptions. Lisa Thorvig stated that she's on the Wetlands Committee, she's attended the Committee meetings, stakeholders meetings, and she commends BWSR staff on their great efforts. Lisa briefly commented on the de minimus exemption on page five, #3; and also on #6 to reduce the de minimus by 50%. Lisa stated that the process is good, working through the issues; the Wetlands Committee will be meeting again on September 7-8. Lisa stated that LuAnn Tolliver has provided excellent leadership as the Wetlands Committee chair. Discussion followed.

Lisa stated we lack a lot of good data, it's hard to make decisions; the DNR Forestry audit program very helpful assessing the forestry exemption. Unfortunately, the same type of detail does not exist for the rest of the exemptions. Ron stated that the Wetlands Committee will review staff options, make recommendations, package together and bring information before the Board in September and October for endorsement. The Wetland Roundtable will meet for one day in November, date to be determined, in a process to reach broad consensus on policy, rule and statute changes for WCA. Quentin Fairbanks asked about a price tag. Ron stated that each of the recommendations will have an assessment of cost to implement included so that the Board can weigh the merits of the changes against the costs. Randy stated that the Wetlands Committee includes: LuAnn Tolliver, chair; Paul Brutlag, Bob Burandt, Kay Cook, Wayne Edgerton, Brian Kletscher, Joe Martin, Brian Napstad, Lisa Thorvig, and Dave Weirens.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Joe Martin reported that Clean Water Legacy meetings are being conducted. The Department of Agriculture received an allocation for research projects.

Department of Health (MDH) – Mike Convery reported that well drilling is down, partially due to the decline in the housing industry.

Department of Natural Resources (DNR) – Wayne Edgerton reported that the DNR fall hunting season is approaching; there's abundant wildlife except for ducks. Wayne reported that bovine tuberculosis has been found in a beef herd in northern Minnesota and in the wild deer population. Another 1,000 animals are being tested in that area, an additional 4,000 head will be tested during the deer hunting season including the Brainerd area. DNR proposed banning of pleasure feeding deer in Roseau, Marshall, and Beltrami.

Minnesota Pollution Control Agency (MPCA) – Lisa Thorvig distributed a press release regarding MPCA's awarded water quality projects. Lisa stated that she reported at the June BWSR meeting that PCA had a few management changes. There have been additional changes since that time. The MPCA Commissioner's office has completely changed. Commissioner Sheryl Corrigan resigned and is working for Kok Refineries in Kansas; Kristin Appelgate resigned to be a stay-at-home mom; Lisa is now the Director of the Municipal Division; her vacancy is not yet filled. Lisa will continue to be MPCA's representative to BWSR. The new Commissioner of MPCA is Brad Moore, longtime DNR assistant commissioner. Lisa is very glad to have Brad on board. Tim Scherkenbach, is now the Assistant Commissioner for Land/Pollution Prevention Policy Division; David Thornton is Assistant Commissioner for Air Policy; and Leo Raudys is the Deputy Commissioner.

Brian Napstad briefly commented on the mining banking system, clarifying that not iron mining, but sulfite mining processes are entirely different and pose unique challenges. Ron Harnack commented there is considerable discussion relating to mining wetland mitigation. There have been discussions with the mining community and the COE in an attempt to promote a more comprehensive approach to wetland mitigation banking for the mining industry.

ADVISORY COMMENTS

Minnesota Association of Soil & Water Conservation Districts (MASWCD) – LeAnn Buck congratulated Randy Kramer as chair; and Brian Napstad, newly appointed board member. LeAnn reported that the MASWCD Board of Directors

met on Tuesday to review resolutions on conservation practices. The next MASWCD meeting will be held on September 26. LeAnn reported that over 100 attendees participated in the MASWCD leadership session. LeAnn thanked Doug Thomas and Bob Burandt for attending that conference. LeAnn briefly commented on the drought issues in northwestern Minnesota. LeAnn thanked Martin SWCD for their tour and for getting their local water management plan in place.

UPCOMING MEETING

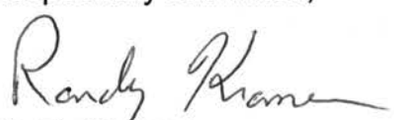
- Next BWSR Meeting, September 27, 2006, St. Paul

Chair Kramer stated that a Board Retreat will be scheduled to discuss Board future functions, committees, practices, background information; possibly in November in conjunction with the wetland stakeholders meeting.

Quentin Fairbanks thanked Mary Jo Anderson for her efforts in organizing the logistics of the tour and Board meeting.

** 06-76 Moved by Paul Brutlag, seconded by Kay Cook, to adjourn the meeting at 11:50 a.m.

Respectfully submitted,



Randy Kramer
Chair

BOARD OF WATER AND SOIL RESOURCES
Attendance Roster

	Name	Affiliation	Phone #
1.	Tom Fischer	MN BWSR - New Ulm	
2.	Mark Hiles	MN BWSR New Ulm	
3.	Tabor Hoele	BWSR - Marshall	
4.	Chris Hughes	BWSR	507-359-6076
5.	Kelly Smith	Martin SWCD	507-235-6680
6.	Cathy Jones	Martin SWCD	507 235 6680
7.	Merle [illegible]	STRWD	
8.	Ralph Blanker	STRWD	320 8452948
9.	Lillian Buck	MASWCD	
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AGENDA

BWSR TOUR OF MARTIN COUNTY

AUGUST 23, 2006

Martin SWCD Supervisors **Bob Pavik, Chairman**
Steve Flohrs, Vice-Chairman
Duane Petrowiak
Wendell Rode
Darwin Roberts

7:45 a.m. **Depart for KC Hall**

Holiday Inn

8:00 a.m. – 9:00 a.m. **Welcome to Martin County** *Martin SWCD*
Rolls and Coffee
Description of the Martin County Water Plan KC Hall
Rich Perrine, Martin County Water Plan Coordinator/WCA and Linda Meschke, Rural Advantage

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9:00 a.m. – 12:15 p.m. **Depart on Motor Coach Tour**
Points of Interest and order of tour:

1. CHS Soybean Plant
2. Proposed Buffalo Lake Energy Ethanol Plant and Vera Sun Ethanol Plant
3. Bryan Gregor – CREP Wetland Restoration
4. Ardis Perrine – CREP Restoration & 3rd Crop
5. Howard Abel – CREP
6. Daryl Bartz – Filter Strip
7. Dwain Hartwig – CWP
8. Krahmer Wildlife Management – DNR
9. Gary Zeitz - Shelterbelt
10. Roland Phillip –CREP
11. Bob Nelson – Keith Sickler – Nathan Whitehead - CREP – (Hwy 4 Project)
12. Nathan Whitehead – 3rd Crop & Filter Strip - CRP
13. Tom Davis/David Crissinger – CREP Wetland Restorations
14. **SHEEK– CREP – Tom Wenzel – BWSR Engineer – Stop & Tour**
15. **University of MN – Research Plots & Water Quality Monitoring – Stop & Tour**
16. SHEEK - U.S. Fish and Wildlife – Wetland Restoration Project
17. Rod Kittleson – CREP Wetland Restoration Site
18. Roxanna Brummond – CREP
19. Sinn Family – CREP Wetland Restoration
20. Cory Sinn – State Cost-Share Project – Shelterbelt
21. Floyd Olson – CREP
22. Allen Sinn – CREP

Martin County

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23. Jim & Dean Sinn – CREP
24. Tom Gibbons CREP/Buffer
25. Tracy & Troy Melson – State Cost-Share – Feedlot – 2005 - Shelterbelt
26. Robert Melson – State Cost-Share – Field Windbreak (older project)
27. Dennis Carlson – State Cost-Share – Field Windbreak (older planting)
28. Filter Strips - Cedar Run Filter Strips – Leslie Grev (Section 8), Steven Scholl (Section 5), Erwin Retke (Section 6)
29. Gary Wilson – Volunteer Rain Gauge Reader – Shelterbelt – Tree Planting – Native Grass & Forbes
30. Great River Energy – Tree & Seeding – Presented by Jack Potter
31. Lloyd Olson – RIM
32. Paul Peterson – Grassed Waterway and Living Snowfence – Volunteer Rain Gauge Reader
33. Tom Gibbons – Alora – Watkins Lake
34. Gerald Tumbleson – CREP
35. SHEEK – Fish and Wildlife Wetland Restoration
36. Ethan Koch – WRP and RIM
37. Bob Smith – CREP – Wetland Restoration

12:15 p.m. – 2:15 p.m. **Lunch at El Rodeo's Grill, Trimont**

Presentations by:

1. Darwin Anthony, - Welcome to Trimont
2. Deb Mosloski, Martin County Ditch Administrator; Redetermination of Benefits
3. Kevin Kuehner, Water Quality Program Coordinator for the Brown-Nicollet-Cottonwood Community Health Service on Wetland Restorations for Water Quality, Habitat and Drainage Management.
4. Brian Williams, MN Dept. of Ag; BMP's and Nutrient Management
5. Jim Scholl, Discussion of Benefits & Conservation of Trimont Area Wind Farm/Great River Energy

Trimont, MN

2:15 p.m. – 3:30 p.m. **Resume Motor Coach Tour**

1. Les Anderson – Discussion on Bus - Red Rock Rural Water
2. Steve Flohrs - Rotational Grazing
3. Opal Flohrs - CREP
4. Jean Hatch – CREP – Wetland Restoration
5. John & Jim Sherman – CREP – Filter Strip
6. David Thayer – CREP Filter Strip
7. John Jorgenson – CREP Filter Strip
8. Brian Mausling – State Cost-Share Tree Planting 2006
9. Greg Graif – 3rd Crop
10. Calcareous Fen

Martin County

	11. Roger Bentz – CREP Wetland Restoration *12.* Dan Roberts – CREP Wetland Restoration *13.* Connie Urban – CREP Wetland Restoration *14.* Kieth Worthley – CREP Wetland Restoration *15.* Marvin Madsen – CREP Wetland Restoration ***16.* Elm Creek Bio-Engineering Project – Stop & Tour** *17.* Jack Garbers – CREP Wetland Restoration *18.* Center Creek Pork *19.* Roger Kotewa – State Cost-Share Windbreak 20. Return to the Holiday Inn	
4:30 p.m. – 6:30 p.m.	**Pontoon Rides at Sylvania Park** Responsible for your own transportation to Sylvania Park at 4:30 p.m. (Due to Inclement Weather – alternative site would be Red Rock Center)	Sylvania Park
6:30 p.m.	**Dinner at Sylvania Park in the Shelter House** Martin County Pork Producers will be grilling the Pork Patties. 1. Sylvania Band Shell Lakeshore Restoration – State Cost-Share 2. Bill Crawford – Martin County Pork Production 3. Conclusion *Martin SWCD Board Members*	Sylvania Park

BOARD OF WATER AND SOIL RESOURCES
HOLIDAY INN
JCT. I-90 & HWY. 15
AMBER MEETING ROOM
FAIRMONT, MINNESOTA 56031
THURSDAY, AUGUST 24, 2006

PRELIMINARY AGENDA

8:30 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF JUNE 28, 2006

MINUTES OF AUGUST 9, 2006

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

REPORTS

- Chair – Randy Kramer
- Executive Director – Ron Harnack
- Dispute Resolution Committee – Randy Kramer
- Wetlands Committee – LuAnn Tolliver
- Cost-Share/Soil Conservation Committee – Louise Smallidge
- Education and Public Relations Committee – Kay Cook
- Administrative Advisory Committee – Randy Kramer

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Itasca County Priority Concerns Scoping Document - *DECISION ITEM*

Southern Water Planning Committee

1. Murray County Priority Concerns Scoping Document – *DECISION ITEM*

2. Steele County Priority Concerns Scoping Document – *DECISION ITEM*

3. Brown County Request for Extension of Comprehensive Water Management Plan – *DECISION ITEM*

4. Dodge County Local Water Management Plan Update – *DECISION ITEM*

5. Freeborn County Local Water Management Plan Update – *DECISION ITEM*

6. Martin County Local Water Management Plan Update – *DECISION ITEM*

OLD BUSINESS

1. Big Fish Lake Update – Ron Shelito - *INFORMATION ITEM*

NEW BUSINESS

1. Termination Petition, South Two River Watershed District – Jim Haertel – *DECISION ITEM*

2. FY '07 Non Point Engineering Assistance Base Grant – Wayne Zellmer – *DECISION ITEM*

3. CREP-2 Payment Rate Reconsideration for the Eight Landowners with Recorded Easements Prior to Payment Rate Change – Kevin Lines – *DECISION ITEM*

4. Update on Drought Resolution – Ron Harnack - *INFORMATION ITEM*

5. Update on Biennial Budget – Ron Harnack - *INFORMATION ITEM*

6. Update on Wetland Assessment – Ron Harnack - *INFORMATION ITEM*

AGENCY REPORTS

- Minnesota Department of Agriculture – Joe Martin
- Minnesota Department of Health – Dan Wilson
- Minnesota Department of Natural Resources – Gene Merriam Department of
- 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
- Others

UPCOMING MEETINGS

- Next BWSR Meeting, September 27, 2006

1:00 PM ADJOURN

Board of Water and Soil Resources
Special "Meet-Me Conference Call"
Wednesday, August 9, 2006

Board Members Present: Randy Kramer; Dana Allen, Bob Burandt, Kay Cook, Quentin Fairbanks, Paul Langseth, Joe Martin, Brian Napstad, Louise Smallidge, LuAnn Tolliver, Dan Wilson.

Board Members Absent: Jim Anderson, Paul Brutlag, Brian Kletscher, Gene Merriam, Lisa Thorvig.

Staff Present: Ron Harnack, Bill Eisele, Jon Fure, Mary Jo Anderson

Chair Kramer called the meeting to order at 8:31 a.m.

This special meeting (via conference call) of the Board was held to consider a resolution (attached) requesting the Governor and the State Executive Council to authorize temporary suspension of the State Cost-Share rules to provide livestock producers in drought stricken areas of the State to apply for State Cost-Share grants for drought-related livestock watering facilities and practices.

Ron Harnack explained that the need has been raised at the State Drought Task Force meetings and BWSR and the Department of Agriculture have considered options to address the concerns of livestock producers. The Cost-Share Committee has, in the past, considered adding watering systems and prescribed grazing to the approved practice list; however, has not done so as USDA's EQIP program already provided for the practice. Unfortunately, all of the EQIP funds have been obligated and no dollars are currently available. BWSR has the ability to help address this need by this resolution.

Ron reported that Chair Randy Kramer and Louise Smallidge, chair of the Cost-Share Committee, have been involved in these considerations. The Administrative Advisory Committee met yesterday, endorsed the resolution and recommends Board approval.

** 06-59 Moved by Quentin Fairbanks, seconded by Kay Cook, to accept the resolution, with the removal of "30 days" of the effective date. "Nutrient management plan" will be added to #5. Discussion followed. Chair Kramer called for a roll-call vote. Affirmative: Dana Allen, Bob Burandt, Kay Cook, Quentin Fairbanks, Paul Langseth, Joe Martin, Brian Napstad, Louise Smallidge, LuAnn Tolliver, Dan Wilson, Randy Kramer. Opposed: None. Motion passed, resolution adopted.

Chair Kramer adjourned the meeting at 8:46 a.m.

Respectfully submitted,

Randy Kramer, chair

Board Resolution #__06-59__

FY 07 DROUGHT DISASTER COST SHARE ASSISTANCE

WHEREAS, regionally severe drought conditions have drastically limited normally available water supplies for livestock producers; and

WHEREAS, the severe drought conditions have produced critical financial burdens adversely affecting the ability of livestock producers to provide adequate water supplies to maintain livestock; and

WHEREAS, the State of Minnesota has requested a federal United States Department of Agriculture declaration of drought emergency in numerous Minnesota counties affected by drought conditions; and

WHEREAS, the Board of Water and Soil Resources' ("BWSR") State Cost Share Program created by Minnesota Statutes, Section 103C.501 provides funds to share the cost of systems or practices for erosion or sedimentation control and water quality improvement that are designed to protect and improve soil and water resources; and

WHEREAS, responsible practices for livestock agriculture are an integral component of soil and water conservation and resource management in Minnesota; and

WHEREAS, pursuant to Minnesota Statues, Section 103C.501, BWSR has promulgated administrative rules to implement the State Cost Share Program and these administrative rules are contained in Minnesota Rules Chapter 8400; and

WHEREAS, Minnesota Rules 8400.0300 references qualifying criteria for practices eligible for cost share grants and references the practices contained in the Administrative Guidelines; and

WHEREAS, practices relating to livestock watering systems and grazing practices are within the statutory referenced uses related to erosion control and water quality improvement; and

WHEREAS, grants related to livestock watering systems have been available under a federally funded program but the funds from this program have already been obligated; and

WHEREAS, the use of currently available funds in the State Cost Share Program is consistent with the program's overall purposes and will provide much needed assistance to farmers.

NOW THEREFORE, the Board requests that the Governor and the State Executive Council authorize a temporary suspension of State Cost Share Program Rules in order to provide livestock producers in drought stricken areas of the State to apply for State Cost Sharing grants for drought-related livestock water facilities, according to the following parameters:

1. A maximum $500,000 of designated roll-over funds shall be made available and administered under all State Cost Share Program rules and policies.

2. A qualifying producer would be eligible for 50% cost share up to a maximum of $5,000 per applicant.

3. Only livestock producers in proposed federally declared disaster counties, or livestock producers in all Minnesota Soil and Water Conservation Districts ("SWCDs") declared as drought impacted by resolution of the SWCD Board, are eligible to apply.

4. To meet the emergency needs of livestock producers due to drought conditions, the BWSR rules, including but not limited to Minnesota Rules 8400.0300 and the Administrative Guidelines are suspended and/or amended to include the following as eligible practices: well drilling, pipelines, watering facilities, portable pumps, fencing, watering pond restorations, and fabricated shelterbelts.

5. As a condition of receiving Cost Share Program funds, livestock producers must also have a prescribed grazing plan or nutrient management plan approved no later than September 1, 2007.

6. USDA NRCS practice standards and specifications, or "generally recognized industry standards and specifications" apply.

7. SWCDs are eligible to receive 10% of Program funds spent on practices for their technical and administrative costs.

Randy Kramer

Date: August 9, 2006

Randy Kramer, Chair
Board of Water and Soil Resources

In Ron Shelito's report you will not find the word "wetland". This is a big concern of ours. It was delineated by the County as a type 6 wetland and the township was informed a conditional use permit would be required. It was also agreed unanimously at the August meeting that it was a wetland before the destruction and still is a wetland now. This area is a wetland and therefore is governed by the wetland conservation act which requires stringent wetland protection standards within shoreland areas. Also, this wetland is top priority for protection and restoration as required by Minnesota statute103B.311 in the Stearns County Water Comprehensive book. These drainage ways are preserved through dedications of easements and Minnesota statute requires them to be shown on the plat plan. No permits and No sequencing were done. We can NOT however, find any legal right to convert a shoreland wetland drainageway into a road access.

PCA Commissioner Williams called the township's alterations unfortunate and recommended the use of BMP's. To name a few: Preserve Ice ridges, value your shoreland trees and protect wetlands.

DNR, Kent Lokkesmoe, stated that "Roads shall not be placed in shore impact zones" and that Wilkenson's plan for restoration is what is best for the lake. They also stated in a letter and at the meeting that they support the Wilkenson plan for restoration.

The first call for restoration came just three months after the bulldozing and clear cutting of the wetland. The DNR and SCS recommended restore the ice ridge and restrict traffic. This recommendation came along with a complete hydrological review by them.

Thirteen years later, the same recommendations were stated at the August 2, 06 meeting:
1. Restore the ice ridge as per Wilkenson plan
2. Limit the area of wetland to be used as an access.
3. Revegetate the wetland
4. Monitor the wetland
5. Install a locked gate to restrict traffic during non-frozen ground time.
6. Restore Carlson's gully (property to the North)
7. Install a standpipe in culvert affecting east side of wetland.

Matt Norton of the Minnesota Council for Environmental Advocacy was a major contributor of these recommendations.

The reason that this restoration has never been allowed to occur is because the Collegeville Township refuses to compromise. Their refusal has been supported by the County. They feel that this area is their access that they own. They stated they are not concerned with water quality. This was stated by a township supervisor at the August 2 meeting.

The Wilkenson plan closely resembles the natural filtering conditions that existed before the non-permitted destruction. The Wilkenson plan calls for foot traffic. That is how the fishermen get on the lake; they pull their gear on a sled as they walk through this wetland drainageway. The township supervisor stated the purpose of this area was for the three

weeks of early ice and the three weeks of late ice. They can only walk on as the ice is too thin for vehicular traffic.

Dan Lais, DNR, stated at the meeting that the Wilkenson plan will adequately filter all runoff entering this shoreland wetland.

Dan Steward from BWSR said, "consider your lake lucky if your shoreland wetlands are intact. Governor Pawlenty has wetlands as a top priority for protection in his newly formed Clean Water Cabinet. We are all aware of the important link between land use and water quality.

At the meeting, Roger Hermantz of the Sauk River Watershed, stated that this storm water runoff should be stopped because it clearly accelerates the lakes natural aging process. It was the Sauk River Watershed that documented through water testing from the runoff that this is a water quality issue. Again, more findings of fact omitted by Ron Shelito.

Ron Harnack, executive director of BWSR, in charge of the wetlands act states," these are the wetlands that keep our lakes and rivers clean."

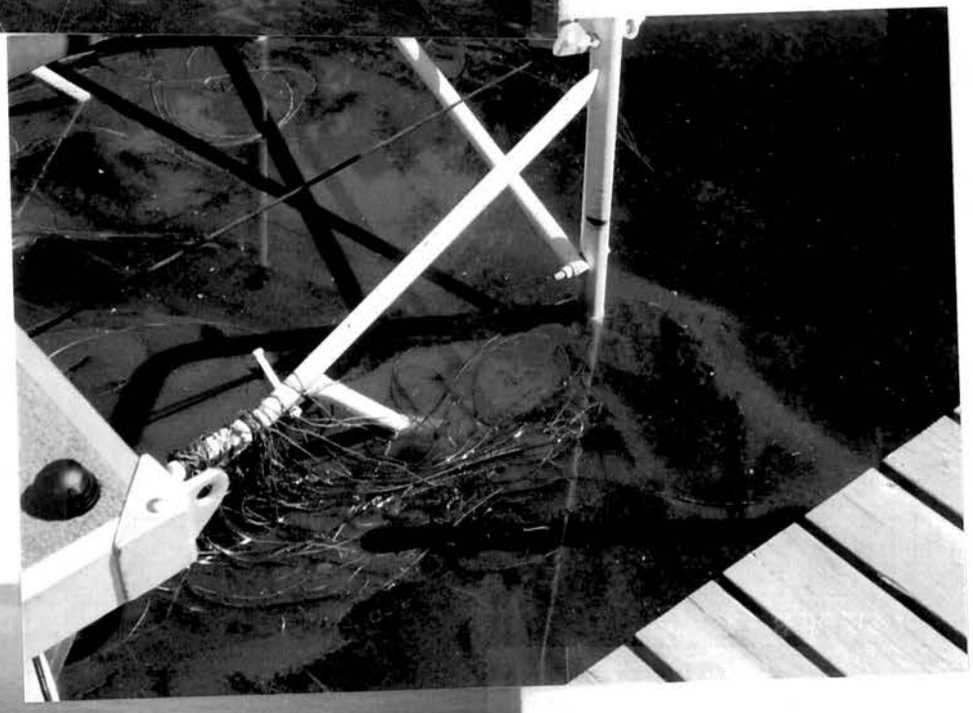
Chief Ben Wopat, Corp of Engineers, stated at a seminar, Feb 9, 1996, "These shore wetlands are preserved and protected and no exemptions apply because it would be a threat to the natural resource."

This is information that was given to Jason Weinerman by phone and some also presented at the August meeting. None of which was included in Ron's report.

Restoring our shoreland wetlands is part of a three part recommendation that was included from the 1994 LAP study and repeated again in the 1999-2000 clean water study. Our septics are at 100% compliance as per Stearns County, we are working on lakescaping. This is all due to being a very active Lake Association. Our Assoc. committees are working toward sustainable plans for the future of Big Fish Lake and the connected Long Lake. Dr. Matt Julius, professor of Aquatic Biology at SCSU, recently stated our biggest contributor of phosphorous to the system is through storm water runoff. In the past several years we are seeing an increase in algae blooms as early as Memorial Day and a depletion in sustainable oxygen as documented by the DNR fisheries report.

This destructive act to this wetland is the opposite of what we have learned as we go to the seminars that are put on by the State agencies. Therefore, we believe it must be your intent to keep water quality at the forefront of this restoration. We were told in our 1994 LAP study that our lake was extremely sensitive to the slightest increase in Phosphorus loading. That is why we are not going to stop until the pollution stops. That is why we came to you again in May. We are not going to turn our back on Big Fish Lake.

// Governor Tim Pawlenty

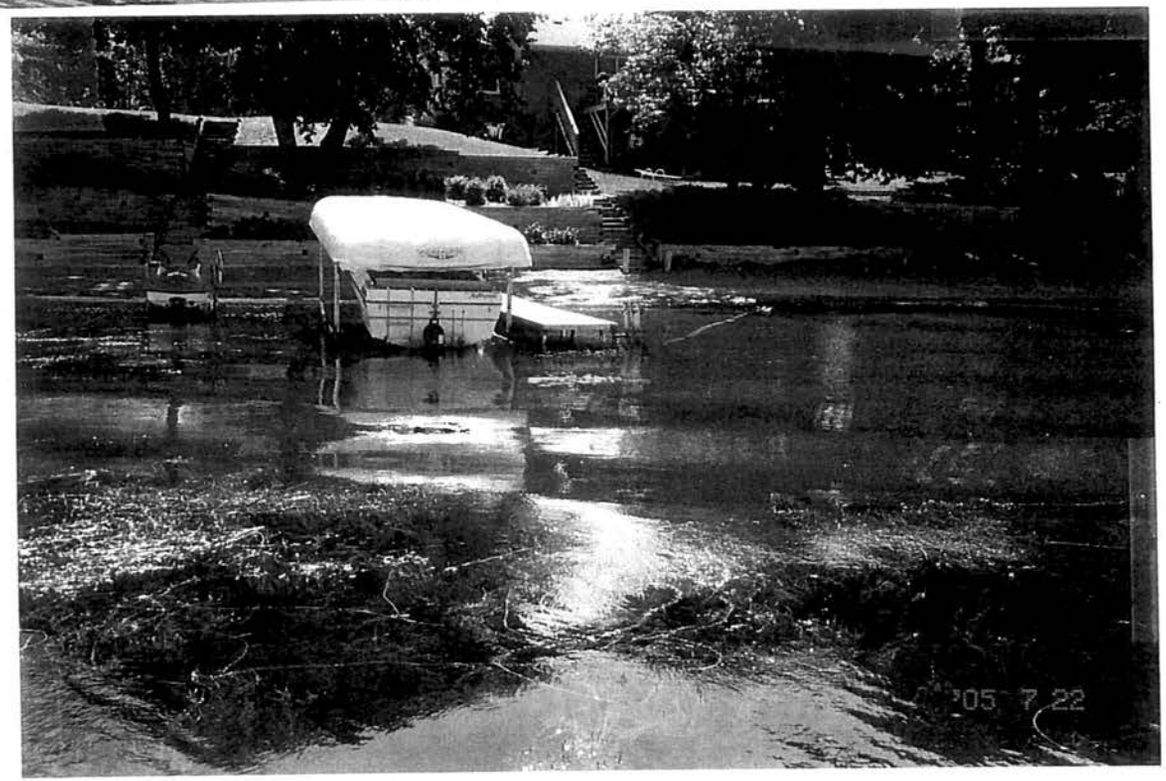


2005 Feb run-off

Feb 14 - 2005

March 3/05

17 6 '05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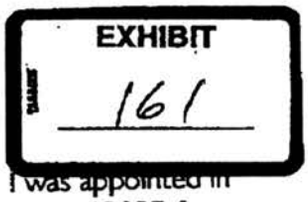

To the Board of Water and Soil Resources:

My name is LeRoy Gondringer. I am a manager for the South Two River Watershed District. I was appointed in March of 2004 to finish the term of Bob St. Marie who resigned. I was reappointed in December of 2005 for a three year term.

I have been a Supervisor on the Avon Township Board for four years and am currently serving as chairman. Prior to being elected to the Township Board I served on the Township Planning Board for 14 years. My brothers and I have a dairy farm a mile south of Pelican Lake in Avon Township near Avon.

In the summer of 2003 I was contacted by Barb Lang, the president of the Pelican Lake Association (PLA) and was told by her that the Watershed District was being mismanaged because the managers were doing illegal things, misappropriating funds, and treating her very disrespectfully when she asked for help for her Lake Association.

I attended several Watershed meetings in late summer of 2003 and witnessed a small group of citizens attacking the managers of the Watershed board and requesting the resignations of all the existing managers as well as the administrator who was accused of many wrong doings by the leader of this group. I was told by the President of the PLA that "when we are done with him, he will be in jail." After being harassed for many months and accused of unlawful activities the district Administrator resigned. The accusations turned out to be unfounded. In the six months prior to my appointment in 2004, three of the five managers had left the board, two of which were replaced by Joe Lang and Jack Ramler, both Pelican Lake property owners. By the time I was appointed in March of 2004, three of the five managers either lived on or owned seasonal property on Pelican Lake.

In 2004 Watershed President Joe Lang was the Vice President of the Pelican Lake Association, his wife Barb, the President of the PLA, was the Chairperson of the STRWD Advisory Board and they were both on the Bylaws and Policy Committee which changed many long-standing bylaws and policies regarding the district. Barb was also the leader of the Project Committee for the district. Most of the projects discussed concerned Pelican Lake which encompasses a very small percentage of this district. It quickly became apparent that this Watershed District was turning into a taxpayer funded Pelican Lake Association.

The board had not hired an administrator because it was decided to use that money to do projects that would clean up the lakes. I believe that partly because of this, and because with the PLA in control of the Watershed district throughout 2004, a few projects around Pelican Lake were approved without following the proper procedures as outlined in state statutes. Because of my experience in Township Government I understood that some of the procedures were improper and I did my best to bring to light the inconsistencies and misinformation being presented to us. This was not well-received by the regularly attending small group of citizens trying to control the board.

With the start of 2005, and after more resignations, the new board consisted of two managers from Pelican Lake and three from the remainder of the district. With the election of Rich Mareck as President this small group of citizens began to realize that power was shifting away from them. Personal attacks on the managers were stepped up in letters to the editor written by this small group, which were filled with misconceptions and false accusations. During this period our farm was turned in seven different times for pollution related issues which upon inspection by the various agencies proved to be unfounded in every case. Our farm is in total compliance with all state and county feedlot regulations. Our family has recently been selected as Stearns County Farm Family of the year for 2006.

By mid 2005 Merle Anderson was hired a administrator and we also had an attorney attend most of the meetings to clarify Watershed Law for a few vocal misinformed citizens. We made every effort to contain the

frequent outbreaks by a few citizens at meetings but finally had to enlist the help of a local police officer for a few meetings. Once these citizens realized they were not going to be allowed to disrupt meetings they discontinued attending. It was about at that point that the president of the Pelican Lake Association initiated a petition to terminate the district. I believe this became her goal because she realized the Pelican Lake Association no longer had control of the watershed funds.

Since that time, this district has also undergone a comprehensive study for the area south of I-94 identifying 37 potential retention ponds to help with the flooding in the city of Albany as well as reduce run-off from farm fertilizers and chemicals. The district has sent out it's first ever newsletter, held a very successful First Annual Carp Tournament, has developed a very active Advisory Board and has come up with a defined process for completing projects.

The fact of the matter is, this Watershed District, prior to 2003 was, I believe, doing the best job they could. Looking back, they probably should have made the public more aware of what they were trying to accomplish and possibly changed their plan to reflect the duplication of what they were trying to do with what the County was beginning to assume such as feedlot issues, and septic system issues, to name a few. Where this new board is heading is in the direction of not only storm water run off control, which will directly impact nutrient flow into area waters, but also education of the general public as to how we all can help protect our water resources.

It is very unfortunate that one very determined malcontent has brought us to the point of terminating a watershed district. Why would the president of a Lake Association want to disband a Watershed District? They have testified that this Watershed District is not needed because there are other organizations now in place which can accomplish the goals for the waters of the district. Why then have they recently contacted county officials concerning the formation of a Lake Improvement District for Pelican Lake once this district is terminated? In the last year the managers have invited the President of the PLA to numerous meetings in an effort to work with her, however, she has yet to come to one of those meetings. This district is very willing to work *with* her and her Lake Association but this district should not be expected to work *for* her.

I am very aware of the controversy surrounding this watershed district which has formed over the last couple of years. I expected to see a "full house" at the termination hearing in June, but a very small percentage of the people who signed the termination petition were there. Most of those who spoke in favor of termination were part of the same group causing the commotion at meetings.

I believe a small group of citizens is responsible for the so-called crisis of public trust. I also believe this small group is losing it's credibility because of their outrageous accusations over the last months. In my personal contacts with citizens in the district, I do not see evidence of this public trust crisis issue, but rather I see citizens who are tired of seeing this district being attacked and are afraid if they speak in favor of the district, they will also be attacked. Some feel if this district is gone, the attacking of the district and it's managers will stop.

The bottom line is, we have a citizen who wanted control of this district, got control of this district, and then lost control of the district and is now angry. This citizen told me in mid 2003 during one of my first conversations with her, that if she could not get control of this district, she would shut it down.

There will always be challenging citizens to be dealt with. The present board has regained control and intends to retain that control if allowed to continue with it's work. While I think it may be challenging for this district to continue, it is by no means impossible. Without the distractions of this small group, this district is moving forward in a positive direction. I am confident your decision will be in the best interest of both the people and waters of the district.

LeRoy Gondringer / STRWD Manager

LeRoy Gondringer

7-28-2006

RECEIVED
JUL 31 2006
Bd. of Water & Soil Resources
St. Paul

Aug 09 06 04:16p Merle Anderson 320-231-0140 p.3

SOUTH TWO RIVER WATERSHED DISTRICT
741 Lake Ave - PO Box 743
Albany, MN 56307
320.845.6050
strwd@albanytel.com

August 23, 2006

MR JIM HAERTEL
WATER MANAGEMENT SPECIALIST
BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST PAUL MN 55155

RE: South Two River Watershed District

Dear Mr. Haertel:

The Board of Managers for the South Two Rivers Watershed District (the "District") does hereby request that in the event the Board of Water and Soil Resources ("BWSR") orders termination of the District, as petitioned, that the BWSR stay enforcement of such decision, as provided in Minn. Stat. Section 14.65, for a period of 30 days. This request is made to allow the Board of Managers for the District sufficient time to exercise its rights to appeal the decision and order as provided in Minn. Stat. Section 103D.111.

If you or the BWSR have any questions concerning this request, please feel free to contact Merle Anderson, Administrator to the District, at (320) 202-0554.

Sincerely,

Ralph Blenker

Ralph Blenker, Chair

Dispute Resolution Report
August 10, 2006
by: Jim Haertel

There are presently 19 appeals pending. All of the appeals involve WCA except File 05-24. Note File 06-13 is in the Court of Appeals. There has been one new appeal filed since the last report dated June 15.

File 06-17. This is an appeal of a Replacement Plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. The appeal has been remanded for further processing at the local level.

File 06-16. This is a new appeal of a Replacement Plan decision in Kanabec County. The LGU denied a wetland replacement plan application based on a lack of sequencing. Sequencing flexibility had been requested, however the proposed replacement wetland was found to have less functions and values than the impacted wetland. The appeal has been remanded for further processing at the local level.

File 06-14. This is an appeal of a Replacement Order in the City of Green Isle in Sibley County. A replacement plan was approved, replacement wetlands were constructed, and wetland impacts have occurred as authorized under the approved replacement plan. The ownership of the wetland replacement credits is in dispute. A district court decision on the ownership issue was appealed to the Minnesota Court of Appeals. The appeal has been placed in abeyance and the Replacement Order has been stayed until the court proceedings have been finalized.

File 06-13. This is an appeal of a Restoration Order in Brown County. At issue is the tiling and drainage of a Type 3 wetland in agricultural land. The appeal was denied and the Restoration Order was affirmed. The denial has been appealed to the MN Court of Appeals.

File 06-12. This is an appeal of a no-loss decision in Stearns County. It involves the same project and issues as File 06-6. After a restoration order was issued, a no-loss application was submitted by the developer and denied by the LGU. The appeal has been remanded for further technical evaluation.

File 06-6. This is an appeal of a restoration order in Stearns County. At issue are numerous wetlands impacted by filling, sedimentation, reduction of hydrology and lack of Best Management Practices associated with a residential development. The appeal has been denied in part. The Restoration Order has been affirmed in part and has been stayed in part.

File 06-5. This is an appeal of a wetland boundary and type decision in the City of Hermantown in St. Louis County. The appeal concerns the denial of a wetland delineation. There are issues regarding the soils and vegetation in a disturbed area. The area has been disturbed by wetland filling and a cease and desist order has been issued to the developer. The appeal has been remanded for further processing by the LGU.

File 06-4. This is an appeal of a restoration order in Carlton County. At issue is the unauthorized placement of fill in wetland for a roadway. The appeal is in abeyance pending completion of a wetland delineation during the growing season.

File 06-2. This is an appeal of a restoration order in Mille Lacs County. At issue is the unauthorized placement of fill in wetland for construction of a road. Also, unstable steep slopes exist along the edge of the fill in wetland. The appeal is in abeyance pending further technical work during the growing season.

File 06-1. This is an appeal of a replacement plan approval in Itasca County. The appeal contends that sequencing was not followed. The TEP recommended denial on a 3:1 vote. The SWCD approval was on a 3:2 vote. The application sought wetland filling for three outbuildings and lake access. The appeal has been accepted and is in abeyance pending settlement discussions.

File 05-26. This is an appeal of a replacement plan decision in Crow Wing County. The appeal concerns the denial of a wetland replacement plan application. The application was denied because there was no hardship to support approval. Upon inspection it appears a decision was made to deny a variance, however it is likely no WCA decision was made. The appeal has been accepted and is in abeyance pending settlement discussions.

File 05-24. This is an appeal, actually three appeals, of the Bois de Sioux Watershed District compensation to landowners related to a project. The appeal has been held in abeyance pending settlement discussions and is now starting to be move forward for a hearing before the DRC.

File 05-20. This is an 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 and is in abeyance pending settlement discussions.

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 was in abeyance to allow settlement discussions to continue. A briefing and hearing schedule is presently being established.

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 04-23. 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. Previously 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.

NEW BUSINESS

1. Termination Petition, South Two River Watershed District – Jim Haertel – *DECISION ITEM*

2. FY '07 Non Point Engineering Assistance Base Grant – Wayne Zellmer – *DECISION ITEM*

3. CREP-2 Payment Rate Reconsideration for the Eight Landowners with Recorded Easements Prior to Payment Rate Change – Kevin Lines – *DECISION ITEM*

4. Update on Drought Resolution – Ron Harnack - *INFORMATION ITEM*

5. Update on Biennial Budget – Ron Harnack - *INFORMATION ITEM*

6. Update on Wetland Assessment – Ron Harnack - *INFORMATION ITEM*

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

In the Matter of the Termination Petition for the South Two River Watershed District in Morrison and Stearns Counties pursuant to Minn. Stat. § 103D.271.

ORDER TERMINATION OF SOUTH TWO RIVER WATERSHED DISTRICT

Whereas, resident owners residing in the South Two River Watershed District (District) in Morrison and Stearns Counties filed a Petition dated April 11, 2006, with the Board of Water and Soil Resources (Board) on April 12, 2006, to terminate the South Two River Watershed District (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 South Two River Watershed District (Exhibit 2) dated April 11, 2006, was filed with the Board on April 12, 2006. (Exhibit 1) The Petition, consisting of several pages, was signed by numerous resident owners residing in the District pursuant to Minn. Stat. § 103D.271.

2. **Required Proofs of Service.** A letter (Exhibit 1) dated April 4, 2006 from Ernie Schmit, City of Holdingford Mayor and and Scot Laing, Krain Township Chair, shows transmittal of the Petition to the Auditors of Morrison and Stearns Counties and the Board.

3. **Certification of Petitioner Signatures.** On April 24 and May 3, 2006 the Morrison County Auditor, and on April 25 and May 18, 2006 the Stearns County Auditor/Treasurer Office, pursuant to Minn. Stat. § 103D.271, Subd. 5 and based upon their inspection of the Petition and tax records, certified both the number of petitioner signatures and the number of homesteaded tax parcels with residences within the District showing at least 25 percent of the resident owners residing in the District had signed the Petition. (Exhibits 5, 6, 7, 10)

4. **Petitioner's Bond.** The Petitioner's bond was not required pursuant to recent legislative changes to Minn. Stat. § 103D.271, Subd. 6. (Exhibit 11)

5. **District Establishment.** The District was established on December 31, 1986 by the Minnesota Water Resources Board, which is now the Minnesota Board of Water and Soil Resources. The six water resource problems identified by the petitioners requesting the establishment of the watershed district were poor water quality, lake flooding, stream flooding, sediment and erosion problems, poor storm drainage, and flooded septic systems. The establishment order identified concerns with establishment of the watershed district, both by the Water Resources Board and the Administrative Law Judge.

6. **Property Description.** The territory of the District is approximately 93 square miles and is located within Morrison (6 square miles, 6.5%) and Stearns (87 square miles, 93.5%) Counties in all or parts of the Cities of Albany, Holdingford and St. Anthony, and the Towns of Elmdale and Two River in Morrison County, and the Towns of Albany, Avon, Farming, Holding, Krain, Oak, and St. Martin in Stearns County. The major recreational lakes in the District are the Two Rivers Lake, Pelican Lake, and Pine Lake.

7. **Frequency of Termination Petition.** The Board has not accepted a termination petition for the District within the past five years, pursuant to Minn. Stat. § 103D.271, Subd. 3.

8. **Reasons for Termination.** The Petition lists the following:

   a. The public is not benefiting from taxes levied by the District.

   b. There are many documented cases of malfeasance among the District managers.

   c. The District managers are appointed, not elected, and therefore have no accountability.

d. Without the District there are numerous other agencies and organizations that can manage the water resources better and more efficiently.

e. The existence of the District has not corrected flooding on Two River Lake.

f. The District is too small.

g. The existence of the District has not corrected pollution and flooding problems of the lakes and streams in the District.

h. The continued existence of the District does not benefit the public welfare and public interest, and the District is not needed to accomplish the purposes of Minnesota Statutes Chapter 103D.

9. **Hearing Order.** At its regular meeting on May 24, 2006, 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 11)

10. **Hearing Notice.** Legal notice of the public hearing on the Petition, pursuant to Minn. Stat. § 103D.271, Subd. 8, was published in the Stearns-Morrison Enterprise on June 5, 2006. Further, a copy of the legal notice was mailed to several addressees including the affected county Boards of Commissioners, County Auditors, SWCD's, and all of the cities in the District. (Exhibit 12)

11. **Public Hearing.** A public hearing was held on the termination of the District on June 19, 2006 at the Albany Elementary School Gymnasium located at 30 Forest Avenue in Albany, Minnesota. The hearing started at 2:00 PM, recessed at 4:30 PM and reconvened at 6:00 PM. The proceedings were tape recorded. The hearing panel consisted of Board members Kay Cook, Quentin Fairbanks, Randy Kramer and Louise Smallidge 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 until 4:30 PM on August 2, 2006 for receipt of written comments.

The following list of exhibits comprise the hearing record. Jim Haertel, Board staff, entered Exhibits 1 through 14 into the hearing record by reading a brief description of each exhibit.

Exhibit 1. Letter dated April 4, 2006 from Ernie Schmit, City of Holdingford Mayor and Scot Laing, Krain Township Chairman, stating reasons for the termination of the District and forwarding exhibit numbers 2 and 3.

Exhibit 2. Petition to terminate the District dated April 11, 2006.

Exhibit 3. Letter dated April 6, 2006 from Jamie Thelen, City of Albany Mayor, stating reasons why the city should be removed from the District.

Exhibit 4. Letter dated April 7, 2006 from Tom Schneider, City of Albany Administrator, forwarding Exhibit 3.

Exhibit 5. Letter dated April 24, 2006 from Russ Nygren, Morrison County Auditor, regarding certification of the number of signatures on the Petition.

Exhibit 6. Letter dated April 25, 2006 from Randy Schriefels, Stearns County Auditor-Treasurer regarding certification of the number of signatures on the Petition.

Exhibit 7. Letter dated May 3, 2006 from Russ Nygren, Morrison County Auditor, regarding certification of the number of signatures on the Petition.

Exhibit 8. Letter dated May 10, 2006 from Jim Haertel, Board of Water and Soil Resources, regarding certification of the number of signatures on the Petition.

Exhibit 9. Letter dated May 10, 2006 from Jim Haertel, Board of Water and Soil Resources, regarding certification of the number of signatures on the Petition.

Exhibit 10. Copies of emails dated May 16 and May 18, 2006 between Steve Holthaus, Stearns County, and Jim Haertel, Board of Water and Soil Resources, regarding certification of the number of signatures on the Petition.

Exhibit 11. Certificate of Board of Water and Soil Resources Resolution No. 06-38 dated May 24, 2006 regarding the public hearing on the Petition.

Exhibit 12. Letter dated May 30, 2006 from Jim Haertel, Board of Water and Soil Resources, to several addressees providing notification of the public hearing, including copies of the legal notice, list of addressees, and certification of mailing.

Exhibit 13. Copies of emails dated June 2, 2006 between Peter Raeker and Jim Haertel, each with the Board of Water and Soil Resources, regarding the press release for the public hearing on the Petition.

Exhibit 14. Letter dated June 15, 2006 from Helen McLennan, Morrison Soil and Water Conservation District Manager, regarding the inactivity of the District.

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Exhibits 15-51 were entered into the record by Barb Lang, petitioner, after making a presentation.

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Exhibit 15. Presentation based on past history of the District, including reasons it should be terminated.

Exhibit 16. Minnesota Statutes Section 103D.201, Watershed District purposes, including opinions.

Exhibit 17. Statement listing non-reasons why the District should continue to exist.

Exhibit 18. Statement regarding the formation of the District and why it should be terminated.

Exhibit 19. Project information including map.

Exhibit 20. Statement of the District's monitoring plan and participation in required meetings.

Exhibit 21. Tabulation of amounts levied and grants received by the District from 1990 to 2005.

Exhibit 22. Quote from March 7, 1986 BWSR memorandum regarding concerns on district size, including opinions.

Exhibit 23. Accomplishments claimed by the District in response to the Board's assessment that was recently completed.

Exhibit 24. Comparison of the Sauk River Watershed District and the South Two River Watershed District.

Exhibit 25. Statement regarding activities since the Board's Assessment.

Exhibit 26. Minnesota Statutes Section 103D.011, Definitions.

Exhibit 27. Copy of email dated June 1, 2003 from property owner Doug Andersen to Jim Wynnemer, District Administrator, and response letter from Jim Wynnemer to Doug Andersen.

Exhibit 28. 2003 State Audit Highlights of the District including press release from 2005 State Auditor Patricia Anderson.

Exhibit 29. Quotes from St. Cloud Times by Stearns County Commissioners Vince Schaefer and Don Otte.

Exhibit 30. BWSR Assessment quote and documentation on June 13, 2006 appointment of Vicki Statz and Barb Lang to obtain District financial information.

Exhibit 31. List of what the District does not do.

Exhibit 32. City of Holdingford's March 13, 2006 resolution to terminate the District.

Exhibit 33. Statement regarding reasons why the District should be terminated from Ernie Schmit, City of Holdingford Mayor and Scot Laing, Krain Township Chair.

Exhibit 34. Information regarding the City of Albany's request to be removed from the District, take-over of a District project and the Albany Comprehensive Plan.

Exhibit 35. List of what the District did not do.

Exhibit 36. List of what those opposed to termination will say versus what those in-favor of termination will say.

Exhibit 37. Information regarding some of the District's board members and conflicts of interest.

Exhibit 38. Statements about the District.

Exhibit 39. Copy of email dated May 22, 2006 from Dave Walz to Barb Lang regarding signatures on the Petition.

Exhibit 40. Copy of email dated June 9, 2006 from Jerry Roering to Barb Lang regarding the District's levy for the Survey and Data Acquisition Fund.

Exhibit 41. List of supporting data regarding the District.

Exhibit 42. List of programs that can accomplish similar things without levies.

Exhibit 43. Statements regarding public meetings held on January 27, 1986 and April 21, 1986.

Exhibit 44. Statement regarding property tax levies.

Exhibit 45. Statement regarding petitioners.

Exhibit 46. Reasons and procedure to terminate the District.

Exhibit 47. Minutes from Krain Township meeting of September 29, 2005 in support of the Petition.

Exhibit 48. Letter dated June 7, 2006 from Leslie Goldsmith, MPCA to Jamie Thelen, Mayor, City of Albany and a Certificate of Commendation.

Exhibit 49. Same as Exhibit 23.

Exhibit 50. South Two River Watershed District Audit for the year ended December 31, 2003 by the Office of the State Auditor.

Exhibit 51. Stearns Bank Register from January 1, 1993 through July 14, 2003.

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Exhibits 52-73 were entered into the record by Merle Anderson of the District after making a presentation.

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Exhibit 52. Copy of email dated February 11, 2005 from Barb Lang to Merle Anderson.

Exhibit 53. Letter to the editor written by Jodi Kleinjan in support of the Petition.

Exhibit 54. St. Cloud Times Readers' views article written by Dave and Lila Thomas entitled "Watershed district is not a useful creation".

Exhibit 55. Letter dated May 23, 2006 from Dennis Fuchs, Stearns County Soil and Water Conservation District to Ralph Blenker regarding technical assistance.

Exhibit 56. CRP Promotion and Implementation Agreement with the District, Pheasants Forever and the Stearns County Soil and Water Conservation District dated June, 2006.

Exhibit 57. Unofficial District minutes for April 13, 2006.

Exhibit 58. Memo dated November 3, 2005 from the District Advisory Committee to the District Board of Managers.

Exhibit 59. Memo dated December 8, 2005 from the District Advisory Committee to the District Board of Managers.

Exhibit 60. Memo dated January 4, 2006 from the District Advisory Committee to the District Board of Managers.

Exhibit 61. Memo dated February 1, 2006 from the District Advisory Committee to the District Board of Managers.

Exhibit 62. Memo dated April 5, 2006 from the District Advisory Committee to the District Board of Managers.

Exhibit 63. Memo dated May 3, 2006 from the District Advisory Committee to the District Board of Managers.

Exhibit 64. District Project Application Form.

Exhibit 65. District Executive Summary and work plan printed on October 14, 2005.

Exhibit 66. Work Program Goals and Objectives.

Exhibit 67. District Partnership Project Funding.

Exhibit 68. District Newsletter Volume 1, Issue 1 Spring/Summer 2006.

Exhibit 69. Letter dated May 9, 2006 from Norman Wenck to Ralph Blenker regarding the District's water quality monitoring program.

Exhibit 70. District Tour Observations.

Exhibit 71. Letter dated February 9, 2006 from Ron Shelito to the District including the Board's Assessment of the District.

Exhibit 72. Potential Enhanced Storage Areas South of I-94 for the District dated May, 2006 and June 8, 2006.

Exhibit 73. District Lake Water Quality Report dated June 8, 2006.

Exhibit 74. Memo from Shirley Graveen to the Board in support of the Petition.

Exhibit 75. Statements by Jodi Kleinjan in support of the Petition.

Exhibit 76. The District's May 11, 2006 and August 21, 2003 meeting minutes.

Exhibit 77. Copy of email dated September 10, 2003 from Barb and Joe Lang to Dennis Fuchs regarding water quality monitoring training.

Exhibit 78. Statement dated June 19, 2006 from Joe Lang in support of the Petition.

Exhibit 79. Letter dated May 25, 1989 from Norman Kemper on behalf of Board of Directors of Albany Golf Club, Inc. to James Kastanek, Leland Wallace, and the Director of the Minnesota Department of Natural Resources regarding county ditches and possible diversion of water.

Exhibit 80. Copy from MPCA and NRCS handbook "Applying Manure in Sensitive Areas".

Exhibit 81. Petition with signatures to the District for money to help with pollutants entering waters within the Pelican Lake Lakeshed.

Exhibit 82. Contract between the District and Robert and Sandy Opatz dated July 30, 2005 for wetland restoration and water runoff retention for the North East Inlet project.

Exhibit 83. List of grass seed to be used in the North East Inlet project.

Exhibit 84. Maintenance Agreement dated August 4, 2005 signed by private landowners to maintain the wetland restoration project known as North East Inlet.

Exhibit 85. Invoice dated August 10, 2005 from Lange Trenching for work done on North East Inlet project.

Exhibit 86. Letter dated June 1, 2005 from Dennis Fuchs, Stearns SWCD to the District regarding possible projects in the Pelican Lake subwatershed.

Exhibit 87. Copies of emails of July, 2005 between Barb Lang and Greg Berg, Stearns SWCD.

Exhibit 88. Letter dated August 30, 2005 from Scott Glup, USFWS to Joe Lang of the District regarding proposed wetland restoration and creation projects.

Exhibit 89. Spreadsheets regarding District money spent on projects from 1993 thru 2005.

Exhibit 90. List of amount of District levies paid from 1990 to 2005.

Exhibit 91. Spreadsheet regarding 2003 pay to District advisors and managers.

Exhibit 92. Letter dated August 20, 2005 from Joe Lang to Stanley Weinberger, Jr., District attorney, regarding District operations.

Exhibit 93. Letter of resignation dated October, 2005 from Joe Lang to the Stearns County Commissioners.

Exhibit 94. List of news articles to different publications.

Exhibit 95. Notice regarding Termination Hearing on June 19, 2006 from Anthony and Ralph Hondl annotated in support of the Petition.

Exhibit 96. List of reasons signed by Ernie Schmit, Mayor, City of Holdingford why the District should be dissolved.

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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 until 4:30 PM on August 2, 2006, for receipt of written comments. The following exhibits were received while the record was open.

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Exhibit 97. Letter dated June 22, 2006 from Vince Schaefer and Don Otte, Stearns County Commissioners, to James Haertel in support of the Petition.

Exhibit 98. Letter dated July 5, 2006 from Bob Mostad to the Board not supporting the Petition.

Exhibit 99. Letter dated July 6, 2006 from Merle Anderson to James Haertel regarding size and tax capacity and the ability to address resource issues not supporting the Petition.

Exhibit 100. Letter dated July 6, 2006 from Jim Wimmer to James Haertel not supporting the Petition.

Exhibit 101. Letter dated July 13, 2006 from Patricia Weber, Brockway Township, to James Haertel stating the District is not in Brockway Township.

Exhibit 102. Letter dated July 11, 2006 from Gerald Zenzen to James Haertel regarding his CRP project and dealing with the District, with enclosures.

Exhibit 103. Letter dated July 15, 2006 from Joe Lang to James Haertel in support of the Petition.

Exhibit 104. Letter dated July 17, 2006 from Stanley Weinberger, Jr., District legal counsel, to James Haertel not supporting the Petition.

Exhibit 105. Letter dated July 14, 2006 from Richard Gondringer to the Board not supporting the Petition.

Exhibit 106. Letter dated July 18, 2006 from Merle Anderson to James Haertel not supporting the Petition.

Exhibit 107. Letter dated July 18, 2006 from Merle Anderson to James Haertel not supporting the Petition, with enclosures.

Exhibit 108. Letter dated July 21, 2006 from Barb Lang to James Haertel regarding other letters in support of the Petition.

Exhibit 109. Letter dated June 21, 2006 from Barb Lang to James Haertel in support of the Petition.

Exhibit 110. Letter dated July 19, 2006 from Lila Thomas to James Haertel in support of the Petition.

Exhibit 111. Letter dated July 21, 2006 from Shirley Graveen to James Haertel in support of the Petition.

Exhibit 112. Letter dated June 27, 2006 from Edna Kramer to the Board not supporting the Petition.

Exhibit 113. Letter received on July 24, 2006 from Harold and Patricia Hoffman to James Haertel in support of the Petition.

Exhibit 114. Letter received on July 24, 2006 from Cletus Opatz to James Haertel in support of the Petition.

Exhibit 115. Letter received on July 24, 2006 from Charles Berscheid to James Haertel in support of the Petition.

Exhibit 116. Letter dated July 20, 2006 from Ralph Blenker to James Haertel regarding project money spent and not supporting the Petition, with enclosures.

Exhibit 117. Letter dated July 31, 2006 from state Representative Dan Severson to James Haertel in support of the Petition.

Exhibit 118. Letter dated July 24, 2006 from state Senator Michelle Fischbach to James Haertel in support of the Petition.

Exhibit 119. Letter dated July 24, 2006 from Merle Anderson to James Haertel regarding financial matters, with enclosures.

Exhibit 120. Letter dated June 24, 2006 from Lila Thomas to James Haertel regarding copies of letters from residents.

Exhibit 121. Letter dated June 21, 2006 from Clem Jonas to James Haertel in support of the Petition.

Exhibit 122. Letter dated July 21, 2006 from David Thomas to James Haertel in support of the Petition.

Exhibit 123. Letter dated June 21, 2006 from Robert and Taffy Orth to James Haertel in support of the Petition.

Exhibit 124. Letter dated June 23, 2006 from Bruce and Sherry Frederick to James Haertel in support of the Petition.

Exhibit 125. Letter dated June 21, 2006 from Jim and Jan Paggen to James Haertel in support of the Petition.

Exhibit 126. Letter dated June 21, 2006 from Val and Estelle Schwinghammer to James Haertel in support of the Petition.

Exhibit 127. Letter dated June 21, 2006 from Darlene Atkinson to James Haertel in support of the Petition.

Exhibit 128. Letter dated June 21, 2006 from Michael Aitkinson to James Haertel in support of the Petition.

Exhibit 129. Letter dated June 21, 2006 from Frederick and Lorraine Lentz to James Haertel in support of the Petition.

Exhibit 130. Letter dated June 21, 2006 from Dan and Sandy Sowada to James Haertel in support of the Petition.

Exhibit 131. Letter dated June 23, 2006 from 17 residents to James Haertel in support of the Petition.

Exhibit 132. Letter dated July 25, 2006 from Jamie Thelen, Mayor, City of Albany, to James Haertel regarding the City of Albany's request to be permanently removed from the District.

Exhibit 133. Letter dated July 26, 2006 from Dan Jordet to James Haertel in support of the Petition.

Exhibit 134. Letter dated July 25, 2006 from Victoria Statz , Clerk, City of Holdingford, to James Haertel in support of the Petition.

Exhibit 135. City of Holdingford Resolution Nos. 06-04-10-04 and 06-04-10-01in support of the Petition.

Exhibit 136. Article from St. Cloud Times entitled "County may drop district".

Exhibit 137. Letter dated July 24, 2006 from Bob and Sandy Opatz to James Haertel in support of the Petition, with enclosures.

Exhibit 138. Letter dated July 25, 2006 from Lois Angulski to James Haertel in support of the Petition.

Exhibit 139. Letter and brief dated July 27, 2006 from Louis Smith, Smith Partners PLLP, on behalf of the MN Association of Watershed Districts to James Haertel not supporting the Petition.

Exhibit 140. Letter dated July 26, 2006 from Richard Mareck regarding negative criticism of the District, with enclosures.

Exhibit 141. Letter received on July 28, 2006 from Ramona and John Yunger to James Haertel in support of the Petition.

Exhibit 142. Letter dated July 26, 2006 from Robert Pollreis to James Haertel in support of the Petition.

Exhibit 143. Letter dated July 26, 2006 from Shirley Cox to James Haertel in support of the Petition.

Exhibit 144. Letter dated October 14, 2004 from Jim and LeRoy Gondringer to Shirley Cox regarding the rental agreement on her land.

Exhibit 145. Letter dated January 14, 2005 from Jim and LeRoy Gondringer to Shirley Cox regarding her options for her land, with unsigned USDA form.

Exhibit 146. Letter dated July 26, 2006 from Joe Lang to James Haertel regarding past District board members, in support of the petition.

Exhibit 147. Memo dated July 25, 2006 to James Haertel from four past District board members in support of the petition.

Exhibit 148. List of resident's names in support of the Petition.

Exhibit 149. Letter dated July 26, 2006 from Barb Lang to James Haertel regarding letters written by District residents in support of the Petition.

Exhibit 150. Letter dated July 25, 2006 from John Sabrowsky to James Haertel in support of the Petition.

Exhibit 151. Letter dated July 25, 2006 from John Rozycki to James Haertel in support of the Petition.

Exhibit 152. Letter dated July 24, 2006 from Kevin Behrend to James Haertel in support of the Petition.

Exhibit 153. Letter dated July 24, 2006 from Donald Moore to James Haertel in support of the Petition.

Exhibit 154. Letter dated July 25, 2006 from Joyce Hess to James Haertel in support of the Petition.

Exhibit 155. Letter dated July 25, 2006 from LaDonna Reisdorf to James Haertel in support of the Petition.

Exhibit 156. Letter dated July 25, 2006 from Ron Schmainda to James Haertel in support of the Petition.

Exhibit 157. Letter received on July 31, 2006 from Brad Heitzman to James Haertel in support of the Petition.

Exhibit 158. Letter dated July 27, 2006 from Stan Hanson, Bonestroo Williamson Kotsmith, to James Haertel regarding engineering work provided to the District over the past 10 years.

Exhibit 159. Letter received on July 31, 2006 from Dennis Schirmers to James Haertel in support of the Petition.

Exhibit 160. Letter dated July 28, 2006 from Judy Mareck to James Haetel not supporting the Petition.

Exhibit 161. Letter dated July 28, 2006 from LeRoy Gondringer to the Board not supporting the Petition.

Exhibit 162. Letter dated July 27, 2006 from Sandra Meer, Krain Township Clerk, to James Haertel regarding minutes from two monthly meetings and Resolution No. 06-18 in support of the Petition.

Exhibit 163. Letter dated July 29, 2006 from Brad Becker to James Haertel in support of the Petition.

Exhibit 164. Letter dated July 30, 2006 from Joe Lang to James Haertel regarding the Hearing Panel should not consider testimony from any person or organization that benefits financially from the District.

Exhibit 165. Letter dated July 27, 2006 from Carol Hoffman to James Haertel in support of the Petition.

Exhibit 166. Letter dated July 30, 2006 from Robert Schmit and Dan Thielman to James Haertel in support of the Petition.

Exhibit 167. Letter dated July 26, 2006 from William Mock to James Haertel in support of the Petition.

Exhibit 168. Letter dated July 30, 2006 from Donald Moore, Idella Moore and Marlene Dobmeier to James Haertel in support of the Petition.

Exhibit 169. Letter dated July 27, 2006 from Arthur McNabb, Darlene Thielman, Earl Hoffman, and James Dolmeier to James Haertel in support of the Petition.

Exhibit 170. Letter dated July 29, 2006 from Andy Przybilla to James Haertel in support of the Petition.

Exhibit 171. Letter dated July 30, 2006 from Shirley Graveen, Dave Thomas and Barb Lang to James Haertel in support of the Petition.

Exhibit 172. Letter dated August 1, 2006 from Barb Lang to James Haertel regarding the percentage of certified signatures on the Petition.

Exhibit 173. Log of faxed letters to James Haertel on August 1, 2006 from Barb Lang.

Exhibit 174. Letter dated June 30, 2006 from Lloyd Voges to James Haertel in support of the Petition.

Exhibit 175. Letter dated August 1, 2006 from Barb Lang to James Haertel regarding the number of signatures on the Petition.

Exhibit 176. List of names of people who expressed support for the Petition at the June 19, 2006 hearing, from Lila Thomas.

Exhibit 177. Stearns County Board Resolution No. 06-69 in support of the Petition.

Exhibit 178. Letter dated July 31, 2006 from Lila Thomas to James Haertel in support of the Petition.

Exhibit 179. Letter dated August 9, 2005 from Edna Kramer to Joe Lang requesting the key back for the Albany Area Community Senior Center since he was no longer a board member, annotated with a note dated August 10, 2005 from Joe Lang to Edna Kramer regarding his continued term on the District board.

Exhibit 180. Copy of email dated August 10, 2005 from Joe and Barb Lang to several entities regarding who is responsible for the District.

Exhibit 181. Letter dated August 1, 2006 from Joe Lang to James Haertel in support of the Petition.

Exhibit 182. Letter dated July 31, 2006 from Vicki and Gil Statz to James Haertel in support of the Petition.

Exhibit 183. Letter dated August 3, 2006, received via facsimile on August 2 before 4:30 PM, from Representative Larry Hosch to James Haertel in support of the Petition.

12. **General Fund Levy.** The 2005 taxable market value of the District was $324,635,700. Calculation of the District's maximum general fund levy pursuant to Minn. Stat. § 103D.905, Subd. 3 yields $155,825. The maximum general fund levy for watershed districts is $250,000.

13. **District Assessment.** The recent assessment conducted by the Board concluded the District suffers from a "crisis of public trust". District managers are not adequately trained on their powers and duties. Both resident and partner surveys overwhelmingly rated the quality of service received from the District as poor to below average. The District has a poorly defined and implemented process for developing, funding and implementing projects. The District is relatively small, especially in tax base. The District has limited staffing. The District has little or no public outreach or communications strategy. District board meetings are poorly controlled. The District board has had rapid turnover of managers in recent years and has not had a full board in over a year.

14. **Annual Reports and Annual Audits.** The Board has in its files an annual report of the District for 1991 and annual audits of the District for 1991, 2002 and 2003.

15. **Comprehensive Local Water Management Plan.** Morrison and Stearns Counties currently have approved comprehensive local water management plans. The plans contain an assessment of priority concerns, goals and objectives to address priority concerns and an implementation program for priority concerns. Additionally, a special taxing district can be established to fund the implementation program.

16. **Hearing Panel.** Based on the entire record in the matter and after due consideration, the hearing panel met on August 8, 2006 and decided with a three to one vote to recommend to the full Board the District be terminated because the existence of the District does not benefit the public welfare and public interest, and the District is not needed to accomplish the purpose of Minnesota Statutes Chapter 103D. Also, the hearing panel unanimously decided that all remaining funds and real property of the District should be transferred, in proportion to the manner collected, to the Morrison County Auditor and the Stearns County Auditor/Treasurer within 30 days of the date this Order is filed with the Secretary of State and recommends the funds be transferred to the Morrison and Stearns Soil and Water Conservation Districts for water resource projects within the area of the District. Further, all District records should be transferred to the Board within 30 days of the date this Order is filed with the Secretary of State.

The hearing panel questioned the ability of the District to effectively continue in operation in consideration of opposition to its existence contained in the record from Stearns County, the Cities of Albany and Holdingford, Krain Township, all area legislators and numerous citizens. The hearing panel noted the record contained a substantial lack of support for the District and contained little information supporting the continued existence of the District. The hearing panel strongly noted the unanimous decision by the Stearns County Board of Commissioners, who are the appointing authority for the District managers, to support the Petition and not support the District. The hearing panel noted the lack of projects the District has completed and the lack of petitions for projects as evidence that the need for the District does not exist. The hearing panel noted the District's relatively small size and small tax base as problematic for implementing projects. The hearing panel noted the absence of a District education program and communication program. The hearing panel noted the District managers lacked knowledge of their powers and duties.

CONCLUSIONS

1. The Petition for termination of the South Two River 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 South Two River Watershed District.

4. The South Two River Watershed District should be terminated for the following reasons:

A. The District cannot effectively continue in operation in consideration of opposition to its existence contained in the record from Stearns County, the Cities of Albany and Holdingford, Krain Township, area legislators and numerous citizens.

B. The record contains no support from any local units of government affected by the District.

C. The District has not implemented programs and projects to sufficiently address the water resource issues for which it was established, and petitions have not been submitted for projects.

D. The District is relatively small, especially in tax base, which is problematic for implementing projects.

E. The District has very limited staffing.

F. The District has little or no public outreach or communications strategy.

G. The District has not prepared annual reports as required by Minn. Stat. § 103D.351.

H. The District has not had annual audits prepared as required by Minn. Stat. § 103D.355.

5. The South Two River 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. The comprehensive local water management plans for Morrison and Stearns Counties can address the water resource issues of the South Two River Watershed District.

7. All remaining funds and real property of the South Two River Watershed District should be transferred, in proportion to the manner collected, to the Morrison County Auditor and the Stearns County Auditor/Treasurer within 30 days of the date this Order is filed with the Secretary of State and the funds should be transferred to the Morrison and Stearns Soil and Water Conservation Districts for water resource projects within the area of the District. Further, all District records should be transferred to the Board within 30 days of the date this Order is filed with the Secretary of State.

ORDER

The Board hereby orders that the South Two River 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 and real property of the South Two River Watershed District must be transferred, in proportion to the manner collected, to the Morrison County Auditor and the Stearns County Auditor/Treasurer within 30 days of the date this Order is filed with the Secretary of State and recommends the funds be transferred to the Morrison and Stearns Soil and Water Conservation Districts for water resource projects within the area of the District. It is further ordered that all District records be transferred to the Board of Water and Soil Resources within 30 days of the date this Order is filed with the Secretary of State.

Dated at Fairmont, Minnesota this 24th day of August, 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: Randy Kramer

Randy Kramer, Chair

BWSR Meeting Date 8/24/06

Motion: Termination of STRWD

Moved by: Louise Smallidge

Seconded by: Quentin Fairbanks

	Affirmative	Opposed
Dana Allen	✓	
~~*Jim Anderson*~~		
Paul Brutlag	✓	
Bob Burandt	✓	
Kay Cook		✓
Quentin Fairbanks	✓	
Brian Kletscher	✓	
~~*Paul Langseth*~~		
Joe Martin	✓	
~~*Gene Merriam*~~ Wayne Edgerton	✓	
Brian Napstad	✓	
Louise Smallidge	✓	
Lisa Thorvig		✓
~~*LuAnn Tolliver*~~		
~~*Dan Wilson*~~ Mike Convery	✓	
vacancy		
Randy Kramer	✓	
	11	2

H: roll-call vote

PROPOSED FY 07 NPEA BASE GRANTS

BACKGROUND

The Non Point Engineering Assistance (NPEA) Base Grants are allocated annually to the eleven NPEA (TSA) Joint Powers Boards for the purpose of providing technical assistance to landowners to apply conservation practices. For FY 07, the legislature again has appropriated $1.064 M for this Program.

This Grant Program will be implemented according to the BWSR adopted delivery model and set of performance standards that went into effect July 1, 2005.

ISSUE

This delivery model allocation policy pertinent to the 07 NPEA Base Grant is as follows:

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 minimum 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 Board is requested to approve the 07 NPEA Base Grants and authorize BWSR staff to allocate these grants according to policies, to JPBs meeting program requirements.

H:07NPEABGBM

2007 NPEA Base Grant Summary of Applications

Amount Available $1,063,997
Amount Requested $1,099,270

Funding Recommendation

Technical Service Area 1

Grant Request	Match
$ 96,727.00	$ 24,373.00

Funding Recommendation: $96,727

Initiative Items

1 Pay administration expenses

Funding

NPEA Base Grant	$	26,250.00

2 Pay engineer/technician salaries

Funding

NPEA Base Grant	$	70,477.00
EQIP Funding	$	700.00
Local Cash	$	8,673.00
Red River Regional Council	$	15,000.00
Total Budget	**$**	**121,100.00**

Technical Service Area 2

Grant Request	Match
$ 132,000.00	$ 33,000.00

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

NPEA Base Grant	$	20,000.00
Local Cash Match	$	5,000.00

2 NPEA staff will provide technical engineering assistance to landowners within NPEA Area 2 at the request of the local member SWCD. Contracts for Services outside the TSA2 area will be considered an a case by case basis by the JPB.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

NPEA Base Grant	$	112,000.00
Local Cash Match	$	28,000.00
Total Budget	**$**	**165,000.00**

Technical Service Area 3

Grant Request	Match
$ 96,727.00	$ 54,666.00

Funding Recommendation: $96,727

Initiative Items

1 Personnel Expenses/Operations

Funding

NPEA Base Grant	$	96,727.00
CCLNS Local Fund	$	27,500.00
GLC GRANT	$	27,166.00
Total Budget	**$**	**151,393.00**

2007 NPEA Base Grant Summary of Applications

Amount Available $1,063,997
Amount Requested $1,099,270

Funding Recommendation

Technical Service Area 4

Grant Request	Match
$ 96,727.00	$ 24,182.00

Funding Recommendation: $96,727

Initiative Items

1 Rent, Vehicle, Employees Exp, Equipment Repair, Supplies etc

Funding

NPEA Base Grant	$	4,068.00
NPEA Fund Match	$	7,732.00

2 Office and Field Equipment

Funding

	$	-
NPEA Fund Match	$	15,000.00

3 Personal Services

Funding

NPEA Base Grant	$	92,659.00

4 Supplies

Funding

	$	-
NPEA Fund Match	$	1,450.00
Total Budget	**$**	**120,909.00**

Technical Service Area 5

Grant Request	Match
$ 96,727.00	$ 60,443.00

Funding Recommendation: $96,727

Initiative Items

1 Administration - Capital Purchases

Funding

NPEA Base Grant	$	2,400.00

2 Office Space Rental, Operation Expenses, Telephone Expenses, Insurance, Unemployment Insurance, Employee Expenses, Postage/Printing, Training, Equipment Expenses, Vehicle Maintenance, Audit, Misc

Funding

NPEA Base Grant	$	13,850.00

3 Engineer & Technician Salaries, PERA, FICA, Health Insurance, and Other Administration

NPEA Base Grant	$	80,477.00
Local Cash	$	60,443.00
Total Budget	**$**	**157,170.00**

Technical Service Area 6

Grant Request	Match
$ 96,727.00	$ 24,182.00

Funding Recommendation: $96,727

Initiative Items

1 Provide financial reports, supervision/coordination and performance reviews for employees

Funding

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

NPEA Base Grant	$	91,227.00
IMPACK 6 - TSA	$	24,182.00
Total Budget	**$**	**120,909.00**

2007 NPEA Base Grant Summary of Applications

Amount Available $1,063,997
Amount Requested $1,099,270

Funding Recommendation

Technical Service Area 7

Grant Request	Match	Funding Recommendation
$ 96,727.00	$ 71,673.00	**$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

	$ -
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

NPEA Base Grant	$ 96,727.00
Local Cash	$ 15,173.00

3 Maintain and operate overhead office needs, equipment and vehicle expenses

Funding

	$ -
Local Cash	$ 26,819.00
NPEA Cash Match Fund	$ 24,181.00
Total Budget	**$ 168,400.00**

Technical Service Area 8

Grant Request	Match	Funding Recommendation
$ 96,727.00	$ 71,413.00	**$96,727**

Initiative Items

1 Administer NPEAP; including preparing annual grant request, preparing annual reports, submitting monthly financial reports to the AMSWCD, daily tracking of projects, monitoring consultant contracts, paying bills, scheduling equipment, and maintaining an inventory of state owned equipment.

Funding

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

NPEA Base Grant	$ 71,227.00
NPEAP Base Grant Match	$ 71,413.00

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

NPEA Base Grant	$ 20,000.00
Total Budget	**$ 168,140.00**

2007 NPEA Base Grant Summary of Applications

Amount Available $1,063,997
Amount Requested $1,099,270

Funding Recommendation

Technical Service Area 9

Grant Request	Match
$ 96,727.00	$ 24,182.00

$96,727

Initiative Items

1 Pay Senior Technicians salary and support expenses for the Fiscal Year 2007 - (July 1, 2006 - June30, 2007.

Funding

NPEA Base Grant	$	96,727.00
Local Cash Match	$	24,182.00
Total Budget	**$**	**120,909.00**

Technical Service Area 10

Grant Request	Match
$ 96,727.00	$ 45,037.00

$96,727

Initiative Items

1 Pay Engineer and Technician Salary

Funding

NPEA Base Grant	$	70,000.00
Local Cash Match	$	43,064.00

2 Rent, misc office expenses and employee expenses and insurance

Funding

NPEA Base Grant	$	18,000.00
Local Cash Match	$	700.00

3 Admin, supplies and equipment

Funding

NPEA Base Grant	$	8,727.00
Local Cash Match	$	1,273.00
Total Budget	**$**	**141,764.00**

Technical Service Area 11

Grant Request	Match
$ 96,727.00	$ 188,067.00

$96,727

Initiative Items

1 Purchase capitol equipment for NPEA staff (vehicle and computer).

Funding

Local Cash Match	$	28,500.00

2 Purchase capitol equipment for NPEA staff (vehicle and computer).

Funding

NPEA Base Grant	$	3,134.00
Local Cash Match	$	1,367.00

3 Employ 2 P.E. staff plus Technician.

Funding

NPEA Base Grant	$	64,422.00
2006 NPEA Base Grant	$	16,095.00
2007 EPA 319 funds	$	141,000.00

4 Pay operating expenses for FY2007, including gas, training, phone, ...

Funding

NPEA Grant	$	23,671.00
Local Cash Match	$	1,105.00

5 Pay administrative costs of NPEA program.

Funding

NPEA Base Grant	$	5,500.00
	$	-
Total Budget	**$**	**284,794.00**

Board Resolution #_____

FY 07 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;

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 andminimum 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.

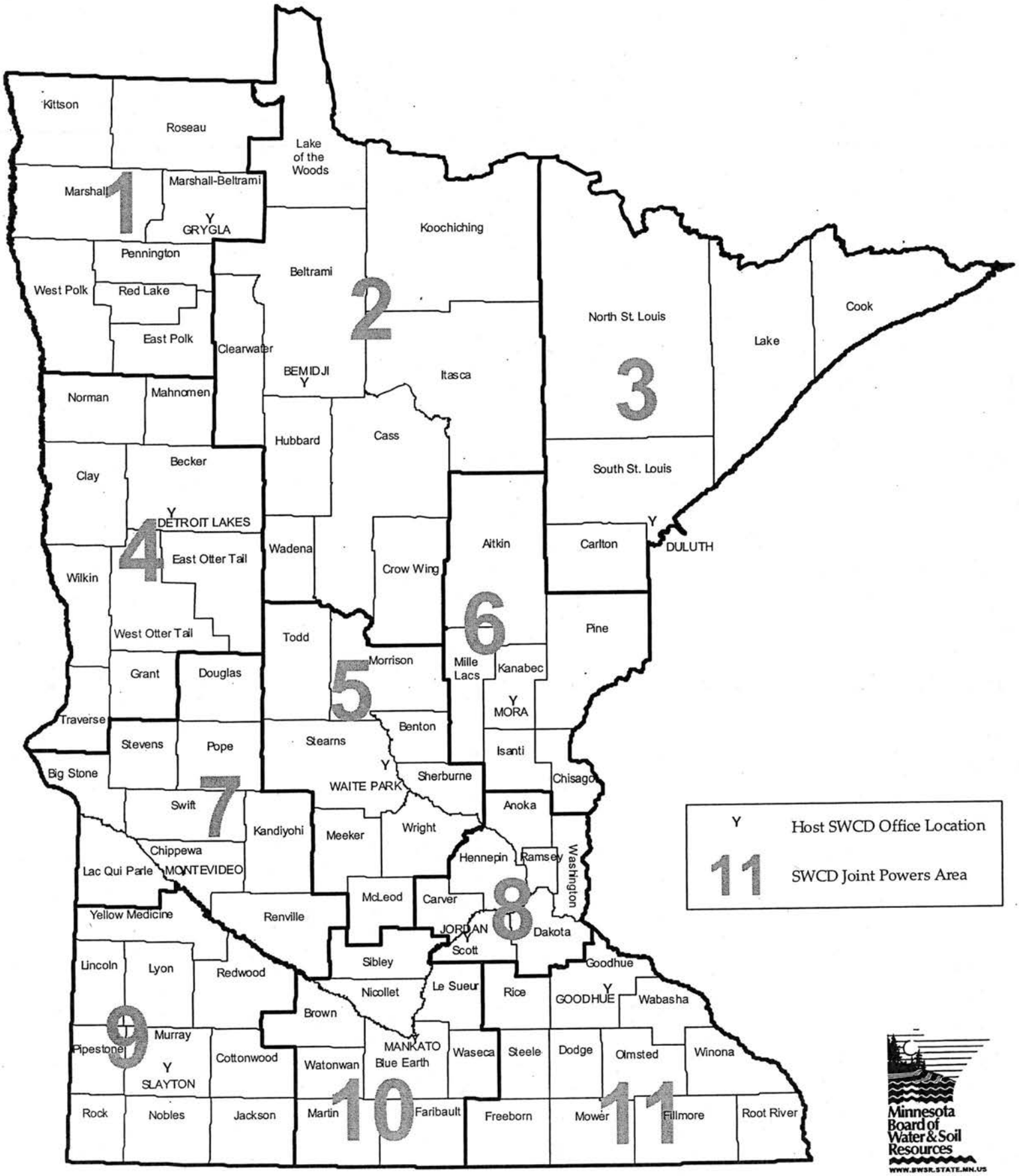
NOW THEREFORE, the BWSR hereby authorizes staff to allocate the FY 07 NPEA Base Grants according to these policies, to JPBs meeting Program requirements.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

H:07NPEABGR

Nonpoint Engineering Assistance Program



Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US

January 2003

Board Resolution # 06-64

FY 07 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,

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Given the existing level of funding, and assuming that each TSA requests the maximum in state resources, then the state andminimum local shares for the first year shall be as follows:
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- *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 07 NPEA Base Grants according to these policies, to JPBs meeting Program requirements.

Randy Kramer

Date: 8-24-06

Randy Kramer, Chair
Board of Water and Soil Resources

H:07NPEABGR

From: "Iverson, Dave" <Dave.Iverson@state.mn.us>
To: <ron.harnack@bwsr.state.mn.us>, "Lines, Kevin" <Kevin.Lines@state.mn.us>
Date: 8/10/2006 6:25:38 PM
Subject: CREP 2 payments

Ron and Kevin,
you had asked about BWSR's ability to pass along the new increased CREP 2 RIM rates to eight property owners who had already granted easements, which have been recorded, under the old rate. I have taken a look at the statutes and rules, as well as the Minnesota Constitution, and have concluded that there is little legal support to do so without specific authorization from the legislature.

Article XI, Section 1, of the Minnesota Constitution states that "[n]o money shall be paid out of the treasury of this state except in pursuance of an appropriation by law." While somewhat broad, this provision can be reasonable read to say that no money of the state can be expended unless done so pursuant to the terms of the statutory program to which the specific appropriation is granted. That is, money spent by state agencies must be done within the terms of its specific statutory authority.

In addition, Minn. Stat. sec. 16A.14 states as follows: "It is illegal for any official or head of any state department, or any employee thereof, to use moneys appropriated by law, or fees collected for any other purpose than the purpose for which the moneys have been appropriated, and any such act by any head of a department, or any state official, is cause for immediate removal of the official or head of a state department from the position held with the government of this state." Again, appropriated monies must be spent in the manner set forth in statute and rule.

In the present matter, the legislature appropriated the CREP 2/RIM funds to be spent pursuant to the statutory and rule provisions governing RIM. The governing statute, section 103F.515, at subdivision 3, authorizes BWSR to acquire conservation easements, and references that "the negotiation and acquisition of easements authorized by this section are exempt form the contractual provisions of chapters 16B and 16C." It is clear that the acquisitions of easements are considered a simple contractual relationship between the parties.

Subdivision 5 then authorizes the Board to enter in agreements (contracts) for such easements and sets the terms of the agreements, including that the grantor must "convey to the state a conservation easement ...." Subdivision 6 sets the payment rate given as "consideration" by BWSR for the easement contracted for. In short, the statute describes a classic contractual relationship between BWSR and the grantor - easement is given, payment is made in consideration, the contract contemplated by the statute is then complete, the state has the easement it bargained for, the landowner has the money promised in the contract.

I have been unable to find a process or other authority described in the RIM statutes or rules that contemplates the granting of additional monies to a property owner outside of the "contract terms" once the contract is complete (easement has been granted to the state and payment

has been made). That is, while the payments as set by the statutory scheme have increased this year, there is nothing in the RIM easement system that authorizes going back and reopening the completed contract deals in order to give the increased payments, especially where the State receives nothing in return.

I do note that Minn. Rule 8400.3610 discusses the Board's authority to alter conservation easements when it is found to be in the "public interests and general welfare." However, the rule by its terms clearly contemplates a modification of the easement "on the ground." In other words, it deals with changing the size or shape of the borders of the easement. In addition, it states that the State must be "compensated ... for all damages and loss of benefits to the conservation easement ...." This rule provision doesn't appear to be applicable to the present situation.

While the goals of the Board here are laudable, I don't see any legal support for the proposal. If you would like to discuss it further, I am always available.

Dave

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399 9th Street
Windom, MN 56101-1658

Telephone: (507) 831-1153 Extension #3
Fax: (507) 831-2928

Cottonwood Soil and Water Conservation District

RECEIVED
AUG 2 2006
Bd. of Water & Soil Resources
St. Paul

July 31, 2006

Ron Harnack
Executive Director
Board of Water and Soil Resources
520 Lafayette Road
St. Paul, MN 56155

Dear Mr. Harnack:

The Cottonwood Soil and Water Conservation District Board and Staff are writing this letter on behalf of the eight CREP II participants excluded the from the increase in payment rates as was granted to the other eighty program participants by the MN Board of Water and Soil Resources. Representatives of this group request the ability to address the Minnesota Board of Water and Soil Resources Board Members at the August 23, 2006 meeting schedules in Fairmont, MN. This opportunity would be beneficial as most of the participants are from Southern, MN.

As promoters of CREP II, the Cottonwood SWCD is disappointed in the decision to exclude the first eight participants of CREP II. For our office this decision has a great impact on our program and credibility with our county landowners. We have repeatedly requested and received the help of the Jay Mickelson and Kent Mickelson families in promotional efforts for the Board of Water and Soil Resources and our county. The Mickelson's have hosted Governor Tim Pawlenty and Senator Keith Langseth on their CREP site plus have promoted the program through the Legislative Day at the Capitol and numerous interviews by area newspapers. And they were also featured in the MN Public TV documentary on our water resources.

To exclude our most avid program promoters because of an administrative policy change is not only wrong but detrimental to the programs integrity. Many of these easements were only recorded due to the efficiency of the BWSR and SWCD office staff or the lack title problems for the landowners. Why should these participants be penalized for the timeliness of BWSR, SWCD and County Offices.

Please give these participants a chance to address the MN Board of Water and Soil Resources during the August 23 meeting in Fairmont, MN. If you have any questions please call the Cottonwood SWCD at 507-831-1153 Ext. #3.

Sincerely,
Verlyn Nickel

Verlyn Nickel
Chairman
Cottonwood SWCD

BOARD OF SUPERVISORS:

Verlyn Nickel	Tom Muller	Jim Bloch	Clark Lingbeek	Ron Tibodeau
Chairman	Vice Chairman	Secretary	Treasurer	PR & I
Mountain Lake	Windom	Westbrook	Comfrey	Windom

Cottonwood Soil and Water Conservation District Mission . . . to help maintain a better environment for future generations, to encourage the wise use of our soil and water, through programs and education.

Goodhue County
Soil & Water Conservation

104 East 3rd Avenue
P.O. Box 335
Goodhue, MN 55027

Phone: 651-923-5286
FAX: 651-923-5304
www.goodhueswcd.org

August 4, 2006

Ron Harnack
Executive Director
Board of Water and Soil Resources
520 Lafayette Road
St. Paul, MN 56155

Dear Mr. Harnack:

The Goodhue Soil and Water Conservation District (SWCD) would like to join both the Cottonwood SWCD and the Okabena-Ocheda Watershed District in asking the Board of Water and Soil Resources to reconsider extending the increased CREP II payment rates to the eight easements that were recorded before the June BWSR meeting. Goodhue SWCD had three contracts recorded in May 2006 with a fourth contract recorded the 26th of June.

The Goodhue SWCD is disappointed in the decision to exclude the original eight contracts from the rate increase. The impact of this decision will severely hamper the districts ability to credibly promote this program with landowners at the coffee shops and local Co-ops. The ability to meet and discuss with landowners on neutral ground is paramount to success. Ignoring the contributions of the original eight to the initial success of the CREP II program will be detrimental to both the program and to Goodhue SWCD's relationship with its landowners.

We have no choice but to support these insightful landowners, who took the initiative to push through despite low dollar figures, rather then focus the rewards only on those people who "held out" waiting for a better deal. We ask again that you consider the policy change. Please give the participants the opportunity to address the MN Board of Water and Soil Resources during the August 23 meeting in Fairmont, MN. If you have any questions please feel free to contact the Goodhue SWCD at 651-923-5286 Ext. #3.

Sincerely,

Donald Banks
Chairman
Goodhue SWCD

RECEIVED
AUG 7 2006
Bd. of Water & Soil Resources
St. Paul

OKABENA-OCHEDA WATERSHED DISTRICT
1567 McMillan Street, Suite 3
Worthington, MN 56187

August 1, 2006

Ron Harnack
Executive Director
Board of Water and Soil Resources
520 Lafayette Road
St. Paul, MN 56155

Dear Mr. Harnack:

The Okabena-Ocheda Watershed District (OOWD) would like to join Cottonwood SWCD in asking the Board of Water and Soil Resources to reconsider extending the increased CREP II payment rates to easements that were recorded before the June BWSR meeting. The first CREP II easement in the OOWD, 24 acres in a wellhead protection area for Wayne and Dorothea Klumper, was recorded in May 2006.

Last year, the OOWD set aside $150,000 to offer a $1500 per acre incentive payment to landowners entering into a CREP II filter strip or wellhead protection easement. Eight landowners, including the Klumpers, responded asking to enroll 158 acres in nine easements. Unfortunately, the demand exceeded the amount of money budgeted for the program. Since the Klumpers twenty-four acre easement was in a critical area for wellhead protection, the OOWD encumbered money for their incentive totaling $36,000. A payment will be made by the OOWD to the Klumpers sometime in September 2006.

When the increased payment rates were released by BWSR in June, we contacted the rest of the landowners interested in CREP easements and offered them an incentive payment reduced by the same amount as the easement rate increase. Under this arrangement, we were able to approve incentive payments on six more easements totaling another 114 acres. Unfortunately, we are still unable to fund incentive requests for two easement sites. Both landowners have said they would be unwilling to enter into CREP easements without the incentives.

Paying the Klumpers at the increased payment rate would allow the OOWD to use approximately $13,500 for incentives on other potential CREP II sites. We ask again that you consider the policy change.

Sincerely,

Les Johnson
OOWD President

RECEIVED
AUG 4 2006
Bd. of Water & Soil Resources
St. Paul

DROUGHT DISASTER ALLOCATIONS 8/23/06

SWCD	INITIAL REQUESTS	FINAL REQUESTS	INITIAL ALLOCATION	FINAL ALLOCATION	TOTAL ALLOCATION	(ESTIMATED) # PROJECTS FUNDED	07 COST SHARE BASE GRANT
AITKIN	$55,190	$59,039	**$11,892**	**$11,975**	**$23,867**	**6**	$7,738
BELTRAMI	$8,250	$101,510	**$6,497**	**$17,042**	**$23,539**	**6**	$11,553
BENTON	$14,026	$10,673	**$4,754**	**$5,214**	**$9,969**	**3**	$19,869
CARLTON	$21,890	$19,410	**$8,065**	**$5,245**	**$13,310**	**5**	$12,000
CASS	$19,025	$20,750	**$5,080**	**$5,081**	**$10,161**	**4**	$11,648
CLEARWATER	$43,396	$47,768	**$7,738**	**$9,389**	**$17,127**	**8**	$12,025
CROW WING	$89,348	$75,875	**$12,167**	**$14,088**	**$26,254**	**7**	$14,000
DOUGLAS	$4,426	$3,700	**$4,426**	**$2,364**	**$6,790**	**4**	$27,712
HUBBARD	$11,000	$9,577	**$6,813**	**$5,286**	**$12,099**	**2**	$13,500
ISANTI	$5,500		**$5,500**	**$0**	**$5,500**	**1**	$11,303
ITASCA	$13,750	$15,400	**$3,965**	**$7,119**	**$11,084**	**2**	$10,000
KANABEC	$16,313	$10,813	**$7,424**	**$6,590**	**$14,014**	**4**	$15,000
KITTSON	$30,503	$29,948	**$5,890**	**$6,849**	**$12,739**	**9**	$14,000
KOOCHICHING	$36,724	$43,175	**$8,796**	**$10,319**	**$19,115**	**8**	$15,000
LAKE/WOODS	$51,502	$42,702	**$11,468**	**$10,265**	**$21,733**	**5**	$15,000
MAHNOMEN	$7,799	$11,000	**$2,308**	**$6,612**	**$8,919**	**2**	$15,030
MARSHALL	$48,310	$39,875	**$9,154**	**$7,993**	**$17,147**	**14**	$12,363
MAR-BEL	$57,268	$70,071	**$12,131**	**$10,986**	**$23,116**	**13**	$9,025
MILLE LACS	$40,700	$36,300	**$8,279**	**$9,527**	**$17,807**	**3**	$9,025
MORRISON	$48,706	$31,605	**$8,235**	**$6,075**	**$14,310**	**10**	$38,665
NORMAN	$91,823	$79,640	**$11,867**	**$11,894**	**$23,761**	**8**	$17,947
PENINGTON	$104,539	$104,517	**$13,036**	**$17,388**	**$30,424**	**15**	$17,674
PINE	$7,150	$5,500	**$6,371**	**$5,500**	**$11,871**	**2**	$20,424
POLK, EAST	$29,975	$29,062	**$8,994**	**$7,233**	**$16,227**	**6**	$15,282
POLK, WEST	$56,650	$4,400	**$12,060**	**$1,228**	**$13,288**	**12**	$25,063
RED LAKE	$59,400	$54,010	**$7,825**	**$11,568**	**$19,393**	**14**	$8,574
ROSEAU	$94,100	$103,620	**$15,036**	**$17,285**	**$32,321**	**6**	$16,716
STEARNS	$52,116	$3,575	**$5,862**	**$5,583**	**$11,446**	**3**	$64,834
ST. LOUIS, NORTH	$5,500	$4,400	**$5,500**	**$4,400**	**$9,900**	**2**	$12,025
ST. LOUIS, SOUTH	$700	$3,450	**$700**	**$3,450**	**$4,150**	**1**	$9,352
TODD	$57,563	$9,477	**$12,165**	**$6,436**	**$18,601**	**6**	$27,056
	$1,183,142	$1,080,842	**$249,996**	**$249,984**	**$499,979**	**192**	**$529,403**

ESTIMATED UNFUNDED REQUESTS - $767,674 OR 293 PROJECTS

H:DDAABG

Board Resolution #__06-59__

FY 07 DROUGHT DISASTER COST SHARE ASSISTANCE

WHEREAS, regionally severe drought conditions have drastically limited normally available water supplies for livestock producers; and

WHEREAS, the severe drought conditions have produced critical financial burdens adversely affecting the ability of livestock producers to provide adequate water supplies to maintain livestock; and

WHEREAS, the State of Minnesota has requested a federal United States Department of Agriculture declaration of drought emergency in numerous Minnesota counties affected by drought conditions; and

WHEREAS, the Board of Water and Soil Resources' ("BWSR") State Cost Share Program created by Minnesota Statutes, Section 103C.501 provides funds to share the cost of systems or practices for erosion or sedimentation control and water quality improvement that are designed to protect and improve soil and water resources; and

WHEREAS, responsible practices for livestock agriculture are an integral component of soil and water conservation and resource management in Minnesota; and

WHEREAS, pursuant to Minnesota Statues, Section 103C.501, BWSR has promulgated administrative rules to implement the State Cost Share Program and these administrative rules are contained in Minnesota Rules Chapter 8400; and

WHEREAS, Minnesota Rules 8400.0300 references qualifying criteria for practices eligible for cost share grants and references the practices contained in the Administrative Guidelines; and

WHEREAS, practices relating to livestock watering systems and grazing practices are within the statutory referenced uses related to erosion control and water quality improvement; and

WHEREAS, grants related to livestock watering systems have been available under a federally funded program but the funds from this program have already been obligated; and

WHEREAS, the use of currently available funds in the State Cost Share Program is consistent with the program's overall purposes and will provide much needed assistance to farmers.

NOW THEREFORE, the Board requests that the Governor and the State Executive Council authorize a temporary suspension of State Cost Share Program Rules in order to provide livestock producers in drought stricken areas of the State to apply for State Cost Sharing grants for drought-related livestock water facilities, according to the following parameters:

1. A maximum $500,000 of designated roll-over funds shall be made available and administered under all State Cost Share Program rules and policies.

2. A qualifying producer would be eligible for 50% cost share up to a maximum of $5,000 per applicant.

3. Only livestock producers in proposed federally declared disaster counties, or livestock producers in all Minnesota Soil and Water Conservation Districts ("SWCDs") declared as drought impacted by resolution of the SWCD Board, are eligible to apply.

4. To meet the emergency needs of livestock producers due to drought conditions, the BWSR rules, including but not limited to Minnesota Rules 8400.0300 and the Administrative Guidelines are suspended and/or amended to include the following as eligible practices: well drilling, pipelines, watering facilities, portable pumps, fencing, watering pond restorations, and fabricated shelterbelts.

5. As a condition of receiving Cost Share Program funds, livestock producers must also have a prescribed grazing plan or nutrient management plan approved no later than September 1, 2007.

6. USDA NRCS practice standards and specifications, or "generally recognized industry standards and specifications" apply.

7. SWCDs are eligible to receive 10% of Program funds spent on practices for their technical and administrative costs.

Randy Kramer

Date: August 9, 2006

Randy Kramer, Chair
Board of Water and Soil Resources

Minnesota Board of Water & Soil Resources

August 10, 2006
For Immediate Release
Contact: Jon Fure (651) 296-0884

Drought relief available through the Board of Water and Soil Resources

State grants are now available to livestock producers in drought-affected counties to pay for projects that will provide drinking water for livestock.

A total of $500,000 is available through the Minnesota Board of Water and Soil Resources' Cost Share Program. Eligible farmers can apply for a grant through their local Soil and Water Conservation District, and the money can be used for well drilling, pipelines, watering facilities, portable pumps, fencing, watering pond restorations, fabricated shelterbelts, and other projects that will provide drinking water for livestock. Each recipient may receive 50 percent of the project cost up to a maximum of $5,000. Recipients also must have a prescribed grazing plan or nutrient management plan approved no later than September 1, 2007.

Applications for an initial round of grants ($250,000) must be received no later than Monday, August 14, 2006. Details on applying for the remaining funds will be announced August 18, 2006.

"An adequate water supply for livestock is an essential part of sustainable grazing practices," said Ron Harnack, Executive Director of the Board of Water and Soil Resources. "These grants will benefit hundreds of Minnesota livestock producers in this time of severe drought."

BWSR approved a resolution to make the funds available in a special board meeting August 9 requesting Governor Tim Pawlenty and the State Executive Council to authorize temporary suspension of the rules to allow this to proceed. Suspension of the Cost Share Program rules was approved by the Governor's Emergency Executive Order and by Resolution of the State Executive Council, which convened an emergency meeting on August 9 at the Capitol.

The Minnesota Department of Agriculture is proposing to make available $500,000 through its Rural Finance Authority (RFA) in the form of zero-interest loans. These loans would be available to help farmers cover the costs for drought-related watering facility projects and practices. If approved by the RFA Board in its meeting on Friday, August 11, these loans would be available for producers through their existing agricultural lenders for financing these projects and practices.

The Minnesota Board of Water and Soil Resources is the state's administrative agency for 91 soil and water conservation districts, 46 watershed districts, 23 metropolitan watershed management organizations, and 80 county water managers. The agency's purpose, working through local government, is to protect and enhance the state's irreplaceable soil and water resources by implementing the state's soil and water conservation policy, comprehensive local water management, and the Wetland Conservation Act as it relates to the 41.7 million acres of private land in Minnesota.

The agency has eight field offices throughout the state in St. Paul, Rochester, Marshall, New Ulm, Brainerd, Bemidji, Fergus Falls, and Duluth. BWSR staff provides technical and financial assistance to local governments to plan and implement soil and water conservation on the state's working/private lands. The agency has a unique service delivery system using the staff and resources of local government, along with the state staff and resources, to work with private landowners to implement conservation on the ground. This provides an opportunity to partner state, federal, local, and private resources to private lands projects that help maintain water quality, prevent soil loss and erosion, plan for land use, and protect wetlands. These partnerships in service delivery ensure that the interest of state policy is implemented with local issues and problems in mind.

Executive Orders

State Executive Council

Resolution Relating to Farmers and Livestock Producers

WHEREAS, severe drought conditions in portions of Minnesota are causing significant hardship on farmers and livestock producers; and

WHEREAS, in response to the imminent and potentially catastrophic harm to livestock caused by the severe drought conditions, the Governor declared a peacetime emergency and proposed amendment to the administrative rules relating to the Board of Soil and Water Resources ("Board") to allow the Board and the local Soil and Water Conservation Districts to provide Cost-Share grants to livestock producers for providing alternative watering systems; and

WHEREAS, pursuant to *Minnesota Statutes*, Section 13.32, orders and rules issued by the Governor during a peacetime emergency must be approved by the Executive Council to have the force and effect of law; and

WHEREAS, the nature of the emergency conditions and the procedures necessary for providing relief to livestock producers will continue for more than five days and it is, therefore, necessary for the Executive Council to extend the state of emergency pursuant to the provisions of *Minnesota Statutes*, Section 12.31, Subdivision 2.

RESOLVED, by the Executive Council of the State of Minnesota, at its meeting on August 9, 2006:

1. Pursuant to *Minnesota Statutes*, Section 12.32, the Governor's amendments of the administrative rules for the Board and terms for providing assistance to livestock producers as set forth in Executive Order 06-11 are adopted.

2. Pursuant to *Minnesota Statutes*, Section 12.31, subdivision 2, declared by Executive Order 06-11 is extended for 30 days from the date of this resolution.

Dana B. Badgerow, Executive Secretary
State Executive Council

Filed According to Law

MARY KIFFMEYER
Secretary of State

EMERGENCY EXECUTIVE ORDER 06-11

DECLARING A STATE OF EMERGENCY IN THE STATE OF MINNESOTA

I, TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, drought conditions have affected the northern two-thirds of Minnesota since early May and last month was the hottest July in 70 years; and

WHEREAS, the Governor and other state officials have toured portions of the affected areas and discussed emergency preparation and coordination of relief efforts for the affected areas; and

WHEREAS, on August 7, 2006 the Farm Service Agency's State Emergency Board met to review information about the effects of the drought conditions in Minnesota; and

WHEREAS, on August 8, 2006, the Governor requested that the United States Department of Agriculture declare 36 Minnesota counties as agriculture disaster areas due to persistent drought conditions; and

WHEREAS, in areas of the State drought conditions have caused a significant reduction or loss of traditional surface watering sources for livestock; and

WHEREAS, the loss of these traditional surface watering sources creates an immediate need to provide alternative sources of water to livestock producers in order to avoid potential catastrophic harm to livestock; and

WHEREAS, on August 9, 2006 the Board of Soil and Water Resources ("Board") adopted a resolution recommending that the Governor and Executive Council approve an amendment to the administrative rules for the Minnesota Cost Share Program allowing the Board and the local Soil and Water Conservation Districts ("Districts") to provide grants to livestock producers to allow for alternative watering systems and implement conservation grazing plans for livestock.

DRAFT

NOW, THEREFORE, I hereby order that:

The serious drought conditions in the northern and central portions of the State present an imminent threat to livestock producers' ability to provide adequate water to livestock and a peacetime emergency under Minnesota Statutes, Section 12.31 exists. In addition to other measures already implemented, the following immediate actions should occur to provide aid and assistance to livestock producers who face imminent harm to their livestock as a result of the drought:

1. Livestock producers will be allowed to apply to the Board and the Districts for grants under the Minnesota Cost Share Program, Minnesota Statutes, Section 103C.501, for the purpose of providing alternative watering systems and implementing alternative grazing plans for livestock producers.

2. The Board's administrative rule, Minnesota Rules 8400.0300 and the Board's Administrative Guidelines are, for the duration of the peacetime emergency, amended to include as eligible practices those practices determined by the Board to be related to the provision of alternative watering systems for livestock producers including but not limited to: well drilling, pipelines, watering facilities, portable pumps, fencing, watering pond restorations, and fabricated shelterbelts. As a condition of receiving Cost Share Program funds, livestock producers must agree to have a prescribed grazing plan approved by September 1, 2007.

3. Pursuant to this Order, the Board is permitted to process applications received by the Board or a District during the effective period of the peacetime emergency.

4. Any other administrative rules of the Board that would preclude processing of applications and the awarding of grants pursuant to this Order are also suspended.

5. The Board has identified $500,000 as currently available for purposes of providing Cost Share grants to livestock producers pursuant to this Order. If additional funds become available to the Cost Share Program, the Board may also use those additional funds to provide grants pursuant to this Order.

6. The Board will distribute this Order to all Districts and work with the Districts the Commissioner of Agriculture and other state, federal and local governments and organizations to inform livestock producers of the availability of assistance and the terms of this Order.

Pursuant to Minnesota Statutes 4.035, Subdivision 2, this Emergency Executive Order is effective immediately and will remain in effect for five days pursuant to Minnesota Statutes, Section 12.31 Subdivision 2. Pursuant to Minnesota Statutes, Section 12.32, the amendment of rules and terms of this Order are effective upon their adoption by the Executive Council and filing with the Secretary of State. The peacetime emergency and terms of this Order can be

DRAFT

extended 30 days by the Executive Council or the Legislature in accordance with Minnesota Statutes 2005, Section 12.31, Subdivision 2.

IN TESTIMONY WHEREOF, I have set my hand this 9th day of August, 2006.

TIM PAWLENTY
Governor

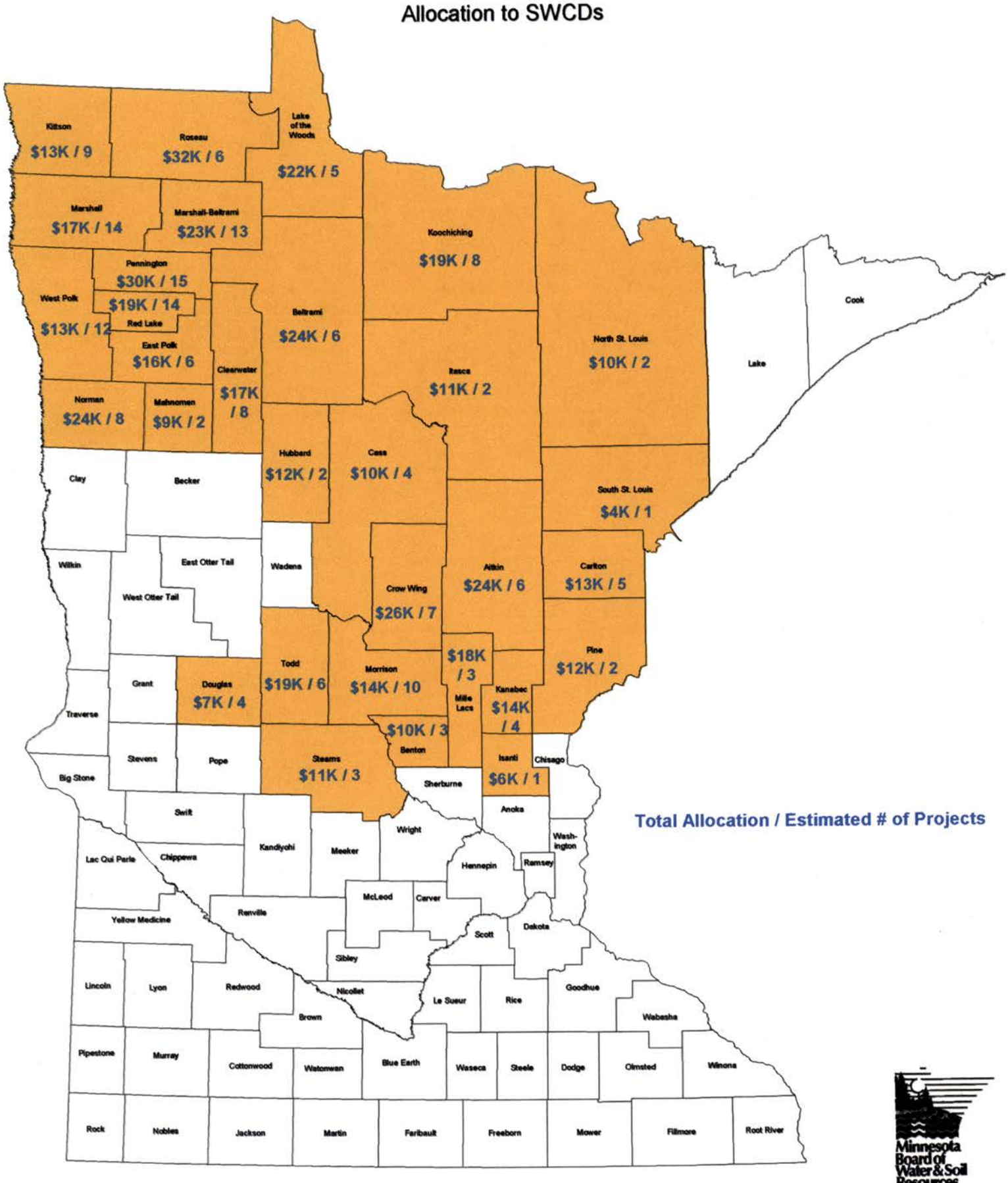
Filed According to Law:

MARY KIFFMEYER
Secretary of State

DRAFT

2006 Drought Assistance

Allocation to SWCDs



Total Allocation / Estimated # of Projects

Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US

August 2006

Board Resolution 06-67

Be it Resolved, that the Board of Water and Soil Resources' (BWSR) Administrative Advisory Committee is given limited authority between Board meetings to approve necessary submittals to the Department of Finance regarding BWSR's budget request for the Fiscal Year 2008-09 biennium. This includes approval of Action Items, which are requests for new appropriation authority or change in existing appropriation authority.

Randy Kramer, Chair
August 24, 2006

Administrative Advisory Committee

Budget Strategy Session

August 8, 2006

Minnesota
Board of
Water & Soil
Resources

Agenda

- Overview and Purpose
- Biennial Budget Process
- General Fund History and Structure
- Break
- Drivers and Responses
    - Clean Water Legacy Act
    - "Wetlands"
    - Legislative Audit Commission
    - Ditches
    - RIM - Reserve
- Next Steps

Overview and Purpose

We do not have enough time today to set THE strategy. Today is for getting everyone an equal understanding of our budget structure and discussing alternatives for our approach.

Staff intent is to gauge the Board's inclinations on the number of issues. This packet is designed to structure our conversation and prompt a few questions.

We will need to submit preferences into the budget and policy machinery by September 20, 2006.

Biennial Budget

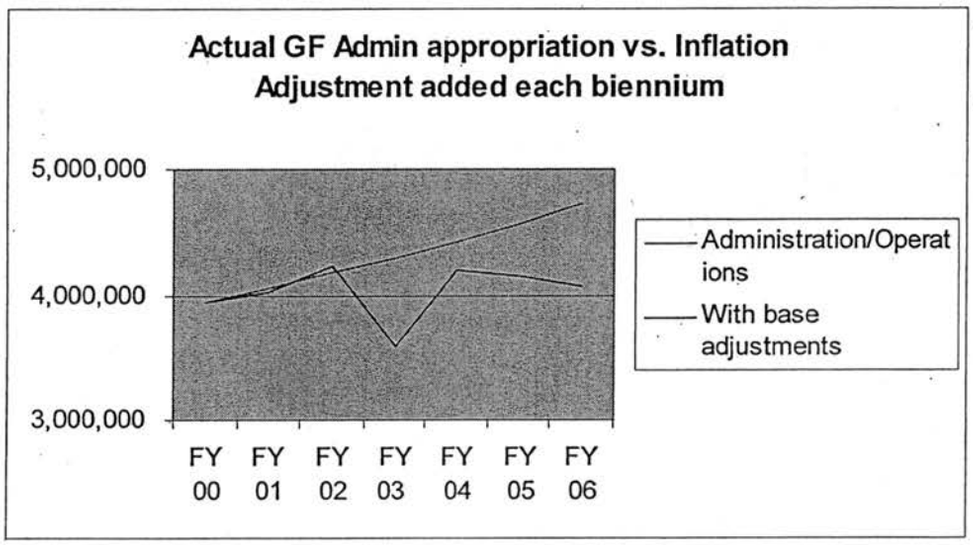
Executive Branch agencies run on 2-year appropriations. The 2007 Legislative will (or should) pass a budget to address BWSR operations from July 1, 2007 to June 30, 2009.

Biennial Budget Process

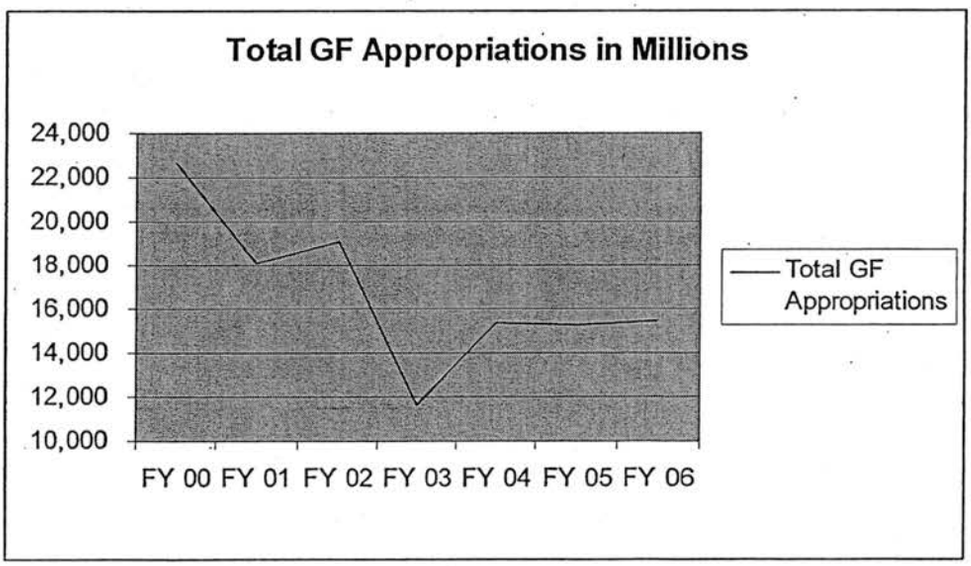
- By August 14: Background narratives due (staff currently working on)
- By end of August: Instructions to be issued by Dept of Finance to guide budget requests
- By mid-October: Initial review of agency requests
- November 29: Release of November forecast
- November 30: Statutory submission of agency plans to the legislature
- December: Final decisions on Governor's budget
- The background narratives should lay the groundwork for what will be proposed in change items. They should point out what will be lost in services provided if the agency has to absorb all administrative cost increases (inflation, etc.)
- Agency requests will most likely be inputted into the budget system sometime in October.
- There are three points of review and approval in the budget process:
    - Department of Finance Executive Budget Officer (EBO) Marsha Battle-Jenks is first review point.
    - Department of Finance full review and recommendation comes next
    - Governor's Office makes final decision
- Board's role before and after Governor's recommendations?
    - AAC approval
    - Board endorsement

General Fund History & Structure

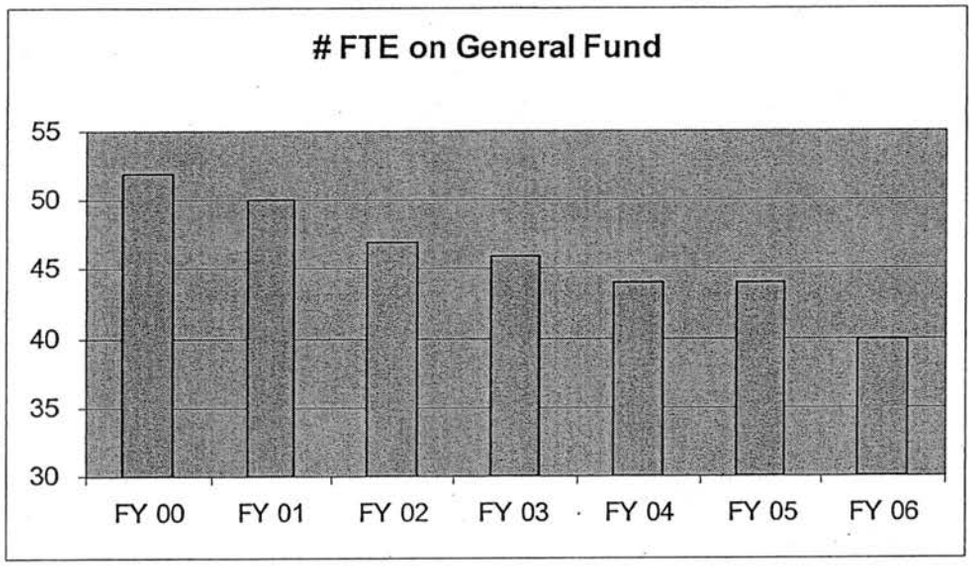
This agenda item explains how our money comes in and in what magnitude. BWSR is extremely dependent upon General Fund appropriations - - this has not been good during the recent history of budget cutting. The graph below starts with the $4 million administrative GF budget in FY00 and show actual dollars (lower line) and what we needed to cover projected costs at 3% increase per year to cover inflation and compensation costs. That created a gap that was $650,000 by FY06.



Another way to look at the funding is Total General Fund Appropriations, which were at $22.6 million in FY00 and down to $15.4million in FY06:



There has been no base adjustment in six years, plus there have been base budget cuts. Because the per-employee cost has risen with the same level of funding, the way BWSR has compensated is to reduce the number of staff funded by General Fund.



Additional Considerations for FY08-09 planning:

- The State tells us to project s 3.25% increase per year for compensation costs – this is $163,000 per year
- Potential rent increases yet to be calculated
- Inflation on all other purchases/contracts could be 2% or more.
- CWL at this point is considered one-time funding.
- This is the second year of a biennium so none of our FY06-07General Fund administrative dollars can be squirreled away to help with FY08-09 gap.
- We continue to supplement core staff using bonding administrative dollars and interagency agreements.

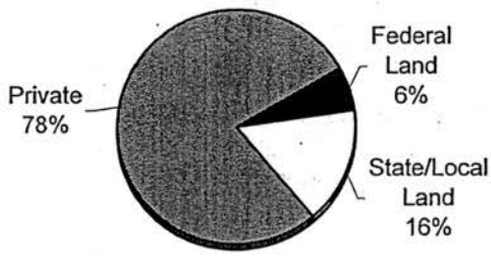
Our 2005 Submittal

Agency Purpose

T

The Board of Water and Soil Resources' (BWSRs) purpose is to protect and enhance the state's irreplaceable soil and water. The board implements the Wetland Conservation Act and comprehensive local water management through local units of government. The agency is the state's administrative agency for 91 soil and water conservation districts, 44 watershed districts, 27 metropolitan watersheds and 80 county water management organizations.

Land Ownership



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

At A Glance

Local Government Delivery System:

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

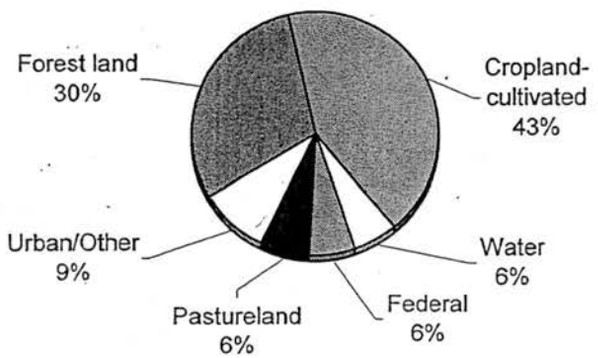
- Soil and Water Conservation Districts–91 SWCD's; 450 Elected Supervisors; 359 District Employees
- Watershed Districts-44 Watershed Districts; 220 Managers; 66 Employees
- Watershed Management Organizations-27 WMO's; 162 Members
- 87 Counties
- 230 Cities
- 304 WCA LGU's

Accomplishments:

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

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

Variety of Land Uses



Core Functions

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

⇒ serves as the state soil conservation agency. (M.S. 103B.101)

⇒ direct private land soil and water conservation programs through the state's SWCD's, counties, cities, townships, Watershed Districts, and Water Management Organizations. (M.S. 103C, 103D)

⇒ ensures linkage of water resource planning with comprehensive land use planning. (M.S. 103B)

⇒ provides resolution of water policy conflicts and issues (M.S. 103A.211, 103A.305, 103A.315, 103A.311).

⇒ implements all comprehensive local water management acts. (M.S. 103B.201, 103B.255, 103B.301)

⇒ provides a forum (through the board) for local issues, priorities and opportunities to be incorporated into state public policy. (M.S. 103B.101)

⇒ enforces the state Wetland Conservation Act. (M.S. 103G); and

⇒ coordinates state and federal resources to realize local priorities.

Operations

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

Budget

Two-year State Budget:

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

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

Contact

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

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

Ronald Harnack, Executive Director
Phone: (651) 296-3767
Fax: (651) 297-5615

Drivers and Responses

Staff considered two main ways to view budget and policy initiatives – by program and by "drivers." In the end, we felt that the programmatic approach ended up being too self-absorbed so the following discussions will stem from issues that can serve to drive initiatives.

Water is a topic that everyone has an opinion about. There are literally dozens of issues that some constituency or individual wants attention focused on. We selected four for varying reasons.

Driver	Source
• CWLA	Major legislative/gubernatorial issue
• Wetlands	Governor, Water Cabinet, and many interest groups
• Legislative Audit Commission	Legislators
• Ditches	BWSR on-going workgroup with stakeholders
• RIM-Reserve	CREP leveraging

Clean Water Legacy Act

BWSR received $5.84M in one-time money. The legislature did not declare this part of the base budget, nor did it pass a long-term funding scheme in the form of a referendum on a constitutional dedication of general fund dollars.

- Q: How hard do you want to push for CWLA to be added to the base?
- Q: We have recommended BWSR amounts for $40, 60, & 80M-dollar packages too. Work to pursue amounts closer to the G16 recommendations?

Who will work with us?

- MN Chamber of Commerce
- League of Minnesota Cities
- MN Farm Bureau Federation
- MN Farmers Union
- Builders Association of the Twin Cities
- MN Center for Environmental Advocacy
- Clean Water Action Alliance
- Rivers Council of MN
- MN Lakes Association
- Assn. of Metropolitan Municipalities
- Association of MN Counties
- MN Association of Watershed Districts
- MN Assn. of Soil and Water Conservation Districts
- MN Department of Natural Resources
- MN Pollution Control Agency
- MN Department of Agriculture
- Board of Water and Soil Resources
- Metropolitan Council

APPROPRIATIONS LANGUAGE

ARTICLE 10: CLEAN WATER LEGACY APPROPRIATION

- All appropriations are onetime appropriations.
- All appropriations must be used to protect, restore, and preserve the quality of Minnesota's surface waters.
- All appropriations are available for the fiscal year 2007.
- BWSR must encumber the funds to LGUs by June 30, 2007.
- LGUs have until June 30, 2009 to SPEND the funds.

BWSR APPROPRIATION ($5,840,000 one-time, plus $1,000,000 Bonding)

Purpose	Restoration (TMDL Plan)	Protection (Other Plan*)	BWSR Admin	ISTS**
a) $1,500,000 Target nonpoint restoration cost-share and incentive payments.	$1,400,000	---	$100,000	---
b) $2,000,000 Target nonpoint restoration technical, compliance, and engineering assistance activities.	$1,350,000	$450,000	$200,000	---
c) $200,000 Reporting and evaluation of applied soil and water conservation practices.	---	---	$200,000	---
d) $730,000 Grants to implement county ISTS programs.	---	---	---	$730,000
e) $1,410,000 Grants to support local nonpoint source protection activities.	---	$1,410,000	---	---
	$2,750,000	$1,860,000	$500,000	$730,000

$1,000,000 Bonding. Grants to SWCDs for Streambank, Stream Channel, Lakeshore, and Roadside protection and restoration through the state cost share program	$1,000,000 For restoration and protection

* Approved regional, watershed or county comprehensive water management plans.

** $730,000 one-time CWL funds were added to the ISTS Program portion of the Natural Resources Block Grant for FY 2007.

Wetlands

We have Duck Rally, Water cabinet position, Wetlands Summit, environmental group special reports and legislators all awaiting the output of the WCA Assessment process the Board is undertaking. We continue to draw a distinction between regulatory and non-regulatory aspects of wetland management – and urge people to view them together.

We can assemble data showing increases in WCA activity and DNR enforcement officer actions, while funding has not kept pace with harried BWSR and LGU field staff. Active calls for assistance tend to pull field staff from high value (but non-urgent) oversight and mentoring roles with lgus.

Question: Staff strain is unsustainable. The system is complex and designed to run with more people than we have. Do we curtail assistance, change policy, shift money, or ask for more money? Or a combination of these strategies?

Question: Wetland monitoring is an interagency weakness that does have a plan to improve. Do we need more hours to work with lgus to get more consistent reporting?

Question: The Wetland Committee is examining exemptions and other topics. What do we expect them to recommend?

Question: Staff has stockpiled WCA changes since 1996 in an effort to let the program "rest" from a state of flux. Does the interest in wetlands make this the time to open the statute again?
Question: Do we pursue more money for lgus or have NRBG shifts cover them?

Question: Do we pursue a dedicated appeals position to cover the workload increase?

Question: What about a professional soil science position to conduct soil/water review for regular field staff?

Legislative Audit Commission

The LAC will receive a report just before next legislative session on "watershed management." Broad term. We know they are concentrating on water governments below the state level and BWSR's oversight of them. Recent feedback from lgus who have been interviewed leads us to believe the auditor is finding the state-local interface to be complex … They're now asking about all state-level agencies with water roles.

To date we've given them context, data, and perspectives. We have not advanced recommendations.

Question: Does the Board want to begin any stakeholder discussions before the report is released?

Question: There won't be much time to discuss the report before session starts. Does the Board want any internal discussions?

Question: Oversight activity has been negatively impacted by budget cuts and WCA workload. Is the mentoring role of our field staff something that should be bolstered, or, do we acknowledge that professional staff in lgus should know their business?

Question: Does the Board expect to be privy to grand plans the Administration may launch?

Question: Do we want to suggest addition of cities to the Board?

Question: The study presents an opportunity to address issues such as SWCD funding, county funding of SWCDs, WD oversight, state E&SC law, and other PCA Stormwater Program integrations. Agreed?

POSSIBLE EVALUATION ISSUES

1. To what extent do the duties of the various watershed management agencies overlap, and is their work adequately coordinated? To what extent are they duplicating efforts, and are there service gaps?
2. Is the Minnesota Board of Water and Soil Resources providing adequate oversight and assistance?
3. Is the mix of state funding and local taxing authority for watershed management sufficient and equitable?
4. Are local watershed districts, soil and water conservation districts, and metropolitan water management organizations well managed, and do the boards have sufficient expertise?

Legislators are concerned about the efficiency and effectiveness of the multilayered structure for managing watersheds, particularly as we face challenges in meeting federal water quality standards and wetland conservation goals. Legislators want to know if local organizations are will managed and if organizations are adequately coordinating their priorities, projects, and budgets.

Ditches

For years, BWSR has recommended creation of a "Drainage Team" to assist ditch authorities coordinate state input and disseminate the range of possibilities for ditch management. DNR has expressed concerns over "drainage" and was supportive of last session's bill to wholly abandon all Metro public ditches. MDA is researching modifications to lesser negative impact without having yields. PCA is finding ditches to be a conduit for nutrients. That's quite a range of state agency opinion.

Fact is, there is no central body responsible for ditch oversight above the local ditch authority. The 2006 work group BWSR assisted noted this and recommended several actions. Legislative interest remains high in this multi-stakeholder process as it is in its second year of fruitful talks.

Question: So – do you want the ditch oversight job?

Question: Current workgroup staff time is just culled from existing funds. Do we continue this, or seek money to continue?

Question: Do we try to carry the ditch law changes as policy initiatives?

Fact or Question	1987 Study	2006 Study
Number of SWCDs (1986/7), or potential drainage authorities (2005/6) contacted	91	133 (87 counties, and 46 watershed districts)
Number of SWCDs (1986/7) or potential drainage authorities (2005/6) that responded	77	82 counties (94%) 45 watershed districts (97%)
Miles of public drainage ditches reported	15,173 miles	17,311 miles
Miles of public drainage ditches required to have minimum 1-rod grass strip(s)	1,155 miles (7.6% of total public ditch miles reported)	2,138 miles (12.3% of total public ditch miles reported)
Miles of public drainage ditch with required grass strip(s) known to be in place	499 miles (43% of total required miles)	1,561 miles (72% of total required miles)
Number of enforcement actions	10 counties / watershed districts reported enforcement 1 DNR notification to co.	128 reported enforcement actions since 1986 by a county or watershed district
Plan for regular inspection of grass strips	Not asked in 1986	16 of 18 watershed districts with drainage ditches (89%) 30 of 70 counties reporting (43%)
Plan for systematic redetermination of benefits	Not asked in 1986	10 drainage authorities
Miles of public drainage ditch with voluntary or "natural" buffer on one or both sides, based on GIS analyses, which indicate a total of 21,415 miles of public drainage ditch in Minnesota	Not attempted in 1986	CRP=1,569 miles CREP = 122 miles RIM = 96 miles Subtotal = 1,787 miles "Natural" = 9,724 miles Total = 11,511 miles

Ditch-work Group Members

- Association of Minnesota Counties (AMC)
- Minnesota Association of Soil and Water Conservation Districts (MASWCD)
- Minnesota Association of Watershed Districts (MAWD)
- Minnesota Board of Water and Soil Resources (BWSR)
- Minnesota Center for Environmental Advocacy (MCEA)
- Minnesota Department of Agriculture (MDA)
- Minnesota Department of Natural Resources (DNR)
- Minnesota Environmental Partnership (MEP)
- Minnesota Fish and Wildlife Legislative Alliance (FWLA)
- Minnesota Farm Bureau
- Minnesota Farmers Union
- Minnesota Lakes Association / Minnesota Conservation Federation (MLA / MCF)
- Minnesota Pollution Control Agency (MPCA)
- Minnesota Viewers Association (MVA)
- Red River Watershed Management Board (RRWMB)

- Representative Rich Hansen, District 39A

RIM Reserve

Conservation easements on marginal lands is one management tool landowners have availed themselves of. 177,000 acres enrolled through 4,800 easements (1986-2004) results in multiple benefits, efficient operations, and a growing maintenance concern.

Last year's bonding session saw BWSR get shut out on receiving more RIM Reserve (i.e. CREP) dollars because we had not yet spent the money we had. The recent increase in rates should resolve this problem. The bonding committee chairs both indicated a willingness to do off-year bonding if necessary to keep CREP funds available. The estimated two-year need for CREP is $20M. If an extension to the Farm Bill (and or CREP) is granted, another $60M would allow MN to raise the full $100M needed to match federal dollars.

Question: Will CREP demand consume enough current dollars to pursue more bonding?

Question: Is there a strategic need to update RIM goals, objectives, and outcomes?

Question: The Constitutional Dedication movement has provided less detail and less transparency on how dollar amounts where apportioned than the CWLA (G16) pushes. Does the Board want to inject a strong push for the Flexible RIM-Reserve Program?

Question: Maintenance of easement holdings is largely a responsibility of landowners, but the State does have an interest in paying SWCDs to periodically check on our interests. Where should State policy go with helping landowners optimize condition of lands?

Early Thoughts on Future RIM-Reserve needs

Program	Leverages	Amount
CREP	FSA	$20M
WRP	NRCS	$5M
WREP	NRCS	$5M
RIM	(stand alone)	$5M
Implementation Costs		$8M

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Murray County Priority Concerns Scoping Document – *DECISION ITEM*

2. Steele County Priority Concerns Scoping Document – *DECISION ITEM*

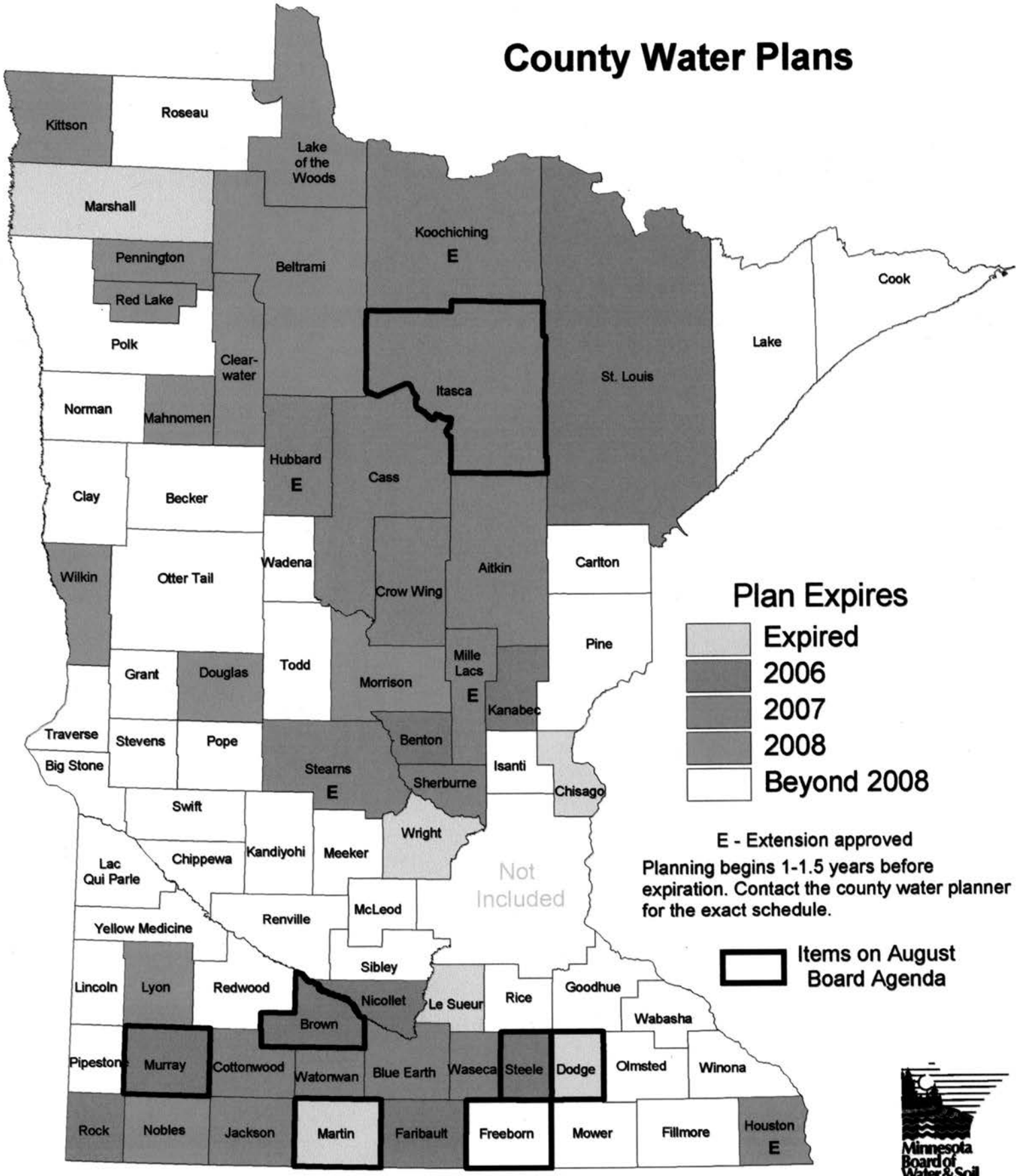
3. Brown County Request for Extension of Comprehensive Water Management Plan – *DECISION ITEM*

4. Dodge County Local Water Management Plan Update – *DECISION ITEM*

5. Freeborn County Local Water Management Plan Update – *DECISION ITEM*

6. Martin County Local Water Management Plan Update – *DECISION ITEM*

County Water Plans



map updated: August 2006

Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US

Minnesota Board of Water & Soil Resources

DATE: July 31, 2006

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Chris Hughes, Board Conservationist

SUBJECT: Martin County Local Water Management Plan Final Review

I have completed my final review of the Martin County Local Water Management Plan and recommend approval of this update. The Martin 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 Minnesota Department of Agriculture, Minnesota Department of Natural Resources, and Minnesota Pollution Control Agency (MPCA). All agencies recommend approval of the Plan. MPCA also provided comments for consideration.

I look forward to assisting Martin County in implementing their local water management plan. With teamwork and coordination between the county, soil and water conservation district, and watershed projects, there is and will continue to be significant water resource protection and management activity in Martin County.

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

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 Martin County (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Martin County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Minnesota Board of Water and Soil Resources (Board) on June 14, 2006, 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 April 6, 2005, the Board received a Priority Concerns Scoping Document from Martin County, pursuant to M.S. Section 103B.312.

2. On June 22, 2005, the Board approved official comments on the Martin County Priority Concerns Scoping Document, which were mailed to the county on June 22, 2005.

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

    a. Impaired Waters and Total Maximum Daily Loads
    b. Drainage System Management
    c. Promote the Use of Best Management Practices
    d. Wetland Protection and Restoration
    e. Water Quality in Area Lakes
    f. Promote Low Impact Development in Impaired Waters
    g. Groundwater

4. On June 14, 2006, the Board received the Martin 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 9, 2006, the Southern Water Planning Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Martin County Plan Update. Recommendations of the state review agencies were:
    a. Minnesota Department of Agriculture recommends approval;
    b. Minnesota Department of Health had no comment;
    c. Minnesota Department of Natural Resources recommends approval;
    d. Minnesota Pollution Control Agency recommends approval;
    e. Minnesota Environmental Quality Board had no comment;
    f. Minnesota Board of Water and Soil Resources regional staff recommends approval;
    g. Board regional Water Plan Review Committee recommends approval.

6. This update will be in effect until December 31, 2016.

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 Martin County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2. The Martin 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 Martin Local Water Management Plan with a required update to the implementation section (Goals, Objectives and Actions) By January 1, 2011.

Dated at Fairmont, Minnesota, this twenty-fourth day of August 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

MARTIN COUNTY
LOCAL WATER PLAN

2006 – 2016

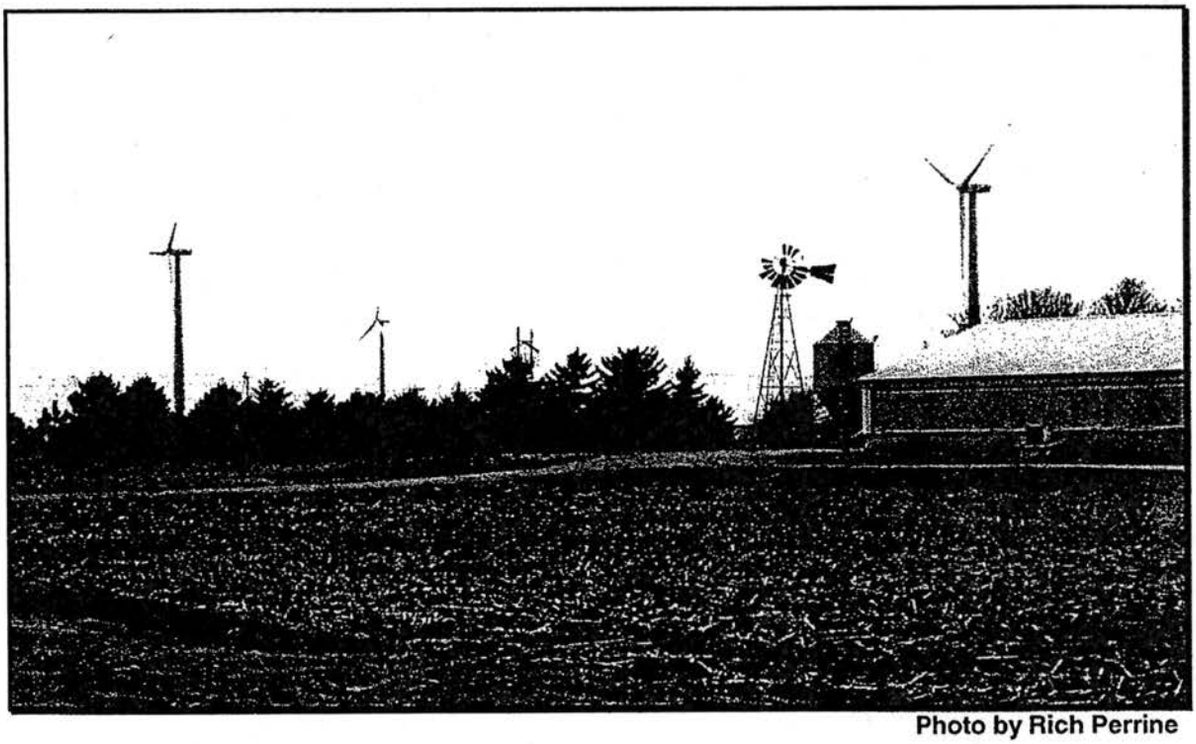


Photo by Rich Perrine

Martin County Water Planning
C/O Martin SWCD
923 North State Street, Suite 170
Fairmont, Minnesota 56031
507-235-6680

Prepared By:
Linda Meschke
Richard Perrine
May 15, 2006

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Table of Contents

Executive Summary 4
- Purpose 4
- Priority Concerns 4
- Summary of goals and Objectives 5
- Statement of consistency 6
- Summary of Recommendations to Other Plans 6
- Martin County Water Plan Accomplishments 7

Priority Concerns 10
- Impaired Waters and Total Maximum Daily Loads [TMDL] 10
- Drainage System Management 14
- Promote the use of Best Management Practices [BMP's] 18
- Wetland Protection and Restoration 34
- Water Quality in Area Lakes 36
- Promote Low Impact Development in Impaired Waters 43
- Groundwater 45

Implementation Schedule for Priority Concerns 50

Implementation Schedule for On-Going Activities 50

Appendix 51

- General Soils Map 51
- High Priority Wind Erosion Areas 53
- High Priority Water Erosion Areas 55
- Priority Scoping Document 57
- Water Plan Narrative 69
- Background on: Total Maximum Daily Loads 96
- Blue Earth River Watershed TMDL Project
  - Elm and Center Creek – Final Report 98

Executive Summary

Purpose
Quality water resources are important to Martin County and the State of Minnesota. Martin County is blessed to have abundant water resources above what is typical for a southern Minnesota county. The County feels it is important, and has made it a priority, to protect those resources to maintain and enhance the quality of life, productivity of agriculture, recreation and business climate it now enjoys.

This is the third edition of the Martin County Water Plan. The first edition was adopted in 1989 and revised to the current ten year plan in 1995. This 2006 plan takes another step in advancing water resource protection in the county. Over the last ten years there has been an extensive amount of accomplishments driven by the last Water Plan. Richard Perrine, Water Plan Coordinator, has summarized these accomplishments on page 6 of this plan. This plan takes the next step in that progression.

The 2006 to 2016 Martin County Local Water Plan was developed in accordance with the Comprehensive Local Water Management Act: Minnesota Statute 103B.

Priority Concerns
During 2005, Martin County Local Water Management Committee developed a Priority Concern Scoping Document in accordance with the changes to the Comprehensive Local Water Management Act; Statutes 103B.304 – 103B.355. This scoping document identified and listed the priority water resource concerns that would be addressed in the next Martin County Comprehensive Local Water Plan document. A copy of the Priority Concern Scoping Document is in the Appendix of this document. The list of identified priority concerns, not in any priority order, include:

- Impaired Waters and Total Maximum Daily Loads [TMDL]
- Drainage System Management
- Promote the use of Best Management Practices [BMP's]
- Wetland Protection and Restoration
- Water Quality in Area Lakes
- Promote Low Impact Development in Impaired Waters
- Groundwater

Martin County Water Plan has had a focus on groundwater quality and quantity in the past. In the process of preparing the Scoping Document, Groundwater was not identified as a priority issue. This is probably due to local, state and national efforts focused on impaired [surface] waters. Because of this strong history, it was felt by the Water Plan Advisory Committee to include assessment, goals and objectives for groundwater as an additional priority concern and is included as part of this plan in

order to maintain continuity and recognize the importance of this issue to the county.

Summary of Goals, Actions and Costs

This Martin County Water Plan is designed to address the water resource issues within the county. It is intended to be progressive and forward thinking in order to improve the quality of life for area residents. The County Commissioners have been supportive of the Water Plan and intend to continue their support. The implementation plan indicates an annual need of approximately twice what is currently being spent in the county for all water resource related work. The need to address agricultural nonpoint source pollution in order to meet TMDL goals will be the counties biggest challenge during this ten year plan.

The goals, objectives and actions identified in this plan address ongoing efforts by a variety of county departments and they include new goals that will require the county to stretch and grow their current programming. All activities identified are voluntary. Some activities will require the county to acquire incentive funds to encourage landowner participation. The county has been successful in the past in securing a significant amount of incentive dollars and they need to continue to apply for additional funds and work with multiple partners as opportunities arise. This plan was developed to give Martin County an advantage when applying for financial resources to benefit the county in the natural resources area.

As stated earlier, addressing agricultural nonpoint source pollution will be the biggest challenge facing the county during the next decade. Because the county has highly productive soils there is intense row crop and livestock farming with an extensive drainage infrastructure. Martin County has 98% of it's tillable acres in annual row crops. The challenge is to adequately address the environmental concerns while still retaining the integrity of production agriculture.

The authors have taken one step in this direction by putting definition to precision conservation. Precision conservation is a term that was adopted to mean higher level BMP's that are applied to strategically targeted environmentally sensitive areas. In Martin County it is estimated that this is 5 to 10% of the county. Within the BMP priority section these are further defined with the goal being 100 % of these areas having precision conservation applied by the end of the plan. This will not be easy, but it will advance the county in meeting their water quality goals significantly if it can be met.

Below is a summary of the anticipated annual cost to implement this water plan to it's fullest. This assumes adequate staffing and funding to implement all of the action items.

Priority Concern	Annual Need
Impaired Waters [TMDL's]	$ 91,600
Drainage System Management	$ 80,200
Promotion of BMP's	$496,045
Wetland Protection	$182,000
Water Quality in Area Lakes	$ 6,350
Low Impact Development	$ 9,350
Groundwater	$ 8,800
Total Annual Need	$874,345

Statement of Consistency

The 2006 – 2016 Martin County Local Water Plan is consistent with local, state and federal rules and regulations.

Summary of Recommendations To Other Plans

The Martin County Local Water Plan is a document that is intended to be voluntary. The following items are suggested changes to other plans.

- Request the City of Fairmont to develop a source Water Protection Plan by 2011.
- Expand the Martin County Conserving Acres Program to include riparian buffers.
- Develop and integrate policies on Low Impact Development into city and county ordinances.
- Develop a permit system for removal of any tree within 200 feet of surface water.

Martin County Water Plan Accomplishments

During the past 10 years the Martin County Water Plan has accomplished many things to benefit the residents of the county and region. Martin County prides itself on being a leader on water resource issues at the local, regional and state levels. This leadership position has put the county in a position to receive extra funding for a variety of initiatives that meet the goals of the Comprehensive Local Water Plan, Martin County and Martin SWCD.

If the actions of this new plan are to be carried out, it is important for the County to have adequate staff time to properly address the issues identified in this plan. Through cooperation with local, state and federal partners, the county can provide a base level of staffing. It will take additional funding, from a wide variety of sources, to implement all of the needed changes in the timeframe provided. In addition, the cooperation of the landowners is of primary importance as all items in this plan are voluntary – not regulatory, in nature.

Departments that impact the water planning activities include:

- Martin SWCD
- Water Planning
- Wetland Conservation Act
- Solid Waste
- Planning and Zoning
- Shoreland
- Feedlots
- Septics
- Extension
- Highway Department
- Ditch Administrator

During the ten year period [1996 to 2005] of the previous water plan, the following accomplishments have been achieved in the county by Martin County and Martin SWCD in collaboration with many partnering agencies.

- ✓ General Signup CRP – 1,632 Acres
- ✓ Continuous CRP – 5,306.8 Acres
  - o Total CRP 6,939.00 Acres
    Included in the totals above, the CP-23 Wetland Restoration Practice was installed on 92 contracts for 3,010.9 acres. The majority of these are CREP. Although the CRP contract has started, approximately 15 of these wetlands are either in the process of being restored or scheduled to be restored in 2006.

Also included in the CRP totals above, the CP-21 Filter Strip practice was installed on 165 contracts for 1,486.9 acres. Using an average of 120 feet in width, approximately 102.2 miles of filter strips were installed along ditches, creeks, wetlands and lakes.

- ✓ CWP Alternative Easements and EPA 3rd Crop Easements: 21 Contracts for 163.23 acres
- ✓ Tile intake alternatives installed: 36 rock intakes, 1 intake removed
- ✓ BERBI Living Snow-fences: 2 snow-fences on 4.0 acres, 2960 feet
- ✓ BERBI Tile Intake Buffers: 8 expired, 4 still under contract on 3.1 acres
- ✓ Feedlot Challenge Grant Windbreaks: 5 Contracts on 7.1 acres
- ✓ BERBI Nutrient Management: 2 contracts on 600 acres
- ✓ Water Plan – Special 2002 Well Sealing Cost share: 25 Wells
- ✓ State Cost Share, FY 1996 through FY 2005: 23 Grassed Waterways; 35 Abandoned Wells Sealed; 1 Critical Area Planting; 1 Shoreland Protection; 3 Diversions; 3 Grade Stabilization Structures; 5 Ag Waste systems; 2 Streambank Stabilization Projects; 36 Shelterbelts; 3 Field Windbreaks.
- ✓ 96 acres enrolled in RIM-WRP [Wetland Restoration]
- ✓ 77.9 acres are enrolled in RIM Wetland Restorations [Total of 298.9 acres are enrolled in RIM Wetland Restorations]
- ✓ 2004 Conservation Security Program -- 35,024 acres 75 Contracts
- ✓ 2005 Conservation Security Program – 42,009 acres 102 Contracts
- ✓ 2006 Conservation Security Program -- 54,740 acres 102 Contracts
- ✓ Conducted an extensive feedlot inventory in 1998
- ✓ Developed a feedlot inspection program on a five year rotation
- ✓ Processed 250 loans for upgrading septic systems
- ✓ Digitized feedlot locations and manure acres
- ✓ Adopted new Comprehensive Land Use Plan in 2003
- ✓ Added a Ditch Administrator Position
- ✓ Numerous Education and Outreach Activities

Partnering

- ❖ NRCS, FSA, USFWS, USCOE, USGS [Federal Agencies]
- ❖ BWSR, MDA, PCA, DNR, EQB [State Agencies]
- ❖ 13 County South Central Minnesota Comprehensive Local Water Planning Group
- ❖ Greater Blue Earth River Basin Alliance [GBERBA]
- ❖ Blue Earth River Basin Initiative [BERBI]
- ❖ University of Minnesota
- ❖ Minnesota State University - Mankato
- ❖ Three Rivers Resource Conservation and Development
- ❖ Minnesota River Board
- ❖ Area VI SWCD
- ❖ Zone 10 Non Point Engineering Joint Powers Board
- ❖ Region Nine Development Commission

- Southwest Solid Waste Administers Association
- Prairieland Compost Facility
- Prairieland Household Hazardous Waste Facility and Mobile Collection
- Mankato Regional Household Hazardous Waste Facility
- Lily and Center Creek Clean Water Partnership
- Watonwan River Clean Water Partnership
- Blue Earth River Clean Water Partnership
- Okamanpedon Lake Watershed Project
- Upper Des Moines River Watershed Project
- Red Rock Rural Water
- Elm Creek 3rd Crop Monitoring with the University of Minnesota
- Martin County Townships and Cities

DATE: June 19, 2006

TO: Jeff Nielsen, BWSR Southern Region Supervisor

FROM: Dave Peterson, Board Conservationist

SUBJECT: Freeborn County Local Water Management Plan Final Review

I have completed my review of the Freeborn County Local Water Management Plan 2006-2015 and recommend approval.

The Freeborn County Local Water Management (LWM) Plan sufficiently meets the requirements of water management planning under M.S. 103B and BWSR Local Water Management Plan Guidance.

The Freeborn LWM Plan:

- Identifies the thirteen priority concerns included in the Priority Concerns Scoping Document, approved September 29, 2005.
- Adequately assesses the priority concerns and sets out appropriate goals and objectives.
- Includes watershed information for the county.
- Organizes the plan into detailed actions identifying actions, timelines, responsible agency, and estimated costs, and sources of funding.

The Plan has a detailed implementation program with measurable actions, timeline, and budget.

The Freeborn County LWM Plan acknowledges the Turtle Creek and Shell Rock River Watershed District plans. The plans are consistent. Identifying the commonalities of the watershed district plans and the Freeborn County plan may be useful, but it would have been redundant. Referencing the plans should be sufficient since all three plans are readily available.

Freeborn County effectively uses available resources to develop and implement the county LWM plan, responding to the interests and needs of Freeborn County. Freeborn County makes good use of the Water Planning Advisory Committee in the LWM planning process, ensuring effective public input.

The Freeborn County LWM Plan 2006-2015 reflects the work and commitment of the staff, committee, and boards in Freeborn County to effective local water management and is recommended for approval.

c: Richard Hoffman, Freeborn County

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 Freeborn County (Minnesota Statutes, 2003, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Draft

Whereas, the Freeborn County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board of Water and Soil Resources (Board) on May 26, 2006, 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 19, 2005, the Board received a Priority Concerns Scoping Document from Freeborn County, pursuant to M.S. Section 103B.312.

2. On January 25, 2006, the Board approved official comments on the Freeborn County Priority Concerns Scoping Document, which were mailed to the County on January 25, 2006.

3. The priority concerns the local water management plan addresses include:
    1. Minimize flood damage
    2. Municipal storm water treatment/discharge
    3. Individual sewage treatment systems
    4. Preserve wetlands
    5. Protect water resources from feedlot/animal manure
    6. Protect and preserve existing shorelands

4. On May 26, 2006, the Board received the Freeborn 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 9, 2006, the regional Water Planning Review Committee of the Board reviewed the recommendations of the state review agencies regarding final approval of the Freeborn 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 Review 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 Freeborn County pursuant to Minnesota Statutes 103B.315, Subd. 5.

2. The Freeborn 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 Freeborn County Local Water Management Plan with a required update to the Implementation section (Goals, Objectives and Action) by December 31, 2011.

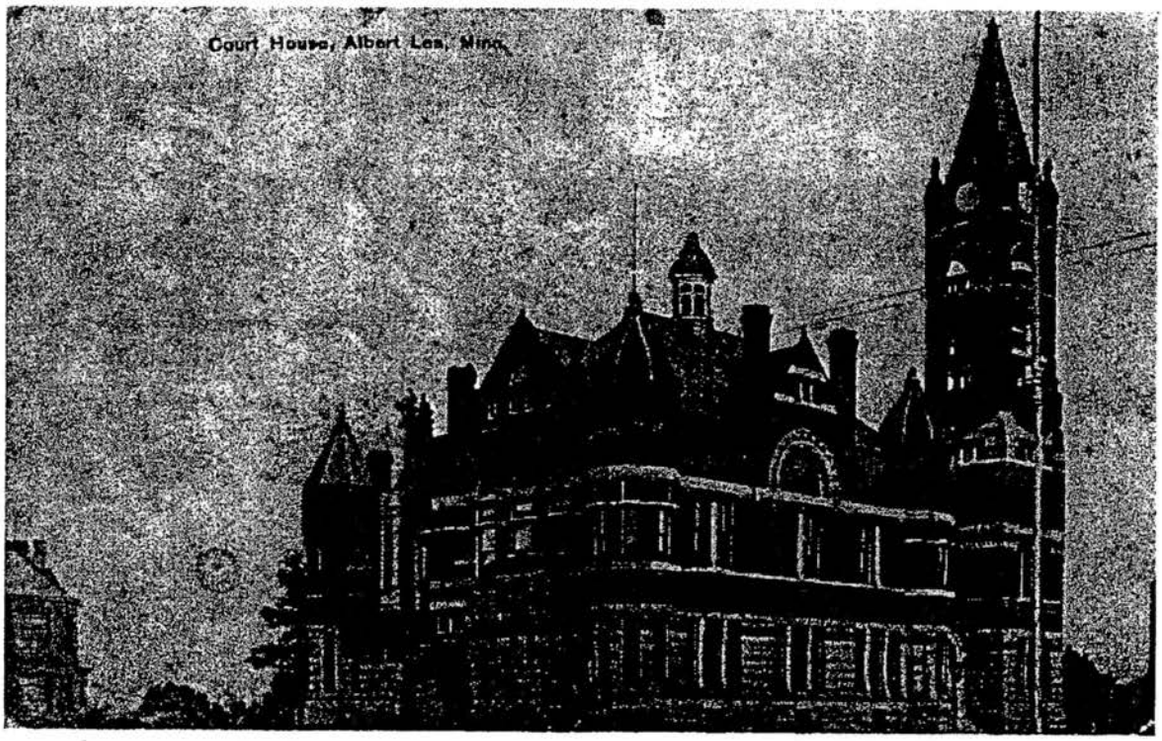
Dated at Fairmont, Minnesota, this twenty-fourth day of August 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

FREEBORN COUNTY



Comprehensive Water Plan 2006 - 2015

INTRODUCTION

Summary

Freeborn County is a gateway into Southern Minnesota. Interstate Freeway 35 W and 90 intersect this area. We are bordered by the State of Iowa to the South, Faribault County to the West, Waseca County and Steele County to the North, and Mower County to the East. This County has a land area of 720 square miles, a 2005 population of 31,997, 14 incorporated cities, and 20 townships. The County Seat is the City of Albert Lea, which is located approximately 100 miles South of Minneapolis, MN. Some 81% of productive land in this County is farmed or used for rotational animal pastures.

Purpose

The purpose of this updated Local Water Management Plan for Freeborn County is:

1) To focus efforts on identified existing and potential priority concerns and/or opportunities for protection, management, and development of related water resources and land resources.

2) To continue to develop, update and implement this water plan of action to promote sound management of our resources through the use of Best Management Practices.

3) To intensify land use practices aimed at effective environmental protection.

4) To provide a guidance document for local decision makers.

5) To regulate land use practices for the development, management and protection of water and related land resources.

Freeborn County Comprehensive Water Plan 2006 – 2015 establishes priorities in actions related to water quality, water quantity, special land uses and conditions that influence land and water resources.

Priority Concerns

This water plan process produced 13 priority concerns to focus water management efforts through December 31, 2015. The process through which these priority concerns were identified is detailed in Appendix A "Public Participation in the Freeborn County Water Planning Process" document.

Goals and Actions

The following is a summary of the Goals and Actions identified for 2006 – 2015 Priority Concerns:

1) Water Wells – protect aquifer from contamination by water wells.

2) Sewer Systems – protect surface water and groundwater from individual sewage treatment systems (ISTS) contamination.

3) Top Soil – protect and preserve topsoil.

4) Wetlands – preserve existing wetlands.

5) Feedlots – protect land and water resources from animal waste contamination.

6) Municipal Waste Water – protect water resources from municipal waste water contamination.

7) Mixed Solid Waste – protect land and water resources from mixed solid waste contamination.

8) Hazardous Waste – protect water resources from hazardous waste contamination.

9) Storm Water – Work to bring Freeborn County Lakes, ditches, rivers into compliance with TMDL requirements.

10) Watersheds – Manage land resource to reduce contamination into surface waters.

11) Flooding – control surface water run-off.

12) Shoreland – protect and preserve existing shorelands.

13) Public Waters – provide recreational opportunities.

Plan Consistency

Freeborn County examined State Agency, other county, Turtle Creek Watershed District and Shell Rock River Watershed District to ensure consistency with their water resource management efforts.

This 2006 – 2015 Water Plan reflects Minnesota Pollution Control Agencies Lower Mississippi River Basin water quality efforts.

This plan incorporates some of Minnesota Department of Natural Resources recently proposed Geneva Lake Management strategies. It contains targeted Best Management Practices from the Blue Earth River Basin total maximum daily load strategies. This Comprehensive Local Water Plan will incorporate Board of Water and Soil Resources proposed grant to study flooding in Mower County, Steele County, and Freeborn County conclusions.

Recommended Amendments

Pursuant to the authority conferred by the State of Minnesota; Freeborn County adopts this 2006 – 2015 Water Plan and includes all provisions of the 1995 – 2005 Water Plan, to promote and protect the public health, safety and general welfare of all inhabitants.

Freeborn County does not see the need for any amendment to other plans and official controls.

FREEBORN COUNTY PRIORITY CONCERNS:

AQUIFERS

In Freeborn County, groundwater exists in unconsolidated glacial deposits and in the underlying bedrock. These bedrock aquifers are among the highest water yielding in the United States. These groundwater supplies contained within the bedrock aquifer are adequate for present and foreseeable needs. Estimated water yields in glacial outwash range from 100 to 500 gallons per minute.

These aquifers are the:

- Cedar Valley – Maquoketa – Galena System
- St. Peter – Prairie du Chien – Jordan System
- Franconia – Ironton – Galesville System
- Mt. Simon – Hinckley System

Current data suggests good hydraulic connection between these bedrock units within each of the four aquifer systems. Most domestic and farm water wells draw supplies from the uppermost bedrock aquifer (Cedar Valley – Maquoketa – Galen Limestones). Specific aquifer recharge or discharge sites have not been identified in this county. A geologic atlas of Freeborn County presents subsurface geologic and hydrologic data is available for review in the Environmental Services Department.

GOAL: **Protect aquifer from contamination by water wells**

Objective: Require proper construction, maintenance, and abandonment of water wells.

Action: Education of MDH Water Well Construction Standards, well sealing procedures and ground water protection strategies

Timeline: On-going

Implementation: Environmental Services Department, Minnesota Department of Health, Extension Agency

Estimated Cost: $2,000.00 annual – NRBG Grant

Action: Inventory and map existing water wells to prioritize abandonment policy

Timeline: 2008

Implementation: Environmental Services Department, MDH

Estimated Cost: $5,000.00 – NRBG Grant

Action: Apply for Federal and State Funding to assist landowner sealing water well costs

Timeline: 2007

Implementation: Environmental Services Department

Estimated Cost: NRBG Grant – In-kind

Action: Provide local cost-share funding for water well sealing

Timeline: On-going

Implementation: Freeborn County, Shell Rock River Watershed District, Turtle Creek River Watershed District

Estimated Cost: $2,000.00 - NRBG Grant

SURFACE WATERS

Freeborn County has 49 lakes covering approximately 21,000 acres. Department of Natural Resources protected waters consist of 21 lake basins, 33 water sources and 18 wetland basins. More than 50% of all these basins are affected by artificial drainage systems. A 1992 MPCA report listed 18 lakes and one river as impaired; these waters are considered hypereutrophic. This is typical for lakes in the western corn belt ecoregion. Water quality is affected by summer algae blooms. Chemical analysis of Freeborn County's surface waters indicate a high level of phosphorus contributing to the algae blooms. However, no public health concerns have been expressed by Federal or State Agencies dealing in surface water quality. Surface water quantity has historically remained stable. No evidence exists to suggest the quantity of surface waters will limit current or future lake uses. Agriculture in Freeborn County is dependent upon the public and private drainage systems; which are more than 350 miles of open ditches.

GOAL: **Protect surface water and groundwater from individual sewage treatment system contamination (ISTS)**

Objective: Require Minnesota Pollution Control Agency approved design, construction and operation of ISTS.

Action: Follow MPCA Water Quality Division ISTS, Chapter 7080

Timeline: On-going

Agency: Environmental Services Department, MPCA

Cost: Two FTE Licensed Inspectors, NRBG

Action: Require licensing of all ISTS Designers, Installers, Pumpers and Septgage Haulers

Timeline: On-going

Agency: MPCA, Environmental Services Department

Cost: NRBG In-kind

Action: Provide education to landowners on properly installed and functioning ISTS

Timeline: On-going

Agency: Freeborn County Environmental Services Department, Shell Rock River Watershed, Extension Agency

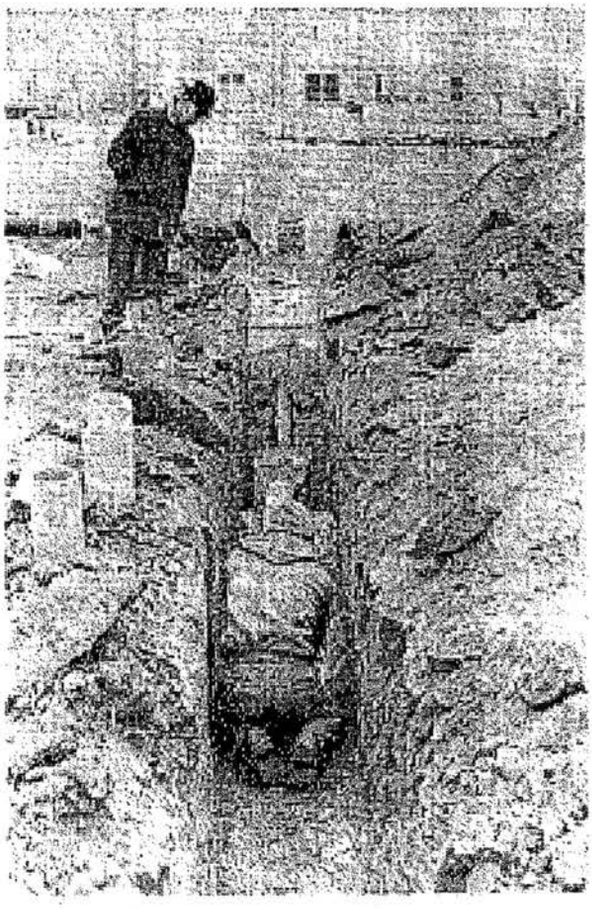
Cost: NRBG In-kind

Action: Apply for state and local cost-share funds for ISTS

Timeline: On-going

Agency: Environmental Services Department, Freeborn County

Cost: NRBG In-kind



TOPSOIL

The soils in Freeborn County are mostly deep and loamy. These soils range from tight clays to porous sands and gravels. They formed extensively in glacial till and less extensively in glacial outwash, lacustrine sediments, alluvium and organic material. Varying parent materials, topography and native vegetation reflect the number of different soils present. A digitized soil survey exists for 13 broad soil descriptions. These broad classifications are a detailed inventory of 64 soil types. This general soil map is used for land use planning. Soil erosion has resulted from urban development and farming practices.

GOAL: **Protect and preserve topsoil**

Action: Educate landowners on soil erosion practices

Timeline: 2006 On-going

Agency: SWCD, NRCS, Extension Agency

Cost: $5,000.00 SWCD Funding

Action: Participate in (Ag BMP) Minnesota Department of Agriculture Best Management Loan Program

Timeline: On-going (Since 1997)

Agency: Freeborn County Environmental Services Department, SWCD

Cost: In-kind NRBG

Action: Implement Minnesota construction site erosion and sediment control planning

Timeline: 2006 On-going

Agency: Freeborn County Building Inspectors

Cost: NRBG In-kind

Action: Support enrollment of highly erodible lands into Federal Conservation Reserve Program (CRP), reinvest in Minnesota Program (RIM), Environmental Quality Incentives Program (EQUIP)

Timeline: 2006 On-going

Agency: SWCD, NRCS, Freeborn County Commissioners, Environmental Services Department

WETLANDS

Wetlands are lands transitional between terrestrial and aquatic systems that enhance biodiversity. The water table is usually at or near the surface of the land. Freeborn County has an estimated 10,000 acres of pre-settlement wetlands remaining. The following is a summary of Circular 39 Type Wetlands found in the National Wetland Inventory of Freeborn County:

Circular 39 Type	Approximate Acres
1	765
2	246
3	8,800
4	216
5	363
6	278
7	70
Riverine	200

Approximately 95% of the County is considered upland.

Freeborn County Officials support development and maintenance of wetlands for good water quality, serving as reservoirs for flood control, providing fish and wildlife habitat, acting as sediment and nutrient traps and providing recreational opportunities.

GOAL: **Preserve existing wetlands**

Action: Participate in Wetland Preservation Program (WPA)

Timeline: 2006 On-going

Agency: Freeborn County Commissioners, NRCS, SWCD

Cost: NRBG In-kind

Action: Freeborn County, acting as local governing unit for implementation of the Wetland Conservation Act will continue to follow US Corps of Engineers, DNR, BWSR Wetland Regulations

Timeline: On-going

Agency: Environmental Services Department, SWCD

Cost: $5,000.00 NRBG

Action: Apply for state funding and assistance from MDA and DNR to control invasive species infestations on public and private wetlands

Timeline: 2006 On-going

Agency: Environmental Services Department

Cost: NRBG In-kind

Action: Complete wetlands inventory and prioritization for protection

Timeline: 2008 – 2010

Agency: Environmental Services Department, SWCD

Cost: $5,000.00 NRBG

Action: Work to establish Federal, State and Local funding partnerships for wetland restoration land purchase.

Timeline: 2009

Agency: Freeborn County, Shell Rock River Watershed District, Turtle Creek River Watershed District

Cost: Unknown

Action: Develop and implement a 5 year wetland preservation education action plan

Timeline: 2008

Agency: Environmental Services Department, BWSR, DNR, SWCD, Extension Agency, U.S. Corps of Engineers

Cost: $3,000.00 NRBG

FEEDLOTS

Freeborn County has a detailed feedlot inventory database in the Environmental Services Department. Currently there are 483 feedlots in this county. This inventory shows the following information:

Animal Units	Shoreland Area	Not in Shoreland Area
Less than 10	2	24
10 – 50	9	98
50 – 100	12	135
100 – 300	11	140
300 – 1,000	4	55
1,000 or More	1	14

Freeborn County is a MPCA Delegated County to operate the feedlot permitting process. Existing feedlot sites receive random and scheduled on-site inspections for the feedlot officer or MPCA. When a new feedlot is planned, engineered plans are required for the manure storage pits. A conditional use permit maybe required dependent upon animal units at the site or the location of animal buildings. Land application of animal manure is a potential pollution issue. Specific manure storage requirements, manure application rates, set-back distances from water wells, surface waters and field tile inlets or culverts are enforced with all feedlot sites. Livestock production is an important livelihood in Freeborn County and will continue to be centered in Southern Minnesota.

GOAL: **Protect surface water and groundwater resources from feedlot/animal waste contamination**

Action: Enforce Minnesota Rules Chapter 7020 – MPCA Feedlot Permit Program Standards.

Timeline: 2006 On-going

Agency: Environmental Services Department, MPCA

Cost: $20,000.00 NRBG - .5 FTE

Action: Continue to provide education to feedlot owners/operators on best management of animal waste.

Timeline: 2006 On-going

Agency: Environmental Services Department, MPCA, Extension Agency

Cost: NRBG In-kind

Action: Pursue Federal and State Funding to mitigate or eliminate pollution from feedlots and animal manure.

Timeline: 2006 On-going

Agency: Environmental Services Department, SWCD, NRCS

Cost: NRBG Grant

MUNICIPAL WASTEWATER

Freeborn County has prioritized municipal waste water treatment to protect their citizens and resources. A Blue Earth River Basin Fecal Coliform TMDL Presentation (February 2006) revealed waterborne pathogens to be present in southern Minnesota streams. Bacteria and Protozoan Parasites present from human waste impair Freeborn County's surface waters. Inadequately or improperly treated human waste impacts surface waters significantly. Currently three incorporated cities within Freeborn County do not have municipal waste water treatment facilities. Local, state and federal agencies are actively assisting all communities with waste water transportation and treatment options.

GOAL: **Protect surface water and groundwater from municipal wastewater contamination**

Action: Provide assistance to municipalities to construct and maintain wastewater treatment facilities

Timeline: 2006 On-going

Agency: Freeborn County Commissioners, Environmental Services Department, MPCA, MDH

Cost: NRBG In-kind

Action: Apply for federal/state/local funding for wastewater treatment facilities

Timeline: 2006 On-going

Agency: Environmental Services Department, MPCA, MAP, USDA RD

Cost: NRBG In-kind

Action: Seek priority placement on MPCA Wastewater Infrastructure Fund (WIF) for non-conforming wastewater treatment facilities

Timeline: 2006 On-going

Agency: Environmental Services Department, MPCA, MAP

Cost: Unknown

SOLID WASTE

Pollution from landfills or dumpsites is an important concern to Freeborn County residents. If left unmanaged, mixed municipal waste, demolition debris or hazardous waste pose a threat to ground and surface waters. One closed solid waste landfill is managed by the City of Albert Lea. Three permitted demolition landfills are currently operating within Freeborn County. All mixed municipal waste generated within the County is transported and landfilled in the State of Iowa. Clandestine dump sites are recognized, cleaned up and closed. Freeborn County is committed to an effective policy, clearly defined, which applied practices minimize impacts from this pollutant source.

GOAL: **Protect surface water and groundwater from mixed solid waste contamination**

Action: Maintain an effective solid waste management system

Timeline: 2006 On-going

Agency: FTE Solid Waste Officer

Cost: SCORE Funds

Action: Continue countywide recycling program

Timeline: 2006 On-going

Agency: FTE Solid Waste Officer

Cost: SCORE Funds, participant volunteer workers

Action: Continue agricultural waste chemical collections and agricultural waste pesticide container collection programs

Timeline: 2006 On-going

Agency: MDA, Environmental Services Department, Extension Agency

Cost: NRBG In-kind

Action: Provide public education on the reduction, reuse and recycling of solid waste

Timeline: 2006 On-going

Agency: Freeborn County Solid Waste Officer

Cost: SCORE Funds

GOAL: **Protect surface water and groundwater resources from hazardous waste pollution**

Action: Continue countywide hazardous waste collection program

Timeline: 2006 On-going

Agency: Freeborn County Environmental Services Department, Community Volunteers

Cost: SCORE Funds

Action: Develop public education program for residential/commercial/industrial hazardous waste disposal

Timeline: 2010

Agency: MPCA, Extension Agency, Environmental Services Department

Cost: $2,000.00 SCORE Funds

Action: Apply for federal/state funds for clandestine dumpsite clean-up

Timeline: 2006 On-going

Agency: Environmental Services Department, MPCA

Cost: NRBG In-kind, BWSR Challenge Grant

Action: Prompt discussion for legislation at the national level to require manufacturers to label products for proper end disposal

Timeline: 2007

Agency: Environmental Services Department

Cost: SCORE Funds

STORM WATER DRAINAGE

Freeborn County has an extensive drainage system that has a direct effect on water quality/quantity of receiving streams, rivers and lakes. It is our policy to reduce the nutrient and sediment loads carried in these waters. Approximately 400,000 acres of land is cropped, some 1,400 miles of roadway and 350 miles of open ditches are all contributors to storm water issues. We actively address establishment and maintenance of grass filter strips on both sides of ditches and roads. Erosion areas are scattered throughout Freeborn County (small concentration in the north central area). One percent (1%) is considered high erosion in the shoreland district and approximately 6% high erosion in other areas. Freeborn County as a whole consists of 94% low erosion priority area. Although approximately 1% is considered Urban Residential Land Use, they contribute significant amounts of storm water runoff. A surface water sampling effort is underway through the efforts of the Shell Rock River Watershed District that is providing diagnostic data on storm water quality. River, ditch, creek and lake water quality sampling program also continues. The City of Albert Lea is phasing in changes to the storm water catch basins along new urban development areas.

GOAL: **Protect surface waters from storm water drainage of sediment, nutrients and chemicals**

Action: Maintain or improve existing ditch system

Timeline: 2006 On-going

Agency: Freeborn County

Costs: Unknown

Action: Require vegetative buffer strips along public ditches upon redetermination

Timeline: 2006 On-going

Agency: Freeborn County, NRCS, SWCD

Costs: Unknown

Action: Encourage landowners of private ditches to vegetate buffer strips

Timeline: 2006 On-going

Agency: Freeborn County, SWCD, DNR

Action: Educate landowners on land treatment options and available cost-share programs to minimize transport of sediment

Timeline: 2006 On-going

Agency: Environmental Services Department, SWCD, BWSR, DNR, Extension Agency

Cost: NRBG In-kind

Action: Identify ditches that contribute excess sediment into surface waters

Timeline: 2008

Agency: Environmental Services Department, SWCD, Shell Rock River Watershed District, Turtle Creek River Watershed District

Cost: $4,000.00 NRBG

Action: Measure surface water flows and analyze water for nutrient/chemical/sediment loading

Timeline: 2008

Agency: Environmental Services Department, MPCA, SWCD, MDH

Cost: $3,500.00 NRBG

Action: Follow MPCA Total Maximum Daily Load (TMDL) recommendations for remediation of waters

Timeline: 2006 On-going

Agency: Freeborn County

Cost: Unknown

WATERSHEDS

The general topographic relief of Freeborn County presents two distinctive features; gently rolling north-south moraines and the depressional basins with boggy and alluvial deposits located to the southeast and eastern areas. Both of these features are products of the last glacial period, and have subsequently affected soil development, vegetation and wildlife habitat. Small hilly areas exist and the most rugged tracts are in Section 16 of Newry Township and Sections 1 and 2 of Pickerel Lake Township (Hills Rise 50 to 100 feet). A majority of this county is drained southeastward through the Shell Rock and Cedar Rivers. The northwestern part drains to the Minnesota River via the LeSuer and Blue Earth River Basins. There are six major watersheds and 74 minor watersheds shaping this topography. An average altitude is about 1,250 feet above sea level, although extremes of altitude are between 1,150 feet above sea level in the northwestern corner to about 1,280 feet above sea level in the central part of the County. An important statement can be made about the watersheds in Freeborn County "We are a headwater County". The fact that water does not drain into this County make water resource protection a priority.

GOAL: **Manage watersheds to reduce bacteria, nutrients, chemicals and sediments from entering surface waters**

Action: Develop an education presentation on point and non-point pollution sources

Timeline: 2009

Agency: Environmental Services Department, MPCA, Extension Agency, SWCD

Cost: $2,500.00 NRBG

Action: Apply for federal/state/local funding for Land Best Management Practices

Timeline: 2006 On-going

Agency: Environmental Services Department, SWCD

Cost: NRBG In-kind

Action: Require erosion and sediment control plan on construction sites (requirement in building permit)

Timeline: 2006 On-going

Agency: Freeborn County Building Inspectors

Cost: NRBG In-kind

Action: Assist municipalities on storm-water management issues

Timeline: 2006 On-going

Agency: Environmental Services Department

Cost: NRBG In-kind

GOAL: **Manage watersheds to control surface water run-off**

Action: Require post-land development surface water run-off rates not exceed pre-land development run-off rates

Timeline: 2007 On-going

Agency: Freeborn County Environmental Services

Cost: NRBG In-kind

Action: Preserve flood plain areas

Timeline: 2006 On-going

Agency: Freeborn County Zoning Officials

Cost: NRBG In-kind

Action: Continue to participate in DNR Floodplain Management – MN Chapter 103.F

Timeline: 2006 On-going

Agency: Freeborn County Zoning Officials

Cost: NRBG Grant

Action: Apply for federal/state/local funds for construction of riparian buffers

Timeline: 2006 On-going

Agency: Environmental Services Department

Cost: NRBG In-kind

Action: Continue participation in MN Department of Agriculture Best Management Loan Program

Timeline: 2006 On-going

Agency: Freeborn County Agricultural Inspector, SWCD, BWSR

Cost: $1,000.00 annual administration

Action: Prioritize drained wetlands for use as water holding basins and restore wetland use

Timeline: 2009

Agency: Environmental Services Department, DNR, SWCD

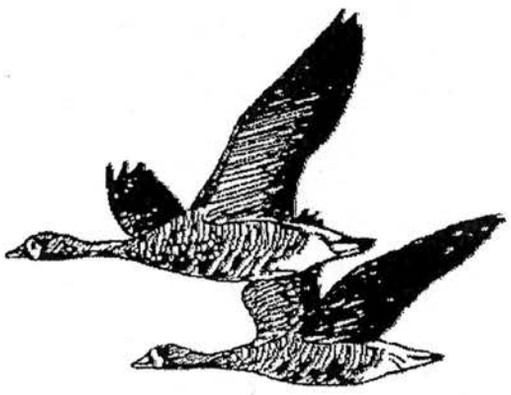
Cost: NRBG In-kind

Action: Continue participation in volunteer citizen precipitation gauge monitoring program

Timeline: 2006 On-going

Agency: Environmental Services Department, SWCD

Cost: NRBG In-kind



SHORELANDS

There are 49 lakes within Freeborn County, covering some 20,000 acres. Twenty-one (21) lakes, 33 water sources and 18 wetland basins are considered DNR protected. Bear Lake and Lower Twin Lakes have variable crest structures installed for the purpose of allowing temporary drawdown. Geneva Lake and Albert Lea Lake are considered for construction of a variable crest structure. Freeborn County adopted the Minnesota Shoreland Act and has revised and adopted DNR Shoreland Rules. Freeborn County is a member of the 37 County Joint Powers addressing Minnesota Rivers Shoreland Issues. Currently Fountain Lake has the greatest density of residential units in a shoreland area of all Freeborn County Shoreland areas. Continued pressure for residential development of remaining shoreland areas make this a priority concern for soil erosion. Currently no evidence exists to suggest the quantity of surface water available within Freeborn County will limit immediate or future lake uses. No wake or limited wake issues are enforced during high water periods on selected lakes. Tourism appears to have minimal effects on surface waters. We have taken steps to stop shoreland degradation and anticipate residential building may increase.

GOAL: **Protect and preserve existing shorelands**

Action: Follow MN DNR Standards for Management of Shoreland Areas – M.S. 6120

Timeline: 2006 On-going

Agency: Freeborn County Zoning, DNR

Cost: NRBG

Action: Provide educational opportunities on shoreland protection

Timeline: 2006 On-going

Agency: Environmental Services Department, DNR, SWCD

Cost: NRBG In-kind

Action: Work to preserve existing natural riparian vegetation or re-establish it

Timeline: 2006 On-going

Agency: Environmental Services Department

Cost: NRBG

GOAL: **Provide recreational opportunities on public waters**

Action: Support Department of Natural Resources Lake Management Plans

Timeline: 2006 On-going

Agency: Freeborn County

Cost: Unknown

Action: Work with DNR to up-grade public access onto Twin Lakes, Pickerel Lake and Bear Lake public waters

Timeline: 2006 On-going

Agency: Environmental Services Department, DNR

Cost: Unknown

Action: Assist in development of local lake management plans

Timeline: 2006 On-going

Agency: Environmental Services, DNR, BWSR, Shell Rock River Watershed District, Turtle Creek Watershed District, citizen participation

Cost: NRBG In-kind

Action: Apply for federal/state/local funding for lake management implementation

Timeline: 2006 On-going

Agency: Freeborn County

Cost: Unknown

Action: Protect/preserve/promote wildlife habitat

Timeline: 2006 On-going

Agency: Environmental Services Department, SWCD, DNR

Cost: NRBG In-kind

Action: Seek installation and operation of rough fish barriers on State Line Lake, Freeborn Lake, Fountain Lake, Albert Lea Lake, Twin Lakes, White Lake, Pickerel Lake, Geneva Lake and Bear Lake

Timeline: 2006 On-going

Agency: Environmental Services Department, DNR, Shell Rock River Watershed District

Cost: Unknown

DATE: June 19, 2006

TO: Jeff Nielsen, BWSR Southern Region Supervisor

FROM: Dave Peterson, Board Conservationist

SUBJECT: Dodge County Local Water Management Plan Final Review

I have completed my review of the Dodge County Local Water Management Plan 2006-2015 and recommend approval.

The Dodge County Local Water Management Plan (LWM) meets the requirements of water management planning under M.S. 103B and BWSR Local Water Management Plan Guidance.

The Dodge LWM Plan:

- Identifies seven priority concerns included in the Priority Concerns Scoping Document, approved September 29, 2005.
- Adequately assesses the priority concerns and sets out appropriate goals and objectives.
- Includes updated assessment information relevant to the priority concerns.
- Organizes the Plan into detailed actions identified as "core" and "accessory" activities reflecting funding availability.
- Lays out priority water resources in clear order.

The Plan has a detailed implementation program with measurable actions, timeline, and budget.

Dodge County understands and follows the LWM program requirements effectively using available resources to develop a LWM plan that responds to the interests and needs of Dodge County. Dodge County makes good use of the Water Planning Task Force. The committee helps guide LWM planning and implementation, ensuring effective public input.

The Dodge County LWM Plan 2006-2015 reflects the work and commitment of the staff, committee, and boards in Dodge County to effective local water management and is recommended for approval.

c: Mark Gamm, Dodge County

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 Dodge County (Minnesota Statutes, 2003, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Dodge County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board of Water and Soil Resources (Board) on May 12, 2006 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 June 28, 2005, the Board received a Priority Concerns Scoping Document from Dodge County, pursuant to M.S. Section 103B.312.

2. On September 29, 2005, the Board approved official comments on the Dodge County Priority Concerns Scoping Document, which were mailed to the County on September 29, 2005.

3. The priority concerns the local water management plan addresses include:
   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. 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. Drainage: flash flooding, storm water management, and wetland restoration.
   7. Inadequate sewage treatment: individual, community, and municipal treatment systems.
   8. Soil eroding from ag fields and running into rivers and streams.

4. On May 12, 2006, the Board received the Dodge 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 9, 2006, the regional Water Planning Review Committee of the Board reviewed the recommendations of the state review agencies regarding final approval of the Dodge 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 regional Water Planning Review Committee: recommends approval.

6. This update will be in effect until December 31, 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 Dodge County pursuant to Minnesota Statutes 103B.315, Subd. 5.

2. The Dodge 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 Dodge County Local Water Management Plan with a required update to the Implementation section (Goals, Objectives and Action) by December 31, 2011.

Dated at Fairmont, Minnesota, this twenty-fourth day of August 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Dodge County
Water Management Plan
2006-2016

Approved by Minnesota Board of Water and Soil Resources on _____

Approved by County Board of Commissioners on _____

Prepared by Dodge County Water Planning Task Force, coordinated by
Environmental Quality Department; April, 2006
22 6th St East • Dept. 391
Mantorville, MN 55955-2230
Phone: 507-635-6273

Draft: 03-23-06

Dodge County Water Management Plan 2006-2015

Executive Summary

Purpose of the Water Management Plan: Provide a framework and guideline for implementing actions that address priority concerns.

Priority Concerns Addressed in Plan (see Appendix A for Scoping Document):

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 stormwater management.
7. Inadequate individual septic systems, municipal sewers, and community systems that drain to field tile, wetlands, streams or rivers.

Water Management Goals: Safe drinking water in all aquifers and pollutant loads in protected waters below state and federal standards including Total Maximum Daily Limits.

Summary of Implementation Actions: *"Core Activities"* will be completed assuming that the current budget of $166,000 is available annually with adjustments for inflation. Core activities include enforcement of wetland, feedlot, shoreland, septic system, waste management, and related zoning regulations. Core activities also include on-going water testing programs designed to accurately judge conditions and trends in drinking water and rivers. A basic level of education, technical assistance, and financial assistance will be offered regularly.

"Accessory Activities" can be completed only if new sources of technical or financial assistance become available to the county. Examples of accessory activities include: purchase of aerial photographs, long-term groundwater and surface water monitoring stations, proactive education to promote agricultural best management practices, grants to restore wetlands, and implementation of South Zumbro Watershed Storm Water Capital Improvement Plan.

Consistency with Other Plans: The Water Management Plan is consistent with other local, state, and regional plans and controls. Implementation actions include efforts to work with municipalities to maintain consistency with the County's plans and controls.

Draft: 03-23-06

Dodge County Water Management Plan 2006-2015

Priority Concerns, Goals and Objectives:

Priority Concerns Addressed in Plan (see Appendix A, Scoping Document):

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 stormwater management.
7. Inadequate individual septic systems, municipal sewers, and community systems that drain to field tile, wetlands, streams or rivers.

Assessment of Priority Concerns (see Appendix B)

Water Management Goals: Safe drinking water in all aquifers and pollutant loads in protected waters below state and federal standards including Total Maximum Daily Limits.

Water Management Plan Objectives:

1. Track water quality trends in local drinking water aquifers and Public Waters.
2. All landowners have easy access to information about land uses and natural resources on their property.
3. All youth will have opportunity to learn about the connection between land use and water quality.
4. All landowners, governments, and businesses comply with applicable regulations.
5. All Farms prepare and follow their Nutrient Management Plan.
6. All Farms follow MN Dept of Agriculture's Best Management Practices for pesticide and herbicide use.
7. All Public Waters and sensitive resources are protected by permanent vegetative buffers
8. All eligible landowners are aware of benefits and opportunities for the conversion of agricultural land to perennial vegetation and the preservation of natural areas.
9. All landowners with highly erodible land manage their land to soil loss tolerance [(T) or (T Value)].
10. Zoning regulations will promote growth near urban areas and encourage cluster development to preserve natural/open areas. (vegetation & habitat corridors)
11. All Municipalities will adopt and enforce DNR's model Shoreland Zoning Regulations
12. All Municipalities will adopt Stormwater Management Plans that address water quality and quantity, and account for projected growth.
13. Reduce runoff, increase water filtration, and depress stream hydrograph on protected waters.
14. All wastewater is properly treated and treatment systems are properly maintained.
15. All Public Water Suppliers develop and implement their Wellhead Protection Plan

Implementation Plan: Priorities, Budget, and Schedule.

Priority Water Resources:

1. With limited local money, groundwater aquifer protection will take priority over surface water protection.
2. With limited local money, protection of the first encountered bedrock aquifer will take priority over lower aquifers.
3. With limited local money, watersheds with documented water quality exceeding state and federal standards will receive priority over watersheds without documented exceedances.

Existing Budget (2006):

1. State Natural Resources Block Grants and County Revenue	$ Amount
a) Water Management Plan Implementation	$ 24,000
b) Feedlot Regulation	$ 63,000
c) Shoreland Regulation	$ 7,000
d) Wetland Regulation	$ 37,000
e) Sewage Treatment System Regulation	$ 35,000
2. Soil and Water Conservation District	$ Inkind
3. State and Federal Agencies	$ Inkind
4. Private Contributions	$ Inkind
5. Environmental Trust Fund	$100,000
Total	**$ 266,000**

Core Activities. The following are actions that can be accomplished annually using existing staff and budget assuming that the Natural Resources Block Grant is awarded annually at the current amount with regular inflationary adjustments:

1. Inventory and Mapping (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   a) Annually update data and maps in County's Environmental Atlas. Distribute atlas to elected officials, policy makers, and staff. Within 5 years make atlas available on the County's Web Page.
   b) Regularly update County Well Index by field locating newly drilled wells and wells with construction and water quality information.

2. Groundwater Monitoring: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   a) Provide well water testing service to public. Assign lab results to well record in County Well Index.
   b) Coordinate a network of citizen volunteers to sample their wells over a long period of time to determine trends.

3. Surface Water Monitoring: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):

a) Maintain network of volunteer stream monitors to collect turbidity tube measurements and macroinvertabrate samples.
b) Maintain existing automatic sampling station.

4. Education and Technical Assistance: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   a) Annually summarize drinking water quality conditions per aquifer and report to local elected officials, state agencies, and public.
   b) Annually summarize surface water quality conditions per watershed and report to local elected officials, state agencies, and public.
   c) Distribute at least 6 "news releases" per year to all local newspapers.
   d) Support SWCD's long-standing annual "conservation lesson" for middle school students.
   e) Annually advertise in local newspaper or through direct mailings, a summary of regulations related to water and waste management.
   f) Annually advertise in local newspaper or through direct mailings, a summary of local services related to water management including technical and financial assistance.
   g) Provide technical assistance upon request for information related to existing regulation and incentive programs.
   h) Create, update, and make available to public; brochures and publications related to water management.
   i) Include information on the County's Web Page.
   j) Support and encourage enrollment in all land set-aside programs that help implement the objectives of the Water Management Plan including, but not limited to, CRP, CREP, RIM, WRP, CSP, etc....
   k) Inform all landowners and contractors of the important functions of wetlands. Also provide information and technical assistance that helps landowners recognize wetlands, how to protect them and how to restore them.

5. Financial Assistance: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   a) Provide opportunity for landowners to obtain an AgBMP Loan.
   b) Provide opportunity for landowners to obtain a grant from the County's Environmental Trust Fund for actions that are consistent with the objectives of the Water Management Plan.
   c) Provide opportunity of well owners to receive a free water testing kit if the well is sensitive to contamination or the well owner is pregnant or has an infant.

6. Regulation, Ordinance, Planning: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   a) Implement the County's Water Management Plan, Comprehensive Land Use Plan, and Solid Waste Management Plan and enforce related ordinance. Existing regulations include: individual sewage treatment systems, wetlands, shoreland, floodplains, storm water, waste disposal, recycling, feedlots, contaminated soil,

and land use (zoning). Current enforcement level is primarily reactionary; triggered by permit requests or by complaints.

b) Regularly update plans and ordinances.
c) Propose a county-wide policy that defines the county's position and responsibility for stormwater flow management in the context of an entire watershed. In other words, define what the county's role is in reducing impacts of flash floods and sedimentation affecting downstream neighbors.
d) As time allows, assist local governments implement similar regulations.

7. Administration and Coordination: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   a) The County will carry-out the Local Water Management Plan including annual activity planning, staffing, contracting, and reporting.
   b) The County will collaborate with partners to reach shared goals and objectives. Partners include Federal Agencies, State Agencies, Soil and Water Conservation District, Local Governments, Joint Powers Boards, not for profit organizations, businesses, and individuals. When possible the County will jointly work on "accessory activities" as outlined below:

Accessory Activities: Successful implementation of the following actions is largely dependent on new sources of technical and financial assistance. The county will pursue private, non-profit, and government partners to share in the cost and implementation of accessory activities including:

1. Inventory and Mapping: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   a) Obtain annual aerial photographs at a scale that will improve accuracy of inventories and improve ability to educate public, provide technical assistance and enforce regulations.
   b) Make Environmental Atlas an interactive product on internet that allows user to overlay multiple themes and analyze data.
   c) Seek out and actively participate in research studies which seek to clarify information relating to pollutant transport, ground water sensitivity, surface water conditions and health risk.
   d) Map and Inventory condition of existing buffers on Protected Waters.
   e) Update Feedlot Inventory.
   f) Inventory of unique, rare, and endangered natural habitat.
   g) Compile flood damage information.
   h) Identify primary sources of soil erosion at a sub watershed scale and calculate amount of soil lost to streams.

2. Groundwater Monitoring: (These activities support all "Priority Concerns" and all "Water Management Plan Objectives"):

a) Regularly obtain (and pay for) groundwater samples from a network of drinking water wells to provide baseline and long-term trends of water quality in primary aquifers.
b) Seek out and actively participate in research studies which seek to clarify information relating to pollutant transport, ground water sensitivity, and health risk.
c) Gain more information about potential risks from manure storage basins; earthen and concrete construction.
d) Study soil sampling protocol to help define opportunities for improving use of soil testing data by landowners.

3. Surface Water Monitoring: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   a) Continue to monitor Salem Creek (impaired water) for fecal coliform bacteria and assist landowners in evaluating options to reduce fecal contributions including feedlot runoff, manure land spreading, and septic systems.
   b) Expand the number volunteer stream monitors to accurately judge conditions of all sub watersheds.
   c) Install and operate continuous flow meters on primary river segments.
   d) Expand the sampling program to a point when one or two water quality parameters can be recognized by the general public as indicators of water quality and the conditions that lead to said quality.
   e) Seek out and actively participate in research studies which seek to clarify information relating to pollutant transport, surface water conditions, and health risk.
   f) Demonstrate soil erosion control features at farm scale.

4. Education and Technical Assistance: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   a) Support cooperative education efforts to promote Agricultural BMP's including, but not limited to: nutrient management (including reduction in fall application of nitrogen), buffers for protected waters and sensitive features like sinkholes, soil testing, pesticide application, etc…
   b) Inform all citizens of the importance of sealing unused wells.
   c) Demonstrate options for treatment of milkhouse waste.
   d) Assist municipalities to develop and enforce a Shoreland Overlay Zoning District, Stormwater Management Plans, and Wellhead Protection Plans.
   e) Lead the effort to write a plan with goal to repair all failing septic systems. Par of the plan should be education and incentives to encourage homeowners to voluntarily repair their failing septic systems. Education should include information about the risks of a failing system, how to recognize a failing system, how to repair it, and where to get financial assistance. The education should include a comparison of the "facts vs. myths" regarding mound type individual sewage treatment systems.

f) Lead a demonstration of Stormwater Management techniques, conducted on a "farm scale" or construction site, that illustrate methods to retain and treat storm water runoff including wetland restoration.

5. Financial Assistance: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
In addition to existing grant and loan programs, seek opportunities for financial assistance for activities such as:
   a) Grants to feedlot owners to fix physical conditions that pose a pollution potential.
   b) Low interest loans for replacing septic systems. The loan payback system should include an option for a special assessment payable on the property tax statement.
   c) Grants to landowner who seek to restore wetlands

6. Regulation, Ordinance, Planning: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   a) Implement the South Zumbro Watershed Storm Water and Capital Improvement Plan.
   b) Adopt a policy and process that supports full enforcement of MN Rule 7020 including: regularly verifying that Manure Management Plans are properly implemented, regularly inspecting feedlots for compliance, and enforcing Open Lot Agreements. Inspections should occur on 20% of the feedlots each year. Enforcement policy should include easily administered penalties for violations.
   c) Adopt a policy and process that supports full enforcement of stormwater management and erosion control standards including standards found in the Zoning Ordinance and construction stormwater permits.
   d) Encourage growth in or near the cities, utilizing city services. Discourage expansion of the designated Urban Expansion District (2005 Zoning Ordinance) prior to completion or full development within the current boundary.
   e) Discourage large-lot rural housing outside the Urban Expansion District. Encourage cluster, low impact development with associated open space where rural subdivisions are allowed.
   f) Support efforts to protect unique natural resources and open space.
   g) Support efforts to sunset old plats in rural areas that have not been developed (see Goodhue Co. as example).
   h) Lead in the implementation of a system that tracks compliance with septic system maintenance standards and regularly notifies the owner when maintenance is due.
   i) Evaluate the pros and cons of a "soil loss ordinance"; consider options for implementation in the county.
   j) Require landowners to be in compliance with all regulations as a condition of approval of any zoning permit (even regulations unrelated to the permit request; for example....proof of compliance with shoreland buffer standards on all land before a zoning permit for a structure is approved.)

7. Administration and Coordination: (*These activities support all "Priority Concerns" and all "Water Management Plan Objectives"*):
   a) The County will collaborate with partners to reach shared goals and objectives. Partners include Soil and Water Conservation District Federal Agencies, State Agencies, Local Governments, Joint Powers Boards, not for profit organizations, businesses, and individuals.
   b) The county, when practical, will develop work plans for completing accessory actions and apply for grants to complete the work plans.

Minnesota Board of Water & Soil Resources

Date: July 21, 2006
To: Jeff Nielsen
From: David Sill

RE: Review of Murray County Priority Concerns Scoping Document

Murray County has submitted their Priority Concerns Scoping Document (PCSD) for the 2006 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on June 19, 2006.

State agency comments have been received from the Minnesota Department of Agriculture (MDA), Minnesota Pollution Control Agency (MPCA), and Minnesota Department of Natural Resources (DNR). MDA concurred with the priority concerns identified and noted that they felt the process to identify the concerns was commendable. MPCA concurred with the priority concerns identified and highlighted a PCA data source regarding surface water monitoring information for the County's use. The DNR also commended the PCSD process that was completed but recommends that the Lake Shetek watershed, including Lake Maria should be added as a priority area. I agree with this recommendation and believe the county will fully support this. No comments on the completed PCSD have been received from the Minnesota Department of Health (MDH), or Environmental Quality Board (EQB). (It should be noted that the MDH and other local stakeholders did participate by providing comments and assistance early in the PCSD development process.)

In addition to the state agencies mentioned above – the priority concerns were developed from a public survey, the Murray County Water Plan Task Force, and public meeting. Representing BWSR staff, I have completed my review of the Priority Concerns Scoping Document for Murray County and recommend that BWSR concur with the priority concerns identified:

1. Stormwater Retention
2. Improve Surface Water Quality
3. Protect Groundwater

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 507-537-6374, or david.sill@bwsr.state.mn.us

c: Chris Hansen, Murray County Environmental Office

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) 828-2385
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) 296-5767
fax (651) 297-5615

August 24, 2006

Murray County Commissioners
c/o Chris Hansen
Murray County Environmental Services
P.O. Box 57
Slayton, MN 56172

RE: Official Comments Pertaining to the State Review of the Murray County Priority Concerns Scoping Document for the Local Water Management Plan Update

Draft

Dear Murray County Commissioners:

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the official comments of the State of Minnesota pertaining to the priority concerns Murray County has chosen to address in the update of the Murray County Comprehensive Local Water Management (CLWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Murray County Priority Concerns Scoping Document (PCSD) on June 19, 2006.

The Murray County Water Planning Advisory Committee reviewed the concerns raised during the input process and selected the following general priority concerns for inclusion in the CLWM Plan update.

1. Storm Water Retention
2. Improve Surface Water Quality
3. Protect Groundwater

The BWSR southern water planning review committee (hereinafter referred to as Committee) met on August 9, 2006, to discuss comments received from state review agencies and others, discuss the content of the Murray County PCSD, and make recommendations for the content of the final plan.

The BWSR received comments from BWSR staff, the Department of Agriculture (MDA), the Pollution Control Agency (MPCA), and the Department of Natural Resources (DNR). The Department of Health (MDH) and the Environmental Quality Board (EQB) did not provide comments on the PCSD.

The MDA commented that the process to identify priority concerns was adequate and concurred with the priority concerns identified. MPCA also concurred with the priority concerns identified and highlighted a PCA data source regarding surface water monitoring information for the County's use. The DNR also commended the priority concerns process completed and strongly recommended, but does not require, the following revision. DNR believes that the regional recreational and economic importance of the Lake Shetek watershed, including Lake Maria, should elevate it to a priority area in the County local water plan. The BWSR agreed with the priority concerns.

The Committee commends Murray 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 three priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate with the addition that the Lake Shetek watershed, including Lake Maria is identified as a priority watershed area.

In summary, the Board encourages the County to continue to engage in a process that includes a broad range of citizens and interest groups, in addition to local government officials, and state and federal resource managers during the development of goals, objectives, and an implementation plan. We look forward to the completion of your plan and its implementation!

Sincerely,

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

c: Becky Balk, MDA
John Wells, EQB
Art Persons, MDH
Cheryl Heide, DNR
David L. Johnson, MPCA
Dan Wilson, MDH
Dana Allen, BWSR Board
Brian Kletscher, BWSR Board
Paul Langseth, BWSR Board
Jeff Nielson, BWSR Southern Region Supervisor
David Sill, Board Conservationist

Draft

June 19, 2006

Mr. Scott Golberg
Environmental Services Director
Steele County Environmental Services
P.O. Box 890
Owatonna, MN 55060

Dear Mr. Golberg:

As a member of the field staff of the Minnesota Board of Water and Soils Resources (BWSR), I have reviewed the Steele County Priority Concerns Scoping Document (PCSD) and have the following comments.

The priority concerns were developed with input developed from widely distributed questionnaires, the Steele County Water Plan Review Committee, and a public meeting.

The priority concerns identified in the PCSD reflect the input received during the development process. The concerns are specific and clear.

The PCSD includes all the issues that would be of specific interest to BWSR staff.

The Steele County PCSD is based on public input and will serve well as the base for the Steele County Water Management Plan update. I look forward to working with you in the plan development and approval phases of the update process.

These comments will be included with other agency comments in the review and approval process of the BWSR Southern Water Planning Committee.

Sincerely,

Dave Peterson
Board Conservationist

c: Jeff Nielsen, Regional Supervisor
BWSR, New Ulm

August 24, 2006

Steele County Commissioners
c/o Scott Golberg, Environmental Services Director
Steele County Environmental Service
P.O. Box 890
Owatonna, MN 55060

Dear Steele County Commissioners:

RE: Official Comments Pertaining to the State Review of the Steele 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 Steele 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 Steele County Priority Concerns Scoping Document (PCSD) on June 6, 2006.

Steele County has reviewed the identified concerns raised during the public input process and from comments received from the Minnesota Pollution Control Agency and the BWSR. Steele County selected the following priority concerns for inclusion in the update of the LWM Plan:

1. Soil erosion carrying pollutants into surface waters.
2. Sewage from rural septic systems that drain to field tile, ditches, streams or rivers.
3. Chemicals from urban streets and storm sewers flowing into rivers and streams.
4. Fertilizers and pesticides from agricultural fields flowing into rivers and streams.
5. Land applied manure and manure runoff from animal feedlots flowing into rivers and streams.
6. Chemicals from buried waste and open dumps on private land seeping into drinking water.

Agency comments on the PCSD were received from the Department of Agriculture (MDA), the Department of Natural Resources (DNR), Pollution Control Agency (MPCA), and BWSR. No comments were received from the Environmental Quality Board (EQB) or the Department of Health (MDH).

The MDA strongly recommended that the LWM Plan identify fertilizers and pesticides seeping into drinking water and running into surface waters. Fertilizer and pesticide inputs to surface waters are included in priority concern number 4. Fertilizers and pesticides from agricultural fields seeping into drinking water is listed as a priority concern that would not be addressed in the Plan (number 3) due to limited resources.

DNR strongly recommended the inclusion of a priority concern for loss of natural vegetation. Loss of natural vegetation and habitat is listed as a concern that would not be included in the plan (number 6) due to limited resources.

MPCA strongly recommended the inclusion of impaired waters and TMDL process be included in the priority concerns, but did not require the inclusion in the priority concerns. Water bodies in Steele County are listed on 2006 impaired waters for turbidity. Priority concern number one does include soil erosion carrying pollutants into surface waters.

BWSR comments stated the priority concerns included issues of specific interest to the BWSR and recommended adoption.

The BWSR southern region water planning review committee (hereinafter referred to as Committee) met on August 9, 2006, 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 concerns. 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,

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

c: Becky Balk, MDA
John Wells, EQB
Art Persons, MDH
Cheryl Heide, DNR
David L. Johnson, MPCA
Dan Wilson, MDH – BWSR Board
Dana Allen, BWSR Board
Brian Kletscher, BWSR Board
Paul Langseth, BWSR Board
Jeff Nielsen, BWSR Southern Region Supervisor
Dave Peterson, Board Conservationist

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

In the Matter of Extending the Local Water Management Plan for Brown County (Chapter 103B.401-408 authorizing BWSR to grant extensions)

ORDER EXTENDING WATER MANAGEMENT PLAN

Whereas, the Brown County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until December 31, 2006, pursuant to M.S. 1990.301; and

Whereas, the Board has authorization to grant extensions pursuant to Minnesota Statutes 103B.401-408.

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

FINDINGS OF FACT

On June 27, 2006, the Minnesota Board of Water and Soil Resources received a resolution from Brown County requesting a two-year extension of their Plan. The primary reason for the extension request is changes in staff and responsibilities for the water management program, which has slowed the current revision process.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Water Management Plan of Brown County pursuant to Minnesota Statutes, 103B.401-408.

ORDER

The Board hereby approves the extension of the Brown County Comprehensive Water Management Plan until December 31, 2008. Dated at Fairmont, Minnesota, this twenty-fourth day of August 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Resolution No. 2006-19

RESOLUTION AUTHORIZING EXTENSION OF THE BROWN COUNTY COMPREHENSIVE WATER MANAGEMENT PLAN

The following Resolution was offered by Commissioner Berg and moved for adoption at a Regular Meeting held on June 27, 2006 at the Brown County Courthouse, New Ulm, MN:

WHEREAS, 1995 amendments to Minnesota Statutes, Chapter 103B.301, Comprehensive Local Water Management Act, gave the Minnesota Board of Water and Soil Resources authority to extend the ending date of local water plans for a period not to exceed two years, and

WHEREAS, Changes in staff and responsibilities for the Water Management program have slowed the current revision process, and

WHEREAS, Brown County assures continued effort towards completion of the Comprehensive Local Water Plan revision, and

WHEREAS, Brown County will not order or commence any project using the authorities under 103B.331 subd 3 and 4 until completion of the Comprehensive Local Water Management Plan revision.

NOW, THEREFORE, BE IT RESOLVED that the Brown County Board of Commissioners requests from the Board of Water and Soil Resources a two year extension of their existing local water plan to December 31, 2008 in order to complete the revision process.

Seconded by Commissioner Lochner and the same being put to a vote was duly carried. This Resolution shall become effective immediately and without publication.

Adopted by the following vote: Ayes 5 Nays 0
Dated this 27th day of June, 2006.

Chairman, Brown County

ATTEST:
Administrator, Brown County

CERTIFICATION

State of Minnesota)
County of Brown)

I, Charles Enter, duly appointed, qualified and acting County Administrator for the County of Brown, State of Minnesota, do hereby certify that I have compared the foregoing copy of a Resolution with the original minutes of the proceedings of the Board of County Commissioners, Brown County, Minnesota, at their session held on the 27th day of June, 2006, now on file in my office, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at New Ulm, Minnesota, this 27th day of June, 2006.

County Administrator

res062706b.doc

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Itasca County Priority Concerns Scoping Document - *DECISION ITEM*

Minnesota Board of Water & Soil Resources

1601 Minnesota Drive. Brainerd. MN 56401-3971

DATE: August 1, 2006

TO: BWSR Northern Plan Review Subcommittee

FROM: Dan Steward, Board Conservationist

SUBJECT: Review of the Itasca County Priority Concerns Scoping Document (PCSD)

The original Itasca County Local Water Management Plan (LWMP) was approved in 1990. The original plan was updated in 1996, and again in 2002. Itasca County's current or third generation LWMP will expire on March 26, 2007. The county is proceeding on a tight timeline as they work to update the plan without an extension.

Since the inception of the LWMP in Itasca County, the County Board has delegated implementation of the program to the Itasca SWCD.

On February 28, 2006, the Itasca County Board of Commissioners passed a resolution to update the Comprehensive Local Water Management Plan.

On June 5, 2006, Itasca County submitted their Priority Concerns Scoping Document (PCSD) for review. The attached Itasca County PCSD identifies the following priority concerns, and proposes the update be focused on these water management issues:

1. Surface Water Quality
2. Land Use and Development
3. Ground Water Quality
4. Septic Systems
5. Fish and Wildlife Habitat
6. Education

The County used the following process to develop the PCSD:

- March 21, 2006, Water Plan Implementation Committee meetings for the update begin.
- March 23, 2006, Outreach mailings sent to 37 Lake and River Associations.
- March 24, 2006, Outreach mailings sent to 42 organized townships and 10 municipalities.
- March 27, 2006, Outreach mailings sent to 5 adjacent counties and 8 state agencies.
- May 16, 2006, Water Plan Implementation Committee meeting.
- June 12, 2006, Requested input at the Association of Organized Townships meeting.
- June 27, 2006, Public informational meeting held at Max.
- June 28, 2006, Public informational meeting held at Marcell.

- July 5, 2006, Public informational meeting held at the Wabana Town Hall.
- July 12, 2006, Public informational meeting held at the Harris Town Hall.
- July 18, 2006, Water Plan Implementation Committee 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 database.
- PCA: Impaired waters / Total maximum daily loads, Rainy River and Upper Mississippi River Basin goals and objectives, Little Fork/Big Fork paired watershed study.
- BWSR: Riparian area development and water quality, Erosion control in developing areas throughout the county, Forest Land conversion and water quality impacts.
- DNR: Non-point pollution, deteriorating fisheries, construction site erosion, stormwater, septics, municipal wastewater, mining impacts, stream stability, wetlands, surface water use, access roads, loss of habitat and other issues.
- MDA: No priority concerns were submitted.

On June 5, 2006 the PCSD was sent to the required state agencies for review. Agencies were asked to send comments to Ron Shelito by July 5. The following agency comments were received:

- June 6, 2006. The MDA in its comments on the PCSD concurred with the priority concerns listed. The MDA also commended the county for the process used to identify the priority concerns.
- July 3, 2006. The MPCA in its comments on the PCSD concurred with the priority concerns listed. MPCA noted that the number of concerns might make it difficult to develop detailed goals, objectives, strategies and projects, and specificity for implementation. If the SWCD provides more focus as the plan is developed, this issue can be avoided.
- July 5, 2006. The MDH in its comments on the PCSD concurred with the priority concerns listed, and commended the county on the process used to identify the concerns. The MDH included a list of active wellhead protection planning projects in the county. The MDH also encouraged the county to explore opportunities to collaborate on groundwater protection initiatives.
- July 26, 2006. The DNR in its comments on the PCSD stated that the list of priorities generally includes those submitted by the agency. The DNR commented on the general nature of the list and suggested the county use the more specific comments submitted when developing the plan.

BWSR staff attended three WPIC meetings related to the update. Itasca County received input from DNR, MPCA and BWSR recommending they narrow the focus of the concerns in order to make the plan easier to implement. On August 2, 2006, I received an amended list of priority concerns from the county. The county has retained the same six priority concerns, but has added language under each of the six concerns to further define the concerns and sharpen the focus of the plan.

After reviewing the PCSD submitted by Itasca County, I conclude that the guidance requirements have been met in general. The broad nature of the PCSD is not unlike those of other counties. The county has made an attempt to add specificity to the PCSD, and address the issue raised by the agencies. I recommend the committee discuss the broad nature of the priority concerns with the county, and encourage them to further define the county's water management agenda, in order to help the county develop a plan with more definable outcomes. Itasca County has developed an outstanding record with its local water management program over the past 15 years. The PCSD should provide the county with a framework to continue its strong program. I recommend the subcommittee approve the PCSD for Itasca County.

August 23, 2006

DRAFT

Itasca County Commissioners
C/O Jim Gustafson, Itasca County Soil and Water Conservation District
1889 E. Highway 2
Grand Rapids, MN. 55744

RE: Official Comments pertaining to the State Review of the Itasca County Priority Concerns Scoping Document

Dear Itasca County Commissioners:

Pursuant to M. S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Itasca 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 Itasca County Priority Concerns Scoping Document (PCSD) on June 5, 2006, and asked comments be sent by July 5, 2006, to Ron Shelito, BWSR Regional Supervisor.

Several water resources concerns were submitted to the Itasca Water Plan Implementation Committee (WPIC). Many of these concerns had similar themes which allowed the Implementation Committee to arrange them into the following priority concerns that will be addressed in the Water Plan Revision.

1. Surface Water Quality
2. Land Use and Development
3. Ground Water Quality
4. Septic Systems
5. Fish and Wildlife Habitat
6. Education

The MDA, MPCA, and DNR in their comments, concurred with the priority concerns identified. The MPCA and the DNR encouraged the county to consider narrowing or focusing the identified concerns to make the plan easier to implement.

On August 16, 2006, the Northern Regional Water Resources Subcommittee (subcommittee) met with the Itasca County/SWCD representatives to discuss Local Water Management activities within Itasca County, the process used to gather public input, the content of the PCSD, the state review agency comments and recommendations for the content of the final plan.

Based on the subcommittee's recommendations, the Board of Water and Soil Resources commends Itasca County for the process used to select the concerns. .....

Sincerely,

Randy Kramer,
Chair, Board of Water and Soil Resources

C; Dan Steward, BWSR
Ron Shelito, BWSR
Wayne Edgerton, DNR
Lisa Thorvig, MPCA
Matt Drewitz, MDA
John Wells, EQB
Art Persons, MDA
Jim Wesloh, DNR

OLD BUSINESS

1. Big Fish Lake Update – Ron Shelito - *INFORMATION ITEM*

Minnesota Board of Water & Soil Resources

1601 Minnesota Dr, Brainerd, Minnesota 56401

DATE: August 11, 2006

To: Chairman Kramer, BWSR

From: Ron Shelito, North Region Supervisor

RE: Big Fish Lake

At the direction of the Board, Jason Weinerman and myself facilitated a meeting to discuss the water quality issues surrounding the township alleyway on the east side of Big Fish Lake in Collegeville Township, Stearns County. The meeting was held on the evening of August 2nd and was attending by an audience that represented most of the interested parties including:

-BWSR	-DNR	-MPCA
-Stearns County Commission	-Stearns SWCD	-Sauk River Watershed Dist.
-Stearns Co. Enviro. Serv.	-Collegeville Township	-MCEA
-Big Fish Lake Association	-Mary Peters Schramel	-Lake homeowners

I opened the meeting at 4:35 p.m. and explained the purpose of the meeting, which was to "focus on addressing water quality concerns arising from the alleyway in question and to develop management recommendations to mitigate these concerns." This was followed by the establishment of some ground rules to ensure the meeting progressed with all parties showing respect and consideration for the process and each other. The attendees were then asked to introduce themselves and identify which group they represented. The registration sheet showed 31 names but I believe there was closer to 40 people in attendance.

Following the introductions, I turned the meeting over to Mary Peters-Schramel to present some background and identify her resource concerns as a landowner adjacent to the alleyway. Mary and I had discussed her role in the meeting the day before in a phone conversation that I initiated. The MPCA followed Mrs. Peters-Schramel's presentation with a discussion of the historic water quality monitoring on the lake. MPCA noted that the transparency readings, as measured by over 20 years of secchi disk readings, indicated a trend of improved readings over time. There has also been a Lake Assessment study and a Cleanwater Partnership Diagnostic study conducted on Big Fish Lake indicating overall good health. The lake has been widely characterized as one of the healthiest lakes in the county with no major impairments.

After the MPCA concluded their discussion, I opened the floor to further discussion of resource concerns related to the alleyway. We then spent time taking comments on real or perceived damage to the alleyway wetland, runoff through the alleyway from farm land in the watershed, destruction of vegetation in the alleyway, spring runoff issues in the alleyway, destruction of the ice ridge, and access issues related to the alleyway.

I stopped the discussion on resource concerns after about 45 minutes and suggested to the group that it was time to focus on what to do about the stated concerns, more specifically what could be done to control any water quality impacts to Big Fish Lake attributed to the alleyway.

The discussion focused on the feasibility of the Wilkinson engineering plan. The Wilkinson plan has been floated as a solution since I believe 1995. Another plan that was mentioned was the Schmidtz plan. The group debated the merits and made suggested changes to the Wilkinson plan and arrived at tentative consensus on the following management activities:

- Restore the ice ridge on the alleyway in such a way as to not prohibit snowmobile or 4-wheeler use to load and unload ice houses from the lake.
- Restore the ice ridge and repair the gully on the adjacent Carlson property.
- Install a stand-pipe or other water retention structure on east side of Hidden Cover Road to slow overland flow and settle sediments during high runoff events.
- Encourage the implementation of Ag. BMPs in the upper watershed.
- Restrict alleyway access to foot traffic during periods when the ground is not frozen.
- Develop a vegetation management plan that allows ATV and snowmobile access but may improve stability and sediment trapping and addresses repairing any damage due to future events.
- Monitor the use of the alleyway for 1-2 years to determine actual use and impact.
- Restrict use of riprap on the shoreline of the alleyway.

Most of the group appeared to believe that these recommendations are doable. Mr. Carlson stated that he was agreeable to doing a project on his property and the township officials indicated that the landowner across the road had indicated some willingness to cooperate in the past. I asked the group if this modified project plan was worth moving forward and having a small group of people work out the details. There were many heads nodding and people saying yes. I must admit that there were some key people in the crowd who were being quiet at this point.

I then suggested to the group that BWSR, specifically Jason, take the lead in pulling together a small group of resource professionals including the Stearns SWCD, Sauk River WD, Stearns Environmental Services, MPCA, and DNR to flesh out the details of the modified plan agreed to at the meeting. This group will meet ASAP to determine technical criteria and financial assistance options. Representatives will then meet with the township and affected landowners to get their agreement to implement the project(s). The SWCD, WD, or County will take the lead at this point. Much of this plan has been proposed and agreed to before, but was held up by the debate over access issues. It is our hope that the township and landowners can agree to the modifications clearing the way for project implementation.

A meeting has been scheduled for August 25, 2006 with Stearns SWCD, Stearns Environmental Services, and BWSR. At this point MPCA, DNR, and Sauk River WD have been invited but not confirmed.

Final comments. This alleyway has a long and emotional history as evidenced by the timeline submitted with this letter. Local and state resource agencies have worked with local landowners and the township to seek resolution at many points since this issue first surfaced in 1992. Available water quality information is inconclusive whether the alleyway even has a significant detrimental affect on Big Fish Lake. I believe that this effort to implement a modified Wilkinson plan should represent the state's final role in this alleyway issue. This plan proposes a fix to the perceived water quality impacts from the alleyway. We will work with the local governments and landowners to get the plan implemented. However, if the access issue continues to hamper the ability to implement a sound water quality protection plan, then I believe BWSR should respectfully back away from this issue, for good.

Chairman Kramer, I will keep you informed as to the results of the scheduled August 25th meeting and subsequent implementation activities.

C: Ron Harnack

Big Fish Lake Alleyway Timeline

Year	Activity
1923	Simons Family plats parcel and dedicates "all streets, avenues, alleys, lanes or parks…to the public for use as such forever."
1992	• J. Peters, D. Peters, and E. Carlson submit petition to vacate alleyway and split parcel between two landowners • Collegeville Township accepts responsibility for the maintenance of the alleyway • Township removes two trees and portion of ice ridge • Court issues findings of fact that Township acted within current laws and regulations • Stearns SWCD delineates wetland and identifies as Type I, Bottomland Hardwod, finds no Wetland Conservation Act (WCA)Violation • Keith Grow (BWSR) concurs with Stearns SWCD that no WCA violation has occurred
1993	• Township notified of need to control erosion resulting in removal of ice ridge • Township notifies county of intent to turn alley into access • MPCA inspects site and finds no potential for runoff from nearby farm/feedlot
1994	• MPCA finds no merit to complaint of feedlot drainage from farm/feedlot • Peters contacts BWSR to restore wetland, BWSR responds that it has no authority unless a violation has occurred • SCS provides Township with a plan for management of alleyway including: o No further erosion control measures needed o Leave a minimum of 4 inch high stubble o Restrict traffic during frost free periods o Perform annual inspections and repair any damage o No pesticide use • Peterses asks county to address violations of Shoreland Ordinance and WCA. County, BWSR, DNR, Stearns SWCD and SCS find regulations have been properly applied
1995	• DNR commissioner informs P. Fandel that all local judicial and regulatory processes were followed • K. Lakkesmoe responds to complaint from Sauk River WD (B. Mostad) about water quality with a finding that the DNR has no authority in matter • MPCA declares it has no authority to require restoration of alleyway • Stearns SWCD passes motion prohibiting staff from providing assistance on "alleyway"
1996	• P. Fandel asks county to direct Sauk River WD to restore ice ridge • Stearns County environmental staff meets with County attorney and conclude there is no violation of

Big Fish Lake Alleyway Timeline

	Shoreland Management Act and restoring the ice ridge is not needed • Environmental Quality Board finds that alley does not fall under the scope of Environmental Review Program and does not need an EA worksheet • Holding pond proposed east of Hidden Cover, project stopped by lawsuit filed by Peterses on behalf of 117 petitioners • BWSR is presented with request from Big Fish Lake Sportsmen's Club to conduct following practices: o Install riser on east side of culvert o Install berm to replace ice ridge • BWSR states it has no responsibility to limit access
1997	• BWSR encourages Peters to work with Sauk River WD to install practices identified in 1995 • State Rep. S. Dehler submits bill to require to facilitate action to improve water quality. Withdraws support for bill
1999-2001	• Sauk River WD prepares Diagnostic Report
2000	• R. Harnack (BWSR) informs Peters that further meetings would be unlikely to produce results and BWSR staff will rely on LGUs to provide further assistance
2006	• Peterses appears before BWSR asking for assistance • Board directs staff to re-explore issue • BWSR staff contact DNR, MPCA, SWCD, Sauk River WD, and Stearns County to determine if any progress has occurred • June 9 TWSP meeting where 3 management activities were identified to address water quality concerns o Stand pipe on east side of culvert on Hidden Cove Road to reduce high flow runoff o Restoration of drainageway north of alleyway to stabilize area o Raise ice ridge on alley 6-12 inches • BWSR facilitates Aug 2 meeting of interested parties in an attempt to reach a consensus on project implementation to improve water quality

Big Fish Lake Alleyway Evaluation

(May 2006)

Prepared by:
Jason Weinerman
Board Conservationist
Board of Water and Soil Resources
217 7th. St. South
Brainerd, MN 56401
218-828-6045
jason.weinerman@bwsr.state.mn.us

Background

Big Fish Lake is located in Stearns County five miles north of the city of Cold Spring. The lake is 558 acres in size and covers a fairly small watershed. The majority of the watershed is forested with scattered farm fields and pasturelands located in the watershed. The forested nature of the land makes it valuable for development and the homes around the eastern shore of Big Fish Lake are on some particularly prized land in the county.

The alleyway in question lies on the eastern side of Big Fish Lake and is a 20 foot wide platted access to the lake that is maintained by Collegeville Township.

Water Quality

The Sauk River Watershed District conducted a diagnostic survey in 1999-2001 and the survey found that, in terms of water quality, Big Fish Lake has some of the best water quality in the county. The Lake has had secchi disk readings that go back to 1985, which show that over the past 20 years the lake has had improved readings on a long term basis. The survey identified the small nature of the watershed, the relatively low level of development and the lack of cultivated land all contribute to the high water quality in the lake.

While the water quality is good, the survey identified several threats from surface and ground water features. Increasing development has resulted in more impervious services, removal of natural vegetation on the shoreline and use of lawn fertilizers all have the potential to negatively effect water quality. The increasing number of septic systems have the potential to leak effluent, which may enter the lake through ground water.

Current Status

On May 24, 2006, Jason Weinerman (BWSR), Dennis Fuchs (Stearns County SWCD) and Lynn Nelson (Sauk River Watershed District) performed a site inspection of the alleyway in question, the surrounding land and land uses, and adjacent properties to evaluate the current status of the site and document any concerns. The following topics identify the land use issues surrounding the alleyway.

Alleyway

The alleyway was inspected from the road and the current status was documented with photographs (figure 1). The alleyway appears to be well vegetated and stable although there may be a wet spot in the middle. There does not appear to be any rutting, gullying or other evidence of erosion. The site appears to be mowed periodically but there is enough residual height to slow surface runoff. The township has signed the alleyway as an access point for snowmobiles and ATVs but usage appears to be light. The signage is subtle and is easily missed by the casual passerby.

Across the road from the alleyway is a private access from an adjacent landowner (figure 2). As with the alleyway, this access is well vegetated with no erosion evident. During

onsite discussions, it was noted that the landowner to gain access to the township alleyway uses this private access.

Adjacent Agricultural Land Uses

A portion of the area upland of the alleyway is used for agricultural production. There are two active crop fields and a livestock facility.

Crop Fields

There are two upland crop fields in the vicinity of the alleyway. During the drive by inspection, these fields were tilled and planted to crop (figure 3 and 4). The fields in question were stable during the inspection with no sign of erosion. In addition, the producer is using reduced tillage and leaving residue on the site to reduce erosion potential.

During discussions with the Ms. Nelson and Mr. Fuchs, it was noted that these fields are well maintained and have had minimal erosion in the past. The producer is conscientious and practices good conservation taking care that his land does not contribute significant pollution to Big Fish Lake.

Livestock Facilities

The upland livestock facilities (figure 5) are small in size and consist of fewer than 8 cattle at any given time. The producer maintains the livestock as a side hobby and their impact to the stream is likely minimal. There is a healthy forest and significant grassed area between the livestock facility and the alleyway that provides a buffer and effectively eliminates any waste that may leave the site.

Adjacent Residential Development

The lakeshore property adjacent to the alleyway is developed for residential use. A significant portion of these lots consist of a single family dwelling with a well manicured lawn and an individual septic system. Many of these properties have lawns that are mowed directly to the shore.

The Big Fish Diagnostic Study conducted by the Sauk River Watershed District identified Big Fish Lake as highly susceptible to groundwater contamination. The increase in residential development has resulted in a corresponding increase in septic systems. The survey identifies that a significant portion of the septic systems are either not in compliance with current standards, have not been pumped recently or their owners declined to respond to the status question. With this high proportion of systems in question, groundwater contamination by septic overflow or leakage should be considered as a dominant concern for any loss of water quality.

Conclusions

Big Fish Lake is one of the healthiest lakes in Stearns County in terms of water quality. The lake is maintaining water clarity and its eutrophication status in spite of the increase in residential development along the lakeshore

The alleyway is currently stable and not likely contributing any significant contaminants to the lake. The adjacent agricultural uses also appear to be well buffered and posing a minimal risk of entering the lake through the alleyway.

Figure 1: Alleyway

Figure 2: Private property access

Figure 3: Upland crop field

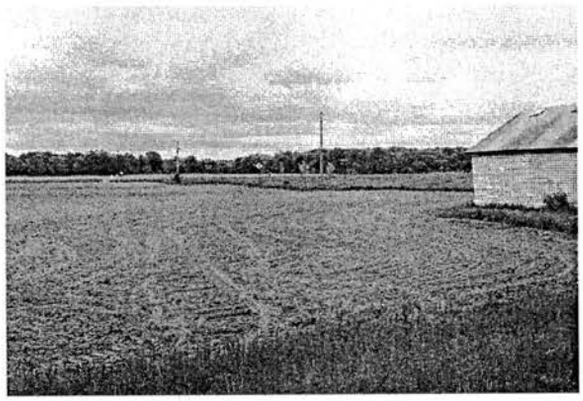


Figure 4: Upland crop field

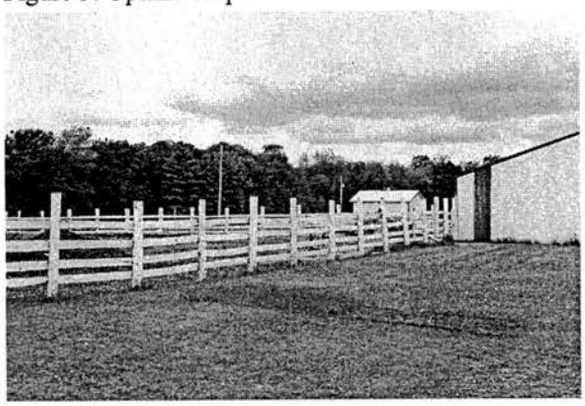


Figure 5: Upland livestock area

DRAFT

WCA Assessment - Exemption Discussion Points
July 26, 2006

BWSR Wetland Committee Recommendations

Wetland Restoration (4)/ Wildlife Habitat Exemptions (10)

Stakeholder Exemption Discussion Point	BWSR Staff Recommendations
1. Require reporting exemptions over current de minimis impacts or require LGU interaction for all	This discussion point affects all exemptions and should be moved to the Overall/General list

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

2. Allow wetlands restored under a contract with a federal or state program (i.e. CRP, Fish and Wildlife Service, etc.) to be eligible for deposit into the wetland bank upon expiration of the contract	This is not an exemption issue and should be addressed as part of the replacement segment of the Assessment.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

3. Require use of the wildlife habitat to specify this as the primary purpose	Language similar to the Forestry exemption exemption should be included; "This exemption is for the primary purpose of improving wildlife habitat."

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

4. Expand TEP to include DNR Wildlife staff	Options: (1) no change to current process (the SWCD or TEP certify the project) (2) develop guidance to encourage the "SWCD to certify the project in consultation with the DNR.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts Option 2 with the clarification the DNR area wildlife manager should be consulted by SWCD's.

5. Give a end date for exemptions; how long after expiration of the contract, and the associated right to drain the restored wetland, does the exemption still apply	Options: (1) no change or (2) a replacement plan will not be required for wetlands drained until 25 years after the contract is signed that provided the right to drain the wetland

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts Option 1 with the addition of recommending conducting a study to determine what happens to wetlands restored under a temporary contract, after the contract expires.

Federal Approvals (3)

Stakeholder Exemption Discussion Point	BWSR Staff Recommendations
1. Statute still holds obsolete language – modernize the statute (federal approvals)	This exemption language should be updated.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation, this is particularly important in conjunction with 2 and 3 below.

2. Define exempt (activities or impacts specifically authorized without regulation or required mitigation) versus non-jurisdictional (activities or impacts are outside the scope of the regulations)	This exemption should be included in a new class of activities, "waivers".

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation, with the clarification that a waiver is to the Corps of Engineers' authority under Section 404 of the Clean Water Act when these regulations meet minimum state standards.

3. Streamline this exemption to provide "Allowed only when U.S. Army Corps of Engineers regulates activity also regulated WCA"	Part A of this exemption should be repealed, "exempting activities that are exempted by the Corps".

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

Utilities; Public Works (6)

Stakeholder Exemption Discussion Point	BWSR Staff Recommendation
1. Define "Public Works"	Staff will develop a draft definition of public works.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation. The draft definition is shown below:

Public works means works, such as water supply systems, wastewater treatment facilities, constructed for public use especially when financed and owned by the government.

2. Consolidate and simplify the exemption	Staff will develop a proposal to simplify the language of this exemption

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation. The draft re-write of this exemption is as follows:

Proposal to consolidate and simplify the utilities/public works exemption.

8420.0122 subpart 6 states: A replacement plan for wetlands is not required for:

A) new placement or maintenance, repair, enhancement or replacement of existing utility or utility-type, service, including pipelines, if:

1) the direct and indirect impacts of the proposed project have been avoided and minimized to the extent possible; and
2) the proposed project significantly modifies or alters less than one-half acre of wetlands;

B) activities associated with operation, routine maintenance or emergency repair of existing utilities and public work structures, including pipelines, provided the activities do not result in additional wetland intrusion, or additional draining or filling of a wetland either wholly or partially; or

1) repair and updating of existing individual sewage treatment systems necessary to comply with local, state and federal regulations.

For maintenance, repair and replacement, the local government unit may issue a seasonal or annual exemption certification or the utility may proceed without local government unit certification if it is carrying out the work according to approved best management practices. Work of an emergency nature may proceed as necessary and any drain or fill activities shall be addressed with the local governmental unit after the emergency work has been completed.

3. Develop BMPs specific to utilities	No change. Current exemption standards require best management practices that addresses this discussion point.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

4. Consider a "general permit" for certain activities.	No change. The implementation of WCA by local governments does not make this a good fit as an administrative tool.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

5. Differentiate between the types of wetland associated with utilities (repair versus new installation, minor versus major new installation)	No change. The current system of impacts regulating wetland impacts works well, added complexity would not add value to the program.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

De Minimis (9)

Stakeholder Exemption Discussion Point	BWSR Staff Recommendations
1. Cap by county or watershed	Options: (1) No Change or (2) This discussion point can be addressed via locally develop wetland or other resource management plan

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts Option 2, with the addition that BWSR will encourage local governments to consider caps as they develop and/or update their plans.

2. Re-define "project"	No Change. The current definition is adequate.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

3. Eliminate eligibility in shore land areas or eliminate expansion in greater than 80% counties to 1,000 square feet	Use of the de minimus exemption should be prohibited within the Shoreland Wetland Protection Zone

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

4. More enforcement	This discussion point is not specific to exemptions and will be addressed during the administration segment of the Assessment.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

5. Require landowner or contractor reporting	This discussion point affects all exemptions and should be moved to the Overall/General list

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

6. Look at the higher end of exemptions	Options: (1) No change in light of #3 or (2) reduce upper end of exemptions by 50% (10,000-5,000; 5,000-2,500; and 2,000-1,000)

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts Option 2.

7. Differentiate exemption application between permanent land use change and other (deer stand)	Options: (1) No change, or (2) combine with #6 by reducing the upper end of the de minimus and only allow use of the de minimus for temporary impacts

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts Option 1.

8. Sequencing at certain level of impact.	Add the requirement to the Scope of Exemption Standards for persons conducting an activity under an exemption to follow avoidance and minimization (page 79 of the rule)

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee does not accept the BWSR staff recommendation.

Incidental Wetlands (5)

Stakeholder Exemption Discussion Point	BWSR Staff Recommendations
1. Time limit, establish duration of wetland by which time exemption would no longer apply	Options: (1) no change or (2) apply the standard from the private drainage exemption (Drainage Exemption D) that if the wetland has been in for more than 25 years the exemption would not apply

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts Option 1.

2. Storm water pond regulatory consistency (if provide mitigation credit then regulate impacts to, and vice versa)	No change, this is already addressed in the rule.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

3. Regulation of ditches in upland areas needs addressed	No change, this is already addressed into be the rule.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

4. Gravel mining – no time limit if resources are not exhausted	This discussion point is addressed under #1, option (2)

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends no change in light of the action taken on 1 above.

5. Define as "No Loss"	No change, this discussion point would result in increased wetland loss.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

Approved Development (8)

Stakeholder Exemption Discussion Point	BWSR Staff Recommendations
1. Find a middle ground to sunset this exemption (5 more years then sunset further application of this provision) 2. Require replacement but no sequencing 3. Combine the above two recommendations 4. Repeal	Options for all exemption discussion points under this exemption: (1) repeal this exemption or (2) sunset this exemption after 5 years while requiring replacement but no sequencing or (3) sunset this exemption after 5 years

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts Option 1.

Forestry (7)

Stakeholder Exemption Discussion Point	BWSR Staff Recommendations
1. Study to identify extent of exemption misuse.	This discussion point will be addressed during the administration segment of the Assessment

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

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2. Put guidance in the Rule.	No change, putting guidance in the rule will reduce programmatic flexibility

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee needs additional information on what is in the guidance and whether or not it is appropriate as guidance, in addition concerns where stated that an administrative law judge may require converting the guidance to rule.

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3. Time Period, examine time period after establishment of forest road and/or before land use change should require wetland mitigation	There should be no time period that triggers replacement, a land use change from forestry at any time should require replacement to preserve the integrity of the exemption.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

4. LGU contact – non-industry landowner education and enforcement issue.	This discussion point is not specific to the exemptions and should be moved to the Overall/General list

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

Agricultural Activities (1)

Stakeholder Exemption Discussion Point	BWSR Staff Recommendations
1. Simplify language – will require all to agree	Staff will draft a proposal to: 1. simplify and update the language of this exemption; 2. establish this exemption as a waiver; and 3. eliminate provisions of the current exemption that allow wetland impacts without Swampbuster coverage.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation as a concept. The draft proposal is shown below:

Waiver of replacement requirement.
The requirement to replace wetland impacts is waived for projects where all wetland impacts are regulated or permitted under a federal or state statute that requires, at a minimum, the replacement ratios as provided by Minnesota Rule 8420.0549.

Subpart 1. United States Department of Agriculture-approved wetland activities. Wetlands activities authorized under the Swampbuster provisions of the federal farm program where all impacts to wetlands are replaced and USDA written documentation eligibility, wetland boundary, wetland impact, and extent of any required mitigation are provided to the LGU upon request.

Subpart 2. Activities authorized under Section 404 of the Clean Water Act [USC Title 33.Section 1344] or Section 10 of the Rivers and Harbors Act 0f 1899 [USC Title 33. Section 403]. Activities covered under this section include wild rice production and aquaculture.

Statute changes that may be needed to establish waiver and eliminate exemptions causing net loss of wetland:

103G.2241 Exemptions.

Subdivision 1. **Agricultural activities.** (a) A replacement plan for wetlands is not required for:

(1) ~~activities in a wetland that was planted with annually seeded crops, was in a crop rotation seeding of pasture grass or legumes, or was required to be set aside to receive price support or other payments under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to January 1, 1991;~~

NOTE: The proposal is to delete this provision as it is covered under the USDA waiver.

~~(2)~~ activities in a wetland that is or has been enrolled in the federal conservation reserve program under United States Code, title 16, section 3831, that:

(i) was planted with annually seeded crops, was in a crop rotation seeding, or was required to be set aside to receive price support or payment under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to being enrolled in the program; and

(ii) has not been restored with assistance from a public or private wetland restoration program;

NOTE: The proposal is to retain this provision as a waiver for land in CRP.

~~(3) activities in a wetland that has received a commenced drainage determination provided for by the federal Food Security Act of 1985, that was made to the county Agricultural Stabilization and Conservation Service office prior to September 19, 1988, and a ruling and any subsequent appeals or reviews have determined that drainage of the wetland had been commenced prior to December 23, 1985;~~

NOTE: The proposal is to delete this provision as it is obsolete.

~~(4) activities in a type 1 wetland on agricultural land, except for bottomland hardwood type 1 wetlands, and activities in a type 2 or type 6 wetland that is less than two acres in size and located on agricultural land;~~

NOTE: The proposal is to delete this provision as it can result in an unregulated wetland loss

(5) ~~aquaculture activities including pond excavation and construction and maintenance of associated access roads and dikes authorized under, and conducted in accordance with, a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, but not including construction or expansion of buildings;~~

NOTE: The proposal is to establish aquaculture as a waiver to section 404 of the Clean Water Act.

~~(6) wild rice production activities, including necessary diking and other activities authorized under a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344;~~

NOTE: The proposal is to establish aquaculture as a waiver to section 404 of the Clean Water Act.

~~(7) normal agricultural practices to control noxious or secondary weeds as defined by rule of the commissioner of agriculture, in accordance with applicable requirements under state and federal law, including established best management practices; and~~

NOTE: The proposal is to delete this provision as it is unnecessary.

~~(8) agricultural activities in a wetland that is on agricultural land:~~
~~(i) annually enrolled in the federal Agriculture Improvement and Reform Act of 1996 and is subject to United States Code, title 16, sections 3821 to 3823, in effect on January 1, 2000; or~~
~~(ii) subject to subsequent federal farm program restrictions that meet minimum state standards under this chapter and sections 103A.202 and 103B.3355 and that have been approved by the Board of Water and Soil Resources, the commissioners of natural resources and agriculture, and the Pollution Control Agency.~~
~~(b) Land enrolled in a federal farm program under paragraph (a), clause (8), is eligible for easement participation for those acres not already compensated under a federal program.~~
~~(c) The exemption under paragraph (a), clause (4), may be expanded to additional acreage, including types 1, 2, and 6 wetlands that are part of a larger wetland system, when the additional acreage is part of a conservation plan approved by the local soil and water conservation district, the additional draining or filling is necessary for efficient operation of the farm, the hydrology of the larger wetland system is not adversely affected, and wetlands other than types 1, 2, and 6 are not drained or filled.~~

NOTE: The proposal is to establish Swampbuster as a waiver.

2. State retain authority to determine compliance, or use existing BWSR appeal process or develop audit normalization	No change, current appeal and Swampbuster enforcement procedures and in association with #1 provide the process/means to address this discussion point

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends addressing this discussion point under 1.

3. Data reporting and sharing with and between federal and state agencies	This discussion point will be addressed under #1 and through implementing the provision in subpart 1H that provides for the development of minimum state standards that have been approved by the state agencies.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends addressing this discussion point under 1.

4. Reliance on offsite determinations	No change as this issue is over a federal standard and not state law, rule, or policy

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends addressing this discussion point under 1.

5. Reduce amounts of impacts allowed	This discussion point will be addressed under #1.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends addressing this discussion point under 1.

6. Clarify application of wetland type (subexemption D)	This discussion point will be addressed under #1.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends addressing this discussion point under 1.

7. Sub-exemption A. fix dates and be consistent on wetland typing (Circular 39, Plant Community Types, Cowardin)	This discussion point will be addressed under #1.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends addressing this discussion point under 1.

8. Sub-exemption C. Repeal	This sub-exemption should be repealed, which will be addressed under #1.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends addressing this discussion point under 1.

9. Sub-exemption D. Items 5, 6 and more above	This discussion point will be addressed under #1.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends addressing this discussion point under 1.

10. Sub-exemption G. Further review applicability	Options:	(1) no change or (2) repeal.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends addressing this discussion point under 1.

Drainage (2)

Stakeholder Exemption Discussion Point	BWSR Staff Recommendations
1. Sub-exemption B. Time period 1972-92, period for land use change (10 years), and/or match ditch benefit payment period	No change to the 20 year time period as time it is still relevant, however, replacement would be required if the land use is converted at any time.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

2. Sub-exemption C. Clarify/Simplify	No change, current language was hard fought over and still works.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

3. Sub-exemption D. Define repair and maintenance throughout the drainage exemption	No change, current definitions in the drainage code are well understood.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

4. Sub-exemption E. Repeal.	This sub-exemption should be repealed as it is obsolete.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

Overall/General

Stakeholder Exemption Discussion Point	BWSR Staff Recommendations
1. Require LGU interaction for all exemptions	Options (1) No change; or (2) Conduct study to determine amount of exemption activity, seek state funding to replace these impacts; or (3) Require landowners to notify LGU when undertaking an activity under an exemption; or (4) #2 but require the LGU to issue an exemption certificate; or (5) #3 plus require sequencing; or (6) Repeal Exemptions; or (7) Require LGU interaction only on selected exemptions

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee needs more discussion and information before making a recommendation on this discussion point..

2. Establish/improve/increase performance standard requirements when using an exemption	No change, current scope of exemption standards provide adequate performance standards, especially when combined with the change proposed under de minimus #8.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation that the current scope of exemption standards provide adequate performance standards.

3. Regulate excavation in all wetland types	No change, this is not an exemption issue and should be addressed as part of the wetland replacement segment of the Assessment.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

4. Refine definition of project	No Change. Current definition is adequate.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

5. Treat wetland types 1, 2, 6, and 7 the same as types 3, 4, and 5 (Treat all wetlands the same)	No change, other recommendations, especially to the Agriculture Exemption will help provide more equal treatment of different wetland types

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends the Stakeholder Advisory Committee discuss this discussion point and provide more direction.

6. Use different wetland classification system (i.e. Eggers and Reed Wetland Plant Community Types), and end use of Circular 39 types 1-8 System	This is not an exemption issue and should be addressed during the regulatory simplification segment of the Assessment.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee recommends the Stakeholder Advisory Committee discuss this discussion point and provide more direction.

7. Require a wetland component in the county comprehensive local water management plan or land use plan (to address existing wetlands and restoration opportunities)	This is not an exemption issue and should be addressed during the regulatory simplification segment of the Assessment.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

8. Examine the number and size of WCA LGU's	This is not an exemption issue and should be addressed during the administration segment of the Assessment

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

9. More BWSR support and LGU commitment to training	This is not an exemption issue and should be addressed during the administration segment of the Assessment

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

10. Establish a new class of WCA activities, i.e. waivers	Recommendations under Federal Approvals and Agriculture Exemptions would establish this new class of activity

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

11. LGU civil penalty authority	This is not an exemption issue and should be addressed during the administration segment of the Assessment.

BWSR Wetland Committee Recommendation: The BWSR Wetland Committee accepts the BWSR staff recommendation.

WCA Assessment Schedule - Revised

March 22, 2006

	Clean Water Cabinet	BWSR Wetland Committee	Stakeholder Committee
Feb.	2/15 Interim accounting/reporting system	2/22 Project Overview WCA History Exemptions Replacement Ratios Policy-Sale of Wetland Credits	2/22 Project Overview Roles/Process WCA History Exemptions Replacement Ratios
March	3/15 Review history and usage of exemptions	3/22 Advance for Stakeholder mtg on accounting/reporting Review WCA funding formula	3/21 *Accounting/Reporting* Purpose and process WCA reporting system CWAMMS Discuss options
April	4/19 Report history and application of replacement ratios	4/26 Advance for Stakeholder mtg on exemptions and replacement ratios	April/May *Exemptions* Five meetings have been scheduled as follows: April 19: 9 am - 12 noon **Wetland Restorations/Wildlife Habitat** April 24: 9 am - 12 noon **Federal Approvals/Utility, Public Works** April 24: 1-4 pm **De minimus/Incidental Wetlands/Approved Development** May 9: 1-4 pm **Forestry** May 23: 9 am - 12 noon **Agriculture/Drainage** Only 5 of the 8 time slots are being used at this time. The open times can be used for exemption meetings that cannot be concluded in a single meeting. In addition, if necessary, additional meetings can be arranged after May 23.

May	5/17 Discuss history of and ongoing regulatory simplification efforts	5/24	Each of the above meetings will discuss: Purpose and process WCA history-development of exemptions Review LGU survey data Discuss options
June	6/21 Discuss LGU and State administration of WCA, including financial issues	6/28 Update on stakeholder meetings and advance for regulatory simplification and administration	6/27 *Replacement Ratios* Purpose and process WCA History-development of replacement ratios Use of replacement ratios, interaction with Corps Discuss options
July	7/19 Discuss format and process for developing a final report	7/26	7/25 *Regulatory Simplification* Purpose and process Overview wetland programs History of regulatory. simplification Current efforts Discuss options
August	8/16 Review status of report and discuss proposed Wetland Roundtable	8/23 Draft report	8/22 *Administration* Review WCA processes Discuss financing Discuss Options
Sept.	9/20 Review draft report, project status	9/27 Draft report	9/26 Draft report
October	10/18	10/25	10/24 Finalize draft report and send to BWSR Board, BWSR Wetland Committee and CWC
November	Wetland Roundtable	Wetland Roundtable	Wetland Roundtable
December	Approve submitting report to Governor	Approve submitting report to Governor	Receive Final Report

Thorvig, Lisa

From: MPCASend!
Sent: Tuesday, August 22, 2006 5:21 PM
Subject: MPCA Press Release - 08/22/2006

MPCA AWARDS $6.8 IN 2006 FOR LOCAL WATER QUALITY PROJECTS

For immediate release: Aug. 22, 2006
Contact: Forrest Peterson, 320-214-3789
Toll-free: 1-800-657-3864

Editor's note: Projects are located in the following counties: Aitkin, Becker, Benton, Blue Earth, Brown, Chippewa, Cottonwood, Dakota, Dodge, Faribault, Fillmore, Goodhue, Houston, Jackson, Martin, Morrison, Mower, Nicollet, Nobles, Olmsted, Redwood, Renville, Rice, Sherburne, Stearns, Steele, Wabasha, Winona, and the cities of Duluth and St. Cloud.

St. Paul, Minn. -- The Minnesota Pollution Control Agency (MPCA) recently approved loans and grants in 2006 totaling more than $6.8 million for 24 local water-quality improvement projects. They range from conservation-type projects on the land to education and research.

All of the projects are focused on nonpoint-source pollution. This includes stormwater runoff from urban areas and farmland, leaky private septic systems and livestock open feedlots. More than four-fifths of pollutants entering lakes, streams, rivers and wetlands in Minnesota come from nonpoint sources.

Eight of the projects will receive state funds through the Clean Water Partnership (CWP) program to continue existing work. Federal funds through the Clean Water Act will be going to 16 new projects among a total of 34 new requests totaling more than $7.5 million. The projects, titles, locations, grant and loan amounts, and brief descriptions are listed below.

Grants and loans come from the U.S. Environmental Protection Agency through the federal Clean Water Act of 1972 (Section 319) and statewide through the MPCA's Clean Water Partnership program. The MPCA, in coordination with other agencies, reviews the applications and awards the funds. Many of the projects include other financial and in-kind support from counties and local organizations.

The CWP and Section 319 programs date back to the late 1980s. The MPCA uses both programs to support the efforts of local units of government and citizens to address nonpoint sources of pollution. The programs provide financial and technical assistance for the study of water bodies experiencing pollution problems, development of action plans to address the problems and implementation of the plans to fix the problems.

In addition to MPCA staff, the review team includes representatives from Department of Natural Resources, Board of Water and Soil Resources, Natural Resources Conservation Service, Department of Agriculture and Department of Transportation, along with other state and federal agencies.

For more information about Section 319 or Clean Water Partnership projects on the Web, log on to the MPCA Web site at www.pca.state.mn.us and select "Water."

Clean Water Partnership continuation project summaries:

-- Big Sandy Area Lakes Watershed Management Project - Aitkin County - $260,000 grant. Shoreland re-vegetation, lakeshore protection, vegetated buffers, conservation easements, public education, water-quality monitoring, support local ordinances. Contact: Janet Smude, 218-927-6565.

-- Detroit Lake Water Quality Improvement Nutrient Reductions, Pelican River Watershed District - Becker County - $50,000 grant, $450,000 loan. Identify treatment methods for Rice Lake wetland to achieve a minimum 50 percent reduction in nutrient and sediment loadings to downstream areas (Pelican River and Big Detroit Lake). Monitor Detroit Lake

for internal loading, remove exotic and nuisance plants, provide education and assistance for shoreland restoration. Contact: Tera Guetter, 218- 846-0436.

-- East Branch Chippewa River - Chippewa County - $175,000 grant, $135,000 loan. Provide loans for septic-system upgrades. Buffer strips, shoreline naturalization projects, livestock exclusion, nutrient management, residue management, wetland restoration, water and sediment control basins, grassed waterways, stream-bank restoration/erosion control, terraces, alternative tile inlets. Contact: Kylene Olson, 320-269-2139.

-- Elk Creek Conservation Tillage - Heron Lake Watershed District - Nobles County - $28,200 grant.
Enlist landowners to change tillage practices to include no-till, strip-till, minimum-till, ridge-till, and forage residue management. Contact: Jan Voit, 507-793-2462.

--Lily and Center Creeks-Blue Earth River - Martin County - $450,000 grant, $300,000 loan. 75% cost share for grassed waterways, filter strips, sediment control basins, tile intake buffers or conversions, and other practices such as rain gardens. Offer alternative easements in areas ineligible for other similar programs. Contacts: Scott Bohling, 507-235-6680, or John Billings, 507 526-2388.

-- Lower Maple River Watershed Project - Blue Earth County - $474,100 grant, $100,000 loan. Cost share for installing rock inlets, grass buffers, terraces, waterways, sediment basins, harvestable buffer strips, crop residue management, nutrient management, septic-system upgrades and other technical assistance. Contact: Erin Degerstedt, 507-345-4744, ext. 125.

-- Miller Creek Watershed Implementation - city of Duluth - $31,000 grant. Plant trees, restore habitat, control stormwater and sediment entering Miller Creek, where urban development is impacting trout habitat. Educate adjacent property owners. Contact: R.C. Boheim, 218-723-4629.

-- Upper Mississippi River Source Water Protection - city of St. Cloud - $425,000 grant. Conduct research and inventory point and nonpoint sources of contaminants in the Crow River watershed and Mississippi, a source of drinking water for St. Cloud and downstream to Minneapolis and St. Paul. Contact: David Brostrom, 651-690-0690.

Section 319 project summaries:

-- Dry Weather/Lines/Spring Creek Sub-basin of the Chippewa River - Chippewa County - $264,100 grant, $300,000 loan. Reduce nutrients, sediment and bacteria through tree plantings, nutrient and residue management, alternative tile intakes, septic-system improvements and nutrient insurance. Contact: Kylene Olson, 320-269-2139.

-- Elk River Watershed Priority Lakes II - Elk River Watershed Association - $185,187 grant. Re-establish shoreland vegetation around area lakes, reduce phosphorus and nitrogen applications on farmland, improve and create wetlands. Contact: Mark Basiletti, 763-241-1170.

-- Hawk Creek Watershed Project - Renville County - $300,000 grant, $900,000 loan. Implement practices to reduce phosphorus: Promote alternative tile intakes, improve septic systems, develop ditch buffers, urban stormwater management and education. Contact: Darrell Schindler, 320-523-3672.

-- Heron Lake - Alternative Tile Intake Cost-Share Program, Heron Lake Watershed District - Jackson County - $36,000 grant. Reduce sediment in runoff from farm fields by replacing open tile intakes with subsurface rock intakes. Contact: Jan Voit, 507-793-2462.

-- Into the Home Stretch: Achieving Feedlot Runoff Control to Reduce Bacteria Total Maximum Daily Load to Impaired Waters of the Lower Mississippi in Minnesota - Southeast Minnesota Water Resources Board - $300,000 grant. Hire technicians to assist eligible open livestock feedlots and provide some funds for low-cost improvements to reduce runoff. Contact: Bea Hoffmann, 507-457-5223.

--Swan River Watershed Management Plan Implementation - Morrison County SWCD - $70,000 grant. Identify and work with smaller feedlots to reduce over-application of manure to cropland with nutrient management plans, buffer strips and other conservations practices. Contact: Helen McLennan, 320-616-2479.

-- Targeted Implementation/Compliance Activity Within Impaired and Ecologically-Sensitive Areas in the Upper Mississippi River Basin in Stearns County (continuation) - Stearns County SWCD - $300,000 grant. Hire inspector and technician to investigate unpermitted earthen manure storage basins, conduct feedlot evaluations, develop manure management plans. Contact: Dennis Fuchs, 320-215-7800.

-- The Greater Blue Earth River Watershed BMPs Focus on the Big Cobb - Greater Blue Earth River Basin Alliance - $299,988 grant, $100,000 loan. Hire staff and provide cost-share for installation of conservation practices to reduce phosphorus and sediment. Contact: Kay Clark or Dave Bucklin, 507-831-1153, ext. 3.

-- Vermillion River and Chub Creek ISTS Inspection and Upgrade Program - Dakota County - $160,500 grant. Inspect individual sewage-treatment systems near streams, provide incentives for improvements. Contact: John Jaschke, 952-891-7011.

-- Winter parking lot/sidewalk maintenance training and certification to reduce environmental impacts to Shingle Creek, the Mississippi River, Sauk River, Lake Superior, North Shore streams and other waters of Minnesota - Fortin Consulting, Minneapolis - $80,000 grant. Provide training for staff working in winter road maintenance to reduce the amount of road salt in runoff to surface and ground water. Contact: Connie Fortin, 763-478-3606.

-- Assessing potential of watershed and stream channel modifications on suspended sediment, turbidity and nutrients in the Blue Earth River Basin - University of Minnesota - $296,060 grant. Advance the work begun by the Blue Earth River Basin Initiative to reduce levels of sediment, turbidity and nutrients in the river to meet the goals of the Total Daily Maximum Load being developed for the basin. Contact: Ken Brooks or Dean Current, 612-624-5599.

-- Interpreting a Century of Sediment in Redwood Lake - Redwood-Cottonwood Rivers Control Area, Redwood Falls - $89,140 grant. Redwood Lake is filling up with up to 27 feet of sediment that has accumulated behind the dam in Redwood Falls. Sample the sediment to help analyze the long-term impacts of land use on water resources. Contact: Jim Doering, 507-637-2142 ext. 124.

-- Manure Basin Storage Abandonment Alternatives and Water Quality Improvement in the Upper Mississippi River Basin - Stearns County - $57,150 grant. Evaluate ground water beneath six abandoned manure basins, with the aim of learning more about the effect of such facilities on regional ground-water resources. Contact: Dennis Fuchs, 320-215-7800.

-- Multi-metric IBI-based citizen monitoring of hydrologically-altered systems within the Rice Creek Watershed - Friends of the Mississippi River Inc. - $21,500 grant. Collect data on the health of aquatic ecosystems in eight streams that are heavily used for stormwater management in the Rice Creek Watershed. Contact: Daniel Huff, 651-222-2193.

-- Testing Assumptions of Sediment and Nutrient Supply by Fingerprinting Glacial Sediment Sources - Brown-Nicollet-Cottonwood Water Quality Board - $87,930 grant. Determine what portion of sediment and nutrient pollution in Seven Mile Creek is due to such natural processes as stream-bank erosion. Contact: Kevin Kuehner, 507-934-4140.

-- The Sediment in the System: Modeling the response of the Minnesota River to major forcing events at 10,000, 1,000, 100, 50 and 10 years ago - National Center for Earth-Surface Dynamics, Minneapolis - $79,445 grant. The Minnesota River is still evolving in response to events that happened thousands of years ago. The project will use computer modeling to help resource managers in the river's basin better understand how the river responds to natural and human changes. Contact: Karen Gran, 612-624-4363.

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Board of Water & Soil Resources Tour
Martin County
August 23, 2006

Martin SWCD Staff
Kathy Smith, District Manager
Greg Johanson, Program Specialist
Scott Bohling, CWP Technician
Rich Perrine, District Technician
Carissa Spencer, NRCS, District Conservationist
Cat Thiesse, District Administration/Tech

1. CHS Soybean Plant

The CHS Soybean plant started operations in September 2003. The cost of construction was approximately $80 million. The plan employs 53 people with a yearly payroll of $1.5 to $2 million. Approximately 150 semi-loads of soybeans are delivered daily. Daily output is 3000 tons crushed meal, and 1,500,000 pounds of oil/day.

2. Proposed Buffalo Lake Energy Ethanol Plant and Vera Sun Ethanol Plant

The completion of two proposed ethanol plants in Martin County – Buffalo Lake Energy in Fairmont and Vera Sun in Welcome, will provide $3 to $4 million in payroll annually and 100 jobs. The expected $200 million in investment equates to about $900,000 in annual property taxes. Not included in these figures are the constructions jobs and economic impact of two years of construction.

For Martin County Ag producers 81 million bushels of corn value-added by 5 to 15 cents per bushel adds $4.5 to $12.1 million to area farm families.

3. Bryan Gregor – CREP Restoration

Bryan signed a CREP application November of 2001. The easement was completed in February of 2003. He enrolled 31.2 acres of which 24.4 were a restored wetland. Lily Creek runs through the east part of this easement.
CREP Wetland Restoration $'s - $2000.00
Native Prairie Seeding Cost-Share - $2418.00

4. Ardis Perrine – CREP Restoration and 3rd Crop

Ardis signed a CREP application in February of 2001 for 24.9 acres. The actual easement was signed by Ardis in July 2002. Native grasses and forbs were planted and the wetland restoration was completed this summer (2006).
CREP Wetland Restoration –$12002.75.
Native Prairie Seeding Cost-Share - $4980.00.

BERBI Third Crop Program – 10 acres are planted to local ecotype native prairie plants. The origin of all plant materials planted is from within 25 miles of the site. All of the seed was collected from Martin County except Cream Indigo. The origin for the purchased yellow tag Cream Wild Indigo seed is near Elmore in Faribault County.

Seed from some of the less common species will be used for the "Prairie Ecosystem Restoration Project" which is an effort to establish declining local ecotype native plant species on land protected by perpetual conservation easements.

The goal is to provide local ecotype native plant seed for prairie reconstruction projects primarily in the area where the foundation seed was collected.

5. Howard Abel – CREP – Filter Strip

An application for CREP was signed in February of 2000. The Easement was signed on April 10, 2001. Native grasses were seeded on June 11, 2001. This CREP easement is a filter strip on County Ditch #71, County Ditch #52 and part of a private ditch.

6. Burdean Hartwig – CREP

Burdean signed up 6.7 acres into Filter Strips - 12.4 acres into restoration of Rare and Declining Habitats, and Tall Grass Prairie and 4.1 acres of existing cover.

7. Daryl Bartz – CREP Filter Strip

Daryl signed a CREP application in March of 2001 for 19.8 acres. The easement was signed on October 1, 2002 and the site was seeded May 2003. Ditch #52 is buffered by this filter strip.

8. Dwain Hartwig – CWP – Alternative Easement

This 14.5 acre was enrolled in the Blue Earth River Clean Water Partnership (CWP) - Alternative Conservation Project. This area is a pasture and Dwain was looking at an option to keep this area seeded down. The CWP was able to offer an easement payment for 75% of the CRP rental rates for 20 years. Cost-share was also made on a native seed planting that was seeded into the existing pasture.

9. Krahmer Wildlife Management – DNR

10. Gary Zeitz – CRP Shelterbelt

Gary enrolled .6 acre in the CRP Program. He receives an annual payment on this .6 of an acre and also received 50% cost-sharing on the site preparation, trees and planting.

11. Roland Phillip – CREP

This 17.5 acre easement was enrolled in the program in 2001. The easement was signed in October 2002 and the seeding was completed in November of 2002. A wetland restoration by crop cessation was completed on 12.7 acres with the additional 4.8 seeded to a mixture of native grasses.

12. Bob Nelson – Keith Sickler – Nathan Whitehead CREP – Highway 4 Project

In 1999, 6 applications were completed by 4 landowners near the intersection of State Highway 4 and County Road 32/132:

- Bob Nelson - 20.7 acres
- Keith Sickler – 15.6 acres
  12.2 acres
  13.1 acres
- Nathan Whitehead - 47 acres
- Norman Kittleson – 13.1 acres

In 2001, Nathan Whitehead signed up an additional 17.9 acres to facilitate a Wetland Restoration.

Since the land signed up by Keith Sickler on the 13.1 acre application was in CRP, the easement and CRP contract were not started until 2002. Outlet issues are delaying restoration efforts.

13. Nathan Whitehead – Filter Strip – CWP

Nathan signed up in October of 2004 as a CP21 practice totaling 9 acres. Also, on the north side of the creek 1.9 acres were used to include the entire field into Native Grasses using the CWP funds. 120 feet of filter strips were used on the north side for CRP.

14. Tom Davis – CREP Wetland Restoration

Tom signed an application for the CREP Program on 2/5/02 for 76.2 acres in Elm Creek Township. The perpetual easement was recorded on 2/26/03. Following are the practices installed on this site:

Wetland Restoration – 47.1 acres	BWSR Cost-Share - $16,395.00
Tree Planting – 10 acres	BWSR Cost-Share - $1592.70
Seeding – 66.2 acres	BWSR Cost-Share - $7158.48

The final payment for Tom's project was made on 2/4/05.

David Crissinger – CREP Wetland Restoration

David signed an application for the CREP Program in January 2003. The easement was signed in December 2003. The total acres in the easement were 68.9. Following are the practices installed on this site:

Wetland Restoration – 34.8 acres BWSR Cost-Share - $2.700.00
Native Grass Seeding – 34.1 acres BWSR Cost-Share - $7,047.36

The wetland restoration was finished in 2005 and the seeding was completed in November 2003.

15. Elm Creek Project – CREP

This wetland restoration originated with 4 landowners attempting to enroll under RIM then finally becoming a reality under CREP:

- Henry Wertheimer – 52.3 acres
- Evelyn Rosenberg – 9.7 acres
- Mildred Lade – 37.0 acres
- Lois Heckman – 3.4 acres (RIM only)

The Rosenberg family sold their easement and the balance of the farm to SHEEK, INC., following Evelyn's death.

SHEEK, INC. enrolled the remaining 141.4 acres of farmland into CREP. This brought the project up to 243.8 acres, with:

- 117 acres of Wetland Restorations,
- 78 acres Natural Grasses,
- 25 acres Tree Planting,
- 23.8 acres existing grass and tree cover.

The Wetland Restoration cost was approximately: $92.435.00 – with some repair work to be completed – the total is expected to be right around $100,000.

The cost of the restoration was:

- CRP - $39,436
- US F&W Service – $6,662 Federal - $46,098
- RIM - $46,336 State - $46,336

JD 37 involved modification.

17. SHEEK – U.S. Fish and Wildlife Wetland Restoration Site

This site has been enrolled in the U.S. Fish and Wildlife Wetland Restoration Program.

18-19. Rod Kittleson/Roxanna Brummond – CREP

Rod Kittleson signed up for CREP in 2000, enrolling a 78.7 acre tract and 56.4 acres of the adjacent 80. In September of 2003, Roxanna Brummond was called to see if she had any interest in CREP, in an effort to facilitate the Wetland Restoration. Roxanna and her renter came in 2 days later and reviewed potential areas for enrollment. They left, and came back later that day to sign up what ended up being 24 acres. The Kittleson-Brummond project is 159.1 acres.

There were 10.5 acres of trees planted on the Kittleson easements and the wetland hydrology was restored on approximately 59.5 acres. The remaining acres were planted to native prairie.

Roxanna Brummond signed an application for CREP in September 2003. The easement was signed in June 2004 for 24 acres. On this site a 10.5 wetland was restored. The remaining 13.5 acres were planted to native grasses.

Wetland Restoration - BWSR Cost-Share - $5,195.00
Native Prairie Seeding - BWSR Cost-Share - $2,124.26

20. Cory Sinn – CRP – Shelterbelt

Cory signed up for a CP16A shelterbelt in 2006. There are 3.3 acres involved and 639 trees planted to the site.

21. Floyd Olson – CREP

Floyd signed up 50.2 acres into CREP as a CP23 practice in October of 2002. Restoration was completed in October of 2005. 23.8 acres are now wetland with the remainder as upland buffer.

22. Ronald Sinn – CREP

Ronald signed up or CREP CP21 practice in 2002. 3.2 acres are involved in this parcel.

23. Jim & Dean Sinn – CREP

Dean signed up for CREP in January of 2002 as a CP21 practice. Also, 6 acres of trees were planted to this site.

24. Tom Gibbons - CREP Wetland Restoration

Tom signed up for CREP in April of 2001 as a wetland restoration by crop cessation. There are 15.2 acres involved in this site, including the non-crop area which is 4.6 acres.

25. Tracy & Troy Melson – State Cost-Share – Feedlot Shelterbelt

Melsons signed up for a Farmstead Shelterbelt in March of 2005. Trees were planted in May. 350 trees were planted on this site.

26. Robert Melson – State Cost-Share – Feedlot Shelterbelt

Shelterbelt established 2005, planted approximately 755 trees. Fabric mat was used around each tree – 75% of the cost was received for the trees, mats and planting.

27. Dennis Carlson – State Cost-Share – Field Windbreak

Field windbreak was completed 10-15 years ago.

28. Leslie Grev – Filter Strip

Leslie signed up in October of 2000 for CRP. 3.9 acres of filter strips at 33 feet width on each side of the ditch.

- ***Ann & Jim Scholl – Filter Strip***

This particular filter strip was done privately. Not in any program.

- ***Lavera Nordby – Filter Strip***

Lavera signed up for CRP filter strips in October 2004 for 8.6 acres total. Filter strips average approximately 50 feet width on both ides of the creek.

29. Gary Wilson – State Cost-Share – Farmstead Shelterbelt – Volunteer Rain Gauge Reader

Gary has been a dedicated rain volunteer for 15 years. He reads his gauge everyday and sends his data to our office month. The information is entered into the State Climatology Data Base and is used for precipitation history and forecasting. Gary has also utilized state-cost share funds for tree plantings.

30. Great River Energy – Presented by Jack Potter

31. Robert Smith – CREP – RIM

Robert and Nancy Smith enrolled land that they had purchased from Herb and Betty Carlson in December 2002. 73.1 acres were enrolled in the CREP program. 17.3 acres were restored into a wetland with the remainder into native grasses. 300 trees were planted on the site.

32. Paul Peterson – State Cost-Share – Grassed Waterway - Volunteer Rain Gauge Reader

Paul installed a grassed waterway in 1989 using $900.00 in State Cost-Share Funds. Paul and his wife have also been faithful volunteer rain gauge readers for many years.

33. Tom Gibbons – Alora – Watkins Lake

Tom Gibbons told us the story about his daughters and how their company "Alora" began. He has two daughters, Ann and Therese. Ann lived in Italy for 12 years and traveled around Europe and sold Italian Products. This gave her the idea for a company of her own. Ann along with her sister Therese started the company "Alora" with 800 bottles and 3 fragrances six years ago. They actually packaged the first Alora products right here at this farmhouse. They cut the reeds, bottled the fragrance, labeled the bottles and shipped them out. The product is now assembled in Hudson, Wisconsin. Last year they did $4 million dollars in sales. The products are found in upscale shops around the U.S. and the world. The product line has expanded to include candles and other fragrance items. About six inquiries a week are made on their web site to sell their products. A true success story.

34. SHEEK – Fish and Wildlife Wetland Restoration

Originally signed up for CREP but the landowners decided that the upfront payment through the FW was a better option.

35. Ethan Koch – WRP and RIM

This project is a combination of the Wetland Reserve Program , U.S. Fish and Wildlife Service and the RIM Program. They applied for a 30 year Conservation Easement that was signed in August 2002 for 75 acres. A problem with this easement is the fact that there is a natural underground pipeline running through the easement. This pipeline issue caused the project to take much longer and with much correspondence with the pipeline company.

36. Bob Smith – CREP Wetland Restoration

Bob signed an application for the CREP Program in May 1999. He was one of the first to sign up for the CREP Program. Bob had a successful RIM Restoration in Lake Fremont Township. He enrolled 12.8 acres in a wetland restoration and the remainder 14.3 acres in native grasses. Elm Creek flows through this site. Bob also has many CRP fields buffering Elm Creek on this farm. The seeding was finished in June of 2001 and the wetland restoration was completed in the fall of 2002.

Lunch

ON THE ROAD AGAIN……

2. Steve Flohrs – Rotational Grazing

Steve has been using the rotational grazing system for a number of years. He has not utilized any state or federal program for the establishment of his system.

3. Opal Flohrs – CREP Filter Strip

Opal signed up for CREP in February of 2002 using a filter strip practice. 60 foot widths were used on both sides of the creek. East of the building site – a 200 foot width was used because of the steep slope. Seeded in June 2003 11.3 acres to native prairie filter strip. Buffers Judicial Ditch #4. The permanent easement was sign on August 30, 2003.

4. Jean Hatch & John Hatch – CREP Wetland Restoration

Jean and John Hatch signed an application for two CREP Projects December 2001. The practices were riparian filter strips. The projects totaled 41.1 acres and buffered Willow Creek. The permanent easement was signed in March of 2003. 11.9 acres were a wetland restoration. The seeding was established in June of 2003 and the wetland restoration was completed by 12/1/04.

5. John & Jim Sherman – CREP Filter Strip

John and Jim Sherman signed an application for a 7.1 acre filter strip in July 2001. The easement was signed in October 2002 and the seeding was completed in May 2003. The cost-share on the seeding was $150.00.

6. David Thayer – CREP Filter Strip

David signed an application for the CREP program in December 2001. His easement was signed in September 2002. The site was planted to 7.1 acre filter strip. Also, there was a 6.7 acre existing wetland on the site. The remainder of the land was planted to native grasses.

7. John Jorgenson – CREP Filter Strip

John signed up for CREP in February 2003. 17.8 acres of filter strip was established in June 2003. It was planted to native grasses and forbs.

8. Greg Graif – GBERBA Innovative Easement – 3rd Crop

Greg signed up for the 20 year GBERBA Innovative Easement program in February 2005. His plan included planting fruit bearing trees and shrubs. The trees were planted in the spring of 2005. Greg was paid $1489.00 for this easement.

9. Calcareous Fen – Perch Creek WMA

Bogs and fens are wetlands that form upon layers of dead and decaying plant material called peat. Water in these peatlands is at or near the surface. Calcareous fens are rare peat wetlands characterized by cold inflowing groundwater containing dissolved calcium and magnesium, creating ecological conditions favorable to supporting certain very rare plants. Calcareous fens are found on slopes, such as at the base of river bluffs.

Fens have special protection under the Minnesota Wetlands Conservation Act. The DNR maintains an official list of known calcareous fens including their general location.

Introduction

Bogs and fens are wetlands that form upon layers of dead and decaying plant material called peat. Water in these "peatlands" is at or near the surface.

Physical features

Rain and snow are the only sources of water for bogs. They are low in nutrients and acidic. These conditions make it difficult for many plants to grow. Fens receive water from both precipitation and groundwater. They typically have more nutrients than bogs and are only slightly acidic. Minnesota has 20 percent of the world's calcareous fens, an extremely rare kind of fen that is rich in calcium.

10. Roger Bentz – CREP Wetland Restoration

Roger signed a CREP application in May 2001 for 14.0 acres which included a wetland restoration. The perpetual easement was signed November 2002. Native grasses were seeded in June 2003. The restoration has not been completed and at this time is waiting for a contractor to start the project.

***(Roger is the 2006 Martin County Conservationist of the Year)**

11. Dan Roberts – CREP Wetland Restoration

Danny signed an application for the CREP Program in June 2001 for 71.6 acres with 24.4 acres becoming a restored wetland. The perpetual easement was signed in August of 2002 and the seeding was completed in July 2002 and the restoration was completed in October 2005.

12. Connie Urban – CREP Wetland Restoration

In September 2001 Connie and Daryl signed an application to enroll 129.2 acres in the CREP Program. The farm was wet and did not have an adequate outlet. They felt a wetland restoration would be a good use for their farm. On February 2003 their perpetual was signed. In May of 2003 their site was seeded to native grasses and also 1775 trees were planted. A 69.1 acre wetland restoration is going on at this time.

13. Kieth Worthley – CREP Wetland Restoration

A CREP Application was completed by Keith in August 2002. The total acres were 58.3. The perpetual easement was signed October 2003. 1,875 trees were planted in the spring of 2004 and 11.5 acres of native grasses were seeded in fall of 2003. The wetland restoration has not been completed at this time.

14. Marvin Madsen – CREP Wetland Restoration

Martin signed a CREP application in November 2001 to enroll 63.7 acres. The easement was signed in February 2004. 20.2 acres of wetland were restored in September 2005. Five acres of trees were planted in the spring of 2004. The remaining areas were seeded to native plants. This easement buffers Elm Creek.

15. Elm Creek Bio-Engineering Project

The Elm Creek Bio-Engineering Project was sponsored by a conservation partnership of several County, State and Federal entities. The Martin SWCD and the Board of Water & Soil Resources provided construction funding and scheduling. The Minnesota Department of Natural Resources (DNR) provided a source of plant materials. The Martin County Highway Department provided equipment to harvest and transport plant materials. The Natural Resources Conservation Service (NRCS) provided technical design work, and instruction for a Soil Bioengineering Course.

The project objective was to stabilize 400 feet of stream bank erosion along Elm Creek, which encroached on cropland and a township road. In addition, the conservation partnership wanted to introduce Boil Engineering Technology to rural and urban communities in Southern Minnesota.

The Martin County Highway Department approached the Martin SWCD in 1996 concerned about stream bank erosion near a recently replaced bridge. They were seeking both technical and financial assistance. Because the problem was already encroaching on both private farmland and the right of way on a township road, the landowner and the Westford Township Board was involved. NRCS technical assistance was requested.

In the spring of 1997 the Martin SWCD applied for a BWSR Special Projects grant and was awarded $22,250 (NRCS had estimated the cost of the project to be $32,000). The Westford Township Board signed a cost-share assistance contract with the Martin SWCD. The Martin County Highway Department provided about $10,500 in-kind services. There was no cost to the landowner or the township.

A NRCS national Soil Bioengineering training course was scheduled to coincide with the second phase of this project in the fourth week in October. There were 30 conservationists from SWCDs and NRCS from Minnesota and six other states (as far away as Alabama) plus six instructors.

NRCS, BWSR and the SWCDs worked with the Martin County Highway Department to finish the project a day before Thanksgiving.

This project is an excellent example of what cooperation between agencies and private individuals can accomplish.

16. Jack Garbers – CREP Wetland Restoration

Jack signed an application for CREP in March 2001. His practices included 1.5 acres native grass planting and 8.5 acres of wetland restoration. The seeding was completed in fall of 2002 and the restoration was completed in the fall of 2004.

17. Center Creek Pork

This pork producing facility is under construction. There will be approximately 4,800 sows in this facility, producing 110,000 pigs annually. There are 11 producers that have ownership in this facility.

18. Roger Kotewa – State Cost-Share – Windbreak

Roger and Brenda Kotewa applied for cost-share assistance in April of 1992. They planted a field windbreak of 152 Black Hills Spruce, 103 Ponderosa Pine, 50 Villosa Lilac and 203 Norway Poplar. They received 75% cost-share for the trees and planting.

Evening

City of Fairmont – Sylvania Park Project

The lake shore bank was severely eroding, allowing sedimentation into the lake. The eroding bank was threatening the band shell structure. This bank shell has played an important part in Fairmont's heritage and culture through weekly community band concerts during the summer months. In 1982 nearly $30,000 was spent to refurbish the bank shell at that time. A new rubberized roof was installed, much jacking and shimming was accomplished to level parts of the structure and major bracing and cosmetic plastering was also completed. After these improvements were made the park board and staff wrestled with the solution to the erosion problem behind the band shell. Possible remedies included relaying the concrete rip-rap that had failed and moving the band shell to the east. This is when the City of Fairmont contacted the Martin SWCD for assistance.

The lakeshore restoration project was designed by Fairmont's City Engineering Department with frequent consultation with NRCS Area 6 engineers. The design called for removing many of the old oak trees, extending the old shore line an additional 40 ft into the lake and securing the rip-rap, sloping the bank with a 2.5:1ratio, and putting a cement curb on the crest of the hill with a copy pipe to keep storm water from over topping the bank.

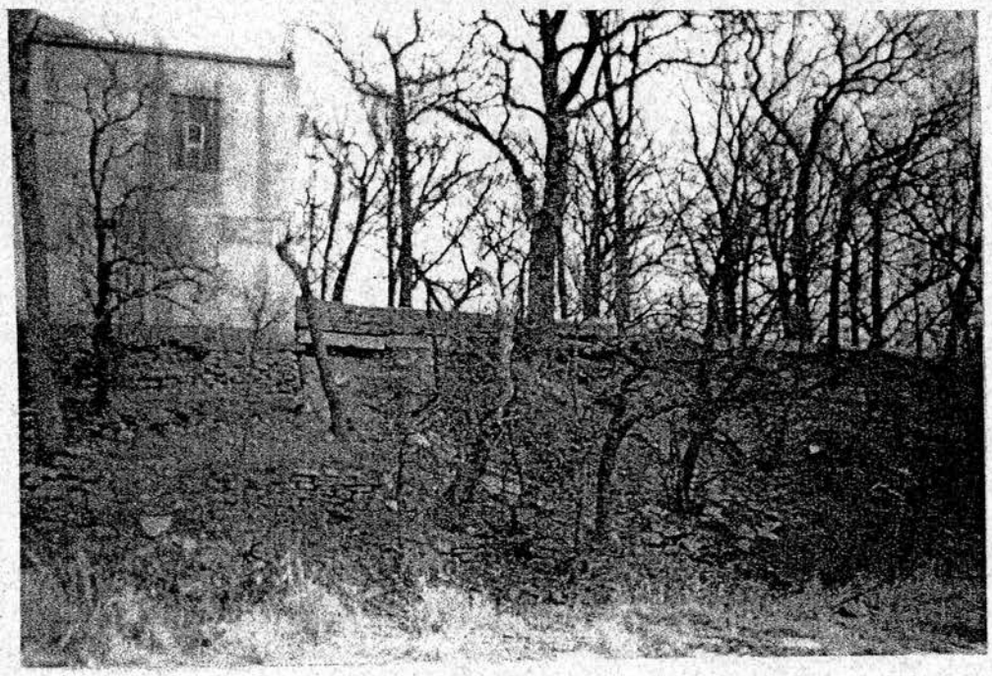
The original cost was estimated at $54,000. The Martin SWCD applied for and was awarded a BWSR SLR grant in the amount of $27,000. Contractor bids came in much higher than original cost estimates resulting in many delays which required the Martin SWCD to approve two time extension amendments and as costs kept increasing we also approved an amendment for an additional $10,000 which was funded with BWSR roll-over funds. The final cost of the project was near $100,000.

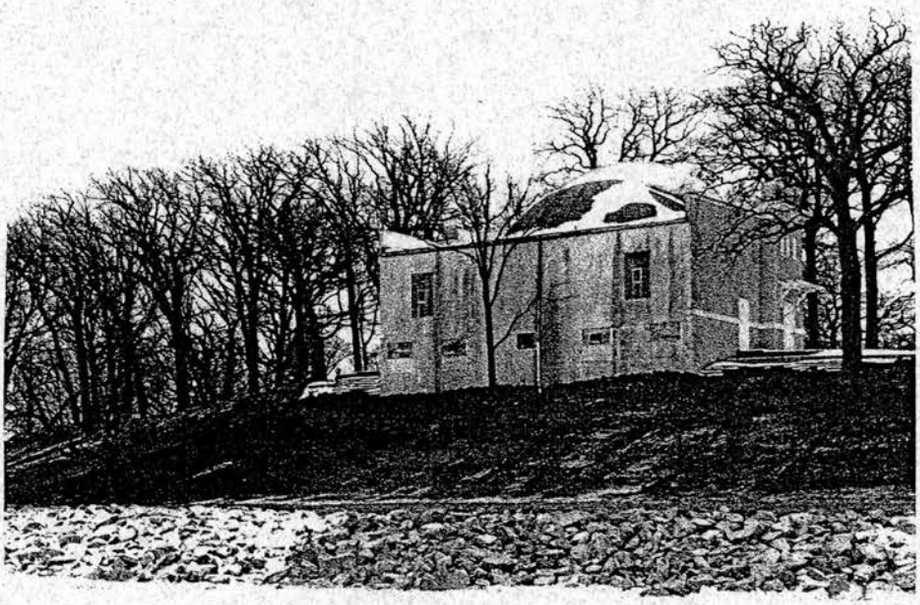
General Information:
Water Quality in Martin County:

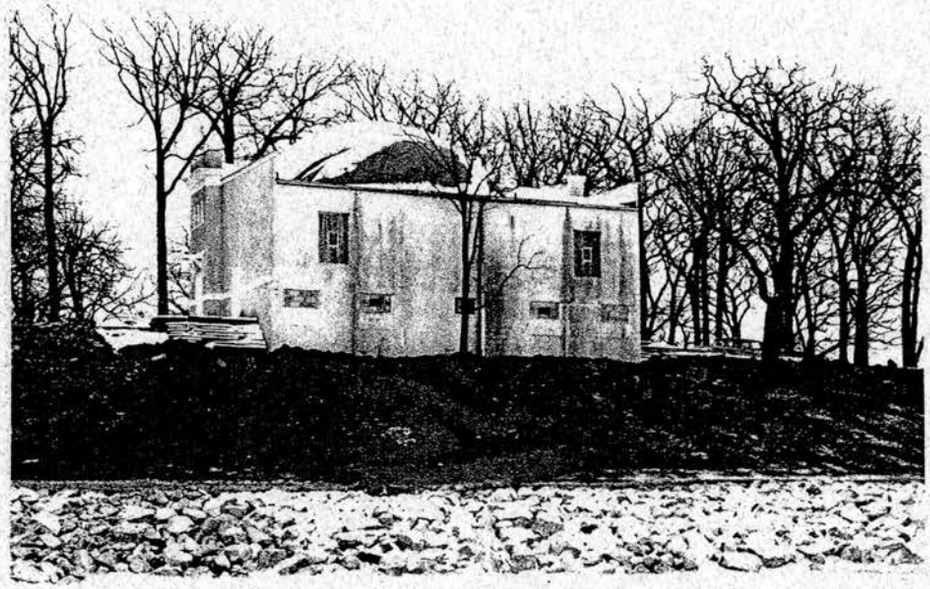
- The City of Fairmont has dredged the lakes of Fairmont which has helped increase the volume of those lakes. The dredging created more storage, deeper lakes to stratisfy and keep the nutrients at a deeper level. Overall, it has improved the quality of the lakes.
- Currently, all of Martin County's lakes are impaired.
- The Fairmont Water Plant processes 2.3 million gallons of water daily (1,600 per minute).
- The Fairmont Water Plant does not have any concerns of further impairment as a result of the proposed Ethanol Plant, as it will draw from another water source.
- The City of Fairmont acknowledges our conservation efforts as having a positive effect on Martin County's water quality. They would like to see more buffers and holding ponds developed.
- There are two aerators on Budd Lake that have been in place for four years. Results and data indicate that Budd Lake substantial improved quality over the lakes without the aerators.
- The City of Fairmont has two wells available for use. The Water Plant has an Emergency Well while Fairmont Foods has a well on their property.
- The City of Fairmont is unique as we use surface water for our drinking water. Water Plant experts foresee that if our surface water becomes unavailable - the cost of using well water would increase 4-5 times more for current customers.
- Before settlement, Martin County was a mosaic of wetlands and prairie. Since then the County has been extensively drained to allow for farming. While this drainage has enabled us to farm some of the most productive soils in the world it has also removed over 90% of the wetlands from our landscape. With this in mind, it is very important to protect the wetlands that remain and promote the restoration of wetlands in the appropriate places.
- Martin County is blessed with 149 lakes that are over 10 acres in size and 53 lakes that are over 100 acres in size. The city of Fairmont has a chain of 5 lakes that are within its city limits – whereas, one lake is the source of the City's drinking water and they are all used very regularly for recreational purposes.
- In Martin County there are 188 miles of open ditch. Approximately, 38% are buffered at the present.

City of Fairmont – Lincoln Park Stream bank-Lakeshore-Roadside – SLR Project

In December of 1991 the City of Fairmont contacted the District for assistance with an erosion problem in back of the Lincoln Park Shelter house. With cooperation between the City, the District and the NRCS a project was designed and installed in September 1992. $14,000.00 of State Cost-Share Funds was used for the project.







Martin County Water Plan Accomplishments

During the past 10 years the Martin County Water Plan has accomplished many things to benefit the residents of the county and region. Martin County prides itself on being a leader on water resource issues at the local, regional and state levels. This leadership position has put the county in a position to receive extra funding for a variety of initiatives that meet the goals of the Comprehensive Local Water Plan, Martin County and Martin SWCD.

If the actions of this new plan are to be carried out, it is important for the County to have adequate staff time to properly address the issues identified in this plan. Through cooperation with local, state and federal partners, the county can provide a base level of staffing. It will take additional funding, from a wide variety of sources, to implement all of the needed changes in the timeframe provided. In addition, the cooperation of the landowners is of primary importance as all items in this plan are voluntary – not regulatory, in nature.

Departments that impact the water planning activities include:

- Martin SWCD
- Water Planning
- Wetland Conservation Act
- Solid Waste
- Planning and Zoning
- Shoreland
- Feedlots
- Septics
- Extension
- Highway Department
- Ditch Administrator

During the ten year period [1996 to 2005] of the previous water plan, the following accomplishments have been achieved in the county by Martin County and Martin SWCD in collaboration with many partnering agencies.

- ✓ General Signup CRP – 1,632 Acres
- ✓ Continuous CRP – 5,306.8 Acres
  - o Total CRP 6,939.00 Acres
    Included in the totals above, the CP-23 Wetland Restoration Practice was installed on 92 contracts for 3,010.9 acres. The majority of these are CREP. Although the CRP contract has started, approximately 15 of these wetlands are either in the process of being restored or scheduled to be restored in 2006.

Also included in the CRP totals above, the CP-21 Filter Strip practice was installed on 165 contracts for 1,486.9 acres. Using an average of 120 feet in width, approximately 102.2 miles of filter strips were installed along ditches, creeks, wetlands and lakes.

- ✓ CWP Alternative Easements and EPA 3rd Crop Easements: 21 Contracts for 163.23 acres
- ✓ Tile intake alternatives installed: 36 rock intakes, 1 intake removed
- ✓ BERBI Living Snow-fences: 2 snow-fences on 4.0 acres, 2960 feet
- ✓ BERBI Tile Intake Buffers: 8 expired, 4 still under contract on 3.1 acres
- ✓ Feedlot Challenge Grant Windbreaks: 5 Contracts on 7.1 acres
- ✓ BERBI Nutrient Management: 2 contracts on 600 acres
- ✓ Water Plan – Special 2002 Well Sealing Cost share: 25 Wells
- ✓ State Cost Share, FY 1996 through FY 2005: 23 Grassed Waterways; 35 Abandoned Wells Sealed; 1 Critical Area Planting; 1 Shoreland Protection; 3 Diversions; 3 Grade Stabilization Structures; 5 Ag Waste systems; 2 Streambank Stabilization Projects; 36 Shelterbelts; 3 Field Windbreaks.
- ✓ 96 acres enrolled in RIM-WRP [Wetland Restoration]
- ✓ 77.9 acres are enrolled in RIM Wetland Restorations [Total of 298.9 acres are enrolled in RIM Wetland Restorations]
- ✓ 2004 Conservation Security Program -- 35,024 acres 75 Contracts
- ✓ 2005 Conservation Security Program – 42,009 acres 102 Contracts
- ✓ 2006 Conservation Security Program -- 54,740 acres 102 Contracts
- ✓ Conducted an extensive feedlot inventory in 1998
- ✓ Developed a feedlot inspection program on a five year rotation
- ✓ Processed 250 loans for upgrading septic systems
- ✓ Digitized feedlot locations and manure acres
- ✓ Adopted new Comprehensive Land Use Plan in 2003
- ✓ Added a Ditch Administrator Position
- ✓ Numerous Education and Outreach Activities

Partnering

- ❖ NRCS, FSA, USFWS, USCOE, USGS [Federal Agencies]
- ❖ BWSR, MDA, PCA, DNR, EQB [State Agencies]
- ❖ 13 County South Central Minnesota Comprehensive Local Water Planning Group
- ❖ Greater Blue Earth River Basin Alliance [GBERBA]
- ❖ Blue Earth River Basin Initiative [BERBI]
- ❖ University of Minnesota
- ❖ Minnesota State University - Mankato
- ❖ Three Rivers Resource Conservation and Development
- ❖ Minnesota River Board
- ❖ Area VI SWCD
- ❖ Zone 10 Non Point Engineering Joint Powers Board
- ❖ Region Nine Development Commission

- Southwest Solid Waste Administers Association
- Prairieland Compost Facility
- Prairieland Household Hazardous Waste Facility and Mobile Collection
- Mankato Regional Household Hazardous Waste Facility
- Lily and Center Creek Clean Water Partnership
- Watonwan River Clean Water Partnership
- Blue Earth River Clean Water Partnership
- Okamanpedon Lake Watershed Project
- Upper Des Moines River Watershed Project
- Red Rock Rural Water
- Elm Creek 3rd Crop Monitoring with the University of Minnesota
- Martin County Townships and Cities

RETURNING IT TO THE WILD

It is far from a road and near the lake. It is an area that had been drained to farm but it had never really worked. The brook would flood in the time of high water and fill the bottomland with water. The high water of the brook would then recede but the water in the flatland would stay!

One of my elderly friends, Ervin Sinn, had shown me several of such places in our countryside. They were always the same. Each was located near a creek, had gentle sloping sides, and was saucer shaped. They were once the buffalo wallows. The overflow water that remained in the dished out areas produced something special. It produced mud! Generations of buffalo adapted to their surroundings. If they rolled in the mud that would mat to their heavy coats of fur. The mud would then dry and the caked mud formed a layer of protection against the unrelenting summer flies. The mud carried away by many generations of buffalo deepened the disked out area, which formed the wallows.

The CREP (conservation reserve enhancement program) came into being. The program of RETURNING IT TO THE WILD sounded attractive. We decided to enroll an area of the farm into the program. The land would be returned to wetland and prairie.

We tilled the soil in preparation of the seeding of the native grass seeds. The seeding would be done with a press drill. The seeds of the wild grasses that once covered this prairie would once again find their way into the soil. I watched as the tractor and drill moved across the land. The small ridges contained the promise. The seeds had entered their natural home. The black dirt seemed to know the importance of what was being done. The roots of the wild grasses would once again find their way into the soil. The birds and wild life would once again have an area that would not be mowed or tilled. We were RETURNING IT TO THE WILD.

There was a sense of satisfaction is seeing something like this done. It is a fulfilling thing to know that we are changing it back to be what it once was. We know it will take a few years but the renovation is underway. We are RETURNING IT TO THE WILD.

August 28, 2003

Written by: Darwin R. Anthony

Martin County

MARTIN COUNTY HAS APPROX. 420,000 TILLABLE ACRES.
ABOUT 1,000 FARMS AVERAGING ABOUT 420 ACRES PER FARM.

BASED ON FIGURES FROM MINNESOTA AG STATISTICS

2005 Estimate	PLANTED	PRODUCTION	VALUE
CORN	±228,400 ACRES	43,396,000 BUSHELS	$84,188,000.00
SOYBEANS	±176,500 ACRES	8,825,000 BUSHELS	$52,068,000.00

HAY -5,300 ACRES, GREEN PEAS - 2,000 ACRES, SWEET CORN –2,400 ACRES.

GROSS FARM RECEIPTS FROM CROP PRODUCTION $140,510,000.00
RANKED IN THE TOP 6 COUNTIES IN THE STATE OF MINNESOTA.

2005 Estimate	PRODUCTION	VALUE
SWINE	± 1,850,000 PIGS PRODUCED	$211,000,000.00
FED CATTLE	± 15,000 PRODUCED	$15,720,000.00
MILK PRODUCED	± 22,500,000 POUNDS	$3,511,000.00
SHEEP	± 4,000 PRODUCED	$514,800.00

GROSS RECEIPTS FROM LIVESTOCK PRODUCTION $230,745,800.00
RANKED IN THE TOP 2 COUNTIES IN THE STATE OF MINNESOTA.

ESTIMATED TOTAL GROSS FARM RECEIPTS FOR 2005
± $371,255,800.00
RANKED IN THE TOP 3 COUNTIES IN THE STATE OF MINNESOTA

CENTER CREEK PORK, Inc.

- 4,800 Sow Farrow to Wean Operation
- 11 Owners
- 15 Full time employees and 4-6 part-time Payroll of approximately $500,000.00
- The Production Facility will produce approximately 2,000 - 12 pound pigs each week.
- These sows will consume approximately 5,000 tons of feed, costing about $700,000.00 each year consisting of:
    - 140,000 bushels of corn each year. This corn will be produced on 800 acres at 175 bushel per acre.
    - 30,000 bushels of soybeans each year in the form of soybean meal. 600 acres of soybeans at 50 bushels per acre will produce the required amount of soybean meal.
    - The manure produced, about 7,000,000 gallons per year will provide 100% of the N-P-K to raise 200 bushels of corn on approximately 700 acres each year. Manure will be injected into the soil using a towed hose application system at around 10,000 gallons per acre. For a point of reference 1 inch of rainwater on 1 acre of land delivers 27,225 gallons of water. All 1,300 acres of land designated for the manure adjoins the production site.
    - CCP works with the crop partners around the site to provide the nutrients for their corn production saving the producers approximately $50.00 per acre on their fertilizer cost on those acres that receive manure. 700 acres of manure at a $50.00 per acre lower cost saves $35,000.00 every year.

The 3 Breeding/Gestation barns are 80' by 380' with spaces for approximately 1,344 breeding females per barn. The farrowing barn is 132' by 376' with 16 rooms that contain 48 farrowing crates per room, 768 total farrowing crates. Typically 5 farrowing rooms will be weaned to provide 2,000 pigs to the individual owners each week. Owners will then finish out the pigs to a market weight of about 270 pounds in 25 weeks. Gross sales of finished pigs will be approximately $12,500,000.00 per year.

The pigs produced by Center Creek Pork, Inc. will consume approximately 840,000 bushels of corn (4,800 acres of production at 175 bushels per acre) and require the soybean meal from about 219,000 bushels of soybeans (4,375 acres of production at 50 bushels per acre). These pigs will produce enough manure to fertilize approximately 7,000 acres of corn production.

Excerpted from the Martin County Water Plan 2006 – 2016:

Agricultural best management practices [BMP's] should be applied to all agricultural land in the county. Examples include residue management, conservation tillage, nutrient management, conservation crop rotations and vegetated buffers. If these BMP's are not adequate on < 2% slope lands and 2% to 6% slope lands that are greater than 200 feet from surface water to control soil and nutrient loss, additional measures should be taken. Landowners should adopt appropriate BMP's to control sheet, rill and ephemeral erosion. In addition, areas with seasonal and intermittent streams, that are directly impacting a water body, need to be vegetated with perennial plants.

Precision conservation is a term that was adopted to mean higher level BMP's that are applied to strategically targeted environmentally sensitive areas. In order to meet local, regional and state water quality goals, within the timeline expected in the TMDL process, agricultural producers will need to go beyond what has been done in the past and take their conservation efforts to a higher level to effectively address agricultural nonpoint source pollution on agricultural lands in Martin County and beyond.

In an effort to define environmentally sensitive areas, or areas where precision conservation should be applied, take into consideration the following landscape characteristics:

a. Steeper slopes
b. Droughty soils
c. Areas with concentrated overland flow
d. Close proximity to surface waters
e. Size of contributing watershed area
f. Seasonal and intermittent streams
g. Cropping system
h. Floodplain areas
i. Within 30 feet of an open tile intake
j. Poorly drained soils

If your land has any of these characteristics, use the following precision conservation practices, appropriate to the site, in combination with conservation tillage, residue management, conservation crop rotations and other BMP's that may apply.

- On 2% to 6% [B] slopes within 200 feet of surface water use:
  - Waterways for concentrated overland flow
  - Terraces
  - Cover crops
  - Higher levels of residue management
  - Perennial cropping systems
  - Sediment control basins

- Filter strips of perennial vegetation utilizing local ecotype native plants
- Water storage

- On 6% to 12% [C] slopes, located anywhere use:
  - Waterways for concentrated overland flow
  - Terraces
  - Cover crops
  - Higher levels of residue management
  - Perennial cropping systems
  - Sediment control basins
  - Filter strips of perennial vegetation utilizing local ecotype native plants
  - Adjacent to surface waters establish filter strips of appropriate width for the size of the contributing watershed area

- On 12% to 18% [D] slopes, located anywhere use:
  - No Till
  - Perennial cropping systems
  - Critical area plantings

- On 18 to 25% [E] slopes and 18% to 40% [F] slopes, located anywhere use:
  - Pasture
  - Long term perennial cropping systems
  - Wildlife habitat

Across the county it is estimated this would equate to 5 or 10 % of the landscape. These areas should be 'working lands' and provide economic return back to the farm family, instead of 'retired' land.

Contact Information:

Richard Perrine
Martin County Water Plan
923 North State Street, Suite 170
Fairmont, MN 56031
507-235-6680
richard.perrine@mn.nacdnet.net

Linda Meschke
Rural Advantage
426 Winnebago Avenue, Suite 100
Fairmont, MN 56031
507-2238-5449
meschkel@berbi.org

FOR YOUR INFORMATION

August 24, 2006

- Updated Board Member Listing
- Updated BWSR Staff Listing
- Mark Hiles joins BWSR staff
- New address for BWSR Bemidji office and Brainerd office
- News Release from the Minnesota Department of Agriculture: "RFA to offer livestock producers zero-interest loans for drought-related water projects"
- Resource Briefing "Revised – Minnesota's Open Meeting Law – Chapter 13D"
- E-Mail from Al Kean regarding Coastal Nonpoint Program
- MAWD 2006 Summer Tour June 23, 2006

MINNESOTA BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155
Phone: 651-296-3767 Fax: 651-297-5615

Appointed Members	***Appointment Designation***	***Term Expires***	***Telephone/Fax***	
Randy Kramer, Chair 42808 County Road 11, Bird Island, MN 55310 randyk@willmar.com	**Citizen**	01-01-10	320-365-3094 320-365-4784	*Home* *Office*
Dana Allen 11304 19th Street, SE, Eyota, MN 55934 dm.allen@myclearwave.net	**Citizen**	01-05-09	507-545-3969 507-951-5597	*Home* *Office*
Paul Brutlag 27113 County Road 11, Wendell, MN 56590 brutlagp@runestone.net	**Citizen**	01-07-08	218-458-2113 320-589-4151	*Home* *Office*
Kay Cook 20783 Eastway Court, Richmond, MN 56368 kayc@meltel.net	**Watershed**	01-01-07	320-597-2794	*Home*
LuAnn Tolliver 14801 Wychewood Road, Minnetonka, MN 55345 mltolly@aol.com	**Watershed**	01-07-08	952-938-6749 952-838-1571	*Home* *Office*
Paul Langseth 35505 280th Street, Worthington, MN 56187 pltrees@frontiernet.net	**SWCD**	01-04-10	507-376-5686 507-360-5844	*Home* *Office*
Louise Smallidge 10992 Point Douglas, Hastings, MN 55033 Choregirl2@juno.com	**SWCD**	01-07-08	651-459-5600	*Home*
Robert Burandt 1340 Waconia Pkwy. S., Waconia, MN 55387 robertburandt@aol.com	**SWCD**	01-10-09	952-442-4216	*Home*
Quentin Fairbanks 16374 Stoner Memorial Dr., NE, Hines, MN 55647 quentin@paulbunyan.net	**Co. Commissioner**	01-01-07	218-835-4184 218-679-3378	*Home* *Fax*
Brian Kletscher 30427 County Hwy. 10, Vesta, MN 56292 bk3376@redred.com	**Co. Commissioner**	01-05-09	507-762-3376 507-828-1429	*Home* *Office*
Brian Napstad 51227 Long Point Place, McGregor, MN 55760 bnapstad@yahoo.com	Co. Commissioner	01-04-10	218-426-3008 218-426-4662	*Home* *Office*

State Agency Members:

Joe Martin Freeman Office Bldg., 625 Robert St. N., St. Paul, MN 55155 Joe.Martin@state.mn.us	**Department of Agriculture**	651-201-6551 651-297-5522	*Office* *Fax*
Dan Wilson Well Management Section, P.O. Box 64975, St. Paul, MN 55164-0975 Daniel.Wilson@health.state.mn.us	**Department of Health**	651-201-4598 651-201-4599	*Office* *Fax*
Gene Merriam 500 Lafayette Road, St. Paul, MN 55155 Gene.Merriam@dnr.state.mn.us	**Department of Natural Resources**	651-259-5555 651-296-4799	*Office* *Fax*
Jim Anderson 439 Borlaug Hall, 1991 Upper Buford Circle, St. Paul, MN 55108 Ander045@umn.edu	**U of M/Dept. of Soil, Water & Climate**	612-625-0279 612-625-2208	*Office* *Fax*
Lisa Thorvig 520 Lafayette Road, St. Paul, MN 55155 Lisa.Thorvig@pca.state.mn.us	**Pollution Control Agency**	651-296-8811 651-296-6334	*Office* *Fax*

August 2006

PHONE NUMBERS FOR BWSR STAFF **USE LAST FIVE DIGITS WHEN TRANSFERRING**

Main Line: 651-296-3767 – FAX: 651-297-5615 - Updated 8/9/06

Central Office	296-3767
Fax #	297-5615
Anderson, Mary Jo	297-4290
Bonde, Karen	297-3998
DeVoe, Natasha	205-4664
Donnelly, Conor	282-3815
(cell 612-408-7002)	
Engineers Cell Phone	485-8466
Eisele, Bill	282-2929
(cell 651-245-5132)	
Fredbo, Tim	296-0880
Fure, Jon	296-0884
Girolamo, Dan	215-1703
Haertel, Jim	297-2906
Harnack, Ron	296-0878
(cell 612-202-3815)	
Hubbell, Dianne	296-0873
Jacobson, Bob	297-4958
Kean, Al	297-2907
(cell 651-245-6531)	
Keating, Kari	296-3767
Larson, Greg (U of M)	612-624-3427
BWSR Office	651-297-7029
(personal cell 612-751-3060)	
Lewis, Michelle	296-2428
Lines, Kevin	297-1894
(cell 612-518-5545)	
Luniewski, Jim	297-2622
Mack, Kristie	215-9420
Mings, Thomas	284-4153
(cell 612-965-8682)	
Mohring, Eric	297-7360
Morrill, Ron	297-4735
Ogg, Tim	297-8024
(cell 651-295-5737)	
Remick, Polly	297-4365
Salinas, Debbie	297-8025
Schmidt, Tom	215-9008
Sokatch, Char	297-4016
Straumanis, Sarma	297-7965
Strojny, Carol	297-1893
Swenson, Karli	282-2600
Thomas, Doug	297-5617
(cell 651-308-8647)	
Wenzel, Tom	296-0883
(cell 612-720-1412)	
Weirens, Dave	297-3432
(cell 763-229-4308)	
Zellmer, Wayne	297-7361
Metro Office	282-9969
Lemm, Les	296-6057
(cell 651-341-4208)	
Peterson, Lynda	
(cell phone only)	612-201-9806
Woods, Steve	297-7748
(cell 651-402-6997)	
Wozney Brad	296-6068
(cell 651-233-6673)	

Southern Regional Office
New Ulm

Fax #	(507) 359-6018
Cell Phone	(651) 485-8469
Jeff Nielsen	(507) 359-6075
Chris Hughes	(507) 359-6076
Tom Fischer	(507) 359-6091
Jeff Hedtke	(507) 359-6092
Cell Phone	(651) 485-8470
Mark Hiles	(507) 359-6077
Carla Swanson-Cullen	(507) 359-6074

Rochester

Fax #	(507) 285-7144
Cell Phone	(651) 485-8472
Dave Peterson	(507) 280-2874
Mary Kells	(507) 280-2873
Dorothy Erickson	(507) 281-7797

Marshall

Fax #	(507) 537-6368
Cell Phone	(651) 485-8471
Tabor Hoek	(507) 537-7260
David Sill	(507) 537-6374
Roxie Serreyn	(507) 537-6060
Scott Santjer	(507) 537-6097
Cell Phone	(612)-723-0298

Northern Regional Office
Brainerd

Fax #	(218) 828-6036
Ron Shelito	(218) 828-2604
Cell Phone	(218) 820-3794
Keith Grow	(218) 828-6035
Cell Phone	(218) 820-3655
Dan Steward	(218) 828-2598
Cell Phone	(218) 820-1679
John Overland	(218) 825-6807
Cell Phone	(218) 232-4852
Jason Weinerman	(218) 828-6045
Cell Phone	(218) 820-1688
Vacant (Vicky)	(218) 828-2383

Fergus Falls

Fax #	(218) 736-7215
Cell Phone	(218) 770-3802
Pete Waller	(218) 736-5445 ext 104

Duluth Office

Fax #	(218) 723-4794
Jim Lemmerman	(218) 723-4996
Cell Phone	(218) 341-0703
Mark Nelson	(218) 723-4923
Cell Phone	(218) 349-1834
Mary Jo Flemming	(218) 723-4752
Julie McDonnell	(218) 723-2351

Bemidji Office

Fax #	(218) 755-4201
Brian Dwight	(218) 333-8027
Cell Phone	(218) 820-2335
Bill Best	(218) 333-8026
Cell Phone	(218) 556-4686
Dale Krystosek	(218) 333-8029
Cell Phone	(218) 820-9381
Jeff Hrubes	(218) 333-8028
Cell Phone	(218) 368-7683
Vacant (Jennifer)	(218) 755-4235

Board Packet
FYI

Mark Hiles joins BWSR staff.

Mark Hiles has joined the BWSR staff in New Ulm. He comes to BWSR from McLeod County with seven years of experience implementing their Individual Sewage Treatment System (ISTS) Program and their Feedlot Ordinance.

Mark's position provides technical, administrative, and planning assistance directly to local government units implementing the state feedlot program as it pertains to general annual reporting procedures, eLINK reporting requirements, eLINK training, feedlot inventory database administration, and quality assurance/quality control. This position also serves as a program liaison among agencies administering the feedlot program, specifically ensuring that data and reporting within the eLINK program complies and compliments diverse local, state, and federal feedlot policies and procedures (NRCS, MPCA, U of MN, county feedlot officers, etc.).

He will also provide leadership in the implementation of water and land management programs and policies of the Board of Water and Soil Resources.

New Bemidji Office Address:

Board of Water and Soil Resources
701 Minnesota Avenue, Suite 234
Bemidji, MN 56601-3178

New Brainerd Office Address:

Board of Water and Soil Resources
1601 Minnesota Drive
Brainerd, MN 56401

Minnesota Department of Agriculture
90 West Plato Boulevard
Saint Paul, Minnesota 55107
(651) 297-1629

Board Packet
FYI

News Release

FOR IMMEDIATE RELEASE: Friday, August 11, 2006

CONTACTS: Lynn Schwartz, Communications Coordinator, 651-201-6131
Jim Boerboom, Assistant Commissioner, 651-201-6395

RFA to offer livestock producers zero-interest loans for drought-related water projects

ST. PAUL, Minn. – In response to a request from Governor Tim Pawlenty and the Minnesota Department of Agriculture (MDA), the Rural Finance Authority (RFA) has agreed to offer $500,000 in zero-interest loans to help farmers cover the costs for qualifying drought-related watering facility projects and practices.

As with other RFA loans, these drought-assistance loans will be available for producers through their existing agricultural lenders for financing these projects and practices. The loans can be used for the acquisition of equipment related to well drilling, pipelines, watering facilities, portable pumps, fencing, watering pond restorations, fabricated shelterbelts, and other projects that will provide drinking water for livestock.

The loans will be offered in the following 36 counties with severe drought conditions: Aitkin, Anoka, Beltrami, Benton, Carlton, Cass, Chisago, Clearwater, Cook, Crow Wing, Hennepin, Hubbard, Isanti, Itasca, Kanabec, Kittson, Koochiching, Lake, Lake of the Woods, Mahnomen, Marshall, Mille Lacs, Morrison, Norman, Pennington, Pine, Polk, Pope, Red Lake, Roseau, St. Louis, Sherburne, Stearns, Todd, Wadena and Wright.

The RFA loan program is the latest effort at the state level to help drought-stricken livestock producers. Yesterday, the Minnesota Board of Soil and Water Resources announced a separate $500,000 grant program to help farmers pay for projects that will provide drinking water for livestock.

The RFA was established by the Minnesota Legislature 20 years ago to authorize issuance of state bonds whose proceeds of sale are used to develop state agricultural resources. Since its inception, the RFA has grown to include a variety of loan participation programs focused on undercapitalized and beginning farmers.

Interested borrowers should contact their lender or call RFA at 651-201-6556. More information is also available on the RFA website at http://www.mda.state.mn.us/agfinance.

-30-

This release is available on the MDA website at http://www.mda.state.mn.us

MINNESOTA GROWN

In accordance with the Americans With Disabilities Act, an alternative form of communication is available upon request. TTY 1-800-627-3529

Mary Jo

Minnesota Counties Insurance Trust

Resource Briefing

June 2006

Revised — Minnesota's Open Meeting Law — Chapter 13D.

BACKGROUND

As interest and involvement in public policy grows, individuals in government must have a solid understanding of the requirements of the Open Meeting Law. Whenever members of a public body come together to conduct business, constituents, the media and special interest groups must be provided with an opportunity to observe and comment on the issues and the actions of their representatives.

It was in this spirit that the Minnesota Legislature enacted the Open Meeting Law in 1957. Since its adoption, the law has evolved through judicial interpretation and legislative amendments. The purpose of the law is to:

- Prohibit actions being taken at secret meetings where the public is unable to become informed about decisions of the public body OR to detect improper influences; and
- Assure the public's right to be informed.

This Resource Briefing will examine aspects of the law that expose public entities to risk; specifically, it will address who is subject to the law, notice requirements, exceptions, the relationship with the Minnesota Data Government Data Practices Act and new technologies, procedural issues and the penalties which may be imposed for violations.

APPLICATION

The Open Meeting Law applies to all meetings of the public body and, in general, meetings of its committees and subcommittees.

The gathering of a quorum (a majority of the members of the public body) constitutes a meeting if "members discuss, decide, or receive information as a group on issues relating to the official business of the governing body."

Committees and Subcommittees of the Board: The law applies to these bodies if they possess decision making authority on behalf of the board. Decision making authority is presumed if:

- Members of the committee comprise a quorum of the governing body; or
- The governing body has delegated its power to the (sub) committee.

Serial Meetings: Public bodies that orchestrate serial meetings of less than a quorum to avoid the open meeting requirements or to fashion an agreement in advance, may be found to have violated the law depending on the circumstances.

Communication Between Board Members: The law does not apply to telephone conversations, e-mail or letters between less than a quorum of the public body unless such communication was used to circumvent the open meeting law requirements. Such communication can be used to have discussions and build consensus outside of a public meeting. Like serial meetings, when used to avoid the open meeting requirements, these communications may be found to have violated the law.

No open meeting violation occurs when mail – e-mail or regular mail – is used to distribute materials to board members. A problem or violation occurs when the board members respond to the information and begin a discussion of the materials. Board members are cautioned against communicating on matters that may come before the Board.

Social Gatherings: The law does not apply to a quorum of the governing body that comes together by chance at a social gathering so long as the group does not use the setting for purposes of conducting official business.

Informational Gatherings: The law applies to informational gatherings such as retreats, executive sessions, public hearings or work sessions

MEETING REQUIREMENTS

The Open Meeting Law is intended to preserve the rights of the public to observe and comment on actions and decisions being taken by its representatives. To satisfy this burden, the public must be informed as to the time and place of open meetings. Although the responsibility to ensure that meetings are properly noticed lies with the public body, this operational activity is typically carried out by the individual that functions as the Clerk to the Board. The public body is also required to maintain a record of all votes taken at open meetings. This record must be maintained in a journal and should identify the issues considered by the public body. The law requires the journal be open and available for inspection by the public:

The four kinds of meetings subject to varying notice requirements include:

1. Regular meetings
2. Special meetings
3. Emergency meetings
4. Recessed or continued meetings

MEETING TYPES AND NOTICES REQUIREMENTS

Regular meetings are meetings conducted routinely or on a prescribed schedule

Notice Requirements: A schedule of the regular meetings of the board must include times and locations and must be kept on file at its primary office. If a meeting is to be held at a time or location inconsistent with the schedule, notice of the changes must be made in the same manner as a special meeting.

Special meetings are not conducted as part of the normal routine, but planned far enough in advance to be scheduled.

Notice Requirements: Written notice must be posted with the date, time, place and purpose of the meeting on the principal bulletin board, or on the door of its usual meeting room. The principal bulletin board must be located in a place which is reasonably accessible to the public.

AND

The notice must be mailed or otherwise delivered at least three days (72 hours) before the meeting to each person who has filed a written request for notice of special meetings. As an alternative to mailing or otherwise delivering the notice, the public body may publish notice in the official newspaper three days prior to the special meeting.

Emergency meetings are called because of circumstances that, in the public body's judgment, require immediate attention.

Notice Requirements: Good faith efforts must be made to provide notice to all news media that have filed a written request for notice of special meetings. The notice must include the date, time, place and an explanation of the subject matter of the meeting. Notice must also be given by telephone or other reasonable method to members of the public body.

Recessed or continued meetings are those meetings that are a continuation of a previous meeting.

Notice Requirements: No notice is required so long as the time and place of the meeting was established during the previous meeting and recorded in the meeting minutes.

When in doubt whether a committee or subcommittee meeting of the governing body is subject to the Open Meeting Law notice the meeting and conduct it in public.

EXCEPTIONS TO THE OPEN MEETING LAW

The legislature has identified six valid reasons for conducting business in a closed session:

1. Labor negotiations
2. Preliminary consideration of charges against an employee
3. Performance evaluations
4. Attorney-client privilege
5. Preliminary considerations of purchase or sale of real or personal property; to review confidential or nonpublic appraisal data
6. To receive security briefings and reports; to discuss issues related to security and emergency response procedures

Labor negotiations may be closed to discuss strategy for labor negotiations and review labor negotiated proposals.

> **Requirements:** A majority vote of the members of the board is required to close the meeting. A written roll must be taken of the members and other persons present at the closed meeting and must be made available to the public following the meeting. While these meetings can be closed, the time and place of the meeting must be announced in an open session. Meetings closed for labor negotiations must be tape-recorded. The tapes are to be retained for two years after the contract is signed. The tapes are available to the public after all contacts have been settled for the current budget period.

Preliminary consideration of charges against an employee must be closed unless the employee requests that the meeting remain open. The purpose for closing the meeting is to safeguard information or materials that may not be public per the Minnesota Data Practices Act.

Requirements: One or more meeting(s) may be closed while the body is considering whether disciplinary action is warranted. Once a conclusion is reached, the discussion must be conducted in public.

The employee does not participate in the closed meeting unless the:

- purpose of attendance is to respond to charges against him or her
- the employee requests the meeting be open/public.

The employee should be given advance notice of the existence and nature of the charges so they can make an informed decision on whether to request that the meeting be open.

Public entity employees must be given an opportunity to explain/defend their actions when termination is being considered. This "due process" is referred to as a Loudermill hearing. Typically, this informal hearing is conducted by the employer's human resource professional, coordinator/administrator or county attorney. When the governing body becomes involved in the discharge of an employee a closed meeting that allows an employee to respond to charges against them may satisfy due process requirements for those employees that have a property or liberty interest in their job. A property interest exists when a contract, personnel policy, union agreement includes a "for cause" provision for discipline or the employee is a veteran pursuant to the Veteran's Preference Law. A liberty interest exists when the action of the employer may impact the employee's good name and reputation.

Performance evaluation may be closed to the public unless the employee being evaluated requests to be evaluated in public. In this case, it must be open.

Requirements: Prior to closing the meeting the body must identify the employee to be evaluated. At its next open meeting, the body must summarize its conclusions regarding the evaluation.

Advance notice to the employee being evaluated should be given so that the employee can make an informed decision on whether to request that the meeting be open.

Attorney-client privilege allows a meeting to be closed, if the meeting with counsel is to discuss pending or threatened litigation against the public body. The meeting may not be closed to seek general legal advice or discuss litigation they assume may occur or that is threatened.

Requirement: Prior to closing the meeting, the body must indicate that the meeting is being closed under attorney-client privilege to discuss litigation and must provide a specific description of the subject to be discussed. To satisfy the requirement for a specific description, the public body should state the nature of the pending claim, e.g. "to discuss the pending EEOC charge filed against the county, "or to "discuss a grievance filed in the social services department against the county."

The body should also describe how a balancing of the purposes of the attorney-client privilege against the purposes of the open meeting law demonstrates the need for absolute confidentiality. An attorney must participate in the meeting.

A preliminary consideration for purchase and sale of property allows for a public body to close a meeting to:

- determine the asking price for real or personal property to be sold by the government entity and strategy relating to that sale;
- review confidential or nonpublic appraisal data under Minn. Stat. §13.44 (3) and
- develop or consider offers or counteroffers for the purchase or sale of real or personal property and strategy relating to that sale or purchase.

> **Requirements:** Before holding a closed meeting under this provision the public body must identify, on the record, the particular real or personal property that is the subject of the meeting. The proceedings of the meeting must be tape recorded at the expense of the public body. The particular property must be described on the tape. The recording must be preserved for eight years after the date of the meeting and be available to the public after all real or personal property discussed at that meeting has been purchased or sold or the governing body has abandoned the purchase or sale. When an action is brought claiming that public business, other than discussions allowed under this paragraph, was transacted at a closed meeting held pursuant to this paragraph during the time when the tape is not available to the public, the provisions of Minn. Stat. §13D.03(3) shall be applicable. Said provisions establish a procedure for a court to review the recording to determine if a violation of the open meeting law has occurred. When the court finds a violation has occurred the recording can be used in the trial.

Security briefings and emergency response procedures provides that meetings may be closed to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures and to discuss security deficiencies in or recommendations regarding public services, infrastructure and facilities, if disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses.

> **Requirements:** Financial considerations including decisions regarding the use of public funds related to security matters must occur at an open meeting. The meeting can be closed however, the motion closing the meeting under this provision must describe the subject to be discussed and refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting. A closed meeting must be tape recorded at the expense of the governing body. The recording must be preserved for at least four years.

PROCEDURES TO CLOSE A MEETING

The Chairperson of the Board should state, in open session, the specific grounds permitting the meeting to be closed. If the board is not in session, it may be necessary to convene a special meeting that will require special notification.

- Describe the subject to be discussed.
- Withhold, from the public, materials discussed in the closed session.
- Ensure the minutes of the meeting simply state that a closed meeting was held and the statutory reason for closing the meeting.

Sample Resolution and Minutes:

Motion by Board Member X, seconded by Board Member Y to close the meeting of the public body to discuss possible charges against an employee. Motion carried unanimously.

OR

Motion by Board Member X, seconded by Board Member Y to close the meeting to conduct a performance evaluation of the county engineer. Motion carried unanimously.

At the next meeting the minutes must reflect the conclusion of the board such as:

The public body has completed the performance evaluation of the county engineer and finds his/her performance satisfactory. The meeting was closed under Minn. Stat. §13D.05 subd. 3.

DISTRIBUTION OF MATERIALS FOR THE MEETING

The public must have access to materials distributed to the governing body for consideration during their meeting. To satisfy this requirement, the public body must make available for inspection in the meeting room at least one (1) copy of the agenda and other written materials which are:

- Distributed to all board members at the meeting;
- Distributed to all board members before the meeting; or
- Available in the meeting to board members.

The public body can provide additional copies available for the public at the meeting and distribute the materials in advance of the meeting. The public body can only distribute materials classified as public pursuant to the Minnesota Data Practices Act.

DISCUSSING PRIVATE DATA AT A PUBLIC MEETING

With increased awareness regarding risks associated with the release of private or confidential information there may be an inclination to close the meeting whenever this data may be discussed. Meetings cannot be closed simply because private or confidential data will be discussed. The law provides that any part of a meeting must be closed if the following data is to be discussed:

- Data identifying alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minor or vulnerable adults.
- Active investigation data as defined in the Minnesota Government Data Practices Act, or internal affairs data relating to allegations of law enforcement personnel.
- Educational data, health data, medical data, welfare data, or mental health data that are not public under the MGDPA.

If the meeting is not required to be closed, private data may be discussed in public without liability or penalty when the disclosure related to a matter within the scope of the public body's authority and is reasonably necessary to conduct business.

MEETINGS BY INTERACTIVE TELEVISION

The law authorizes meetings of public bodies by interactive television as long as the following criteria are met:

- All members of the body participating in the meeting, wherever their physical location, can hear and see one another as well as hear and see all discussion occurring at any location at which at least one member is present;
- Members of the public present at the regular meeting location can hear and see all discussions, testimony and votes of the public body; and
- At least one member of the public body is physically present at the regular meeting location.
- Each location at which a member of the public body is present is open and accessible to the public.

To comply with the Open Meeting Law each member of the governing body choosing to participate in a meeting via interactive television is considered present for purposes of defining a quorum and participating in all proceedings. The public body must allow the public to monitor the meeting from a remote location with or without the presence of a member of the body (and may charge a fee for the additional costs if it can document the charge as a result of the connection.) The public body must provide notice of the location of the regular meeting AND notice of any site from which a member of the body will participate.

PENALTIES

When a court finds a member of the public body violated the Open Meeting Law with specific intent to do so, the member may be fined up to $300 for each violation. The public body cannot indemnify the member for these penalties.

When the member has been found to have intentionally violated the law three or more separate and unrelated times he/she may be removed from office.

Note: This provision of the law is under consideration by the courts at the time of this publication's release (Kenneth Brown and Robert Banks v. Cannon Falls Township, et al, on appeal with the Minnesota Court of Appeals from Goodhue County District Court. The amended district court order appealed is dated November 23, 2005).

The court may order the member to pay costs and attorney's fees, up to $13,000, to the claimant. Unlike the penalty, the public body may choose to indemnify the member for these expenses. MCIT excludes coverage for Open Meeting Violation penalties.

For more information on the Minnesota Open Meeting Law, contact the Minnesota Counties Insurance Trust at (651) 209–6400 or Toll Free at (866) 547–6516.

THE INFORMATION CONTAINED IN THIS DOCUMENT IS INTENDED FOR GENERAL INFORMATION PURPOSES ONLY AND DOES NOT CONSTITUTE LEGAL OR COVERAGE ADVICE ON ANY SPECIFIC MATTER.

Board Packet
FYI

From: "Mindy Granley" <Mindy.Granley@dnr.state.mn.us>
To: "Al Kean" <Al.Kean@bwsr.state.mn.us>, <Mark.Nelson@bwsr.state.mn.us>, "Jesse Schomberg" <jschombe@d.umn.edu>, "Mike Peloquin" <Mike.Peloquin@dnr.state.mn.us>, "Pat Collins" <Pat.Collins@dnr.state.mn.us>, "Marc Hershfield" <Marc.Hershfield@state.mn.us>, <Patrick.Carey@state.mn.us>, <Brian.Fredrickson@state.mn.us>, "Cindy Kahrmann" <Cynthia.Kahrmann@state.mn.us>
Date: 7/28/2006 3:41:57 PM
Subject: Fwd: MN is Fully Approved!

CNP Coordination Team-

Thought I'd start your weekends off with some good news:

We are now an officially fully-approved Coastal Nonpoint Program. We heard today from NOAA (who heard via Tom Davenport) that the approval letter for MN's Coastal Nonpoint Program was signed by Region 5's RA yesterday. (Copies of the signed letter and final decision document are in the mail today)

Also, see the complimentary note from Don Waye below.

Have a great weekend,
Mindy

Mindy Granley
Coastal Nonpoint Specialist
Minnesota's Lake Superior Coastal Program
Minnesota Department of Natural Resources
1568 Highway 2
Two Harbors, MN 55616
(218) 834-6625

>>> <Waye.Don@epamail.epa.gov> 7/28/2006 1:09 PM >>>
Congratulations, indeed!

As a footnote, NOAA and EPA recounted and have determined that Minnesota
is the 17th state or territory to be fully approved, not the 18th. This
puts you in the top half of the 34 states/territories with coastal nonpoint programs, despite being one of the last 5 states to join. Minnesota also wins bragging rights as developing a fully approved coastal nonpoint program more quickly than any other state or territory.

Don Waye
U.S. Environmental Protection Agency
Nonpoint Source Control Branch (OWOW/AWPD)

Mailing Address: Office Location:
Mail Code 4503T Room 7333E
1200 Pennsylvania Ave, NW 1301 Constitution Ave, NW

MAWD

2006 Summer Tour

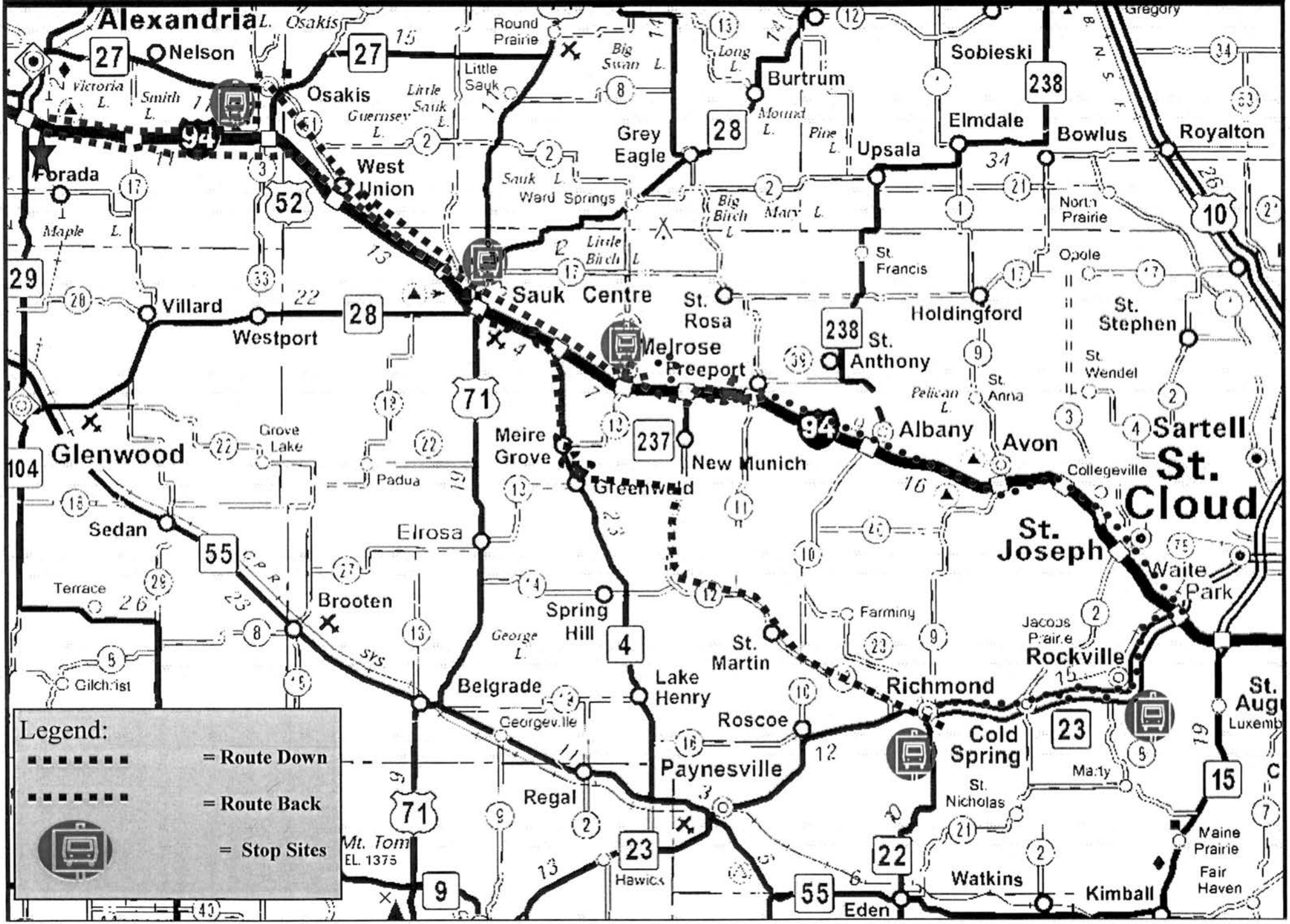
June 23, 2006

Hosted by:
Sauk River Watershed District

524 4th Street South
Sauk Centre, MN 56312
Phone: 320-352-2231
Fax: 320-352-6455
email:srwd@srwdmn.org
Web: www.srwdmn.org

"Marching to the Beat of Progress for Twenty Years"

MAWD Summer Tour Route Map



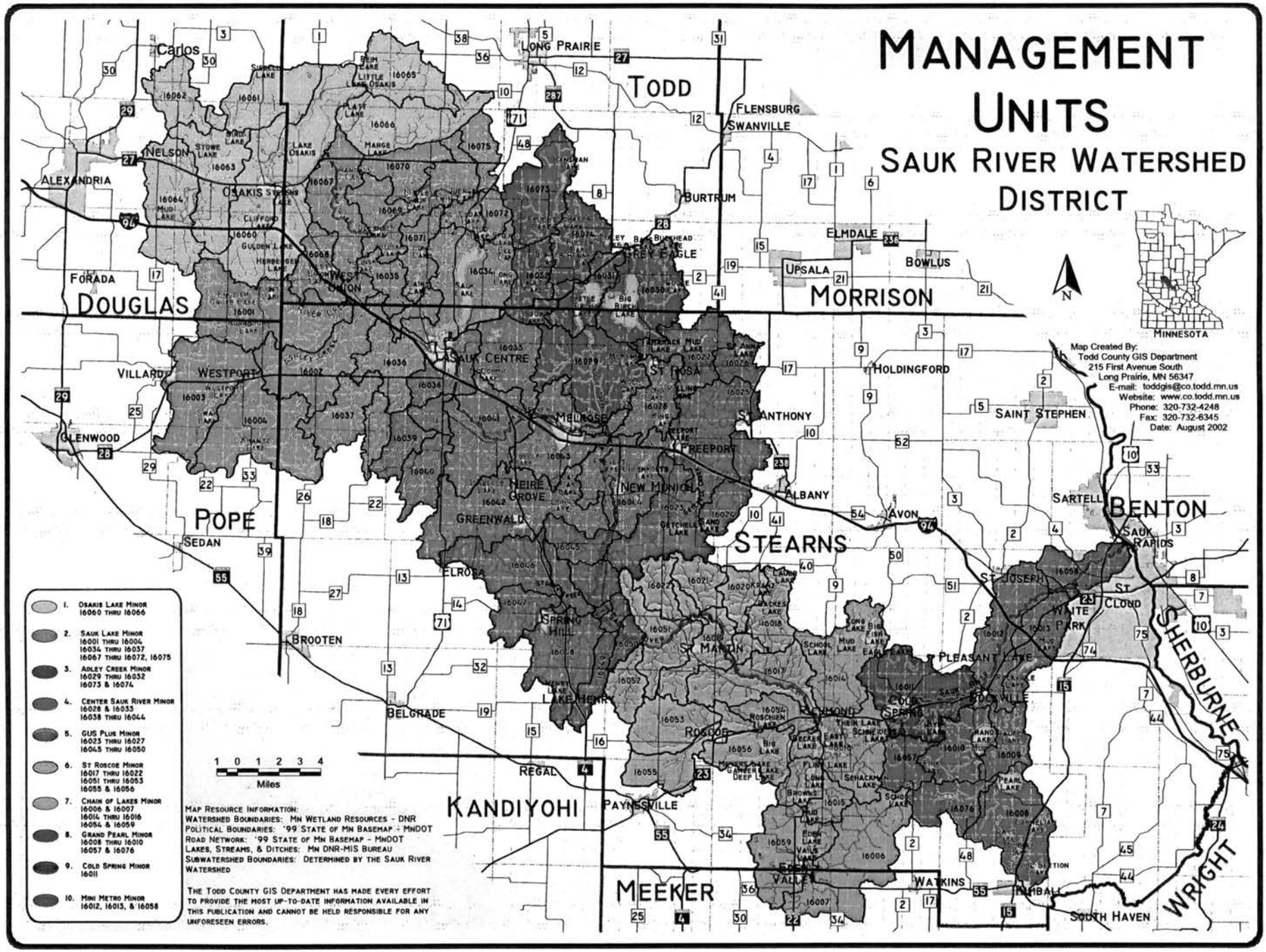

MANAGEMENT UNITS
SAUK RIVER WATERSHED DISTRICT
Map Created By:
Todd County GIS Department
215 First Avenue South
Long Prairie, MN 56347
E-mail: toddgis@co.todd.mn.us
Website: www.co.todd.mn.us
Phone: 320-732-4248
Fax: 320-732-6345
Date: August 2002
MINNESOTA
1. Osakis Lake Minor 16060 thru 16066
2. Sauk Lake Minor 16001 thru 16004, 16034 thru 16037, 16067 thru 16072, 16075
3. Adley Creek Minor 16029 thru 16032, 16073 & 16074
4. Center Sauk River Minor 16028 & 16033, 16038 thru 16044
5. Gus Plus Minor 16023 thru 16027, 16045 thru 16050
6. St Roscoe Minor 16017 thru 16022, 16051 thru 16053, 16055 & 16056
7. Chain of Lakes Minor 16006 & 16007, 16014 thru 16016, 16054 & 16059
8. Grand Pearl Minor 16008 thru 16010, 16057 & 16076
9. Cold Spring Minor 16011
10. Mini Metro Minor 16012, 16013, & 16058
1 0 1 2 3 4
Miles
Map Resource Information:
Watershed Boundaries: Mn Wetland Resources - DNR
Political Boundaries: '99 State of Mn Basemap - MnDOT
Road Network: '99 State of Mn Basemap - MnDOT
Lakes, Streams, & Ditches: Mn DNR-MIS Bureau
Subwatershed Boundaries: Determined by the Sauk River Watershed
The Todd County GIS Department has made every effort to provide the most up-to-date information available in this publication and cannot be held responsible for any unforeseen errors.
Carlos
Long Prairie
Todd
Flensburg
Swanville
Nelson
Alexandria
Osakis
Burtrum
Elmdale
Bowlus
Upsala
Morrison
Forada
Douglas
Villard
Westport
Sauk Centre
St Rosa
Holdingford
Saint Stephen
Glenwood
Melrose
St Anthony
Freeport
Albany
Avon
Sartell
Benton
Sauk Rapids
Pope
Sedan
Greenwald
Heire Grove
New Munich
Stearns
Elrosa
St Joseph
St Cloud
White Bear Park
Brooten
Spring Hill
St Martin
Pleasant Lake
Rockville
Cold Spring
Belgrade
Lake Henry
Roscoe
Raymond
Sherburne
Regal
Kandiyohi
Paynesville
Meeker
Watkins
Kimball
South Haven
Wright

Table of Contents

1 Management District 1

2 Management District 2

3 Management District 3

4 Management District 4

5 Management District 5

6 Management District 6

7 Management District 7

8 Management District 8

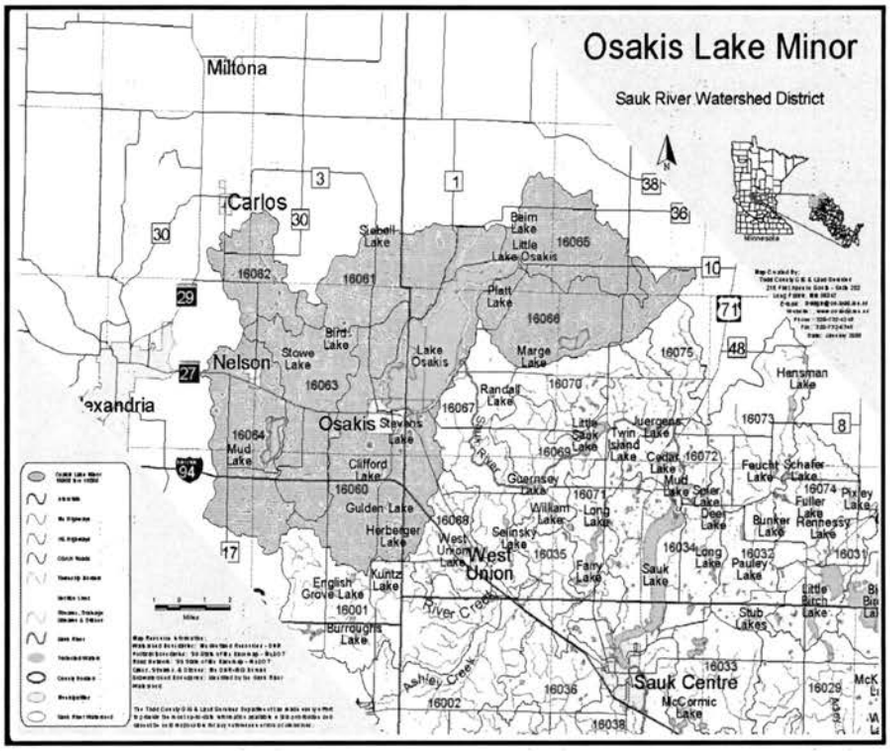
9 Management District 9

10 Management District 10

MANAGEMENT DISTRICT 1

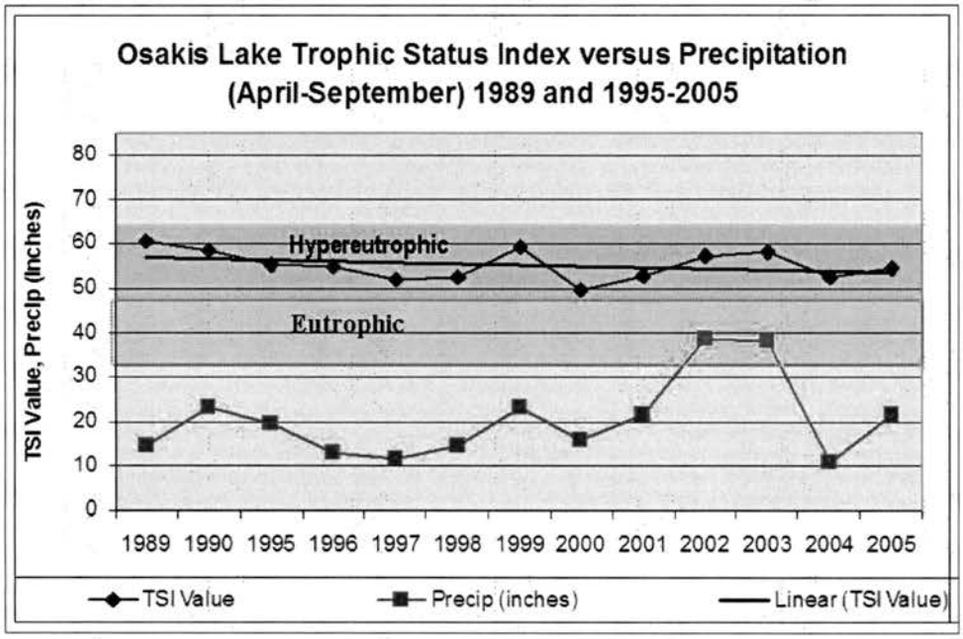
Overview

Osakis Lake is the headwaters of the Sauk River. Its inlets, and bordering lakes Faille and Clifford have undergone extensive monitoring for ten years. SRWD and project partners have focused implementation efforts on shoreland restoration, erosion control and feedlot issues within the watershed, in particular Joint County Ditch Two (JD2) and on attaining 100% compliance of Individual Sewage Treatment Systems on the first tier of lots around the lake. The SRWD staff continues to work with area landowners to address water quality concerns. Continued monitoring will also illustrate the effects of these efforts.



Accomplishments

- Installed Judicial Ditch 2 Sediment Reduction Ponds in 2002-2003
- Completed an Alum treatment on Clifford and Faille Lakes in April 2002
- Worked with the City of Osakis to install the King Street Storm Water Retention Basin in 2002
- Storm drain markers in the City of Osakis in 2005
- Shoreland Restoration Demonstration Project in 2005
- Sediment core sampling on Osakis, Faille and Clifford lakes in 2006
- Watershed flyover assessment with aerial photos in 2006
- Education and outreach programs for decision makers and youth programs since 2000



BMP's Implemented using SRWD Funding

- Shoreland Restoration: 10
- Feedlot abatement: 4
- Fresh Water Diversion: 2
- Sediment Retention basin: 1
- Wetland Restoration: 1
- Buffer Strip: 1
- Erosion/Sediment Control:4
- Drainage Improve. 1
- Abandon Manure Pit: 7
- Abandon Wells: 1
- Stormwater Run off: 4
- Septic System Upgrade: 71

Total Grant Funds: $222,645
Total Loan Funds: $1,151,922

Judicial Ditch 2 (JD2) Sediment Retention Pond Project

Background:

The JD2 watershed area is more than 44,000 acres. Monitoring data from 2000 indicated that sediment concentrations entering Lake Osakis from this watershed were significantly higher (60-90 mg/L) than the targeted goal of 10-16 mg/L. The JD2 Sediment Reduction Project was established to address the high sediment concentration discharged from JD2. The SRWD received a BWSR demonstration grant in 2001 to install a sediment retention basin on the lower reaches of JD2.

Planning:

Widseth Smith Nolting were hired to design the project. The design approved by the Board had a primary treatment pond .3 acres in size to settle out large particles. The secondary treatment pond which would allow for settling of fine particles was sized at 10.56 acres. Water was routed into the ponds with a shallow diversion in the ditch.

The Board approved the project using modeled prediction that over 10 years there would be improvement of 10 points on the Carlson Trophic Status Index. This change in clarity was related to an increase in property values. The assessments to benefited property owners was to be over a ten year period and included all first and second tier property owners as well as the City of Osakis.

Construction:

Construction began December 2002 and was completed and in operation on May 16, 2003. Two unfortunate events transpired during the project. The first occurred upstream of the JD2 sediment ponds. The Douglas County JD2 ditch repair project began sooner than expected. Therefore, the inlet and outlet structures needed to be opened sooner than planned in order to contain the sediment from the repair project. The second was a series of thunder storms in June causing flooding due to the 10 inches of rain received in 3 days. After the site assessment was conducted necessary repairs were made (Fall 2003).

Changes needed:

By the end of the 2004 monitoring season it became evident that the JD2 sediment basin was not performing as desired. It was determined that the second cell was too shallow and that the original berm in the secondary treatment pond which routed water around the pond, was not allowing for enough time for particles to settle out. Additionally, the wind caused this cell to mix and re-suspending the sediment into the water column and discharging it back into the drainage ditch.

Site Selection and Land Purchase

The SRWD purchased 60.7 acres from International Paper Company because of its location, access, affordability and landowner cooperation. International Paper Company sold the land for a very reasonable price ($150/acre) for a total price of $9,105 International Paper Company also granted a 25 foot permanent easement along an existing access road.

Project Breaking Ceremony December 2002

Project Partners

Sauk River Watershed District (Sponsor)
Board of Water & Soil Resources (funding)
MN Pollution Control Agency (funding)
Joint County Ditch Authority
Todd County SWCD
Douglas County SWCD
Douglas County Land Resource Management
Todd County Planning & Zoning
MN Department Of Natural Resources
U.S. Corp of Engineers
International Paper Company
Osakis Economic Develop Com. (funding)
Osakis Lake Association (funding)
Lake Osakis Resort Association (funding)
Osakis Lake Sportsman's Club (funding)
Long Prairie Sportsman's Club (funding)
Long Prairie Lion's Club (funding)
Local Tax Payers (funding)

JD2 SEDIMENT POND PROJECT COSTS

Administration	$ 10,861
Construction	$417,421
Engineering	$ 55,195
Land Acquisition	$ 9,105
Legal	$ 9,519
SUB-TOTAL	**$502,101**
Enhancement Work	$200,000
TOTAL PROJECT COST	**$702,101**
Grant/Donations	- $177,000
Future Maintenance	$ 25,000

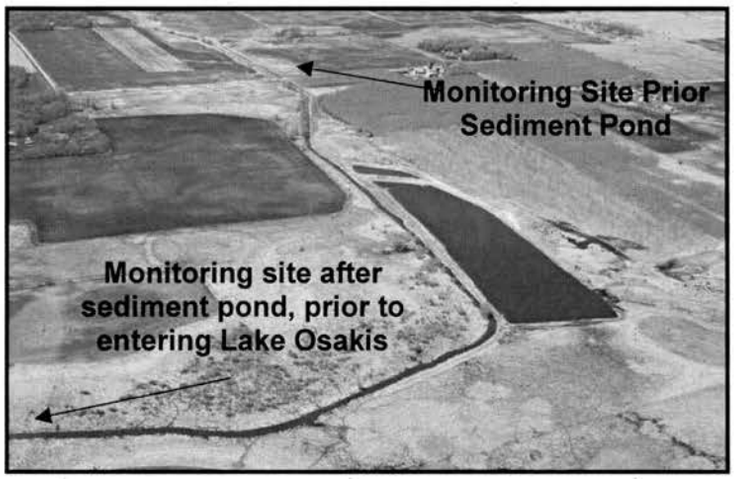
Judicial Ditch 2 (JD2) Sediment Retention Pond Project

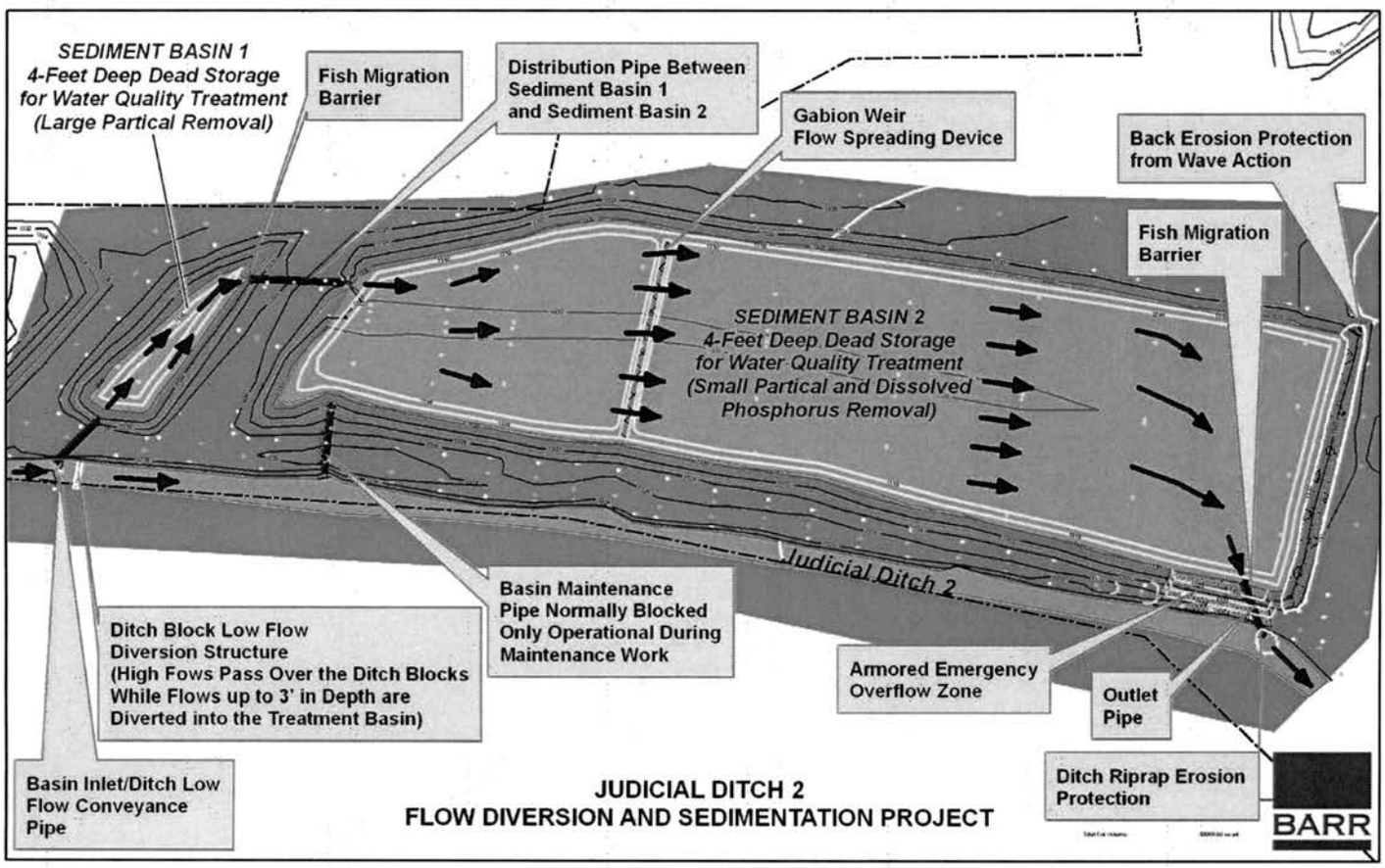
The Board hired Barr to design some enhancements for the project. These were approved and work began summer of 2005. The work entailed excavating the ponds to at least four feet deep, moving the outlet to the east side and installing a flow spreader device in the large pond. It is expected that the work will increase performance 20 to 70 percent increase from the current levels and closer to the performance expected by the Board.

Continued Monitoring:

The JD2 drainage area is very large. The installation of this sedimentation basin is not a "magic bullet" that will solve all of the water quality problems in this area or in Lake Osakis. More land and water quality improvement projects must take place further up in the watershed to reduce overall phosphorus and suspended levels.

The SRWD will continue monitoring pre-and post sediment ponds to determine water quality changes and determine the overall benefits of the ponds. Additionally, the monitoring station before the ponds will allow us to determine if installing BMP's upstream are improving water quality.





Clifford Lake and Faille Lake Alum Treatment Project

Background:
The 1993 Diagnostic Study indicated that the Faille Lake inlet was the second larges contributor of phosphorus to Osakis Lake. Monitoring data collected by the SRWD showed in-lake TP concentrations of 300-400ug/L and transparency levels of less than one foot.

Alum treatment was determined to be the most cost effective method of reducing the TP concentrations and increasing the water clarity in Clifford and Faille Lakes.

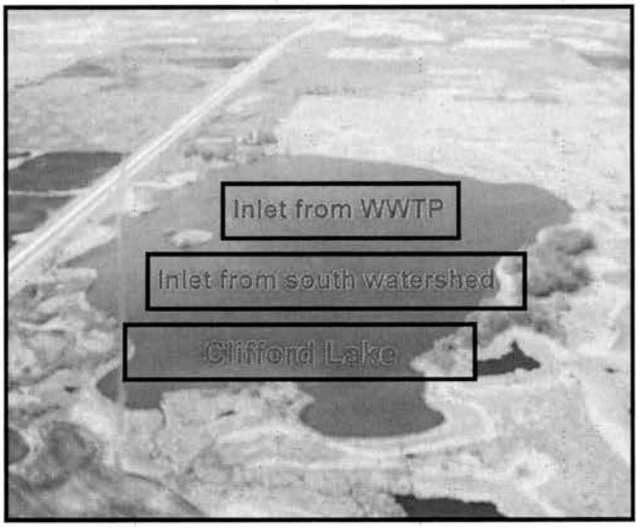
The alum treatment project for these lakes was approved by the SRWD Board in 2000. In 2001 Barr Engineering was contracted to facilitate the project. Due to low water levels the project was postponed until spring 2002. Dikes were needed to keep the water levels deep enough for the barge. The application occurred late April 2002 and included lime to maintain adequate pH.

Results:
The Secchi disc readings from June through August showed dramatic improvements particularly in Clifford Lake. A major rain event occurred shortly after the treatment in 2002 (8 inches July 10th) and again in 2003 (11-14 inches July 22-26) causing major watershed runoff to these lakes.

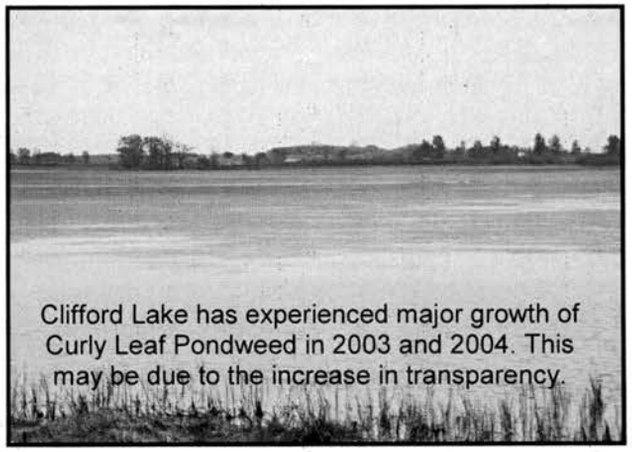
The sediment core sampling conducted in March 2006 determined that 2053 pounds of mobile phosphorus was inactivated by the Alum treatment in Clifford Lake and 868 pounds in Faille lake. We will continue to document long term effectiveness of the Alum treatment.

Project Partners

Osakis Economic Develop. Comm.
MN Depart. of Natural Resources
MN Pollution Control Agency
Osakis Lake Association
Osakis Resort Association
Osakis Sportsmen's Club
City of Osakis



Algae on Faille Lake prior to Alum Treatment


Clifford Lake has experienced major growth of Curly Leaf Pondweed in 2003 and 2004. This may be due to the increase in transparency.

Clifford Lake and Faille Lake Alum Treatment Project

A permanent monitoring station was installed on the Faille lake inlet. This station was set up to monitor the outflow of Stevens Lake, which lies in between Clifford and Faille Lakes. This information lets us know the nutrient concentrations and overall loading from this area of the watershed before entering Faille Lake

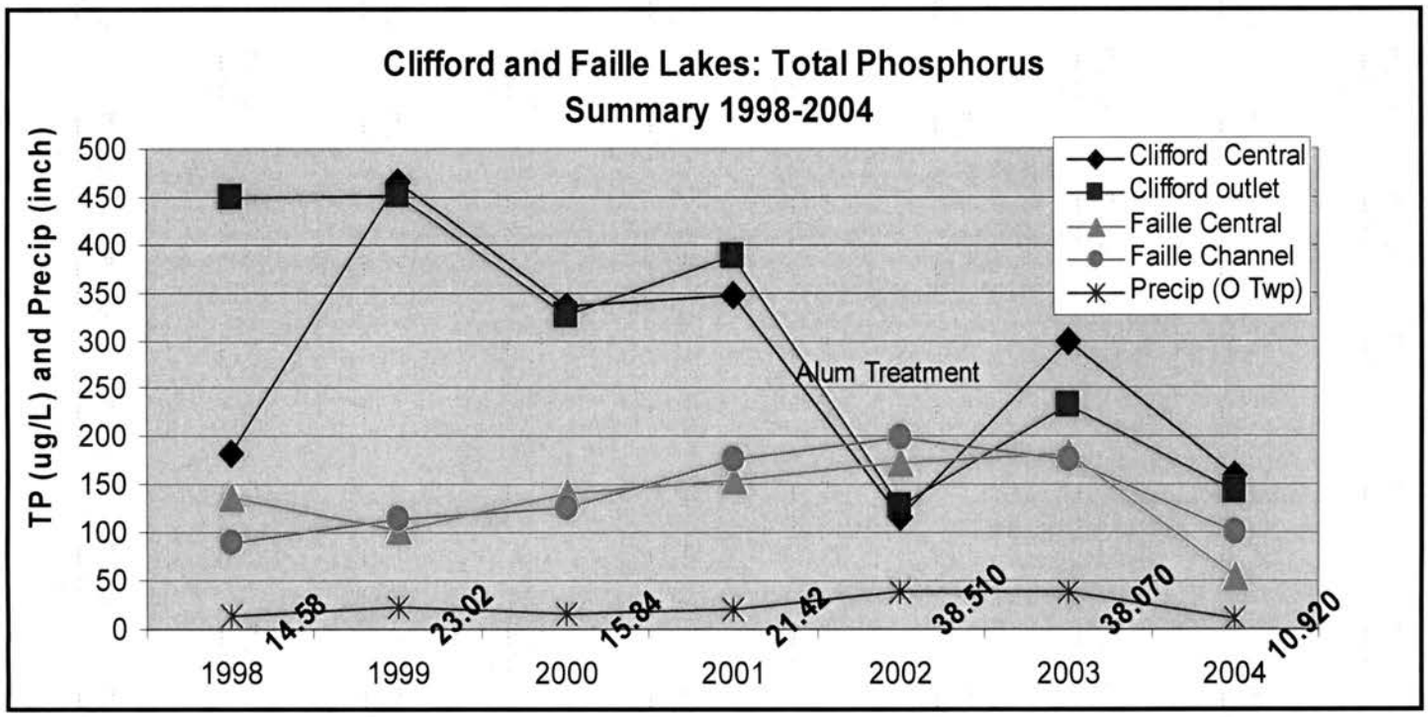
The SRWD continues working with local agencies and the City of Osakis to address runoff issues. The City of Osakis has been diligently working on lowering the Total Phosphorus levels in the city waste water ponds prior to discharging them into Clifford Lake.

The SRWD's 2005 Osakis Lake Watershed Management Continuation grant will focus on land use and runoff concerns within the subwatershed areas south of Clifford Lake and to the east of Stevens Lake.

The SRWD Board approved this project being funded through an ad-valorem of 70 percent of the project costs. The remaining 30 percent was split in half and those costs were shared by the City of Osakis and property owners on Lake Osakis.

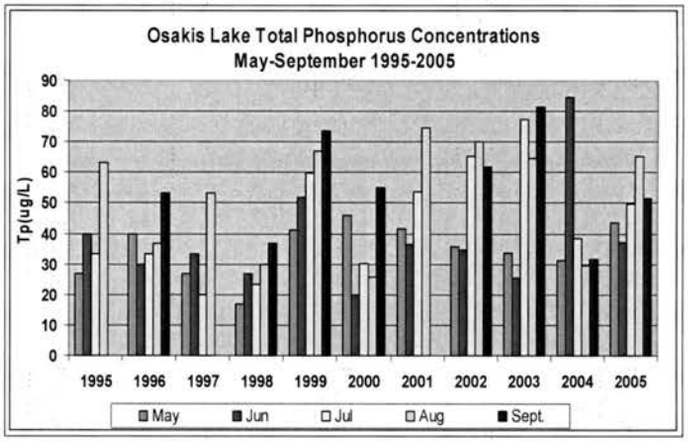
Faille Lake Inlet monitoring station (along State Hwy 27 near Osakis)

PROJECT COST	
Legal and Admin	$11,834
Consulting Fees	$15,388
Chemical Application	$296,867
Maintenance	$13,644
TOTAL PROJECT COST	**$337,734**



Osakis Lake
Sediment Analysis Project

Background:
The SRWD has been working with the residents of the Osakis Lake watershed since 1994 to address the water quality concerns of the lake. To date approximately 1.3 million dollars has been spent on education and implementation projects. Overall, the in-lake chemistry data indicates that the water quality in Lake Osakis has improved since 1989 (65-90 ug/L). However the data also shows that during the summer months Total Phosphorus (TP) concentrations increase substantially (see chart).



Purpose:
In March 2006 BARR Engineering was hired to conduct a series of sediment sampling on Osakis, Clifford and Faille lakes to determine the amount of mobile phosphorus available and if the TP increase during the summer is influenced by internal phosphorus loading.

The alum treatment to Clifford and Faille Lakes in 2002 also appears to have made a positive impact on water quality. There was concern however that the numerous rain events occurring in 2002-2004 may have shifted the alum or buried the alum layer with phosphorus laden sediment, causing an increase in each lake's TP concentration.

Quick Fact

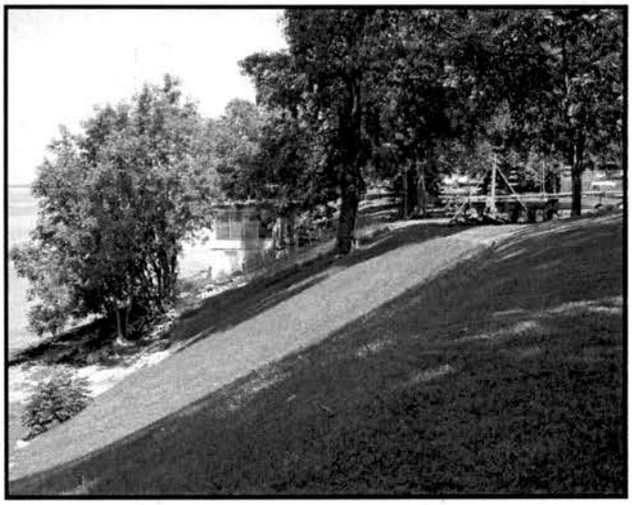
There are **243** lakes ten acres or larger in the Sauk River Watershed. This equates to a total lake area of **35,707 acres**.

Results:
The sediment chemistry results indicated that the deeper portions of Osakis Lake had internal loading estimated at a range of .06 to 2.6mg/m2/d.

Studying the sediment in Clifford and Faille Lakes determined that alum was still present within the lake and organic bound Phosphorus was present in the water to sediment interface which can contribute to the mobile phosphorus pool after degradation

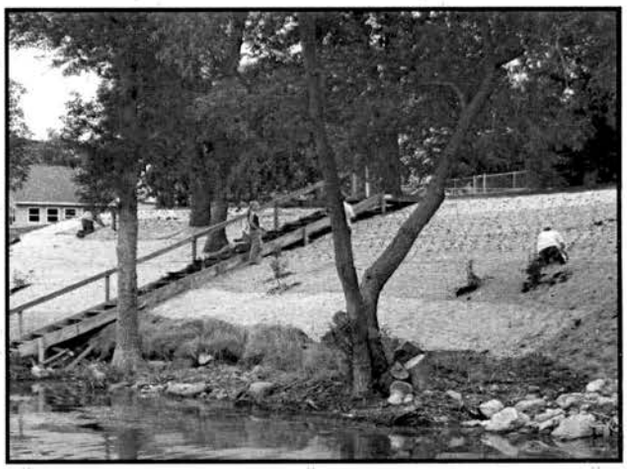
Sediment Core Sampling on Osakis Lake

Osakis Lake Shoreland Restoration Demonstration Project



Overview:
In 2004, the SRWD was approached by a property owner on Osakis Lake who was interested in restoring an eroding shoreline. Since there have been very few shoreline restorations on this lake, we saw this as in opportunity for a demonstration site for Osakis Lake. This location was a perfect spot because it had significant boat traffic going by to and from the public access. It could be viewed by many and potentially start a chain reaction.

The SRWD met with the two adjacent landowners to discuss the possibility of a demonstration site. The SRWD Board agreed to fund 75% of the project cost if the demonstration project was implemented.

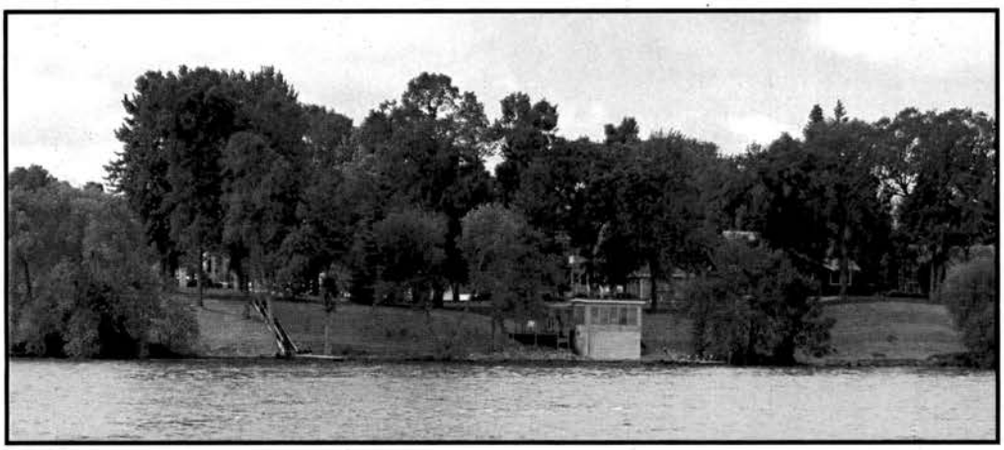


Implementation:
The Osakis Lake Shoreland Restoration Demonstration project came to fruition on June 20, 2005, after more than a year of consultations, planning, and site visits.

The demonstration project covered a large area (12,100 sq. ft) along very steep slopes that had been mowed to the waters edge. The middle site had erosion occurring along the toe of the slope. It took two days to complete this restoration project.

Project Summary:

- 12,100 square feet of shoreline restored
- Over 8,200 grass and flower plugs installed
- Total project cost was $10,697
- Grants funded $8,099
- Landowners funded $3,668



Quick Fact

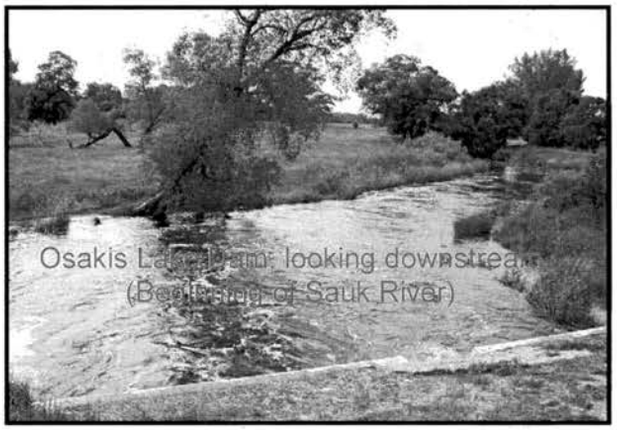
Native grasses such as Big Bluestem and wildflowers such as Liatris can have fibrous root systems that extend up to 8 feet deep. This provides extensive protection against erosion.

Osakis Lake Outlet
Headwaters of the Sauk River

Osakis Lake is one of the largest and important lakes in the Sauk River Watershed and is a major economic asset to headwaters region. Since the single outlet of the lake is the headwaters of the Sauk River, the water quality of Osakis Lake has a significant influence on the Sauk River and ultimately the Mississippi River .

Monitoring has occurred on the Sauk River Since 1995. A continuous data logger was installed in 2002 to determine flow-weighted mean concentrations of Total Phosphorus and Suspended Solids as the water leaves Osakis Lake and becomes the Sauk River. This site is the first "anchor site" on the Sauk River system. The anchor sites will be used to determine concentration changes throughout the river system.

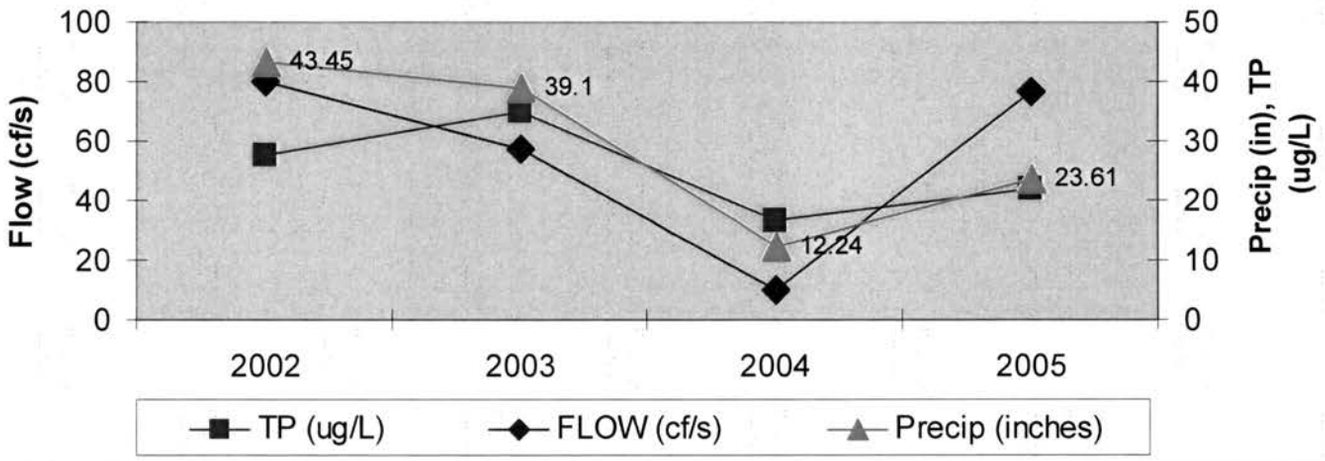
Note: the legal termination of JD2 is 1/4 of a mile downstream from the outlet of Lake Osakis



Quick Fact

The Sauk River meanders approximately **119** miles from Lake Osakis to the Mississippi.

Osakis Lake Outlet-Headwaters of the Sauk River: Total Phosphorus Concentrations Flow 2002-2005



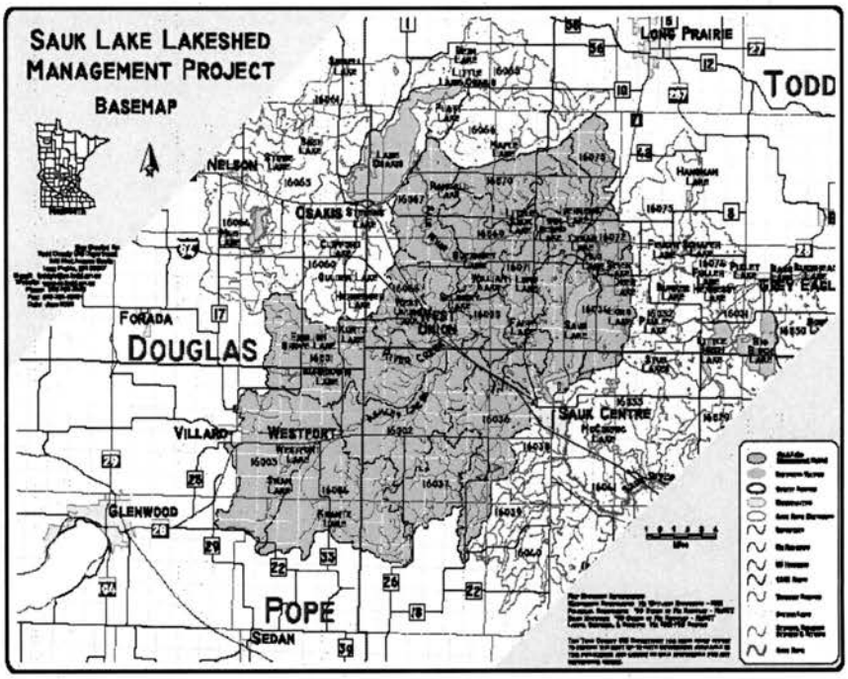
MANAGEMENT DISTRICT 2

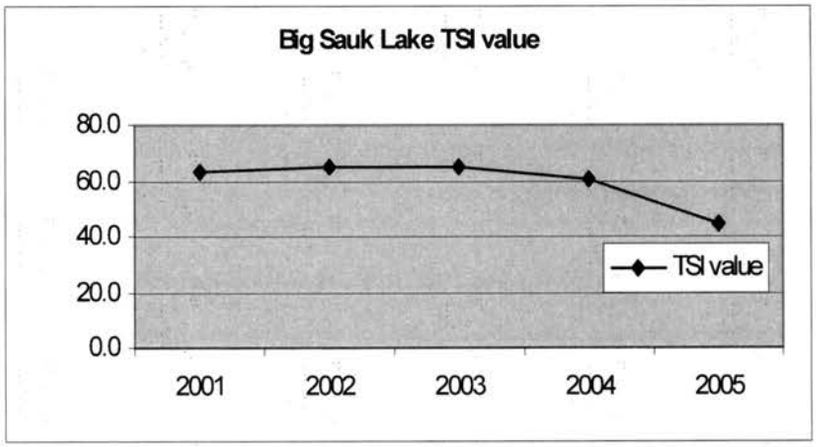
Overview:
This district encompasses Sauk Lake, the Sauk River and three major tributaries Silver, Ashley, and Hoboken Creeks. This district is predominantly agriculture and includes the City of Sauk Centre.

Stormwater runoff from the City of Sauk Centre is a non point issue. Ashley Creek, from the headwaters to where it empties into Sauk Lake, is on the EPA's list of impaired waters for low Dissolved Oxygen. The main stem of the Sauk River from Lake Osakis to Sauk Lake is this list for the same reason.

There are four small lakes that are part of the Sauk River between Osakis Lake and Sauk Lake. These lakes trap some of the nutrients traveling down the river.

Sauk Lake was noted to be hypereutrophic in the 1989 Diagnostic Study. The SRWD obtained 2 grants from the MPCA to address the nutrient loading to Sauk Lake. The 2005 monitoring data shows a reduction in phosphorus.





Accomplishments:

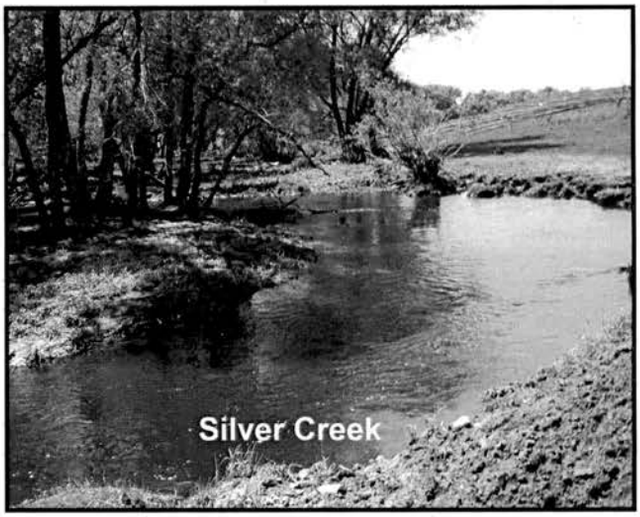
- Installed new hydraulic dam on the outlet of Sauk Lake
- Managed a weed harvesting program since 1992
- Helped finance a stormwater retention pond on Hickman Drive
- Implemented stream and lake volunteer monitoring program
- Restored six shoreland projects totaling more than 60,000 sq.ft
- Conducted storm drain marking project with Eagle Scout in 2003
- Monitored storm water outlets for City of Sauk Centre in 2004
- Conducted a Watershed Analysis of Ashley Creek in 2004-05
- Education Outreach programs for decision makers and youth programs since 2000
- Began an in-depth monitoring plan

BMP's Implemented using SRWD Funding

- Shoreland Restoration: 3
- Feedlot abatement: 12
- Sediment Retention: 1
- Stormwater Runoff: 2
- Erosion Control: 2
- Wetland Restoration: 1
- Buffer Strip: 2
- Conservation Equip: 2
- Septic System Upgrade: 13

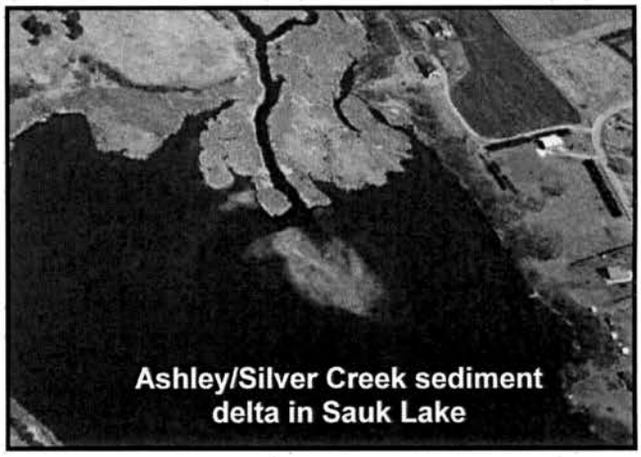
Total Grant Funds: $335,916
Total Loan Funds: $281,510

Ashley Creek Watershed Analysis Project


Silver Creek

Background:
SRWD staff and volunteer monitoring data indicate that the Ashley Creek watershed is a primary source of phosphorus and sediment into Sauk Lake, which is as impaired for excess nutrients. In 2005, the SRWD took a new approach in determining priority areas within this sub watershed. Our goal was to evaluate the entire watershed by assessing its land use and hydrology.

Purpose:
The SRWD teamed up with Amal Djerrari, of Hydrogeological and Modeling Services, Inc., to run a SWAT (Soil and Water Assessment Tool) model of the Ashley Creek watershed. The model helps predict the effects of land use management on water, sediment and nutrient contributions.


Ashley/Silver Creek sediment delta in Sauk Lake

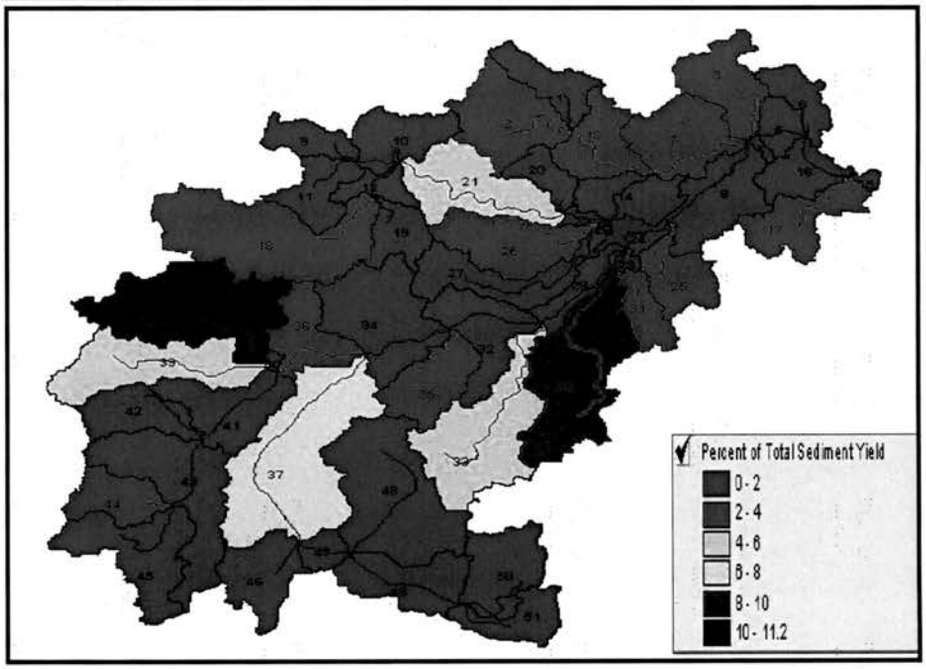
Results:
The SWAT program viewed each minor watershed within the Ashley Creek watershed separately. The model was able to predict the Total Phosphorus and Total Suspended Solid concentrations from each minor watershed.

The red areas shown in the diagram below identifies the two minor watersheds contributing the most sediment to Ashley Creek.

Implementation:
The SRWD hosted a workshop in August to share the information attained from the fly over and the SWAT modeling with our project partners.

Staff from the Pope, Todd and Stearns County SWCD and NRCS and Environmental Services offices, DNR, MPCA and SRWD were present to discuss the Ashley Creek watershed assessment and begin planning management strategies to address the identified concerns.

Total Sediment Load Contribution by Sub-basins



Weed Harvesting Project

Background:

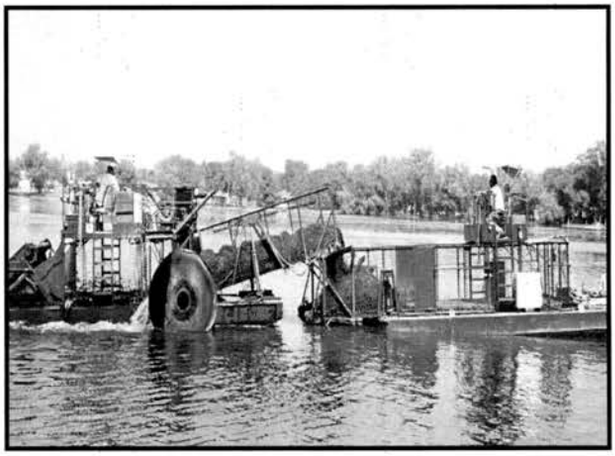
The Army Corp of Engineers (ACOE) conducted a feasibility study of Sauk Lake and its tributaries from 1988-1990. One alternative management strategy chosen was harvesting weeds to allow for navigation channels. In 1990 the City of Sauk Centre petitioned the SRWD to purchase weed harvesting equipment for Sauk Lake. The ACOE funded 75% of the equipment cost. The remaining 25% was assessed to benefited landowners.

In 2003 the City of Sauk Centre again petitioned the District for a new project which will allow more Curly Leaf Pondweed to be harvested and to reassess benefits. The SRWD hired Wenck to determine the feasibility of continuing the project, along with investigating what other harvesting options should be considered. We had a public forum to review various options the engineer developed. Then the board selected an option that plans for the watershed to manage an operation for harvesting up to 242 acres, compared to the previous level estimated at 62 acres. The Board appointed appraisers to determine which properties receive benefit from the project and what those benefits are valued at.

Implementation:

A Department of Natural Resources permit restricts the harvester to cut only Curly Leaf Pondweed. The harvester has provided a channel for boats to maneuver around Sauk Lake since May 1992.

The harvester operates from the end of April or early May through June or early July, depending on weed growth. The harvester cuts a 6' deep and a 9' path which collects approximately 1000 pounds of vegetation within 15 minutes before transferring the vegetation onto the transporter. The transporter then travels to the disposal access where it transfers the vegetation onto the trailer. The trailer can hold two loads of vegetation before distributing to local landowners fields to be used for fertilizer. The average amount of loads hauled away is 140 per season. The weed harvester usually operates about 35 days per season from May through June.



Quick Facts

The estimated amount of phosphorus removed by harvesting Curly Leaf Pondweed each year was 59-74 pounds.

This amount may double with the new harvesting permit and program.

Sauk Lake Dam Reconstruction project

Background:
The existing dam was difficult to operate as it required stop logs to be inserted or removed to change the height of the dam. Concerns regarding the dam's water discharge and other operational issues were first raised by the Corps of Engineers and MN DNR. The City of Sauk Centre petitioned the SRWD in October 1997 to have engineering and feasibility studies completed on the dam.

Results:
Bids were accepted in 1998 and approved in early 1999. The project was completed in 2000. The new dam has hydraulic controls for raising and lowering the height level, which is determined by the MN DNR.

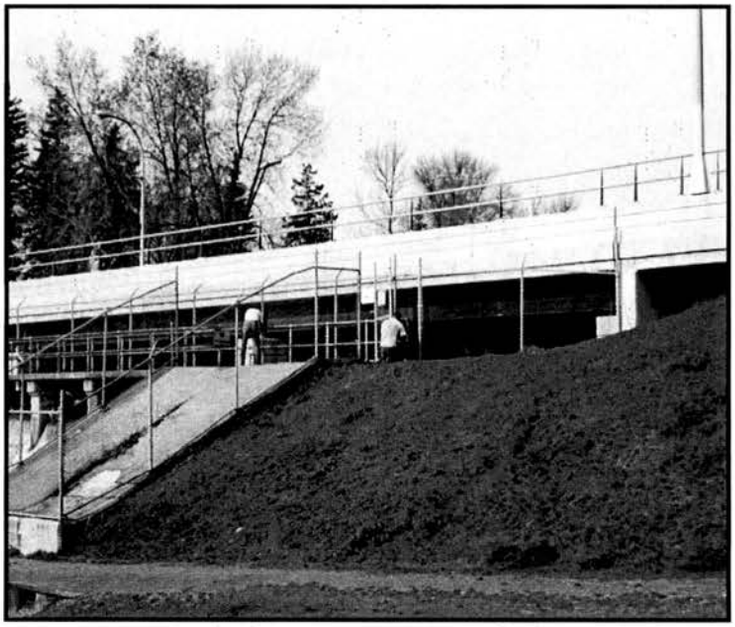
Costs:
The total project costs was $637,000. A grant for $300,000 was provided by the State and implemented by the DNR. The remaining amount was funded as below:

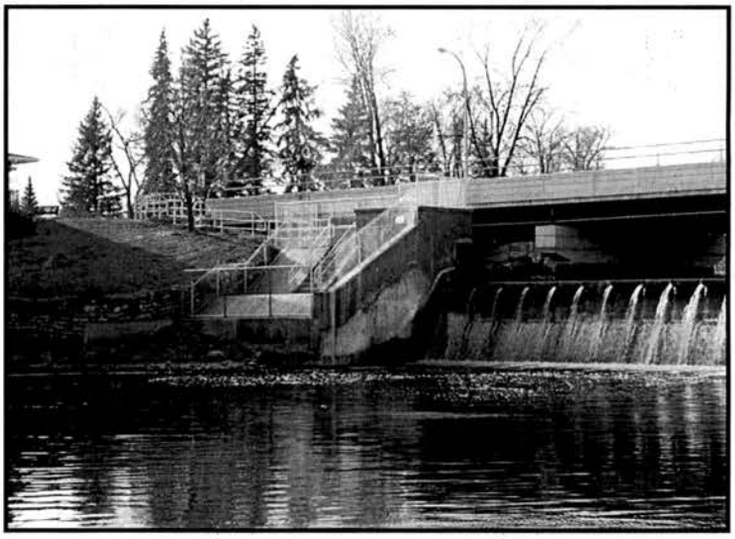
- $67,000 ad valorem throughout the watershed
- $75,000 from the City of Sauk Centre
- $5,100 from MNDOT
- $189,000 special assessment to lakeshore owners paid over a five year period

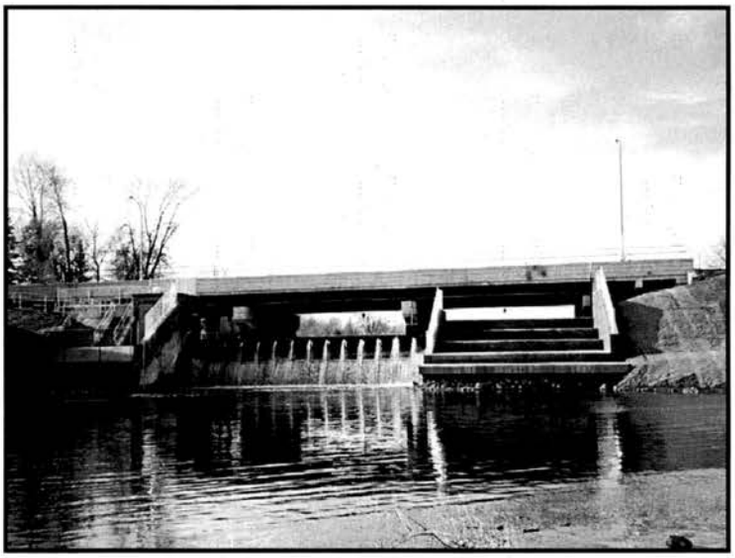
Quick Fact

There are three major dams on the Sauk River:

1.) Sauk Centre
2.) Osakis
3.) Cold Spring







Sinclair Lewis City Park Shoreland Restoration Project

Background:
The shoreline along the Sinclair Lewis City Park had been deteriorating for years. Placement of a concrete blanket temporarily deterred the wave and ice action from eroding the banks. Unfortunately, sand under the concrete blanket washed away, leaving a worse erosion problem.

The SRWD along with the City of Sauk Centre, Stearns County SWCD, and MN DNR, began planning to restore this shoreline. Funding came from the City of Sauk Centre, community donations and the Big Sauk Lake 319 Grant awarded to the District in 2001.

Purpose
Bioengineering was used to stabilize the shoreline. This natural erosion control method stabilizes shorelines by using plants with deep root systems to hold soil in place. This method creates a more natural, environmentally friendly and aesthetically pleasing shoreline and decreases shoreline maintenance and upkeep in the long run. In addition, the native vegetation also created a natural "buffer zone" enabling a filtration system to be established.

Results
In spring of 2003 the swale area had stabilized and the grasses planted there were doing well. However, very few plants survived near the west culvert and near the pier and needed to be replanted.. There were a few erosion spots were also found by the large tree 5' west of the new bridge and near the northwest corner of the band shell.

Areas where there was die-off were replanted and the project has been maintained and thriving ever since.

Project Expenses	Cost
Excavation	$1,727
Materials and supplies	$15,164
Site prep & planting labor	$26,740
Total Costs	**$43,631**
Project Funding	Funding
Sauk Lake Grant	$25,927
City of Sauk Center	$6,982
Business Donations	$7,570
Volunteer time	$20,075
Total Funding	**$60,555**

Total Project Material

- 15 cubic yards of field rock riprap
- 67 square yards of filter fabric
- 3,138 square yards of straw blanket,
- 20lbs. annual rye grass
- 12lbs. native grass seed
- 15lbs. wildflower seed
- 8,256 grass and flower plugs
- 41 shrubs
- 15 trees

City of Sauk Centre
Storm Water Protection Projects

Background:
When City of Sauk Centre received a 319 grant aimed at determining the city's stormwater contribution to Sauk Lake's, the SRWD joined their effort. The SRWD conducted stormdrain loading study on four storm drains representing four land uses within the City: Industrial, Commercial, Recreational, and Hospital/ Residential. The results of the study helped the city target their implementation efforts.

Hickman Drive:
The storm drain along Hickman Drive was selected for a stormwater retention pond due to it high TSS concentration. Due to limited space, the retention basin was designed in an "S" to allow time to slow the water down and settle out the suspended solids (sand and silt) and debris from the streets before it discharged into Sauk Lake. The storm water discharging into Sauk Lake at the City Park was addressed by installing a vortex sediment trap on 4th street to pre-treat the upper portion of the stormshed. Total Cost $134, 607 the SRWD contributed $67,303 in cost share funding.

Street Sweeper:
The SRWD launched a project with the City of Sauk Centre aimed at improving street sweeping to address the debris, sediment and other pollutants that end up in the lake. The City of Sauk Centre's plan included purchasing a vacuum street sweeper that collects and recycles street fine to course sediment and removes debris from storm drains, instead of sweeping the sand and debris into the storm sewers.

The City agreed to recycle the sand removed from the streets for other public works activities as part of the $10,000 cost-share agreement. The SRWD also provided $50,000 in SRF loans to the City. The remaining $60,000 was covered by the city and trade-in from the old unit. To date, the City has increased the cubic yard of sediment collected by 35% in 33% less time, according to Butch Wessel, Sauk Centre's Public Works Director.

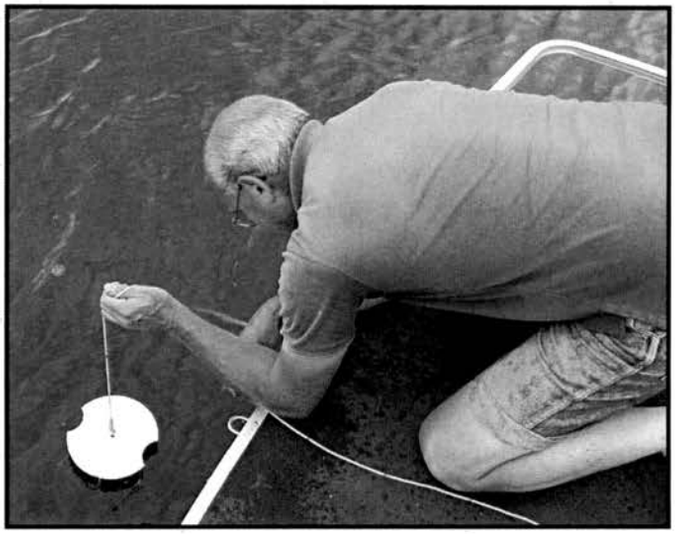
Citizen Monitoring Program

Background:
Volunteers have helped the Sauk River Watershed District as boat drivers, Secchi disk transparency readers and precipitation readers since 1994 when the district's monitoring efforts began. By 2002 the need for additional volunteer help was very apparent. Maps were used to locate citizen monitor sites and to determine where there were 'gaps' in the watershed.

During 2002 the SRWD advertised the need for citizen volunteers and received great response. The need for *consistent* training on data collection for these volunteers triggered an idea from which the annual 'Care for Your waters' workshop was born. Each year, approximately 60 citizens attend the workshop to receive basic training on recording data from Secchi disks, transparency tubes, staff gauges, measuring tapes and rain gauge readings. With this training, the citizens take their skills and passion to their lakes and streams to monitor changes in its condition.

After working with volunteers for 2 years, the District staff realized the need for a written 'plan of action' for citizen monitors. The SRWD staff teamed up with two local volunteers, Bob Bjork from the Big Sauk Lake Association and Gene Waldorf from the Big Birch Lake Association to attend a 'Citizens Volunteer Water quality monitoring Program Pilot Training'. The goal for this training was to develop a citizen plan to monitor the upper reaches of the Big Sauk Lake watershed. The pilot training was designed to "assist citizen based groups in developing strategic and focused water quality monitoring plans"- a perfect fit for the goal of the SRWD.

Results:
The District has worked with citizens throughout the watershed to collect basic information on their lake or stream. This information enables the District to evaluate our monitoring plan and determine areas that need analysis. Citizen data also helps direct our best management practice efforts.



Training Continues:
The District continues to advance the citizen monitoring program. In 2005, volunteers received training on biological monitoring: macro-invertebrate identification.

In 2006, the SRWD volunteers began working with the U of MN Extension office to assess the accuracy and reliability of E.coli bacteria test kits when used by citizen monitors.

In 2006, community members will learn how to identify aquatic plants in their lakes and streams. In 2007, interested citizens will learn how to conduct visual stream and lake assessments.

Sauk Lake
Shoreland Restoration Kits

Background:
The Sauk River Watershed District is expanding its Shoreland BMP program by working with the Big Sauk Lake Association in a joint effort to incorporate native vegetative buffers along Sauk Lake.

Purpose:
A shoreland kit was established to restore 500 square feet of lakeshore for individuals interested in improving their shoreline. The purpose of the kit is to give residents an opportunity to restore a portion of their lakeshore and experience the beauty and benefits of the vegetative buffer. The 500 sq. ft will be used as a test site along each shoreline to show how the native vegetation will protect their shoreline from erosion and buffer the lake from nutrient runoff, as well as add beauty to their site.

A training course was offered by Greg Berg, Stearns County Shoreland Specialist, for interested landowners prior to purchasing the restoration kit to learn how to properly prep the shoreland area and install the erosion control blanket and plant the seeds and shrubs.

Results:
During the summer of 2005 the SRWD worked with the Sauk Lake Association in assisting five lakeshore owners to install 500 square feet (per site) of native grass, flowers and shrubs along their lake shore site.

Each shoreland restoration kit contained wildflower seed, native grass seed, and assorted native shrubs. The cost of each kit was $300 of which 50% was covered by the SRWD's Big Sauk Lake 319 grant and the remaining 50% was out of pocket cost to the landowner. However, each landowner was reimbursed by the Big Sauk Lake Association for 50% of their out of pocket cost ($75) once the landowner had completed planting the seeds and shrubs.

The SRWD and Big Sauk Lake Association will be offering this opportunity again this spring.

Overview:

Management district three encompasses numerous small natural environment lakes and three recreation/ development lakes. These three lakes are the headwaters of Adley Creek which flows into the Sauk River near the City of Melrose.

The Big Birch Lake Diagnostic Study completed in 1994 determined that the Northeast Basin was Eutrophic and the lower basin was borderline Eutrophic. This study was petitioned to SRWD and funded by special assessments

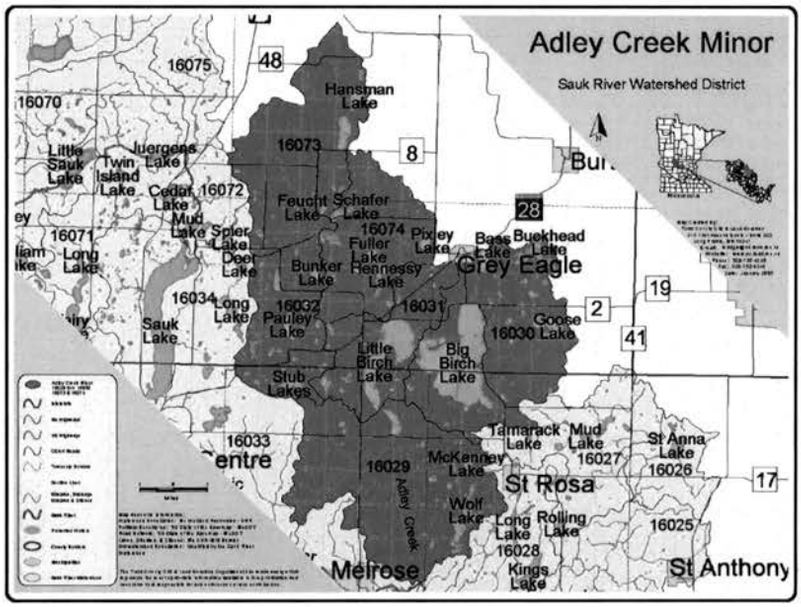
Today the Big and Little Birch chain of lakes are classified as Mesotrophic lakes and are relatively clear with a mean Secchi transparency reading of 10.2 feet during a wet year (2005) and 14+ during drier years.

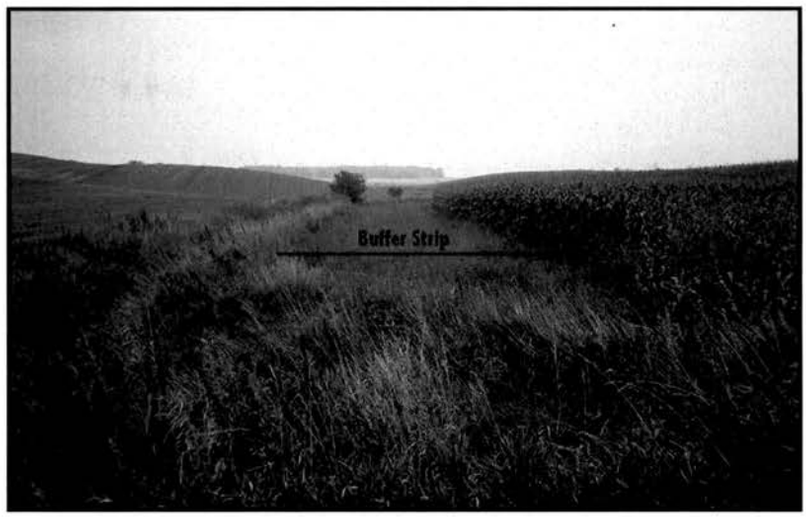
Intensive efforts were made to upgrade Individual Sewage Treatment Systems and decrease feedlot runoff and other land use improvements. The strong partnership between the SRWD, the Big Birch Lake Association and local county, state and federal agencies with financial assistance from MPCA Clean Water Parrtnership Grant. Through Best Management Practices (BMP's) and education, improvement in these lakes is evident.

Adley Creek flows from Big and Little Birch and Sylvia lakes to the Sauk River.

Accomplishments:

- Big Birch Phase I Diagnostic Study and Phase II Implementation Project
- Big Birch Lake Success
- Septic Systems
- Buffer Strip Effort





BMP's Implemented using SRWD Funding

- Shoreland Restoration: 4
- Feedlot abatement: 5
- Sediment Retention basin: 1
- Wetland Restoration: 1
- Buffer Strip: 1
- Conservation Equip: 2
- Septic System Upgrade: 48

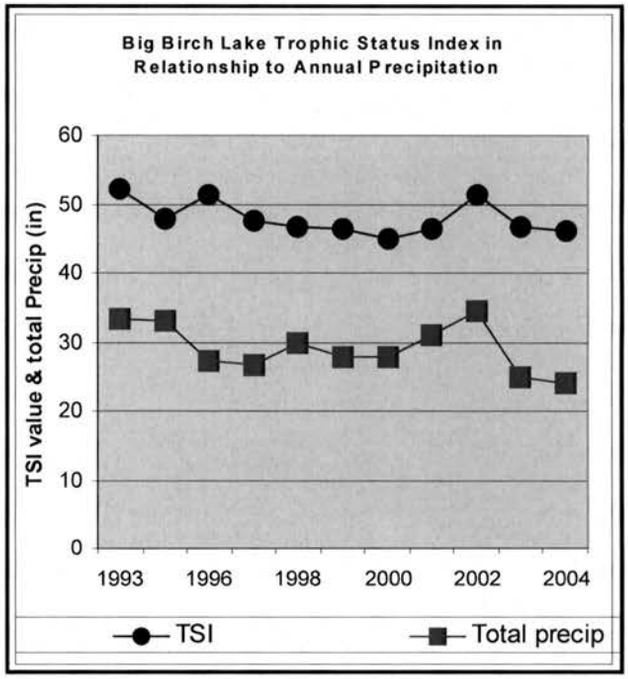
Total Grant Funds: $72,159
Total Loan Funds: $402,395

Big Birch Lake Water Quality Improvement Project

Background:
Big Birch Lake is a popular recreational water body in District 3 with two large basins and a watershed of approximately 9,601 acres (Figure 1). The Phase I Diagnostic Study, completed in 1994, documented declining transparency, with the Northeast basin more severely impacted than the main basin. The Big Birch Lake Watershed Management Project began as a MPCA Clean Water Partnership project and was continued through an EPA 319 project and involved the MPCA and numerous cooperating federal, state and local agencies, citizen organizations and individuals.

The extensive forested area along the shoreline of Big Birch Lake helps maintain good water quality. A portion of this area is the Big Birch Lake State Forest.

Purpose:
The results of the Diagnostic Study indicated that nearly 70% of Big Birch Lake's watershed discharged into the Northeast Basin (48% from Fish Creek) and which exhibited worse water quality patterns. The study also indicated that, although the water quality of Big Birch Lake was good, if degradation continued, "swimming impaired" conditions would continue and "no recreation" conditions could be expected within 20 years. The SRWD, area residents and the local environmental agencies worked to protect and enhance Big Birch and its tributaries by implementing the recommendations of the Diagnostic Study.



Results:
The multiple upland treatments/improvements completed in the CWP Phase II A and this 319 project within the Big Birch Lake watershed have decreased the in-lake TP concentration by 32+% since the 1994 Diagnostic Study. Local volunteers recorded noticeable improvements in transparency and overall water quality. Area residents have commented to the SRWD regarding the positive changes they have seen in Big Birch Lake's water quality.

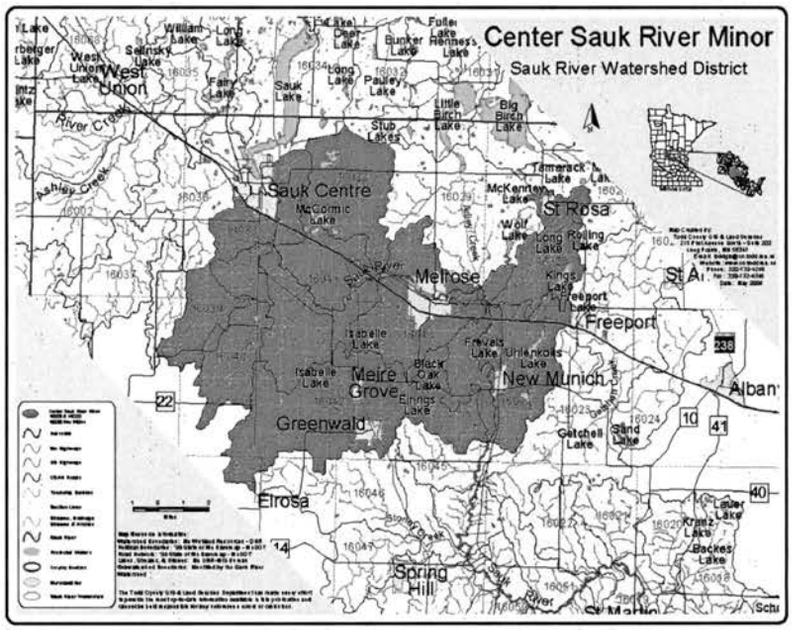
Buffer Strip

Before and After Pictures of feedlot project

MANAGEMENT DISTRICT 4

Overview

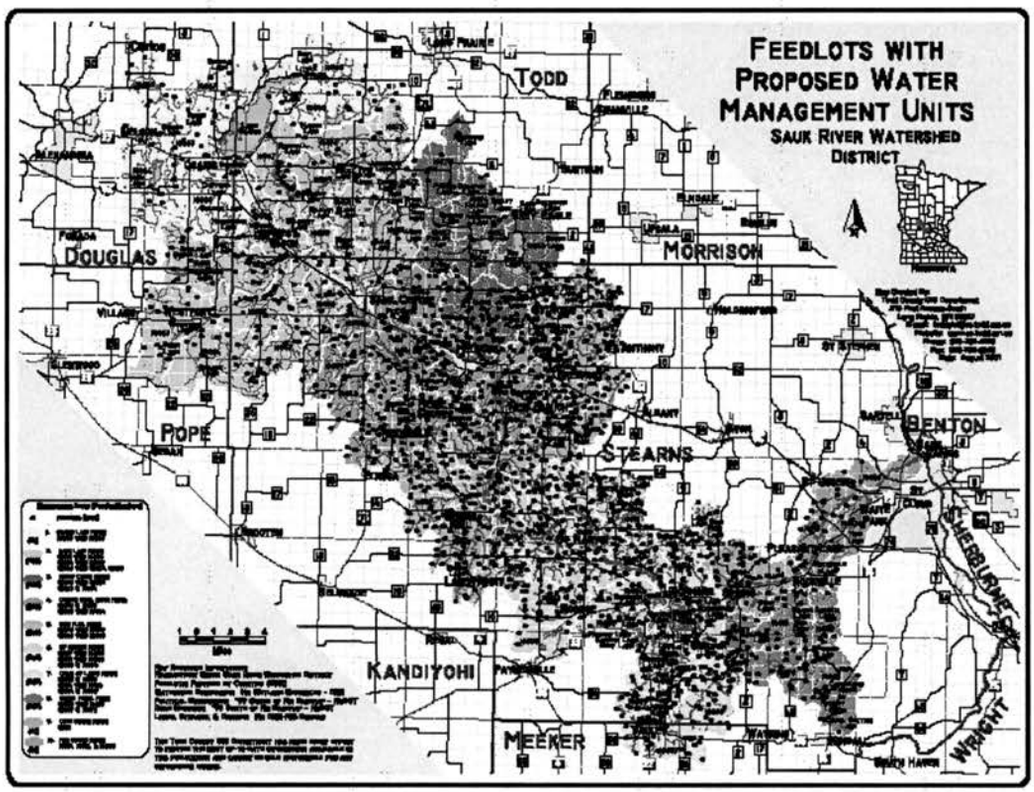
The Center Sauk River district has the second highest number of feedlots (348) of the ten management districts. Furthermore, it has the greatest number of feedlots in the "sand over sand" or "close proximity to water" conditions



There are four municipal wastewater treatment facilities located in this Management District including Sauk Centre, Melrose, GEM, and New Munich. These plants represent three of the four largest municipal WWTPs in the overall Sauk River watershed. The Melrose Wastewater Treatment Plant (WWTP), is the largest treatment facility in the Sauk River watershed with a design capacity of 3.0 million gallons per day (mgd) and the second largest is the Sauk Centre facility with a design flow of 0.6 mgd. Monitoring in 1988 below the Melrose WWTP noted extremely high Total Phosphorus concentrations in the river (4.24 mg/l). In the early 1990s, the Melrose plant was upgraded and the phosphorus discharge greatly diminished. The average phosphorus concentration of the effluent was 0.47 mg/l in 2000. Non point sources in this water management district include feedlots, septics, soil erosion, and urban stormwater.

Accomplishments:

- Restored 1500 feet of shoreline on the Sauk River at the Melrose City park and private residents
- Storm drain markings
- Education and outreach programs for decision makers and youth programs



BMP's Implemented using SRWD Funding

- Shoreland Rest: 4
- Feedlot abatement: 7
- Conservation Equip: 1
- Abandon well: 1
- Abandon manure pit:1
- Septic Upgrade: 5

Total Grant Funds: $90,067
Total Loan Funds: $394,292

Quick Facts

The Sauk River Watershed is 667,183 acres in size.

64% is in Stearns County
21% is in Todd County
9% is in Douglas County
4.5% is in Pope County
1.5% is in Meeker County

Six acres of Morrison County are also in the watershed.

Melrose City Park
Shoreland Restoration Project

Background:

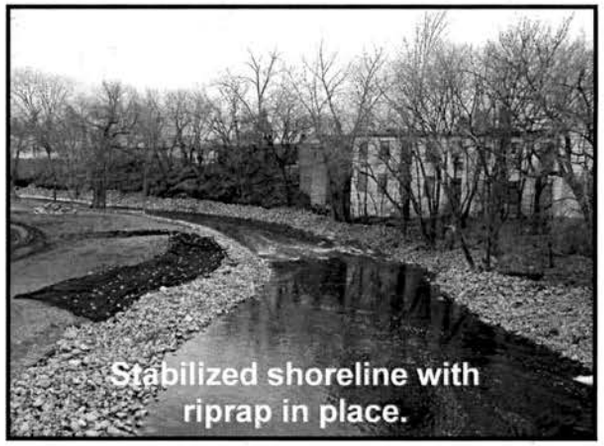
Shoreline erosion during the floods of 1999 and 2001 caused the City of Melrose to take action to prevent future damage. There were number of since the project site included ten private property owners on the south side of the river, a city park on the north side of the river which included multiple campsites and the need to remove a dam which was built as part of a federal relief project in the mid 1930's. The location and design of the dam played a major role in the erosion problems because during high water, the river current was forced around the dam abutments, causing scouring throughout the adjoining shoreline.

Project:

This stabilization project was approved by the Council in late 2002 and began February 2003. The removal of the dam occurred in winter and the shoreline restoration, using both riprap and native vegetation, occurred later in the spring. The success and the short time frame for implementation was a result of the tremendous project coordination efforts and inter-agency cooperation.

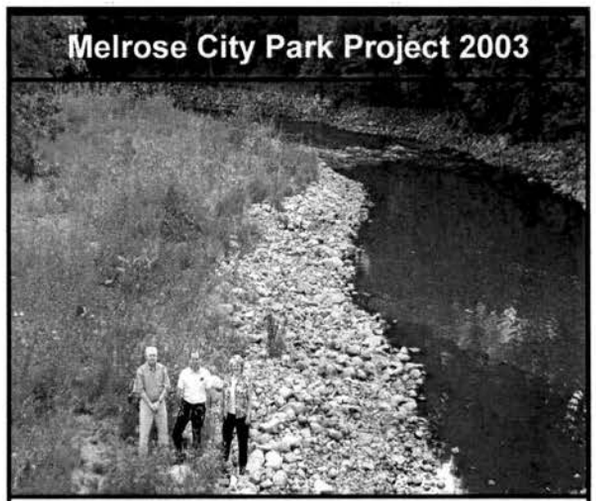
The goal was to eliminate everything that restricted the flow and caused scouring. Removing the concrete dam eliminated the flow directed at the steep south river bank and allowed for fish passage up and down stream. The project included some preparation work such as reshaping the near shore banks and installing a firm toe in the stream. Then 1200 cubic yards of riprap was placed along 1800 feet of shoreline. Then native grasses, wildflowers, trees and shrubs were installed along the entire river bank.

Project Costs	
Construction	69,983
Engineering	10,530
Misc (permits, legal, hearings, etc.)	3,991
Total Costs	**$84,505**
Project Funding	
Sauk River Watershed District Grant	41,914
Stearns County SWCD	8,023
Private Property Owner Assessments	8,637
Sauk River Park Improvement Project	25,930
Total Funding	**$84,505**



Project Impact

- Estimated 1,485 tons of sediment reduced annually.
- Equates to about 1,260 pounds of phosphorus annual reduction.



The City of Melrose received SRWD's 2003 **R.I.V.E.R.** Award.
They have received recognition from numerous organizations for their commitment to water quality.

City of Melrose
Storm Drain Marking Project

In 2003 the City of Melrose decided to provide a visual reminder to adults and youth in the area, as to the fate of runoff water and the pollution carried with it from lawns, streets, and other impervious surfaces.

The City teamed up with the SRWD and Boy Scout Troop 68 in August 2003, to place curb markers on all storm drains in their city. These colorful markers read "No Dumping – drains to the river".

In one night, 250+ markers were installed by participants. When the project was completed, nearly 400 markers were in place creating stormwater awareness for 3,700 area residents.

Storm drain stenciling and markers are an inexpensive way to remind people that what is on the streets or in our driveways enters our fresh water resource directly through storm drains. Funding of the markers was from the Sauk River Watershed District and the City of Melrose with a total cost of $2,791 for materials and in-kind staff time.

Education Programs Hosted at the City of Melrose

Since the SRWD office is not large enough to hold educational activities, we occasionally 'adopt' the City of Melrose facility as our educational program hub. Here's an listing of just some of the programs we have hosted here:

- Water Quality Impacts on Property Values
- Volunteer Monitoring Program Annual Training
- In-Depth Shoreland Design Workshop
- Small Community Stormwater Workshop
- MN Lake Ecology Curriculum Teacher Training (pictured at right)
- Shoreland Restoration Maintenance Class

Middle Sauk River Water Festival

Water festivals are an outdoor classroom in which we communicate with students on various water related topics like: the role of wetlands, water properties and pollution issues. This year the Sauk River Watershed District was active in planning two water festivals and participating in five. We happily state that every elementary student from the City of Rockville to the headwaters of the Sauk River Watershed is given the opportunity to attend a water festival at some point during their elementary career. There were 1,335 students who attended water festivals in 2005.

Students and teachers are thrilled to be in this outdoor classroom for the day learning from professionals around the state. Students commented "I liked it because we got to move around and learn and have a fun time all at one time". In regards to the stations, one student said, "I like them all because I learned something new from each one."

Through conducting evaluations, we found that 75% of the teachers admit having limited knowledge of water related issues. After the event 75% said they now had greater knowledge to take back to the classroom. Teachers thought the water festival was very informative, the variety of activities and the organization was great, and that the sessions were interactive and hands on.

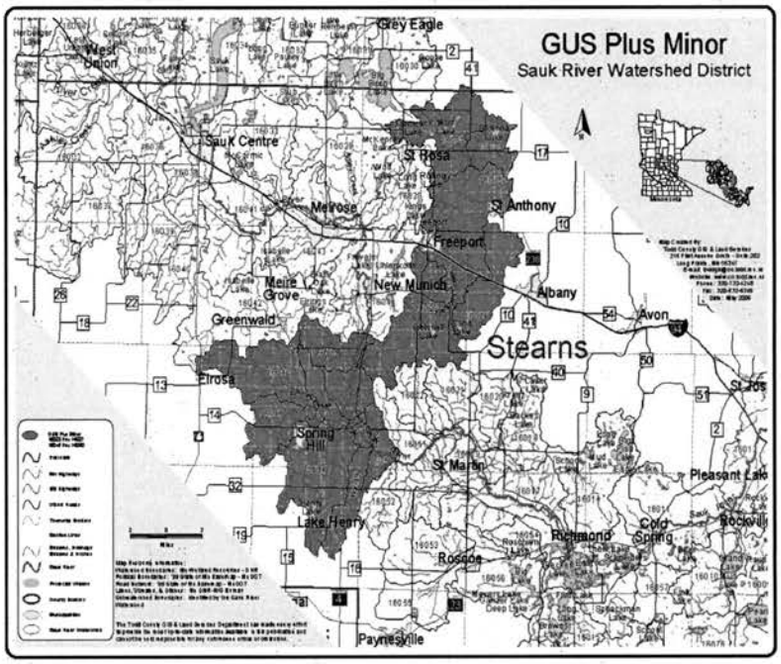
We try to involve high school students in the program by having them present a session, lead groups from station to station, or volunteer in other ways. Overall this program provides an effective way for students of different ages, community members and agency personnel to interact in a fun educational event.

Quick Facts

The Sauk River drops only 340 feet in elevation across the 119 mile run of the river. This means that for every river mile there is on average only a 2.85 foot elevation change.

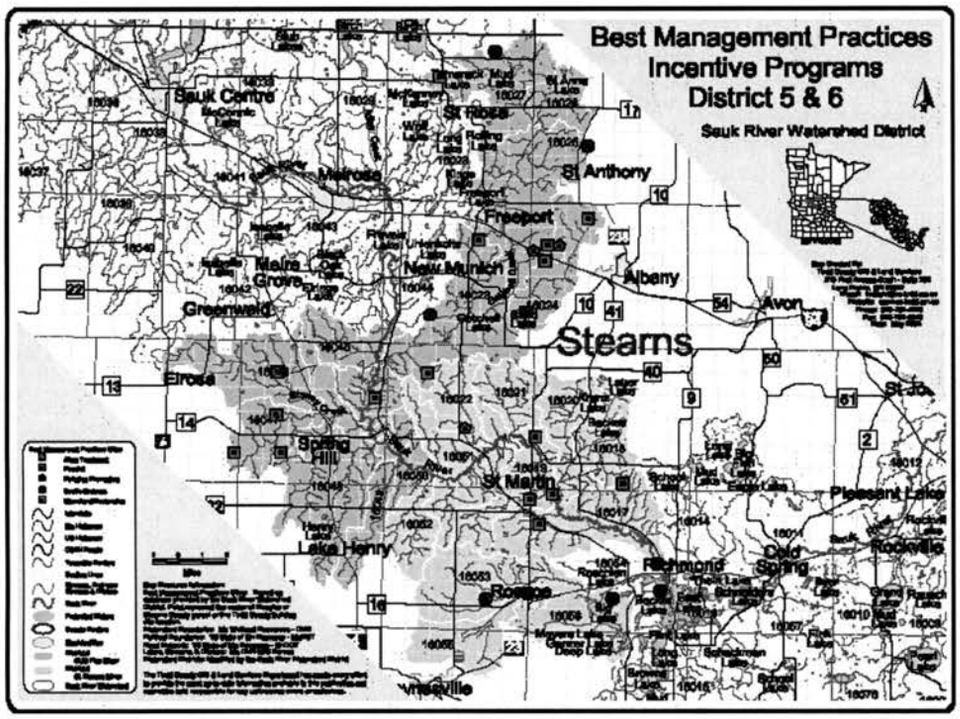
MANAGEMENT DISTRICT 5

Overview:
This district is known as GUS Plus to represent Getchell, Stoney, and Unnamed Creeks and their extended series of tributaries and drainage ditches. These streams have documented high phosphorus and suspended solids concentrations. Since 1995 these three sites have had continuous monitoring equipment installed. The flow and chemistry data collected has been utilized to prioritize BMP projects.



District five contains the greatest number of feedlots (358) in the Sauk River Watershed District. The cities of Spring Hill and Freeport operate their WWTPs in this management district, with Freeport discharging into Getchell Creek.

The SRWD received their first implementation grant for this area in 2002 and continuation funds in 2005. The grant and low interest loan funds financially assisted local landowners in addressing feedlot runoff concerns, upgrade septic systems and other best management practices.



BMP's Implemented using SRWD Funding

- Shoreland Restorations: 3
- Feedlot abatement: 22
- Conservation Equipment: 1
- Abandon manure Pit: 1
- Septic Upgrade: 3
- Fresh water Diversion: 1

Total Grant Funds: $194,378
Total Loan Funds: $765,672

Quick Facts

There are 65 US Fish and Wildlife waterfowl production areas in the Sauk River Watershed totaling nearly 14,000 acres in area.

There are nearly 250 MN DNR wildlife management areas in the watershed, totaling nearly 6,500 acres in area.

Conservation Tillage Practices

Overview:

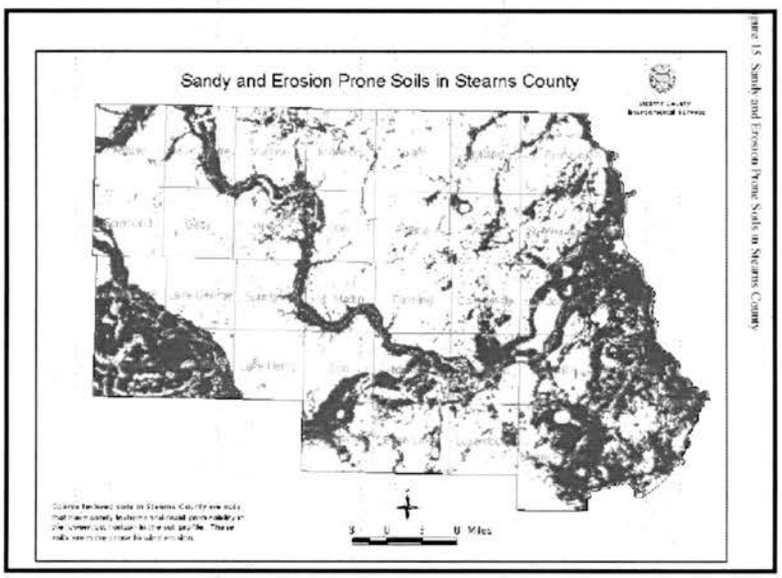
District 5 has been a targeted area for the Stearns County SWCD and NRCS in implementing conservation tillage practices. The steep slopes and soil types within the Sauk River valley are prone to erosion.

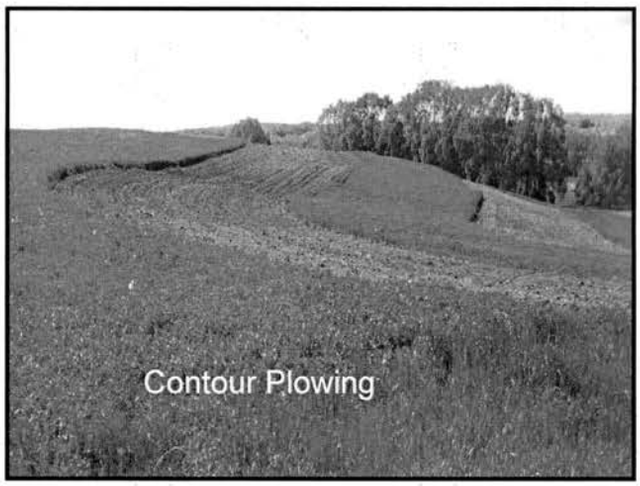
The latest monitoring data determined that the streams within this district have total suspended solid concentrations 50-to 60% higher than the ecoregion average, particularly Stoney Creek.

The SRWD has joined efforts with the Stearns County agencies to encourage area landowners to invest in conservation tillage equipment through the SRWD SRF low interest loan program.

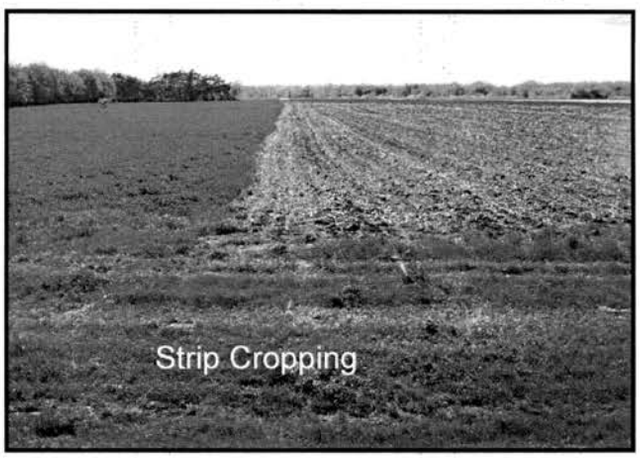
One of the more popular pieces of equipment being purchased is the knife injecting manure spreaders. The SRF program has assisted five area landowners in attaining this new equipment.

SITE	FLOW (cf/s)	TP Conc. (ug/l)	TP LOAD (lbs/yr)	TSS Conc. (ug/l)	TSS LOAD (lbs/yr)
Getchell Creek	40.7	489	39,257	15,357	1,231,650
Stony Creek	8.1	383	6,125	60,433	967,248




Contour Plowing

Tillage with Residue


Strip Cropping

Tillage practice comparison

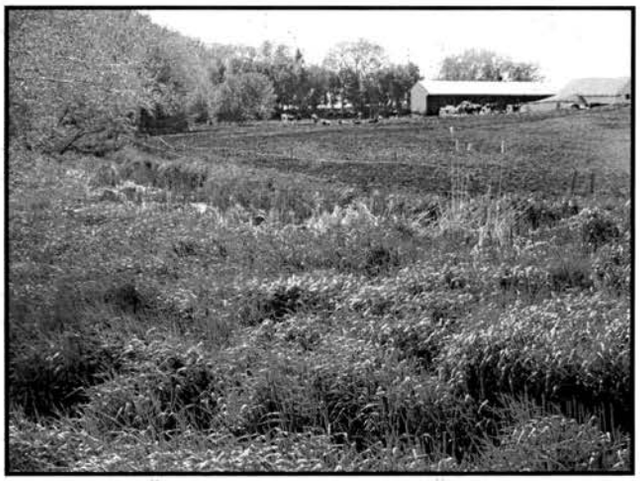
Accelerated Buffer Strip Program

Back ground:
Monitoring data collected throughout the last 10 years have shown elevated levels of sediment in the middle Sauk River region. The total suspended solid concentrations were 50+% higher than the targeted goal.

Project:
The SRWD, Stearns County SWCD and Environmental Services Department cooperated on MPCA 319 grants in 2002 and 2003 titled "Manure Management Within Ecologically Sensitive areas in Stearns County, Minnesota Phase I and II". Together we established the Accelerated CRP Buffer Initiative. The SRWD provided $10,000 towards the one-time incentive payments to encourage land owners to install buffer strips. Additionally, the SRWD monitored Getchell and Stony Creeks to determine the effectiveness of the buffer strip program. Educating area landowners was another role the SRWD played for the Buffer Strip Initiative.

Results:
Approximately 140 acres were enrolled in the Conservation Reserve Program for buffer strips.

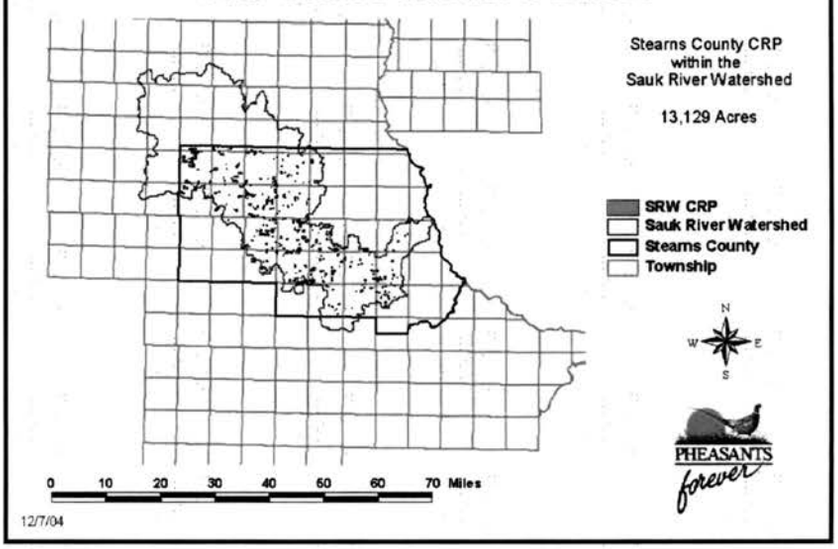
Continuing Efforts:
In 2002 the program expanded and the SRWD now helped to sponsor a full time Pheasants Forever staff member housed at the Stearns SWCD whose primary responsibility is to promote the CRP Program.



Quick Facts

- There is a total of 13,129 Acres of CRP land in the Sauk River Watershed
- In 2005 there was an additional 387 acres contracted, to be planted in 2006

Sauk River Watershed District
CRP Acres within District



Stony Creek

Background:
In mid-2004 we were contacted by Dan Lais, MN DNR, regarding Stoney Creek in Spring Hill Township. The flows and the complicated course of culverts that the creek followed caused overtopping, washout and erosion of 353rd Avenue. Within several hundred feet, the creek was routed under the road at three different locations. The sharp turns that the creek was expected to make caused some erosion which was compounded by what appeared to be inadequate culverts sizing or installation. Spring Hill Township struggled with this issue for many years.

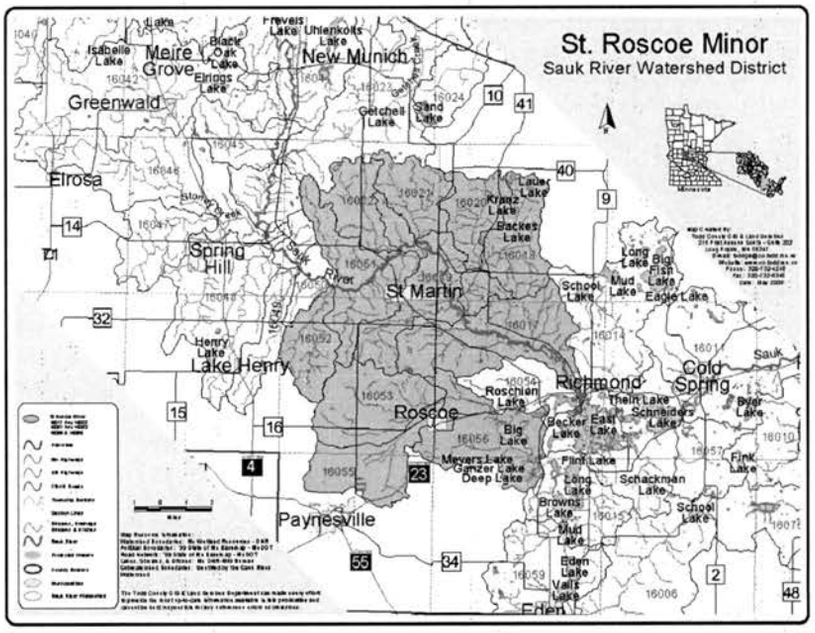
The Watershed District has monitored flow and water quality conditions on Stony Creek for a number of years and knew that there were some water quality issues, such as high sedimentation rates. Therefore, we worked with Spring Hill Township officers to fund the $23,000 hydrology, hydraulic and geomorphology study of the creek. The study was intended to fulfill the goals of the watershed by providing information about the health and characteristics of the stream channel. The study also would fulfill the goals of the township by providing some alternative solutions to the creek crossings on 353rd Street.

Project:
Starting in late 2004, we contracted with Inter-Fluve to conduct the study. The draft results were presented in February 2005 to nearly 20 agency representatives and interested citizens. Comments and additional information provided at the meeting were included in the final report. Julie Klocker, Administrator, and Dan Lais also presented this information to more than 25 individuals at the 2005 Spring Hill Township meeting in March. Dan and Julie also researched possible funding options for the various solutions which include rerouting the stream, rerouting the road, and changing culvert sizes and locations. Spring Hill Township has continued its planning efforts to determine the solution to the 353rd Street concerns.

MANAGEMENT DISTRICT 6

Water Management District six includes two small municipalities. St. Martin and Roscoe. Both cites operate a waste water treatment facility that indirectly discharges to the Sauk River. This district is highly agriculture and contains one very large dairy operation of 2000 animal units.

There is a long-term monitoring site at the outlet of District 6 at Richmond. The data from this site documents the contribution of the upper fiver water management districts on the Sauk River. The inlet to the Sauk River Chain of Lakes showed a high phosphorus concentration in the 1980's, but a significant decrease has been noted since.



BMP's Implemented using SRWD Funding

- Shoreland Restoration: 2
- Feedlot abatement: 22
- Buffer Strip: 1
- Septic System Upgrade: 3

Total Grant Funds: $64,793
Total Loan Funds: $751,671

Quick Facts

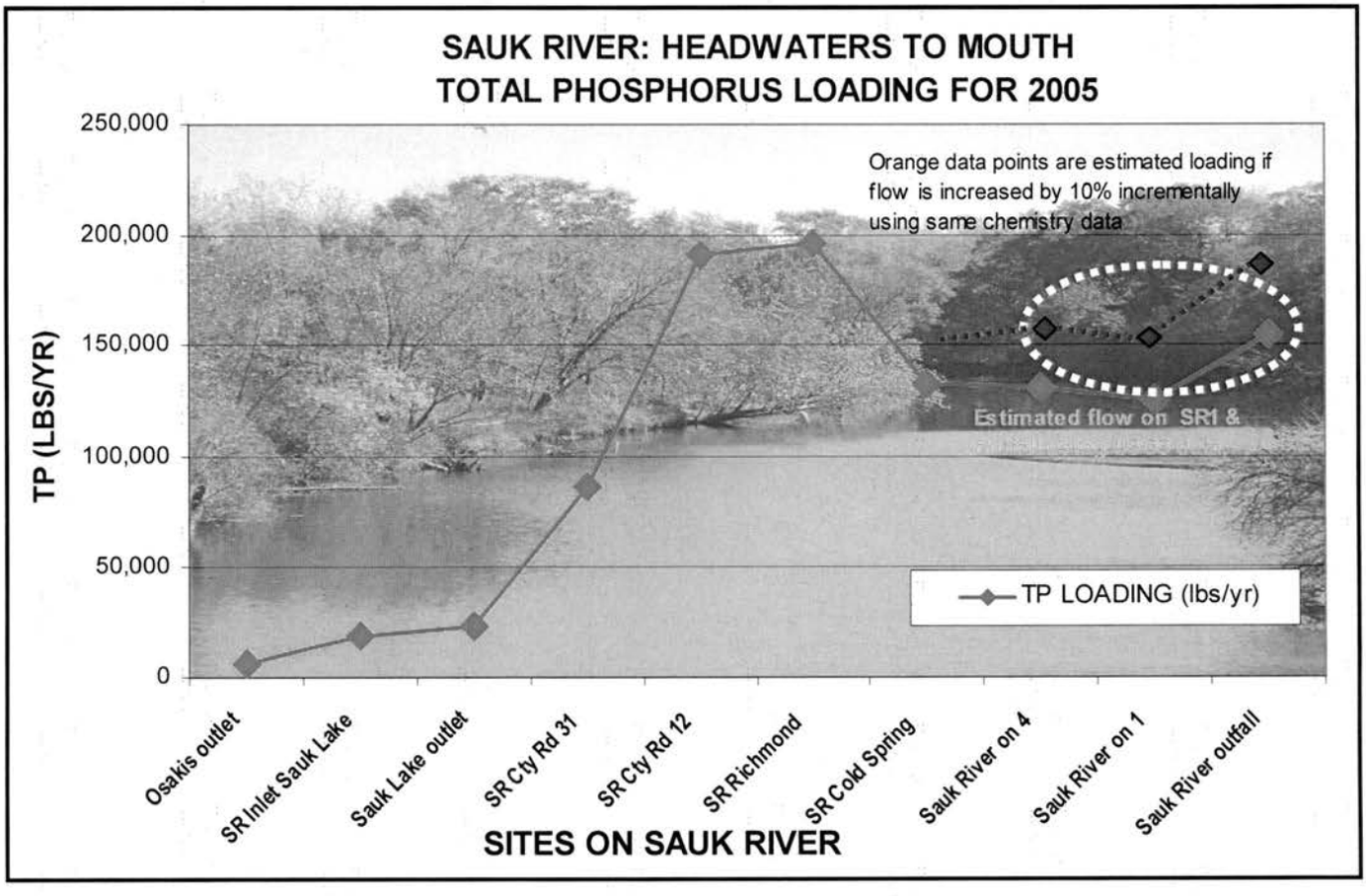
Wetlands have critical hydrologic and habitat functions. Wetlands make up almost 17 percent of the Sauk River Watershed land area. The most predominant wetland type is a shallow marsh. Seasonally flooded wetlands and deep marshes are the second and third most prevalent types.

Using Data

The Sauk River and the Sauk River Chain of Lakes have been severely degraded affected by excessive nutrient loading from tributaries that drain the Sauk River Watershed. Reducing the loading from these tributaries into the Sauk is key component of current efforts to improve water quality in the Sauk River Chain of Lakes. Through the efforts of the SRWD and partnering agencies various types of BMPs have been implemented in the Getchel Creek, Unnamed Creek and Stony Creek subwatersheds as well as drainage ditches and intermittent streams.

To determine the effectiveness of these improvements, stream discharge and nutrient concentration data was collected on these tributaries and on the Sauk River. Stream nutrient loading was determined by calculating stream-discharge to water quality data at gauged monitoring sites on the lower reaches of each tributary on the Sauk River.

The investigative results helped the SRWD determine which district contributes the most nutrient loading. This information is used to determine where further implementation efforts are needed.



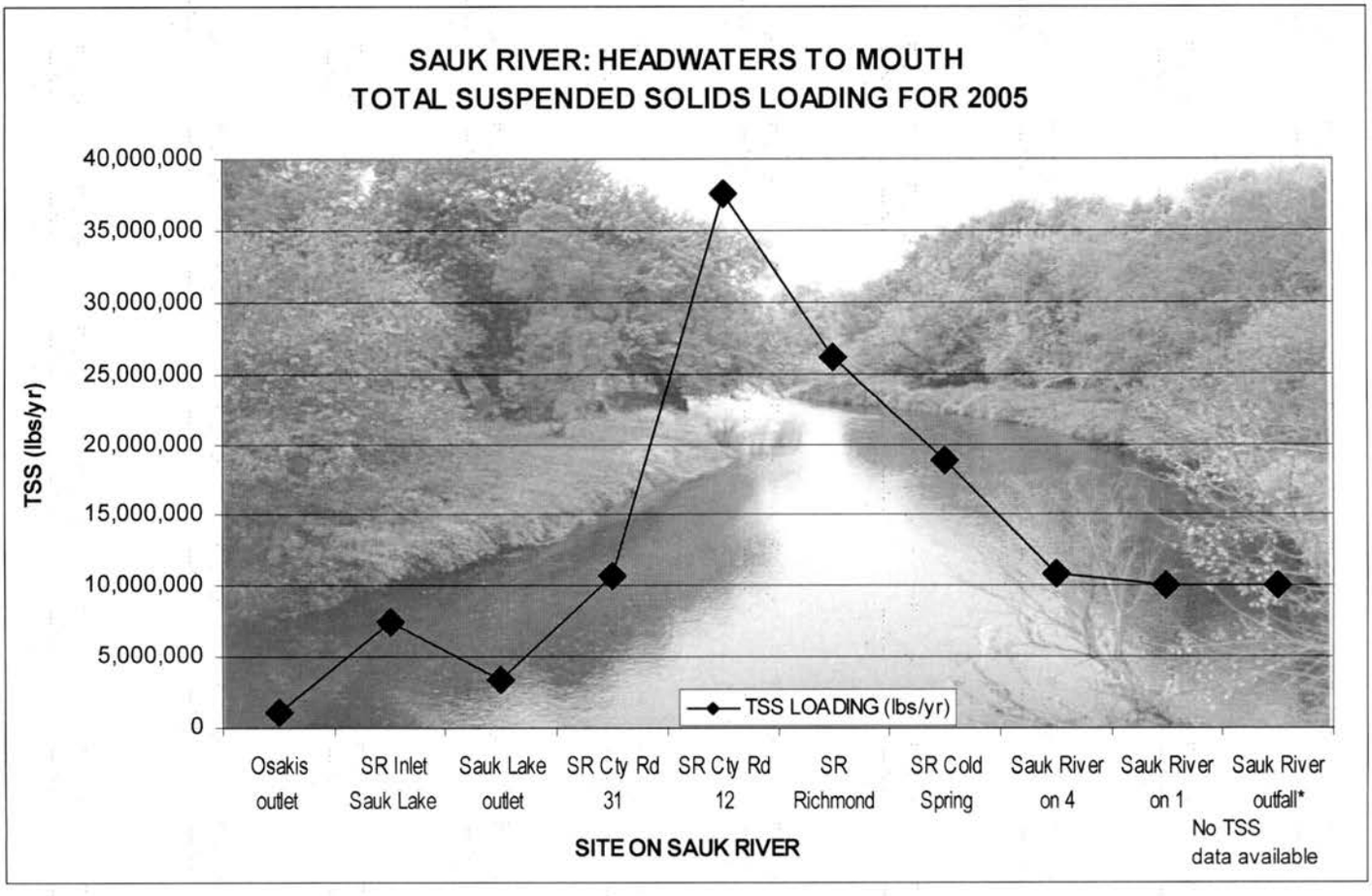
Using Data

The 2005 monitoring season was a "wet" year. The TP flow-weighted mean concentration at the Richmond site was 205ug/L, with an annual loading of 196,683 pounds. This is significantly lower than 1983 (MPCA study) a "wet" year resulting in TP loading of 347,000 pounds. It is also lower than the 1992 Diagnostic Study of 571ug/L, or 281,442 pounds. The Sauk River, at the Richmond site, appears to be approaching the targeted TP flow-weighted mean concentration goal of 100-150ug/L.

Additional efforts are still needed to reduce the nutrient loading the Sauk River Chain of Lakes. The SRWD continues to research the management districts and work with the local agencies to address these concerns.

Quick Facts

Chemistry data shows that there is a big spike in total phosphorus and total suspended solid concentration on the Sauk River when it gets to Highway 12. Kids still use this spot as a swimming oasis.



Fresh Water Treasure Chests

Background:

The Sauk River Watershed District introduced a new educational project available to K-12 grade classes within the Watershed District in the fall of 2004. After brochure handouts and phone calls to schools, teachers were excited to use the treasure chests and they were checked out continuously through the Spring of 2005. The kits were also used for community education events during the summer months i.e. Bugs and Butterflies Camp.

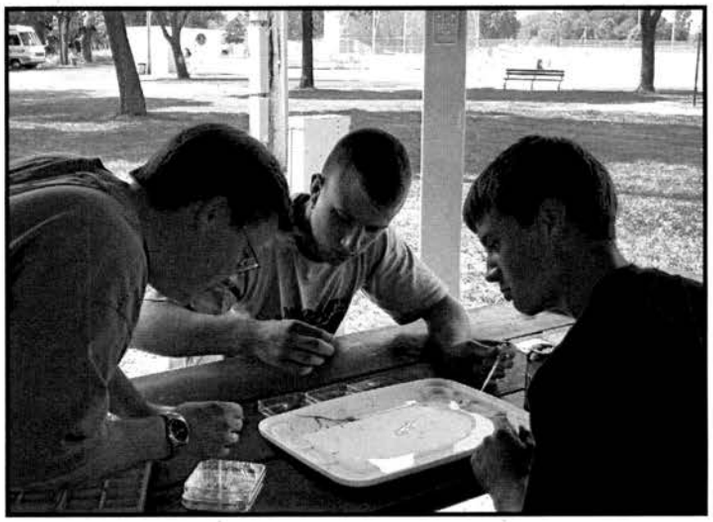
Results:

The Treasure Chest have been used in many classrooms over the last two years, at water festivals and community education classes by SRWD staff.

The Fresh Water Treasure Chest Program received MAWD's 2004 Program of the Year Award. It is recognized as a much needed tool for teachers in their classroom because it provides specimens, books, posters, videos and audio tapes, background information, and classroom activities that many schools cannot afford on their own.

A presentation on this education tool was given by SRWD staff member Amy Trisko at the North American Lakes Management Society conference in November of 2005.

The program creates a strong ethical foundation for students to make informed decisions about their impact on the environment. It introduces relevant concepts and topics discussed at home, in school and in the media such as our relationship to the hypoxia in the Gulf of Mexico. It also creates awareness about the sensitivity and concern over the state's diminishing fresh water resources and habitat loss.



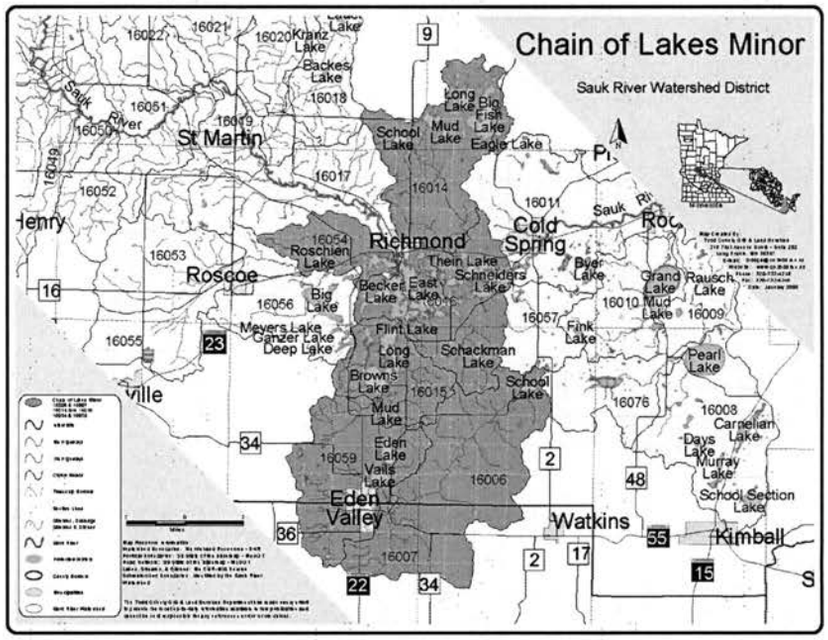
Sauk River Treasure Chests are available on the following topics:

Fresh Water Habitat
Incredible Invertebrates
Wonderful Wetlands
Wacky Watersheds
Stormwater Corridor
Water Quality Sampling

MANAGEMENT DISTRICT 7

Overview:

The Sauk River Chain of Lakes is a reservoir system that contains 14 flowage and non-flowage lakes. The flowage lakes are, essentially, a part of the river and water flows through them. Phosphorus containing sediment settles into flowage lakes from the river system. These lakes are eutrophic to hypereutrophic and efforts to improve them have been and continue to be in progress. Implementation projects focus on agriculture upgrades and buffer strips, along with septic education and ISTS upgrade assistance has been stressed through a MPCA Clean Water Partnership Grant and Loan program.



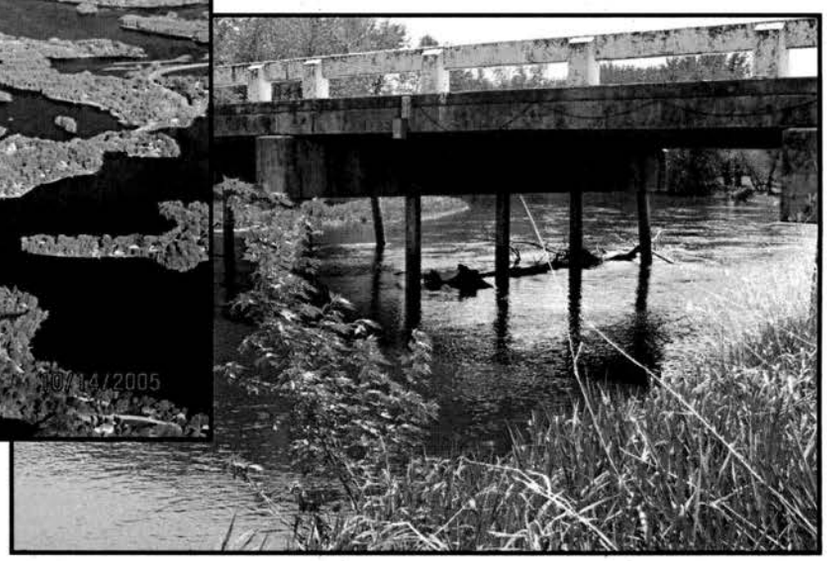
Accomplishments:

- Conducted the Big Fish Diagnostic Study
- Completed a Comprehensive Stormwater Study for the City of Eden Valley
- Assisted in the development of the Lake Management Plan for Sauk River Chain of Lakes Association
- Provided financial incentive package to close down a large hog farm
- Coordinating the TMDL Study of the Sauk River Chain of Lakes for the MPCA

BMP's Implemented using SRWD Funding

- Shoreland Restoration: 1
- Feedlot abatement: 3
- Conservation Equip: 1
- Abandon manure Pit: 1
- Septic System Upgrade: 32
- Large Resort Septic system: 1

Total Grant Funds: $32,223
Total Loan Funds: $404,208



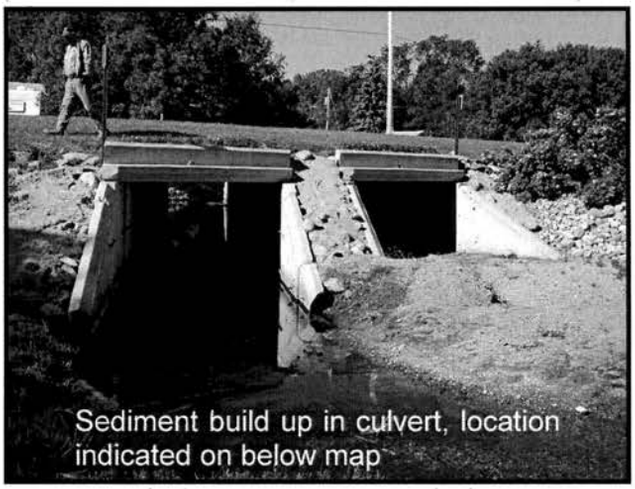
Eden Valley Comprehensive Stormwater Study

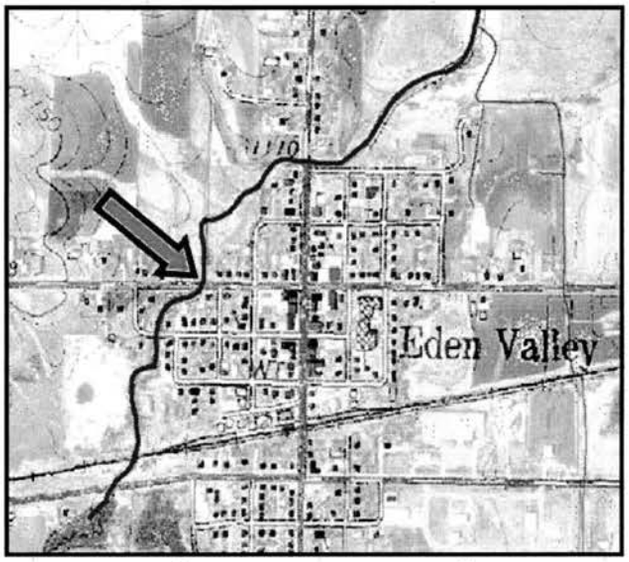
Overview:
During the last half of 2004 we met on numerous occasions with representatives from the City of Eden Valley to discuss sediment, flooding and stormwater issues in the city. As a result of those discussions, the City of Eden Valley in January of 2005 petitioned the Board of Managers to conduct a comprehensive stormwater study.

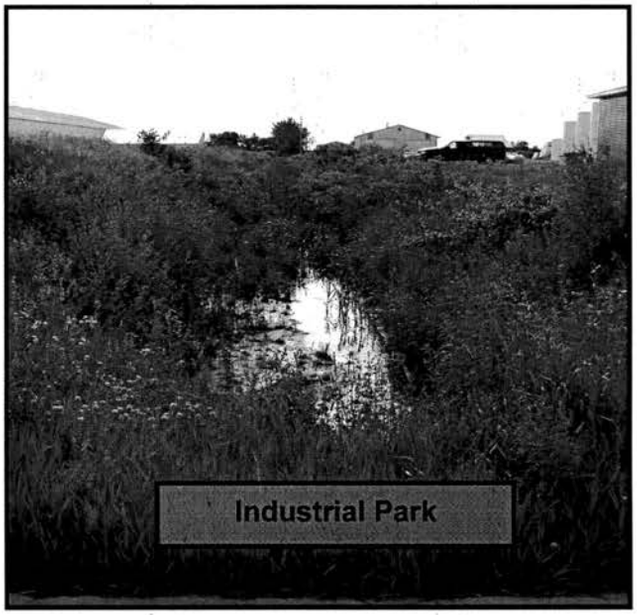
Project Details:
Houston Engineering was contracted to complete the study, which included field reconnaissance, hydraulic and geomorphology. The results of these two components were presented at a public meeting in Eden Valley in November 2005. Feedback and suggestions that were given at this meeting will be integrated in the final report, which also will include costs of identified system repairs and improvements as well as management and ordinance recommendations to address future growth issues.

Cost:
Total project cost was just over $35,000. Learning about stormwater issues in Eden Valley was important for the SRWD Board since we have very little information about this portion of the watershed and how it may influence the Chain of Lakes. Therefore, the Watershed contributed just over $16,500 in funding and the remainder will be paid through a special assessment to the City of Eden Valley.

Future:
The City of Eden Valley has indicated that they are interested in implementing some of the solutions that were identified as issues in this study. The SRWD Board welcomes any future partnership opportunities.


Sediment build up in culvert, location indicated on below map





Quick Facts

According to the Sauk River Chain of Lakes Minor Watershed Assessment conducted by the Stearns SWCD the minor watershed coming into Eden Valley has a high percentage of steep slopes and cultivated land. This watershed will be targeted as part of the "Accelerated Buffer Strip Program" in 2006-07.

Sauk River Chain of Lakes Watershed Management Project

Overview:
This system became a reservoir in 1858. It has a total lake area of almost 4 square miles and has a massive watershed totaling almost 600,000 acres.

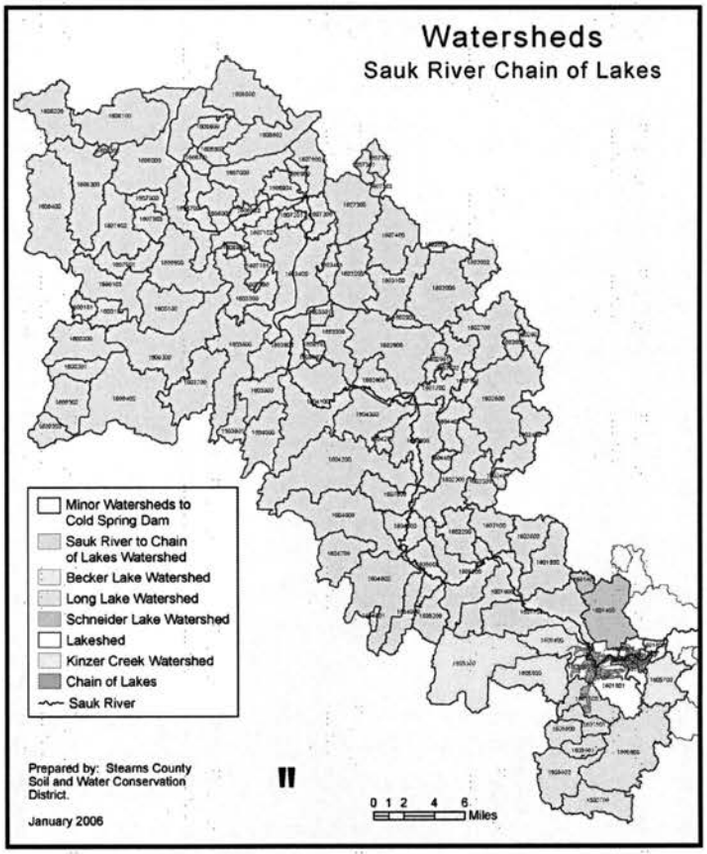
Work done by the MPCA in the 1980's indicated that the Melrose Wastewater Treatment Plant discharged between 15-20 mg/l of phosphorus and was a significant source of loading into the Chain. Upgrades to that treatment plant have reduced loading significantly, but non-point issues needed to be addressed as well.

This project began in 1997 and addressed non-point source pollution. The project developed with an extensive partnership including the SWCD, MPCA, BWSR, US Fish and Wildlife, DNR, Sauk River Chain of Lakes Assn, citizens and many other groups.

Costs:
Since 1999 over $3.1 million in USEPA Section 319 funds, MPCA Clean Water Partnership funds, EQIP, and State Revolving Funds have been targeted to this project.

Results:
- Improved 50 ag-waste facilities
- Generated more than 40 manure management plans
- Installed filter strips and retention basins
- Enrolled more than 5,000 acres into the USDA Conservation Reserve Program
- Conducted extension educational programs on Best Management Programs
- Provided SRF loans for replacing 32 failing septic systems

Impact:
Total phosphorus concentrations in the Chain of Lakes have been reduced from a range of 300 to 1,200 parts per billion (ppb) in 1985 to an average of 176 ppb in 2002-03. This is a 48 percent decrease in total phosphorus loading.



MPCA Commissioner Corrigan and Assistant Commissioner Lisa Thorvig came to tour the Sauk River Watershed in May 2004. The SRWD, Stearns SWCD and Stearns County Environmental Services hosted the tour.

Annual Phosphorus Loading

1983 total phosphorus load = 347,000 pounds
2003 total phosphorus load = 167,757 pounds

Quick Facts

According to the 1999 DNR Creel Survey, the Sauk River Chain of Lakes is an excellent fishery with above average harvest rates and yields. Walleye, sunfish and channel catfish are some of the favorite fish to catch!

Big Fish Lake Diagnostic Study

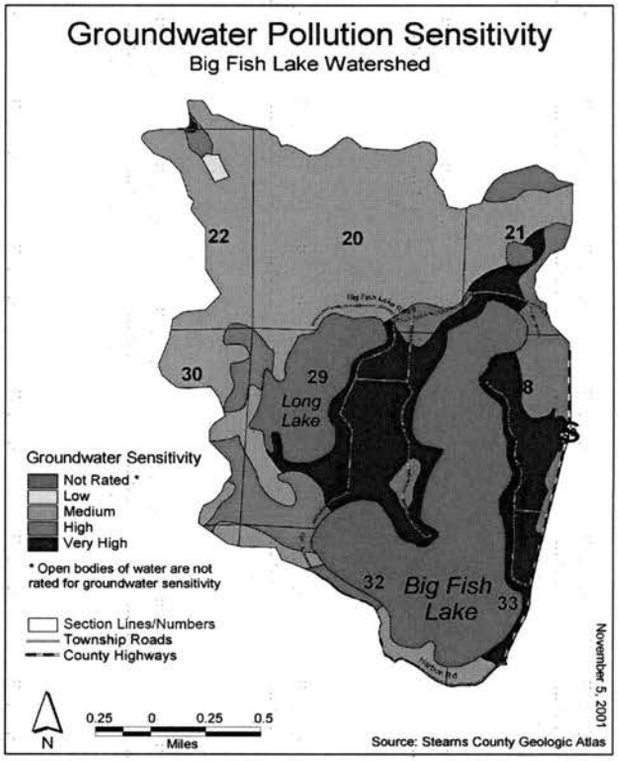
Overview:
Secchi Disk readings had been taken on Big Fish lake since 1985 and indicated very high water clarity of an average of 14 feet. In an effort to determine vulnerability to water pollution, the SRWD and Stearns Environmental Services Department received grant for a Phase I Diagnostic Study. This study was completed and published in 2003.

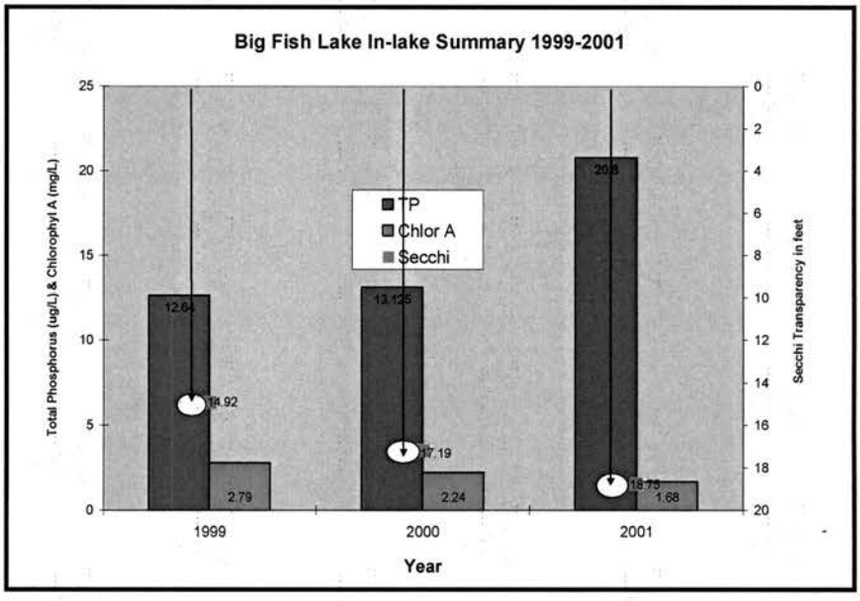
Findings:
The Big Fish watershed is very small and contains few feedlots or acres of row crops, largely due to its rolling topography and wetlands. Additionally, ground water contributes as much as 60 percent of the water in the lake at any time. These two factors alone help to keep Big Fish Lake water quality one of the best in the watershed. Average total phosphorus readings of 23 parts per billion put this lake above the 90th percentile for this ecoregion. However, the study also concluded that the lake is very sensitive to increasing phosphorus - even as much as a 10% increase could result in a change from a mesotrophic to a eutrophic trophic level.

Implementation:
Since groundwater was the most vulnerable source of pollution to Big Fish Lake, septic systems were the number one concern. The Big Fish Lake Association worked with Stearns County to voluntarily conduct a 100% inspection and compliance program. There were 52 systems that needed to be upgraded. Last year half of them completed their upgrade, the remaining half will be done this year. The SRWD offered low interest loans to those needing to upgrade their system.

Quick Fact

Our first Shoreline restorations was on Big Fish Lake in 2000.





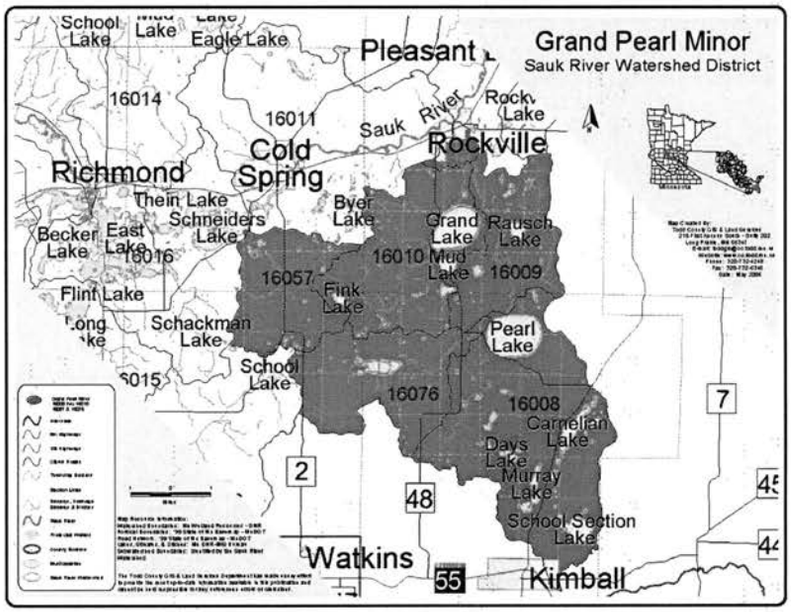
MANAGEMENT DISTRICT 8

Overview:
Mill Creek runs from Pearl Lake and Grand Lake into the Sauk River with the confluence in the City of Rockville. The Sauk River from Mill Creek to the Mississippi River is designated as an impaired water by the MPCA.

There has been a limited amount of water monitoring in this management district. A minor study by Wenck on Grand Lake and its inlet and outlet occurred in 1999. That study revealed that approximately 28% of the phosphorus in Grand Lake was from septic systems.

Several years ago the City of Rockville and Rockville Township merged. One of the first tasks of the merger was to install a municipal sewer line around Grand Lake and Pleasant lake (located in Management District 10).

Continued monitoring will be necessary to determine improvements due toe this project.



Accomplishments:

- Grand Lake Minor Watershed Assessment
- Conducting long-term monitoring of Mill Creek
- Environmental Quilt
- Aquatic Plant ID workshop (summer of 2006)

Quick Fact

Each year the Watershed District gathers preliminary chemistry data on an area lake that we have little to no previous data. Visiting the lake once a month during the open water season allows us to collect baseline data that we can use to document the condition of the waters today and determine if more monitoring or land use practices need to be implemented. The 2006 lake is Pearl Lake.

Monitoring on Mill Creek

Background:
In 2002, the SRWD was approached by the Stearns SWCD to conduct monitoring near the outlet of Mill Creek, to help determine the impact of implementing BMP's.

Results:
We have been monitoring this creek every since and have documented that most readings of total phosphorus are fairly low (<130 ppb). Turbidity also is very low with the standard 25 NTU's exceed only once in 2005 and that was after a significant rain event.

However, fecal coliform levels have been elevated with the majority of all samples over the primary (swimming) contact limit of 200 fecal coliform units and many levels have exceeded the secondary (boating/fishing) contact limit of 2,000 units. The MPCA is in the process of switching the standard from Fecal coliform to E. coli which has a primary contact limit of 126. We began monitoring for E. Coli in 2005. There are only two feedlots along the stretch of this creek from the Grand Lake outlet to the Sauk River.

Manure Spill:
Mill Creek made statewide headlines in 2004 when there was a manure spill of about 100,000 gallons directly into the river. Very low flow prevented much of the spill to reach the river, but the St. Cloud drinking water plant did detect a spike of fecal coliform 14 hours after the spill was reported.

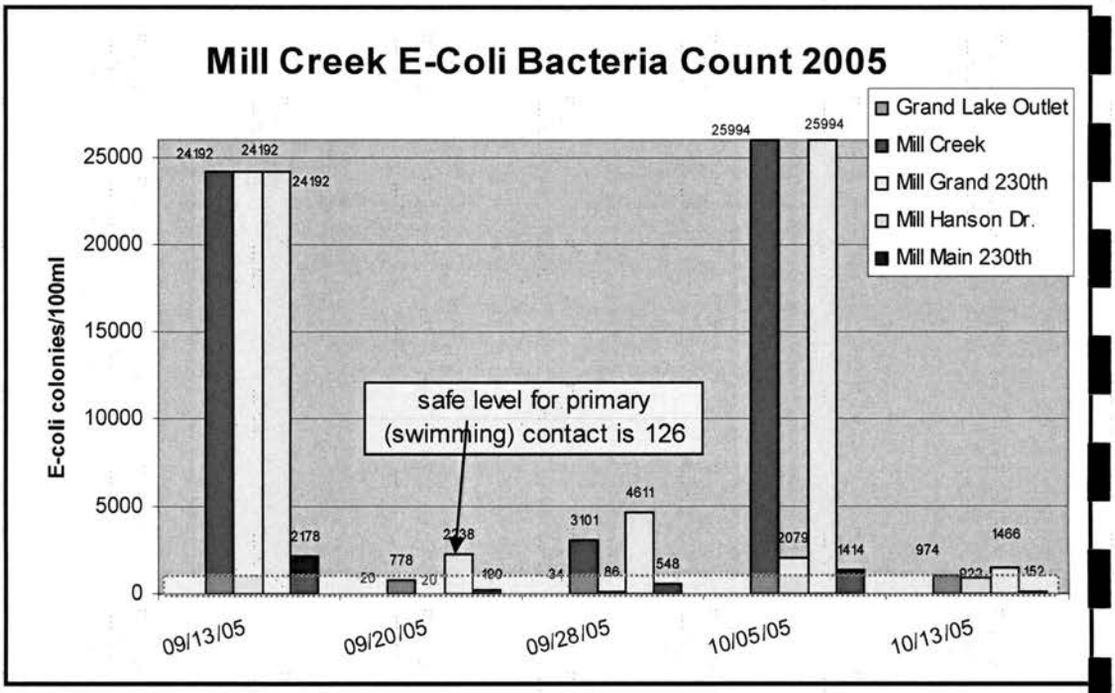
Improvements:
Stearns County required the farmer to make significant upgrades and changes to his operation. These changes included fencing cattle out of the creek and implementing a new manure management system.

Vacuuming solids out of Mill Creek after the manure spill.

Mill Creek 2005 Data

Mean Annual Flow: 32 cf/s
Total Phosphorus Concentration: 105 ppb
Total Phosphorus loading/yr: 6,636 lbs/yr
Total Suspended Solids Concentration: 7,139 ppb
Suspended Solids loading/yr: 452,046 lbs/yr

Continued Efforts:
Mill Creek is now listed as impaired for Fecal coliform. The SRWD will continue to monitor this creek to determine if the improvements made to the feedlot will resolve the contamination levels in Mill Creek.

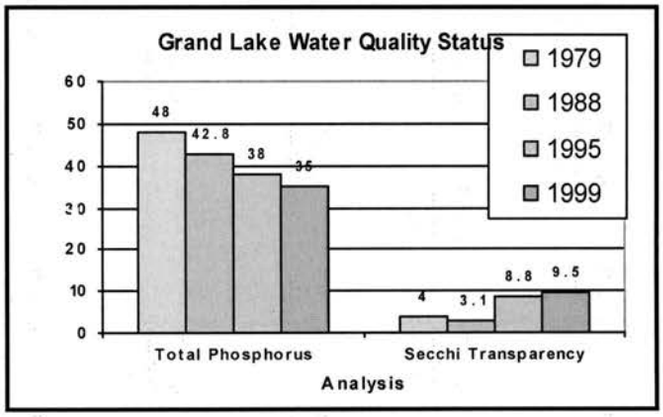


Grand Lake Minor Watershed Assessment

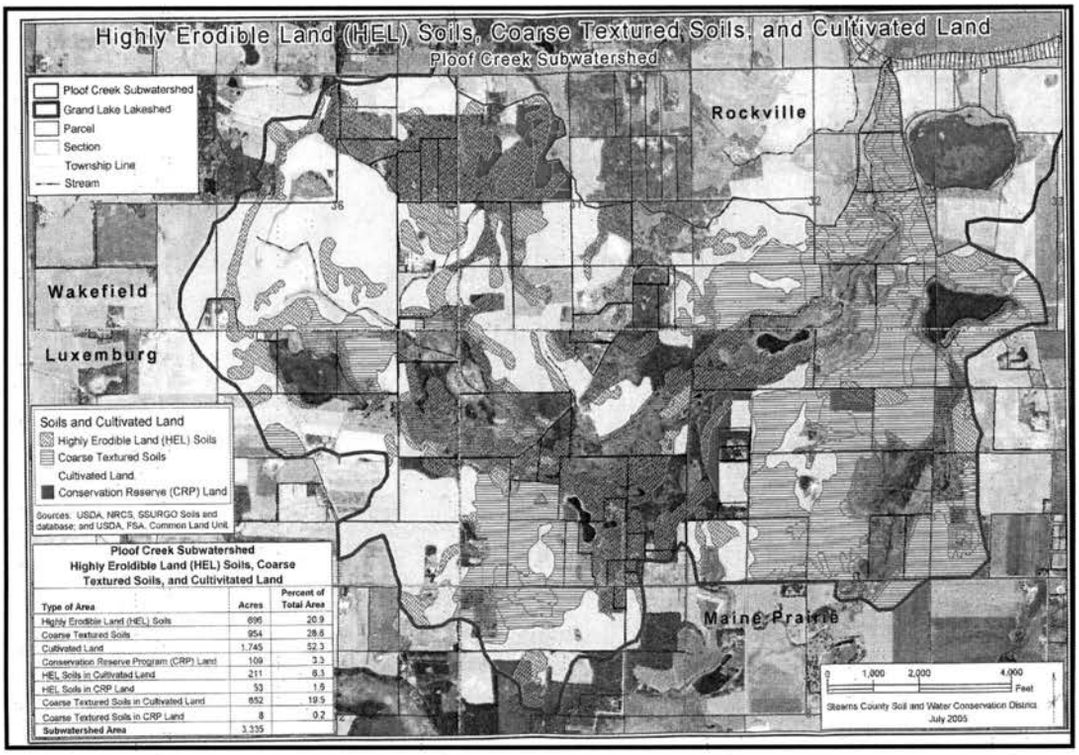
Background:
Grand Lake is located 2 miles south of Rockville, MN and is a developed recreational lake. The Grand Lake watershed is 8.8 sq. miles. Within the Grand Lake watershed, the largest source of incoming water is from groundwater. However, nearly 100% of the surface watershed drains from four subwatershed units located west and southwest of the lake. Of the 5,679-acre watershed 51% drains from Ploofs Creek and 49% from three intermittent streams. Grand Lake has one outlet, which flows out the north end to join Mill Creek and enters the Sauk River at Rockville.

Purpose:
The Grand Lake Association members understand that Grand Lake is a community resource and wanted to have an active and progressive role in protecting water quality. They contacted the Stearns SWCD to get ideas about how to work in the community and target their efforts to obtain the greatest results.

Process:
In 2005, the SWCD, DNR and SRWD worked together to conduct an intensive minor watershed assessment. This process started with a thorough mapping process highlighting and inventorying vulnerable areas. Then we matched those areas with lists of appropriate best management practices that could be implemented.



Implementation:
When the mapping and proposed BMP inventory was completed, we met with members of the lake association board and presented the information. After a brainstorming session on what steps they wished to take next, they agreed that they wanted to invite property owners from the watershed and host a fish fry dinner. This was an opportunity to share information about BMP programs, form an inclusive relationship with everyone and build a feeling of community. The event was held in February 2006 was well attended. The Grand Lake Association will continue to work with landowners to implement projects that benefit all parties and work to improve water quality.



Environmental Quilt

Background:
The Sauk River Watershed District has started a youth education program aimed at creating an awareness for human impact on water quality and quantity while teaching strong environmental ethics to students. The Education Quilt is one part of the program that involves generations coming together and learning about protecting our natural resource.

Purpose:
Each fall, the SRWD staff randomly picks a school within the district to represent our ideals in a quilt. The staff member meets with the students for 45 minutes to discuss the preservation of our water resources. The SRWD supplies material and fabric markers for students to draw "what water means to them" on the quilt blocks within a month of the presentation.

Once finished, community clubs or volunteers help sew the quilt together and it is displayed at the watershed district for one year. The school then receives the quilt back in September of the following year for their use.

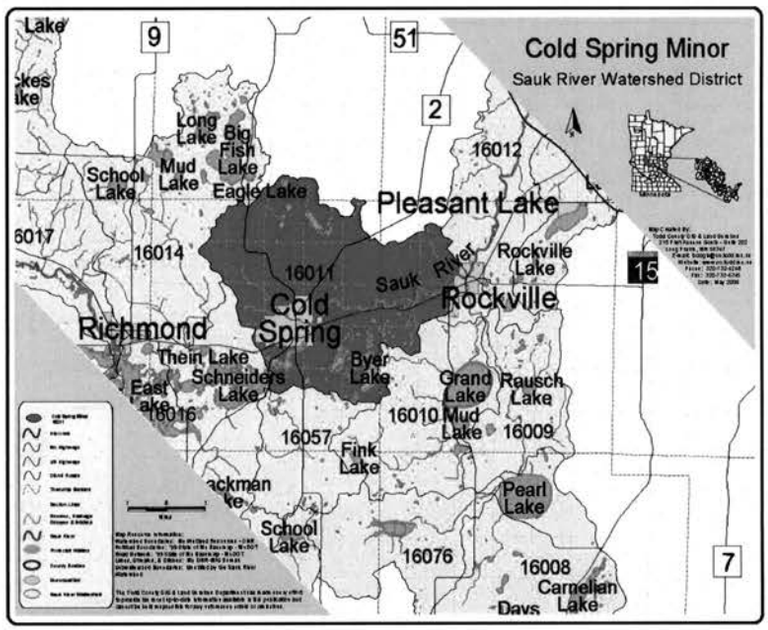
Results:
The fifth graders at John Clark Elementary in Rockville were chosen to create the quilt blocks in 2003. The quilt was finished in Spring and displayed in the District office until fall. After receiving teacher and student feedback through evaluations, the SRWD feels we are reaching our goals and maintaining a great relationship with the youth of our watershed.

Schools	Quilt Year
Holy Family School– Sauk Centre	2001-2002
John Clark Elementary School– Rockville	2002-2003
Eden Valley Elementary	2003-2004
Sacred Heart Elementary School-Freeport	2004-2005
St. Agnes Parochial School-Osakis	2004-2005
Richmond Elementary	2005-2006

Quick Fact
In the past two years, the SRWD has reached over 20,000 people per year as part of the education program.

MANAGEMENT DISTRICT 9

Overview:
The Cold Spring Water Management District is the smallest of the ten management districts. It is the only segment of the Sauk River which is limited to one minor watershed. It also has fewer tributaries and lakes. This management district has a significant amount of urban and industrial development with the City of Cold Spring and the granite quarry operations. Gold'n Plump operates a 1.0 mgd wastewater treatment plant in this management district. The industrial uses including the food processing and mining operations have the potential for impacting water quality in the river and groundwater systems



Accomplishments:
- Monitoring Brewery Creek
- Providing cost share funding for a Raingarden at Lion's Park in Cold Spring

Unique Resources in the Cold Spring Area

Cold Spring Heron Rookery: Great Blue Herons have been a common sight along the Sauk River since the late 1880's. Cold Spring was home to one of the largest and most famous Blue Heron Rookeries in America. However, the herons abandoned the site in 1989. It is not known why the herons left, but a severe drought in 1988 and the loss of many nesting trees in 1983 are likely contributing factors. One day the herons may return to nest at Cold Spring and provide additional long-term research opportunities.

Brewery Creek: This creek is designated as a trout stream. It flows for 1.7 miles within the City of Cold Spring. Local residents and officials were mostly unaware of the trout population until extensive education efforts started in 2002. The majority of the stream is highly impacted, but the abundance of springs in the area have kept Brook trout population maintaining at fairly high levels, although the 2005 survey showed numbers were down. There have been efforts to mitigate some of the stream impacts. The Stearns SWCD coordinated an extensive shoreline restoration with the Cold Spring Elementary. Protection and restoration efforts must continue in the future.

LIDAR Flyover

Background:
Elevation maps provide a foundation of basic knowledge about flow and movement of water across landscapes. The elevation maps readily available are with 10 foot contours and this is no longer adequate for resource protection needs.

Purpose:
As the SRWD began working on the Lower Sauk Project (covered in Management District 10) we asked Stearns County to provide us more detailed maps than what had available. Stearns County began researching methods to acquire new elevation maps. In 2005 they decided to pursue a request for proposals for the collection of Light Detection and Range (LIDAR) data to support the generation of a high resolution Digital Elevation Model (DEM) with two foot contour elevations.

Project Implementation:
In April 2006 Stearns County approved one of the proposals for the LIDAR Flight for the entire Stearns County area for $342,415.21. The flyover took place in early June. The data now will be rectified to proper coordinates and tied to the 2005 aerial photography for Stearns County, turned into a GIS format and provided to the county. The first section to be completed will be the eastern third of the county, including the Lower Sauk area. It is expected to be completed late this fall.

Funding:
A number of partners contributed financially to this project. The SRWD will contribute a total of $45,00 over a two-year. Stearns County is funding $100,000 and various cities, townships, and private companies have contributed most of the remainder of the cost. The maps and data eventually will be made available for a fee. The fees collected will off-set the remaining balance.

An example of the detail obtained with a two foot contour digital elevation map.

Lake Ecology Curriculum

Backgound

The Sauk River Watershed Distict has teamed up with Minnesota Waters to offer all 5th and 6th grade teachers in our watershed the opportunity to attend a workshop on the MN Lake Ecology Curriculum. Teachers learn about basic properties of water, algae, watersheds, pollution and monitoring. These topics and many more, including hands-on experiments, are part of a curriculum that has been developed for middle school students that focuses on Minnesota's greatest natural resource and is called "Minnesota Lake Ecology".

Teachers are provided with an overview of this curriculum which has been adapted for Minnesota and is based on the original curriculum created in New Hampshire. The afternoon is filled with teachers learning hands-on exercises to bring back to their classrooms.

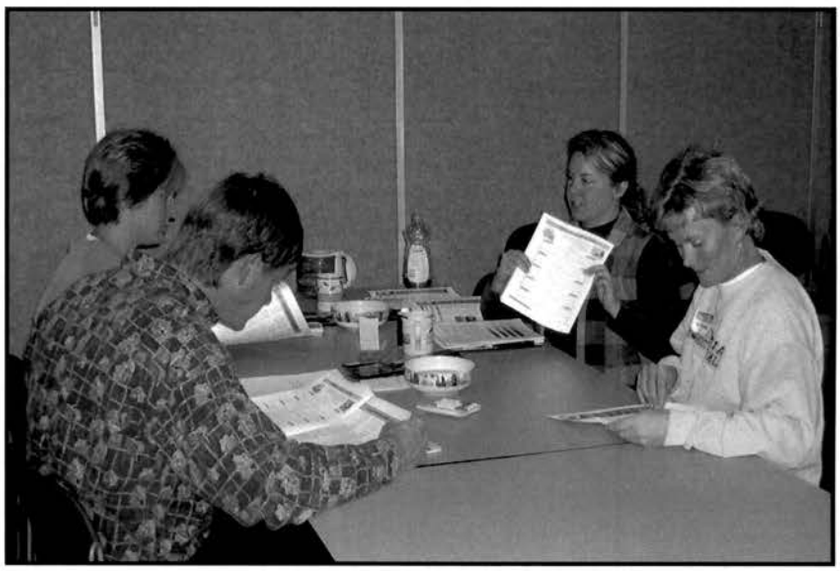
This recently developed curriculum matches up with the new graduation standards. Additionally, many experiments and exercises provide for science exploration in the classroom that can be linked to local resources.

Purpose

In this way it is hope that students have a greater appreciation of these local resources and have a better understanding of how science applies to our local environment. There also are 'extension' activities that are aimed toward more technical or advanced studies.

Each participant received teacher and student workbooks and additional resource materials. Teachers within the Sauk River Watershed District also received reimbursement for substitute teacher and travel costs.

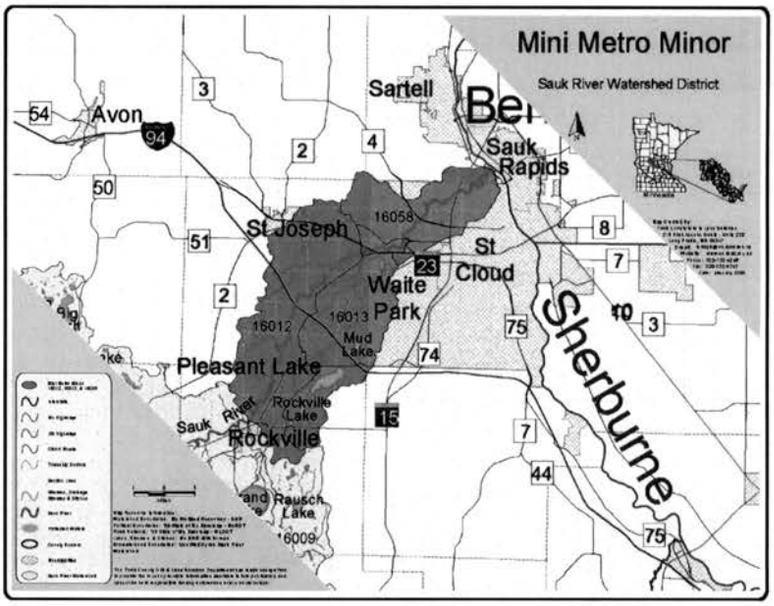
The Sauk River Watershed District follows up with teachers that attended the training to provide additional assistance and information on the status of local waters. Training for this program is offered every two years.



MANAGEMENT DISTRICT 10

Overview:
This area receives all the water that runs off the entire upstream watershed, an area greater than a total of 950 miles - making it vulnerable to any additional pollution.

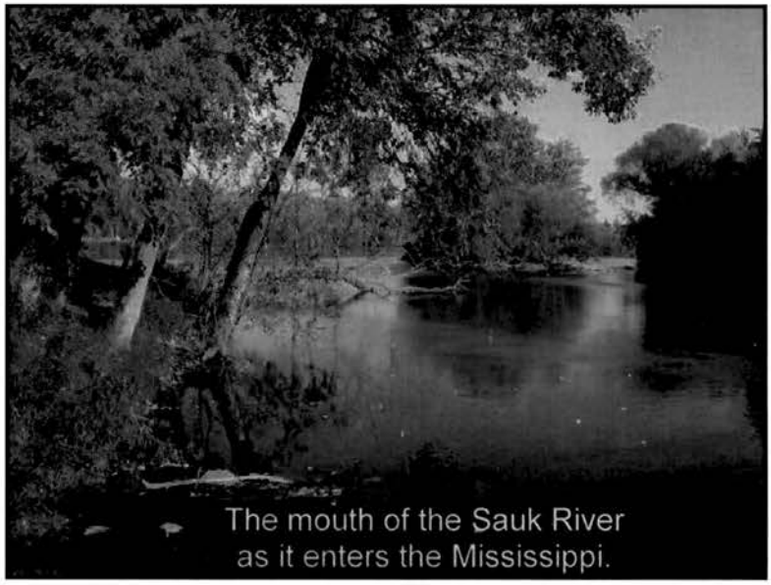
We call this the mini-metro area since it has the highest population and is growing at a nearly 20% rate. There also is a tremendous amount of impervious surfaces in areas with little or no stormwater treatment. There are point source concerns as well, with granite plants and manufacturing plants in the area.



The SRWD is the ditch authority for County Ditch 17 which extends from Pleasant Lake under 94 and through the Waite Park Industrial Park. The Board is currently researching options to transfer this from a ditch system to a storwmater utility. By doing so they would be able to more strategically plan for the changing needs of the area.

Accomplishments:

- Lower Sauk Collaborative
- Lower Sauk Diagnostic Study
- Lower Sauk Water Festival
- County Ditch 17
- Stormwater Education Initiative


The mouth of the Sauk River as it enters the Mississippi.

The USGS has a flow gauging station on the Sauk River in Waite Park. The SRWD downloads the real-time data as needed and historic data for stream analysis.

The USGS conducted a time travel study to determine how fast a pollutant would travel down the Sauk River to the Mississippi River. The time travel was done using an orange dye.

As part of the Source Water Protection Plan for the City of St. Cloud needed to know pollutant time travel of the Sauk River because the Sauk River discharges into the Mississippi within one half mile upstream of the City's drinking water intake location.

Lower Sauk Diagnostic Study and Collaborative Project

Background Information:
The Lower Sauk region starts at the Cold Spring dam and ends where the Sauk River outlets into the Mississippi River. This region is the entire watershed area that drains to the Sauk River and includes Pleasant, Grand and Pearl Lakes as well as Mill Creek and County Ditch 17.

There has been infrequent and intermittent water quality sampling in this area. However, no comprehensive water quality studies of this portion of the Sauk River have ever taken place. The SRWD Board felt it was important to obtain baseline information on how this part of the watershed was doing since it is facing the most rapidly changing land use in the watershed.

The board also acknowledged that this portion of the river faces rapidly changing landuses and may require some additional efforts to prevent further degradation.

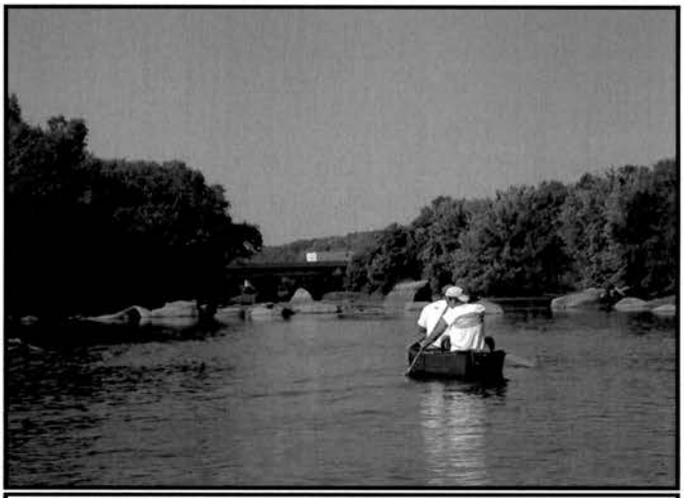
Petition:
This sentiment was shared by other units of government who in early 2005 petitioned the watershed district to conduct a basic water management project in the Lower Sauk Region and stated that a Diagnostic Study should be the first action under this petition.
The petitioned was signed by these local governmental units:

- Stearns County SWCD
- Stearns County
- City of St. Cloud
- City of Waite Park
- City of Rockville
- City of St. Joseph
- City of Cold Spring

The Collaborative group also will engage in the technical expertise of the DNR, MPCA, USGS and BWSR as they proceed from the diagnostic study to the implementation of recommended actions for improving and protecting this area of the watershed.

Diagnostic Study:
A Diagnostic Study is currently underway. Monitoring was conducted in 2005. Barr Engineering is completing the modeling and statistical analysis. The SRWD staff are putting together the supporting information. Recommendations for further implementation will be based on the results of the study, expected to be completed by the end of June.

Funding:
The MPCA is funding $51,000 toward the study. The remaining costs, estimated at less than $20,000 will be levied across the entire watershed. Since this is a basic water management project, future implementation projects will also be funded with an ad-valorem levy. However, the SRWD and collaborative partners will continue to seek out grants and other funding opportunities.



This portion of the Sauk remains very natural, despite increasing pressures. Notice the granite outcroppings in the river near the Interstate 94 overpass.

Future Efforts
Once the diagnostic study is complete, the Sauk River Watershed District will be conducting public hearings to proceed with the implementation project and levy assessment .

This project allows the Sauk River Watershed District (SRWD) and other local, county and state partners through established networks, mutual planning and targeted implementation efforts, to work in a regional approach to address water resource issues.

Time of Travel Study

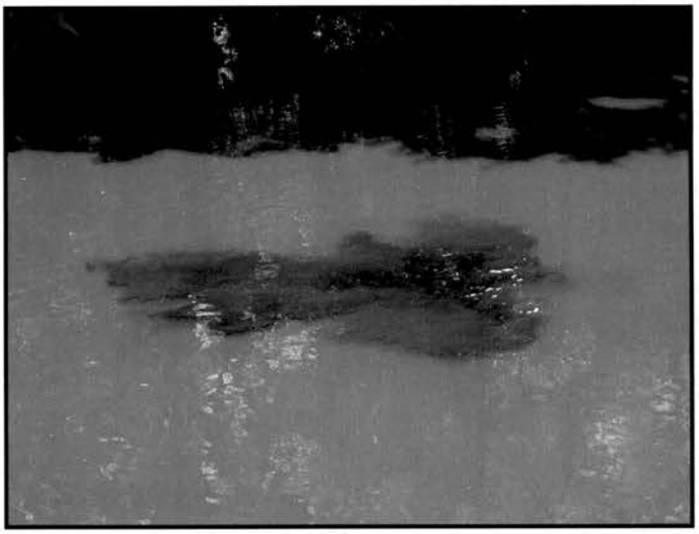
Background:
The Sauk River study is part of larger source water protection study comprising several Upper Mississippi River Basin tributaries upstream of the Twin Cities, which also involves evaluating travel times of potential contamination spills on these tributaries and the Mississippi River to establish emergency plans to protect sources of public water supply.

Process:
A dye testing- time of travel project began at 10am on June 16, 2003 with the SRWD, USGS, St. Cloud Water Treatment Plant, MPCA, and MN Department of Health present.

The dye testing was done to determine the "time of travel" or velocity of flow from Rockville to the Mouth of the Sauk River. The study will help determine the time it takes for water to travel from Rockville to the mouth of the river and will be used to estimate travel time of potential contaminants. This information quantifies the transport and dispersion of anything entering the stream.

The dye study consisted of injecting a small amount of dye in the river and monitoring it at several downstream locations. USGS personnel measured the dye concentrations in the water over time to observe when peak concentrations arrive at various points along the river.

Results:
The results of the test estimated that the time of travel along the 15.8 mile stretch would be from 15 to 28 hours based on flow rates for that day.



Quick Fact:
The SRWD and Stearns County, along with the Cities of St. Cloud, Waite Park and Sartell are currently working together do develop a stormwater education program for this growing area. One of the first steps was a collaboration with St. Cloud State University Professor Mitch Bender. Four of Dr. Bender's students in the Environmental Studies Senior Project Class developed a survey to gage citizen's knowledge of stormwater issues and inventory current residential practices that impact stormwater. This survey will be conducted before and after major educational campaigns to determine knowledge and behavior change.

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
CENTRAL BOARD ROOM, LOWER LEVEL
ST. PAUL, MINNESOTA 55155
WEDNESDAY, SEPTEMBER 27, 2006

BOARD MEMBERS PRESENT:
Dana Allen, Bob Burandt, Wayne Edgerton/Gene Merriam, Department of Natural Resources; Quentin Fairbanks, Brian Kletscher, Randy Kramer, Paul Langseth, Joe Martin, Department of Agriculture; Brian Napstad, Louise Smallidge, Lisa Thorvig, Pollution Control Agency; Gene Tiedemann, LuAnn Tolliver, Dan Wilson, Department of Health.

BOARD MEMBERS ABSENT:
Jim Anderson, Minnesota Extension Service (MES)
Paul Brutlag
Kay Cook

STAFF PRESENT:
Mary Jo Anderson, Jon Fure, Dan Girolamo, Jim Haertel, Ron Harnack, Dale Krystosek, Les Lemm, Kevin Lines, Dave Weirens, Steve Woods, Brad Wozney

OTHERS PRESENT:
Sandy Hooker, Minnesota Association of Townships (MAT)
Jack Frost, Met Council
Lance Yohe, RRBC
Rick Reimer, MACDE
LeAnn Buck, MASWCD
Steve Hobbs and Ken Powell, Rice Creek Watershed District
Frank Pafko, MNDOT
Keith Hanson, Minnesota Power

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

PLEDGE OF ALLEGIANCE

INTRODUCTION OF NEW BOARD MEMBERS - Chair Kramer welcomed and introduced new board members Gene Tiedemann, watershed representative from Euclid (Red River Watershed District); and Paul Langseth, soil and water conservation district representative from Worthington (Nobles County SWCD).

** 06-77 **MINUTES OF AUGUST 24, 2006** - Moved by LuAnn Tolliver, seconded by Louise Smallidge, to approve the minutes of August 24, 2006, as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report - Randy Kramer stated that Jim Haertel attended the EQB meeting on his behalf. Randy reported that the Administrative Advisory Committee met this morning and has a recommendation regarding the South Two River Watershed District agenda item that will be heard later today.

Executive Director's Report – Ron Harnack reported that the number of appeals continue to increase. Appeals will need to be addressed in the WCA assessment and the biennial budget. We have started to receive Clean Water Legacy (CWL) RFP grant applications. Due the shear numbers it does not appear it will be practical to complete the interagency reviews in time for the October Board meeting. A Board Retreat is being planned for the afternoon of November 15 and the morning of November 16 in St. Cloud. There may be a brief one-topic Board meeting proceeding the retreat regarding CWL grants. Ron explained that the Board Retreat will give us an opportunity to look at a ten-year vision for the future; committee structures; accomplishments and challenges; redefine strategic goals for the future. Board Retreat participants will include board members/alternates; and the staff senior management team. If board members have comments or suggestions regarding the Board Retreat, please contact Ron. Quentin Fairbanks suggested having break-out sessions for committees.

Dispute Resolution Committee (DRC) – Jim Haertel explained that three new appeals have been filed, we now have a total of 27 appeals. The next DRC meeting has been scheduled for December 13. Dana Allen has been appointed to replace Paul Brutlag on the DRC until Paul's health conditions improve. Paul was told by his doctors to rest; he hopes to participate on the Board after the first of the year.

Wetlands Committee - LuAnn Tolliver thanked the Wetlands Committee members for their participation. The Wetlands Committee will meet today. Stakeholders meetings are being conducted. The Wetlands Roundtable will be held November

14-15 in St. Cloud. The Wetlands Roundtable will bring the stakeholders and the Wetlands Committee together to develop a consensus on changes to WCA.

Cost-Share Committee – Louise Smallidge reported that the Cost-Share Committee did not meet this month.

Education Committee – Kay Cook is on vacation; Chair Kramer read Kay's report. Steve Woods reported that the University of Minnesota Extension Service is partnering with the League of Minnesota Cities to fund a position to coordinate NEMO activities statewide.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Chisago County Comprehensive Local Water Management Plan Update – Bob Burandt reported that the Metro Water Planning Committee reviewed the Chisago County Comprehensive Local Water Management Plan Update and recommends approval. Moved by Bob Burandt, seconded by Louise Smallidge, to approve the Chisago County Comprehensive Local Water Management Plan Update. Motion passed on a voice vote.

** 06-78

Dakota County Groundwater Protection Plan – Bob Burandt reported that the Metro Water Planning Committee reviewed the Dakota County Groundwater Protection Plan and recommends approval. Moved by Bob Burandt, seconded by Louise Smallidge, to approve the Dakota County Groundwater Protection Plan. Motion passed on a voice vote.

** 06-79

Rice Creek Watershed District Comprehensive Wetland Management Plan – Bob Burandt reported that the Metro Water Planning Committee reviewed the Rice Creek Watershed District Comprehensive Wetland Management Plan and recommends approval. Moved by Bob Burandt, seconded by LuAnn Tolliver, to approve the Rice Creek Watershed District Comprehensive Wetland Management Plan. LuAnn Tolliver and Brian Napstad commended the Rice Creek Watershed District for the impressive plan. Motion passed on a voice vote.

** 06-80

OLD BUSINESS

Update on CREP II Payment Rate Options – Kevin Lines gave a brief update on the CREP II enrollment rate.

Update on South Two River Watershed District (STRWD) Termination Order – Jim Haertel explained that the STRWD has appealed to the Court of Appeals, the Board's termination order as adopted by the Board in August and requested that BWSR stay the filing and enforcement of the termination order. BWSR has three options: deny the stay; approve the stay; or approve the stay with conditions. The

Administrative Advisory Committee (AAC) met this morning to discuss this issue and recommends, with a 3-1 vote, to order the stay with conditions as listed in the draft
** Order. Moved by Louise Smallidge, seconded by LuAnn Tolliver, to accept the
06-81 AAC's recommendation to order the filing of the stay with conditions. Jim stated that this Order does not change the action the Board took at the August 24, 2006, Board meeting, it merely delays filing of the Order with the Secretary of State as long as the conditions are met. Discussion followed. Motion passed on a voice vote.

Certify Parties to the STRWD Decision on Termination – Jim Haertel explained that BWSR needs to certify who are the parties to the appeal. The AAC met this morning, discussed the issue and recommends that all parties who testified and commented during the time when the record was open for the decision be certified
** as parties to the appeal. Moved by LuAnn Tolliver, seconded by Louise Smallidge,
06-82 to accept the AAC's recommendation that all parties who testified and commented during the time when the record was open for decision be certified as parties to the appeal. Motion passed on a voice vote.

Chair Kramer called for a break in the meeting at 10:30 a.m. The meeting reconvened at 10:45 a.m.

Update on Big Fish Lake – Ron Harnack gave a brief update on the Big Fish Lake issue. BWSR has followed up as appropriate on issues of concern. Ron indicated that after discussions with the County and Soil & Water Conservation District, it's anticipated that some action addressing the issue can take place this fall.

NEW BUSINESS

Local Government Road Wetland Replacement Program Project Approval – Dave Weirens gave a brief presentation on eleven proposed 2006 wetland restoration applications for the local Road Replacement Program. The eleven projects will generate 579.34 credits at an estimated cost of $4,692,493. The Wetlands Committee reviewed the proposed projects at their September 13,
** 2006, meeting and recommends approval. Moved by LuAnn Tolliver, seconded
06-83 by Bob Burandt, to accept the Wetlands Committee recommendation to approve the eleven local government road wetland replacement projects as presented. Discussion followed. Motion passed on a voice vote.

Red River Basin Commission (RRBC) Work Plan and Annual Report – Lance Yohe, RRBC Executive Director, presented the RRBC Work Plan and Annual Report. Ron Harnack reported that the legislature appropriated $100,000 to BWSR as part of our base budget as the state's contribution to the RRBC. Discussion
** followed. Moved by Brian Napstad, seconded by Brian Kletscher, to appropriate
06-84 $100,000 for this biennium to the RRBC's base funding. Motion passed on a voice vote.

AGENCY REPORTS

Minnesota Pollution Control Agency (MPCA) – Lisa Thorvig stated that MPCA has authority for NPDES permits if a general permit does not apply. The federal exemption for ditch maintenance is not defined. Lisa requested that BWSR and the drainage work group take on the issue of defining routine ditch maintenance (in the best interest of the State). Discussion followed. Ron stated that BWSR facilitates the drainage work group; he suggests that MPCA bring this issue up with the drainage work group. Joe Martin stated that the main issue is we don't want to get to the point where we must obtain stormwater permits from MPCA for ditch maintenance.

Minnesota Department of Health (MDH) – Dan Wilson reported that Linda Bruemmer is the new Assistant Division Director for the MDH Division of Environmental Health. Dan reported that the National Ground Water Association (NGWA) has announced that the Minnesota Department of Health is the recipient of the 2006 NGWA Outstanding Ground Water Award in Ground Water Protection. The award recognizes the well sealing activities in Minnesota, which have resulted in the sealing of more than 200,000 unsealed ("abandoned") wells since 1989.

Minnesota Department of Agriculture (MDA) – Joe Martin reported that MDA received $800,000 of Clean Water Legacy funding for research projects; how to improve TMDL development phase, loadings from landscape.

Department of Natural Resources (DNR) – Gene Merriam reported that he attended a multi-agency meeting this morning regarding the avian flu preparedness. Gene stated that there has been forest fire activity in the northern part of the State. The State has quickly gone from flood conditions to drought conditions between May and the end of August. DNR will continue to monitor for Chronic Wasting Disease (CWD) no cause for alarm yet. There is more concern with bovine tuberculosis.

ADVISORY COMMENTS

Minnesota Association of Conservation District Employees (MACDE) – Rich Reimer gave a brief report on the MACDE summer meeting. MACDE is represented on the NRCS State Training Committee. Rick stated that MACDE has been involved with discussions on wetland regulatory issues; conservation 101 for new employees; and the wetland delineation certification program.

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck reported that MASWCD appreciates BWSR's involvement with the drainage work group. A grant has been received to provide information on the Data Privacy Act and Freedom of Information Act. MASWCD's annual convention will be held December 3-5, 2006, at the Sheraton in Bloomington.

Minnesota Association of Townships (MAT) – Sandy Hooker appreciated the opportunity to attend the monthly BWSR meetings.

Met Council – Jack Frost reported that Met Council has been doing survey work since the early 1990s on the Minnesota River and Mississippi River. That survey work has been completed and data is now available on water quality and quantity to provide better information to correct problems.

Minnesota Department of Transportation (MNDOT) - Frank Pafko reported that MNDOT and BWSR have jointly worked on the Vesledahl site, which has been nominated for two federal awards. Ron Harnack thanked MNDOT for the cooperation on the BWSR/MNDOT shared positions on road mitigation.

UPCOMING MEETINGS

- Next BWSR Meeting, October 25, 2006, St. Paul
- Board Retreat, November 15-16, St. Cloud
- Board Meeting, December 13, 2006, St. Paul
- DRC Meeting, afternoon of December 13, 2006, St. Paul
- MAWD Annual Meeting, December 1-2, Alexandria
- MASWD Annual Meeting, December 3-5, Bloomington

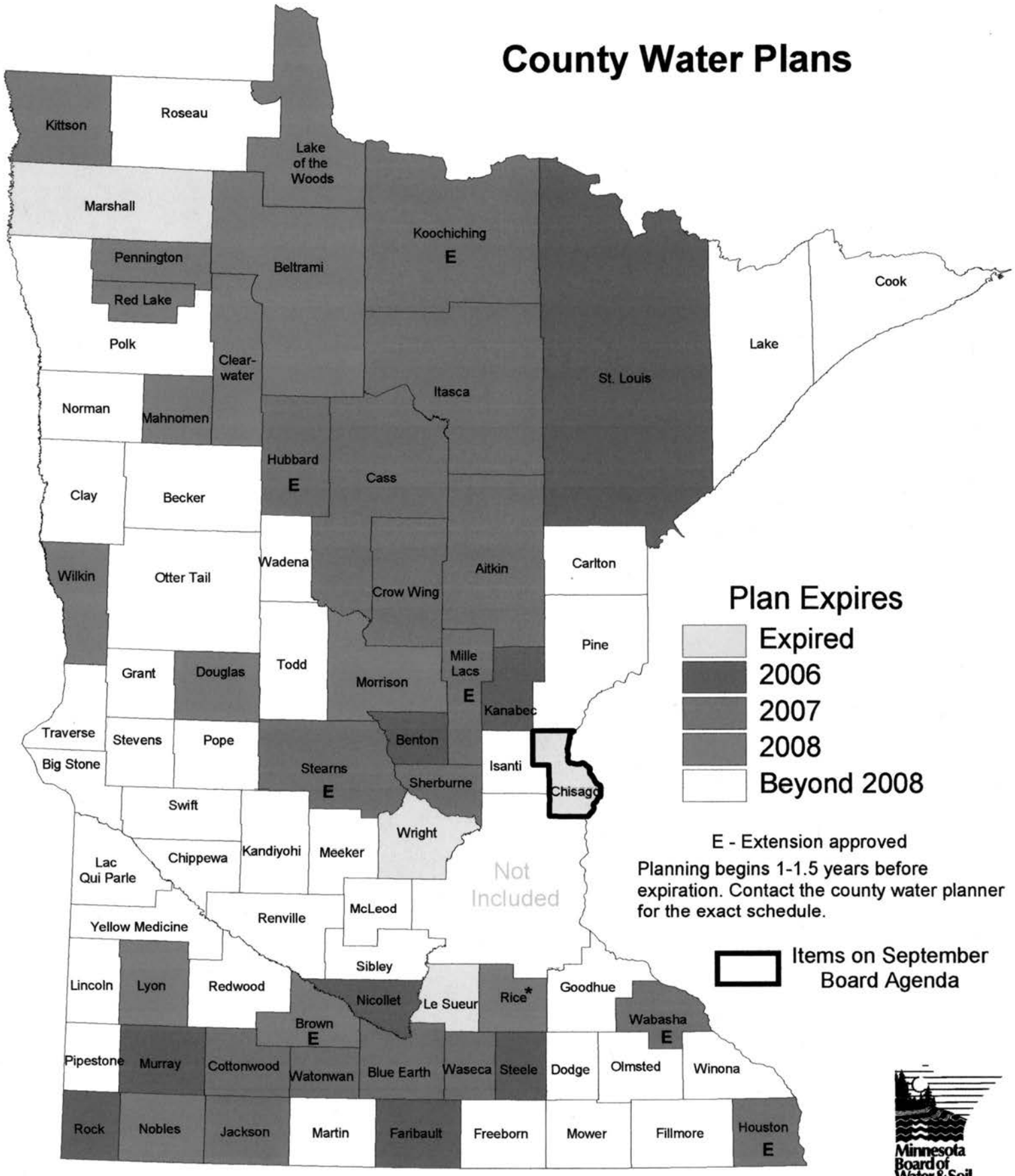
** 06-85 Chair Kramer thanked board members for their participation today. Moved by Paul Langseth, seconded by Dana Allen, to adjourn the meeting at 12:10 p.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer

Randy Kramer
Chair

County Water Plans



Plan Expires

- Expired
- 2006
- 2007
- 2008
- Beyond 2008

E - Extension approved

Planning begins 1-1.5 years before expiration. Contact the county water planner for the exact schedule.

Items on September Board Agenda

map updated: September 2006

Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US

Dispute Resolution Report
September 14, 2006
by: Jim Haertel

There are presently 24 appeals pending. All of the appeals involve WCA except File 05-24. Note File 06-13 is in the Court of Appeals. There have been seven new appeals filed since the last report dated August 10th.

File 06-26. This is a new appeal of a wetland exemption determination in Cass County. The LGU approved the wetland exemption. The TEP recommended the exemption not be approved. The activity involves the placement of drain tile in a Type 2 wetland that was previously hayed and is now a sod farm. No decision has been made on the appeal.

File 06-25. This is a new appeal of a Restoration Order in St. Louis County. The appeal regards the placement of fill in Type 7 wetland adjacent to a commercial business. No decision has been made on the appeal.

File 06-24. This is a new appeal of a Wetland Boundary determination in Anoka County. The LGU approved the wetland boundary delineation. The landowner contends there is less wetland area than the approved delineation. No decision has been made on the appeal.

File 06-23. This is a new appeal of a Replacement Plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule.

File 06-22. This is a new appeal of a Restoration Order in Olmsted County. The appeal regards the construction of a fish pond. No decision has been made on the appeal.

File 06-21. This is a new appeal of a Restoration Order in Carlton County. The appeal regards a Type 8 wetland and the placement of a trailer, the placement of logs and mats for a walkway, and construction of a deck. No decision has been made on the appeal.

File 06-20. This is a new appeal of a Restoration Order in Carlton County. The appeal regards filling and grading in Type 2 and Type 6 wetlands for construction of an airplane hangar, airstrip extension and taxiway. No decision has been made on the appeal.

File 06-17. This is an appeal of a Replacement Plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan

application based on a lack of sufficient reasons why the restoration could not be completed. The appeal has been remanded for further processing at the local level.

File 06-14. This is an appeal of a Replacement Order in the City of Green Isle in Sibley County. A replacement plan was approved, replacement wetlands were constructed, and wetland impacts have occurred as authorized under the approved replacement plan. The ownership of the wetland replacement credits is in dispute. A district court decision on the ownership issue was appealed to the Minnesota Court of Appeals. The appeal has been placed in abeyance and the Replacement Order has been stayed until the court proceedings have been finalized.

File 06-13. This is an appeal of a Restoration Order in Brown County. At issue is the tiling and drainage of a Type 3 wetland in agricultural land. The appeal was denied and the Restoration Order was affirmed. The denial has been appealed to the MN Court of Appeals.

File 06-12. This is an appeal of a no-loss decision in Stearns County. It involves the same project and issues as File 06-6. After a restoration order was issued, a no-loss application was submitted by the developer and denied by the LGU. The appeal has been remanded for further technical evaluation.

File 06-6. This is an appeal of a restoration order in Stearns County. At issue are numerous wetlands impacted by filling, sedimentation, reduction of hydrology and lack of Best Management Practices associated with a residential development. The appeal has been denied in part. The Restoration Order has been affirmed in part and has been stayed in part.

File 06-5. This is an appeal of a wetland boundary and type decision in the City of Hermantown in St. Louis County. The appeal concerns the denial of a wetland delineation. There are issues regarding the soils and vegetation in a disturbed area. The area has been disturbed by wetland filling and a cease and desist order has been issued to the developer. The appeal has been remanded for further processing by the LGU.

File 06-4. This is an appeal of a restoration order in Carlton County. At issue is the unauthorized placement of fill in wetland for a roadway. The appeal is in abeyance pending completion of a wetland delineation during the growing season.

File 06-2. This is an appeal of a restoration order in Mille Lacs County. At issue is the unauthorized placement of fill in wetland for construction of a road. Also, unstable steep slopes exist along the edge of the fill in wetland. The appeal is in abeyance pending further technical work during the growing season.

File 06-1. This is an appeal of a replacement plan approval in Itasca County. The appeal contends that sequencing was not followed. The TEP recommended denial on a 3:1 vote. The SWCD approval was on a 3:2 vote. The application sought wetland filling for three

outbuildings and lake access. The appeal has been accepted and is in abeyance pending settlement discussions.

File 05-26. This is an appeal of a replacement plan decision in Crow Wing County. The appeal concerns the denial of a wetland replacement plan application. The application was denied because there was no hardship to support approval. Upon inspection it appears a decision was made to deny a variance, however it is likely no WCA decision was made. The appeal has been accepted and is in abeyance pending settlement discussions.

File 05-24. This is an appeal, actually three appeals, of the Bois de Sioux Watershed District compensation to landowners related to a project. The appeal has been held in abeyance pending settlement discussions and is now starting to be move forward for a hearing before the DRC.

File 05-20. This is an 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 and is in abeyance pending settlement discussions.

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 was in abeyance to allow settlement discussions to continue. A briefing and hearing schedule is presently being established.

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 04-23. 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. Previously 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.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Chisago County Comprehensive Local Water Management Plan Update - *DECISION ITEM*

2. Dakota County Groundwater Protection Plan – *DECISION ITEM*

3. Rice Creek Watershed District Comprehensive Wetland Management Plan – *DECISION ITEM*

MEMORANDUM

DATE: August 18, 2006

TO: Metro Water Management Committee

FROM: Brad Wozney, Board Conservationist

SUBJECT: **Review of Chisago County Third Generation Plan Update - Final Draft**

The Chisago County Department of Environmental Services and Zoning is currently responsible for the administration of the Local Water Management Plan (Plan) for Chisago County. The Plan originally expired on December 31, 2003. An extension was requested and granted due to the 2003 unallotment with a deadline of December 31, 2004.

BWSR staff including Marybeth Block (former employee), Steve Woods, and myself have been active participants throughout the Plan update process. The Priority Concerns Scoping Document was approved on January 26, 2005. Numerous Water Plan Policy Team and a couple Technical Advisory meetings were held thereafter allowing opportunities for state/local agencies' and citizen input in the plan development. The Chisago County Board held a public hearing of the final draft on June 28, 2006.

The final draft was submitted to the state agencies on July 5, 2006 for the required 30-day review. Comments were received from Department of Ag, DNR, and MPCA:

Those agencies approved the entire plan as submitted. MPCA recommended utilize the Environmental Data Access section of the MPCA website for future water quality data queries. BWSR's final comments addressed the amendment process required for incorporating future TMDL and other implementation plans, and requested that a few action items be revised to reflect more measurable outcomes and more accurate cost estimates – all of which they have incorporated into the draft you see today. MDH and EQB did not comment.

The Chisago County Local Water Management Plan meets all requirements set forth in 103B and in the "Updating Water Management Plan guidance" including:

- focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- assesses the priority concerns and sets forth appropriate goals and objectives;
- lays out a fairly detailed implementation program with measurable actions, timeline, and budget; and
- includes all required sections.

Highlights of the Plan include:

1) A committed approach to water plan implementation as evidenced by implementation activities that have already begun: Completed a TMDL plan and has begun other water quality studies for the Sunrise River watershed requiring cooperation from adjacent counties and multiple agencies; Began development of a erosion control inspection and stormwater management program with participating cities near priority waterbodies in cooperation with the Chisago Lakes Improvement District and Chisago SWCD.
2) Incorporation of water plan language into the County Comp Plan.
3) Aggressive efforts targeting septic system and sewage disposal compliance.
4) Aggressive water quality monitoring program.
5) Embraced the St. Croix Basin Team's 20% phosphorus reduction goal.

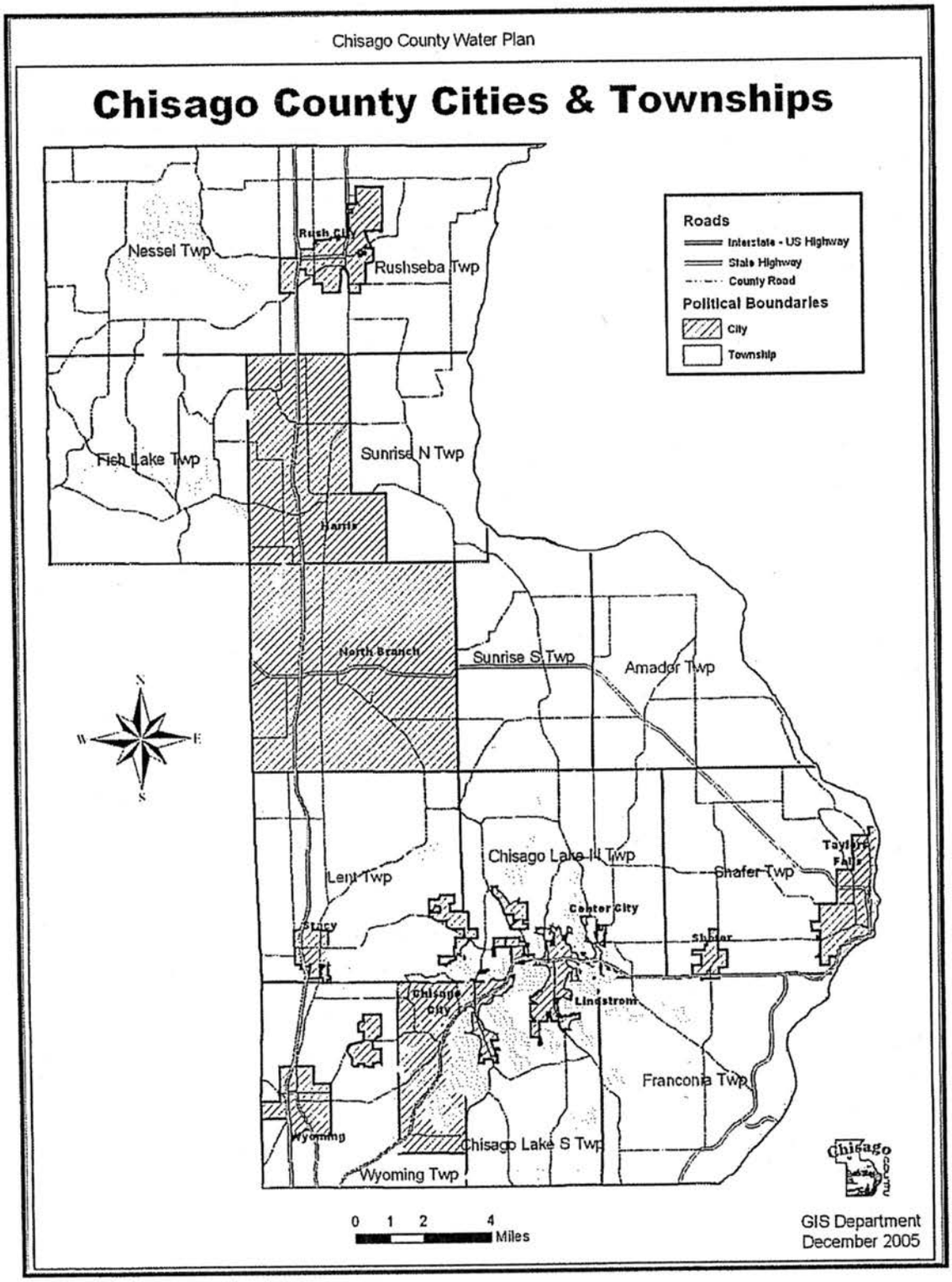
Included in the packet for the Subcommittee is the official state letter regarding the Priority Concerns Scoping Document, agencies' final draft comments, and relevant sections of the Plan, i.e. Executive Summary and Implementation Plan - which includes on-going activities.

I recommend approval of the entire Plan.

Chisago County Local Water Management Plan

2006–2011

DRAFT June 7, 2006


Chisago County Water Plan
Chisago County Cities & Townships
Roads
Interstate - US Highway
State Highway
County Road
Political Boundaries
City
Township
Nessel Twp
Rush City
Rushseba Twp
Fish Lake Twp
Sunrise N Twp
Harris
North Branch
Sunrise S Twp
Amador Twp
Lent Twp
Chisago Lake II Twp
Shafer Twp
Taylors Falls
Center City
Shafer
Lindstrom
Chisago City
Franconia Twp
Wyoming
Chisago Lake S Twp
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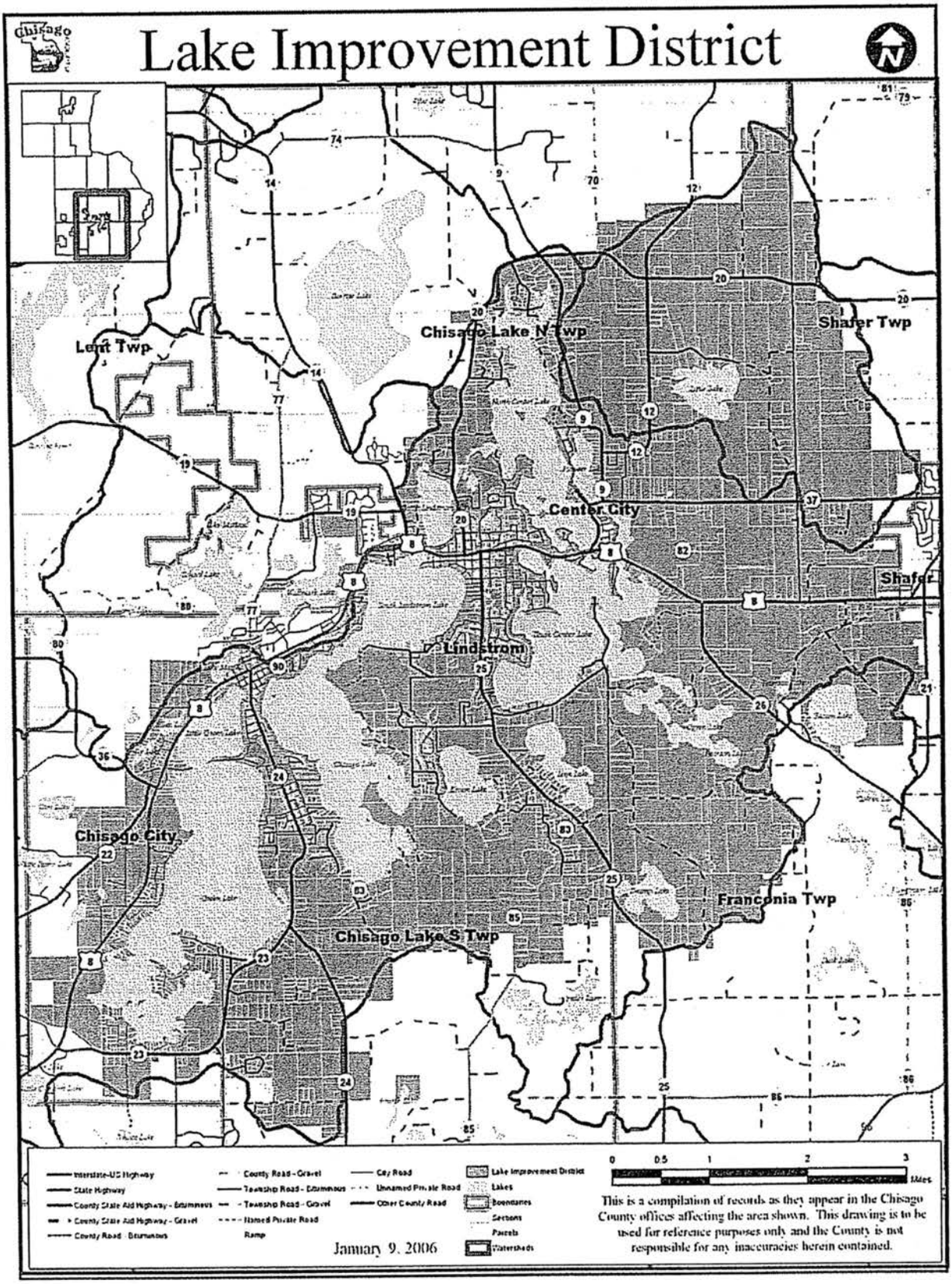
Miles
GIS Department
December 2005

Lake Improvement District



GOAL 1

Ground and surface water is safe and available for human consumption, recreational use and wildlife habitat.

OBJECTIVE A:

Phosphorus loading from Chisago County into the St. Croix River is reduced by 20% by 2020. (Priority Concern)

TASK 1:

Jointly evaluate and establish water quality standards related to eutrophication which are applicable to Lake St. Croix by the end of 2009.

PARTNERS: St. Croix Basin Team, MPCA, Wisconsin DNR, Chisago County
FUNDING: MPCA and Wisconsin DNR. Funding amount to be determined at a later date
TIMEFRAME: Completion by end of 2009

TASK 2:

In partnership with the ST. Croix Basin Team, perform a point and non-point source nutrient loading study and develop an implementation plan by June 30, 2009.

PARTNERS: St. Croix Basin Team, MPCA, Wisconsin DNR, Chisago County
FUNDING: MPCA and Wisconsin DNR. Funding amount to be determined at a later date
TIMEFRAME: Completion by June 30, 2009

TASK 3:

Coordinate and improve water quality monitoring and assessment capabilities to track progress on achievement of the recommended 20% phosphorus loading reduction goal for Lake St. Croix.

PARTNERS: St. Croix Basin Team, MPCA, Wisconsin DNR, Chisago County
FUNDING: MPCA and Wisconsin DNR. Funding amount to be determined at a later date
TIMEFRAME: Ongoing

TASK 4:

Provide continued staff and funding support to the St. Croix Basin Team.

PARTNERS: MPCA, Wisconsin DNR, Chisago County
FUNDING: MPCA and Wisconsin DNR. Funding amount to be determined at a later date
TIMEFRAME: Ongoing

TASK 5:

Develop Soil Water Assessment Tool model of the Sunrise River watershed.

PARTNERS: Science Museum of Minnesota St. Croix Research Station, National Park Service, Chisago County, Chisago SWCD
FUNDING: Funding provided through a grant from National Park Service to the Science Museum
TIMEFRAME: 2006-2008

TASK 6:

Work jointly on projects of common interest such as drained wetland and ditch inventories to achieve more wetland restorations and riparian buffers.

PARTNERS: St. Croix Basin Team, US Army Corps of Engineers, Chisago County, Chisago SWCD
FUNDING: Funding amount to be determined upon completion of interagency agreements
TIMEFRAME: 2007-2009

Tasks, partners, funding and timeframes included in the following Priority Concerns and Ongoing Action Items also directly support this Priority Concern:

- Projects and practices recommended in the North Branch of the Sunrise TMDL are implemented.
- Projects and practices recommended in additional TMDL studies are implemented.
- Recommendations of the Chisago County Waste Water Task Force are implemented.
- Obligations of the Chisago County Individual Sewage Treatment System pilot program are fulfilled.
- Storm water management standards and erosion control projects are implemented in developing areas, especially the Chisago Lakes Improvement District.
- School children and new homeowners are educated about water resources.
- The Wetland Conservation Act is enforced and wetland mitigation sites are identified.
- Water Plan goals and objectives are incorporated into the County Comprehensive Management Plan.
- Biological diversity, critical ecosystems and wildlife habitat is protected through measures adopted in the County Comprehensive Plan, especially in areas identified in the County Green Corridor Study.
- Education and training on water quality concerns is provided to lake associations, townships, and volunteers.
- On-going monitoring of lakes and streams is promoted.

OBJECTIVE B:

Projects and practices recommended in the North Branch of the Sunrise TMDL are implemented (Priority Concern)

Measurable outcomes will be taken directly from completed TMDL Implementation Plan

TASK 1:

The contribution of fecal coliform from livestock facilities without runoff controls is reduced.

This may be done through use of waste storage facilities, clean water diversions, vegetated filter strips, moving fences, or improved lot cleaning.

PARTNERS: MPCA, MDA, Chisago and Isanti SWCD's, Chisago and Isanti Counties, NRCS, feedlot owners.
FUNDING: Possible funding: MN State Cost-Share Program, MDA AgBMP Loan Program, NRCS EQIP Program.
TIMEFRAME: 2006-2016

TASK 2:

The contribution of fecal coliform from pastures near streams is reduced.

This may be done through livestock exclusion or rotational grazing.

PARTNERS: MPCA, MDA, Chisago and Isanti SWCD's, Chisago and Isanti Counties, NRCS, feedlot owners.
FUNDING: Possible funding: MN State Cost-Share Program, MDA AgBMP Loan Program, NRCS EQIP Program.
TIMEFRAME: 2006-2016

TASK 3:

The contribution of fecal coliform from septic systems determined to be an imminent threat to public health is reduced.

This may be done by bringing septic systems determined to be an imminent health threat into compli ance with the septic ordinance or switching from septic systems to municipal sewer service.

PARTNERS: Chisago County Environmental Services, City of North Branch, landowners, MPCA
FUNDING: Possible funding: MDA AgBMP Loan Program, MPCA, USDA Rural Development
$240,000 from MPCA for septic system pilot program. From this
$118,630 is allocated for local cost share to individual system upgrades
TIMEFRAME: 2004-2007

TASK 4:

The contribution of fecal coliform from surface applied manure is reduced.

This may be done through the use of manure application setbacks or certified nutrient management plans.

PARTNERS: MPCA, Chisago and Isanti SWCD's, Chisago and Isanti Counties, NRCS
FUNDING: Possible funding: MN State Cost-Share Program, MDA AgBMP Loan Program, NRCS EQIP Program.
TIMEFRAME: 2006-2016

TASK 5:

The contribution of fecal coliform from pets is reduced.

This may be done through use of stormwater management practices or education.

PARTNERS: City of North Branch
FUNDING: Possible funding: City of North Branch
TIMEFRAME: 2006-2016

OBJECTIVE C:

Projects and practices recommended in additional TMDL studies are implemented (Priority Concern)

Measurable outcomes will be taken directly from completed TMDL Implementation Plans

TASK 1:

A partnership is in place between Chisago County Water Plan Policy Team and state agencies such as MPCA and BWSR so that TMDL studies can be implemented as Chisago County waters are placed on the Impaired Water's List.

PARTNERS: Members and organizations represented in the Chisago Water Plan Policy Team, MPCA, BWSR
FUNDING: Possible funding: MPCA, BWSR, Clean Water Legacy Act
TIMEFRAME: 2006-2026

OBJECTIVE D:

Recommendations of the Chisago County Waste Water Task Force are implemented (Priority Concern)

TASK 1:

A strong education program aimed at homeowners and septic pumpers is put into place.

PARTNERS: U of M Extension, Chisago County, MPCA
FUNDING: MPCA Septic Pilot program funding, Natural Resources Block Grant, Chisago County Environmental Services
TIMEFRAME: Ongoing

TASK 2:

The County Board adopts a Preventative Maintenance ordinance for all homeowners.

PARTNERS: Chisago County Environmental Services
FUNDING: MPCA Septic Pilot program funding, Natural Resources Block Grant, Chisago County Environmental Services
TIMEFRAME: 2006-2008

TASK 3:

The County Board adopts a Land Application Ordinance which follows federal EPA and MPCA regulations as well as developing a set of regulations specific to Chisago County. The County Board adopts a Land Application Ordinance which follows federal EPA and MPCA regulations as well as developing a set of regulations specific to Chisago County.

PARTNERS: Chisago County Environmental Services
FUNDING: $5,000 for Chisago County Environmental Services staff time
TIMEFRAME: 2006-2008

OBJECTIVE E:

Obligations of the Chisago County Individual Sewage Treatment System pilot program are fulfilled (Priority Concern)

TASK 1:

An evaluation is conducted, of all ISTS which were installed prior to 1996, to determine if an imminent health threat to public health and safety exists.

PARTNERS: Chisago County, MPCA, possibly City of North Branch
FUNDING: $240,000 from an MPCA ISTS Pilot Program Block Grant, Chisago County staff in-kind contributions
TIMEFRAME: 2004-2008

TASK 2:

A county Sanitarian provides numerous contacts with the public in the office and the field, to provide education in proper care and maintenance of the ISTSs.

PARTNERS: Chisago County Environmental Services
FUNDING: $1,500 per year from Natural Resources Block Grant
TIMEFRAME: Ongoing

OBJECTIVE F:

The Abandoned Well Sealing Program continues (Priority Concern)

TASK 1:

The Water Plan provides cost share grant dollars to assist landowners in properly sealing abandoned wells. The program provides up to 50% up to $500 of the cost to seal an abandoned well. At least 7 abandoned wells will be sealed each year.

PARTNERS: Chisago County Environmental Services, Chisago SWCD, BWSR
FUNDING: $5,000 per year from Natural Resources Block Grant and Chisago County
TIMEFRAME: Ongoing

OBJECTIVE G:

Control of exotic species is promoted (Ongoing Action Item)

TASK 1:

Chisago County Environmental Services staff provides educational opportunities.

PARTNERS: Chisago County Environmental Services, DNR, Chisago LID, County Lake Associations
FUNDING: Chisago County staff in-kind contributions
TIMEFRAME: Ongoing

GOAL 2

Environmentally sound an economically viable water management practices are factored into land use, growth, economic development and agriculture decisions.

OBJECTIVE A:

Storm water management standards and erosion controls projects are implemented in developing areas, especially the Chisago Lakes Improvement District (Priority Concern)

TASK 1:

Chisago County will work cooperatively with local units of government, including those within the Chisago Lakes Improvement District, in the process of evaluating, proposing, adopting, and promoting Stormwater (and erosion control) Management Standards targeted to the specific needs of the individual communities.

The Chisago LID will draft a preliminary recommended, updated model shoreland ordinance and a model stormwater erosion ordinance by December 2006. The Chisago LID will conduct meetings to discuss the model ordinance with and to obtain input from the government units within the LID by June 2007. The LID will present final, recommended ordinances to the Chisago County Board by September 2007.

Chisago County will also work with the LID to identify potential remediation sites within existing developed areas for the purpose of phosphorous reduction from runoff.

PARTNERS: Chisago County, Chisago LID, City of North Branch, local units of government
FUNDING: $10,000 provided by Chisago LID for initial development of standards.
$2,500 in in-kind staff time provided by each city, SWCD District, and the County for a total of $30,000.
TIMEFRAME: 2006-2007

TASK 2:

Prior to and during construction, inspections and assessments take place to ensure that conditions placed upon plats are fulfilled, especially relating to erosion control, stormwater protection and wet land compliance.

The inspection includes a summary of the soil, water and vegetative resources; a summary of resource degradation potential; and recommendations on the preservation, enhancement and protection of the resources.

PARTNERS: Chisago County, Chisago SWCD, participating local units of government
FUNDING: A plat compliance fee is charged to the developer upon final plat approval. $40,000 annually for ongoing implementation.
TIMEFRAME: Ongoing

TASK 3:

Filter strips and forested riparian buffers are promoted by SWCD staff and installed by landowners through the Continuous Conservation Reserve Program (CCRP) and the Environmental Qualities In centives Program (EQIP) through a conservation agreement with BWSR and NRCS.

Design or technical advice will be provided by Chisago SWCD and DNR for projects that are not eligi ble under CCRP.

PARTNERS: Chisago SWCD, BWSR, DNR, NRCS, and Pheasants Forever
FUNDING: $25,000 is provided annually for staff time from SWCD, BWSR, DNR, Pheasants Forever, and NRCS
TIMEFRAME: Ongoing

OBJECTIVE B:

Assistance and cooperation is provided to cities as they develop and implement Wellhead Protection Plans (Ongoing Action Item)

TASK 1:

County Water Resource Manager will serve on local wellhead protection teams and provide technical assistance and information as requested

PARTNERS: Chisago County Environmental Services, MDH, MN Rural Water, participating local units of government
FUNDING: Funding provided to assist with wellhead protection planning and implementation as requested
TIMEFRAME: Ongoing

OBJECTIVE C:

The Wetland Conservation Act is enforced and wetland mitigation sites are identified (Ongoing Action Item)

TASK 1:

Chisago County will implement and regulate the provisions of the Minnesota Wetland Conservation Act of 1991. This includes funding the services of a wetland specialist, and the in-kind services of the Environmental Services Director in the form of administrative oversight and the permit technician for clerical support.

PARTNERS: Chisago County, BWSR
FUNDING: $58,000 per year from Natural Resources Block Grant and Chisago County match
TIMEFRAME: Ongoing

TASK 2:

On a yearly basis, Chisago County will transfer $5,000 of its WCA allocation to the Chisago SWCD for their role in carrying out their legislative mandate to be the data repository; a member of the TEP; and the preparation of restoration or mitigation plans resulting from enforcement actions in the county.

PARTNERS: Chisago County Environmental Services, Chisago SWCD, BWSR
FUNDING: $5,000 per year from Natural Resources Block Grant
TIMEFRAME: Ongoing

TASK 3:

A partnership is formed to restore at least one drained wetlands within the Lawrence Creek watershed.

The drained wetland inventory will be used to assist landowners with wetland restorations and to identify potential mitigation sites under Wetland Conservation Act guidelines.

PARTNERS: Chisago SWCD, USFWS, MN DNR
FUNDING: $20,000 provided by USFWS and DNR
TIMEFRAME: 2006-2007

OBJECTIVE D:

Water Plan goals and objectives are incorporated into the County Comprehensive Management Plan (Ongoing Action Item)

TASK 1:

When the Chisago County Comprehensive Plan is updated, opportunities will be sought to incorporate water planning goals, objectives and action items into the County's Land Use planning framework.

PARTNERS: Chisago County Environmental Services staff, Water Plan Policy Team, Chisago County Board
FUNDING: $5,000 for Chisago County Environmental Services in-kind staff time
TIMEFRAME: Ongoing as needed

OBJECTIVE E:

County planning and zoning criteria are established which will effectively minimize high impact industries (i.e. gravel mining) in areas with sensitive ground water (Ongoing Action Item)

TASK 1:

When the County Zoning Ordinance (i.e. Mineral Extraction) is updated, ordinance language will be tailored to include elements to protect groundwater (i.e. setbacks, slopes, reclamation)

PARTNERS: Chisago County Environmental Services, Chisago County Board, Industry representatives
FUNDING: Chisago County Environmental Services in-kind staff time
TIMEFRAME: Ongoing as needed

OBJECTIVE F:

Biological diversity, critical ecosystems and wildlife habitat is protected through measures adopted in the County Comprehensive Plan, especially in areas identified in the County Green Corridor Study (Ongoing Action Item)

TASK 1:

Measures will be adopted to protect critical areas through such programs as Transfer of Development Credits, Conservation Easements, and protective covenants

PARTNERS: Chisago County Environmental Services, Chisago County Board, DNR, Chisago SWCD

FUNDING: Chisago County Environmental Services in-kind staff time, Potential funding through: DNR grant programs, Minnesota Land Trust or Trust for Public Land

TIMEFRAME: Ongoing

GOAL 3

Residents and visitors are educated about the value of our water resources.

OBJECTIVE A:

School children and new homeowners are educated about water resources (Priority Concern)

TASK 1:

The county-wide Chisago Children's Water Festival takes place on an annual basis

PARTNERS: Chisago County and many, many other partners
FUNDING: $7,000 per year provided by Natural Resources Block Grant, Chisago County, and many other sponsors
TIMEFRAME: Once each year in September - Ongoing

TASK 2:

Each year, approximately 400 Septic System Owners Guides are mailed to owners of new homes or replacement systems. The mailing is followed with a survey as to the usefulness of the guide and previous knowledge of septic system operation and maintenance.

PARTNERS: Chisago County, BWSR
FUNDING: $500 per year provided by Natural Resources Block Grant
TIMEFRAME: Once each year in spring - Ongoing

TASK 3:

Information is provided to the public on shoreland management techniques, erosion control, septic system upgrades in shoreland areas, and natural shoreland alterations (lakescaping)

PARTNERS: Chisago County, BWSR, DNR, University of Minnesota Extension Service, lake associations
FUNDING: $11,262 per year provided by BWSR and DNR
$500 cost of annual shoreland education workshops split between Chisago County, PICKM, and lake associations
TIMEFRAME: Ongoing

OBJECTIVE B:

Education and training on water quality concerns is provided to lake associations, townships, and Volunteers (Ongoing Action Item)

TASK 1:

At least once yearly, clean water media campaigns take place focusing on a specific water quality message. The campaign will be coordinated with other groups such as lake associations, adjacent counties, SWCD and other water management organizations.

Possible means of getting the message to the public include use of the Environmental Connections Newsletter, news releases, radio spots and utility bill inserts.

PARTNERS: Metro Watershed Partners, Chisago County, PICKM counties, Chisago SWCD, lake associations, and other water management organizations
FUNDING: $1,000 per year from Chisago County which contributes to a much larger regional effort
TIMEFRAME: Once each year - Ongoing

TASK 2:

At least once yearly, volunteer lake and stream monitors will be given the opportunity to attend an event which highlights training and sharing of information.

PARTNERS: Chisago County, PICKM counties, volunteer monitors
FUNDING: No additional resources necessary
TIMEFRAME: Once each year - Ongoing

TASK 3:

At least once yearly, Chisago County sponsors a Shoreland Education Workshop targeted toward lakeshore owners and the use of buffer strips or rain gardens.

PARTNERS: Chisago County, DNR, SWCD, University of Minnesota Extension Service, lake associations
FUNDING: $500 cost of annual shoreland education workshops split between Chisago County, PICKM, and lake associations
TIMEFRAME: Once each year - Ongoing

TASK 4:

At least once yearly, Chisago County will provide an opportunity for municipal officials and planning commissions to receive education on how their land use decisions have a direct impact on non-point runoff pollution.

PARTNERS: Chisago County, DNR, SWCD, University of Minnesota Extension Service, lake associations
FUNDING: $1000 per year for Chisago County Environmental Services staff time
TIMEFRAME: Once each year - Ongoing

OBJECTIVE C:

County Household Hazrdous Waste and Recycling programs are promoted (Ongoing Action Item)

TASK 1:

The Chisago County Household Hazardous Waste (HHW) Facility staff will: accept HHW from Chisago County residents at no cost; cooperate with residents from surrounding counties through a variety of programs funded by the counties or individuals; accept up to 100 pounds per year of HHW from Minimal Generator businesses and non-profits at a pass through cost; recycle as much of the HHW as possible and properly dispose of the remainder; educate the public about alternatives, like buying "less toxic" products, buying only what is needed, sharing with friends, etc.; encourage individuals and businesses to use the Reuse Shelves and the Materials Exchange Program; and serve as a clearinghouse for environmental information and education for Chisago County.

PARTNERS: Chisago County, MPCA
FUNDING: Chisago County provides $125,000 per year and MPCA provides $25,000 per year
TIMEFRAME: Ongoing

TASK 2:

Chisago County has entered into an agreement with the Minnesota Department of Agriculture that expands the opportunities for residents to properly dispose of unusable and unwanted pesticides through the county Household Hazardous Waste facility.

PARTNERS: Chisago County, Minnesota Department of Agriculture
FUNDING: $806 yearly for disposal of farm or business waste pesticides, $1,171 yearly for disposal of household waste pesticides
TIMEFRAME: Agreement expires December 2008

TASK 3:

Each year, the Adopt-A-River program at Camp Sunrise removes at least 1,500 pounds of trash from the upper St. Croix river north of the Sunrise River outlet. Water Plan funds help pay the expense of trash pick-up, supplies, and an educational workbook for the campers.

PARTNERS: Chisago County, BWSR, Camp Sunrise
FUNDING: $250 yearly
TIMEFRAME: Once each year - Ongoing

GOAL 4

Information on water quality and quantity is being collected and used in decision making.

OBJECTIVE A:

County water well testing takes place on a semi-annual basis (Ongoing Action Item)

TASK 1:

A Nitrate Testing Clinic is held annually, in locations where nitrates in ground water are a concern.

PARTNERS: Chisago County, MDA, local units of government
FUNDING: No additional resources necessary
TIMEFRAME: Once each year - Ongoing as long as MDA program continues

TASK 2:

Drinking Water Test Kits are made available to citizens through the Chisago County Public Health Department and Chisago SWCD.

PARTNERS: Chisago County, MDA, Chisago SWCD
FUNDING: Cost of Test Kits paid by participants
TIMEFRAME: Ongoing

TASK 3:

A well water testing event for nitrates or bacteria will be held on an annual basis. Samples collected and bottles sold at Chisago County Government Center and Chisago SWCD.

PARTNERS: Chisago County, Chisago SWCD, private testing laboratory
FUNDING: Cost of Test Kits paid by participants
TIMEFRAME: Yearly

OBJECTIVE B:

On-going monitoring of lakes and streams is promoted (Ongoing Action Item)

TASK 1:

Nutrients, aquatic life and other parameters are monitored to determine ambient water quality concentration trends and loading for the main stems and selected tributaries of Rock Creek, Rush Creek, Goose Creek, Sunrise River, and Lawrence Creek. These data will be used to develop and track progress on TMDL and nutrient reduction goals.

PARTNERS: Chisago County Environmental Services, Water Plan Policy Team, MPCA, USGS, MDNR, Chisago SWCD
FUNDING: Natural Resources Block Grant, MPCA, Water Plan, Clean Water Legacy Act
TIMEFRAME: Ongoing

TASK 2:

Participation in the MPCA Citizen Lake and Stream Monitoring programs is actively promoted and encouraged. 80% of all lakes and 50% of all streams will be monitored by 2011.

PARTNERS: Chisago County Environmental Services, Water Plan Policy Team, PICKM Group, Lake Associations
FUNDING: Chisago County Environmental Services in-kind staff time
TIMEFRAME: Ongoing

TASK 3:

Mainstream and tributary nutrient models are used to predict outcomes of various nutrient management scenarios.

PARTNERS: Chisago County Environmental Services, St. Croix Research Station, St. Croix Basin Team, US Army Corps of Engineers
FUNDING: Cost share between Chisago Water Plan and federal agencies
TIMEFRAME: 2006-2010

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 **Chisago County** (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Chisago** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **July 3, 2006**, 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 9, 2004,** the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Chisago** 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 **Chisago** 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) **Work to address county portion of reductions necessary to address 20% phosphorous reduction goal for Lake St. Croix by 2020.**
   B) **Implement practices and projects resulting from the North Branch of the Sunrise River TMDL. Outline the anticipated role the county will assume in other TMDLs as state funding becomes available.**
   C) **Accelerate wastewater program by implementing recommendations of the task force regarding land application and maintenance; and fulfill obligation of the ISTS pilot program.**
   D) **Implement storm water management standards and erosion control projects in developing areas, especially the Chisago Lakes Improvement District.**
   E) **Continuation of the abandoned well sealing program.**
   F) **Continue the education of school children and new homeowners regarding water resources.**

4) On **July 3, 2006,** the BWSR received the **Chisago** 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 29, 2006** the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the **Chisago** 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 five-year period until **September 27, 2011.**

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 **Chisago** County pursuant to Minnesota Statutes , 103B.315, Subd. 5.

2. The **Chisago** 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 **Chisago County** Local Water Management Plan – **September 27, 2006 to September 27, 2011**.

Dated at **St. Paul** , Minnesota, this **twenty-seventh day of September 2006.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Randy Kramer, Chairman

Minnesota Board of Water and Soil Resources
August 2006 Metro Subcommittee Meeting

DAKOTA COUNTY GROUNDWATER PROTECTION PLAN OVERVIEW

County Description

Dakota County is the southeastern-most of the seven metropolitan counties. The county is recognized as one of the fastest growing counties in the state, and has had steady growth since 1960. By 2030, the population in Dakota County is projected to be approximately 500,000, an increase of 150,000 people since 2000. If current land use trends continue, approximately 50,000 acres of farmland and natural areas areexpected to be converted to residential, commercial, or industrial uses, which is equivalent to 78 square miles. Currently, between 20 and 30 percent of the County's viable groundwater resources are unsafe for human consumption

Background

The Environment and Natural Resource Management Policy Plan (Plan), which is a chapter within the Dakota County 2020 Comprehensive Plan, serves as the County's Groundwater Protection Plan. The Plan was updated and authorized for submittal by the Dakota County Board of Commissioners on June 6, 2005. The Plan was submitted to state review agencies, local government units, and adjacent counties on April 6, 2005.

Dakota County's role in groundwater protection has been through planning, well and septic regulation, and applied research. The County's role in surface water management has traditionally been through the Dakota County Soil and Water Conservation District and through support of watershed management organizations in the County. Recently, the County's role in surface water management was expanded to include watershed management when the County became statutorily responsible for managing the Vermillion River Watershed with Scott County in August 2000.

Plan Purpose, Scope, and Content

The Plan identifies the following key issues challenging the sustainability of the County's water resources:

- Drinking water quality and quantity
- Surface water quality and quantity
- Water quality impacts that occur where groundwater and surface water resources are interconnected
- Water resource education and outreach.

The Plan addresses these issues through goals, policies, and objectives for the following topic areas: sustainability, education, natural environment and resource management, water resources, waste management, waste sites, healthy environment, and energy and solar access. The County has developed this plan to serve as the Groundwater Protection Plan due to the interconnectedness of these issues as they relate to groundwater protection.

Following a study of governance and financing options, Dakota and Scott Counties opted to administer a county-managed watershed organization through a joint powers agreement establishing the Vermillion River Watershed Joint Powers Organization (VRWJPO) in September 2002. The VRWJPO's Watershed Management Plan is consistent with the two Counties' Comprehensive Plans. With that in mind, this Plan seeks to address surface water issues from a Countywide perspective,

leaving detailed surface water management activities to the management plans adopted by the six watershed organizations in the County. The surface water management issues addressed in this section reflect the County's enhanced role in water resource management and what its role can be in the future.

The Plan establishes the guidelines for County efforts in environment and natural resource protection, preservation, and management. Environmental issues and natural resources addressed in this Plan include: agricultural land, surface water and groundwater, aggregate resources, undeveloped natural areas, wildlife, significant scenic and scientific areas, sustainability, energy, and waste.

The water quality of surface waterbodies throughout the County is impaired; and groundwater in several areas in the County is contaminated. Improving surface water quality will improve groundwater quality. Through the Plan, the County proposes to gain a better understanding of the interaction and interdependence between surface water and groundwater. The County feels it must begin now to take the steps necessary to improve, and subsequently maintain, the condition of water resources in the County.

Plan Review

Dakota County circulated a copy of the draft Plan to state review agencies, local government units, and adjacent counties on April 6, 2005 for their review. Due to an involved plan development process, few comments were received. The following commented on the draft Plan:

Eureka Township. The Township commented that the Eureka Town Board felt the plan is adequate for their township.

Metropolitan Council Review. The Council pointed out some minor wording clarifications and corrected population estimates.

Public Comment

A public open house was held on July 28, 2005. Three citizens provided minor comments, and generally indicated presentation was informative and they were impressed with County staff. One individual indicated the importance of marketing and contact with citizen groups during plan implementation.

Summary of Plan Strengths

- The Plan was developed with significant early involvement from local government units within Dakota County.
- The Plan recognizes that groundwater protection is inter-related with other resource management activities.
- The Plan proposes to improve, not just maintain, the quality of the County's groundwater resources.

Staff Recommendation

BWSR Board Conservationist Les Lemm recommends approval of the Dakota County Groundwater Protection Plan.

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

In the Matter of the review of the Groundwater Protection Plan for Dakota County pursuant to Minnesota Statues Section 103B.255

ORDER APPROVING GROUNDWATER PROTECTION PLAN

Whereas, the Dakota County Board of Commissioners submitted a Ground Water Protection Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on April 6, 2006 pursuant to Minn. Stat. 1990, 103B.255, 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. **Background.** The Environment and Natural Resource Management Policy Plan (Plan), which is a chapter within the Dakota County 2020 Comprehensive Plan, serves as the County's Groundwater Protection Plan. Dakota County's role in groundwater protection has been through planning, well and septic regulation, and applied research. The County's role in surface water management has traditionally been through the Dakota County Soil and Water Conservation District and through support of watershed management organizations in the County. Recently, the County's role in surface water management was expanded to include watershed management when the County became statutorily responsible for managing the Vermillion River Watershed (with Scott County) in August 2000.

2. **Authority to Plan.** The Metropolitan Surface Water Management Act, Chapter 103B.255, authorizes and encourages counties in the 7-county metropolitan area to develop and implement groundwater plans, however development of county groundwater protection plans is voluntary.

3. **County Description.** Dakota County is the southeasternmost of the 7 metropolitan counties. The county is recognized as one of the fastest growing counties in the state, and has had steady growth since 1960. By 2030, the population in Dakota County is projected to be approximately 500,000, an increase of 150,000 people since 2000. If current land use trends continue, approximately 50,000 acres of farmland and natural

areas are expected to be converted to residential, commercial, or industrial uses, which is equivalent to 78 square miles. Currently, between 20 and 30 percent of the County's viable groundwater resources are unsafe for human consumption

4. **Local Review.** Dakota County circulated a copy of the draft Plan to state review agencies, local government units, and adjacent counties on April 6, 2005 for their review. Due to an involved plan development process that involved stakeholders early and throughout the process, few comments were received.

   Eureka Township. The Township commented that the Eureka Town Board felt the plan is adequate for their township.

5. **Metropolitan Council Review.** The Council pointed out some minor wording clarifications and corrected population estimates.

6. **Department of Agriculture Review.** MDA did not provide comments on the draft Plan.

7. **Department of Health Review.** MDH did not provide comments on the draft Plan.

8. **Department of Natural Resources Review.** DNR did not provide comments on the draft Plan.

9. **Pollution Control Agency Review.** PCA did not provide comments on the draft Plan.

10. **Board Review.** Board staff did not provide comments on the draft Plan.

11. **Highlights of the Plan.**

- The Plan was developed with significant early involvement from local government units within Dakota County.
- The Plan recognizes that groundwater protection is inter-related with other resource management activities.
- The Plan proposes to improve, not just maintain, the quality of the County's groundwater resources.
- The Plan builds on the first generation planning effort. The first plan has been implemented and the County has progressive programs and capable staff.
- The Plan integrates groundwater management into the mainstream County Comprehensive Plan.

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 Groundwater Protection Plan for the Dakota County pursuant to Minnesota Statutes Sections 103B.255, Subd. 10.

3. The Dakota County Groundwater Protection Plan attached to this Order provides a framework for the protection of ground water from pollution and land use changes in the County.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Section 103B.255.

ORDER

The Board hereby approves the attached Plan dated April 2006 as the Groundwater Protection Plan for Dakota County.

Dated at Saint Paul, Minnesota this 27th day of September 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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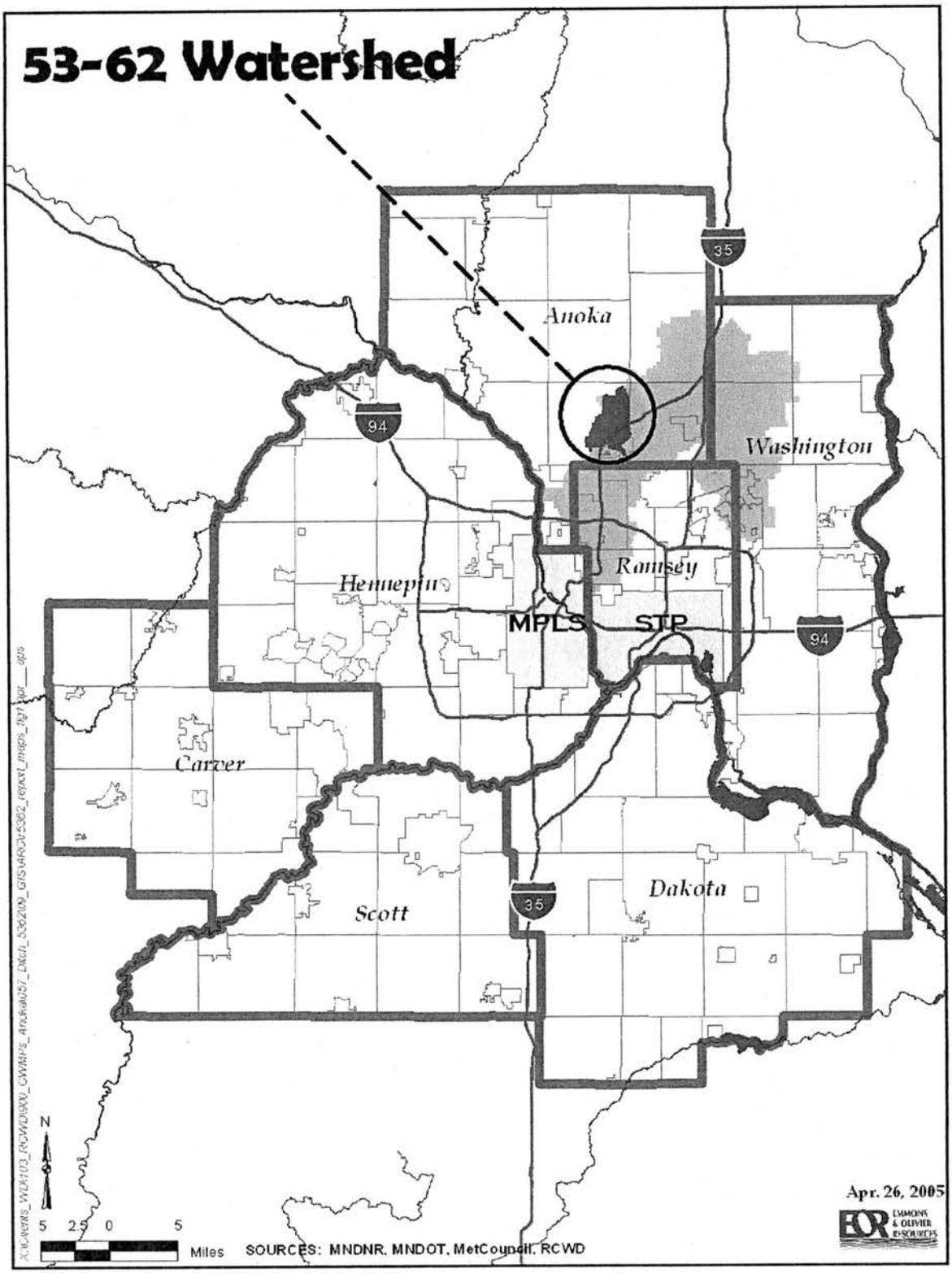
BY: Randy Kramer, Chair

Minnesota Board of Water and Soil Resources
August 2006 Metro Subcommittee Meeting

RICE CREEK WATERSHED DISTRICT, ANOKA COUNTY DITCH 53-62 COMPREHENSIVE WETLAND MANAGEMENT PLAN OVERVIEW



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 local government unit, provided it is implemented by a rule adopted under Minnesota Statues Chapter 103D. Since this Plan is more encompassing than the typical wetland plan, Rice Creek Watershed District (RCWD) refers to the plan as a "Resource Management Plan" (RMP).

The stated purpose of the RMP is two-fold:

1. To satisfy the RCWD's own petition to repair Anoka County Ditch 53-62 (ACD 53-62).
2. To provide a resource and conservation-based framework for aquatic resource management particularly as development occurs within the ACD 53-62 watershed basin. Water quality, quantity, and flow rates must be addressed in light of forecasted development and associated impervious area.

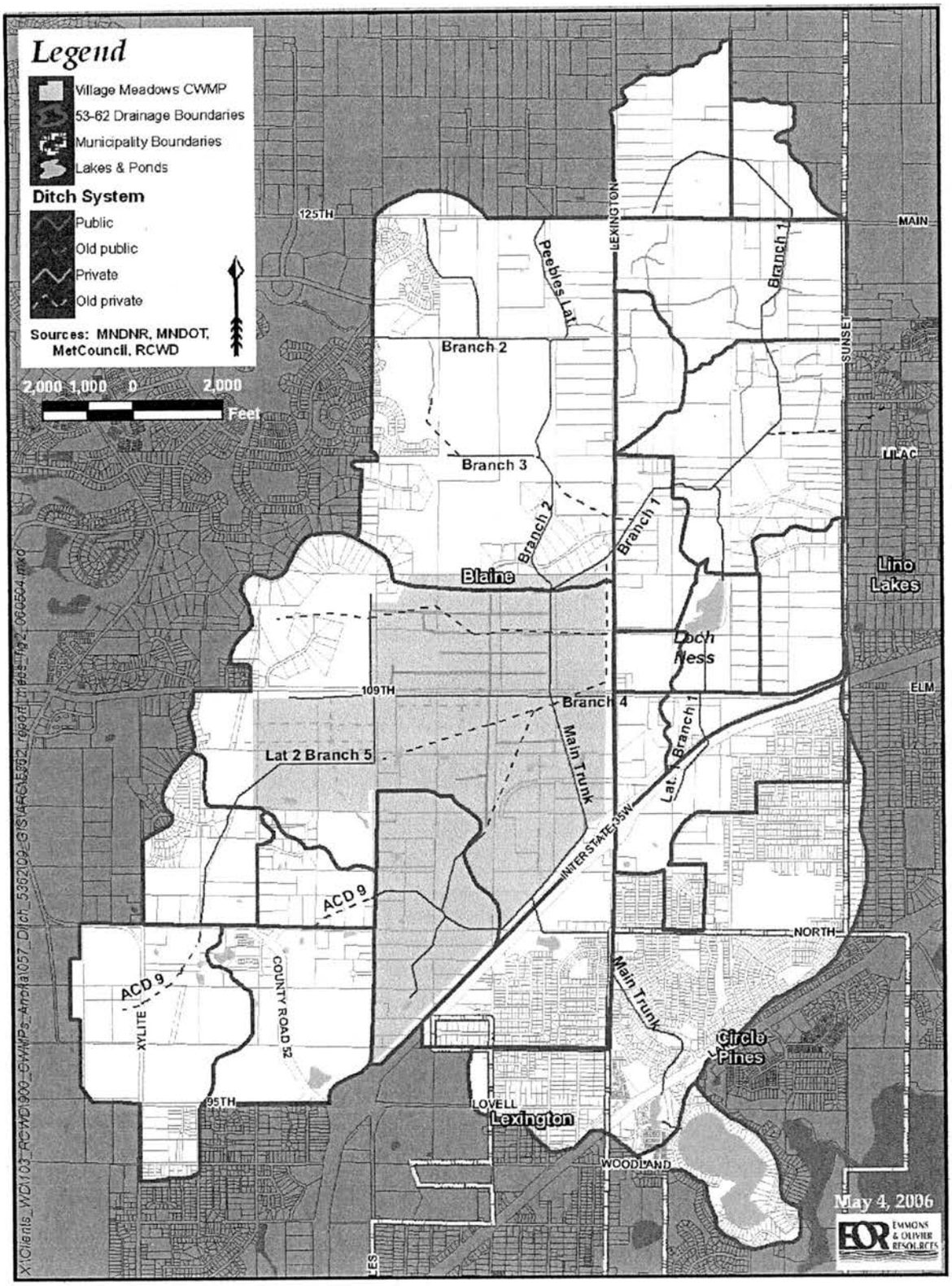
The formation of this plan was instigated by the RCWD obligation to repair and maintain ACD 53-62 as the drainage authority for all public ditches within their jurisdiction. The RCWD filed a petition to repair the ditch system under provisions of Chapter 103E (Minnesota Drainage Law). The RCWD evaluated 3 ditch repair alternatives.

Nature of the Watershed

The ACD 53-62 ditch system is in the west-central portion of the RCWD in southern Anoka County on the northern edge of the Minneapolis/St. Paul metropolitan area. The geomorphic region is known as the Anoka Sand Plain. The ditch system is almost entirely within the City of Blaine with the exception of the most downstream section, which flows through the City of Circle Pines. The subwatershed of the ACD 53-62 ditch system is primarily north of the Interstate 35W culvert. Included in the 53-62 subwatershed is the Village Meadows CWMP previously approved by the BWSR. The Village Meadows CWMP does not conflict with the proposals in the 53-62 RMP. The Village Meadows CWMP approval contained the following contingencies: site-specific functional assessments reviewed by the TEP; approval of lateral effect estimates by the TEP (including additional expertise); and that the CWMP does not eliminate the need for applicants to obtain approval from the USACE.

The geographic area of this RMP is under intense development pressure. It contains many acres of valuable wetland resources. Stormwater conveyance is being provided by an agricultural ditch system and the entire drainage area contributes stormwater to Golden Lake, an impaired water body.

The City of Blaine is the fastest growing municipality in the Twin Cites metropolitan area. The location of this RMP is at the intersection of Interstate 35 W and Lexington Avenue. Lexington Avenue has recently been upgraded from two lanes to four, with the ultimate design of six lanes and the expected capacity of over 80,000 cars per day. The entire RMP is scheduled to be included into the Metropolitan Council Municipal Urban Service Area (MUSA), in a phased fashion, over the next 15 years. Access to urban services allows for denser and more intensive development than would be possible in areas that are not connected to these services. Population growth is projected at 15.5% and household growth projected at 24.2% during this decade.


Legend
Village Meadows CWMP
53-62 Drainage Boundaries
Municipality Boundaries
Lakes & Ponds
Ditch System
Public
Old public
Private
Old private
Sources: MNDNR, MNDOT, MetCouncil, RCWD
2,000 1,000 0 2,000
Feet
125TH
MAIN
LEXINGTON
Peebles Lat
Branch 1
Branch 2
SUNSET
Branch 3
LILAC
Branch 2
Branch 1
Blaine
Lino Lakes
Loch Ness
109TH
ELM
Branch 4
Lat 2 Branch 5
Main Trunk
Lat. 1 Branch 1
INTERSTATE 35W
ACD 9
NORTH
ACD 9
XYLITE
COUNTY ROAD 52
Main Trunk
Circle Pines
95TH
LOVELL
Lexington
WOODLAND
May 4, 2006
EOR EMMONS & OLIVIER RESOURCES

How the Plan Meets, Exceeds, or Varies from WCA Rule 8420

Application and Permitting Process

RCWD contends that the RMP will improve wetland permitting over existing state and federal rules in the following ways: First, the Permit Process initiates the alternatives analysis and 'sequencing' process for avoiding impacts at early planning stages, which are often not captured by the typical federal and state approval process. Second, the WPZ and non-WPZ classification sorts wetlands into high and low priority categories for protection; preservation of the high priority wetlands will protect landscape scale function that is typically overlooked in current permitting procedures. Third, impact debits are applied to wetlands based upon wetland type, level of degradation, and overall function; penalties are imposed for proposing impacts to nondegraded and difficult to replace wetlands; this distinction is not made under current permitting procedures; penalties will be given for not locating replacement wetlands in such a way as to enhance the landscape connectivity of existing wetlands and reduce locating replacement wetlands in an isolated urban landscape. Fourth, the inseparable link between upland and wetland as parts of whole habitat complexes is required to be addressed, unlike existing rules; the RMP goes as far as providing functional replacement credit for protecting this link. Fifth, wetland replacement is required in the same subwatershed (the 53-62 subwatershed), unlike state and federal rules which have much less specific requirements (i.e. same major watershed, county or ecoregion). Sixth, use of mitigation banking credits to offset impacts within the RMP is restricted to those credits generated within the RMP; this is much more stringent than federal and state banking requirements which use region-wide banks for impacts in unrelated watersheds.

Functional Assessment and Alternatives Analysis

The purpose of wetland functional assessment was to accomplish the following:

- Identify high priority wetland resources on a watershed basis.
- Provide comparative results for each of the ditch repair alternatives.
- Determine criteria for the RMP that maintain wetland functions.
- Identify potential wetland restoration sites.

To identify high priority wetland resources, a landscape functional assessment was performed. The functional assessment methodology was developed by selecting wetland indicators and scoring protocols from the Minnesota Routine Assessment Methodology (MnRAM 3.0). All indicators and wetland functional parameters included in a full MnRAM 3.0 analysis were not conducted as part of this landscape level assessment. Functional assessment scoring methodologies and assumptions were developed and discussed at several meetings with the TEP.

Wetland Functions Analyzed in the Landscape Level Assessment to Compare Ditch Repair Alternatives

A. Maintenance of Characteristic Hydrologic Regime
B. Flood/Stormwater/Attenuation
C. Downstream Water Quality
D. Maintenance of Wetland Water Quality
E. Maintenance of Characteristic Wildlife Habitat Structure
F. Maintenance of Characteristic Amphibian Habitat
G. Maintenance of Characteristic Fish Habitat
H. Vegetative Integrity

The three ditch repair alternatives are briefly compared below:

- Existing Conditions – No ditch repair, future development not evaluated, not a foreseeable future scenario.
- No Action – No ditch repair, future development evaluated.
- Feasible Repair – Limited ditch repair, future development evaluated.
- RMP – Limited ditch repair, future development evaluated, new standards applied to stormwater, higher priority wetlands and wetland mitigation

The results of comparing alternatives with respect to wetland functions was just one of the criteria used in selecting the preferred ditch repair. The RMP was chosen as the preferred alternative.

Wetland Preservation Zone

The RMP identifies high priority wetland resources and associated habitat, and includes them in a "Wetland Preservation Zone" (WPZ). Impacting wetlands in the WPZ may result in increased replacement ratios. On the other hand, wetland mitigation and banking plans that enhance the functioning of the WPZ will be given preference.

The WPZ alignment was established through development of the landscape scale wetland functional assessment. This included certain indicators of wetland function, along with Special Features, defined in MnRAM 3.0 and regional priority resources and open space corridor alignments identified by existing local plans. The WPZ Alignment was then placed along and between public ditch systems which intersect the wetland areas identified by this evaluation.

The WPZ for the entire RMP is made up of individual management units. These management units are made up of existing wetlands that fall along the alignment of the WPZ. Each of the management units has recommendations and goals for vegetative restoration, channel configuration and water levels.

Sequencing

The RMP requires a full evaluation of off-site and on-site alternatives in demonstrating the project need to be submitted with permit applications. For offsite analysis, this means demonstrating that the proposed alternative parcel and location is the least environmentally damaging feasible alternative for the action. RCWD strongly encourages project proposers to seek the advice of the RCWD and TEP prior to making alternative decisions on parcel selection for the proposed action, and will provide the applicant information used to formulate the RMP, such as the MLCCS land cover data, WPZ, and recommendations on alternative locations. Not requiring review and approval of off-site alternatives analysis prior to selecting the alternative, is consistent with existing state and federal wetland rules.

Under the RMP, analysis of onsite alternatives will differ from existing state and federal rules. The project permitting process provides steps which distinguish between conceptual planning alternatives analysis and detailed design alternatives analysis. Under the RMP, conceptual planning analysis is recommended prior to detailed design analysis. This distinction from existing rules can provide significant cost savings to project proposers whose concept planning requires revision in order to fully address avoidance of wetland impacts.

During the process of avoiding, minimizing, and compensating for impacts, the priority for avoidance of impacts is related to the watershed location, quality, and function of the resource. The priority for avoidance is as follows:

1) WPZ wetlands
2) Exceptional Resource Value Wetlands outside of WPZ
3) Critical upland wooded habitat contiguous with wooded wetlands (MLCCS map units for upland natural community or state-listed animals are known to use both the wetland and upland). Critical Upland Habitat is the upland areas immediately adjacent to wetlands that are necessary to fulfill the habitat function of the wetland.
4) Non-WPZ wetlands

Categories 1-3 trigger additional incentive to more fully explore alternatives analysis, otherwise higher replacement ratios can be anticipated. The priority for avoidance given above does not loosen alternatives analysis for category 4. As far as mitigation goes, category 4 will receive scrutiny as described in existing state and federal rules. Categories 1-3 trigger higher replacement ratios if compensatory mitigation for losses to these resources is being considered.

Compensatory Wetland Mitigation Requirements

The proposed wetland credits for mitigation activities in the 53-62 RMP watershed are an acre-based currency. Wetland impacts are acre-based and also 'function-based'. By evaluating the wetland type, level of degradation, function, and risk of successful replacement, impact-acres are determined and the replacement ratio is set accordingly. Wetland impacts and replacement will be based on plant community types (per MnRAM 3.0) rather than Circular 39 types.

Wetland Impact-Acre Determination

Existing Wetland Type	Acre-for-Acre Impact Ratio
Degraded shallow, deep marshes or open water	1.0
Non-Degraded shallow, deep marshes or open water	1.25
Degraded sedge meadow, wet meadow, or wet to mesic prairie	1.0
Non-Degraded sedge meadow, wet meadow, or wet to mesic prairie	1.5
Degraded shrub carr or alder thicket	1.0
Non-Degraded shrub carr or alder thicket	1.5
Degraded hardwood, coniferous swamp, floodplain forest, or bog	1.25
Non-Degraded hardwood, coniferous swamp, floodplain forest, or bog	2.0
Degraded seasonally flooded basin	1.0
Non-Degraded seasonally flooded basin	1.25
Note: These ratios are a minimum. Wetlands with high landscape function or in the WPZ will have a 2x multiplier to the ratio shown.	

The minimum replacement ratio is 2:1. A minimum of 1:1 replacement is based upon New Wetland Credit (NWC) type replacement activities. Only the following mitigation activities can satisfy the first 1:1 mitigation: restoration of effectively drained wetlands, wetland creation, hydrologic restoration of partially drained wetlands, and restoration of farmed wetlands. The impact-acres above 1:1 can be replaced by those same activities, and also using functional replacement activities such as upland buffer, preservation of upland habitat, vegetative restoration, wetland preservation, and stormwater infiltration.

Mitigation Credit Ratios for Activities Within the RMP Watershed.

Replacement Method	Replacement Credit Ratio
1. Wetland Impact-Acre Replacement (NWC) (for impact acres)	
Hydrologic and vegetative restoration of partially drained marginally degraded wetlands	0.25
Hydrologic and vegetative restoration of partially drained moderately degraded wetlands	0.5
Hydrologic and vegetative restoration of partially drained severely degraded wetlands	0.75
Wetland establishment (creation) in nonnative vegetated upland or restoration of effectively drained, former wetland	1
Farmed wetlands (WCA guidance) vegetation restoration	Up to 1
2. Wetland Function Replacement (PVC) (for impact above 1:1 acre replacement)	
a. Habitat Function Replacement	
Upland buffer contiguous with wetland	Up to .25
Upland habitat area contiguous with WPZ wetland	Up to 1
Vegetation restoration of existing invasive or exotic dominated wetland in the WPZ	Up to 1
Preservation of high quality wetlands (under demonstrable threat)	Up to 0.5
Preservation of wetlands having "exceptional natural resource values" (WCA guidance; case by case approval under Section 404)	0.5
b. Hydrologic Function Replacement (maximum 50% of Functional Replacement; case by case approval under Section 404)	
Stormwater infiltration BMP: (1 ac-ft = 1 acre credit)	1
Note: Replacement not protected by the WPZ receives 50% credit. Minimum of 1:1 impact-acre replacement and minimum 2:1 function replacement.	

Wetland Banking

The RCWD may coordinate on behalf of individual banking participants a wetland banking program for the purpose of credit and debit transactions within the RMP area. RCWD will manage applications and credit deposits into the State Wetland Bank, and will develop a separate tracking system for mitigation options not consistent with WCA. The Corps will also be involved the wetland banking process. Details of this potential banking tracking system have not yet been finalized. However, the following will be standards for any wetland bank transactions within the RMP.

1. The credits generated within the RMP can be used to replace impacts outside of the RMP. However, if credits are used outside of the RMP, 8420 WCA Rules will apply.
2. Credits available outside of the RMP cannot be used as compensation for impacts within the RMP.
3. Applicants must first demonstrate that they are unable to replace wetland impacts within their own development before utilizing credits in the bank.
4. Only the wetland credits generated by successful restoration of partially drained ditched wetlands and habit function within the WPZ are eligible for wetland banking credit.
5. Surplus credits may be used for some other developer incentive program such as density credits or park dedication.

Plan Review and Approval

The final draft Plan was submitted to BWSR, other state agencies, and local governments for the official 60-day review and approval period on June 27, 2006. The review and approval period was subsequently extended through the end of September to accommodate additional discussion and opportunity for comment.

Citizen Participation

A public open house was held on 9/20/05 to discuss the RMP and solicit input. As part of the open house, a survey was conducted to determine the local value of different wetland functions. A public hearing was held for the ditch repair alternatives on July 26, 2006. One written comment was received relating to the ditch repair. MnDOT questioned the methodology used for setting the profile. RCWD subsequently clarified this methodology in the resolution to be considered August 23, 2006.

Agency Participation

Agency participation included numerous expanded Technical Evaluation Panel meetings and two preliminary plan reviews prior to submittal of the final draft RMP for the official comment and approval period. Agency input was largely provided during these TEP meetings and during the plan development process. The attached table (Appendix N) documents agency notification and participation in the RMP development and review process.

Several issues were identified and addressed through the development of the RMP. Two technical issues were the subject of much discussion between the agencies included the process for performing wetland functional assessments and the procedure used to estimate the lateral effect of ditch alterations. After many discussions between agencies and RCWD staff, as well as technical review by the USACE Engineer Research and Development Center (ERDC), the review agencies and RCWD agreed on the protocol for functional assessments and lateral effect calculations.

A summary of comments received during the first preliminary review, the public open house, and RCWD responses is attached. Due to the early involvement of review agencies in the plan development process and the opportunity for preliminary review, few comments were received during the official review and approval period. The following are summarized comments received during the final review and approval period:

Department of Transportation Review. MnDOT provided cost information for reconstructing the ditch crossing of I-35W, requested clarification of Wetland Preservation Zone requirements, stated that MnDOT is the WCA LGU on its projects, and requested a plan view of the ditch system showing ditch elevations in each branch of the system. The District responded by providing additional information to MnDOT and adding text to the Plan to clarify MnDOT's LGU role.

Metropolitan Council Review. The Council found the Plan to be generally consistent with the Council's Water Resources Management Policy Plan. The Council feels the RMP provides a reasonable framework that will protect both Golden Lake and the exceptional quality wetlands in the area.

US Army Corps of Engineers Review. The Corps has been an active participant in plan development and review. The Corps provided comments to RCWD via letters dated January 4, 2006 and May 1, 2006, and via emails on March 27, 2006 and June 5, 2006. The June 5, letter consisted of 16 pages of comments on the second preliminary review period. On August 9, 2006, the Corps submitted seven pages of comments on the final draft RMP.

In August 9 comment letter, the Corps indicated they support RCWD's efforts to manage wetlands on a watershed basis, and found the final draft of the RMP much more compatible with CWA Section 404 guidelines than previous versions. Significant comments included a request by the Corps for several changes to make the RMP more compatible with Clean Water Act Section 404 requirements. Many of these were clarifications, additions, and wording changes. The Corps also recommended utilizing the Environmental Protection Agency's Advanced Identification of wetlands (ADID) process. The ADID process can be used to inform landowners of aquatic resources which may be unsuitable for filling, and is akin to the process used by RCWD to identify high priority wetlands for preservation in the WPZ.

The Corps requested that the objective of the RMP include addressing the water resource management needs of Ditch 53-62 basin. The Corps also recommended that the wetland credit replacement ratios look consistent with CWA Section 404 guidelines except for preservation of high quality and ENRV wetlands, and questioned the 0.5 replacement ratio, which was higher than Corps guidelines generally at 0.125.

Assuming Corps/EPA/FWS comments on the RMP regarding Section 404 consistency are addressed and incorporated as necessary into the final RMP, the Corps comments included the following statement: "The RCWD, USACE, BWSR, US FWS, and US EPA have agreed upon a process for applying a CWA Section 404 framework to the Ditch 53-62 RMP. The following steps will be taken to facilitate the compatibility of the Ditch 53-62 RMP with both state and federal wetland requirements: 1) Feedback will be solicited from the US EPA regarding the compatibility of the RMP's wetland inventory and assessment process with the US EPA's Advanced Identification of wetlands (ADID) process, 2) USACE, US EPA, and US FWS comments will be incorporated into the RMP as appropriate; 3) the RMP and Draft RCWD Rule will be put out on a federal Public Notice, inviting public comments within a 30-day comment period, 4) public comments will be incorporated into the RMP and Rule as appropriate; 5) a federal administrative record will be maintained by the USACE, and 6) this administrative record, including the final RMP and RCWD rule, will be utilized in any subsequent federal permit evaluations associated with proposals within the Ditch 53-62 RMP basin."

The Corps also clarified that they will not approve the RMP, but will instead apply a CWA Section 404 framework and specifically identify the RMP's compatibility (or non-compatibility if Corps comments are not incorporated into the RMP) with CWA Section 404 guidelines. The Corps will be reviewing RCWD's responses to their August 9 comments to determine if they have been sufficiently addressed.

Board Review. BWSR staff have been involved throughout plan development, and provided comments for both preliminary review periods. Board comments have been sufficiently addressed up to this point. After submittal of the final version of the plan, staff have been working with RCWD to resolve the technical and administrative details of the process for which replacement wetland banking will be accomplished and administered within the RMP area. Staff have also requested additional information on the impact of higher credit allowances for restoration of partially drained wetlands on the RMPs ability to meet no-net-loss.

Highlights of the Plan

- The RMP meets RCWD's obligations under the Minnesota Drainage Law Chapter 103E.
- The RMP allows mitigation above a 1:1 ratio to be accomplished through activities that accomplish or preserve wetland functions, such as habitat preservation and installation of stormwater BMPs.
- The RMP contains a landscape level functional assessment of wetlands within the plan area for planning purposes, with a more detailed, full MNRAM assessment required on a project specific basis for individual applications.
- The RMP places high priority wetlands in a Wetland Preservation Zone and assigns higher levels of protection on WPZ wetlands as additional incentive for avoidance.
- The RMP is part of a watershed approach to meeting the TMDL goals for Golden Lake.
- The RMP provides additional landowner benefits by providing for improved stormwater management, expanded options for mitigation, expanded opportunity and incentive for generating wetland replacement credits, and increased land value for properties associated with open space.
- The RMP has developed with Corps involvement and has been submitted under the federal review process of Clean Water Act Section 404 so that those principles could be incorporated by reference into subsequent individual permit evaluations.
- The RMP was revised significantly to address the concerns of review agencies.

Items for Further Discussion

- The RMP allows up to 75% replacement credit for enhancement/restoration of degraded existing wetlands. This could potentially be an issue in meeting no-net loss over the life of the plan. Additional information has been requested from RCWD.
- RCWD is proposing to coordinate wetland banking within the RMP area. RCWD staff recently met with the BWSR wetland team and reached an agreement on the process to be used, however many of the details still need to be worked out.
- The USACE has put out the RMP on public notice and may still have additional comments or requirements based on potential comments from other federal agencies (USFWS, EPA, etc.).

Staff Recommendation

BWSR Board Conservationist Les Lemm recommends approval of the Rice Creek Watershed District Comprehensive Wetland Management Plan for the Anoka County Ditch 53-63 Watershed, contingent upon resolution of the above items.

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

In the Matter of the review of the Comprehensive Wetland Management Plan for the **Rice Creek Watershed District, Anoka County Ditch 53-62 watershed,** pursuant to Minnesota Statues Section 103G.2242, Subdivision 1 (c)

ORDER APPROVING COMPREHENSIVE WETLAND MANAGEMENT PLAN

Whereas, the Rice Creek Watershed District submitted a Comprehensive Wetland Protection and Management Plan (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. **Authority 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 local government unit, provided it is implemented through the local government's official controls.

   The purpose of the RMP is to satisfy the RCWD's own petition to repair Anoka County Ditch 53-62 (ACD 53-62), and to provide a resource and conservation-based framework for aquatic resource management as development occurs within the ACD 53-62 watershed basin. Water quality, quantity, and flow rates must be addressed in light of forecasted development and associated impervious area. The development of protection and management strategies for wetlands within the ACD 53-62 stems from the landscape scale functional assessment completed as part of the Plan. The formation of this plan was instigated by the RCWD obligation to repair and maintain ACD 53-62 as the drainage authority for all public ditches within their jurisdiction. The RCWD filed a petition to repair the ditch system under provisions of Chapter 103E (Minnesota Drainage Law), and evaluated three ditch repair alternatives as part of the planning process.

2. **Nature of the Plan Area.** The ACD 53-62 ditch system is in the west-central portion of the RCWD in southern Anoka County on the northern edge of the Minneapolis/St. Paul metropolitan area. The geomorphic region is known as the Anoka Sand Plain. The ditch system is almost entirely within the City of Blaine with the exception of the most downstream section, which flows through the City of Circle Pines. The subwatershed of the ACD 53-62 ditch system is primarily north of the Interstate 35W culvert. Included in

the 53-62 subwatershed is the Village Meadows CWMP previously approved by the Board. The Village Meadows CWMP does not conflict with the proposals in the 53-62 CWMP.

The ACD 53-62 planning area consists of a matrix of upland and wetland resources. Many of the wetland communities have been altered by partial drainage. Upland areas vary from forests to non-native dominated herbaceous cover types with scattered development impacts. The geographic area of this CWMP is under intense development pressure. Stormwater conveyance is being provided by an agricultural ditch system and the entire drainage area contributes stormwater to Golden Lake, an impaired water body.

The City of Blaine is the fastest growing municipality in the Twin Cites metropolitan area. The location of this CWMP is at the intersection of Interstate 35 W and Lexington Avenue. Lexington Avenue has recently been upgraded from two lanes to four, with the ultimate design of six lanes and the expected capacity of over 80,000 cars per day. The entire ACD 53-62 watershed is scheduled to be included into the Metropolitan Council Municipal Urban Service Area (MUSA), in a phased fashion, over the next 15 years. Access to urban services allows for denser and more intensive development than would be possible in areas that are not connected to these services. Population growth is projected at 15.5% and household growth projected at 24.2% during this decade.

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 plan development process included numerous drafts and opportunities for comment. The Plan has an attached Rule that will be officially adopted by the District to implement the Plan.

4. **Anoka Conservation District Review.** The ACD participated throughout the planning process as a member of the Technical Evaluation Panel. ACD's participation resulted in several changes during development of the Plan. ACD did not provide comments during the formal review and approval period.

5. **Department of Agriculture Review.** The MDA did not provide comments on the Plan.

6. **Department of Health Review.** The MDH did not provide comments on the Plan.

7. **Department of Natural Resources Review.** The DNR was participated in the planning process and provided comments during the plan development process. The DNR did not provide comments during the formal review and approval period.

9. **Pollution Control Agency Review.** The MPCA participated in the planning process but did not provide written comments on the Plan.

10. **Metropolitan Council.** The Council participated and provided comments during the plan development process. During the formal review period, the Council found the Plan to be generally consistent with the Council's Water Resources Management Policy Plan. The Council feels the CWMP provides a reasonable framework that will protect both Golden Lake and the exceptional quality wetlands in the area.

11. **Department of Transportation Review.** MnDOT provided cost information for reconstructing the ditch crossing of I-35W, requested clarification of Wetland Preservation Zone requirements, stated that MnDOT is the WCA LGU on its projects, and requested a plan view of the ditch system showing ditch elevations in each branch of the system. The District responded by providing additional information to MnDOT and adding text to the Plan to clarify MnDOT's LGU role.

12. **US Army Corps of Engineers Review.** The Corps was an active participant in plan development and review, providing numerous comments to the District during the plan development process. The Corps also submitted comments for the formal review and approval period.

For the formal review, the Corps indicated they support the District's efforts to manage wetlands on a watershed basis, and found the final draft of the Plan much more compatible with CWA Section 404 guidelines than previous drafts. The Corps requested several changes to make the Plan more compatible with 404 requirements. Many of these were clarifications, additions, and wording changes. The Corps also recommended utilizing the Environmental Protection Agency's Advanced Identification of wetlands (ADID) process. The ADID process is used to inform landowners of aquatic resources which may be unsuitable for filling, and is akin to the process used by the District to identify high priority wetlands for preservation in the Wetland Preservation Zone.

The Corps requested that the stated objective of the Plan include addressing the water resource management needs of ACD 53-62 basin. The Corps also stated that the wetland credit replacement ratios look consistent with CWA Section 404 guidelines except for preservation of high quality and ENRV wetlands, for which the 0.5 replacement ratio was higher than Corps guidelines generally at 0.125.

Corps comments included the following statement: "The RCWD, USACE, BWSR, US FWS, and US EPA have agreed upon a process for applying a CWA Section 404 framework to the Ditch 53-62 RMP. The following steps will be taken to facilitate the compatibility of the Ditch 53-62 RMP with both state and federal wetland requirements: 1) Feedback will be solicited from the US EPA regarding the compatibility of the RMP's wetland inventory and assessment process with the US EPA's Advanced Identification of wetlands (ADID) process, 2) USACE, US EPA, and US FWS comments will be incorporated into the RMP as appropriate; 3) the RMP and Draft RCWD Rule will be put out on a federal Public Notice, inviting public comments within a 30-day comment period, 4) public comments will be incorporated into the RMP and Rule as appropriate; 5) a federal administrative record will be maintained by the USACE, and 6) this administrative record, including the final RMP and RCWD rule, will be utilized in any subsequent federal permit evaluations associated with proposals within the Ditch 53-62 RMP basin." Note: the Plan is also referred to as a Resource Management Plan (RMP) to be consistent with Corps terminology.

The Corps also clarified that they will not approve the Plan, but will instead apply a CWA Section 404 framework and specifically identify the Plan's compatibility (or non-compatibility if Corps comments are not incorporated) with CWA Section 404

guidelines. The District made the revisions requested, and the Corps has since placed the plan on Public Notice. The Public Notice contains a statement by the Corps that "The RCWD has incorporated Corps comments into the Ditch 53-62 RMP, and the Corps now believes that the methodologies and criteria in the Ditch 53-62 RMP are consistent with the Corps' CWA Section 404 regulatory framework."

13. **Board Review.** Board staff have been involved throughout plan development, and provided comments during the preliminary reviews. During the formal review and approval period, Board staff identified two remaining issues to be resolved. Staff requested further details on the process for which replacement wetland banking will be accomplished and administered within the Plan area, and additional information on the impact of higher credit allowances for restoration of partially drained wetlands on the Plan's ability to meet no-net-loss.

14. **Highlights of the Amended Plan.** The critical elements of the Plan include:

- The Plan meets the District's obligations under the Minnesota Drainage Law, Chapter 103E.
- The Plan allows mitigation above a 1:1 ratio to be accomplished through activities that accomplish or preserve wetland functions, such as habitat preservation and installation of stormwater Best Management Practices.
- The Plan contains a landscape level functional assessment of wetlands within the plan area for planning purposes, with a more detailed, full MNRAM assessment required on a project specific basis for individual applications.
- The Plan places high priority wetlands in a Wetland Preservation Zone and assigns higher levels of protection on WPZ wetlands as additional incentive for avoidance.
- The Plan is part of a watershed approach to meeting the TMDL goals for Golden Lake.
- The Plan provides additional landowner benefits by providing for improved stormwater management, expanded options for mitigation, expanded opportunity and incentive for generating wetland replacement credits, and increased land value for properties associated with open space.
- The Plan has developed with Corps involvement and has been submitted under the federal review process of Clean Water Act Section 404 so that those principles could be incorporated by reference into subsequent individual permit evaluations.
- The Plan was revised significantly to address the concerns of review agencies.

12. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on August 29, 2006 with representatives of the District to review and discuss the Plan. Board staff recommended approval of the Plan upon satisfactorily addressing the issues identified by staff as remaining concerns. After discussion, the Committee unanimously decided to recommend approval of the Rice Creek Watershed District ACD 53-62 Comprehensive Wetland Protection and Management Plan to the full Board, with the following conditions:

A. That the District insert the words "up to" before the credit amounts allocated for hydrologic restoration of partially drained wetlands, and requiring TEP review for allocation of credits using this mitigation activity.

B. That the District prepare and submit an annual report to the Board containing information on impacts and mitigation activities, including an analysis documenting that no-net-loss of wetlands is being achieved within the Plan area.
C. That the District will work with Board staff and provide additional detail on the process for tracking wetland banking credits within the Plan area.

The District has agreed to the above contingencies and inserted the required text into the Plan to address items A and B. The District has also addressed item C by providing Board staff with an acceptable process for the tracking of wetland banking credits when plan requirements differ from WCA, and by adding more specificity to the Plan and implementation Rule.

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 Rice Creek Watershed District pursuant to Minnesota Statutes Sections 103G.2242, Subd. 1 (c).

3. The Rice Creek Watershed District Comprehensive Wetland Protection and Management Plan attached to this Order provides a functional assessment framework for all wetlands within the Anoka County Ditch 53-62 watershed, management strategies based on this assessment, and an implementation program.

4. The attached Plan 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 2006, for the Rice Creek Watershed District Anoka County Ditch 53-62, Anoka County, Minnesota.

Dated at Saint Paul, Minnesota this 27th day of September 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

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

In the Matter of the Termination Order for the South Two River Watershed District in Morrison and Stearns Counties pursuant to Minn. Stat. § 103D.271.

ORDER STAY OF TERMINATION ORDER FOR SOUTH TWO RIVER WATERSHED DISTRICT

Whereas, the Board of Water and Soil Resources (Board) adopted an Order on August 24, 2006, to terminate the South Two River Watershed District (District) pursuant to Minn. Stat. § 103D.271, and;

Whereas, on September 15, 2006, the District filed an appeal with the Minnesota Court of Appeals of the Board's August 24, 2006 Order to terminate the District, and;

Whereas, on September 15, 2006, the District requested the Board agree to a voluntary stay of the filing and enforcement of the Board's August 24, 2006 Order to terminate the District until the completion of the appeal;

Whereas, it is prudent to allow the District to continue in existence in a reduced capacity until the appeal is finalized so the District can make decisions regarding the appeal, and;

Whereas, safeguards should be established to limit the District's expenditures of public funds until the appeal is finalized, and;

Whereas, until the appeal is finalized, the District should operate under a "lights on" policy that would allow the District managers to meet, to pay normal expenses for facility rental, utilities, insurance and bond premiums, manager compensation, current staff compensation, and other items that may be required by law, and;

Whereas, until the appeal is finalized, the District should not be acting on petitions, starting new projects, starting or continuing studies or programs, entering into any new contracts, and employing new staff or consultants, and;

Whereas, the 2007 levy payments to the District should be held in escrow by Morrison and Stearns Counties until the appeal is finalized, and;

Whereas, the authorization of the stay of filing and enforcement of the Order to terminate the District does not in any way limit the Board's authority to file and enforce the Order if the terms of this stay are violated or exceeded;

Now Therefore, the Board hereby makes the following Order.

ORDER

The Board hereby orders the filing with the Secretary of State and enforcement of the August 24, 2006 Order to Terminate the South Two River Watershed District be stayed contingent on the following conditions being met:

1. The District managers are authorized to meet.

2. The District managers are authorized to pay normal expenses for facility rental, utilities, insurance and bond premiums, manager compensation, current staff compensation, and other items that may be required by law.

3. The District managers are authorized to contract with legal counsel.

4. The District managers are authorized to levy in 2007 and the payments from the 2007 levy to the District shall be held in escrow by Morrison and Stearns Counties until the appeal is finalized.

5. The District managers are not authorized to act on petitions, start new projects, start or continue studies or programs, or enter into new contracts.

6. The District managers are not authorized to employ new staff or consultants.

Dated at Saint Paul, Minnesota this 27th day of September, 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

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

In the Matter of the Termination Order for the South Two River Watershed District in Morrison and Stearns Counties pursuant to Minn. Stat. § 103D.271.

ORDER STAY OF TERMINATION ORDER FOR SOUTH TWO RIVER WATERSHED DISTRICT

Whereas, the Board of Water and Soil Resources (Board) adopted an Order on August 24, 2006, to terminate the South Two River Watershed District (District) pursuant to Minn. Stat. § 103D.271, and;

Whereas, on September 15, 2006, the District filed an appeal with the Minnesota Court of Appeals of the Board's August 24, 2006 Order to terminate the District, and;

Whereas, on September 15, 2006, the District requested the Board agree to a voluntary stay of the filing and enforcement of the Board's August 24, 2006 Order to terminate the District until the completion of the appeal;

Whereas, it is prudent to allow the District to continue in existence in a reduced capacity until the appeal is finalized so the District can make decisions regarding the appeal, and;

Whereas, safeguards should be established to limit the District's expenditures of public funds until the appeal is finalized, and;

Whereas, until the appeal is finalized, the District should operate under a "lights on" policy that would allow the District managers to meet, to pay normal expenses for facility rental, utilities, insurance and bond premiums, manager compensation, current staff compensation, and other items that may be required by law, and;

Whereas, until the appeal is finalized, the District should not be acting on petitions, starting new projects, starting or continuing studies or programs, entering into any new contracts, and employing new staff or consultants, and;

Whereas, the 2007 levy payments to the District should be held in escrow by Morrison and Stearns Counties until the appeal is finalized, and;

Whereas, the authorization of the stay of filing and enforcement of the Order to terminate the District does not in any way limit the Board's authority to file and enforce the Order if the terms of this stay are violated or exceeded;

Now Therefore, the Board hereby makes the following Order.

ORDER

The Board hereby orders the filing with the Secretary of State and enforcement of the August 24, 2006 Order to Terminate the South Two River Watershed District be stayed contingent on the following conditions being met:

1. The District managers are authorized to meet.

2. The District managers are authorized to pay normal expenses for facility rental, utilities, insurance and bond premiums, manager compensation, current staff compensation, and other items that may be required by law.

3. The District managers are authorized to contract with legal counsel.

4. The District managers are authorized to levy in 2007 and the payments from the 2007 levy to the District shall be held in escrow by Morrison and Stearns Counties until the appeal is finalized.

5. The District managers are not authorized to act on petitions, start new projects, start or continue studies or programs, or enter into new contracts.

6. The District managers are not authorized to employ new staff or consultants.

Dated at Saint Paul, Minnesota this 27th day of September, 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

NEW BUSINESS

1. Local Government Road Wetland Replacement Program Project Approval - Dave Weirens – *DECISION ITEM*

2. Red River Basin Commission (RRBC) Work Plan and Annual Report – Lance Yohe, RRBC Executive Director – *DECISION ITEM*

BWSR Wetland Committee
September 13, 2006

Re: Proposed 2006 Wetland Restoration Applications for the Local Road Replacement Program

Process. BWSR solicited SWCD's, counties and current bank account holders that asked interested landowners to submit an application for Local Government Road Program Wetland Banking projects. Thirty-one applications were received by the June 30, 2006 deadline.

The Interagency Wetland Banking Committee (IWBC) met on July 11th to review, discuss and prioritize each application. Attached to the end of this document is the full list of projects as prioritized by the IWBC. A second review was completed by BWSR banking staff to assign vegetation and construction cost to the top sixteen applications. This process was followed by a third review which incorporated BWSR management and added supply and demand considerations as related to the Corps of Engineer's proposed bank service areas (BSA).

Eleven applications are submitted for approval as they best meet the current needs of the road program. It should also be noted that no applications were received from northeast Minnesota.

Methods to acquire credits. BWSR has four methods to secure credits, these are:

A. fee title acquisitions in partnership with a public entity;
B. conservation easements with private landowners (RIM-like option);
C. purchase existing wetland credits from private bank account holders; and
D. entering into a purchase agreement with private landowners for wetland credits that will be developed (purchase agreement option).

Funding Status. BWSR has an unspent balance in the Local Government Road Wetland Replacement Program of $7,455,740 in bond funds. The balance, after accounting for the eleven proposed projects, will be $2,763,077 to accommodate the potential for increased costs as project plans are developed and to solicit for additional projects in high need areas in the next year.

Review Criteria.
BWSR staff and the Interagency Wetland Banking Committee considered the following criteria in recommending projects for the Local Road Wetland Replacement Program:

Location – projects located in Corps BSA with a demonstrated need and watersheds that have a wetland credit deficit and BWSR has not developed a project were a higher priority in the review process. The projects proposed in this document combined with existing credits and projects in process will reduce BWSR need for wetland credits in Bank Service Areas 3, 6, 7, 8, and 9 in subsequent rounds of project selection.
Wetland Type – An analysis of existing BWSR developed wetland credits for the Local Road Program has shown a need for wetland types 1, 2, 6 and 7.
Project Type – Having a balance between RIM-like and purchase agreement projects will assist in balancing workload as well as attracting projects in high cost areas

Project Success and Credit Allocation – Projects that have a higher probability of success and the potential for providing credits before the end of the five year monitoring period were a priority in the ranking process.

1.) Schuneman – Washington County. This project, offered by the Isaac Walton League, will involve a significant vegetation restoration component. The 51 acre site will generate approximately 10 credits via wetland vegetative enhancement. BWSR will work with MnDOT to secure a $25,000 grant to demonstrate reed canary grass control techniques at this site if funded.

Bank Service Area = 6
Watershed = 37 (St. Croix River-Stillwater)
Anticipated Wetland Types = 1, 2, 3

Agreement Type = RIM Like
Easement Cost = $1.00
Vegetation Cost = $60,000
Construction Cost = $10,000
Cost per Credit = $7,000/acre
Total Cost = $70,001

2.) RN Cattle Company – Morrison County. The applicant is offering 88.84 acres of pre-developed credits, not yet deposited into the bank, for sale. The entire 160 acre site includes a wetland complex and surrounding uplands. The status of this site would allow BWSR to deposit and use the credits in the very near future. This site provides credits that can be used in the metropolitan area as well as in Bank Service Area 7.

Bank Service Area = 7
Watershed = 21(Rum River)
Anticipated Wetland Types = 1, 2

Agreement Type = Purchase Agreement
Cost per Credit = $7,980/acre
Total Cost = $708,942

3.) Burns – Bickman – Carver County. This site includes restoration of two drained basins that will provide 24 credits. The site is located in a rural setting with the two basins surrounded by cropland. This site provides credits that can be used in the metropolitan area as well as in Bank Service Area 7.

Bank Service Area = 7
Watershed = 19 (South Fork Crow River)
Anticipated Wetland Types = 1, 2, 3

Agreement Type = Purchase Agreement
Cost per Credit = $35,420/acre
Total Cost = $850,080

4.) Burns Home Farm – Carver County. This restoration is located in a rural agricultural setting, includes a single basin currently drained with a tile and will generate 4 credits. The restoration will include a small dike, water level control structure and native seeding. A second adjacent basin, which would add two more acres, may be included depending on the topographic survey. This site provides credits that can be used in the metropolitan area as well as in Bank Service Area 7.

Bank Service Area = 7
Watershed = 19 (South Fork Crow River)
Anticipated Wetland Types = 1, 2

Agreement Type = Purchase Agreement
Cost per Credit = $35,420/acre
Total Cost = $141,680

5.) Teller – Carver County. This site is a drained basin that currently delivers water from the Minnehaha Creek Watershed into the Minnesota River. The proposal provides 6 credits and includes disconnecting a tile drain system and restoring native vegetation. This site provides credits that can be used in the metropolitan area as well as in Bank Service Area 7.

Bank Service Area = 7
Watershed = 20 (Mississippi River-Metro)
Anticipated Wetland Types = 1, 2, 3

Agreement Type = Purchase Agreement
Cost per Credit = $35,420/acre
Total Cost = $212,520

6.) J. Nelson – Kanabec County. This site is located on a large 320 acre parcel of land that has been effectively drained with a ditch system and drain tile. The proposal is to restore hydrology via dike construction and reestablish the native vegetation that will produce 200 acres of credit. This site provides credits that can be used in the metropolitan area as well as in Bank Service Area 7.

Bank Service Area = 7
Watershed = 21 (Rum River)
Anticipated Wetland Types = 1, 2, 3, 6, 7

Agreement Type = Purchase Agreement
Cost per Credit = $7,980/acre
Total Cost = $1,596,000

7.) Fjoslien B – Douglas County. This project has a second, adjacent basin, Fjoslien A, which DNR is working to acquire for a wildlife management area. The proposed restoration will restore a lake-like basin that will generate 56 credits and will include elimination of the drainage system and substantial reed canary grass control efforts.

Bank Service Area = 9
Watershed = 26 (Chippewa River)
Anticipated Wetland Types = 2, 3, 4

Agreement Type = RIM Like
Easement Cost = $ 124,110 @ $2,216/acres
Vegetation Cost = $ 73,000
Construction Cost = $51,000
Cost per Credit = $4,428/acre
Total Cost = $248,000

8.) Gaasch #2 – Renville County. This 51- acre restoration site is riparian, adjoins a river and will restore wetland types 6 and 7, currently in high demand. The restoration will include limited tile removal and a vegetation restoration effort to reestablish the wooded, floodplain community.

Bank Service Area = 9
Watershed = 28 (Minnesota River-Mankato)
Anticipated Wetland Types = 6, 7

Agreement Type = RIM Like
Easement Cost = $156,621 @ $3,071/acre
Vegetation Cost = $ 40,000
Construction Cost = $ 18,379
Cost per Credit = $ 4,215/acre
Total Cost = $215,000

9.) Gaasch #3 – Renville County. This 93-acre restoration site is partially riparian, adjoins a river and will restore wetland types 6 and 7, currently in high demand. The restoration will include limited tile removal and a significant vegetation restoration effort to reestablish the wooded, floodplain community.

Bank Service Area = 9
Watershed = 28 (Minnesota River-Mankato)
Anticipated Wetland Types = 6, 7

Agreement Type = RIM Like
Easement Cost = $309,969 @ $3,333/acre
Vegetation Cost = $ 70,000
Construction Cost = $ 10,000
Cost per Credit = $ 4,193/acre
Total Cost =$389,969

10.) C. Krohn – Watonwan County. This 44 acre site, located on the north east edge of Madelia, Minnesota, will generate wetland types 1, 2 and 3 and will include disruption of the current drainage system and reestablishment of native vegetation.

Bank Service Area = 9
Watershed = 31 (Watonwan River)
Anticipated Wetland Types = 1, 2, 3

Agreement Type = RIM Like
Easement Cost = $ 160,520 @ $3,648/acre
Vegetation Cost = $ 25,000
Construction Cost = $ 20,000
Cost per Credit = $4,671/acre
Total Cost = $205,520

11.) MnDot - Saint Louis County. This 5-acre site located in Saint Louis County, will generate wetland types 2, 6 and 7 from the creation of wetland conditions in a gravel pit. The primary benefit of this project is the potential to develop methods to establish wetland credits from gravel pits and borrow areas. These areas are abundant in NE Minnesota, yet, to this date, gravel pits and borrow areas have not proven to be acceptable as wetland mitigation sites to wetland regulators. Resolution of this issue will provide an additional mitigation option for local, state and federal road authorities.

Bank Service Area = 1
Watershed = 73 (Vermilion River)
Anticipated Wetland Types = 2,6,7

Agreement Type = Interagency Agreement
Total Cost = $109,565, split evenly between MnDot and BWSR
Cost: BWSR share (50%) = $54,781.00, devoted mostly to the establishment of vegetation and monitoring. MnDot will provide equipment and engineering expertise.
Acres of Credit = 5
Cost per credit = $21,913

Summary for 11 agreements = 579.34 credits for $4,692,493 = $8,100/credit (Average)

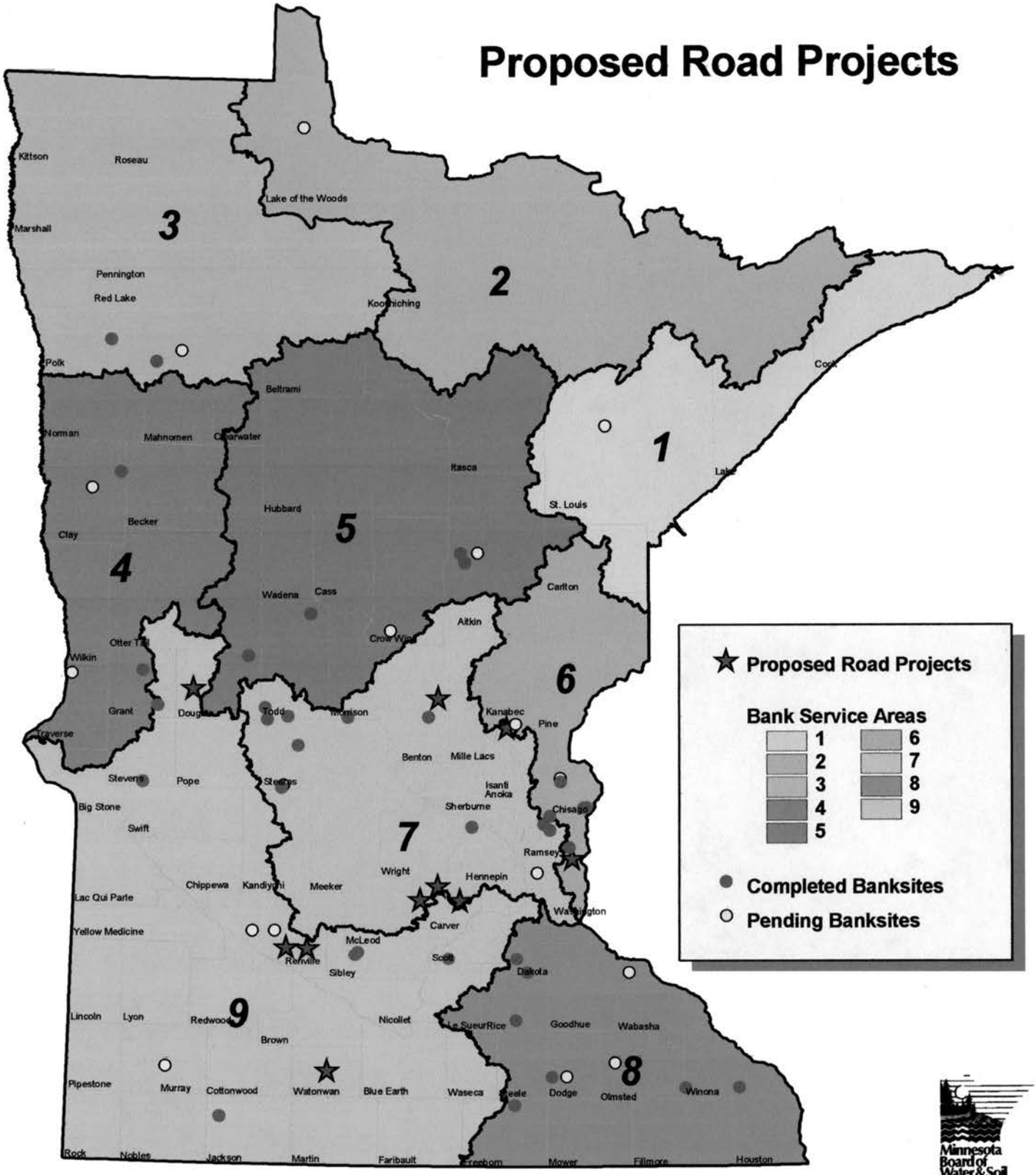
Attachment 1- IWBG Meeting Summary

The IWBG met on July 11th to review, discuss and prioritize twenty-eight wetland-banking applications submitted by June 30, 2006. Project proposals were ranked based on geographic location, estimated cost and wetland type to be restored. The sites were prioritized as follows:

No.	Type	Applicant	Total cost	Acres	$/Ac	BSA
1.)	**PA**	**RN Cattle Co.- Morrison**	**$ 709,000**	**80**	**7,980**	**6**
2.)	**PA**	**Jim Nelson- Kanabec**	**1,600,000**	**200**	**7,980**	**6**
3.)	**RL**	**Gaasch #2-Renville**	**215,000**	**51**	**4,216**	**9**
4.)	**RL**	**Fjoslien – B - Douglas**	**248,000**	**56**	**4,428**	**9**
5.)	**PA**	**Burns – Bickman – Carver**	**850,000**			
6.)	PA	Blaine Ponds-Anoka (ENRV)	1,027,000	29	35,420	7
7.)	**RL**	**Schuneman-Washington**	**70,000**	**10**	**7,000**	**6**
8.)	RL	J. Krohn – Nicollet	245,000	51	4,803	9
9.)	**PA**	**Teller - Carver**	**212,520**	**6**	**35,420**	**7**
10.)	**RL**	**C. Krohn – Watonwan**	**205,000**	**44**	**4,659**	**9**
11.)	RL	Halvorson – Clay	202,476	94	2,200+	4
12.)	PA	Nachbar – Huss-Scott	2,800,000	80	35,420	9
13.)	RL	Gaasch #1- Renville	263,978	79	3,341+	9
14.)	RL	Pebble-Clay	270,435	120	2,253+	4
15.)	PA	Bauer – Scott	283,360	6	35,420	9
16.)	**RL**	**Gaasch #3-Renville**	**367,000**	**93**	**3,946**	**9**
17.)	RL	Smith – Martin	235,000	55	4,273+	9
18.)	RL	Sampson – Renville	1,287,195	312	4,125+	9
19.)	RL	Mellies – Renville	215,110	51	4,217+	9
20.)	PA	Lindahl – Roseau1	21,500	30	4,050	3
21.)	PA	Stromland – Roseau	583,200	144	4,050	3
22.)	RL	Schaefer – Renville	132,776	31	4,283+	9
23.)	**PA**	**Burns Home Farm – Carver**	**138,080**	**4**	**35,420**	**7**
24.)	RL	Elfering – Renville	604,369	153	3,950+	9
25.)	RL	Hughes – Blue Earth	29,989	7	4,284+	9
26.)	RL	Krosch – Blue Earth	59,223	14	4,230+	9
27.)	PA	Willow Springs – Aitkin	851,550	210	4,050	5
28.)	PA	Reading Farm – Norman	117,170	20	5,858	4
29.)	RL	Musielewicz – Stevens	99,285	24	4,137+	9
30.)	RL	Fjoslien – A – Douglas (Landowner withdrew application)				9
31.)	RL	Fjoslien – C – Douglas (Working with DNR)				9

Legend: RL = RIM Like
PA = Purchase Agreement
\+ = Added $1,150/ acre for construction and vegetation costs
Projects in **Bold** proposed by BWSR staff and recommended by Wetland Committee

Proposed Road Projects



Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US

September 13, 2006

Resolution # _____

Local Government Road Wetland Replacement Project Approval

WHEREAS, BWSR is directed pursuant Minn. Stat. 103G.222, Subd. 1(l) to replace wetlands drained or filled as a result of the repair, maintenance, or rehabilitation of existing public roads; and

WHEREAS, BWSR is authorized pursuant to 2005 Minn. Laws Chap. 20, Art. 1, Sec. 9 and 2006 Minn. Laws Chap. 258, Sec. 9 to enter into agreements with political subdivisions and fee owners to acquire land and restore wetlands to be used to replace wetlands lost as a result of the repair, maintenance, or rehabilitation of existing public roads; and

WHEREAS, BWSR issued a solicitation in May requesting interested landowners to apply to BWSR for wetland restorations for the purposes of the Local Government Road Wetland Replacement Program; and

WHEREAS, the Interagency Wetland Banking Committee reviewed and prioritized the projects received by the June 30, 2006 deadline. This prioritization was further refined by BWSR banking staff; and

WHEREAS, this process led to recommending approval of eleven projects that will generate 579.34 credits at an estimated cost of $4,692,493; and

WHEREAS, the Wetland Committee reviewed the proposed projects on September 13, 2006 and is recommending Board approval.

NOW THEREFORE BE IT RESOLVED, that the BWSR authorize the eleven Local Government Road Wetland Replacement projects as recommended by the Wetland Committee

_____ _____

Randy Kramer, Chair Date

Red River Basin Commission

Manitoba • Minnesota • North Dakota • South Dakota

RRBC • 119 5th St. S. • PO Box 66 • Moorhead, MN 56561-0066
Phone 218-291-0422 • FAX 218-291-0438 • staff@redriverbasincommission.org
RRBC • 410-283 Bannatyne Ave. • Winnipeg, MB R3B 3B2
Phone 204-982-7250 • FAX 204-982-7255 • redriverbasincommission@shawcable.com
www.redriverbasincommission.org

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September 14, 2006

Ron Harnack
Executive Director
Minnesota Board of Water & Soil Resources
One West Water St., Ste. 200
St. Paul MN 55107

Dear Ron:

The Red River Basin Commission respectfully requests $100,000 funding for Red River Basin Commission (RRBC). The amount is part of the Minnesota funding of the RRBC base budget which is equally provided by Minnesota, North Dakota and Manitoba governments. The local funding is matched by the states and province.

The 2006 RRBC work plan and the RRBC Activity Report for August 2006 were included in previous correspondence.

TOTAL FUNDS REQUESTED: **$100,000.00**

Please Remit To: **Red River Basin Commission**
Herm Martens, Treasurer
PO Box 66
Moorhead, MN 56561-0066

If you have any questions, please don't hesitate to contact any member of our staff at our toll-free number (866-629-4498).

Sincerely,

Lance Yohe

Lance Yohe
Executive Director

RED RIVER BASIN COMMISSION
ACTIVITY REPORT
August 2006

The Red River Basin Commission is a group of people from the Red River basin working together to achieve common goals for water protection and management.

RRBC Vision: A Red River Basin where residents, organizations and governments work together to achieve basinwide commitment to comprehensive integrated watershed stewardship and management.

RRBC Mission: To develop a Red River Basin integrated natural resources framework plan, to achieve commitment to implement the framework plan, and to work toward a unified voice for the Red River Basin.

ACTIVITIES: Red River Basin Commission activities are focused around four centers:

I. Leadership
II. Partnership
III. Communications
IV. Technical Resource

I. LEADERSHIP CENTER

A. Plan Implementation Committee: This committee's efforts focus on the Natural Resources Framework Plan (NRFP) and its implementation. **The numbers following each section relate to the NRFP's goals and objectives.**

- **Natural Resources Framework Plan (NRFP):** The RRBC developed, promotes and updates the current version of the NRFP. RRBC is working to establish basin-wide support and buy-in, to implement appropriate activities, and to support agency and other organizations/groups in activities that address NRFP goals and objectives. We are implementing the 13 NRFP goals, so that all efforts are recognized and integrated into the basin action agenda. (1.1.1, 1.1.2)
- **Nutrient and NRFP Workshops:** RRBC held a series of pilot workshops throughout the basin in 2005 to educate citizens on water quality nutrient load affecting Lake Winnipeg and to gather feedback the NRFP. RRBC then held a large workshop in April 2006, bringing together citizens and local leaders from around the basin to inform them about nutrient problems in the basin, the impact of nutrients on Lake Winnipeg, and the NRFP. RRBC also gathered feedback related to nutrients and the NRFP from participants' jurisdictional viewpoints based on their operational mandates. This workshop was very successful and RRBC will hold similar workshops in the future. (9.4.1, 9.5.1)

B. Legislative Committee: This committee's efforts focus on communication and education for provincial, state, and federal elected officials and their staff to update them on Red River Basin activities, projects and needs.

- **Legislators' Forum:** Legislators from MB, MN, ND, and SD meet annually, rotating between jurisdictions, to discuss issues of common interest. This group has been meeting since after the 1997 flood, with support from the ND Consensus Council. RRBC has been assisting in recent meetings with the water related portions of the discussion. (4.2.11)
- **Legislative Meetings:** This brings together basin Legislators within each jurisdiction to learn about and discuss water and land resource issues in their portion of the basin. A 2004 meeting for MN State Senators and Representatives in the basin was hosted jointly by RRBC, the Red River Watershed Management Board, and the MN Flood Damage Reduction Work Group. The meeting provided an opportunity for dialogue, presentations on current activities and needs, an

opportunity for the leaders to provide feedback and to prepare for the upcoming legislative session. Similar meetings in MB, MN, ND and SD will be held in the future, as needed. (4.2.12)

C. Facilitation/Mediation Strategy: RRBC uses this strategy to assist in promoting dialogue and consensus-building from a broader perspective (regional or basin) in a manner appropriate to the issue.

- **Jurisdictional Committee:** RRBC assists a jurisdictional (MB, MN, ND, & SD) committee to create dialogue at the highest levels. Current activities of the Jurisdictional Committee are developing a basin drought plan terms of reference, discussing treatment options for the out of basin water transfer alternatives, and addressing the IJC CFMP-F recommendations. (1.3.1)
- **Out of Basin Supply Discussions:** RRBC is facilitating discussions between the jurisdictions regarding out of basin water supply options. ND is exploring water supply options for eastern ND that include moving water from the Missouri River to the Red River. The question that drives the discussion is: *Can ND, as it explores its right to look at and possibly use the Missouri River, choose alternatives that would take into consideration concerns of MB, MN, and SD?* (10.1.5)
- **Basin Drought Plan Concept:** RRBC, with the assistance of technical experts from each jurisdiction appointed by the Jurisdictional Committee, is discussing options for a basin drought plan strategy. A report for jurisdictional consideration with a recommendation on how to proceed is the goal of this effort. (10.1.4)
- **Water Use and Allocation:** RRBC convened key water law experts from each jurisdiction appointed by the Jurisdictional Committee to assist in development of a 2006 report (available on RRBC's web site) intended to clarify jurisdictional water law differences between Manitoba, Minnesota, North Dakota, and South Dakota. Particular attention was given to the use and allocation differences between the jurisdictions during low flow and drought conditions. The report will guide decisions regarding policy strategies for the committee for the future. RRBC received funding from IJC for this project to (10.1.3, 10.4.1)
- **Comprehensive Flood Mitigation Plan-Framework (CFMP-F):** The CFMP-F is an IJC document developed through a collaborative effort of IJC, IRRB, and RRBC that follows up on one of the 1997 flood recommendations. It identifies three areas of activity that the Province of Manitoba and States of Minnesota and North Dakota could work together on related to basin flood work: 1) Forecasting, 2) Mitigation, and 3) Response. (7.2.1)
- **CFMP:** This is the actual effort that might emerge from the CFMP-F. The Province of Manitoba and the States of Minnesota and North Dakota are currently exploring a joint effort in the Mitigation portion of the framework document. The project would use the recently developed Mike 11 Mainstem Model to develop goals for each of the tributaries that would collectively produce a targeted % reduction at various points on the mainstem and to relate the last point on the mainstem (Winnipeg floodway entrance) to the 100, 500, and 700 year flood flows. The RRBC board has authorized staff time to assist with any CFMP strategy that emerges. (7.7.1)

II. COMMUNICATION CENTER

The activities in this center focus on RRBC activities related to communication and education. RRBC presents information on current projects and Red River Basin land and water issues to groups, leaders and conferences. The RRBC also maintains a website, www.redriverbasincommission.org.

- **Annual Conference:** RRBC holds an annual basin-wide land and water international summit conference begun by TIC in 1983. The 24th Conference will be January 23-25, 2007, in Fargo, ND, with a theme of *"The Ripple Effect: Working Today For A Better Tomorrow."* (4.2.9)
- **Newsletter:** RRBC produces a quarterly newsletter, "Around the Basin," to keep 3,800 leaders and stakeholders in the basin informed of water issues and projects around the basin. This is sent out electronically, and is also available in hard copy. (4.2.13)
- **Red River of Expression:** This project encourages youth in grades K-12 to become more aware of and involved in land and water issues in the basin. Prizes are offered for poetry, artwork and photography, with winners having an opportunity for their entry to be displayed on billboards around the basin. (4.2.3)

- **Science Fair Contest:** RRBC provides financial awards to students for science fair projects related to land and water. These science fairs are organized through local high schools. (4.2.3)
- **Water Minutes:** The Communications Committee has developed a series of radio spots that will help educate the public on water issues in the Basin. (4.2.14)
- **Ripple Effect:** RRBC has developed a series of short newspaper articles appearing in local newspapers under the heading *"The Ripple Effect."* (4.2.15)
- **Social Based Marketing:** RRBC is working with MPCA and a consultant and has provided the opportunity to learn about new methods to reach people regarding land and water issues. (4.2.4)

III. PARTNERSHIP CENTER:

Activities in this center relate to partnerships between RRBC and others to create opportunities for dialogue, planning, and education. Partnership activities usually involve working across boundaries, such as country to country, state to state, county to RM, RM to RM, county to county, organization to organization, etc.

- **RRIW:** The Roseau River International Watershed Board (RRIW) consists of local leaders from MB and MN who have appointed members, elected officers and regularly meet to work together on land and water issues affecting the Roseau River. RRBC (and its predecessors) helped form this group and continues to assist them by facilitating their meetings. (1.2.19)
- **PRBAB:** The Pembina River Basin Advisory Board (PRBAB) consists of local leaders from MB and ND who have appointed members, elected officers and regularly meet to work together on land and water issues affecting the Pembina River Basin. RRBC (and its predecessors) helped form this group and continues to assist them by facilitating their meetings. (1.2.3)
- **SVI:** The South Valley Initiative (SVI) consists of local leaders in ND and SD who have elected an executive committee and regularly meet to work together on land and water issues affecting the Wild Rice River watershed. RRBC helped form this group and continues to assist them by facilitating their meetings. A similar group is being considered between MN and ND with a Lake Traverse focus. (1.2.4)
- **MB Chapters:** RRBC (and its predecessors) established a north of Winnipeg and a south of Winnipeg chapter, with officers and nine regularly scheduled meetings each year. Education and dialogue are the main focus of these chapter meetings. (4.2.6)
- **MN Joint Powers Board:** RRBC coordinates and facilitates a quarterly meeting for education and discussion between 15 counties in MN on issues related to natural resources. (4.2.5)
- **Barnes County Water Management Team:** RRBC helped Barnes County, ND, gather entities in the county together and begin a process of regular sharing and updating of water related activities within the county. RRBC continues to assist as needed. (4.2.10)

IV. TECHNICAL RESOURCE CENTER

The activities in this center focus on developing, producing, and sharing projects and information that promote basin approaches that address NRFP goals where gaps have been identified. RRBC supports, facilitates or participates in the following activities:

- **Buffer Strip Project:** RRBC is working MPCA, local MN Soil and Water Districts and local landowners in three targeted sub-watersheds to increase participation in currently available buffer strip and riparian programs. (9.3.3)
- **CREP:** The Conservation Reserve Enhancement Program is funded by the US Department of Agriculture and leverages federal and state funds to pay farmers to establish riparian areas benefiting water quality, flooding and habitat. RRBC wrote proposals with public input for both MN and ND. MN is moving forward to establish 37,500 acres in the Red River Basin as part of CREP. (11.1.2)
- **Fargo/Moorhead Upstream Feasibility Study:** The USACE completed a feasibility study of potential flood damage reduction and natural resource enhancement projects in the

Fargo/Moorhead upstream area of the Red River Basin Watershed. They are now exploring a Phase II effort. (2.1.1, 6.1.7)

- **Ground Water Modeling:** RRBC was a catalyst by facilitating meetings between the MN Geological Survey and the US Bureau of Reclamation (BOR) to model ground water resources to assist in the BOR water supply study. (3.3.4)
- **International Institute for Sustainable Development Prairie Water Policy Project:** RRBC presented reports on ND, MN and transboundary efforts at IISD's Prairie Water Policy Symposium. The symposium examined unique and common challenges to development, implementation, and adaptive evolution of water strategies; innovative and successful approaches to water strategies, and will assess how well existing strategies are able to respond to threats facing prairie watersheds. (1.2.20)
- **Lake Winnipeg Implementation Strategy:** RRBC is providing input and assisting as the fiscal agent for a consultant team appointed by the Province of Manitoba and Federal Canadian government to develop a report for a Lake Winnipeg Strategy for the future. (4.2.16)
- **Lake Winnipeg Research Consortium:** RRBC participates in and supports the Consortium and has assisted in obtaining funding for the research vessel *Namao*. (3.2.2)
- **Lower Pembina Modeling:** RRBC has received funding from IJC and has subcontracted with Water Management Consultants, Inc., for a modeling effort on the Lower Pembina River, modeling river flows and looking at the impacts of bridges, dikes, etc., to better understand the choke point at Pembina and Emerson. The report will then be used by IRRB and the IJC to address the local concerns regarding flooding in that area. (3.3.3, 6.1.8)
- **Development of Mainstem Modeling—Phase I:** RRBC is working with modelers from MB, MN and ND water agencies, USACE, private engineering firms and a consultant, and has developed a Phase I mainstem model for the Red River. This project developed Red River mainstem models: Mike 11 from Lake Traverse to the International Boundary and then to Lake Winnipeg and HEC/RAS from Lake Traverse to the International Boundary. (3.3.1, 3.3.2)
- **Mainstem Modeling Workshop #1:** A workshop was held in 2004 for stakeholders to share the report on Mike 11 Phase 1 and to discuss future needs. From the workshop, it was determined to provide additional information to the Mike 11 model and recalibrate the model before doing actual modeling. The models were calibrated using the 1997 flood and verified using the 1989, 1996, and 2001 floods. (3.3.1)
- **Development of Mainstem Modeling—Phase II:** This project added additional information on bridges, the international boundary, MB stream bed configuration, the Maple/Sheyenne River overflow areas, and tributaries to improve and recalibrate the Mike 11 model. The model has been recalibrated and is now seamless from Lake Traverse to Lake Winnipeg. (3.3.1)
- **Modeling Scenario Identification Report:** This IJC-funded report identifies numerous tributary and mainstem scenarios that could be modeled (using the Mike 11 model) to determine tributary inflows to the Red River, 10% and 20% continuous flow reductions and 25% and 50% peak flow reductions to develop Red River flood damage reduction (FDR) strategies. This report was used to develop a mainstem modeling project. (6.2.1)
- **Mainstem Modeling of Scenarios #1:** This IJC-funded project accomplished modeling runs for the 1989, 1996, and 1997 floods, producing hydrographs for each tributary at seven mainstem locations: Wahpeton, Fargo, Grand Forks, and Drayton, ND; and Emerson, Morris, and the entrance of the Winnipeg floodway in MB. The hydrographs show the mainstem points with and without the tributary flows upstream of the mainstem point. Modeling runs showing a 20% and a 40% across the hydrograph spring flow reductions for each tributary for each flood was accomplished. This portion of the modeling is now at IJC for review. The remainder of the project calls for peak flow reductions of 25% and 50% and then modeling runs and a ½ foot reduction at Grand Forks, ND, and then a modeling run. (6.2.1)
- **Mainstem Modeling of Scenarios #2:** This modeling effort is under consideration by MB, MN, and ND; they are currently reviewing a scoping document prepared by the RRBC modeling group to determine their funding commitments. The project will draw upon the expertise and experience of basin modelers/hydrologists to use the model to establish reduction goals for the mainstem locations in the model that will translate into % reduction goals for each of the tributaries. This modeling effort, if it proceeds, will also address the CFMP. (6.2.1)

- **Nutrient Ion Inventory Data Base:** RRBC is gathering water quality data for the Red River Basin for nitrogen and phosphorous as they relate to stream flow data. The information has been compiled in a database for use and analysis in a Category I (most complete data available) and a Category II (less complete data) database. This project is IJC-funded and developed from the IRRB Aquatic Ecosystem Health (AEH) Committee. It will be used to analyze trends in the basin. (9.1.2, 9.5.2)
- **Pembina Structure Survey:** RRBC has received funding from IJC for this project and is subcontracting for a field survey effort that will identify culvert and dike parameters for a 30+ mile stretch of road/dykes along the north side of the Pembina River. (6.1.8)
- **RRBDIN:** RRBC is a cooperating partner with NDSU and IWI to bring the Red River Basin Decision Information Network, a web based site for accessing data for decision-making, into the basin and working to keep it useful and relevant. (3.1.2)
- **RRWP:** RRBC is working with the Rural Municipalities of Franklin, Montcalm, Piney, and Stuartburn, Roseau River First Nation, and Manitoba Water Stewardship to develop a plan for the MB portion of the Roseau River that is compatible with the plan developed for the river's MN portion. (1.2.2)
- **Roseau River Hydrology:** RRBC (and its predecessors) worked with a consultant (Water Management Associates) to model the MB portion of the Roseau River and produce a report. (1.2.1)
- **TMDL:** The Total Maximum Daily Load project is an analysis of the Fargo-Moorhead reach of the Red River to model and report on the TMDL related to nutrients and fecal coliforms. NDSU, MPCA, NDDH and RRBC are jointly working on this project. (9.3.2)

* * * * *

ORGANIZATIONAL BACKGROUND: The RRBC was formed in July 2002 when the following organizations merged:

- **Red River Water Resources Council (RRWRC):** This organization was formed at the conclusion of the US federal basin studies (Red, Souris, Rainey Study) that began in the 1960s. The studies formally ended in the 1970s, and the RRWRC purpose was to continue dialogue and exchange information between the state and federal agencies. Manitoba was invited to the table during the study and as part of the RRWRC.
- **The International Coalition for Land and Water Stewardship (TIC):** As a public response to the spring flood of 1979, this organization was formed to involve grass-roots citizens and local leaders in the process of finding answers to the flooding problems. TIC became a place for dialogue, information exchange, education and a network for people to get to know each other and begin to build trust.
- **Red River Basin Board (RRBB):** This organization was formed in 1996 to assist the province and states on issues related to the licensing and permitting process. This organization was formed to link local and provincial and state in a stronger manner.

* * * * *

BOARD MEMBERSHIP: The RRBC is made up of 41 members (each chooses their own alternate).

A. **Manitoba Board Membership:**
   i. 3 appointed by Premier (Don Norquay, Muriel Smith, Steven Topping)
   ii. 4 elected by Rural Municipalities (2 North—Dave Gera, Bill Paulishyn; 2 South—Brian Charles, Herm Martens—of Winnipeg)
   iii. 1 appointed by City of Winnipeg (Mike Shkolny)
   iv. 1 appointed by City of Selkirk (R. S. "Bud" Oliver)
   v. 1 appointed by environmental community (Lindy Clubb)

vi. 1 appointed by Pembina Valley Water Cooperative (Sam Schellenberg)
vii. 1 elected at-large by annual conference attendees (Larry Whitney)

B. **Minnesota and North Dakota Board Membership:** (each state representation is the same)
   i. 3 appointed by Governor (MN—Sheryl Corrigan, Ron Harnack, Gene Merriam; ND—Dale Frink, Dave Glatt, 1 vacant)
   ii. 2 elected by Counties (MN—Jerry Dahl, Jon Evert; ND—Joe Belford, Connie Triplett)
   iii. 2 elected by Watershed Districts (MN—John Finney, Dan Wilkens; ND—Tom Fischer, Ben Varnson)
   iv. 3 elected by Cities (MN—Don Osborne, Bill Schwandt, 1 vacant; ND—Bruce Furness, Riley Rogers, Fred Stark)
   v. 1 appointed by environmental community (MN—Henry Van Offelen; ND—Genevieve Thompson)
   vi. 1 elected at-large by annual conference attendees (MN—Warren Seykora; ND—Jake Gust)
C. **South Dakota Board Membership:**
   i. 1 appointed by Governor (Vacant)
   ii. 1 elected by local government (as their at-large—Eddy Madsen)
D. **Tribal Membership**
   i. 3 appointed by Tribal/First Nations (Canada—Melissa Hotain; US—Allen Pemberton; 1 vacant)

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BOARD MEETINGS:

7 each year (additional meetings scheduled if needed)

- 4 full board meetings: First Thursday of March, May, September, November
- Board Retreat: First Wednesday and Thursday in November
- 2 tours, discussions and short board meetings: First Wednesday and Thursday in June & August
- 1 business only board meeting in January during annual conference

Contact Information:

Red River Basin Commission
119 S. 5th St. • PO Box 66
Moorhead, MN 56561-0066
Ph: 218-291-0422 • Fax: 218-291-0438
staff@redriverbasincommission.org

Red River Basin Commission
206-309 Hargrave Street
Winnipeg, MB R3B 3B2
Ph: 204-982-7254 • Fax: 204-982-7255
redriverbasincommission@shawcable.com

www.redriverbasincommission.org

2005
OVERALL WORKPLAN

NRFP GOAL & ISSUE AREA	RRBC ACTION	NRFP ACTION	TIMELINE	STAFF
			MT Management Team: ly, jg, akn	
New Activities	CODES:		ly - Lance	mo - Mike
Ongoing Projects	Grey = Current Project - Wrapping Up		jg - Julie	rh-Ron
Outreach Partnerships	Blue = Ongoing Linking Roles --Facilitation/Support		akn - April	ra - Rachel
	Yellow = Upcoming Major Focus Activities		rl - Ruth	lab - Leigh Anne
			all - all staff	ksp - Kathy
	ADMINISTRATION		Con- Consultant	
	Board Meetings			
	7 Board Meetings in 2006-Jan, Mar, May, June, Aug, Sept, & Nov- 1st Thursday		Ja, Mr,My,Jn,Ag,S,N	ra,lab,all
	2 Board Tours & Discussion in 2006-June & August		Jn,Ag	ra,lab,all
	1 Board Retreat-Nov-1st Thursday (and day before)		Nov	ra,lab,all
	Executive Committee Meetings			
	12 Executive Committee Meetings in 2006--3rd Thursday		3rd Th -- Month	MT
	Executive Director Evaluation		3/30/2006	ly
	Human Resource Committee Meetings		as Needed	ly
	General			
	All Staff Evaluations, Documentation, Records, Workplans		2006	MT,ra,lab
	Monthly Staff Meetings		2nd Fri -- Month	all
	Management Team Meetings		Weekly	MT
	FIANANCE			
	Finance Committee Meetings			
	12 Finance Committee Meetings n 2006 -- 3rd Wednesday		3rd Wed -- Month	MT
	General			
	Monthly Finances		ongoing	ra,lab,ly
	Base Funding --Local, Provincial, State Requests, Federal Strategies		1/1/05 to 6/3/2006	MT,ra,lab,ksp
	Project Funding--as needed		2006	all
	Prepare 2007 Budget		6/1/30 to 12/31/05	ly,Mt
	2005 Audit		1/1/05 to 6/30/05	ly,lab,ra

2005
OVERALL WORKPLAN

	LEADERSHIP CENTER			
	Plan Implementation Committee		11 meetings	rl,mo,rh, MT
	11 Plan Management Committee Meetings in 2006		ongoing	rl,mo,rh, MT
	Review Projects, Programs, Studies, etc. and Link to NRFP	6.1.3-6.1.6		
WATERSHEDS--G # 1	Assist with Roseau River Watershed Planning Concept	1.2.2	Jan-June	mo,ly
	NRFP: Educate on, Gain Support, Refine, & Implement--mini conference	1.1.1, 1.1.2	4/19/2006	board,all
	Review Red Lake Watershed Plan	1.2.19	2/28/2006	rl
	Board Update on Goal # 1 in 2006		Jan-Dec	all
INTEGRATE MNG--G # 2	Support Integrated Projects through Plan Implementation	2.1.2-2.1.2.6	Jan-Dec	board,all
	Board Update on Goal # 2 in 2006		Jan-Dec	board,all
RES & DATA--G # 3	Model Red River using Mike II	3.3.1	Jan-Apr	ly,rh
	Model Pembina River using Mike II	3.3.3	Jan-Apr	ly, con
	Board Update on Goal # 3 in 2006		Jan-Dec	all
FDR--G # 5, 6, 7	Board Presentation & Discussion on FDR strategies	6.1.1	11/6/2006	board, all
	CFMP-F		Jan-Dec	ly,rl,h,mo,board
	Mainstem Modeling Scenario Workshop		May	ly,rh,rl
DRAINAGE G # 8	Board Presentation & Discussion on Drainage needs		May-06	all
WATER QUALITY--G # 9	Board Update on Goal # 8 in 2006	9.1.1	Jan-Dec	all
	Finish Lake Winnipeg Implementation Strategy Project		Jan-Mar	ly, con
WATER SUPPLY--G # 10	Board Presentation & Discussion on Water Supply needs	10.1.1	9/6/2006	board,all
	Basin Drought Plan		Jan-Dec	ly,rl,mo con
CONS,F,W,OR--G # 11, 12, 13	Board Presentation & Discussion on Conservation, F, W, OR needs	11.1.1, 12.1.1, 13.1.1	Mar o6	board,all
	Identify RRBC actions		Mar o6	board,all
	Legisaltive Committee			
	Inform, Educate, and Dialogue on RRB with Provincial and State Legislators		1 x year	ly,
	Provide Briefing for Canada and US Federal Legislators		as needed	ly,
	Continue Basin Policy Committee		ongoing	ly,
	Report FDR Needs to Prem/Gov		1 x year	ly,
	Support legislative funding for RRB		ongoing	ly,
	Asssist with Legislator's Forum		May	ly,
	Conflict Resolution			
	Identify Conflict Areas in Basin		ongoing	all
	Develop Strategies to Address Conflict Areas		2006	MT
	Develop Expertise to Address Conflict		ongoing	board,MT
	Facilitation			
	CFMP-F		as needed	ly,rl,h,mo,
	Basin Drought Plan		3-4 x year	ly,akn,mo,con
	Treatment Requirments for Out of Basin Water Report		montly	ly,akn,rl
			3-4 x year	all

2005
OVERALL WORKPLAN

	PARTNERSHIP CENTER			
	Partnerhship Committee			
	4 Partnerhship Committee Meetings		1st M of quarter	ht,jg
STAKEHOLDER	Attend L/P/S/F water meetings		set mtgs for each	all
PART & AWARENESS--G # 4	Support River Festivals	4.2.2	ongoing	jg,lab,rl,ra
	Support River Watch & Explore Working Relationship	4.2.4	ongoing	all
	Continue JPB	4.2.6	ongoing	ly
	Continue N/S Chapters	4.2.7	quarterly	lab
	Wild Rice--Southern Basin	1.2.5	quarterly	rl,jg,ly
	RRIW	1.2.1	monthly	mo,ly
	PRBAB	1.2.3	tbd	jg,mo,ly
	COMMUNICATION CENTER			
	Education & Communication Committee			
	10 Education & Communication Meetings in 2006		1st M -- Month	jg,ra
STAKEHOLDER				
PART & AWARENESS--G # 4	NRFP & Nutrient Workshops -- Feedback, buy-in,	1.1.1, 1.1.2	2006	all
	Develop and Implement Water Minutes	4.2.1	by 12/31/2006	jg,com com
	Publish Quarterly Newsletter "Around the Basin"	4.2.1	each quarter	jg,all
	Maintain and Improve Web Site	4.2.1	improve by 6/30/05-ongoing	jg,all
	Produce Press Releases on Topics and Activities	4.2.1	ongoing	jg,lab,ht,ra
	Produce Board Highlights After Each Board Meeting	4.2.1	8 brd mtgs	jg
	Attend Conferences, Trade Shows, etc with RRBC Display and Materials	4.2.1	ongoing	all
	RRB Education/Awareness (watershed approach, cross border issues, integration,	4.2.2, 4.2.3	2006	jg, com com
	Develop Stewardship Ethic "Basin Statesman"	4.2.1	2006	jg,ly
	Report Card--Comp/Integ Wat Stew & Manag		2006	ra, conf com
	Report Card--Basin FDR Activities		2006	ra, conf com
	Report on Jurisdictional Nutrient Data Base Study	9.1.2, 9.5.2	June	akn
	Report on Water Supply Use, Allocation, and Needs	10.1.3, 10.4.1	March	jg
	Report on In-Stream Flow Criteria and Differences	10.1.3, 10.4.1	March	jg
	Conference Committee			
	9 Conference Planning Committee Meetings in 2006		2006	ra,all
	Hold Annual Conference -- 24th in January 2007 in Fargo	4.2.1	Jan-07	ra,all
	Begin Planning for 25th Annual Conference		2006-2007	ra,all
	Develop Recognition Program for all NRFP Goal areas	1.1.1	ongoing	ra,all

	TECHNICAL RESOURCE CENTER			
	Technical Resource Committee			
	4 - Technical Resource Committee Meetings in 2006		As needed	rl,rh,mo,MT
WATERSHEDS--G # 1	Complete RRWP Project	1.2.2	2006	mo, rh,ly
INTEGRATE MNG--G # 2	Support & Assist F/M (FMUS) Feasibility Study-- Phase II	2.1.1, 6.1.7	ongoing	ly,jg,rl,ra,ksp
FDR--G # 5, 6, 7	Model Mainstem using Mike 11 Mainstem Model	3.3.1, 3.3.2, 5.1.1	6/30/2006	ly,rl
	Develop & Implement Scenario Workshop	6.2.1	May	ly,rl
	Complete Lower Pembina Modeling Project	3.3.3	June	ly
	Complete Pembina Survey Project	6.1.1	June	ly
	Assist CFMP-II	6.1.2, 6.2.3, 7.1.2	Ongoing if needed	MT,rl,mo,rh
	Determine the Need for CFMP-II	6.1.2, 6.2.3, 7.1.2	Jan-June	ly
	Pembina Lidar Survey		Ongoing if needed	ly
	Complete Lake Winnipeg Implementation Strategy	9.4.1	Jan-March	ly,lab
	Explore Dredging Phase II	9.4.1	Ongoing	ly
WATER QUALITY--G # 9	Develop and Implement Nutrient Data Base Study	9.1.2, 9.5.2	Jan-April	rh,akn,ly
WATER SUPPLY--G # 10	Complete Water Law Analysis	10.1.3, 10.4.1	Jan-March	jg,ly
CONSERVATION G # 11	Hold Social Marketing Workshop as Needed	11.1.4	2006	jg,rl
CONS,F,W,OR--G # 11, 12, 13	Continue Buffer Strip	4.4.2, 9.3.3, 8.1.1, 11.1.3, 11.2.2, 12.2.2	2006-2007	rl
	Assist CREP	4.4.2, 9.3.3, 11.1.2, 11.2.2, 12.2.2	ongoing	rl

Table 1. Goals with objectives for the Natural Resources Framework Plan, Red River Basin Commission, 2005

Basin-Wide Goals		Objectives	
1.0	Manage natural resources in the RRB by watershed boundaries rather than political boundaries	1.1-1.2	Raise awareness of the benefits of basin-wide planning for decision makers and the public; increase coordinated and comprehensive watershed planning
2.0	Integrate natural resource management	2.1-2.2	Conduct integrated, comprehensive, multi-disciplinary planning efforts, policies, projects and programs that accommodate a balance in resource preservation, conservation and consumption; apply conservation criteria in the review and approval of all land-use plans, projects and programs
3.0	Increase applied research and data management to support decision-making	3.1-3.4	Distribute data and research to decision makers; standardize collection, storage and sharing of data; develop and use technical models to support decision making; develop and use GIS for data management and planning
4.0	Improve stakeholder participation and awareness of land and water issues	4.1-4.4	Develop a stewardship ethic in the RRB; provide comprehensive watershed education and outreach; provide opportunities for early involvement of project stakeholders; increase awareness of economic and environmental benefits of assistance programs
5.0	Maintain state-of-the-art flood forecasting tools for the Red River Basin	5.1	Increase data availability and level of coordination between jurisdictions for flood forecasting and planning
6.0	Reduce risk of flood damages for people, property and the environment in the main stem floodplain and in tributary waters	6.1-6.2	Implement flood mitigation measures that reduce risk to individuals and communities on the main stem and tributaries; implement flood mitigation strategies in the upper basin that reduce risk locally and downstream
7.0	Ensure that flood (natural disaster) response and recovery programs meet the needs of all RRB residents	7.1	Increase availability of response and recovery programs that are adequate and equitable to residents in all jurisdictions
8.0	Manage urban and agricultural drainage systems to enhance productivity, while minimizing impacts to others	8.1-8.3	Manage drainage systems to protect agricultural land and minimize environmental impacts; design and improve drainage systems with consideration of local, sub-watershed and main stem effects; design and implement urban and rural storm water strategies that minimize environmental impacts
9.0	Maintain, protect and restore surface and ground water quality in the Red River Basin	9.1-9.6	Develop a common approach to assessing water quality goals and conditions; develop water quality restoration goals for impaired waters; reduce point- and non-point source pollution to protect surface and ground water; develop strategies to reduce nutrient loading to Lake Winnipeg by 10% in 5 years; encourage respect for water quality standards; develop programs that prevent the spread of non-native aquatic species and prevent the introduction of new species to the basin
10.0	Ensure the appropriate use and sustainability of the Basin's surface and groundwater	10.1-10.3	Develop a basin-wide strategy for future water supply needs; develop water supply emergency programs; develop an understanding of minimum in-stream flow criteria to protect all users
11.0	Increase soil conservation efforts within the basin	11.1-11.2	Increase availability of conservation programs to landowners; use Best Management Practices to minimize runoff and maintain soil on site
12.0	Conserve, manage and restore diversity and viability of native fish and wildlife populations and their habitats	12.1-12.4	Maintain, enhance and protect aquatic and terrestrial populations; enhance, protect or restore natural systems (floodplains, stream functions, riparian areas, wetlands, grasslands); enhance or develop corridors between habitat blocks; identify and protect rare and unique species, habitat types and plant communities
13.0	Enhance and develop recreational infrastructure and access to the Basin's natural resources	13.1-13.2	Increase awareness and participation in outdoor recreational opportunities by the general public; promote unique RRB habitats to enhance economic development and quality of life

RED RIVER BASIN
NATURAL RESOURCES FRAMEWORK PLAN
EXECUTIVE SUMMARY

The Red River Basin Commission (RRBC) is a non-profit organization that works across the political boundaries of Manitoba, Minnesota, North Dakota and South Dakota, in the United States and Canada, to create a shared vision for action with regard to land and water issues. We are an organization with broad representation throughout the Red River Basin. We can be contacted online at www.redriverbasincommission.org, at P.O. Box 66, Moorhead, MN 56561, USA, 218-291-0422, or 410 283 Bannatyne Ave., Winnipeg, MB, R3B 3B2, CAN, 204-982-7250.

RED RIVER BASIN COMMISSION

RRBC Mission Statement

To develop a Red River Basin integrated natural resources framework plan; to achieve commitment to implement the framework plan; and to work toward a unified voice for the Red River Basin.

RRBC Vision Statement

A Red River Basin where residents, organizations and governments work together to achieve basin-wide commitment to comprehensive integrated watershed stewardship and management.

INTRODUCTION

The Natural Resources Framework Plan (NRFP) was developed as a tool that contributes to developing a ***unified voice*** for the basin. This Executive Summary was prepared to provide a brief synopsis of the Plan for ease in dissemination. A full copy can be provided upon request from the above address, or on the RRBC website.

The Red River Basin encompasses 45,000 sq. miles (116,000 km^2) of flat valley and outer escarpments that were formed by the advance and retreat of glacial Lake Agassiz. The Red River flows northward from its beginning at the Minnesota/North Dakota/South Dakota boundaries, terminating some 300 miles (480 km) north at Lake Winnipeg in Manitoba, Canada. The basin is recognized as an agriculturally productive area in the upper midwest. It also supports the ecologically abundant prairie-pothole region. Because of its geomorphology and hydrology, flooding is a major concern for residents in the basin. The largest recorded flood occurred in 1997 and resulted in the greatest recorded amount of damages - over $5 billion USD ($6.85 billion CDN).

Not only is the Basin's geography complex, but so are the economic/social and governmental aspects of the region. The population is shifting from rural to urban settings, creating strain not only on rural areas that are losing their citizens, but also to growing cities that need to find ways to provide water and services to a growing populace. Jurisdictions within the basin have differing laws and policies that make it difficult to create consistency in managing land and water resources. Especially difficult are the differences in water law and institutional water management, established at the time of European settlement.

The Red River Basin Commission reflects the multi-jurisdictional nature of the basin. It is made up of a board of 41 members, each representing the principal federal and state/provincial governments, as well as Tribes, First Nations, local elected officials (towns, cities, counties, rural municipalities), and subdivisions of governments representing soil and water management districts or agencies. Landowners and citizens of the basin are also represented by their constituents and environmental advocates. The Commission's broad membership represents the wide range of interests in the basin.

PURPOSE AND NEED

The complex nature of the Red River Basin has resulted in challenges to effective, integrated land and water management. As such, the Red River Basin Commission has developed the "Natural Resources Framework Plan" to aid in achieving a basin-wide approach to integrated natural resource management and to provide a framework for overcoming political barriers.

The three main barriers identified are:

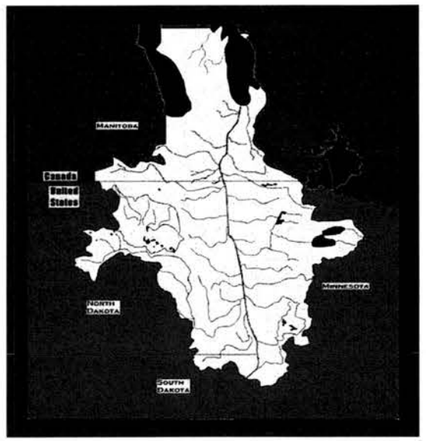
1) Solutions to local problems may have unintended consequences in other areas of the basin; therefore, a **basin-wide approach** is needed.

2) There are diverse natural resource issues and challenges that are of concern to basin residents. **Integrated natural resource management** is a tool that will help address this issue.

3) The existence of multiple political jurisdictions at federal, provincial, state and local levels complicates decision-making and cross-boundary cooperation. **Overcoming political barriers** to water management will take continual work on the part of all stakeholders.

Developing the Plan

The plan was developed over a period of years, beginning with an intensive inventory of basin resources. The following inventories were researched and compiled: 1) drainage, 2) hydrology, 3) flood damage reduction, 4) water quality, 5) water supply, 6) water law, 7) water institutions, 8) conservation and 9) fish, wildlife and outdoor recreation. Numerous agencies provided personnel to accomplish this enormous task. The public was involved through a series of "face to face forums" around the basin. In 1997, the board developed a set of "Guiding Principles" to enable its approach to pursuing its vision, mission and goals. The guiding principles, inventories and public participation provided the background material to develop the Natural Resources Framework Plan, its goals and its processes for action.



The Natural Resources Framework Plan outlines thirteen goals and objectives for each goal relating to natural resources in the Red River Basin (*Table 1, back page*). They describe areas of improvement, identified by many stakeholders in the basin, necessary to move the Red River Basin toward *comprehensive, integrated watershed stewardship and management*. In November of 2005, the Board will finalize and adopt the plan, incorporating the comments from agencies and the public. In addition, the plan includes a "Red River Basin Action Agenda," a preliminary list of activities, projects and programs that further the goals and objectives in Table 1. The Action Agenda will be developed during the first year of implementation of the NRFP, in consultation with the basin stakeholders that are conducting the work (i.e., the activities, projects and programs) that will move us toward achieving the goals and objectives outlined in the NRFP.

PLAN IMPLEMENTATION

The RRBC readily acknowledges that as an organization it lacks legal authority to compel compliance with its plan and programs. Therefore, the success of the NRFP will be due to the actions of various organizations within the basin, and a willingness to inherently want to work in a complementary way with one another. The RRBC will serve as a convener and coordinator for the Basin water and resource management activities; however, it is the agencies and local governments that have the real authority, skilled staff and financial resources to get the majority of the work done. Real progress toward achieving these goals can only be realized if all jurisdictions do their part to contribute to the vision of *comprehensive integrated watershed stewardship and management.* The RRBC, agencies and non-governmental organizations working in the basin share in the responsibility for plan implementation.

The RRBC has three primary responsibilities to achieve the goals described in the NRFP:

1) Pursuit of the objectives listed in Table 1;
2) Preparation of an annual work plan; and,
3) Review and critique of RRB plans and projects for consistency with the NRFP goals and RRBC Guiding Principles.

As the goals listed in Table 1 are comprehensive and far-reaching, so also are the objectives that are listed with them. However, these objectives cannot all be achieved at the same time, or by one authority or stakeholder. In some cases, the objectives are written as a sequence of steps that must be taken over time. In any case, it will be the responsibility of the RRBC each year to establish its priorities from among the objectives and Action Agenda. The RRBC will also examine outside groups' programs, plans and projects for consistency with the NRFP. It is hoped that as the credibility of the NRFP grows, member jurisdictions will freely volunteer their plans for review by the RRBC in this manner.

In order to achieve NRFP goals, as RRBC's NRFP credibility and usefulness grows, it will become common practice for RRB jurisdictions to:

1) Participate in RRBC sponsored inter-jurisdictional issue forums;
2) Participate in implementation of the NRFP by sharing objectives and actions from their respective workplans that address basin goals; and,
3) Submit plans, projects and programs affecting RRB resources to RRBC review.

This plan is not a regulation to be enforced by the Red River Basin Commission. It is a ***GUIDE*** to be used by any or all entities in their decision-making processes. It is a guide to use when making choices for activities on the land and in making decisions that have an impact on our water. **It is a guide to move the Basin forward with a unified purpose and a unified voice.**

In conclusion, the NRFP is fully intended to be a living document that will remain relevant to the real needs and priorities of the citizens of the Basin and will serve as an effective guide to the application of the public's resources to achieve *comprehensive integrated watershed stewardship and management.*

RED RIVER BASIN COMMISSION
ACTIVITY REPORT
August 2006

The Red River Basin Commission is a group of people from the Red River basin working together to achieve common goals for water protection and management. It is organized as a 501(c)(3) tax-exempt corporation in the United States and a registered charity in Canada.

RRBC Vision: A Red River Basin where residents, organizations and governments work together to achieve basinwide commitment to comprehensive integrated watershed stewardship and management.

RRBC Mission: To develop a Red River Basin integrated natural resources framework plan, to achieve commitment to implement the framework plan, and to work toward a unified voice for the Red River Basin.

ACTIVITIES: Red River Basin Commission activities are focused around four centers:

I. Leadership
II. Partnership
III. Communications
IV. Technical Resource

I. LEADERSHIP CENTER

A. Plan Implementation Committee: This committee's efforts focus on the Natural Resources Framework Plan (NRFP) and its implementation. **The numbers following each section relate to the NRFP's goals and objectives.**

- **Natural Resources Framework Plan (NRFP):** The RRBC developed, promotes and updates the current version of the NRFP. RRBC is working to establish basin-wide support and buy-in, to implement appropriate activities, and to support agencies and other organizations/groups in activities that address NRFP goals and objectives. We are implementing the 13 NRFP goals, so that all efforts are recognized and integrated into the basin action agenda. (1.1.1, 1.1.2)
- **Nutrient and NRFP Workshops:** RRBC held a series of pilot workshops throughout the basin in 2005 to educate citizens on water quality nutrient load affecting Lake Winnipeg and to gather feedback the NRFP. RRBC then held a large workshop in April 2006, bringing together citizens and local leaders from around the basin to inform them about nutrient problems in the basin, the impact of nutrients on Lake Winnipeg, and the NRFP. RRBC also gathered feedback related to nutrients and the NRFP from participants' jurisdictional viewpoints based on their operational mandates. This workshop was very successful and RRBC will hold similar workshops in the future. (9.4.1, 9.5.1)

B. Legislative Committee: This committee's efforts focus on communication and education for provincial, state, and federal elected officials and their staff to update them on Red River Basin activities, projects, and needs.

- **Legislators' Forum:** Legislators from MB, MN, ND, and SD meet annually, rotating between jurisdictions, to discuss issues of common interest. This group has been meeting since after the 1997 flood, with support from the ND Consensus Council. RRBC has been assisting in recent meetings with the water related portions of the discussion. (4.2.11)
- **Legislative Meetings:** These bring together basin Legislators within each jurisdiction to learn about and discuss water and land resource issues in their portion of the basin. A 2004 meeting for MN State Senators and Representatives in the basin was hosted jointly by RRBC, the Red River Watershed Management Board, and the MN Flood Damage Reduction Work Group. The meeting provided an opportunity for dialogue, presentations on current activities and needs, an

opportunity for the leaders to provide feedback and to prepare for the upcoming legislative session. Similar meetings in MB, MN, ND, and SD will be held in the future, as needed. (4.2.12)

C. Facilitation/Mediation Strategy: RRBC uses this strategy to assist in promoting dialogue and consensus-building from a broader perspective (regional or basin) in a manner appropriate to the issue.

- **Jurisdictional Committee:** RRBC assists a jurisdictional (MB, MN, ND, & SD) committee to create dialogue at the highest levels. Current activities of the Jurisdictional Committee are developing a basin drought plan terms of reference, discussing treatment options for the out of basin water transfer alternatives, and addressing the IJC CFMP-F recommendations. (1.3.1)
- **Out of Basin Supply Discussions:** RRBC is facilitating discussions between the jurisdictions regarding out of basin water supply options. ND is exploring water supply options for eastern ND that include moving water from the Missouri River to the Red River. The question that drives the discussion is: *Can ND, as it explores its right to look at and possibly use the Missouri River, choose alternatives that would take into consideration concerns of MB, MN, and SD?* (10.1.5)
- **Basin Drought Plan Concept:** RRBC, with the assistance of technical experts from each jurisdiction appointed by the Jurisdictional Committee, is discussing options for a basin drought plan strategy. A report for jurisdictional consideration with a recommendation on how to proceed is the goal of this effort. (10.1.4)
- **Water Use and Allocation:** RRBC convened key water law experts from each jurisdiction appointed by the Jurisdictional Committee to assist in development of a 2006 report (available on RRBC's web site) intended to clarify jurisdictional water law differences between Manitoba, Minnesota, North Dakota, and South Dakota. Particular attention was given to the use and allocation differences between the jurisdictions during low flow and drought conditions. The report will guide decisions regarding policy strategies for the committee for the future. RRBC received funding from IJC for this project. (10.1.3, 10.4.1)
- **Comprehensive Flood Mitigation Plan-Framework (CFMP-F):** The CFMP-F is an IJC document developed through a collaborative effort of IJC, IRRB, and RRBC that follows up on one of the 1997 flood recommendations. It identifies three areas of activity that the Province of Manitoba and States of Minnesota and North Dakota could work together on related to basin flood work: 1) Forecasting, 2) Mitigation, and 3) Response. (7.2.1)
- **CFMP:** This is the actual effort that might emerge from the CFMP-F. The Province of Manitoba and the States of Minnesota and North Dakota are currently exploring a joint effort in the Mitigation portion of the framework document. The project would use the recently developed Mike 11 Mainstem Model to develop goals for each of the tributaries that would collectively produce a targeted percentage reduction at various points on the mainstem and to relate the last point on the mainstem (Winnipeg floodway entrance) to the 100, 500, and 700 year flood flows. The RRBC board has authorized staff time to assist with any CFMP strategy that emerges. (7.7.1)

II. COMMUNICATION CENTER

The activities in this center focus on RRBC activities related to communication and education. RRBC presents information on current projects and Red River Basin land and water issues to groups, leaders and conferences. The RRBC also maintains a website, www.redriverbasincommission.org.

- **Annual Conference:** RRBC holds an annual basin-wide land and water international summit conference begun by TIC in 1983. The 24th Conference will be January 23-25, 2007, in Fargo, ND, with a theme of *"The Ripple Effect: Working Today For A Better Tomorrow."* (4.2.9)
- **Newsletter:** RRBC produces a quarterly newsletter, "Around the Basin," to keep 3,800 leaders and stakeholders in the basin informed of water issues and projects around the basin. This is sent out electronically and is also available in hard copy. (4.2.13)
- **Red River of Expression:** This project encourages youth in grades K-12 to become more aware of and involved in land and water issues in the basin. Prizes are offered for poetry, artwork and photography, with winners having an opportunity for their entry to be displayed on billboards around the basin. (4.2.3)

- **Science Fair Contest:** RRBC provides financial awards to students for science fair projects related to land and water. These science fairs are organized through local high schools. (4.2.3)
- **Water Minutes:** The Communications Committee has developed a series of radio spots that will help educate the public on water issues in the Basin. (4.2.14)
- **Ripple Effect:** RRBC has developed a series of short newspaper articles appearing in local newspapers under the heading "*The Ripple Effect*." (4.2.15)
- **Social Based Marketing:** RRBC is working with MPCA and a consultant and has provided the opportunity to learn about new methods to reach people regarding land and water issues. (4.2.4)

III. PARTNERSHIP CENTER:

Activities in this center relate to partnerships between RRBC and others to create opportunities for dialogue, planning, and education. Partnership activities usually involve working across boundaries, such as country to country, state to state, county to RM, RM to RM, county to county, organization to organization, etc.

- **RRIW:** The Roseau River International Watershed Board (RRIW) consists of local leaders from MB and MN who have appointed members, elected officers and regularly meet to work together on land and water issues affecting the Roseau River. RRBC (and its predecessors) helped form this group and continues to assist them by facilitating their meetings. (1.2.19)
- **PRBAB:** The Pembina River Basin Advisory Board (PRBAB) consists of local leaders from MB and ND who have appointed members, elected officers and regularly meet to work together on land and water issues affecting the Pembina River Basin. RRBC (and its predecessors) helped form this group and continues to assist them by facilitating their meetings. (1.2.3)
- **SVI:** The South Valley Initiative (SVI) consists of local leaders in ND and SD who have elected an executive committee and regularly meet to work together on land and water issues affecting the Wild Rice River watershed. RRBC helped form this group and continues to assist them by facilitating their meetings. A similar group is being considered between MN and ND with a Lake Traverse focus. (1.2.4)
- **MB Chapters:** RRBC (and its predecessors) established a north of Winnipeg and a south of Winnipeg chapter, with officers and nine regularly scheduled meetings each year. Education and dialogue are the main focus of these chapter meetings. (4.2.6)
- **MN Joint Powers Board:** RRBC coordinates and facilitates a quarterly meeting for education and discussion between 15 counties in MN on issues related to natural resources. (4.2.5)
- **Barnes County Water Management Team:** RRBC helped Barnes County, ND, gather entities in the county together and begin a process of regular sharing and updating of water related activities within the county. RRBC continues to assist as needed. (4.2.10)

IV. TECHNICAL RESOURCE CENTER

The activities in this center focus on developing, producing, and sharing projects and information that promote basin approaches that address NRFP goals where gaps have been identified. RRBC supports, facilitates, or participates in the following activities:

- **Buffer Strip Project:** RRBC is working MPCA, local MN Soil and Water Districts and local landowners in three targeted sub-watersheds to increase participation in currently available buffer strip and riparian programs. (9.3.3)
- **CREP:** The Conservation Reserve Enhancement Program is funded by the US Department of Agriculture and leverages federal and state funds to pay farmers to establish riparian areas benefiting water quality, flooding and habitat. RRBC wrote proposals with public input for both MN and ND. MN is moving forward to establish 37,500 acres in the Red River Basin as part of CREP. (11.1.2)
- **Fargo/Moorhead Upstream Feasibility Study:** The USACE completed a feasibility study of potential flood damage reduction and natural resource enhancement projects in the Fargo/Moorhead upstream area of the Red River Basin Watershed. They are now exploring a Phase II effort. (2.1.1, 6.1.7)

- **Ground Water Modeling:** RRBC was a catalyst by facilitating meetings between the MN Geological Survey and the US Bureau of Reclamation (BOR) to model ground water resources to assist in the BOR water supply study. (3.3.4)
- **International Institute for Sustainable Development Prairie Water Policy Project:** RRBC presented reports on ND, MN, and transboundary efforts at IISD's Prairie Water Policy Symposium. The symposium examined unique and common challenges to development, implementation, and adaptive evolution of water strategies; innovative and successful approaches to water strategies, and will assess how well existing strategies are able to respond to threats facing prairie watersheds. (1.2.20)
- **Lake Winnipeg Implementation Strategy:** RRBC is providing input and assisting as the fiscal agent for a consultant team appointed by the Province of Manitoba and Federal Canadian government to develop a report for a Lake Winnipeg Strategy for the future. (4.2.16)
- **Lake Winnipeg Research Consortium:** RRBC participates in and supports the Consortium and has assisted in obtaining funding for the research vessel *Namao*. (3.2.2)
- **Lower Pembina Modeling:** RRBC has received funding from IJC and has subcontracted with Water Management Consultants, Inc., for a modeling effort on the Lower Pembina River, modeling river flows and looking at the impacts of bridges, dikes, etc., to better understand the choke point at Pembina and Emerson. The report will then be used by IRRB and the IJC to address the local concerns regarding flooding in that area. (3.3.3, 6.1.8)
- **Development of Mainstem Modeling—Phase I:** RRBC is working with modelers from MB, MN and ND water agencies, USACE, private engineering firms and a consultant, and has developed a Phase I mainstem model for the Red River. This project developed Red River mainstem models: Mike 11 from Lake Traverse to the International Boundary and then to Lake Winnipeg, and HEC/RAS from Lake Traverse to the International Boundary. (3.3.1, 3.3.2)
- **Mainstem Modeling Workshop #1:** A workshop was held in 2004 for stakeholders to share the report on Mike 11 Phase 1 and to discuss future needs. From the workshop, it was determined to provide additional information to the Mike 11 model and recalibrate the model before doing actual modeling. The models were calibrated using the 1997 flood and verified using the 1989, 1996, and 2001 floods. (3.3.1)
- **Development of Mainstem Modeling—Phase II:** This project added additional information on bridges, the international boundary, MB stream bed configuration, the Maple/Sheyenne River overflow areas, and tributaries to improve and recalibrate the Mike 11 model. The model has been recalibrated and is now seamless from Lake Traverse to Lake Winnipeg. (3.3.1)
- **Modeling Scenario Identification Report:** This IJC-funded report identifies numerous tributary and mainstem scenarios that could be modeled (using the Mike 11 model) to determine tributary inflows to the Red River, 10% and 20% continuous flow reductions and 25% and 50% peak flow reductions to develop Red River flood damage reduction (FDR) strategies. This report was used to develop a mainstem modeling project. (6.2.1)
- **Mainstem Modeling of Scenarios #1:** This IJC-funded project accomplished modeling runs for the 1989, 1996, and 1997 floods, producing hydrographs for each tributary at seven mainstem locations: Wahpeton, Fargo, Grand Forks, and Drayton, ND; and Emerson, Morris, and the entrance of the Winnipeg floodway in MB. The hydrographs show the mainstem points with and without the tributary flows upstream of the mainstem point. Modeling runs showing a 20% and a 40% across the hydrograph spring flow reductions for each tributary for each flood was accomplished. This portion of the modeling is now at IJC for review. The remainder of the project calls for peak flow reductions of 25% and 50% and then modeling runs and a ½ foot reduction at Grand Forks, ND, and then a modeling run. (6.2.1)
- **Mainstem Modeling of Scenarios #2:** This modeling effort is under consideration by MB, MN, and ND; they are currently reviewing a scoping document prepared by the RRBC modeling group to determine their funding commitments. The project will draw upon the expertise and experience of basin modelers/hydrologists to use the model to establish reduction goals for the mainstem locations in the model that will translate into percentage reduction goals for each of the tributaries. This modeling effort, if it proceeds, will also address the CFMP. (6.2.1)
- **Nutrient Ion Inventory Data Base:** RRBC is gathering water quality data for the Red River Basin for nitrogen and phosphorous as they relate to stream flow data. The information has been compiled in a database for use and analysis in a Category I (most complete data available) and a

Category II (less complete data) database. This project is IJC-funded and developed from the IRRB Aquatic Ecosystem Health (AEH) Committee. It will be used to analyze trends in the basin. (9.1.2, 9.5.2)

- **Pembina LIDAR:** RRBC has received funding from a Canadian federal agency to do a LIDAR Project for 815 sq. km. along the Pembina River. The LIDAR will extend from east of Pembina to west of Walhalla on the US side. There will be some cross-over into Canada and Minnesota to interface with other LIDAR collects. A jurisdictional technical team has been established to guide the project. (3.3.3)
- **Pembina Structure Survey:** RRBC received funding from IJC and has subcontracted for a field survey effort identifying culvert and dike parameters for a 30+ mile stretch of road/dykes along the north side of the Pembina River. The survey is done and the report is currently being reviewed by the IJC. (6.1.8)
- **RRBDIN:** RRBC is a cooperating partner with NDSU and IWI to bring the Red River Basin Decision Information Network, a web-based site for accessing data for decision-making, into the basin and working to keep it useful and relevant. (3.1.2)
- **RRWP:** RRBC is working with the Rural Municipalities of Franklin, Montcalm, Piney, and Stuartburn, Roseau River First Nation, and Manitoba Water Stewardship to develop a plan for the MB portion of the Roseau River that is compatible with the plan developed for the river's MN portion. (1.2.2)
- **Roseau River Hydrology:** RRBC (and its predecessors) worked with a consultant (Water Management Associates) to model the MB portion of the Roseau River and produce a report. (1.2.1)
- **TMDL:** The Total Maximum Daily Load project is an analysis of the Fargo-Moorhead reach of the Red River to model and report on the TMDL related to nutrients and fecal coliforms. NDSU, MPCA, NDDH and RRBC are jointly working on this project. (9.3.2)

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ORGANIZATIONAL BACKGROUND: The RRBC was formed in July 2002 when the following organizations merged:

- **Red River Water Resources Council (RRWRC):** This organization was formed at the conclusion of the US federal basin studies (Red, Souris, Rainey Study) that began in the 1960s. The studies formally ended in the 1970s, and the RRWRC continued the dialogue and exchange of information between the states and federal agencies. Manitoba was invited to the table during the study and as part of the RRWRC.
- **The International Coalition for Land and Water Stewardship (TIC):** As a public response to the spring flood of 1979, this organization was formed to involve grass-roots citizens and local leaders in the process of finding answers to the flooding problems. TIC became a place for dialogue, information exchange, education and a network for people to get to know each other and begin to build trust.
- **Red River Basin Board (RRBB):** This organization was formed in 1996 to assist the province and states on issues related to the licensing and permitting process. This organization was formed to link local and provincial and state in a stronger manner.

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BOARD MEMBERSHIP: The RRBC is made up of 41 members (each chooses their own alternate).

A. **Manitoba Board Membership:**
   i. 3 appointed by Premier (Don Norquay, Muriel Smith, Steven Topping)
   ii. 4 elected by Rural Municipalities (2 North—Dave Gera, Bill Paulishyn; 2 South—Brian Charles, Herm Martens—of Winnipeg)
   iii. 1 appointed by City of Winnipeg (Mike Shkolny)

iv. 1 appointed by City of Selkirk (R. S. "Bud" Oliver)
v. 1 appointed by environmental community (Lindy Clubb)
vi. 1 appointed by Pembina Valley Water Cooperative (Sam Schellenberg)
vii. 1 elected at-large by annual conference attendees (Larry Whitney)

B. **Minnesota and North Dakota Board Membership:** (each state representation is the same)
   i. 3 appointed by Governor (MN—Ron Harnack, Gene Merriam, 1 vacant; ND—Dale Frink, Dave Glatt, 1 vacant)
   ii. 2 elected by Counties (MN—Jerry Dahl, Jon Evert; ND—Joe Belford, Connie Triplett)
   iii. 2 elected by Watershed Districts (MN—John Finney, Dan Wilkens; ND—Tom Fischer, Ben Varnson)
   iv. 3 elected by Cities (MN—Don Osborne, Bill Schwandt, 1 vacant; ND—Bruce Furness, Riley Rogers, Fred Stark)
   v. 1 appointed by environmental community (MN—Henry Van Offelen; ND—Genevieve Thompson)
   vi. 1 elected at-large by annual conference attendees (MN—Warren Seykora; ND—Jake Gust)
C. **South Dakota Board Membership:**
   i. 1 appointed by Governor (Vacant)
   ii. 1 elected by local government (as their at-large—Eddy Madsen)
D. **Tribal Membership**
   i. 3 appointed by Tribal/First Nations (Canada—Melissa Hotain; US—Allen Pemberton; 1 vacant)

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BOARD MEETINGS:

7 each year (additional meetings scheduled if needed)

- 4 full board meetings: First Thursday of March, May, September, November
- Board Retreat: First Wednesday and Thursday in November
- 2 tours, discussions and short board meetings: First Wednesday and Thursday in June & August
- 1 business only board meeting in January during annual conference

Contact Information:

Red River Basin Commission
119 S. 5th St. • PO Box 66
Moorhead, MN 56561-0066
Ph: 218-291-0422 • Fax: 218-291-0438
staff@redriverbasincommission.org

Red River Basin Commission
206-309 Hargrave Street
Winnipeg, MB R3B 3B2
Ph: 204-982-7254 • Fax: 204-982-7255
redriverbasincommission@shawcable.com

www.redriverbasincommission.org

Red River Basin Action Agenda - Acronyms are listed on last page

GOALS	OBJECTIVES		Example Actions or Projects		Primary Contact	Supporting Organizatio	Status	Lead	Support	Review/Comment	Communicate	Other
1 Manage natural resources in the RRB by watershed boundaries rather than political boundaries	1.1	*Raise awareness of the benefits of basin-wide planning for decision makers and the public*	1.1.1	Education and adoption of the NRFP by member jurisdictions	RRBC		Current		•			
			1.1.2	Continue to refine basin goals and processes for NRFP implementation	RRBC		Current		•			
	1.2	*Increase coordinated and comprehensive watershed planning*	1.2.1	Roseau River International Watershed hydrologic study - MB	WEDC; MB Conservation	RRBC, others	Completed			•		
			1.2.2	Roseau River International Watershed planning - MB	local, federal, provincial	RRBC & RRIW	Current		•			
			1.2.3	Pembina River Basin Advisory Board activities - ND & MB	PRBAB	RRBC	Current			•		
			1.2.4	North and South Dakota Wild Rice watershed efforts	RRBC		Current		•			
			1.2.5	North Dakota Wild Rice River Watershed Project	Wild Rice SCD, others		Current				•	
			1.2.6	North Dakota Devils Lake Plan	Devils Lake Joint Powers Board	ND SWC & local	Current				•	
			1.2.7	North Dakota Red River Mainstem Plan	Red River Joint Powers Board	ND SWC & local	Current				•	
			1.2.8	North Dakota Upper Sheyenne River Plan	Upper Sheyenne Joint Powers Board	ND SWC & local	Current				•	
			1.2.9	Manitoba Conservation Districts and Water Management Associations	MB WS	local	Current			•	•	
			1.2.10	Brokenhead River Restoration Project - MB	Brokenhead River - local group	RRBC	Current			•		
			1.2.11	Minnesota Wild Rice Watershed Management Plan	Wild Rice WD	Local/State/Federal	Completed				•	
			1.2.12	Minnesota Bois de Sioux Watershed Management Plan	Bois de Sioux WD	Local/State/Federal	Completed				•	
			1.2.13	Minnesota Two Rivers Watershed Management Plan	Two Rivers WD	Local/State/Federal	Current				•	
			1.2.14	Minnesota Joe River Watershed Management Plan	Joe River WD	Local/State/Federal	Current				•	
			1.2.15	Minnesota Roseau River Watershed Management Plan & hydrologic studies	Roseau River WD	Local/State/Federal	Completed				•	
			1.2.16	Minnesota Red Lake Watershed Management Plan	Red Lake WD	Local/State/Federal	Current				•	
			1.2.17	Minnesota Buffalo Red Watershed Management Plan	Buffalo Red WD	Local/State/Federal	Current				•	
			1.2.18	Provide a forum for identifying, developing and implementing solutions to cross boundary issues	RRBC		Planned		•			
2 Integrate natural resource management	2.1	*Conduct integrated, comprehensive, multi-disciplinary planning efforts, policies, projects and programs that accommodate a balance in resource preservation, conservation, and consumption*	2.1.1	Fargo-Moorhead Upstream Feasibility Study	USACE	Local/State	Current			•		•
			2.1.2	Greenway programs	Greenway on the Red, Rivers West, Grand Forks		Current				•	•
			2.1.3	Agassiz Valley Water Resource Management Area (MN)	Middle River-Snake River WD		Current					•
			2.1.4	Hay Creek Aquatic Ecosystem Restoration (MN)	Roseau River WD	USACE	Planned				•	•
			2.1.5	North Ottawa Dam (MN)	Bois de Sioux WD		Current				•	•
			2.1.6	Review US, MN, ND conservation programs for applicability in MB	MB WS	RRBC	Planned		•			•
			2.1.7	MPCA Red River Basin Plan	MPCA		Current				•	•
	2.2	*Apply conservation criteria in the review and approval of all land-use plans, projects and programs*	2.2.1	Increase planners' awareness of conservation principles	RRBC	local governments	Planned			•		•

Red River Basin Action Agenda - Acronyms are listed on last page

GOALS	OBJECTIVES		Example Actions or Projects	Primary Contact	Supporting Organizatio	Status	Lead	Support	Review/Comment	Communicate	Other
3 Increase applied research and data management to support decision-making	3.1 *Distribute data and research to decision makers*	3.1.1	Identify and share research needs and gaps.	IWI, EERC, post-secondary institutions	RRBC	Current			•		
		3.1.2	Support continued development, funding, and use of RRB Decision Information Network (RRBDIN) for data access and sharing	IWI	RRBC, PPTV, NDSU	Current			•		•
		3.1.3	Impact of subsurface (tile) drainage on aquatic ecosystems: literature study	University of MN	NRCS, MN Ag, MPCA	Current			•	•	
	3.2 *Standardize collection, storage, and sharing of land and water resources data*	3.2.1	Coordinated ecological data collection (biological and water quality monitoring) to define reference conditions in 2005/2006	ND DoH, MPCA, MB WS	AEC, IWI	Current					•
	3.3 *Develop and use standardized technical models to support decision making*	3.3.1	MIKE- 11 mainstem unsteady flow model from Lake Traverse to Lake Winnipeg	IWI; NDSWC; MB WS, RRWMB, USACE	RRBC	Current			•		•
		3.3.2	Coordinate above with the development of HEC/RAS unsteady flow model from Lake Traverse to the Canadian border	USACE	RRBC & EERC	Current			•		
		3.3.3	Lower Pembina area modeling - link with MIKE-11 above	RRBC	PRBAB, IJC	Current		•	•		
		3.3.4	Development of 3-D groundwater models for the entire basin similar to that of the Minnesota Geological Survey/BOR			Planned			•		•
	3.4 *Develop and use Geographic Information Systems for data management and planning*	3.4.1	Identify and share use of GIS products for comprehensive watershed planning	local/state/provincial/federal	EERC, RRBDIN	Planned					•
4 Improve stakeholder participation and awareness of land and water issues	4.1 *Develop a stewardship ethic in the RRB*	4.1.1	Define and adopt a stewardship ethic for RRBC members	RRBC		Planned		•			
	4.2 *Provide comprehensive watershed education and outreach for all audiences/stakeholders*	4.2.1	Provide annual report card on comprehensive, integrated watershed stewardship and management			Planned		•			
		4.2.2	Develop appropriate informational and educational resources for watershed education & outreach	IWI, RiverKeepers, RRBC, many others		Current			•		•
		4.2.3	Develop appropriate school curricula and monitoring programs for all grades. Examples:								
			Red River Water Festival - Fargo-Moorhead	RiverKeepers		Current					•
			French High School Science Program - Winnipeg	Division scholaire Franco-Manitobain	MB WS, RRBC	Current					•
			Riverwatch - MN & ND high schools	RRWMB, IWI		Current					•
			Envirothon	MB, MN, ND, SD		Current					•
			Project WET	MB, MN, ND, SD		Current					•
			Ecological Monitoring & Assessment Network (EMAN)	Environment Canada		Current					•
		4.2.4	Use Community Based Social Marketing to increase awareness of conservation programs	MPCA/RRBC	SWCD	Current			•		
		4.2.5	Continue to convene the MN Joint Powers Board	RRBC		Current		•			
		4.2.6	Continue to convene MB North and South RRBC Chapters & conduct workshops	RRBC		Current		•			
		4.2.7	Presentations to CDs & WMAs - MB	RRBC		Current			•		
		4.2.8	Revision of Lake Winnipeg Shoreline Management Handbook	RRBC	MB WS, DFO	Planned		•			
		4.2.9	Use the RRBC Annual conference to provide education and outreach	RRBC	many	Current		•			
	4.3 *Provide opportunities for early involvement of project stakeholders*	4.3.1	ND Water Education Foundation		various						•
		4.3.2	MPCA Red River Basin Water Quality Team/Red River Reporter	MPCA	various	Current					•
	4.4 *Increase awareness of the economic and environmental benefits of programs available to landowners and decision-makers*	4.4.1	Promote & develop conservation programs throughout the basin	local, state, provincial & federal agencies	RRBC, Agricultural extension services	Planned					•
		4.4.2	Continue projects (MN Buffer Initiative and CREP) that reach out to landowners (lines 9.3.3 & 11.1.2 below)								

GOALS	OBJECTIVES	Example Actions or Projects	Primary Contact	Supporting Organizatio	Status	Lead	Support	Review/Comment	Communicate	Other
FLOOD DAMAGE REDUCTION										
5 Maintain state of the art flood forecasting tools for the Red River Basin	*5.1 Increase data availability and level of coordination between jurisdictions for flood forecasting and planning*	5.1.1 MIKE-11 Mainstem hydrology model (line 3.3.1 above)								
		5.1.2 WAFFLE Project	EERC	NRCS	Current					•
		5.1.3 Implement recommendations of the IJC Living with the Red Report	Federal, state & provincial agencies		Planned			•		
FLOOD DAMAGE REDUCTION										
6 Reduce risk of flood damages for people, property and the environment in the mainstem floodplain and in tributary watersheds	*6.1 Implement flood mitigation measures that reduce risk to individuals and communities on the mainstem and tributaries*	6.1.1 Inventory FDR measures (ring dikes, floodways, elevation of property, buy outs, green spaces, floodplain management, etc.) by community	RRBC &/or partners		Planned			•		
		6.1.2 Develop a Comprehensive Flood Mitigation Plan	Federal, state & provincial	IJC, IRRB,RRBC	Planned			•		
		6.1.3 Tobacco Creek Model Watershed Project (MB)	Deerwood Soil and Water Management Association		Current					•
		6.1.4 Lake Roseau Flood protection	MB WS/ RM Montcalm	RRBC, RRIW	Current			•		
		6.1.5 Maple River Dam (ND)	Cass County Joint Water Resources District, ND SWC		Current			•	•	
		6.1.6 North Ottawa Dam (line 2.1.5 above)								
		6.1.7 Fargo-Moorhead Upstream Feasibility Study (line 2.1.1 above)								
	6.2 Implement flood mitigation strategies in the upper basin (escarpment and beach ridges) that reduce risk locally and downstream	6.2.1 Estimate collective benefits of projects using the MIKE-11 mainstem model (line 3.3.1)	RRBC &/or partners		Planned		•	•		
		6.2.2 Define flood damage reduction needs in the upper basin that are not being met	RRBC &/or partners		Planned		•	•		
		6.2.3 CFMP (Line 6.1.2 above)								
FLOOD DAMAGE REDUCTION										
7 Ensure that flood (natural disaster) response and recovery programs meet the needs of all RRB residents	*7.1 Increase availability of response and recovery programs that are adequate and equitable to residents in all jurisdictions*	7.1.1 Document program availability, identify gaps (ND DEM, MEMO, FEMA, etc)	RRBC & partners		Planned			•		
		7.1.2 Comprehensive Flood Mitigation Plan (line 6.1.2 above)								
DRAINAGE										
8 Manage urban and agricultural drainage systems to enhance productivity while minimizing impacts to others	*8.1 Manage drainage systems to protect ag land (using 10 year/24 hour or better criteria) and to minimize environmental impacts*	8.1.1 Develop drainage protocols for MB	DFO	Agencies, NGOs	Current				•	
		8.1.2 Tile Drainage study (line 3.1.3 above)								
		8.1.3 Continue projects (MN Buffer Initiative and CREP) that minimize environmental impacts (lines 9.3.3 & 11.1.2 below)								
	8.2 Design and improve drainage systems with consideration of local, sub-watershed and mainstem effects	8.2.1 Promote stream restoration concepts as FDR measures	Federal, state, provincial	RRBC & partners	Planned			•		•
	8.3 Design and implement urban and rural storm water strategies that minimize environmental impacts	8.3.1 Red River Regional Stormwater Coordination Program for Fargo, Moorhead, Grand Forks, East Grand Forks	EERC	local and state	Current					•

GOALS	OBJECTIVES		Example Actions or Projects	Primary Contact	Supporting Organizatio	Status	Lead	Support	Review/Comment	Communicate	Other
WATER QUALITY											
9 Maintain, protect, and restore surface and ground water quality in the Red River Basin	*9.1 Develop a common approach to defining, setting, monitoring and assessing water quality goals and conditions in the Red River Basin*	9.1.1	Provide a forum for each jurisdiction to discuss issues related to implementing basin approaches to water quality management	AEC, MB WS, MPCA, ND DoH	RRBC, IWI	Current			•		
		9.1.2	Basin-wide analysis of nutrient concentrations and loads	RRBC, IWI	IJC, AEC	Current		•			
		9.1.3	Ensure jurisdictional interpretation of water quality data is undertaken with a basin-wide perspective. Example: Participate in the MPCA's biennial best professional judgment group assessing water quality (July 2005)	RRBC		Planned		•		•	
		9.1.4	Project EMPACT - Fargo-Moorhead water monitoring & citizen outreach	RiverKeepers		Current					•
	9.2 Develop scientifically-based water quality restoration goals for impaired water bodies in the basin	9.2.1	Provide a forum for each jurisdiction to discuss issues related to developing restoration goals	MB WS, MPCA, ND DoH, USGS, others	AEC, RRBC, IWI	Planned			•		
	9.3 Reduce point-source and non-point source (NPS) pollution to protect basin surface and ground water	9.3.1	Implementation of Best Management Practices (BMP) throughout the basin	State & provincial agencies		Current			•		•
		9.3.2	Impaired waters identification in the US & Canada	State & provincial agencies					•		•
			Example: Fargo-Moorhead TMDL study (Turbidity & Fecal coliform)	RRBC	MPCA, ND DoH	Current		•			
		9.3.3	Red River Basin Buffer Initiative (MN)	RRBC	MPCA	Current		•			
		9.3.4	Permitting of regulated facilities	MB, MN, ND agencies		Current				•	•
	9.4 Develop coordinated strategies to reduce loadings of nutrients to Lake Winnipeg by 10 % within five years to support the recommendations of the IRRB	9.4.1	Provide a forum for each jurisdiction to discuss issues related to developing strategies to reduce nutrient loading to Lake Winnipeg	LWSB, MB WS, state agencies	RRBC, AEC	Planned			•		•
		9.4.2	MPCA Basin Plan (line 2.1.7 above)								
		9.4.3	Lake Winnipeg Dredging Study II	DFO	MB WS, RRBC	Planned		•			
	9.5 Encourage respect for all existing water quality standards, objectives, and guidelines within the basin, including those established by the IJC at the international boundary and those established by other jurisdictions	9.5.1	Water Quality Forum (line 9.1.1 above)								
		9.5.2	Basin-wide analysis of nutrient concentrations and loads (line 9.1.2 above)								
	9.6 Develop and coordinate programs to prevent the further spread of non-native aquatic species presently within the basin and to prevent the introduction of new species to the basin	9.6.1	Provide a forum for each jurisdiction to discuss issues related to control and management of exotic species.	MB WS, MPCA, ND DoH	AEC, RRBC, IWI	Planned			•		•
		9.6.2	Provide basin-wide perspective to each jurisdiction's programs (e.g., ND Aquatic Nuisance Species plan, developed 2005)	MB, MN, ND, SD	AEC, RRBC, IWI	Planned			•		
		9.6.3	Provide basin-wide perspective to jurisdictional interpretation of exotic species status.	MB, MN, ND, SD	AEC, RRBC, IWI	Planned			•		

GOALS	OBJECTIVES	Example Actions or Projects	Primary Contact	Supporting Organizatio	Status	Lead	Support	Review/Comment	Communicate	Other
WATER SUPPLY										
10 Ensure the appropriate use and sustainability of the Basin's surface- and ground-water	*10 Develop a basin-wide strategy to meet current and projected water supply needs in the basin*	10.1.1 Red River Valley water supply study (basin-wide analysis of water supply alternatives for eastern ND)	BOR	Local, State and federal	Current				•	•
		10.1.2 Lake Agassiz Water Authority - East ND Water Supply	Garrison Conservancy District, BOR		Current				•	
		10.1.3 Establish a basin water allocation and use task force	MB, MN, ND, SD	RRBC	Current		•			
	10 Develop water supply emergency management plans for contamination, drought and flooding		local, state & provincial agencies		Planned				•	•
	10 Develop an understanding of the approaches and differences in minimum in-	10.4.1 Use task force established in 10.1.3 to assess this issue	MB, MN, ND, SD	RRBC, IJC	Planned			•		•
CONSERVATION										
11 Increase soil conservation efforts within the basin	*11 Increase availability of conservation programs to landowners through establishment of appropriate delivery organizations*	11.1.1 Enhance and develop local delivery of conservation programs	Federal, state, provincial agencies		Current					•
		11.1.2 CREP II - Red River Basin (MN)	BWSR, FSA	RRBC	Current			•		•
		11.1.3 MN Buffer Initiative (line 9.3.3 above)								
		11.1.4 Greencover Canada	PFRA	Agriculture & Agri-Food Canada	Current					•
	11 Manage land and land uses to minimize runoff and maintain soil on site (i.e., through the use of Best Management Practices)	11.2.1 Provide a forum for watershed managers and soil conservation staff to strategize how to implement this recommendation.	RRBC	WDs, SWCDs, SCDs, CDs, WMAs	Planned		•			
		11.2.2 Continue projects (MN Buffer Initiative and CREP) that minimize runoff & erosion (lines 9.3.3 & 11.1.2 above)								
FISH, WILDLIFE, OUTDOOR RECREATION										
12 Conserve, manage, and restore diversity and	*12 Maintain, enhance and protect aquatic and terrestrial populations*	12.1.1 Provide a forum for agency staff to strategize how to implement this recommendation.	RRBC	MB Cons, MN DNR, ND/SD Game & Fish,	Planned		•			
	12 Enhance, protect or restore natural systems (natural floodplains, stream functions, riparian areas, wetlands, grasslands and woodlands)	12.2.1 Provide a forum for agency staff to strategize how to implement this recommendation.	RRBC	MB Cons, MN DNR, ND/SD Game & Fish,	Planned		•			
		12.2.2 Continue projects (MN Buffer Initiative and CREP) that enhance natural systems (lines 9.3.3 & 11.1.2 above)								
	12 Enhance or develop corridors between habitat blocks	12.3.1 Provide a forum for agency staff to strategize how to implement this recommendation.	RRBC	MB Cons, MN DNR, ND/SD Game & Fish, USFWS, USGS	Planned		•			
	12 Identify and protect rare and unique species, habitat types and plant communities	12.4.1 Provide a forum for agency staff to strategize how to implement this recommendation.	RRBC	MB Cons, MN DNR, ND Game & Fish, USFWS	Planned		•			
13 Enhance and develop recreational infrastructure and access to the Basin's natural resources	*13 Increase awareness and participation in outdoor recreational opportunities by the general public*	13.1.1 Provide a forum for agency staff to strategize how to implement this recommendation.	RRBC, River Keepers, others	MB Cons, MN DNR, ND Parks & Rec, SD	Planned		•	•		
		13.1.2 Inventory all public lands available for outdoor recreation.	RRBC	as above	Planned		•	•	•	
		13.1.3 Greenway programs (line 2.1.2 above)								
		13.1.4 River Keeprs programs: Fishermen's Derby; Race the Red Canoe Race								
	13 Promote unique RRB habitats to enhance economic development and quality of life	13.2.1 Provide a forum for agency staff to strategize how to implement this recommendation.	RRBC	MB Cons, MN DNR, ND Parks & Rec, SD	Planned		•			

List of Acronyms

AEC	Aquatic Ecosystem Committee (reports to the IRRB)
BOR	Bureau of Reclamation (US Federal Agency)
BWSR	Board of Soil & Water Resources (MN)
CD	Conservation District (MB)
CREP	Conservation Reserve Enhancement Program (funded jointly by the US Department of Agriculture & participating state)
DFO	Department of Fisheries & Oceans Canada
EERC	Energy and Environmental Research Center (University of North Dakota, Grand Forks)
FDR	Flood Damage Reduction
FSA	Farm Service Agency (U.S. Department of Agriculture)
GIS	Geographic Information Systems
HEC-RAS	A computer model that simulates water flow (developed by USACE)
IJC	International Joint Commission
IRRB	International Red River Board (reports to the International Joint Commission)
IWI	International Water Institute (formerly Red River Basin Institute)
LWSB	Lake Winnipeg Stewardship Board
MB Cons	Manitoba Conservation
MB WS	Department of Water Stewardship (Province of Manitoba)
MN Ag	Minnesota Department of Agriculture
MN DNR	Minnesota Department of Natural Resources
MPCA	Minnesota Pollution Control Agency
MIKE-11	A computer model that simulates water flow (developed by DHI Software Inc)
NGO	Non-governmental organization
ND DoH	North Dakota Department of Health
ND SWC	State Water Commission (ND)
NDSU	North Dakota State University (Fargo)
NRFP	Natural Resources Framework Plan (RRBC)
NRCS	Natural Resources Conservation Service (U.S. Department of Agriculture)
PFRA	Prairie Farm Rehabilitation Administration
PPTV	Prairie Public TV
PRBAB	Pembina River Basin Advisory Board (MB, ND)
RM	Rural Municipality (MB)
RRBC	Red River Basin Commission
RRBDIN	Red River Basin Decision Information Network (rrbdin.org)
RRIW	Roseau River Internation Watershed (MB, MN)
RRWB	Roseau River Watershed Board (MB, MN)
RRWMB	Red River Watershed Management Board (MN)
SCD	Soil Conservation District (ND & SD agencies)
SWCD	Soil and Water Conservation District (MN agency)
USACE	United States Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
WD	Watershed District (MN)
WEDC	Western Economic Diversification Canada
WMA	Water Management Associations (MB

Resolution # 06-83

Local Government Road Wetland Replacement Project Approval

WHEREAS, BWSR is directed pursuant Minn. Stat. 103G.222, Subd. 1(l) to replace wetlands drained or filled as a result of the repair, maintenance, or rehabilitation of existing public roads; and

WHEREAS, BWSR is authorized pursuant to 2005 Minn. Laws Chap. 20, Art. 1, Sec. 9 and 2006 Minn. Laws Chap. 258, Sec. 9 to enter into agreements with political subdivisions and fee owners to acquire land and restore wetlands to be used to replace wetlands lost as a result of the repair, maintenance, or rehabilitation of existing public roads; and

WHEREAS, BWSR issued a solicitation in May requesting interested landowners to apply to BWSR for wetland restorations for the purposes of the Local Government Road Wetland Replacement Program; and

WHEREAS, the Interagency Wetland Banking Committee reviewed and prioritized the projects received by the June 30, 2006 deadline. This prioritization was further refined by BWSR banking staff; and

WHEREAS, this process led to recommending approval of eleven projects that will generate 579.34 credits at an estimated cost of $4,692,493; and

WHEREAS, the Wetland Committee reviewed the proposed projects on September 13, 2006 and is recommending Board approval.

NOW THEREFORE BE IT RESOLVED, that the BWSR authorize the eleven Local Government Road Wetland Replacement projects as recommended by the Wetland Committee

Randy Kramer, Chair

9-27-06
Date

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

In the Matter of the review of the Groundwater Protection Plan for Dakota County pursuant to Minnesota Statues Section 103B.255

ORDER APPROVING GROUNDWATER PROTECTION PLAN

Whereas, the Dakota County Board of Commissioners submitted a Ground Water Protection Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on April 6, 2006 pursuant to Minn. Stat. 1990, 103B.255, 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. **Background.** The Environment and Natural Resource Management Policy Plan (Plan), which is a chapter within the Dakota County 2020 Comprehensive Plan, serves as the County's Groundwater Protection Plan. Dakota County's role in groundwater protection has been through planning, well and septic regulation, and applied research. The County's role in surface water management has traditionally been through the Dakota County Soil and Water Conservation District and through support of watershed management organizations in the County. Recently, the County's role in surface water management was expanded to include watershed management when the County became statutorily responsible for managing the Vermillion River Watershed (with Scott County) in August 2000.

2. **Authority to Plan.** The Metropolitan Surface Water Management Act, Chapter 103B.255, authorizes and encourages counties in the 7-county metropolitan area to develop and implement groundwater plans, however development of county groundwater protection plans is voluntary.

3. **County Description.** Dakota County is the southeasternmost of the 7 metropolitan counties. The county is recognized as one of the fastest growing counties in the state, and has had steady growth since 1960. By 2030, the population in Dakota County is projected to be approximately 500,000, an increase of 150,000 people since 2000. If current land use trends continue, approximately 50,000 acres of farmland and natural

areas are expected to be converted to residential, commercial, or industrial uses, which is equivalent to 78 square miles. Currently, between 20 and 30 percent of the County's viable groundwater resources are unsafe for human consumption

4. **Local Review.** Dakota County circulated a copy of the draft Plan to state review agencies, local government units, and adjacent counties on April 6, 2005 for their review. Due to an involved plan development process that involved stakeholders early and throughout the process, few comments were received.

   Eureka Township. The Township commented that the Eureka Town Board felt the plan is adequate for their township.

5. **Metropolitan Council Review.** The Council pointed out some minor wording clarifications and corrected population estimates.

6. **Department of Agriculture Review.** MDA did not provide comments on the draft Plan.

7. **Department of Health Review.** MDH did not provide comments on the draft Plan.

8. **Department of Natural Resources Review.** DNR did not provide comments on the draft Plan.

9. **Pollution Control Agency Review.** PCA did not provide comments on the draft Plan.

10. **Board Review.** Board staff did not provide comments on the draft Plan.

11. **Highlights of the Plan.**

- The Plan was developed with significant early involvement from local government units within Dakota County.
- The Plan recognizes that groundwater protection is inter-related with other resource management activities.
- The Plan proposes to improve, not just maintain, the quality of the County's groundwater resources.
- The Plan builds on the first generation planning effort. The first plan has been implemented and the County has progressive programs and capable staff.
- The Plan integrates groundwater management into the mainstream County Comprehensive Plan.

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 Groundwater Protection Plan for the Dakota County pursuant to Minnesota Statutes Sections 103B.255, Subd. 10.

3. The Dakota County Groundwater Protection Plan attached to this Order provides a framework for the protection of ground water from pollution and land use changes in the County.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Section 103B.255.

ORDER

The Board hereby approves the attached Plan dated April 2006 as the Groundwater Protection Plan for Dakota County.

Dated at Saint Paul, Minnesota this 27th day of September 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Randy Kramer

BY: Randy Kramer, Chair

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

In the Matter of the review of the Comprehensive Wetland Management Plan for the **Rice Creek Watershed District, Anoka County Ditch 53-62 watershed,** pursuant to Minnesota Statues Section 103G.2242, Subdivision 1 (c)

ORDER APPROVING COMPREHENSIVE WETLAND MANAGEMENT PLAN

Whereas, the Rice Creek Watershed District submitted a Comprehensive Wetland Protection and Management Plan (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. **Authority 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 local government unit, provided it is implemented through the local government's official controls.

   The purpose of the RMP is to satisfy the RCWD's own petition to repair Anoka County Ditch 53-62 (ACD 53-62), and to provide a resource and conservation-based framework for aquatic resource management as development occurs within the ACD 53-62 watershed basin. Water quality, quantity, and flow rates must be addressed in light of forecasted development and associated impervious area. The development of protection and management strategies for wetlands within the ACD 53-62 stems from the landscape scale functional assessment completed as part of the Plan. The formation of this plan was instigated by the RCWD obligation to repair and maintain ACD 53-62 as the drainage authority for all public ditches within their jurisdiction. The RCWD filed a petition to repair the ditch system under provisions of Chapter 103E (Minnesota Drainage Law), and evaluated three ditch repair alternatives as part of the planning process.

2. **Nature of the Plan Area.** The ACD 53-62 ditch system is in the west-central portion of the RCWD in southern Anoka County on the northern edge of the Minneapolis/St. Paul metropolitan area. The geomorphic region is known as the Anoka Sand Plain. The ditch system is almost entirely within the City of Blaine with the exception of the most downstream section, which flows through the City of Circle Pines. The subwatershed of the ACD 53-62 ditch system is primarily north of the Interstate 35W culvert. Included in

the 53-62 subwatershed is the Village Meadows CWMP previously approved by the Board. The Village Meadows CWMP does not conflict with the proposals in the 53-62 CWMP.

The ACD 53-62 planning area consists of a matrix of upland and wetland resources. Many of the wetland communities have been altered by partial drainage. Upland areas vary from forests to non-native dominated herbaceous cover types with scattered development impacts. The geographic area of this CWMP is under intense development pressure. Stormwater conveyance is being provided by an agricultural ditch system and the entire drainage area contributes stormwater to Golden Lake, an impaired water body.

The City of Blaine is the fastest growing municipality in the Twin Cites metropolitan area. The location of this CWMP is at the intersection of Interstate 35 W and Lexington Avenue. Lexington Avenue has recently been upgraded from two lanes to four, with the ultimate design of six lanes and the expected capacity of over 80,000 cars per day. The entire ACD 53-62 watershed is scheduled to be included into the Metropolitan Council Municipal Urban Service Area (MUSA), in a phased fashion, over the next 15 years. Access to urban services allows for denser and more intensive development than would be possible in areas that are not connected to these services. Population growth is projected at 15.5% and household growth projected at 24.2% during this decade.

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 plan development process included numerous drafts and opportunities for comment. The Plan has an attached Rule that will be officially adopted by the District to implement the Plan.

4. **Anoka Conservation District Review.** The ACD participated throughout the planning process as a member of the Technical Evaluation Panel. ACD's participation resulted in several changes during development of the Plan. ACD did not provide comments during the formal review and approval period.

5. **Department of Agriculture Review.** The MDA did not provide comments on the Plan.

6. **Department of Health Review.** The MDH did not provide comments on the Plan.

7. **Department of Natural Resources Review.** The DNR was participated in the planning process and provided comments during the plan development process. The DNR did not provide comments during the formal review and approval period.

9. **Pollution Control Agency Review.** The MPCA participated in the planning process but did not provide written comments on the Plan.

10. **Metropolitan Council.** The Council participated and provided comments during the plan development process. During the formal review period, the Council found the Plan to be generally consistent with the Council's Water Resources Management Policy Plan. The Council feels the CWMP provides a reasonable framework that will protect both Golden Lake and the exceptional quality wetlands in the area.

11. **Department of Transportation Review.** MnDOT provided cost information for reconstructing the ditch crossing of I-35W, requested clarification of Wetland Preservation Zone requirements, stated that MnDOT is the WCA LGU on its projects, and requested a plan view of the ditch system showing ditch elevations in each branch of the system. The District responded by providing additional information to MnDOT and adding text to the Plan to clarify MnDOT's LGU role.

12. **US Army Corps of Engineers Review.** The Corps was an active participant in plan development and review, providing numerous comments to the District during the plan development process. The Corps also submitted comments for the formal review and approval period.

For the formal review, the Corps indicated they support the District's efforts to manage wetlands on a watershed basis, and found the final draft of the Plan much more compatible with CWA Section 404 guidelines than previous drafts. The Corps requested several changes to make the Plan more compatible with 404 requirements. Many of these were clarifications, additions, and wording changes. The Corps also recommended utilizing the Environmental Protection Agency's Advanced Identification of wetlands (ADID) process. The ADID process is used to inform landowners of aquatic resources which may be unsuitable for filling, and is akin to the process used by the District to identify high priority wetlands for preservation in the Wetland Preservation Zone.

The Corps requested that the stated objective of the Plan include addressing the water resource management needs of ACD 53-62 basin. The Corps also stated that the wetland credit replacement ratios look consistent with CWA Section 404 guidelines except for preservation of high quality and ENRV wetlands, for which the 0.5 replacement ratio was higher than Corps guidelines generally at 0.125.

Corps comments included the following statement: "The RCWD, USACE, BWSR, US FWS, and US EPA have agreed upon a process for applying a CWA Section 404 framework to the Ditch 53-62 RMP. The following steps will be taken to facilitate the compatibility of the Ditch 53-62 RMP with both state and federal wetland requirements: 1) Feedback will be solicited from the US EPA regarding the compatibility of the RMP's wetland inventory and assessment process with the US EPA's Advanced Identification of wetlands (ADID) process, 2) USACE, US EPA, and US FWS comments will be incorporated into the RMP as appropriate; 3) the RMP and Draft RCWD Rule will be put out on a federal Public Notice, inviting public comments within a 30-day comment period, 4) public comments will be incorporated into the RMP and Rule as appropriate; 5) a federal administrative record will be maintained by the USACE, and 6) this administrative record, including the final RMP and RCWD rule, will be utilized in any subsequent federal permit evaluations associated with proposals within the Ditch 53-62 RMP basin." Note: the Plan is also referred to as a Resource Management Plan (RMP) to be consistent with Corps terminology.

The Corps also clarified that they will not approve the Plan, but will instead apply a CWA Section 404 framework and specifically identify the Plan's compatibility (or non-compatibility if Corps comments are not incorporated) with CWA Section 404

guidelines. The District made the revisions requested, and the Corps has since placed the plan on Public Notice. The Public Notice contains a statement by the Corps that "The RCWD has incorporated Corps comments into the Ditch 53-62 RMP, and the Corps now believes that the methodologies and criteria in the Ditch 53-62 RMP are consistent with the Corps' CWA Section 404 regulatory framework."

13. **Board Review.** Board staff have been involved throughout plan development, and provided comments during the preliminary reviews. During the formal review and approval period, Board staff identified two remaining issues to be resolved. Staff requested further details on the process for which replacement wetland banking will be accomplished and administered within the Plan area, and additional information on the impact of higher credit allowances for restoration of partially drained wetlands on the Plan's ability to meet no-net-loss.

14. **Highlights of the Amended Plan.** The critical elements of the Plan include:

- The Plan meets the District's obligations under the Minnesota Drainage Law, Chapter 103E.
- The Plan allows mitigation above a 1:1 ratio to be accomplished through activities that accomplish or preserve wetland functions, such as habitat preservation and installation of stormwater Best Management Practices.
- The Plan contains a landscape level functional assessment of wetlands within the plan area for planning purposes, with a more detailed, full MNRAM assessment required on a project specific basis for individual applications.
- The Plan places high priority wetlands in a Wetland Preservation Zone and assigns higher levels of protection on WPZ wetlands as additional incentive for avoidance.
- The Plan is part of a watershed approach to meeting the TMDL goals for Golden Lake.
- The Plan provides additional landowner benefits by providing for improved stormwater management, expanded options for mitigation, expanded opportunity and incentive for generating wetland replacement credits, and increased land value for properties associated with open space.
- The Plan has developed with Corps involvement and has been submitted under the federal review process of Clean Water Act Section 404 so that those principles could be incorporated by reference into subsequent individual permit evaluations.
- The Plan was revised significantly to address the concerns of review agencies.

12. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on August 29, 2006 with representatives of the District to review and discuss the Plan. Board staff recommended approval of the Plan upon satisfactorily addressing the issues identified by staff as remaining concerns. After discussion, the Committee unanimously decided to recommend approval of the Rice Creek Watershed District ACD 53-62 Comprehensive Wetland Protection and Management Plan to the full Board, with the following conditions:

A. That the District insert the words "up to" before the credit amounts allocated for hydrologic restoration of partially drained wetlands, and requiring TEP review for allocation of credits using this mitigation activity.

B. That the District prepare and submit an annual report to the Board containing information on impacts and mitigation activities, including an analysis documenting that no-net-loss of wetlands is being achieved within the Plan area.
C. That the District will work with Board staff and provide additional detail on the process for tracking wetland banking credits within the Plan area.

The District has agreed to the above contingencies and inserted the required text into the Plan to address items A and B. The District has also addressed item C by providing Board staff with an acceptable process for the tracking of wetland banking credits when plan requirements differ from WCA, and by adding more specificity to the Plan and implementation Rule.

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 Rice Creek Watershed District pursuant to Minnesota Statutes Sections 103G.2242, Subd. 1 (c).

3. The Rice Creek Watershed District Comprehensive Wetland Protection and Management Plan attached to this Order provides a functional assessment framework for all wetlands within the Anoka County Ditch 53-62 watershed, management strategies based on this assessment, and an implementation program.

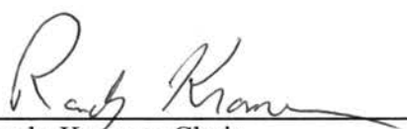
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103G.221 to 103G.2373 and Minnesota Rules Chapter 8420.

ORDER

The Board hereby approves the attached Comprehensive Wetland Protection and Management Plan, dated September 2006, for the Rice Creek Watershed District Anoka County Ditch 53-62, Anoka County, Minnesota.

Dated at Saint Paul, Minnesota this 27th day of September 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Randy Kramer, Chair

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

In the Matter of the Termination Order for the South Two River Watershed District in Morrison and Stearns Counties pursuant to Minn. Stat. § 103D.271.

ORDER STAY OF TERMINATION ORDER FOR SOUTH TWO RIVER WATERSHED DISTRICT

Whereas, the Board of Water and Soil Resources (Board) adopted an Order on August 24, 2006, to terminate the South Two River Watershed District (District) pursuant to Minn. Stat. § 103D.271, and;

Whereas, on September 15, 2006, the District filed an appeal with the Minnesota Court of Appeals of the Board's August 24, 2006 Order to terminate the District, and;

Whereas, on September 15, 2006, the District requested the Board agree to a voluntary stay of the filing and enforcement of the Board's August 24, 2006 Order to terminate the District until the completion of the appeal;

Whereas, it is prudent to allow the District to continue in existence in a reduced capacity until the appeal is finalized so the District can make decisions regarding the appeal, and;

Whereas, safeguards should be established to limit the District's expenditures of public funds until the appeal is finalized, and;

Whereas, until the appeal is finalized, the District should operate under a "lights on" policy that would allow the District managers to meet, to pay normal expenses for facility rental, utilities, insurance and bond premiums, manager compensation, current staff compensation, and other items that may be required by law, and;

Whereas, until the appeal is finalized, the District should not be acting on petitions, starting new projects, starting or continuing studies or programs, entering into any new contracts, and employing new staff or consultants, and;

Whereas, the 2007 levy payments to the District should be held in escrow by Morrison and Stearns Counties until the appeal is finalized, and;

Whereas, the authorization of the stay of filing and enforcement of the Order to terminate the District does not in any way limit the Board's authority to file and enforce the Order if the terms of this stay are violated or exceeded;

Now Therefore, the Board hereby makes the following Order.

ORDER

The Board hereby orders the filing with the Secretary of State and enforcement of the August 24, 2006 Order to Terminate the South Two River Watershed District be stayed contingent on the following conditions being met:

1. The District managers are authorized to meet.

2. The District managers are authorized to pay normal expenses for facility rental, utilities, insurance and bond premiums, manager compensation, current staff compensation, and other items that may be required by law.

3. The District managers are authorized to contract with legal counsel.

4. The District managers are authorized to levy in 2007 and the payments from the 2007 levy to the District shall be held in escrow by Morrison and Stearns Counties until the appeal is finalized.

5. The District managers are not authorized to act on petitions, start new projects, start or continue studies or programs, or enter into new contracts.

6. The District managers are not authorized to employ new staff or consultants.

Dated at Saint Paul, Minnesota this 27th day of September, 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: Randy Kramer

Randy Kramer, Chair

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
CENTRAL BOARD ROOM, LOWER LEVEL
ST. PAUL, MINNESOTA 55155
WEDNESDAY, OCTOBER 25, 2006

BOARD MEMBERS PRESENT:
Dana Allen, Jim Anderson, Minnesota Extension Service; Paul Brutlag, Bob Burandt, Kay Cook, Wayne Edgerton, Department of Natural Resources, Quentin Fairbanks, Randy Kramer, Paul Langseth, Joe Martin, Department of Agriculture; Brian Napstad, Louise Smallidge, Lisa Thorvig, Pollution Control Agency; Gene Tiedemann, LuAnn Tolliver, Dan Wilson, Department of Health

BOARD MEMBER ABSENT:
Brian Kletscher

STAFF PRESENT:
Mary Jo Anderson, Bill Eisele, Jon Fure, Jim Haertel, Ron Harnack, Kari Keating, Dale Krystosek, Kevin Lines, Dave Weirens, Steve Woods, Wayne Zellmer

OTHERS PRESENT:
LeAnn Buck, MASWCD
Don Wodek
Doug Norris, DNR
Keith Hanson, Minnesota Power
Linda Meschke and Jeff Jensen, Rural Advantage

Chair Kramer called the meeting to order at 9:10 a.m.

PLEDGE OF ALLEGIANCE

** 06-86 **ADOPT AGENDA** - Moved by Paul Langseth, seconded by Joe Martin, to accept the agenda as presented by Chair Kramer. Motion passed on a voice vote.

** 06-87 **MINUTES OF SEPTEMBER 27, 2006** – Moved by Quentin Fairbanks, seconded by Paul Langseth, to approve the minutes of September 27, 2006, as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Randy Kramer stated that the EQB did not meet this month. He reported that the Administrative Advisory Committee (AAC) met this morning. Chair Kramer stated that Ron Harnack is retiring, the AAC has a recommendation for the hiring process, which will be on the agenda later today.

Executive Director's Report – Ron Harnack announced his resignation as executive director, he will be retiring effective January 9, 2006. Ron will be working part-time with the Red River Basin Watershed Management Board.

Ron reported that the Board's budget information has been submitted, with the review of the AAC, to the Department of Finance. The budget information is confidential until the Board receives the Governor's response on our budget, more information will be available next month.

Ron reported that the Wetland Stakeholders Meeting was held yesterday. Ron recommended that board members attend the WCA Assessment Roundtable on November 14-15, in St. Cloud.

Ron reported that Doug Thomas' father passed away last week. Condolences were sent to the Thomas family.

Dispute Resolution Committee – Jim Haertel reported that five appeals have been received since the last Board meeting.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee met a couple times in September and have recommendations that will spur lively discussions at the WCA Assessment Roundtable in November. The Wetlands Committee will meet today after the Board meeting. Brian Napstad stated that many people are anxiously awaiting the WCA Assessment Roundtable. There is

a great deal of interest in the process. LuAnn stated that the WCA Assessment Roundtable will be held November 14th from 9:30 a.m. – 9:30 p.m. and November 15th from 8:00 a.m. – 12:30 p.m. Cliff Tweedale will facilitate the Roundtable. Ron Harnack strongly encouraged board member attendance.

Cost-Share Committee – Louise Smallidge reported that the Cost-Share Committee did not meet this month.

Education and Public Relations Committee – Kay Cook reported that the Education and Public Relations Committee did not meet this month.

Administrative Advisory Committee – Randy Kramer reported that the Administrative Advisory Committee met this morning and discussed the two agenda items that will be on the agenda at the "special Board meeting" on November 15, prior to the Board retreat. The hiring process for the new executive director will be on the agenda later today.

OLD BUSINESS

Update on South Two River Watershed District (STRWD) Termination Order – Jim Haertel presented an update. Discussion followed. Chair Kramer thanked Jim for this efforts.

NEW BUSINESS

Drought Disaster Assistance Program Update – Wayne Zellmer distributed a spreadsheet of the 2007 disaster assistance cost-share projects that have been funded; a map of drought disaster assistance projects; and the "U.S. Drought Monitor" map. Wayne stated that BWSR staff are working with NRCS staff to conduct several technical assistance meetings for grazing producers this fall. Discussion followed. Chair Kramer thanked Wayne for his update.

Third Crop Initiative – Linda Meschke, Rural Advantage, introduced Jeff Jensen, marketing assistant. Jeff distributed the publication "Native Plants and 3rd Crops for Water Quality". Linda presented information regarding implementation of the "Third Crop Initiative". Discussion followed. Chair Kramer and Ron thanked Linda for the enlightening presentation.

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

Summary of Clean Water Legacy Grant Applications – Steve Woods presented a brief summary of the Clean Water Legacy project applications.

WCA Assessment Update – Dave explained the WCA assessment process, wetland reporting and accounting, and alternatives to the exemptions, replacement ratios. Copies of Dave's presentation will be sent to board members via e-mail. Discussion followed. Chair Kramer thanked Dave for his presentation.

Budget Update – BWSR's change level items in the budget have been submitted to the Department of Finance. Ron anticipates a presentation to the Executive Budget Team in early December. Chair Kramer stated that the AAC continues to receive weekly updates on the budget and that the Chair and Vice Chair plan to participate in the Executive Budget Team meeting.

Hiring of the Executive Director – Chair Kramer stated that the Administrative Advisory Committee (AAC) met this morning to discuss the hiring process, it was agreed that the full Board will have input in the hiring process. Ron distributed copies of the AAC's recommendations for the hiring process of the new executive director. Discussion followed.

** 06-88 Moved by Louise Smallidge, seconded by Quentin Fairbanks, to approve the recommendations of the AAC as presented; and that the Chair appoint a Human Resources Committee. Motion passed on a voice vote.

Ron suggested that board members establish two or three traits that the executive director should possess, submit those to Mary Jo Anderson via e-mail by October 27th. Mary Jo will compile a list and forward it to the Human Resources Committee. Chair Kramer encouraged thoughtful and timely response to this request. It was the Chair's objective to have the hiring process completed by the end of the year.

AGENCY REPORTS

Department of Natural Resources (DNR) - Wayne Edgerton stated that USDA is requiring a collection of deer samples statewide to fulfill the requirement of Minnesota's bovine tuberculosis-free status. Wayne stated that Chronic Wasting Disease (CWD) sampling will continue on deer statewide. Deer hunting season opens November 4.

Department of Agriculture (MDA) - Joe Martin had *breaking news*, a herd has been detected with tuberculosis, the concern is that this herd is within seven miles from the original tuberculosis infected herd, there is no connection between the herds, investigations are underway. Joe stated that USDA allocated $700,000 to MDA for beef and sheep producers in 30 counties. MDA is working

on legislative proposals; two issues of concern: 1) invasive control of gypsy moth; and 2) carrying firewood from one location to another transmits invasive insect species and tree pests.

Minnesota Extension Service (MES) – Jim Anderson reported that the 2006 Annual Water Conference ends today; there were about 550 registrants. Jim reported that his co-director Deb Swackhamer has been named as interim director of the Institute on Environment; and Allen Levine has been hired as the dean of Food Science and Nutrition.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD) - LeAnn Buck, congratulated Ron Harnack on his retirement. LeAnn stated that MASWCD is part of the WCA stakeholders process. MASWCD's annual meeting is December 3-5, at the Sheraton in Bloomington.

UPCOMING MEETINGS

- WCA Assessment Roundtable, November 14 -15, St. Cloud Civic Center
- "Special Board Meeting", November 15, Radisson, St. Cloud
- Board Retreat, November 15-16, Radisson, St. Cloud
- MAWD Annual Meeting, November 30 - December 2, Alexandria
- MASWCD Annual Meeting, December 3 - 5, Bloomington
- AMC Annual Meeting, December 4 - 6, Rochester

Annual Meetings – Ron encouraged board member attendance at one of the conventions. Notify Mary Jo Anderson by Monday which annual meeting you will attend.

Chair Kramer appointed the Human Resources Committee: Paul Brutlag, Kay Cook, Gene Merriam, Brian Napstad, Louise Smallidge, Randy Kramer will chair the Committee; Bill Eisele will provide staff support.

** 06-89 Moved by Paul Langseth, seconded by Dana Allen, to adjourn the meeting at 12:45 p.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer
Chair

Dispute Resolution Report
October 12, 2006
by: Jim Haertel

There are presently 26 appeals pending. All of the appeals involve WCA except File 05-24. There have been five new appeals filed since the last report dated September 14th.

File 06-31. This is a new appeal of a restoration order in Todd County. The appeal regards the placement of fill in wetland associated with excavation in Bear Creek for a road culvert. No decision has been made on the appeal.

File 06-30. This is a new appeal of a restoration order in Todd County. The appeal regards the placement of fill in Type 3 wetland for an ATV trail. No decision has been made on the appeal.

File 06-29. This is a new appeal of a restoration order in Carlton County. The appeal regards the placement of fill, and excavation, in Types 2 and 6 wetland. No decision has been made on the appeal.

File 06-28. This is a new appeal of a restoration order in St. Louis County. The appeal regards the placement of fill in Type 7 wetland associated with construction of a road. No decision has been made on the appeal.

File 06-27. This is a new appeal of a replacement plan decision in Otter Tail County. A permanent road was constructed in Type 6/7 wetland with a portion of it in the shoreland zone. A Restoration Order was issued and a replacement plan application was submitted to retain the road. The LGU denied the replacement plan. No decision has been made on the appeal.

File 06-26. This is an appeal of a wetland exemption determination in Cass County. The LGU approved the wetland exemption. The TEP recommended the exemption not be approved. The activity 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 accepted and a pre-hearing conference will be scheduled.

File 06-25. This is an appeal of a restoration order in St. Louis County. The appeal regards the placement of fill in Type 7 wetland adjacent to a commercial business. No decision has been made on the appeal.

File 06-23. This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance

pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule.

File 06-22. This is an appeal of a restoration order in Olmsted County. The appeal regards the construction of a fish pond. No decision has been made on the appeal.

File 06-20. This is an appeal of a restoration order in Carlton County. The appeal regards filling and grading in Type 2 and Type 6 wetlands for construction of an airplane hangar, airstrip extension and taxiway. No decision has been made on the appeal.

File 06-17. This is an appeal of a replacement plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. The appeal has been remanded for further processing at the local level.

File 06-14. This is an appeal of a replacement order in the City of Green Isle in Sibley County. A replacement plan was approved, replacement wetlands were constructed, and wetland impacts have occurred as authorized under the approved replacement plan. The ownership of the wetland replacement credits is in dispute. A district court decision on the ownership issue was appealed to the Minnesota Court of Appeals. The appeal has been placed in abeyance and the Replacement Order has been stayed until the court proceedings have been finalized.

File 06-12. This is an appeal of a no-loss decision in Stearns County. It involves the same project and issues as File 06-6. After a restoration order was issued, a no-loss application was submitted by the developer and denied by the LGU. The appeal has been remanded for further technical evaluation.

File 06-6. This is an appeal of a restoration order in Stearns County. At issue are numerous wetlands impacted by filling, sedimentation, reduction of hydrology and lack of Best Management Practices associated with a residential development. The appeal has been denied in part. The Restoration Order has been affirmed in part and has been stayed in part.

File 06-5. This is an appeal of a wetland boundary and type decision in the City of Hermantown in St. Louis County. The appeal concerns the denial of a wetland delineation. There are issues regarding the soils and vegetation in a disturbed area. The area has been disturbed by wetland filling and a cease and desist order has been issued to the developer. The appeal has been remanded for further processing by the LGU.

File 06-4. This is an appeal of a restoration order in Carlton County. At issue is the unauthorized placement of fill in wetland for a roadway. The appeal is in abeyance pending completion of a wetland delineation during the growing season.

File 06-2. This is an appeal of a restoration order in Mille Lacs County. At issue is the unauthorized placement of fill in wetland for construction of a road. Also, unstable steep

slopes exist along the edge of the fill in wetland. The appeal is in abeyance pending further technical work during the growing season.

File 06-1. This is an appeal of a replacement plan approval in Itasca County. The appeal contends that sequencing was not followed. The TEP recommended denial on a 3:1 vote. The SWCD approval was on a 3:2 vote. The application sought wetland filling for three outbuildings and lake access. The appeal has been accepted and is in abeyance pending settlement discussions.

File 05-26. This is an appeal of a replacement plan decision in Crow Wing County. The appeal concerns the denial of a wetland replacement plan application. The application was denied because there was no hardship to support approval. Upon inspection it appears a decision was made to deny a variance, however it is likely no WCA decision was made. The appeal has been accepted and is in abeyance pending settlement discussions.

File 05-24. This is an appeal, actually three appeals, of the Bois de Sioux Watershed District compensation to landowners related to a project. The appeal has been held in abeyance pending settlement discussions and is now starting to be move forward for a hearing before the DRC.

File 05-20. This is an 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 and is in abeyance pending settlement discussions.

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 was in abeyance to allow settlement discussions to continue. A briefing and hearing schedule is presently being established.

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 04-23. 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. Previously 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.

OLD BUSINESS

1. Update on South Two River Watershed District (STRWD) Termination Order – Jim Haertel – *INFORMATION ITEM*

SOUTH TWO RIVER WATERSHED DISTRICT
741 Lake Ave. – PO Box 743
Albany, MN 56307
(320) 845-6050
strwd@albanytel.com

OFFICIAL MINUTES
Albany Community Center
Albany, Minnesota
September 14, 2006 - 8:00 PM

The meeting was called to order at 8:02pm by Chair Blenker.

Those in attendance were Managers' Blenker, Radtke, Mareck, and Gondringer. Also in attendance were Stan Weinberger, Attorney; Pat Winter, Accountant; Rich Gondringer, Advisory Committee Member; Merle Anderson; Jim Haertel, BWSR; Scot Laing; Shirley Graveen; Ernie Schmidt; Scott Hanson; Vince Schaefer, Stearns County Commissioner; and Steve Bartz.

Motion 06-09-1: Motion Gondringer, seconded by Mareck to adopt the Agenda with addition of the following. **ALL MANAGERS VOTED AYE.**

1. Discuss delivery of personal property and records upon termination.
2. Set final meeting date.
3. Discuss Chair authorization to provide staff until final meeting date.
4. Request final billings for contracts.
5. Develop exit letter.

Motion 06-09-2: Motion Gondringer, seconded by Mareck to approve the August 10, 2006 Levy Public Hearing Minutes. **ALL MANAGERS VOTED AYE**

Motion 06-09-3: Motion Gondringer, seconded by Radtke to approve the August 10, 2006 Budget Public Hearing Minutes. **ALL MANAGERS VOTED AYE.**

Motion 06-09-4: Motion Gondringer, seconded by Radtke to approve the August 10, 2006 Regular Meeting Minutes, after correcting Motion 06-08-5 to read Managers Gondringer, Mareck, and Blenker voted aye. Manager Radtke abstained. **ALL MANAGERS VOTED AYE.**

Motion 06-09-5: Motion Radtke, seconded by Mareck to accept the Treasurer's Report which shows an ending cash balance of $48,132.14 and a CD balance of $92, 032.81. **ALL MANAGERS VOTED AYE**

Motion 06-09-6: Motion Gondringer, seconded by Mareck to pay claims. **ALL MANAGERS VOTED AYE**

Chair Blenker informed the Board that the Minnesota State Auditor suggested to him that if the District wants to pursue further audit of the 2004 STRWD financial records, that they should contact Schlenner Wenner & Co.

Merle Anderson informed the Board of Managers that Schlenner Wenner & Co. have stopped the 2005 STRWD financial audit until further notice.

Motion 06-09-7: Motion Gondringer, seconded by Mareck, to authorize payment of claims by Chair Blenker and Merle Anderson for their attendance at the August 24, 2006 BWSR meeting in Fairmont, Minnesota.

Chair Blenker introduced Attorney Stan Weinberger.

Attorney Stan Weinberger distributed to the Board an Extract of Minutes that they could consider should the Board choose to appeal the BWSR Termination Order for STRWD. Mr. Weinberger explained that there are two reasons to be considered for appeal, those being substantive and procedural. He also reviewed the entire Extract of Minutes.

Chair Blenker asked managers for their opinions as to whether or not an appeal should move forward. Manager Gondringer expressed his opposition to an appeal. Manager Mareck said that he favored an appeal. Manager Radtke also supported an appeal. Chair Blenker asked the managers if they were ready to vote on this Extract of Minutes.

Motion 06-09-8: Motion Mareck, seconded by Radtke to adopt the attached Extract of Minutes. **MANAGERS' MARECK, RADTKE, AND BLENKER VOTED AYE. MANAGER GONDRINGER VOTED NAY. THE MOTION CARRIED.**

Attorney Weinberger indicated to the Board of Managers that based on their action, STRWD business could continue until further notice.

Chair Blenker asked for seven minutes of public comments.

The following residents spoke:

1. Ernie Schmidt – Majority of residents don't want a watershed district.
2. County Commissioner Schaefer – Manager's action is a disservice worse than what's been done before.
3. Scott Hanson – Applauded Manager Gondringer for his vote.
4. Steve Bartz – Applauded Manager Gondringer for his vote and also indicated that managers who voted in favor of the appeal are the most hated people in Stearns County.
5. Scot Laing – Wanted to eliminate a layer of government.
6. Shirley Graveen – Watershed District does nothing for Holdingford.
7. Scott Hanson – Hoped Board would reconsider their action.
8. County Commissioner Schaefer – Requested letter from each manager explaining their reason for voting the way they did. He also said that the decision to appeal does not have the welfare of people in mind and the reasons are wrong.
9. Steve Bartz – Disagreed with appealing based on a loophole and indicated that no commissioners or public is on the side of those managers who voted to appeal.

Chair Blenker expressed his feelings, indicating that last October he was interviewed by County Commissioners Schaefer and Otte and took an oath to do his best after he was appointed STRWD Manager. Mr. Blenker explained that the BWSR Assessment was completed and reported to the Board in early 2006. He feels that what was suggested in that assessment has been accomplished. Chair Blenker feels that he has been betrayed.

Chair Blenker announced that the next regular STRWD meeting will be held October 12, 2006, 8pm, at the Albany Community Center.

Manager Gondringer reminded the managers that the Manager who moved to appeal could withdraw that motion.

Chair Blenker adjourned the meeting at 8:48pm.

RALPH BLENKER, CHAIR

SCOTT RADTKE, SECRETARY

MISSION STATEMENT

"It is the Mission of the South Two River Watershed District to Partner with Residents and Other Agencies to Protect and Enhance the Watershed's Resources for Today and Tomorrow."

Minnesota Board of Water & Soil Resources

October 11, 2006

Ralph Blenker, Chair
South Two River Watershed District
P.O. Box 743
Albany, MN 56307

VIA ELECTRONIC MAIL

RE: October 12 Meeting Agenda

Dear Chair Blenker:

After discussion with Administrator Merle Anderson, it has been determined that the proposed October 12, 2006 agenda complies with the conditions of the Stay. Mr. Anderson clarified certain agenda items that we had potential concerns about. Based on Mr. Anderson's clarifications, the proposed agenda is acceptable. It is understood that Mr. Anderson cannot predict the actions of the Board of Managers, thus I will elaborate.

The agency's main concern is that no new expenditures of public funds occur, other than what is necessary for certain operating expenses as specified in the Stay. The payment of existing financial obligations and previously authorized work and contracts is allowable. If there are any open-ended contracts, other than for certain operating expenses, they should be closed. With that stated, I will cover the agenda items that were of potential concern.

8 B and F. Conducting a round table discussion with partners for possible future planning is acceptable only if conducted at a regular monthly board of managers meeting. It would not be in compliance with the conditions of the Stay if the managers attended the discussion at another time and location and the managers were reimbursed with District funds. Further, discussion for planning purposes is acceptable, however any commitment of District funds would not be in compliance with the conditions of the Stay.

8 C. The Outdoor Corps lake monitoring has been done and payment is acceptable. Commitment of District funds for the future would not be in compliance with the conditions of the Stay.

8 D. Payment of the water quality monitoring and report contract with Wenck Associates is acceptable. A contract for the future would not be in compliance with the conditions of the Stay.

Bemidji
17 Bemidji Avenue N.
Bemidji, MN 56601
Phone (218) 755-4235
Fax (218) 755-4201

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

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

Fergus Falls
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

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8 E. Payment of previously existing contracts with Pheasants Forever, or landowners, is acceptable. Any contracts in the future would not be in compliance with the conditions of the Stay.

Please feel free to contact me at (651) 297-2906, or at the Saint Paul address, if I may be of further assistance in this matter.

Sincerely,

Jim Haertel
Water Management Specialist

cc: Merle Anderson, Administrator
Christopher Harmoning, Gray Plant Mooty
Louis Smith, Smith Partners
Timothy R. Reuter, Kelm & Reuter, P.A.
Nathan Hartshorn, A.G.O.
BWSR: Ron Harnack, Doug Thomas, Dave Weirens, Ron Shelito, Jason Weinerman

SOUTH TWO RIVER WATERSHED DISTRICT
741 Lake Ave - P.O. Box 743 - Albany, MN 56307
(320) 845-6050
strwd@albanytel.com

October 12, 2006 - 8:00 PM

TENTATIVE AGENDA

Only Agenda Items Approved by BWSR will be discussed

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES
5. TREASURER'S REPORT
6. APPROVAL OF CLAIMS
7. OLD BUSINESS
   A. Review BWSR Stay Order
8. NEW BUSINESS
   A. September 28, 2006 Letter from Assistant Attorney General to Clerk of Appellate Court for filing Statement of the Case of Respondent and Affidavit of Service and Writ of Certiorari
   B. Review and Development of STRWD Round Table Discussion Format
   C. Outdoor Corps – Lake Monitoring Report and Billing Status
   D. Wenck Associates Inc. – 2006 Water Quality Monitoring Report Status
   E. Jason Selvog – Attend and Present Progress Report
   F. Decision for November 9, 2006 Regular Meeting - Host or Attend Round Table Discussion with Partners
9. PUBLIC COMMENTS
10. ANNOUNCEMENT OF NEXT MEETING DATE
11. ADJOURN

MISSION STATEMENT

"It is the Mission of the South Two River Watershed District to Partner with Residents and Other Agencies to Protect and Enhance the Watershed's Resources for Today and Tomorrow."

Minnesota Board of Water & Soil Resources

October 5, 2006

Ralph Blenker, Chair
South Two River Watershed District
P.O. Box 743
Albany, MN 56307

VIA ELECTRONIC AND U.S. MAIL

RE: Warning of Potential Violation of Conditions of the Stay of Order to Terminate South Two River Watershed District

Dear Chair Blenker:

This letter concerns Manager Radtke's recent public writings regarding the District potentially providing funds for cost share projects and encouraging landowners to apply to the District. The Managers are strongly reminded that condition number 5 of the Stay states:

> The District managers are not authorized to act on petitions, start new projects, start or continue studies or programs, or enter into new contracts.

If such expenditure of District funds were to occur while the Stay is in effect, this agency would consider the conditions of the Stay to have been violated and the Termination Order would be filed immediately with the Secretary of State.

I am uncertain if there is some confusion among the Managers on the conditions of the Stay, or if this was just a mistake by Manager Radtke, or if there is some other reason for this to have occurred. Regardless of the reason, the Managers should clearly be aware that it is not "business as usual" for the District under the conditions of the Stay. Rather, the conditions of the Stay dictate the District operate under a "lights on" policy that basically allows the District to remain in existence to deal with the appeal while the appeal is pending and pay certain expenses to operate in this limited capacity. At any time the Managers may seek clarification from this agency on the conditions of the Stay and whether a contemplated action by the Managers would be in compliance.

Also, in consideration of the adoption of District motion 06-08-6, the Managers are cautioned that the transfer or sale of any of the District's real property to any person or entity other than Stearns or Morrison Counties would be considered a violation of the conditions of the Stay.

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

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

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

Fergus Falls
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

Please feel free to contact me at (651) 297-2906, or at the Saint Paul address, if I may be of further assistance in this matter.

Sincerely,

Jim Haertel
Water Management Specialist

cc: Vince Schaefer, Stearns County Commissioner
Marcus Miller, Stearns County Assistant Attorney
Christopher Harmoning, Gray Plant Mooty
Louis Smith, Smith Partners
Timothy R. Reuter, Kelm & Reuter, P.A.
Barb Lang
Nathan Hartshorn, A.G.O.
BWSR: Ron Harnack, Doug Thomas, Dave Weirens, Ron Shelito, Jason Weinerman

smith partners PLLP

Louis N. Smith
Charles B. Holtman
Leslie A. Watson
Michael J. Welch

Of Counsel
James B. Lockhart

123 North Third Street
Suite 808
Minneapolis MN 55401

[612] 344-1400 tel
[612] 344-1550 fax

www.smithpartners.com

September 29, 2006

James Haertel
Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul MN 55155

VIA CERTIFIED MAIL AND FACSIMILE

Re. In re petition for the termination of the South Two River Watershed District; appellate file A06-1745

Mr. Haertel:

Please find enclosed and served on you by facsimile and certified mail in accordance with Minn. R. Civ. App. P. 127 a copy of the Minnesota Association of Watershed Districts' Notice of Motion and Motion for Leave to Participate or, in the Alternative, to File Brief *Amicus Curiae* in the above-captioned matter. The notice of motion and motion was filed via certified mail with the Minnesota Court of Appeals on September 30, 2006.

Sincerely,

Louis N. Smith

encl. - Notice of Motion and Motion for Leave to Participate or, in the Alternative, to File Brief *Amicus Curiae*

RECEIVED
OCT 2 2006
Bd. of Water & Soil Resources
St. Paul

Minnesota Board of Water & Soil Resources

September 29, 2006

Christopher W. Harmoning
Gray, Plant, Mooty, Mooty & Bennett, P.A.
1010 West St. Germain Street, Suite 600
St. Cloud, MN 56301-3406

VIA ELECTRONIC AND U.S. MAIL

RE: List of Parties to Termination Proceedings, South Two River Watershed District

Dear Mr. Harmoning:

In response to your September 27, 2006 request, Respondent Minnesota Board of Water and Soil Resources hereby certifies to Relator South Two River Watershed District the names and addresses of all parties as disclosed in our records in the above referenced matter pursuant to Minn. Stat. § 14.64.

Please feel free to contact me at (651) 297-2906, or at the Saint Paul address, if I may be of further assistance in this matter.

Sincerely,

Jim Haertel
Water Management Specialist

Enclosure

cc: Marcus Miller, Stearns County Assistant Attorney
Louis Smith, Smith Partners PLLP
Timothy R. Reuter, Kelm & Reuter, P.A.
Nathan Hartshorn, A.G.O.
Dave Weirens, BWSR

Bemidji
3217 Bemidji Avenue N.
Bemidji, MN 56601
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phone (507) 280-2874
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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

Minnesota Board of Water & Soil Resources

September 28, 2006

Christopher W. Harmoning
Gray, Plant, Mooty, Mooty & Bennett, P.A.
1010 West St. Germain Street, Suite 600
St. Cloud, MN 56301-3406

VIA FACSIMILE AND U.S. MAIL

RE: Stay of Order to Terminate South Two River Watershed District

Dear Mr. Harmoning:

In response to your September 15, 2006 request for a voluntary stay in the above referenced matter, please find enclosed a copy of the September 27, 2006 Order adopted by the Board of Water and Soil Resources. Said Order grants a stay, with conditions, of the filing with the Secretary of State and enforcement of the August 24, 2006 Order to Terminate the South Two River Watershed District contingent on the conditions being met.

Please feel free to contact me at (651) 297-2906, or at the Saint Paul address, if I may be of further assistance in this matter.

Sincerely,

Jim Haertel
Water Management Specialist

Enclosure

cc's on next page

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Saint Paul, MN 55155
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fax (651) 297-5615

cc: Vince Schaefer, Stearns County Commissioner
Randy Schreifels, Stearns County Auditor/Treasurer
Russ Nygren, Morrison County Auditor
Marcus Miller, Stearns County Assistant Attorney
Merle Anderson, District Administrator
Ray Bohn, MAWD
Ernie Schmit, City of Holdingford Mayor
Scot Laing, Krain Township Chairman
Timothy R. Reuter, Kelm & Reuter, P.A.
Barb Lang
Nathan Hartshorn, A.G.O.
BWSR: Ron Harnack, Doug Thomas, Dave Weirens, Ron Shelito, Dan Steward

FY 07 DROUGHT DISASTER ASSISTANCE

SWCD	PRODUCER	STATE COST SHARE PRACTICES	NUTRIENT MANAGEMENT PLAN	PRESCRIBED GRAZING PLAN
Aitkin	Gerald	Well		x
Aitkin	Al	2 Wells	x	x
Aitkin	Hedy	watering pond restoration		
Aitkin	William	Well		
Aitkin	Mark	Well		
Aitkin	Terry	Well		
Aitkin	Bob	pipe & tanks		
Beltrami	Darrel	Watering Pond Restoration		x
Beltrami	Donald	Well Drilling		X
Beltrami	John & Jean	Well Drilling & Stock Pond		X
Beltrami	Tessa	Watering System, Fencing		X
Beltrami	Ray	Pump, Watering System		X
Beltrami	Roy	Well Drilling		X
Beltrami	Willy	Well Drilling		X
Beltrami	Leo	Well Drilling		X
Beltrami	Roy	Well Drilling		X
Benton	Mark	Emergency Livestock Watering Facility		
Benton	Sandy	Emergency Livestock Watering Facility		
Benton	Joe	Emergency Livestock Watering Facility		
Benton	James	Emergency Livestock Watering Facility		
Carlton	Oliver	Well		X
Carlton	Larry	Waterline		X
Carlton	Steve	Waterline		X
Carlton	Troy	Waterline		
Carlton	Jeremy	Well		X
Carlton	Mike	Waterline		
Carlton	Bob	Water tanks		X
Carlton	Jeanine	pond		X
Carlton	Tim	pond		X
Carlton	Mark	pond		X
Carlton	Walter	pond		X
Carlton	Gary	Well		X
Cass	Miles	Cleanout existing stockponds	x	x
Cass	Alan	Cleanout existing stockponds,dig new pond	x	x
Cass	John	Water line to pasture		x
Cass	Madeline	Well for stock watering	x	
Cass	Tom	Well, Cleanout existing stockponds	x	x
Cass	Keith	Cleanout existing stockponds		
Cass	Ron	Cleanout two ponds	x	
Cass	Walt	Cleanout one pond	x	x
Cass	Eldon	Well for stock watering		x

SWCD	PRODUCER	SHARE PRACTICES	PLAN	PLAN
Cass	Sue	Well for stock watering		
Cass	Dean	Cleanout existing stockponds,dig new pond	x	x
Cass	Doug	Well for stock watering	x	x
Cass	Marlin	Well for stock watering		
Cass	LaMont	Well for stock watering	x	x
Cass	Barney	Dig two new ponds		
Cass	Stanley	Dig three new ponds	x	x
Cass	Gordon	Dig one new pond	x	x
Clearwater	Peggy	Watering Tanks		X
Clearwater	Richard	New Stock Pond		X
Clearwater	Greg	Stock Pond Cleanout		X
Clearwater	Kelly	Well		X
Clearwater	Dany	Well		X
Clearwater	Paul	Well		X
Clearwater	Willie	Well		X
Clearwater	Paul	Well		X
Clearwater	Bruce	New Stock Pond		X
Clearwater	Al Paulsen	Well		X
Clearwater	Al	Well		X
Clearwater	Dale	Well		X
Clearwater	Doug	Well		X
Clearwater	Randy	New Stock Pond		X
Clearwater	Jerry	Well		X
Crow Wing	Jim	1 Stock Pond		x
Crow Wing	Jimmy	New Well & Waterer		x
Crow Wing	Stanley	New Well & Waterer		x
Crow Wing	Ronnie	New Well & Waterer		x
Crow Wing	Alvin	Watering System		x
Crow Wing	Ed	1 stock pond and new well		x
Crow Wing	Leonard	New Well & Waterer	x	x
Crow Wing	Clayton	New Well & Waterer		x
Crow Wing	Allen	New Waterer and pipeline		x
Crow Wing	Bruce	2 New stock ponds and waterer		x
Crow Wing	Kevin	New Well		x
Crow Wing	Ken	New Well		x
Crow Wing	Carl	New Well		x
Crow Wing	Dan	New Well		x
Crow Wing	Mark	Restore to stock ponds		x
Crow Wing	Tom	Resore 1 stock pond		x
Crow Wing	Norman	New Well and restore 2 stock ponds		x
Crow Wing	Milton	1 Stock pond		x
Crow Wing	Ed	2 stock ponds		x
Crow Wing	Al	2 waterers and restore 1 stock pond		x
Crow Wing	Rich	1 stock pond		x

SWCD	PRODUCER	SHARE PRACTICES	PLAN	PLAN
Crow Wing	Kurt	New Well		x
Crow Wing	Larry	New Well		x
Douglas	Mark	Alternative water source	X	X
Douglas	David	Reconstruction of livestock pond	X	X
Douglas	Ken	Reconstruction of livestock pond	X	X
Hubbard	Jeff	Well Drilling, Pipeline, Fencing		X
Hubbard	Darrell	Well Drilling, Pipeline, Fencing		X
Hubbard	Sheila	Pipe, Watering System		X
Hubbard	Norton	Well Drilling		X
Hubbard	Charles	Pipeline, Watering Facility		X
Isanti	William	Feed Lot Watering System		x
Itasca	Chuck	Watering pond restoration-3 ponds		
Itasca	Terry	1 new pond and restoration of 2 ponds		
Itasca	Dave	Well, pipline, holding facilities and fencing		x
Itasca	Steve	Well, pipline and holding facility		
Kanabec	Duane	stockwater pond and watering facility		X
Kanabec	Joel	stockwater ponds		X
Kanabec	Bryan	watering system		X
Kanabec	Rod	stockwater pond and watering facility		X
Kittson	Allen	Well drilling	x	
Kittson	Rick	well drilling	x	
Kittson	Blaine	Well drilling	x	
Kittson	Paul	Well drilling	x	
Koochiching	John	Solar Pump, Tanks, Pipeline		X
Koochiching	Jim	Tanks, Pipeline, Heavy Use Area Protection		X
Koochiching	Jack	Tank, Pipeline		already has EQIP grazing plan
Koochiching	Paul	Well, Tank, Pipeline		already has EQIP grazing plan
Koochiching	Dave	Stock Pond		X
Koochiching	Andy	Tank, Pipeline		X
Koochiching	Walter	Well, Stock Pond Cleanout		X
Koochiching	Andy	Well, Tank, Pipeline		already has EQIP grazing plan
Koochiching	Al	Tanks, Pipeline Installation		already has EQIP grazing plan
Koochiching	Albert	Tanks, Pipeline		already has EQIP grazing plan
Koochiching	Jody	Tanks, Pipeline, Pump		X
Koochiching	Steve	Holding Tank		X
Koochiching	Steve	Tank Installation, Pipeline		X
Koochiching	Art	Well, Tanks, Pipeline		already has EQIP grazing plan
Lake of the Woods	Doug	Well, pump, pipeline, troughs	X	
Lake of the Woods	Weston	Well, pump, pipeline, troughs, HUPA		X
Lake of the Woods	James	Solar Pump, pipeline, tanks, HUPA		X
Lake of the Woods	Paul & Tom	Well		X
Lake of the Woods	Boyd & Susan	Pipelines, tanks, HUPA		X
Lake of the Woods	Dwight	Well	X	
Lake of the Woods	Vernon	Solar Pump, Deepen & fence out pond, pipeline, tanks, H	X	

SWCD	PRODUCER	SHARE PRACTICES	PLAN		PLAN
Mahnomen	Joe	WATERING POND RESTORATION			X
Mahnomen	Keith	Pipeline, Watering Facility			X
Mahnomen	Gerald	Pipeline, Watering Facility			X
Marshall	Gail	New Well			x
Marshall	Dale	New Well	x		
Marshall	Brad	New Well	x		
Marshall	Ben	Tank and Transport			x
Marshall	Robert	New Well	x		
Marshall	Dennis	New Well	x		
Marshall	Darryle	New Well	x		
Marshall-Beltrami	Robert & Cole	pond restoration, haul water, fencing, dig well			X
Marshall-Beltrami	Paul	pond restoration, dig well			X
Marshall-Beltrami	Gary	pond restoration			X
Marshall-Beltrami	Ronald	pond restoration			X
Marshall-Beltrami	Renea	pond restoration			X
Marshall-Beltrami	Sharon	pond restoration			X
Marshall-Beltrami	Steve	replace pump			X
Marshall-Beltrami	Eldon	fountain system			X
Marshall-Beltrami	Ronald	watering system			X
Marshall-Beltrami	David	dig well			X
Marshall-Beltrami	James	dig well			
Marshall-Beltrami	Steve	fountain system			X
Marshall-Beltrami	Mark	dig well			X
Marshall-Beltrami	Floyd	dig well			X
Marshall-Beltrami	Steve	dig well			
Marshall-Beltrami	Bill	dig well			X
Marshall-Beltrami	Doug	dig well			X
Marshall-Beltrami	Rocky	fountain system			X
Marshall-Beltrami	Darwin	fountain system			X
Mille Lacs	Ken	Water Well, Pipeline, Water Facility			X
Mille Lacs		Heavy Use Protection Area			
Mille Lacs	Norbert	Water Well, Pipeline, Water Facility,			X
Mille Lacs	Sonnek	Heavy Use Protection Area			
Mille Lacs	Charles	Water Well, Pipeline, Water Facility,	X		
Mille Lacs		Heavy Use Protection Area, Fabricated Shelter			
Mille Lacs	David & Lori	Water Facility, Pipeline			X
Mille Lacs	Jay	Water Well, Pipeline, Water Facility	X		
Morrison	Diane	well			X
Morrison	Kevin	well	x		
Morrison	Richard	well			x
Morrison	"Z" Farms	stockpond restoration	x	has	
Morrison	Dan	pump/pipe	x		
Morrison	Duane	well	x		
Morrison	Gerald	well	x		

SWCD	PRODUCER	SHARE PRACTICES	PLAN		PLAN
Morrison	Martin	pump/pipe	x	has	
Morrison	Gary	stockpond			x
Morrison	Darrell	stockpond/pump	x		
Morrison	Daniel	watering facility	x	has	
Morrison	Donna	well			x
Morrison	Marvin	stockpond restoration			x
Morrison	Wallace	stockpond restoration			
Morrison	William	stockpond restoration			x
Morrison	Calvin	watering facility	x		
Morrison	Bryan	well	x	has	
Morrison	Eric	well			x
Morrison	Kevin	well			x
Morrison	Roger	watering facility			x
Norman	Steven	Water Transport and Pipeline			X
Norman	Flyod	Watering Facility			X
Norman	Jeff	Watering Pond Restorations, Water Transfer Tank			X
Norman	Loyal	Watering Pond Restorations ATIONS			X
Norman	Bill	Watering Facility	X		
Norman	A.	Watering Pond Restorations			X
Norman	Mike	Watering Pond Restorations			X
Norman	Bob	Watering Pond Restorations, Watering Facility			X
Norman	James	Watering Pond Restorations, Watering Facility			X
Norman	Lowell	Watering Facility	X		
Norman	David	Watering Pond Restorations & Water Transer Pump			
Norman	Mark	Pipelines and Watering Facility			X
Norman	Gene	Watering Pond Restorations			X
Norman	Dennis	Watering Pond Restorations			X
Norman	Kenneth	Watering Facility			X
Norman	Ron	Watering Facility			X
Norman	Jeff	Watering Pond Restorations			X
Norman	M.	Well Repair			X
Norman	Robert	Watering Pond Restorations, Watering Facility			X
Pennington	John	378			x
Pennington	Howard	378			x
Pennington	Larry	378			
Pennington	Dennis	378			x
Pennington	Clayton	378			x
Pennington	Dean	378			x
Pennington	David	378			x
Pennington	Larry	378			x
Pennington	Don	378			x
Pennington	Aldon	378			x
Pennington	Neil	378, 614			x
Pennington	Merle	378			x

SWCD	PRODUCER	SHARE PRACTICES	PLAN	PLAN
Pennington	Larry	378		x
Pennington	Ryan	378		x
Pennington	Tim	614		
Pennington	Joe	378		x
Pennington	Andy	378		x
Pennington	Clyde	378		x
Pennington	Darwin	378		
Pennington	Gerald	378		x
Pennington	Don	614		x
Pennington	Larry	378, 614		x
Pennington	Mitch	614		x
Pennington	Mike	614	x	
Pennington	Larry	378		x
Pennington	Scott	378		x
Pennington	Jerry	378		x
Pennington	Gary	378		x
Pennington	Craig	642		x
Pennington	Perry	378		x
Pennington	Les	642		x
Pennington	Darrin	378		x
Pennington	Ron	378		x
Pennington	Jeff	378		x
Pennington	David	378, 642		x
Pennington	Kelly	378		x
Pennington	Delmar	642		x
Pennington	Mark	378		x
Pennington	Darwin	614		
Pennington	Orlin	642		x
Pennington	Chuck	378		x
Pennington	Rodney	642		x
Pennington	Linda	642		x
Pennington	Roger	378		x
Pennington	Dean	642		x
Pennington	Randy	642		x
Pennington	Mary	642		x
Pennington	Joe	642		x
Pine	Doug	Well		
Pine	Dave	Pipeline and waterer		X
Pine	Roger	Well, pipeline, and troughs		
Pine	Nathan	Pipeline		X
Polk East	Jay	well, tanks, pipeline		x
Polk East	Stanley	well, tank, pond clean outs		x
Polk East	Gerald	well, tank		x
Polk East	Harold	pond clean outs		x

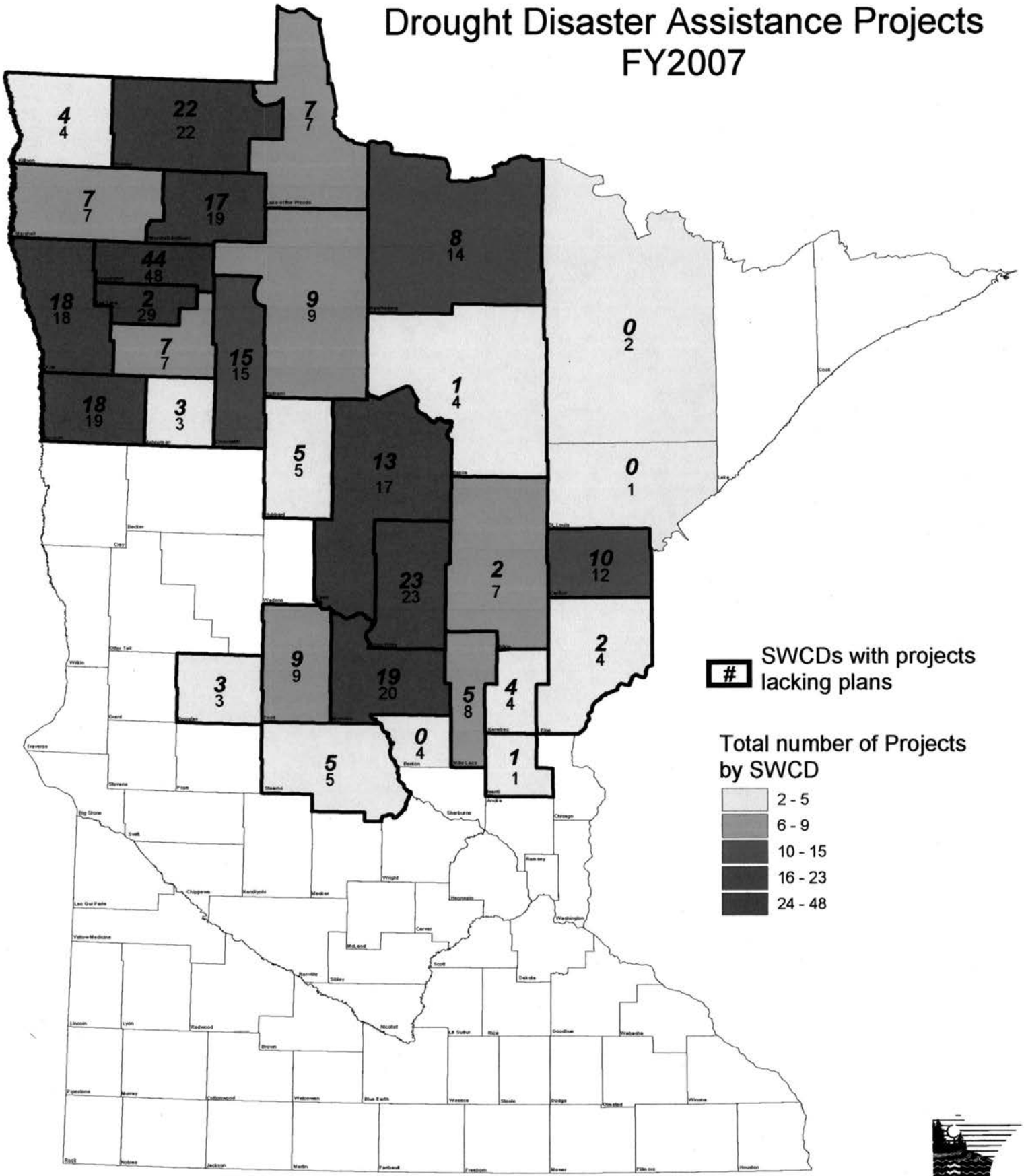
SWCD	PRODUCER	SHARE PRACTICES	PLAN	PLAN
Polk East	Scott	well, lines, tank		x
Polk East	Thomas	pond clean outs		x
Polk East	Keith	Pond clean out, pump tank, fencing		x
Polk West	Bryan	Well, Pipeline		X
Polk West	"H" Farms	Fencing, Shelterbelt		X
Polk West	Dan	Pipeline, Waterer		X
Polk West	Mitch	Well, Pipeline		X
Polk West	Dennis	Stock Pond, Pipeline		X
Polk West	CJ	Well, Pipeline		X
Polk West	Mark	Pipeline, Pump		X
Polk West	Jim	Pipeline, Pump		X
Polk West	"K" Farms	Well, Pipeline		X
Polk West	Rick	Stock Pond , Fencing		X
Polk West	David	Stock Ponds		X
Polk West	Tony	Waterers		X
Polk West	Charles	Stock Pond Restoration		X
Polk West	Russell	Pipeline, Waterer		X
Polk West	Darrell	Pipeline, Waterer		X
Polk West	Ed	Waterers		X
Polk West	Janet	Well, Pump		X
Polk West	Steven	Stock Pond		X
Red Lake	Randy	Watering Pond Restoration - 1 Pond		
Red Lake	Andy	Watering Pond Restoration - 1 Pond		x
Red Lake	Anthony	Watering Pond Restoration - 1 Pond		
Red Lake	Gerald	Watering Pond Restoration - 1 Pond		
Red Lake	Mike	Watering Pond Restoration - 5 Ponds		
Red Lake	Tom	Watering Pond Restoration - 1 Pond		
Red Lake	Paul	Watering Pond Restoration - 1 Pond		
Red Lake	Gerald	180' of 1" pipeline, Installation, & Water Trough Fittings		
Red Lake	Gerald	Frost Free Waterer		
Red Lake	Vern	Watering Pond Restoration - 2 Ponds		
Red Lake	Mike	Watering Pond Restoration - 1 Pond		
Red Lake	Margaret	Watering Pond Restoration - 4 Ponds		x
Red Lake	Chuck	Watering Pond Restoration - 1 Pond		
Red Lake	Don	Watering Pond Restoration - 1 Pond		
Red Lake	Rene & Gail	Watering Pond Restoration - 3 Ponds		
Red Lake	Mike	Well Drilling and Pump		
Red Lake	Ron	Watering Pond Restoration - 3 Ponds		
Red Lake	Mike	Watering System (Fountain) & Installation		
Red Lake	Vern	Watering Pond Restoration - 2 Ponds		
Red Lake	Gary	Watering Pond Restoration - 2 Ponds		
Red Lake	Tom	250' of 1 1/4" Pipeline, Installation, & Water Trough Fittings		
Red Lake	Frank	Watering Pond Restoration - 2 Ponds		
Red Lake	Dean	Watering Pond Restoration - 3 Ponds		

SWCD	PRODUCER	SHARE PRACTICES	PLAN	PLAN
Red Lake	Fred	Watering Pond Restoration - 2 Ponds		
Red Lake	Larry	Watering Pond Restoration - 2 Ponds		
Red Lake	Andrew	Watering Pond Restoration - 2 Ponds		
Red Lake	David	Watering Pond Restoration - 3 Pond:		
Red Lake	Wayne	300 ' Well Drilling & Pump		
Red Lake	Les	Watering Pond Restoration - 1 Pond		
Roseau	Bruce	Water Facility	X	X
Roseau	"L" Farms	Pond Restoration	X	X
Roseau	Alvin	Pond Restoration	X	X
Roseau	Quentin	Pond Restoration	X	X
Roseau	Shane	Water Hauling	X	X
Roseau	Rodney	Pond Restoration, Water Hauling	X	X
Roseau	Kurt	Pond Restoration , Well	X	X
Roseau	Denny	Pond Restoration	X	X
Roseau	Steve	Well, Water Facility	X	X
Roseau	Roger	Well	X	X
Roseau	Richard	Well	X	X
Roseau	Wesley	Pond Restoration	X	X
Roseau	Arlin	Pond Restoration	X	
Roseau	Bill	Well	X	
Roseau	Joel	Well, Pond Restoration	X	X
Roseau	Randy	Pond Restoration	X	X
Roseau	Brian	Pond Restoration	X	X
Roseau	Noel	Well, Pond Restoration	X	X
Roseau	Curt	Well	X	X
Roseau	Keith	Pond Restoration	X	X
Roseau	Shane	Well	X	X
Roseau	Thor	Well	X	X
St. Louis N	Jake & Lindsey	Well drilling and piping		
St. Louis N	Jim & Jan	Watering pond restoration		
St. Louis S	Mike	Water lines, tanks, waterers		
Stearns	R & R	pipeline		X
Stearns	Gary	well		X
Stearns	Chuck	pipeline and tanks		X
Stearns	Fred	well		X
Stearns	Fred	well		X
Todd	Jeremy	Watering Pond Restoration		X
Todd	Dennis	Watering Pond Restoration	X	
Todd	Donald	Pipeline & Related Expense	X	
Todd	Robert	Watering Pond Restoration (2)		X
Todd	"R" Brothers	Pipeline & Related Expense	X	
Todd	Jeff	Alternative Watering System	X	
Todd	Robert	Pipeline & Related Expense		X
Todd	Allen	Pipeline & Related Expense		X

SWCD	PRODUCER	SHARE PRACTICES	PLAN	PLAN
Todd	Todd	Pipeline & Related Expense		X

Total $:

Drought Disaster Assistance Projects FY2007



October 2006

Minnesota Board of Water & Soil Resources

The data cutoff for Drought Monitor maps is Tuesday at 7 a.m. Eastern Standard Time. The maps, which are based on analysis of the data, are released each Thursday at 8:30 a.m. Eastern Time.

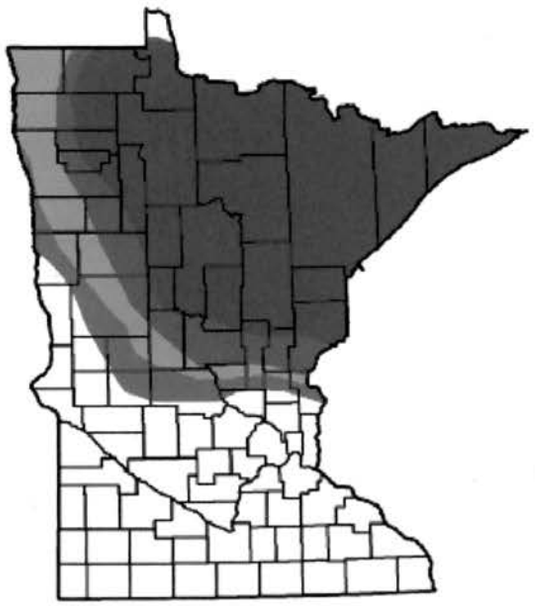
U.S. Drought Monitor

October 17, 2006
Valid 8 a.m. EST

Minnesota

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	38.9	61.1	56.3	48.1	40.5	0.0
Last Week (10/10/2006 map)	38.9	61.1	56.3	48.1	40.5	0.0
3 Months Ago (7/25/2006 map)	0.1	99.9	82.9	50.4	28.7	0.0
Start of Calendar Year (1/3/2006 map)	100.0	0.0	0.0	0.0	0.0	0.0
Start of Water Year (10/3/2006 map)	38.9	61.1	56.3	48.1	42.2	0.0
One Year Ago (10/18/2005 map)	90.0	10.0	0.0	0.0	0.0	0.0



Intensity:

- D0 Abnormally Dry
- D1 Drought - Moderate
- D2 Drought - Severe
- D3 Drought - Extreme
- D4 Drought - Exceptional

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.

http://drought.unl.edu/dm

Released Thursday, October 19, 2006
Author: Ned Guttman/Liz Love-Brotak, NOAA/NESDIS/NCDC

For a .pdf version of the Minnesota Drought Monitor, click here.

To view tabular statistics for Minnesota, click here.

For more information on the Drought Impact Reporter click here.

For local details and impacts, please contact your State Climatologist or Regional Climate Center.

NEW BUSINESS

4. Third Crop Initiative – Linda Meschke, Rural Advantage – *INFORMATION ITEM*

Project Manager: Linda Meschke
Affiliation: Blue Earth River Basin Initiative / U of M
Mailing Address: 426 Winnebago Ave, Ste 100
City / State / Zip: Fairmont, MN 56031-3648
Telephone Number: 507-238-5449
E-mail Address: meschkel@berbi.org
FAX Number: 507-238-4002
Web Page address: www.berbi.org

II. PROJECT SUMMARY AND RESULTS:

Accelerating the incorporation of native perennials and alternative crops on riparian areas and strategically targeted uplands has the potential to improve water quality in the Minnesota River Basin while providing economic opportunities for farmers and rural communities. Cropping system induced degradation of Minnesota's waterways has had substantial economic, health, and ecosystem impacts including TMDL listings, hypoxia, fishing and swimming restrictions, and drinking water impairments. However, information and incentives are lacking to accelerate the widespread adoption of a more diversified cropping system.

Through this project we will convert at least 200 acres of agricultural land in corn and soybean production to native plants or alternative [3rd] crops in order to demonstrate alternative cropping systems. These sites will include a variety of crops, soil types and positions within the landscape in order to illustrate a variety of ecological services that can be benefited from the adoption of 3rd crops into our Midwestern cropping system. We also will establish 4 demonstration plots in priority watersheds across the state.

The University of Minnesota and project partners will conduct related research focusing on agronomic parameters of emerging alternative crops, economic benefits, and the hydrologic impact on water quality and quantity. Linking landscape change to the ecological services delivered will assist society in making effective policy decisions.

Market availability will drive the long term adoption of third crops. We will hire a person half time to help identify markets, coordinate between growers and industry, and promote the development of new markets.

Home

Organization

Projects

Upcoming Events

Third Crops

Contact Us

CSP

Benefits and Opportunities for Growing Third Crops

What is a 3rd Crop?

A 3rd Crop is a crop other than corn or soybeans. Due to the dominance of corn and soybeans throughout the Midwest we call it a 3rd Crop because it would be the third crop grown after corn [first] and soybeans [second]. It is not intended to be one particular crop but rather a wide diversity of crops that could be incorporated into a farmers cropping system.

Why is BERBI Interested in 3rd Crops?

To improve the water quality of the Blue Earth River and it's tributaries! Changing the corn/ soybean cropping system to include other crops, especially perennials, has the potential to improve the water quality of the Blue Earth River- and all of it's tributaries- to a level that will meet local and state water quality goals within the next ten years. 3rd Crops will build soil health, reduce nitrogen leakage, reduce pesticide use, minimize soil erosion, reduce the speed that water moves across the landscape and adds diversity. 3rd Crops can be especially effective when we target them to sensitive areas that are prone to polluting; when they build soil health through improved crop rotations; and they reduce pest populations due to crop diversity.

Background Information

The Greater Blue Earth River Watershed area includes the Watonwan, the Blue Earth and the LeSueur rivers and all of their tributaries. This 2.3 million acre area in south central Minnesota and north central Iowa is dominated by a corn and soybean cropping system. The area contributes approximately ½ of the pollution load to the Minnesota River, yet it is only 20% of the area geographically. Nitrogen loss from the region contributes significantly to hypoxia in the Gulf of Mexico. Pollution contributions are from both rural and urban sources.

The main pollution concerns are sediment, nutrients [nitrogen and phosphorous] and pathogens. One of the reasons the pollutant loading is so high is due to the agricultural land use. The soil types we have are fine clays. Once suspended in water, they stay suspended until the water stops flowing and they can settle out. Phosphorous quickly attaches to clay particles and when the soil erodes from the landscape, it carries phosphorous with it. This area receives almost two times the

amount of rainfall as the western portion of the Minnesota River. Corn requires adequate nitrogen to produce a crop but excess nitrogen can readily 'leak' through the soil. An intensive drainage infrastructure can quickly transport these nutrients to nearby surface waters. Major pathogen contributions can be from untreated wastewater, polluting feedlots or improperly applied manure.

Over the past ten years BERBI member SWCD's have put over $3,000,000 of conservation practices on the ground. Approximately 2/3 of this has been cost-share practices such as terraces, waterways, streambank restoration, diversions and ag waste. It is estimated that these projects have reduced the pollution load by about 8%. These efforts are important because they are site specific and address pollution that is occurring.

On the bigger watershed scale, these efforts alone will not get us to our water quality goals. If we are serious about cleaning up the river, then we need to take implementation to the next level and work for cropping system change. This is a long term objective that can lead toward environmental sustainability of the region.

Examples of 3rd Crops

Oats, alfalfa, wheat, barley, buckwheat, amaranth, pearl millet, wheatgrass, switchgrass, medics, kochia, perennial flax, lupines, milkweed, hazelnuts, elderberries, blueberries, grapes, native plants, wildflowers, curly willow, pussywillows, Christmas trees, bittersweet, dogwoods, hybrid poplar, native plants for seed production, grazing/ pasture, etc..

Non crop 3rd Crops include eco-tourism, nitrogen farming, water storage, carbon sequestration, hunting leases, recreation leases, wind energy, etc..

Keys to Establishing 3rd Crops

If we are going to be successful at establishing 3rd Crops into the landscape we must have markets for the crops people are willing to raise and we must have a diversity of 3rd Crops [no repeat of the artichoke story]. In many cases the 3rd Crop would be a perennial and would involve smaller acerages within the farm system. 3rd Crops will be "working" lands rather than "retired" land. Each farm family should be able to receive some economic return from their 3rd Crop. This will promote viable family farms and sustainable communities.

Contact:

Linda Meschke, Executive Director

Blue Earth River Basin Initiative

507.238.5449

Third Crop Options

Third Crop Rural Economics

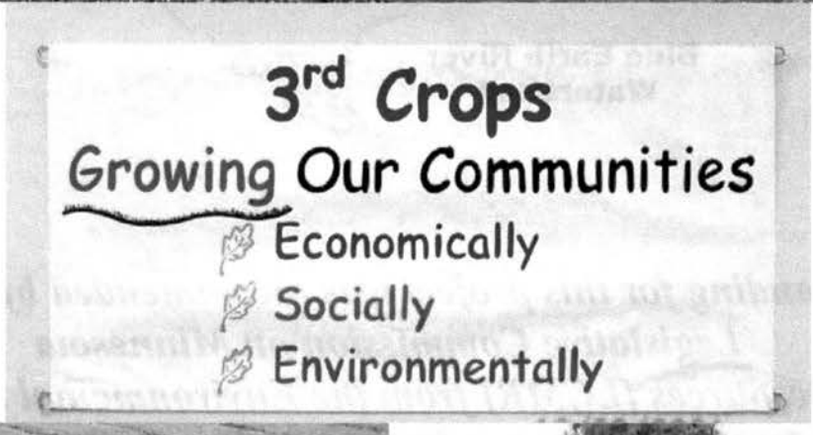
GBERW Economic Development Model

Third Crop Coalition List

For further information on third crops visit: www.thirdcrop.org

Native Plants and 3rd Crops for Water Quality

BERBI 3rd Crop Producers
3rd Crop Demonstration Sites



Greater Blue Earth River Watershed

Funding for this project was recommended by the Legislative Commission on Minnesota Resources [LCMR] from the Environmental and Natural Resources Trust Fund, as well as the Bush Foundation & The McKnight Foundation.

MN Laws 2003, Chapter 128, Article 1, Section 14, Subdivision 9
June 30, 2006

Blue Earth River Basin Initiative [BERBI]
426 Winnebago Avenue, Suite 100, Fairmont, MN 56031

Native Plants and 3rd Crops for Water Quality

BERBI 3rd Crop Producers

Table of Contents

Blue Earth County
- Vern Arndt 2

Cottonwood County
- Rodney Einck 3
- Joe Riihl 4
- Marlin Zienke 5

Faribault County
- Jim Haaland 6
- Bill Olson 7

Martin County
- Phil Bettin 8
- Eric Bloomquist 9
- Kermit Carlson 10
- Mike Gerken 11
- Don Moritz 12
- Jon Olson 13
- Rich Perrine 14
- Craig Peterson 15
- Billeye Rabbe 16

Waseca County
- Ole' & Gene Bauman 17
- Paul Berry 18
- Howard Guse 19
- Melvin & Russ Guse 20
- David Krampitz 21
- John Malterer 22
- Troy Schue 23

Watonwan County
- Don Davis 24
- Richard Flohrs 25
- Alice Voss Gaines 26
- Dennis Hunstad 27
- Curt Olson 28
- Norm & Kathy Penner 29
- Mark Rentz 30
- Wade Sagehorn 31

3rd Crop Easement—Enrollment Criteria 33

3rd Crop Demonstration Sites 35

Vern Arndt

3rd Crop Producer
Vern Arndt & Sons
47469 132nd St.
Lewisville MN 56060

Landowner
Vern Arndt

Location
County - Blue Earth
Township -Pleasant Mound
Section – 2

3rd Crop Planted
Native Grasses

Easement Length
10 Years

Field Size
10 acres

Project Overview

Vern Arndt, along with his two grown sons Troy and Todd, operates Arndt Farms just east of Lewisville MN. They farm a couple thousand acres of corn/soybeans in the Blue Earth River Watershed. Marble Creek is a small drainage ditch that runs through one of their farms. On either side of the creek is some Highly Erodible Land (HEL) based on slope and soil type. It is here where Vern and the boys thought the 3rd crop easement program could help the most. "Yeah we like to hunt quite a bit and on each side of that creek it was difficult to farm so we thought this program looked pretty good. Plus we can harvest it and keep the land in production", Vern explains.

Project Description

Seeding was done in spring of 2005. "I had a terrible time getting it seeded", Vern explains. The drill was supposed to be set up for these grasses but too much seed was being planted. What I had bought for the whole project ended up on the north side alone. I had to go to town and get more seed to finish the south side. I reset the drill, but this time it came out ***too*** slow. I was up in arms at that point so I left the drill settings alone and spent the rest of the day going over and over and over the south side until I ran out of seed. I must have made a dozen passes or so".

This buffer separates the corn field on the left from Marble Creek on the right.

When the seeding was complete Vern was left with an 80 ft. wide riparian buffer that runs parallel to Marble Creek all the way to the middle of the section on both the north and south sides. The seeding mix consisted of Switchgrass, Big Bluestem, Indian Grass, and Canadian Rye. The rye came up first and helped to keep some of the weeds down until the warm season grasses could establish. However, weeds were still a problem so mowing was done to keep them managed.

This year (06') the site is coming along very nicely. Bunches of grasses are prevalent and the weed pressure has been minimal. "I really think it looks good this year and I can't wait to hunt it this fall; should be lots of birds in there. It is excellent habitat", Vern says.

Outcome

With corn or soybeans above it and Marble Creek below it, the 3rd crop planting will make a nice buffer for slowing down any runoff from the row-crop acres and infiltrating the water before it gets to the creek.

Vern and the boys are content leaving the riparian buffers for wildlife habitat for the time being. Possibilities for the future include haying the grass (after nesting) to sell to a neighbor with cattle or harvesting the biomass for energy. Current research shows a higher yield of biomass in plantings that have many diverse species (polyculture) compared to just one species (monoculture).

Rodney Einck

3rd Crop Producer
Rodney Einck
54648 County Rd. 13
Bingham Lake MN
56118

Landowner
Rodney Einck

Location
County - Cottonwood
Township - Lakeside
Section – 24

3rd Crop Planted
Oats

Easement Length
10 Years

Field Size
10 acres

Project Overview

Rodney Einck is a self described "hobby" farmer of around 200 acres near Bingham Lake. A portion of the farm is old pasture that is now in the RIM program. The remaining ground was in corn/soybean production. Two parcels have steeper slopes and are sensitive to erosion but are still able to be farmed. One of the 10 acre parcels is above a wildlife management wetland. Reducing the sediment that reaches that wetland is important to good water quality.

"I heard from some neighbors about this program to grow 3rd crops for water quality. It sounded like a good idea so I got more information and found out it was a really good match for me. This corn-oats rotation has worked well for me, especially considering the landscape", Rodney says.

Project Description

Oats are drilled as early as possible in the spring. "I get out there as soon as I can; late March to early April is good if the weather cooperates", Rodney explains. By seeding early he can be harvesting the oats by late July or early August. An old John Deere 6600 combine with a 15 ft platform (bean) head is used to combine the oats directly. The oats are then augured into a bin with an aeration floor and some stirrers. Air is passed through the oats for several days giving it time to dry down.

A field of oats ready to be harvested.

This system works well for Rodney and allows him to manage his quality much better than if he were to swath the oats and let it dry down in the field. Letting the oats field dry increases the risk of the crop getting rained on.

The straw is baled after harvesting the oats. Cattle manure from a neighbor is spread and incorporated. "I like to use as much manure as possible, it is better and cheaper than having to buy and apply nitrogen.

Outcome

The straw is sold to a farmer who uses it as bedding for his cattle. That same straw may come back to Rodney in the form of manure the next year. The oats are marketed directly, if possible, with any extra being marketed to the local co-op. Horse owners have been good customers for Rodney in the past and he hopes to continue serving them by growing high quality oats. "Most horse owners are real high on quality. They treat their horses better than most pets and want only the best for them. I'm happy to keep them happy".

Joe Riihl

3rd Crop Producer
Joe Riihl
36351 575th Ave
Mountain Lake MN
56118

Landowner
Shirley Riihl &
Jim Nickel

Location
County - Cottonwood
Township - Midway
Section – 28

3rd Crop Planted
Alfalfa with Oats Cover Crop

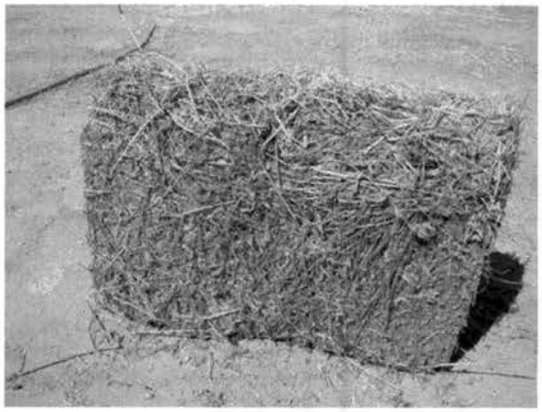
Easement Length
10 Years

Field Size
4 acres

Project Overview

Shirley Riihl & Jim Nickel of rural Cottonwood County agreed that each would be better served if they combined efforts to grow 3rd crops. "The little ½ acre that Jim owns is only accessible by going through Shirley's 3.5 acre tract, and both run right down into a little creek. By planting perennial cover on the combined 4 acres will really help reduce any sediment coming from the field", says Dave Bucklin of the Cottonwood County Soil & Water Conservation District.

The site only totals 4 acres making row cropping difficult with the large machinery used these days. By converting the corn/soybean acres to alfalfa the inputs will be significantly reduced. After the alfalfa stand is no longer viable oats will be seeded in the plot for a year before being planted right back into alfalfa.



The end of a large square bale is exposed to show the quality of the alfalfa. This is how price is determined.

Project Description

Alfalfa with an oats cover crop was chosen as the 3rd crop. Seeding took place in spring of 2004. The oats sprouted quickly and helped to smother any weeds. Oats will grow from 2-5 ft. in height and grow 3 to 5 tillers. These tillers result in more stems and oat heads, thus more yield.. The oats were harvested in July and one cutting of alfalfa was taken that fall.

Outcome

"I think this has been a very good program for us on this particular piece of land", says Shirley. The alfalfa that is harvested is baled in large square bales and sold to neighbors to feed cattle. The oats were also sold to a local farmer who fed it to his calves. Oats are a good grain to start calves on because it is easier on their digestive tracts and provides a good source of protein.

The cover provided by the alfalfa all year long will reduce the sediment reaching the creek from wind and water. The nitrogen fixed by the legume will be all the nutrients needed for the oats crop that will follow the 3-4 years of alfalfa meaning less risk of excess nutrients getting into the water.

Oats are seeded as a cover crop to keep weeds down and increase yield.

Marlin Zienke

3rd Crop Producer
Marlin Zienke
Bingham Lake MN
56118

Landowner
Lovella Rempel

Location
County - Cottonwood
Township - Carson
Section – 5 & 7

3rd Crop Planted
Alfalfa

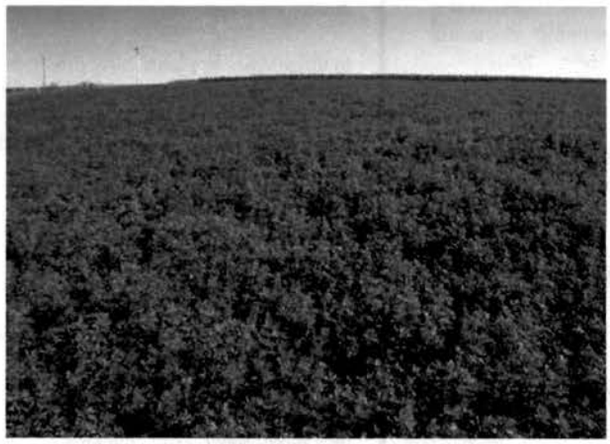
Easement Length
10 Years

Field Size
10 acres

Project Overview

"Most of my fields are adjacent to the Watonwan River, wetlands that drain into the river, or open drainage ditches that run into the river and growing alfalfa really reduces the sediment flow into it", says Marlin Zienke; a forage farmer in rural Cottonwood County.

Marlin heard about the 3rd crop easement program from Dave Bucklin at the Cottonwood County SWCD office. "I was growing corn/soybeans and after talking to Soil & Water decided to go back to some alfalfa and small grains. When I milked cows we had lots of hay but once the cows go there is nothing to utilize the hay", Marlin explains.



Alfalfa is sometimes referred to as the "Queen of Forages"

Project Description

Alfalfa was seeded with barley in early April 05' using an airflow seeder. Establishment was good and the barley was looking really nice; just two weeks from cutting, when Mother Nature came knocking. Severe storms in early July brought high winds that damaged a large portion of the barley. "The wind blew down some big patches and snapped off the tops of lots more, I cut it a couple of days later and sold it to a local dairyman for his cows", Marlin says.

Once the barley was cut, the alfalfa stand came through thick and lush. Marlin reported no winter-kill and the first cutting of 06' yielded 2 tons/acre. He expects to get 4 cuttings from the field and, depending on weather, the field should produce for 4-5 years before it will have to be rotated out of alfalfa for at least one year. "Alfalfa has an auto toxicity characteristic meaning you can't keep planting the same field to alfalfa over and over again. You need to get something else in that field for at least a year", Marlin explains.

Outcome

The composition of the farm is very different than just a few years ago. The ground with the steepest slopes was in CRP or old pasture and makes excellent habitat for many species of wildlife. The remainder of the farm was in row-crops. Now, the CRP and old pasture are still there but all the row-crop acres (except 11) are seeded to alfalfa. This switch keeps the farm almost entirely covered with permanent vegetation all year round; which reduces the potential for erosion from both wind and water.

The only exception is a small 11 acre plot that was alfalfa last year but is soybeans this growing season. After this year of beans Marlin may put it into corn or reseed it back to alfalfa. Marlin was able to make this switch because he had a good market for all the alfalfa he grows. He hooked up with a local producer that sells large square bales to some very big dairies in Wisconsin. "It just works better to grow alfalfa for me with the hilly ground I farm, not to mention the reduced inputs. I also work off the farm and the arrangement I have with my local guy selling to Wisconsin was the key to making this thing work. I couldn't be happier", explains Marlin.

Jim Haaland

3rd Crop Producer
Jim Haaland
Box 451
Frost MN 56033

Landowner
Jim Haaland

Location
County - Faribault
Township - Emerald
Section – 24

3rd Crop Planted
Native Grasses

Easement Length
10 Years

Field Size
10 acres

Project Overview

Jim Haaland of rural Frost describes himself as a FAV grower (fruits and vegetables). He has been working with Green Giant in Blue Earth MN to deliver high quality peas and sweet corn to the hungry masses for over 20 years. In a typical growing season he will have anywhere from 80-120 acres of sweet corn and 40-70 acres of either late peas or early peas. Jim needs to work closely with Green Giant on every aspect of the crop to ensure it is planted at the appropriate time and meets quality standards.

In those years he plants early peas it is possible to double crop the field. Early peas are planted in late April or early May and harvested about 60 days later making it possible to plant soybeans after the peas. "We'll plant soybeans after early peas and just hope we get something. Sometimes you get a crop sometimes not, even if you do get a crop it is usually pretty poor yields", Jim says.

Project Description

In the middle of Section 24, Emerald Township rises a sandy side-hill that posed a challenge for traditional row crops. "With the steeper slopes and the light sandy soil it wasn't very productive and when the wind blew- look out or you'd get your face sandblasted", Jim chuckles. "I'd spoken with Shane Johnson from the Faribault Soil & Water District (SWCD) and he told me about this 3rd crop program for water quality where I could convert that ground from corn/beans to a perennial crop. I chose a native seed mix for the wildlife and the deep root structures of those grasses to keep the soil in place", he says.

Jim stands in a field of sweet corn he grows for Jolly Green Giant

The site was seeded in spring of 05' and included a native mix of Switchgrass, Indian Grass, and Big Bluestem, some Side Oats Gramma and Blue Gramma Grass were added due to the dry growing conditions of the site. Jim's wife Judi even threw in some Coneflower seed she had collected, figuring it would add some color.

Outcome

"For now the 3rd crop site is mainly for environmental benefit and wildlife", Jim explains. "With an open drainage ditch nearby and the light sandy soils I knew I had to get some sort of cover on that sand hill and this 3rd crop program has been great for that", he says.

Once the natives get established and are thriving Jim plans on investigating the possibility of harvesting the site for native seed. That may offer a revenue stream to keep the site self sufficient after the easement runs out. He also thinks it may be feasible to harvest the site someday for biomass if a local market develops.

Bill Olson

3rd Crop Producer
Bill Olson
923 Upper Valley Dr.
Blue Earth MN 56013

Landowner
Jane Olson

Location
County - Faribault
Township - Blue Earth
Section - 7

3rd Crop Planted
Side Oats Gramma
Prairie Brome

Easement Length
10 Years

Field Size
5.8 acres

Project Overview

Bill Olson purchased Feder's Seed Compnay in Blue Earth MN several years ago. The seed-house grows local ecoregion forbs & grasses, as well as providing custom mixes for any project large or small. In fact, mixing up some custom orders for some 3rd crop easements got him curious as to what they were all about. "I kept seeing all these orders that were for 3rd crop plantings", Bill says.

He visited with his local SWCD representative and got the details on the BERBI 3rd crop easement program for water quality. He immediately identified a small chunk of ground his mother owned that would be perfect to convert from corn/soybeans to perennial crops. "This piece of ground lies adjacent to some big woods, which in turn run down into the Blue Earth River and I know how much work has gone into improving the water quality of the Blue Earth River", Bill explains. "Having those 6 acres covered with perennials all year will really slow that water down and infiltrate anything coming off the corn/bean field above it"

Coneflower is one of the species Bill sells in his seed mixes.

Project Description

The 3rd crop planting is comprised of 4 acres of Side Oats Gramma and 2 acres of Prairie Brome. The easement borders heavy woods that run down to the Blue Earth River. Seeding was done in Spring of 05'. "The Side Oats Gramma came through good but the Prairie Brome was sparse, so we no-tilled some more seed down this (06) spring", Bill says. Perennials take time to get established and dominate over the weeds. "Most people don't have the patience to wait for the perennials to grow up and take over. Weeds will out compete the natives immediately and most folks will start spraying the weeds, which inevitably hits the natives as well; or they will pull the weeds out which also pulls out the small roots of the natives they're trying to establish. I tell folks to just mow the weeds down. Eventually the native grasses and forbs will come through, its just nature", he says.

Outcome

The Side Oats Gramma and Prairie Brome should be producing enough seed to start harvesting next year (07). The harvested seeds will be processed, cleaned, and added to custom mixtures that may end up in a CRP, CREP, or wetland plantings in Southern MN or Northern IA. Most of the seed Feder's produces goes into conservation planting mixtures. A typical mix may include 6 native grass species and maybe 15-20 forbs for added diversity.

Phil Bettin

3rd Crop Producer
Phil Bettin
2088 90th Ave
Trimont MN 56176

Landowner
Walt Bettin

Location
County - Martin
Township - Cedar
Section – 32

3rd Crop Planted
Native Grasses for Rotational Grazing

Easement Length
10 Years

Field Size
10 acres

Project Overview

Phil Bettin, along with wife Sheila, and four children Emily, Lindsey, Killey, & Kelley live in rural Martin County and realized a couple years ago the dynamics of farming had changed. "I could see the writing on the wall. Our operation needed to go in a different direction in order to survive, I'm not saying organic is for everyone because it definitely isn't but you need to do something different than the next guy. The only other alternative is to get bigger or get out of the business and those weren't options for me", explains Phil.

He started the process by looking at how he was farming. "I was sitting here purchasing all these inputs; seed, chemicals, fertilizers, & diesel fuel and when I penciled everything out it just didn't add up. It wasn't sustainable."

Project Description

To make the farm operation more sustainable, and add value to the alfalfa he would be growing in order to be certified organic, Phil converted 10 acres that had been in a corn/soybean rotation to permanent pasture. The pasture is part of a rotational grazing system he uses to graze lambs and ewes. "The 3rd crop easement was really key in making all this work. The pasture allowed me to use the sheep to eat the hay I needed to grow to get my organic certification".

Phil Bettin rotational grazes lambs and ewes in Martin County.

The pasture was seeded in spring of 2005 and established well. Phil did have to reseed an area, twice, due to drown out. The site was fenced to make two paddocks for the sheep to graze. The two paddocks can be further subdivided using temporary electric fence if the stocking rate would change.

Outcome

Phil is happy he made the decision to go to organic and graze sheep. To date he has 32 acres of certified organic ground and an additional 60 that will be certified by next year for a total of 90 acres. In the meantime he has around 100 acres in oats and alfalfa that is in the process of being certified organic.

The lambs are marketed to Wolverine Processor in Detroit Michigan. He sells to a more local buyer who consolidates loads before shipping the sheep up north. Phil would like to eventually transition his sheep herd to be certified organic, but before doing so is seeking a market for the organic meat.

Eric Bloomquist

3rd Crop Producer
Eric Bloomquist
110 Main St. E
Trimont MN 56176

Landowner
Wayne Bloomquist

Location
County - Martin
Township - Fox Lake
Section - 9

3rd Crop Planted
Native Grasses for Rotational Grazing

Easement Length
10 Years

Field Size
10 acres

Project Overview

Eric Bloomquist grazes 10 beef cows, 2 horses and some Boer meat goats utilizing a rotational grazing system. Rotational grazing is a sustainable grazing system where livestock are moved to different pastures to allow rest and re-growth of forages. This management system can increase overall production and quality of forages grown. Other advantages include an extended grazing season and a more uniform distribution of manure. The meat goats were added to fill a niche market and do not count against the stocking rate as long as the goat total is below 20% of the total number of animals. The goats eat the weeds and plant species that other grazing animals won't.

This long-horned cow was the first Eric purchased, and is what got Eric into grazing.

Project Description

This 3rd crop easement site has a culvert on the eastern border that runs under a gravel road to an open drainage ditch approximately 1000 feet from the culvert. This culvert, and subsequent drainage ditch, receive water from portions of nine sections. Soil erosion is a problem on some steeper slopes which two years of ridging has not solved.

The site had been in a corn/soybean rotation for several years. "Some permanent cover was needed to slow the water and reduce the soil erosion. The water really runs hard on some of those steep slopes", Eric says. "I guess I could have hayed it but going to rotational grazing seamed the most sensible thing to do. Instead of all the work and worry of haying, now all I do is monitor the pasture, open a gate, & move the water buckets".

Seeding was done in the spring of 04'. Warm season native grasses- Big Bluestem, Little Bluestem, Side Oats Gramma, & Indian Grass were straight seeded along with a little alfalfa. "I did some research and could not find much about establishing warm season grasses in pasture so most of what I learned was from the DNR on CRP plantings", Eric states. The warm season grasses were slow to establish and Eric struggled with Marestail. After spot spraying a general area several times he has a sneaking suspicion it had become herbicide resistant since he could not kill it.

Seven individual paddocks, each about 2.5 acres in size, make up the rotational grazing system. Animals are turned out in early spring (April 15th this year) and are moved every couple of days to a new paddock before starting the cycle again.

Outcome

Eric is pleased with his rotational system but is always looking for improvements. He is thinking of seeding some cool season species into the paddocks. He thinks the grazing animals will keep the cool season species from taking over, thus allowing the warm season grasses to come through and thrive in the middle of the summer. The goats were an especially good investment since they are basically grazing for free eating weeds and species the cows won't. "Overall I have been very happy with how things went and how the system is working out. It really allowed me to address a resource problem on the farm with a truly innovative solution!"

Kermit Carlson

3rd Crop Producer
Kermit Carlson
2256 70th Ave.
Trimont MN 56176

Landowner
Kermit Carlson

Location
County - Martin
Township - Galena
Section – 7

3rd Crop Planted
Native Grasses

Easement Length
10 Years

Field Size
6 acres

Project Overview

Tile intakes drain ponded water from a basin or pothole in the field. The water runs through a series of subsurface tiles and surface ditches before being released into a major stream or river. This system has made modern agriculture possible by providing hundreds of thousands of additional agriculture acres. From a water quality perspective, tile intakes provide a direct conduit for surface waters that can carry excess nutrients, sediment, and other pollutants downstream.

Kermit Carlson of Trimont MN was concerned about just that issue; sediment and excess nutrients getting into the water system. To quell his concern he decided to act and visited his local Soil & Water Conservation District to see what he could do. "A representative from the SWCD told me about the 3rd crop program and it sounded interesting."

A perennial buffer around tile intakes can reduce excess sediment and nutrients from entering the drainage system.

Project Description

The 3rd crop buffer planting is 6 acres in size and was planted to Big Bluestem, Indian Grass, Switchgrass, & Western Wheatgrass in spring of 2005. "I was a little surprised at how well it came up. I had heard it takes some time for those grasses to establish, but they are well on their way", says Kermit.

The buffer will provide an "island" of habitat throughout the year. In the winter, when the row-crop acres are bare, the perennial cover will provide upland birds cover from predators. In the spring & summer the buffer will be used for nesting and rearing offspring.

Outcome

"I have been pleased with the 3rd crop program and what it allows me to do", Kermit explains. Sedimentation has been reduced entering his tile system, as well as excess nutrient concentrations.

Kermit does have some hobby horses and may manage the buffer through some limited grazing or haying once all the grasses have been established to his satisfaction. A controlled burn could also be used every couple of years to manage the site and promote new growth.

Michael Gerken

3rd Crop Producer
Michael Gerken
2178 70th St.
Fairmont MN 56031

Landowner
Leon Gerken

Location
County - Martin
Township - Fairmont
Section – 33

3rd Crop Planted
Pasture Mix

Easement Length
10 Years

Field Size
10 acres

Project Overview

Mike Gerken farms about 1000 acres in Martin County. He has 10 acres of old pasture, about 40 acres of alfalfa with an oats cover crop, as well as a 10 acre 3rd crop easement planted to a pasture mix. The rest of his acres are split between corn and soybeans. In addition to the farm operation he also sells seed and finishes anywhere from 160-180 head of beef cows.

Mike heard about the program from the Martin County Soil & Water Conservation District (SWCD). "They explained everything real well and helped me with the paperwork", he says. "What I like most about the program is being able to manage it by haying or grazing."

Mike finishes between 160-180 head of beef cows in a year.

Project Description

Mike chose a site adjacent to an old gravel pit. The perennial cover will reduce overland water flow in heavy rain events and protect the soil when the wind blows. Organic matter will be increased over the life of the field and the legumes will fix nitrogen.

The pasture mix seeded in spring of 2004 included Alfalfa, Indian Grass, Brome, Sweet Clover, & Western Wheatgrass. "The Indian Grass and Brome didn't come up very well at all so I have been going through and re-seeding some Orchardgrass & Meadow Brome into the stand", Mike explains.

Outcome

Mike expects to get 2-3 cuttings per year from the 10 acres. Once the forage is cut and allowed to dry for several days it is baled in large square bales or chopped for silage and put up in the silo. The cows give Mike a value-added product to market and utilize the forage. The manure from the cows gets returned to the land for fertilizer and reduces the amount of inputs Mike purchases.

Alfalfa is allowed to dry in the cut rows for several days before being baled.

Mike is debating whether to continue haying the pasture or turning the cows out onto the pasture to graze. Ultimately market conditions will dictate which way he proceeds but to Mike it is nice to have the option. "I like having options on what to do with my own land. It allows me the flexibility while still doing the right thing."

Don & Judy Moritz

3rd Crop Producer
Don & Judy Moritz
1256 230th Ave.
Fairmont MN 56031

Landowner
Don & Judy Moritz

Location
County - Martin
Township - Fairmont
Section - 2

3rd Crop Planted
Hybrid Hazelnuts
Woody Florals
White Clover

Easement Length
10 Years

Field Size
7 acres

Project Overview

Don & Judy Moritz are owner/operators of DJ Veggie Market located just outside of Fairmont MN. They have a large production garden and market fresh produce at farmers markets as well as directly to consumers. Their garden encompasses over 2 acres and includes: potatoes, carrots, onions, beans, pumpkins, squash, sweet corn, beets, cabbage, spinach, tomatoes, and much more. The remainder of the agriculture land is rented to a local farmer. A small tract of land just north of their homestead was always wet and not very conducive to row-crops.

Don learned about hybrid hazelnuts by attending a meeting that highlighted hazels as a potential 3rd crop. "Hybrid hazelnuts seem a good fit for our operation and especially this tract of ground. The 3rd crop easement allowed me to take that problem spot and convert it to a higher use area both ecologically and hopefully economically once the hybrid hazels start producing"

Don & Judy in their large production garden. They sell at farmers markets and directly to consumers.

Project Description

This 7 acre site was planted to white clover with a nurse crop of oats. Don had planned on harvesting the oats, straw, & clover for a neighbor to use as cattle fodder but was never able to get into the site to get it cut. "Although I never got the oats or clover cut that first year they really kept the weeds down", he says. In July of 05' over 1000 hybrid hazelnut tublings were planted in east-west rows. The rows were spaced out alternately between 10 & 15 feet. "I spaced the rows alternately so I could still get a small tractor through the 15 ft. wide rows to access all plants". Spacing between plants was 5 ft. Planting began closest to the grove and continued toward the north. Don ran irrigation tape under the rows of hazels to provide moisture when needed. "I am a firm believer in irrigation tape, since I utilize it in the garden. I included it in this planting so when needed, I can simply turn on the hydrant, open some valves, and water is delivered to each plant".

Don used a garden tiller to till a strip where the tublings would be planted. Using a hand trowel, small holes were made for the tublings to slide into. Don used a water wand to give the newly planted seedlings some water but more importantly to remove any air pockets and settle the dirt around the newly planted tublings. "It is important to plant the tublings much like tomatoes, being careful not to pack dirt around the roots. It is very easy to damage and break the small roots if you start packing dirt around the green stemmed plants", he says.

Outcome

"Last fall I flagged those plants that didn't look like they would make it so I could check them this summer", Don says. "In July I will go back and see if those poor looking plants made it through the first year. I am encouraged to discover that if the root crown is still viable the plant will shoot up new growth even if it got nipped off by wildlife. I hope for 80% survivability".

Don does not expect to see any nuts for about 4 or 5 years. "I realize that the roots need to grow first before top-growth and eventually nuts are produced, but when they start producing I should be able to get around 3 lbs per plant. The hazels will be another nice product to include with our garden produce; I'm even putting in another 800 plants this year (06')".

Jon Olson

3rd Crop Producer
Jon Olson
256 190th St.
Trimont MN 56176

Landowner
Llyod Olson

Location
County - Martin
Township - Cedar
Section – 32

3rd Crop Planted
Native Grasses for Rotational Grazing

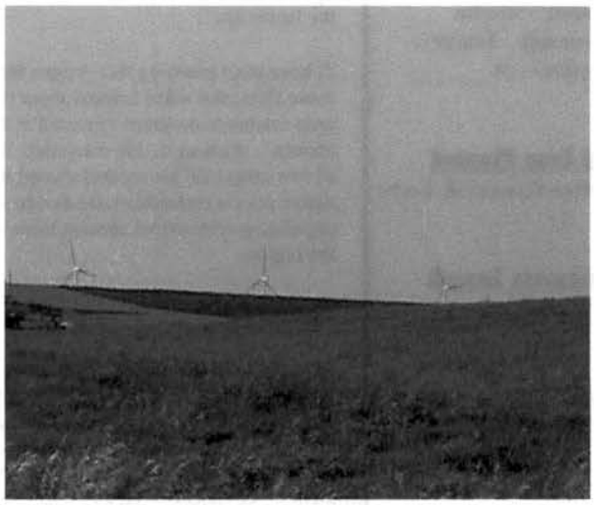
Easement Length
10 Years

Field Size
2.5 acres
7.5 acres

Project Overview

Jon Olson used the BERBI 3rd crop easement to take his farm in a completely different direction. "We were growing corn/soybeans and had just a few hobby cattle (8-10 head), but things just weren't working out", he says. So he started looking into rotational grazing.

Jon had been renting some grazing ground for his cows but decided it made more sense to increase his pasture acres closer to home. This would allow him to increase his herd size and address a couple of resource concerns on his farm. "Part of the farm is basically an old gravel pit that is always sandy & dry; a real challenge to get a good crop from", he says. On the opposite side of the farm, running along his driveway, is slightly over 7.5 acres that is characterized as rolling and receives all the runoff from the farmstead. "I was starting to get some gullies forming and needed to do something to address that problem, it was a no-brainer to put it in some sort of perennial cover", Jon explains.



Three wind turbines turn in the breeze behind Jon Olson's pasture for rotational grazing.

Project Description

The large 7.5 acre plot, as well as a smaller 2.5 acre plot that is in the gravely area of the farm, was seeded to warm season native grasses in Spring of 2004. The seeding mix was composed of 60% Big Bluestem, 20% Switchgrass, & 20% Side Oats Gramma. Jon explains that the warm season grasses take some time to establish. The first two years Jon clipped both plantings to control weeds and grazed a few horses in the 2.5 gravel area. To compliment the pastures that are seeded to warm season grasses, 12 additional acres were seeded to a mix of Perennial Rye, Fawn Fescue, and Oats as a nurse crop this year. The oats will be cut, harvested, and baled for straw before the cattle will be turned loose to graze.

Outcome

Jon describes the BERBI 3rd crop easement program as a snowball effect. "The BERBI program really helped us by giving us the opportunity to transition to a more sustainable farming system, and the 10 acre easement was just the beginning. This year we converted an additional 12 acres, next year an additional 11 acres, the goal being to get as much ground around the homestead converted from row-crop to pasture so we can graze on our own land and not be forced to rent as much".

Since he started this project 2 years ago his herd has grown from 10 cows to over 30 and he has addressed some significant resource concerns on his farm. The soil erosion caused by water draining from the farm on the 7.5 acre site adjacent to the driveway is basically eliminated. The light sandy soils from the old gravel pit are protected all year round by living cover and grow great grass for the cows to graze on. The benefit Jon enjoys the most since he began his transition to rotational grazing is time. "I work off the farm as well and going to grazing really spread out the workload for me. I have more time to spend with my wife Julie and our 3 kids Reilley, Matraca, and Bailley".

Rich Perrine

3rd Crop Producer
Rich Perrine
402 S Lake St.
Sherburn MN 56171

Landowner
Ardis Perrine

Location
County - Martin
Township - Fraser
Section – 28

3rd Crop Planted
Native Grasses & Forbs

Easement Length
10 Years

Field Size
10 acres

Project Overview

Rich Perrine works in the Martin County Soil & Water Conservation District (SWCD) office. He also identifies, collects, and preserves native seeds from around Martin County. He has always had a passion for the native prairie. "Everywhere you look it used to be tall grass prairie, each locality had its own eco-type and now the eco-type across the whole Midwest is corn/soybeans. This does not leave any room for some of these native species to re-populate because their just isn't room on the landscape."

"I have been planning this project for quite some time, and when I heard about the 3rd crop easement program I jumped at the chance", Rich says. He converted 10 acres of row-crop land his mother owned into a native prairie restoration site that he is re-populating with native species from within the region.

Cream Wild Indigo is one of the species Rich is trying to increase in the area.

Project Description

Rich seeded native grasses and forbs in the spring. Weeds are controlled by mowing and spot spraying for thistles. Rich explains the importance of having early and late succession species. The early succession plants, like Canadian Rye or Black Eyed Susan, will grow vigorously and will dominate early on; but with time other species will come through and eventually take over in their own little niche area. This makes for a diverse prairie, which is what Rich is after.

Outcome

"The goal of this prairie restoration is to raise local seed for the local eco-type of native plants. Very little is being done within the county to preserve some of these native species" Rich explains. "I am establishing the more prevalent species first like Leadplant, Purple Prairie Clover, Big & Little Bluestem, and Golden Alexander. Then I will move to the rarer species that are in large decline around the county like Cream Wild Indigo or Prairie Phlox" he says.

Rich harvests as much of his own seed (from other small plots) as possible to repopulate his native prairie. In addition, he has received permission from several land owners throughout the county to harvest seed on partial remnants they own. When he can't find a species locally he gets yellow tagged seed. Yellow tagged seed is from within a 25 mile radius of the prairie site; this ensures the integrity of the local eco-type.

Eventually a business may spring forth from the restored prairie and reclaimed species he is collecting. Depending on the species, some native seeds sell for hundreds of dollars per ounce. "I got started with Rattlesnake Master and Swamp Milkweed and now have enough that I can sell seed to others, but for the most part all my seed goes into my own restoration project" Rich says. "It is a long term project but one that is fulfilling and I enjoy."

Craig Peterson

3rd Crop Producer
Craig Peterson
2277 70th Ave.
Trimont MN 56176

Landowner
Craig Peterson

Location
County - Martin
Township - Cedar
Section - 13

3rd Crop Planted
Native Grasses for Rotational Grazing

Easement Length
10 Years

Field Size
10 acres

Project Overview

North Lake is a shallow lake located north of Trimont MN. The deepest point of the lake is a mere 4 feet. However, this little lake is a haven for wildlife in general and wildfowl like ducks and geese especially. Bordering the northeast corner of the lake is the farm of Craig Peterson. Craig, operates a cow/calf operation of about 45-50 cows. The remainder of the farm is in a corn/soybean rotation. When a neighbor mentioned the BERBI 3rd crop easement program to Craig he was a little skeptical. "I'm a small family farmer and I can't afford to be retiring land in a program, but when I got the details and found out the land can still be in production I did it and convert those corn/bean acres to perennial cover. That piece of ground slopes down to the lake pretty good so putting it in pasture will keep ridges and gullies from forming", Craig says.

Project Description

The 10 acre site was staked out and planted to native grasses. The seed mixture included Big Bluestem, Indian Grass, Little Bluestem, Side Oats Gramma, and Purple Prairie Clover. Craig seeded oats as a nurse crop with the grasses. "I cut and harvested the oats that first year and used the straw as bedding for the cows, but didn't have anything to graze", he says. "Last year (05') I turned the cattle loose in August and grazed as long as I could. This year I expect the natives to really come through strong and graze it again."

Many species of ducks and geese inhabit North Lake.

Craig installed fence to enclose the easement area and it is now one of the 5 paddocks that make up his rotational grazing system. The cows are allowed to eat the grass to a length of about 6-8 inches before they are moved to a different paddock giving the previously grazed paddock time to rest. By rotationally grazing his livestock he can achieve better quality and typically graze longer into the fall.

Outcome

Craig likes the 3rd crop easement program and says he would love to convert even more of his corn/soybean acres to pasture. "I have more cows than pasture right now so I do some additional haying, but it would be nice to get some more pasture. I like the cow/calf system and it has worked very well for me", he says.

The conversion from corn/soybean rotation to pasture has reduced the erosion potential from wind or rain and helps infiltrate any runoff that comes from the row-crop ground before it hits North Lake. In addition it makes for excellent habitat for nesting birds in the spring. "I can always hear pheasants cackling out there so I know they like it", Craig says.

Billeye Rabbe

3rd Crop Producer
Billeye Rabbe
1402 208th Ave
Fairmont MN 56031

Landowner
Billeye Rabbe

Location
County - Martin
Township - Rutland
Section– 29&32

3rd Crop Planted
Native Grasses/Forbs
& Tree/Shrub Barrier

Easement Length
10 Years

Field Size
10 acres

Project Overview

Development is a part of life. Cities and towns grow and thus need more space to accommodate the increasing urban population. This can create tension at the interface of this urban/rural landscape. Billeye Rabbe lives in one of these areas. 1 mile from the Interstate 90/Hwy 15 interchange, north of Fairmont MN, is her farm.

Plans for a Wal-Mart SuperCenter less than a ½ mile from her farm make future development almost certain. To mitigate the increased traffic & noise Billeye included a privacy/noise barrier consisting of lilacs, ash, and blue spruce, in her native prairie restoration. "I simply love lilacs, they smell and look so pretty and nothing reminds me of springtime more than lilacs."

Project Description

It was important for Billeye to include her two daughters, Casey & Angela, in the 3rd crop project. "The girls are very involved with the farm so I wanted their input as well", she says. As a family they decided on including several colorful forbs with the short grass mix so that the scenery would change throughout the seasons.

Billeye Rabbe planted native grasses & forbs as well as a living privacy fence to "hedge" against development

The prairie restoration took place on a 10 acre parcel that had previously been in a corn/soybean rotation. "The equipment is so large these days that it was kind of a pain to row-crop such a small area" Billeye says. "It ended up working perfectly for this project".

The grass and forbs were seeded in 2004 along with the 3 rows of trees. The outside row is blue spruce, ash in the middle, and lilacs on the inside row. "Billeye has a lot of different species on her prairie says Rich Perrine from Martin County Soil & Water (SWCD), who provided technical assistance on the project. "With it only being established in June of 04' it may take some time to see all of the species but they will come through eventually. The thing to remember is that this is a natural process of establishing a prairie that has been in a corn/bean rotation for so long."

Outcome

Billeye explains some of challenges on the project: "My two biggest challenges have been weed control and perception", Billeye exclaims. "I mowed the whole site 5 times the first year and have only had to mow between the tree rows since then. I don't want to spray the whole area because I don't want to kill the forbs but I have had to do some spot spraying for thistles" she says.

Along with the weed control challenges comes the added challenge of changing public perceptions. Many folks who drive past the site may get the impression that it is one giant weed patch. "Several people have expressed that I must be crazy to let the area go to weeds" Billeye says. "I have to continually remind folks that this is different than planting a pack of wildflower seeds from the local hardware store in your garden, nature has its' own way of working."

Ole' & Gene Bauman

3rd Crop Producer
Orlin & Gene Bauman
14998 320th Ave.
Waseca MN 56093

Landowner
Orlin & Gene Bauman

Location
County - Waseca
Township - Otisco
Section - 4

3rd Crop Planted
Alfalfa & Oats

Easement Length
10 Years

Field Size
10 acres

Project Overview

Orlin "Ole" Bauman and his brother Gene farm 150 acres south of Waseca MN. These former dairymen have focused their attention these days on the cattle operation. "Most everything we grow goes back to the cows", Ole says. "Alfalfa is baled in small squares, the corn gets ear picked and cribbed. We grind ear corn with some shell corn for the cows, same for the oats".

30-40 acres of the farm are in alfalfa, a few acres are in oats and soybeans, and the remaining acres are planted to corn. "The last couple of years we've grown some soybeans but while we were milking cows we never grew soybeans; it was always oats, alfalfa, and corn", Ole explains.

The cattle operation includes 16 beef cows, 30 steers, and 25 barn calves. Much of the ground they farm could be characterized as rolling hills with some areas having very steep slopes.

Ole & Gene rotate their alfalfa fields on the steeper slopes of the farm to protect from soil erosion.

Project Description

"With some of the steep slopes on the farm if we row cropped it every year we'd lose so much dirt we wouldn't have much to farm. That is why we have been so pleased with this 3rd crop program", Ole says. Both he and Gene converted 10 acres of corn/soybean ground to a 3rd crop. Alfalfa was seeded with oats as a nurse crop. Alfalfa is grown for 3 years and then a year of corn before alfalfa is seeded back down again in year 5.

Alfalfa, a perennial legume, keeps the soil in place through its root system and provides ecological service all year round even in the blowing winter and rainy spring. By rotating the alfalfa fields on the most environmentally sensitive areas of the farm, Ole and Gene will be able to target those areas that are of most concern.

Outcome

"With only 150 acres we need to have every tillable acre producing something for the cattle; we can't afford to set aside any acres solely for conservation. That is what we like so much about the 3rd crop program, we can use that alfalfa", Ole says.

The permanent cover has substantially reduced the potential for erosion coming from the steepest slopes on the farm. The ground is covered, water is slowed, and erosion minimized. The alfalfa will also provide valuable organic matter and fix nitrogen for the next crop in the rotation.

Paul Berry

3rd Crop Producer
Paul Berry
62980 185th St.
Waseca MN 56048

Landowner
Paul Berry

Location
County - Waseca
Township - Freedom
Section – 15

3rd Crop Planted
Oats

Easement Length
10 Years

Field Size
10 acres

Project Overview

Paul Berry farms 525 acres of mostly corn and soybeans in Waseca County. "I heard about the BERBI 3rd crop program from some neighbors who had just signed up some acres. The program sounded interesting so I got more information from the Waseca Soil and Water District and decided it was a good deal", he says.

Paul went with oats as a 3rd crop. The oats are seeded in early spring (March-April) so are growing much earlier in the year than corn/soybeans. The oats are rotated on some of the hillier pieces of ground Paul farms. This is good for decreased erosion potential and wildlife habitat.

Project Description

Oats are seeded in the early spring typically in late March if possible or early April. Oats are seeded shallow to allow them quick emergence and rapid growth. They thrive in cool wet springs and when used as a nurse crop with alfalfa do a good job of suppressing weeds while the alfalfa gets established.

The oats are harvested in July and the straw is baled to be used as bedding for the cows. That straw will eventually come back to the fields in the form of manure that will provide much needed organic matter, nutrients for the next crop, and improve overall soil health.

This field of oats is just days from being cut. It will be fed to weaned calves.

Outcome

Oats are a good grain to use when starting calves on grain. The energy density is lower than other grains like corn but high in fiber and bulky. Eventually higher energy grains will be incorporated into the ration for optimum gain.

Paul gets in about 12 Jersey calves a week that he will feed for awhile before they are sent off to be finished. "I guess we do finish out some cows, but not very many", he says. The calves provide Paul a value-added product that can utilize the 3rd crop.

Howard Guse

3rd Crop Producer
Howard Guse
18901 629 Lane
Waseca MN 56048

Landowner
Howard Guse

Location
County - Waseca
Township - Alton
Section – 18

3rd Crop Planted
Oats & Alfalfa

Easement Length
10 Years

Field Size
10 acres

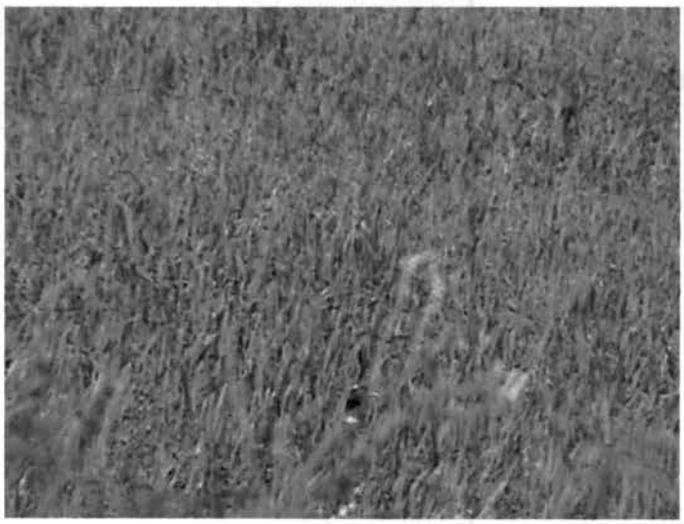
Project Overview

Howard Guse farms in rural Waseca County. He grows corn, soybeans, as well as oats & alfalfa. Parts of the farm are Highly Erodable Lands (HEL) and more sensitive to yearly row cropping. Depending on soil type and slope, soil loss on HEL ground can be severe when continually row-cropped year after year.

The oats/alfalfa mix provides perennial cover throughout all four seasons reducing problems such as wind erosion, water erosion, pest cycles, & nutrient leaching. It also benefits wildlife that nest in the alfalfa. Unlike grain oats which is allowed to fully mature and turn golden yellow, oats as part of a forage mix are harvested doughy and green.

Project Description

Oats and alfalfa are drilled in the spring. The oats shoot up quickly helping to suppress any weeds. Cool damp weather is best for the oats and by June will be headed out, yet still green. That is when it is cut into windrows and dried down for several days before being baled into large round bales.



The head of a pheasant is visible in the oat field which is only days away from being cut.

The alfalfa, and some oats, will grow back for a second or third cutting to be baled. The forage is fed to some beef cows that are finished out. Howard also has some calves he raises to feeder cattle size before being sold as finishers. The oats/alfalfa mix makes for good fodder with the alfalfa providing protein and the oats energy.

Outcome

"The livestock is what makes this program really work for us", says Howard. "Since we need the forage for the cows it makes sense for us to be growing it and not buying it from someone else". The alfalfa also fixes residual nitrogen for the next crop in the rotation which reduces the inputs he has to purchase.

Melvin & Russ Guse

3rd Crop Producer
Melvin & Russ Guse
Janesville MN 56048

Landowner
Melvin & Russ Guse

Location
County - Waseca
Township -Alton & Iosco
Section – 4 & 19

3rd Crop Planted
Oats & Alfalfa

Easement Length
10 Years

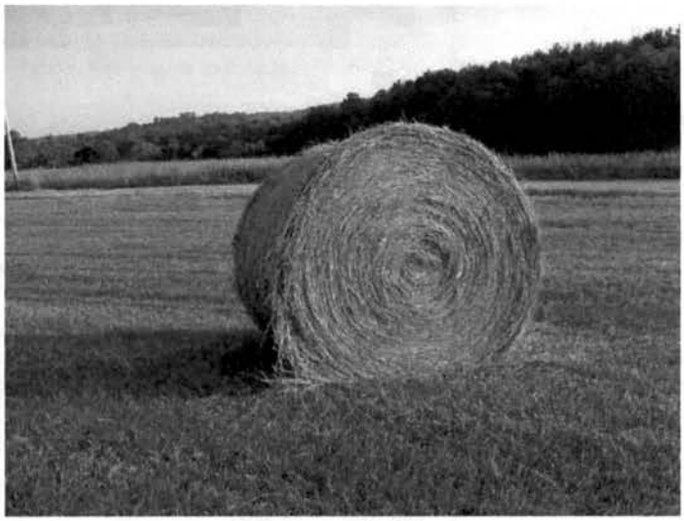
Field Size
10 acres each

Project Overview

Melvin & Russ Guse are brothers who farm together in Waseca County. The two farm over 700 acres and raise Holstein steers. They go with an extended rotation that includes three years of forage and two years of grain crops on as many acres as possible. The cow numbers fluctuate depending on the market but they may be feeding anywhere from 90 to 200 beef cows.

"We heard about the 3rd crop program from Marla Watje in the Waseca Soil & Water office", Melvin says. "She explained how the program worked and what we had to do on our end. Converting the corn/soybean acres to perennial cover makes a lot of sense if you're trying to reduce erosion from wind and water".

The brothers farm some parcels that have steeper slopes and border open water. "We decided to go with alfalfa so we could harvest it for our beef cows", Melvin says. "It also reduces our inputs on the other crop acres. It is a good sustainable system".



The alfalfa/oats mix is baled into large round bales.

Project Description

Russ and Melvin each seed 10 acres of alfalfa with an oats cover crop in the spring. "The oats really help keep the weeds down by growing rapidly and that leads to a better alfalfa stand", Melvin explains. "The stand is cut when it is still green but the oats have headed out. We cut it, allow it to dry down for a few days, and then we bale it up in large round bales and feed it to the cows". Each field will provide several cuttings of hay each year to feed to the cattle.

Outcome

Russ and Melvin both say they like the program and feel fortunate they heard about it. "With the livestock and everything we really need the forage and rotating those acres on our least productive corn/bean acres is a real bonus", says Russ.

By going with the alfalfa/small grain mix and extending the rotation they are actually building soil health and organic matter while growing forage for profit.

Dave Krampitz Jr.

3rd Crop Producer
Dave Krampitz Jr.
34159 Hwy 13
Waseca MN 56093

Landowner
Dave Krampitz Sr.

Location
County - Waseca
Township - Otisco
Section - 18

3rd Crop Planted
Native Prairie

Easement Length
10 Years

Field Size
10 acres

Project Overview

Dave Krampitz Jr. is an avid outdoorsman. Whether he is stalking a trophy red stag in New Zealand or bringing down a bear in the woods he is well aware that conservation of habitat is important to any hunter.

"We have a field and some woods behind the house that run into the Le Sueur River. That is where we have focused most of our conservation attention", Dave says. "We've done several projects over the years enrolling acres in CREP, CRP, and now the 3rd Crop Program".

Project Description

The 10 acre easement of native grasses and forbs was seeded in 2004 and is a small part of a much broader wildlife habitat planting that includes a food plot of corn, a planting of clover, and an adjoining are of straight seeded switchgrass intermixed with hardwoods and some conifers. The 10 acre native mix includes Switchgrass, Indian Grass, Big Bluestem, and forbs like Black Eyed Susan and Coneflower.

This wildlife habitat planting lies adjacent to the Le Sueur River.

"I like having the native prairie grasses for nesting and cover for the birds. The prairie grasses stand up better in the winter under the weight of the snow. The straight Switchgrass seams to cave under the snow and mat down", Dave Sr. explains. "Plus the native grasses are so much thicker in there. In fact I found three dead deer in the prairie grasses this spring. That must be where they go to hide out if their hit during the season. I can see why; with it being so thick and the food plot right next to it".

Outcome

Deer, wild turkey, pheasants, song birds, meadow voles & field mice, are only some of the species that call this wildlife planting home. In addition to the great habitat that has been created, ecological function has been increased with the perennial crops growing throughout the plot.

The native prairie grasses and forbs provide much needed cover all year long to reduce soil erosion, and act as a buffer to infiltrate and clean any water coming from the row-crop acres above it before it hits the Le Sueur River. The hardwood and conifer trees are sucking carbon from the atmosphere and converting it to logs, as well as stabilizing an area that was previously prone to forming gullies.

John Malterer

3rd Crop Producer
John Malterer
7110 403rd Ave.
Waseca MN 56093

Landowner
John Malterer

Location
County - Waseca
Township - Iosco
Section – 20

3rd Crop Planted
Alfalfa

Easement Length
10 Years

Field Size
10 acres

Project Overview

Lake Elysian is a 2000 acre lake situated between the Minnesota towns of Elysian and Janesville. It is a valued recreational lake for fishing both locally and regionally. The watershed for Lake Elysian encompasses approximately 27,000 acres with Iosco Creek being the main tributary. The land use is dominated by row-crop agriculture (80%).

The local community is committed to improving the water quality of the lake in order to preserve this great fishery. John Malterer, along with his wife and 3 children Joe, Kate & Tim, are part of this community. They are the largest landowners in Iosco Creek with much of the farm land situated adjacent to the open water of the creek.

"We've been doing various projects on our own for several years to try improve the water quality in the lake, we've built a couple of water storage structures & grassed waterways, I'm always looking for projects to do", John says.

The hayfield behind John acts as a buffer between the small cattle feedlot and a wetland.

Project Description

For his latest project John partnered with BERBI and the Waseca SWCD to plant a buffer between his barn/feedlot and a large wetland. He went a step further when he redesigned his feedlot of 30 cows to accommodate the alfalfa buffer. The barn/feedlot is situated on a sidehill. Rain that collects above the barn runs into some drainage pipes John designed to control and funnel the water around the feedlot and into the alfalfa buffer area. The water is filtered through the alfalfa before reaching the wetland. Runoff from the feedlot itself also runs into the alfalfa buffer.

John chose alfalfa as the 3rd crop on the 10 acres for a couple of reasons, as a former dairyman he has grown alfalfa for many years, and he can add value to the alfalfa by feeding it to his cows. "I feed all the hay back to my cows so it really works out well", he explains.

Outcome

John figures he yields about 2 ton per acre on the alfalfa to feed back to his cows. Converting the 10 acres from corn/soybeans to a perennial crop like alfalfa has reduced sedimentation reaching the wetland. "This has been a great program, especially since you can keep the land in production with a perennial crop", he says.

This project is merely one in many John has completed, is working on, or has "in the works". With his great attitude and care for the land John is definitely part of the solution to improving the water quality of Lake Elysian.

Troy Schue

3rd Crop Producer
Troy Schue
12691 240 Ave.
New Richland MN
56072

Landowner
Troy Schue

Location
County - Waseca
Township - New Richland
Section –

3rd Crop Planted
Native Grasses & Forbs

Easement Length
10 Years

Field Size
1.3 acres

Project Overview

Troy Schue farms 1000 acres of corn/soybeans in Waseca County. He also owns and operates a successful trucking company. The 3rd crop planting on his farm compliments a seven acre CREP planting that was seeded in 2004. "I didn't get everything into CREP that I wanted to, so I visited with Marla Watje in the SWCD office and she told me about the 3rd crop program for water quality. The piece I was thinking of enrolling runs into Boot Creek and some perennial cover would buffer the creek from the rest of the row-crop acres", says Troy.

Since Boot Creek runs right through the CREP acres Troy decided to plant a native grass and forbs mix as well as hardwoods and shrubs. The riparian buffer will do a good job of trapping surface water and infiltrating it through the perennial cover before reaching the creek.

Project Description

The site is comprised of 1.3 acres that adjoins part of a riparian CREP planting. The native grass mix included Switchgrass, Big & Little Bluestem, Indian Grass, as well as several colorful forbs for added diversity. They were seeded in spring of 2004.

"The 3rd crop planting allowed me to square the area off nice and neat as well as improve water quality and wildlife habitat", Troy says.

Forbs were included in the native mix to add color and diversity to the 3rd crop planting.

Outcome

The native grasses and forbs are looking good and have established well. Troy did some clipping to maintain the site and keep the weeds down. He believes that the increased habitat from the CREP acres and 3rd crop acres is really paying off. "It seams to me that I have seen more pheasants and songbirds than ever before", Troy explains. He welcomes the increase in wildlife since he hunts pheasants and deer, when time permits. "I enjoy hunting but with the farm and the trucking I don't get out as much as I would like to."

Troy does not plan on harvesting the grasses and forbs for hay or seed. It is primarily a wildlife habitat planting that is also serving an ecological function of improving water quality.

Don Davis

3rd Crop Producer
Don Davis
36553 700th Ave
St. James MN 56081

Landowner
Don Davis

Location
County - Watonwan
Township - St. James
Section – 34

3rd Crop Planted
Native Grasses &
Hybrid Hazelnuts

Timothy

Easement Length
10 Years

Field Size
9 acres Timothy
1 acre Hazels/Natives

Project Overview

Don Davis is a retired dentist and farmer living in rural Watonwan County. He has been a lifelong conservationist and has over 100 acres of land devoted to conservation and improved ecological function. 3rd crops being grown on his land include alfalfa, hybrid hazelnuts, timothy, & native grasses. Larry Spitzner is a local dairyman who rents the farmland to grow crops for his dairy operation.

Project Description

"This project has two components" Jack Kreck of the Watonwan Soil & Water Conservation District says. "The first is a 9 nine acre site where straight timothy was seeded in spring of 2005.

The second component is a one acre site that buffers an open drainage ditch that includes native grasses and some rows of hybrid hazelnuts that were planted in spring of 04".

This one acre buffer of native grasses and hazelnuts lies next to an open drainage ditch.

In addition to the added diversity each 3rd crop brings to the landscape, ecological function was an important reason for switching from a corn/soybean rotation to perennial system. The deep and expanding root structure of the multi-stemmed hazelnut bushes coupled with the dense root mat provided with the native grasses acts as a sponge to virtually eliminate any water runoff in a heavy rain event that could potentially enter the drainage ditch.

Outcome

Timothy makes good grass hay and is not as rich as alfalfa. It is fed to a herd of Holstein cows a neighbor milks. Timothy hay is prized by horse owners and they will typically pay a good price for high quality- dust free bales. A good export market to parts of Asia also exists.

The hazels are primarily for wildlife habitat but Dr. Don says if a good market exists he would love to harvest them once they start producing nuts in 4-5 years.

9 acres of Timothy

An additional role each planting plays is in providing good wildlife habitat. Dr. Davis enjoys hunting upland birds with his two Brittany dogs Kit & Skip and the large tracts of native grasses provide good habitat and cover for pheasants. The multi-stemmed hazels provide a safe-haven for baby pheasant chicks from soaring predators.

Richard Flohrs

3rd Crop Producer
Richard Flohrs
2378 90th Ave
Ormsby MN 56162

Landowner
Richard Flohrs

Location
County - Watonwan
Township - Long Lake
Section - 23

3rd Crop Planted
Native Grasses &
Woody Perennials

Easement Length
10 Years

Field Size
10 acres

Project Overview

"This site is a real good fit for the 3rd crop program. The steeper slopes run down into the Watonwan River and keeping it in permanent cover will make a significant reduction in the sediment reaching the river", says Jack Krech of Watonwan Soil & Water Conservation District (SWCD).

The site is owned by Richard Flohrs of Ormsby. He decided to go with shrubs and bushes that are aesthetically pleasing and have some value. Woody florals like Redosier Dogwood, American Cranberry, Flame Willow, and Blue Arctic Willow have value in the woody floral industry if the stems are managed and of high enough quality.

Project Description

The 3rd crop planting is actually two separate pieces that are split by the Watonwan River. One measures 5.4 acres and the other 4.6 acres for a total of 10. A native mix of Switchgrass, Big Bluestem, Indian Grass, and Side Oats Gramma was seeded in 2005. Several rows of trees were planted a couple of weeks later.

Rows of trees and shrubs are planted along the contour of these slopes that run down into the Watonwan River.

Landscaping fabric was laid to keep the weeds from taking over within the rows of the trees and shrubs. The fabric is woven allowing air and moisture to permeate through. A 4-6 inch layer of mulch is typically spread over the fabric to eliminate sunlight.

Shrub and tree species included in the planting are Amur Maple, American Cranberry, Blue Arctic Willow, Flame Willow, Eastern Red Cedar, Black Hills Spruce, Rodosier Dogwood, American Plum, Siouxland Poplar, & Ponderosa Pine.

Outcome

The trees and shrubs will sequester carbon from the atmosphere as will the native grasses. The large perennial plants and their deep root structures will keep soil in place even in heavy rain events. Wildlife habitat is greatly improved with the native grasses and shrubs making for excellent upland bird nesting

Alice Voss Gaines

3rd Crop Producer
Alice Voss Gaines
2809 Asbury Terrace
Greensboro NC 27408

Landowner
Alice Voss Gaines

Location:
County - Watonwan
Township - Nelson
Section – 35

3rd Crop Planted
Native Grasses &
Conifer Windbreak

Easement Length:
10 Years

Field Size:
7.2 acres

Project Overview

Alice Voss Gaines was raised in rural Watonwan County but now resides in North Carolina for much of the year. She enjoys returning to "home" in the summer months. She loves the farm life and is pleased her daughter, who lives in New York, tracks the progress of things on the farm with equal enthusiasm.

Alice was astonished a few years back when she was showed a picture a family friend had taken during the winter. "The picture was the west road ditch of Highway 4 right next to one of my fields. The snow was drifted several feet and covered with black dirt. I couldn't believe it", she says.

Alice new then she needed to protect the light soil from being blown away. "Alice did a number of things to reduce the wind erosion on that farm", says Jack Krech of Watonwan SWCD. "She planted the whole field to alfalfa and used the 10 acre easement to plant a windbreak of Black Hills Spruce and a native grass buffer between Hwy 4 and the rest of the field".

Flax was used as a cover crop for the alfalfa field next to the 3rd crop planting.

Project Description

The site is an L-shaped piece on the east and north end of the field adjacent to Highway 4. A row of Black Hills Spruce was planted in 04' for the windbreak. The native mix that was seeded contains Big Bluestem, Canada Rye, Indian Grass, Little Bluestem, Slender Wheatgrass, & Western Wheatgrass.

Establishment on the site has been slow. The windbreak of Black Hills Spruce looks very nice and is doing a good job of slowing the wind down. It has also proved to be a valuable tool for keeping snow from filling in the road ditch during winter.

Outcome

Alice could only enroll 10 acres into the 3rd crop program. The remaining acres she decided to plant alfalfa with a cover crop of flax. The alfalfa will provide year long landscape cover, thus reducing the potential for soil erosion. The flax was planted as a nurse crop more for aesthetic purposes than anything.

"I chose flax because I can remember driving in the countryside with my father when I was a child and looking out at the landscape and seeing all those beautiful "lakes" in the morning. We would drive past the same fields in the afternoon and the "lakes" had dried up. I didn't realize at the time that those "lakes" were actually fields of flax in full bloom with their unique blue flowers. Flax will bloom in the morning and lose its blue flowers in the afternoon, only to start the cycle again", Alice explains.

Dennis Hunstad

3rd Crop Producer
Dennis Hunstad
41315 715 Ave.
St. James MN 56081

Landowner
Dennis Hunstad

Location:
County - Watonwan
Township - Long Lake
Section – 23

3rd Crop Planted
Perennial Pasture Mix

Easement Length
10 Years

Field Size
10 acres

Project Overview

Riverview Acres sits along the Watonwan River south of St. James MN. Dennis Hunstad purchased the property in 2002. "The place had pretty much been in neglect for over a decade. We did a lot of work to the place and it has been a fun process", he says. The 22 acre property contains the acreage, some woods along the river and a 10 acre plot of what was row-crop.

"Right after I purchased the property I stopped by the Soil & Water Conservation District. They told me about a program to grow 3rd crops. That sounded great to me since I have some horses. So I signed right up", Dennis says. He decided on converting the 10 acres of row-crop to a pasture mix to graze some horses.

Project Description

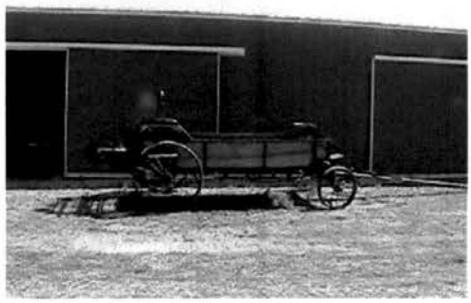
The 3rd crop site had been in soybeans the previous year and was seeded to a pasture mix of perennial grasses and legumes in spring of 2005. The piece is relatively flat and sits in a strategic location between some neighbors' row-crop acres and the woods that buffer the Watonwan River. Any water from heavy rain events will be filtered through the perennial cover before reaching the Watonwan River. The easement acres were fenced to allow his horses to graze the paddocks.

This sign welcomes friends and neighbors to Riverview Acres in Watonwan County.

Outcome

Dennis has several horses that he pastures on the easement acres. A mini-pony, a saddle horse for riding, a buggy horse for his buggy, and a team of pulling horses for giving hayrides and bob-sled rides round out his stable. "I used to have some draft horses and participated in parades and other public events but I gave them up a while back", he says.

His love and long history of horses is evident by all the horse powered antique implements he has displayed at the farm. Manure spreaders, hay rakes, even an old well drilling rig that has a tree grown right up through it. "It's a hobby I enjoy", he explains. Another hobby is raising day old pheasants for 6-7 weeks and then releasing them to the wild. "Those little guys grow up so fast it is unbelievable."



A horse powered manure spreader.

Curt Olson

3rd Crop Producer
Curt Olson
34944 710 Ave
St. James MN 56081

Landowner
Curt Olson

Location:
County - Watonwan
Township - St. James
Section – 14

3rd Crop Planted
Native Grasses

Easement Length
10 Years

Field Size
2.68 acres

Project Overview

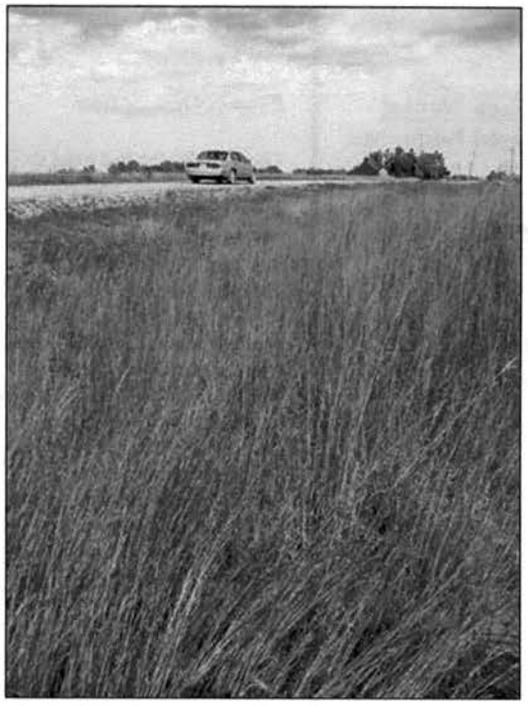
Curt and Lois Olson live on an acreage along County Rd. 113 not far from St. James Lake. "This acreage sits on an 80 that I sold a couple of years ago. Before selling it I got it surveyed and squared off for a total of 10 acres. I wasn't sure what I was going to actually do with the 2 small plots. It is a real pain try and farm with the large equipment. When my wife told me about growing 3rd crops I thought these 2 plots would be perfect to plant some native grasses for pheasant habitat", Curt says.

Project Description

The native grass mix includes Little Bluestem, Canada Rye, Side Oats Gramma, and Slender Wheatgrass. The planting has been slow to establish but Curt is optimistic. "I know it will take some time to really get going but once it does it will make great nesting for birds."

The previous crop was soybeans so both pieces had been chisel plowed in the fall. Curt field cultivated several times in the spring preparing a nice seedbed to drill the seed into. Watonwan SWCD provided the equipment and Curt did the planting himself. "We got some rain shortly after we planted so couldn't ask for anything more.

Maintenance will consist of clipping the stand the keep weeds under control and from going to seed. Curt may have to do some spot spraying to control thistles. He is worried about the weed pressure in the county road ditch that adjoins one of the pieces.



Little Bluestem is one of the native grasses included in Curt's wildlife planting.

Outcome

Curt is contemplating what to do after the native grasses start producing seed. He could continue to keep it as a wildlife planting but is quick to note that two additional wildlife habitat plantings will be going in this year. "Nine acres across the road was enrolled in CRP by my neighbor and my sister is enrolling another fourteen acres just to the north a ways." That has Curt thinking about harvesting the native grasses for seed, or perhaps even haying the area in a couple of years.

Norman & Kathy Penner

3rd Crop Producer
Norm & Kathy Penner
30939 315th Ave.
Butterfield MN 56120

Landowner
Norm & Kathy Penner

Location
County - Watonwan
Township - Adrian
Section – 29

3rd Crop Planted
Hybrid Hazels with Alfalfa Cover Crop

Easement Length
10 years

Field Size
10 acres

Project Overview

Norm Penner has been farming in Watonwan County for over 40 years. He has seen, first hand, the changes that have taken place in agriculture. Norm can recall the days when farmers were leery to tryout soybeans. "Most farmers grew corn, wheat, oats, alfalfa, flax-around these parts, and pasture. Soybeans were the 3rd (alternative) crop of those days" he says. "It took guys a little time to buy into the whole soybeans thing but eventually they adopted and adapted". For Norm and his wife Kathryn, adopting and adapting is simply a way of life.

Project Description

Norm's hazel/alfalfa 3rd crop site lies adjacent to the small community of Darfur. Rows of hybrid hazelnut bushes run east to west, starting on the north end of the field. "The alfalfa was seeded with oats as a cover crop in 04', it came up real well and we harvested the oats for the cattle. The alfalfa was a good stand and we got a cutting from it that first year", he says.

Hybrid hazelnut bushes from Badgersett Research Corporation near Canton MN were planted in early July. "Planting those little tublings was a real learning experience. I thought we had it planned out well. I would drill holes with a ground auger and Kathryn would come behind and plant the individual plants, we would have a regular ol' assembly line", Norm laughs.

This beautiful looking hazelnut should be producing nuts in two or three years.

Norm's plan was good but implementing it proved to be difficult. The ground auger made a much bigger whole than what was needed. "I would suggest no bigger than a 6" auger and get 4" if you can", he says. The dirt the auger churned up was wet and chunky, not the preferred fine and mealy. Planting the small plants in the rough soil makes for more air pockets and potential settling. Fine & mealy dirt settles around the tender roots and keeps them firmly in place.

In addition to being too large, many holes were too deep. "We watered to settle the dirt around the tublings. Around half dropped 6-8 inches down the hole. Some of the holes we had to actually dig out the plants and add more dirt underneath to prop them back up", Kathy notes.

Outcome

"I was told that the deer don't feed on the small plants and I think that may be true but the rabbits sure did nip a lot of plants off. I was pretty concerned that first year thinking we had lost the majority of the planting. But sure enough in the spring new growth shot out from below the nipped off point and even from the root crown on a few; that made me feel much better", Norm says with a smile.

Norman is cooperating with several partners to share his experiences growing hybrid hazelnuts and working to solve some of the challenges of commercial production. Eventually his full 10 acres will be planted to hazels making all Norms work worthwhile.

Mark Rentz

3rd Crop Producer
Mark Rentz
27439 750th Ave.
St. James MN 56081

Landowner
Mark Rentz

Location
County - Watonwan
Township - Riverdale
Section - 8 & 9

3rd Crop Planted
Alfalfa

Easement Length
10 Years

Field Size
10 acres

Project Overview

Mark Rentz, with wife Julie and children Ryan & Erin, live on a small family farm in Watonwan County. They milk 40 Holstein cows and farm 350 acres. Mark has been milking for over 20 years on his own and has been able to stay viable as a small dairyman in an era when many are leaving the industry. Minnesota currently has almost 6000 dairy farms in the state, down from 15,000 a mere decade ago.

Mark grows over 40 acres of alfalfa to feed his herd of heavy milkers. "You don't see many folks growing hay unless they have some livestock, but us dairy guys need to have good quality alfalfa", he says. "An average cow produces 23,000 pounds of milk per year. That means a cow is pumping out around 75 pounds of milk per day. That old girl needs a lot of protein to keep that production up."

Mark Rentz is a small family farmer milking 40 Holsteins in Watonwan County

Project Description

The 10 acre easement is part of a larger hay field (40 acres). Mark direct seeded alfalfa with Pizza Grass, he did not use a cover crop. "It came up real well and I chose to throw in some of the Pizza Grass on the BERBI 10 acres to distinguish it from the other 30 acres", he says.

Mark will rotate his alfalfa fields to target the most environmentally sensitive areas of the farm. A hay field has a lifespan of about 3-4 years before it needs to be planted to something else like corn, soybeans, or some other grain. By rotating the hay fields he can ensure that sensitive land is covered in permanent vegetation for 3 out of 5 years.

Outcome

"This is the best program I have ever participated in", Mark says with a smile. The alfalfa reduces soil erosion, fixes nitrogen for the next crop, increases organic matter, and infiltrates any water runoff from the row crop acres of the field.

Mark will cut some of the hay for silage, which he bags, and will bale the remainder in large square bales. He expects to get 4 cuttings from the field depending on the weather. He cuts the alfalfa early to capture as much protein as possible in the young plant; it may reduce his tonnage a little but is better quality for the cows.

Wade Sagehorn

3rd Crop Producer
Wade Sagehorn
69502 440th St.
Ormsby MN 56162

Landowner
Wade Sagehorn

Location
County - Watonwan
Township - Long Lake
Section – 33

3rd Crop Planted
Native Grasses &
Woody Perennials for
A Living Snowfence

Easement Length
10 Years

Field Size
2 acres

Project Overview

Wade and Amy Sagehorn live on an acreage just outside Ormsby MN. The farm sits in the corner of an 80 acre parcel planted to a corn/soybean rotation. Three years ago the couple decided to square off the acreage and plant a windbreak on the east side of their property buffering the farm from the rest of the row-crop acres. "I first thought of just putting in some grasses but the more I thought about it the more I wanted some rows of trees", says Wade.

The Watonwan SWCD helped Wade select the grass mix and tree species to plant. "I originally wanted to go with just Switchgrass but ultimately decided on a grass mix of several species", he says. The native polyculture mix of several species provides increased diversity which wildlife favor.

Project Description

The grasses and rows of trees were planted in spring of 2005. Switchgrass, Indian Grass, Side Oats Gramma, and Western Wheatgrass were the species that made up the native mix. Several rows of Dogwood, Poplar, Ash, Maple, and some Pine trees were laid out, holes dug, and planted. Adequate water is always important to establishing woody plants successfully since they are typically planted as bare root dormant stock or potted plants.

A mix of native grasses provides cover from predators and nesting habitat.

The trees and shrubs remove carbon dioxide from the atmosphere which is a greenhouse gas and contributor to global warming. The CO2 is converted into the biomass of the trees (trunk, branches, leaves, etc.). The grasses have deep roots and add organic matter back to the soil, in addition to providing protective cover for the soil during gusty winds.

Mowing is used to control weeds and spot spraying has been done to manage some thistles. Once established, the grasses will provide great habitat for nesting birds and small mammals like voles, and mice.

Outcome

"The yard seams larger now that the trees, shrubs, and grasses have been added", explains Wade. "I think it is a good program taking some acres out of corn/beans for a perennial crop." Wade plans on keeping the added yard space as a wildlife planting and does not foresee doing any harvesting for seed or forage from the planting.

Native Plants and 3rd Crops for Water Quality -- Enrollment Criteria

BERBI LCMR Proposal – For implementation during July 1, 2003 through June 30, 2006
This describes, in further detail, the BERBI 3rd Crop implementation component of the LCMR proposal that will be carried out in the Greater Blue Earth River Basin Watershed. See the full proposal for other activities.

Background
The Greater Blue Earth River Watershed in south central Minnesota contains 2.3 million acres of highly productive farmland dominated by a corn/ soybean rotation and a strong, predominantly swine, livestock industry. Several aspects of the current corn/ soybean cropping system are not sustainable. Despite efforts to implement best management practices, soil and water quality continue to deteriorate and rural farming communities struggle to stay viable. Greater crop diversity is desperately needed, not only for the environment, but also to diversify farm economics and provide more value-added opportunities.

The Proposal
This proposal, through implementation and demonstration, is designed to create a more sustainable system by providing transitional and risk incentives for establishing greater crop diversity which will increase land stewardship; reduce environmental impacts; and accelerate economic opportunity within rural Minnesota.

A 3rd Crop program promotes the establishment and growing of crops other than corn and soybeans. This project would pay landowners a financial incentive to raise a 3rd Crop. Technical assistance and long term monitoring would be provided by the local SWCD. We have a broad definition of 3rd Crop that not only includes traditional agricultural crops, but also would promote the production of ecological and public goods such as hunting leases, recreation, birdwatching, eco-tourism, carbon sequestration, nitrogen farming and water storage. Most 3rd Crops could be income generating. This additional income could help maintain or establish new opportunities to maintain rural Minnesota's economic vitality.

Enrollment
Landowners meeting the following guidelines would be eligible to enroll.

- Areas planted must convert land that was planted to corn or soybeans during 2002 growing season, to a 3rd Crop. Cropping history can be verified with FSA aerial photos.
- Enrolled acres must be within the Minnesota portion of the Greater Blue Earth River Watershed.
- Acres enrolled must meet BERBI's priority area which is: 1] within 1000 feet of surface water; 2] within a flood plain; 3] within 1000 feet of an open tile intake; or 4] a high local priority. A high local priority will include pest reduction initiatives such as for control of soybean cyst nematode, aphids, rootworm, etc..
- No net loss. You cannot get paid for what you are already doing. If you are already growing a 3rd Crop, you can add more acres of a different crop but you must then maintain your original 3rd Crop acres throughout your contract.
- Technical assistance will be provided by the SWCD in the county where the project is located. The SWCD will be responsible for ensuring that the program criteria is maintained throughout the years of the project.
- Each agreement will have an operation and maintenance plan developed for the 3rd Crop. Annuals/ Perennials < 5 years can be rotated, if it is defined in your plan, among your acres to reduce disease and/or build soil health.

The 3rd Crop is not a land retirement program -- the land is expected to generate income. It is intended to create a working landscape that will build toward a more sustainable system

--- environmentally, economically and socially.

- Marketing of these alternative crops is a key component of the program. A person will be hired to assist with identifying existing markets, coordinate producers with those markets; and promote the development of new market opportunities.
- Agreements would be a 10 year *recorded* easement [comparable to BERBI Living Snowfence].
- Maximum size per easement is 10 acres.

3rd Crop Payment Matrix

3rd Crop	Length of Agreement 10 year Easement
Annual, Non-Row Crops small grain, cover crops, rotations supporting soybean cyst nematode control, cropping for pesticide reduction, etc. You can rotate over your acres if in the plan.	40% of RIM Rate
Perennial, ≤ Five Years Native Plants, Alfalfa, Grass Hay, emerging varieties, etc. You can rotate over your acres if in the plan.	50% of RIM Rate
Perennial, ≥ Five Years Native Perennials, woody perennials, shrubs, pasture, fruits, Hazelnuts, etc.	60% of RIM Rate
Perennial, Long Term Native Perennials, Woody Perennials, Willow, Cottonwood, Living Snowfence, etc.	70% of RIM Rate
Perennial, Long Term Water Storage	75% of RIM Rate

www.thirdcrop.org
www.berbi.org

Contact:
Linda Meschke
BERBI Executive Director
426 Winnebago Avenue, Suite 100
Fairmont, MN 56031
507.238.5449

September 12, 2004

3rd Crop Demonstration Sites

Establishment of 3rd crop demonstration sites at four locations across Minnesota was one of the goals of the Native Plants and 3rd Crops for Water Quality LCMR project. To compliment on-going efforts by project partners, two acre demonstration plantings were to be established within the greater Blue Earth, Chippewa, Lower Minnesota and Roseau watersheds. Each site would demonstrate at least ten species of 3rd crops.

Sites have been established at the following four locations:

- ✦ Heritage Acres, Fairmont [Blue Earth Watershed]
- ✦ Magnusson Farm, Roseau [Roseau River Watershed]
- ✦ Prairie Horizons Farm, Starbuck [Chippewa River]

Seven Stories Farm, Belle Plaine [Lower Minnesota Watershed]

Heritage Acres – The Heritage Acres site was established in the spring of 2004 and is located on the western shore of Lake Sisseton at the Heritage Acres Agricultural Interpretive Center. The site consists of 50 species of various crops in 30 foot rows on one acre and then approximately ten acres of small grain that is used annually for their threshing day. Annual 3rd Crop Field Days have been held at the site. In 2005 the North American Temperate Agroforestry Conference stopped at the site as part of an agroforestry tour in south central Minnesota.

Ag Producers learning about 3rd Crops.

Demo Site in the first year.

Species included at the Heritage Acres site include:

"Bison" Big Blue Stem	Switchgrass	"Itasca" Little Blue Stem
"Pierre" side oats grama	Buffalo grass	Purple Prairie Clover
Perennial flax	Buckwheat	Alfalfa [Fiber] CW 75046
Illinois bundleflower	Lead Plant	Wild Senna
Blue Wild Indigo	False Indigo	Milk Vetch
Canadian Wild Rye	Mesic Forb Mix	Slender wheatgrass
Bittersweet	Black Currents	Badgersett Hazelnuts
McDermond Pear	Juneberry	American Plum
Highbush Cranberry	Chokeberry	Forsythia

Black Chokeberry	Nanny berry	Cardinal Dogwood
Red Dogwood	Wild Grape	Golden Current
Wild Hazelnuts	American Cranbush	Sand Cherry
Buffalo Berry	Pin Cherry	French Pussy Willow
American Elderberry	Prairie Cordgrass	"Chinese" Lilac
"Maiden's Bush" Lilac [lite pink]	Magenta Lilac	"Sunday" Lilac [lite purple]
Common Purple Lilac	Common White Lilac	"Pekin" Lilac
"Villosa" lilac [legacy]	Common Lilac	

Magnusson Farm – In the fall of 2003 twenty five native species were planted on the Magnusson Farm northwest of Roseau to evaluate and demonstrate the potential seed production of those species in the region. There is also interest in the plant potential for biomass energy from natives. The plantings consisted of perennial grasses, forbs and woody species. A field day is held each year in June for farmers, agricultural industry representatives, bankers, insurance brokers, seed processors and state and federal agency representatives. Annual attendance is about 120 people.

Roseau Demonstration Site

False Indigo, a native legume, in the foreground.

Species included at the Magnusson Farm are:

False Indigo	Perennial flax	Blue Wild Indigo
Lead Plant	Wild Senna	Illinois Bundleflower
American Vetch	Showy Tick Trefoil	Canada Milkvetch
Pale pea	White Prairie Clover	Purple Prairie Clover
Round Headed Bush Clover	Prairie Indigo	Wild Lupine

Prairie Horizons Farm -- Luverne and Mary Jo Forbord operate Prairie Horizons Farm near Starbuck in the Chippewa River watershed. The planting was established in the spring of 2006. Mats were put down to assist with weed control at the site. Species planted at the site include:

Hardy Apricot	Buffalo grass	Indian grass
Big bluestem	Switchgrass	Buffalo berry
Nanking cherry	Black chokeberry	Chokecherry
Golden current	Badgersett Hazelnuts	Native Hazelnuts
Magenta Lilac	Usarian pear	Curly willow

Planting at Prairie Horizons Farm

Planting is 1320 feet long, 3 rows wide

Seven Stories Farm -- Heidi Morlock lives with her family on Seven Stories Farm between Belle Plaine and Jordan. The farm, owned by Heidi's mother, is a great example of a working third crop farm. The farm is set up to capitalize on the near by urban market utilizing local Farmer's Markets or sales on site. In addition they host a Day Camp for kids to get connected with nature and they also host small musical events on their farm. Crops demonstrated include:

Hazelnuts	Black Beans	Alfalfa [in rotation]
Cut flowers	Curly Willow	Dogwood
Korean Pine Nuts	Strawberries	Blueberries
Wetland Restoration	Black Walnuts	June Berry
Raspberries	Native grasses	Day Camps for Kids
Music Events	Several varieties of vegetables	

NEW BUSINESS

2. Summary of Clean Water Legacy Grant Applications – Doug Thomas – *INFORMATION ITEM*

DRAFT

Board of Water and Soil Resources
Clean Water Legacy Projects Summary

	RESTORATION PROJECTS	Projects Submitted	Loan Request	T/A Request	Grant Request	Total Funding Request	Leveraged Amount
1	Lower Mississippi River - Fecal Coliform	20	$ 780,000	$ 815,260	$ 2,841,300	$ 4,436,560	$ 3,470,700
2	Lower Minnesota River - Dissolved Oxygen	23	$ 1,680,000	$ 2,559,540	$ 8,231,257	$ 12,470,797	$ 573,112
3	South Branch Yellow Medicine River - Fecal Coliform	1	$ 312,500	$ -	$ 622,300	$ 934,800	$ 100,000
4	Long Prairie River - Dissolved Oxygen	3	$ 80,000	$ 130,525	$ 586,884	$ 797,409	$ -
5	Chippewa River - Fecal Coliform	-	$ -	$ -	$ -	$ -	$ -
6	Shingle Creek - Chloride	1	$ -	$ -	$ 15,000	$ 15,000	$ -
7	North Branch Sunrise River - Fecal Coliform	1	$ 220,000	$ 220,000	$ 110,000	$ 550,000	$ 36,000
8	Otter Tail River - Turbidity	1	$ 16,875	$ 67,125	$ 395,875	$ 479,875	$ 197,325
9	Cannon River - Turbidity		$ -	$ -	$ -	$ -	$ -
10	Blue Earth River - Fecal Coliform		$ -	$ -	$ -	$ -	$ -
11	Bevens & Silver Creek - Fecal Coliform		$ -	$ -	$ -	$ -	$ -
12	Lake Independence - Nutrients	1	$ -	$ 100,000	$ 1,099,106	$ 1,199,106	$ 97,500
	Restoration Project Summaries	**50**	**$ 3,089,375**	**$ 3,892,450**	**$ 13,901,722**	**$ 20,883,547**	**$ 4,474,637**

	Projects Submitted	Water Plan Projects	Impaired Waters	Loan Request	T/A Request	Grant Request	Total Funding Request	Leveraged Amount
PROTECTION PROJECT SUMMARY	**123**	**121**	**2**	**$ 1,361,705**	**$ 3,060,267**	**$ 19,474,070**	**$ 23,896,042**	**$ 6,838,609**

Summary of Projects Submitted

		% of Total Projects Submitted
Total Number of Projects Submitted	173	
Restoration Projects	50	29%
Water Plan Protection Projects	121	70%
Impaired Waters Protection Projects	2	1%

Totals:	Loan Request	T/A Request	Grant Request	Total Funding Request
	$4,451,080	$6,952,717	$33,375,792	$44,779,589
Funds Available:	$1,000,000	$1,800,000	$5,010,000	$7,810,000

CWL Funding Score Sheet Guide

CWL Funding Narrative Questions	Points	Scoring Criteria
1. Prioritization	20	
		1a) Priorities listed are derived from TMDL, Watershed, or Local Water Plan (10 pts) 1b) Can the applicant realistically implement these priorities and will cost effective water quality benefits result? (5 pts) 1c) Contingency plan has been developed for the event of reduced funding. (5 pts)
2. Pending Activities	25	
		2a) Pending activities align with listed priorities. (5 pts) 2b) Activities have a high probability of being implemented in a short time-frame. (15 pts) 2c) Do activities employ proven BMPs with high potential for reducing pollutant loading to waters? (5 pts)
3. Coordination of Funding and Activities	20	
		3a) How does the proposed project demonstrate a high potential for project success based on broad-based support, involvement within the project area, and the project sponsor's and cooperator's local capability and organization? (10 pts)

Review Agencies: BWSR, MPCA, DNR, and MDA

CWL Funding Narrative Questions	Points	Scoring Criteria
		3b) Coordination efforts will result in leveraging additional funds and water quality benefits are proportionate to costs. (public or private) (10pts)
4. Past Performance	**20**	
		4a) Applicant(s) have used all funds for past allocations of grants and loans, have abided by State rules and policies related to those funds, and have funded projects related to stated priorities. (10 pts)* **4b) Applicant(s) have completed all reports in compliance of past awards of grant and loan funds from the State and consistently report progress in a timely manner. (10 pts)**
5. Project Narrative	**15**	
		5a) Did the project discuss the anticipated water quality benefits, goals, and the potential for the proposed activities to have a significant impact on water quality? (10 pts) **5b) Does the proposed project demonstrate a high potential for success as it relates to project goals and objectives, work activities, budget, and the project organization and management structure? (5 pts)**
Total Points	**100**	

NEW BUSINESS

3. WCA Assessment Update – Dave Weirens - *INFORMATION ITEM*

WCA ASSESSMENT
PRELIMINARY RECOMMENDATIONS

OCTOBER 13, 2006

I. BACKGROUND/INTRODUCTION

A. 2001-2003 Minnesota Wetland Report

Every two or three years, the Board of Water and Soil Resources (BWSR) produces the Minnesota Wetland Report to provide data on the status of implementation of state laws and programs relating to wetlands. These reports include information on the quantity, quality, acreage, type, and public value of wetlands in the state.

The 2001 –2003 Minnesota Wetland Report was approved by the Board at its August 2005 meeting and it:

- Includes data from multiple state and federal wetland programs, including those of: BWSR, DNR, PCA, MnDOT, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, U.S.D.A. Natural Resources Conservation Service, and U.S.D.A. Farm Services Agency
- Does not make policy recommendations
- Can be used to identify trends in program accomplishments

Key data reported to BWSR from Wetland Conservation Act (WCA) local government units (LGU's) is shown in the table below.

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)

This table shows that WCA results in a net gain when evaluating regulated impacts and required replacement. However, including the effect of the exemptions turns the result from a net gain to a net loss under the program. It was this data that that led Governor Pawlenty to direct the Clean Water Cabinet undertake the WCA Assessment.

B. September 7, 2005 Letter from Governor Pawlenty to the Clean Water Cabinet

In a letter to the Clean Water Cabinet (commissioners of the PCA, DNR, MDH, MDA, and the Executive Director of BWSR), Governor Pawlenty directed the Cabinet to assess the WCA to identify and discuss options to do more to limit the loss of wetlands through the regulatory process and to more closely align with the principle of no net loss.

C. Assessment Areas

1. Improve accounting and reporting

The Comprehensive Wetland Assessment, Monitoring and Mapping Strategy (CWAMMS) will provide an improved assessment of the status and trends of wetlands in Minnesota. This strategy will be partially implemented by June 2006. An interim accounting system is being developed to assess data collected by agencies to provide an improved picture of wetland gains and losses through current regulatory and nonregulatory programs. In addition, improvements will be developed to reporting and data acquisition efforts under state wetland programs.

2. Do more to limit the loss of wetlands

The current statutory and rule framework regarding the WCA exemptions and replacement ratios will be reviewed to identify opportunities to reduce wetland losses.

3. Streamline regulatory efforts

The BWSR will seek a memorandum of understanding with the U.S. Army Corps of Engineers to establish programmatic changes, both state and federal, that will increase efficiencies and improve the environmental benefits of wetland regulatory programs. Current WCA procedures will be examined to identify opportunities to reduce the administrative burden of the WCA without compromising wetland protections

D. Assessment Process and Timeline

1. Process.

BWSR through its Wetland Committee, in coordination with the CWC, is leading the assessment process. A stakeholder group has been meeting since February 2006 to provide input and work towards a consensus and/or identify options prior to the 2007 Legislative Session. The Wetland Committee reviews the issues and options to develop a recommendation. These recommendations will be discussed at the Wetland Roundtable scheduled for November 14-15 in St. Cloud.

The Stakeholder organizations that have been participating in the WCA Assessment are shown below.

Agriculture

1. Minnesota Agri-Growth Council
2. Minnesota Corn Growers Association
3. Minnesota Farm Bureau
4. Minnesota Farmers Union
5. Minnesota Soybean Growers Association
6. Minnesota Wheat Growers Association

Business

7. Builders Association of Minnesota
8. Builders Association of the Twin Cities
9. Minnesota Association of Realtors
10. Minnesota Chamber of Commerce
11. Minnesota Forest Industries
12. Utilities
13. Mining Industry Association of Minnesota
14. Aggregate Ready-Mix Association of Minnesota

Environment/Conservation
15. Audubon Minnesota
16. Izaak Walton League of America - Minnesota Division
17. Mn Center for Environmental Advocacy
18. Minnesota Conservation Federation
19. Minnesota Fish and Wildlife Legislative Alliance
20. Minnesota Outdoor Heritage Alliance
21. Minnesota Waters
22. Sierra Club - North Start Chapter

Local Government
23. Association of Minnesota Counties
24. League of Minnesota Cities
25. Metropolitan Inter-County Association
26. Minnesota Association of County Officers
27. Minnesota Association of Soil and Water Conservation Districts
28. Minnesota Association of Townships
29. Minnesota Association of Watershed Districts
30. Minnesota County Engineers Association
31. Minnesota Rural Counties Caucus
32. Minnesota Association of County Planning and Zoning Administrators

Others
33. Minnesota Viewers Association
34. Wetland Professionals Association
35. Wetland Bankers

Federal Government
36. Army Corps of Engineers
37. Fish and Wildlife Service
38. Natural Resources Conservation Service

State Government
39. Board of Water and Soil Resources
40. Department of Agriculture
41. Department of Natural Resources
42. Department of Transportation
43. Pollution Control Agency

2. Timeline

February – December 2006:	Work with the BWSR Wetland Committee and stakeholder committee to assess WCA and identify issues
November 2006	Wetland Roundtable
December 2006	Report Presented to Governor

II. Wetland Reporting and Accounting

A. Mn Comprehensive Wetland Assessment, Monitoring, and Mapping Strategy (CWAMMS).

Executive Summary from Strategy Report
Existing efforts to comprehensively assess wetland status and trends in Minnesota are inadequate. Data collected on proposed wetland loss and compensatory mitigation by state and federal wetland regulatory programs lacks coordination, may not reflect actual (versus permitted) activities and does not adequately account for exempt and illegal wetland loss. Data collected by government agencies and non-governmental conservation organizations on voluntary wetland restorations is inconsistent and incomplete. National wetland and land use monitoring efforts by the U.S. Fish and Wildlife Service (US FWS) and the Natural Resources Conservation Service do not sample intensively enough in Minnesota to draw accurate conclusions on the state's wetland status and trends.

Even less comprehensive data are available concerning the status and trends in wetland quality across the state. Essentially all that is known about Minnesota wetland quality comes from anecdotal observations of impaired wetlands, experience with a few local projects to improve or restore wetland habitat, data collected for local comprehensive wetland management plans, and limited data from initial efforts to develop field methods of wetland quality assessment.

To address these deficiencies, a group of state and federal agencies collaborated to develop a Minnesota Comprehensive Wetland Assessment Monitoring and Mapping strategy (CWAMMS). The primary agency participants were: the Minnesota Board of Water and Soil Resources (BWSR), the Minnesota Department of Natural Resources (DNR), the Minnesota Department of Agriculture (MDA), the Minnesota Pollution Control Agency (PCA) and the US FWS.

The overall goal of the CWAMMS is to develop a broadly understood, scientifically sound strategy for monitoring and assessing status and trends in wetland quantity and quality statewide. Under this goal there are five strategic objectives:

1. Establish accurate baseline data on wetland quantity and quality by wetland class (type) statewide and in each of four geographic regions: the Prairie Parkland, Eastern Broadleaf Forest, the Laurentian Mixed Forest, and the Paleozoic Plateau.
2. Accurately assess future changes (trends) in wetland quantity and quality by wetland class in the four geographic regions listed in objective 1 and statewide.
3. Associate changes in wetland quantity and quality with causal mechanisms such as urban and rural development, agricultural and silvicultural activities, transportation, mining, natural factors, conservation programs and other activities.
4. Provide statewide reports of status and trends in Minnesota wetland quantity every three years beginning in 2009 and provide similar status and trend reports on wetland quality every two to three years in select regions beginning in 2009. The different reporting times reflect the differences in collecting and analyzing data for wetland quantity versus wetland quality. These reports will be used to assess the effectiveness of wetland regulatory and non-regulatory programs and will provide a sound basis for future state wetland policy and management decisions.
5. Contribute to the long-term understanding of Minnesota's wetland health (functions), distribution, structure and processes.

To assess status and trends in wetland quantity, three separate but complementary approaches are recommended:

- Develop and implement an integrated, geo-referenced online database for tracking wetland permitting and conservation program activities.
- Update the National Wetland Inventory (NWI) in Minnesota on a regular basis.
- Initiate a statewide, random sample survey using remote sensing data to track wetland gain and loss.

Wetland quality assessment will be conducted at three scales: landscape, qualitative field observational, and intensive sampling in individual wetland basins. Updated wetland polygons in the primary sample plots will be used as a sample frame to randomly select wetlands to be sampled to assess wetland quality.

Data from the various assessment approaches will be integrated and managed through several related geo-referenced databases maintained by participating agencies and partners. Collectively, these geo-databases will be accessible through a single wetlands data warehouse that can be queried by each partner agency and other users as appropriate.

The CWAMMS will be implemented through the collaborative efforts of local governments, state and federal agencies and non-governmental organizations.

Specific roles and responsibilities have been identified.

Partial funding for implementing the CWAMMS has been received from the US EPA (for three years) and through a state legislative appropriation to the DNR. The BWSR previously received a separate grant from the US EPA to plan the initial module of an integrated online permit and wetland accounting system. US EPA funds will also enable the PCA to conduct pilot tests of wetland quality assessments. Initial stages of implementing the CWAMMS will begin in early 2006.

B. Improve Wetland Reporting and Accounting - WCA Local Government Unit Reporting

In April 2006, the BWSR Wetland Committee reviewed and recommended approval of the following to address wetland reporting and accounting issues.

1. Background - Current WCA Reporting System

The only reporting information that BWSR requires for the WCA are from the local government units (LGU) that BWSR provides grant funds (counties). Cities, townships, watershed districts, and watershed management organizations are not required to report WCA activities to BWSR.

However, the non-county WCA LGU's are encouraged to provide their data to their county to be included in the county report.

The report is accomplished via the WCA reporting module within the eLINK software online reporting system. The system currently collects the following data:

1. Number of landowner contacts during the year
2. Landowner contacts that resulted in wetlands being avoided
3. Wetland acres that were avoided completely
4. Landowner contacts that resulted in wetland impacts being minimized
5. Wetland acres for which impacts were minimized
6. Number of exemption determinations approved by LGU(s)
7. Wetland acres impacted via exemptions

8. Number of formal no-loss determinations approved by LGU(s)
9. Number of calls that required no further action
10. Number of Wetland Banking plan applications reviewed
11. Number of wetland banking-site monitoring assessments completed
12. Number of replacement plans reviewed
13. Number of acres drained/filled under WCA replacement plans
14. Number of acres replaced via WCA replacement plans
15. For all actual projects initiated during the reporting year, report the number of WCA projects in your county/LGU in each of the following categories:
    <0.2 acres; 0.2-0.5 acres; 0.51-1.0 acres; 1.1-3.0 acres; and >3.0 acres
16. From the projects reported in item #15 please report the percentage of those projects for each of the wetland types listed below:
    1; 1L; 2; 3; 4; 5; 6; 7; 8; and R.
17. Which wetland type generated your biggest workloads?
18. How many TEP determinations were required?
19. How many non-TEP field checks of wetland delineation were conducted?
20. How many cease Cease-and-Desist Orders were issued by DNR to enforce WCA?
21. How many Cease-and-Desist Orders were issued by LGU's to enforce local wetland ordinances?
22. How many Restoration Orders were issued?
23. How many staff days were spent attending WCA training/information sessions?

2. Background - WCA LGU Survey

As part of the WCA Assessment a survey of WCA LGU's was undertaken, this survey asked the LGU staff to provide their comments and suggestions on improving the wetland reporting and accounting system. Most of these comments have focused on WCA reporting. The suggestions and comments have been grouped into three categories:

- Electronic/Online Reporting;
- Exemptions; and
- Data Issues

Significant comments and suggestions within these groupings are listed below.

Electronic/Online Reporting

- Develop an online system of applications and exemptions, project oriented
- Develop a standard spreadsheet that LGU's can use to track activity throughout the year that can be downloaded to BWSR for annual reporting purposes
- Include reporting of conservation easements in eLINK
- Modify the WCA module to allow printing of data by LGU's
- Include a GIS or mapping system to record wetland determinations, all mitigation and delineation data
- Have a web-based system where LGU's would enter permit information each time a notice of decision is sent out

Exemptions

- Record exemptions to the parcel the exemption was used on
- Require an application for exemptions
- Require reporting the numbers and acres of each exemption

Data Issues

- Develop a tracking mechanism for CRP that is converted to agriculture and that is left idle after the contract is not renewed, this would have to come from NRCS
- Improve the guidance to LGU's to improve the consistency and accuracy of reporting
- Have county's report acres restored/created under all programs (federal and state)
- Simplify WCA, contains so much information that few people really understand it
- Current report system is inadequate and it provides speculative data, the system needs to measure more than wetland loss or gain in acres, should advance to address wetland function, the data collected should be changed accordingly
- Reporting systems at the federal, state and local systems needs to be seamless
- The NWI should be updated
- Some impacts to wetlands are not currently reported – encroachment, fragmentation, long-term deterioration – we need to account for these "impacts"
- Impacts/restorations could be reported by subwatershed to better gauge their impact
- LGU's should get "credit" for the work they do that does not only involve dirt moving.
- Applications for Withdrawal of Wetland Credits should be submitted before any impacts can occur
- Wetland banks should annually report to their LGU's on credits sold

3. Option for Improvements

In response to these comments as well as to address the needs for improved data a WCA/Public Water Program (PWP) Workgroup has been established to review the current system of WCA reporting by LGU's and reporting that occurs under the Department of Natural Resources Public Waters Work Permit Program. Changes to the reporting system should address the following:

- Improve the accuracy, consistency and completeness of data
- Be necessary to measure the effectiveness of Program implementation
- The value of the data be commensurate with the effort to collect and report it

The Workgroup will be charged with examining and making recommendations on the manner or system used to collect and manage data and the specific data elements to be collected and managed. The Workgroup will also discuss how it will engage the WCA Assessment Stakeholder Advisory Committee in its work. The Workgroup should consist of LGU, BWSR, DNR, U.S. Army Corps of Engineers, and NRCS staff. This review should be begun immediately and completed concurrently with the Assessment.

4. Wetland Reporting Work Group

The Wetland Reporting Work Group has met once and begun to develop improvements to the WCA reporting system. An initial proposed new list of data for LGU's to report to BWSR is shown below. Future meetings of the Work Group will focus on refining this list of data, as well as addressing how this data will be submitted and used by BWSR.

DRAFT - Wetland Conservation Act Reporting Form - DRAFT
Implementation Activities Information

For Calendar Year _____

1. Number of replacement plans reviewed that included replacing impacts by the following methods:
   Wetland Banking _____ Onsite Replacement _____
   Combination of Wetland Banking and Onsite Replacement _____
2. Number of replacement plans approved? _____
3. Number of replacement plans approved by activity category.
   Drainage _____ Agriculture _____ Commercial Development _____
   Residential Development _____ Individual Property Improvement _____
   Other (Specify _____) _____
4. Acres of wetland drained or filled. _____
5. Acres of wetland excavated with replacement being required _____
6. Acres of wetland excavated without replacement being required _____
7. Acres of replacement credit approved in the following categories
   A. Hydrologic and vegetative restoration of completely drained wetland _____
   B. Hydrologic restoration of partially drained wetland _____
   C. Vegetative restoration of farmed wetlands with hydrology still intact _____
   D. Preservation of wetlands restored under conservation easements and legally eligible to be drained _____
   E. Vegetative restoration of wetlands dominated by invasive/exotic species _____
   F. Establish upland buffer areas _____
   G. Preservation of wetlands having exceptional natural resource values _____
   H. Creation of wetland on uplands _____
   I. Water quality treatment areas/stormwater ponds _____

8. Number of exemption determinations approved by the LGU, acres of conversion to non wetland, acres of permanent adverse impact, and acres of increased wetland area for each of the exemption categories

	Number of Exemption Determinations	Acres of Conversion to Nonwetland	Acres of Permanent Adverse Impact	Acres of Increased Wetland Area
1. Agricultural Activities				
2. Drainage				
3. Federal Approvals				
4. Wetland Restoration				
5. Incidental Wetlands				
6. Utilities; Public Works				
7. Forestry				
8. Approved Development				
9. De Minimus				
10. Wildlife Habitat				

9. Number of no loss determinations approved by the LGU, acres of conversion to non wetland, and acres of permanent adverse impact for each of the no-loss categories.

	Number of No Loss Determinations	Acres of Conversion to Nonwetland	Acres of Permanent Adverse Impact
A. Work did not impact a wetland			
B. Excavation limited to debris			
C. Temporary or seasonal water management			
D. Surface impoundment for waste materials or water treatment			
E. Conducted as part of a replacement or banking plan			
F. Excavation in a stormwater pond or removal of contaminated substrate			
G. Impact rectification activity			

10. Number of cease and desist orders issued by law enforcement category.

DNR Conservation Officer _____
County Sheriff _____
Municipal Law Enforcement _____

11. Number of restoration orders issued. _____
12. Number of wetland boundary determinations made. _____
13. Number of replacement wetland monitoring reports received. _____

III. ALTERNATIVES TO THE EXEMPTIONS

On July 26, 2006, the BWSR Wetland Committee reviewed and recommended approval of changes to the WCA exemptions as shown by ~~strikeout~~ and underline. Key considerations of Wetland Committee in reviewing the Stakeholder exemption discussion points were:

1. *Address the Governor's request to "more closely align with the principle of no net loss"*
2. *Maintain the "integrity" of the exemptions*
3. *Update and simplify*

A. Wetland Restoration/Wildlife Habitat Exemptions

The BWSR Wetland Committee is recommending amending the Wildlife Habitat Exemption to condition its use on "the primary purpose of improving wildlife habitat".

Mn Rule 8420.0122, subpart 4. **Wetland restoration.** A replacement plan for wetlands is not required for activities in a wetland restored for conservation purposes under a contract or easement providing the landowner with the right to drain the restored wetland.

The landowner must provide a contract or easement conveyance or affidavit demonstrating that the landowner or a predecessor restored the wetland for conservation purposes but retained the right to subsequently drain the restored wetland.

Mn Rule 8420.0122, subpart 10. **Wildlife habitat.** A replacement plan for wetlands is not required for:

A. excavation or the associated deposition of spoil within a wetland for a wildlife habitat improvement project, if:

(1) the area of deposition, and excavation if within the permanently and semipermanently flooded areas of type 3, 4, or 5 wetlands, does not exceed five percent of the wetland area or one-half acre, whichever is less, and the spoil is stabilized and permanently seeded with native, noninvasive species to prevent erosion;

(2) the project does not have an adverse impact on any species designated as endangered or threatened under state or federal law; and

(3) the project will provide wildlife habitat improvement as certified by the soil and water conservation district or technical evaluation panel using the "Wildlife Habitat Improvements in Wetlands: Guidance for Soil and Water Conservation Districts and Local Government Units in Certifying and Approving Wetland Conservation Act Exemption Proposals, Minnesota Interagency Wetlands Group, December 2000" or similar criteria approved by the board; or

B. duck blinds.

This exemption is for projects that have the primary purpose of improving wildlife habitat.

B. Federal Approvals

The BWSR Wetland Committee is recommending deleting the existing Federal Approvals exemption and replacing it with a waiver, which is shown under the Agricultural Activities Exemption. However, the recommendation is for the federal approvals section of the waiver to only correspond to B of the current exemption.

~~Mn Rule 8420.0122, subpart 3. **Federal approvals.** A replacement plan for wetlands is not required for activities described in items A and B.~~

~~A. Activities exempted from federal regulation under United States Code, title 33, section 1344(f), as in effect on January 1, 1991.~~

~~The local government unit may certify the exemption only if the landowner furnishes proof of qualification for one of the exemptions from the United States Army Corps of Engineers.~~

~~This exemption does not apply to a project with the purpose of converting a wetland to a nonwetland, either immediately or gradually, or converting the wetland to another use, or when the fill will result in significant discernible change to the flow or circulation of water in the wetland, or partly draining it, or reducing the wetland area.~~

~~B. Activities authorized under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, or section 10 of the Rivers and Harbors Act of 1899, United States Code, title 33, section 403, and regulations that meet minimum state standards under this chapter and that have been approved by the board of water and soil resources, the department of agriculture, the department of natural resources, and the pollution control agency.~~

C. Utilities/Public Works

The BWSR Wetland Committee is recommending adding a definition of public works to the Rule and repealing the existing exemption and replacing it with a consolidated and simplified exemption, as shown below.

Public works means works, such as water supply systems, wastewater treatment facilities, constructed for public use especially when financed and owned by the government.

Proposal to consolidate and simplify the utilities/public works exemption.

Mn Rule 8420.0122, subpart 6. Utilities; Public Works. A replacement plan for wetlands is not required for:

A) new placement or maintenance, repair, enhancement or replacement of existing utility or utility-type, service, including pipelines, if:

1. the direct and indirect impacts of the proposed project have been avoided and minimized to the extent possible; and
2. the proposed project significantly modifies or alters less than one-half acre of wetlands;

B) activities associated with operation, routine maintenance or emergency repair of existing utilities and public work structures, including pipelines, provided the activities do not result in additional wetland intrusion, or additional draining or filling of a wetland either wholly or partially; or

1. repair and updating of existing individual sewage treatment systems necessary to comply with local, state and federal regulations.

For maintenance, repair and replacement, the local government unit may issue a seasonal or annual exemption certification or the utility may proceed without local government unit certification if it is carrying out the work according to approved best management practices. Work of an emergency nature may proceed as necessary and any drain or fill activities shall be addressed with the local governmental unit after the emergency work has been completed.

D. De minimus

The BWSR Wetland Committee is recommending eliminating the de minimus exemption within the Shoreland Wetland Protection Zone and reducing the allowable amount of the exemption by 50%.

Mn Rule 8420.0122, subpart 9. **De minimis.**

A. Except as provided in items B and C, a replacement plan for wetlands is not required for draining, excavating, or filling the following amounts of wetlands as part of a project:

(1) ~~10,000~~ 5,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, outside of the shoreland wetland protection zone and that are not fringe areas of type 3, 4, or 5 wetlands in a greater than 80 percent area;

(2) ~~5,000~~ 2,500 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, outside of the shoreland wetland protection zone and that are not fringe areas of type 3, 4, or 5 wetlands in a 50 to 80 percent area; or

(3) ~~2,000~~ 1,000 square feet of type 1, 2, or 6 wetland, outside of the shoreland wetland protection zone and that are not fringe areas of type 3, 4, or 5 wetlands in a less than 50 percent area~~;~~.

(4) 400 square feet of wetland types not listed in subitems (1) to (3) outside of shoreland wetland protection zones in all counties~~; or~~

~~(5) 400 square feet of type 1, 2, 3, 4, 5, 6, 7, or 8 wetland, in the shoreland wetland protection zone, except that in a greater than 80 percent area, the local government unit may increase the de minimis amount up to 1,000 square feet in the shoreland wetland protection zone in areas beyond the building setback if the wetland is not a type 3, 4, or 5 wetland, is isolated, and is determined to have no direct surficial connection to the public water. To the extent that a local shoreland management ordinance is more restrictive than this subitem, the local shoreland ordinance applies.~~

B. The amounts listed in item A may not be combined on a project.

C. This exemption no longer applies to a landowner's portion of a wetland when the proposed project impact area and the cumulative area of the landowner's portion drained, excavated, or filled since January 1, 1992, is the greater of:

(1) the applicable area listed in item A, if the landowner owns the entire wetland;

(2) five percent of the landowner's portion of the wetland; or

(3) 400 square feet.

D. This exemption may not be combined with another exemption on a project.

E. For purposes of this subpart, for wetlands greater than 40 acres, the wetland type may be determined to be the wetland type with the deepest water regime within the wetland and within 300 feet of the impact.

E. Incidental Wetlands

The BWSR Wetland Committee is recommending no changes to the Incidental Wetlands Exemption.

Mn Rule 8420.0122, subpart 5. **Incidental wetlands.** A replacement plan for wetlands is not required for activities in wetland areas created solely as a result of:

A. beaver dam construction;

B. blockage of culverts through roadways maintained by a public or private entity;

C. actions by public or private entities that were taken for a purpose other than creating the wetland; or

D. any combination of items A to C.

Wetland areas created by beaver activities may be drained by removing those materials placed by beaver. Drainage is permitted by removing or moving materials blocking installed roadway culverts and related drainage structures. Additional excavation or removal of other materials is not permitted unless it can be shown by aerial photographs that the proposed activity will not drain or fill wetland that was there before the beaver dam was built or before the culvert became plugged.

Wetland areas may be drained, excavated, or filled if the landowner can show that the wetland was created solely by actions, the purpose of which was not to create the wetland.

Impoundments or excavations constructed in nonwetlands solely for the purpose of effluent treatment, storm water retention, soil and water conservation practices, and water quality improvements, and not as part of a wetland replacement process that may, over time, take on wetland characteristics, are also exempt.

F. Approved Development

The Wetland Committee is recommending repeal of the Approved Development Exemption.

~~Mn Rule 8420.0122, subpart 8. **Approved development.** A replacement plan for wetlands is not required for development projects and ditch improvement projects in the state that have received preliminary or final plat approval or have infrastructure that has been installed or has local site plan approval, conditional use permits, or similar official approval by a governing body or government agency, within five years before July 1, 1991. As used in this subpart, "infrastructure" means public water facilities, storm water and sanitary sewer piping, outfalls, inlets, culverts, bridges, and any other work defined specifically by a local government unit as constituting a capital improvement to a parcel within the context of an approved development plan.~~

~~— Subdividers who obtained preliminary plat approval in the specified time period, and other project developers with one of the listed approvals timely obtained, provided approval has not expired and the project remains active, may drain and fill wetlands, to the extent documented by the approval, without replacement. Those elements of the project that can be carried out without changing the approved plan and without draining or filling must be done in that manner. If wetlands can be avoided within the terms of the approved plan, they must be avoided.~~

~~— For county, joint county, and watershed district ditch projects, this exemption applies to projects that received final approval in the specified time period~~

G. Forestry

The BWSR Wetland Committee is recommending no specific change to the Forestry Exemption, but is recommending to eliminate the requirement that replacement is only required ten years after the drain, fill or excavation impact is undertaken in compliance with one of the exemptions. This change would require replacement if the primary purpose of a forest road changes to a non-forest management purpose.

Mn Rule 8420.0122, subpart 7. **Forestry.** A replacement plan for wetlands is not required for:

A. temporarily crossing or entering a wetland to perform silvicultural activities, including timber harvest as part of a forest management activity, so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the activity does not result in the construction of dikes, drainage ditches, tile lines, or buildings; and the timber harvesting and other silvicultural practices do not result in the drainage of the wetland or public waters; or

B. permanent access for forest roads across wetlands so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the construction activities do not result in the access becoming a dike, drainage ditch, or tile line; filling is avoided wherever possible; and there is no drainage of the wetland or public waters.

This exemption is for roads constructed for the primary purpose of providing access for the conduct of silvicultural activities.

H. Agricultural Activities

The BWSR Wetland Committee is recommending deleting most of the existing Agricultural Activities exemption and replacing it with a waiver, which is shown below. In addition, this proposal also simplifies the exemption, and eliminates current provisions that allow wetland impacts without Swampbuster coverage.

Waiver of replacement requirement.
The requirement to replace wetland impacts is waived for projects where all wetland impacts are regulated or permitted under a federal or state statute that requires, at a minimum, the replacement ratios as provided by Minnesota Rule 8420.0549.

Subpart 1. United States Department of Agriculture-approved wetland activities. Wetlands activities authorized under the Swampbuster provisions of the federal farm program where all impacts to wetlands are replaced and USDA written documentation eligibility, wetland boundary, wetland impact, and extent of any required mitigation are provided to the LGU upon request.

Subpart 2. Activities permitted under Section 404 of the Clean Water Act [USC Title 33.Section 1344] or Section 10 of the Rivers and Harbors Act 0f 1899 [USC Title 33. Section 403]. Activities covered under this section include wild rice production and aquaculture.

Statute changes that may be needed to establish waiver and eliminate exemptions causing net loss of wetland:

103G.2241 Exemptions.
Subdivision 1. **Agricultural activities.** (a) A replacement plan for wetlands is not required for:
(1) ~~activities in a wetland that was planted with annually seeded crops, was in a crop rotation seeding of pasture grass or legumes, or was required to be set aside to receive price support or other payments under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to January 1, 1991;~~

~~(2)~~ activities in a wetland that is or has been enrolled in the federal conservation reserve program under United States Code, title 16, section 3831, that:
(i) was planted with annually seeded crops, was in a crop rotation seeding, or was required to be set aside to receive price support or payment under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to being enrolled in the program; and
(ii) has not been restored with assistance from a public or private wetland restoration program;

~~(3) activities in a wetland that has received a commenced drainage determination provided for by the federal Food Security Act of 1985, that was made to the county Agricultural Stabilization and Conservation Service office prior to September 19, 1988, and a ruling and any subsequent appeals or reviews have determined that drainage of the wetland had been commenced prior to December 23, 1985;~~

~~(4) activities in a type 1 wetland on agricultural land, except for bottomland hardwood type 1 wetlands, and activities in a type 2 or type 6 wetland that is less than two acres in size and located on agricultural land;~~

(5) ~~aquaculture activities including pond excavation and construction and maintenance of associated access roads and dikes authorized under, and conducted in accordance with, a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, but not including construction or expansion of buildings;~~

~~(6) wild rice production activities, including necessary diking and other activities authorized under a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344;~~

~~(7) normal agricultural practices to control noxious or secondary weeds as defined by rule of the commissioner of agriculture, in accordance with applicable requirements under state and federal law, including established best management practices; and~~

~~(8) agricultural activities in a wetland that is on agricultural land:~~
~~(i) annually enrolled in the federal Agriculture Improvement and Reform Act of 1996 and is subject to United States Code, title 16, sections 3821 to 3823, in effect on January 1, 2000; or~~
~~(ii) subject to subsequent federal farm program restrictions that meet minimum state standards under this chapter and sections 103A.202 and 103B.3355 and that have been approved by the Board~~

~~of Water and Soil Resources, the commissioners of natural resources and agriculture, and the Pollution Control Agency.~~
~~(b) Land enrolled in a federal farm program under paragraph (a), clause (8), is eligible for easement participation for those acres not already compensated under a federal program.~~
~~(c) The exemption under paragraph (a), clause (4), may be expanded to additional acreage, including types 1, 2, and 6 wetlands that are part of a larger wetland system, when the additional acreage is part of a conservation plan approved by the local soil and water conservation district, the additional draining or filling is necessary for efficient operation of the farm, the hydrology of the larger wetland system is not adversely affected, and wetlands other than types 1, 2, and 6 are not drained or filled~~

I. Drainage

The BWSR Wetland Committee is recommending repealing subpart E as it is obsolete.

Mn Rule 8420.0122, subpart 2. **Drainage.**

A. For the purposes of this subpart, "public drainage system" means a drainage system as defined in Minnesota Statutes, section 103E.005, subdivision 12, and any ditch or tile lawfully connected to the drainage system.

B. A replacement plan is not required for draining of type 1 wetlands, or up to five acres of type 2 or type 6 wetlands, in an unincorporated area on land that has been assessed drainage benefits for a public drainage system, provided that:

(1) during the 20-year period that ended January 1, 1992:

(a) there was an expenditure made from the drainage system account for the public drainage system;
(b) the public drainage system was repaired or maintained as approved by the drainage authority; or

(c) no repair or maintenance of the public drainage system was required under Minnesota Statutes, section 103E.705, subdivision 1, as determined by the public drainage authority; and

(2) the wetlands are not drained for conversion to:

(a) platted lots;

(b) planned unit, commercial, or industrial developments; or

(c) any development with more than one residential unit per 40 acres.

If wetlands drained under this item are converted to uses prohibited under subitem (2) during the ten-year period following drainage, the wetlands must be replaced under Minnesota Statutes, section 103G.222.

C. A replacement plan is not required for draining, excavating, or filling of wetlands, except for draining types 3, 4, and 5 wetlands that have been in existence for more than 25 years, resulting from maintenance and repair of existing public drainage systems conducted or authorized by a public drainage authority pursuant to Minnesota Statutes, chapter 103E.

D. A replacement plan is not required for draining, excavating, or filling of wetlands, except for draining wetlands that have been in existence for more than 25 years, resulting from maintenance and repair of existing drainage systems other than public drainage systems.

For items C and D, the landowner must provide documentation that the wetlands which will be partially or completely drained by the maintenance have not existed for more than 25 years. Documentation may include, but is not limited to: aerial photographs, climatological records, soil borings, vegetative analysis, elevation surveys, or sworn affidavits.

~~E. A replacement plan is not required for draining, excavating, or filling of wetlands resulting from activities conducted as part of a public drainage system improvement project that received final approval from the drainage authority before July 1, 1991, and after July 1, 1986, if:~~

~~(1) the approval remains valid;~~

~~(2) the project remains active; and~~

~~(3) no additional drainage will occur beyond that originally approved.~~

~~F.~~ E. The public drainage authority may, as part of the repair, install control structures, realign the ditch, construct dikes along the ditch, or make other modifications as necessary to prevent drainage of the wetland.

~~G.~~ F. Wetlands and public waters of all types that could be drained as a part of a public drainage repair project are eligible for the permanent wetlands preserve program established under Minnesota Statutes, section 103F.516. The board shall give priority to acquisition of easements on types 3, 4, and 5 wetlands that have been in existence for more than 25 years on public drainage systems and other wetlands that have the greatest risk of drainage from a public drainage repair project.

J. Overall/General

The BWSR Wetland Committee has not completed its review of the Stakeholder Discussion Point – Require LGU interaction for all exemptions.

1. Overall/General: Require LGU interaction for all exemptions

Options.

1. No change. Leave the exemption process unchanged, in that a landowner proposing an activity under an exemption can choose to contact the LGU for determination of whether or not the activity is exempt.

2. Conduct audit or study to estimate total wetland impacts resulting from exemptions. This estimate would be used to pursue public funding to restore wetlands to compensate for these impacts.

3. Landowner notifies LGU. Landowners would be required to notify the LGU prior to implementing an activity under an exemption. The notification would describe the activity, the exemption being claimed, the wetland type, and an estimate of the wetland area impacted.

4. LGU's required to issue exemption determinations. Landowners would be required to notify the LGU prior to implementing an activity under an exemption. The notification would describe the activity, the exemption being claimed, the wetland type, and an estimate of the wetland area impacted. Within X days the LGU would be required to issue an exemption determination, or deny application of an exemption and direct the landowner to pursue another regulatory process.

5. Require sequencing for all exemptions. Landowners would be required to notify the LGU prior to implementing an activity under an exemption. The notification would describe the activity, the exemption being claimed, the wetland type, how sequencing (avoidance and minimization) has been applied to the project, and an estimate of the wetland area impacted. Within X days the LGU would be required to (1) issue or an exemption determination, including approval of sequencing, or (2) reject the sequencing, or (3) deny application of the exemption and direct the landowner to pursue another regulatory process.

6. Repeal Exemptions. Require the development of a replacement plan for all wetland impacts.

7. Application. In addition to the above options, these could be applied to some or all of the exemptions.

2. Scope of Exemption Standards

The BWSR Wetland Committee is recommending the Scope of Exemption Standards (Mn Rule 8420.0115) be amended to: (1) add the requirement to comply with avoidance and minimization provisions of the Rule when conducting an activity under an exemption; and (2) to eliminate the requirement that replacement is only required ten years after the drain, fill or excavation impact is undertaken in compliance with one of the exemptions. This change would require replacement if the primary purpose of the area affected by the exemption changes to a non-exempt purpose.

8420.0115 Scope of Exemption Standards

Persons proposing to conduct an exempt activity are encouraged to contact the local government unit or the local government units designee for advice on determining whether a proposed project is eligible for man exemption and to evaluate alternatives to avoid or minimize wetland impacts.

An activity is exempt if it qualifies for any one of the exemptions, even though it may be indicated as not exempt under another exemption.

These exemptions do not apply to calcareous fens as identified by the commissioner.

No exemptions apply to wetlands that have been previously restored or created as a result of an approved replacement plan. All such wetlands are subject to replacement on subsequent drainage, excavation, or filling.

Wetlands may not be partially drained, excavated, or filled in order to claim an exemption or no-loss determination on the remainder. Therefore, no exemptions or no-loss determinations cam be applied to the remaining wetland that would not have been applicable before the impact. Exemptions may not be combined on a wetland that is impacted by a project.

Present and future owners of wetlands drained or filled without replacement under an exemption in part 8420.0122~~, subparts 1 and 2, item B,~~ can make no use of the wetland area after it is drained, excavated, or filled, ~~other than as agricultural land~~ except as provided in one of the exemptions, ~~for ten years after the draining, excavation, or filling,~~ unless it is first replaced under the requirements of Minnesota Statutes, section 103G.222. Also, for ten years the wetland may not be restored for replacement credit. Except, for land in public ownership, at the time of draining, excavation, or filling, the landowner shall record a notice of these restrictions in the office of the county recorder for the county in which the project is located. At a minimum, the recorded document must contain the name or names of the landowners, a legal description of the property to which the restrictions apply, a statement of the restrictions, the date on which the ten-year period expires, the name of the local government which certified the exemption, if such occurred, the signatures of all owners, and an acknowledgement.

A person conducting an activity in a wetland under an exemption in part 8420.0122 shall ensure that:

A. Appropriate erosion control measures are taken to prevent sedimentation of the water;

B. The activity does not block fish activity in a watercourse; and

C. The activity is conducted in compliance with all other applicable federal, state, and local requirements, including best management practices as listed in part 8420.0112, and water resource protection requirements established under Minnesota Statutes, chapter 103H.

D. The activity is conducted in compliance with the impact avoidance and minimization requirements of 8420.0520.

IV. WETLAND REPLACEMENT

On September 13, 2006 and again on September 27, the BWSR Wetland Committee reviewed the Stakeholder identified wetland replacement issues. The Stakeholder identified issue, staff recommendation, and BWSR Wetland Committee recommendations are all included below. Key considerations of Wetland Committee in reviewing the wetland replacement issues identified by the Stakeholders were:

1. Address the Governor's request to "more closely align with the principle of no net loss"
2. Improve the quality of replacement wetlands and the ecological integrity of wetland replacement
3. Increase the efficiency in WCA administration

A. Refine and define the terms in-kind, in-place and in advance.

Discussion: WCA defines the key terms of in-kind, in-place and in advance differently than Section 404. Current WCA definitions are as follows:

Wetland replacement is considered *in-kind* if one of the following applies:

- the replacement wetland is of the same type as the impacted wetland;
- the replacement wetland is within the same county as the impacted wetland; or
- the replacement wetland is in the same watershed as the impacted wetland.

In place means siting of wetland replacement in the following priority order:

1. on site or in the same minor watershed as the affected wetland;
2. in the same watershed as the affected wetland;
3. in the same county as the affected wetland;
4. in an adjacent watershed or county to the affected wetland; and

5. statewide, for : (a) wetlands affected in greater than 80 percent areas; and (b) public transportation projects, except that wetlands affected in less than 50 percent areas must be replaced in less than 50 percent areas, and wetlands affected in the seven county metropolitan area must be replaced in the affected county or, if no restoration opportunities exist in the county, in another seven-county metropolitan area.

In advance means replacement of wetland functions and values must be completed before or concurrent with the actual draining, excavation, or filling of a wetland

To clarify these terms, the BWSR and the Corps have been discussing these terms and developing common definitions as part of the proposed Wetland Mitigation MOU. The working draft of the St. Paul Districts' wetland regulatory policy includes the wetland plant community definitions shown below, that have also been incorporated into the Wetland Mitigation MOU discussions. These terms and their proposed definitions are as follows:

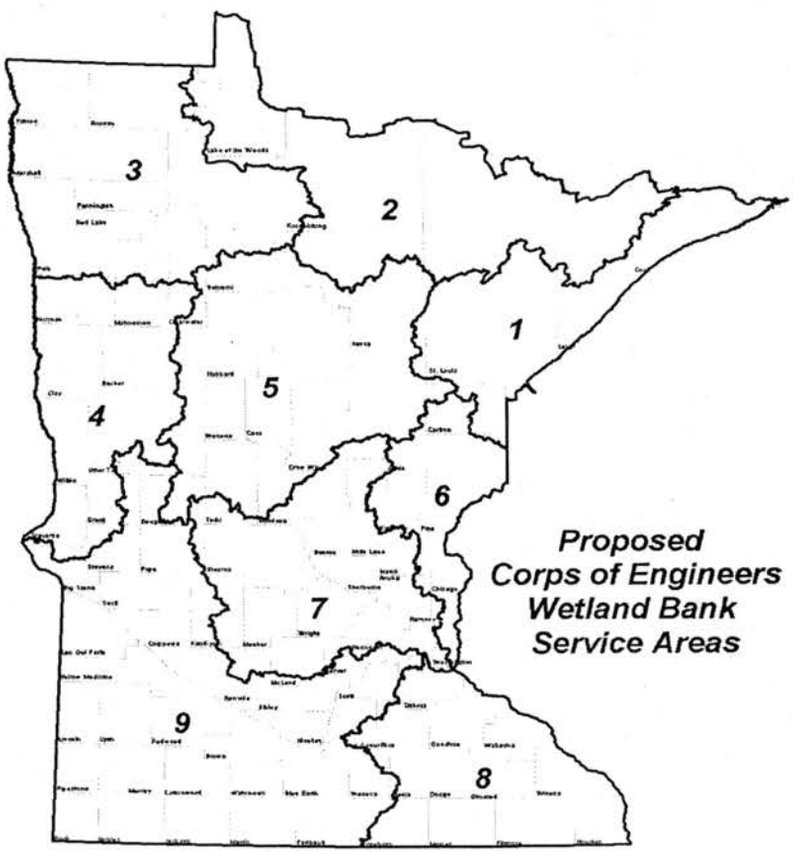
In-kind means: the 12 "Wetland Plant Community Types" as established by S. Eggers and D. Reed. (See table shown below)

Wetland Plant Community Types[1]	**Classification of Wetlands and Deepwater Habitats of the United States (Cowardin *et al.* 1979)**	**Fish and Wildlife Service Circular 39 (Shaw and Fredine 1971)**
Shallow, Open Water	Palustrine or lacustrine, littoral; aquatic bed; submergent, floating, and floating-leaved	Type 5: Inland open fresh water
Deep Marsh	Palustrine or lacustrine, littoral; aquatic bed; submergent, floating, and floating-leaved; and emergent; persistent and nonpersistent	Type 4: Inland deep fresh marsh
Shallow Marsh	Palustrine; emergent; persistent and nonpersistent	Type 3: Inland shallow fresh marsh
Sedge Meadow	Palustrine, emergent; narrow-leaved persistent	Type 2: Inland fresh meadow
Fresh (Wet) Meadow	Palustrine; emergent; broad- and narrow-leaved persistent	Type 1: Seasonally flooded basin or flat; Type 2: Inland fresh meadow
Wet to Wet-Mesic Prairie	Palustrine; emergent; broad- and narrow-leaved persistent	Type 1: Seasonally flooded basin or flat; Type 2: Inland fresh meadow
Calcareous Fen	Palustrine; emergent; narrow-leaved persistent; and scrub/shrub, broad-leaved deciduous	Type 2: Inland fresh meadow

Open Bog or Coniferous Bog	Palustrine; moss/lichen; and scrub/shrub; broad-leaved evergreen; and forested; needle-leaved evergreen and deciduous	Type 8: Bog
Shrub-Carr or Alder Thicket	Palustrine; scrub/shrub; broad-leaved deciduous	Type 6: Shrub swamp
Hardwood Swamp or Coniferous Swamp	Palustrine; forested; broad-leaved deciduous; needle-leaved evergreen and deciduous	Type 7: Wooded Swamp
Floodplain Forest	Palustrine; forested; broad-leaved deciduous	Type 1: Seasonally flooded basin or flat
Seasonally Flooded Basin	Palustrine; flat; emergent; persistent and nonpersistent	Type 1: Seasonally flooded basin or flat

[1] Plant communities are based on: S. Eggers and D. Reed. 1997. *Wetland Plants and Plant Communities of Minnesota and Wisconsin. Second Edition.* St. Paul District, U.S. Army Corps of Engineers. 264 pp.

In place means: within a major (81) watershed or the Bank Service Area. (See map below)



In advance means: (1) approved bank credits; or (2) compensation sites that have established wetland hydrology and vegetation, but the vegetation may not be mature. The minimum requirement for (2) is that the compensation site has wetland hydrology and hydrophytic vegetation established a full growing season (April-October) prior to the authorized discharge of dredged/fill material. Further, the site must meet all performance standards applicable to that development stage of the compensation site.

BWSR Staff Recommendation: BWSR staff recommend amending WCA statute and rule, as appropriate, to incorporate these revised definitions of in-kind, in-place and in advance.

BWSR Wetland Committee: The Wetland Committee accepts the staff recommendation on the definitions of in-kind, in-place, and in advance, with the clarification to in place as follows:

In-place means: for project specific replacement within a major (81) watershed or for banking within one of the (9) Bank Service Areas.

B. Develop consistent wetland replacement ratios with the U.S. Army Corps of Engineers.

Discussion: WCA/Section 404 consistency in determining replacement ratios would provide significant programmatic benefits and increased regulatory efficiency. As shown in the table below, WCA and the U.S. Army Corps of Engineers (Corps) have significant differences in determining replacement ratios for permitted activities. BWSR and the Corps have been discussing this issue as part of the development of a proposed Wetland Mitigation Memorandum of Understanding (MOU). These discussions have resulted in a proposal that addresses several wetland management issues:

1. Increasing the ratio for replacement that is not completed in advance addresses temporal loss concerns. Even when replacement is completed in advance (on a project specific basis and for new banks) the replacement still results in a temporal loss of wetland functions.

2. Banking is generally preferred over project specific replacement, and this proposal would create an increased incentive to use banking for replacement.

3. Reducing project specific replacement would reduce LGU workload in overseeing replacement plans and mitigation sites. The need to approve, monitor and inspect project specific mitigation sites will be reduced if more mitigation occurs through wetland bank.

4. The proposed replacement ratios will reduce the overall net loss in wetlands that has been documented under the WCA.

WCA/Section 404 Mitigation Ratio Discrepancies and Proposal

Impact Location	**Replacement Location (in place)**	**Type of Replacement Wetland (in type)**	**Replacement Process (in time)**	**Minimum Replacement Ratio**		
				WCA **Existing**	WCA/404 **Proposed** *	**Section 404**
> 80% area (see Fig. 2) (or agricultural land – WCA)	In-Place	Same type as impact wetland	In advance	1:1	1:1	1:1
			Not in advance	1:1	2:1	1.25:1
		Different type	In advance	1:1	1.25:1	1.25:1
			Not in advance	1:1	2:1	1.5:1
	Not In-Place	Same type as impact wetland	In advance	1:1	1.25:1	1.25:1
			Not in advance	1:1	2:1	1.5:1
		Different type	In advance	1.25:1	1.5:1	1.5:1
			Not in advance	1.5:1	2:1	1.5:1
< 80% area (See Fig. 2) (and non-agricultural land – WCA)	In-Place	Same type as impact wetland	In advance	2:1	2:1	2:1
			Not in advance	2:1	3:1	2.5:1
		Different type	In advance	2:1	2.25:1	2.5:1
			Not in advance	2:1	3:1	2.5:1
	Not In-Place	Same type as impact wetland	In advance	2:1	2.25:1	2.5:1
			Not in advance	2:1	3:1	2.5:1
		Different type	In advance	2.25:1	2.5:1	2.5:1
			Not in advance	2.5:1	3:1	2.5:1

* Proposal: Replacement ratio increases by 1:1 for not in advance; ratio increases by 0.25 for not in place and not in type. Maximum ratios are 2:1 in greater than 80% areas and 3:1 in less than 80% areas

BWSR Staff Recommendation: Staff recommend the replacement ratios for the WCA be modified as shown in the above table to be consistent with the Corps, address issues relating to temporal loss and continuing existing policy to provide incentives for in place and in type replacement.

BWSR Wetland Committee: The Committee recommends the proposed wetland replacement ratios in concept with no increase in replacement ratio if bank credits are not available in the Bank Service Area in which the impact would occur. This provision only applies in the greater than 80% area.

C. Develop consistent wetland replacement credit options and a single wetland credit denomination, again coordinated with the Corps of Engineers.

Discussion: Similar to the above discussion regarding replacement ratios, the WCA and Corps have significant differences in determining wetland replacement credits. The most significant differences are that WCA has two types of credit (New Wetland Credit and Public Value Credit), while Section 404 has only one. Within these two different credit schemes are many differences in how different actions are provided credit. These multiple differences results in increased costs and uncertainty among landowners, applicants, LGU's, and state and federal staff. Having a unified set of methods to determine replacement credit will provide significant programmatic benefits.

BWSR and the Corps have been discussing this issue as part of the development of a proposed Wetland Mitigation MOU. The table shown below identifies the current methods and crediting authorized under WCA and Section 404, as well as a proposal for a unified system.

BWSR Staff Recommendation: Staff recommend the wetland replacement credit options for the WCA be modified as shown in the attached table titled, "Proposed and Current Replacement Methods and Amount of Credit Under State and Federal Regulatory Programs" to be consistent with the Corps, to simplify the current WCA credit system and to create incentives to develop quality functions and values to replace those impacted by regulated activities.

BWSR Wetland Committee: The Committee recommends the proposed wetland replacement credit options in concept. The possible credit for, Enhancement-Wetlands dominated by invasive or exotic species should be increased to 75% and additional restrictions on possible use and crediting of preservation credits will be developed.

Proposed and Current Replacement Methods and Amount of Credit Under State and Federal Regulatory Programs

	Affected Wetland	Replacement Method	Proposed	Current Amount of Credit (x:1 = x acres of treatment to get 1 acre of credit)	
				WCA / PWPP(DNR)	Section 404
Restoration	Completely drained or filled	Hydrologic and vegetative	100% of wetland area restored	NWC: 100% of area restored (MR 8420.0541 Subp. 2)	100% of area restored
	Partially drained	Hydrologic	50% to 100% of wetland area restored, depending on functional analysis	in "<80% areas": NWC: 25% of total wetland area restored (includes areas that remained as wetland); requires establishment of permanent, native, non-invasive vegetation w/in restored wetland area and on upland buffer. or PVC: 50% of degraded wetland area restored in ">80% areas": NWC: 25% of total area (MR 8420.0541 Subp. 3 and Guidance)	Up to 100% of total wetland area restored, depending on functional analysis
	Farmed wetlands where hydrology is still intact (i.e., no ditches, tiles, etc.)	Vegetation	50% to 100% of wetland area restored, depending on functional analysis and cropping history under normal circumstances (at least 6 out of 10 years)	NWC: Up to 100% of area restored if farmed more than 10 years of previous 20; percent based on frequency of farming PVC: Up to 50% of wetland area restored if farmed at least six of previous 20 years (MR 8420.0541 Subp. 5)	Up to 100% of total wetland area restored, depending on functional analysis
	Wetlands previously restored under conservation easements and legally eligible to drain	Preservation	Up to 100% depending on cropping history prior to enrollment in easement program	NWC: 75% of wetland area preserved (MR 8420.0541 Subp. 7)	12.5% of wetland area preserved; wetland must be under demonstrable threat of loss

	Affected Wetland	Replacement Method	Proposed	Current Amount of Credit (x:1 = x acres of treatment to get 1 acre of credit)	
				WCA / PWPP(DNR)	Section 404
Enhancement	Wetlands dominated by invasive or exotic species	Establish native, non-invasive vegetation	Up to 50% of wetland area vegetatively restored depending on functional increase	PVC: 25% of total area vegetatively restored (MR 8420.0541 Subp. 8)	Up to 100% of total wetland area restored, depending on functional analysis
	Upland buffer areas	Establish native, non-invasive, permanent vegetation	Required minimum upland buffer width of 50ft. in non-municipal areas and 25 ft. in municipal areas; credit given at 10% (non-native vegetation) to 25% (native vegetation) depending upon quality of buffer; typically, no more than 25% of total credits at a compensation site can be composed of upland buffer.	PVC: 100% of the upland buffer area, up to the size of the replacement wetland it surrounds; must have 50 ft. avg. width in non-municipal areas, 25 ft. avg. width in municipal areas (MR 8420.0541 Subp. 6)	Required minimum upland buffer width of 50ft. in non-municipal areas and 25 ft. in municipal areas; credit given at 10:1 (non-native vegetation) to 4:1 (native vegetation) depending upon quality of buffer; typically, no more than 25% of total credits at a compensation site can be composed of upland buffer.
Preservation	Wetlands having "exceptional natural resource values"	Preservation	12.5% credit for wetland area preserved, wetland must be under demonstrable threat	NWC: Up to 12.5% of wetland area preserved; must involve restoration of hydrology or vegetation over 25% of wetland area; must be under documented threat PVC: 25% of wetland area preserved (MR 8420.0541 Subp. 4)	12.5% of wetland area preserved; wetland must be under demonstrable threat of loss
Creation	Mineral extraction sites	Established via reclamation	Up to 100% of wetland area created depending on functional analysis and after five-year monitoring period	Up to 100% of wetland area (MR 8420.0541 Subp. 9)	
	Non-wetland areas	Wetland creation		100% of wetland area created; performance bond required (MR 8420.0541 Subp. 11)	

	Affected Wetland	Replacement Method	Proposed	Current Amount of Credit (x:1 = x acres of treatment to get 1 acre of credit) WCA / PWPP(DNR)	Section 404
	Water quality treatment areas		No credit for single or primary cells; 50% credit for secondary or tertiary cells depending on functional analysis and after five-year monitoring period	NWC: 100% of normal pool area for downstream cell of two-cell system if certain criteria are met PVC: 100% of isolated one-cell system; upstream cell of two-cell system; or one year design pool of stormwater infiltration area that has native, non-invasive veg. cover (MR 8420.0541 Subp. 10)	No credit for stormwater/water quality cells. Exceptions: second or third cell is designed for saturated soils to 6-inch water depths, has less than a 12-inch bounce lasting less than 7 days for the 10-year, 24-hour event; and is successfully planted to native, non-invasive vegetation. Credit is limited to that acreage of the cell in excess of that needed to comply with local/state requirements. A second compensation site is typically needed to replace additional wetland functions not adequately replaced *by cells*.

Notes:
1. The information found in the "Section 404" column of this table is based upon the draft Minnesota guidelines (St. Paul District Compensatory Mitigation Policy for Minnesota dated April 2005) and upon Corps comments submitted on July 6, 2006
2. The credit ratios adopted by the Corps are guidelines; they are not regulations
3. NWC – New Wetland Credit: Must be used for all mitigation requirements up to 1:1. may also be used for mitigation requirement exceeding 1:1
4. PVC – Public Value Credit: May only be used for the portion of mitigation requirements exceeding 1:1
5. < 80% areas and > 80% areas refers to areas of the state having less than or more than 80% of its presettlement wetland acreage remaining (see MR 8420.0545)

D. Incorporate performance standards within wetland replacement standards

Discussion: The current performance standards within the WCA rule does not apply to project specific replacement. These differing standards establish unequal replacement requirements with more rigorous standards for wetland banking than for project specific replacement. Banking performance standards, that do not currently apply to project specific replacement, includes limiting

availability of credit to meet specifications included in the approved banking plan and requiring Technical Evaluation Panel approval before credits are available.

Additional performance standards, that would help ensure wetland replacement function policies are met, would include mandatory buffers, require the use of licensed native seed contractors, and establishing specific bounce and depth requirements based on wetland plant community goals.

BWSR Staff Recommendation: BWSR staff recommend that the WCA rule be amended to incorporate increased performance standards for all replacement wetlands. Increased performance standards will help ensure that wetland functions are replaced as required by statute and rule.

BWSR Wetland Committee: The Wetland Committee accepts the staff recommendation that the WCA rule be amended to incorporate increased performance standards for all replacement wetlands. Increased performance standards will help ensure that wetland functions are replaced as required by statute and rule.

E. Eliminate vegetative restoration option, or require permanent maintenance.

Discussion: Current WCA rule allows up to 100% New Wetland Credit under certain circumstances for vegetative restorations. This has drawn concerns as this activity does not result in new wetland area and can be viewed as negatively contributing to meeting the no net loss policy. However, wetland functions and values are increased under vegetative restorations. In addition, once a wetland has been vegetatively restored, what actions will be undertaken to ensure the wetland does not become degraded in the future?

The proposal to develop both consistent wetland replacement credit options and a single wetland denomination does not eliminate credit for vegetative restorations as the increase in wetland functions and values justifies allowing credit. However, a proposal to address the concern over the longevity of the restoration would include the development of a plan, require ongoing maintenance, and to establish a funding method to ensure the long-term financing of maintenance activities.

BWSR Staff Recommendation: Initially, BWSR staff recommended amending the WCA rule to require applicants proposing vegetative wetland restorations for replacement credit to develop a long-term management and funding plan for the site. However, subsequent discussions have identified this as an issue for all methods of developing replacement credit. Staff are now recommending withdrawing this issue for further work outside of the Assessment.

BWSR Wetland Committee: The Wetland Committee initially requested more information:

1. What kind of plan would be required for vegetatively restored sites?
2. How much financing would be required to manage these sites?
3. How long will maintenance be required, and required to be financed?
4. What happens when land becomes tax forfeit? Who is responsible for managing the site?
5. Define long-term

6. Discuss wetland succession and how that would be addressed under this proposal.

The BWSR Wetland Committee recommends this issue be withdrawn for further work.

F. Eliminate credit for stormwater ponds.

Discussion: Stormwater ponds and water quality treatment ponds have drawn increased attention as stormwater management requirements of the Clean Water Act have been ramped up. More and more of these are being constructed to comply with these requirements, but they can also be eligible for wetland replacement credit under WCA and Section 404 of the Clean Water Act. This opportunity has been negatively viewed as it is characterized as double-dipping (receiving credit under the WCA and stormwater regulations) and these aquatic areas only provide some of the functions of wetlands (most notable water storage and treatment).

The proposal for consistent wetland replacement credit options and a single wetland denomination addresses the issue of credit for stormwater ponds as discussed in #2 above. The proposal does not eliminate credit for stormwater ponds, but reduces the allowed credit and increases the rigor required to gain replacement credit.

The current proposal is to provide no credit for single or primary cells and 50% credit for secondary or tertiary cells depending on functional analysis and after five-year monitoring period.

BWSR Staff Recommendation: BWSR staff recommend limiting wetland replacement credit as proposed in #2 above.

BWSR Wetland Committee: The Wetland Committee accepts the staff recommendation to limit the credit for stormwater ponds as provided in the table, "Proposed and Current Replacement Methods and Amount of Credit Under State and Federal Regulatory Programs".

G. (a) Provide additional replacement credit for restoring rare plant communities.
(b) Clarify/develop additional guidance for Exceptional Natural Resource Value

Discussion: These issues overlap, as Exceptional Natural Resource Values (ENRV) is a means to provide replacement credit for actions that are not standard replacement methods. Restoring rare communities is an area where ENRV can be used. Changes to this guidance to provide additional incentive to restore rare plant communities, and/or plant communities that take longer to gain replacement credit would create an incentive for these restorations to occur. These projects are generally more costly and have higher risks, creating a disincentive for private bankers to undertake projects of this nature.

BWSR Staff Recommendation: BWSR staff recommend amending the ENRV guidance to provide additional credit for restoring native plan communities.

BWSR Wetland Committee: The Wetland Committee recommend amending the ENRV guidance, inc concept, to provide additional credit for restoring rare native plant communities. Options that

should be considered during this process are to place the ENRV guidance into rule and restricting preservation to project specific replacement.

V. WETLAND ADMINISTRATION

The WCA Assessment Stakeholder Advisory Committee met to discuss wetland administrative issues on September 26, 2006. The issues recommended for consideration by the BWSR Wetland Committee are:

- Develop proposed decision-making time limitations specific to WCA and separate from the current Mn Statute 15.99. Key issues to be developed as part of this proposal include (1) recognizing seasonal issues with WCA process reviews, (2) establishing a BWSR appeal process to avoid having the resource "lose" due to a default approval and (3) removing the local appeals process from complying with Mn Statute 15.99
- Develop a proposal to increase WCA LGU capacity requirements, establish a "default" LGU, and provide BWSR more options to address LGU performance issues that would either increase LGU ability to administer the program or reduce their numbers
- Eliminate ability of applicants to appeal restoration orders
- Require landowners to notify BWSR before commencing activity (under an exemption)

DNR NEWS – FOR IMMEDIATE RELEASE SEPTEMBER 26, 2006

Media contact: Michelle Powell, wildlife health program coordinator, DNR Division of Fish and Wildlife, (651) 296-2663.

DNR to collect samples from harvested deer in selected areas of state

The Minnesota Department of Natural Resources (DNR) will collect tissue samples for disease monitoring from deer harvested during the firearm season in selected areas of the state this fall.

To fulfill a requirement for reinstating Minnesota's bovine tuberculosis (TB) free status, the U.S. Department of Agriculture (USDA) is requiring a one-time collection of 4,000 samples from hunter-harvested deer in selected areas of the state outside the bovine TB infected area in northwestern Minnesota. In addition, 1,000 deer will be sampled within the bovine TB area. In conjunction with that effort, DNR will also test some samples for Chronic Wasting Disease (CWD).

"We're taking advantage of the requirement for bovine TB surveillance to do additional screening for CWD," said Michelle Powell, DNR Wildlife Health Program coordinator. "Since we have staff in the field to collect bovine TB samples, it's prudent, particularly along the Wisconsin border, to screen for CWD as well."

The sampling of 4,000 deer will occur statewide, but will be concentrated more heavily in the northern half of Minnesota, based on deer densities and proximity to the bovine TB-infected area. Samples collected in southern Minnesota will be screened for both CWD and bovine TB.

BOVINE TB TESTING

In January, Minnesota lost its bovine TB-free status after the disease was discovered in cattle and free-ranging deer in northwestern Minnesota. A cooperative effort among DNR, the Minnesota Board of Animal Health and the USDA is aimed at regaining the state's TB-free status as soon as possible.

"We don't expect to find bovine TB in deer tested outside the northwest surveillance zone," Powell said. "However, this sampling effort is required by the USDA to verify that deer are not a potential reservoir of bovine TB."

Bovine TB is a bacterial disease that primarily affects cattle; however, other animals may become infected. It is known to occur in Michigan deer but does not persist in deer anywhere else in the United States. Cooking meat to an internal temperature of 165 degrees destroys the bacteria. When field dressing all game, the DNR recommends the use of gloves to prevent exposure to a number of diseases, including salmonella and E. coli.

-MORE-

CWD TESTING

Since 2002, the DNR has tested approximately 28,000 hunter-harvested deer statewide for CWD and all samples have been negative for the disease. For more than five years, the DNR has also been testing "suspect" deer that are found sick or displaying symptoms consistent with CWD, all of which have been negative.

Last spring, a CWD-positive captive deer was discovered in Lac qui Parle County. This captive herd has been depopulated and no additional infected animals were found. However, DNR wants to ensure the wild deer in the surrounding area are healthy by conducting CWD surveillance during the fall firearms season. The DNR is hoping to collect 400 samples in that area of southwestern Minnesota.

DNR will collect additional samples for CWD testing in other areas of the state, in conjunction with other scheduled deer research and disease testing.

CWD is a transmissible spongiform encephalopathy caused by an abnormal protein (prion) that replicates and accumulates in nervous and lymphatic tissue. Although CWD has been known to exist since 1967, there has never been a reported case of CWD in people or cattle.

Meat from deer or elk should be safe to eat, according to officials at the Minnesota Department of Health, provided hunters take the following precautions:

- don't eat meat from animals that look sick or ill
- don't eat the brain, spinal cord, eyes, spleen, tonsils and lymph nodes
- dress the animal properly – minimize handling of brain and spinal tissues, wear
- rubber gloves when field dressing carcasses, and wash hands and instruments thoroughly after field dressing.

-30-

– Season opens NOV. 4
– Watch out for deer while you are driving.

November 15 – 16 Board Retreat

A Little History
We are not what we were. The organization has evolved over time in response to board members, governors, interest groups, legislators, and executive directors. A quick review of how BWSR became what it is is as good a place to start as any. Accomplishments and failures are both suitable topics.

The Practicality of Niches
An EQB report titled Crosscurrents famously characterized the "personality" of each of the environmental agencies. We think they got it about right.

For the most part, we currently try to…

For the most part, we currently try NOT to…

The Old Strategic Plan
How well did the organization follow it?
Does this type of document help you?
A little tough to give a performance grade without specifics to hit?

New Challenges and Opportunities
What do you think is out there shaping the world that should be shaping us?

Board Structure: An examination of procedures, methods, and committees
Any adjustments wanted for how material is prepped?
When it is received?
Are the committees sufficient?
Are committee charges and authorities clear?

Heading Into the 2007 Session
This retreat is not about prepping for session. Nevertheless, we ought to take some time to refine our messages that we carry forward. A new executive director and (at least) a new legislature means our discussions need to ripple out in new ways.

October 25, 2006

Recommendations of AAC for Hiring Process for New Executive Director

1) Agree to proceed with hiring process and immediate posting of the position.

2) Establish a Human Resources Committee that is representative of the Board consisting of 5 – 7 members. Members to be appointed by the Chair with the advise of the Board.

3) Open to both state system and non-state individuals. Posted in the state system as well as advertising in the newspaper. Open for applications for 3 weeks. → HR Committee decides

4) Screening of applications to 5 – 10 applicants determined to be most qualified and interview those applicants. The HR committee may choose to conduct multiple interviews as the selection process narrows to a recommendation.

5) Recommendation of the HR Committee to the full Board. Goal is December 13 or a special meeting of the Board as soon as the process allows after that date.

Full Board involvement:

- Board members provide HR Committee with the 2 key factors they believe to be most important in hiring a new Exec Dir. · chair, · gives flexibility to staff on imp. of programs
  Ron = · communication w/staff
  · nurture partnerships
- HR Committee will review applications against core (say 5 +) desired traits in a new Exec Director established from the Board member input.

A resolution adopting this or an amended process is appropriate.

HR Comm.

Paul Brutlag.
Gene Merriam
Kay Cook
Louise Smallidge
Brian Napstad
Chr - Randy
Bill Eisele

BOARD OF WATER AND SOIL RESOURCES
"SPECIAL BOARD MEETING"
RADISSON HOTEL
5TH AVENUE CONFERENCE ROOM
404 WEST ST. GERMAIN
ST. CLOUD, MINNESOTA 56301
WEDNESDAY, NOVEMBER 15, 2006

BOARD MEMBERS PRESENT:
Bob Burandt, Kay Cook, Wayne Edgerton, Department of Natural Resources; Quentin Fairbanks, Randy Kramer, Paul Langseth, Joe Martin, Department of Agriculture; Brian Napstad, Louise Smallidge, John Linc-Stine, Department of Health; Lisa Thorvig, Pollution Control Agency; Gene Tiedemann, LuAnn Tolliver

BOARD MEMBERS ABSENT:
Dana Allen, Jim Anderson, Minnesota Extension Service; Paul Brutlag, Brian Kletscher

STAFF PRESENT:
Mary Jo Anderson, Bill Eisele, Jon Fure, Ron Harnack, Al Kean, Kevin Lines, Jeff Nielsen, Ron Shelito, Doug Thomas, Steve Woods, Wayne Zellmer

OTHERS PRESENT:
Merle Anderson, STRWD
Ray Bohn, MAWD

Chair Kramer called the meeting to order at 1:03 p.m. Chair Kramer welcomed everyone to the meeting.

PLEDGE OF ALLEGIANCE

** 06-90 **ADOPT AGENDA** – Moved by Paul Langseth, seconded by Louise Smallidge, to adopt the agenda as presented. Motion passed on a voice vote.

OLD BUSINESS

Clean Water Legacy Grant Awards – Doug Thomas and Wayne Zellmer presented recommendations for the BWSR portion of funding from the Clean Water Legacy Act (CWLA) appropriations for fiscal year 2007. The majority of the funds are targeted to complete TMDL watersheds for restoration and the remaining funds are available statewide for protection and preservation of lakes, rivers and streams. The funding recommendations have been developed through an inter-agency (Department of Agriculture, Department of Natural Resources, Pollution Control Agency, and BWSR) request for proposal and review process. The CWLA Work Team recommends approval of allocations to implement the FY07 CWLA Program. Discussion followed. LuAnn Tolliver asked for the full prioritized list of applicants, not just those that are recommended for funding. Doug Thomas stated that staff will provide that information to LuAnn. Quentin Fairbanks stated that he is concerned with the lack of statewide equity in the distribution of the funds. Lisa Thorvig stated that this is the first year of a multi-year effort. Chair Kramer asked that Quentin and LuAnn's concerns be addressed in the future allocation process.

** 06-91 Moved by Lisa Thorvig, seconded by Louise Smallidge, to accept the CWLA Work Team's recommendations to approve BWSR allocations to implement the FY07 CWLA Program according to the Restoration and Protection Funding Recommendations. Any applicant withdrawing their application would allow the next highest-ranking project to be funded. Motion passed on a voice vote.

Wayne acknowledged the great endeavor by the inter-agency work team. This was a collaborative effort by four agencies that came together to work on this challenge. Chair Kramer thanked Wayne and Doug for their efforts.

CREP II Payment Rate Options – Kevin Lines explained that the Administrative Advisory Committee (AAC) reviewed four options presented by staff that would provide financial equity to nine landowners and provide for additional public benefit to the State of Minnesota. In consultation with the Attorney General's office, it was concluded that the State would have to acquire additional protection

on these nine easements in order to make any additional payment to the landowners. To facilitate this, each of the nine landowners would be given the option to grant a RIM Reserve perpetual easement to the State of Minnesota in exchange for an additional payment. The AAC recommended Option #2. The landowners must decide by December 31, 2006, if they accept the offer. Kevin reported that the landowner from Nobles County has withdrawn his application; there are now eight landowners involved.

** 06-92 Moved by Paul Langseth, seconded by Brian Napstad, to accept the Administrative Advisory Committee's recommendation for CREP II Payment Rate Option #2 . Discussion followed. Randy asked if we're setting precedence for other landowners? The recourse for landowners is to go to the legislature, or accept the Board's offer. Kevin is optimistic that the eight landowners will accept the Board's offer. LuAnn Tolliver stated that the AAC agreed that this is the Board's last offer. Joe Martin asked for strong legal advice on this and voiced concern relating to the current agreements with CREP II. Ron stated that we have received clear legal guidance on this recommendation.

Chair Kramer asked for a roll call vote. Affirmative: Bob Burandt, Kay Cook, Quentin Fairbanks, Paul Langseth, Joe Martin, Louise Smallidge, Lisa Thorvig, Gene Tiedemann, LuAnn Tolliver, John Linc Stine. Opposed: Wayne Edgerton, Brian Napstad, Randy Kramer. Motion passed on a roll call vote.

UPCOMING MEETINGS

- Board Retreat, November 15-16, St. Cloud
- Wetland Committee Meeting, November 29, St. Paul
- MAWD Annual Meeting, November 30-December 2, Alexandria
- MASWCD Annual Meeting, December 3-5, Bloomington
- AMC Annual Meeting, December 4-6, Rochester
- Next BWSR Meeting, December 13, St. Paul

** 06-93 Moved by Brian Napstad, seconded by Bob Burandt, to adjourn the meeting at 1:55 p.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer
Chair

FY 07 CLEAN WATER LEGACY PROGRAM
FUNDING RECOMMENDATION

BACKGROUND
On June 28, 2006 the Board of Water and Soil Resources endorsed an inter-agency strategy with the goal of coordinating non-point restoration and protection strategies and programs funded by the CWLA between the MN Department of Agriculture, the Department of Natural Resources, the Pollution Control Agency and the Board of Water and Soil Resources.

The CWLA provides funding for identified clean-water priorities. This first-year funding is derived from a combination of state general fund, general obligation bonding, and the Environment and Natural Resources Trust Fund:

MDA – AgBMP Loan Program
The AgBMP Loan Program has $1 million in loan funds available for RESTORATION activities for eligible TMDL Implementation Plans.

BWSR – Financial and Technical Assistance Programs

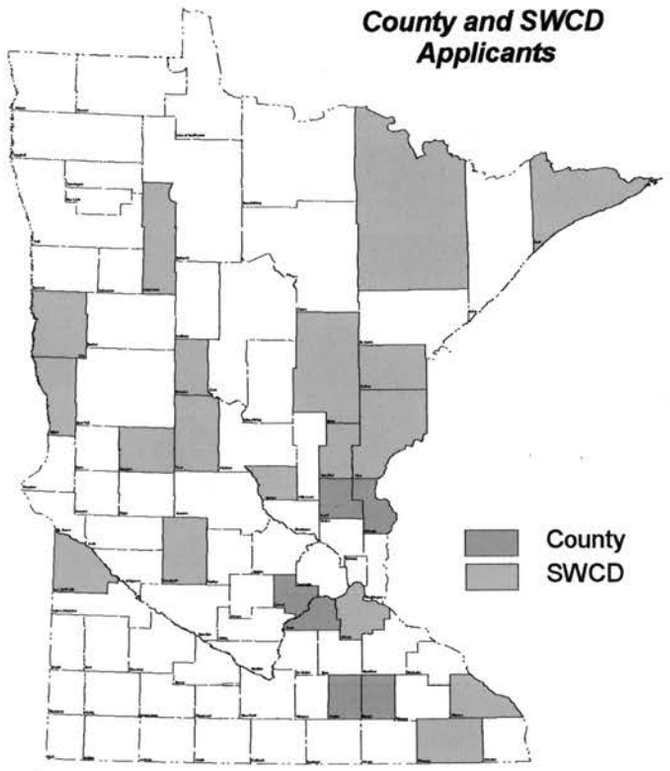
- $1.4 million is available to provide Cost Share Grants to landowners for permanent activities, and incentive payments for nonpermanent cultural or management activities, in TMDL areas eligible for RESTORATION funds.
- $1.8 million is available for technical, compliance, and engineering assistance to implement RESTORATION ($1.3 mill.) activities in eligible TMDL areas and PROTECTION ($0.5 mill.) activities statewide.
- $.75 million is available for RESTORATION and $.25 million for PROTECTION projects to implement targeted streambank, stream channel, lakeshore, and roadside activities where there is a public interest in the land.
- $1.41 million is available to support other targeted, local, nonpoint source PROTECTION activities related to lake and river protection and management.

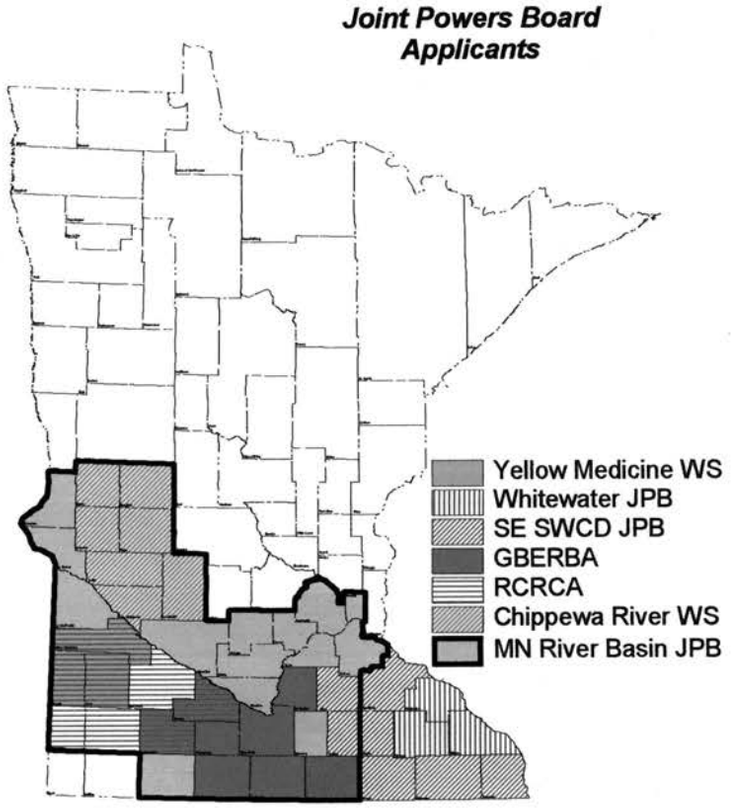
MPCA – Non-point Restoration Grants
$1 million in Clean Water Act – Section 319 grants for RESTORATION efforts to implement approved TMDL Implementation Plans.

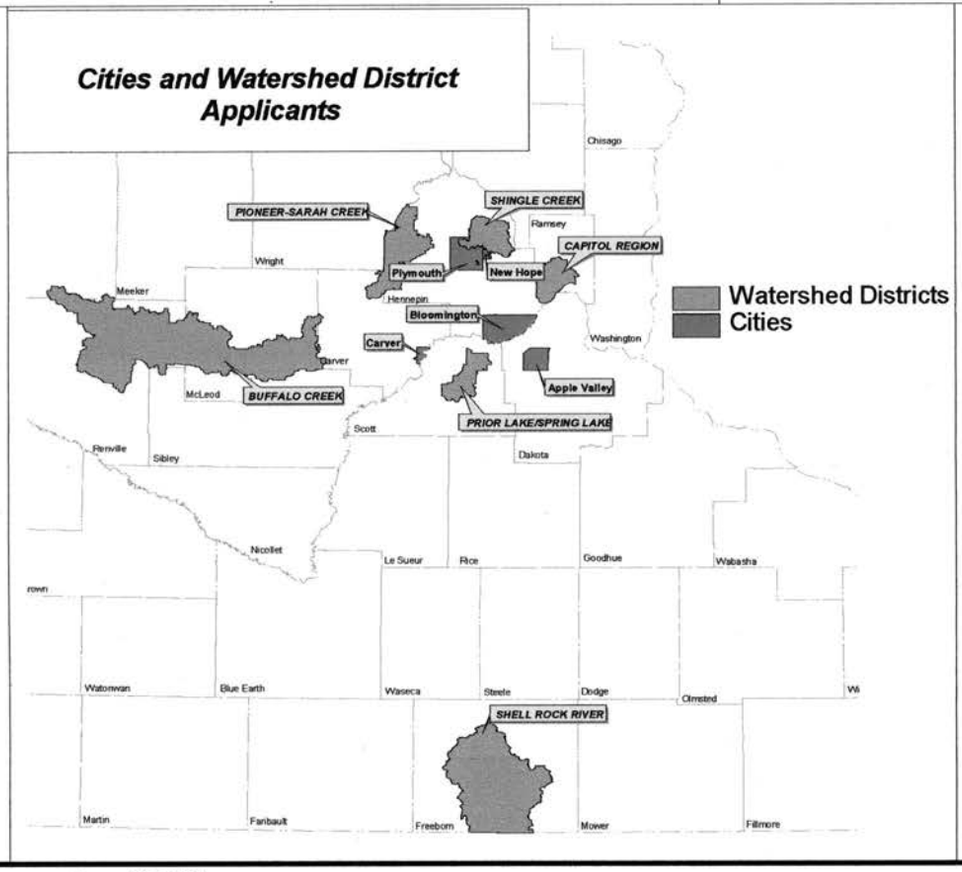
DNR – Forest Stewardship Grants
The DNR has $200,000 in grants available for targeted RESTORATION or PROTECTION efforts for writing Forest Stewardship plans and providing 50% cost share for tree and shrub planting within ½ mile of protected waters or high priority surface waters identified in a local water management plan.

LGU requests for these funds were made during a 30-day application period ending September 30.

Clean Water Legacy Applicants Recommended for Funding







Applicant Type	# of Applications	Ammount
County	6	$796,060
SWCD	21	$2,775,350
City	7	$702,440
JPB	10	$2,485,150
WD	6	$1,051,000
Total:	***50***	***$7,810,000***

Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US

November 2006

Board Resolution # 06-91

FY 07 CLEAN WATER LEGACY PROGRAM
PROJECT FUNDING ALLOCATIONS

WHEREAS, Governor Pawlenty signed the Clean Water Legacy Act (CWLA) into law on June 2nd, 2006; and,

WHEREAS, the Laws of MN 2006, Chapter 282, Article 10, appropriated implementation funds for Minnesota's surface waters; and,

WHEREAS, the BWSR endorsed an inter-agency strategy with the goal of coordinating non-point restoration and protection strategies and programs funded by the CWLA between the MN Department of Agriculture, the Department of Natural Resources, the Pollution Control Agency and the Board of Water and Soil Resources; and,

WHEREAS, An inter-agency implementation initiative was conducted to coordinate funding of restoration and protection activities; and,

WHEREAS, all requests were reviewed, scored, and ranked according to BWSR approved criteria, and the following general criteria:

- Allocation amounts were limited to what an applicant could reasonably implement in a two-year period.
- The highest-ranking projects received the highest funding priority.
- Funding priority was given to activities that applied BMPs or "dirt-moving" types of practices.
- Grants for ISTS upgrades were given a lower funding priority.
- Requests for restoration activities not identified in the TMDL Implementation Plan were not funded.
- Ag BMP Loan funds were widely distributed with higher amounts allocated to the higher-ranking projects. Allocations were not recommended for duplicate applicants.

NOW THEREFORE, the CWLA Workteam recommends BWSR approval of allocations to implement the FY 07 CWLA Program according to the attached Restoration and Protection Funding Recommendation spreadsheets;

AND, any applicant withdrawing their application would allow the next highest-ranking project to be funded.

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 11/15/06

H:CWLABR

FUNDING RECOMMENDATION

One hundred eighty one applications were received requesting about $45 million for the $7.81 million available (See Clean Water Legacy Projects Summary). An interagency CWL Workteam reviewed, scored, and ranked all applications according to criteria provided at the October 2006 BWSR Meeting, along with the following general funding strategy:

- Allocation amounts were limited to what an applicant could reasonably implement in a two-year period.
- The highest-ranking projects received the highest funding priority.
- Funding priority was given to activities that applied BMPs or "dirt-moving" types of practices.
- Grants for ISTS upgrades were given a lower funding priority.
- Requests for restoration activities not identified in the TMDL Implementation Plan were not funded.
- Ag BMP Loan funds were widely distributed with higher amounts allocated to the higher-ranking projects. Allocations were not recommended for duplicate applicants.

The CWL Workteam recommends approval of allocations as listed on the attached Funding Recommendation spreadsheets for FY 07 Clean Water Legacy Program restoration and protection projects, according to the attached resolution.

A CWL Program letter of "intent-to-fund" will be sent to each successful applicant. Additional information, including workplan and budget items, may be required from applicants to meet individual agency or program requirements.

Any applicant withdrawing their application would allow the next highest-ranking project to be funded.

Board Resolution # 06-91

FY 07 CLEAN WATER LEGACY PROGRAM
PROJECT FUNDING ALLOCATIONS

WHEREAS, Governor Pawlenty signed the Clean Water Legacy Act (CWLA) into law on June 2nd, 2006; and,

WHEREAS, the Laws of MN 2006, Chapter 282, Article 10, appropriated implementation funds for Minnesota's surface waters; and,

WHEREAS, the BWSR endorsed an inter-agency strategy with the goal of coordinating non-point restoration and protection strategies and programs funded by the CWLA between the MN Department of Agriculture, the Department of Natural Resources, the Pollution Control Agency and the Board of Water and Soil Resources; and,

WHEREAS, An inter-agency implementation initiative was conducted to coordinate funding of restoration and protection activities; and,

WHEREAS, all requests were reviewed, scored, and ranked according to BWSR approved criteria, and the following general criteria:

- Allocation amounts were limited to what an applicant could reasonably implement in a two-year period.
- The highest-ranking projects received the highest funding priority.
- Funding priority was given to activities that applied BMPs or "dirt-moving" types of practices.
- Grants for ISTS upgrades were given a lower funding priority.
- Requests for restoration activities not identified in the TMDL Implementation Plan were not funded.
- Ag BMP Loan funds were widely distributed with higher amounts allocated to the higher-ranking projects. Allocations were not recommended for duplicate applicants.

NOW THEREFORE, the CWLA Workteam recommends BWSR approval of allocations to implement the FY 07 CWLA Program according to the attached Restoration and Protection Funding Recommendation spreadsheets;

AND, any applicant withdrawing their application would allow the next highest-ranking project to be funded.

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 11/15/06

H:CWLABR

Board of Water and Soil Resources
Clean Water Legacy Projects Summary

	RESTORATION PROJECTS	Projects Submitted	Loan Request	T/A Request	Grant Request	Total Funding Request	Leveraged Amount	Federal Farmbill Programs
1	Lower Mississippi River - Fecal Coliform	20	$ 780,000	$ 815,260	$ 2,841,300	$ 4,436,560	$ 3,470,700	319
2	Lower Minnesota River - Dissolved Oxygen	23	$ 1,680,000	$ 2,559,540	$ 8,231,257	$ 12,470,797	$ 573,112	319
3	South Branch Yellow Medicine River - Fecal Coliform	1	$ 312,500	$ -	$ 622,300	$ 934,800	$ 100,000	
4	Long Prairie River - Dissolved Oxygen	3	$ 80,000	$ 130,525	$ 586,884	$ 797,409	$ -	
5	Chippewa River - Fecal Coliform	-	$ -	$ -	$ -	$ -	$ -	
6	Shingle Creek - Chloride	1	$ -	$ -	$ 15,000	$ 15,000	$ -	
7	North Branch Sunrise River - Fecal Coliform	1	$ 220,000	$ 220,000	$ 110,000	$ 550,000	$ 36,000	
8	Otter Tail River - Turbidity	1	$ 16,875	$ 67,125	$ 395,875	$ 479,875	$ 197,325	
9	Cannon River - Turbidity		$ -	$ -	$ -	$ -	$ -	
10	Blue Earth River - Fecal Coliform		$ -	$ -	$ -	$ -	$ -	
11	Bevens & Silver Creek - Fecal Coliform		$ -	$ -	$ -	$ -	$ -	
12	Lake Independence - Nutrients	1	$ -	$ 100,000	$ 1,099,106	$ 1,199,106	$ 97,500	
	Restoration Project Summaries	**50**	**$ 3,089,375**	**$ 3,892,450**	**$ 13,901,722**	**$ 20,883,547**	**$ 4,474,637**	

	Projects Submitted	Water Plan Projects	Impaired Waters	Loan Request	T/A Request	Grant Request	Total Funding Request	Leveraged Amount	Federal Farmbill Programs
PROTECTION PROJECT SUMMARY	**123**	**121**	**2**	**$ 1,361,705**	**$ 3,060,267**	**$ 19,474,070**	**$ 23,896,042**	**$ 6,838,609**	EQIP, CRP, CREP II,

Summary of Projects Submitted

		% of Total Projects Submitted
Total Number of Projects Submitted	**181**	
Restoration Projects	50	28%
Water Plan Protection Projects	131	72%

	Loan Request	T/A Request	Grant Request	Total Funding Request
Totals:	**$4,451,080**	**$6,952,717**	**$33,375,792**	**$44,779,589**
Funds Available:	**$1,000,000**	**$1,800,000**	**$5,010,000**	**$7,810,000**

FY 07 CLEAN WATER LEGACY PROGRAM
FUNDING RECOMMENDATION

Rank		Restoration: MDA AgBMP Loans	BWSR Cost Share Grant	BWSR Tech. Assist & Engineering Grants	BWSR Public Interest Lands Grants	MPCA 319 Grants	DNR Forest Stewardship Grants	TOTAL	
	Available Funds	$1,000,000	$1,400,000	$1,300,000	$750,000	$1,000,000	$35,000	**$5,485,000**	
	Awarded	$975,000	$1,400,000	$1,300,000	$750,000	$1,000,000	$35,000	**$5,460,000**	
1	**Fillmore SWCD**	$75,000						$75,000	Lower Miss. Fecal Coliform - Feedlot Fixes
4	**Chisago County**	$25,000				$90,000		$115,000	North Branch Sunrise River Fecal Coliform - Manure Mgmt./Grazing Plans, Buffers, Filter Strips, & TA
6	**Wilkin SWCD**	$17,000	$263,000		$200,000			$480,000	Otter Tail River Turbidity - Streambank Stabilization, County Ditch System Stabilization
10	**Carver County**					$300,000		$300,000	Bevens, Carver, & Silver Creeks Fecal Coliform - Buffers, Manure Mgmt. Plans, ISTS Upgrades
13	**Dodge County**	$25,000						$25,000	Lower Miss. Fecal Coliform - ISTS Upgrades, Have Access to Unused Funds
14	**SE SWCD Technical Support JPB**		$130,000	$220,000				$350,000	Lower Miss. Fecal Coliform - Manure Management Plans, Small Feedlot Fixes,
16	**Todd SWCD**	$25,000		$60,000		$300,000	$35,000	$420,000	Long Prairie River DO - Grazing/Nutrient Mgmt., Altern. Watering, ISTS Upgrades, Reforestation Plans
18	**Pioneer Sarah Creek Watershed Mgmt Commission**		$357,000	$53,000				$410,000	Lake Independence P - Manure/Pasture Mgmt., Feedlot Fixes
20	**Shingle Creek WMC Chloride Implementation**					$238,500		$238,500	Shingle Creek Chloride - Acquire Prewetting Equipment
22	**Redwood-Cottonwood Rivers Control Area Joint Powers Organization**		$315,000					$315,000	Lower Miss. DO - Nutrient Mgmt., No-till Incent., Buffers, ISTS Incentives
31	**Greater Blue Earth River Basin Alliance_1**	$133,000	$184,000	$46,000				$363,000	Lower MN River DO - Tile Intake Replacement, Water & Sed. Basins, Terraces, ISTS Upgrades
32	**Douglas SWCD-Red Rock Lake**					$25,350		$25,350	Lower MN River DO - Livestock Exclusion, Alternative Water, in Chippewa River Watershed
38	**Whitewater Joint Powers Board**		$21,700					$21,700	Lower Miss. Fecal Coliform - Lowcost Feedlot Fixes
40	**Dakota SWCD**		$80,000					$80,000	Lower Miss. Fecal Coliform - Filter Strip Incentives, Nutrient Mgmt. Plans
42	**Kandiyohi SWCD**	$10,000						$10,000	Lower MN River DO - Bio-Engineering Streambank Stabilization

Rate Adjustment Options for CREP II Easements Recorded Before Board Resolution

November 15, 2006

Background

At the June 2006 Board meeting, the Board approved a new CREP II RIM Reserve payment rate (see attached Board Resolution). This new CREP II payment rate was effective for all applications that were not recorded at the time of the resolution (June 28, 2006).

At the August 24, 2006 Board meeting the Board received a request from each of the five LGU's and their respective landowners whose easements had been recorded, to reconsider their decision not to include those landowners as part of the payment rate change for CREP II. (Staff later determined that in fact one additional easement was recorded in Goodhue County prior to the Board CREP II payment rate increase.) Statute does not allow for compensating these landowners for an interest the State already holds. That said, the Board directed the Conservation Easement Section to further examine ways to address these landowners' issues.

Recommendation

Kevin Lines and staff continued to look at options to provide financial equity for these landowners and provide for additional public benefit for the state. These options were discussed at length with Ron Harnack, Executive Director and Randy Kramer, Board Chair. In addition, Dave Iverson, Assistant Attorney General was consulted. As a result of our discussions with the Mr. Iverson, we concluded the state would have to acquire additional protection on these nine easements in order to make any additional payment to the landowners. To facilitate this, each of the nine landowners would be given the option to grant a RIM Reserve perpetual easement to the State of Minnesota in exchange for an additional payment.

On October 25, 2006, the Administrative Advisory Committee (AAC) reviewed the options and **recommended that the attached be presented to the full BWSR Board for their approval**. If the Board approves of this recommendation it would be available to these nine landowners through December 31, 2006. ***Decision.***

ADJUSTMENT FOR CREP II EASEMENTS RECORDED PRIOR TO BOARD RESOLUTION TO INCREASE RATES
November 15, 2006

County	Last Name	Easement Acres	Easement Payment Made Based on Original Rate	--- 2005 EMV ---- June 6, 2005 - June 27, 2006 Original 45-Year $/Acre	--- 2007 EMV ---- June 28, 2006 - December 31, 2007 New 45-Year $/Acre	New Perpetual $/Acre	Additional Payment for Permanent Easement $/Acre
Cottonwood	Mickelson	44.5	14,288.51	321.09	764.49	994.07	443.40
Goodhue	Matthews	62.2	31,926.64	513.29	1,376.10	1,789.35	862.81
Goodhue	Hinck	21.7	9,891.26	455.82	1,182.49	1,537.59	726.67
Goodhue	Zemke	22.4	5,927.38	474.19	1,272.63	1,654.80	798.44
Goodhue	Nelson	33.5	14,735.45	439.86	1,626.16	2,115.40	1,186.30
Goodhue	Rusnak	9.5	5,103.12	537.17	1,585.79	2,062.01	1,048.62
Murray	Bladholm	8.4	2,784.35	331.47	903.65	1,175.02	572.18
Nobles	~~Klumper~~	24	~~9,209.04~~	~~383.71~~	~~945.00~~	~~1,228.78~~	~~561.29~~
Rock	Boyenga	103.7	47,846.14	461.39	1,174.59	1,527.32	713.20
TOTALS		**329.9**	**$141,711.89**				~~$255,211.28~~

241,740.32

BWSR Meeting Date 11/15/06

Motion: CREP = Payment Rate Options
AAC recommendation Option 2.

Moved by: _____

Seconded by: _____

	Affirmative	Opposed
~~*Dana Allen*~~		
~~*Jim Anderson*~~		
~~*Paul Brutlag*~~		
Bob Burandt	✓	
Kay Cook	✓	
Quentin Fairbanks	✓	
~~*Brian Kletscher*~~		
Paul Langseth	✓	
Joe Martin	✓	
~~*Gene Merriam*~~ Wayne Edgerton		✓
Brian Napstad		✓
~~Marcia Glein~~ *Louise Smallidge*	✓	
Lisa Thorvig	✓	
Gene Tiedemann	✓	
LuAnn Tolliver	✓	
~~*Dan Wilson*~~ John Linc Stern	✓	
Randy Kramer		✓
	10	3

H: roll-call vote

GOVERNOR PAWLENTY ANNOUNCES APPOINTEES TO CONSERVATION LEGACY COUNCIL -- October 31, 2006

Governor Tim Pawlenty today announced his citizen member nominees to the newly formed Conservation Legacy Council (CLC). The CLC will provide advice and recommendations to the Governor on how the state can better govern and fund conservation, protection and enhancement of the state's natural resources.

"Wise management of our natural resources is part of our heritage and it must be part of our future," Governor Pawlenty said. "Minnesota's waters and woods are too precious and too important to be managed in two-year legislative cycles. We must put politics aside to create a long-term strategic vision for natural resource and conservation management, governance and funding for Minnesota"

Currently, various government programs and the Environment and Natural Resources Trust Fund are funding the protection, enhancement and improvement of our State's natural resources. However the current funding and delivery structure may not be sufficient to ensure that Minnesotans will continue to have access to quality hunting, fishing, and enjoyment of the state natural resources.

The CLC will review and consider how natural resources are currently governed and funded and will recommend future state government operated or managed activities relating to fish game and wildlife habitat protection and restoration, water quality protection and enhancement, forestry activities, prairie restoration, and biological diversity.

Once the CLC determines its governance and funding recommendations, it will develop a strategic plan for the State to implement reform efforts. The Council will consider partnerships between governmental entities, non-governmental entities, organizations, land owners and others in it process.

Governor Pawlenty signed an executive order earlier this fall to create the CLC and citizens have applied through the Secretary of State's open appointments process. The CLC will be comprised of 15 members; 11 public members and four legislators. The following are the public members:

• LeAnn Buck of St Paul is the Executive Director of the Minnesota Association of Soil andWater Conservation Districts. Ms. Buck has served in that role since 1999. Local soil and water districts provide technical and financial resources to assist private landowners with the implementation of conservation practices. She has been active in a broad-based stakeholder group that successfully advanced clean water funding and policy implementation at the state capitol. Ms. Buck is also active with the National Association of Conservation Districts to address provisions of the federal farm bill conservation programs and with the University of Minnesota Extension Service.

• Joe Duggan of Bloomington is Vice President, Corporate Relations and Marketing with Pheasants Forever. He has been named "Man of the Year" by Outdoor News and "Minnesota Conservationist of the Year by the Minnesota Conservation Federation. Mr. Duggan has served on a number of state and federal task forces and committees relating to wildlife conservation and natural resources. He was a member of the Upper Mississippi Great Lakes Joint Venture Board, founder of the Minnesota Outdoor Heritage Alliance, officer of the Executive Committee Environmental Trust Fund Coalition and Minnesota Public Lands Task Force. He also served on the Governor's Trust Fund Citizen Selection Committee for the LLCM.

• Bruce Hawkinson of Welch is a conservation consultant for the U.S. Fish and Wildlife Service and has worked extensively with other states, the Corps of Engineers, coastal programs and hunting and fishing groups to design, facilitate and develop strategies for enhancement of natural resources. He has been a fisheries researcher, area fisheries manager, lake management planner, and strategic and operational planner for fish and wildlife.

• Dawn Hegland of Appleton co-owns a family soybean farm in Lac qui Parle County with her husband, Ed Hegland. She is the Director of the Transportation, Recreation and Tourism Division for the Upper Minnesota Valley Regional Development Commission. Hegland also serves as the Minnesota River Valley Scenic Byway Coordinator and has extensive experience with recreation and tourism planning and funding. Ms. Hegland and her family enjoy camping, birding and biking.
• Mike Kilgore of Lino Lakes is an Associate Professor of Natural Resources Economic and Policy at the University of Minnesota and serves as the Director of the Center for Environment and Natural Resources Policy, Department of Forest Resources. Kilgore is the former Executive Director of the Minnesota Forest Resources Council, and an avid outdoorsman.
• Jane Kingston of Eveleth is a self-employed consultant and a Trustee with the Nature Conservancy. She is a member of the Trout Lake Association of Itasca County, Ducks Unlimited, and the Ruffed Grouse Society. Ms. Kingston also served on the Governor's Trust Fund Citizen Selection Committee for the LLCM.
• Carrie Mellesmoen of Minnetrista is a real estate attorney. Mellesmoen is also active with the Minnesota Deer Hunters Association, Minnesota Outdoor Heritage Alliance, North American Bear Foundation, and the Minnesota Chapter, Safari Club International. Ms. Mellesmoen has been a hunter education instructor for the Minnesota Department of Natural Resources and served on the agency's Game and Fish Fund citizen's oversight committee.
• Kirk Schnitker of Champlin is an attorney. He worked on the ballot initiative for securing the right to hunt and fish in the Minnesota Constitution. He is a member of Minnesota Outdoor Heritage Alliance, Sportsmen for Change, and Pheasants Forever. Mr. Schnitker also served as Metropolitan Parks and Open Space Commissioner from 1992 – 1996, Champlin City Council from 1990-1996, and the Champlin Planning Commission from 1990-1992.
• Lawrence Sukalski of Fairmont is a family farmer and the recipient of the 2006 National Conservation Legacy Award from the American Soybean Association. Mr. Sukalski is the Secretary of the Minnesota Soybean Growers Association and a member of the Minnesota and National Corn Growers Association. He is a member of the Natural Resource Conservation Service State Technical Committee and Martin County Conservation Club. Mr. Sukalski and his family practice 100 percent conservation and minimum tillage on their 2,400 acre family farm. He has enrolled 67 acres of his land in the Conservation Reserve Enhancement Program and restored 24 acres of wetlands.
• Ron Schara of Ramsey is an outdoor writer and owner of a television production company. Schara's Minnesota Bound TV show is in its 13th year and airs in the Twin Cities, Duluth, Rochester, and Fargo markets. He is also an award-winning outdoor columnist for the Minneapolis Star-Tribune.
• David Zettner of Duluth works in the insurance and financial services industry and has served as the Co-chair of the Environmental Natural Resource Trust Fund Task Force. Mr. Zettner served as Chapter, State and National President of the Izaak Walton League, receiving the organization's Sigurd Olson Award. He was also named Conservationist of the Year by Outdoor Life Magazine.

"The CLC will build on my administration's efforts to reform the way natural resources are managed in Minnesota" Governor Pawlenty said. "These public members are from diverse backgrounds with a variety of perspectives on how we preserve and enhance Minnesota's natural resources. I look forward to working with them to make Minnesota a national model in conservation."

BOARD OF WATER AND SOIL RESOURCES
JUDICIAL CENTER
25 CONSTITUTION AVENUE
2ND FLOOR, CONFERENCE ROOM 230
ST. PAUL, MINNESOTA 55155
WEDNESDAY, DECEMBER 20, 2006

BOARD MEMBERS PRESENT:
Dana Allen, Jim Anderson, Minnesota Extension Service; Bob Burandt, Kay Cook, Quentin Fairbanks, Brian Kletscher, Randy Kramer, Paul Langseth, Joe Martin, Department of Agriculture; Gene Merriam and Wayne Edgerton, Department of Natural Resources; Brian Napstad, Louise Smallidge, LuAnn Tolliver, Dan Wilson, Department of Health; Lisa Thorvig, Pollution Control Agency; Gene Tiedemann

BOARD MEMBER ABSENT:
Paul Brutlag

STAFF PRESENT:
Mary Jo Anderson, Jon Fure, Ron Harnack, Jim Haertel, Al Kean, Kari Keating, Kevin Lines, Jeff Nielsen, Ron Shelito, Doug Thomas, Dave Weirens, Tom Wenzel, Steve Woods

OTHERS PRESENT:
Ken Pedersen and LeAnn Buck, MASWCD
Ray Bohn, MAWD
Kevin Bigalke, Nine Mile Creek WD
Dan Larson, Minnesota Rural Counties Caucus

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

PLEDGE OF ALLEGIANCE

** 06-94 **ADOPT AGENDA** – Moved by Paul Langseth, seconded by Kay Cook, to adopt the agenda as presented. Motion passed on a voice vote.

** 06-95 **MINUTES OF OCTOBER 25, 2006** - Moved by Kay Cook, seconded by Brian Napstad, to approve the minutes of October 25, 2006, as circulated. Motion passed on a voice vote.

** 06-96 **MINUTES OF NOVEMBER 15, 2006** – Moved by Louise Smallidge, seconded by Kay Cook, to approve the minutes of November 15, 2006, as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Randy Kramer stated that the Administrative Advisory Committee did not meet.

Executive Director's Report – Ron Harnack reported that staff attended the Minnesota Environmental Initiative (MEI) meeting on December 14. Ron expressed his enjoyment in working with the Board during the last 16 years. He commended board members on their efforts. Ron will assist in providing insights to the new executive director. Ron extended his appreciation to staff for their efforts and support.

Chair Kramer presented Ron Harnack with a plaque on behalf board members and staff for 16 years of dedication to BWSR. Chair Kramer appreciated Ron's efforts and his leadership. Ron extended appreciation to agency members for their ongoing commitments to the BWSR.

Dispute Resolution Committee (DRC) – Chair Kramer reported that a hearing was held on December 13, now in recess, will continue on January 11, 2007, at 8:30 a.m.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee met on November 29 to review the roundtable comments and make recommendations. The Wetlands Committee met again on December 11 to make final conclusions. LuAnn commended the Wetlands Committee and staff for their hard work and efforts, dedication, meeting attendance, and long hours of

deliberation on the wetland assessments. Chair Kramer thanked the Wetlands Committee.

Administrative Advisory Committee - Chair Kramer reported that the Administrative Advisory Committee did not meet; however, the Human Resources Committee met fourteen times, a recommendation will be presented later on the agenda.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

** 06-97 **Wright SWCD Request for Change in Headquarters** - Moved by Bob Burandt, seconded by Kay Cook, to approve the request for change of address for the Wright SWCD. Motion passed on a voiced vote.

Northern Water Planning Committee

Marshall County Water Management Plan Update – Ron Shelito, Northern Region Supervisor, reported that the Northern Water Planning Committee met on November 8. The Committee recommends approval of the Marshall County Water Management Plan Update. Quentin Fairbanks recommends that the Committee no longer meet via conference call; more appropriate to meet in person. Quentin also recommended that a systematic questionnaire be used to eliminate redundancy. Moved by Quentin Fairbanks, seconded by Kay Cook, to approve the Marshall County Water Management Plan Update. Motion passed on a voice vote.

** 06-98

Benton County Comprehensive Local Water Management Plan Extension – Ron Shelito reported that the Northern Water Planning Committee reviewed the Benton County request for extension of their Comprehensive Local Water Management Plan and recommends approval. Moved by Quentin Fairbanks, seconded by Brian Napstad, to approve the two-year extension of the Benton County Comprehensive Local Water Management Plan until December 31, 2008. Motion passed on a voice vote. LuAnn Tolliver would like to have an earlier completion date.

** 06-99

Southern Water Planning Committee

Cottonwood County Priority Concerns Scoping Document – Brian Kletscher reported that the Southern Water Planning Committee met on November 8, reviewed the Cottonwood County Priority Concerns Scoping Document and recommends approval. Moved by Brian Napstad, seconded by Paul Langseth, to approve the Cottonwood County Priority Concerns Scoping Document. Motion passed on a voice vote.

** 06-100

Nicollet County Priority Concerns Scoping Document – Brian Kletscher reported that the Southern Water Planning Committee reviewed the Nicollet County Priority Concerns Scoping Document and recommends approval. Moved
** by Brian Kletscher, seconded by Paul Langseth, to approve the Nicollet County
06-101 Priority Concerns Scoping Document. Motion passed on a voice vote.

Nicollet County Request for Comprehensive Local Water Management Plan Extension – Brian Kletscher reported that the Southern Water Planning Committee reviewed the Nicollet County request for extension of their Comprehensive Local Water Management Plan and recommends approval.
** Moved by Brian Kletscher, seconded by Paul Langseth, to approve the two-year
06-102 extension of the Nicollet County Comprehensive Local Water Management Plan until December 31, 2008. Motion passed on a voice vote.

Faribault County Comprehensive Local Water Management Plan – Brian Kletscher reported that the Southern Water Planning Committee reviewed the Faribault County Comprehensive Local Water Management Plan and
** recommends approval. Moved by Brian Kletscher, seconded by Paul Langseth,
06-103 to approve the Faribault County Comprehensive Local Water Management Plan. Motion passed on a voice vote.

LeSueur County Comprehensive Local Water Management Plan Update – Brian Kletscher reported that the Southern Water Planning Committee reviewed the LeSueur County Comprehensive Local Water Management Plan Update and
** recommends approval. Moved by Brian Kletscher, seconded by Paul Langseth,
06-104 to approve the LeSueur County Comprehensive Local Water Management Plan Update. Motion passed on a voice vote.

Rock County Comprehensive Local Water Management Plan Update – Brian Kletscher reported that the Southern Water Planning Committee reviewed the Rock County Comprehensive Local Water Management Plan Update and
** recommends approval. Moved by Brian Kletscher, seconded by Paul Langseth,
06-105 to approve the Rock County Comprehensive Local Water Management Plan Update. Motion passed on a voice vote. It was noted that the Rock County Plan is unique because there are no lakes in Rock County. Brian Kletscher thanked Jeff Nielsen and commended staff on the superb job that they do.

NEW BUSINESS

Human Resources Committee Recommendation for Executive Director – Chair Kramer reported that the HR Committee (Paul Brutlag, Kay Cook, Randy Kramer, Gene Merriam, Brian Napstad, Louise Smallidge, and Bill Eisele) was

formed at the October 25th Board meeting. Chair Kramer explained that the executive director position was posted for three weeks, 36 applications were received, seven candidates were selected to be interviewed, four candidates received second interviews. Chair Kramer stated that it was a difficult decision as all of the people interviewed by the HR Committee were outstanding candidates. Criteria for choosing the top candidate included having the ability to articulate BWSR's vision and to build consensus among the many stakeholder groups.

Chair Kramer reported that the HR Committee's recommendation for executive director is John Jaschke. Chair Kramer introduced John Jaschke, distributed a copy of John's resume, presented background information and his attributes. John Jaschke commended Ron Harnack on his accomplishments. John stated that he appreciated being chosen, he's looking forward to challenges and the opportunity to work with the great staff at BWSR.

** 06-106 Moved by Louise Smallidge, seconded by Kay Cook, to accept the HR Committee's recommendation of John Jaschke as the new executive director of BWSR. Motion passed on a voice vote. Randy congratulated John; his start date is January 22. Randy thanked the HR Committee. Louise Smallidge thanked Bill Eisele for all of his assistance with the hiring process.

Mary Jo Anderson read comments from Paul Brutlag, absent today as he is at Mayo in Rochester. Paul thanked the Board for granting authority to the HR Committee and thanked Chair Kramer for his dedication to the hiring process.

Public Hearing on Establishment Petition for Cedar River Watershed District – Jim Haertel reported that on November 30, 2006, the Board received a petition from Mower County to establish the Cedar River Watershed District. The major purposes for establishing the district are flood control and water quality improvement. The proposed district includes approximately 435 square miles in Dodge, Freeborn, Mower and Steele Counties. Mower County contains well over 50 percent of the area of the proposed district and is authorized by Minnesota Statutes Chapter 103D to file the establishment petition. Staff find the establishment petition to be sufficient such that a public hearing should be held. Jim stated that the public hearing will be presided over by board members Dana Allen, Bob Burandt, Brian Kletscher, Gene Tiedemann, and Chair Kramer. The hearing has been scheduled for January 10, 2007, at 6:30 p.m. at the Ellis Middle School Auditorium in Austin. Discussion followed. Joe Martin suggested giving landowners more notice of the hearing. Jim explained the notice and hearing process.

** 06-107 Moved by Louise Smallidge, seconded by LuAnn Tolliver, that the Board hereby orders the public hearing on the establishment Petition for the Cedar River Watershed District be presided over by Board members Dana Allen, Robert Burandt, Brian Kletscher, Randy Kramer, and Gene Tiedemann on Wednesday, January 10, 2007, starting at 6:30 p.m. at the Ellis Middle School Auditorium located at 1700 Fourth Avenue Southeast in Austin. Motion passed on a voice vote.

Chair Kramer called for a break in the meeting at 10:00 a.m. The meeting reconvened at 10:25 a.m.

Wetland Conservation Act (WCA) Assessment Final Report – LuAnn Tolliver reported on the WCA Assessment. Dave Weirens presented an Executive Summary and power point presentation of the WCA Assessment. Discussion followed. "Brian Napstad asked that staff provide pictoral diagrams which clearly support ~~example~~ Executive Director Harnack's statement that the total effect of the proposed WCA ~~to convir~~ changes within 80% counties would only result in limiting de minimus use in the ~~regardin~~ building setback zone in shoreland areas. Outside the building setback zone in shoreland areas no de minimus changes would occur in 80% counties".

** 06-108 Moved by LuAnn Tolliver, seconded by Lisa Thorvig, to accept the WCA Assessment Report with changes made today, include appropriations, and submit to Clean Water Cabinet and Governor's office with cover letter under the chair or executive director's signature. Discussion followed.

Gene Merriam is concerned with statements made in the Executive Summary.

** 06-109 Moved by Gene Merriam, seconded by Paul Langseth, to amend the Executive Summary, to delete paragraph, two, three, and four. Discussion followed. Motion passed on a voice vote.

Chair Kramer called for a lunch recess at 12:40 p.m. The meeting reconvened at 1:10 p.m.

** 06-110 Moved by Joe Martin, seconded by Dan Wilson, to amend Motion #06-109, and insert new language. Motion passed on a voice vote.

Motion #06-108 - Changes will be made to the WCA Assessment Report, the revised report will be sent to Randy Kramer and LuAnn Tolliver for review and submittal. Chair Kramer called for a roll-call vote. Affirmative: Dana Allen, Bob Burandt, Kay Cook, Paul Langseth, Joe Martin, Gene Merriam, Brian Napstad, Louise Smallidge, Lisa Thorvig, Gene Tiedemann, LuAnn Tolliver, Dan Wilson, Randy Kramer. Opposed: Quentin Fairbanks. Motion passed on a roll call vote.

Drainage Work Group Consensus Recommendations – Doug Thomas and Al Kean presented an overview of the drainage work group recommendations involving both state policy and budget. Doug acknowledged Joe Martin, Wayne Edgerton, Ray Bohn, and LeAnn Buck for their participation in the work group. Quentin Fairbanks suggested refining this. Doug stated that the buffer requirement does not change, it provides clarification to drainage authority and
** the ability to ~~initiative~~ initiate buffer proceedings. Discussion followed. Moved by Kay
06-111 Cook, seconded by Paul Langseth, to approve the Drainage Work Group recommendations as presented. Joe Martin questioned budget recommendation #4. Doug reported that the work group are in consensus of budget recommendations #1 - #3; #4 is under general discussion, the work group will review #4 in January. BWSR has a placeholder on #4, a budget initiative seeking new money for a Minnesota Drainage Advisory Team, an ongoing team to provide proactive technical assistance.

** Moved by Louise Smallidge, seconded by Paul Langseth, to amend the previous
06-112 resolution, stating that budget recommendation #4 was not a consensus recommendation of the Drainage Work Group. Doug stated that budget discussion will be brought to the Drainage Work Group at the January meeting. Motion to amend the previous motion passed on a voice vote.

Motion #06-111 passed on a voice vote. Chair Kramer thanked Doug and Al for their presentation.

RIM Reserve/Wetland Reserve Program (WRP) Partnership Update – Kevin Lines introduced Tim Koehler, NRCS. Kevin explained that the RIM Reserve/Wetland Reserve Program is voluntary, offering landowners the opportunity to protect, restore, and enhance wetlands on their property in the CREP II project watersheds. Without the ability to partner with RIM Reserve, NRCS indicates that their payment rate will not be attractive enough for landowners to enroll in a WRP easement. However, if we approve the ability to use our RIM Reserve/WRP partnership for these additional applications, there is a high likelihood of enrollment and protection of these critical wetland resource opportunities. Staff requests Board approval for use of RIM Reserve/WRP
** partnership to fund those applications. Moved by Quentin Fairbanks, seconded
06-113 by Brian Napstad, to accept the staff recommendation to approve use of RIM Reserve/WRP partnership to fund applications. Discussion followed. Motion passed on a voice vote.

RIM Reserve/Clean Water Legacy Partnership – Kevin Lines explained that staff request authorization to use RIM Reserve Funds for permanent buffers and

wetland restorations in the 12 identified TMDL project areas to achieve implementation goals of the specific TMDL plans. Leveraging with CRP and
** WRP would be a priority where practical. Moved by Paul Langseth, seconded by
06-114 Kay Cook, to approve the RIM Reserve/Clean Water Legacy Partnership. Discussion followed. Joe Martin would like to see a breakdown of projects using RIM Reserve funds. Motion passed on a voice vote.

Response to Board's CREP II RIM Reserve Payment Rate Increase – Kevin Lines reported that as of today, there are 142 signed easement applications totaling 3,428 acres in the BWSR St. Paul office. In June, we had 82 applications totaling 1,650 acres. We have another 3,118 acres in pending applications in the field working their way to BWSR St. Paul. In addition, we estimate approximately 3,500 acres in potential project applications from landowners who are giving serious consideration to enrollment. If all of this comes to fruition, we will have 10,046 acres that will have an associated obligation of $11 million in State funds for easements and practices.

CREP II Amendment – Kevin Lines reported that we have received initial approval from Washington FSA on our final draft of the CREP II amendment submitted by the Minnesota CREP Team (FSA, BWSR, SWCD). Minnesota FSA staff will be finalizing development for Governor Pawlenty's signature and subsequent submittal to Washington, D.C. FSA for final signature and approval after the holidays. Kevin stated that there is total agreement on the state level.

Kevin gave an update on the eight landowners offered the option of financial equity acted on by the Board at the November 15th Board meeting. Kevin stated that six landowners have responded, the last two landowners are giving the option strong consideration, they need to make a decision by the December 31, 2006, deadline.

Budget Update – Ron reported that the Administrative Advisory Committee will meet in the next week or so. BWSR's budget overview before the Department of Finance has not yet been scheduled. BWSR placeholders are WCA and Drainage (will be updated). Ron reported that Laura Bordelon, Governor's office, commended BWSR for their efforts on the drought issues this last year.

Chair Kramer presented a Proclamation to Ron Harnack, on behalf of Governor Pawlenty, proclaiming that December 20, 2006 is "Ron Harnack Day"!

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) - Joe Martin reported that MDA is busy with the budget process. MDA expects the Governor's office to have a proposal on next generation energy issues. Joe reported that the Clean Water Legacy funded four research projects: 1) establishing DNA for cattle and poultry; 2) modeling work for impaired waters; 3) imaging work to identify sediment loadings in watersheds; and 4) to partner with producer groups on fertilizer application rates.

Department of Natural Resources (DNR) - Wayne Edgerton reported that DNR is working on biofuels research. Wayne stated that the deer harvest is very good. Wayne reported that Mark Holsten has been appointed as the new DNR Commissioner. The deputy commissioner position remains open, as well as the assistant commissioner position. Chair Kramer thanked Gene Merriam for his attendance and involvement at board meetings. BWSR will send a letter of appreciation to Commissioner Merriam.

Minnesota Pollution Control Agency (MPCA) - Lisa Thorvig commented on the fact sheet, "Implementation of New Straight-Pipe System Law" – guidance for local governments seeking MPCA involvement in correcting straight-pipe discharges. Lisa reported that Brad Moore has been appointed as MPCA Commissioner. Lisa is now the Director of the Municipal Division; a new assistant commissioner for Water Policy will be named. Lisa thanked the Board for her time with BWSR; this may be her last meeting with BWSR. Chair Kramer thanked Lisa for her input.

ADVISORY COMMENTS

Chair Kramer attended the MAWD and MASWCD annual meetings; good programs, he appreciated the opportunity to attend.

Minnesota Association of Soil and Water Conservation District (MASWCD) – Ken Pederson, newly elected president of MASWCD, thanked BWSR, on behalf of MASWCD, for all their involvement this past year. Ken stated that he appreciated Ron Harnack's efforts and looks forward to working with John Jaschke. MASWCD's legislative agenda includes support of BWSR's budget.

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn thanked BWSR members and staff for support this past year. MAWD's annual meeting had over 400 people in attendance. Ray stated that the Drainage Work Group is positive for everyone, setting the groundwork for dealing with drainage issues. Doug Thomas and Al Kean have done a terrific job. Ray thanked Commissioner

Merriam for his efforts with BWSR, sorry to see him leave. Ray looks forward to working with John Jaschke. Ray congratulated Ron Harnack on his retirement, looks forward to working with Ron in his new capacity. Ray wished everyone happy holidays.

UPCOMING MEETINGS

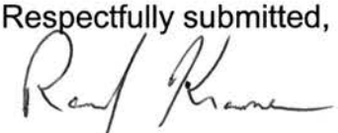
- Next BWSR Meeting, January 24, 2007, in St. Paul.
- Tentative February 28, 2007, BWSR Meeting – Ron Harnack stated that the date should be reserved. The Board should consider adding another meeting back in during the year, or possibly a second tour.

Ron reported that Doug Thomas and Kevin Lines presented jointly with DNR yesterday to the Conservation Legacy Council.

Chair Kramer appreciated board members attendance today, he wished everyone a happy holiday, and wished Ron the very best, "Happy Ron Harnack Day"!

** 06-115 Moved by Brian Napstad, seconded by Dan Wilson, to adjourn the meeting at 3:05 p.m. Motion passed on a voice vote.

Respectfully submitted,



Randy Kramer
Chair

Dispute Resolution Report
December 7, 2006
by: Jim Haertel

There are presently 31 appeals pending. All of the appeals involve WCA except File 05-24. There have been nine new appeals filed since the last report dated October 12th.

File 06-40. This is a new appeal of a restoration order in Beltrami County. The appeal involves the placement of fill in near-shore wetland along Upper Red Lake. The work is associated with construction of a house. No decision has been made on the appeal.

File 06-39. This is a new appeal of a restoration order in Mille Lacs County. The appeal regards the placement of fill in wetlands associated with construction of a driveway. No decision has been made on the appeal.

File 06-38. This is a new appeal of a restoration order in Stearns County. The appeal regards the placement of fill in wetlands to widen an agricultural field access road. No decision has been made on the appeal.

File 06-37. This is a new appeal of a restoration order in Cass County. The appeal involves the placement of fill in wetland associated with construction of a lake access path. No decision has been made on the appeal.

File 06-36. This is a new appeal of a restoration order in Cass County. The appeal regards the placement of fill in wetland associated with construction of a lake access path. No decision has been made on the appeal.

File 06-35. This is a new appeal of a restoration order in Cass County. The appeal regards the placement of fill in wetland associated with construction of a lake access path. No decision has been made on the appeal.

File 06-34. This is a new appeal of a restoration order in Beltrami County. The appeal involves the placement of fill in wetland associated with construction of a house. No decision has been made on the appeal.

File 06-33. This is a new appeal of a restoration order in Cass County. The appeal regards the placement of fill in wetland associated with construction of two lake access paths. No decision has been made on the appeal.

File 06-32. This is a new appeal of a restoration order in Itasca County. The appeal involves the placement of fill in wetland associated with construction of a pole barn and an area to ride horses. No decision has been made on the appeal.

File 06-31. This is an appeal of a restoration order in Todd County. The appeal regards the placement of fill in wetland associated with excavation in Bear Creek for a road culvert. No decision has been made on the appeal.

File 06-28. This is an appeal of a restoration order in St. Louis County. The appeal regards the placement of fill in Type 7 wetland associated with construction of a road. The appeal has been remanded for TEP review of a wetland delineation and measurement of the wetland fill areas.

File 06-27. This is an appeal of a replacement plan decision in Otter Tail County. A permanent road was constructed in Type 6/7 wetland with a portion of it in the shoreland zone. A Restoration Order was issued and a replacement plan application was submitted to retain the road. An LGU staff individual denied the replacement plan. The appeal has been remanded for a public hearing at the local level.

File 06-26. This is an appeal of a wetland exemption determination in Cass County. The LGU approved the wetland exemption. The TEP recommended the exemption not be approved. The activity 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 accepted and a pre-hearing conference will be scheduled.

File 06-23. This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule. The county prevailed in district court, however it appears the decision will be appealed to the Court of Appeals.

File 06-20. This is an appeal of a restoration order in Carlton County. The appeal regards filling and grading in Type 2 and Type 6 wetlands for construction of an airplane hangar, airstrip extension and taxiway. The restoration order has been stayed and the appeal has been placed in abeyance pending TEP review of a wetland delineation and restoration plan.

File 06-17. This is an appeal of a replacement plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. The appeal has been remanded for further processing at the local level.

File 06-14. This is an appeal of a replacement order in the City of Green Isle in Sibley County. A replacement plan was approved, replacement wetlands were constructed, and wetland impacts have occurred as authorized under the approved replacement plan. The ownership of the wetland replacement credits is in dispute. A district court decision on the ownership issue was appealed to the Minnesota Court of Appeals. The appeal has been placed in abeyance and the Replacement Order has been stayed until the court

proceedings have been finalized. The Court of Appeals decision has been made and it appears the decision will not be appealed to the Supreme Court.

File 06-12. This is an appeal of a no-loss decision in Stearns County. It involves the same project and issues as File 06-6. After a restoration order was issued, a no-loss application was submitted by the developer and denied by the LGU. The appeal has been remanded for further technical evaluation.

File 06-6. This is an appeal of a restoration order in Stearns County. At issue are numerous wetlands impacted by filling, sedimentation, reduction of hydrology and lack of Best Management Practices associated with a residential development. The appeal has been denied in part. The Restoration Order has been affirmed in part and has been stayed in part.

File 06-5. This is an appeal of a wetland boundary and type decision in the City of Hermantown in St. Louis County. The appeal concerns the denial of a wetland delineation. There are issues regarding the soils and vegetation in a disturbed area. The area has been disturbed by wetland filling and a cease and desist order has been issued to the developer. The appeal has been remanded for further processing by the LGU.

File 06-4. This is an appeal of a restoration order in Carlton County. At issue is the unauthorized placement of fill in wetland for a roadway. The appeal is in abeyance pending completion of a wetland delineation during the growing season.

File 06-2. This is an appeal of a restoration order in Mille Lacs County. At issue is the unauthorized placement of fill in wetland for construction of a road. Also, unstable steep slopes exist along the edge of the fill in wetland. The appeal is in abeyance pending further technical work during the growing season.

File 06-1. This is an appeal of a replacement plan approval in Itasca County. The appeal contends that sequencing was not followed. The TEP recommended denial on a 3:1 vote. The SWCD approval was on a 3:2 vote. The application sought wetland filling for three outbuildings and lake access. The appeal has been accepted and is in abeyance pending settlement discussions.

File 05-26. This is an appeal of a replacement plan decision in Crow Wing County. The appeal concerns the denial of a wetland replacement plan application. The application was denied because there was no hardship to support approval. Upon inspection it appears a decision was made to deny a variance, however it is likely no WCA decision was made. The appeal has been accepted and is in abeyance pending settlement discussions.

File 05-24. This is an appeal, actually three appeals, of the Bois de Sioux Watershed District compensation to landowners related to a project. The appeal has been held in abeyance pending settlement discussions, was starting to be move forward for a hearing before the DRC, and now is in settlement discussions.

File 05-20. This is an 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 and is in abeyance pending settlement discussions.

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 was in abeyance to allow settlement discussions to continue. A briefing and hearing schedule is presently being established.

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 04-23. 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. Previously 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.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Wright SWCD Request for Change of Headquarters – *DECISION ITEM*

RESOLUTION FOR CHANGE OF HEADQUARTERS

Be it resolved by the Wright Soil and Water Conservation District supervisors that the headquarters of the district be changed from 306C Brighton Avenue South, Buffalo Minnesota to a new building across the street at the **tentative** address of 311 Brighton Avenue South, Buffalo, Minnesota.

State of Minnesota

County of Wright

I, Duane Edward Dahlman, secretary of the Wright 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 Wright Soil and Water Conservation District was adopted by the District Supervisors at a regular meeting thereof held on October 16, 2006, that I have compared it with the original resolution as set forth in the minutes of said meeting, and that this copy is a true and correct copy of and transcript from the original. 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 by a majority vote of the members present.

Signed: Duane C Dahlman

Wright Soil and Water Conservation District

Date: October 16, 2006

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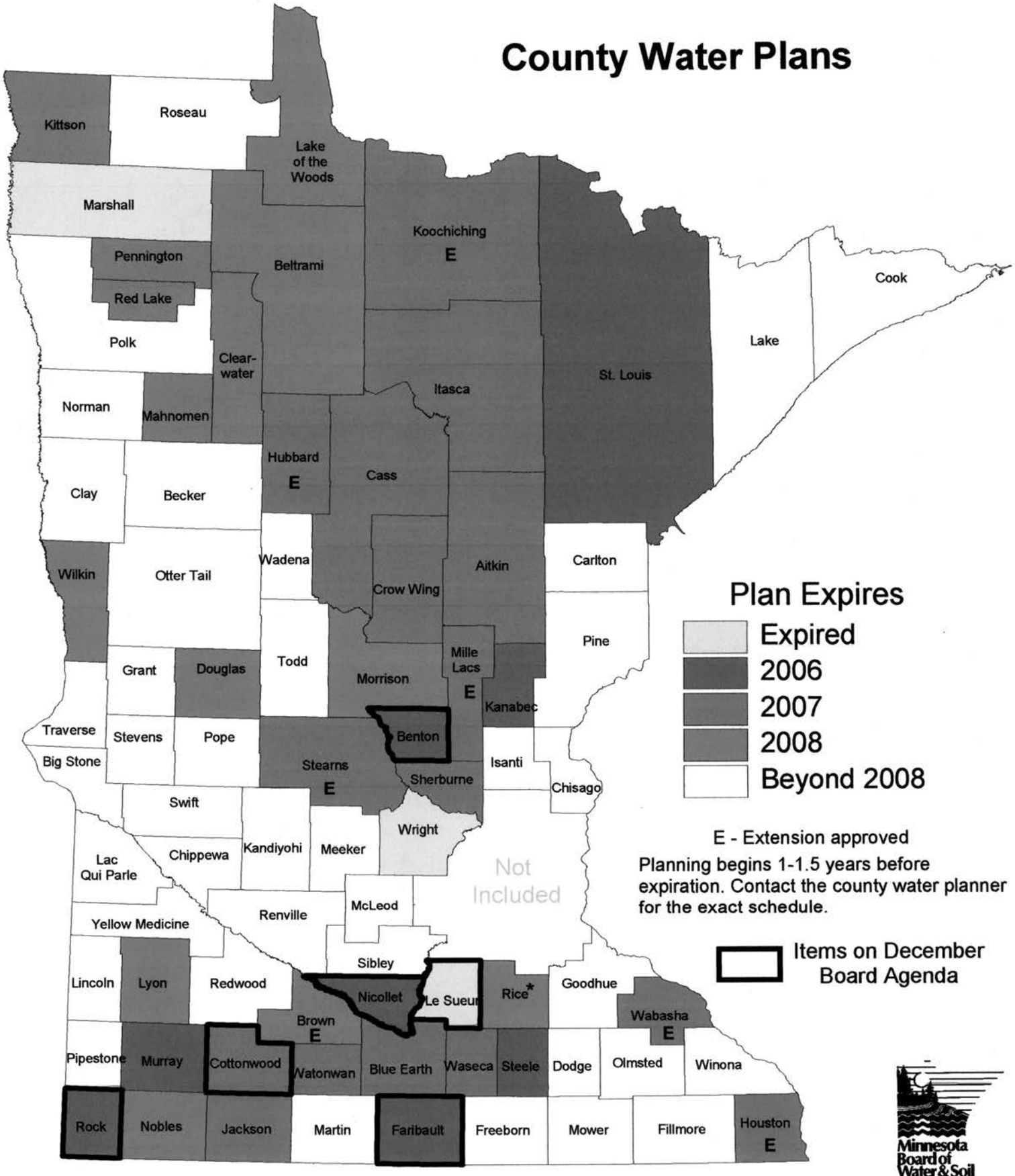
NOV 17 2006
Bd. of Water & Soil Resources
St. Paul

County Water Plans



Plan Expires

- Expired
- 2006
- 2007
- 2008
- Beyond 2008

E - Extension approved

Planning begins 1-1.5 years before expiration. Contact the county water planner for the exact schedule.

Items on December Board Agenda

Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US

map updated: December 2006

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Benton County Comprehensive Local Water Management Plan Extension – *DECISION ITEM*

2. Marshall County Water Management Plan Update - *DECISION ITEM*

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Marshall County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on December 20, 2006, 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 30, 2005, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Marshall County, pursuant to M.S. Section 103B.312.

2) On October 5, 2005, the Board of Water and Soil Resources approved official comments on the Marshall County Priority Concerns Scoping Document, which were mailed to the county on October 27, 2005.

3) The priority concerns to be addressed in this iteration of the local water management plan include:

   - Soil Erosion Causing Water Quality Impairments to Surface Waters of the County
   - Protect Groundwater-based Drinking Water Sources
   - Promote Flood Damage Reduction to Preserve Agricultural Land and Prevent Damage to Property

4) On August 8, 2006 the BWSR received the Marshall 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 8, 2006, the North Region Local Water Management Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Marshall County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommended approval;
   B) Minnesota Department of Health : no recommendation received ;
   C) Minnesota Department of Natural Resources: recommended approval;
   D) Minnesota Pollution Control Agency: recommended 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, 2015; with the Goals, Objectives and Action Items reviewed and amended as necessary by December 31, 2011.

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 Marshall County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2. The Marshall 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 Marshall County Local Water Management Plan – July 1, 2006 to December 31, 2015; with the Goals, Objectives and Action Items being reviewed and amended prior to December 31, 2011.

Dated at St Paul, Minnesota, this 20th day of December 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Cottonwood County Priority Concerns Scoping Document – *DECISION* ITEM

2. Nicollet County Request for Comprehensive Local Water Management Plan Extension - *DECISION ITEM*

3. Nicollet County Priority Concerns Scoping Document - *DECISION ITEM*

4. Faribault County Comprehensive Local Water Management Plan – *DECISION ITEM*

5. Le Sueur County Comprehensive Local Water Management Plan Update – *DECISION ITEM*

6. Rock County Comprehensive Local Water Management Plan Update – *DECISION ITEM*

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

In the Matter of Extending the Comprehensive Local For Benton County (Minnesota Statutes, 103B.311, Subdivision 4, authorizing BWSR to grant extensions	ORDER EXTENDING LOCAL WATER MANAGEMENT PLAN

Whereas, Benton County has a state approved Comprehensive Local water Plan (CLWP) that is effective until December 31, 2006, 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 August 31, 2006, pursuant to Minnesota Statute, Section 103B.315, Subdivision 3, the Board of Water and Soil Resources received a resolution from Benton County requesting an extension of their Comprehensive Local Water Plan to December 31, 2008.
2. The two-year extension is based on the following
    - The Benton Soil and Water Conservation District has been delegated the responsibility for revising the Plan. Staff changes and the designation of a new water management plan coordinator has resulted in a 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 Benton County pursuant to Minnesota Statute 103B.311, Subdivision 4.

ORDER

The Board of Water and Soil Resources hereby approves the extension of the Benton County Comprehensive Local Water Management Plan until December 31, 2008. Date at St. Paul, Minnesota, this 20th day of December 2006.

By:_____
Randy Kramer, Chairperson
December 20, 2006

AUG 18 2006

BENTON COUNTY RESOLUTION 2006 - # 26

WHEREAS, 2003 amendments to the Comprehensive Local Water Planning Act, M.S. 103B.301 gave the MN Board of Water and Soil Resources (BWSR) authority to extend the ending date of local water plans for a period of not to exceed two years; and

WHEREAS, Benton County has a current state approved and locally adopted comprehensive water plan with an effective date of December 31, 2006; and

WHEREAS, there has been a change in duties in the Benton County Soil and Water Conservation District Office which has delayed the revision process for Benton County's local water management plan; and

WHEREAS, it is the desire of the Benton County Local Water Management Planner to encourage full citizen participation in the planning process;

NOW, THEREFORE, BE IT RESOLVED that the Benton County Board of Commissioners requests a two year extension from BWSR to complete the revision of the existing local water management plan;

BE IT FURTHER RESOLVED that no projects will be ordered or commenced under M.S. 103B.311, subd. 4(5) during the extension period.

I certify that this is a true and complete copy of the original thereof which is on file and of record in the Office of the County Administrator, Benton County, Minnesota.

Dated at Foley, Minnesota this 15th day of August.

Duane Grandy

Duane Grandy, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley

Montgomery Headley
Benton County Administrator

RECEIVED
AUG 31 2006
BD OF WATER & SOIL RESOURCES - BRAINERD

The MDA concurred with the priority concerns identified and noted they felt the process to identify the concerns was commendable. MPCA concurred with the priority concerns identified and highlighted a PCA data source regarding surface water monitoring information for the County's use. The DNR also concurred with the priority concerns process completed by the County. The BWSR agreed with the priority concerns.

The Committee commends Cottonwood 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 three priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate.

In summary, the Board encourages the County to continue to engage in a process that includes a broad range of citizens and interest groups, in addition to local government officials, and state and federal resource managers during the development of goals, objectives, and an implementation plan. We look forward to the completion of your plan and its implementation!

Sincerely,

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

c: Becky Balk, MDA
Sara Bertelsen, EQB
Art Persons, MDH
Cheryl Heide, DNR
David L. Johnson, MPCA
Dan Wilson, MDH
Dana Allen, BWSR Board
Brian Kletscher, BWSR Board
Paul Langseth, BWSR Board
Jeff Nielsen, BWSR Southern Region Supervisor
David Sill, Board Conservationist

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

Minnesota Board of Water & Soil Resources

December 20, 2006

Cottonwood County Commissioners
c/o Michael Hanson
Cottonwood County Environmental Office
235 Ninth Street
Windom, MN 56101

RE: Official Comments Pertaining to the State Review of the Cottonwood County Priority Concerns Scoping Document for the Local Water Management Plan Update

Dear Cottonwood County Commissioners:

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the official comments of the State of Minnesota pertaining to the priority concerns Cottonwood County has chosen to address in the update of the Cottonwood County Comprehensive Local Water Management (CLWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Cottonwood County Priority Concerns Scoping Document (PCSD) on July 24, 2006.

The Cottonwood County Water Planning Advisory Committee reviewed the concerns raised during the input process and selected the following general priority concerns for inclusion in the CLWM Plan update.

1. Improve Surface Water Quality
2. Protect Groundwater
3. Feedlots & ISTS (Individual Septic Treatment Systems)

The BWSR Southern Water Planning Committee (hereinafter referred to as Committee) met on November 8, 2006, to discuss comments received from state review agencies and others, discuss the content of the Cottonwood County PCSD, and make recommendations for the content of the final plan.

The BWSR received comments from BWSR staff, the Department of Agriculture (MDA), the Pollution Control Agency (MPCA), and the Department of Natural Resources (DNR). The Department of Health (MDH) and the Environmental Quality Board (EQB) did not provide comments on the PCSD.

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

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Minnesota Board of Water & Soil Resources

December 20, 2006

Nicollet County Commissioners
c/o Pamela Rivers
Nicollet County Water Plan Coordinator
501 South Minnesota Avenue
Saint Peter, Minnesota 56082

Dear Nicollet County Commissioners:

RE: Official Comments pertaining to the State Review of the Nicollet 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 Nicollet County has chosen to address in the update of their Comprehensive Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR) received seven copies of the Nicollet County Priority Concerns Scoping Document (PCSD) on September 7, 2006. BWSR distributed copies of the PCSD to the state review agencies on September 15, 2006.

Nicollet 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.

- Stormwater Management (dealing with urban and rural surface water runoff)
- Urban and Resource Management (drainage, erosion and sediment control)
- Total Maximum Daily Loads (two existing Clean Water Partnership Projects and pursuing additional funding to target impaired waters)
- Groundwater (wellhead protection assistance—community and private)

During the official state agency review period, the BWSR received comments from Minnesota Department of Natural Resources (DNR), Minnesota Pollution Control Agency (MPCA), Minnesota Department of Agriculture (MDA), Minnesota Department of Health (MDH) and the Environmental Quality Board (EQB) on the Nicollet County PCSD.

- MDNR concurred with the priority concerns identified and felt the process to identify the priority concerns was adequate.

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

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- MPCA believed the process to identify priority concerns was adequate; offered a web-based resource for surface water monitoring information be included in the LWMP; strongly recommended the following revision to the priority concerns identified, but does not require the revision: more language regarding the agricultural landscape--no mention of feedlot and manure management, drainage or erosion.

- MDA concurred with the priority concerns identified and felt that the process to identify the priority concerns was commendable.

- MDH stated that it appears Nicollet County has made every effort to include citizens in the process; solicited and received comments from state agencies; the PCSD addresses the MDH's earlier comments; no other comments are necessary.

- EQB provided brief comments, recommendations and a brief collection of resources pertaining to ground water contamination susceptibility, TMDL impaired waters, and population extrapolations for Nicollet County.

The BWSR southern region water planning committee (hereinafter referred to as Committee) met with representatives from Nicollet County on November 8, 2006, to discuss the content of the PCSD, state review agency comments on the PCSD, and recommendations for the content of the final LWM Plan.

The Committee commends Nicollet 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 four 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,

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

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Bemidji, MN 56601
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fax (218) 755-4201

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NICOLLET COUNTY COMPREHENSIVE LOCAL WATER PLAN EXTENSION REQUEST (FOR BOARD ACTION)

Nicollet County has a Comprehensive Local Water Management Plan (Plan), which was approved by the Minnesota Board of Water and Soil Resources on January 23, 2002. Nicollet County locally adopted their Plan via a county resolution dated February 12, 2002. The effective date (end date) of this Plan is December 31, 2006.

The amendments to the Comprehensive Local Water Management Act, Minnesota Statutes 103B.301, gives the Board of Water and Soil Resources authority to grant extensions to counties for the purpose of extending the ending date of their water plans. These extensions must be requested in writing and cannot be for more than two years.

On November 16, 2006, the Board received a resolution from Nicollet County requesting a two-year extension of their Plan. The primary reason for the extension request is circumstances of increasing local participation and staff input during the process has slowed the current revision process.

Board staff has reviewed the extension request and offers the following items of Plan updating progress completed by Nicollet County to date:

- In January 2006, Nicollet County distributed notice of its intent to update the Plan and requested priority concerns input as required by Minnesota Statutes 103B.3313 Subdivision 1. Nicollet County also distributed a local citizens survey. A public information opportunity display was available for public review at the County Government Center. Four Local Task Force meetings were conducted to discuss the Plan updating process, review priority concerns input and citizen survey responses that were received, and provide recommendations for the priority concerns selected by Nicollet County.

- In September 2006, Nicollet County's Priority Concerns Scoping Document (PCSD) was distributed for state agencies review pursuant to Minnesota Statutes 103B.305, Subdivision 8a.

- On November 8, 2006, the Board's southern region water planning review committee (Committee) met with representatives of Nicollet County to discuss the county's PCSD and review comments that were received. The priority concerns to be addressed in the new Plan were deemed appropriate by the Committee. The Committee's decision was to present to the Board a recommendation of approval of the Nicollet County PCSD.

Board Conservationist Tom Fischer recommends approval of a two-year extension for the Nicollet County Plan. Although the request is for two years, completion of the Plan updating process should take less than one year. In the Board Order approving the Nicollet County extension request, Nicollet County should be directed to strive to complete the updating of their Plan in a timely manner.

RESOLUTION AUTHORIZING EXTENSION OF THE NICOLLET COUNTY COMPREHENSIVE WATER MANAGEMENT PLAN

WHEREAS, Minnesota Statutes, Chapter 103B.311, Subd.4 (5), Comprehensive Local Water Management Act, gives the Minnesota Board of Water and Soil Resources authority to extend the ending date of local water plans for a period not to exceed two years, and

WHEREAS, circumstances of increasing local participation and staff input during the process have caused the current revision process to be delayed, and

WHEREAS, Nicollet County assures continued effort toward completion of the Comprehensive Local Water Plan revision, and

WHEREAS, Nicollet County will not order or commence any project using the authorities under 103B.311 subd. 3 and 4 until completion of the Comprehensive Local Water Management Plan revision.

NOW, THEREFORE, BE IT RESOLVED, that the Nicollet County Board of Commissioners requests from the Board of Water and Soil Resources a two year extension of their existing local water plan to December 31, 2008 to complete the revision and update of its current local water management plan.

CERTIFICATION

STATE OF MINNESOTA
COUNTY OF NICOLLET COUNTY

I do hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the County of Nicollet at a duly authorized meeting thereof held on the 14th day of November 2006.

Robert Podhradsky

Robert Podhradsky
County Administrator

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

In the Matter of Extending the Comprehensive Local Water Management Plan for Nicollet County	ORDER EXTENDING WATER MANAGEMENT PLAN

Whereas, the Nicollet County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until December 31, 2006, pursuant to Minnesota Statutes 103B.301; and

Whereas, the Minnesota Board of Water and Soil Resources (Board) has authorization to grant extensions pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

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

FINDINGS OF FACT

On September 15, 2006, Nicollet County's Priority Concerns Scoping Document (PCSD) was distributed for state agencies review pursuant to Minnesota Statutes 103B.305, Subdivision 8a.

On November 8, 2006, the Board's southern region water planning review committee (Committee) met with representatives of Nicollet County to discuss the county's PCSD and review comments that were received. The priority concerns to be addressed in the new Plan were deemed appropriate by the Committee. The Committee's decision was to present to the Board a recommendation of approval of the Nicollet County PCSD.

On November 16, 2006, the Board received a resolution from Nicollet County requesting a two-year extension of their Plan. The primary reason for the extension request is circumstances of increasing local participation and staff input during the process has slowed the current revision process.

On November 17, 2006, Board staff reviewed and recommended approval of the extension request by Nicollet County.

On December 20, 2006, the Committee presented its recommendation of approval of the Nicollet County PCSD to the Board. The Board adopted the Committee's recommendation.

CONCLUSIONS

All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Management Plan of Nicollet County pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

ORDER

The Board hereby approves the extension of the Nicollet County Comprehensive Local Water Management Plan until December 31, 2008. Nicollet County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner. Dated at St. Paul, Minnesota, this 20th day of December 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: September 22, 2006

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Chris Hughes, Board Conservationist

SUBJECT: Faribault County Local Water Management Plan Final Review

I have completed my final review of the Faribault County Local Water Management Plan and recommend approval of this update. The Faribault 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 Minnesota Department of Agriculture, Minnesota Department of Natural Resources, Minnesota Department of Health and Minnesota Pollution Control Agency (MPCA). All agencies recommend approval of the Plan. MPCA also provided comments for consideration.

I look forward to assisting Faribault County in implementing their local water management plan. With teamwork and coordination between the county, soil and water conservation district, and watershed projects, there is and will continue to be significant water resource protection and management activity in Faribault County.

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Bemidji, MN 56601
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FARIBAULT COUNTY

Local Water Management Plan

2007—2016

Planning for the Future

Prepared by the Local Water Management Plan Task Force,
Faribault County Water Planner, and the
Faribault County Soil and Water Conservation District

EXECUTIVE SUMMARY

Faribault County utilizes the local water management planning process to protect and enhance the productive resources of the county such as surface water, groundwater, and related land resources by developing and carrying out the goals, objectives and actions outlined in the Local Water Management Plan. Local water management planning also provides a means to link state goals and objectives with the goals and objectives set forth by Faribault County for managing water and related land resources throughout the county.

Faribault County is located on the Minnesota – Iowa border in south central Minnesota. It is surrounded by Blue Earth County to the north, Martin County to the west, and Freeborn County to the east. Faribault County is a primarily agricultural county with a total population of 16,181, according to the 2000 Census. This is a –25% change since the first known information available in 1930, and a –32% change from the county's all time high population of 23,941 in 1940. Estimated population for 2004 is 15,642. Based on these trends, it is anticipated that the county will continue to see a decline in population in the future.

Approximately 34% of the county's population resides in a rural setting. The largest town and county seat is the City of Blue Earth with a population of 3,621. Faribault County has a total area of 461,600 acres or approximately 720 square miles. There are approximately 415,000 acres of cultivated farmland to 45,000 acres of other land in the county. The ratio of farmland to other land is approximately 9:1, with corn and soybeans as the primary crops. Hogs are the primary livestock in the county. The native vegetation consists of tall and medium prairie grasses. Some wooded areas are along streams and lakes.

The southern and western portion of Faribault County lies within the Blue Earth River Watershed, which includes 305,000 acres. In the western part of the county, regional drainage is from south to north along the Blue Earth River system, while local drainage flows eastward through Elm, Center, South, and Badger Creeks. The East Fork of the Blue Earth River and Coon Creek together drain the southeastern part of the county and join the main system in the City of Blue Earth. The north central and northeastern portions of Faribault County lie within the Le Sueur River Watershed, which includes 156,200 acres. In this area, regional drainage is from south to north along Rice Creek, Maple River and Cobb River. They flow north and eventually join the Le Sueur River, which empties into the Blue Earth River near Mankato. The very southeastern corner of Faribault County lies within the Winnebago River Watershed, and includes 400 acres.

Faribault County officially began the local water management planning process in August of 1987, with the first plan adopted in 1990. A new ten year plan was approved on March 18, 1997, with the current plan set to expire in December of 2006. The Faribault County Soil and Water Conservation District continues to coordinate the planning process for the county.

ONGOING ACTIVITIES

The local water management planning process has provided Faribault County with an opportunity to be involved in several diverse activities and programs outside of the goals and objectives defined in the Local Water Management Plan. The following is a partial listing of additional ongoing programs the Soil and Water Conservation District has a strong involvement or administrative role.

- Wetland Conservation Act (WCA)
- State Cost Share Program
- Conservation Easements
- State Revolving Fund (SRF)
- Farm Bill Technician
- Rain Gauge Network
- Tree Program
- Planning and Zoning
- Faribault County Feedlot Program Delegation
- ISTS Ordinance and Licensed ISTS Inspector
- Building Permits
- Tile Camera
- Geographic Information Systems (GIS)
- Classroom, Youth, and Adult Education Programs
- Blue Earth River Clean Water Partnership (CWP)
- Maple River Clean Water Partnership (CWP)
- Greater Blue Earth River Basin Alliance

IMPLEMENTATION SCHEDULE FOR PRIORITY CONCERNS & ONGOING ACTIVITIES

Faribault County has established an implementation schedule that prioritizes and outlines a timeframe and appropriate funding necessary for completing the goals, objectives, and actions identified throughout this plan. This schedule also recognizes the lead and supporting agencies responsible for overseeing the implementation activities.

This plan is written as a ten year plan, and recognizes that it will be necessary to review its contents and implementation schedule during year five.

The Implementation Schedule on the following pages correlates with the goals, objectives, and actions identified in the Local Water Management Plan. Those actions which are ongoing, are identified as such in the Priority Column. The year in which the activity is expected to occur is highlighted, with most action items considered ongoing throughout the ten year period. These actions pertain to both the Le Sueur and Blue Earth River Watersheds within Faribault County.

FARIBAULT COUNTY LOCAL WATER MANAGEMENT PLAN
IMPLEMENTATION SCHEDULE FOR PRIORITY CONCERNS & ONGOING ACTIVITIES

		2007 - 2016										Annual Funding	Lead Agency,
	Priority	07	08	09	10	11	12	13	14	15	16	Needed	Supporting Agencies
I. WATER QUALITY CONCERNS												***114,050.00***	
I. SURFACE WATER												**9,100.00**	
GOAL 1. Address impaired surface waters with Faribault Co.													
Objective A. ***Work toward delisting existing impaired waters***	High												
1. Participate in TMDL plan development and implementation	Ongoing											2,500.00	WP, SWCD, Cities, Co
2. Provide technical assistance throughout TMDL study	Ongoing											1,500.00	WP, SWCD, Cities, Co
3. Assist in TMDL efforts within Blue Earth and Le Sueur WS	Ongoing											500.00	WP, SWCD, Cities, Co
4. Determine sources of impairment and practices to address	High											500.00	WP, SWCD, Cities, Co
Objective B. ***Consider water quantity and quality impacts***	High												
1. Market available programs to landowners	Ongoing											1,000.00	SWCD
2. Partner with municipalities and drainage authority	High											250.00	SWCD, Cities, DA
3. Target subwatersheds to develop plans	High											250.00	SWCD, Cities, DA
4. Utilize GIS to inventory watersheds and target areas	High											350.00	SWCD, Cities, DA
Objective C. ***Gain a better understanding of water quality***	High												
1. Continue to support the CSMP and CLMP	Ongoing											350.00	WP, SWCD
2. Recruit additional volunteers for impaired reaches	Medium											100.00	WP, SWCD
3. Develop yearly CSMP newsletter	Ongoing											800.00	WP, SWCD
4. Develop baseline data and determine trend information	Medium											100.00	WP, SWCD
5. Encourage new water testing stations	High											100.00	WP, SWCD
6. Submit water testing data through STORET database	Ongoing											800.00	WP, SWCD
II. GROUNDWATER												**10,150.00**	
GOAL 2. Protect ground water based drinking water sources													
Objective A. ***Support wellhead protection areas***	Medium												
1. Encourage development of wellhead protection plans	Medium											1,000.00	WP, SWCD, Cities
2. Provide aid in efforts to locate wells	Medium											150.00	WP, SWCD, Cities
3. Encourage addressing private wells within wellhead area	Medium											250.00	WP, SWCD, Cities
4. Assist in developing maps outlining the radius of concern	Medium											150.00	WP, SWCD, Cities
5. Consider wellhead protection areas in land use decisions	High											100.00	WP, SWCD, Cities
6. Utilize source water assessment information from the MDH	Medium											100.00	WP, SWCD, Cities
Objective B. ***Encourage private well protection***	Medium												
1. Educate on proper setbacks from contamination sources	Medium											150.00	SWCD
2. Follow well code requirements for well construction	Medium											100.00	SWCD
3. Encourage private well testing on a regular basis	Medium											100.00	SWCD
Objective C. ***Encourage proper sealing of abandoned wells***	High												
1. Inventory potential location of abandoned wells	Medium											750.00	SWCD
2. Prioritize sealing of abandoned wells	High											100.00	SWCD

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7. Provide information to local decision makers	High	1,000.00	P&Z, SWCD, WP
GOAL 5. Assist with community treatment systems			
Objective A. ***Cooperate with communities and industries***	High		
1. Assist with wastewater education	Medium	1,000.00	Cities, SWCD, WP
2. Assist communities with unsewered households	Medium	3,000.00	Cities, P&Z, SWCD, WP
3. Continue efforts with unincorporated communities	Ongoing	7,500.00	P&Z, SWCD, WP, Co
4. Provide technical assistance to communities	Ongoing	2,500.00	Cities, P&Z, SWCD, WP
V. NON POINT SOURCE POLLUTION		**16,000.00**	
GOAL 6. Identify sources of non point source pollution			
Objective A. ***Assess sources of non point source pollution***	High		
1. Determine the nature, cause, and effects of pollution	High	2,500.00	SWCD, WP
2. Create sollutions to problems on a watershed scale	High	2,500.00	SWCD, WP
3. Identify current and apply for additional funding	Ongoing	2,500.00	SWCD, WP
4. Establish an implementation schedule by watershed	High	2,500.00	SWCD, WP
5. Target sources not being addressed by other plans	High	1,000.00	SWCD, WP
Objective B. ***Promote education and outreach***	Medium		
1. Implement education programs	Medium	1,500.00	SWCD, WP
2. Promote the effective use of BMP's	Medium	2,500.00	SWCD, WP
3. Improve information and education to local officials	Medium	1,000.00	SWCD, WP
2. STORMWATER MANAGEMENT CONCERNS		***31,850.00***	
I. URBAN STORMWATER		**17,850.00**	
GOAL 1. Communities develop stormwater policies and plans			
Objective A. ***Develop stormwater management plans***	High		
1. Provide information on methods to reduce effects of runoff	High	1,000.00	WP, SWCD, Cities
2. Develop a model stormwater management plan	High	2,500.00	WP, SWCD, Cities
3. Provide education and training for stormwater BMPs	High	1,000.00	WP, SWCD, Cities
4. Pursue funding for urban BMPs	High	1,000.00	WP, SWCD, Cities
Objective B. ***New development meet Phase II requirements***	Medium		
1. Hold Phase II stormwater program workshops	Medium	1,500.00	WP, SWCD, Cities
2. Ensure Phase II building permits have been obtained	Medium	200.00	WP, SWCD, Cities
3. Incorporate Phase II permit on building permit checklist	Medium	200.00	WP, SWCD, Cities
4. Pursue additional resources for assistance	Medium	500.00	WP, SWCD, Cities
Objective C. ***Promote homeowners to implement BMPs***	High		
1. Encourage homeowners to direct runoff to pervious areas	High	1,000.00	WP, SWCD, Cities
2. Encourage on-lot infiltration practices	High	1,000.00	WP, SWCD, Cities
3. Pursue funding for establishment of urban BMPs	High	500.00	WP, SWCD, Cities
4. Pursue funding to work one-on-one with homeowners	High	500.00	WP, SWCD, Cities
5. Identify stormwater control measures on lots <1 acre	High	250.00	WP, SWCD, Cities
6. Educate homeowners on proper disposal of hazardous waste	High	5,000.00	SW, SWCD
7. Provide education on urban BMPs and their benefits	High	500.00	SW, SWCD

Objective D. ***Utilize low impact development strategies***	Medium														
1. Advocate open space development	Medium												250.00	Cities, SWCD, WP	
2. Add low impact development measures to ordinances	Medium												100.00	Cities, SWCD, WP	
3. Encourage "common plan of development or sale"	Medium												100.00	Cities, SWCD, WP	
4. Provide educational opportunities to officials	Medium												100.00	Cities, SWCD, WP	
5. Preserve existing natural drainageways and vegetation	Medium												100.00	Cities, SWCD, WP	
Objective E. ***Reduce runoff from impervious surfaces***	High														
1. Integrate stormwater management into site design	High												100.00	Cities, SWCD, WP	
2. Maintain stormwater holding ponds	Medium												200.00	Cities, SWCD, WP	
3. Utilize stormwater retention practices	High												250.00	Cities, SWCD, WP	
II. URBAN FLOOD DAMAGE REDUCTION													**14,000.00**		
GOAL 2. Utilize storm and flood damage reduction practices															
Objective A. ***Understand drainage & stormwater outlets***	High														
1. Develop a working relationship with Drainage Authority	High												500.00	Cities, DA, Co, SWCD, WP	
2. Identify areas of water retention upstream of communities	High												2,500.00	DA, Co, SWCD, WP	
3. Utilize retention methods within cities	High												2,500.00	Cities, DA, Co, SWCD, WP	
4. Understand the drainage law's revelance to stormwater	High												1,500.00	Cities, DA, Co, SWCD, WP	
5. Utilize drained wetlands and water storage alternatives	High												2,000.00	DA, Co, SWCD, WP	
6. Drainage Authority and city annually review outlets	High												1,500.00	DA, Cities	
Objective B. ***Promote implementation of infiltration practices***	High														
1. Efforts to disconnect sump pumps and footing tile	Ongoing												1,000.00	Cities, SWCD, WP	
2. Explore impacts of additional volume of water as a result	High												500.00	Cities, SWCD, WP	
3. Encourage directing runoff to pervious areas	High												1,000.00	Cities, SWCD, WP	
4. Encourage on-lot infiltration practices	High												1,000.00	Cities, SWCD, WP	
3. DRAINAGE MANAGEMENT CONCERNS													***86,950.00***		
I. DRAINAGE MANAGEMENT													**70,000.00**		
GOAL 1. Improve drainage management practices															
Objective A. ***Adopt a countywide drainage system policy***	High														
1. Maintain mapping and data management process	Ongoing												5,000.00	DA, Co, SWCD, WP	
2. Utilize GIS data as a pre-petition decision making tool	High												1,000.00	DA, Co, SWCD, WP	
3. Establish a schedule for repair and maintenance	High												5,000.00	DA, Co, SWCD, WP	
4. Develop a redetermination schedule for all systems	High												5,000.00	DA, Co, SWCD, WP	
5. Continue efforts of the county drainage committee	Ongoing												5,000.00	DA, Co, SWCD, WP	
Objective B. Utilize a sustainable and economical approach	High														
1. Consider environmental and economic benefits	High												2,500.00	DA, Co, SWCD, WP	
2. Prioritize drainage systems on a subwatershed level	High												2,500.00	DA, Co, SWCD, WP	
3. Prioritize systems that impact an impaired water body	High												2,500.00	DA, Co, SWCD, WP	
4. Pursue funding to support technical assistance	High												1,000.00	DA, Co, SWCD, WP	
5. Partner with other agencies for support and funding	High												500.00	DA, Co, SWCD, WP	
6. Provide educational opportunities	High												2,000.00	DA, Co, SWCD, WP	

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2. Seek additional funding to eliminate pollution from feedlots	High										20,000.00	P&Z, SWCD, NRCS
3. Promote existing funding sources	Ongoing										1,000.00	P&Z, SWCD, NRCS
4. Utilize grazing management	Medium										200.00	P&Z, SWCD, NRCS
5. Provide outreach to feedlots under threshold of permitting	Medium										500.00	P&Z, SWCD
6. Provide outreach to new owners of new or existing sites	High										500.00	P&Z, SWCD
7. Reach new owners of sites with a fact sheet	Medium										500.00	P&Z, SWCD
8. Encourage producer groups to provide training opportunities	Medium										250.00	P&Z, SWCD
9. Utilize GIS to identify environmentally sensitive areas	Medium										250.00	P&Z, SWCD
10. Involve livestock producers with the BE Basin Fecal TMDL	High										250.00	P&Z, SWCD
Objective B. ***Provide education on the benefits of agriculture***	Medium											
1. Encourage producers to educate non-livestock producers	Medium										100.00	P&Z, SWCD
2. Encourage discussions and education on new sitings	Medium										250.00	P&Z, SWCD
3. Encourage producers to practice good neighbor policies	Medium										100.00	P&Z, SWCD
II. MANURE MANAGEMENT											**18,650.00**	
GOAL 2. Work on the benefit of manure management planning												
Objective A. ***Encourage the development of plans***	High											
1. Promote the economic benefit of manure management planning	High										500.00	P&Z, SWCD
2. Ensure feedlots with 300 - 1000AU are utilizing a plan	Ongoing										2,500.00	P&Z, SWCD
3. Increase efforts on feedlots <300AU to have a plan	Medium										1,000.00	P&Z, SWCD
4. Review plans with producers through site visits every 4 years	Ongoing										10,000.00	P&Z, SWCD
5. Seek additional resources to accomplish planning efforts	Medium										250.00	P&Z, SWCD
6. Provide opportunities for preparing plans	High										500.00	NRCS, P&Z, SWCD
7. Utilize MPCA and UofM planning software as a tool	High										250.00	P&Z, SWCD
8. Explore holding workshops for producers	High										750.00	P&Z, SWCD
9. Partner with MPCA to provide training for smaller sites	Medium										500.00	P&Z, SWCD
Objective B. ***Provide education on proper setbacks***	High											
1. Utilize GIS to identify environmentally sensitive areas	High										250.00	P&Z, SWCD
2. Educate producers on existing setbacks from sensitive areas	Ongoing										250.00	P&Z, SWCD
3. Incorporate and encourage vegetated buffers for runoff	High										100.00	P&Z, SWCD
Objective C. ***Encourage proper crediting of manure nutrients***	High											
1. Provide education on correct application rates	High										500.00	P&Z, SWCD
2. Support the utilization of manure as a valuable resource	Medium										100.00	P&Z, SWCD
3. Education on utilizing manure better and incentives of selling	Medium										100.00	P&Z, SWCD
4. Encourage producer groups to hold field days	Medium										100.00	P&Z, SWCD
5. Promote education of UofM guidelines	High										250.00	P&Z, SWCD
6. Work with FSA to incorporate education through newsletters	Medium										250.00	P&Z, SWCD, FSA
7. Encourage producers to get records documented	High										500.00	P&Z, SWCD
III. NUTRIENT MANAGEMENT PLANNING											**4,750.00**	
GOAL 3. Promote the wise use of nutrients												
Objective A. ***Provide education on proper application rates***	High											

2. Support the utilization of manure as a valuable resource	Medium												100.00	P&Z, SWCD
3. Education on utilizing manure better and incentives of selling	Medium												100.00	P&Z, SWCD
4. Encourage producer groups to hold field days	Medium												100.00	P&Z, SWCD
5. Promote education of UofM guidelines	High												250.00	P&Z, SWCD
6. Work with FSA to incorporate education through newsletters	Medium												250.00	P&Z, SWCD, FSA
7. Encourage producers to get records documented	High												500.00	P&Z, SWCD
III. NUTRIENT MANAGEMENT PLANNING													4,750.00	
GOAL 3. Promote the wise use of nutrients														
Objective A. *Provide education on proper application rates*	High													
1. Work with ag suppliers of UofM application rates	High												500.00	SWCD
2. Develop test plots and organize field days to review results	Medium												1,000.00	SWCD
3. Promote incentives for entering a nutrient mgmt contract	High												1,000.00	SWCD, NRCS
4. Incorporate information on UofM rates within FSA newsletter	High												500.00	SWCD, FSA
5. Educate those writing plans on rates eligible for programs	Medium												500.00	SWCD, NRCS
6. Explore holding classes or workshops for ag suppliers	Medium												1,000.00	SWCD
7. Encourage soil sampling to utilize as base data	Medium												250.00	SWCD
6. NATURAL RESOURCE CONCERNS													***3,250.00***	
I. NATURAL RESOURCES													3,250.00	
GOAL 1. Identify, preserve & promote natural resources														
Objective A. *Identify natural resources within the county*	Medium													
1. Utilize GIS to create a map of existing protected areas	Medium												750.00	SWCD, WP
2. Identify priority areas with the potential for land use change	Medium												500.00	SWCD, WP
3. Explore including natural resource concerns within ordinance	Medium												250.00	P&Z, WP, SWCD, Co
Objective B. Promote and market conservation efforts	Medium													
1. Develop a marketing plan for protected areas	Medium												100.00	SWCD
2. Promote outdoor recreational activities through map	Medium												200.00	SWCD
3. Promote prairie reconstruction and restoration efforts	Medium												100.00	SWCD
4. Promote programs for the establishment of native species	Medium												100.00	SWCD
5. Promote the establishment of habitat corridors	Medium												100.00	SWCD
Objective C. Provide education on better managing resources	Medium													
1. Encourage the use of native species in construction	Medium												100.00	SWCD
2. Provide education on better managing forests and woodlands	Medium												100.00	SWCD
3. Provide education on negative impacts of off road vehicles	Medium												100.00	SWCD
4. Provide education on impacts of development	Medium												250.00	SWCD
5. Work with townships on the importance of timed mowing	Medium												100.00	SWCD
6. Promote the use of backyard conservation practices	Medium												500.00	SWCD
TOTAL ANNUAL NEED													**317,650.00**	

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 Faribault County (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Faribault County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Minnesota Board of Water and Soil Resources (Board) on August 21, 2006, 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 30, 2005 the Board received a Priority Concerns Scoping Document from Faribault County, pursuant to M.S. Section 103B.312.

2. On April 26, 2006, the Board approved official comments on the Faribault County Priority Concerns Scoping Document, which were mailed to the county on April 26, 2006.

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

    a. Water Quality Concerns, including impaired waters and TMDL's
    b. Stormwater Management Concerns, including public drainage system management
    c. Erosion Concerns
    d. Agricultural Concerns
    e. Natural Resource Concerns

4. On August 21, 2006, the Board received the Faribault 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 8, 2006**, the Southern Water Planning Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Faribault 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 had no comment;
    f. Minnesota Board of Water and Soil Resources regional staff recommends approval;
    g. Board regional Water Plan Review Committee recommends approval.

6. This update will be in effect until December 31, 2016.

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 Faribault County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2. The Faribault 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 Faribault Local Water Management Plan with a required update to the implementation section (Goals, Objectives and Actions) By December 31, 2011.

Dated at St. Paul, Minnesota, this 20th day of December 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: August 21, 2006

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Chris Hughes, Board Conservationist

SUBJECT: LeSueur County Local Water Management Plan Final Review

I have completed my final review of the LeSueur County Local Water Management Plan and recommend approval of this update. The LeSueur 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 Minnesota Department of Agriculture, Minnesota Department of Natural Resources, Minnesota Department of Health and Minnesota Pollution Control Agency (MPCA). All agencies recommend approval of the Plan. MPCA also provided comments for consideration.

I look forward to assisting LeSueur County in implementing their local water management plan. With teamwork and coordination between the county, soil and water conservation district, and watershed projects, there is and will continue to be significant water resource protection and management activity in LeSueur County.

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) 828-2585
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

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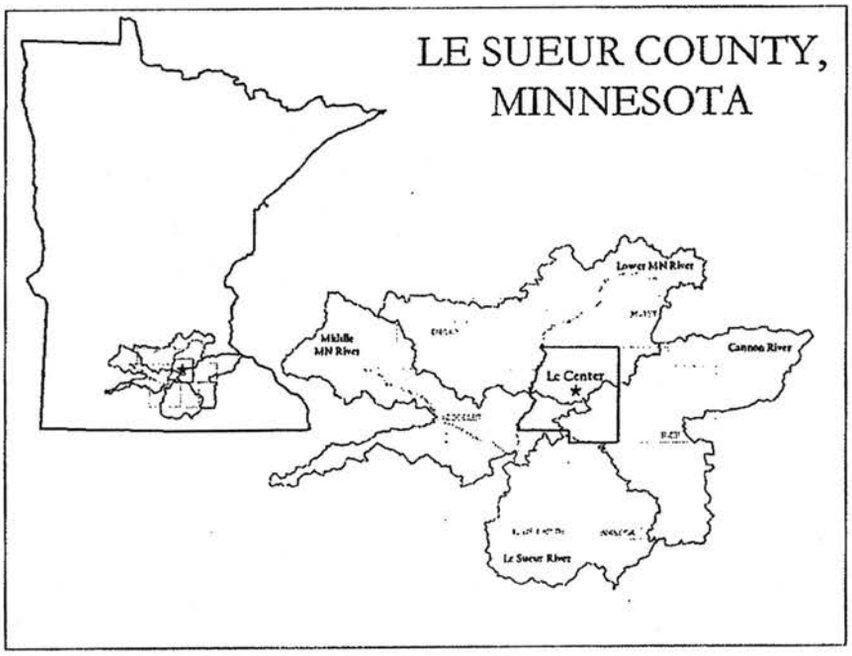
DRAFT
July 5, 2006
Copy submitted
to BWSR

Le Sueur County

2006-2015
Local Water Management Plan



June 2006
Third Revision

Adopted on _____

Prepared by:
Lauren Klement, Environmental Resources Specialist
Le Sueur County Environmental Services

Executive Summary

VERSION AND PURPOSE:

This is the third version of the Le Sueur County Comprehensive Water Plan. This version dated, 2006-2015 and is called the Le Sueur County Comprehensive Local Water Management Plan. This plan includes project development and implementation. The implementation plan will have a progress review in 2011. Changes can be made at this time following the Minnesota Board of Water and Soil Resources guidelines.

Le Sueur 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. Implementation of the plan, through annual workplans, will make certain that objectives and goals will be reached. It is in the best interest of the county to ensure that implementation occurs.

Le Sueur County has many lakes, rivers, streams, creeks and drainage ditches. Water recreation is important to a large population of the county, as is agricultural drainage. Both help drive the economy of the area. County information and maps are located in the appendices.

DESCRIPTION OF PRIORITY CONCERNS:

The Priority Concerns on which Le Sueur County will focus are as follows. **The Priority Concerns are not listed in order of importance, as all concerns are important.**

1. Impaired Waters/TMDL's
   Le Sueur County is home to several recreational lakes that have been placed on the impaired waters list for nutrients. The water plan task force is also well aware of several other water bodies that have the potential for being listed as well. It was the consensus of the task force that the next Water Plan would need to confront these TMDL issues immediately in order to correct, enhance and preserve the abundant surface water resources that are characteristic of the area.

2. Wastewater Treatment
   A dramatic increase in the rate of growth in Le Sueur County has resulted in development pressures around many of the cities and lakeshore areas of the county. There is also an upward trend of small, seasonal cabins converting to large, year round homes. With this pressure comes the need for proactive management of new systems and accelerated compliance of existing systems. Identifying wastewater treatment as a priority in the water plan is considered a vital component for supporting existing state and local

requirements, as well as to focus attention on strengthening and improving the ISTS program.

3. Stormwater Management
   This priority focuses on management of stormwater in both urban and rural settings. New developments located adjacent to existing cities, near lakeshore or simply placed in a rural setting need to be tightly regulated to prevent the associated nutrient and sediment runoff impacts to our water resources. With the state's trend towards stronger regulations, the water plan task force identified this as an issue demanding immediate attention.

4. Protection of Undeveloped Shorelines
   As previously stated, growth in Le Sueur County is on the rise. It is evident that a significant percent of the population is drawn to living on or near our surface water resources. Areas once considered non-suitable for development have now become potential places for growth. These undisturbed areas are critical to maintaining and protecting hydrology, water storage, buffers and native species. In order to prevent the loss and destruction of these remaining natural habitats, the water plan task force strongly supports this as a priority issue.

5. Drinking Water Protection
   The water plan task force unanimously agreed that source water protection is a key component for any water plan. It is the responsibility of the plan to promote public health, economic development and community infrastructure by insuring a potable drinking water supply for all residents of our small communities, as well as our individual rural residents. It is necessary that we provide education about the importance of drinking water protection for the general health and well being of the population.

6. Drainage Management
   Le Sueur County's agricultural dominance, coupled with its vast surface water resources has resulted in a tug of war between our need for cropping systems and our desire for suitable water recreation. To enhance crop production, tiling systems have been improved wetlands have been drained, causing our drainage systems to be inundated with increased volumes of nutrient rich water. These fast flowing systems need to be addressed now - priority issues include potential storage areas, wetland restoration and effective management of the current drainage system program.

7. Reduce Contamination from Agricultural Sources
   Agricultural operations need to adequately maintain cropping systems to reduce non-point pollution, while feedlot operations need to contain their manure storage areas. Erosion and sedimentation from these operations needs to be closely monitored to reduce the levels of nutrients entering our surface water resources. The task force feels that it is of priority to actively work with all producers through education and set-aside programs to ensure proper care and management of these operations.

SUMMARY OF GOALS AND OBJECTIVES

Priority Concern 1: Impaired Waters/Total Maximum Daily Loads (Cost Estimate: $ 953,800)

Goal 1: Protected, restored and improved surface water quality in lakes, rivers and streams.

Objective 1: Work with the MPCA, Lake Associations and other state and federal agencies on the TMDL process with the development of two TMDL implementation plans for impairments in Lake Volney and Lake Tetonka/Upper Sakatah Lake by 2015.

Objective 2: Implement TMDL Implementation Plans by Year 2015.

Objective 3: Collect useful scientific water quality data on area lakes, streams, rivers and wetlands within the Sand Creek and Le Sueur Creek Watersheds of the Lower MN and in Middle Minnesota River Watersheds and in the Upper Cannon on an ongoing basis, when funding is available.

Priority Concern 2: Wastewater Treatment (Cost Estimate: $ 1,380,000)

Goal 2: All septic systems in Le Sueur County have been brought into compliance.

Objective 4: Strengthen and improve the Le Sueur County ISTS Program by December 2012

Objective 5: Increase the number of ISTS upgrades to bring systems into compliance by 20% annually.

Priority Concern 3: Stormwater Management (Cost Estimate: $ 444,000)

Goal 3: Minimized impacts from runoff of development areas and agricultural land that alter surface water hydrology.

Objective 6: Increase the number of water retention structures (see objective 7 for wetlands) on the landscape by 30% annually by 2015.

Objective 7: Increase the number of wetland restoration acreage in the county by 20% annually by 2015.

Objective 8: Promote sound hydrologic storm water management to reduce runoff to eleven municipalities and developers and unincorporated areas and their residents annually by 2011.

Goal 4: Diminished runoff pollution caused by urban and development stormwater and agricultural runoff.

Objective 9: Promote environmentally friendly storm water management to reduce pollutants from reaching surface water to eleven municipalities and all county residents annually by 2011.

Priority Concern 4: Protection of Undeveloped Shoreline (Cost Estimate: $ 280,500)

Goal 5: Achieved no net loss of existing natural shoreline

Objective 10: Respond to 25 shoreland regulation inquiries annually

Goal 6: Achieved a net natural shoreline gain through shoreline restorations

Objective 11: Restore 75 negatively altered shoreland sites by 2011

Priority Concern 5: Drinking Water Protection (Cost Estimate: $ 54,300)

Goal 7: Protected groundwater quality and quantity.

Objective 12: Coordinate, annually, a public education program for all county residents and municipality staff on proper construction, maintenance, protection and abandonment of wells and conservation of groundwater through two news releases and/or presentations annually

Objective 13: Coordinate water-testing clinics for up to 200 wells that would include Nitrate and Arsenic for county residents with private wells by 2010.

Objective 14: Gather information about groundwater quantities and interconnection to surface water by 2015.

Priority Concern 6: Agricultural Drainage Management (Cost Estimate: $ 215,500)

Goal 8: Reduced peak flow within drainage systems.

Objective 15: Create and implement an educational campaign for runoff reduction by 2010.

Objective 16: Create or enhance a drainage management plan that includes a schedule for redetermination of benefits for ditch systems by 2010.

Priority Concern 7: Reduce Contamination from Agricultural Sources (Cost Estimate: $ 1,285,000)

Goal 9: Reduced contaminants from agricultural sources to surface water.

Objective 17: Secure funding for surface water protection and improvement projects on a watershed basis by 2011.

Objective 18: Provide education on nutrient management and the need for nutrient management plans to all county agricultural producers in the county by 2010.

TOTAL COST ESTIMATE FOR PRIORITY CONCERNS: $ 4,613,100.00

Implementation Schedule of Ongoing Activities

Feedlots

The County's feedlot program includes enforcement of Minnesota Rules Chapter 7020. National Pollutant Discharge Elimination System State Disposal Permit is required from MPCA for construction and/or operation of a feedlot or manure storage area that meets the definition of a Large Concentrated Animal Feeding Operation (CAFO) as defined in Federal Regulations (40 CFR 122.23 (b)(4)); or are capable of holding 1,000 or more animal units (AU) (as defined under Minn. R. 7020.0300, subp.5). 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

Le Sueur 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 watershed project areas are currently available. There is growing support for a county administered low-interest loan program that would allow pay back of the loans through the property taxes. Le Sueur County ISTS Inspections: Point of Sale inspections, addition of bedroom(s), shoreland: inspection is required with any permit obtained.

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. The City of Le Sueur, through the MPCA, informed the county of plans to expand facilities with completion possibly within the next five years.

Wetland Conservation Act

Le Sueur County will continue to administer the Wetland Conservation Act for the entire county. Delegation for administration of the program will remain with the Le Sueur SWCD

Floodplains

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.

Shoreland Management

The county receives a small grant each year from the MN DNR for administration of the shoreland ordinance on all lands in the county within 1000 feet landward from the ordinary high water level of all protected watercourses as identified on the Protected Waters and Wetlands map. Shoreland on protected streams are within 300 feet. An annual report is submitted to the DNR about the activities regulated in the shoreland district.

Solid Waste

The County's Solid Waste Management Plan will be the primary mechanism used to address solid waste issues.

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 Le Sueur County (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Le Sueur County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Minnesota Board of Water and Soil Resources (Board) on July 7, 2006, 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 9, 2006, the Board received a Priority Concerns Scoping Document from Le Sueur County, pursuant to M.S. Section 103B.312.

2. On April 26, 2006, the Board approved official comments on the Le Sueur County Priority Concerns Scoping Document, which were mailed to the county on April 26, 2006.

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

    a. Impaired Waters and Total Maximum Daily Loads
    b. Drainage Management
    c. Wastewater Treatment
    d. Stormwater Management
    e. Protection of Undeveloped Shorelines
    f. Reduce Contamination From Agricultural Sources
    g. Drinking Water Protection

4. On July 7, 2006, the Board received the Le Sueur 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 8, 2006**, the Southern Water Planning Review Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Le Sueur 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 had no comment;
    f. Minnesota Board of Water and Soil Resources regional staff recommends approval;
    g. Board regional Water Plan Review 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 Comprehensive Water Plan Update of Le Sueur County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2. The Le Sueur 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 Le Sueur 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 20th day of December 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: December 8, 2006

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Tabor Hoek, Board Conservationist

SUBJECT: **Rock County Local Water Management Plan Final Review**
January 2007 – January 2017

I have completed my final review of the Redwood County Local Water Management Plan and recommend approval of this update.

The Rock 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 Dept. of Health (MDH), Minnesota Pollution Control Agency (MPCA), Minnesota Dept. of Natural Resouces (DNR), Minnesota EQB, and Minnesota Department of Agriculture (MDA). These agencies recommend approval of the Plan.

I look forward to assisting Rock County in the implementation of their plan. Water Plan Coordinator Doug Bos should be commended for his leadership and dedication throughout the planning process. I have confidence that their proven success will continue to be fulfilled by the Rock Co. board and staff throughout the implementation of the identified initiatives.

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

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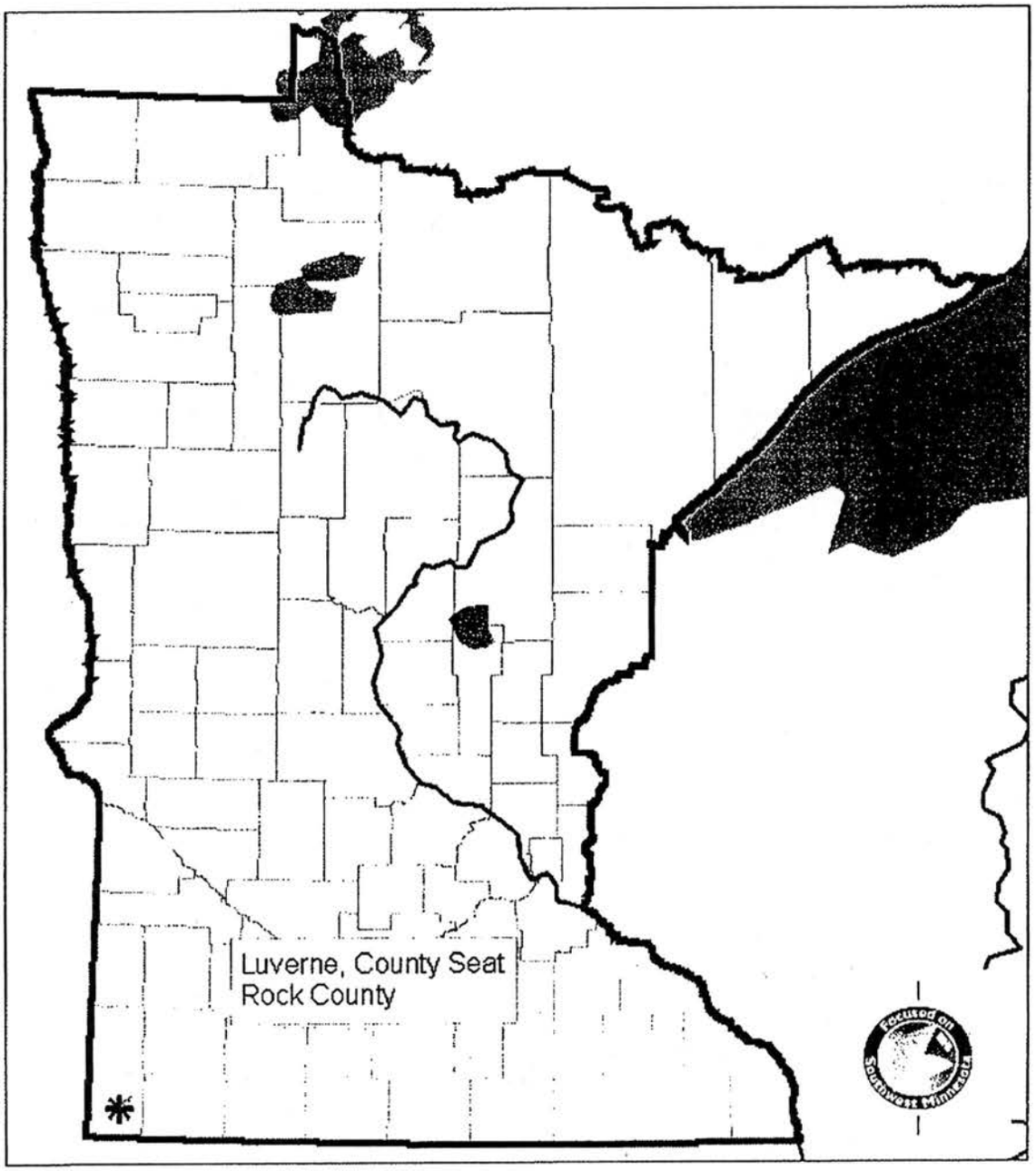
ROCK COUNTY WATER PLAN

A 10-YEAR PLAN WITH A 5-YEAR IMPLEMENTATION SCHEDULE.

SEPTEMBER 2006

PREPARED FOR THE ROCK COUNTY WATER PLAN TASK FORCE
BY ROCK COUNTY LAND MANAGEMENT OFFICE AND
SOUTHWEST REGIONAL DEVELOPMENT COMMISSION



A. Executive Summary

Rock County, population 9,721, is located in the southwestern corner of Minnesota, adjacent to Pipestone, Murray, and Nobles counties, and the states of Iowa and South Dakota. The City of Luverne (pop 4,617) is the county seat. Rock County is a typical prairie environment, and unique to Minnesota in that it lies completely within the Missouri River basin. As part of the Big Sioux River Basin, the county is divided into two major watershed units **(see attached map)**. The Big Sioux watershed consists of approximately 130,800 acres, including the Split Rock Creek and Beaver Creek minor watershed. The Rock River watershed consists of about 175,800 acres, including the Kanaranzi-Little Rock minor watershed. The two major watersheds are similar geologically, with the same soil types, slopes and erosion areas.

A.1 Purpose & Introduction

The Rock County Water Plan is intended to identify existing and potential water issues in the context of watershed units and groundwater systems, informing specific implementation actions to achieve goals for sound hydrological management of water and related resources.

Requirements of a local water plan are set forth in current state statute (M.S. 103B.311, Subd. 4.). The plan must address management of water, effective environmental protection, and efficient resource management, and 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 systems. This Water Plan is a ten-year management plan with a five-year implementation schedule.

This is the third edition of a local water management plan for Rock County. The Rock County Board of Commissioners appointed a Water Planning Advisory Committee, which first met on 12 January 1989. The original Rock County Comprehensive Local Water Plan was prepared by Don Briggs and Kris Rodman in April 1991. In December 1994, the Rock County Board of Commissioners adopted a resolution to update and revise the water plan. In December 1995 and August 1996, the Board of Water and Soil Resources granted Rock County one-year extensions for revisions to the local water plan, due to staff changes. The plan update was completed by Douglas Bos of the Land Management Office, with assistance from the Rock County Water Planning Advisory Committee, in December 1997. That plan was written to cover water management through December 2006.

Major accomplishments under Rock County's previous water management plans included:

- Completed a Level III Feedlot Inventory on all Rock County Feedlots.
- Provided technical assistance, cost share dollars and low interest money to correct water quality concerns for 100-plus feedlots.
- Provided technical assistance and guidance in developing Well Head Protection Plans for Rock County Rural Water and the City of Luverne.
- Sponsored 14 years of the Southwest MASWCDE Environmental Fair for 6th grade classes in the County.

- Promoted and provided technical assistance to install thousands of feet of terraces, hundreds of waterways, and numerous sediment basins.
- Provided cost share and technical assistance to plant hundreds of thousands of trees in shelter belts and wildlife plantings.
- Provided cost share to seal 71wells since 2001 and numerous wells prior to 2001.
- Promoted and provided cost share and low interest dollars to replace 146 failing individual septic systems since 1999 and many systems prior to 1999.
- Annually sampled and tested 13 surface water sites, 3 field tile outlets and 15 well water sites for water quality for 14 years.
- Developed a program to collect household hazardous waste, waste pesticide, and empty pesticide containers.

Rock County Water Plan
Ag BMP Loans

	Feedlots	Dollars	Septics	Dollars	Conservation	Dollars
2000	14	$236,700	21	$70,700	8	$77,325
2001	18	$306,125	8	$30,700	7	$149,350
2002	17	$227,350	9	$29,217	3	$58,250
2003	8	$119,779	2	$9,500	1	$24,950
2004	15	$280,872	6	$22,453	1	$12,105
2005	21	$542,750	5	$22,900	4	$91,250

Source: Rock County Land Management Office

The Rock County Land Management Office is responsible for local water management in Rock County, including facilitation of public input and convening the Rock County Water Plan Task Force. On 16 August 2005, the Rock County Board of Commissioners passed a Resolution of Intent to update the Comprehensive Water Management Plan. In October 2005, Rock County retained the Southwest Regional Development Commission for assistance to write the update. A public meeting on priority concerns was held at Luverne on 13 December 2005. After Task Force consideration, the Rock County Board of Commissioners scheduled a Public Hearing on this Water Plan for 19 September 2006.

Task Force membership at the time of Plan development has included:

Peter Bakken	Township Supervisor	Kurt Elbers	Rock County Cattleman's Assn.
Richard Bakken	County Commissioner	Eric Hartman	Director, Rock County Land
Al Blank	Beaver Creek City Mayor		Management Office
Doug Bos	Water Plan Coordinator	Al Lais	City of Luverne Public Works
Ava Christians	Dairy Producer, Citizen	Don Reker	SWCD Supervisor
Dan Cook	Rock County Rural Water	Andy Steensma	Luverne City Mayor
		Leroy VanWyhe	Beaver Creek Sportsman's Club

Randy Creeger Friends of the Park, representing Blue Mound State Park & Touch the Sky Prairie

A.1.a Public Input Requests and Informational Meetings

8/16/05	County Board Mtg on Resolution to update plan- 8 att.
8/25/05	Sent requests of Local Units of Government, Agencies and Organizations requesting input of priority concerns.
8/25/05	E-mailed requests for input on priority concerns from State Agencies.
9/14/05	Sent letters requesting input on priority concerns from State Agencies.
9/15/05	Notice of Decision to Revise and Update Water Plan – Rock County Star Herald cir. 3,000
9/05	Article for the Rock County Ag News Cir. 900
10/05	Article in the Rock County Ag News requesting input on the water plan process. Cir 900
12/05	Article in the Rock County Ag News noticing Priority Concerns meeting and providing information on the Water planning process.Cir 900
9/29/05	Article for the Star Herald, on Water planning process. Cir. 3,000
12/6/05	Rock County Annual Township Meeting - 35 Twsp Officers
12/13/05	Task Force and Public Meeting on Priority Concerns - 16 att.
12/19/05	Rock SWCD Board Mtg- 10 att.
1/11/06	Task Force Meeting on Priority Concerns – 14 att.
2/22/06	Submitted Priority Concerns Scoping Document to State Agencies.
9/8/06	Task Force Meeting to review draft plan, Goals and Objectives, Implementation plan.
9/19/06	Public Hearing / Rock County Commissioners meeting on Draft Water Plan.

A.1.b Plan Adoption and Amendment

Upon approval of this plan by the Minnesota Board of Water and Soil Resources (BWSR), Rock County has up to 120 days to pass an Adoption and Implementation Resolution. After final adoption, the plan may be amended in a similar process, by petitioning the BWSR Board, scheduling a public hearing, and sending notice to the required parties.

A.2 Description of Priority Concerns

The Priority Concerns listed below were selected by the Water Plan Task Force members by consensus, after carefully reviewing submitted concerns and comments.

Priority Concern 1. Protect ground water quality and supply.

Rock County's shallow aquifers demand vigilance in protecting groundwater quality and supply. Particular concerns include well head protection, abandoned wells, and future water supply.

Priority Concern 2. Feedlot Program management

Nutrient management plans are an important tool in preventing water quality issues. As well, controlling feedlot runoff can prevent problems before they happen.

C. Implementation Schedule of Priority Concerns

This section establishes the implementation program for the local water management to address priority concerns.

C.1 Priority Concern 1: Protect ground water quality and supply.

Goal 1a: Protect public water supplies from contamination by agricultural production activities and industrial sources.

Action 1a.1: Provide technical assistance to and serve on the existing Well Head Protection committees for Rock County Rural Water and the City of Luverne and other public water suppliers that will be developing a Well Head Protection Plan.
Who: RCLMO, RCRW, CL, MDH, MRWA
When: 2007-2012
Cost: In-Kind
Benefit: Groundwater

Action 1a.2: Coordinate development of literature and newsletters with the Public Water Suppliers to educate producers on the significance of being in a Well Head Protection Area.
Who: RCLMO, RCRW, CL, MDH, MRWA
When: 2007-2012
Cost: In-Kind, $500 in advertising
Benefit: Groundwater

Action 1a.3: Using our CREP technician to produce fliers and promotional literature, conducting site visits to those producers that do not respond to the mailings, and using promotional activities to raise the awareness of the programs.
Who: RCLMO, RCRW, CL, MDH, MRWA, BWSR, PF
When: 2007-2012
Cost: $25,000 per year
Benefit: Surface Water/ Groundwater

Action 1a.4: Examine existing ordinances and proposed changes to ensure they protect and do not negatively impact Well Head Protection Areas.
Who: RCLMO
When: 2007-2012
Cost: In-Kind
Benefit: Groundwater

Action 1a.5: Develop a list of abandoned wells by interviewing residents in the DWSMA's and pursue funding for increased cost share for sealing the wells.
Who: RCLMO, RCRW, CL, MDH, MRWA
When: 2007-2012

Cost: In-Kind, $4,000
Benefit: Groundwater

Goal 1b: Prevent contamination of underground aquifers from land use practices through open abandoned wells.

Action 1b.1: Utilize newsletter and newspaper opportunities to educate residents on potential impacts in well head protection areas.
Who: RCLMO, RCRW, CL, MDH, MRWA
When: 2007-2012
Cost: In-Kind, $500 per year
Benefit: Groundwater

Action 1b.2: Budget cost share dollars for sealing 100 abandoned wells.
Who: RCLMO, BWSR, MDH, MRWA
When: 2007-2012
Cost: $500 to $1,000 per well sealed, up to $5,000/cost share per year
Benefit: Groundwater

Action 1b.3: Seek additional funding for assistance sealing additional abandoned wells.
Who: RCLMO, BWSR, MDH, MRWA
When: 2008-2012
Cost: seek at least $5,000 per year
Benefit: Groundwater

Goal 1c: To make sure that the residents of Rock County have adequate water supplies to allow for future economic growth and development.

Action 1c.1: Contact public water suppliers and research examples of effective plans.
Who: RCLMO, RCRW, CL, MDH, MRWA
When: 2007-2012
Cost: In-Kind
Benefit: Groundwater

Action 1c.2: Coordinate and develop a conservation flyer with the public water suppliers in the County.
Who: RCLMO, RCRW, CL, MDH, MRWA
When: 2007-2012
Cost: In-Kind, $500
Benefit: Groundwater

Action 1c.3: Stay informed on water supply issues and educate legislators on the priority issues.
Who: RCLMO, RCRW, CL, MDH, MRWA
When: 2007-2012
Cost: In-Kind
Benefit: Groundwater

C.2 Priority Concern 2. Feedlot Program management.

Goal 2a: To ensure all feedlots that are required to and those in the DWSMA have developed and follow a nutrient management plan.

Action 2a.1: During compliance inspections verify that nutrient management plans are written when required and educate producers on how to develop a plan.
Who: RCLMO, MPCA
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water

Action 2a.2: Promote available planning programs for nutrient management and serve as a resource for questions.
Who: RCLMO, MPCA
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water/ Groundwater

Action 2a.3: Promote training opportunities, forward pertinent information and serve as a resource for questions in plan writing.
Who: RCLMO, MPCA, MDA
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water/ Groundwater

Goal 2b: Have all feedlots in the County in compliance with MN Statute 7020 standards.

Action 2b.1: Provide technical and engineering assistance to producers with the Southwest Prairie Joint Powers Organization, Provide assistance in applying for cost share and low interest loans to correct the problems.
Who: RCLMO, MPCA, BWSR, MDA
When: 2007-2012
Cost: In-Kind, $5,000 - $100,000 per feedlot
Benefit: Surface Water/ Groundwater

Action 2b.2: Utilize a check list for compliance during the application process, conduct site visits during construction to verify compliance and remain current on State regulations.
Who: RCLMO, MPCA, BWSR
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water/ Groundwater

C.3 Priority Concern 3. Non-conforming Individual Septic Treatment System.

Goal 3a: Bring all nonconforming Individual Septic Treatment Systems into compliance with Minnesota Statutes Chapter 7080.

Action 3a.1: Develop an ordinance that requires property owners to upgrade failing septic systems at property transfer.
Who: RCLMO, MPCA, BWSR, MDH
When: 2007-2012
Cost: In-Kind, $4,000 - $7,000 per septic replacement
Benefit: Surface Water/ Groundwater

Action 3a.2: Develop an inventory by conducting site visits and interviewing residents in the DWSMA and shore-land areas.
Who: RCLMO, MPCA, BWSR, MDH, RCRW, CL
When: 2007-2012
Cost: In-Kind, $5,000
Benefit: Surface Water/ Groundwater

Action 3a.3: Provide cost share and low interest money to encourage replacement throughout the County. Leverage financing from local and State sources to provide additional cost share on replacement systems for high priority areas such as DWSMA and shore-land.
Who: RCLMO, MPCA, BWSR, MDA, RCRW, CL
When: 2007-2012
Cost: In-Kind, $4,000 - $7,000 per Septic System replaced.
Benefit: Surface Water/ Groundwater

C.4 Priority Concern 4. Protect surface water quality.

Goal 4a: Prevent future contamination of surface waters from land use practices.

Action 4a.1: Along with NRCS provide technical assistance to 50 producers and landowners that are interested in installing conservation practices.
Who: RCLMO, NRCS
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water

Action 4a.2: Assist producers in applying for cost share opportunities for conservation practices.
Who: RCLMO, BWSR, NRCS
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water

Action 4a.3: Identify potential areas and contact the landowners with our CREP Technician. Provide a technician to encourage and facilitate conservation program participation.
Who: RCLMO, BWSR
When: 2007-2012
Cost: In-Kind, $25,000 per year Technician
Benefit: Surface Water

Action 4a.4: Review applications for expansions and construction sites for the need of a Storm Water Permit.
Who: RCLMO, MPCA
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water

Action 4a.5: Develop and promote an ordinance to require 4:1 side slopes on water courses that are cleaned out.
Who: RCLMO
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water

Action 4a.6: Develop and promote an ordinance to require grass buffers along surface waters such as intermittent and perennial streams.
Who: RCLMO
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water

Action 4a.7: Identify landowners and operators in the watersheds that flow to these parks; promote and educate these landowners on the importance and opportunities of conservation practices.
Who: RCLMO, NRCS, DNR
When: 2007-2012
Cost: In-Kind, CREP Technician-$5,000
Benefit: Surface Water

Goal 4b: Develop a plan to address those reaches of water courses that exceed the limits of Total Maximum Daily Load.

Action 4b.1: Participate in regional meetings that address plans of action to correct stream impairments, work with Mankato State University in assessing current information and developing a TMDL plan. Access state and federal dollars for water sampling to verify contaminates that caused these streams to be listed as impaired.
Who: RCLMO, MPCA, BWSR, RCRW, CL
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water

Action 4b.2: Continue yearly sampling of surface water at critical points; coordinate, chart and monitor results from all agencies to track changes in the County.
Who: RCLMO, RCRW, CL, BWSR,
When: 2007-2012
Cost: In-Kind, $3,000 per year testing fees.
Benefit: Surface Water

Goal 4c: *Preserve, restore and enhance natural land and waters while benefiting and providing habitat to increase populations of State and Federal endangered species and wildlife.*

Action 4c.1: Coordinate wetland determination with US Army Corp, DNR, and NRCS, perform site visits on filling requests and complaints.
Who: RCLMO, BWSR, DNR, USCOE
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water

Action 4c.2: Work with landowners in applying for grants to stabilize stream banks and create endangered species habitat.
Who: RCLMO, BWSR, DNR, USFW
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water/ Endangered Species

Action 4c.3: Utilize our CREP Technician position to develop and produce promotional literature and coordinate promotional events, follow up with interested producers with site visits and payment estimates.
Who: RCLMO, BWSR, NRCS, DNR
When: 2007-2012
Cost: In-Kind
Benefit: Surface Water/ Endangered Species

D. Implementation Schedule of Ongoing Activities

D.1 Priority Concern 1: Protect ground water quality and supply.

- Participate on the Rock County Rural Water and the City of Luverne Well Head Protection Boards.
- Publish newsletters, news articles, and news releases to address water quality, quantity and conservation issues and concern.
- Conduct nitrate testing at the County Fair.
- Provide well testing kits for the public.
- Provide cost share for and promote the sealing of abandoned wells.
- Collect water samples at 15 surface water sites, 3 tile outlets, and 13 ground water sites.
- Test water levels in DNR observation wells on a regular basis.
- Participate in the State Rainfall Monitoring Program.
- Continue to promote and provide a Household Hazardous Waste Program to correctly dispose of HHW.
- Present a program on HHW to 5th graders using learning stations.
- Provide for collection of waste agricultural pesticides and empty pesticide containers.

D.2 Priority Concern 2. Feedlot Program management..

- Continue to be a delegated County in the MPCA feedlot program and maintain a county feedlot data base.
- Inspect and assist producers in maintaining compliance with County and State feedlot rules.
- Provide technical assistance to correct feedlot problems and promote the use of the Joint Powers Engineering services for enhanced services.
- Promote and provide assistance for nutrient management plans and practices.
- Assist area agronomists and crop consultants in providing nutrient management services.
- Promote and administer the State Cost Share Program for feedlot runoff corrections.
- Administer and provide technical assistance for the State Revolving Fund for best management practices

D.3 Priority Concern 3. Non-conforming Individual Septic Treatment System.

- Administer, permit and inspect individual septic systems in the county.
- Continue to provide low interest loans with the State Revolving Fund to upgrade failing septic systems.

D.4 Priority Concern 4. Protect surface water quality.

- Promote and provide technical assistance for conservation programs.
- Provide a no-till drill for seeding conservation practices and native grasses.

- Administer and promote the SWCD tree program and provide planting and matting to support the program.
- Work with the USFW on stream bank stabilization and Topeka Shiner habitat.
- Continue to administer the Wetlands Conservation Act.
- Promote and administer the State Cost Share Program for conservation practices.
- Administer and provide technical assistance for the State Revolving Fund for best management practices.
- Actively promote and help facilitate NRCS programs such as EQIP, CREP, WHIP and GRP.
- Provide a technician to promote CREP program to buffer streams and sensitive areas.
- Administer the Shoreland and Flood Plain Management Program.
- Distribute a monthly newsletter to all agricultural producers in the county.

D.4 Additional Land Management Programs.

- Work with SWMACDE to sponsor an Environmental Fair for 6th graders in the County.
- Promote and assist with the SWMACDE Area Envirothon.
- Assist landowners with land use permits and zoning regulations.
- Continue to test and provide services for commercial pesticide applicators.
- Facilitate and track biological control of noxious weeds.
- Work with Townships in education and enforcement of the noxious weed program.
- Promote recycling and solid waste management and reduction.
- Provide electronics and appliance disposal.

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 **Rock County** (Minnesota Statutes, 2003, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Rock** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on September 21, 2006 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 February 23, 2006 the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Rock** County, pursuant to M.S. Section 103B.312.

2) On April 26, 2006 the Board of Water and Soil Resources approved official comments on the **Rock** County Priority Concerns Scoping Document, which were mailed to the county on April **26, 2006**.

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) Feedlot program management.
   C) Non-Conforming Individual Septic Treatment Systems.
   D) Surface Water Protection

4) On **September 21, 2006** the BWSR received the **Rock** 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 8, 2006,** the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Rock 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**.

6) This update will be in effect until **January 1, 2017.**

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 **Rock** County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2) The **Rock** 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 **Rock** Local Water Management Plan with a required update to the Implementation section (Goals, Objectives and Action) by **January 1, 2012.**

Dated at St. Paul, Minnesota, this 20th **day of December 2006.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

JOHN G JASCHKE MR.

----------Pasted Resume Follows----------

JOHN JASCHKE

POSITION
Executive Director, Minnesota Board of Water and Soil Resources

EXPERIENCE

DAKOTA COUNTY, MN
Water Resources Manager (April 2004 – present)
* Administrator of Vermillion River Watershed:
  - Increased annual levy from $250K to $1.1M in 3 years
  - Established innovative land use regulations: buffers, agriculture, stormwater, habitat
  - ?No-new-government? approach using Counties, SWCDs and 21 cities & townships
* Managed agendas, meetings, budgets and hearings for:
  - County Board representing 400,000 citizens
  - Watershed Board representing 2 counties
  - Planning Commission representing 21 communities and 200,000 persons
  - Soil and Water Conservation District
* Lead policy development and implementation of conservation programs:
  - Clean Water Legacy Act
  - Impaired Waters assessment and planning
  - Wetland Conservation Act
  - MPCA Stormwater Management
* Directed county land use, assessment and remediation staff and programs.
* Oversaw Dakota Soil and Water Conservation District Operations and increased County and Watershed allocations to SWCD by 52% in 3 years.

MN BOARD OF WATER AND SOIL RESOURCES
Land and Water Section Administrator (August 2000 – April 2004)
Program Manager (February 1992 ? July 2000)
* Directed policy, fiscal and administrative functions of agency operations including: land use planning, grants, wetland regulation, wetland banking, watershed management, dispute resolution, groundwater protection, and local government auditing programs.
* Secured, allocated, and monitored $9 million of administrative grants and $18 million in capital projects grants to local governments for land and water conservation programs.
* Managed $3 million land acquisition, construction and restoration program.

* Oversaw integration of web-based GIS system to track and report program results.
* Directed section staff and oversee the work of field staff.
* Lead interagency legislative, rulemaking, policy and budget initiatives.
* Developed and directed complex and controversial land management and environmental regulations affecting a wide variety of stakeholders.
* Crafted clear and consistent statute, fiscal appropriations, rules and policies.
* Developed consensus between legislators, interest groups and local government officials.
* Successfully led agency defense in four precedent-setting court cases.

MN DEPARTMENT OF NATURAL RESOURCES
Area Hydrologist
Duluth (Feb 1990 -- Feb 1992)
New Ulm (Feb 1987 -- Feb 1990)
* Managed floodplain and shoreland zoning, water appropriation and permitting programs.
* Managed lakes, rivers, streams, wetlands and groundwater protection programs.
* Lead special projects teams: public drainage guideline development, hydrologic modeling, wetland inventories, watershed planning, and dam safety projects.

U.S. BUREAU OF MINES
Hydrogeologist (Aug 1984 -- Feb 1987)

NATIONAL WILDLIFE FEDERATION
Environmental Educator (June 1983 -- Aug 1984)

EDUCATION & TRAINING

UNIVERSITY OF MINNESOTA - INSTITUTE OF TECHNOLOGY
B.S. Geology (March 1984)
B.S. Geophysics (March 1984)

MINNESOTA STATE UNIVERSITY - MANKATO
M.A. Public Administration (December 1998)

SPECIALIZED TRAINING: cost-benefit analysis, personnel management, finance and budgeting, policy and program analysis, administrative law, collective bargaining, organizational management, regulatory policy, dispute resolution and negotiation strategy, situational leadership.

PROFESSIONAL LICENSE: Minnesota Professional Geologist # 30326

KEY SKILLS
? Organizational Leadership
? Consensus Building and Conflict Resolution
? Interdisciplinary Environment and Natural Resources Policy, Planning and Management
? Intergovernmental Conservation Program Planning and Management
? Land Use Planning: zoning, transportation, taxation and preservation programs
? Project Management: acquisition, appraisal, easements, construction and taxation
? Environmental Regulation: development, fee establishment, and enforcement

- Public Speaking and Presentations
- Technology Integration
- Public Sector Budgeting, Finance, Adjudication and Legislative Processes
- Governance proceedings linking local, state, and federal policies and programs
- Hydrology, hydrogeology, wetland delineation and restoration, water law, GIS applications
- Strategic planning, watershed management, public policy development, mediation

INTERESTS

Running, bicycling, canoeing, skiing, team sports, fishing, hunting, history, motorcycling.

Mary Jo, I would appreciate you reading the below to the Board on December 20, 2006, after the Board has approved the hiring of the new Executive Director.

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I apologize for not being at this BWSR Board of Directors meeting. I am at Mayo, again.

~~Because of my absence, please ask Quentin to keep his applause at a subdued level.~~

There are two issues that I would like to present to the Board.

1.) We thank the Board for having the necessary understanding and wisdom to give the right direction and make the best decisions regarding the most important hiring of a new Executive Director for BWSR. You granted the preliminary authority to the HR committee that established the hiring procedure guidelines, conducted the applicant interviews, made the appropriate contacts with the Governor's office, and provided a candidate to the Board for your review and approval.

2.) Also, the Board should consider granting a special THANK YOU to Chairman Randy Kramer! Randy, very appropriately, commanded the HR committee; established the practice of hiring confidentiality, both internal and external of BWSR; worked with and properly used the staff; very correctly, conducted private contact with the candidates and other persons; and created a progressing, positive attitude of energy with the selected candidate and most important, with the candidates who were interviewed but not selected for the director position.

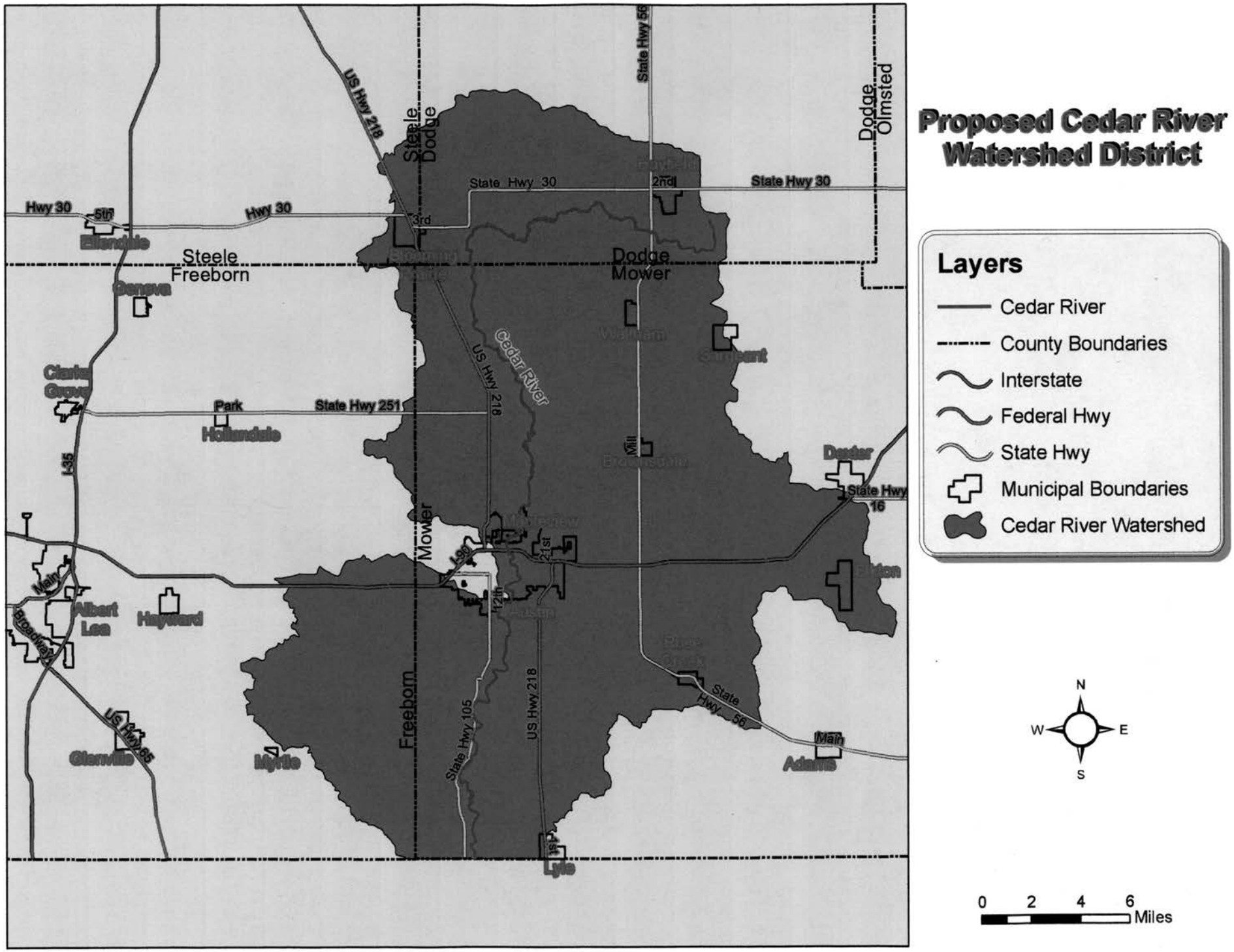
This dedicated, committed, hiring action by Randy Kramer literally took not days but weeks of uncompensated, irreplaceable, sacrificed, necessary time away from Randy's farming business, Randy's wife, and Randy's daughters.

Paul Brutlag

NEW BUSINESS

2. Public Hearing on Establishment Petition for Cedar River Watershed District – Jim Haertel – *DECISION ITEM*

4. Drainage Work Group Consensus Recommendations – Doug Thomas - *DECISION ITEM*


Proposed Cedar River Watershed District
Layers
Cedar River
County Boundaries
Interstate
Federal Hwy
State Hwy
Municipal Boundaries
Cedar River Watershed
N
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S
0 2 4 6 Miles
Steele
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Steele
Freeborn
Dodge
Mower
Freeborn
Mower
Cedar River
US Hwy 218
State Hwy 56
State Hwy 30
Hwy 30
Hwy 30
5th
3rd
2nd
Ellendale
Geneva
Clarks Grove
Park
State Hwy 251
Hollandale
I-35
Mill
Dexter
State Hwy 16
Elkton
Main
Albert Lea
Hayward
Broadway
US Hwy 65
Glenville
Myrtle
I-90
21st
12th
State Hwy 105
US Hwy 218
State Hwy 56
Main
Adams
1st
Lyle

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

In the Matter of the Establishment Petition for the Cedar River Watershed District in Dodge, Freeborn, Mower and Steele Counties pursuant to Minn. Stat. § 103D.221, Subd. 1.

ORDER ESTABLISHMENT HEARING

Whereas, Mower County in the proposed Cedar River Watershed District in Dodge, Freeborn, Mower and Steele Counties filed a Petition dated November 7, 2006, with the Board of Water and Soil Resources (Board) on November 30, 2006, 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 Signatures.** The establishment Petition dated November 7, 2006, was filed with the Board on November 30, 2006 by Mower County. Mower County contains more than 50 percent of the area in the proposed watershed district. Minn. Stat. § 103D.205, Subd. 3, item 3 allows an establishment petition to be signed by counties having 50 percent or more of the area within the proposed watershed district.

2. **Property Description.** The territory to be included in the proposed watershed district is depicted in Exhibit A of the Petition and is an area in the Cedar River Watershed that is in Dodge, Freeborn, Mower and Steele Counties, approximately 435 square miles in several communities, which includes land in the Cities of Austin, Blooming Prairie, Brownsdale, Dexter, Elkton, Hayfield, Lyle, Rose Creek, Sargeant, Waltham, and the Towns of Adams, Ashland, Austin, Blooming Prairie, Clayton, Dexter, Grand Meadow, Hayfield, Hayward, Lansing, London, Lyle, Marshall, Moscow, Nevada, Newry, Oakland, Redrock, Ripley, Sargeant, Shellrock, Udolpho, Vernon, Waltham.

3. **Necessity for Watershed District.** The Petition states the establishment of a watershed district is necessary due to an increase in damaging floods over the last 30 years and to improve water quality on the impaired Cedar River. Significant damaging floods have occurred in 2004, 2000, 1993 and twice in 1978. The 2004 flood resulted in the loss of two lives and over $17 million in property losses. The Cedar River exceeds state health standards for fecal coliform and total suspended solids.

4. **Contemplated Improvements.** The Petition states: "Through the contemplated improvements listed … that include protection of public infrastructure, improvement of water quality and the reduction of peak flows, the formation of a watershed district would be conducive to public health and welfare and would accomplish the purposes of Minnesota Statutes Chapter 103D". The Petition lists contemplated improvements, as follows:

   a. Significant flood and peak flow reduction of 20 percent in the Cedar River and Dobbins Creek areas.

   b. Prevention of structural damages in the watershed area during a 100-year 24 hour rainfall event.

   c. Reduction of sediment loading in the watershed streams as a result of reduced flows and corresponding reduction in erosion of farmland and riverbanks. This will be accomplished by wetland restorations, installation of buffers and erosion control practices.

   d. Reduction of nutrient loads to all streams in the watershed.

   e. Protection and improvement of Township, County, City and State infrastructure resulting from reduced levels of flooding.

   f. Protection of the Minnesota Department of Transportation Highway System including 218 and Interstate 90.

5. **District Name.** The Petition states the name of the proposed district shall be the Cedar River Watershed District.

6. **Number of Managers.** The Petition specifies the proposed number of managers as seven (7).

7. **Filing.** The Petition was filed with the Dodge, Freeborn, Mower and Steele County Auditors, the Commissioner of the Department of Natural Resources, the Director of the Department of Natural Resources Division of Waters, and the Board as required by Minn. Stat. § 103D.205, Subd. 4.

8. **Hearing Panel.** Board members Dana Allen, Robert Burandt, Brian Kletscher, Randy Kramer, and Gene Tiedemann should preside over the public hearing and meet as necessary in order to bring a recommendation to the Board.

9. **Hearing Time.** The public hearing should be held on Wednesday, January 10, 2007, starting at 6:30 PM.

10. **Hearing Location.** The public hearing should be held at the Ellis Middle School Auditorium located at 1700 Fourth Avenue Southeast in Austin, Minnesota. The facility is located within the proposed watershed district and is handicap accessible.

CONCLUSIONS

1. The Petition for establishment of the Cedar River Watershed District is valid in accordance with Minn. Stat. § 103D.205.

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 establishment hearing.

4. The establishment hearing on the Petition for establishment of the Cedar River Watershed District should be presided over by Board members Dana Allen, Robert Burandt, Brian Kletscher, Randy Kramer, and Gene Tiedemann.

5. The establishment hearing should be held on Wednesday, January 10, 2007, starting at 6:30 PM at the Ellis Middle School located at 1700 Fourth Avenue Southeast in Austin, Minnesota.

ORDER

The Board hereby orders the public hearing on the establishment Petition for the Cedar River Watershed District be presided over by Board members Dana Allen, Robert Burandt, Brian Kletscher, Randy Kramer, and Gene Tiedemann on Wednesday, January 10, 2007, starting at 6:30 PM at the Ellis Middle School Auditorium located at 1700 Fourth Avenue Southeast in Austin, Minnesota.

Dated at Saint Paul, Minnesota this 20th day of December, 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

BWSR Meeting Date 12/20/06

Motion: WCA Assessment Report

Moved by: Joe Martin

Seconded by: Dan Wilson

	Affirmative	Opposed
Dana Allen	✓	
Jim Anderson	—	
~~*Paul Brutlag*~~		
Bob Burandt	✓	
Kay Cook	✓	
Quentin Fairbanks		✓
Brian Kletscher	—	
Paul Langseth	✓	
Joe Martin	✓	
Gene Merriam	✓	
Brian Napstad	✓	
Louise Smallidge	✓	
Lisa Thorvig	✓	
Gene Tiedemann	✓	
LuAnn Tolliver	✓	
Dan Wilson	✓	
Randy Kramer	✓	

H: roll-call vote

Resolution # 06-108

Wetland Conservation Act Assessment

Accept report and submit to the Clean Water Cabinet and Governor's Office

WHEREAS, BWSR is a member agency of the Clean Water Cabinet that also includes the commissioners of the Pollution Control Agency, Departments of Agriculture, Health, and Natural Resources, and the Chair of the Metropolitan Council and the Governor's Office; and

WHEREAS, Governor Pawlenty directed the Clean Water Cabinet to conduct an assessment on and to report how the State can more closely align with the principle of a no net loss in wetlands through the regulatory mechanisms of the Wetland Conservation Act (WCA); and

WHEREAS, BWSR through its Wetland Committee, in coordination with the Clean Water Cabinet, led the Assessment, with primary input from the WCA Assessment Stakeholder Advisory Committee; and

WHEREAS, the WCA Assessment evaluated numerous issues and includes findings and conclusions in the areas of: (1) wetland reporting and accounting; (2) exemptions; (3) wetland replacement; and (4) wetland administration; and

WHEREAS, the Wetland Committee met on November 29, 2006 and December 11, 2006 and recommends the Board approve submitting the WCA Assessment Report, and its findings and conclusions, to the Clean Water Cabinet.

NOW THEREFORE BE IT RESOLVED, that the BWSR accept the WCA Assessment Report and respectively submits it to the Clean Water Cabinet.

Randy Kramer, Chair

12/20/06
Date

Wetland Conservation Act Assessment

Board of Water and Soil Resources
December 20, 2006

(Executive Summary, Revised December 18, 2006)

CONTENTS

I. Executive Summary....2

II. Introduction....10
A. 2001-2003 Minnesota Wetland Report....11
B. Sept. 7, 2005 Letter from Governor Pawlenty to the Clean Water Cabinet....11
C. Assessment Areas....13
D. Process....14
E. Timeline....15

III. Assessment Results – Wetland Reporting and Accounting....16
A. Mn Comprehensive Wetland Assessment, Monitoring, and Mapping Strategy...16
B. WCA LGU Reporting....18

IV. Assessment Results – Exemptions....22
A. Agricultural Activities....22
B. Drainage....23
C. Federal Approvals....24
D. Wetland Restoration....25
E. Incidental Wetlands....25
F. Utilities/Public Works....25
G. Forestry....26
H. Approved Development....27
I. De minimus....27
J. Wildlife Habitat....28

V. Assessment Results – Wetland Replacement....30
A. Define the terms in-kind, in-place, and in-advance....30
B. Develop wetland replacement ratios with the U.S. Army Corps of Engineers....34
C. Develop wetland replacement credit options and a single wetland credit denomination with the U.S. Army Corps of Engineers....36
D. Establish common standards for all replacement wetlands....39
E. Provide additional credit for restoring rare plant communities....40

VI. Assessment Results – Wetland Administration....41
A. Exemption reporting and data....41
B. Scope of exemption standards....42
C. Local appeal timeframe....43
D. Appeals of restoration orders....44
E. Examine the number and size of WCA LGU's....45
F. WCA guidance....47
G. Funding Issues....47

I. Executive Summary

The Wetland Conservation Act (WCA) was enacted in 1991 to stem the losses of wetland in Minnesota. This statute has been the focus of Legislative debate numerous times with the statute amended in 1993, 1996, 1998, 2000, 2001, 2002, 2003, and 2004. In addition the original rule was adopted in 1993 and amended in 1998, 2000, and 2002.

A key point that has been discussed repeatedly since the enactment of WCA, and during this Assessment is what is the connection between the no net loss policy and the regulations of WCA. The key question is, is WCA intended to achieve the statutory goal of no net loss solely through its regulatory requirements?

The available evidence indicates the answer was no in 1991 and is still no today. The original statute contained 24 separate exemptions, that were organized into ten exemption categories in 1996. That these exemptions result in a net loss should be expected, and this is confirmed by the data submitted to BWSR from WCA LGU's.

Another indication of Legislative intent are the appropriations contained in the 1991 Act. Laws of Minnesota-1991, Chapter 354 includes an appropriation of $7 million for conservation easements on wetlands through the Protected Wetlands Program (PWP), and two appropriations totaling $6.1 million for wetland restorations through Reinvest in Minnesota (RIM). The PWP appropriation resulted in over 11,000 acres of permanently protected wetland and adjacent upland, and the RIM appropriations more than 6,000 acres of restored wetlands and adjacent upland. The inclusion of this significant funding is an indication that the Legislature did not expect WCA to achieve a wetland no net loss solely through regulations.

Minnesota as a state currently has more than 10 millions of acres of wetlands, or approximately 50% of the amount at the time of European settlement. However, the economic and population growth and the unequal distribution of wetlands all place challenges on maintaining effective programs to protect the state's remaining wetlands.

Current wetland management issues focus on water quality, waterfowl habitat, and flood damage reduction. The passage of the Clean Water Legacy funding in 2006 will increase attention on impaired waters, total maximum daily load (TMDL) studies and the impact that retaining and restoring wetlands can have on maintaining and improving the quality of water in Minnesota's lakes, rivers and streams.

Similarly, wetlands are an essential part of waterfowl and other wildlife habitat. The historic reductions in wetlands since European settlement has generated concerns among waterfowl hunters, conservation groups, and the DNR over the future of duck hunting in this state.

These concerns were being debated when the Board of Water and Soil Resources (BWSR) released the 2001-2003 Minnesota Wetland Report. This report documented significant achievements in wetland protection and mitigation under the WCA, with more than 10,000 acres of potential wetland impacts were avoided or minimized. In addition, required replacement exceeded regulated impacts by nearly 500 acres over this period.

However, the report also identified that when acres of exempt wetland impacts are factored in that WCA results in a net loss that annually averages approximately 450 acres from 2001-2003. Furthermore, data reported to BWSR from 1995 to 2005 provide similar data, in that the net regulatory wetland gain since 1995 is 1,601 acres, the annual net wetland loss averaged 529 acres, and more than 38,000 acres of potential wetland impacts were prevented.

Governor Pawlenty referenced the net wetland loss reported in the 2001-2003 Minnesota Wetland Report in a letter to the Clean Water Cabinet (CWC) dated September 7, 2005. In this letter the Governor stated that "I believe we should consider doing more to limit the loss of wetlands through the regulatory mechanisms of the state's Wetland Conservation Act" and "that the CWC report to me on the following issues so that we may more closely align with the principle of "no net loss"":

1. Improvements to the accounting and reporting system for wetlands.
2. Alternatives to the existing WCA exemptions.
3. Alternatives to the existing replacement ratios.
4. Improvements to voluntary efforts that build on the success of the past but require a minimum of additional resources.
5. Other recommendations you deem appropriate.

BWSR, through its Board and Wetland Committee led this effort that began in February 2006. The process involved numerous meetings of a large Stakeholder Advisory Committee that culminated with a WCA Assessment Roundtable held in St. Cloud on November 14-15, 2006.

The findings and conclusions shown below have been developed in response to the directive issued by Governor Pawlenty and with considerable time and commitment by the BWSR Board, Wetland Committee, Stakeholders and BWSR staff. The findings and conclusions are grouped in three categories:

- Wetland Reporting and Accounting
- Exemptions;
- Wetland Replacement; and
- Wetland Administration.

The findings and conclusions have been developed with primary consideration of their impact on no net loss, administrative costs, landowners, and regulatory simplification.

Wetland Reporting and Accounting

A. WCA LGU Reporting (page 18)

Improve the accuracy, consistency and completeness of WCA data.

> *Outcomes: Improved data to measure WCA effectiveness and efficiency, increased cost to LGU's and BWSR.*

Exemptions

A. Agricultural Activities – Swampbuster (page 22)

Amend the exemption to only exempt normal farming practices, not draining or filling.

Outcomes: Reduced exempt wetland impacts, regulatory simplification, potential for increased administrative costs.

B. Drainage (page 23)

Repeal subpart E of the WCA rule (Minn. Rule 8420.0122, Subp. 2E - projects approved between 1986 and 1991)

Outcome: Regulatory simplification, reduced administrative costs . .

C. Federal Approvals – Clean Water Act, Section 404 (page 24)

Amend the exemption to:

(1) Delete Part A (Minn. Rule 8420.0122, Subp. 3A - activities exempt under Section 404 are also exempt under WCA);
(2) Add a provision that would authorize the Board to waive WCA jurisdiction to the Corps of Engineers for special or multi-jurisdictional projects (i.e. linear projects such as pipelines);

Also BWSR should continue to administratively pursue opportunities for the Corps of Engineers to defer direct regulation, to WCA, via interagency agreements and Corps regulatory tools.

Outcome: Regulatory simplification, reduced administrative costs.

D. Wetland Restoration/Incidental Wetlands (page 25)

No changes are proposed.

Outcome: None.

E. Utilities/Public Works (page 25)

Add a definition of public works and replace the existing exemption with a consolidated and simplified exemption.

Outcome: Regulatory simplification, reduced administrative costs.

F. Forestry (page 26)

Amend the current guidance (possibly put in rule) to require full replacement if the primary use of a forest road changes by land development (i.e. subdivision or plat) or as otherwise determined by the county.

Outcome: Increased wetland replacement for previously exempt impacts, prevent misuse of exemption, increased administrative costs.

G. Approved Development (page 27)

Repeal.

Outcome: Regulatory simplification, reduced administrative costs.

H. De Minimus (page 27)

Amend the exemption as follows:

a. "0" square feet of all wetland types in the shoreland building setback zone;
b. 400 square feet of all wetland types from the shoreland building setback zone to the limit of the Shoreland Wetland Protection Zone and wetland types 3, 4, and 5 everywhere;
c. 10,000 square feet of wetland types 1, 2, 6, or 7 in counties with more then 80% of their presettlement wetlands remaining;
d. 2,500 square feet of wetland types 1, 2, 6, or 7 in counties with between 50% and 80% of their presettlement wetlands remaining; and
e. 1,000 square feet of wetland types 1, 2, or 6 in counties with less than 50% of their presettlement wetlands remaining.

Outcomes: Protection of near shore wetlands, reduced exempt wetland impacts (estimated increase in replacement wetland of 17-23 acres annually), increased administrative cost to process replacement plans (local government cost increase of approximately $500,000 annually).

I. Wildlife Habitat (page 28)

Add the condition: "This project is for the primary purpose of improving wildlife habitat."

Outcomes: Reduced exempt wetland impacts.

Wetland Replacement

A. Definition of in-kind, in-place, and in advance (page 30)

Adopt definitions of in-kind, in place, and in advance, as follows:

In-kind means: the replacement site is the same type as the affected wetland using the 12 "Wetland Plant Community Types" as established by S. Eggers and D. Reed.

In-place means: the impact site and replacement site are: (1) for project specific replacement within the same major (81) watershed or (2) for banking within the same (9) Bank Service Area. This definition will be incorporated within the existing priority order for the location of replacement wetlands and provide additional flexibility for impacts in greater than 80% areas to be replaced via banking (Minn. Rule 8420.0543), as shown below:

WCA provides for the siting of wetland replacement in the following order:

(1) on site or in the same minor watershed as the affected wetland:
(2) (a) for project specific replacement, in the same watershed as the affected wetland, or (b) for replacement by banking, in the same bank service area as the impacted wetland;
~~(3) in the same county as the affected wetland;~~
~~(4)~~ (3) (a) for project specific replacement, in an adjacent watershed ~~or county~~ to the affected wetland or (b) for replacement by banking, in an adjacent bank service area; ~~and~~
(4) statewide for : (a) wetlands affected in greater than 80 percent areas; and (b) public transportation projects, except that wetlands affected in less than 50 percent areas must be replaced in less than 50 percent areas, and wetlands affected in the seven-county metropolitan area must be replaced in the affected county or, if no restoration opportunities exist in the county, in another seven-county metropolitan area county; and
(5) greater than 80 percent areas may (a) replace by banking after evaluating on-site replacement and (b) replace in adjacent bank service areas without an increase in the replacement ratio if bank credits are not reasonably available in the same bank service area as the affected wetland as determined by the LGU.

In advance means: (1) use of approved bank credits; or (2) compensation sites that have established wetland hydrology and vegetation for a full growing season (April-October) prior to impact.

> *Outcomes: Increased wetland replacement, regulatory simplification, reduced administrative costs.*

B. Develop consistent wetland replacement ratios with the U.S. Army Corps of Engineers (page 30)

Adopt revised WCA replacement ratios. The proposed ratios are as follows:

Greater than 80% area – in place
1:1 in kind and in advance
1.25:1 (1) in kind and *not* in advance; (2) *not* in kind and in advance
1.5:1 *not* in kind and *not* in advance
Greater than 80% area – *not* in place
1.25:1 in kind and in advance
1.5:1 (1) in kind and *not* in advance; (2) *not* in kind and in advance; (3) *not* in kind and *not* in advance
Less than 80% area – in place
2:1 in kind and in advance
2.5:1 (1) in kind and *not* in advance; (2) *not* in kind and in advance (3) *not* in kind and *not* in advance
Less than 80% area – *not* in place
2.5:1 (1) in kind and in advance; (2) in kind and *not* in advance; (3) *not* in kind and in advance; (4) *not* in kind and *not* in advance

Outcomes: Increased wetland replacement, regulatory simplification, reduced administrative costs.

C. Develop consistent wetland credit options and a single wetland credit denomination, coordinated with the U.S. Army Corps of Engineers (page 36)

Amend the wetland replacement credit options to:

- establish consistency between the WCA and Corps;
- simplify the current WCA credit system by establishing a single replacement credit unit;
- create incentives to develop quality functions and values to replace those impacted by regulated activities;
- credit for stormwater ponds should consider state and local stormwater management requirements as well as wetland functionality, as determined by the technical evaluation panel (TEP);
- the Pollution Control Agency (PCA) should be invited to participate on the TEP when replacement credit for stormwater ponds is being considered; and
- explore creating incentives for additional wetland enhancement for required stormwater management.

Outcomes: Increased wetland replacement, regulatory simplification, reduced administrative costs .

D. Incorporate performance standards within wetland replacement standards (page 39)

Amend the Rule to require the same performance standards for all replacement wetlands.

Outcome: Increased quality of replacement wetlands, increased administrative costs .

E. Provide additional replacement credit for restoring rare plant communities through the Exceptional Natural Resources Value (ENRV) guidance. (page 40)

Amend the Exceptional Natural Resource Value guidance to provide additional credit and incentives for restoring rare native plant communities. The guidance currently allows up to 100% credit for restoration of a rare native plant community, and lesser credit for other actions included in the guidance.

Outcome: Increased replacement of rare wetland types.

Wetland Administration

A. Exemption Reporting and Data (page 41)

Conduct a study of existing exemption data reporting and work with LGU's to develop a system/methodology to easily report exemption use in the future.

Outcome: Improved data on exemptions, improved reporting of WCA data by LGU's to BWSR, the one time cost to BWSR would be approximately $100,000.

B. Scope of Exemption Standards (page 42)

No change

Outcome: None.

C. Local Appeal Timeframe (page 43)

Amend WCA to allow 30 days for the LGU to consider a local appeal, from the date the appeal is filed with the LGU.

Outcome: Improved process, fewer default approvals under Minn. Stat. 15.99.

D. Appeals of Restoration Orders (page 44)

Amend the WCA statute to authorize BWSR to establish a fee structure/schedule for appeals.

Outcome: Reduced appeals of restoration orders, increased cost to appellants, increased funding to BWSR.

E. Examine the Number and Size of WCA LGU's (page 45)

Outline WCA LGU roles, responsibilities and funding in the next water management plan update (county or watershed management organization).

Outcome: More efficient implementation, increased cost to LGU's and BWSR

F. WCA Guidance (page 47)

Place existing guidance into rule, when the guidance meets the rule definition of "general applicability and future effect".

Outcome: Rule is more enforceable than guidance, increased cost to BWSR.

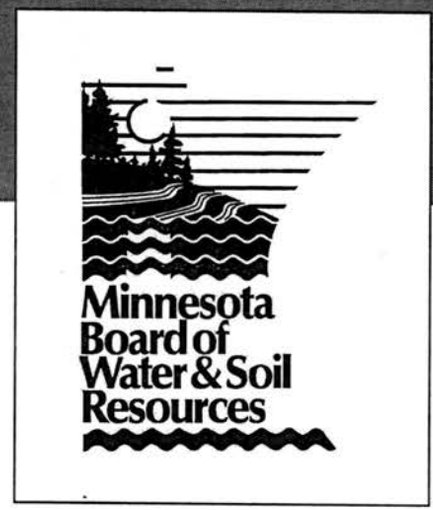
G. Funding Issues (page 48)

Many of the findings and conclusions have implication for the cost (expected reductions as well as increases) of administering WCA by WCA LGU's and BWSR. In addition, there are existing program administration costs that are not being met by existing state funds. Other funding issues generated during the Assessment include updating the National Wetland Inventory, and ensuring a no net loss through increased state funded wetland restorations.

SUMMARY OF WCA ASSESSMENT FINDINGS AND CONCLUSIONS OUTCOMES

Issue	No Net Loss	Administrative Cost		Impact on Landowners	Regulatory Simplification	Other
		LGU	BWSR			
Exemptions						
A. Agricultural Activities	+	-	0	+	+	
B. Drainage	0	0	0	0	+	
C. Federal Approvals	0	+	0	0	+	
E. Utilities/Public Works	0	0	0	0	+	
F. Drainage	0	0	0	0	+	
G. Forestry	+	-	0	-	-	
H. De minimus	+	-	0	-	-	Protect shore wetlands
I. Wildlife Habitat	0	0	0	0	0	
Wetland Replacement						
A. Definitions: in-kind, in place, in advance	+	+	0	+	+	
B. Replacement Ratios	+	+	0	-	+	
C. Wetland Credit Options	0	+	+	+	+	
D. Performance Standards	0	-	-	-	0	Increase quality
E. Credit for Rare Plant Communities (ENRV)	+	-	-	0	0	Rare wetland replacement
Wetland Administration						
A. Exemption Data	0	-	-	0	0	
B. Local Appeal Timeframe	+	0	0	0	0	
C. Appeals of Restoration Orders	0	+	+	-	0	
D. Outline WCA LGU Roles	0	-	-	0	+	
E. WCA Guidance	0	0	-	0	0	

Changes to current practices impact the wetland resource, labor costs, staff time, application time, convenience, efficiency, overall cost and a host of similar intangibles. We have utilized positive (+), negative (-), and neutral (o) symbols to indicate what we believe will be the impact to these program components.



WCA Assessment

Board of Water and Soil Resources

December 20, 2006

WCA Assessment

September 7 letter from Governor Pawlenty to the Clean Water Cabinet, where he states:

" we should consider doing more to limit the loss of wetlands through the regulatory mechanisms of the WCA"

and

"report on the following issues so that we may more closely align with the principle of "no net loss""

WCA Assessment

- Improve wetland accounting and reporting
- Do more to limit the loss of wetlands by reviewing the existing WCA exemptions and replacement ratios
- Streamline regulatory efforts via simplification and reductions to the administrative burden of the WCA without compromising wetland protections.

WCA Assessment
Process

- WCA Assessment Stakeholder Advisory Committee
- Wetland Roundtable on November14-15
- BWSR Wetland Committee on Nov. 29
- BWSR Board on December 20
- Clean Water Cabinet in December
- Report to Governor in January

WCA Assessment

Findings and Conclusions in four areas:

1. Wetland Reporting and Accounting
2. Exemptions
3. Wetland Replacement
4. Wetland Administration

WCA Assessment

Wetland Reporting and Accounting

Mn Comprehensive Wetland Assessment Monitoring and Mapping Strategy

Separate from Assessment, but recommend addressing wetland data needs via:

1. Online wetland permitting and conservation database
2. Regularly update the National Wetland Inventory
3. Statewide survey using remote sensing data to track gains and losses

WCA Assessment

Wetland Reporting and Accounting

WCA LGU Reporting

- Improve the accuracy, consistency and completeness of WCA data

WCA Assessment

Exemptions-Findings and Conclusions

Key Considerations of Wetland Committee

1. Address the Governor's request to "more closely align with the principle of no net loss"
2. Maintain the "integrity" of the exemptions
3. Update and simplify
4. Administrative cost
5. Impact on landowners

WCA Assessment

Exemptions-Findings and Conclusions

Agricultural Activities

- Amend the exemption to only exempt normal farming practices, not draining or filling.

Drainage

- Repeal subpart E of the WCA rule (projects approved between 1986 and 1991)

WCA Assessment

Exemptions-Findings and Conclusions

Federal Approvals-Clean Water Act, Sect.404

Amend the exemption to:

- Delete Part A (activities exempt under Section 404 are exempt under WCA)
- Authorize BWSR to waive WCA jurisdiction to the Corps for special/multijurisdictional projects

BWSR should continue to pursue opportunities for the Corps to defer regulation to WCA (via interagency agreements and Corps regulatory tools)

WCA Assessment

Exemptions-Findings and Conclusions

Wetland Restoration

- No changes are proposed

Incidental Wetlands

- No changes are proposed

WCA Assessment

Exemptions-Findings and Conclusions

Utilities/Public Works

- Add a definition of public works and replace the existing exemption with a consolidated and simplified exemption.

WCA Assessment

Exemptions-Findings and Conclusions

Forestry

- Amend the current guidance (possibly put in rule) to require full replacement if the primary use of a forest road changes by land development (i.e. subdivision or plat) or as otherwise determined by the county.

WCA Assessment

Exemptions-Findings and Conclusions

Approved Development

- Repeal

Wildlife Habitat

- Add the condition: "This project is for the primary purpose of improving wildlife habitat."

3 changes

WCA Assessment

Exemptions-Findings and Conclusions

De minimus

Amend the exemption as follows:

a. "0" s.f. in the shoreland building setback zone;

b. 400 s.f. from the shoreland building setback zone to the limit of the Shoreland Wetland Protection Zone;

c. 10,000 s.f. in counties with > 80% of their presettlement wetlands remaining;

d. 2,500 s.f. counties with between 50% and 80% of their presettlement wetlands remaining; and

e. 1,000 s.f. in counties with <50% of their presettlement wetlands remaining.

WCA Assessment

Wetland Replacement-Findings and Conclusions

Key Considerations of Wetland Committee

1. Address the Governor's request to "more closely align with the principle of no net loss"
2. Improve the quality of replacement wetlands and the ecological integrity of wetland replacement
3. Increase the efficiency in WCA administration
4. Impact on Landowners

WCA Assessment

Wetland Replacement -Findings and Conclusions

Definition of in-kind, in-place, and in-advance

- Define in-kind to mean 12 Wetland Plant Community Types in place of the current 8 Circular 39 wetland types
- Define in advance to mean approved bank credits or mitigation sites that has established hydrology and vegetation for a full growing season
- Define in place to mean within a major (81) watershed or Bank Service Area

WCA Assessment

Wetland Replacement-Findings and Conclusions

Wetland Replacement Ratios

- Adopt revised WCA replacement ratios.

Proposed WCA Wetland Mitigation Ratios

Impact Location	Replacement Location (in place)	Type of Replacement Wetland (in type)	Replacement Process (in time)	Minimum Replacement Ratio
> 80% area (see Fig. 2) (or agricultural land – WCA)	In-Place	Same type as impact wetland	In advance	1:1
			Not in advance	1.25:1
		Different type	In advance	1.25:1
			Not in advance	1.5:1
	Not In-Place	Same type as impact wetland	In advance	1.25:1
			Not in advance	1.5:1
		Different type	In advance	1.5:1
			Not in advance	1.5:1
< 80% area (See Fig. 2) (and non-agricultural land – WCA)	In-Place	Same type as impact wetland	In advance	2:1
			Not in advance	2.5:1
		Different type	In advance	2.5:1
			Not in advance	2.5:1
	Not In-Place	Same type as impact wetland	In advance	2.5:1
			Not in advance	2.5:1
		Different type	In advance	2.5:1
			Not in advance	2.5:1

* Note:

1. In the greater than 80% Area, the replacement ratio will not increase if bank credits are not available in the Bank Service Area in which the impact would occur

WCA Assessment

Wetland Replacement-Findings and Conclusions

Wetland Credit Options

- Establish consistency between WCA/Corps on actions that can receive credit and amount of credit that can be generated
- Establish a single replacement credit unit
- Create incentives to develop quality functions and values to replace those impacted by regulated activities

WCA Assessment

Wetland Replacement-Findings and Conclusions

Wetland Credit Options-Stormwater Mgmt

- Credit for stormwater ponds should consider state and local stormwater management requirements as well as wetland functionality, as determined by the technical evaluation panel (TEP);
- The PCA should be invited to participate on the TEP when replacement credit for stormwater ponds is being considered
- Explore creating incentives for additional wetland enhancement for required stormwater mgmt.

WCA Assessment

Wetland Replacement-Findings and Conclusions

Wetland Replacement Standards

- Require the same performance standards for all replacement wetlands

Credit for Rare Plant Communities

- Amend the Exceptional Natural Resource Value guidance to provide additional credit for restoring rare native plant communities.

WCA Assessment

Wetland Administration-Findings and Conclusions

Exemption Data and Reporting

- Conduct a study of existing exemption data reporting, and work with LGU's to develop a system to easily report exemption use in the future

Scope of Exemption Standards

- No changes.

WCA Assessment

Wetland Administration-Findings and Conclusions

Local Appeal Timeframe

- Allow 30 days for the LGU to consider a local appeal, from the date the appeal is filed

Appeals of Restoration Orders

- Amend the WCA statute to authorize BWSR to establish a fee structure/schedule for appeals.

WCA Assessment

Wetland Administration-Findings and Conclusions

Number and Size of WCA LGU's

- Outline WCA LGU roles and responsibilities and funding in the next water plan update

WCA Guidance

- Place existing guidance into rule

Drainage Work Group

Fact Sheet and Status Report
November 2006

Background

Since 1977, Minnesota drainage law (Section 103E.021) has required establishment and maintenance of permanent grass strips along **public** drainage ditches, as well as on the ditch side slopes, when viewers are appointed to determine benefits and damages (i.e. for public ditch establishment, improvement, repairs that require additional land rights, and redetermination of benefits). The required strips of perennial vegetation are primarily a farming setback to protect the ditch bank and reduce ditch maintenance.

The 2005 Minnesota Legislature directed the Board of Water and Soil Resources to conduct an assessment of the use, maintenance and benefits of required grass strips along public drainage ditches, in consultation with stakeholders. That effort produced the **Public Drainage Ditch Buffer Study**, February 2006. The Drainage Work Group is an outgrowth of that study.

Goals of the Drainage Work Group

- Improve implementation and maintenance of buffers along **public** drainage ditches
- Address other drainage issues brought forward by work group members
- Work together to develop consensus recommendations for consideration by the Legislature, state agencies, and other stakeholders

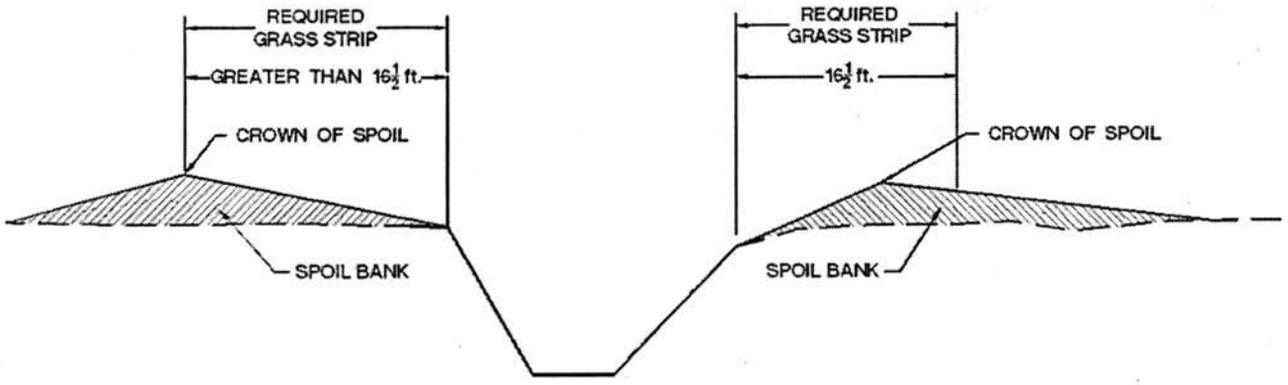
Topics with Draft Recommendations

The Drainage Work Group has developed draft recommendations addressing the following topics:

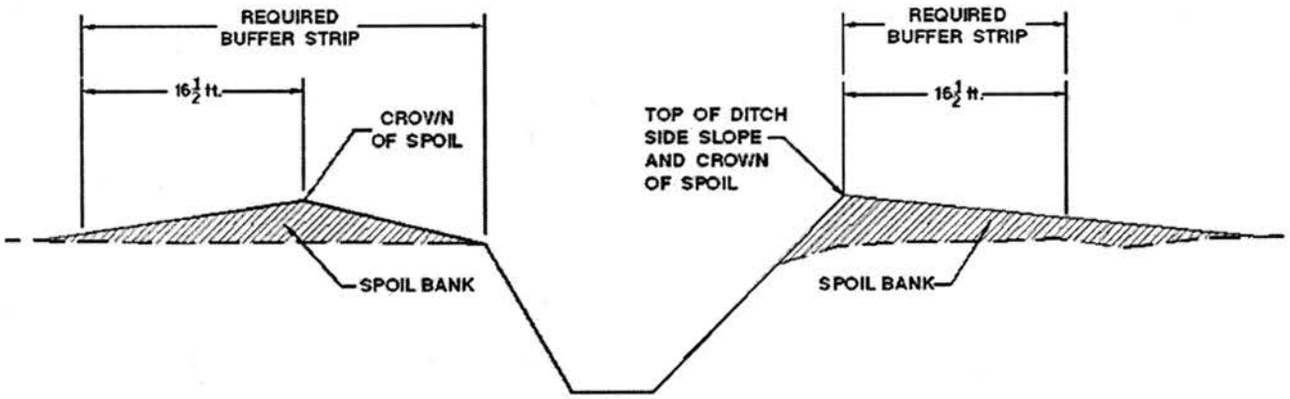
- Drainage records preservation and modernization
- Enhance authority to establish and maintain buffers along public drainage ditches *(includes incremental establishment of buffers and side inlet controls, perennial vegetation for permanent strips, and coordination with federal and state conservation programs)*
- Point of beginning for measuring required buffer strips along ditches (See example cross sections on Page 2)
- Update of the Minnesota Public Drainage Manual, including best management practice recommendations for drainage systems
- Buffer compliance, enforcement and reporting

Topics for Future Discussion

- Impounding, rerouting or diverting a drainage system for conservation projects
- Removal of property from a drainage system (or reducing assessment) for projects such as wetland restoration
- Partial abandonment within a drainage system for projects such as wetland restoration



Current 103E.021 Limits of Required Grass Strips
(16 ½ ft. from edge of ditch, or to the crown of spoil bank, whichever is greater)
Note: Permanent grass is also required on ditch side slopes.



Proposed Limits of Required Buffer Strips
(16 ½ ft. from edge of ditch, or to 16 ½ ft. outward from crown of spoil bank, whichever is greater)
Note: Permanent grass is also required on ditch side slopes.

Drainage Work Group Membership

Farm Groups	Minnesota Farm Bureau
	Minnesota Farmers Union
	Lobbyist for several other Ag groups
Environmental Groups	Minnesota Center for Environmental Advocacy
	Fish and Wildlife Legislative Alliance
	Minnesota Conservation Federation
Public Drainage Authorities	Association of Minnesota Counties
	Minnesota Association of Watershed Districts
Other Associations	Minnesota Association of Soil and Water Conservation Districts
	Minnesota Viewers Association
	Minnesota Association of Drainage Inspectors
	Red River Watershed Management Board
State Agencies	BWSR, DNR, MDA, MPCA
Legislature	Legislators and/or House and Senate Ag Committee staff

Drainage Work Group – Current Recommendations

Doug Thomas, Assistant Director
Al Kean, Chief Engineer

BWSR Board Meeting
December 20, 2006

1

Drainage Work Group

- Outgrowth of the Public Drainage Ditch Buffer Study, February 2006
- Meets voluntarily
- Facilitated by BWSR staff
- Purpose is to address public drainage ditch buffers and other drainage issues brought forward by work group members
- Agreed to work together to develop **consensus recommendations**

2

Drainage Work Group Membership

Farm Groups	MFB – Minnesota Farm Bureau
	MFU – Minnesota Farmers Union
	Lobbyist for several other Ag and Producer Groups
Environmental Groups	MCEA – Minnesota Center for Environmental Advocacy
	FWLA – Fish and Wildlife Legislative Alliance
	MCF – Minnesota Conservation Federation
Drainage Authorities	AMC – Association of Minnesota Counties
	MAWD – Minnesota Association of Watershed Districts
Other Associations	MASWCD – MN Assn. of Soil and Water Conservation Districts
	MVA – Minnesota Viewers Association
	MACO – Minnesota Association of County Officers
	MADI – Minnesota Association of Drainage Inspectors
	RRWMB – Red River Watershed Management Board
State Agencies	BWSR, DNR, MDA, MPCA
Legislature	Legislators and/or House and Senate Ag Committee staff

3

Public Drainage Ditch Buffers Started the Discussions

4

Minnesota Statutes Section 103E.021

- Requires grass on ditch side slopes
- Spoil bank leveling
- Grass strips for tillage setback
  - Triggered by appointing viewers
- Reduce ditch bank erosion, slumping and sediment
- Reduce ditch maintenance
- Protects water quality

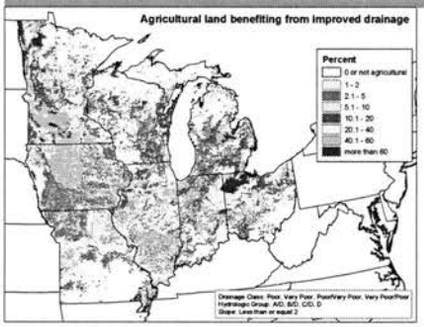
5

Why a Drainage Work Group

- Drainage is critical for agriculture, roads and cities
- Water quality is a rapidly increasing priority
- Growing 303(d) Impaired Waters List, which includes channelized streams and ditches
- Public Drainage Ditch Buffer Study indicated renewed legislative interest in public ditch buffers
- Drainage issues are typically complex – need broad-based consensus to change policy
- Drainage infrastructure provides substantial opportunity for multi-purpose water management

6

Midwest Ag Land Benefiting from Improved Drainage



7

Surface Hydrology of Minnesota
(Source DNR)

Blue = Perennial Streams
Green = Intermittent
Red = Channelized Streams and Ditches
(Approx. 21,000 miles of public ditches)

8

Impaired Waters June 2006

Red River Basin

9

Drainage Work Group Current Discussion Topics

- Drainage records preservation and modernization
- Enhance authority to establish and maintain buffers along public drainage ditches
- Clarify point of beginning for measuring required buffer strips, and required buffer width
- Update Minnesota Public Drainage Manual and add drainage system BMP information
- Buffer compliance, enforcement and reporting

10

Drainage Records Preservation and Modernization
Drainage Work Group Recommendations

- Recommendation for BWSR to develop guidelines, based on experience of drainage authorities with records modernization (estimated cost $150,000)
- Recommend $2M state cost-share be provided via Local Water Management Challenge Grants to accelerate statewide records preservation and modernization

11

Enhance Authority to Establish and Maintain Ditch Buffers
Drainage Work Group Recommendations

- Allow perennial vegetation approved by the drainage authority on public ditch buffer strips
- **Enable incremental establishment of vegetated buffers and side inlet controls where needed, with abbreviated process**
- Work with FSA to clarify CRP policies and better enable piggybacking of drainage ditch buffers on federal and state conservation program lands
- Clarify drainage system responsibility to restore damaged conservation practices

12

Update Minnesota Public Drainage Manual

Drainage Work Group Recommendations

- If recommended clarifications of drainage law were adopted by the Legislature, the Minnesota Public Drainage Manual should be updated accordingly.
- Add drainage system BMP information to the Minnesota Public Drainage Manual
- Estimated total cost $300,000

13

Buffer Compliance, Enforcement and Reporting

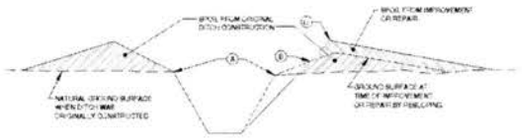
DWG Discussions and Recommendation

- General support for enhancing compliance and enforcement of required public ditch buffer strips
- Concerns exist about the need, cost and precedent of reporting to the state
- Recommended addition to 103E.705, Repair procedure: "Open drainage ditches shall be inspected at minimum every five years where no violation of section 103E.021 is found, and annually where a violation of section 103E.021 is found, until one year after the violation is corrected."

14

Point of Beginning for Measuring Required Buffer Strips

- Need to clarify, because differing interpretations by drainage authorities, as identified in the Public Drainage Ditch Buffer Study



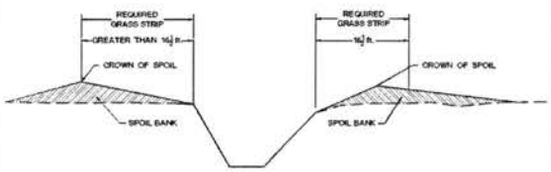
15

Point of Beginning for Measuring Required Buffer Strips

- **Current 103E.021 requirement:** "top edge of the channel of the ditch"
- **Current DWG recommendation:** "top edge of the constructed channel resulting from the proceeding"

16

Width of Required Buffer Strips Current 103E.021 Requirements

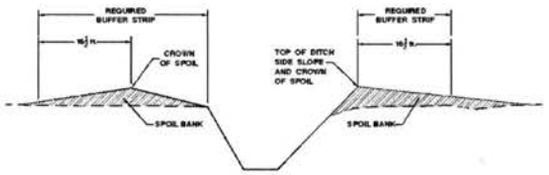


16 ½ ft. from the top edge of the channel of the ditch, or to the crown of the leveled spoil bank, whichever is greater

Permanent grass is also required on ditch side slopes.

17

Width of Required Buffer Strips Previous Draft Recommendation

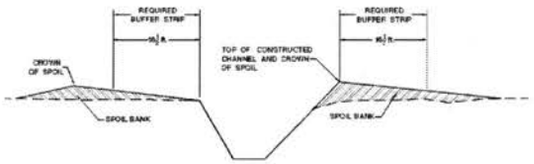


16 ½ ft. from top of the ditch side slope at the time of the proceeding, or to a point 16 ½ ft. outward from the crown of the spoil bank, whichever is greater

Permanent grass also required on ditch side slopes.

18

Width of Required Buffer Strips Current Draft Recommendation



16 ½ ft. from the top edge of the constructed channel of the ditch at the time of the proceeding, in all cases

Permanent grass also required on ditch side slopes.

19

Width of Required Buffer Strips Remaining Issues

- Buffer width to crown of spoil bank primarily affects redetermination of benefits and damages proceedings, because no dirt is moved
- Buffer width to crown of spoil bank is seen by some DWG members as an impediment to implementation of ditch buffer strips (more land taken out of production, potential variable width)
- Other DWG members are concerned about backsliding of ditch buffer width requirements

20

Drainage Work Group Future Discussion Topics

- Several topics related to wetland restorations:
  - Impounding, rerouting or diverting a drainage system (Section 103E.227)
  - Removal of property from a drainage system (Section 103E.805) (or reducing assessment)
  - Partial abandonment of a drainage system (Section 103E.805)
- Urban ditches
- Native vegetation

21

BWSR Staff Requests for Board Decisions

- Support DWG consensus recommendations to date
- Support continued BWSR facilitation of the DWG, including seeking a consensus recommendation regarding the required ditch buffer width, as soon as possible
- Support moving forward with the current BWSR policy and budget placeholder for DWG consensus recommendations, including:

22

Drainage Work Group Recommendations

- **Policy Recommendations**

1) Allow perennial vegetation approved by the drainage authority on required ditch buffer strips
2) Clarify the point of beginning for measuring buffers
3) Provide authority for incremental implementation of ditch buffer strips and side inlet controls
4) Clarify drainage system responsibilities to restore conservation practices damaged by a drainage system project or repair
5) Define minimum inspection periods for public drainage ditches
6) Work with FSA to clarify CRP policies along drainage ditches

23

Drainage Work Group Recommendations

- **Budget Recommendations**

1) $150K to develop Drainage Records Preservation and Modernization Guidelines (one-time)
2) $2M for accelerated Drainage Records Preservation and Modernization cost-share (50% max. state) (one-time)
3) $300K for updating of Minnesota Public Drainage Manual and adding drainage system BMP info (one-time)
4) $500K / yr. for MN Drainage Advisory Team (ongoing)

24

BWSR Resolution #_____

DRAINAGE WORK GROUP RECOMMENDATIONS

WHEREAS, the Drainage Work Group is an outgrowth of a diverse group of stakeholders that provided consultation for the Public Drainage Ditch Buffer Study published by the BWSR in February 2006; and

WHEREAS, the purpose of the Drainage Work Group is to voluntarily address public drainage ditch buffers and other drainage topics brought forward by its members; and

WHEREAS, the Drainage Work Group agreed to work together in 2006 to develop consensus recommendations, based on the discussion topics identified in the Public Drainage Ditch Buffer Study and subsequent discussions, with facilitation provided by BWSR staff; and

WHEREAS, the Drainage Work Group has developed associated policy and funding recommendations outlined in the document entitled "Drainage Work Group Consolidated Draft Recommendations", dated 12-12-06.

NOW THEREFORE, the Board resolves to:

1. Support the Drainage Work Group consensus recommendations to date outlined in the document entitled "Drainage Work Group Consolidated Draft Recommendations", dated 12-12-06.
2. Support continued BWSR staff facilitation of the Drainage Work Group, including seeking a consensus recommendation regarding the required ditch buffer width, as soon as possible.
3. Support moving forward with the current BWSR policy and budget placeholder for Drainage Work Group consensus recommendations including:

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1) Allow perennial vegetation approved by the drainage authority on required ditch buffer strips
2) Clarify the point of beginning for measuring required ditch buffer strips
3) Provide authority for incremental implementation of vegetated ditch buffer strips and side inlet controls. This would allow drainage authorities to implement these where needed with abbreviated process, which would also enhance piggybacking of public drainage ditch buffers with federal and state conservation programs.
4) Clarify drainage system responsibilities to restore vegetative or structural practices installed through federal or state conservation programs adjacent to the drainage system right-of-way that are damaged by a drainage system project or repair.
5) Define minimum inspection periods for public open ditches to enhance compliance and enforcement of Section 103E.021.
6) BWSR work with the Farm Services Agency to clarify CRP policies regarding CRP implementation along public drainage ditches, in consultation with the Drainage Work Group.

consensus items

Budget Recommendations

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3) $300K for updating of the Minnesota Public Drainage Manual, including addition of drainage system BMP information (one-time)
4) $500K / yr. for a Minnesota Drainage Advisory Team (ongoing)

general discussion

provide technical assistance in proactive way.

Date: _____

_____

Randy Kramer, Chair
Board of Water and Soil Resources

See attached signed copy

BWSR Resolution # 06 - 111

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Randy Kramer, Chair
Board of Water and Soil Resources

Date: 12/20/06