

Minnesota Board of Water and Soil Resources. Minutes.

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Version 3
August 20, 2018

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
2ND FLOOR CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JANUARY 24, 2007

BOARD MEMBERS PRESENT:
Dana Allen, Jim Anderson, MES; Wayne Anderson/Brad Moore, MPCA; Paul Brutlag, Bob Burandt, Kay Cook, Quentin Fairbanks, Mark Holsten, DNR; Brian Kletscher, Randy Kramer, Paul Langseth, Joe Martin, MDA; Brian Napstad, Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Dan Wilson, MDH.

STAFF PRESENT:
Mary Jo Anderson, Tim Fredbo, Jon Fure, Jim Haertel, John Jaschke, Dale Krystosek, Sarma Stramanis, Carol Strojny, Karli Swenson, Doug Thomas, Steve Woods, Brad Wozney, Wayne Zellmer.

OTHERS PRESENT:
Kevin Bigalke, Nine Mile Creek Watershed District
Amanda Goebel, Washington County
Keith Hansen, Minnesota Power
Sandy Hooker, Minnesota Association of Townships (MAT)
Karen Kill, Browns Creek Watershed District
Tom Tri, St. Louis County

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

PLEDGE OF ALLEGIANCE

Chair Kramer welcomed John Jaschke, newly hired executive director.

John Jaschke was saddened to report on the unexpected death of Clair Nelson, previous BWSR board member and Lake County Commissioner, who passed away unexpectedly last week.

John was also saddened to report on the unexpected death of Bob Jacobsen, BWSR staff working on the wetland banking program in a joint position with MNDOT. Bob passed away yesterday. In respect for the two losses, there was a moment of silence.

** 07-01 **ADOPT AGENDA** – Moved by Louise Smallidge, seconded by Paul Langseth, to adopt the agenda as presented. Motion passed on a voice vote.

MINUTES OF DECEMBER 20, 2006 – John Jaschke stated that there is an error on page seven, first paragraph, line seven, the word "initiative" should be replaced with "initiate". Brian Napstad stated that there is clarification needed on page six, regarding the Wetland Conservation Act Assessment Final Report. The minutes should state, "Brian Napstad asked that staff provide pictoral diagrams which clearly support Executive Director Harnack's statement that the total effect of the proposed WCA changes within greater than 80% counties would only result in limited de minimis use in the building setback zone in shoreland areas. Outside the building setback zone in shoreland areas no de minimis changes would occur in greater than 80% counties". Moved by Paul Langseth, seconded by Brian Napstad, to approve the minutes of December 20, 2006, as corrected. Motion passed on a voice vote.

** 07-02

Mark Holsten, newly appointed DNR Commissioner was introduced. Wayne Anderson, PCA, was introduced. Wayne stated that newly appointed PCA Commissioner Brad Moore would be attending upcoming BWSR meetings as often as possible.

REPORTS

Chair's Report – Chair Kramer attended the EQB meeting on January 18. Chair Kramer reported that Department of Agriculture Commissioner Gene Hugoson is the new EQB Chair. Chair Kramer will attend the EQB retreat on January 31.

Executive Director's Report – John Jaschke stated that this is day three as Executive Director. John thanked Doug Thomas and Steve Woods for their assistance in helping him be ready to step into his new role as Executive Director. Randy thanked John for attending various meetings in the interim before his start date.

Dispute Resolution Committee – Jim Haertel reported that there were 43 appeals in 2006. The Dispute Resolution Committee has an item to be considered later today on the agenda.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee will meet this afternoon.

Cost-Share Committee - Louise Smallidge met with Wayne Zellmer and Cost-Share Committee members via e-mail; the item is on the agenda later today.

Education Committee – Kay Cook reported that the Education Committee will meet today immediately following the full Board meeting.

Administrative Advisory Committee – Chair Kramer reported that the Administrative Advisory Committee (AAC) met on January 11, for a briefing on the Office of the Legislative Auditor (OLA) Report. Chair Kramer stated that the AAC met again this morning to discuss the budget and OLA Report and response from BWSR. Chair Kramer also attended budget hearings and information will be discussed on the agenda later today.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Browns Creek Watershed District Watershed Management Plan – Bob Burandt reported that the Metro Water Planning Committee reviewed the Browns Creek Watershed District Watershed Management Plan and recommends approval. Moved by Bob Burandt, seconded by Louise Smallidge, to approve the
** Browns Creek Watershed District Watershed Management Plan. Motion passed
07-03 on a voice vote.

South Washington Watershed District Complaint of Failure to Implement – Bob Burandt reported that the Metro Water Planning Committee met to review the complaint. The Committee unanimously concurs with the staff recommendation to address the issue in the final draft of the 2007 South Washington Watershed District (SWWD) Plan update, expected this summer. The Metro Water Planning Committee finds the SWWD to be implementing its

** 07-04 1997 Watershed Management Plan. Moved by Bob Burandt, seconded by LuAnn Tolliver, to accept the Metro Water Planning Committee's recommendation to address the issue in the final draft of the 2007 South Washington Watershed District (SWWD) Plan update, expected this summer. Discussion followed. Motion passed on a voice vote.

Mississippi Watershed Management Organization Major Plan Amendment – Bob Burandt reported that the Metro Water Planning Committee reviewed the Mississippi Watershed Management Organization Plan amendment and

** 07-05 recommends approval. Moved by Bob Burandt, seconded by Louise Smallidge, to approve the Mississippi Watershed Management Organization Watershed Management Plan amendment. Motion passed on a voice vote.

Nine Mile Creek Watershed District, Watershed Management Plan – Bob Burandt reported that the Metro Water Planning Committee reviewed the Nine Mile Creek Watershed District Watershed Management Plan and recommends

** 07-06 approval. Moved Bob Burandt, seconded by Louise Smallidge, to approve the Nine Mile Creek Watershed District Watershed Management Plan. LuAnn Tolliver abstained from the vote as she is involved with the Nine Mile Creek Watershed District. Discussion followed. Motion passed on a voice vote. It was noted that good citizen participation and input was a key to development of this Plan.

Northern Water Planning Committee

Hubbard County Comprehensive Local Water Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Hubbard County Comprehensive Local Water Management Plan update and

** 07-07 recommends approval. Moved by Quentin Fairbanks, seconded by Kay Cook, to approve the update of the Hubbard County Comprehensive Local Water Management Plan. Motion passed on a voice vote.

Mille Lacs County Local Water Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Mille Lacs County Local Water Management Plan update and recommends approval.

** 07-08 Moved by Quentin Fairbanks, seconded by Kay Cook, to approve the update of the Mille Lacs County Local Water Management Plan. Motion passed on a voice vote.

Quentin Fairbanks briefly commented on the difficulties and potential liabilities involved with interim committee review of local water plans. LuAnn Tolliver reported that the Metro Water Planning Committee will conduct a working

session on March 7th regarding local water plans, review, assessment, and non-implementing plans. Chair Kramer requested that the Attorney General's office be present at the working session to advise on the legal liabilities, roles and responsibilities of BWSR.

Southern Water Planning Committee

Steele County Local Water Management Plan Update – Brian Kletscher reported that the Southern Water Planning Committee reviewed the Steele County Local Water Management Plan update and recommends approval.

** 07-09 Moved by Brian Kletscher, seconded by Paul Langseth, to approve the update of the Steele County Local Water Management Plan. Motion passed on a voice vote.

Wabasha County Priority Concerns Scoping Document – Brian Kletscher reported that the Southern Water Planning Committee reviewed the Wabasha County Priority Concerns Scoping Document and recommends approval.

** 07-10 Moved by Brian Kletscher, seconded by Paul Langseth, to approve the Wabasha County Priority Concerns Scoping Document. Motion passed on a voice vote.

Chair Kramer called for a break in the meeting at 10:05 a.m. The meeting reconvened at 10:15 a.m.

NEW BUSINESS

Public Hearing on Petition for Enlargement and to Increase the Number of Managers of Carnelian-Marine Watershed District – Jim Haertel explained that staff find the petition sufficient and have coordinated with the pertinent parties and facilities such that setting a public hearing is recommended. The Metro Water Planning Committee would preside over a public hearing.

** 07-11 Moved by Louise Smallidge, seconded by Bob Burandt, that the Board orders the public hearing on the enlargement and increase number of managers petition for the Carnelian-Marine Watershed District be presided over by the Metro Water Planning Committee on Thursday, February 22, 2007, starting at 7:00 p.m., at the Marine on St. Croix City Hall located at 121 Judd Street in Marine on St. Croix, Minnesota. Motion passed on a voice vote.

WCA Appeal of a Wetland Boundary and Replacement Plan Decision, Rice Creek Watershed District, File 05-1 – Jim Haertel reported that the Dispute Resolution Committee (DRC) heard oral arguments on December 13, 2006. The DRC continued the hearing on January 11, 2007. Jim reported that on January 10, 2007, the Rice Creek Watershed District withdrew its approval of the wetland delineation for the replacement plan because of the lowering of a culvert in the

ditch system. The DRC deliberated over the issue of whether the replacement plan application was sufficient. The Dispute Resolution Committee decided on a three to one vote to recommend remanding the decision of the District to require submittal of a complete replacement plan application following a new wetland delineation.

Jim provided alternative language for the Memorandum attached to the Order.

** 07-12 Moved by Louise Smallidge, seconded by Quentin Fairbanks, to accept the DRC recommendation to approve the Order remanding the decision to the Rice Creek Watershed District, with Alternative A inserted into the Memorandum attached to the Order. Dana Allen stated that as a member of the DRC, she voted against the remand. Discussion followed. Jim explained the appeal process noting that the timeframe for the final decision of the Board on the appeal must be made within 60 days.

Chair Kramer stated that we have two issues: the replacement plan, and the new

** 07-13 delineation requirement. Discussion followed. Moved by Kay Cook, seconded by LuAnn Tolliver, to move the previous question. Motion passed by 2/3 hand vote to close debate.

Chair Kramer asked for a roll call vote on the motion. Affirmative: Jim Anderson, Kay Cook, Quentin Fairbanks, Mark Holsten, Paul Langseth, Brad Moore, Gene Tiedemann, LuAnn Tolliver, Dan Wilson. Opposed: Dana Allen, Paul Brutlag, Bob Burandt, Brian Kletscher, Joe Martin, Brian Napstad, Louise Smallidge, Randy Kramer. The motion passed, 9 to 8.

** 07-14 Moved by Mark Holsten, seconded by Dana Allen, to reconsider the previous Motion #07-13. Motion passed on a voice vote.

** 07-15 Moved by Louise Smallidge, seconded by Paul Brutlag, to replace the word "new" with "updated" in the Order. The Order will read, "The decision of the RCWD approving the replacement plan is remanded to the RCWD for an updated, complete replacement plan following the new wetland delineation determination". Motion passed on a voice vote.

Request to Release 12.5 Acres from Perpetual RIM Reserve Conservation Easement 76-15-01-01, Swift County – Tim Fredbo explained the request to release RIM acres. Tim reported that the request clearly does not meet the criteria to address easement alteration requests as contained in the Board's easement alteration policy adopted on May 24, 2006. The land released would be used for a building site and that is not allowable under Board policy. The

agreement and easement legal documents were explained and provided to the landowners, Gary and Carol Wehrer, which clearly showed the easement boundaries with donated acres, and their signatures are on both documents. Staff recommendation is to deny the Wehrer's request to release any acres from
** this easement. Moved by Brian Napstad, seconded by Paul Brutlag, to deny the
07-16 request for release of easement acres. Motion passed on a voice vote.

FY 07 Non-Point Engineering Assistance (NPEA) Challenge Grant – Wayne Zellmer explained that the NPEA Challenge Grant is made available to NPEA Joint Powers Board (JPBs) once a biennium to provide accelerated engineering/technical assistance funding to assist landowners implementing high priority conservation practices. Ten percent of the annual Feedlot Water Quality Management Grant ($1.5 M) is reserved to fund this program. Wayne reported that there is $300,000 available. BWSR's first funding priority is JPBs whose member SWCDs received FY 07 Feedlot Water Quality Management Grants, and propose to maintain or hire accelerated staffing to provide shared feedlot technical assistance. Wayne stated that ten applications were received from seven JPBs requesting $674,837. All applications were reviewed and approved by the respective Board Conservationist. Louise Smallidge reported that the Cost-Share Committee met via e-mail and recommends Option #1 funding.

** Moved by Louise Smallidge, seconded by Kay Cook, to accept the Cost-Share
07-17 Committee's recommendation to approve Option #1 funding. Motion passed on a voice vote. The Cost-Share Committee suggests the requests be reevaluated and modifications for FY09 be reviewed in person.

Invasive Species Overview – Jay Rendall, DNR Invasive Species Program Coordinator, presented information on "Invasive Species, MISAC, and the Minnesota Invasive Species Plan". Jay explained the Minnesota Invasive Species Advisory Council (MISAC) and its effort to coordinate a state management plan. Jay distributed the "2007 Invasive Species Calendar". Jay stated that Bob Jacobsen was a participant of MISAC on behalf of BWSR. Jay requested that BWSR remain involved with MISAC to review and consider endorsement of the state plan, and then educate and inform people about invasive species issues. Chair Kramer thanked Jay for his presentation; and stated that BWSR looks forward to working on this effort.

Budget Update – John Jaschke and Doug Thomas gave an overview of the Governor's budget recommendations. Doug summarized BWSR's components in the Governor's FY08-09 recommended budget proposal that was released January 22nd.

Doug briefly reviewed the Drainage Work Group Recommendations. Doug asked board members to contact him or Al Kean regarding any questions on the Drainage Work Group Consensus Recommendations.

Doug stated that he and John Jaschke will be looking at the WCA Assessment and finding authors for expected legislation and will be working with the Clean Water Cabinet to seek endorsement. BWSR will have a better understanding after the February forecast to see if a supplemental budget will provide any additional appropriations. Chair Kramer thanked Doug for his involvement in the budget process. Chair Kramer also thanked Doug for his efforts as acting Executive Director prior to John Jaschke's arrival.

John Jaschke reported that the Office of Legislative Auditor (OLA) report will be released tomorrow at 3:00 p.m. with a hearing in the House Environment and Natural Resources Policy Committee at 4:00 p.m. Copies of the report will be made available to board members after tomorrow.

Chair Kramer reported that a hearing was held on January 10 in Austin regarding the establishment of the Cedar River Watershed District. This item will likely be on the February 28th Board meeting agenda.

Chair Kramer welcomed and introduced Brad Moore, MPCA Commissioner.

AGENCY REPORTS

Minnesota Pollution Control Agency (MPCA) - Brad Moore, newly appointed MPCA Commissioner, reported that Clean Water Legacy provides $10.5M/year to MPCA, partly for TMDLs; $3M/year for mining and ethanol project accelerated environmental review. Brad presented a brief biography of himself.

Minnesota Extension Service (MES) - Jim Anderson reported that his co-director Deb Swackhamer has been named interim Director of the Institute on Environment; MES is currently going through the search to replace her. Jim will assist Deb in inter-agency activities with MDA, MPCA and BWSR.

Department of Natural Resources (DNR) - Mark Holsten, newly appointed DNR Commissioner, presented a brief biography of himself. Mark reported that Clean Water Legacy provides DNR funding for groundwater assessment and monitoring; working lands initiative; forestry; and exotic species - targeting emerald ash borer. Mark reported that DNR is in the process of rebuilding the DNR Commissioner's office. Laurie Martinson is now the Deputy Commissioner

and Bob Mieir is a new Assistant Commissioner, another assistant commissioner position is currently vacant.

Minnesota Department of Health (MDH) - Dan Wilson distributed a press release "Low levels of PFBA found in six cities' wells in southeast metropolitan area". MDH will continue working with MPCA on monitoring and investigation.

Minnesota Department of Agriculture (MDA) - Joe Martin reported that MDA's budget appropriations have increased funding for prevention of soybean rust; emerald ash borer; and gypsy moth. Joe stated that there will be more interaction with agencies on these issues. Joe reported that the Governor's budget proposal for MDA will focus on ethanol and gasification technologies to build biofuel production for the future.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) - Sandy Hooker congratulated John Jaschke on being hired as the new executive director. Sandy asked that BWSR continue to provide training and education for MAT.

UPCOMING MEETINGS

- Next Board Meeting, February 28, 2007, St. Paul

** 07-18 Moved by Kay Cook, seconded by Dana Allen, to adjourn the meeting at 12:32 p.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer
Chair

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2-3-07
My edits are noted in red.

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** County Priority Concerns Scoping Document and recommends approval. Moved

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Chair Kramer called for a break in the meeting at 10:05 a.m. The meeting reconvened at 10:15 a.m.

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Jim provided alternative language for the Memorandum attached to the Order.
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07-12 recommendation to approve the Order remanding the decision to the Rice Creek Watershed District, with Alternative A inserted into the Memorandum attached to the Order. Dana Allen stated that as a member of the DRC, she voted against the remand. Discussion followed. Jim explained the appeal process; the timeframe of the final decision of the Board appeal must be made within 60 days.

Chair Kramer stated that we have two issues: the replacement plan, and the new language. Discussion followed. Kay Cook requested that the debate be closed – members voted by hand vote to close the debate.

Chair Kramer asked for a roll call vote on the motion. Affirmative: Jim Anderson, Kay Cook, Quentin Fairbanks, Mark Holsten, Paul Langseth, Brad Moore, Gene Tiedemann, LuAnn Tolliver, Dan Wilson. Opposed: Dana Allen, Paul Brutlag,

Bob Burandt, Brian Kletscher, Joe Martin, Brian Napstad, Louise Smallidge, Randy Kramer. The motion passed, 9 to 8.

** 07-13 Discussion followed. Moved by Mark Holsten, seconded Dana Allen, to reconsider the previous Motion #07-12. Motion passed on a voice vote.

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Minnesota Department of Agriculture (MDA) - Joe Martin reported that MDA's budget appropriations have increased funding for prevention of soybean rust; emerald ash bore; and gypsy moth. Joe stated that there will be more interaction with agencies on these issues. Joe reported that the Governor's budget proposal for MDA will focus on ethanol and gasification technologies building biofuels for the future.

production

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) - Sandy Hooker congratulated John Jaschke on being hired as the new executive director. Sandy asked that BWSR continue to provide training and education for MAT.

UPCOMING MEETINGS

- Next Board Meeting, February 28, 2007, St. Paul

** 07-17 Moved by Kay Cook, seconded by Dana Allen, to adjourn the meeting at 12:32 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

DRAFT DRAFT DRAFT

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
2ND FLOOR CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JANUARY 24, 2007

BOARD MEMBERS PRESENT:
Dana Allen, Jim Anderson, MES; Wayne Anderson/Brad Moore, MPCA; Paul Brutlag, Bob Burandt, Kay Cook, Quentin Fairbanks, Mark Holsten, DNR; Brian Kletscher, Randy Kramer, Paul Langseth, Joe Martin, MDA; Brian Napstad, Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Dan Wilson, MDH.

STAFF PRESENT:
Mary Jo Anderson, Tim Fredbo, Jon Fure, Jim Haertel, John Jaschke, Dale Krystosek, Sarma Stramanis, Carol Strojny, Karli Swenson, Doug Thomas, Steve Woods, Brad Wozney, Wayne Zellmer.

OTHERS PRESENT:
Kevin Bigalke, Nine Mile Creek Watershed District
Amanda Goebel, Washington County
Keith Hansen, Minnesota Power
Sandy Hooker, Minnesota Association of Townships (MAT)
Karen Kill, Browns Creek Watershed District
Tom Tri, St. Louis County

See Randy's comments

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

PLEDGE OF ALLEGIANCE

Chair Kramer welcomed John Jaschke, newly hired executive director.

John Jaschke was saddened to report on the unexpected death of Clair Nelson, previous BWSR board member and Lake County Commissioner, passed away last week.

John was also saddened to report on the unexpected death of Bob Jacobsen, BWSR staff working on the wetland banking program in a joint position with MNDOT. Bob passed away yesterday. In respect for the two losses, there was a moment of silence.

** 07-01 **ADOPT AGENDA** – Moved by Louise Smallidge, seconded by Paul Langseth, to adopt the agenda as presented. Motion passed on a voice vote.

MINUTES OF DECEMBER 20, 2006 – John Jaschke stated that there is an error on page seven, first paragraph, line seven, the word "initiative" should be replaced with "initiate". Brian Napstad stated that there is clarification needed on page six, regarding the Wetland Conservation Act Assessment Final Report. The minutes should state, "Brian Napstad asked that staff provide pictoral diagrams which clearly support Executive Director Harnack's statement that the total effect of the proposed WCA changes within 80% counties would only result in limiting de minimus use in the building setback zone in shoreland areas. Outside the building setback zone in shoreland areas no de minimus changes would occur in 80% counties". Moved by Paul Langseth, seconded by Brian Napstad, to approve the minutes of December 20, 2006, as corrected. Motion passed on a voice vote.

** 07-02

Mark Holsten, newly appointed DNR Commissioner was introduced. Wayne Anderson, PCA, was introduced. Wayne stated that newly appointed PCA Commissioner Brad Moore would be attending upcoming BWSR meetings.

REPORTS

Chair's Report – Chair Kramer attended the EQB meeting on January 18. Chair Kramer reported that Department of Agriculture Commissioner Gene Hugoson is the new EQB Chair. Chair Kramer will attend the EQB retreat on January 31.

Executive Director's Report – John Jaschke stated that this is day three as executive director. John thanked Doug Thomas and Steve Woods for their assistance in his new role as executive director. Randy thanked John for attending various meetings in the interim before his start date.

Dispute Resolution Committee – Jim Haertel reported that there were 43 appeals in 2006. The Dispute Resolution Committee has an item later today on the agenda.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee will meet this afternoon.

Cost-Share Committee - Louise Smallidge met with Wayne Zellmer and Cost-Share Committee members via e-mail; the item is on the agenda later today.

Education Committee – Kay Cook reported that the Education Committee will meet today immediately following the full Board meeting.

Administrative Advisory Committee – Chair Kramer reported that the Administrative Advisory Committee (AAC) met on January 11, for a briefing on the Office of the Legislative Auditor (OLA) Report. Chair Kramer stated that the AAC met again this morning to discuss the budget and OLA Report and response from BWSR. Chair Kramer attended budget hearings; information will be discussed on the agenda later today.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Browns Creek Watershed District Watershed Management Plan – Bob Burandt reported that the Metro Water Planning Committee reviewed the Browns Creek Watershed District Watershed Management Plan and recommends approval. Moved by Bob Burandt, seconded by Louise Smallidge, to approve the
** Browns Creek Watershed District Watershed Management Plan. Motion passed
07-03 on a voice vote.

South Washington Watershed District Complaint of Failure to Implement – Bob Burandt reported that the Metro Water Planning Committee met to review the complaint. The Committee unanimously concurs with the staff recommendation to address the issue in the final draft of the 2007 South Washington Watershed District (SWWD) Plan update, expected this summer. The Metro Water Planning Committee finds the SWWD to be implementing its
** 1997 Watershed Management Plan. Moved by Bob Burandt, seconded by LuAnn
07-04 Tolliver, to accept the Metro Water Planning Committee's recommendation to address the issue in the final draft of the 2007 South Washington Watershed District (SWWD) Plan update, expected this summer. Discussion followed. Motion passed on a voice vote.

Mississippi Watershed Management Organization Major Plan Amendment – Bob Burandt reported that the Metro Water Planning Committee reviewed the Mississippi Watershed Management Organization Plan amendment and
** recommends approval. Moved by Bob Burandt, seconded by Louise Smallidge,

07-05 to approve the Mississippi Watershed Management Organization Watershed Management Plan amendment. Motion passed on a voice vote.

Nine Mile Creek Watershed District, Watershed Management Plan – Bob Burandt reported that the Metro Water Planning Committee reviewed the Nine Mile Creek Watershed District Watershed Management Plan and recommends
** approval. Moved Bob Burandt, seconded by Louise Smallidge, to approve the
07-06 Nine Mile Creek Watershed District Watershed Management Plan. LuAnn Tolliver abstained from the vote as she is involved with the Nine Mile Creek Watershed District. Discussion followed. Motion passed on a voice vote. It was noted that good citizen participation and input was a key in this Plan.

Northern Water Planning Committee

Hubbard County Comprehensive Local Water Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Hubbard County Comprehensive Local Water Management Plan update and
** recommends approval. Moved by Quentin Fairbanks, seconded by Kay Cook, to
07-07 approve the update of the Hubbard County Comprehensive Local Water Management Plan. Motion passed on a voice vote.

Mille Lacs County Local Water Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Mille Lacs County Local Water Management Plan update and recommends approval.
** Moved by Quentin Fairbanks, seconded by Kay Cook, to approve the update of
07-08 the Mille Lacs County Local Water Management Plan. Motion passed on a voice vote.

Quentin Fairbanks briefly commented on the difficulties and liabilities involved with the local water plans. LuAnn Tolliver reported that the Metro Water Planning Committee will conduct a working session on March 7th regarding local water plans, review, assessment, and non-implementing plans. Chair Kramer requested that the Attorney General's office be present at the working session to advise on the legal liabilities, roles and responsibilities of BWSR.

Southern Water Planning Committee

Steele County Local Water Management Plan Update – Brian Kletscher reported that the Southern Water Planning Committee reviewed the Steele County Local Water Management Plan update and recommends approval.
** Moved by Brian Kletscher, seconded by Paul Langseth, to approve the update of
07-09 the Steele County Local Water Management Plan. Motion passed on a voice vote.

Wabasha County Priority Concerns Scoping Document – Brian Kletscher reported that the Southern Water Planning Committee reviewed the Wabasha
** County Priority Concerns Scoping Document and recommends approval. Moved

07-10 by Brian Kletscher, seconded by Paul Langseth, to approve the Wabasha County Priority Concerns Scoping Document. Motion passed on a voice vote.

Chair Kramer called for a break in the meeting at 10:05 a.m. The meeting reconvened at 10:15 a.m.

NEW BUSINESS

Public Hearing on Petition for Enlargement and Increase Number of Managers of Carnelian-Marine Watershed District – Jim Haertel explained that staff find the petition sufficient and have coordinated with the pertinent parties and facilities such that a public hearing is recommended to be set. The
** Metro Water Planning Committee would preside over a public hearing. Moved by
07-11 Louise Smallidge, seconded by Bob Burandt, that the Board orders the public hearing on the enlargement and increase number of managers petition for the Carnelian-Marine Watershed District be presided over by the Metro Water Planning Committee on Thursday, February 22, 2007, starting at 7:00 p.m., at the Marine on St. Croix City Hall located at 121 Judd Street in Marine on St. Croix, Minnesota. Motion passed on a voice vote.

WCA Appeal of a Wetland Boundary and Replacement Plan Decision, Rice Creek Watershed District, File 05-1 – Jim Haertel reported that the Dispute Resolution Committee (DRC) heard oral arguments on December 13, 2006. The DRC continued the hearing on January 11, 2007. Jim reported that on January 10, 2007, the Rice Creek Watershed District withdrew its approval of the wetland delineation for the replacement plan because of the lowering of a culvert in the ditch system. The DRC deliberated over the issue of whether the replacement plan application was sufficient. The Dispute Resolution Committee decided on a three to one vote to recommend remanding the decision of the District to require submittal of a complete replacement plan application following a new wetland delineation.

Jim provided alternative language for the Memorandum attached to the Order.
** Moved by Louise Smallidge, seconded by Quentin Fairbanks, to accept the DRC
07-12 recommendation to approve the Order remanding the decision to the Rice Creek Watershed District, with Alternative A inserted into the Memorandum attached to the Order. Dana Allen stated that as a member of the DRC, she voted against the remand. Discussion followed. Jim explained the appeal process; the timeframe of the final decision of the Board appeal must be made within 60 days.

delineation requirement.

Chair Kramer stated that we have two issues: the replacement plan, and the new language. Discussion followed. Kay Cook ~~requested that the debate be closed – members voted by hand vote to close the debate.~~ Moved the previous question. seconded – LuAnn Tolliver

07-13

Chair Kramer asked for a roll call vote on the motion. Affirmative: Jim Anderson, Kay Cook, Quentin Fairbanks, Mark Holsten, Paul Langseth, Brad Moore, Gene Tiedemann, LuAnn Tolliver, Dan Wilson. Opposed: Dana Allen, Paul Brutlag,

Motion passed by 2/3 hand vote to close debate.

Bob Burandt, Brian Kletscher, Joe Martin, Brian Napstad, Louise Smallidge, Randy Kramer. The motion passed, 9 to 8.

** ~~Discussion followed.~~ Moved by Mark Holsten, seconded by Dana Allen, to
07-~~13~~ 14 reconsider the previous Motion #07-12. Motion passed on a voice vote.

** Moved by Louise Smallidge, seconded by Paul Brutlag, to replace the word
07-~~14~~ 15 "new" with "updated" in the Order. The Order will read, "The decision of the RCWD approving the replacement plan is remanded to the RCWD for an updated, complete replacement plan following the new wetland delineation determination. Motion passed on a voice vote.

Request to Release 12.5 Acres from Perpetual RIM Reserve Conservation Easement 76-15-01-01, Swift County – Tim Fredbo explained the request to release RIM acres. Tim reported that the request clearly does not meet the criteria to address easement alteration requests as contained in the Board's easement alteration policy adopted on May 24, 2006. The land released would be used for a building site and that is not allowable under Board policy. The agreement and easement legal documents were explained and provided to the landowners, Gary and Carol Wehrer, which clearly showed the easement boundaries with donated acres, and their signatures are on both documents. Staff recommendation is to deny the Wehrer's request to release any acres from
** this easement. Moved by Brian Napstad, seconded by Paul Brutlag, to deny the
07-~~15~~ 16 request for release of easement acres. Motion passed on a voice vote.

FY 07 Non-Point Engineering Assistance (NPEA) Challenge Grant – Wayne Zellmer explained that the NPEA Challenge Grant is made available to NPEA joint powers board (JPBs) once a biennium to provide accelerated engineering/technical assistance funding to assist landowners implementing high priority conservation practices. Ten percent of the annual Feedlot Water Quality Management Grant ($1.5 M.) is reserved to fund this program. Wayne reported that there is $300,000 available. BWSR's first funding priority is JPBs whose member SWCDs received FY 07 Feedlot Water Quality Management Grants, and propose to maintain or hire accelerated staffing to provide shared feedlot technical assistance. Wayne stated that ten applications were received from seven JPBs requesting $674,837. All applications were reviewed and approved by their Board Conservationists. Louise Smallidge reported that the Cost-Share Committee met via e-mail and recommends Option #1 funding.

** Moved by Louise Smallidge, seconded by Kay Cook, to accept the Cost-Share
07-~~16~~ 17 Committee's recommendation to approve Option #1 funding. The Cost-Share Committee ~~suggests the~~ requests be reevaluated and modifications for FY09 be reviewed in person. ~~Motion~~ passed on a voice vote.

Invasive Species Overview – Jay Rendall, DNR Invasive Species Program Coordinator, presented information on "Invasive Species, MISAC, and the

Minnesota Invasive Species Plan". Jay explained the Minnesota Invasive Species Advisory Council (MISAC) and its effort to coordinate a state management plan. Jay distributed the "2007 Invasive Species Calendar". Jay stated that Bob Jacobsen was a participant of MISAC on behalf of BWSR. Jay requested that BWSR remain involved with MISAC; review, endorse the state plan, educate and inform people about these invasive species issues. Chair Kramer thanked Jay for his presentation; and stated that BWSR looks forward to working on this effort.

Budget Update – John Jaschke and Doug Thomas gave an overview of the Governor's budget recommendations. Doug summarized BWSR's components in the Governor's FY08-09 recommended budget proposal that was released January 22nd.

Doug briefly reviewed the Drainage Work Group Recommendations. Doug asked board members to contact him or Al Kean regarding any questions on the Drainage Work Group Consensus Recommendations.

Doug stated that he and John Jaschke will be looking at the WCA Assessment and finding authors for legislation. BWSR will have a better understanding after the February forecast to see if a supplemental budget will provide appropriations. Chair Kramer thanked Doug for his involvement in the budget process. Chair Kramer also thanked Doug for his interim acting executive director status.

John Jaschke reported that the Office of Legislative Auditor (OLA) report will be released tomorrow at 3:00 p.m. with a hearing in the House Environment and Natural Resources Committee at 4:00 p.m. Copies of the report will be made available to board members after tomorrow.

Chair Kramer reported that a hearing was held on January 10 in Austin regarding the establishment of the Cedar River Watershed District. This item will be on the February 28th Board meeting agenda.

Chair Kramer welcomed and introduced Brad Moore, MPCA Commissioner.

AGENCY REPORTS

Minnesota Pollution Control Agency (MPCA) - Brad Moore, newly appointed MPCA Commissioner, reported that Clean Water Legacy provides $10.5M/year to MPCA, partly for TMDLs; $3M/year for mining and ethanol. Brad presented a brief biography of himself.

Minnesota Extension Service (MES) - Jim Anderson reported that his co-director Deb Swackhamer has been named interim Director of the Institute on Environment; currently going through the search to replace her. Jim will assist Deb in inter-agency activities with MDA, MPCA and BWSR.

Department of Natural Resources (DNR) - Mark Holsten, newly appointed DNR Commissioner, presented a brief biography of himself. Mark reported that Clean Water Legacy provides DNR funding for waters, groundwater assessment and monitoring; working lands initiative; forestry; and exotic species - targeting emerald ash bore. Mark reported that DNR is in the process of rebuilding the DNR Commissioner's office. Laurie Martinson is now the deputy commissioner; the assistant commissioner position is currently vacant.

Minnesota Department of Health (MDH) - Dan Wilson distributed a press release "Low levels of PFBA found in six cities' wells in southeast metropolitan area". MDH will continue working with MPCA on monitoring and investigation.

Minnesota Department of Agriculture (MDA) - Joe Martin reported that MDA's budget appropriations have increased funding for prevention of soybean rust; emerald ash bore; and gypsy moth. Joe stated that there will be more interaction with agencies on these issues. Joe reported that the Governor's budget proposal for MDA will focus on ethanol and gasification technologies building biofuels for the future.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) - Sandy Hooker congratulated John Jaschke on being hired as the new executive director. Sandy asked that BWSR continue to provide training and education for MAT.

UPCOMING MEETINGS

- Next Board Meeting, February 28, 2007, St. Paul

** 07-~~17~~ 19 Moved by Kay Cook, seconded by Dana Allen, to adjourn the meeting at 12:32 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

Dispute Resolution Report
January 11, 2007
by: Jim Haertel

There are presently 24 appeals pending. All of the appeals involve WCA except File 05-24. There have been three new appeals filed since the last report dated December 7, 2006.

File 06-43. This is a new appeal of a restoration order in Morrison County. The appeal involves the placement of fill in wetland near a lake. The appeal has been placed in abeyance and the restoration order has been stayed pending field review by the Technical Evaluation Panel this spring.

File 06-42. This is a new appeal of a restoration order in Mille Lacs County. The appeal involves the excavation and placement of fill in wetland, some being associated with a cattle crossing. No decision has been made on the appeal.

File 06-41. This is a new appeal of a restoration order in Otter Tail County. The appeal involves the placement of fill in wetland near a lake. 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 06-28. 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 has been 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 06-12. 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.

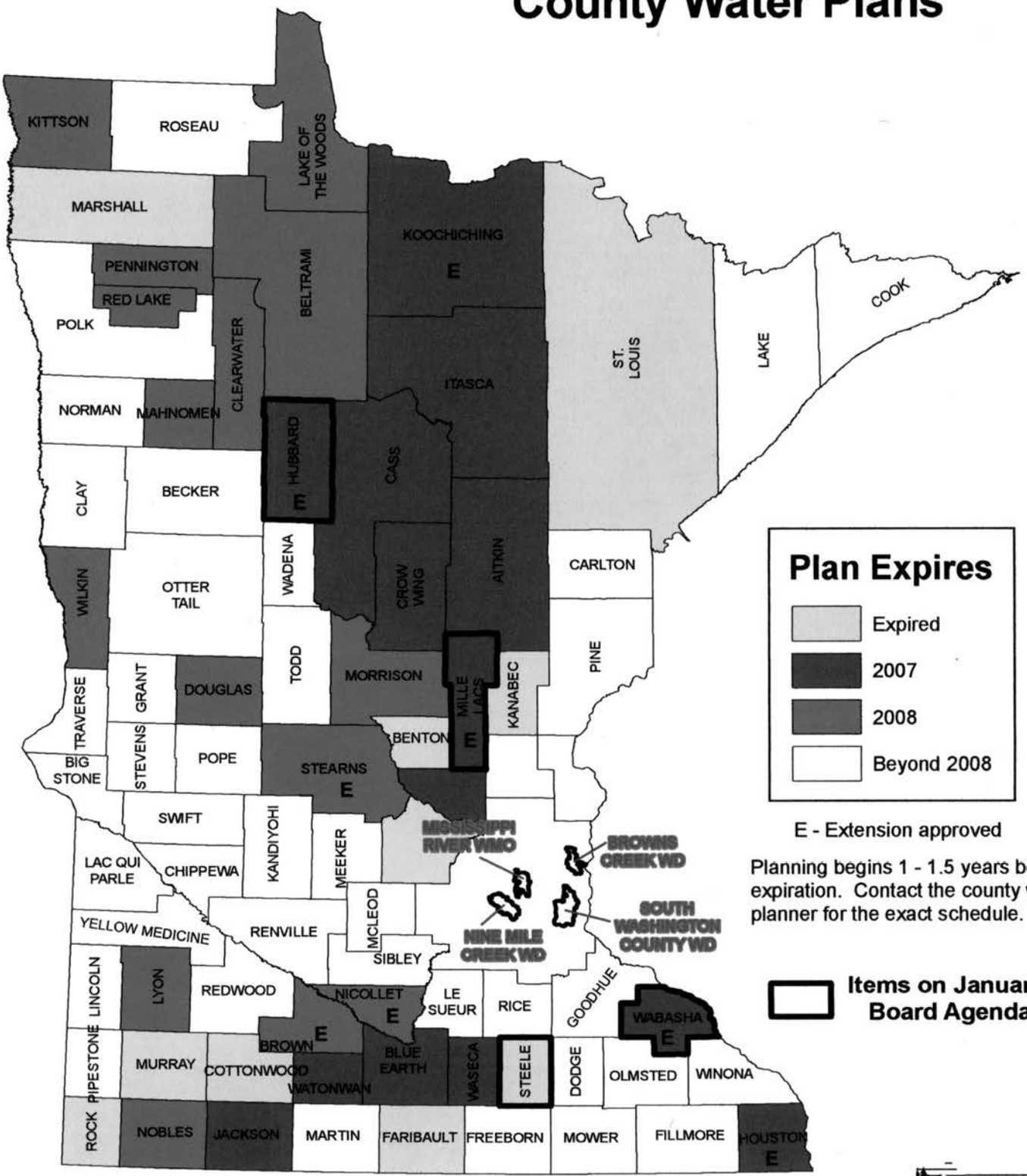
File 05-1. This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP 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.

County Water Plans



Plan Expires

- Expired
- 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
WWW.BWSR.STATE.MN.US

map updated: January 2007

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Browns Creek Watershed District Watershed Management Plan – *DECISION ITEM*

2. South Washington Watershed District Complaint of Failure to Implement – *DECISION ITEM*

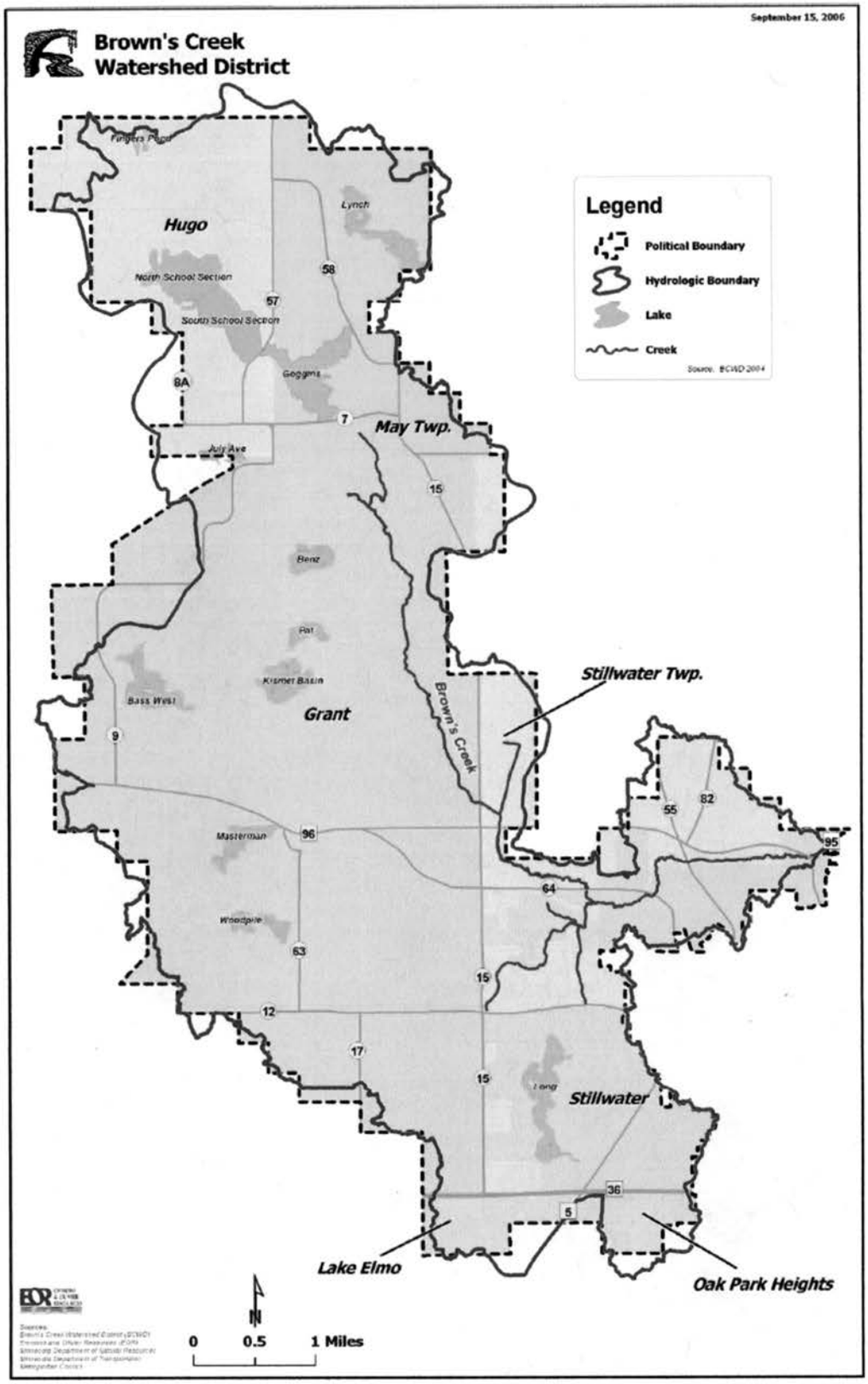
3. Mississippi Watershed Management Organization Major Plan Amendment – *DECISION ITEM*

4. Nine Mile Creek Watershed District, Watershed Management Plan – *DECISION ITEM*

Minnesota Board of Water and Soil Resources
January 2007 Metro Subcommittee Meeting

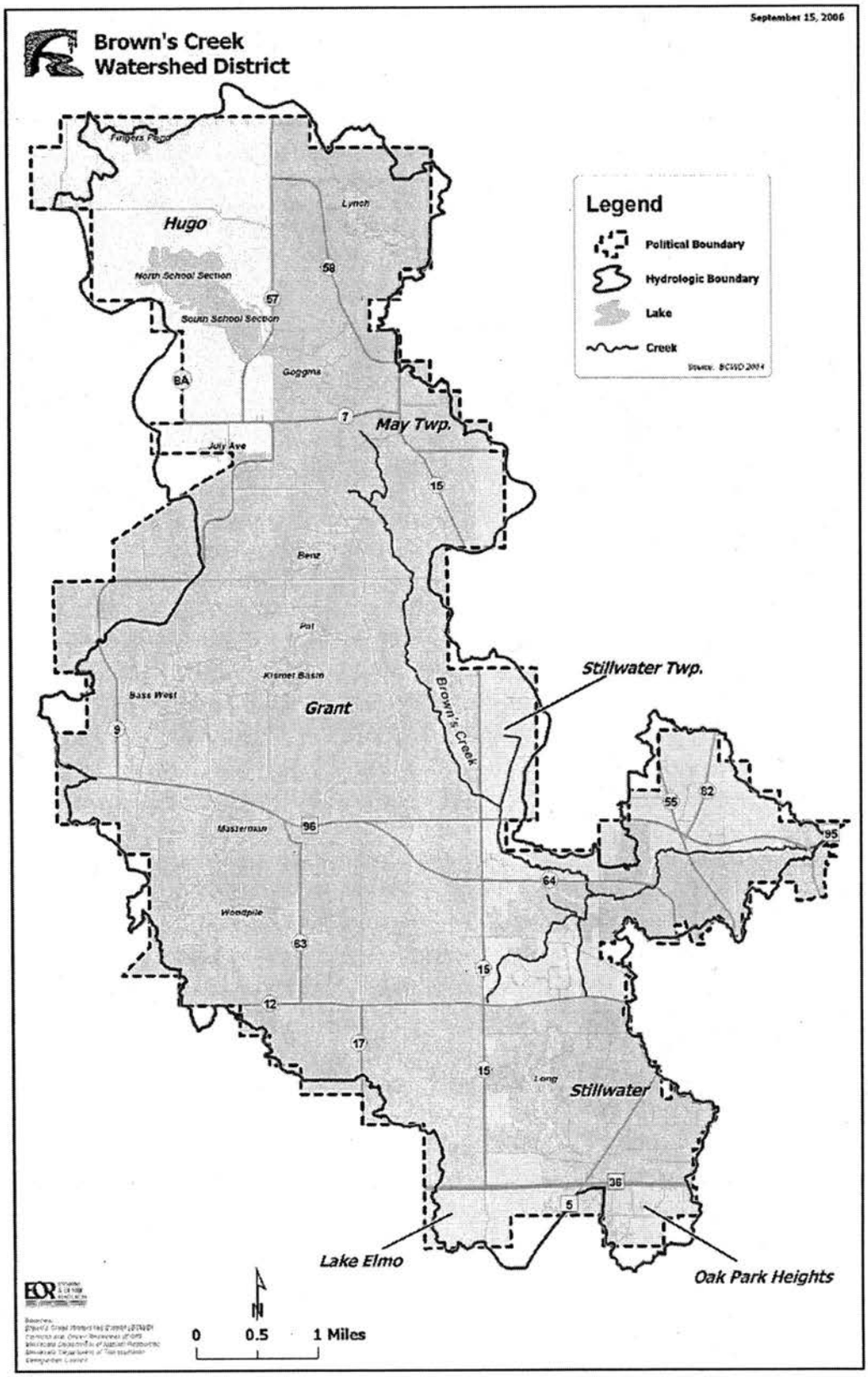
Map and Fiscal Information

Brown's Creek Watershed District Plan 2007 – 2016



Minnesota Board of Water and Soil Resources
January 2007 Metro Subcommittee Meeting

Map and Fiscal Information
Brown's Creek Watershed District Plan 2007 – 2016



Fiscal Context and Implementation.

The table below reveals a decreasing trend with regards to expenditures of BCWD over the past several years of available data, with variations due mainly to expenditures for capital projects. BCWD expenditures appear to be comparable to other outer-ring Metro Watershed Districts. Expenditures for the BCWD implementation program are projected to vary from approximately $347,000 to $928,000 annually during the life of the Plan, with most years roughly in the $500,000 range.

Watershed District	Taxes Payable 2004 (TMV)	Area (sq mi)	Expenditures				
			2001	2002	2003	2004	2005
Browns Creek	1,118,882,500	28	1,035,814	536,531	403,906	320,385	503,935
Capitol Region	12,180,656,400	37	397,354	386,503	577,504	1,327,715	924,848
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	243,511
Coon Creek	6,763,641,200	96	467,285	601,544	660,523	640,591	486,957
Lower Minnesota River	5,748,966,600	64	427,058	292,621	204,346	318,216	456,166
Minnehaha Creek	28,338,875,675	184	6,086,030	5,270,636	3,343,963	2,436,635	3,212,548
Nine Mile Creek	13,293,860,700	50	1,021,981	950,905	1,015,845	1,484,029	2,413,557
Prior Lake-Spring Lake	1,882,034,700	42	410,171	610,534	732,799	655,410	756,044
Ramsey-Washington Metro	9,197,769,100	53	3,048,986	3,329,310	3,370,862	2,350,399	1,945,645
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	1,252,877
Valley Branch	2,681,731,600	64	443,537	526,532	730,992	772,065	211,104

Executive Summary

This Watershed Management Plan is intended to be a ten-year planning document to guide District activities until superseded by adoption and approval of a subsequent plan. The plan identifies ten general issue areas and a number of policies, goals, and implementation items to address the specific concerns within each issue. These issues, policies, and goals were identified through a public and agency input process summarized in Chapter II: Issue Identification.

Through the input of the Citizens Advisory Committee and the Technical Advisory Committee, the BCWD has developed the following as its mission statement:

The Brown's Creek Watershed District works with the community to:

- Preserve and improve the quality of the District's water and natural resources;
- Educate residents about the value of this ecosystem and their potential impacts on its functions and values;
- Find and implement acceptable solutions to water-related issues; and
- Assure that the integrity of the watershed is preserved for future generations.

Land and Water Resource Inventory

A summary of the land, water, and natural resources of the District is given in Chapter III: Land and Water Resource Inventory. Information presented in this chapter of the Plan includes data collected within the BCWD studies and projects as well as other existing data on Brown's Creek, the lakes, the wetlands and the natural resources of the District.

Issue Areas

The ten identified issue areas and a short summary of each issue is given below. The issues are broken down into sub-issue areas and are described in more detail in Chapter IV: Watershed Issues, Policies, and Goals. Chapter IV also identifies the policies, goals and potential implementation items to address each goal.

1. Stormwater Runoff Management

Unless properly managed, impervious surfaces increase runoff rates, decrease the water quality of runoff, and reduce groundwater recharge. Urbanization and land-use changes often cause an increase in imperviousness, compact native soils, and remove existing vegetation. Unless land use changes are properly managed, these activities will increase the rate and volume of stormwater runoff generated in the watershed and will decrease the quality of surface water resources and the quantity of groundwater resources. Existing urbanized areas may already contribute additional runoff volume and increased runoff rates.

2. Erosion Prevention and Sediment Control

Unless properly managed, land-disturbing activities can increase erosion and lead to increased transport of sediment into surface waters. Increased erosion can also cause formation of gullies in areas with unstable soils.

3. Wetland Management

The District's wetland resources are at risk of degradation from land use practices that increase stormwater input, decrease wetland water quality, alter hydrologic pattern, and limit wildlife habitat within and adjacent to wetlands.

4. Lake Management

A number of lakes within the District have been impacted by land use changes that resulted in decreases in water quality and/or changes in water level. Other lakes have not seen dramatic changes in land use, but risk impacts to water quality, water level, fisheries, and recreational use if land use practices are not managed properly.

5. Stream Management

Alterations in land use disrupt the hydrology and ecology of stream ecosystems. For example, increased imperviousness in the contributing drainage area results in inhibited infiltration of rainfall and snowmelt resulting in reduced baseflow, larger and more frequent stormwater discharges, and increased temperature and pollutant loads. These factors contribute to channel enlargement, changes to instream habitat, decreased aquatic diversity and, in general, degrade the quality of the resource.

6. Floodplain Management

The BCWD risks losing flood storage areas through land and basin alterations. The loss of flood storage areas can increase the frequency, elevation, and duration of flooding causing increased impacts to infrastructure, property, and the natural environment.

7. Groundwater Management

Land-altering activities have the potential to impact groundwater resources as well as groundwater dependent natural resources. Without proper land-use and water resource management, the following impacts may occur: reduced groundwater recharge, reduced groundwater quality, alterations to drinking water supply and alterations to the function and value of groundwater dependent natural resources.

8. Education, Outreach, and Stewardship

Successful implementation of the watershed's goals will require the involvement of residents, businesses, and municipalities. These groups will be most interested in active participation in District projects, or in water and natural resource protection in general, if they understand the issues and the benefits of water resource management.

9. Land Conservation

Changes in land use threaten to degrade the quality of water resources and limit wildlife habitat through reductions in the area of land covered with native vegetation, increasing erosion and stormwater runoff, and breaking wildlife habitat into small disconnected areas unable to support the same types of populations.

10. Funding

Funding is necessary to operate the programs and to complete the projects that protect and improve the resources of the Brown's Creek Watershed District.

Implementation

A summary of the implementation program is included in Chapter V. The implementation program discusses funding, regulatory controls and enforcement, and impact on local units of government. Chapter V also lists priorities and estimated costs for each implementation item, identifies potential capital improvements, and summarizes expected District activities by year.

Strategies identified in the implementation plan are intended to serve as a road map for planning purposes. Information presented in the implementation table does not commit the BCWD Board of Managers to completing projects as they are laid out in the table. The Board of Managers has the flexibility to re-evaluate priorities and strategies.

Administration

The BCWD recognizes the need to amend the Plan to reflect changes in proposed land uses, updating of technical data as more accurate site information becomes available, and modifications in goals, policies, standards and implementation procedures which may be required as a result of future legislation or as enforcement or other problems become evident.

Significant changes involving goals, policies, standards, administrative procedures, or capital improvements will require a thorough review process as described in Minnesota Rules 8410.0140 and presented below.

Upon completion and adoption of the Plan and amendments, each municipality must amend an existing Local Water Management Plan to conform to the requirements of the Plan or prepare a new Local Plan which is in conformance with the BCWD Plan. The Local Plan must be submitted to the BCWD for approval within two years of the adoption of the BCWD Plan.

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

In the Matter of the review of the Watershed Management Plan for the **Brown's Creek Watershed District** pursuant to Minnesota Statues Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Brown's Creek Watershed District (BCWD) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **BCWD Establishment.** The Brown's Creek Water Management Organization (BCWMO) was established in the early 1980's as a joint powers agency. In 1990 it prepared and had approved the First Generation Watershed Management Plan for the BCWMO. Member organizations were: City of Stillwater, City of Oak Park Heights, City of Lake Elmo, Township and City of Grant, City of Hugo, Townships of May and Stillwater. This organization met monthly and remained a functional entity until the flooding events of 1995-1996. Failure to implement a comprehensive solution to the local flooding of the Kismet Basin in Grant and the School Section/Goggins Lake area in May Township and the City of Hugo led to the Board to declare the BCWMO to be non-functional and order Washington County to assume the responsibilities in January of 1997. The County in turn assigned the operation of the watershed to the Washington Soil and Water Conservation District and petitioned the Board to form a Brown's Creek Watershed District, which was then established in October of 1997.

2. **Requirement to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

3. **Nature of the Watershed.** The BCWD is located exclusively in Washington County in the east-central portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the Valley Branch Watershed District to the south, the Middle St. Croix

Watershed Management Organization to the southeast, the Carnelian Marine Watershed District to the northeast, and the Rice Creek Watershed District to the east. Member communities of the BCWD are the Cities of Grant, Hugo, Lake Elmo, Oak Park Heights, and Stillwater, and May and Stillwater Townships. The entire watershed is approximately 18,843 acres (29.4 square miles) in size. The main feature of this watershed is Brown's Creek, which flows from the upland portions of the watershed southeast to the St. Croix River. Approximately 72 percent of the District flows regularly overland to the St. Croix River. The remaining 28 percent of the watershed is composed of landlocked basins and semi-landlocked basins producing no regular overland flows to the St. Croix River. The watershed contains several land uses and is a developing watershed with a number of significant natural resources.

4. **Plan Development and Review.** Prior to submitting the Plan for formal review, the BCWD solicited input from review agencies and stakeholders through several meetings of both the Technical and Citizen's Advisory Committees. The draft Plan was submitted to BWSR, other state agencies, and local governments for the required 60-day review on May 22, 2006. A public hearing was held on September 11, 2006 and no comments were received. On September 21, 2006 the revised draft Plan was sent to the review agencies for the 45-day review period. Formal comments were relatively limited due to the early involvement of agency staff in the plan development process. The final draft Plan was submitted to BWSR on December 4, 2006.

5. **Local Review.** The BCWD circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

   Washington County. The County recommended additional language encouraging and directing local government units to improve groundwater protection efforts and include groundwater resource information in local plans. The County also recommended that BCWD coordinate with the Middle St. Croix Watershed Management Organization to develop a lake management plan for Lake McKusick in Stillwater. BCWD made the suggested changes to the Plan.

   City of Grant. The City noted that the arrangement with BCWD for permitting within the City has worked well, and requested information regarding wetland buffer width requirements.

6. **Metropolitan Council Review.** Met Council recommended that the prioritization of lake management plan development be based on the development potential of the lake, and noted that the Council also reviews local water management plans under the authority of Minnesota Statute 473. BCWD responded that the development potential of the lakes in the watershed are similar and that prioritization will be based on water quality and availability of long-term data.

7. **Department of Agriculture Review.** MDA did not provide comments on the BCWD Plan.

8. **Department of Health Review.** MDH did not provide comments on the BCWD Plan.

9. **Department of Natural Resources Review.** The DNR recommended that BCWD utilize Minnesota's Comprehensive Wildlife Conservation Strategy in their planning efforts. The DNR also provided BCWD with more accurate Ordinary High Water Level elevations for several lakes and provided a correction to the mapping of public watercourses. The DNR expressed concerns that some of the Plan goals and implementation actions may be too ambitious or extensive with limited staff. BCWD responded that they intend to utilize the Washington County shared educator position to accomplish many of the District's education goals and noted that the District can expend implementation efforts through other means if necessary.

10. **Pollution Control Agency Review.** PCA did not provide comments on the BCWD Plan.

11. **Department of Transportation Review.** DOT had numerous questions and requests for more specificity or clarification. DOT also recommended that BCWD's rules contain different standards and requirements for linear roadway projects than other land uses. BCWD answered DOT's questions, and responded that the rules have applied to all impervious surfaces since their development in 1999 and they have not been an issue for linear projects.

12. **Board Review.** BWSR commented that the Plan must contain specific enough information to provide a foundation for BCWD's rules and to signal the District's intent to its stakeholders, and that the Plan could benefit from more specificity in areas such as water quality standards and wetland protection. BCWD responded by adding a draft Statement of Need and Reasonableness for the proposed Rule changes as an appendix, which included additional and more specific information. BWSR also requested additional language concerning plan administration and permitting and implementation authorities, which was added to the Plan by BCWD. Finally, BWSR supported the annual cycle to review and update the implementation program and recommended a dialog with the South Washington Watershed District who is also planning a similar annual review process.

13. **Plan Summary and Highlights.** The District's Vision Statement is: "The Brown's Creek Watershed District is made up of communities interlaced with natural corridors. These natural corridors improve the function and value of the District's water resources and support a diverse population of plants, wildlife, and fish. The District brings people and the environment together to accommodate development that preserves the connection between surface water and groundwater and enhances the quality of these resources."

    The District's Mission Statement is as follows: "The Brown's Creek Watershed District works with the community to:

    - Preserve and improve the quality of the District's water and natural resources;
    - Educate residents about the value of this ecosystem and advise residents of their potential impacts on the functions and values of the District's water and natural resources;
    - Find and implement acceptable solutions to water-related issues; and
    - Assure that the integrity of the watershed is preserved for future generations."

The issues, policies, goals, and implementation items are clearly linked and will provide excellent direction for the District. Through the Plan development process, the District and its stakeholders identified ten issue areas relevant to the watershed. Each issue is broken down into sub-issue areas with corresponding policies stating the District's intent. The District then identifies specific and measurable goals for each policy with corresponding implementation items identified to accomplish those goals. The ten issue areas for which sub-issues, policies, goals, and implementation items were developed are as follows:

1. Stormwater Runoff Management
2. Erosion Prevention and Sediment Control
3. Wetland Management
4. Lake Management
5. Stream Management
6. Floodplain Management
7. Groundwater Management
8. Education, Outreach, and Stewardship
9. Land Conservation
10. Funding

The highlights of the plan include:

- Water quantity related project implementation and rule development was completed under the last plan, allowing this Plan to shift the focus to water quality maintenance and improvement.

- The Plan utilizes baseline monitoring data to create and implement lake management plans for all lakes in the District, including implementation of the high priority Long Lake management plan.

- BCWD will administer an ongoing Best Management Practices Cost-Share program directed specifically towards individual homeowners, and will develop a land conservation program that will define land protection priorities.

- BCWD will develop a Brown's Creek Stream Corridor Plan which will set specific water quality and habitat goals, and define regulatory and management actions and capital improvements necessary to attain those goals.

- BCWD will utilize the results of its ongoing monitoring program to continually measure the success of the implementation program in reaching the District's goals.

- The Plan provides for a periodic (annual or biennial) review of BCWD's accomplishments, rules, and implementation program by the technical and citizen advisory committees, including an assessment and prioritization of implementation activities. Rules will be revisited every 5 years or as needed.

- BCWD plans to work closely with its member communities to incorporate Plan policies into the local comprehensive plans.

14. **Metro Water Planning Committee Meeting.** On January 9, 2007, the Board's Metro Water Planning Committee and staff met with representatives from the BCWD in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Robert Burandt, Louise Smallidge, LuAnn Toliver, Jim Anderson, and Lisa Thorvig. Board staff in attendance were metro region supervisor Steve Woods and board conservationist Les Lemm. Representatives from the BCWD were Administrator Karen Kill and the District's Water Resources Engineer Lisa Tilman. Board staff recommended approval of the Plan. After discussion, the subcommittee unanimously voted to recommend approval of the Brown's Creek Watershed District 2007 - 2016 Watershed Management Plan to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Brown's Creek Watershed District pursuant to Minnesota Statutes Sections 103B.231, Subd. 9.

3. The Brown's Creek Watershed District Watershed Management Plan attached to this Order defines water and water-related problems within the BCWD 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 December 4, 2006 as the Watershed Management Plan for the Brown's Creek Watershed District.

Dated at Saint Paul, Minnesota this 24th day of January 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Minnesota Board of Water and Soil Resources
January 2007 Metro Subcommittee Meeting

OVERVIEW
South Washington Watershed District Implementation Investigation

Summary

On August 17, 2006, BWSR received a letter from Daniel Belka (attached), a resident of the City of Woodbury and the South Washington Watershed District, requesting that BWSR find the SWWD in failure to implement its watershed management plan. BWSR staff subsequently examined the request and conducted an investigation reviewing available information. This investigation resulted in a November 29, 2006 letter from Ron Harnack to Daniel Belka (attached) stating the findings of the investigation and the BWSR staff recommendation.

Rule Requirements

After receipt of a written complaint by a third party, Minnesota Rule 8410 requires Board staff to "initiate a preliminary investigation of the facts as they appear based on personal observation, review of all relevant documents, and discussions with involved parties." The results of this investigation are used to prepare a report of staff findings to ascertain whether a failure to implement exists. The attached 11/29/06 Harnack letter outlines the staff findings and recommendation. At this point, the Board's options are outlined below in the following excerpt from Minnesota Rule 8410.0180, Determinations of Failure to Implement:

Subp. 4. Board responsibilities.

A. On receipt of the board staff's report and recommendations, the board is required to do any or all of the following:

1) nothing further if the staff's investigation finds that the subject plan is being properly implemented, provided the board concurs;
2) advise board staff to conduct additional fact finding it considers necessary and report back to the board accordingly;
3) order the dispute resolution committee to convene to attempt to negotiate the matter and to advise the board further; or
4) issue findings of fact and conclusions of its investigation advising the affected organizations, county, or counties of the documented failure to implement the subject plan and advise the appropriate unit of government of its responsibility to implement the plan under Minnesota Statutes, section 103B.231, subdivision 3, paragraph (b), within a prescribed period of time.

Staff Recommendation

BWSR Board Conservationist Les Lemm recommends Board concurrence with the recommendation of the 11/29/06 Harnack letter per MN Rule 8410.0180 Subp. 4A (1), finding SWWD to be implementing its plan.

Minnesota Board of Water & Soil Resources

November 29, 2006

Daniel Belka
1556 Clippership Drive
Woodbury, MN 55125

Dear Mr. Belka,

This letter is in regards to your request for determination of failure of the South Washington Watershed District (SWWD) to implement its 1997 Watershed Management Plan (Plan). Specifically, page VI-4 of the plan lists an allowable peak flow rate of 35 cfs from Oakdale and Lake Elmo to Woodbury at I-94. In accordance with Minnesota Rule 8410.0180, my staff has reviewed relevant information (including approximately 20 documents), spoken with involved parties, and briefed me on three separate occasions. Through this staff investigation we have found the SWWD to be implementing its Watershed Management Plan. This matter will be discussed at the next meeting of our Metro Water Planning Review Committee, to which I am recommending no further action by our Board.

From past experience and annual reports filed by SWWD, we know that they are an active Watershed District. As you requested, our review was focused on specific activities relating to Wilmes Lake. You have done an excellent job of documenting what has been an evolving understanding of the hydrology of this sub-watershed.

Based on information provided to my staff, the 35 cfs rate cited was based on modeling activities that were part of the 1979 Woodbury Surface Water Plan, which was the best information available at that time. However, we understand that the SWWD has not been able to replicate that modeling effort. The 1997 Plan acknowledges the 35 cfs number may not be appropriate by indicating it "may be modified in the future during further analysis when more information is available." Your letter cites three different studies on the area, including the recent Stormwater Modeling Report completed by HDR Engineering, Inc. (HDR Report) for the Wilmes Lake Watershed, which includes an update to the current SWWD drainage model and options to reduce high water elevations during flood events. WSB & Associates, Inc. also recently completed an independent evaluation of the HDR Report for the City of Woodbury, which will be reviewed at the December 13th City Council meeting.

We are aware of communication between the City of Woodbury and SWWD concerning the October 2005 rainfall event and the Wilmes Lake sub-watershed. The City of Woodbury is also currently compiling and evaluating non-structural alternatives in addition to or complementing those identified in the HDR Report. In our conversations with Watershed District, City, and County staff, it is apparent that they are not only aware of the historical inaccuracy of the old Plan, but are reviewing the situation and exploring potential remedial options.

We understand the questions you raised regarding the specific model parameters and assumptions used by SWWD for the Wilmes Lake watershed. Watershed modeling is not an exact science, and technical disagreements on model details are not uncommon. Questions regarding specific model parameters are

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Bemidji, MN 56601
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fax (218) 755-4201

Brainerd
1601 Minnesota Drive
Brainerd. MN 56401
phone (218) 828-2383
fax (218) 828-6036

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

Fergus Falls
1004 Frontier Trail
Fergus Falls, MN 56537
phone (218) 736-5445
fax (218) 736-7215

Marshall
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Marshall, MN 56258
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261 Highway 15 S.
New Ulm, MN 56073
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best addressed through the planning process and peer review of modeling assumptions by City and Watershed engineers and other technical staff.

Based on our review of the matter, the specific issue you raised does not rise to the threshold of non-implementation of the SWWD Plan. While the actual 35 cfs rate was not met, SWWD has acknowledged it may be an inappropriate number and is taking steps to address the issue. Additionally, while the 35 cfs rate was the focus of your complaint, we understand the ultimate concern of area residents is the High Water Level elevation of Wilmes Lake, and SWWD and the City of Woodbury are actively working towards a solution to address the High Water Level and reduce potential flood damages. This is a complex issue and as such, it is important that any potential actions be based on accurate information. It deserves continued attention by SWWD, and the best option is for the local governments to continue to work together to provide a long-term solution favorable to the cities, landowners, taxpayers, and downstream users.

The best opportunity to influence SWWD activities is through public and agency input during the current Watershed Management Plan review process. This is the time for local stakeholders to document their concerns relating to Wilmes Lake as we move forward. I have instructed our staff to remain engaged in this issue as the SWWD Plan progresses through the review process.

The current version of the draft plan does identify potential flooding risks and property damage in the Wilmes Lake drainage area as a continuing concern. While the current draft of the Plan only references it, we understand the SWWD intends to pursue the recommendations of the HDR Report. We believe the Plan can be strengthened by including more specificity about the District's intent. Staff comments for the 45-day plan review period will request greater clarity regarding goals and implementation actions for Wilmes Lake, which of the HDR Report recommendations the SWWD intend to pursue or analyze, and when it will happen.

Thank you for your interest in local water management and your commitment to efficient and effective local government. We encourage you to remain involved in the development and implementation of the District's new Plan. If you have any questions, feel free to contact Les Lemm of our staff at 651-296-6057.

Sincerely,

Ron Harnack
Executive Director

CC: Matt Moore, SWWD Administrator
Jack Lavold, SWWD President
Klayton Eckles, City of Woodbury
Les Lemm, BWSR
Steve Woods, BWSR
BWSR Water Planning Review Committee

Daniel Belka
1556 Clippership Drive
Woodbury, MN 55125

August 2, 2006

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

Attn : Ron Harnack, Executive Director

Dear Sir:

By this letter I am filing a complaint and request a determination of failure of the South Washington Watershed District (SWWD) to implement its 1997 Watershed Management Plan as revised on November 1, 2002 (the plan) pursuant to Minnesota Statutes § 103B.231, subdivision 13, and Minnesota Rules part 8410.0180. As a resident of the water shed, I seek your assistance in assuring that storm water flows are managed as the plan prescribes.

I submit that the following item of the plan has not been implemented:

- Water Quantity Standards Table VI-I Allowable Peak Flow Rates for Full Development Flow Mgm't No. 3 (Page VI-4 of the plan)

This provision specifies an allowable peak flow rate during a 24 hour, 100 year event (design event) of 35 cubic feet per second (CFS) from Oakdale and Lake Elmo to Woodbury. As of this date, the regional pond proposed to limit this flow rate to 35 CFS has not been build

Furthermore the plan calls for the SWWD to implement modifications to infrastructure if the allowed flow rate is changed No infrastructure improvements have been implemented to address the higher flow rate that occurs during the design event. While Hudson Road has been raised recently and can now impound storm water from Oakdale and Lake Elmo, all of the added storage capacity is used to pond the additional storm water drained from the new Woodbury Lakes Development.

The effects of the high flow rates from Oakdale and Lake Elmo have been studied and documented in several studies including:

- A 1998 study by Bonnestroo, Rosene, Anderlik & Associates conducted for the SWWD entitled "I-94 Ponding Study" predicts the design event would raise the Wilmes Lake high water level (HWL) to 910 2 feet

- A 2003 study by HDR Engineering Inc (HDR) entitled "Flood Damage Reduction Report Wilmes Lake Subwatershed" predicts a design event would raise the Wilmes Lake HWL to 909 feet The report also predicts that 18 – 25 homes would be threatened and yard damage would result from by the design event

- A 2006 HDR Study by HDR that predicts a Wilmes Lake HWL of 908 6 feet for the design event

It is worth noting that the HWL predictions for the 100 yr design events trend downward with each successive study. SWWD attributes this to more accurate topographical information However, it seems just as likely that the presumptions about the antecedent conditions of the watershed, infiltration rates, or other variables account for the differences in the HWL predictions. In addition it is not clear that HDR properly accounted for the overflow stop logs that are present at the outflow of Wilmes Lake in their latest study

Our neighborhood was built on the assumption that the Wilmes Lake 100 year HWL was 906 5 feet The City of Woodbury requires a 3 foot freeboard so the minimum openings in homes had to be 909 5 feet. The egress window in my basement has an elevation of about 911 9 feet and is located only a few feet from Wilmes Lake emergency overflow. After the October 4, 2005 storm. Wilmes Lake overflowed over land just south of my house next to the egress window 90 % of my backyard was covered in water. Several of my neighbors faired worse than us SWWD's failure to implement its plan substantially increases the risk of my house flooding

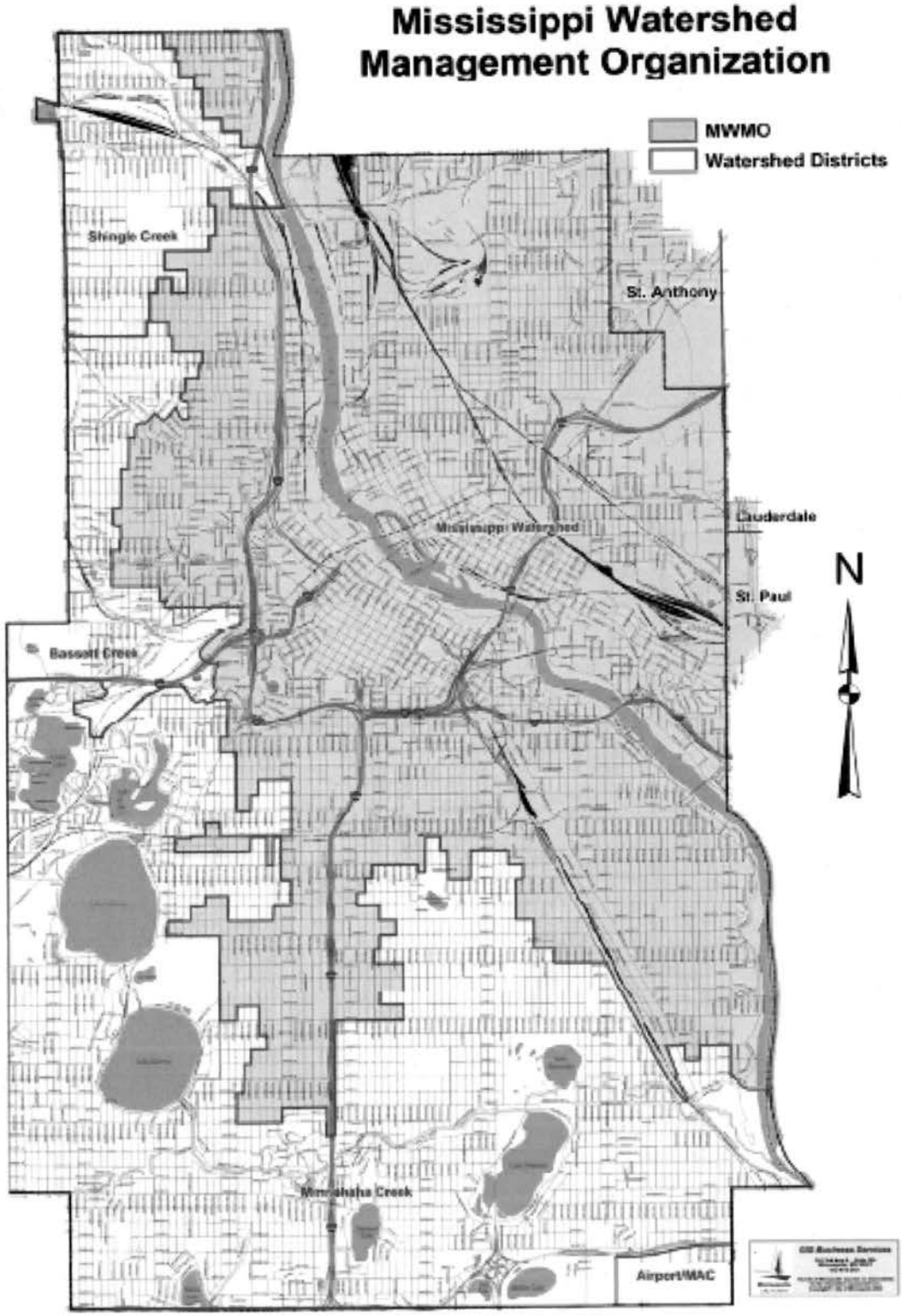
I have attended meetings on 12/13/2005, 1/10/2006, 2/14/2006, 3/14/2006, 4/14/2006, and 5/9/2006 with the SWWD and have participated on the Citizens Advisory Council to update the SWWD WMP in an attempt to advance concerns about the item in dispute, without avail. I look forward to hearing from you and will be happy to meet with you or members of your staff if you need additional information from me about this complaint.

Sincerely,

Daniel Belka

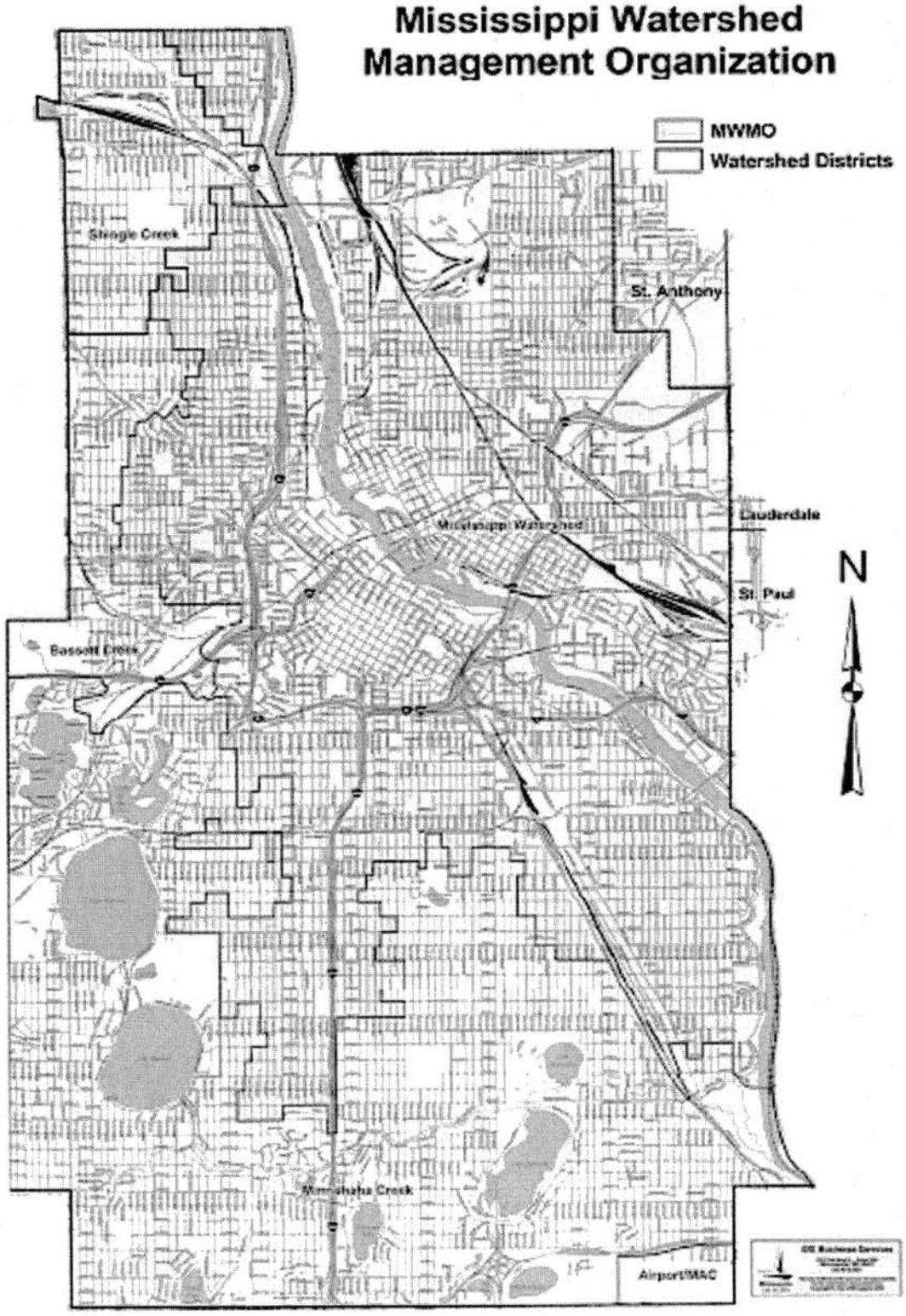
Minnesota Board of Water and Soil Resources
January 2007 Metro Water Planning Committee Meeting

MAP AND FISCAL INFORMATION
Mississippi Watershed Management Organization (MWMO)
Major Plan Amendment 2007-2010



Minnesota Board of Water and Soil Resources
January 2007 Metro Water Planning Committee Meeting

MAP AND FISCAL INFORMATION
Mississippi Watershed Management Organization (MWMO)
Major Plan Amendment 2007-2010



Watershed Description

The Mississippi Watershed Management Commission (MWMO) is located in Hennepin and Ramsey Counties in the heart of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the Six Cities WMO to the north, on the west by the West Mississippi / Shingle Creek Watershed Management Organizations and Bassett Creek WMO, on the south by Minnehaha Creek Watershed District, and on the east by the Capitol Region and Rice Creek WDs. The Mississippi Watershed Management Organization encompasses 13,602 acres (31.5 square miles) of fully developed urban lands and waters within the Minneapolis/St. Paul metropolitan area. The Mississippi Watershed Management Organization consists of portions of the cities of Lauderdale, St. Paul, St. Anthony, and Minneapolis including property owned by the Minneapolis Park and Recreation Board (MPRB). It is important to note that 94.3% of the watershed is within the City of Minneapolis. Over the course of the next ten years, the Minneapolis is proposing significant redevelopment and anticipating potential changes in land use. The Mississippi River is the primary water resource in the MWMO.

Fiscal Context and Implementation

In 2001 the MWMO received the authority to levy from the state legislature (MS 275.066, Subd. 21) an ad valorem tax for the implementation of its Watershed Management Plan. From 2002 to 2006 the levy ranged from $3.5 – 4 million annually. This is clearly a small watershed area with a huge tax base. The MWMO divides its budget into three main areas: Capital Projects, Programs, and Administrative expenses. Since 2002 these three primary budget areas have averaged 74%, 18% and 8% respectively. The newly proposed "Greening for Water Quality Program" has had $200,000 annually allocated to this fund since 2005.

Fiscal activities are an approximate barometer of influence within a watershed only. The table below reveals a significant trend with regards to increasing expenditures of MWMO. MWMO appears to be in the upper bracket of expenditures per area in comparison with adjacent WMOs. An average of $2.8 million annually has been allocated to CIP's since 2003.

The table below reveals financial information for adjacent WMOs.

WMO	Area (sq mi)	Year 02	03	04	05	Expend/Area
Mississippi WMO	**31**	**$239,658**	**$487,438**	**$722,226**	**-**	**$15,584**
Bassett Creek WMO	40	$390,653	$318,823	$1,176,382	$270,230	$8,164
Shingle Creek WMO	44	$353,581	$374,809	$349,990	$330,445	$8,170
Six Cities WMO	21	$9,810	$6,317	-	$13,764	$474
West Mississippi WMO	24	$67,834	$83,385	$125,104	-	$3,838
Capitol Region WD	41	$386,503	$577,504	$1,327,715	$924,848	$19,613
Minnehaha Creek WD	184	$5,270,636	$3,343,963	$2,436,635	$3,212,548	$19,380
Rice Creek WD	201	$1,692,567	$2,589,521	$3,041,834	-	$12,146

" – " indicates incomplete data.

Because this is a new program with an unknown number of funded recipients, we are unable to provide solid, measurable outcomes. The Metro Water Planning Committee may want to recommend that MWMO tabulate their outcomes/accomplishments for this program in their annual reports and strive to list measurable outcomes in their next plan update.

Executive Summary

"The segment of the Mississippi [River] flowing through the Minneapolis/St. Paul metropolitan area has always been of major significance as a resource, a boundary, a transportation corridor, a source of sustenance and energy, a place for recreation, an artistic inspiration, and a tourist attraction. It has been a home and work place, a source of water, and a sometime sewer. Demands upon it have often been in conflict, and attempts to manage its resources have frequently challenged state agencies, local governments, organizations, and area citizens."

-Minnesota National River and Recreation Area (MNRRA) Comprehensive Management Plan, 1995

Introduction

In January 1997, a Joint and Cooperative Agreement (JCA) was entered into by the cities of Minneapolis, St. Paul, Lauderdale, Falcon Heights, St. Anthony, and the Minneapolis Park and Recreation Board. This agreement added a new business name to the organization: the Mississippi Watershed Management Organization (MWMO) and replaced the agreement executed in 1985 that created the original organization. In 1999 the MWMO's legal boundary and subsequent levy area was redrawn to exclude the city of Falcon Heights. Falcon Heights is now a part of the Capitol Region Watershed District. Within this document the term "Watershed" will refer to the geographic area associated with the Mississippi Watershed Management Organization's legal boundary.

As part of their legal requirements, the MWMO is required to develop a Watershed Management Plan. This Plan is intended to meet and, whenever possible, exceed the water resource protection requirements under Minnesota Statutes 103A through 103G in conformance with Minnesota Rules Chapters 8410 and 8420. These requirements include protection of surface waters, groundwater, wetlands, and related natural resources. The Mississippi Watershed Management Organization is committed to the optimum utilization of geographic information systems (GIS), remote sensing, the Internet, and other innovative technologies in its

management of the watershed. These technologies offer great potential to inform citizens, elected officials, and watershed staff.

The essential purpose of the Mississippi Watershed Management Organization is to provide for the wise, long-term management of the water and associated land resources within the Watershed through implementation measures that realize multiple objectives, respect ecosystem principles, and reflect community values. The Mississippi Watershed Management Organization will protect, enhance and restore the surface and groundwater resources within its jurisdiction through education, management and enforcement.

The Mississippi River is the common focus of the Mississippi Watershed Management Organization. Within the boundary of the Watershed, all surface water either directly or indirectly drains to the river. The river itself provides a wide range of functions and activities such as: hydroelectricity; barge access; recreational water-related amenities; industrial, commercial and residential land uses; public drinking water; and, storm water and municipal wastewater discharge. The Mississippi Watershed Management Organization encompasses 13,602 acres (31.5 square miles) of fully developed urban lands and waters within the Minneapolis/St. Paul metropolitan area. As seen on Map 1, the Mississippi Watershed Management Organization consists of portions of the cities of Lauderdale, Minneapolis, St. Anthony, and St. Paul as well as property owned by the Minneapolis Park and Recreation Board (MPRB). It is important to note that 94.1% of the watershed is within the City of Minneapolis. The Mississippi Watershed Management Organization is the home of significant industrial, commercial, and residential activities in the Twin Cities, including river-related recreation.

The first draft of Mississippi Watershed Management Organization Watershed Management Plan was published in December 1986. The 1986 Plan was prepared to meet the then current Minnesota Chapter 509 requirements. The 1986 Plan addressed surface water quality and quantity, land use, and storm sewer drainage but was never approved by the existing Commission. The 1986 Plan identified significant point and non-point source pollution in the Watershed and it noted significant groundwater pollution problems from past industrial and commercial practices. Since the writing of the first draft, there have been several significant changes in state and federal rules and regulations. These changes have made it necessary to create a new document.

This current Plan expands the water resource management issues to include groundwater quality protection and improvement, in addition to the goals of surface water protection and water quality improvement. This Plan uses information and data from past studies and actions

to address a variety of issues determined as significant by the Mississippi Watershed Management Organization's Task Force, Citizens Advisory Committee (CAC), Technical Advisory Committee (TAC), and the Board of Commissioners. This Plan is subdivided into several sections, each addressing the items required by Minnesota Rules Chapter 8410.

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 **Mississippi Watershed Management Organization** pursuant to Minnesota Statues Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHED MANAGEMENT PLAN AMENDMENT

Whereas, the Board of Commissioners of the Mississippi Watershed Management Organization (MWMO) submitted a Watershed Management 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. **MWMO Establishment.** The [Middle] Mississippi WMO (MWMO) was established in 1985 and included the University of Minnesota. The first Watershed Management Plan was published in December 1986. In 1997, a Joint and Cooperative Agreement, more commonly entitled "Joint Powers Agreement" across the metro region, was entered into by the cities of Minneapolis, St. Paul, Lauderdale, Falcon Heights, St. Anthony, and the Minneapolis Park and Recreation Board. This agreement added the new MWMO business name to the organization, formerly the Middle Mississippi WMO, and replaced the agreement executed in 1985 that created the original organization. In 1999, the MWMO's legal boundary was redrawn to exclude the city of Falcon Heights, which is now a part of the Capitol Region Watershed District.

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 MWMO is located in Hennepin and Ramsey Counties in the heart of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the Six Cities Watershed Management Organization to the north, on the west by the West Mississippi / Shingle Creek Watershed Management Organizations and Bassett Creek

Watershed Management Organization, on the south by Minnehaha Creek Watershed District, and on the east by the Capitol Region and Rice Creek Watershed Districts. The MWMO encompasses 13,602 acres (31.5 square miles) of fully developed urban lands and waters. The MWMO consists of portions of the cities of Lauderdale, St. Paul, St. Anthony, and Minneapolis including property owned by the Minneapolis Park and Recreation Board. It is important to note that 94.3% of the watershed is within the City of Minneapolis. Over the course of the next ten years, the Minneapolis is proposing significant redevelopment and anticipating potential changes in land use. The Mississippi River is the primary water resource in the MWMO.

4. **Plan Development and Review.** The draft Amendment was submitted to BWSR, other state agencies, and local governments for the required 60-day review on June 13, 2006. The main components of the Amendment include: 1) Clearer, more accurate program descriptions, 2) Addition of the "Greening for Water Quality Program", 3) Expansion of scope for several programs, and 4) Modification of the scoring system for funding individual projects (CIP). The MWMO received 60-day review comment letters from BWSR, DNR, MNDOT, MPCA, Met Council, and the Minneapolis Park and Recreation Board. MWMO held a public hearing on September 18, 2006, with five citizens in attendance. No new suggested changes were offered during the meeting. On September 22, 2006, all review agencies had received the revised draft Amendment for the required 45-day review period. The Commissioners received comment letters from the BWSR, DNR, and Met Council. The final draft Amendment was submitted to BWSR on December 7, 2006.

5. **Local Review.** The MWMO circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

   Minneapolis Park and Recreation Board had several concerns regarding the future funding of capital improvement projects on Park property and the revised project scoring system. MWMO responded by stating that they will continue to consider funding elements of Park projects that directly improve water quality and natural resources of the watershed. MWMO stated that the revised project scoring system is more qualitative, revealing true substantive differences between proposed projects. Other minor additions were incorporated into the Amendment.

6. **Metropolitan Council Review.** Met Council was highly supportive of the amendment and offered recommendations for the next plan update, which will begin in early 2007.

7. **Department of Agriculture Review.** MDA did not provide comments on the MWMO Amendment.

8. **Department of Health Review.** MDH did not provide comments on the MWMO Amendment.

9. **Department of Natural Resources Review.** The DNR asked for several minor clarifications/additions, which were incorporated into the Amendment. DNR also

provided numerous suggestions regarding the Mississippi River Corridor for the next plan update.

10. **Pollution Control Agency Review.** MPCA offered comments related to TMDLs, stormwater management, and water quality data acquisition that the MWMO intends to address in the next plan update.

11. **Department of Transportation Review.** DOT submitted comments that MWMO will address in the next plan update.

12. **Board Review.** BWSR had no major concerns related to the Amendment.

13. **Plan Summary and Highlights.** The main goal of the major plan amendment is the addition of the "Greening for Water Quality Program". Objectives of the program include:

- Reduce the volume, slow the rate and treat runoff leaving the land by using plants to:
  - Reduce the amount and continuity of impervious surfaces
  - Mitigate erosion
  - Conserve and reuse water
  - Increase capacity of the watershed to intercept precipitation and infiltrate and store water
  - Lower temperatures and reduce water loss and heat stress associated with drought
- Pilot innovative ideas and techniques for local conditions
  - Improve techniques, refine standards and identify limitations
  - Create highly visible demonstration sites to inform and educate the watershed community
- Advance the development of water quality standards for landscape and building design
  - Learn from and work with other groups and efforts
  - Modify ordinances and variances
  - Identify research questions
- Restore and protect habitat, native plant and animal communities
  - Protect, enhance and restore natural areas by planting native species
  - Actively seek opportunities to vegetate urban landscape and link green spaces

14. **Metro Water Planning Committee Meeting**. On January 9, 2007, the Board's Metro Water Planning Committee and staff met with representatives from the MWMO in St. Paul to review and discuss the Amendment. Those in attendance from the Board's Committee were Robert Burandt, Louise Smallidge, LuAnn Tolliver, Jim Anderson, and Lisa Thorvig. Board staff in attendance were Metro Region Supervisor Steve Woods and Board Conservationist Brad Wozney. The representative from MWMO was Program Manager Dan Kalmon. Board staff recommended approval of the Amendment. After discussion, the subcommittee unanimously voted to recommend approval of the Mississippi Watershed Management Organization Watershed Management Plan Amendment to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan Amendment for the Mississippi Watershed Management Organization pursuant to Minnesota Statutes Sections 103B.231, Subd. 9.

3. The Mississippi Watershed Management Organization Watershed Management Plan Amendment attached to this Order defines the need and purpose of the program changes, their relation to the WMO'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 Plan Amendment dated December 7, 2006, to the Watershed Management Plan for the Mississippi Watershed Management Organization.

Dated at Saint Paul, Minnesota this 24th day of January 2007.

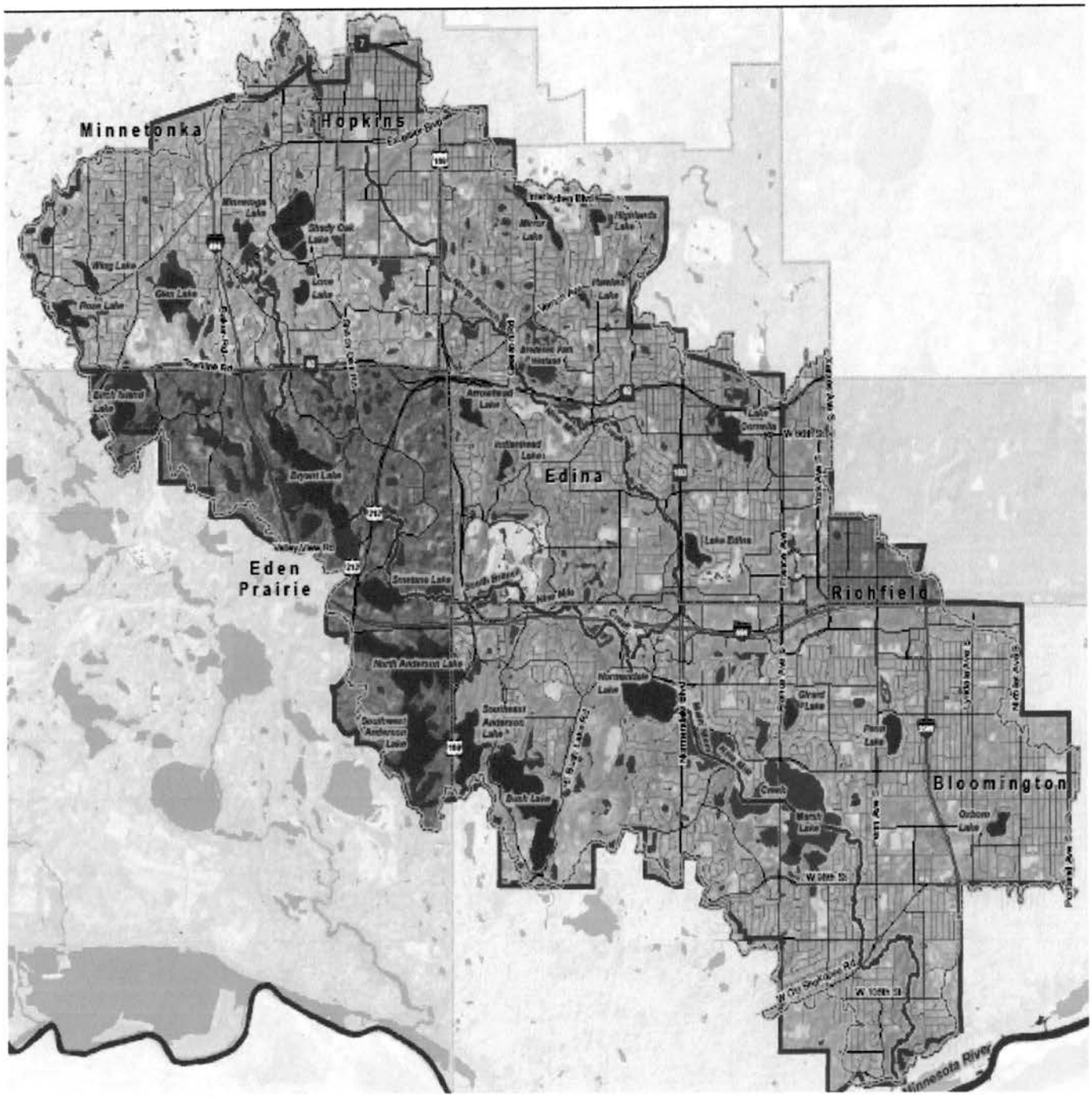
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Minnesota Board of Water and Soil Resources
January 2007 Metro Water Planning Committee Meeting

MAP AND FISCAL INFORMATION

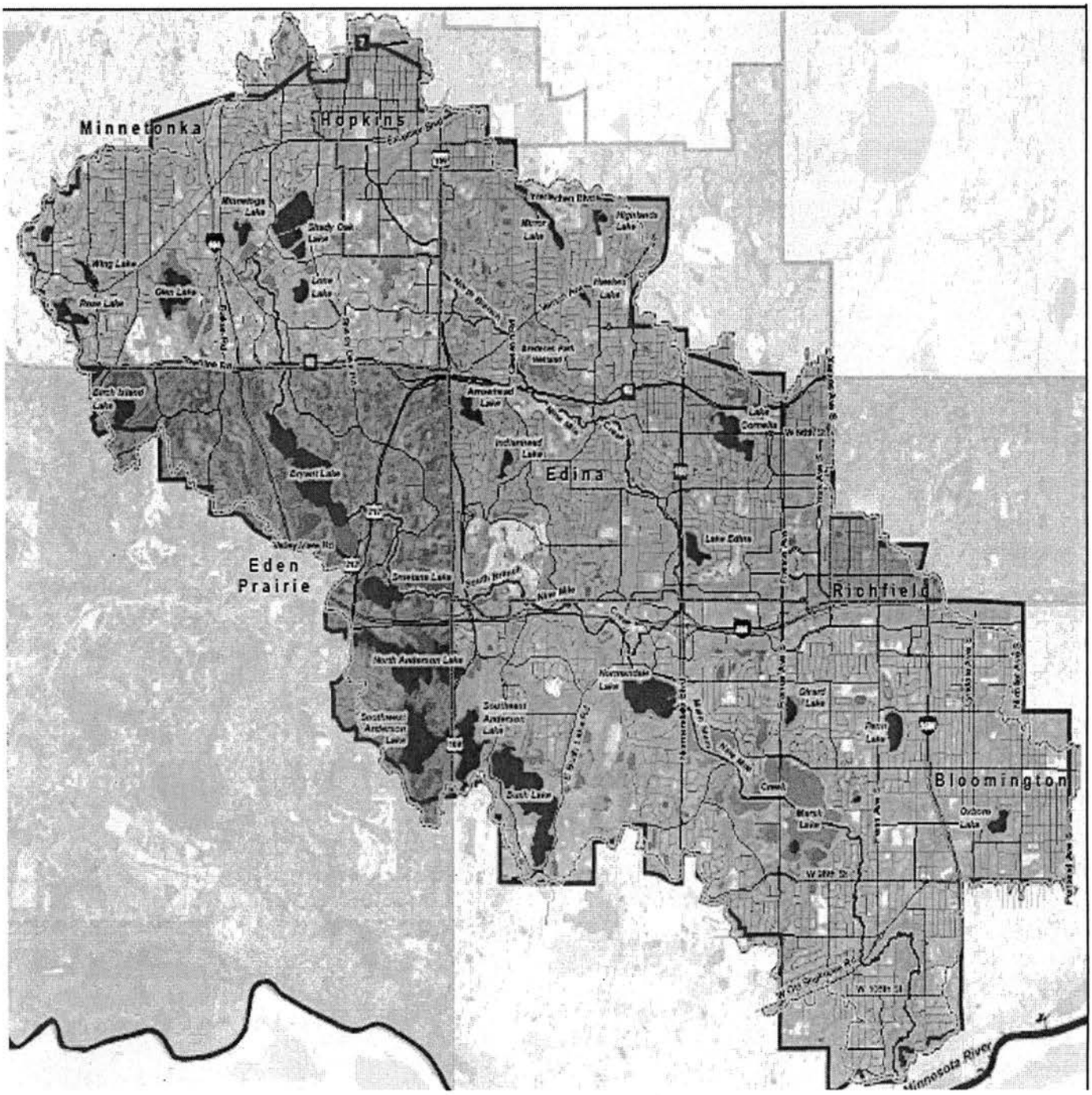
Nine Mile Creek Watershed District (NMCWD) Plan 2007-2017



Minnesota Board of Water and Soil Resources
January 2007 Metro Water Planning Committee Meeting

MAP AND FISCAL INFORMATION

Nine Mile Creek Watershed District (NMCWD) Plan 2007-2017



Nature of the Watershed.

The NMCWD is located in the south central portion of Hennepin County. The District encompasses approximately 50 square miles in southern Hennepin County and it includes portions of the cities of Bloomington, Eden Prairie, Edina, Hopkins, Minnetonka, and Richfield. The entire NMCWD is within the Metropolitan Urban Service Area (MUSA) and is completely urbanized. Redevelopment pressure in the watershed will likely increase over the next ten years. 15 square miles of the watershed are landlocked. The watershed ranges from relatively flat topography in the upper and middle portions of the watershed, to the steep lower valley that descends to the Minnesota River at the downstream portion of the watershed. Nine Mile Creek originates as two branches: a north and a south fork. There are 18 lakes and many miles of stream.

The District is bound by the Minnesota River and the Lower Minnesota River Watershed District to the south, on the west by Riley Purgatory Bluff Creek Watershed District, on the north by Minnehaha Creek Watershed District, and to the east by Richfield Bloomington Watershed Management Organization.

Fiscal Context and Implementation.

The table below reveals a significantly increasing trend with regards to expenditures of NMCWD over the past four years. NMCWD expenditures appear to be comparable to adjacent Metro Watershed Districts in the middle-to-upper spending bracket. Expenditures for their Capital Improvement Program are projected to be approximately $28,156,000 (and $47,000 for operations and maintenance of those projects) during the life of the Plan. NMCWD will continue to implement its projects (CIPs) primarily through the project petitioning process (MS 103D.705) to ensure strong coordination and partnerships with the affected municipalities. The "administration and programs budget" is projected to range from $508,000 to $733,500 annually throughout the Plan.

The table below reveals financial information for adjacent WMOs.

WMO	Area (sq mi)	Year				Expend/Area
		02	03	04	05	
Bassett Creek	40	$390,653	$318,823	$1,176,382	$270,230	$8,164
Black Dog	26	$181,628	$159,941	$114,637	$82,685	$5,182
Carver County	280	$69,447	$104,573	$138,255	-	$372
Gun Club Lake	33	$28,125	$18,451	$32,237	$22,958	$771
Scott County	323	$145,029	$194,985	$440,661	$475,208	$972
Nine Mile WD	**50**	**$386,503**	**$577,504**	**$1,327,715**	**$924,848**	**$16,083**
Lower MN WD	64	$292,621	$204,346	$318,216	$456,166	$4,966
Minnehaha Creek WD	184	$5,270,636	$3,343,963	$2,436,635	$3,212,548	$19,380
Riley Purgatory Bluff Creek WD	47	$772,593	$2,366,737	$2,245,286	-	$38,189

" – " indicates incomplete data.

1.0 Executive Summary

This Nine Mile Creek Watershed District (NMCWD) Watershed Management Plan (Plan) sets the vision, guidelines, and proposed tasks for managing surface water within the boundaries of the NMCWD. This Executive Summary summarizes highlights of the Plan, including introductory information, the NMCWD vision statement, goals, policies to achieve goals, and actions that will be implemented to achieve objectives.

1.1 Introductory Information

The NMCWD was established on September 30, 1959 in response to a citizen's petition to the State of Minnesota to address water resource issues.

Like all watershed districts, the NMCWD is a special purpose unit of local government that manages water resources on a watershed basis (a watershed is an area of land that drains to a given lake, river, stream or wetland). Watershed district boundaries generally follow natural watershed divides, rather than political boundaries.

The NMCWD is located in the south-central region of Hennepin County, and covers approximately 50 square miles. Figure 2-1 shows the location of the NMCWD and the communities that lie within, or partially within the NMCWD. The following is a list of these communities:

- Bloomington
- Edina
- Eden Prairie
- Hopkins
- Minnetonka
- Richfield

Watershed districts are governed by a local Board of Managers who are appointed by the boards of the counties with the land in the watershed district. In the NMCWD, the Board of Managers has five members appointed by the Hennepin County Board. The appointments are for staggered three-year terms.

The regularly scheduled meetings of the NMCWD Board of Managers are held on the third Wednesday of each month. The meetings are open to the public and are held at the District Administrative Office located at 7710 Computer Drive, in Edina.

The NMCWD employs a full-time Administrator. Other services, including engineering, legal, accounting, and secretarial assistance are provided by part-time consultants. The NMCWD has a

website (www.ninemilecreek.org), which includes NMCWD permitting information, manager and consultant information, agendas, and minutes from Managers' meetings, and other pertinent information.

Watershed districts within the Twin Cities metropolitan area come under the guidance of both the Watershed Act (Minnesota Statues 103D) and the Metropolitan Surface Water Management Act (Minnesota Statutes 103B). Minnesota Statutes 103B and 103D require watershed districts to prepare watershed management plans. In addition to the plan requirements given in statute, watershed districts in the Twin Cities metropolitan area must also follow the detailed plan requirements of Minnesota Rules 8410. This watershed management plan (Plan) is the fourth NMCWD Plan approved by the Minnesota Board of Water and Soil Resources (BWSR), or its predecessor. Previous plans were published in 1961, 1973, and 1996.

1.2 Watershed District Purposes

1.2.1 General Watershed District Purposes

The general purposes of a watershed district are to conserve natural resources through land use planning, flood control, and other conservation projects to protect the public health and welfare and for the wise use of the natural resources (Minnesota Statues 103D.201).

Watershed districts can be involved with a number of issues, including protection or enhancement of water quality, prevention and alleviation of flood damage, prevention and alleviation of soil erosion and sedimentation, regulation of streams, lakes and water courses for domestic, recreational and pubic use, and protection and regulation of groundwater uses.

In addition, the purposes of watershed management organization water management programs in the metropolitan area (quoted from Minnesota Statutes 103B.201) are as follows:

1. Protect, preserve, and use natural surface and groundwater storage and retention systems.
2. Minimize public capital expenditures needed to correct flooding and water quality problems.
3. Identify and plan for means to effectively protect and improve surface and groundwater quality.
4. Establish more uniform local policies and official controls for surface and groundwater management.
5. Prevent erosion of soil into surface water systems.
6. Promote groundwater recharge.
7. Protect and enhance fish and wildlife habitat and water recreational facilities.
8. Secure the other benefits associated with the proper management of surface and groundwater.

1.2.2 Historical NMCWD Purposes and Past Successes

For its first 15 to 20 years, the NMCWD Board of Managers focused primarily on how to solve the flooding problems in the watershed. This major effort resulted in the construction of six major flood prevention projects, including: Marsh Lake Dam, Normandale Lake Improvement, Bredesen Park flood storage area, Bush Lake Outlet, Smetana Lake Outlet, and Hopkins Culvert improvements. Also, a major streambank stabilization project in the lower valley reach of Nine Mile Creek was completed to reduce erosion and sediment export to the Minnesota River.

The NMCWD rules and regulations have been an essential tool in preventing problems. In 1973, the District adopted rules and regulations and began reviewing proposed developments and other projects in the watershed through its permit program. The NMCWD rules and regulations have always addressed the water quantity impacts of stormwater (e.g. flooding, rate control). At first, the NMCWD rules only indirectly addressed the water quality impacts of stormwater, but since 1997 they have directly addressed water quality impacts (upon implementation of the 1996 NMCWD Plan).

The NMCWD has been concerned about water quality since its formation. Since 1968 the NMCWD and other authorities have been monitoring the water quality of streams in the watershed. Lakes have been monitored by the District since 1997.

Since 1997, the NMCWD has concentrated on solving remaining flooding problems and conducting water quality studies. Between 1997 and 2005 the NMCWD completed 12 diagnostic-feasibility studies (termed *Use Attainability Analyses,* or *UAAs*) for lakes within the NMCWD. Three additional lake UAAs are on-going, scheduled for 2006 completion.

Additionally, the NMCWD has implemented several programs and projects over the years to improve the quality of life in the watershed. Some of the more significant programs and projects include:

- Collecting monthly water levels on more than a dozen lakes.
- Collecting groundwater levels from nearly a dozen NMCWD groundwater observation wells.
- Collecting water quality data, cooperating with other organizations (e.g. Metropolitan Council (MC)) in collecting water quality data from almost every surface water body with the NMCWD.
- Completing water quality studies to determine if a water body's quality is achieving its goal and developing water management plans to improve or protect a water body's quality.
- Cooperating with constituent cities, other agencies and organizations in studies and capital projects to address water quality and flooding issues of mutual interest.
- Reviewing and/or permitting about 40 development proposals per year.

Since the adoption of the District's Water Management Plan in 1996, the District has completed the Bush Lake Outlet, Smetana Lake Outlet and the Minnetonka Lakes Water Quality Improvement

Basic Water Management projects. The Minnetonka Lakes Water Quality Improvement Project implemented the recommendations presented in the Glen Lake, Lone Lake, Minnetoga Lake and Shady Oak Lake Use Attainability Analyses. The District has received a petition from the city of Eden Prairie for the implementation of the recommendations presented in the Use Attainability Analyses completed for Anderson Lakes, Bryant Lake and Birch Island Lake. It is anticipated that the project will commence in 2007. The District has also received a petition from the city of Hopkins for the stabilization of Nine Mile Creek from Excelsior Boulevard to T.H. 169. The recommendation was presented in the Nine Mile Creek Use Attainability Analysis, March 2004.

As previously stated, the 1996 Water Management Plan concentrated on solving the remaining flooding problem within the District and began conducting water quality studies of 15 lakes within the District. This was an orderly transition between water quantity and water quality management that received the support of the municipalities within the District and the regulatory review agencies. The accomplishments of the 1996 Plan provided the foundation for the programs/objectives of the 2006 Water Management Plan. The Managers noted that this resulted in additional administrative activities for the District, thereby resulting in the hiring of an administrator to guide the activities of the District. To establish greater public involvement and interaction the Managers opened a District Office in 2005. A possible shortfall of the District's accomplishments over the past 10 years was that the Rules and Regulations of the District that have been in place since 1973 were not revised during this time period. The District has identified revision of the District's Rules and Regulations as a primary objective in 2007.

1.2.3 NMCWD Vision Statement

The NMCWD Managers adopted a vision statement to guide them through this planning process, and in its future day-to-day operations.

Nine Mile Creek Watershed District (NMCWD)—Vision Statement

It is the NMCWD Board of Managers' vision and intent to manage water resources within the District in a manner that will attain and preserve their highest and best intended beneficial uses. Intended use designations have been made in keeping with records of historical use, applicable state and federal water laws, and in consultation with the District's constituent cities, state and regional resource management agencies, and the general public.

The District seeks a proactive role in watershed runoff regulation that anticipates ultimate watershed land use development. The District also seeks to provide its residents with protection against both flood damage and water quality degradation by conducting diagnostic-feasibility studies of watershed runoff-related problems. Where these studies indicate the need for implementation of remedial measures to mitigate current or likely future problems that interfere with attainment of beneficial use goals, the District will

sponsor reasonable cost cooperative projects in response to project petitions from its constituent cities.

Throughout all of its water management planning activities, the District will encourage increased stakeholder involvement in its decision-making, especially by public officials and concerned citizens.

1.3 NMCWD Plan Organization and Summary

This NMCWD Plan sets the course for future management of the water resources within the watershed. The NMCWD Plan provides data and other background information, outlines the applicable regulations, assesses specific and watershed-wide issues, sets goals and policies for the NMCWD and its resources, and lists planned actions to achieve the goals. The NMCWD Plan also discusses the financial considerations of implementing programs and actions, and funding sources that may be available to the District. The NMCWD Plan is organized into ten major sections, summarized as follows:

Section 1.0 Executive Summary—Summarizes the highlights of the NMCWD Plan, including introductory information, the District's Vision Statement, Goals, Policies, Objectives, and planned Actions.

Section 2.0 Land and Water Resource Inventory—Provides background information about the NMCWD and provides a brief history of the District. It also provides technical information describing the surface and subsurface conditions of the Watershed, including: precipitation, land cover, soils, topography, geology, groundwater, surface water resources, unique features and scenic areas, and pollutant sources. This section also includes a number of maps and summary tables, such as a map of major and minor sub watersheds and a table of drainage areas.

Section 3.0 Impact on Other Units of Government—The NMCWD has used various methods to involve and inform its constituent municipalities and the general public about preparation of this Plan. This has included numerous public meetings, meetings with municipal Engineering and Public Works Department staffs (the District's Technical Advisory Committee (TAC)) and use of the District's website (www.ninemilecreek.org), principal among other efforts. The NMCWD will continue expanding these involvement efforts to increase awareness of the NMCWD, coordinate and cooperate with other groups (including its Citizens Advisory Committee (CAC)) to educate the public, recruit (and recognize) volunteers for monitoring efforts and involvement in NMVWD programs, promote positive behaviors that have a positive impact on water resources, and to use its advisory committees in meaningful ways. Through these efforts, the District will increase the public's understanding of water resource management and issues in the watershed, and foster long-term public commitment to protecting these resources.

Section 4.0 Statement of Goals and Policies—Presents the issues, goals, and policies that pertain generally to the NMCWD. Section 4.0 contains an introductory preamble, plus nine subsections. These subsections, in tabular format, are organized around major topics, as follows:

4.1 Stormwater Management	4.6 Land Use Management
4.2 Surface Water Quality	4.7 Floodplain Management
4.3 Open Spaces and Recreational Uses	4.8 Education and Outreach
4.4 Wetlands Management	4.9 Administration
4.5 Groundwater Protection	

These nine subsections are all organized in the same manner, with a summary table that describes:

- The importance of the topic area
- General issues related to the topic area
- Management goals of the NMCWD
- Policies adopted and followed to achieve these goals
- Specific management objectives, including planned actions of the District.

Section 5.0 Assessment of Problems—Discusses identified water quality problems associated with lakes, streams, wetlands, drainage ditches, recreational use opportunities, and fish and wildlife resources.

Lake Water Quality Problems

Lake water quality problems have been diagnosed for major recreational lakes within the NMCWD through the UAA process, as outlined by the Water Environment Research Foundation (WERF). This process involves the following seven basic steps intended to achieve or maintain water quality conditions that support beneficial uses such as swimming, fishing, esthetic viewing, and wildlife habitat:

1. Determine current and historic water quality conditions.
2. Set water quality goals that support intended uses.
3. Assess attainment or nonattainment of goals for current watershed land-use conditions.
4. Estimate annual runoff water and pollutant inputs to water bodies.
5. Calibrate a computer simulation model to predict observed lake- or stream-water quality conditions from annual runoff inputs.
6. Using the calibrated lake- or stream-model, assess water quality goal attainment for current and ultimate watershed land-use conditions and range of climatic conditions.

7. If necessary, recommend feasible alternative remedial measures (i.e., best management practices (BMPs)) to achieve desired water quality.

UAAs are intended to be "Total Maximum Daily Load (TMDL) Equivalent" studies and implementation of their recommendations should result in removal of the subject water bodies from the Minnesota Pollution Control Agency's (MPCA's) Sec. 303(d.) Impaired Waters list. The following tabulation (Table 1-1) summarizes the findings and conclusions of the lake UAAs completed to date. A wide variety of water quality problems typical of lakes within urban watersheds were identified. These include, generally, pollutant loads from both external and internal sources and various biological imbalances in plant and fish communities. UAA Project synopses are included in Section 5.1 of the Plan and discuss diagnosed problems and recommended remedial measures in greater detail.

Table 1-1 UAA-Identified Water Quality Problems in NMCWD Lakes

Lake	Water Quality Problems		
	Watershed Runoff Pollution	Internal P Recycle	Exotic Plant Species
Bush			✓ - CLP, EWM & PL
Bryant	✓	✓	✓ - CLP, EWM & PL
Smetana		✓	✓ - CLP & PL
Anderson	✓	✓	✓ - CLP & PL
Normandale	✓	✓	✓ - CLP & PL
Penn (Lower)			✓ - PL
Mirror	✓	✓	✓ - CLP & PL
Cornelia	} UAAs In-Process		
Indianhead			
Arrowhead			
Birch Island	✓		✓ - PL
Glen	✓		✓ - PL
Minnetoga	✓		✓ - PL
Lone	✓		✓ - PL
Shady Oak	✓		✓ - EWM & PL

* CLP = Curlyleaf Pondweed, EWM = Eurasian Watermilfoil, and PL = Purple Loosestrife

Stream Water Quality Problems

Nine Mile Creek experiences many water quality problems characteristic to urban streams. These all relate to the increased quantity and degraded quality of watershed runoff reaching the creek. In diagnosing Nine Mile Creek water quality problems, the entire creek was surveyed and classified according to the Rosgen Physical Classification system, using stream measurements of

- Entrenchment ratio
- Flood-prone area
- Width/depth ratio
- Bankfull discharge capacity
- Sinuosity
- Channel materials
- Water surface slope

Stream reach segments were then rated as to their sensitivity to disturbance, recovery potential, and actual condition. In this process numerous problems were identified that will require remedial attention in the future.

Results of the Nine Mile Creek physical classification were subsequently used in combination with biological and water quality survey information to perform Ecological Use Classification (EUC) assessments of Nine Mile Creek stream reaches. These assessments identified the potential suitability of the stream for aquatic life, including benthic macroinvertebrates and fish. In general, these assessments indicated biological impairments were related to habitat destruction caused by the scouring effects of the increased frequency of bankfull or greater flows in the creek. Desirable remedial measures were identified along with the need for further detailed surveys in the future.

Other Assessed Problems

Urban stormwater runoff has the potential to cause numerous other problems to resources and pursuits, including:

- County ditches
- Runoff rate control and flooding
- Recreational opportunities
- Fish and wildlife resources
- Soil erosion
- Land use practices
- Regulatory controls to mitigate adverse impacts on public waters and wetlands

These and other potential future problems are assessed in Section 5.0, along with the adequacy of current Capital Improvement Programs to deal with these problems.

Section 6.0 Implementation Program—Discusses responsibilities of the NMCWD, its constituent cities, and other state and regional governmental agencies for managing water resources within the District. Included are:

- **Regulatory Controls**
  - Wetlands Conservation Act
  - Erosion and sediment control
  - Shoreland and floodplain ordinances
  - Water quality nuisances
- **Stormwater and Drainage Design Performance Standards**
  - Target in-lake nutrient concentrations
  - Maximum permissible runoff rate and volume
  - Flooding impact standards
  - Stormwater outlet structure design criteria
  - Water quality basin design methodology
  - Pollutant load limitations
  - Variances
  - Information Program
- **Data Collection**
  - Lake monitoring
  - Stream monitoring
  - Assessment and reporting
- **Management Programs**
  - Municipal Comprehensive Stormwater Management Plans
- **Potential Structural Solutions to Problems**
  - Capital Improvement projects
  - Financing

All of the above programs involve some level of shared responsibility between the NMCWD and others, as is discussed in Section 6.0.

Section 7.0 Impact on Local Government—This section outlines how the NMCWD's implementation program will affect local government in terms of cost and administrative issues.

The NMCWD's intention is to work cooperatively with its municipalities and to limit additional requirements imposed upon local units of governments as much as possible while still accomplishing the NMCWD's purposes and implementing its Plan.

The District will work with the Cities on the initial stages of the permitting process to address District goals and objectives. The Cities may have to update and/or adopt ordinances or other regulatory controls to meet the goals and objectives of this Plan.

Section 8.0 Implementation Priorities—The NMCWD prefers to undertake Basic Water Management Projects on a cooperative basis in response to petitions from its constituent cities, but reserve the right to initiate projects itself. The District is now shifting its focus onto implementation of the recommended BMPs from the 15 lake/watershed UAAs completed during the past 10 years. No prioritization of projects has yet been made. The order in which projects

are undertaken will depend, to some degree on the receipt of petitions, but will likely concentrate on lakes with the highest perceived public value (e.g. Level I swimming lakes) first. The District also reserves the right to initiate projects with a compelling need, even without a petition. Other flood control or water quality management projects not currently foreseen by this Plan may also be undertaken following the Plan Amendment process.

In addition to pending water quality improvement projects recommended by UAA reports, the District intends to be actively involved in TMDL studies and other programs that may lead to future capital improvement projects.

Section 9.0 Implementation Components—The NMCWD is ultimately responsible for implementation of all aspects of this Plan.

Each municipality within the NMCWD, in its local comprehensive stormwater management plan, must provide for the adoption of necessary regulatory controls, stormwater design standards, education programs, data collection programs, and maintenance programs that are identified in this Plan within 2 years from the adoption of the last Watershed District/Water Management Organization Water Management Plan. The District will work with the municipalities in achieving a coordinated effort between the requirements of the NPDES Permit/MS4 requirements and the statutory requirements of the Metropolitan Surface Water Management Act. As part of that plan, each municipality must develop a qualifying local wetlands management plan and assess the adequacy of specified management programs. Municipalities and other State Agencies designated as local units of government pursuant to the Wetlands Conservation Act (WCA) must also enforce that Act. Hennepin County is responsible for groundwater planning in accord with the BWSR-approved plan.

Where WCA duties have been assumed by municipalities, assistance and responsibilities of the District are limited to providing technical assistance as requested by local governmental units. For those municipalities that have chosen not to assume WCA responsibilities, the District has assumed those duties.

Local governmental units must adopt regulatory controls that, at a minimum, incorporate BMPs and best available technologies as promulgated by the MPCA.

Local governmental units must adopt regulatory controls that address erosion and sedimentation for projects not subject to grading and land alteration requirements of the District. This requirement includes an obligation to consider single-family residential lot permitting.

Local governmental units will be responsible for enforcement of adopted floodplain and shoreland ordinances. The District will only undertake enforcement when the failure of the local governmental unit to act leads to conditions that independently constitute a violation of the rules

and regulations of the District or other governing law by which the District possesses a right of action.

The NMCWD has adopted a Capital Improvement Plan as part of their Water Management Plan (see Section 8.0)

Section 10.0 Amendment to the Plan—The NMCWD has established a procedure whereby this Plan may be amended.

Any amendment to this Plan must be made in accord with the procedure described in Section 10.0. This Plan extends for ten (10) years following the year in which it is approved and adopted as provided by law. This Plan shall remain in effect pending adoption and approval of any succeeding plan. Any person may propose to the Board of Managers, an amendment to the Plan. The Board of Managers may then initiate the amendment procedure.

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 **Nine Mile Creek Watershed District** pursuant to Minnesota Statues Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Nine Mile Creek Watershed District (NMCWD) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **NMCWD Establishment.** The NMCWD was established in 1959 by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act (Minnesota Statutes, Chapter 112) in response to a citizen's petition to the State of Minnesota to address water resource issues. The first water resources management plan for the NMCWD was adopted in 1961. The Plan was revised again and approved by the Board in 1973. The Board of Water and Soil Resources (BWSR) approved the "second generation" watershed management plan on September 25, 1996.

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 NMCWD is located in the south central portion of Hennepin County. It encompasses approximately 50 square miles including portions of the cities of Bloomington, Eden Prairie, Edina, Hopkins, Minnetonka, and Richfield. The entire NMCWD is within the Metropolitan Urban Service Area (MUSA) and is completely urbanized. Redevelopment pressure in the watershed will likely increase over the next ten years. 15 square miles of the watershed are landlocked. The watershed ranges from relatively flat topography in the upper and middle portions of the watershed, to the steep lower valley that descends to the Minnesota River at the downstream portion of the watershed. Nine Mile Creek originates as two branches: a north and a south fork.

There are 18 lakes and many miles of stream within the watershed. NMCWD is bound by the Minnesota River and the Lower Minnesota River Watershed District to the south, on the west by Riley Purgatory Bluff Creek Watershed District, on the north by Minnehaha Creek Watershed District, and to the east by Richfield - Bloomington Watershed Management Organization.

4. **Plan Development and Review.** Prior to submitting the draft Plan for official review, the NMCWD solicited input from review agencies and stakeholders through numerous meetings and hearings, resulting in relatively limited, formal comments . The draft Plan was submitted to BWSR, other state agencies, and local governments for the required 60-day review on May 8, 2006. Comments were received from BWSR, DNR, Met Council, PCA, and the Cities of Bloomington and Eden Prairie. A public hearing was held on August 17, 2006 and no comments were received. On September 13, 2005, all review agencies had received the revised draft Plan for the required 45-day review period. The NMCWD received comments from BWSR, DNR, PCA, Met Council, and MNDOT. The final draft Plan was submitted to BWSR on November 28, 2006.

5. **Local Review.** The NMCWD circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

City of Bloomington. The City had concerns regarding the following: the two year deadline for local water plan/wetland management plan compliance, intended shoreland use classifications, wetland buffer requirement, and flexibility regarding regulatory controls. NMCWD reiterated that the municipalities have two years to have local water plan and wetland management plans approved by the NMCWD, but will provide guidance and assistance to meet that deadline. All concerns were sufficiently addressed with the exception that the wetland buffer requirements and other water quality standard details will be worked out during the NMCWD rule making process. Regarding ordinance requirements for municipalities, more flexibility has been incorporated into the Plan to allow for suitable policies or other regulatory controls that the municipalities see fit in achieving the objectives and MS4 requirements.

City of Eden Prairie – Eden Prairie commented on the draft Plan's recommended actions within the "Project Synopses (Use Attainability Analyses)" for their lakes. NMCWD incorporated all recommended modifications into the Plan.

6. **Metropolitan Council Review.** The Council commended NMCWD for producing a model Plan. The Council had a minor comment related to a district-wide wetland management plan, which was addressed by NMCWD. The Council found the Plan to be consistent with their *Water Resources Management Plan*.

7. **Department of Agriculture Review.** MDA did not provide comments on the NMCWD Plan.

8. **Department of Health Review.** MDH did not provide comments on the NMCWD Plan.

9. **Department of Natural Resources Review.** DNR stated that the Plan was very well developed, thorough, and well organized, but noted several items regarding shoreland and floodplain ordinances, and missing wildlife habitat information. These concerns were adequately addressed and incorporated into the Plan.

10. **Pollution Control Agency Review.** PCA focused both of their comment letters on water quality standards used by the NMCWD, their preliminary "use attainability analyses" as equivalent TMDLs for the major lakes, and water quality data management. BWSR staff met with PCA and NMCWD staff separately after the 60-day comments to achieve consensus on the disparity between ecoregion-based vs. NMCWD-proposed lake water quality goals. As a result, agreeable language was incorporated into the Plan. In addition, NMCWD has included the conversion of "use attainability analyses" to TMDLs in the implementation activities listed in Table 8-3. PCA also mentioned that "the Plan is well done and should provide a solid framework for water protection and restoration" activities.

11. **Department of Transportation Review.** DOT recommended numerous minor additions and clarifications. Major comments related to the Plan's definition of non-degradation, a CIP to restore a wetland, requesting alternative standards/rules for road maintenance projects, and a clarification on what is meant by "watershed-based approach to NPDES Phase II MS4 permitting" as an action item. NMCWD responded by referring "non-degradation" to water quality goals as listed in the Plan. NMCWD intends to restore the wetland in question, and will include MNDOT as a stakeholder to address their concerns in the rule making process. The "watershed-based approach to NPDES...permitting" is explained as a cooperative effort between NMCWD and the municipalities assessing the regulatory stormwater requirements of the state and Watershed District.

12. **Board Review.** BWSR comments centered around completing a self assessment, a more frequent review of the long term implementation program, clarification on the required wetland management plans by municipalities, and for providing an adequate foundation in the Plan for components of future stormwater rules. NMCWD satisfactorily addressed these comments and incorporated the changes into the final draft. Stormwater standards and other regulatory details will be developed during the rule making process.

13. **Plan Summary and Highlights.** The following are some of the highlights of the Plan:

- NMCWD completed an exemplary upfront stakeholder input process with the municipalities.

- BWSR recommended the NMCWD complete a self assessment of the success of the previous plan. The following is their synopsis:

As previously stated, the 1996 Water Management Plan concentrated on solving the remaining flooding problem within the District and began conducting water quality studies of 15 lakes within the District. This was an orderly transition between water quantity and water quality management that received the support of the municipalities within the District and the regulatory review agencies. The accomplishments of the 1996 Plan provided the foundation for the programs/objectives of the 2006 Water Management Plan. The Managers noted that this resulted in additional administrative activities for the District, thereby resulting in the hiring of an administrator to guide the activities of the District. To establish greater public involvement and interaction the Managers opened a District Office in 2005. A possible shortfall of the District's accomplishments over the past 10 years was that the Rules and Regulations of the District that have been in place since 1973 were not revised during this time period. The District has identified revision of the District's Rules and Regulations as a primary objective in 2007.

- Provides for the conversion of the "Use Attainability Analyses (UAAs)", completed under the previous plan, into a product that can be incorporated into TMDLs and TMDL implementation plans for all impaired lakes and creeks. The UAAs are the foundation for all of NMCWD's water quality improvement projects. A strong emphasis is given to the Creek UAA and stabilizing and restoring the banks of Nine Mile Creek.

- Establishes a biennial review of the implementation program.

- The Goals and Policies of the plan focus heavily on stormwater management, particularly stormwater maintenance and a desire to achieve a net reduction in runoff volume.

- Establishes an effective coordination role assisting the municipalities to meet NPDES / MS4, non-degradation, and MR 8410 requirements.

- The Plan has a proactive public involvement and education/outreach program, including encumbered funding for the NEMO coordinator position, which is funded by a partnership between the League of Minnesota Cities, the University of Minnesota Extension Service, and others.

- Establishes a significant BMP program for technical assistance and cost-share for low impact development demo projects, shoreland and streambank restorations, and innovative BMPs that exceed rule requirements.

14. **Metro Water Planning Committee Meeting.** On January 9, 2007, the Board's Metro Water Planning Committee and staff met with representatives from the NMCWD in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Robert Burandt, Louise Smallidge, LuAnn Tolliver, Jim Anderson, and Lisa Thorvig. Board staff in attendance were Metro Region Supervisor Steve Woods and Board Conservationist Brad Wozney. Representatives from the NMCWD were Administrator Kevin Bigalke and Manager Bob Kojetin. Board staff recommended approval of the Plan. After discussion, the subcommittee voted 4-0, with Committee Member Tolliver abstaining, to recommend approval of the Nine Mile Creek Watershed

District 2007 - 2017 Watershed Management Plan to the full Board. The Committee commended NMCWD for developing a very good 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 Watershed Management Plan for the Nine Mile Creek Watershed District pursuant to Minnesota Statutes Sections 103B.231, Subd. 9.

3. The Nine Mile Creek Watershed District Watershed Management Plan attached to this Order defines water and water-related problems within the NMCWD 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 November 28, 2006 as the Watershed Management Plan for the Nine Mile Creek Watershed District.

Dated at Saint Paul, Minnesota this 24th day of January 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

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

2. Mille Lacs County Local Water Management Plan – *DECISION ITEM*

DATE: January 2, 2007

TO: BWSR North Region Water Plan Review Subcommittee

FROM: Dan Steward, BWSR Board Conservationist

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

On May 25, 2005, BWSR and the other state review agencies received the Priority Concerns Scoping Document (PCSD) from Hubbard County. The North Region Review Subcommittee (Committee) met November 30, 2005, in Fergus Falls to discuss state review comments, the content of the PCSD and recommendations for the final plan.

BWSR's August 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 Hubbard County. BWSR commended Hubbard County for the process used to select the concerns and did not require any changes to the PCSD.

Hubbard County's three priority concerns are:

1. Ground Water-Based Drinking Water Protection
2. Surface Water Quality and Quantity Protection
3. Wetlands and Habitat Protection

The final draft of the updated Hubbard County Water Plan was submitted on October 30, 2006, for review by state agencies. Agency comments were due to Ron Shelito by December 6, 2006. Hubbard County held the required public hearing on September 6, 2006, as part of a regular County Board meeting.

The duration of the LWP is from January 2007 to January 2012.

The following agencies provided these comments:

- November 20, 2006, the Minnesota Environmental Quality Board, in its comments, noted that the JOBZone in the county appears to be located in a sensitive area for groundwater, and is also adjacent to an impaired water. The EQB suggested checking with the MPCA on how to reduce the risk to groundwater or impaired waters. The EQB also noted that population estimates from the State Demographic Center do not substitute for more detailed projections based on local knowledge and plans.

- November 30, 2006, the Minnesota Department of Natural Resources, in its comments, stated that the plan appears to be consistent with DNR priorities, and suggested the update be approved as submitted.

- On December 1, 2006, the Minnesota Pollution Control Agency, in its comments, stated that the plan does not violate any statutory or rule requirements administered by PCA, and recommended BWSR approve the plan as submitted.

- On December 8, 2006, the Minnesota Department of Agriculture, in its comments, stated that the plan does not violate any statutory or rule requirements administered by the MDA, and recommended BWSR approve the plan as submitted.

- On January 2, 2007, the Minnesota Department of Health, in its comments, stated that the plan does not violate any statutory or rule requirements administered by the MDH, and recommended BWSR approve the plan as submitted. The MDH also commended Hubbard County for its recognition of the importance of protecting groundwater quality and quantity.

Michelle Prosser, the Hubbard County Water Planner and other county representatives will attend the January 10th 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 Hubbard County Local Water Management Plan at their January 10th meeting prior to the Board approval January 24, 2007. Hubbard County would then adopt the Plan in February, 2007.

HUBBARD COUNTY LOCAL WATER MANAGEMENT PLAN DEVELOPMENT AND EXECUTIVE SUMMARY

The Hubbard County Local Water Management Plan focuses on water and related land resource issues within the county. The county has gathered and studied available information relating to the physical environment, including, but not restricted to, the surface and groundwater resources, and their related land use.

Problems were analyzed within the context of watershed units and groundwater systems where appropriate. The LWM plan applies to the entire area within the county. It is also based on key economic and environmental principles, and is consistent with other plans that exist for Hubbard County, including appropriate, Soil and Water Conservation District, Environmental Service office, and appropriate state and federal agencies.

The 2007 Hubbard County LWM plan will apply for a period of five years from the date of State approval. In each subsequent fifth year, the County will examine the LWM plan and update it for the next five-year planning period.

The Hubbard County SWCD, with authority delegated by Hubbard County, is responsible for the LWM plan. The original LWM plan date was 1990 and has been updated in 1995, 1998 and now in 2007. The expiration date of the current plan is December 2006. The Water Resources Advisory Committee oversees the Hubbard County LWM plan. This task force is a diverse group of individuals from private and government sectors that establish the goals and objectives of the plan and oversees the implementation of local projects and plans.

The purpose of this plan is to identify existing and potential problems and opportunities for the protection, management and development of water and related land resources; and develop objectives and carry out a plan of action to promote sound hydrologic management of water and related land resource, effective environmental protection, and efficient management.

Through the LWM plan update process, three priority concerns were identified to focus water management efforts in 2007 through 2011; Groundwater-based Drinking Water Protection, Surface Water Quality and Quantity Protection, and Wetlands and Habitat Protection. The process through which these priority concerns were identified is further detailed in the Priority Concerns Scoping Document contained in Appendix H. These concerns and their objectives are summarized in the following paragraphs.

Priority Concern 1: Groundwater-based Drinking Water Protection
Many of the Hubbard County residents get their drinking water from the surficial aquifers. These aquifers are shallow and can be easily contaminated if the proper measures are not followed. Plan objectives for this priority area are to:

- Coordinate with State and Local entities to provide information and technical support for drinking water well testing
- Continue working with Federal, State and Local agencies to provide information and technical assistance for irrigation users

Potential Total Cost: $4,358

Priority Concern 2: Surface Water Quality and Quantity Protection
Surface water quality protection is very important to Hubbard County since 19% of its area is covered by water. Lakeshore and river front development is the biggest threat to all of our water resources especially to our many trout streams. Water quantity issues arise with development pressures. Plan objectives for this priority area are to:

- Work with State and Local agencies to provide support and input for the County-wide Land Use Planning process
- Coordinate with the communities of Park Rapids, Nevis, Akeley, Laporte and Hubbard County to develop Stormwater Management Plans
- Continue working with State, County, SWCD, and Private entities for water quality and quantity monitoring
- All Lake Belle Taine information should be collected, documented and managed by a single entity which will serve as the "clearinghouse" for easy access

Potential Total Cost: $6,510

Priority Concern 3: Wetlands and Habitat Protection
Many of Hubbard County's wetlands are adjacent to rivers and lakes that are being developed for residential use. Since wetlands play an important role in the environment, Hubbard County is taking an active role in the protection of this diverse and unique natural resource. Development pressures in the urban areas, recreational use of public lands, noxious weed control and invasive species are just some of the ongoing issues that will continue to be addressed in the future. Plan objectives for this priority area are:

- Collaborate with Federal, State and Local government agencies in developing a Comprehensive Wetland Protection & Management Plan
- Educate and promote the importance of BMPs

Potential Total Cost: $1,200

Clean Water Legacy Addition:

This update of the Hubbard County Local Water Management Plan was completed after the legislature passed one year start-up funding for the Clean Water Legacy, but just before they took action to make the CWL permanent in the 2007 session. The county recognizes that most of the county's surface waters are in a protection mode as they relate to the CWL. For the surface waters currently in the protection mode, the county's objective is to preserve them from further degradation. For the surface waters currently listed as impaired, the county's objective is to work to improve their quality and remove them from impaired status (recognizing that some impairments, such as those resulting from mercury, are difficult to address from the local level).

The county sees the Clean Water Legacy as an opportunity to continue to work to improve the quality of its lakes and rivers, and at the very least, protect the county's valuable surface waters from degradation, especially if the program is made permanent. The county also recognizes that the sandplain that includes most of the county's lakes, goes a long way to protect lake water quality by maximizing water infiltration, and minimizing runoff. The county's forest cover and wetlands also provide protection by further buffering runoff. The water plan recognizes the need to work on stormwater issues in developing areas, and lake related wastewater issues, especially non-conforming septic systems. Shoreland revegetation is another important component in the county's protection strategy. Although not an exhaustive list, these issues represent the core of the county's effort to protect water quality in cooperation with the Clean Water Legacy. The North Central Lakes Project can serve as a useful forum for working to develop additional strategies for protecting lake and stream water quality.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Hubbard County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on October 30, 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 May 25, 2005, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Hubbard County, pursuant to M.S. Section 103B.312.

2) On August 10, 2005, the BWSR North Region Water Plan Review Committee met with representatives of Hubbard County to review the Priority Concerns Scoping Document.

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

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

- Ground Water-Based Drinking Water Protection.
- Surface Water Quality and Quantity Protection.
- Wetlands and Habitat Protection.

5) On October 30, 2006, the BWSR received the **Hubbard** 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 January 10, 2007, the North Region Water Plan Review Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Hubbard County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Environmental Quality Board; made some general comments related to the JOBZone in the county, and population estimates from the State Demographers Office.

B) Minnesota Department of Natural Resources: recommended approval;
C) Minnesota Pollution Control Agency: recommended approval;
D) Minnesota Department of Health: recommended approval, and commended the county for its recognition of the importance of protecting groundwater quality and quantity.
E) Minnesota Board of Water and Soil Resources regional staff recommended approval;
F) Board Water Plan Review Committee Meeting recommended approval.

7) This update will be in effect for a five year period until January 24, 2012.

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

2. The Hubbard 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 Hubbard County Local Water Management Plan – January 24, 2007 to January 24, 2012.

Dated at St Paul, Minnesota, this twenty-fourth day of January 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

DATE: 12/27/2006

TO: BWSR NORTHERN REGION AD HOC COMMITTEE

FROM: JASON WEINERMAN

RE: REVIEW OF MILLE LACS COUNTY FINAL LOCAL WATER MANAGEMENT PLAN (LWMP)

Mille Lacs County submitted their Local Water Management Plan to the Brainerd office of the BWSR. During my participation with the plan development and my review of the final plan, I came to the conclusion that the local water management plan meets the guidelines established by BWSR, as well as the requirements of 103B.313-103B.314. I recommend that BWSR approve the updated LWMP for Mille Lacs County.

During the Priority Concerns Scoping phase, the County did an excellent job of contacting state and local agencies and partners to solicit input and developed the following concerns, which were approved by the BWSR on August 24, 2005.

1. The cumulative effects of development on Surface and Groundwater.
2. Development of TMDLS for Impaired Waters in Mille Lacs.

On October 19, 2006 the plan was routed to the reviewing state agencies who returned the following comments.

MDA: The plan does not violate any statutory or rule requirements administered by our agency and approves the entire plan as submitted with no additional comments.
DNR: The Department extends their support for this plan as it creates a framework for protected and conserving Mille Lacs water resources over the next ten years. They look forward to working with the County during implementation.
EQB: They appreciated the opportunity to review the plan and were interested in reviewing the strategies to protect and restore the county's water resources. EQB provided the following comments and recommendations:

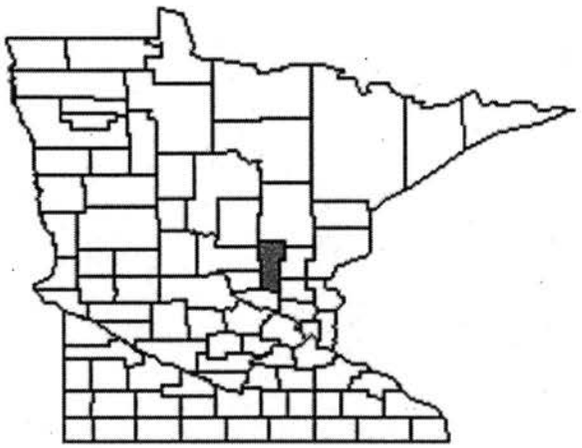
- Work with the PCA and the local SWCD or watershed district to reduce the risk of ground water contamination associated with developments in sensitive areas.
- Work with PCA to plan for developments contemplated in or near impaired waters.
- Provided information on MCD population extrapolations for Mille Lacs County.

PCA: The plan does not violate any statutory or rule requirements administered by our agency and approves the entire plan as submitted. The PCA offered the following comments:

- Consider developing prioritization strategies or phasing strategies for some of the tasks that involve expanded labor needs and larger budgets
- Text change on page 28 to complete a sentence. Correct the citation to reflect the correct title of the document "Final Report and Recommendations of the Mille Lacs Lake Watershed Management Group-Phase 1 Clean Water Partnership Watershed Management Project."
- Encourage the county to use the MPCA's Environmental Data Access to find information that may be useful in future water management efforts.

During the public hearing, several county commissioners asked detailed questions and requested further information. In meeting these requests and addressing concerns from citizens, the local water management plan advisory committee further refined the plan and strengthened several areas, particularly those focused on water quality. This high level of public concern and involvement with the local water management plan bodes well for the future implementation of activities and the water quality in Mille Lacs County.

Mille Lacs County
Location Map



Mille Lacs County is located in east central Minnesota 70 miles north of St. Paul, 115 miles southwest of Duluth and 29 miles east of St. Cloud. Sherburne County lies to the south, Aitkin to the north, Benton and Morrison to the west, and Kanabec and Isanti to the east. Mille Lacs County has a total area of 574 square miles and encompasses 367,360 acres.

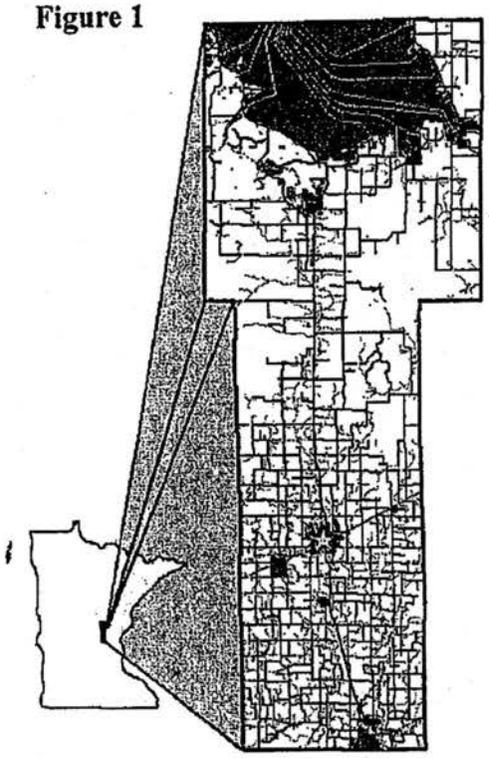
A. Executive Summary:

Introduction

Mille Lacs County is located in east central Minnesota 70 miles north of St. Paul, 115 miles southwest of Duluth and 29 miles east of St. Cloud. Sherburne to the south, Aitkin to the north, Benton and Morrison to the west, and Kanabec and Isanti counties on the east border it. Mille Lacs County has a total area of 574 sq miles (367,360 acres). **Figure 1** shows the location of Milaca, the County seat, and the geographic location of the County in Minnesota.

Mille Lacs County

Figure 1



Local Water Resource Management Plan Background

The Mille Lacs County water management planning process began in the fall of 1989 when the Mille Lacs County Board of Commissioners voted unanimously to begin the process of creating a Comprehensive Water Management Plan for the county.

This event was the first purposeful comprehensive planning, preparation and designing done for the protection for all types of water to all residents in Mille Lacs County.

From that time forward, the lakes, streams, rivers, public and private well water, all groundwater, wetlands, precipitation and even run-off were recognized for the significance and meaning they provided to the quality of life in the county.

The Mille Lacs Soil & Water Conservation District has been charged with development and implementation of the Local Water Management Plan with the assistance of other county departments since its inception.

By February of 1990, the Mille Lacs Comprehensive Water Management Task Force was established with 39 members representing townships, municipalities, industry, private sector, farming and single family home ownership. Federal, state and county employees were ad hoc members to the committee. An aggressive 24 month timeline from March, 1990 through March, 1992 was established to develop the county wide plan. The first update of the Comprehensive Water Management Plan was completed in 1995.

The 2006 update is the second update and the third Water Management Plan for Mille Lacs County. This plan continues the tradition of promoting good planning and management of shared resources and will serve as a guide for resource protection through the year 2016.

Purpose

The Rum River Watershed and significant tributaries of the Snake River Watershed begin in Mille Lacs County. What occurs in these watersheds not only affects the water resources used by the citizens of

Mille Lacs County, but also affects the water resources of other Minnesotans living downstream in the Mississippi and St. Croix River corridors.

Mille Lacs County recognizes that without a long term mechanism for managing water resources, the opportunity will be lost to make intelligent local choices that anticipate or prevent water resource problems before the costs escalate and options are limited.

The Mille Lacs County Local Water Management Plan is a plan for the entire County and covers all municipalities within Mille Lacs County.

The Mille Lacs County Local Water Management Plan (LWMP) is developed and written under the legislative authority of the "Comprehensive Local Water Management Act" (M.S. 103B.301-103B.355) and is meant to function as a long term planning document. The plan seeks to identify existing and potential problems, opportunities for protection, management and development of water and related land resources in the County. Problems or opportunities identified through the planning process are prioritized and addressed within the context of watershed units and groundwater systems. Objectives and action steps to address identified priorities are based upon principles of sound hydrologic management of water, effective environmental protection, and efficient management of activities that impact these resources.

The Mille Lacs Soil & Water Conservation District's role in the development and implementation of the Local Water Management Plan is to act as the catalyst for the water management planning process, and the integration of local initiatives with funding sources. Through involvement with the Water Management Plan Advisory Committee, local citizens, representatives from local organizations, associations and agency staff, work together to achieve efficient management and local ownership of water management initiatives.

Accomplishments from the 1995 Water Management Plan

Since the adoption of the Mille Lacs County Local Water Management Plan many local resource projects have been implemented. The plan has sponsored annual private well water nitrate testing clinics, and many land and water treatment projects and educational activities.

One notable educational activity was a project partnering with Mille Lacs Academy students to rear Purple Loosestrife leaf eating beetles. Purple Loosestrife had been a major natural threat to wetlands in the county. An aggressive biological control program using the Purple Loosestrife leaf-eating beetles (*Galerucella* spp.) was very successful. The project was accomplished through cooperative efforts between the Minnesota Department of Natural Resources (DNR), Mille Lacs Band of Ojibwe, Mille Lacs County Agricultural Inspector, and volunteers. The Mille Lacs Band of Ojibwe began a biological control effort using the leaf-eating beetles provided by the Minnesota DNR. Once the loosestrife on Whitefish Lake was successfully controlled by the beetles they were harvested and shared with the Mille Lacs County Agricultural Inspector student volunteer group and released onto Purple Loosestrife infestations throughout Mille Lacs County.

Other successful educational programs sponsored through the water management plan have been the Area III Envirothon and 5th Grade Education Days. Both events provide an opportunity for students to participate in outdoor educational learning experiences.

Many local resource concerns have received attention following identification through the water planning process. A large water quality improvement project was undertaken with assistance from the Resource Conservation & Development to address the City of Bock's failing, 1930's era, wastewater treatment system. Discharge from that failing system was impacting Bogus Brook, a tributary of the Rum River.

The improvement was completed in 2003 by piping waste water from the City of Bock to the City of Milaca's treatment facility.

Funding assistance was received through a Clean Water Partnership grant to do a three year water quality study of Mille Lacs Lake. Mille Lacs County has also partnered with the Snake River Watershed Management Board to implement land and water projects within that watershed. Additional information on the results of the Mille Lacs Lake water quality study and Snake River watershed activities are included in the surface water assessments.

Summary Description of Priority Concerns, Goals and Objectives

As Mille Lacs County began the process of updating the Local Water Management Plan, input was sought from the public. A public input survey was made available to citizens through the Mille Lacs SWCD website and advertised in the local papers to be returned to the SWCD. Three public input meetings were conducted during the Local Water Management Plan update process. They were held near Princeton, Milaca and Onamia, the three main geographic areas of Mille Lacs County. An example of surveys used and a summary of the responses received have been included in the Priority Concerns Scoping Document found in the **Appendix H.**

Priority Concern 1: The Cumulative Effects of Development on Surface and Groundwater

Mille Lacs County is experiencing increased development pressure on the County's lakes, rivers and agricultural resources. To respond to this development pressure, the County has established the following goals:

1) To seek the protection of surface and groundwater quality in Mille Lacs County, and
2) Enhance surface and groundwater quality where degradation has already occurred.

To achieve these goals, three objectives have been identified:

Objective A Encourage development patterns that protect, enhance, maintain or restore surface and groundwater quality.

Objective B Improve stormwater runoff quality throughout the county.

Objective C Maintain or improve groundwater quality throughout the county.

Priority Concern 2: Development of TMDLs for Impaired Waters

Total Maximum Daily Loads (TMDLs) determine if water resources can meet their designated uses. The goal of the water plan is to determine the status of TMDLs of the various water resources and protect those that currently support their designated uses, and where needed, improve those that do not.

To achieve this goal two objectives have been identified.

Objective A Assess the ability of water resources in Mille Lacs County to meet their designated uses.

Objective B Work with land managers, land owners and operators in Mille Lacs County, regardless of land use, to encourage best management practices.

Action steps identified to achieve these Objectives are found within this document under **Section B, Priority Concerns.**

Organizations and Associations

There are a number of organizations and associations in Mille Lacs County working to protect, preserve, repair or enhance water quality. Some of these entities and the assistance programs they provide include:

ORGANIZATION	CONTACT INFORMATION
DNR Wildlife Division Private Lands Program	Tim Pharis-Private Lands Specialist
▪ Wildlife habitat, native grassland development, wetland restoration	(763) 689-7110
U.S. Fish and Wildlife Service	Lori Wolff-Wildlife Biologist
▪ Wetland Restoration - Partners for Fish and Wildlife Program	(320) 253-4682
Friends of the Rum River	RumRiverWatershedNews-owner@yahoogroups.com
Lake Mille Lacs Association	www.mnlakes.org/SubAssociations
Mille Lacs Band of Ojibwe	www.millelacsojibwe.org
Mille Lacs County Zoning/Environmental Services	www.co.mille-lacs.mn.us
Mille Lacs County Public Health	(320) 983-8318
Mille Lacs Lake Watershed Management Group	www.millelacswatershed.com
Mille Lacs Soil & Water Conservation District (SWCD)	www.millelacsSWCD.org
▪ Erosion & water quality – State Cost Share Program	(320) 983-2160
▪ Low interest financing for water quality improvement – Agricultural Best Management Practices Loan Program (AgBMP)	
Natural Resources Conservation Service (NRCS)	(320) 983-2154
Soil & Water Quality Assistance for Agricultural Producers	
▪ Environmental Quality Incentive Program (EQIP)	
▪ Conservation Security Program (CSP)	
▪ Grassland Reserve Program (GRP)	
▪ Continuous Conservation Reserve Program (CCRP)	
Soil & Water Quality Assistance for Ag & Non-Ag Landowners	
▪ Wildlife Habitat Incentive Program (WHIP)	
Snake River Watershed Management Board	(320) 679-6310

Consistency with Other Plans

During development of the original comprehensive local water management plan, previous updates, and now the 2006 update, the most recent plans available from surrounding counties and watershed management organizations were examined to ensure consistency with their goals and objectives. Every attempt has been made to ensure that the plans were compatible with all existing local, state and regional plans and controls, and no conflicts or problems were identified.

Plans reviewed were the Mille Lacs County Comprehensive Plan of 1990, Rum River Management Plan of 1978, Wetland Guidance for the Anoka Sand Plain of September 2000, Snake River Watershed Annual Plan for 2002, Mille Lacs Lake Clean Water Partnership Report of 2003, Forest Resource Management Plan of 2005 and Water Management Plans from adjacent Counties.

Recommendations to Other Plans and Controls

Mille Lacs County is currently starting the process to revise several county ordinances and update its development code. Action items in this document encourage ordinance changes that would address issues of development impacts, stormwater management and sensitive ground and surface water concerns.

Improved protection of wetland resources could occur through a Local Comprehensive Wetland Management Plan. A community-based revision of the 1978 Rum River Management Plan which acknowledges current development pressures and patterns may improve the protection of the Rum River corridor while balancing the need for economic development in the County.

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Mille Lacs** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **October 16, 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 **May 19, 2005,** the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Mille Lacs** County, pursuant to M.S. Section 103B.312.

2) On **August 24, 2005,** the Board of Water and Soil Resources approved official comments on the **Mille Lacs** County Priority Concerns Scoping Document, which were mailed to the county on **August 25, 2006.**

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

   A) The Cumulative Effects of Development on Surface and Groundwater
   B) Development of TMDLs for Impaired Waters

4) On **October 16, 2006,** the BWSR received the **Mille Lacs** 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 **January 10, 2007,** the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the **Mille Lacs** County Plan Update . Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture recommends Approval
   B) Minnesota Department of Health recommends 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 Meeting 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 **Mille Lacs** County pursuant to Minnesota Statutes , 103B.315, Subd. 5.

2. The **Mille Lacs** 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 **Mille Lacs** Local Water Management Plan **January 1, 2007 to December 31, 2016 with** the Goals, Objectives and Action Items being amended prior to December 31, 2011.

Dated at **St. Paul,** Minnesota, this **twenty fourth day of January, 2007.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Steele County Local Water Management Plan Update – *DECISION ITEM*

2. Wabasha County Priority Concerns Scoping Document – *DECISION ITEM*

Minnesota Board of Water & Soil Resources

DATE: November 21, 2006

TO: Jeff Nielsen, BWSR Southern Region Supervisor

FROM: Dave Peterson, Board Conservationist

SUBJECT: Steele County Local Water Management Plan Final Review

I have completed my review of the Steele County Local Water Management Plan 2007-2016 and recommend approval.

The Steele 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 Steele County LWM Plan:

- Identifies five priority concerns included in the Priority Concerns Scoping Document, approved August 24, 2006. The priority concerns for soil erosion and agricultural fertilizers and pesticides were combined in the plan, reflecting the common nature of pollutant delivery to surface waters in the two priority concerns.
- 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 sections addressing the five priority concerns and on-going water management activities.
- Lays out priority water resources as those identified on the impaired waters lists.

The plan has a detailed implementation program with measurable actions, timeline, and budget.

Steele 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 Steele County. Steele County makes good use of the Water Planning Advisory Committee. The committee helps guide LWM planning and implementation ensuring effective public input.

The Steele County LWM Plan 2007-2016 reflects the work and commitment of the staff, committee, and boards in Steele County to effective local water management and is recommended for approval.

c: Scott Golberg, Steele County

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Executive Summary

Steele County is located in southeastern Minnesota approximately 65 miles south of Minneapolis/St. Paul. It is bordered on the north by Rice County, Minnesota; on the east by Dodge County, Minnesota; on the west by Waseca County, Minnesota; and by Freeborn County, Minnesota on the south. It contains 276,480 acres or 432 square miles, which includes four cities and 13 townships. The county seat is the city of Owatonna, which contains the largest population settlement and is located in the north central section of the county at the intersection of two major transportation routes: State Highway 14 and Interstate 35. Two of the smaller cities, Blooming Prairie and Ellendale serve as trade centers for the rural population, while the city of Medford contains a large retail center along Interstate 35 that draws transient visitors.

Steele County contains a predominance of rich agricultural land with about 85% of the land area in cropland. In addition, there is a diversity of businesses and industries in the county.

Steele County contains portions of four major watersheds within its boundaries: Cannon River Watershed, LeSueur River Watershed, Zumbro River Watershed, and Cedar River Watershed. Approximately 84% of the land area in Steele County is in the Cannon River watershed, which includes the area drained by the Straight River and its tributaries: Turtle Creek, Maple Creek, Crane Creek, Medford Creek, and Rush Creek. The southeastern corner of the county lies within the Cedar River watershed. The eastern and northeastern edge of Steele County lies within the Zumbro River watershed and the southwestern part of the county lies within the LeSueur River watershed

Steele County officially began the comprehensive water planning process in August, 1987, when the County Board authorized the development of a County Comprehensive Water Resources Management Plan by resolution. The Steele

County Board of Commissioners formally adopted the original water plan on August 14, 1990. The original water plan was updated in the mid-1990's to serve the period from 1997-2006.

Purpose of the 2007-2016 Local Water Management Plan

The purpose of this updated Local Water Management (LWM) Plan for Steele County is:

1. To provide a framework and schedule for implementing activities that address priority water management concerns.
2. To qualify the county for water resource management project funding from federal, state, and other sources.

Description of Priority Concerns

Through the Water Plan update process, six priority concerns were identified to focus water management efforts on from 2007 through 2016: Soil Erosion, Fertilizer and Pesticides from Agricultural Fields into Surface Waters, Sewage from Rural Septic Systems into Surface Waters, Urban Stormwater Runoff, Animal Feedlot Manure into Surface Waters, and Clandestine Waste Dumps affecting Drinking Water. The process through which these priority concerns were identified is further detailed in the Priority Concerns Scoping Document contained in Appendix A.

Summary of Goals

Because soil erosion is, in effect, the transport mechanism for fertilizers and pesticides to flow into surface waters, these two priorities will be combined into one priority in the implementation plan. The following is a summary of goals that have been established for the identified priority concerns:

1) **Soil, Fertilizers, and Pesticides from Agricultural Fields Flowing into Surface Waters** – Protect surface waters from sedimentation and ag field pollutant runoff
2) **Sewage from Rural Septic Systems into Surface Waters** – Protect surface waters and groundwater from rural wastewater contamination
3) **Urban Stormwater Runoff** – Protect surface water and groundwater resources from pollutants in urban stormwater runoff
4) **Animal Feedlot Manure into Surface Waters** – Protect surface water resources from open lot runoff and surface applied manure from animal feedlots
5) **Clandestine Waste Dumps affecting Drinking Water** – Protect groundwater resources from clandestine dump site pollutants

Consistency of the Plan with Other Pertinent Local, State & Regional Plans

In the process of the LWM plan update, Steele County examined the plans and official controls of local government units, contiguous counties, and State Agencies to ensure consistency with other water resource management efforts. The Steele County LWM plan is consistent with other local, state, and regional plans and controls. Implementation actions include working with other local and state agencies and programs to accomplish water resource protection and improvement.

Recommended Amendments to Other Plans

Steele County does not see the need for any amendment to other plans and official controls.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Steele County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board of Water and Soil Resources (Board) on November 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:

FINDINGS OF FACT

1. On June 6, 2006, the Board received a Priority Concerns Scoping Document from Steele County, pursuant to M.S. Section 103B.312.

2. On August 24, 2006, the Board approved official comments on the Steele County Priority Concerns Scoping Document, which were mailed to the County on August 24, 2006.

3. The priority concerns the local water management plan addresses include:
    1. Soil, fertilizers and pesticides from agricultural fields flowing into surface waters
    2. Sewage from rural septic systems into surface waters
    3. Individual sewage treatment systems
    4. Animal feedlot manure runoff into surface waters
    5. Clandestine waste dumps affecting drinking water

4. On November 3, 2006, the Board received the Steele 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 January 10, 2007, the regional Water Planning Review Committee of the Board reviewed the recommendations of the state review agencies regarding final approval of the Steele 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: recommended inclusion of additional information in Steele County Plan Update.
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 Steele County pursuant to Minnesota Statutes 103B.315, Subd. 5.

2. The Steele 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 Steele County Local Water Management Plan with a required update to the Implementation section (Goals, Objectives and Action) by December 31, 2011.

Dated at St. Paul, Minnesota, this 24th day of January 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: December 22, 2006

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Mary Kells, Board Conservationist

SUBJECT: BWSR Staff Final Comments on Wabasha County's PCSD

Wabasha County has submitted their Priority Concerns Scoping Document (PCSD) for the 2007 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on November 13, 2006. State agency coments were received from MDA, EQB, MPCA and MDNR. All agencies concurred with priority concerns identified. MPCA, MDA and EQB offered comments for including more specific information in the final Local Water Management (LWP) Plan that addresses the suggestions and comments provided to the County in their Priority Concerns Input documentation.

Representing BWSR staff, I have completed my review of the Priority Concerns Scoping Document for Wabasha County and recommend the BWSR concur with the priority concerns identified. The BWSR priority concerns input documentation is on file with the County. It is anticipated that the County will consider these comments when developing the final LWP Plan.

I look forward to working with the County officials, residents, and technical staff as the Plan Update moves forward. If you have questions or need additional information, please contact me at 507-280-2873.

C: Byron Evers, Wabasha County Water Planner

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January 24, 2007

Wabasha SWCD Board of Supervisors
C/o Bryon Evers, Water Plan Coordinator
Wabasha Soil and Water Conservation District
611 Broadway
Wabasha, MN 55981

Dear Wabasha SWCD Board of Supervisors:

RE: Official Comments Pertaining to the State Review of the Wabasha 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 Wabasha County has chosen to address in the update of their Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Wabasha County Priority Concerns Scoping Document (PCSD) on November 13, 2006.

Wabasha County has reviewed the identified concerns raised during the public input process and from comments received from MPCA, EQB, BWSR, MDA and MDNR. Wabasha County selected the following priority concerns for inclusion in the update of the LWM Plan.

1. **Soil Erosion:** Erosion from farm fields, soil lost from construction sites and improper management of stream banks cause an increase in sediments loads.
2. **Nutrient and Manure Management**: Nutrient contribution to bodies of water from farm fields, feedlots and urban lawns is a major factor to the impairment of local waters.
3. **ISTS/Ground Water Protection**: Inadequate treatment of human waste adds excess nutrients to the water and causes a direct human health threat.
4. **Forest and Pasture Land**: Wabasha County's most sensitive land is managed as forest and pasture land. Improperly managed forest and pastureland can cause erosion and impact water quality.
5. **Impaired Waters**: Water listed as impaired will receive priority and efforts will be made to improve the water quality.

Agency comments on the PCSD were received from the MDA, EQB, MPCA, MDNR and BWSR. All agencies concurred with priority concerns identified. MPCA, MDA, and BWSR offered comments and suggestions for more specific activities to be considered in the development of the final LWP plan and offered their support.

The BWSR southern region water planning review committee (hereinafter referred to as Committee) met on January 10, 2007, to discuss any state review agency coments, the content of the PCSD, and recommendations for the content of the final plan.

The Committee commends the County for the program reassessment they conducted as part of this planning process, 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 concerns. The priority concerns to be address in the LWM Plan are deemed to be appropriate; and the Committee recommends approval of the Wabasha County PCSD.

Sincerely,

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

c: Eugene McNallan, Wabasha County Commissioner Chair
Becky Balk, MDA
John Wells, EQB
Art Persons, MDH
Cheryl Heide, DNR
David L. Johnson, MPCA
Joe Martin, MDA
Dan Wilson, MDH
Dana Allen, BWSR Board
Brian Kletscher, BWSR Board
Paul Langseth, BWSR Board
Jeff Nielson, BWSR Southern Region Supervisor
Mary Kells, Board Conservationist

NEW BUSINESS

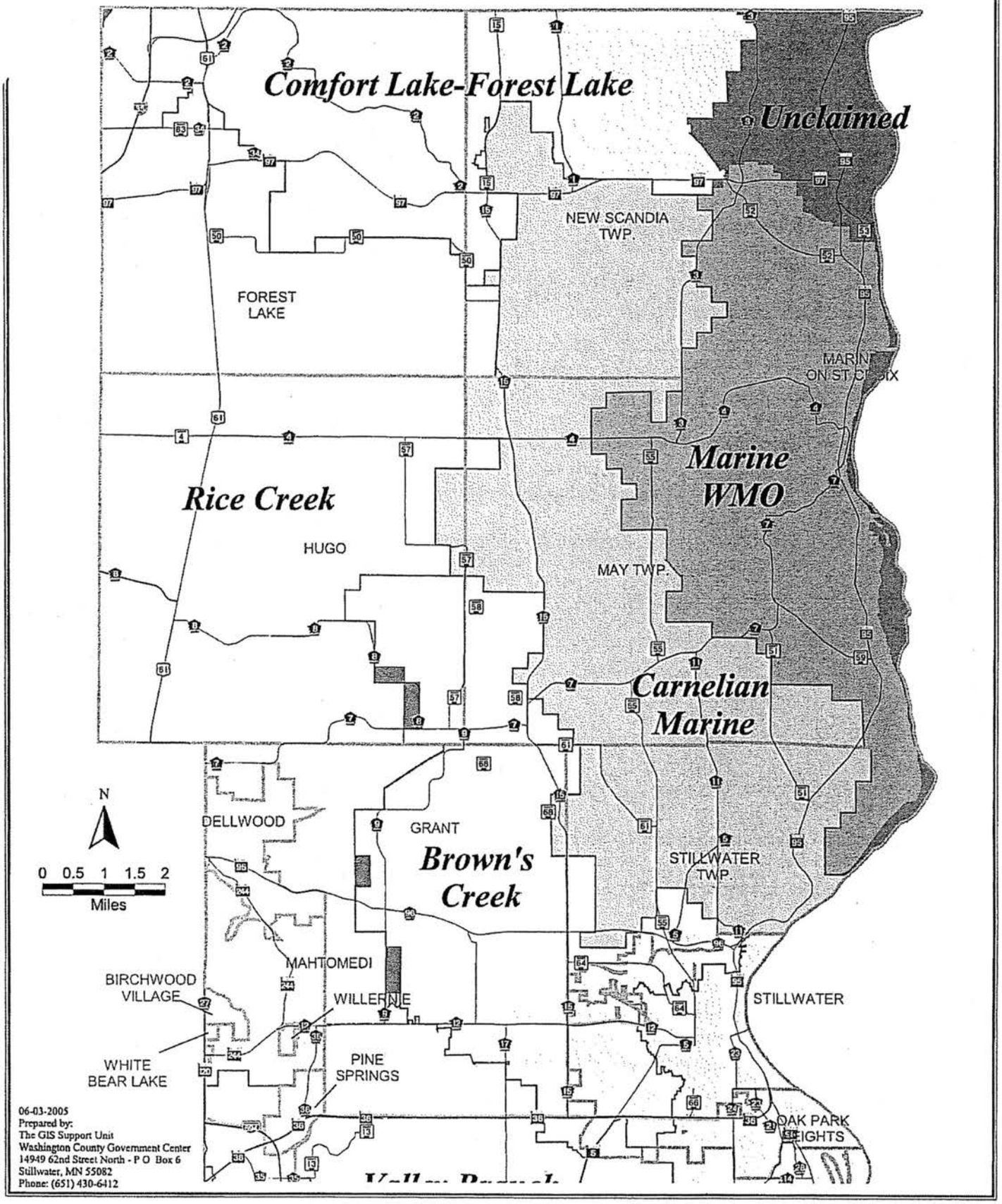
1. Public Hearing on Petition for Enlargement and Increase Number of Managers of Carnelian-Marine Watershed District – Jim Haertel - *DECISION ITEM*

2. WCA Appeal of a Wetland Boundary and Replacement Plan Decision, Rice Creek Watershed District, File 05-1 Jim Haertel – *DECISION ITEM*

3. Request to Release 12.5 Acres from Perpetual RIM Reserve Conservation Easement 76-15-01-01, Swift County – Tim Fredbo – *DECISION ITEM*

4. '07 Non-Point Engineering Assistance Challenge Grant – Wayne Zellmer – *DECISION ITEM*

Exhibit A
Washington County
Enlargement of Carnelian Marine Watershed District



06-03-2005
Prepared by:
The GIS Support Unit
Washington County Government Center
14949 62nd Street North - P O Box 6
Stillwater, MN 55082
Phone: (651) 430-6412

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

In the Matter of the Enlargement and Increasing the Number of Managers Petition for the Carnelian-Marine Watershed District in Washington County pursuant to Minn. Statutes §§ 103D.261 and 103D.305

ORDER HEARING FOR CARNELIAN-MARINE WATESHED DISTRICT

Whereas, Washington County filed a Petition dated December 1, 2006, with the Board of Water and Soil Resources (Board) on December 22, 2006, to enlarge and change the name of the Carnelian-Marine Watershed District (District) pursuant to Minn. Stat. § 103D.261, and to increase the number of managers pursuant to Minn. Stat. § 103D.305, 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 Signatures.** The enlargement and increase number of managers petition dated December 1, 2006, was filed with the Board on December 22, 2006 by Washington County. Washington County contains all of the area in the current District and all of the territory proposed to be added to the District. Minn. Stat. §§ 103D.205, Subd. 3, item 3, and 103D.261, Subd. 1, item a, allow an enlargement petition to be signed by counties having 50 percent or more of the area within the territory proposed to be added. Minn. Stat. §103D.305, Subd. 2, item 1 allows an increase in number of managers petition to be signed by one-half or more of the counties within the District.

2. **Property Description.** The territory proposed to be added to the District is depicted in Exhibit A of the Petition and is an area in Washington County, approximately 38 square

miles in several communities, which includes land in the Cities of Marine on St. Croix and Scandia, and the Towns of May and Stillwater. The proposed enlarged watershed district consists of a total of 81.48 square miles, of which 27.33 square miles are located within the City of Scandia, 4.18 square miles are located within the City of Marine on St. Croix, 0.74 square miles are located within the City of Hugo, 34.58 square miles are located within the Town of May, 0.25 square miles are located within the City of Grant, and 14.40 square miles are located within the Town of Stillwater.

3. **Necessity for Enlargement and Increase Number of Managers.** The Petition states the enlargement and increase number of managers is necessary due to the large number and diversity of water-related natural resources, significant high value resources, heavy use of the resources for recreational and aesthetic purposes, recharge of drinking water supplies, increased development pressures, fiscal capacity, and manager appointments to fairly represent the area.

4. **Water Governance Study.** In May 1998, the Washington County Board of Commissioners authorized a Water Governance Study to identify and evaluate the best governance structure for water management for the county. In April 2002, the county developed a plan defining the expectations of watershed management organizations for actively managing the water resources of the county. Washington County has worked with representatives of each of the water management units to develop recommendations for key issues related to the enlargement, renaming and increase the number of managers of the District, such as financing policies, coordination of water management plans, water management name and board representation. Goals from the Revised Implementation Plan for Water Governance are as follows:

   a. To create a water management structure that will provide long term protection for surface and groundwater resources.

   b. To create local water management units with the fiscal capacity and authority to govern efficiently and effectively.

   c. To identify financing mechanisms that are fair and adequate to meet the needs of the county.

   d. To coordinate surface water, groundwater, land use, and natural resources management to provide for a more comprehensive approach to resource management.

e. To adopt a proactive rather than a reactive approach to countywide water resources.

f. To increase the accountability of the water management structure.

5. **District Name.** The Petition states the name of the proposed enlarged district shall be the Carnelian-Marine-St. Croix Watershed District.

6. **Number of Managers.** The Petition requests the number of managers be increased from five (5) to seven (7).

7. **Filing.** The Petition was filed with the District and the Board as required by Minn. Stat. § 103D.261, Subd. 1, item c.

8. **Hearing Panel.** The Metro Water Planning Committee 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 Thursday, February 22, 2007, starting at 7:00 PM.

10. **Hearing Location.** The public hearing should be held at the Marine on St. Croix City Hall located at 121 Judd Street in Marine on St. Croix, Minnesota. The facility is located within the area proposed to be added to the District and is handicap accessible.

CONCLUSIONS

1. The Petition for the enlargement and increase the number of managers of the Carnelian-Marine Watershed District is valid in accordance with Minn. Stat. §§ 103D.261 and 103D.305.

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 enlargement and increase number of managers hearing.

4. The public hearing on the Petition for the enlargement and increase the number of managers of the Carnelian-Marine Watershed District should be presided over by the Metro Water Planning Committee.

5. The public hearing should be held on Thursday, February 22, 2007, starting at 7:00 PM at the Marine on St. Croix City Hall located at 121 Judd Street in Marine on St. Croix, Minnesota.

ORDER

The Board hereby orders the public hearing on the enlargement and increase number of managers Petition for the Carnelian-Marine Watershed District be presided over by the Metro Water Planning Committee on Thursday, February 22, 2007, starting at 7:00 PM at the Marine on St. Croix City Hall located at 121 Judd Street in Marine on St. Croix, Minnesota.

Dated at Saint Paul, Minnesota this 24th day of January, 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

Minnesota Board Of Water And Soil Resources

520 Lafayette Road North
St. Paul, Minnesota 55155

BWSR File No. 05-1

In the Matter of the Wetland Conservation Act Appeal of a Wetland Boundary and Replacement Plan Decision for the Joe Preiner Property, Rice Creek Watershed District, City of Blaine, Anoka County.

ORDER

This is an appeal by a member of the Technical Evaluation Panel ("TEP"), who is staff of the Board of Water and Soil Resources ("BWSR staff"), of a decision by the Rice Creek Watershed District, Anoka County ("RCWD"), determining that Joe Preiner correctly delineated the wetland boundary and submitted a sufficient wetland replacement plan application in connection with the proposed rough grade plan for his property in anticipation of future development.

The Board of Water and Soil Resources ("Board") remanded a previous decision of the RCWD, the local government unit ("LGU") administering the Wetland Conservation Act ("WCA"), and ordered RCWD to provide notice to the Technical Evaluation Panel and others of a complete replacement plan application, convene an expanded TEP with additional wetland expertise, and develop an adequate record. Subsequent to that remand, on December 15, 2004, the RCWD reaffirmed its approval of Joe Preiner's wetland delineation and replacement plan over the objections of the TEP and RCWD staff. The BWSR staff appealed as a TEP member.

The BWSR staff's appeal was supported by the TEP member of the Anoka Conservation District (written submission) and by amicus Minnesota Center For Environmental Advocacy. Joe Preiner and the Rice Creek Watershed District argued in support of the permit grant.

By consent of the parties, the appeal was held so that settlement could be explored. When settlement was not reached, written arguments were submitted to the Board's Dispute Resolution Committee ("DRC"). On December 13, 2006, the DRC heard oral arguments and commenced deliberation. On January 11, 2007, the DRC resumed deliberation with counsel for

the parties present. At that time the DRC heard additional comment on behalf of the parties. At that time the DRC was informed that pursuant to Minnesota Statute § 103G.2242, subd. 2a(d) and Minnesota Rule 8420.0225 (D), the Rice Creek Watershed District had withdrawn its approval of the wetland delineation on January 10, 2007.

Jill Schlick, Assistant Attorney General, appeared on behalf of Appellant BWSR staff. Attorney Ronald J. Riach appeared on behalf of applicant Joe Preiner. Attorney Charles B. Holtman appeared on behalf of RCWD.

At the completion of deliberations, the DRC by a 3-1 vote adopted a recommendation to remand the case to the RCWD, consistent with the RCWD January 10, 2007 decision, for a new wetland delineation pursuant to Minnesota Statute § 103G.2242, subd. 2a(d) and Minnesota Rule 8420.0225 (D) and for a new, complete replacement plan.

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

ORDER

1. The December 15, 2004, decision of the Rice Creek Watershed District approving a wetland delineation is remanded to the RCWD, consistent with the RCWD January 10, 2007 decision, for a new wetland delineation pursuant to Minnesota Statute § 103G.2242, subd. 2a(d) and Minnesota Rule 8420.0225 (D).

2. The decision of the RCWD approving the replacement plan is remanded to the RCWD for a new, complete replacement plan following the new wetland delineation determination.

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

Dated: January 24, 2007

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.

Regarding the wetland delineation, we determine that it was within the jurisdiction of the RCWD to withdraw its existing wetland delineation pursuant to Minnesota Statute 103G.2242, subd. 2a(d) and Minnesota Rule 8420.0225 (D) based upon the TEP's determination that changes to the hydrology of the area have been sufficient to alter the wetland boundary or type. Because the delineation is withdrawn, the appeal of that delineation is either moot or the existing delineation is no longer a final determination on which this Board need rule.

Regarding the replacement plan, Joe Preiner did not submit a signed application for a replacement plan and his submissions did not contain various required components of a replacement plan pursuant to Minnesota Statute 103G.2242, subd. 4 and Minnesota Rule 8420.0530. Although it has been argued that the RCWD decision was consistent with the Comprehensive Wetland Protection and Management Plan and there were "understandings" regarding some missing elements, that some missing elements were not consequential, and/or that missing elements would be determined by the RCWD during implementation, the submitted materials were so lacking that one would not be able to determine if the Applicant's restoration activities did, or did not, comply with the replacement plan. The restoration plan was therefore clearly deficient.

BWSR Meeting Date WCA Appeal

Motion: Wetland Boundary Replacement Plan Alternative A

Moved by: Louise Smallidge

Seconded by: Quentin Fairbanks

	Affirmative	Opposed
Dana Allen	—	✓
Jim Anderson	✓	—
Paul Brutlag	—	✓
Bob Burandt	—	✓
Kay Cook	✓	—
Quentin Fairbanks	✓	—
Mark Holsten	✓	—
Brian Kletscher	—	✓
Paul Langseth	✓	—
Joe Martin	—	✓
Brian Napstad	—	✓
Louise Smallidge	—	✓
Brad Moore Wayne Anderson *Lisa Thoring*	✓	—
Gene Tiedemann	✓	—
LuAnn Tolliver	✓	—
Dan Wilson	✓	—
Randy Kramer	—	✓
	9	8

H: roll-call vote

WCA Appeal of a Replacement Plan Decision, Rice Creek Watershed District, File 05-1

-- Alternative language for Memorandum attached to draft Order --

The last lines of the Memorandum have been objected to by the Rice Creek Watershed District, as follows (*in italics*):

"Although it has been argued that the RCWD decision was consistent with the Comprehensive Wetland Protection and Management Plan and there were "understandings" regarding some missing elements, that some missing elements were not consequential, and/or that missing elements would be determined by the RCWD during implementation, *the submitted materials were so lacking that one would not be able to determine if the Applicant's restoration activities did, or did not, comply with the replacement plan. The restoration plan was therefore clearly deficient.*"

application update

Alternative A use this when order is written.

"…submittal of a ~~new~~ updated replacement plan application must include a complete application."

Alternative B

"…the submitted materials were so lacking that one would not be able to determine if the Applicant's restoration activities did, or did not, comply with the replacement plan. ~~The restoration plan was therefore clearly deficient.~~"

Alternative C

"…the replacement plan application was not complete."

MEMORANDUM

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Minnesota Board Of Water And Soil Resources

520 Lafayette Road North
St. Paul, Minnesota 55155

BWSR File No. 05-1

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The Board of Water and Soil Resources ("Board") remanded a previous decision of the RCWD, the local government unit ("LGU") administering the Wetland Conservation Act ("WCA"), and ordered RCWD to provide notice to the Technical Evaluation Panel and others of a complete replacement plan application, convene an expanded TEP with additional wetland expertise, and develop an adequate record. Subsequent to that remand, on December 15, 2004, the RCWD reaffirmed its approval of Joe Preiner's wetland delineation and replacement plan over the objections of the TEP and RCWD staff. The BWSR staff appealed as a TEP member.

The BWSR staff's appeal was supported by the TEP member of the Anoka Conservation District (written submission) and by amicus Minnesota Center For Environmental Advocacy. Joe Preiner and the Rice Creek Watershed District argued in support of the permit grant.

By consent of the parties, the appeal was held so that settlement could be explored. When settlement was not reached, written arguments were submitted to the Board's Dispute Resolution Committee ("DRC"). On December 13, 2006, the DRC heard oral arguments and commenced deliberation. On January 11, 2007, the DRC resumed deliberation with counsel for

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Jill Schlick, Assistant Attorney General, appeared on behalf of Appellant BWSR staff. Attorney Ronald J. Riach appeared on behalf of applicant Joe Preiner. Attorney Charles B. Holtman appeared on behalf of RCWD.

At the completion of deliberations, the DRC by a voice vote adopted a recommendation to remand the case to the RCWD, consistent with the RCWD January 10, 2007 decision, for a new wetland delineation pursuant to Minnesota Statute § 103G.2242, subd. 2a(d) and Minnesota Rule 8420.0225 (D) and for a new, complete replacement plan.

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

ORDER

1. The December 15, 2004, decision of the Rice Creek Watershed District approving a wetland delineation is remanded to the RCWD, consistent with the RCWD January 10, 2007 decision, for a new wetland delineation pursuant to Minnesota Statute § 103G.2242, subd. 2a(d) and Minnesota Rule 8420.0225 (D).

2. The decision of the RCWD approving the replacement plan is remanded to the RCWD for a ~~new,~~ updated complete replacement plan following the new wetland delineation determination.

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

Dated: January 24, 2007

Board of Water and Soil Resources

_____

Its Chair

Minnesota Board Of Water And Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

BWSR File No. 05-1

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Dated: January 24, 2007

Board of Water and Soil Resources

Its Chair

MEMORANDUM

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Regarding the replacement plan, Joe Preiner did not submit a signed application for a replacement plan and his submissions did not contain various required components of a replacement plan pursuant to Minnesota Statute 103G.2242, subd. 4 and Minnesota Rule 8420.0530. Although it has been argued that the RCWD decision was consistent with the Comprehensive Wetland Protection and Management Plan and there were "understandings" regarding some missing elements, that some missing elements were not consequential, and/or that missing elements would be determined by the RCWD during implementation, submittal of an updated replacement plan application must include a complete application.

January 10, 2007

TO: Board Members

THRU: Kevin Lines, Easement Section Administrator

FR: Tim Fredbo, Conservation Easement Specialist

RE: Alteration Request for Conservation Easement 76-15-01-01, Gary Wehrer

BACKGROUND:

Gary Wehrer, through the Swift SWCD, has requested the BWSR to approve removing 12.5 acres of land currently in a perpetual RIM Reserve conservation easement. This includes 7.5 acres that were donated to the State and 5 acres paid for at non-crop rates, all 12.5 acres were not cropland at the time of enrollment. The land is located in Sections 4 and 9, T122N, R37W, (Kerkhoven Township), of Swift County. This easement is immediately adjacent to the Big Slough Waterfowl Production Area, which is owned and managed by the US Fish and Wildlife Service. Mr. Wehrer is proposing to pay the State back for release of the 5 acres that he was compensated for at whatever price we would require. The original easement on Mr. Wehrer's property for 62.5 acres (50 acres cropland, 12.5 acres non-crop) was recorded on January 14, 2002. The State paid $29,425.40 for this easement. The easement area was eligible as a RIM Reserve riparian area and was taken as part of the MN River CREP. The acres proposed for release are not subject to the USDA CRP contract on the 50 acres of cropland.

Mr. Wehrer is requesting this release because he has a purchase agreement to sell the entire 62.5 acre CREP easement parcel that is contingent on the prospective purchaser being able to construct a hunting cabin on the non-crop acres. Mr Wehrer claims that he never understood that he was donating 7.5 acres as part of the RIM easement he was agreeing to.

Mr. Wehrer has been a very active participant in our RIM Reserve easement program as he currently has 5 easements on 325 acres in Swift and Pope Counties. This is the first time he has requested a change in an easement.

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, both donated and non-crop RIM acres.

The BWSR Board has also adopted a policy to address easement alteration requests. It was approved by the BWSR on 5/24/2006. It is included as an attachment for your reference. This policy basically prohibits releases of easement areas such as this one being proposed by Mr. Wehrer. This was explained to Mr. Wehrer early on in this process, and a copy of the adopted policy provided to him, but he chose to proceed with his request.

SUMMARY OF INFORMATION PROVIDED TO SUPPORT REQUEST:

A copy of Gary and Carol Wehrer's October 20, 2006 letter to Thomas Orr at the Swift SWCD is attached for your review. The Wehrer's also submitted a second letter to the Swift SWCD Board dated November 6, 2006. This letter is also submitted for your review. In these letters the Wehrer's claim that they were misinformed, and didn't understand what they were getting in to, and that this now causes them some problems with their ability to utilize their land as they had hoped for their retirement planning.

The Swift SWCD Board considered the Wehrer request at their November meeting and sent a letter to the BWSR dated November 15, 2006 that explains the action taken. The Swift SWCD Board approves of the release of the 7.5 acres of donated land, plus approval for the release of the 5 acres of RIM if the landowner pays the state back.

Mr. David Soehren, DNR Area Wildlife Manager has also reviewed this proposal. Mr. Soehren has submitted two letters outlining his opposition to the Wehrer's proposal. He is opposed to the release because he believes that the proposed development would have a negative impact on the wildlife habitat values of the easement and adjacent Big Slough Waterfowl Production Area. Both letters are attached for review.

In keeping with the Easement Alteration Policy that has been adopted the Wehrer's have sent in a check for $500.00. The November 20, 2006 letter from the Wehrer's to Tim Fredbo accompanied the check. A copy is attached.

FINDINGS:

This release request, as proposed, would release 12.5 acres from a perpetual conservation easement that lies directly adjacent to a 400+ acre lake/wetland complex that is in a US Fish and Wildlife Service Waterfowl Production Area (WPA). The Wehrers have a purchase agreement to sell the entire 62.5 acre easement parcel to Troy and Victoria Lankenau, which is contingent on the Lankenau's being able to build a small hunting cabin on the non-crop acres proposed for release. I have discussed this situation with Mr. Lankenau and made him aware of the situation. Mr. Lankenau has a great interest in the property and has plans on making improvements for wildlife, but he wants the ability to build a small hunting cabin on the site. He proposes to use the existing field road to access the property. This field road is part of the easement area and he has no plans to improve it, or run any power into the site.

Mr. Wehrer claims that he was unaware of this 7.5 acres of donated land being part of the easement. These donated acres are clearly spelled out in both the agreement and easement documents that have been signed by the Wehrer's as part of the State's legal process to secure the easement that has been recorded and paid for. I have also discussed this situation with Tom Orr, Swift SWCD Technician, and he has assured me that he explained the donation situation to Mr. Wehrer during the easement process.

I have been in touch with Mr. Wehrer many times about his request. At a minimum, he is interested in getting the donated acres out of this easement because he claims he was never informed and did not understand. Mr. Wehrer explains this in his October 20, 2006 letter to Tom Orr. He has told me that if he does not get this land removed by the BWSR that he plans on hiring a lawyer and suing the State.

STAFF RECOMMENDATION:

The Board should, in my opinion, deny the Wehrer's request to release any acres from this easement. It very clearly does not meet the criteria in our recently adopted easement alteration policy. The land released would be used for development and that is not allowable under our policy. The donated acres were clearly spelled out in both the Agreement and Easement documents that were both signed by Gary and Carol Wehrer.

Conservation Easement Alteration Requests and Board Policy

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.

Policy Developed by Easement Alteration Subcommittee and adopted by the BWSR on 5-24-06

This policy applies to all state RIM, PWP and CREP easements currently in place and all future state conservation easement acquisitions.

All easement alteration requests that come to BWSR will be accompanied by a $500 processing fee. Checks should be made payable to the BWSR. 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 (public road and utility projects, etc.)
Easement staff has 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:

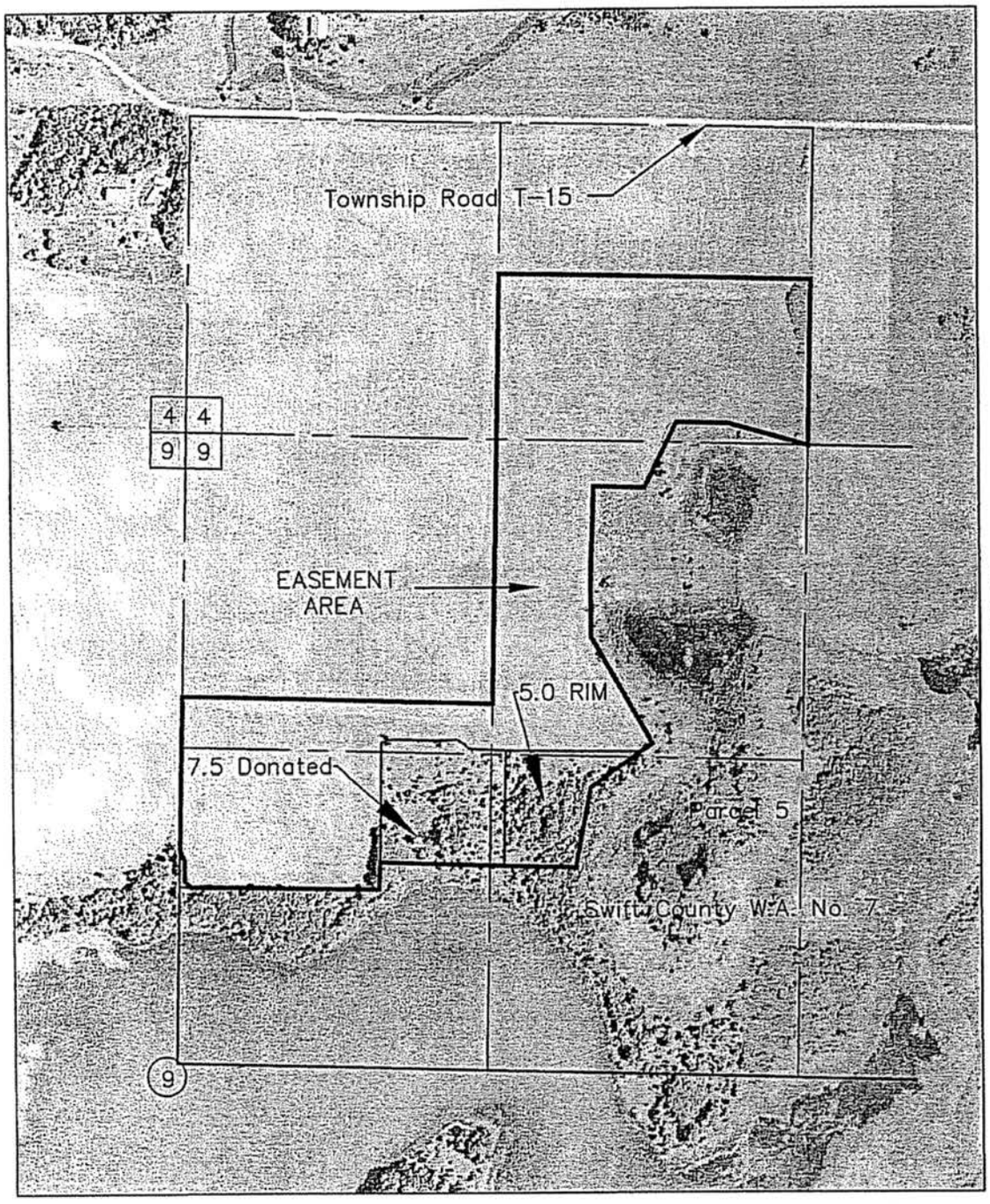
1) Two times the current average township assessed market value (ATAMV) for acres released, and
2) An amount equal to all state funds dispersed as reimbursement for costs incurred to establish cover on the land being released.

Private landowner requests
All alteration requests that come to the BWSR must contain all the information items requested in Section 8400.3610 of RIM Reserve Rule (items A – D as listed above), plus the $500 processing fee in the form of a check made payable to the BWSR.

All requests must also 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. Land development projects include, but are not limited to, such things as new homes, cabins, storage buildings, livestock facilities, cell phone towers, wind generators, sewage treatment systems, private roads and drives, and mining operations.

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.


Township Road T-15
4 4
9 9
EASEMENT
AREA
5.0 RIM
7.5 Donated
Parcel 5
Swift County W.A. No. 7
9

Minnesota Department of Natural Resources

Division of Wildlife
Appleton Area Wildlife Office
3715 Campground Road
Montevideo, MN 56265
PHONE: (320) 752-4394
FAX: (320) 752-4391

December 11, 2006

SWCD Board of Supervisors
Swift County SWCD
1430 Utah Ave.
Benson, MN. 56215

Dear County Supervisors,

Please allow me to clarify my position on the matter of sale of 12.5 acres of the Gary Wehrer Rim Agreement in Section 9, Twp 122N, R37W (Kerkhoven Twp.). Although my comments to you in a letter dated November 8, 2006 pertained mostly to the 5 acres that Mr. Wehrer whishes to buy back, they also apply to the 7.5 acres described as originally donated to the RIM easement.

I have looked at the maps and photos provided by MR. Wehrer, the NRCS, and the US Fish and Wildlife Service. Mr. Wehrer proposes to buy back approximately 5 acres of land previously enrolled **and** 7.5 acres donated to a R.I.M. agreement so that a building site can be created.

As I stated before the property enrolled in the R.I.M. easement is just north of and immediately adjacent to the Big Slough Waterfowl Production Area owned and managed by the USFWS. As such it compliments the natural resource value of the area and provides a tract of wildlife habitat large enough (427 + ac.) to be uncommon in much of the state. The area receives extensive use by waterfowl, deer, and pheasant. The area also provides a public area, open for hunting, trapping, and fishing to all users of these resources.

While it is understandable that Mr. Wehrer would want the property released so that a building site could be established, such development will reduce the wildlife utility of the tract and on a portion of the WPA. Building developments in these situations often lead to property rights/boundary disputes between the owners and the public now using the adjacent area.

Disturbance factors in the construction and use of the property would diminish the current value of the easement. Additional disturbance factors can be anticipated in getting access to the proposed building site. Any road or trail construction on the R.I.M. easement will require release or modification to the easement as well.

I do not feel that the public interests or the general welfare of the public would be better served by the release **of any** of the property from the R.I.M. easement.

Sincerely,

David Soehren
Area Wildlife Supervisor
Appleton, MN

Cc; John Schladweiler
Steve Delehanty
Tim Fredbo

November 20, 2006

Mr. Tim Fredbo, BWSR
520 Lafayette Road North
St. Paul, Minnesota 55155

Dear Mr. Fredbo:

#5415

Enclosed please find our check in the amount of $500.00 made out to BWSR for the purpose of complying with your requirements.

In answer to your concerns about the establishment of a permanent roadway, let us reassure you no permanent roadway is to be constructed. Access will be through the established grass growth with the intent of the land remaining in its natural state.

We hope this will satisfy your concern, however, if you have any additional comments or concerns we can be reached at the following address and telephone number.

Thank you for your kind consideration.

Sincerely,

Gary and Carol Wehrer

Gary and Carol Wehrer
P.O. Box 1007 Lot SL7
Zapata, Texas 78076

Telephone: 956-765-3115

RECEIVED
NOV 27 2006
Bd. of Water & Soil Resources
St. Paul

Swift County Soil & Water
1430 Utah Ave
Benson MN 56215
320-842-7201
320-843-4168 Fax

November 15, 2006

MN Board of Water & Soil Resources
520 Lafayette Rd N
St Paul MN 55155

BWSR Board

After reviewing a request from Gary and Carol Wehrer to remove 7.5 acres of the donated land and 5.0 acres of Rim land from their CREP easement #76-15-01-01, the Swift County Soil & Water Conservation District Board recommends keeping the 5 acres on the East side of the easement area in as RIM land and allowing the Wehrer's to remove the remaining acres to the West as Option 1.

As Option 2 the Wehrer's request to also remove the 5 acres of RIM that were put into the easement and were paid for by the RIM program is also recommended by the Swift County Soil & Water Conservation District Board, IF the landowner is willing to pay the money they received back plus penalty, interest and if approved by the State BWSR Board.

If you have any additional questions, you may contact Thomas Orr at 320-842-7201-113.

Swift County Soil & Water Conservation District Board

Mark Weimerskirch
Orvin Gronseth
Tim Koosmann
Sheldon Ahrndt
Clinton Schuerman

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NOV 17 2006
Bd. of Water & Soil Resources
St. Paul

Minnesota Department of Natural Resources

Division of Wildlife
Appleton Area Wildlife Office
3715 Campground Road
Montevideo, MN 56265
PHONE: (320) 752-4394
FAX: (320) 752-4391

November 8, 2006

SWCD Board of Supervisors
Swift County SWCD
1430 Utah Ave.
Benson, MN. 56215

Dear County Supervisors,

Although I have not had the opportunity to personally walk the property of Mr. Gary Wehrer in Section 9, Twp 122N, R37W (Kerkhoven Twp), I have looked at the maps and photos provided by MR. Wehrer, the NRCS, and the US Fish and Wildlife Service. Mr. Wehrer proposes to buy back approximately 5 acres of land previously enrolled in a R.I.M. agreement so that a building site could be created making this tract of land more desirable for future sale.

The property enrolled in the R.I.M. easement is just north of and immediately adjacent to the Big Slough Waterfowl Production Area owned and managed by the USFWS. As such it compliments the natural resource value of the area and provides a tract of wildlife habitat large enough (427 + ac.) to be uncommon in much of the state. The area receives extensive use by waterfowl, deer, and pheasant.

While it is understandable that Mr. Wehrer would want the property released so that a building site could be established, such development will reduce the wildlife utility of the tract and on a portion of the WPA. Disturbance factors in the construction and use of the property would diminish the current value of the easement. Additional disturbance factors can be anticipated in getting access to the proposed building site. Any road or trail construction on the R.I.M. easement will require release or modification to the easement as well.

I do not feel that the public interests or the general welfare of the public would be better served by the release of this property from the R.I.M. easement.

Sincerely,

David Soehren
Area Wildlife Supervisor
Appleton, MN

Cc; John Schladweiler
Steve Delehanty

RECEIVED
NOV 20 2006 TIM F
Bd. of Water & Soil Resources
St. Paul

November 6, 2006

Subject: A Formal Request to:

The Soil Conservation Board Members
Swift County, Minnesota

Honorable Members:

Please consider our formal request for your approval of the release of a 7 ½ acre plot of land classified as "donated"; located in Section 9, Kerkhoven Township, Swift County, Minnesota.

We also beg your consideration in allowing us to buy back 5 acres of RIM classified land located adjacent to that parcel. This acreage may not have legitimately met RIM qualifications as explained in our previous letter.

For your information, We are enclosing a map showing the property in question.

Your consideration is greatly appreciated.

Sincerely,

Gary and Carol Wehrer

Gary and Carol Wehrer
685 155th Avenue N.E>
Murdock, Minnesota 56271

October 20, 2006

Mr. Thomas Orr
Swift County Soil and Water Conservation Officer
1430 Utah Avenue
Benson, Minnesota 56215

RECEIVED
OCT 25 2006
Bd. of Water & Soil Resources
St. Paul

Dear Tom:

I have greatly appreciated the cooperative working relationship we have shared over the years. The land we enrolled in the CREP Program has proved very beneficial. As you know, I have approximately 200 acres in CREP. The income we received from those easements has aided us in meeting our huge farming expenses while wildlife habitat, population and species have improved and increased. CREP is an excellent conservation program.

Now that we are at the stage in life where retirement is rapidly approaching, we are in the process of selling both our farmland and our conservation acreage. Since farmers are covered by no retirement plan, our retirement income is dependent on sales of assets. Our established CREP land is becoming very attractive to hunters. We have been working with a young couple who wish to purchase some hunting land from us and construct a hunting retreat for their family. They are aware that a portion of that plot is in CREP and can never be farmed or built upon.

The easement agreement shows this piece at 62.5 acres, however, our survey states the total acreage is only 62.28 acres. Fifty of those acres are in CREP, five acres are in RIM, and the remaining acreage is classified as "donated".

We are requesting approval to buy back the five acres of RIM land and/or regain title to the remaining "donated" land (a total of 12.28 *surveyed* acres) 12.5 AC located in Section 9 of Kerkhoven Township, Swift County, Minnesota. The RIM land may not have legitimately qualified for RIM as it had never been farmed. It is a wooded area and would make a wonderful building site. Because we put 50 acres into CREP, we were told we could put that 5 acre hill into RIM for a one time payment of $1684.00. We were told nothing about "donating" any acreage to the State of Minnesota either verbally or as

part of our written proposal. We would never consciously have agreed to doing so as there is no financial benefit in such an action. We received no money, were given no verification of this "donation" to be used for income tax purposes and we continued to pay real estate taxes on the entire parcel. (Please see real estate statements)

In reviewing the contract, however, we find we did sign an agreement to "donate" said piece of property. Please understand, the contract was mailed to us and we had no physical contact with either a state or local representative at that time. We understand a signed contract is legally binding, but by adhering to this agreement, we are losing a sale.

In retrospect, we should perhaps have had an attorney look the contract over for us, but because we had enrolled other land in conservation programs and had no difficulty, we believed that to be unnecessary. Our attention was directed to the much needed payment as we prepared to meet our spring farming expenses.

It is our belief that, with this information at your disposal, you will be willing to work with us on this. We are prepared to repay the $1684.00 together with a small penalty if necessary to regain title on this property.

We look forward to your direction and assistance in this matter. Thank you for your kind attention.

Sincerely,

Gary and Carol Wehrer

Gary and Carol Wehrer
685 155th Ave. N.E.
Murdock, MN. 56271

Telephone: 320-366-3491

C.C. Tim Fredbo: BWSR
520 Lafayette Rd. No.

FY 07 NON POINT ENGINEERING ASSISTANCE CHALLENGE GRANT

BACKGROUND

The NPEA Challenge Grant is made available to NPEA JPBs once a biennium to provide accelerated engineering/technical assistance funding to assist landowners implementing high priority conservation practices.

Ten percent of the annual Feedlot Water Quality Management Grant ($1.5 M.) is reserved to fund this program.

SUMMARY

Amount Available - $300,000

Eligible Applicants - All NPEA JPBs

BWSR First Funding Priority - JPBs whose member SWCDs received FY 07 Feedlot Water Quality Management Grants, and propose to maintain or hire accelerated staffing to provide shared feedlot technical assistance.

07 FWQMG Allocations:

JPB	# Projects Funded
1	0
2	3
3	0
4	1
5	16
6	2
7	3
8	1
9	8
10	2
11	19

RECOMMENDATION

Ten applications were received from seven JPBs requesting $674,837:

General Category	Amount Requested
Staff	$336,753
Equipment	$284,584
Training	$ 3,500
Dedicated $s	$ 50,000
Total	$ 674,837

All applications were reviewed and approved by their Board Conservationists. The Cost Share Committee is forwarding their funding recommendation of *Option 1* as indicated on the attached spreadsheet:

General Funding Strategy

Staff - Apply BWSR's First Funding Priority to add or retain staff.

Vehicles - capped at $15K. $15K plus trade-in value ($7 - 10K) of current vehicle deemed adequate.

Equipment – Option 1 funds all of their request up to $9,780. Option 2 funds 24.2% of request. JPB 1 request capped at $4,000 because of long-term employment of only one staff.

NOTE: First Funding Priority to add or retain staff is upheld because funding recommendation results in a 2/3 to 1/3, staff to equipment ratio. Non-Staff requests that are recommended for funding are regarded as high regional priority.

H:07NPEACG

Summary of NPEA 2007 Challenge Grant Applications

File Name	Applicant	Requested $s	Less $ Acceptable?	Predominant Category	ITEM	Funding Recommendation OPTION 1	OPTION 2
Area 1 Application	NW MN NPEA	13,000	No Indication	Admin/Coordination			
Summary: $10,500 Equipment Purchase ATV, Digital Projector, Drafting Computer w/ LCD monitor, Field Radios & GPS unit w/ antenna. $2,500 Training to Attend Rosgen's River Course.						$4,000	$3,142
File Name	Applicant	Requested $s	Less $ Acceptable?	Predominant Category			
Area 2 Application 1	N. Central NPEA	80,000	No Indication	Land/Water Treatment			
Summary: $80,000 Staff to establish and fill a Riparian Specialist position serving the nine SWCDs in TSA2 for a two-year period.							
File Name	Applicant	Requested $s	Less $ Acceptable?	Predominant Category			
Area 2 Application 2	N. Central NPEA	80,000	No Indication	Land/Water Treatment			
Summary: $80,000 Equipment to purchase a GPS Total Station (support equipment was a a 2005 Challenge Grant). The GPS Total station was not fully funded in 2005. This request will enable full use of previously acquired equipment for the 21 counties in TSAs 1, 2 & 4.						$9,780	$19,336
File Name	Applicant	Requested $s	Less $ Acceptable?	Predominant Category			
Area 2 Application 3	N. Central NPEA	50,000	No Indication	Dedicated Funds			
Summary: $50,000 needed between fiscal year cycles. Re-establish a carry-over fund, and once funded, it will annually self-perpetuate Through replentishment from annual revenue stream.							
File Name	Applicant	Requested $s	Less $ Acceptable?	Predominant Category			
Area 3 Application	CCLNS NPEA	28,000	No Indication	Land/Water Treatment		$9,780	$6,767
Summary: $28,000 to Purchase replacement survey equipment for original 1995 equipment.							
File Name	Applicant	Requested $s	Less $ Acceptable?	Predominant Category			
Area 5 Application1	Central MN NPEA	1,500	Yes	Not Answered			
Summary: $1,500 to Replace an outdated computer with one able to run the new software.							
File Name	Applicant	Requested $s	Less $ Acceptable?	Predominant Category			
Area 5 Application2	Central MN NPEA	49,300	Yes	Not Answered	EQIP.	$9,780	$8,411
Summary: $48,300 to Purchase a notebook computer, 2 digital cameras, a total station, software upgrades & a replacement vehicle. $1,000 to Train staff on latest technological advances.					(INCLUDES COMPUTER ABOVE) VEHICLE	$15,000	$15,000
File Name	Applicant	Requested $s	Less $ Acceptable?	Predominant Category			
Area 6 Apllication	Impack 6 NPEA	25,625	No Indication	Admin/Coordination	EQIP	$2,100	$508
Summary: Purchase a laptop computer ($2,100) and new vehicle ($23,525).					VEHICLE	$15,000	$15,000
File Name	Applicant	Requested $s	Less $ Acceptable?	Predominant Category			
Area 9 Application	SW Prairie NPEA	184,818	Yes	Admin/Coordination	EQIP	$9,780	$11,239
Summary: $138,318 for existing E-I-T position & $46,500 for new GPS Survey equipment.					STAFF	$90,000	$90,000
File Name	Applicant	Requested $s	Less $ Acceptable?	Predominant Category			
Area 11 Application	SE NPEA	162,594	Yes	Admin/Coordination			
Summary: $118,435 for expenses of 2 PE staff for 2 years exceeding the NPEA Base Grant plus 25% minium local match. High feedlot workload in need of PE's. $44,159 to purchase computer equipment, new vehicle, & sofware for new staff hired in January 2006.					STAFF VEHICLE EQIP	$110,000 $15,000 $9,780	$110,000 $15,000 $5,597
				TOTAL		$300,000	$300,000

RATIONALE

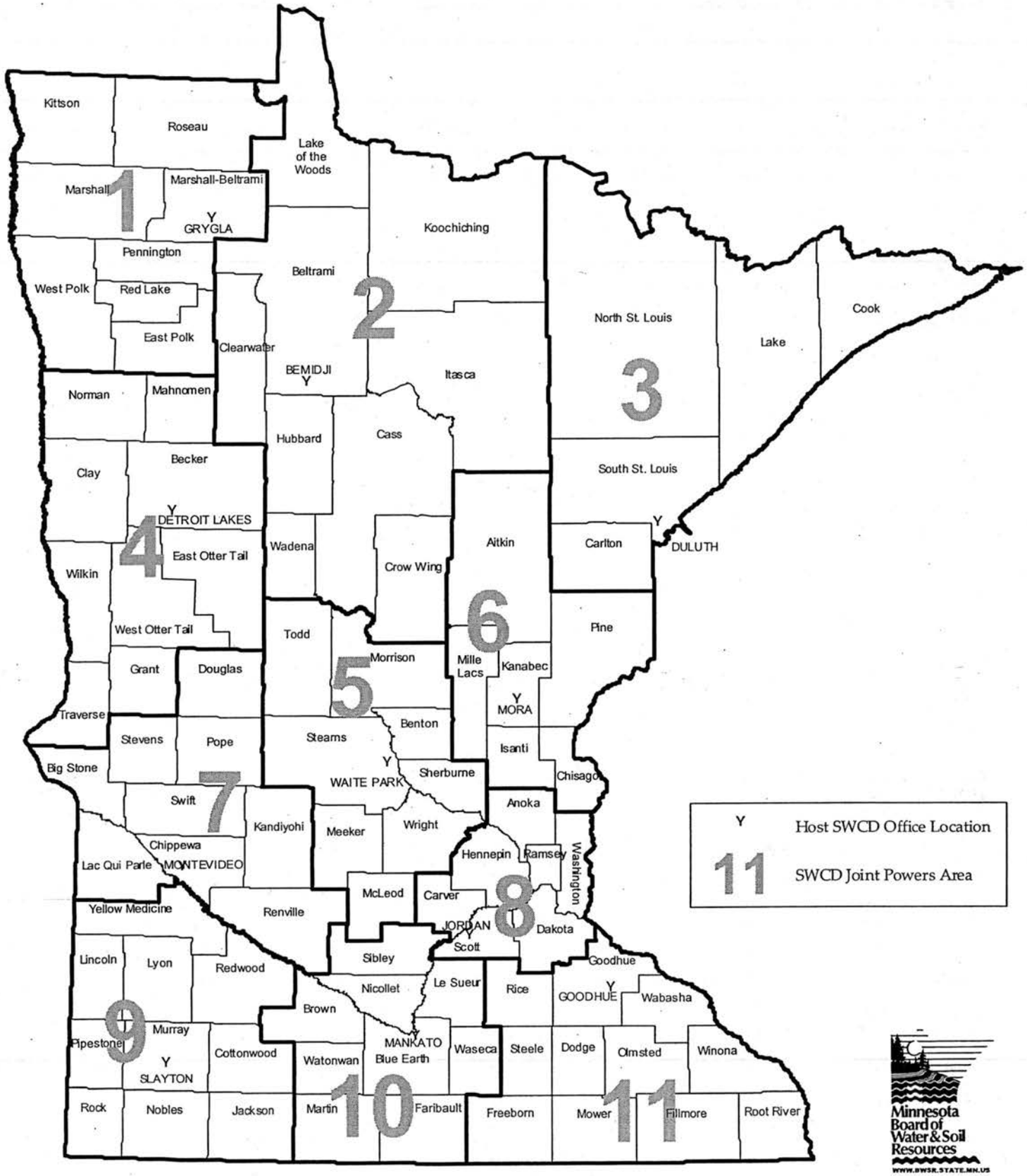
Uphold first funding priority to add or retain staff results in a 2/3 to 1/3, staff to equipment ratio. Non-staff requests that are recommended for funding are regarded as a high regional priority. Matched requests receive higher funding priority.

Vehicles - capped at $15K. $15K plus trade-in value of current vehicle ($7 - 10K) deemed adequate.

Equipment - Option 1 funds all of their request up to $9,780. Option 2 funds 24.2% of request. JPB 1 request capped at $4,000 because of long-term employment of only one staff.

H:07NPEACGGTFR

Nonpoint Engineering Assistance Program



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

January 2003



Invasive Species

2007 CALENDAR

Invasive Species

Threats to Minnesota

Invasive species are non-native plants, animals, and pathogens that cause environmental damage, economic loss, or harm to human health. These pests displace native species, harm habitats, and degrade natural, managed, and agricultural landscapes.

Minnesota is presently battling a number of invasive pests including spiny waterflea, musk thistle, and common tansy shown in this calendar. There are also many new invasive species that could arrive and cause problems. The list of potential invaders includes yellow starthistle, bighead carp, silver carp, sirex woodwasp, and hydrilla.

In addition to harming the recreational value of our natural resources, invasive pests pose serious economic threats to major Minnesota industries such as agriculture, tourism, and forestry. Nationwide, some estimates peg the economic damage of invasive pests at more than $100 billion a year.

Public awareness and action are the keys to preventing the spread of invasive species. Please use the information in this calendar to help inform Minnesotans about the invasive species problem and what they can do to take action in the challenge to reduce invasive species spread and harm.

Minnesota Invasive Species Advisory Council

This calendar was produced and distributed by the Minnesota Invasive Species Advisory Council (MISAC). MISAC is a statewide entity formed in response to Presidential Executive Order 13112 on invasive species and the national Invasive Species Management Plan that encouraged states to plan and take action on invasive species.

The purposes of MISAC are:

- to facilitate statewide coordination and cooperation on invasive species—including the review of information concerning the current status, management, and spread of terrestrial and aquatic invasive insect, plant, animal, and pathogen species into and within Minnesota;
- to work cooperatively to prevent new introductions, identify, and locate invasive species;
- to contain established introductions; to manage invasions and take other actions in order to minimize invasive species impacts within Minnesota; and
- to address these and other existing needs by maximizing available resources.

MISAC's co-chairs, from the Minnesota Departments of Agriculture and Natural Resources, represent the state agencies that are responsible for coordinating the management of invasive species in the state. In addition, the Council includes these members: Bailey Nurseries, Great River Greening, Leech Lake Band of Ojibwe, Minneapolis Park and Recreation Board, Minnesota Association of County Agricultural Inspectors, Minnesota Board of Water and Soil Resources, Minnesota Crop Improvement Association, Minnesota Department of Transportation, Minnesota Farm Bureau, Minnesota Forestry Association, Minnesota Golf Course Superintendents' Association, Minnesota Native Plant Society, Minnesota Nursery and Landscape Association, Minnesota Sea Grant, Minnesota Shade Tree Advisory Committee, The Nature Conservancy, Superior National Forest, USDA-Animal and Plant Health Inspection Service, USDA-Natural Resources Conservation Service, U.S. Fish and Wildlife Service, U.S. Forest Service, University of Minnesota-College of Agriculture, Food and Environmental Sciences and the College of Natural Resources.

Help Report locations of Invasive Species

One of the keys for a rapid response to invasive species is the early identification of new occurrences. Please help report occurrences of invasive species in Minnesota at the following:

- Obtain a standard reporting form at the MISAC Web site: www.mda.state.mn.us/misac/reporting.htm
- "Arrest the Pest" Hotline at: (651) 201-MOTH (metro) or 1-888-545-MOTH (toll free). Please call the hotline to report suspicious pest species arriving on plants or articles from foreign countries or other states and for the latest updates on invasive species such as the gypsy moth, soybean rust, sudden oak death, Asian longhorned beetle, emerald ash borer, bark beetles, and other destructive insect, plant, and disease pest species.
- DNR Invasive Species Program at: (651) 259-5100 (metro) or 1-888-MINNDNR (toll free) to report invasive aquatic plants or wild animals such as Eurasian watermilfoil, zebra mussels, Asian carp, round goby, non-native deer, swans, and mute swans.

Information Sources

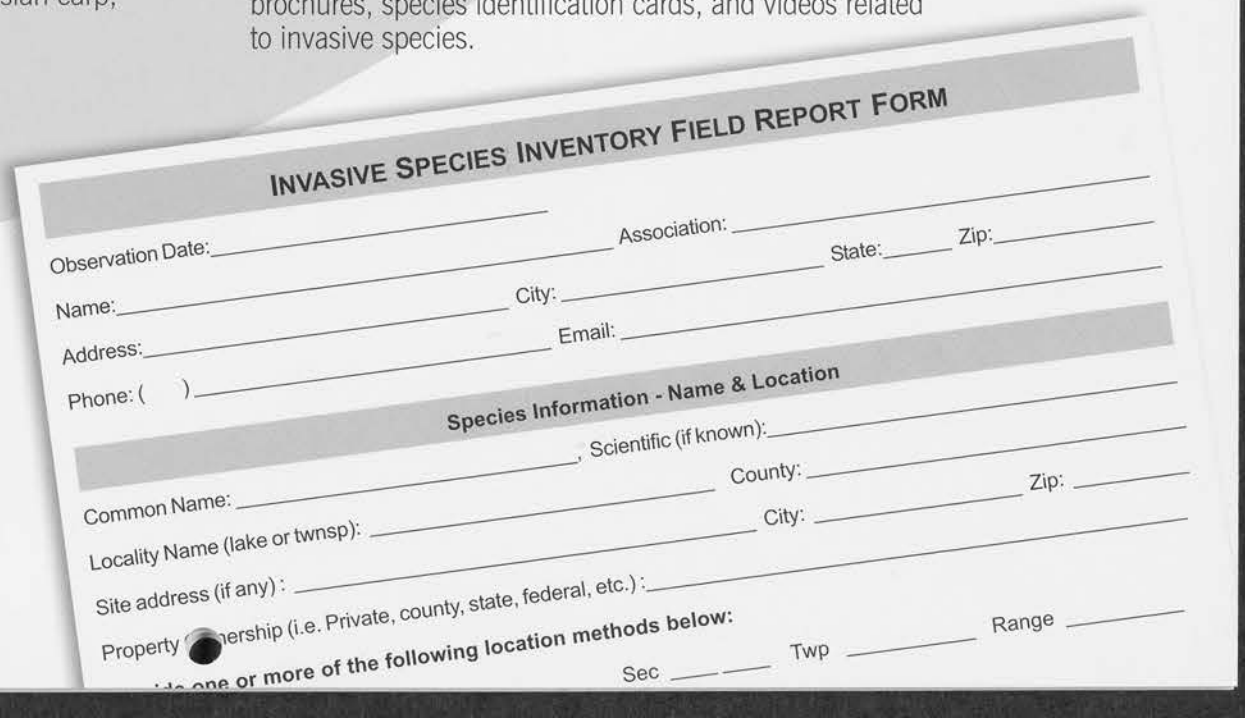
In addition to this calendar, MISAC's Web site can provide much information about invasive species, particularly those in Minnesota. This Web site is a gateway to invasive species information including many invasive species profiles, contact information for invasive species experts in Minnesota, and links to other related Web sites.

MISAC Web site	www.mda.state.mn.us/misac

The Web sites or pages of several MISAC members also have information about invasive species:

DNR Web pages	www.dnr.state.mn.us/invasives
MDA Web pages	www.mda.state.mn.us/pestsweeds.htm
Minnesota Sea Grant	www.seagrant.umn.edu/exotics/index.html
USDA-APHIS	www.invasivespeciesinfo.gov
U.S. Fish and Wildlife Service	www.fws.gov/midwest/fisheries/topic-ans.htm
USDA-Forest Service	www.fs.fed.us/invasivespecies

On the back of the calendar, we have included contact information for six agencies with invasive species responsibilities in Minnesota. These agencies, as well as other MISAC members, can provide informational products such as brochures, species identification cards, and videos related to invasive species.



INVASIVE SPECIES INVENTORY FIELD REPORT FORM

Observation Date: _____ Association: _____

Name: _____ City: _____ State: ____ Zip: _____

Address: _____ Email: _____

Phone: ( ) _____

Species Information - Name & Location

Common Name: _____, Scientific (if known): _____

Locality Name (lake or twnsp): _____ County: _____

Site address (if any) : _____ City: _____ Zip: _____

Property ownership (i.e. Private, county, state, federal, etc.) : _____

Provide one or more of the following location methods below:

Sec ____ ____ Twp _____ Range _____

Rusty Crayfish



Keys to ID: The carapace (outer covering) usually has a pair of rusty-colored spots. Claws often have black bands at the tips.

Photo: Minnesota Sea Grant

Rusty crayfish on a river bottom.
Photo: Bernard Sietman

JANUARY

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 New Year's Day	2	3	4	5	6
7	8	9	10	11	12	13
14	15 Martin Luther King Jr. Birthday Observed	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Rusty Crayfish

Oronectes rusticus

Species: A crustacean that grows up to 5 inches long.

Origin: Native to the Ohio River basin.

Impacts: Rusty crayfish are aggressive invaders. They can harm native fish communities by feeding on their eggs and young, driving out or hybridizing with native crayfish, and eliminating aquatic vegetation.

Status: They spread to several states and Ontario, Canada. Rusty crayfish were discovered in Minnesota around 1960 and are confirmed in about 50 waters, mostly in central and northern counties.

Where to look: They can infest lakes, rivers, streams, and wetlands.

Regulatory classification (agency): Rusty crayfish is a *regulated invasive species* (DNR), which means release into the wild is illegal. Licensed anglers may collect any crayfish for use as bait on the same water body. They may harvest up to 25 pounds of any crayfish for personal consumption. Selling live crayfish for bait or aquarium use is illegal.

Means of spread: They likely spread by people dumping bait buckets and aquariums, through commercial aquaculture activities, and release of live specimens used in schools.

How can people help?
- Learn to identify rusty crayfish.
- Inspect and remove aquatic plants and animals from recreational gear.
- Never release crayfish, fish, or plants from one body of water into another.
- Complete the reporting form found at www.mda.state.mn.us/misac/reporting.htm
- Report infestations to the DNR Invasive Species Program.

Further information: Contact University of Minnesota Sea Grant or DNR Invasive Species Program.

2007 Invasive Species Calendar

www.mda.state.mn.us/misac/

Minnesota Invasive Species Advisory Council

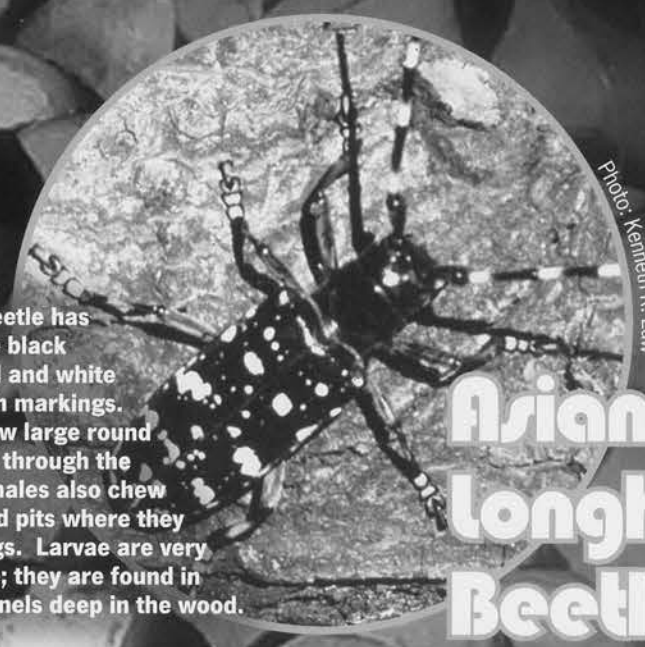
FIREWOOD PATHWAY



Gypsy Moth

Keys to ID:
The adult male has feathery antennae and is light beige to dark brown with black jagged bands on its forewings. The adult female (shown) is white with brown zig-zag markings on its wings and cannot fly.

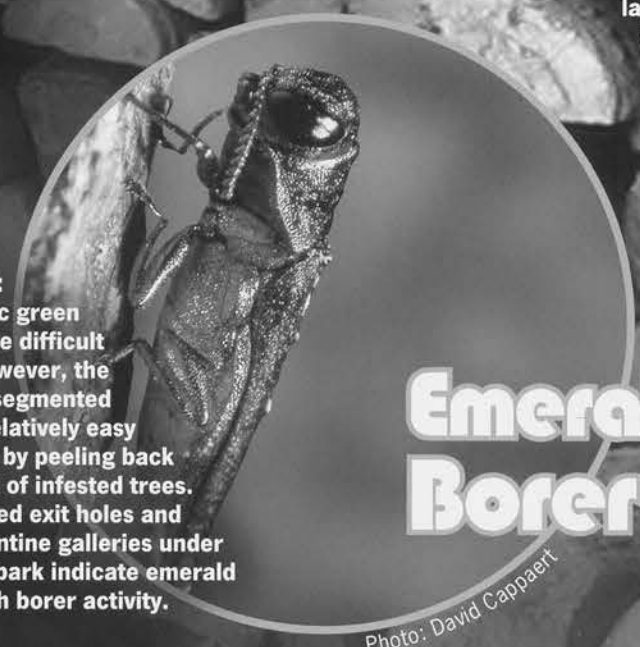
Photo: Kimberly Thielen Cremers



Asian Longhorned Beetle

Keys to ID:
The large beetle has a distinctive black background and white or yellowish markings. Adults chew large round exit holes through the bark; females also chew v-shaped pits where they lay eggs. Larvae are very large; they are found in tunnels deep in the wood.

Photo: Kenneth R. Law



Emerald Ash Borer

Keys to ID:
The metallic green adult can be difficult to find. However, the distinctly segmented larva is relatively easy to locate by peeling back the bark of infested trees. D-shaped exit holes and serpentine galleries under the bark indicate emerald ash borer activity.

Photo: David Cappaert

Firewood transport can spread many invasive insects.

Photo: MDA

FEBRUARY

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2 Groundhog Day	3
4	5	6	7	8	9	10
11	12 Lincoln's Birthday	13	14 Valentine's Day	15	16	17
18	19 President's Day	20	21	22 Washington's Birthday	23	24
25 National Invasive Weed Awareness Week	26 National Invasive Weed Awareness Week	27 National Invasive Weed Awareness Week	28 National Invasive Weed Awareness Week			

Species: These are examples of invasive insects spread by transporting firewood and other objects.

Origin: Native to Europe and Asia.

Impacts: Emerald ash borers cause high mortality of ash trees. Asian longhorned beetle larvae tunnel in the wood of many tree species such as maple, poplar, elm, and birch and can cause heavily infested trees to die. Gypsy moths can defoliate over 300 species of trees and shrubs. Besides these three pests, firewood can move many other damaging insect and disease pests such as the fungi that cause oak wilt and Dutch elm disease.

Status: Emerald ash borers and Asian longhorned beetles are not known to exist in Minnesota. Gypsy moths are invading the state from eastern states, but are not yet permanently established. To date, known infestations have been treated by the Minnesota Department of Agriculture and U.S. Fish and Wildlife Service.

Where to look: Look for bark cracks and D-shaped holes caused by emerald ash borers on ash trees that have recently died or are in poor health. Asian longhorned beetles create large round exit holes in wood. Buff-colored velvety egg masses of gypsy moths can be found on plant materials, firewood, and outdoor furniture.

Regulatory classification (agency): The DNR is proposing to prohibit the use of firewood transported to state parks and other DNR lands. These insects are *federally quarantined pests* (USDA-APHIS).

Means of spread: People can unintentionally move these species long distances through the transport of firewood and other objects stored outdoors.

How can people help?
- Leave your firewood at home.
- Buy locally harvested firewood when away from home.
- Buy only what you need—leave unused firewood for the next camper.
- Never move uncertified nursery stock across state lines.
- Complete the reporting form found at www.mda.state.mn.us/misac/reporting.htm.

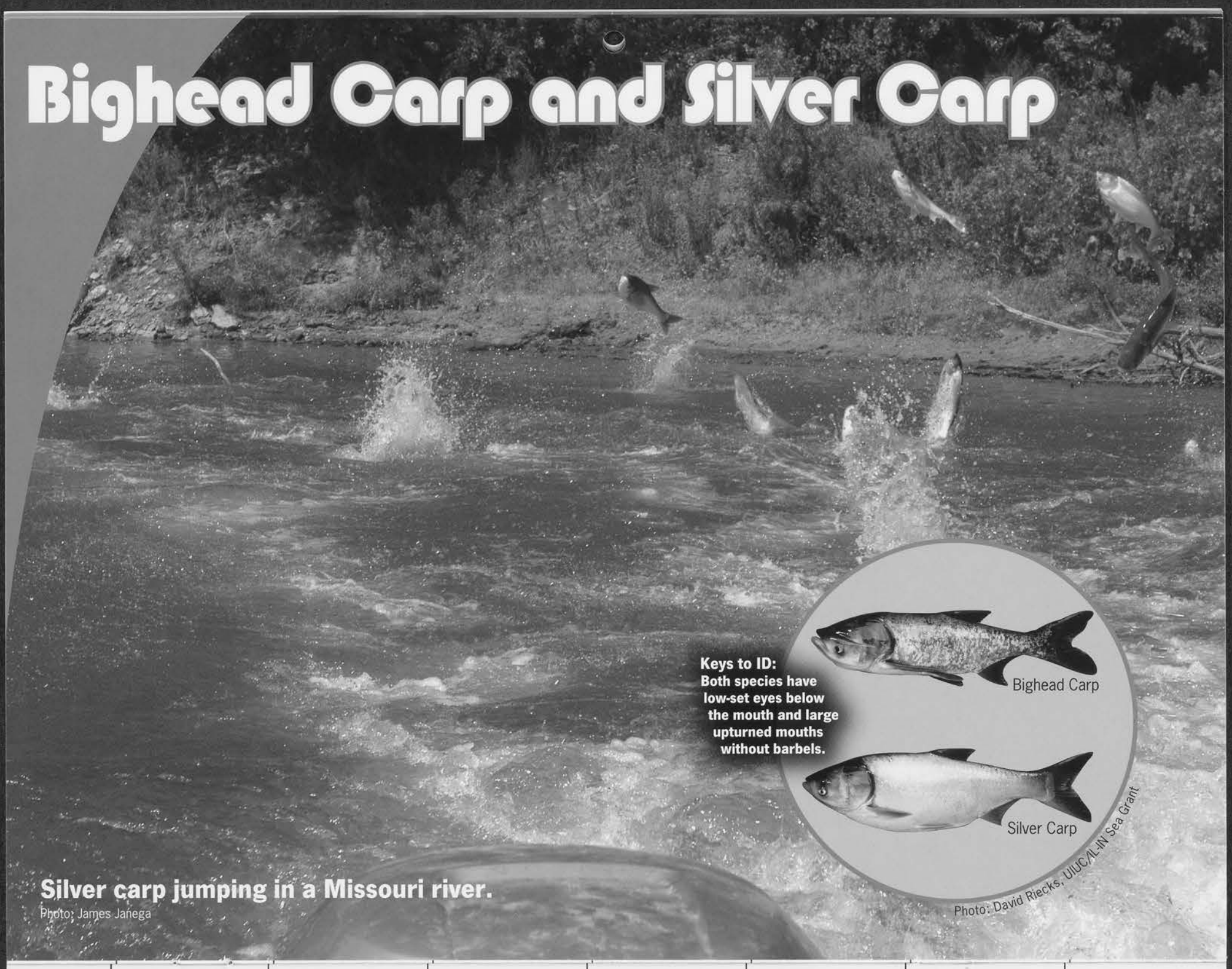
Further formation: For more information, contact MDA.

2007 Invasive Species Calendar

www.mda.state.mn.us/misac/

Minnesota Invasive Species Advisory Council

Bighead Carp and Silver Carp



Silver carp jumping in a Missouri river.
Photo: James Janega

MARCH

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 National Invasive Weed Awareness Week	2 National Invasive Weed Awareness Week	3
4	5	6	7	8	9	10
11 Daylight Saving Time Begins	12	13	14	15	16	17 St. Patrick's Day
18	19	20 Vernal Equinox	21	22	23	24
25	26	27	28	29	30	31

Bighead and Silver Carp

Aristichthys nobilis and Hypophthalmichthys molitrix

Species: Large filter-feeding fishes. Bighead carp weigh up to 110 pounds; silver carp weigh up to 60 pounds.

Origin: Native to China, they were imported in the 1970s for use in aquaculture ponds to control plankton. By the early 1980s, both species had escaped into rivers in southern states.

Impacts: They eat massive amounts of plankton—microscopic plants and animals that are also eaten by young native fish, adult paddlefish, and mussels. This competition for food could result in fewer and smaller sport fish. Silver carp can leap up to 10 feet out of the water when disturbed by sounds of watercraft. Jumping carp can injure boaters, personal watercraft operators, and water skiers.

Status: There are no known populations in Minnesota. However, bighead are in the Mississippi River and its tributaries downstream of Pool 12 in Iowa. Silvers are also in the Mississippi and its tributaries further downstream.

Where to look: They often feed in schools at the water's surface. Silver carp jump when disturbed by boats.

Regulatory classification (agency): They are *prohibited invasive species* in Minnesota (DNR).

Means of spread: The juveniles look similar to gizzard shad and other native baitfish, so they could be spread through the use or release of live bait.

How can people help?
- Do not take bait from infested waters.
- Never release fish from one water body into another.
- Report sightings and bring fish to the local DNR office.

Further information: For more information, visit www.asiancarp.org/idkeys.asp.

2007 Invasive Species Calendar

Japanese Knotweed



Photo: Jay Rendall

Photo: Roger Becker

Keys to ID:
Grows to 10 feet; reddish-brown stems, smooth, stout hollow and swollen at the joint where the leaf meets the stem. Leaves are about 6 inches long and 3 to 4 inches wide. The panicles of tiny greenish-white flowers bloom in late summer.

Japanese knotwood growing along a Minnesota lakeshore.
Photo: Jay Rendall

APRIL

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8 Easter	9	10	11	12	13	14
15	16	17	18	19	20	21
22 Earth Day	23	24	25	26	27 Arbor Day	28
29	30					

Japanese Knotweed

Fallopia japonica

Species: A shrub-like, perennial herbaceous plant.

Origin: Native to Asia, it was intentionally introduced into Minnesota as an ornamental and for erosion control.

Impacts: Japanese knotweed forms dense thickets that suppress native vegetation and greatly alter natural ecosystems.

Status: It has escaped cultivation and is known to be in several metro and at least two northern Minnesota counties.

Where to look: It can be found growing in riparian areas such as stream banks and lakeshores, yards, and also along roadsides.

Regulatory classification (agency): Japanese knotweed is not regulated in Minnesota.

Means of spread: It spreads aggressively underground by vegetative means. It is often transported to new sites as a contaminant in fill. Escapees from yards and discarded cuttings are common means of dispersal.

How can people help?
- Don't plant as an ornamental.
- Remove plants from your property.

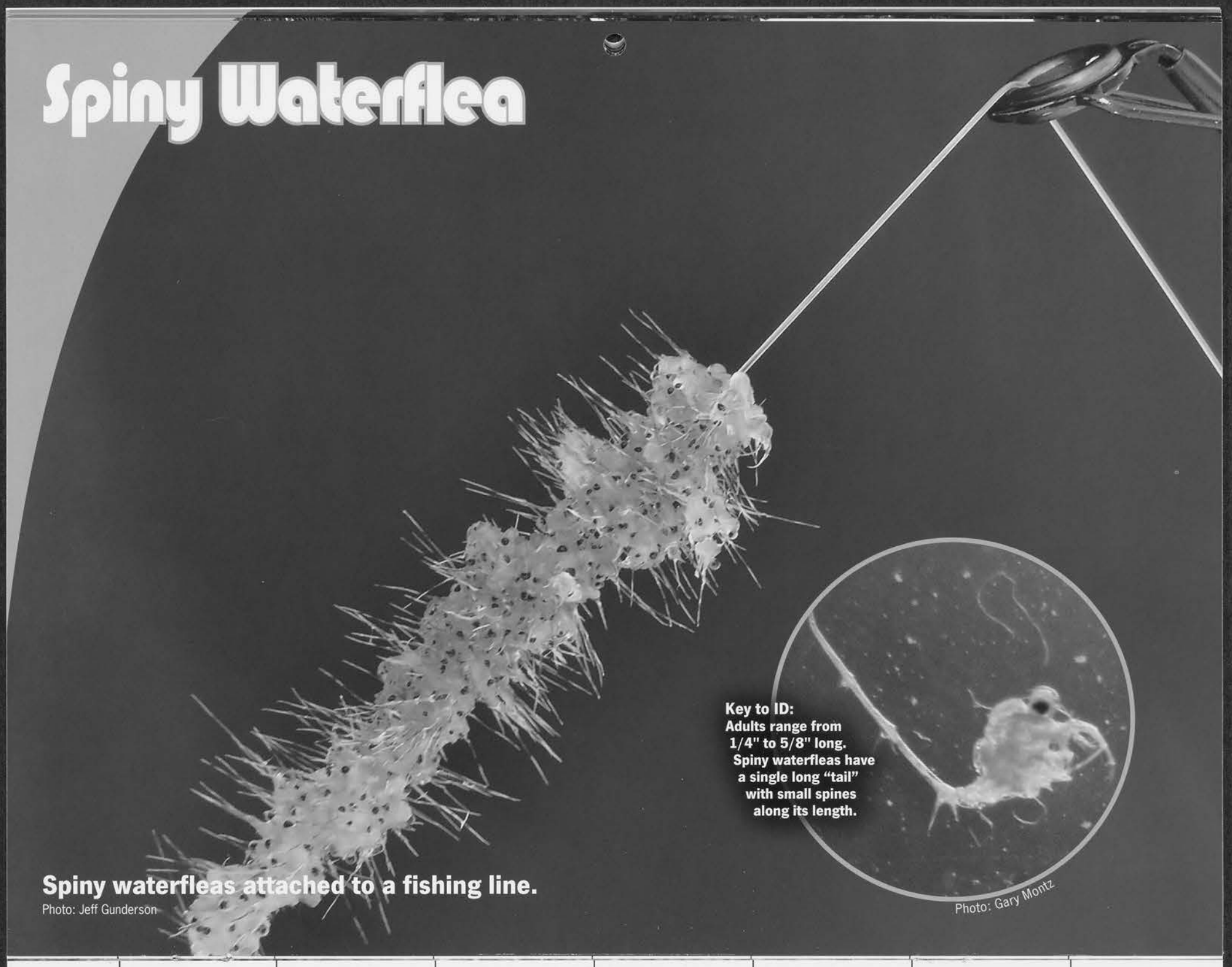
Management information: For management recommendations, visit www.dnr.state.mn.us/invasives/terrestrialplants/herbaceous/japaneseknoweed.html.

2007 Invasive Species Calendar

www.mda.state.mn.us/misac/

Minnesota Invasive Species Advisory Council

Spiny Waterflea



Spiny waterfleas attached to a fishing line.
Photo: Jeff Gunderson

Key to ID:
Adults range from 1/4" to 5/8" long. Spiny waterfleas have a single long "tail" with small spines along its length.

Photo: Gary Montz

MAY

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 May Day	2	3	4	5
6	7	8	9	10	11	12 MN Walleye Opener
13 Mother's Day	14	15	16	17	18	19 Armed Forces Day
20	21	22	23	24	25	26
27	28 Memorial Day Observed	29	30	31		

Spiny Waterflea

Bythotrephes longimanus

Species: Zooplankton (microscopic animals) that have a long barbed tail.

Origin: Native to Europe and Asia, they were introduced into the Great Lakes by ballast water discharged from oceangoing ships. They were first discovered in Lake Ontario in 1982 and spread to Lake Superior in 1987.

Impacts: Spiny waterfleas eat other zooplankton including Daphnia, which are an important food for native fishes. In some lakes, they caused the decline or elimination of some species of native zooplankton. They can clog eyelets of fishing rods and prevent fish from being landed.

Status: They have spread throughout the Great Lakes and are established in some inland lakes and rivers in northern Minnesota.

Where to look: They collect in gelatinous globs on fishing lines and downrigger cables. They prefer deep lakes, but can be found in shallow lakes and rivers.

Regulatory classification (agency): Spiny waterfleas are a *regulated invasive species* in Minnesota (DNR). Introduction into another water body is prohibited.

Means of spread: They can spread by attaching to fishing lines, downriggers, anchor ropes, and fishing nets. Female waterfleas can carry eggs that resist drying and freezing, and can establish a new infestation. They also can be unintentionally transported in bilge water, bait buckets, or livewells.

How can people help?
- Learn to recognize them.
- Inspect and remove gelatinous material from fishing lines and downrigger cables.
- Drain water before transporting boats, personal watercraft, and bait containers.
- Report infestations.

Further information: Contact Minnesota Sea Grant or DNR Invasive Species Program.

2007 Invasive Species Calendar

www.mda.state.mn.us/misac/

Minnesota Invasive Species Advisory Council

Musk Thistle
(Nodding Thistle)



Keys to ID:
First year of growth is a spiny rosette. Rosettes "bolt" and develop into mature plants that reach 6 feet tall. It has flat, solitary reddish-purple flowers up to 1 inch in diameter at the tip of each branched stem. The flower is surrounded by needle-like bracts, and is often so large that it bends the stem.

Photo: Anthony Cortilet

Musk thistles in bloom.
Photo: Roger Becker

JUNE

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7	8	9
10	11	12	13	14 Flag Day	15	16
17 Father's Day	18	19	20	21 Summer Solstice	22	23
24	25	26	27	28	29	30

Musk Thistle (Nodding Thistle)

Carduus nutans L.

Species: A tall, spiny biennial forb.

Origin: Native to Europe and Asia, it was likely introduced into Minnesota in the early 1900s via contaminated livestock hay or bedding and mulch used in road development.

Impacts: Musk thistles are extremely spiny and unpalatable to most livestock and grazing wildlife species. It forms dense monocultures in overgrazed pastures, upland ecosystems, and roadsides if left untreated.

Status: Musk thistle is found throughout the southern half of Minnesota and is extremely prevalent in the southernmost two-tiers of counties.

Where to look: It is found in pastures, conservation reserve program (CRP) lands, gravel pits, prairies, and along roadsides, fence rows, and field margins. Musk thistle flowers in late May and June.

Regulatory classification (agency): It is a *prohibited noxious weed* in Minnesota (MDA).

Means of spread: Musk thistle spreads by seed. Mowing roadsides after seed development in late June and July can spread this plant over large distances.

How can people help? Locate mature second-year "bolted" plants and cut them in mid- or late May, prior to flowering and seed production, to prevent spread. Musk thistle has numerous stiff spines, so wear heavy leather or canvas gloves if you plan to handle this plant.

Further information: Contact MDA Weed Integrated Pest Management Project or visit www.mda.state.mn.us/weedcontrol.

2007 Invasive Species Calendar

www.mda.state.mn.us/misac/

Minnesota Invasive Species Advisory Council

Yellow Starthistle



Keys to ID:
Plants are gray-green to bluegreen, and grow from 6 inches to 5 feet in height. Flowers are bright yellow with sharp spines surrounding the base. Stems and leaves are covered with cottony wool.

Photo: Stephen Ausmus

Yellow starthistle infested field in western U.S.
Photo: Steve Dewey

JULY

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4 Independence Day	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

2007 Invasive Species Calendar

Yellow Starthistle

Centaurea solstitialis L.

Species: An annual herbaceous plant.

Origin: Native to Africa, temperate Asia, and Eurasia, it likely was introduced into the U.S. through contaminated alfalfa in the mid-1800s.

Impacts: It chokes out the native plants, reducing biodiversity and wildlife habitat and forage. Consumption by horses can cause "chewing disease," a serious neurological disease that is usually fatal.

Status: It is not known to exist in Minnesota. Yellow starthistle is most concentrated in California, where the plant infests nearly 12 million acres of rangeland and wildland. It has invaded natural areas in Idaho, Oregon, New Jersey, Utah, and Washington.

Where to look: Yellow starthistle is found typically in full sunlight and deep, well-drained soils, where annual rainfall is between 10-60 inches, and is commonly found on roadsides, rangeland, wildlands, hay fields, and pastures.

Regulatory classification (agency): It is not a regulated pest in Minnesota.

Means of spread: It is spread by animals and human activities. Vehicles, contaminated crop seed, hay or soil, and road maintenance, contribute greatly to the plant's rapid and long-distance spread.

How can people help?
- Remove plants from your property.
- Report infestations to the DNR Invasive Species Program using the reporting form found at www.mda.state.mn.us/misac/reporting.htm.

Management information: For management recommendations, visit www.ipm.ucdavis.edu/PMG/PESTNOTES/pn7402.html.

Common Tansy



A field invaded by common tansy.
Photo: Monika Chandler

Keys to ID:
Tansy grows 3 to 6 feet tall, has fern-like leaves, and flat-topped clusters of yellow button-like flowers that bloom from July through September. Multiple upright reddish stems form a bushy plant.

Photo: Monika Chandler

AUGUST

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Common Tansy

Tanacetum vulgare

Species: A perennial herbaceous plant.

Origin: Native to Europe and Asia, tansy was brought to the U.S. by early colonists from Europe for culinary, medicinal, and ornamental uses, then escaped from cultivation. It has spread to almost every state in the continental U.S.

Impacts: Tansy is toxic to humans and some livestock if ingested in large quantities. It forms dense stands that inhibit the growth of desirable vegetation resulting in the loss of quality forage, wildlife habitat, and native plants. Reforestation efforts can be hindered by tansy outcompeting saplings.

Status: Tansy is present in at least 37 Minnesota counties.

Where to look: It can be found in open areas such as roadsides, pastures, natural areas, and along ditches and streams.

Regulatory classification (agency): Tansy is classified as a *secondary noxious weed* (MDA) and as a *prohibited noxious weed* in Beltrami, Cass, Itasca, and Koochiching counties in Minnesota.

Means of spread: The seeds are lightweight and easily moved by wind, water, wildlife, equipment, etc. Mowing spreads the seeds and may cause the plant to flower multiple times rather than a single time per year.

How can people help?
- Do not plant tansy as an ornamental.
- Control small infestations early, either by hand pulling wearing gloves or using herbicides. Either method will require follow-up treatments.
- Contact your University of Minnesota Extension Agent for herbicide recommendations.

Further information: Contact the MDA Weed Integrated Pest Management Project or visit www.mda.state.mn.us/weedcontrol.

2007 Invasive Species Calendar

Non-native Subspecies of Common Reed



Keys to ID:
Stems of natives are smooth; introduced are ribbed and visible with the naked eye. Leaf sheath of native is easy to remove or falls off; introduced is difficult to remove. Flower head of native is sparse; introduced is dense.

Non-native subspecies of common reed along a lakeshore.
Photo: Jay Randall

Photo: Deb Rowe

SEPTEMBER

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 Labor Day	4	5	6	7	8
9 Grandparents' Day	10	11	12	13	14	15
16	17	18	19	20	21	22
23 Autumn Equinox 30	24	25	26	27	28	29

Non-native Subspecies of Common Reed

Phragmites australis susp. australis

Species: This plant is a non-native subspecies of the native perennial grass *Phragmites australis subsp. americanus* (Saltonstall, P.M. Peterson and Soreng). It can grow over 12 feet high in dense stands.

Origin: The introduction of non-native subspecies of common reed into the U.S. likely occurred in the early part of the 1800s at east coast ports.

Impacts: Mixed wetland plant communities are replaced by near monocultures of non-native common reed, resulting in changed ecosystem processes and associated detrimental impacts on native wildlife.

Status: The non-native has entirely replaced native common reed populations in New England, has spread to the West, and also is becoming prevalent in the Midwest. There are few known populations in Minnesota—some in the Twin Cities area and near Duluth.

Where to look: It typically grows in wetlands and other moist soil habitats.

Regulatory classification (agency): It is not currently a regulated pest in Minnesota.

Means of spread: It spreads via movement of construction and maintenance equipment, wind, and water.

How can people help?
- Look for this plant in moist soil habitats.
- Eliminate small populations.
- Report infestations to the DNR Invasive Species Program using reporting form found at www.mda.state.mn.us/misac/reporting.htm.

Further information: Visit www.invasiveplants.net/phragmites and www.nps.gov/plants/alien/fact/phau1.htm.

2007 Invasive Species Calendar

www.mda.state.mn.us/misac/

Minnesota Invasive Species Advisory Council

Faucet Snail
(Mud Bithynia)



Keys to ID:
Adults grow up to 1/2-inch in length, light brown to black, with 4 to 5 whorls and a cover on the shell opening.

Faucet snails attach to hard objects in water.

Photo: Jim Nissen

Photo: Kristin Herrmann

OCTOBER

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8 Columbus Day	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24 United Nations Day	25	26	27
28	29	30	31 Halloween			

Faucet Snail (Mud Bithynia)

Bithynia tentaculata

Species: An aquatic snail.

Origin: Native to Europe, it was introduced into Lake Michigan around 1870, probably through ship ballast water.

Impacts: This snail is an intermediate host for intestinal parasites that cause mortality of ducks and coots. Since 2002, die-offs of thousands of birds have occurred each spring and fall in Lake Onalaska, Wisconsin. They also outcompete native snail species.

Status: It has been reported around the Great Lakes, except Lake Superior, in southern Quebec, Canada, and east to the Washington, D.C. area. It has been found in many areas of eastern Wisconsin and has recently established in the Mississippi River south of Winona, Minnesota. It is unclear if it is in other Minnesota waters.

Where to look: It is found on rocky shorelines, river and lake bottoms, aquatic vegetation, and docks.

Regulatory classification (agency): It is not a regulated pest.

Means of spread: It is spread by attaching to aquatic plants, boats, and equipment.

How can people help?
- Report new locations.
- Inspect and remove aquatic plants, animals, and mud from boats and equipment before transporting from one water body to another.
- Rinse equipment with hot water or dry equipment in heat or sun for several hours.

Further information: Contact the Minnesota State University-Mankato, Department of Biological Sciences at 507/389-1280 or robert.sorensen@mnsu.edu

2007 Invasive Species Calendar

www.mda.state.mn.us/misac/

Minnesota Invasive Species Advisory Council

Black Swallowwort
(Climbing Milkweed)



Black swallowwort plants.
Photo: Peter Dziuk

Keys to ID: Twining stems; leaves are simple, dark green, oblong and pointed; small (1/4-inch) purplish-black flowers with yellow centers bloom in June and July; 1-1/2 to 3-inch long seed pods are slender and tapering similar to other milkweeds.

Photo: Peter Dziuk

NOVEMBER

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4 Daylight Saving Time Ends	5	6 Election Day	7	8	9	10
11 Veteran's Day	12	13	14	15	16	17
18	19	20	21	22 Thanksgiving Day	23	24
25	26	27	28	29	30	

Black Swallowwort
(Climbing Milkweed)

Cynanchum louiseae, Vincetoxicum nigrum, Cynanchum nigrum

Species: A twining perennial vine in the milkweed family.

Origin: Native to southwestern Europe, it was intentionally introduced into North America as an ornamental in the 1900s.

Impacts: Vines wind around other vegetation, outcompeting native wildflowers and young trees and can form dense stands in shrubby areas. According to laboratory research, when monarch butterflies lay eggs on black swallowwort, the resulting larvae experience a high rate of mortality.

Status: It occurs in northeastern United States and Canada, west to Nebraska and Kansas; also in California. It was found in one landscaped area in St. Paul.

Where to look: Black swallowwort is most commonly found in heavily-shaded woodlands, but has recently become invasive in disturbed, open areas along roads and in fields.

Regulatory classification (agency): It is not a regulated pest in Minnesota.

Means of spread: Like native milkweeds, the tufted seed is spread by wind.

How can people help?
- Look for this plant in late summer when plants turn yellow and pods stand out.
- Remove the seed pods and burn them to prevent seed dispersal.

Further information: Contact the MDA "Arrest the Pest Hotline": (651) 201-6684 (metro) or 1-888-545-6684 (toll free).

2007 Invasive Species Calendar

www.mda.state.mn.us/misac/

Minnesota Invasive Species Advisory Council

Sirex Woodwasp



Adult exit holes

Photos: Dennis Haugen



Resin dribble at egg sites



Stains under bark

Adult Female

Photo: Steve Valley

Keys to ID:
Body is dark metallic blue, males have orange band in middle of abdomen; legs reddish-yellow with black feet (tarsi), males have black hind legs; antennae entirely black.

DECEMBER

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22 Winter Solstice
23 30	24 Christmas Eve 31 New Year's Eve	25 Christmas Day	26	27	28	29

2007 Invasive Species Calendar

Sirex Woodwasp

Sirex noctilio

Species: A non-native insect in the woodwasp or horntail family.

Origin: Native to Europe, Asia, and northern Africa, it is a pest of pine plantations in New Zealand, Australia, southern South America, and South Africa. The first infestation in North America was detected in May 2005 near Oswego, New York.

Impacts: The sirex woodwasp attacks and kills pine trees, especially stressed trees in plantations. In the Southern Hemisphere, it has caused up to 80 percent tree mortality in susceptible plantations. It kills the tree by introducing a symbiotic fungus and toxic mucus during oviposition. Developing larvae feed only on this fungus.

Status: Detection and delimiting surveys are underway across the United States and Canada. Infestations have been found in western New York, northern Pennsylvania, and southern Ontario, Canada. It has not been detected in Minnesota.

Where to look: Examine pine trees, especially dense (overstocked) pine plantations with canopy closure.

Regulatory classification (agency): It is a *proposed regulated invasive species* (USDA-APHIS).

Means of spread: Long-range movement is likely through firewood, infested logs and untreated lumber. Adults are good fliers and natural movement is expected to be 20 to 25 miles per year.

How can people help?
- Collect and report suspected woodwasps to MDA using the reporting form found at www.mda.state.mn/misac/reporting.htm
- Early detection is important in implementing a successful biological control program.

Further information: Contact DNR Forestry or MDA.

For information about invasive species in Minnesota, contact:

Aquatic Plants and Animals:
Minnesota Department of Natural Resources
Invasive Species Program
(651) 259-5100

University of Minnesota-Sea Grant
Aquatic Invasive Species Program
(218) 726-8712

U.S. Fish and Wildlife Service
(612) 713-5114

Terrestrial Plants and Insects:
Minnesota Department of Agriculture
Invasive Species Unit
(651) 201-6328

USDA-Animal and Plant Health Inspection Service
(612) 725-1722

Minnesota Department of Natural Resources
Division of Forestry
(651) 259-5300

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Silver Carp photo: Chris Young, State Journal Register (front cover)

Rusty Crayfish
Firewood Pathway
Bighead and Silver Carp
Japanese Knotweed
Spiny Waterflea
Musk Thistle
Yellow Starthistle
Common Tansy
Alternative Common Reed
Faucet Snail
Black Swallowwort
Sirex Woodwasp

From: John Jaschke
To: Anderson, MaryJo
Date: 1/23/2007 11:17:55 AM
Subject: Re: BWSR's FY08-09 budget

Board Members: below is a summary Doug prepared of BWSR's components in the Governor's FY 08-09 recommended budget proposal released yesterday. Even just one day into my new position I can see that this is a very positive start for BWSR to build on in the years ahead.

/s/
John Jaschke

>>> Doug Thomas 1/22/2007 3:36 PM >>>
As many of you were aware the Governor released his proposed FY 08-09 budget today. As an agency we submitted a number of change items (that's the term used for anything that is above what you received in the previous biennium) that dealt with our agency base budget, WCA, public drainage, clean water legacy and RIM.

The Governor's FY 08-09 budget recommendations for Agriculture and the Environment included:

Clean Water Legacy - $40 million in permanent funding for the biennium to PCA, BWSR, MDA, DNR, and the PFA to carry out monitoring, assessment, TMDL development, and point source and non-point source protection and restoration strategies. BWSR is recommended to receive $5,450,000 per year for non-point restoration and protection. The breakout is $1.5 million/yr for non-point restoration cost-share & incentive payments. $2 million/yr for non-point restoration technical and engineering assistance. $200,000/yr for reporting and evaluation. $750,000/yr for county ISTS programs. $1.0 million/yr for non-point source protection activities. These amounts are similar to what the legislature appropriated in FY 2007.

Drainage Workgroup Implementation - The Governor recommends $300,000/yr to establish a state drainage assistance team. $150,000 in FY08 to develop guidelines for drainage system records preservation and modernization. $500,000 in FY09 for cost-share to accelerate the updating and modernization of public drainage system records.

Wetland Conservation Act - The Governor recommends $500,000/yr to make grants to local units of governments to improve response to major wetland violations. $500,000/yr to increase BWSR staffing to provide adequate state oversight and skilled technical support to local governments administering WCA. $60,000/yr to establish staff capacity to monitor and enforce wetland replacement and wetland bank sites. $60,000 in FY08 to fund the development of a comprehensive state wetland restoration vision and plan.

Operating Support - Governor recommends $50,000/yr to cover increased costs for facility rental.

Compensation Adjustment - Governor recommends additional funding for compensation related costs associated with the delivery of agency services. This amount represents 2% of general fund personnel costs.

RIM/CREP II - The governor did not recommend any funding for RIM in this years bonding bill. The justification was that the request did not rise to the level of "emergency" as defined by the administration. We will have to wait to see what happens during session.

With the exception of our RIM request I consider the results of the Governors FY 08-09 recommended budget and change items to be very positive and it will allow BWSR to address a number of resource management issues that we brought to light with the administration this past year.

Doug Thomas, Assistant Director
MN Board of Water and Soil Resources

Capital Budget

With billion dollar capital budget bills in 2005 and 2006, the Governor's capital budget is limited for 2007 to $69.8 million in urgent projects, or items of past consensus that the Governor is putting forward again. Of the total, $59.8 million is for general obligation (G.O.) bonds, and $10 million is for user-financed bonding for the Rural Finance Authority.

The Department of Finance's November 2006 expenditure forecast included the amount of debt service that would be necessary to pay for a $135 million package of G.O. bonding projects in 2007. Because the Governor is recommending a package of only $59.8 million in G.O. bonding, the state's estimated debt service costs will be $6.2 million less in FY 2008-09 and $14.8 million less in FY 2010-11 than forecast.

Governor's bonding recommendations include:

DOT exterior - $11.8 million
Prevent further deterioration and replace the obsolete structural support system for the 1,200 pound granite panels on the exterior of the Department of Transportation building.

Property acquisition by Administration Department - $2.2 million
Buy three available parcels next to the state-owned Stassen Building, to meet immediate customer parking needs, imminent employee parking demands and to capitalize on strategic opportunities for state ownership in the Capitol area.

Oak Park Heights Prison perimeter system - $3.9 million
Provide upgrades to and replace obsolete elements of the perimeter systems (fence, razor wire, security, lighting, cameras) at Oak Park Heights prison to maintain full security throughout the facility.

Oak Park Heights Prison ventilation system - $2.2 million
Replace and re-insulate existing mold-infested ventilation ductwork to eliminate a significant and serious mold growth problem at the Oak Park Heights Prison.

Minnesota Zoo Inflow/Infiltration Abatement - $1.5 million
Reduce the flow of clear water into the wastewater system on Zoo grounds. The Zoo must construct a project to abate its inflow/infiltration problem if it is to avoid a surcharge of this same amount, along with increased water and sewer charges.

City of Stillwater Flood Control Phase III - $0.2 million
Design and construct Phase III of the Stillwater Flood Control project. Phase III will protect the historic downtown from the flooding that has occurred 17 times since 1940. The amount of this request is intended to get the city through the 2007 construction season only.

Department of Agriculture: Rural Finance Authority loans - $10 million
Provide additional user-financed bonding authority to meet unexpected and immediate demand for RFA loan programs, including the Beginning Farmer, Seller Sponsored, Agricultural Improvement, Restructure II, and Livestock Expansion programs.

Duluth DECC/UMD Arena - $37.9 million
Pay half the cost to design and construct a new Duluth Arena at the Duluth Entertainment and Convention Center (DECC). The existing 40 year-old arena will be replaced with a modern facility that has a larger rink and will have about a 30% increase in seating capacity.

Agriculture and the Environment

The Environment and Agriculture budget provides funding for the Pollution Control Agency (PCA), the Department of Natural Resources (DNR), the Department of Agriculture, the Board of Soil and Water Resources (BWSR) and other small agencies and boards. Their mission is to protect and enhance the quality of the environment, manage the recreational opportunities available in that environment, promote and regulate agricultural products, and protect plant and animal health.

The general fund will provide $466 million in the next biennium, a $99 million or 27 percent increase over current biennium spending--$83 million or 21.7 percent increase over the forecast base. Total spending from all funds is $1.32 billion, a $108 million or 8.9 percent increase over the current biennium--a $126 million or 10.6 percent increase over the forecast base.

Highlights of budget recommendations

Clean Water Legacy – $40 million

Clean water is one of the true treasures of our state. The budget provides permanent funding to continue protecting the state's lakes, rivers, and streams, restoring the surface water already impaired, and achieving compliance with the federal Clean Water Act. Five state agencies will work together and share funding for this purpose. They are the Pollution Control Agency (PCA), the Board of Water and Soil Resources (BWSR), the Department of Natural Resources (DNR), Department of Agriculture and the Public Facilities Authority. Early funds will focus on completing studies that diagnose the problem and plan remediation efforts. Funding also includes water quality monitoring and research as well as developing and implementing mitigation strategies.

Renewable Energy – $13 million

The Governor has clearly stated that we need a different and better energy future: one based on locally produced renewable energy. Therefore, his budget includes a total of $40 million in funding to support renewable energy projects in the state, $13 million of which will be directed to environment agencies. The Department of Agriculture receives $10 million for the NextGeneration biofuels program, focusing on implementing biomass gasification technologies at existing ethanol plants.

Future funding will be focused on cellulosic and other innovative production processes. The PCA will receive $3 million for its Green Fleets/Green Fuels program that will integrate biofuels into urban fleets. The remaining $27 million of this proposal can be found in Economic Development.

Forestry - $21 million

The Governor invests more money in managing state forestlands to ensure that Minnesota's forest product industries remain viable and that forests are sustained for the recreational benefits they provide for Minnesota citizens. Funding would improve the long term productivity of state administered forestlands by completing timber stand enhancements, assessing potential harvest opportunities for timber sales, protecting young forests from deer browsing and other threats, maintaining state forest roads and providing forest certification programs to protect and preserve state forests.

Livestock and Wildlife Health Management - $2.5 million

The Governor's budget provides increased funding for monitoring and addressing current and future animal health issues. The proposed budget will expand and strengthen testing, monitoring and response to such issues as bovine tuberculosis, dairy, food and meat inspection; livestock, poultry, and wildlife health management; animal identification; and invasive species on forest and agricultural lands and in state waters.

Wetland Protection - $4.5 million

The budget increases funding to preserve and enhance the state's prairie wetlands and strengthen enforcement of the Wetland Conservation Act.

Drainage System Enhancements - $1 million

The Governor invests additional funds for improved drainage records management of the state's drainage system infrastructure in order to improve water quality, ditch maintenance requirements, and agricultural drainage effectiveness. The funding will continue the Local Water Management Challenge Grant program administered by BWSR which provides cost share grants for drainage records modernization efforts.

Date: January 23, 2007

To: BWSR Board Members

From: Doug Thomas, Assistant Director
Al Kean, Chief Engineer

Subject: Update Regarding Drainage Work Group Consensus Recommendations

The Drainage Work Group (DWG) met on January 16, 2007 to seek consensus on a recommendation regarding the width of vegetated buffer strips along public drainage ditches required by Minnesota Statutes, Section 103E.021, and to discuss the Drainage Advisory Team concept proposed by BWSR.

In regard to the width of required buffer strips, the DWG agreed to retain the phrase "or to the crown of the leveled spoil bank, whichever is the greater" for establishment, improvement and repair proceedings that require the appointment of viewers, and eliminate this phrase for redetermination of benefits and damages only. This recommendation would reduce an impediment for drainage systems to redetermine benefits and damages and establish vegetated buffer strips along public ditches when earth moving is not involved and the crown of the spoil bank is greater than 1 rod, and/or a variable width, from the top edge of the ditch.

The DWG also discussed and supported the proposed concept of a Drainage ~~Advisory~~Assistance Team to help enable multi-purpose projects and enhanced BMPs involving drainage infrastructure in Minnesota. In addition to helping clarify the name of the team, the DWG also helped clarify the proposed roles and participants of the team. The DWG requested that BWSR staff add an associated recommendation to its consensus recommendations for the state to create and fund this team, including a recommendation for BWSR to lead the team.

Attached are the current Drainage Work Group Consensus Recommendations and a Drainage Assistance Team concept paper, both dated 1-19-07.

Budget Implications:
Drainage Work Group 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 cost-share) (one-time)
3) $300K for updating of the Minnesota Public Drainage Manual, including addition of drainage system BMP information (one-time)

BWSR Proposed Initiative
1) $500K / yr. for Minnesota Drainage Assistance Team (ongoing)

Governor's Budget Recommendations 1-22-07
1) $150K in FY 2008 to develop Drainage Records Preservation and Modernization Guidelines
2) $500K in FY 2009 for accelerated cost-share for drainage records preservation and modernization
3) $300K per year for 3 FTEs to provide assistance to local drainage management officials and to update the Minnesota Public Drainage Manual

Also attached are preliminary work plans and budget breakdowns for development of Drainage Records Preservation and Modernization Guidelines and updating of the Minnesota Public Drainage Manual. If funding for updating the Public Drainage Manual is received as per the Governor's recommendation 3) above, the associated work plan would need to be rethought.

Attachments

Drainage Work Group
Consensus Recommendations
1-19-07

Policy Recommendations

Topics:

- **Clarify point of beginning for measuring required ditch buffer strips and width of required buffer strips** (Section 103E.021, Subd. 1 and 6)
- **Enhance authority to establish and maintain buffers** (Sections 103E.021, Subd. 1,2,3,6; 103E.315, Subd. 8; 103E.321, Subd. 1; 103E.701, Subd. 7; 103E. 705, Subd. 1,2,3; 103E.728, Subd. 2)
- **Enhance ditch buffer strip compliance and enforcement** (Section 103E.705, Subd. 1)

In the following table, strikethrough indicates recommended text deletion and underline indicates recommended text addition in Minnesota Statutes, Chapter 103E.

Recommended Drainage Law Clarifications	Explanations
103E.021 Ditches must be planted with <u>perennial vegetation</u>~~permanent grass~~. **Subdivision 1. Spoil banks must be spread and <u>permanent vegetation established</u>~~grass planted~~.** In any proceeding to establish, construct, improve, or do any work affecting a public drainage system under any law that appoints viewers to assess benefits and damages, the authority having jurisdiction over the proceeding shall order spoil banks to be spread consistent with the plan and function of the drainage system. The authority shall order that permanent grass, other than a noxious weed, be planted on the ~~banks~~ditch side slopes and <u>that a permanent strip of perennial vegetation approved by the drainage authority be established on each side of the ditch. The approved perennial vegetation shall not impede future maintenance of the ditch.</u> ~~on a~~<u>The permanent strips of perennial vegetation shall be</u> 16-1/2 feet in width <u>measured outward from the top edge of the constructed channel resulting from the proceeding,</u> or to the crown of the leveled spoil bank, whichever is the greater, <u>except for an action by a drainage authority that results only in a redetermination of benefits and damages, for which the required width shall be 16-1/2 feet.</u> ~~on each side of the top edge of the channel of the ditch.~~ <u>Drainage system right-of-way for</u> ~~T~~<u>t</u>he acreage and additional property required for the <u>permanent strips</u>~~planting~~ must be acquired by the authority having jurisdiction.	This section includes ditch buffer strip requirements triggered by the appointment of viewers. Clarifications would: 1) allow perennial vegetation approved by the drainage authority on permanent buffer strips that does not impede future ditch maintenance; 2) rename "banks" to "ditch side slopes" to distinguish from "spoil banks"; 3) clarify the point of beginning for measuring required buffer strips to be "top edge of the constructed channel resulting from the proceeding" (where, when); 4) remove requirement for the buffer strip width to extend to the crown of the leveled spoil bank for redetermination of benefits and damages proceedings only.

Subdivision 2. Reseeding and harvesting perennial vegetation~~grass~~. The authority having jurisdiction over the repair and maintenance of the drainage system shall supervise all necessary reseeding. The permanent strips of perennial vegetation~~grass~~ must be maintained in the same manner as other drainage system repairs. Harvest of the vegetation~~grass~~ from the permanent~~grass~~ strips in a manner not harmful to the vegetation~~grass~~ or the drainage system is the privilege of the fee owner or assigns. The ~~county~~ drainage inspector shall establish rules for the fee owner and assigns to harvest the vegetation~~grass~~.	Clarifications would: 1) conform with allowing approved perennial vegetation on permanent buffer strips; 2) acknowledge both county and watershed district drainage inspectors
Subdivision 3. Agricultural practices prohibited. Agricultural practices, other than those required for the maintenance of a permanent growth of perennial vegetation~~grass~~, are not permitted on any portion of the property acquired for the perennial vegetation~~planting~~.	To conform with allowing approved perennial vegetation on permanent buffer strips.
Subdivsion 4. Compliance work by drainage authority. If a property owner does not bring an area into compliance with this section as provided in the compliance notice, the inspection committee or drainage inspector must notify the drainage authority. If a property owner does not bring an area into compliance after being notified under section 103E.705, subdivision 2, the drainage authority must issue an order to have the work performed to bring the property into compliance. After the work is completed, the drainage authority must send a statement of the expenses incurred to bring the property into compliance to the auditor of the county where the property is located and to the property owner.	No recommended revisions.
Subdivision 5. Collection of compliance expenses. (a) The amount of the expenses to bring an area into compliance with this section is a lien in favor of the drainage authority against the property where the expenses were incurred. The auditor must certify the expenses and enter the amount in the same manner as other drainage liens on the tax list for the following year. The amount must be collected in the same manner as real estate taxes for the property. The provisions of law relating to the collection of real estate taxes shall be used to enforce payment of amounts due under this section. The auditor must include a notice of collection of compliance expenses with the tax statement. (b) The amounts collected under this subdivision must be deposited in the drainage system account.	No recommended revisions.
Subdivision 6. Incremental implementation of vegetated ditch buffer strips and side inlet controls. (a) Notwithstanding other provisions of this chapter requiring appointment of viewers and redetermination of benefits and damages, a drainage authority may implement permanent buffer strip(s) of perennial vegetation approved by the drainage authority, and/or side inlet	This new subdivision would: 1) enhance authority to establish and maintain buffers and side inlet controls along public drainage ditches, where

control(s), adjacent to a public drainage ditch, where necessary to control erosion and sedimentation, improve water quality, or maintain the efficiency of the drainage system. The approved perennial vegetation shall not impede future maintenance of the ditch. The permanent strip(s) of perennial vegetation shall be 16-1/2 feet in width measured outward from the top edge of the existing constructed channel. Drainage system right-of-way for the acreage and additional property required for the permanent strip(s) must be acquired by the authority having jurisdiction. (b) A project under this subdivision shall be implemented as a repair in accordance with section 103E.705, except that the drainage authority may appoint an engineer to examine the drainage system and prepare an engineer's repair report for the project. (c) Damages shall be determined by the drainage authority, or viewer(s) appointed by the drainage authority, in accordance with section 103E.315, subdivision 8. A damages statement shall be prepared, including definition of how the damages were determined for each property affected by the project, and filed with the auditor or watershed district. Within 30 days after the damages statement is filed, the auditor or watershed district shall prepare property owners' reports in accordance with section 103E.323, subdivisions 1, 2, 6, 7 and 8 and mail a copy of the property owner's report and damages statement to each owner of property affected by the proposed project. (d) After a damages statement is filed, the drainage authority shall set a time, by order, not more than 30 days after the date of the order, for a hearing on the project. At least 10 days before the hearing, the auditor or watershed district shall give notice by mail of the time and location of the hearing to the owners of property and political subdivisions likely to be affected by the project. (e) The drainage authority shall make findings and order the repairs to be made, if the drainage authority determines from the evidence presented by the viewer(s) and/or engineer, if appointed, and at the hearing, that the repairs are necessary for the drainage system and the costs of the repairs are within the limitations of section 103E.705.	needed; 2) use the same buffer strip point of beginning as required under 103E.021, subdivision 1 and a 1-rod buffer width; 3) use repair procedures; 4) drainage authority may appoint an engineer; 5) require the determination of damages by the drainage authority or viewer(s), but not the redetermination of benefits under this provision; 6) utilize due process procedures that are essentially the same as used for other repair projects.
103E.315 Assessment of drainage benefits and damages. **Subd. 8 Extent of damages.** Damages to be paid may include: (1) the fair market value of the property required for the channel of an open ditch and the permanent ~~grass~~ strip of perennial vegetation under section 103E.021; (5) costs to restore a perennial vegetative cover or structural practice existing under a federal or state conservation program adjacent to the permanent drainage system right-of-way and damaged by the drainage project.	To conform with allowing approved perennial vegetation on permanent buffer strips. For projects that appoint viewers (e.g. improvement), this would clarify that damages may be paid by a drainage system to restore a practice adjacent to the drainage system right-of-way this is damaged by the project.

103E.321 Viewers' report. **Subdivision 1. Requirements.** (6) the damages paid for the permanent ~~grass~~ strip of perennial vegetation under section 103E.021;	To conform with allowing approved perennial vegetation on permanent buffer strips.
103E.701 Repairs. **Subdivision 7. Restoration of a practice disturbed or destroyed by a repair.** If a drainage system repair disturbs or destroys a perennial vegetative cover or structural practice existing under a federal or state conservation program adjacent to the permanent drainage system right-of-way, the practice must be restored in accordance with the applicable practice plan, or as determined by the drainage authority, if a practice plan is not available. Restoration costs shall be paid by the drainage system.	Clarify that for a repair project, the drainage system must pay to restore a vegetative or structural practice adjacent to the permanent drainage system right-of-way that is damaged by the project.
103E.705 Repair procedure. **Subdivision 1. Inspection.** After the construction of a drainage system has been completed, the drainage authority shall maintain the drainage system that is located in its jurisdiction including the permanent~~grass~~ strips of perennial vegetation under section 103E.021 and provide the repairs necessary to make the drainage system efficient. The drainage authority shall have the drainage system inspected on a regular basis by an inspection committee of the drainage authority or a drainage inspector appointed by the drainage authority. 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.	To conform with allowing approved perennial vegetation on permanent buffer strips. Define minimum inspection period for open ditches to enhance compliance and enforcement of section 103E.021.
Subdivision 2. Permanent ~~grass~~ strip of perennial vegetation inspection and compliance notice. (a) The drainage authority having jurisdiction over a drainage system must inspect the drainage system for violations of section 103E.021. If an inspection committee of the drainage authority or a drainage inspector determines that permanent ~~grass~~ strips of perennial vegetation are not being maintained in compliance with section 103E.021, a compliance notice must be sent to the property owner. (b) The notice must state: (1) the date the ditch was inspected; (2) the persons making the inspection; (3) that spoil banks are to be spread in a manner consistent with the plan and function of the drainage system and that the drainage system has acquired a permanent~~grass~~ strip of perennial vegetation, in accordance with section 103E.021~~16 ½ feet in width or to the crown of the spoil bank, whichever is greater~~;	To conform with allowing approved perennial vegetation on permanent buffer strips. Ditto and to correspond to buffer strip width in section 103E.021.

Subdivision 3. Drainage inspection report. For each drainage system that the board designates and requires the drainage inspector to examine, the drainage inspector shall make a drainage inspection report in writing to the board after examining a drainage system, designating portions that need repair or maintenance of the permanent~~grass~~ strips of perennial vegetation and the location and nature of the repair or maintenance. The board shall consider the drainage inspection report at its next meeting and may repair all or any part of the drainage system as provided under this chapter. The permanent~~grass~~ strips of perennial vegetation must be maintained in compliance with section 103E.021.	To conform with allowing approved perennial vegetation on permanent buffer strips.
103E.728 Apportionment of repair costs. **Subdivision 2. Additional assessment for agricultural practices on permanent~~grass~~ strip of perennial vegetation.** (a) The drainage authority may, after notice and hearing, charge an additional assessment on property that has agricultural practices on or otherwise violates provisions related to the permanent ~~grass~~ strip of perennial vegetation acquired under section 103E.021.	To conform with allowing approved perennial vegetation on permanent buffer strips.

Topic: Enhance establishment of public drainage ditch buffers (additional recommendation)
The Board of Water and Soil Resources (BWSR) should work with the Farm Services Agency to clarify CRP policies statewide regarding CRP implementation along public drainage ditches, including CRP eligibility and piggybacking of drainage system right-of-way for permanent buffer strips. This should be done in consultation with the Drainage Work Group.

Budget-Related Recommendations

Topic: Drainage Records Preservation and Modernization

1) The BWSR should develop and disseminate guidelines for drainage records preservation and modernization by June 30, 2008, in consultation with the Drainage Work Group. It is recommended that $150,000 of state funding be made available to develop and disseminate these guidelines. Specific objectives include:
   a) identify key components of modern drainage records;
   b) share experience of drainage authorities with modern, electronic records to reduce costs of drainage records preservation and modernization by other drainage authorities; and
   c) promote statewide consistency and efficiency of public drainage records and drainage system administration.
2) An additional $2M of state cost-share should be made available through Local Water Management Challenge Grants to accelerate public drainage records preservation and modernization statewide.

Topic: Update of the Minnesota Public Drainage Manual

The Minnesota Public Drainage Manual should be updated, in consultation with the Drainage Work Group, to reflect revisions and clarifications of Minnesota drainage law since 1991. Current information about drainage system BMP options, design and partnership opportunities should be added to the manual to enable enhanced drainage system management statewide for multiple purposes. It is recommended that the Legislature appropriate $300,000 to the BWSR for this update.

Topic: Continuation of the Drainage Work Group

The Drainage Work Group should continue to develop consensus recommendations to the Legislature, agencies and other stakeholders for additional drainage issues and topics brought forward by its members. The BWSR should continue to facilitate this work.

Topic: Drainage Assistance Team

The State should create and fund a drainage assistance team to work with drainage authorities and others to better enable multi-purpose projects involving drainage infrastructure in Minnesota. The roles of this team should include:

1) Coordinate expertise from various sources for multi-purpose projects and enhanced BMPs involving drainage infrastructure in Minnesota.
2) Coordinate access to funding from applicable programs.
3) Provide coordinated technical assistance for alternatives analysis, design and construction.
4) Provide information and education for drainage management options to drainage authorities, drainage inspectors, viewers, applicable program staff, and others.

Participants should include BWSR, MDNR, MDA, MPCA, the University of Minnesota, applicable federal agencies, and other stakeholder groups, as appropriate. The BWSR should lead this team.

Drainage Assistance Team Concept
Draft, 1-19-07, BWSR

Roles

1) Coordinate expertise from various sources for multi-purpose projects and enhanced BMPs involving drainage infrastructure in Minnesota.
2) Coordinate access to funding from applicable programs.
3) Provide coordinated technical assistance for alternatives analysis, design, and construction.
4) Provide information and education for drainage management options to drainage authorities, drainage inspectors, viewers, applicable program staff, and others.

Participants

BWSR
MDNR
MDA
MPCA
University of Minnesota
Applicable federal agencies
Other stakeholder groups, as applicable

Example Project – JD 10, Faribault County

Situation

- Public tile drainage system with blowouts in drained wetland basins
- Drained wetlands flooded frequently

Programs and Proceedings Involved

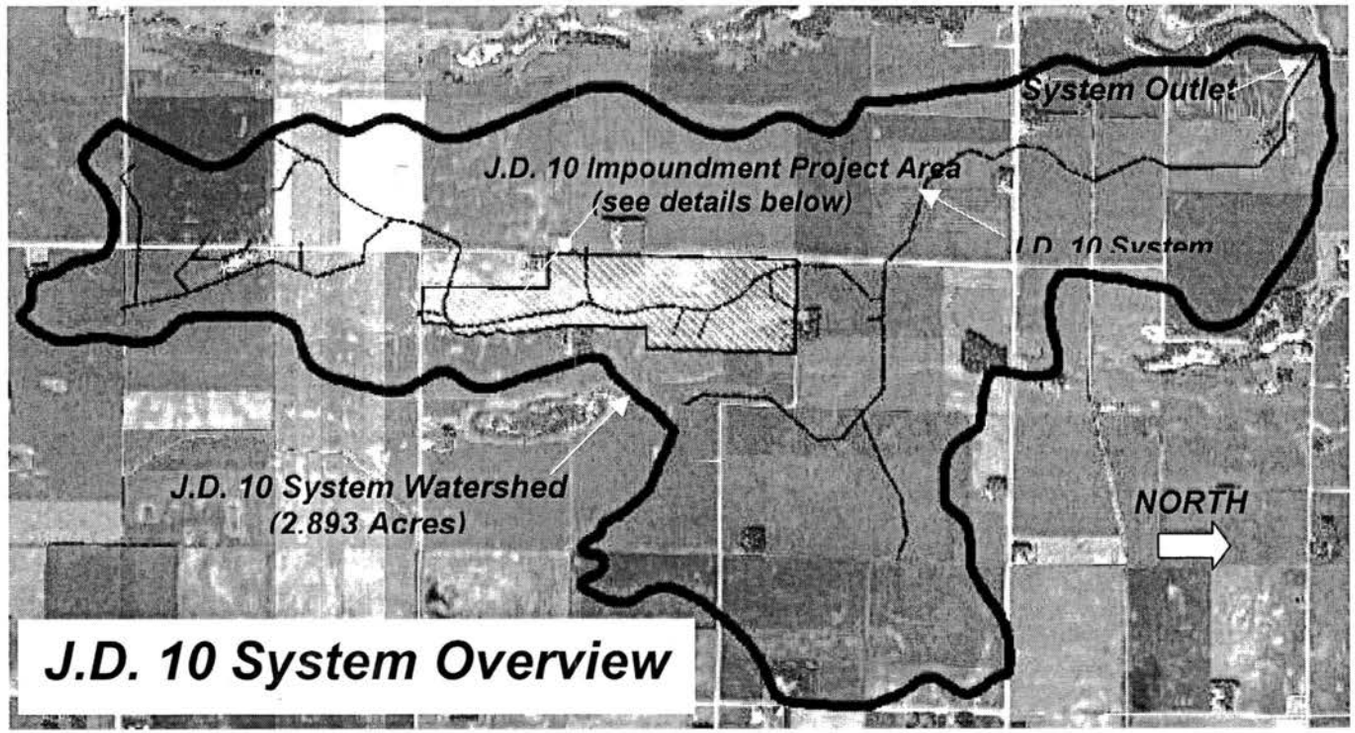
- CREP contracts and conservation easements
- Drainage system impoundment and repair proceedings

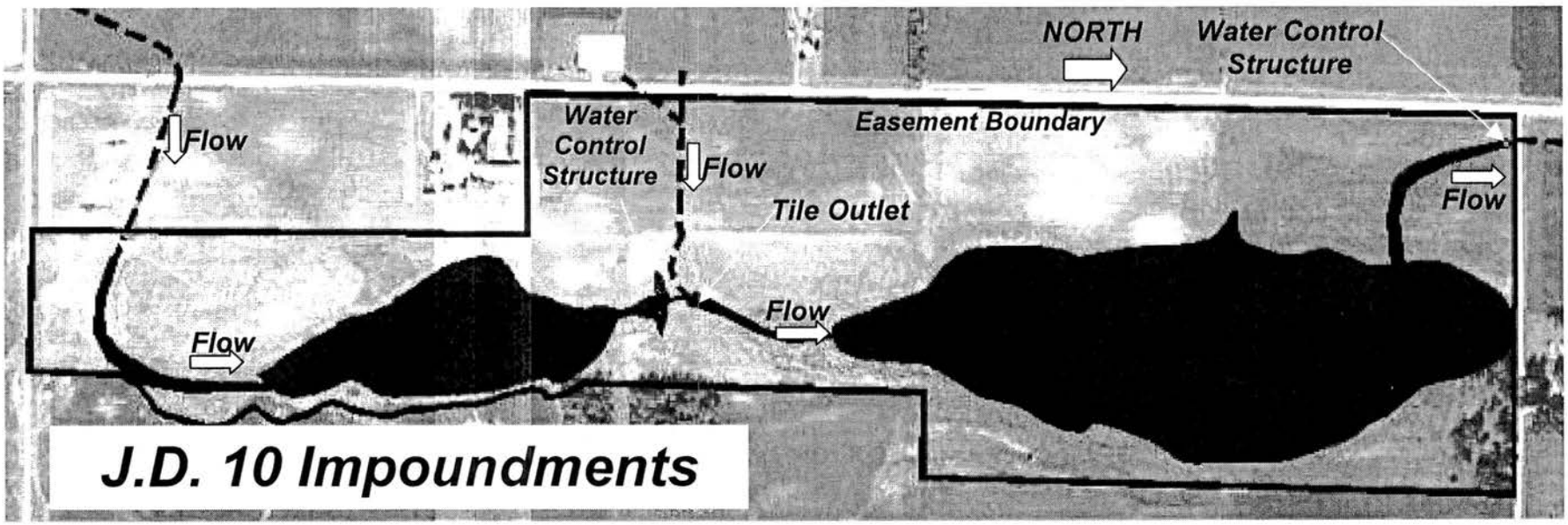
Project Components and Outcomes

- Two restored wetlands (total 115 acres) and adjacent uplands (156 acres) for wildlife habitat, water quality improvement and flood damage reduction (at site and downstream.)
- Water control structures limit outflows to prevent overload of downstream tile system and enable limited control of normal pool levels to increase temporary storage during runoff events.
- Raised a low area in a township road to prevent flooding and constructed a berm to protect road embankment stability and from wave action.
- Rerouted and outleted 3 tiles into restored wetland to provide improved tile outlets and water quality improvement (denitrification).

Project Partners and Others Involved

- Landowners
- SWCD
- County, as drainage authority
- BWSR
- FSA
- MDA
- MPCA


System Outlet
J.D. 10 Impoundment Project Area
(see details below)
J.D. 10 System Watershed
(2.893 Acres)
NORTH
J.D. 10 System Overview


NORTH
Water Control
Structure
Flow
Water
Control
Structure
Flow
Easement Boundary
Tile Outlet
Flow
Flow
Flow
J.D. 10 Impoundments

Drainage Work Group Recommendations
Preliminary Budget Request Breakdowns
Draft, 1-15-07, Al Kean, BWSR

Recommendation: Develop guidelines for drainage records preservation and modernization.

Budget Request: $150,000

Task	Lead(s)	Amount
1) Survey drainage authorities that have modernized drainage records, including one-on-one discussions, to define methods, outcomes, uses, problems encountered, costs, etc.	Contract	$50,000
2) Define key components, uses, and methods for cost-effective drainage records preservation and modernization	Contract BWSR	$20,000
3) Develop draft guidelines for drainage records preservation and modernization, including key components, methods and things to avoid	Contract BWSR	$50,000
4) Refine guidelines based on review and discussion by representatives of the drainage authorities surveyed in task 1) and coordination with the Drainage Work Group (assume 2 iterations)	Contract BWSR	$20,000
5) Produce electronic and hard copy guidelines and distribute	Contract BWSR	$10,000

Recommendation: Update Minnesota Public Drainage Manual, including addition of drainage system BMP information.

Budget Request: $300,000

Task	Lead(s)	Amount
1) Develop work plan, including plans for stakeholder participation, and hire technical assistance	BWSR	$5,000
2) Solicit stakeholder recommendations for updating and improving the manual, and expert recommendations for adding drainage system BMP information	Contract BWSR	$15,000
3) Define an updated outline for the manual to address recommendations from task 2) and planned addition of drainage system BMP information	Contract BWSR	$5,000
4) Verify or update work plan, based on updated outline for manual, and contract for necessary assistance	BWSR Contract	$5,000
5) Draft various sections of the manual	Contract(s) BWSR UMN? Others?	$150,000
6) Assemble draft manual for review	Contract BWSR	$10,000
7) Review of draft manual by Drainage Work Group and other stakeholders	BWSR Contract	$5,000
8) Revise draft manual, based on review of first draft	Contract(s) BWSR UMN? Others?	$50,000
9) Review of final draft by Drainage Work Group and other stakeholders	BWSR Contract	$5,000
10) Final revisions of updated manual	Contract(s) BWSR UMN? Others?	$25,000
11) Publication and distribution of updated Minnesota Public Drainage Manual	Contract BWSR	$25,000

Fiscal Impact ($000s)	FY 2008	FY 2009	FY 2010	FY 2011
General Fund				
Expenditures	$5,450	$5,450	$5,450	$5,450
Revenues	0	0	0	0
Other Fund				
Expenditures				
Revenues	0	0	0	0
Net Fiscal Impact	$5,450	$5,450	$5,450	$5,450

Recommendation

The Governor recommends $10.9 million for the biennium for non-point source restoration and protection measures to clean up state waters that are impaired and to protect waters of the state that are not impaired from becoming impaired.

Background

The Clean Water Legacy Act (CWLA), passed by the 2006 legislature, provided one-time appropriations for non-point source pollution management and restoration of impaired waters. The four major components of the CWLA and associated appropriations in 2006 included, assessing the condition of the sates waters, developing TMDL studies and restoration plans for those waters that are listed as impaired, implementing non-point and point source restoration strategies to restore waters that are impaired, and implementing practices to protect waters of the state from becoming impaired.

The following amounts are requested for water restoration and pollution prevention actions over the FY 2008-2009 biennium. All money appropriated as grants to local governments will be administered through the Water & Soil Resources Board (BWSR)'s Local Water Resources Protection and Management Program (103B.3369).

$3 Million for targeted non-point restoration cost-share and incentive payments

⇒ 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.
⇒ Target 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.

$4 million for targeted non-point restoration technical, compliance, and engineering assistance activities.

⇒ Provide technical and engineering assistance that landowners need for planning, design, and implementation of a wide variety of water quality improvement practices.
⇒ Channel funding through local governments, with primary emphasis on those SWCD's and Non-point Engineering Assistance Teams in impaired watershed and lake basins.
⇒ Leverage farm bill conservation and technical assistance programs.

$400,000 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, and/or protection plan. Funds will also provide additional user support to local government offices that will be entering data into eLINK.

$1.5 million 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.

$2 million 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.

Relationship to Base Budget

This request represents a 24% increase in BWSR's biennial budget. Agency activities impacted by this request include grants to local government, agency administration necessary to manage pass-through grants, and an increase in the required agency technical and engineering services.

Key Measures

⇒ Coordinate funding decisions with programs such as MPCA's section 319 program and MDA's AgBMP loan programs.
⇒ 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 to measure the reduction in sediment, nutrients and other pollutants to impaired waters.
⇒ Provide multi-year commitments.
⇒ The removal of impaired waters from the state 303d list beginning in five years.

Statutory Change: Not Applicable

WATER & SOIL RESOURCES BOARD

Program: WATER & SOIL RESRCS BD

Change Item: Drainage Work Group Implementation

Fiscal Impact ($000s)	FY 2008	FY 2009	FY 2010	FY 2011
General Fund				
Expenditures	$450	$800	$300	$300
Revenues	0	0	0	0
Other Fund				
Expenditures				
Revenues	0	0	0	0
Net Fiscal Impact	$450	$800	$300	$300

Recommendation

The Governor recommends implementing priority recommendations of the Drainage Work Group to enhance public drainage system management. This request includes development of guidelines for drainage records preservation and modernization ($150,000 in FY 2008); accelerated cost-share to local units of government for records modernization, ($500,000 in FY 2009); and 3 FTE ($300,000 per year) to provide assistance to local drainage management officials and to update the Minnesota Public Drainage Manual.

Background

The Drainage Work Group and its recommendations are an outgrowth of the Public Drainage Ditch Buffer Study, commissioned by the Legislature in 2005 and completed by the Board of Water and Soil Resources (BWSR) in February 2006. The stakeholder group established for the Study has continued to meet and develop consensus recommendations to enhance public drainage system management. These budget proposals represent their highest priority items.

Minnesota has approximately 20,000 miles of public drainage ditches and an undocumented total length of public tile systems. These are critical infrastructure for agricultural production in much of the state. Preservation and modernization of public drainage system records, using current technology, enables more efficient and effective management of public drainage infrastructure. Approximately 101 counties and/or watershed districts in Minnesota are drainage authorities for public drainage systems. Thirty-three of these drainage authorities are in the process of modernizing drainage records. BWSR would use their experience to develop guidelines for drainage records preservation and modernization to manage drainage systems for improved water quality, maintenance requirements, and effective agricultural drainage. The Local Water Management Challenge Grant program administered by the BWSR has provided up to 50% cost-share for 25 of these drainage records modernization efforts to date.

The Minnesota Public Drainage Manual was published in 1991. It was developed through a cooperative effort of state agencies, local government unit associations, the Minnesota Viewers Association, the UMN, and private drainage attorneys, engineers and contractors. The proposed update of the manual would address clarifications of state drainage law since 1991 and add substantial guidance regarding drainage system "best management practices". A current, comprehensive manual would enhance drainage system management for multiple objectives. The BWSR would lead this change item in cooperation with stakeholders and contract services providers.

Technical expertise and assistance is a critical component of managing public drainage systems for multiple objectives. The proposed establishment of a Drainage Advisory Team would bring together expertise and experience necessary to provide science-based technical assistance to public drainage authorities for planning and implementing drainage management options for multiple objectives. The BWSR would lead the establishment and implementation of this multi-agency and University of Minnesota team.

Relationship to Base Budget

This requests one-time funding of $150,000 for the development of guidelines in FY 2008, and $500,000 for accelerated cost-share grants in FY 2009. On-going funding of $300,000 per year would fund three permanent BWSR staff positions.

Over the past ten years, the BWSR has granted approximately $580,000 to 25 public drainage authorities for drainage records modernization through the Local Water Management Challenge Grant (LWMCG) Program at a maximum state cost-share rate of 50%. The recent source of funding for the LWMCG Program has been LCMR. In FY 2006, $1 million was received from LCMR for this program.

Key Measures

- ⇒ Drainage Records Modernization Guidelines are completed within one year of the appropriation.
- ⇒ Key components of these guidelines become requirements for state cost-share grants for drainage records modernization.
- ⇒ 75% or more of drainage authorities have implemented drainage records modernization within five years.
- ⇒ The Minnesota Public Drainage Manual is updated within two years, with guidance added for drainage system BMPs to achieve water quality protection and restoration and reduced drainage system maintenance, in conjunction with effective agricultural drainage.
- ⇒ A Drainage Advisory Team is established within one year of the initial appropriation.
- ⇒ This team establishes a good reputation with drainage authorities and other stakeholders for assistance provided to implement drainage system BMPs for multiple objectives, including water and soil resource protection and restoration.

Statutory Changes: It is expected that the Drainage Work Group will recommend clarifications of state drainage law to enhance consistency of management of public drainage systems for multiple objectives, including partnerships with existing state and federal conservation and water quality programs.

Fiscal Impact ($000s)	FY 2008	FY 2009	FY 2010	FY 2011
General Fund				
Expenditures	$1120	$1060	$1060	$1060
Revenues	0	0	0	0
Other Fund				
Expenditures				
Revenues	0	0	0	0
Net Fiscal Impact	$1,120	$1,060	$1,060	$1,060

Recommendation

The Governor recommends implementing the following priority items to improve the state's implementation of the Wetland Conservation Act (WCA). These items are an outgrowth of the WCA Assessment that was requested by this Administration in 2005, documented workload increases and opportunities to leverage federal funds to support monitoring and assessment of wetland replacements and banking sites.

- Establish an annual appropriation for Water and Soil Resources Board (BWSR) to make grants to local units of governments (LUG) to improve response to major wetland violations ($500,000 annually).
- Increase BWSR staffing to provide adequate state oversight and skilled technical support to local governments administering the WCA ($500,000 annually).
- Establish staff capacity to monitor and enforce wetland replacement and wetland bank sites ($60,000 annually).
- Fund the development of a comprehensive state wetland restoration vision and plan ($60,000 in one-time funding in FY 2008).

Background

Minnesotans take seriously the importance of protecting our valuable wetlands. Although there have been significant enhancements though the agricultural and conservation communities to realize wetland gains, the Governor believes that more should be done to limit the loss of wetlands through the regulatory mechanisms of the state's WCA.

Data reported to BWSR by local government units (LGU's) shows that from 2001-2003, implementation of the WCA resulted in a net gain of wetlands when evaluating regulatory impacts and required wetland replacement. However, when the effects of impacts resulting from exempt activities are factored into this analysis, the result is a net loss of wetlands, averaging more than 450 acres annually.

The Governor asked the Clean Water Cabinet (CWC) and BWSR to report to him on the following wetland issues:

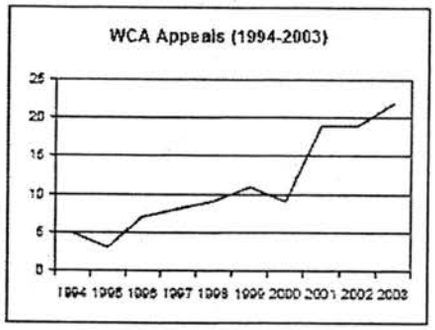
- improvements to the accounting and reporting system for wetlands;
- alternatives to the existing WCA exemptions;
- alternatives to existing WCA replacement ratios;
- improvements to voluntary efforts that build on the success of the past but require a minimum of additional resources; and
- other recommendations deemed appropriate (these include regulatory simplification related to WCA/404; WCA/Swampbuster; WCA/401; and other administrative efficiencies).

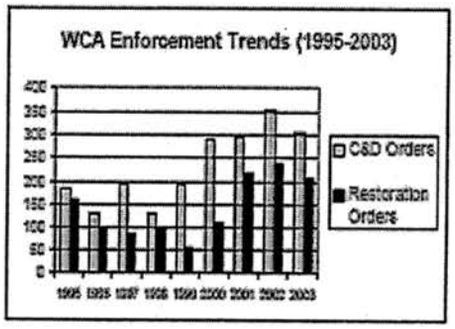
BWSR has worked with over 35 stakeholder groups and organizations to review and assess these issues and develop a report and recommendations that include statutory, rule and administrative revisions and additional state and local resources. This assessment will be completed by January 2007 and the report delivered to the Governor.

Efforts are being made as part of the assessment to balance increased workloads with programmatic improvements, however, additional work by LGU's and BWSR are inevitable as part of this process. Increased wetland protection cannot be made without additional effort. Changes that will lead to increased workload that

are being considered as part of the assessment include: increased reporting and data collection; increased monitoring for wetland quality and program compliance; and increased regulation through narrowing the scope of exempt activities.

In addition, current workloads are increasing even without changes to the program. From 2001-2003, LGU's report an increased number of landowner contacts, appeals to BWSR have increased, and enforcement activities by the DNR conservation officers and the associated activities have also increased.





The proposed funding will increase the capacity of LGU's and BWSR to work in partnership to protect wetlands, and ensure quality replacement when impacts are unavoidable. This funding will also increase the ability of BWSR to collect and analyze data to measure trends in program effectiveness. More information on the WCA Assessment can be viewed at the BWSR website as follows:
http://www.bwsr.state.mn.us/wetlands/assessment/wcaproject.html

Relationship to Base Budget

The total base budget for BWSR is approximately $15.2 million, of which $11.2 million is pass through funding to counties and soil and water conservation districts, the remaining $4 million funds agency operations. These change items will increase the agency budget in both areas. The proposals will increase the pass through funding by $500,000 annually; and the agency operations budget by $620,000 in FY 2008 and $560,000 beginning in FY 2009.

Currently, BWSR, through the Natural Resources Block Grant allocates $2.17 million to counties and soil and water conservation districts to assist in their responsibilities to administer the WCA. This amount has remained unchanged since 2001.

Key Measures

⇒ LGU's provide complete and accurate data on WCA activities in their jurisdiction based on new requirements
⇒ Wetland losses are reduced due to increased project scrutiny by LGU's.
⇒ The time required to respond and resolve major violations is reduced.
⇒ BWSR LGU spot checks and audits increase by 25%.
⇒ BWSR increases training programs offered to LGU's to two per quarter.
⇒ 10% of wetland replacement sites are monitored annually.

Statutory Change: Statutes likely to be proposed for change as part of the WCA Assessment are Chapters 103B, 103B, 103F, and 103G.

WATER & SOIL RESOURCES BOARD

Program: WATER & SOIL RESRCS BD
Change Item: Operating Support – Rent Increase

Fiscal Impact ($000s)	FY 2008	FY 2009	FY 2010	FY 2011
General Fund				
Expenditures	$50	$50	$50	$50
Revenues	0	0	0	0
Other Fund				
Expenditures				
Revenues	0	0	0	0
Net Fiscal Impact	$50	$50	$50	$50

Recommendation

The Governor recommends $100,000 over the FY 2008-09 biennium for funding increased costs of space rental for Water & Soil Resources Board (BWSR) operations. Without an increase, additional administrative reductions will be required, primarily in the accounting area.

Background

The board maintains a central office in St. Paul and seven regional offices located throughout the state. Annual space rental costs for BWSR facilities increased $50,000 from FY 2006 to FY 2007, approximately the salary cost of 1 FTE. In the past, unexpected cost increases have resulted in program and staff reductions. This request would allow BWSR to maintain administrative/accounting services to ensure proper management of contracts, grants, expenditures, and procurement.

Relationship to Base Budget

If funded, this request would become a component of the base budget and represents a 1.25% increase in BWSR's administrative budget.

Key Measures

- Provide for fund integrity amongst agency appropriations.
- Maintain adequate controls over programs to assure for independent review of expenditures, payment and return of unused grant funds in a timely manner, and documentation of local match requirements.
- Timely requests for federal funds reimbursement.

Statutory Change: Not Applicable

WATER & SOIL RESOURCES BOARD

Change Item: Compensation Adjustment

Fiscal Impact ($000s)	FY 2008	FY 2009	FY 2010	FY 2011
General Fund				
Expenditures	$68	$137	$137	$137
Revenues	0	0	0	0
Other Fund				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact	$68	$137	$137	$137

Recommendation

The Governor recommends additional funding for compensation related costs associated with the delivery of agency services. This amount represents an annual increase of 2% for General Fund personnel costs.

Background

Each year compensation costs rise due to labor contract settlements, growing insurance costs, and other items such as pension obligations and step increases.

For the General Fund, the Governor recommends adding an amount that totals 2% of each agency's employee wage and benefit costs, based on projected cost increases for FY 2008-09. Agencies were directed to budget for 3.25% each year, based upon projections of the 0.25% increase in pension obligations, projected annual increases of 10% in health insurance, increased costs of steps and progression in existing collective bargaining agreements and an allowance for wage increases in those agreements. The legislature's response to this recommendation will establish the parameters for the upcoming labor discussions; the Governor seeks to ensure that the overall wage and benefit agreements stay within the funding provided, rather than relying on state agencies to absorb the costs to any greater degree than reflected in his recommendations.

For direct care activities, such as the State Operated Services in the Department of Human Services and the Veterans' Homes, adjustments of 3.25% per year are recommended, fully funding the projected costs in FY 2008-09 and reflecting the need to maintain mandated service and care levels. For correctional and probation officers in the Department of Corrections and the State Patrol Division in the Department of Public Safety, the Governor's budget also includes the full cost of funding the projected compensation increases, with higher percentages as needed to fund the pension costs enacted in the 2006 legislative session.

For non-General Fund activities, the Governor's budget recommendations include an adjustment up to 3.25%, if this amount can be sustained by the revenue stream.

Relationship to Base Budget

This proposal is an increase to the operating funds for each agency. Detailed fiscal pages in the budget reflect this increase as it relates to specific activities and programs of the agency. Such changes are not reflected in the agency "base," but instead, are shown as a change item for specific discussion and decision.

Statutory Change: Not Applicable

WATER & SOIL RESOURCES BOARD

Agency Revenue Summary

Dollars in Thousands

	Actual FY2006	Budgeted FY2007	Governor's Recomm. FY2008	Governor's Recomm. FY2009	Biennium 2008-09
Non Dedicated Revenue:					
Departmental Earnings:					
Misc Special Revenue	337	0	0	0	0
Total Non-Dedicated Receipts	**337**	**0**	**0**	**0**	**0**
Dedicated Receipts:					
Other Revenues:					
Misc Special Revenue	1,573	1,464	1,438	1,438	2,876
Federal	73	500	0	0	0
Other Sources:					
Misc Special Revenue	6	0	0	0	0
Total Dedicated Receipts	**1,652**	**1,964**	**1,438**	**1,438**	**2,876**
Agency Total Revenue	**1,989**	**1,964**	**1,438**	**1,438**	**2,876**

News Release

FOR IMMEDIATE USE
Jan. 19, 2007

Contact: Doug Schultz
MDH Communications Office
(651) 201-4993

Low levels of PFBA found in six cities' wells in southeast metropolitan area

Levels pose no immediate health risk to residents; source of contamination under investigation

The Minnesota Department of Health has detected low levels of the chemical perfluorobutanoic acid (PFBA) in municipal wells in Woodbury, Cottage Grove, Newport, St. Paul Park, South St. Paul and Hastings. The contamination in all of these cities, except Woodbury, appears to be occurring in an area of groundwater that is separate from the one in Lake Elmo and Oakdale. The source of this new area of contamination is under investigation.

PFBA is one of a family of chemicals known as perfluorochemicals or PFCs. They were made and used by several companies around the world in household and industrial products such as stain repellents, lubricants, fire retardants and suppressants, pesticides, surfactants, and emulsifiers. PFBA was made by the 3M Company at its Cottage Grove facility.

Studies in laboratory animals have shown that PFCs may cause health problems if consumed in large enough quantities over long periods of time, or consumed at a sensitive time during development. Studies by 3M of workers exposed to PFCs during manufacturing show no apparent impact on their health.

"Finding this chemical at low levels does not pose an immediate health risk for residents," said John Linc Stine, director of the Environmental Health Division for MDH. "It does mean we need to proceed cautiously, investigate further and, if necessary, take steps to reduce people's exposure for the long term. Our toxicologists are currently evaluating the limited scientific information available on PFBA."

Staff from MDH and the Minnesota Pollution Control Agency will be conducting extensive testing, including private wells, to determine the extent of the groundwater contamination. City wells will be monitored monthly for levels of PFCs.

The PFBA was found as part of MDH's ongoing investigation into groundwater contamination in southern Washington County. The investigation began several years ago when health officials learned 3M disposed of PFC wastes at three sites in Washington County: the former Washington County Sanitary Landfill, the former Abresch dump in Oakdale, the 3M Cottage Grove facility and another disposal site on the border of Woodbury and Cottage Grove.

In 2004, MDH staff began collecting samples from private wells in the City of Lake Elmo to look for two PFCs, perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA). Low levels of PFOA were found in a few private wells near the Washington County Landfill. In 2005 more testing detected PFOS and PFOA in a larger group of private wells in Lake Elmo and several city wells in Oakdale. Tests in several other nearby municipal water supplies, including Cottage Grove, Woodbury, and Hastings did not find PFOA or PFOS.

-more-

In spring 2006, the MDH Public Health Laboratory developed methods to detect five more types of PFCs. Analysis of the water samples revealed that one of these, PFBA, is widespread. PFBA seems to move very freely in the groundwater; more so than PFOS or PFOA. It does not break down or degrade. PFBA has now been found in two distinct areas of southern Washington County.

One area of groundwater contamination appears to originate from the former Washington County Landfill in Lake Elmo and the former Abresch Dump in Oakdale. This area extends into the City of Woodbury. In drinking water near the disposal sites, multiple PFCs, including PFOA and PFOS, are found. Only PFBA has been detected in the Woodbury municipal wells.

A second area of groundwater contamination is located further south and is primarily PFBA, with no detections of PFOA or PFOS. PFBA has been detected in all of the city wells in Cottage Grove, St. Paul Park and Newport and in some city wells in South St. Paul and Hastings. This area of contamination may originate from the disposal site on the border of Woodbury and Cottage Grove.

So far, PFCs have not been found in limited testing of groundwater done elsewhere in the metropolitan area.

"Learning about chemical contamination in groundwater is a step-by-step process," Stine said. "Though the discovery of PFCs in the southeast metro is relatively new, testing information from the last couple of years suggests that the levels of PFCs in the groundwater are stable and not increasing. The testing information also suggests that PFCs have been present for some time. Our testing for these chemicals has improved since we began."

MDH has been using the well advisory guideline for PFOA, 1 ppb, as a temporary guideline for PFBA. "It's important to note that these are guidelines and there is not a bright line of health risk for findings just above or below the number of 1," Stine said. "The levels of PFBA in each of the four cities is still very low. Some wells in Cottage Grove and St. Paul Park slightly exceed the MDH guidelines. The initial sampling results for South St. Paul and Hastings still need to be confirmed."

Scientific understanding of the relative toxicity of PFBA, along with the other PFCs is evolving. "Looking at new studies and some underway, we anticipate that PFBA should be less toxic to people than PFOA based on its chemical characteristics and on preliminary data from animal studies," Stine said. "In contrast to PFOA and PFOS, PFBA does not appear to accumulate in animals or people." Once the studies are completed and reviewed, MDH will develop specific advice for PFBA as well as revised values for PFOS and PFOA.

MDH will meet with officials from the affected cities next week to further discuss the test results and their implications. MDH will continue to provide technical support to cities for managing their drinking water systems.

While there is no immediate concern for drinking water, residents who have PFBA in their drinking water and wish to reduce their exposure can take some simple steps. They can use bottled water for part or all of their drinking or cooking needs. Also, filters containing granular activated carbon (GAC) remove PFCs, including PFBA. Many common water filters contain GAC.

Residents in the affected areas who want further information can contact the Minnnesota Department of Health Environmental Health Division at 651-201-4897 or visit the MDH Web site at www.health.state.mn.us.

-MDH-



Join Minnesota Waters Today!

MEMBERSHIP FORM

Name

Address

City/State/ZIP

E-mail

Phone

Lake/river you reside at or use frequently

County

Tax-Deductible Memberships:

——— Individual $ 25 ——— Enthusiast $250

——— Family $50 ——— Steward $500

——— Supporter $100 ——— Other $ ———

Call office for lake or river association membership information

METHOD OF PAYMENT: ☐ CHECK ☐ VISA/MASTERCARD

Card Number Exp. Date

Signature

MAIL TO: Minnesota Waters,
17021 Commercial Park Rd., Suite 4, Brainerd, MN 56401
or join online at www.minnesotawaters.org
800-515-5253

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Join Minnesota Waters today . . . citizens protecting and improving our lakes and rivers.



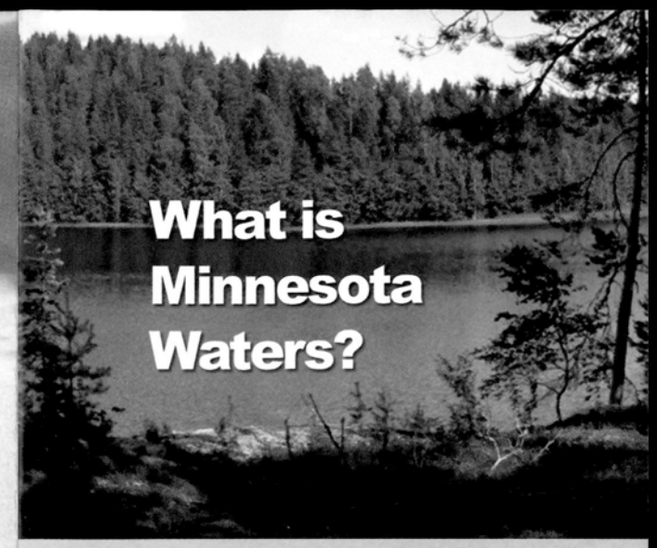
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or call 800-515-5253
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Citizens Protecting and Improving
Our Lakes and Rivers



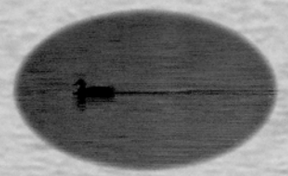
A confluence of the Minnesota Lakes Association and the Rivers Council of Minnesota



What is Minnesota Waters?

We are a merger of the Minnesota Lakes Association and Rivers Council of Minnesota.

In a state with 11,800 lakes greater than 10 acres in size and 92,000 miles of rivers, Minnesota Waters is the only nonprofit organization in the state dedicated exclusively to protecting and improving Minnesota's lakes and rivers.



By coming together, Minnesota Waters:

- Advocates for our waters with a stronger voice—locally, regionally, and statewide.
- Impacts public policies for water resource protection.
- Educates citizens and citizen groups to lead local efforts for water resources protection.
- Connects lakes and rivers for more effective water management.
- Engages over 3,500 members in its mission to protect the waters of the state.



Minnesota Waters

Citizens Protecting and Improving Our Lakes and Rivers

What is Minnesota Waters' Vision and Mission?

Minnesota Waters believes the lakes and rivers in our state are irreplaceable natural assets to be held in trust for future generations.

Minnesota Waters promotes responsible stewardship of these waters by engaging citizens, state and local policy makers, and other like-minded partners in the protection and restoration of Minnesota's lakes and rivers.



Printed on 20% post-consumer recycled paper with soy-based inks

What are Minnesota Waters' Program Areas?



Minnesota's Lakes and Rivers Need Your Help!

Please join Minnesota Waters—with your help we can protect Minnesota's waters from overuse, overdevelopment, infestation with aquatic invasive plants and animals, and pollution.

It's not too late to protect and preserve Minnesota's lake and river resources today and for future generations! **Working together we can make a difference.**

Why Join Minnesota Waters?

- To bring local water resource concerns to statewide attention.
- To stay informed about critical lake and river issues.
- To learn to be good stewards of our state's lake and river resources.
- To join a partnership that encompasses action at the local, regional, and state levels to restore and protect our waters.
- To make a difference in preserving and protecting Minnesota's lakes and rivers.

What are the membership benefits?

- Quarterly *Minnesota Waters* newsletter.
- Monthly electronic newsletter, the *Confluence.*
- Bi-weekly legislative reports during the session.
- Conference and publication discounts.
- Free websites for lake associations and river groups.
- Answers and assistance with your lake & river questions.

Coming Soon:

Minnesota Waters Magazine

A new magazine for members and the public to create an appreciation for our water resources, which is the first step in taking action to protect them.



minnesota waters

Citizens protecting and improving our lakes & rivers

VOLUME 1 • NUMBER 1 APRIL 2006

Stewardship for Minnesota's Waters

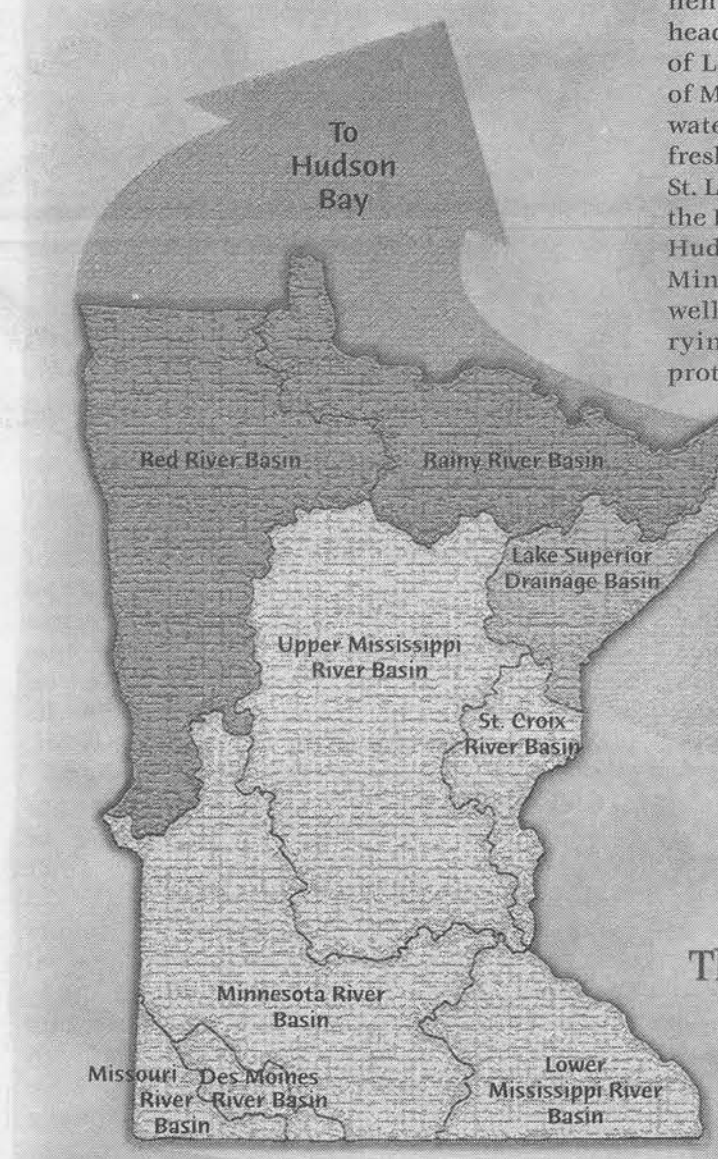
Molly Z. Zins, Lake Stewardship Coordinator

Indeed being Minnesotan means a heap of memories on the water. Ask anyone about their favorite lake or stream and you'll likely trigger a myriad of nostalgia reflecting clear cool waters, heavily wooded shorelines, abundant wildlife and the peace that only comes from a quiet moment on that beloved lake or stream. Are we blessed? You betcha!

Minnesotans proudly claim our state endowed with more than 10,000 lakes and a meandering 92,000 miles of river. Many contentedly list the numerous water bodies within a few minute walk of their home, best-kept-secret fishing holes, or the nearest stretches of shoreline that more closely reflect a wilderness environment than the urban setting which encompasses it. We revere the magic of Lake Superior's deep waters and the history of Voyageur and Ojibwe travels through the Boundary Waters lakes and streams. And today we celebrate this beautiful landscape abundant in water resources, while perhaps at times overlooking its fragility and fluidity.

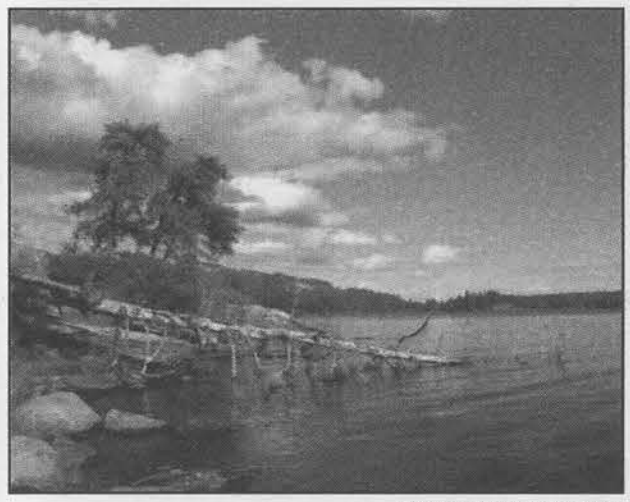
Minnesota's streams, lakes and wetlands know no county, state or national boundaries. They are governed by an ancient foundation, far stronger than our human inventions could ever impose. Minnesota's water resources are part of a flowing organism, systems which extend across the continent and out to its ocean shores. The Mississippi headwaters may start as a small stream flowing out of Lake Itasca, but it eventually reaches the Gulf of Mexico. The St. Louis River and Lake Superior watersheds flow out of Lake Superior, the largest freshwater lake in the world by surface area, to the St. Lawrence and ultimately into the Atlantic. And the Red and Rainy River watersheds empty into the Hudson Bay in due course. Each raindrop into Minnesota's waterways has a final destination well beyond our human-imagined borders, carrying with it the footprint of our water resource protection, or lack thereof.

Although great sources of pride for us all, the mere presence of these resources has nothing to do with our actions today. Rather, it's the health of these resources and the human actions impacting them which we are presently, and must become better at, managing. The tremendous amount of water resources in Minnesota is most certainly a cause to celebrate, yet there is also a remarkable amount of stewardship responsibility tied to this blessing.



Three of North America's major watershed basins originate in Minnesota, transporting water from Minnesota's lakes and streams en route to the Hudson Bay, the Atlantic and the Gulf of Mexico.

Illustration by Pete Card



Photograph by Sandra Holm

WHO ARE MINNESOTA'S WATER RESOURCE STEWARDS AND MANAGERS?

Minnesota Waters, a recent merger of the Rivers Council of Minnesota and the Minnesota Lakes Association, believes Minnesota's water resources are in good hands - the hands of local citizen groups and individuals throughout the state. From the shorelines of the northwest corner to the meandering stream banks of the southeast, and the lake regions in between, Minnesota's waters are being protected and improved by its citizens. Minnesota Waters recognizes that it's the river groups, lake associations and other individuals, who live near, observe and monitor the resource regularly, that are Minnesota's true local water resource managers and advocates.

For example, a group of community members might enjoy the opportunity to paddle their stream segment or stretch of lakeshore dozens of times over the course of a summer, collect weekly water quality monitoring data for several months out of the year, and seize the opportunity to observe the basin's watershed land-use, and subsequently the changes that occur to that river segment or lakeshore through the years. Moreover, this river or lake advocate group can organize and respond quickly to disconcerting changes or local needs, while sharing the information over coffee with neighbors. They are a part of and understand the human community surrounding and using the resource; likewise they are helping to define the way in which this community values its water resources.

...continued on page 6

minnesota waters
17021 Commercial Park Dr, Suite 4
Brainerd, MN 56401

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minnesota waters

MINNESOTA WATERS MISSION:

Minnesota Waters promotes responsible stewardship of our water resources by engaging citizens, state and local policy makers and other like-minded partners in the protection and restoration of our lakes and rivers. We achieve our mission through watershed education, citizen monitoring, supporting conservation stewardship, influencing public policy and empowering citizen groups to manage their local water resources.

MINNESOTA WATERS VISION:

Minnesota Waters believes that the lakes and rivers in our state are irreplaceable natural assets to be held in trust for future generations. Through our programs of discovery, advocacy and on-the-ground action, the people of Minnesota will change their behaviors and public policies to reflect responsible stewardship.

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This is a quarterly newsletter published by **Minnesota Waters** for its members. Annual dues are $25 for individuals and $50 for families. Contact us at:

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EDITORIAL

President's Column

Dick Fowler, Minnesota Waters Board Chair



At a recent meeting with a respected watershed professional, the gentleman said "Minnesota Waters is what this State needs - a strong, state-wide force for watershed education and protection." This sentiment reinforces the fact that the formation of Minnesota Waters could not have come at a better time. Indeed, we have the potential and the opportunity to make a real impact on Minnesota's waters.

With the focus of our state government absorbed by education and health care issues, we cannot rely only on government funding or leadership to protect our water resources-Minnesota's lifeblood. We must take the initiative to motivate, educate and support local citizens to acquire scientifically defensible data and use it to create positive change in lake, river and watershed management.

And, we are off to a running start. The mission and vision of Minnesota Waters has captured the attention of major funders. The McKnight Foundation recently approved a significant grant for the integration and general operation of our new organization. This strong financial support will ensure that we create an even healthier, more effective organization than the two founding organizations-the Minnesota Lakes Association and the Rivers Council of Minnesota.

At this early and very busy stage for Minnesota Waters, we are still developing membership materials and informational brochures. Yet, we know there are people that want to join today. Please visit our website: www.minnesotawaters.org to join our growing membership and support Minnesota's Waters. And please help us get the word out to your friends and neighbors. Your investment in Minnesota Waters will provide our state's water resources with the best possible protection programs and advocacy.

It has been my pleasure to begin working with the 16 board members of Minnesota Waters, and I can assure you that our commitment to water protection is strong and perpetual. Thank you for your support and enjoy the forthcoming greening of our great state.

Changing Currents

Bruce Johnson, Executive Director



Minnesota's precious waters teach us that change is a fact of life. Lakes and streams are constantly changing as they roil and churn through the natural life cycles we humans are only beginning to fully understand.

Ironically, the most significant changes to lakes and streams come not from the natural laws of gravity and thermodynamics that govern this planet, but at the hands of us humans who tend to resist change..."that's the way we've always done it."

At an alarming pace, the forests, fields, hills and valleys that used to soak, filter, store and seep the precious water of life, are being paved and graded to prepare for the wave of foundations, feet and fast-moving vehicles carrying the very people who rely on that water for life. As we settle in to our new communities-a change we eagerly accept-few of us notice the disappearing wetlands or degraded lakes and streams choking on more water, warmer temperatures and chemical imbalances.

In the pages of Minnesota Waters' first quarterly newsletter, we'll be sharing stories about the people who do notice and care deeply about the health of our lakes and streams. We come from every part of our community and share a deep commitment to ensuring our lakes and streams remain a vital part of our growing neighborhoods.

We know that healthy lakes and streams and their surrounding watersheds are a critical asset in our community. Lakes and streams provide us with drinking water, recreation, rejuvenation and pure inspiration. The surrounding lands absorb the dynamics of flood and drought-so long as we build and serve our communities with respect to those important functions. (Studies show that after we've covered as little as 10 percent of our landscape with hard surface, lake and stream quality erodes.)

We take little notice of the polls that say environment doesn't make the top 20 important issues in our country today. We'll gladly sit through countless hours of hearings, meetings, training sessions and perennial excuses. We accept the piercing stares of those who single-mindedly focus on economic benefit at any cost. We'll give up precious time on our favorite lake or stream to advocate for its protection and to change the long-held behaviors, policies and practices of their communities.

When our children and grandchildren gather at the weekend cottage or the beach or campground to fish, swim and play, they won't know much about those of us who took the time to make sure the bulldozers and steam rollers steered clear of critical features in our watershed landscape. But we will.

Minnesota Waters looks forward to improving and protecting the state's lakes and streams with the energy and enthusiasm of the citizens we serve. Here's hoping we can count you among them.

MINNESOTA WATERS BOARD OF DIRECTORS

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EVENTS & NEWS

Celebration of Minnesota Waters!

On January 31 Minnesota Waters members and supporters gathered in St. Paul to celebrate the newly formed organization and to honor retiring Board members and founders. Minnesota Waters staff and Board Chair provided a presentation on the organization programming and milestones. Guest speaker, Mike Harley, executive director of the Minnesota Environmental Initiative, spoke about the role of conservation organizations in Minnesota and the need for innovative lake and river protection initiatives. Thank you to everyone who attended for making it a great celebration of successes and opportunities!

Photos by Ken Friberg • photography.friberg.com

MINNESOTA WATERS BOARD OF DIRECTORS



Back, left to right: Dave Bachman, George Orning, Tom Morrow, Lindberg Ekola, Dick Osgood, Denis McGibbon. **Front, left to right:** Craig R. Pagel, Judy Wallschlaeger, Amy Lichty, Richard Fowler, Julie Klocker, Dick Lacher, Cheryl Miller. **Not pictured:** Louis Smith, Kathy Draeger, Terry Frazee, Robert J. McGillivray.

MINNESOTA WATERS STAFF



Back, left to right: Bruce Johnson, Amy Denz, Angie Becker Kudelka, Mary Karius, Molly Zins. **Front, left to right:** Paula West, Sandra Holm, Angel Samolytz, Keri Hull.

Resources for River and Lake Stewards

THE CONFLUENCE

Minnesota Waters monthly electronic newsletter, the *Confluence*, delivers timely news and information on the state of Minnesota's lakes and rivers, and what citizens, policy makers and organizations can do to protect Minnesota's priceless water resources, today and tomorrow. To sign-up for the *Confluence* and receive it in your e-mail inbox every month, contact Keri at the Brainerd office: 800-515-5253 or kerih@minnesotawaters.org. Members receive the *Confluence* as a member benefit.

NEW MINNESOTA WATERS WEBSITE-COMING SOON!

The development of the new website is underway. Once complete, you'll be able to access many of the tools and resources you're used to finding on both the old Rivers Council of Minnesota (www.riversmn.org) and the Minnesota Lakes Association (www.mnlakes.org) websites, along with new content that reflects Minnesota Waters! We expect this process to take two to three months to complete. Until then, find updates about Minnesota Waters and current activities at the temporary website: www.minnesotawaters.org.

NEW STAFF E-MAIL ADDRESSES

Please note all Minnesota Waters staff have new e-mail addresses. The old e-mail addresses will continue working only temporarily, so please update your e-mail contacts list and address book. All new e-mail addresses can be found on page 2 under staff contact information.

GOT NEWS?

Please send us your lake association or river group newsletters. This helps keep **Minnesota Waters** up to date on your latest initiatives, outreach and needs.

UPCOMING WORKSHOPS AND PROGRAMS

SHORELAND EDUCATION WORKSHOPS FOR REALTORS

Thursday, May 4, 2006

New shoreland owners naturally spend a great deal of time with their trusted real estate agent throughout the long process of purchasing a new home or cabin, and real estate agents can provide a wealth of information to these soon to be watershed managers. Therefore, real estate agents are the primary audience for these upcoming one-day workshops, providing participants with an overview of watersheds, land-use impacts on water quality and the tremendous cumulative impact each individual property owner can have on local water resources. Armed with the knowledge on how to best care for shorelines and how to protect water quality, a real estate agent can advise clients on these simple practices before they even set their big toe in the lake water. Continuing Education Units will be provided for participating real estate agents. For more information on these workshops, please call the Minnesota Waters office: 800-515-5253.

LAKE LEADER SUMMIT

Friday, May 19, 2006

COLA and other regional lake leaders from around the state will be invited to attend the first Minnesota Waters Lake Leader Summit this spring in the Brainerd area. The Summit will convene some of Minnesota's principal local lake leaders to address common watershed challenges, successes and the needs of local lake protection organizations. Summit findings will be used to guide Minnesota Waters program planning and lake association outreach.

LAKES AND RIVERS CONFERENCE 2006 - MARK YOUR CALENDARS TODAY!

September 7-9, 2006

Minnesota Waters is planning for the 2006 Lakes and Rivers Conference, September 7-9 at the Duluth Convention Center and we need your input. To learn more about the Conference, turn to page 15 of this newsletter.

MINNESOTA WATERS BOARD AND OPEN MEMBER MEETINGS

April 11, Executive Committee
May 6 & 7, Board Meeting (Board and Staff Retreat)
June 13, Executive Committee

Board meetings are open to all Minnesota Waters members; these dates are tentative - please call for confirmation, times and locations.

PUBLIC POLICY

2006 Legislative Session

Gary Botzek, Capitol Connections, Minnesota Waters Lobbyist



Congratulations on the new Minnesota Waters endeavor. I look forward to working with all the rivers and lakes folks on a continued strong public policy presence and political input in St. Paul and across the state. The 2006 legislative session, which began on March 1, is moving quickly toward its first deadline of March 28 for bills to pass policy committees. Let me highlight the status, as of this March 26 writing, of bills on Minnesota Waters' legislative agenda. For more up-to-date information, please refer to the bi-weekly legislative alerts from Minnesota Waters posted at www.minnesotawaters.org.

CLEAN WATER LEGACY

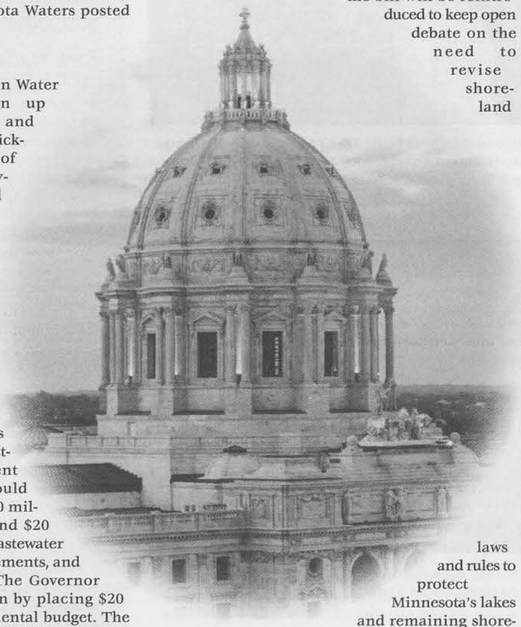
The 2006 version of the Clean Water Legacy (CWL) bill to clean up Minnesota's impaired lakes and streams is very much alive and kicking! The organizing group of business, agriculture, local government and environmental groups called "G-16," which is currently chaired by Minnesota Waters vice-chair Louis Smith, has refocused its efforts on a new funding mechanism for the program. After discussions with legislative and administration leaders, the G-16 proposed to "jump start" the CWL effort with $40 million from state general funds and to abandon last year's funding proposal of a "user fee" on households and businesses since it was rejected by the legislature. The current House version of the CWL would raise the $40 million through $20 million of general fund monies and $20 million long-term bonding for wastewater treatment, septic system improvements, and land improvement projects. The Governor announced support for the plan by placing $20 million for CWL in his supplemental budget. The Senate is expected to request a full $40 million in general fund appropriations for the Clean Water Legacy as recommended by the Minnesota Environmental Partnership (MEP) and the G-16.

Portions of the general fund dollars would pass through the Department of Natural Resources, Board of Water and Soil Resources, and the Pollution Control Agency for testing and monitoring of our lakes and streams, establishment of plans (TMDLs) to clean up impaired waters, and protection and preservation of lakes and streams. Also contained in the CWL legislation is language that would establish a Clean Water Legacy Council of around 20 affected and interested parities, modeled after the G-16 group itself. A seat is designated for a group like Minnesota Waters that represents lakes and streams.

Long term funding of $80 million per year for at least ten years is needed for the CWL Program to effectively clean up impaired lakes and streams. A constitutional amendment dedicating three-eighths of one cent of new sales tax is being debated in the House and Senate to fund CWL long-term along with funding for fish and wildlife habitat protection, parks and trails, and arts and humanities. If passed, the amendment will be placed on the November general election ballot for the citizens to decide.

SHORELAND MANAGEMENT

In 2005, Minnesota Waters and the Minnesota Center for Environmental Advocacy (MCEA) had legislation introduced, but had no hearings, that would have encouraged and promoted a revision of Minnesota's Shoreland Management laws. It included a shoreland technical evaluation panel (STEP) to provide more science and timely common sense review of local shoreland decisions; a process to review local government's final decisions that doesn't involve going to court first; and using comprehensive lake management plans, developed by citizens in cooperation with local governments, to provide a blue-print for good shoreland development decisions. The bill is not likely to get hearings again this year, but with new language to strengthen its components, the bill will be reintroduced to keep open debate on the need to revise shoreland laws and rules to protect Minnesota's lakes and remaining shoreland resources from increasing development pressures. Minnesota Waters and the MCEA will continue to work with the DNR, the Association of Minnesota Counties (AMC), and others on this issue and look for legislative and administrative ways to pass stronger regulations for new development and redevelopment on our shorelands.



AQUATIC NONNATIVE INVASIVE SPECIES CONTROL

In 2005, the Minnesota Lakes Association introduced a bill to bolster revenues to the DNR's Aquatic Invasive Species (AIS) Program through the establishment of an annual $10 boat decal sticker program that would raise an additional $5 million per year, of which about 80 percent would be passed through to lake associations, other citizen groups, and local governments to take the lead in management and prevention of AIS locally. MLA was unable to get a hearing on its legislation because the House Environmental Policy Committee preferred to provide funds for improvements to public accesses, which have been damaged by overpowered boats on our lakes, by raising fees on boat licenses up to 50 percent. MLA's 2005 legislation did receive strong support in the Senate, and while not passed, it did assist in the appropriation of an additional $308,000 to the DNR for aquatic invasive species and is being used for an expanded grant program to lake associations for lakewide treatments of Eurasian watermilfoil and Curlyleaf pondweed.

This year, Minnesota Waters (formerly MLA) decided to change strategies and drop the annual decal idea in favor of raising the current invasive species surcharge on boat licenses paid every three years from $5 dollars to $15 dollars. This would raise an additional $2.5 million per year towards prevention and management of aquatic invasive species. This bill appears unlikely to get a hearing due to concerns over raising fees again. A letter was sent to the Governor (see page 5) urging support of Minnesota Waters' bill and increased funding for AIS. The Governor's supplemental budget bill includes recommendations, prompted by DNR requests, for an additional $975,000 for invasive species appropriations. The proposed funding would double the grants program that Minnesota Waters worked on with the DNR, but also proposed a significant allocation towards terrestrial invasive species and invasive species introduced through the water gardening industry.

We wish to thank the Governor for providing additional revenue for the aquatic nonnative invasive species cause. Minnesota Waters will be working to redirect the additional money, if appropriated, towards prevention and management of aquatic invasive species.

AQUATIC PLANT MANAGEMENT RULES

Minnesota Waters has been contacted by the Minnesotans for Healthy Lakes (MHL) in their legislative effort to modify or reject the DNR's plans for rule changes in the state's aquatic plant management program (APM). While Minnesota Waters does not support many of the provisions in MHL's legislation, we will work with them, the DNR, and interested legislators in efforts to improve and enhance the DNR's aquatic plant management program. The MHL legislation did receive a hearing, but due to concerns raised by the DNR and others, the bill was laid over for future work and hearings. Minnesota Waters will be part of those discussions. Minnesota Water's position is that the DNR's APM Program needs to provide a delicate balance between lake access and lake protection with strong protection for native plant communities through aggressive management and prevention of aquatic invasive plants, which displace native plant communities.

PROTECT OUR WATERS INVOLVEMENT

Minnesota Waters, through its membership and involvement in the Minnesota Environmental Partnership's (MEP) Protect Our Waters Campaign, is playing a leadership role in the bonding bill debate of investing more dollars in our environment and natural resources, reducing mercury in our water, tightening of laws and rules on ATV's especially as they affect our wetlands, and protecting and defending the rights of local government to implement stronger environmental standards and rules then state law requires. Over 45 of MEP's 90+ members signed on to the "Protect Our Waters" package and Minnesota Waters was one of the first!

WHAT CAN YOU DO?

As members of Minnesota Waters you can assist our lobbying efforts by talking to your local Representative and Senator. They are home many weekends. They all have email, mailing addresses, phone numbers, and staff to assist in getting the message of clean water, more shoreland protection, stronger aquatic nonnative invasive species efforts, and dedicated funding for the environment and natural resources. Like they say on public radio "please pick up the phone" and give them a call, write them a letter, or send them an email expressing your interest, passion, and concern over what is happening to our lakes and streams! We are counting on you!

Capitol Building Photo Courtesy Minnesota Historical Society

Stop the Spread of Aquatic Invasive Species

To respond to its members expressed concerns, Minnesota Waters sent the following letter to Governor Pawlenty urging a stronger state commitment to stopping the spread of aquatic invasive species. Strong working partnerships with citizen groups, like lake associations and other local organizations, needs to be bonded and financial assistance provided for more aggressive management in order to fight this invasive battle. The state cannot handle this work load alone. Let the Governor, the DNR, and your legislators know how you and your association feel about this critical issue threatening our state's lakes and rivers. Call Minnesota Waters if you need contact information.

Dear Governor Pawlenty: 2/28/2006

Exotic plants and animals are overrunning and destroying Minnesota's lakes and rivers. This kind of biological pollution, known as Aquatic Invasive Species (AIS), is largely unchecked as it enters our state and moves within our state contaminating a growing number of lakes and rivers. Today, there are 177 lakes and streams with Eurasian watermilfoil, over 800 lakes with curly-leaf pondweed, and four inland lakes with zebra mussels, while new invaders are waiting on Minnesota's doorsteps. Unless Minnesota puts more resources towards preventing the spread and containment of these species, there will be devastating ecological, social, and economic impacts to our state. These will include loss of water quality and recreational use of our lakes that can hurt the state's $9.2 billion tourism industry and potentially devalue the tax contribution of $250 billion dollars of Minnesota lakeshore property.

Minnesota is not doing enough to stop the spread and manage aquatic invasive species. It was just less than 20 years ago that Eurasian watermilfoil was first found in Minnesota, and **today 35 percent of Minnesota's primary recreational lakes have one or more aquatic invasive species.** The Department of Natural Resource's response and programs are primarily based on education and awareness, but lack the stronger, more aggressive measures needed to stop the spread of aquatic invasive species. Inspections at public boat accesses are generally accepted as the rational and reliable way to help prevent the introduction of AIS; there are no other known practical methods. Yet, the state's access inspection program is under-funded and not adequate to effectively stop the spread of AIS.

The state's strategy and programs reflect the attitude that 'we are doing all that we can do with the available resources,' when instead, our response ought to reflect a commitment to 'provide the resources, policies and actions necessary to stop the spread of AIS and manage those already here.' Right now, Minnesota falls way short of that goal, and our lakes and rivers are in jeopardy.

An urgent concern is preventing the spread of zebra mussels, now found in several border rivers and four inland lakes, including Mille Lacs Lake. The state only minimally responded to the recent infestation in Mille Lacs Lake and its current plan will not contain this animal from spreading in Minnesota. Once zebra mussels are in a lake, there is no remedy. With 500,000 boats launched on Lake Mille Lacs each year, if only one percent of boats leaving the lake carry zebra mussels, there could potentially be 5,000 new infestations.

The real problem is this: Aquatic Invasive Species in Minnesota will neither be contained nor controlled unless we adopt and implement active intervention and restrictive measures.

Minnesota Waters (a recent merger of the Rivers Council of Minnesota and the Minnesota Lakes Association) represents over 300 lake associations, 15 county coalitions of lake and rivers groups and 3,000 individual members. Its collective membership is over 80,000 people concerned about Minnesota's lake and rivers.

We are charged by our members to be their voice to Minnesota's leaders on matters affecting our waters. In that role, we strongly urge that the state take action on this looming threat by:

- Restricting public and private accesses to facilitate an active inspection program;
- Requiring inspections for all watercraft leaving any water infested with an aquatic invasive species;
- Increasing the surcharge on boat licenses and charging fees for watercraft launchings to pay for the needed protection programs.

The Minnesota Department of Natural Resources has not indicated a willingness to change its long-standing policy of uninhibited access to public waters via public accesses. Yet, they are charged with protecting our precious lakes and rivers, and with aquatic invasive species, they will be unable to do this without changing these policies.

Minnesota Waters recognizes that our lakes and rivers are public resources open to all and cherished by all Minnesotans, hence their importance is highlighted on the state license plate and quarter. However, by continuing with a protection program that is 'all we can do' rather that one that 'does what is needed,' we intentionally degrade the waters that define the quality of life in Minnesota. We must find a way to protect our lakes and rivers that provides access as well as a credible method of stopping these destructive invaders.

Minnesota Waters asks you to:

- Direct the DNR to implement a plan in the 2006 boating season that assures zebra mussels will not be allowed to expand beyond Lake Mille Lacs and other lakes where they are now known to reside.
- Implement a statewide policy that allows local agencies, such as municipalities, lake associations or watershed districts, to implement inspection programs and charge fees to pay for those programs.
- Allocate and support more financial resources to accomplish better management of aquatic invasive species, including support for legislation introduced last year to enable that to happen. (Note: the State of Maine spends $2 million each year to prevent the spread of AIS now known to exist in only three (3) of 6,000 lakes. Contrast that to this State's spending of approximately $1.5 million while its private citizens are spending almost as much in private dollars to manage AIS in public waters for the public use.)
- Direct the DNR to reexamine its policy of not restricting accesses on lakes with multiple access points to facilitate more efficient and effective inspections.

Minnesota Waters urges you to move boldly and act quickly before this legislative session-before it's too late.

Sincerely,

Richard Fowler, President, Minnesota Waters

We Have Power—From Townships to State Government

Paula West, Director of Public Policy

We, the membership of Minnesota Waters—representing over 70,000 lake and river interests—have the power to influence the future quality of Minnesota's precious water resources through our actions. Never doubt that you have power when you walk into the election booth, contact your county commissioner or state legislator, attend a township or planning commission meeting, participate in local comprehensive planning, or express your concerns and interests in a newspaper editorial, lake association newsletter, or call in radio show. The old adage "those who show up and speak up make the decisions" still rings true.

A recent article in NonProfit News written by Marcia Avner, Public Policy Director for the Minnesota Council on Nonprofits, provides some guidelines for effective nonprofit advocacy that leads to power—defined as the ability to get something done. These guidelines are especially important in 2006, a major election year when all of Minnesota's congressional seats, one U.S. Senate seat, all state constitutional offices, the entire Minnesota legislature, and varied local government seats are on the ballot.

Now is the time to exert your power by articulating clear goals, interests and compelling messages to build a collective voice for lake and river protection. However, Avner warns, "this work must be scrupulously nonpartisan to stay within the legal boundaries of non-profit advocacy. In turn, this often increases the power of our words and actions."

So what do we want to happen? To work together to be a united, collective voice for cleaning up impaired waters, stopping the spread of aquatic invasive species, stronger controls on shoreland development, streambank and lakeshore erosion control, mercury emission reductions, and more to ensure the future health of Minnesota's waters. Our voices can and should be heard beginning in the halls of township meetings and echoing through the halls of the state capitol.

Avner suggests for nonprofits to build and use their power around clearly focused agendas and issues, they must:

1) Identify stakeholders, including other nonprofits, community leaders, and people and groups affected by the issues.
2) Reach out to those stakeholders with information about the issues and why they matter.
3) Organize and build coalitions. The voices of many stakeholders, raised in a common cause, can reach decision-makers most effectively.
4) Keep organizations and individuals engaged in ongoing shared efforts.

To influence local and state policies that will protect and enhance our waters, we must speak effectively about the issues that are important to us—being an advocate for Minnesota's waters is our responsibility in shaping public policy. As the 2006 election candidates start to speak out, you must speak up about the issues around our lakes, rivers, and streams that are near and dear to your hearts. If we want to see change, we must be the change. Use your power—it works!

Stewardship for Minnesota's Waters (continued from page 1)

And they'll be around next summer, five and even ten years from now, regardless of state budgets, grant cycles, or the latest conservation movement. The observations and data collected by this small group of engaged citizens cannot be duplicated by any organization or agency. Their investment comes from a connection with the resource and the community that simply can't be calculated or constructed from afar.

Hence, Minnesota Waters aims to engage and assist these Minnesotans, our on-the-ground water resource managers, in every possible capacity. More specifically, Minnesota Waters programming aims to engage local citizens and communities in locally-led lake and river protection, because Minnesota's water resources are in good hands, but 10,000 plus lakes and 92,000 miles of streams takes a lot of hands, and more are needed.

> Minnesota has lost approximately 50% of its wetlands since 1860.

THE HEALTH OF MINNESOTA'S LAKES AND RIVERS

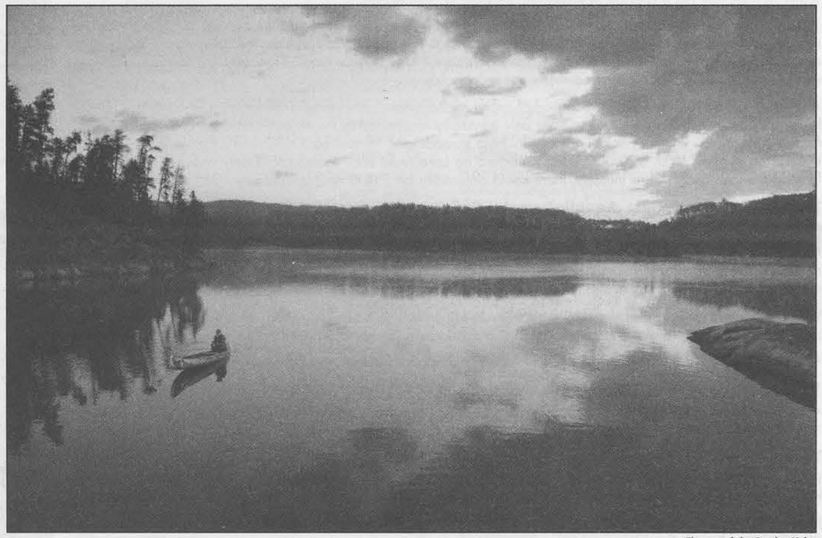
The Minnesota Pollution Control Agency (MPCA) recently announced Minnesota's biennial "polluted waters" update, a federally required list of lake and stream segments which do not meet water quality standards under the Federal Clean Water Act. The "polluted waters," also known as "impaired waters," are in need of further study to establish how they can be restored. The 2006 draft update added 396 new polluted waters to the existing list; however, only 14 percent of Minnesota's lakes and 8 percent of Minnesota's rivers have been assessed for meeting water quality standards thus far. What will those percentages reach when all of Minnesota's lakes and streams have been assessed, and perhaps even more pressing, what are we doing now to restore the growing list of impaired waters or to protect those still in great shape?

Many lake associations and river advocates have begun addressing this issue with the fundamental question: what's causing all these impairments in our lakes and streams? Impairments stem from both point and nonpoint sources. Point sources involve one primary and often easily-identifiable contributor-for example, the discharge pipe of a business or community wastewater treatment facility. Nonpoint sources are diffuse nonspecific sources that come from our farm fields, buildings, roads, sidewalks, parking lots, and even our yards. The pollutants that make up nonpoint source impairments include sediments such as soil and debris collected as stormwater flows across our roadways, paved-over towns and cities or cultivated fields; nutrients such as nitrogen or phosphorous from an over-abundance of fertilizers, lawn and field clippings; and even increasing water temperatures resulting from the heat energy transferred to stormwater as it flows over the paved surfaces on its way into the once cool lakes and streams.

Within one small watershed, nonpoint source pollution can have a significant cumulative impact from thousands of sources and can be difficult to conclusively identify, often involving the responsibility of everyone within that watershed. And with the projected state population increase of 2.5 million people from 1970 to 2030, an addition roughly the equivalent of the seven-county metro area, Minnesota's watersheds are undergoing a tremendous amount of growth from which stems more homes and buildings, roads and sidewalks, traffic, all types of infrastructure and the ensuing pressure on our state's natural resources.

Similarly, Minnesota's wetlands are under assault. According to the recent article Wetland Complexity in the Minnesota DNR Conservation Volunteer Magazine, less than 10 percent of Minnesota's prairie wetlands still exist today. As a whole, Minnesota has lost approximately 50 percent of its wetlands since 1860. Certainly the loss of wetlands causes an array of concerns pertaining to declining wildlife habitat and biodiversity, but in addition, the loss of wetlands are of significant concern because they are the natural world's water purification systems. Wetlands are the transitional zone between aquatic and terrestrial ecosystems, acting as the best natural defense for Minnesota's lakes and rivers. Today, only half of the once copious wetland habitats, and resultant water resource protection, exist in Minnesota.

Despite the ever-increasing need for greater water resource protection, the state of Minnesota's environmental spending is at a 30 year low with just over one percent of the General Fund presently dedicated to protecting Minnesota's natural resources. While a better state water resource protection policy would undoubtedly be a remarkable improvement, this might not happen in the near future, and Minnesota's lakes and streams haven't the privilege of patience at this point.



Photograph by Sandra Holm

> With 208,000 miles of shoreline, Minnesota has more waterfront than the states of Florida, California and Hawaii combined.

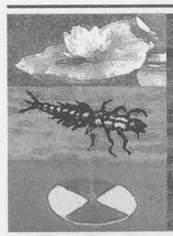
CITIZENS ARE THE ANSWER

As Minnesota Waters Board Vice Chair Louis Smith explains, "Environmental issues are easier to address in times of economic abundance, but as we hope for better times, it would do us a world of good to get busy and 'go local.' The secret to the most powerful environmental action to save our lakes and rivers isn't in Minnesota's budget, but lies instead in the commitment simply to work as citizens within our own small watersheds. In pursuing locally-led conservation, we replace Big Brother with our neighbors down the stream or around the lake. And when Big Brother is having hard times, we neighbors down the creek have even more reason to do our part."

Minnesota's citizens, the folks who live and work in the communities that depend upon our state's priceless water resources are the local leaders who understand both the challenges and the opportunities for resource conservation, community enrichment and economic benefit. Therefore, Minnesota Waters programs aim to enhance the community tools and skills needed to locally lead and implement lake and river stewardship initiatives, thus mobilizing citizens around community priorities and ultimately actions for lake and river protection.

Watershed Education lays the groundwork for Minnesota Waters programming, providing citizens across the state with up-to-date information, resources and a variety of educational experiences promoting informed local water resource advocacy. Conservation Stewardship is the next step, putting information into action through a variety of capacity building and skill development opportunities to augment on-the-ground conservation stewardship initiatives. The successful Citizen Water Monitoring Program has effectively trained dozens of lake and river groups, providing citizens with the tools to collect and interpret data, putting that information into monitoring and action plans for better water resource protection. Finally, Minnesota Waters focuses on Public Policy at both the state and local levels. Through surveying our members, Minnesota Waters develops its statewide policy initiatives, and in working with lake and river groups, Minnesota Waters offers opportunities for grassroots water advocacy and training to impact local decision-making affecting our waterways.

Minnesota Waters programming results in a network of local river and lake stewards throughout Minnesota, implementing skilled outreach, planning and management for water resource conservation. These local leaders ultimately protect the ecological health and economic vitality of Minnesota's rivers, lakes and communities, ensuring that Minnesota's legacy of healthy waters continues for generations to come. Yet they can't do it alone. Will you be the next lake or river steward in your neighborhood? Call Minnesota Waters to start protecting your community's lakes and rivers today.



Minnesota Water Watchers

CITIZEN WATER QUALITY MONITORING — APRIL 2006

Minnesota Waters Advances Citizen Monitoring

Angie Becker Kudelka, Director of Citizen Monitoring and Watershed Education

The official "merging" into Minnesota Waters this January did not surprise some citizen monitors. The Minnesota Lakes Association (MLA) and Rivers Council of Minnesota (RCM) have been working together for over three years to enhance and expand citizen monitoring across Minnesota. As one training participant noted upon learning of the merger, "I figured that RCM and MLA were already merged! Their joint monitoring trainings have been fantastic!"

Minnesota Waters has been working statewide on citizen monitoring planning and data analysis trainings along with specific sampling trainings for macroinvertebrates, mussel monitoring, and lake and river sampling. We developed and piloted an innovative training, the first of its kind in Minnesota, called, "Designing Your Monitoring Plan." This training encourages citizen monitoring leaders not only to think deeply about how lakes and rivers work together in their watershed of interest, but also to focus on specific citizen goals for collecting and using monitoring data. We believe that monitoring shouldn't just stop with collecting data, but can be turned into information that can be used to bring about some decision or action, a process we call DATA to INFORMATION to ACTION.

However, recognizing the synergies in lake and river monitoring should also allow for acknowledging the differences between them. As citizen monitoring leaders develop their programs, they notice distinctions between lakes and rivers. When monitoring lakes, many citizen programs focus on the "Big Three": Total Phosphorus, Chlorophyll A, and Secchi disk for water clarity. Rivers invite different kinds of investigations. Monitors may want to get a general baseline of conditions or look at specific impacts. River-based programs may look at parameters such as bacteria, macroinvertebrates (bugs!) or turbidity/transparency. In this section of the newsletter, look for more information on specific parameters for both water bodies.

We believe that citizens have a critical role in managing the waters of Minnesota. Basic water resource needs are not met by government alone. According to the MPCA's 2004 Surface Water Monitoring Legislative Fact Sheet, only 8 percent of Minnesota's 92,000 miles of streams and 14 percent of its 11,900 lakes have been assessed for meeting water quality standards. Inadequate investment in assessing the health of lakes and streams prevents state agencies, local governments and citizens from finding problems and evaluating solutions.

Citizen Volunteer Monitoring can provide information on lakes and rivers where no one else is looking. It also helps to identify and solve problems locally, raises awareness, and creates an informed constituency.

As Minnesota Waters, we are expanding our services for citizen volunteer monitoring programs-providing trainings, technical assistance, and support to programs across Minnesota. It's also important to us that you're able to share YOUR successes with others and have resources to turn to when you're stuck. So, please keep in touch-and thanks for taking care of your waters.

What's That Green Stuff Floating in My Water?

Sandra Holm, Citizen Monitoring Coordinator, Lakes

That green stuff is probably some form of phytoplankton, floating microscopic plants, aka algae. A pigment known as chlorophyll makes the algae green. There are several types of chlorophyll: *a*, *b* and *c*. Chlorophyll *a* (Chl *a*) is the predominate form, capturing the sun's energy and using it to convert carbon dioxide and water to carbohydrates (sugar) and oxygen, through the process of photosynthesis.

The presence of algae in the water column is the main factor affecting water clarity as measured by the Secchi disk (SD) and is closely linked to the level of nutrients, especially total phosphorus (TP) in the water body. Impacts from increasing shoreland development are some of the most common sources of TP in a lake's watershed. As TP increases, so do algae, causing both aesthetic and public health problems, as well as impaired water quality.

The direct measurement of algal biomass is difficult and impractical, as it requires identifying and counting algal cells, then estimating their volumes. Measurement of the Chl *a* in algae is an easier method to use in estimating algae concentrations. This analytical procedure dates back to the 1930's. When having a water sample tested, specifically request a Chl *a* analysis because other pigments and breakdown products can interfere with total chlorophyll measurement, causing under or overestimation.

Chl *a* samples are typically collected at the same site and time as SD and TP measurements. Sampling generally occurs at the greatest water depth in a lake once per month, May through September. This sampling protocol represents the quality of the open water during the growing season. Samples collected in near shore areas or on the downwind end of a lake may not accurately reflect average lake conditions.

Algae populations vary greatly with depth and must stay within the top portion of the lake (epilimnion) where there is enough sunlight for photosynthesis. Some algae, notably blue-greens, have internal "flotation devices" that allow them to regulate their depth. There are two methods of algae sampling, discrete grab or integrated. Discrete grab samples are taken at specific water column depths, whereas the integrated sampler is used to sample a 2-meter core of the epilimnion. When using the integrated sampler, it's important to pour the entire sample into a clean, brown, 2-liter container. The sample must be stored in the dark at 40C and delivered within 48 hours to a professional laboratory, where it will be analyzed. Due to the equipment required for algae and Chl *a* testing, use a professional lab to conduct the necessary filtering and overall analysis. Chl *a* results are reported in micrograms per liter (ug/L).



Illustration Courtesy US Department of Agriculture

No water quality standards for Chl *a* have been developed yet. However, the Minnesota Pollution Control Agency has defined typical water quality values based on ecoregions. An ecoregion is defined as a relatively large expanse of land containing a geographically distinct collection of plants, animals, natural communities and environmental conditions. Therefore, the average "growning season" Chl *a* value can be compared to its ecoregion value to assess the lake's water quality.

As TP increases, Chl *a* also increases, while SD decreases. For this reason, Chl *a* is one of the components used to determine a lake's trophic status index, which serves as a "rating" for a lake's productive state. Increased Chl *a* indicates an increase in the lake's biological productivity or an increase in algal growth.

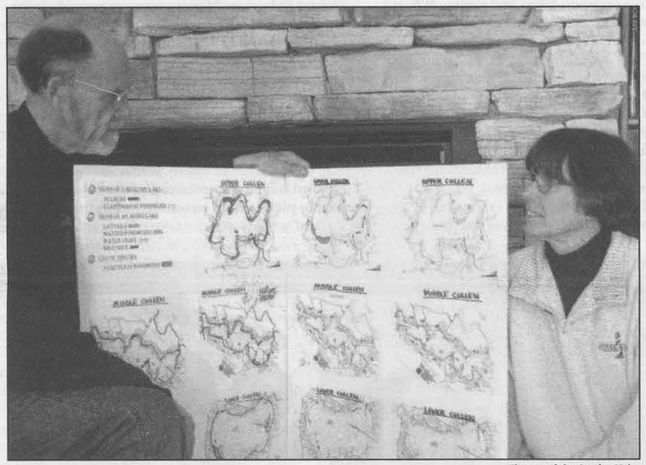
How Does Your "Lake" Grow?

Sandra Holm, Citizen Monitoring Coordinator, Lakes

Ever wonder what are those plants growing in your lake; why are they there; or have they changed over the years? Those are the questions Tom Beaver has been asking and answering since 1961 when he began coming to Lower Cullen Lake near Nisswa in Crow Wing County. On a slow fishing day, he studied the plants, relating them to the fish he was catching and the water quality.

Tom realized that these so-called weeds (aquatic plants or macrophytes in scientific terms) are an essential part of a lake's natural ecosystem and not an eyesore to be eradicated. They grow in the littoral zone, which is the lake area extending from the shoreline to the 15-foot depth. Ninety percent of a lake's plants and animals live in the littoral zone's water and sediments. Macrophytes are critical in maintaining water quality, essential fish spawning habitat, food and cover areas for fish and other aquatic species, reoxygenating the water and providing shoreline protection from wave action.

Tom and Ann Beaver with Cullen Lakes vegetation maps.



Photograph by Sandra Holm

Thus began Tom's forty-four year journey of aquatic plant documentation. In 2001, he started a "once-every-ten-years" aquatic plant survey, which became Cullen Lakes Association's Project Weed Watch, a bi-annual survey of the littoral vegetation. Its mission is to track aquatic plants and animals in the Cullen Chain of lakes for the purpose of controlling invasive species, maintaining native species and recording biological data to determine the "aging" of the lakes.

Tom realized that vegetation mapping was a monumental task requiring lots of hard working hands, time and training. This is especially true for the Cullen Lakes, which is a chain of three lakes with approximately 13.5 miles of shoreline. Seventeen monitors, known as Ambassadors, were recruited and assigned a 2,000-foot section of shoreline. Each Ambassador receives on-the-water training in plant identification, a packet containing instructions, a plant identification book, a plant code sheet and a contour map of their shoreline section.

It's not necessary to identify every plant, but only those that best serve as indicators of the lake's health. This involves both native and invasive species. Plants indicating good health include: bulrush, wild celery and clasping leaf pondweed. Mucky bottom and/or nutrient rich water are indicated by plants such as narrow leaf pondweeds, cattails, lily pads and wild rice. And invasive plants include: purple loosestrife, Eurasian water milfoil and curly leaf pondweed.

Monitoring is normally carried out during July on a calm, sunny day when there is no glare on the water. A weed rake or grabbling hook can be used for greater depths. Curly leaf pondweed monitoring should be done from early spring to early summer as it begins to die back in mid-summer, dropping its seedpods (turions), which germinate in the fall and continue to grow during the winter. Ambassadors record the plant types, location, quantity, and area covered at specific depths on their contour map.

The maps are returned to Tom, who compiles them into one lake-wide comprehensive map. Tom uses the maps and charts to educate property owners about the benefits of preserving a healthy plant community and their importance to water quality through both the newsletter and lake association meetings. In addition, all the Ambassadors serve as a resource to the property owners for plant identification. As a result of Project Weed Watch, there has been increasing discussion about the benefits of aquatic vegetation and progress towards beneficial shoreland property owner management. These behavior changes continue to reinforce the importance of the Project.

In 1989 both the Minnesota DNR and Tom monitored the Cullen lakes, illustrating consistency between the two surveys, which provided a quality control check on Tom's methodology. The historical aquatic plant data maps have been used to demonstrate the progression of the lake's eutrophication or aging. Maps show a decrease in bulrush and clasping leaf pondweed and an increase in the intrusion of other plants such as cattails and narrow leaf pondweed. Some shorelines have also shown an increase in sediment build-up. Although no Eurasian water milfoil has been found, both purple loosestrife and curly leaf pondweed have been located.

By studying the historical aquatic plant records, the natural fluctuation of the healthy native plant communities can be seen from year to year. A plant community's shift from those species indicating good water quality to those indicating less desirable quality is a symptom of degradation, and frequently the result of excess nutrients. Removing the plant will not cure the problem. Plant removal over large areas by the use of a weed roller or running boats near the shore leaves the door open for invasives, such as curly leaf pondweed. As long as nutrient levels in the water remain high, vegetation will utilize them.

Therefore, the solution lies in finding ways to ensure the nutrient sources, such as fertilizers and other runoff, are not getting into the lake and that a healthy native plant community is maintained. And as the Cullen Lakes Association is demonstrating, this can be accomplished when all property owners work together for plant community monitoring, education and protection. Project Weed Watch serves both the Cullen Lakes residents and its natural systems, promoting healthy lakes and lake stewards. Tom Beaver offers his experience and resources through speaking with groups about starting a similar project on other lakes. To learn more, contact the Minnesota Waters office: 800-515-5253.

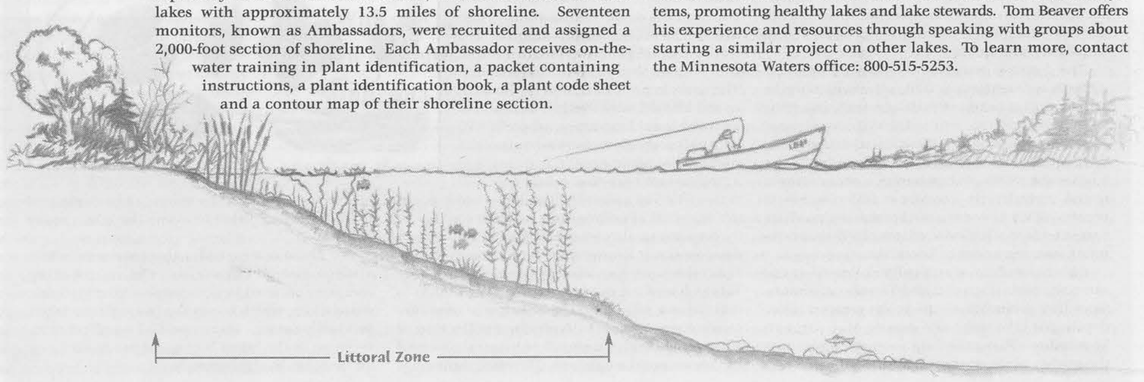


Illustration by Pete Card

What Lurks Beneath the Surface?

Mary Karius, Citizen Monitoring Coordinator, Rivers

We all appreciate our water resources in familiar ways such as canoeing and fishing, but how many of you have strapped on a pair of waders, gone out with a net, and tried to survey the biological communities that live in our streams and rivers? Sure, we all know about the fish that live there, but what about the "benthic macroinvertebrates"? This little known, but highly valued community in our streams, rivers and lakes plays a much larger role than you might expect. For some, it will be a revelation that these organisms are in the water. For others, these critters are as familiar as family members.

First, let's start with a few definitions. Benthic means "bottom dwelling," actually living below the water surface on the substrate. Macroinvertebrates are invertebrates (invertebrates = without a backbone) you can see with the naked eye. Pick up a rock from the streambed and you'll see it crawling with life. In general, benthic macroinvertebrates are a collection of insects and crustaceans such as stoneflies, midges, snails, and crayfish. They are very abundant and serve a vital role in the ecosystem. They are an important part of the food web in many ways. They break down organic matter such as plant material, eat other organisms, and serve as a food source to fish and birds.

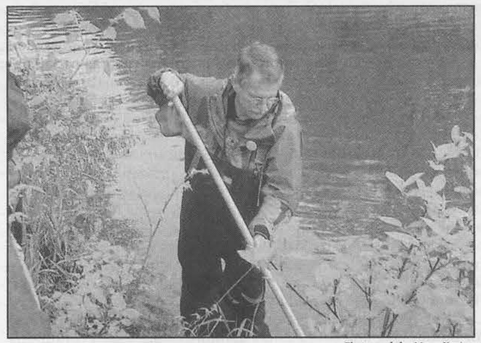
So, why do we really care about these bottom dwelling bugs? Interestingly enough, these organisms are commonly monitored to help us evaluate the water quality of our surface waters. They are important in lakes as well, but are more frequently used to determine stream health. Simply stated, they serve as water quality indicators. In a nutshell, different macroinvertebrates have different reactions to pollution. Some are very tolerant and can live in any water conditions, but others are very sensitive and can only survive in good water quality conditions.

Collecting these organisms is the first step. This is done by wading into the stream with a net and disturbing the bottom of the river and/or the riverbanks. Identifying them is the next and perhaps most important step. Identifying macroinvertebrates, most commonly to the Family level, allows us to categorize their tolerance to polluted water. The pollution generally stems from excess nutrients or sediments that cause low oxygen levels. Mayflies, stoneflies and caddisflies are the most sensitive to pollution while midges, leeches, worms and blackflies can tolerate more pollution. Crustaceans, beetles and craneflies are in the middle, and are categorized as "somewhat tolerant."

Macroinvertebrates serve as good indicators because they are relatively common, easy to collect, and fairly sedentary. Some of them have long life cycles of a year or more and are exposed to environmental changes throughout their lifespan. They cannot move to avoid poor water quality conditions and are therefore susceptible to pollution over longer periods of time. As a result, the presence or absence of macroinvertebrates can very effectively illustrate the conditions of our local streams, rivers, AND lakes.

Below left: Citizen volunteer collecting macroinvertebrates.

Below right: A typical macroinvertebrate collected from a stream.



Photograph by Mary Karius



Photograph by Mary Karius

Biological Monitoring as an Assessment Tool

Joel Chirhart, Minnesota Pollution Control Agency

As the primary government agency responsible for monitoring the quality of our state's waters, it is of crucial importance that the Minnesota Pollution Control Agency (MPCA) use the most effective tools available for assessment. Most of the water quality standards that have been established to protect the aquatic life in Minnesota's rivers, streams, and lakes are chemical criteria. Rather than direct measurements of aquatic life health, these chemical criteria serve as surrogate measures intended to maintain a condition conducive to the healthy propagation of fish, invertebrates, wildlife, swimming, and drinking. And since the early 1980's, an approach known as biological monitoring has been used throughout the United States and abroad to make direct measurements of the aquatic life health in both rivers and wetlands.

Biological monitoring tracks the health of biological systems in the water body. Measuring and evaluating the condition of biological systems and the consequences of human activities for those systems, is central to biological monitoring. This monitoring method aims to distinguish between naturally occurring variation and changes caused by human activities. The MPCA currently conducts biological monitoring to assess the health of riverine and wetland environments utilizing fish, macroinvertebrate and plant communities.

To assess biological condition of surface waters the MPCA utilizes a multimetric approach commonly known as the Index of Biological Integrity (IBI). This index is a scientifically validated tool that uses attributes of biological communities to assess aquatic health. A typical IBI is comprised of eight to twelve measurements (metrics) representing attributes of a biological assemblage related to biodiversity, community structure, feeding structure, reproductive function, tolerance to human disturbance, abundance, and condition. To learn more about biological indicators and the IBI, visit the MPCA website: www.pca.state.mn.us/programs/indicators.

Red River Basin River Watch

Wayne Goeken, Red River Basin River Watch Coordinator

Just as a doctor takes our temperature, blood pressure, pulse and other measures of general health during a routine physical exam, students involved in the Red River Basin River Watch (RRBRW) Program are essentially "river doctors" as they take the "pulse" of rivers in their local area. Starting with four schools monitoring in 1995, the program now includes 29 Minnesota schools monitoring over 150 sites on waterways throughout the Red River Basin in northwest Minnesota.

Many of these waterways have very little water quality data available regarding historic or current conditions. One of the goals of the RRBRW program is to develop an ongoing database of conditions throughout the basin. A strong emphasis is placed on using standard scientific methods to generate reliable, quality data that is comparable between sampling organizations and rivers. A second goal of the program is to engage students and citizens in hands-on monitoring to foster greater awareness and understanding of their local watersheds and the Red River Basin in total.



Photograph by Wayne Goecken

Students take a variety of field measurements including water temperature, conductivity, dissolved oxygen, pH, turbidity, transparency, and river depth. They also record general observations of weather, land use, and other conditions in the watershed that could influence water quality. Schools conduct monthly monitoring of four to eight sites-generally from April through October, including summer months.

Monitoring results provide a means of assessing the health of the basin's rivers and contributing watersheds. A significant water quality issue in the basin is high turbidity and associated sediment loads, namely in the central part of the Red River basin. The RRBRW program results are being used to help delineate where the most significant problem areas exist and that need to be addressed by resource managers and landowners. As the Minnesota Pollution Control Agency continues to encourage citizen monitoring and accepts transparency tube data as a viable measure of turbidity impairments, RRBRW results will play a larger role in total maximum daily load (TMDL) screenings.

Governor Pawlenty and Minnesota Pollution Control Agency Commissioner, Sheryl Corrigan, present the RRBRW Program the "2005 Citizen Monitoring Program of the Year" Award at River Night 2005.



Photograph by Ken Friberg • photography.friberg.com

In 2005, the RRBRW program was presented an award by Governor Pawlenty as the recipient of the River Council of Minnesota's first-ever Citizen Volunteer Monitoring Program of the Year. The program continues to build on its achievements as schools expand on the basic program and more partners become involved. Many local watersheds now provide financial support to schools within their watershed to support the RRBRW monitoring and education initiatives.

One such partnership has been the Buffalo-Red Watershed District's support of the Barnesville River Watch program. Barnesville High School Science teacher and River Watch Advisor, Sheila Carlson, has been successful in implementing a macroinvertebrate biological monitoring program in addition to their regular River Watch activities. She has also established an option for students to receive high school credit for River Watch activities.

Through a National Science Foundation (NSF) project administered by the International Water Institute, the Stephen-Argyle High School River Watch Program is providing dual high school-college credit in cooperation with a local college. Other technology tools including ArcView mapping are being developed by several schools participating in the NSF project as well. River Watch teams have also been engaged in community service activities such as Adopt-A-River clean-ups and assisted in teaching younger students at regional water festivals. Based on the success of the RRBRW program in the Minnesota portion of the Red River basin, five schools in North Dakota and three in Manitoba have initiated River Watch monitoring in their locales with the goal of River Watch coverage extending throughout the entire Red River basin.

River Watch promises to be an increasingly important partner for monitoring and better understanding of watershed conditions throughout the entire Red River Basin. For more information, contact Wayne Goeken, Red River Watershed Management Board Monitoring Coordinator at 218-574-2622 or wrg@gvtel.com.

Minnesota Waters' Upcoming Monitoring

REGISTER NOW FOR:

We Have Stream Data, Now What?!
Data Interpretation Training for Stream Data
November 18th, 2006 - St. Cloud, MN
To register please contact Mary Karius at maryk@minnesotawater.org or 952-938-2564

THE FOLLOWING EVENTS HAVE BEEN DESIGNED AND COORDINATED FOR INDIVIDUAL GROUPS:

Water Quality Sampling Training
April 29 - Nokasippi Watershed Association

Lake Water Quality Sampling Training
April 20 - Meeker County Association of Lakes

Introduction to Biological Monitoring
June 2006 - Cannon River Watershed

For more information about stream trainings, contact Mary Karius at maryk@minnesotawaters.org.
For more information about lake trainings, contact Sandra Holm at RNSholm@brainerd.net.

Funding was recommended by the Legislative Commission on Minnesota Resources from the Environment and Natural Resources Trust Fund.

The Me Family

Ann Beaver,
Cullen Lakes Association president and Crow Wing County Lakes and Rivers Alliance board member

John Sumption, Cass County Environmental Services director, said something a few years ago that has really stuck with me: "We don't manage resources, we manage human behavior. The resources will take care of themselves just fine. It's the human influence that we interject on the resources that causes the problems." Sumption's words were reinforced for me recently when my husband stated: "We humans are the most dangerous exotic species on our lakes today."

Yes, we really are an exotic species on our lakes! Problems exist on our lakeshores and in our lakes because of our culture's values. Unlike cultures such as the Inuit in Canada who mold their life to fit the natural environment, we mold the natural environment to fit our life.

Two hundred years ago, when likely the only inhabitants of the lake rich area of central Minnesota were Ojibwe and other tribes who lived much the same as the Inuit, the lakes were slowly aging, as is the way with natural systems. Then "civilized" cultures came along, logged off the land and set up communities on the lakeshore, molding the environment to fit their life. This began the increased rate of the lakes' aging process, which has been accelerating ever since because of our development of the lakeshore and our molding the environment to suit what we think we need. Our culture seems to have an inability to live on lakeshore in ways that the lakes and lakeshore environment can sustain.

What exactly do I mean? Let's pretend the Me family just bought an undeveloped wooded lake lot, a lot that met all the requirements of the local land use ordinance. First they hire a contractor to build a large two story house with a walkout basement and an attached three stall garage with space for a workshop. They place the house as close to the lake as the ordinance allows. They want a lake view from as many rooms as possible, so the house is designed to stretch out parallel to the shoreline, and they want all the views to be free of "obstructions." Instead of trimming a few tree branches to create a view corridor, they hire someone to cut down the trees.

Next, they want a pole barn in which to store their water toys, lawn tractor, ATVs, snowmobiles, and yard tools. They don't want to walk very far to get to the pole barn, so they build it close to the house, increasing the amount of impervious surface near the lake setback and thus increasing potential runoff into the lake.

Of course, they don't like walking through all those "weeds" (native grasses) to get to the lake so they plant a lawn all the way down to the shoreline and put in a sidewalk leading straight down the hill to the lake. Then they decide it would be nice to have a beach on the lakeshore, so they dig up some lawn, leaving bare soil while they get a DNR permit, and have a 10' x 30' "sand blanket" put in.

During the first year they discover their driveway gets muddy when it rains, so they have it blacktopped. The winter's ice action caused their entire shoreline to heave, reestablishing the ice ridge that was illegally cut out when they sodded the lawn, and parts of the shoreline start to erode because there aren't any deep native plant roots left to hold the soil in place. So, they hire someone to place rip rap along their shoreline, eliminating what meager wildlife habitat there was, and their landscaper uses his bobcat to redistribute and level the "sand blanket" beach.

Let's not forget the Me family's dock, which really isn't on their property at all-it's in the lake, which is public property and habitat for a large variety of aquatic flora and fauna. The DNR does allow a property owner to place a reasonably sized dock on this public property. However, the Me family has lots of water toys and puts in a long dock with mooring spaces and boats lifts, some with canopies, for their pontoon, speed boat, fishing boat, and jet skis. And they want to be able to enjoy cocktails on the dock while watching the sunset, so they build a large platform at the end of it. The kids don't want to be touched by those icky "weeds" when they play in the water, so the family puts in a weed roller to constantly churn up the bottom to prevent "weeds" from growing.

> "Conservation is a state of harmony between men and land."
> *Aldo Leopold*

It's a pretty bleak picture as I've painted it, hopefully much worse than any of our own situations. But I'm sure all of us have done some of these things-after all, it's part of our culture, part of our molding the environment to suit our life.

So, what can we do to start slowing down the aging of the lakes? For starters we can scale back the size of our lawns and let a wide and deep area of the shoreline return to native plants; we can even plant more trees along our shoreline, remembering they don't block the view, they are part of the view. We can scale back the size of our docks and the number of our boat lifts. We can learn to live with the aquatic plants, and clear only enough of them to get watercraft out to open water. We can also make sure the runoff created by all our roofs, roads, and sidewalks doesn't reach the lake.

We don't have to give up everything we think we need and want, but we can all do something. If each of us were to take even one or two steps to try to slow the lakes' aging process, think of the cumulative positive effect it could have on the health of the lakes!

If we do nothing, I guarantee you the lakes will become "old and green" long before their time. It's really up to us to learn to "live lightly on the land."

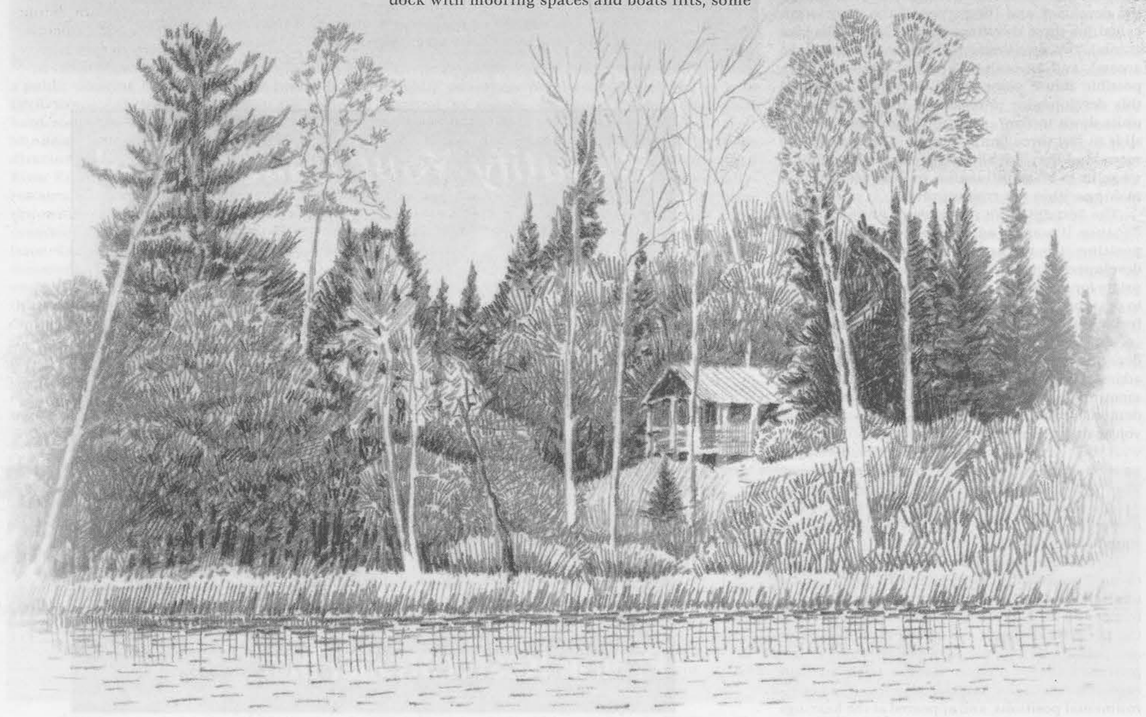


Illustration by Pete Card

LAKE STEWARD NEWS

You Could Learn A Lot From a Serpent

Phil Hunsicker, 1000 Friends of Minnesota

Think about this: If you found out tomorrow that a questionable development was being proposed on your lake, would you be prepared to respond-not as a reactionary NIMBY (Not In My Back Yard) who, having achieved his/her piece of paradise, doesn't want anyone else to do likewise, but instead as part of an articulate, respectful, open-minded, well-informed coalition of concerned citizens? We, as citizens, can have a powerful impact on local land-use decisions. Unfortunately, most of us are ill prepared to engage in the discussion about how our communities grow. The Serpent Lake Association in Crosby, in Crow Wing County, is an exception. Perhaps the rest of us can learn something from their success.

A Planned Unit Development (PUD) was proposed on roughly nine heavily wooded acres along 370 feet of the Serpent Lake shoreline. The developer wanted to put 28 non-clustered housing units on this nine-acre parcel along with a centralized dock with 24 permanent mooring sites. The Serpent Lake Association felt that this would be an inappropriate land use with excessive negative impacts to public waters. The proposal stood a good chance of approval if the Serpent Lake Association sat back and did nothing. The Association was not against reasonable development of the parcel and it was willing to work with the City and with the developer to come up with a proposal that could be supported by all interested parties.

When the dust of vigorous engagement cleared, the final agreement between the City of Crosby, the developer and the Serpent Lake Association called for three dwellings on the lake (with lake access), two dwellings off the lake (without lake access), and an outlot along the highway (for a possible future commercial venture). How did this development proposal go from 28 housing units down to five? How did it go from 24 boat slips to just three family docks? The reasons are many and they are all worthy of our attention if we want to be as influential in land-use decision making within our communities.

The Serpent Lake Association was successful because it wasn't against all development, a position it made known to the City and to the developer. Some level of development was appropriate for the parcel, and the Association was open to options. This flexibility set the scene for later fruitful negotiations. Negotiation is not uncommon in the development process, but its success depends on identifying the appropriate issues to address, how those issues are presented at public meetings, and the people skills one possesses and demonstrates. Are you open to new ideas, or are you against everything and everyone who disagrees with you? Are you prepared to show the developer your strength and resolve in the hearing process? This is an important point: the Serpent Lake Association succeeded because it negotiated from a showing of strength, reasonably and calmly stated in public.

Part of the Serpent Lake Association's strength came from being well organized. Prior to the application by the developer, the Association's leadership already understood local politics and the needs of Serpent Lake. Once the application and public hearing process began, the Association provided City decision-makers with written explanations of the Association's legal and environmental positions, and appeared at the hearings to explain them. An early decision the Serpent Lake leadership made was to obtain knowledgeable legal advice, not to drag the issue through the courts, but instead to ready the Association for its defense on the issues. The organizational skills of the Association were then mobilized in consultation with legal counsel to address the specific legal issues presented by the application.

Because the Association was organized, it realized early on that it lacked appropriate environmental expertise within the Association and promptly made arrangements with an independent professional firm to assess the potential environmental degradation from a development with 28 non-clustered housing units. The findings from that study were incorporated into public presentations by the Association and became part of the public record. The study was also the basis for a citizen-petitioned Environmental Assessment Worksheet (EAW), again demonstrating to the developer and to the City the resolve of the Association.

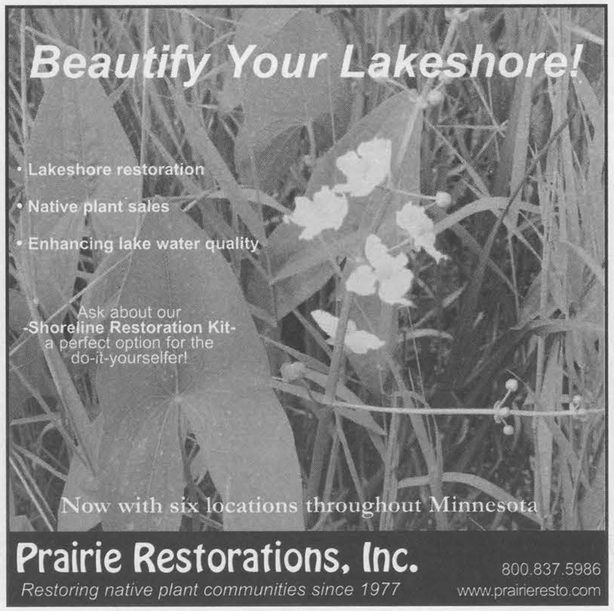
Someone once said, "The harder I work, the luckier I get." That was certainly the case for the Serpent Lake Association. It was lucky enough to have already cultivated a mutually respectful relationship with the City of Crosby from working together to create a much needed shoreland ordinance for the City. The Association was also lucky to work with a developer who was respectful of valid community concerns. One has to wonder if the developer would have been as accommodating if the Association hadn't worked as hard as it did and had it not presented such a spirited public position on legal issues. It's never too early to begin forming relationships with elected and appointed officials. And when a development is proposed, it's always appropriate to introduce yourself to the developer early on and talk about their plan and your legitimate concerns. Discussing a proposal with a developer over a friendly cup of coffee is much more conducive to mutual understanding than waiting until the application comes up for approval before a planning commission and you have three to five minutes to say your piece.

The Serpent Lake Association was successful for many reasons: It was organized, it took the offensive instead of waiting to react, it gathered information and submitted it in issue-oriented writings as part of the public record, it cultivated relationships with officials and with the developer, it sought outside assistance when needed, it had early legal counsel, and most importantly, it followed the advice of Calvin Coolidge who said, "Press on. Nothing in the world can take the place of perseverance. Talent will not; nothing is more common than unsuccessful men with talent. Genius will not; unrewarded genius is almost a proverb. Education will not; the world is full of educated derelicts. Persistence and determination alone are omnipotent."

So press on, people. Success can be yours if you're willing to do what it takes.

On January 31 Minnesota Waters members and supporters gathered in St. Paul to celebrate the newly formed organization and to honor retiring Board members and founders. Minnesota Waters staff and Board Chair provided a presentation on the organization programming and milestones. Guest speaker, Mike Harley, executive director of the Minnesota Environmental Initiative, spoke about the role of conservation organizations in Minnesota and the need for innovative lake and river protection initiatives. Thank you to everyone who attended for making it a great celebration of successes and opportunities!

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RIVER SENTINEL NEWS

CURE Uses Economic Development as the Basis for River Protection

Amy Denz, River Sentinel Coordinator



Photograph by Tom Cherveny

Several years ago a western Minnesota construction company requested a permit extension to continue mining hard rock outcroppings along a section of the Minnesota River between Franklin and the Lac Qui Parle Dam that is protected under the state's Wild and Scenic Rivers Program. When the Minnesota Department of Natural Resources (DNR) took a closer look at the Wild and Scenic river restrictions, which outlawed hard rock mining 30 years ago but allowed the extraction of sand and gravel deposits, they decided to reverse their previous decision allowing the mining and denied the permit extension. The construction company was allowed to mine through the end of 2004 before ceasing operations and landscaping the quarry, but the issue of hard rock mining in this Wild and Scenic River District of the Minnesota River did not end there. Instead, it became a catalyst furthering discussion of the economics of river protection.

In November 2005, dozens of people attended a public meeting in Redwood Falls, hosted by the DNR, to voice their concerns about the future of hard rock mining in that protected part of the Minnesota River Valley. Patrick Moore, executive director of the non-profit group Clean Up the River Environment (CURE), one of several environmental groups that joined together to oppose the mining, said: "We represent thousands of members. We are speaking as one voice on this issue. Our basic goal is to have a region where economics are balanced with the enhancement and restoration of its natural resources. So we think there's need for more dialogue." The Rivers Council of Minnesota assisted CURE throughout the process, providing input, technical and financial support, as well as support in drafting a letter to the DNR describing the issues surrounding hard rock mining and the potential impacts to the watershed and other rivers statewide.

A public reception, organized by CURE and jointly hosted by the Rivers Council of Minnesota, was held at Jackpot Junction Casino Hotel that same evening. There were over 50 people in attendance, representing diverse regional interests, including landowners, mining companies, state agencies, local business owners, conservationists, and other interested parties. While enjoying locally produced food, Patrick Moore of CURE facilitated a group discussion that started with an expression of concerns about mining in the District but ended with a sense of shared value about the river and its impacts on those individuals and the region. Attendees walked away with more information on the issue of hard rock mining and the different views surrounding it, helping to balance a very polarizing matter.

PROMOTING ASSETS INSPIRES PROTECTION

For the past 14 years, CURE has been working in the Upper Minnesota River Watershed to "focus public awareness on the watershed and to take action to restore its water quality, biological integrity and natural beauty for all generations." It serves a 16-county region which includes approximately 3.5 million acres and a watershed encompassing many of the most economically-depressed counties in the state. CURE has been historically focused on changing federal farm policy. However, in the past few years, CURE has also positioned itself to serve the region in developing new economic opportunities centered on nature and culture tourism, or green tourism, a growing trend worldwide.

In research provided by the University of Minnesota Tourism Center, Patrick has found that people who experience the region from a natural and cultural perspective are more likely to support its protection. With this in mind, CURE is working with a broad coalition of businesses, artists and government agencies to package and create a regional brand around the Upper Minnesota River Watershed as a green tourism destination. The organization uses field trips, conferences and media presentations to educate local residents and policy makers, giving them a different perspective on what already exists in the community. CURE endeavors to bring people from all over the state, country, and world into a network of people who value the Upper Minnesota River watershed, its heritage, culture, and natural resources. Finally, CURE seeks to engage people in work that helps to translate these amenities into a sustainable economy.

As a convener and catalyst, CURE fosters a partnership approach to this work. One example is the Meander Upper Minnesota River Arts Crawl, in which CURE played a key role convening artists, the private sector, the non-profit community and government entities to sit down at the table and work together. The Meander is a celebration of artists in the region, which promotes the local art, food, and touring of the countryside. In 2005 more than 1,000 visitors participated in the Meander, which generated $20,000 of art sales in one weekend.

CURE believes that forming partnerships will foster a better regional economy and tourism base. This network of people helps create a regional identity, stimulating a stronger economy and producing more markets, not only within the region, but possibly worldwide. CURE believes that green tourism is one of the most effective ways to secure a greater appreciation for natural resources, while furthering support for protection of those resources.

CURE also utilizes technology to benefit the community's natural resources. For example, the Internet enables the organization to send out action alert emails to people who are part of this regional promotion effort. Email and the CURE website were also heavily used while dealing with the hard rock mining issue last fall, allowing people from all over the watershed to quickly communicate, provide input, and form a position statement that was delivered to state and local decision makers. The position statement provided a platform from which to demonstrate the economic alternatives to hard rock mining.

Ultimately, the success of CURE's and RCM's efforts came in the form of a public decision to uphold the state rules and local ordinance prohibiting the mining of granite outcroppings within the Wild and Scenic River District. Some key factors influencing the success were the partnerships and network of people involved supporting the effort; the use of technology to communicate a message; and CURE's mission to promote a sustainable green tourism economy. As Patrick Moore explained, "In a sustainable tourism driven economy, increased water quality, biological integrity and natural beauty suddenly have a "worth" that was not there before. The way we impact the environment and influence land use decisions is by creating a new economy where a clean river, a healthy ecosystem and a welcoming and beautiful landscape are seen as the basis for economic development."

Minnesota's Wild & Scenic Rivers Act was established in 1973 to protect Minnesota's outstanding rivers, allowing the DNR to give a river special designation and requiring a management plan for that river. The management plan analyzes the river's scenic, recreational, natural, historical, and scientific values, outlining the classification of the river and/or river segments into wild, scenic or recreational. The management plans are used as the basis for state rules governing the minimum standards and criteria for designated rivers, which local units of government are required to adopt into their zoning ordinances. There are six state designated Wild and Scenic Rivers in Minnesota; the last river designated was the Cannon River in 1980.

Community Growth and River Conservation Play an Equal Role

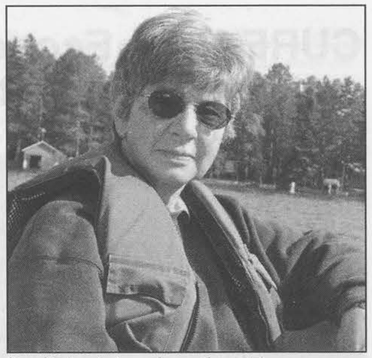
Amy Denz, River Sentinel Coordinator

In February, the St. Cloud Housing and Redevelopment Authority (HRA) approached the St. Cloud City Council with a conditional use permit request from Arctic Cat to build an all-terrain vehicle (ATV) test site in the Mississippi Scenic Riverway district. A required public hearing was held on February 21 to discuss the project proposal. Prior to the hearing, a group of concerned citizens and adjacent landowners worked together to develop a petition that required an environmental assessment worksheet (EAW) for the project. Their main concern was the test site's potential negative impact to the overall character of the Wild and Scenic River District and natural habitat for which the river was designated.

Working together on protecting and upholding the state Wild and Scenic River designation on the Mississippi River is not new to many of the people in the Haven Township area. They have been actively involved in the Minnesota Department of Natural Resources (DNR) process to update the 1970's river management plan for this stretch of river. The group has also been active ensuring that residents in Haven Township are aware of why the river was designated and what that means. They are working to educate people about the aesthetics of the riverway and how these natural resources can provide an alternative form of economic value through conservation.

Jane Korte, a resident of Haven Township, serves as the Township Board appointed representative for the Scenic Mississippi River. She has been working for over a decade to make sure that the river is not forgotten when considering development projects. The proposal by Arctic Cat and the HRA did not go unnoticed by Jane and others. They quickly organized a meeting and had over 150 people sign a petition that was sent to the Environmental Quality Board requesting an EAW of the project, all completed in about 24 hours.

In the meantime, individuals and groups, such as Audubon, the Izaak Walton League, and the St. Cloud Environmental Coalition, started a media campaign to make sure area residents were aware of Arctic Cat's proposal. Media covering the issue included Twin Cities television stations, stories and editorials in the St. Cloud Times, and correspondence with the HRA Director, St. Cloud City Planner, and other city officials. The DNR provided a letter to the city outlining the proposal's discrepancies with the state Wild and Scenic River rules, which further supported the citizen efforts. Minnesota Waters also lent its support to the citizens group by providing technical assistance regarding state Wild and Scenic Rivers and the decision making process. Jane stated, "It was encouraging to know that I could call Amy or Bruce at Minnesota Waters, to provide a bigger overview of the issue and lend ideas, insight, and direction toward my overall goal."

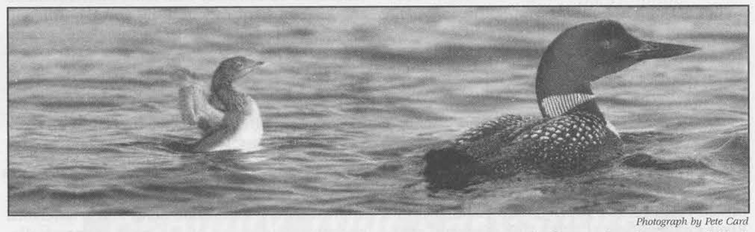


Jane Korte enjoying a day on the water.

After hearing the concerns of citizens along the waterway, Arctic Cat and the St. Cloud HRA decided to withdraw their request and are working with the City of St. Cloud to find another test site. This is a double victory for locally-led conservation and the citizens of St. Cloud. Not only has the river been protected, but the community looks forward to welcoming another good corporate partner in Arctic Cat.

Big Mantrap Lake Association Harbors Its Loons

Molly Z. Zins, Lake Stewardship Coordinator



Photograph by Pete Card

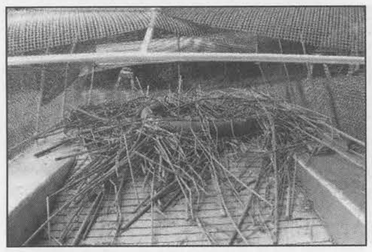
The call is haunting and magical all at once; the epitome of a north woods summer evening. And with about 12,000 nesting pairs across the state, it's no wonder many Minnesotans have come to recognize the Common loon as not only our neighbors on the lake, but also as a vital presence in sustaining the natural beauty of Minnesota's lakes.

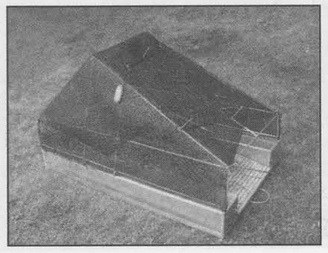
Similar to hundreds of Minnesotans, residents on Big Mantrap Lake in Hubbard County have been assisting with and monitoring the success of loon nesting, but unlike most, Big Mantrap residents have been doing so for over two decades with a remarkable 51 adult loons gracing their friendly waters in 2005. Starting in the mid 80's, Warren and Arlis McGinnis launched the first loon nesting platform on Big Mantrap. A few years later they initiated official nesting and monitoring record keeping and a core group of avid volunteers, otherwise known as Loon Watchers, have been tweaking and enhancing the process ever since. Most monitoring occurs on an early morning hike, a quiet paddle or from a safely distant shoreline, concentrating heavily during nesting in May and June.

Lyle Laske, one of the initial Loon Watchers, explained not long into their tenure as loon platform designers and monitors they began adjusting the platform materials and design, moving first from the original wood raft to pvc pipe and eventually to the light weight aluminum rectangular shape with seaworthy parallel square pontoons, an easy access ramp, a nest ring, a resting area and a canopy frame and screen. Incorporating the lake's natural vegetation of bulrushes, sedge grass, cedar boughs and cattails, the platforms offer the loon families a familiar, yet often more protected environment than they might find along the shorelines. Laske explains each loon pair is different, with one pair persistently returning to their natural shoreline nest as a platform waited on standby for seven years, whereas other pairs might move to a platform after just one failed attempt on shore.

The Big Mantrap Association receives about three to four requests for information on the loon nesting platforms each year. Offering presentations and sharing designs, the Big Mantrap Loon Watchers explain several essential characteristics for first-rate loon nesting platforms. Laske recommends starting with crucial observation: where are the loons nesting on your lake? Moving forward, the loon nesting platforms must include a nursery of shallow water for the chicks, should be in a protected area out of the wind, and ought to be placed near aquatic vegetation such as bulrushes and water lily's. And perhaps most importantly, pay attention to loon nesting preferences, patterning the platform placement after their natural inclinations.

Regardless of changing use patterns or yearly variations in nesting pair numbers, the Big Mantrap Loon Watchers will be back in action this April. Shortly after ice-out the loon platforms will be launched, offering a safe haven from high water fluctuation, predation or the challenges of developed shorelines, while a group of dedicated volunteers patiently await the return of their Big Mantrap neighbors.





Right: Loon nesting platform protective canopy and frame.

Left: Loon nesting platform with easy access ramp and nesting ring.

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- ★ **Session tracks** on Citizen Monitoring, Building Healthy Organizations, Watershed Stewardship, Shoreland Development, River Ecology and more
- ★ **Gala Minnesota Waters celebration** at the Great Lakes Aquarium
- ★ **1,200 hotel rooms within walking distance to the DECC.** An **extensive climate-controlled Skywalk system** connects attendees to lodging, attractions, restaurants, shopping and the DECC or stay in historic Canal Park, just three minutes away.

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Holiday Inn Hotel & Suites
218-722-1202
$84/night

Radisson Hotel Duluth-Harborview
218-727-8981
$85/night

Additional hotel rooms available in Duluth and within walking distance of DECC; see www.visitduluth.com for listings.

Watch for the official conference registration brochure in the mail in mid-June or check the Minnesota Waters website often at www.minnesotawaters.org.

LAKE AND RIVER GROUPS:
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Minnesota's Lake Associations and River Groups are Taking the Lead

Molly Z. Zins, Lake Stewardship Coordinator

The state of Minnesota cut conservation funding by more than one-third over the last five years and presently dedicates just over one penny of every state dollar to natural resource protection. However, the lakes, streams and other priceless resources shaping our landscape haven't lessened their need for protection or preservation. This scenario is alarming, yet there are also some hopeful and innovative measures stemming from citizens rising to the challenge. Groups throughout Minnesota, commonly known as river groups or lake associations, have heeded the challenge head-on, mobilizing and taking action for lake and stream protection today. It's a simple solution: locally-led citizen stewardship for Minnesota's natural resources. However, the dedication and expertise among Minnesota's water protection groups are anything but simple, and rather a testament to the knowledgeable and engaged citizenry for which Minnesota is known.

Lake associations or river groups often form around a particular concern for water or shoreline protection. The initial discussion concerning the need for an association generally requires a few meetings and a couple principal leaders, spurring interest and sustaining follow-thru. A steering committee, guiding mission and vision statements, the development of bylaws and program areas, frequently direct the process into a charter meeting and the election of officers.

And once an association is formed, there is no equivalent for the extraordinary watershed stewardship and protection which ensues. Through working closely with river groups and lake associations across the state, Minnesota Waters has the privilege of assisting groups in a wide variety of watershed education, local water policy advocacy, water monitoring and countless innovative lake and stream conservation projects.

Today many groups are also embracing some new formative structures and exciting watershed-wide opportunities. Scores of associations are coordinating efforts throughout their local region, either at the county or larger watershed scale, to form watershed groups or coalitions of lake associations (COLAs). Other associations are reaping the benefits of forming lake improvement districts (LIDs), a small local unit of government which provides the opportunity for greater landowner involvement in lake and watershed management activities.

Regardless of scope or specific focus, river groups, lake associations and other local water protection collaboratives are the backbone of water resource protection throughout Minnesota. And in today's climate of budget limitations and increasing development around water, locally-led groups who know and use the resource are perfectly poised to address these challenges, leading the charge for lake and river protection into the next generation. If you're interested in forming a river group or lake association, please contact Minnesota Waters at 800-515-5253 or mollyz@minnesotawaters.org.

RIVER GROUPS AND LAKE ASSOCIATIONS CAN "STOP AQUATIC HITCHHIKERS!"

The Stop Aquatic Hitchhikers! (SAH!) campaign is a national effort to create greater public awareness for aquatic invasive species (AIS), how they can hitchhike from one water body to the next, and the simple steps boaters and anglers can all take to prevent their spread. Your river group or lake association might be the frontline standing between aquatic invaders and a clean lake or river. Consider developing a local education campaign on AIS and the simple steps everyone in the community can follow to stop the spread into your lake or river:

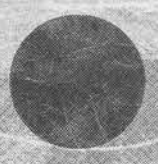
- **Inspect your boat, trailer, and equipment and remove visible aquatic plants, zebra mussels, other animals, and mud before leaving a water access.**
- **Drain water from bait buckets, live well, bilge, transom, and motor before leaving a water access.**
- **Dispose of unwanted live bait and worms in the trash.**
- **Spray/wash your boat, trailer, and equipment with high pressure or hot water before going to other waters, OR**
- **Dry everything for at least five days.**

Minnesota Waters, a participant in the SAH! campaign, encourages river groups and lake associations across the state to join the SAH! campaign efforts in Minnesota. By joining us, you and your association will have access to resources and expertise to help you spread the word at meetings and presentations or through newsletters and educational materials. For ideas on how to easily join and promote the campaign go to www.protectyourwaters.net. And for more information on harmful aquatic invaders in Minnesota, please call the Minnesota DNR Invasive Species Program at 651-297-1464 or the Minnesota Sea Grant Aquatic Invasive Species Information Center at 218-726-8712.

YOUR LAKE IS ONE LAUNCH AWAY FROM THE IMPACT OF INVASIVE SPECIES



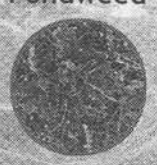
Eurasian Watermilfoil



Zebra Mussels



Curlyleaf Pondweed



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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
2ND FLOOR CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, FEBRUARY 28, 2007

BOARD MEMBERS PRESENT:
Paul Brutlag, Bob Burandt, Kay Cook, Quentin Fairbanks, Mark Holsten, DNR; Brian Kletscher, Randy Kramer, Paul Langseth, Joe Martin, MDA; Brian Napstad, Louise Smallidge, Lisa Thorvig, MPCA; Gene Tiedemann, LuAnn Tolliver, Dan Wilson, MDH.

BOARD MEMBERS ABSENT:
Dana Allen
Jim Anderson, MES

STAFF PRESENT:
Mary Jo Anderson, Dan Girolamo, John Jaschke, Kari Keating, Dale Krystosek, Sarma Straumanis, Dave Weirens, Steve Woods

OTHERS PRESENT:
Wayne Edgerton, DNR
Ray Bohn, MAWD
LeAnn Buck and Ken Pedersen, MASWCD
Tim Koehler, NRCS
Mark Lindquist, Minnesota Project
Shalini Gupta, The Izaak Walton League

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

PLEDGE OF ALLEGIANCE

** 07-19 **ADOPT AGENDA** – Moved by Quentin Fairbanks, seconded by Louise Smallidge, to adopt the agenda as presented. Motion passed on a voice vote.

** 07-20 **MINUTES OF JANUARY 24, 2007** – Moved by Paul Langseth, seconded by Kay Cook, to approve the minutes of January 24, 2007, as circulated. Motion passed on a voice vote.

OPEN MIKE

- Bob Tammen from the Iron Range commented on mining issues as they relate to wetland mitigation.

- Molly Deet, volunteer with Sierra Club, commented on the northeast Minnesota wetlands mitigation strategy. She is concerned with the assumption that sites won't be found as the strategy makes allowances for mining outside of the area. She is also potentially concerned about the developing Memorandum of Understanding with the U.S. Army Corps of Engineers.

REPORTS

Chair's Report – Randy Kramer attended the EQB retreat on January 31. Chair Kramer attended several meetings at the Capitol; met with legislators, committee chairs, Bob Schroeder and Josh Gackle in the Governor's office, as well as FSA and NRCS. Chair Kramer and John Jaschke testified on the OLA report before House Environment and Natural Resources Policy Committee on January 25th, and to the Watersheds, Wetlands and Buffers Subcommittee of the House Environment and Natural Resources Policy Committee on February 20th.

Executive Director – John Jaschke reported that he's been busy meeting with numerous legislators. BWSR's budget overview is in the Senate Environment, Energy and Natural Resources Budget Division on March 5, 2007. John attended the Clean Water Cabinet meeting last week; BWSR presented the proposed drainage bill and WCA legislation was endorsed and is moving forward. John presented the final draft of the "Minnesota Watershed District Guidebook", a summary of watershed district project endeavors showing what is being done statewide. Copies will be distributed to board members when it's back from the printer. John attended the MASWCD legislative briefing meeting on February 26, 2007. John commented on the status of wetland mitigation issues noted during

the Open Mike item. BWSR is close to finalizing a memorandum of understanding with the U.S. Army Corps of Engineers. John stated that there is much more to come regarding the Wetlands Conservation Act, including forthcoming legislation.

Dispute Resolution Committee – Jim Haertel summarized the termination of the South Two River Watershed District (STRWD). The Termination Order was filed with the Secretary of State on February 8, 2007. The Stearns County Auditor received a check from the STRWD for all remaining funds of the STRWD. The Stearns County Auditor retrieved all real property and BWSR staff retrieved all STRWD records. The Stearns County Board of Commissioners will pay the remaining bills of the STRWD. When all bills have been paid, the proportionate share of remaining funds will be transferred to Morrison County.

Wetland Committee – LuAnn Tolliver reported that the Wetland Committee met yesterday at 4:00 p.m. Dave Weirens will give an overview of BWSR's proposed WCA legislation on the agenda later today. The Wetland Committee will meet again in March.

Cost-Share/Soil Conservation Committee – Louise Smallidge reported that the Committee did not meet this month.

Education Committee – Kay Cook reported that the Education Committee met last month. The Committee discussed the State Envirothon, the NEMO project, and what more the Education Committee should be doing.

Administrative Advisory Committee – Chair Kramer reported that the Administrative Advisory Committee met this morning; items will be considered later today on the agenda.

NEW BUSINESS

Northeast Minnesota Wetland Management Strategy – Dave Weirens and Dale Krystosek presented the Northeast Minnesota Wetland Management Strategy. The Strategy is a planning document intended to guide wetland mitigation in northeast Minnesota. It includes six recommended actions, of which three could involve BWSR. The Wetland Committee reviewed the Strategy on January 24, 2007. Dave presented a resolution and the two Wetland Committee recommendations: 1) Endorse the recommendations of the Northeastern Minnesota Wetland Management Strategy; and, 2) It is appropriate for BWSR to be the lead state agency for implementing elements of the Strategy. John Jaschke clarified that DNR is the state agency responsible for mining permits and

reclamation; not BWSR. Brian Napstad suggested that the siting element of the Strategy be coordinated in conjunction with LGUs.

** 07-21 Moved by Brian Napstad, seconded by Paul Langseth, to adopt the resolution to 1) accept the recommendations of the Northeast Minnesota Wetland Management Strategy; and 2) BWSR continue to be the lead state agency for implementing select recommended actions contingent on sufficient funding. Motion passed on a voice vote.

Local Water Management Challenge Grants – Dave Weirens explained that the Legislative Citizens Commission on Minnesota Resources (LCCMR) is recommending, and the Legislature may pass, an appropriation of $350,000 for Local Water Management Challenge Grants. Staff are requesting Board approval for "Guidelines for Applications for FY2008/09 Local Water Management Challenge Grants" and authority to request proposals from eligible local units of government. Dave distributed a fact sheet and gave an overview of the Local Water Resources Protection and Management Program and a map of Comprehensive Local Water Planning Challenge Grant Distribution for FY2006-2007. Joe Martin suggested including a filter of measurability and effectiveness for the projects. Dave stated that the grant allocations will be presented at the June Board meeting.

** 07-22 Moved by Paul Langseth, seconded by Louise Smallidge, to adopt the resolution that BWSR will solicit for FY2008-09 Local Water Management Planning Grants according to guidelines. The agencies represented on the Board will be invited to participate in the review and ranking of applications received, which will be completed prior to the June 2007 Board meeting. Discussion followed. Motion passed on a voice vote.

Office of the Legislative Auditor (OLA) Report: Status and Approach – John Jaschke reported that the OLA has presented their recommendations to both the House and Senate Environment and Natural Resources Committees. Randy stated that he commended the OLA staff; the assessment is a good learning tool, the intent of the report is to better BWSR. Steve Woods stated that BWSR used a district assessment tool in the past. Based on discussions with legislators and others, BWSR will work with legislators to develop an oversight proposal. Steve presented five local water management oversight and accountability principles. Dan Wilson commented on the measurability of quantitative outcomes and asked that this be considered in the process. It was suggested to start the measurability process at the preemptive stage. Quentin Fairbanks questioned the duplication of efforts, the need for coordination and targeted funding. Discussion followed.

Randy stated that BWSR will move forward on potential legislation consistent with these principles.

Board Retreat Follow-Up – Steve Woods reported that the information and analysis developed at the facilitated Board Retreat in November has been compiled. A recommendation to use those resources as a starting point for updating the agency's Strategic Plan has been developed. Steve presented a resolution that directs the Board's Public Relations and Outreach Committee and staff to undertake the following actions:

a) convene and engage the services of an outside facilitator;
b) develop a schedule and process plan that builds on the November workshop findings;
c) gather further input from stakeholders and other Board members, and
d) provide a preliminary draft for Board review by September 2007 and a final draft for consideration by the end of 2007.

Moved by Kay Cook, seconded by LuAnn Tolliver, to adopt the resolution as presented. Discussion followed.

** 07-23 Moved by Paul Langseth, seconded by Brian Napstad, to amend the resolution to strike: "a) convene and engage the services of an outside facilitator". Motion passed on a voice vote.

** 07-24 The amended resolution passed on a voice vote.

Chair Kramer called for a break in the meeting at 10: 25 a.m. The meeting reconvened at 10:38 a.m.

Board Committees – Chair Kramer stated some changes have been developed to expand the Committees' scope and add members. John Jaschke presented the Committee revisions. John stated that staff will notify board members when committee meetings are scheduled; the meetings will then be posted on BWSR's website. The finalized version of the Committees will be sent to board members and will be posted on the website.

Biofuels Update – Joe Martin introduced Michael Yost, Department of Agriculture, who presented the "Renewable Fuels and Minnesota". Brian Kletscher discussed the process of building ethanol plants, the agency interaction and collaboration with DNR, PCA, and MDA. Brian stated the experience of building an ethanol facility has been challenging, but very worthwhile as it results in additional jobs, and moves us toward energy goals,

and goals that can be achieved by the State of Minnesota. Joe Martin stated that the biomass and cellulosic ethanol potential impact to rural communities is great.

Mark Matuska, DNR, stated that DNR is interested in biofuels in the future. DNR, BWSR, and MDA has incentives and many opportunities to improve habitat, water quality standards, grasslands, and cropland. DNR will focus on appropriate land management strategies; reduce flooding potential; carbon credits; water quality credit trading; and cellulosic and biomass production on some public lands. Mark looks forward to working with the energy industry on future endeavors. DNR Commissioner Mark Holsten stated that Minnesota leads the nation in biofuels.

Mark Lindquist, Minnesota Project, and Shalini Gupta, Izaak Walton League, distributed "Clean Energy Minnesota" a fact sheet on developing an advanced biofuels industry in Minnesota. Mark presented "Policy Objectives in 2007", and a power point presentation on biofuels and conservation: Cellulose – the Conservation Opportunity. Mark gave an overview of HF 589/SF 480 legislation. Chair Kramer thanked Mark and Shalini for their presentation.

Legislative Update – John Jaschke briefly commented on SF749 – legislative proposal to expand BWSR membership. John met with Senator Skogen, author of the bill, and discussed the $6600 additional costs to BWSR for membership expansion. There is no House companion bill at this point.

John reported that HF 577/SF 642 the Drainage Buffer Bill will be presented today to the Senate Committee on Environment and Natural Resources. BWSR anticipates this legislation to move forward.

John stated that the refinements from the Wetland Committee are incorporated into the Wetland Conservation Act proposed legislation. Staff have met with various groups as this legislative bill is being pursued.

John stated that Board members received the "Legislative Members Directory 2007-2008" a reference handbook for information.

AGENCY REPORTS

Minnesota Pollution Control Agency (MPCA) – Lisa Thorvig reported that septic systems rules are being revised. Hearings have been scheduled for April 18 and April 20. Information on the proposed rule revisions are on the MPCA website.

Minnesota Department of Natural Resources (DNR) – Wayne Edgerton reported that bovine tuberculosis has been detected in a deer herd in northern Minnesota. DNR is working with MDA, Board of Animal Health, and Cattleman's Association on this issue. Challenge is for sharpshooters to receive permission from the landowners to be on their land. Wayne reported that it's now illegal for recreational deer feeding in that area.

Department of Health (MDH) – Dan Wilson commented on the legislative bill for the well program to enhance and support the use of geothermal heating systems, which take heating or cooling out of the ground, and is highly efficient.

Department of Agriculture (MDA) – Joe Martin stated that the legislative session is taking up most of his time at this point.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck introduced Ken Pederson, newly elected President of MASWCD. LeAnn reported that MASWCD has comments regarding the OLA report on their website. MASWCD held their "Legislative Day" yesterday. MASWCD has a legislative bill to increase general services grants to SWCDs. MASWCD's leadership group will be going to Washington, D.C, next week to meet with various members of Congress.

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn distributed copies of MAWD's response to the OLA report. MAWD also responded to the editorial in the Star Tribune regarding the report; he's not sure if it will be printed. Ray asked that the MAWD response be distributed to board members. The House Watersheds, Wetlands and Buffers Subcommittee has received MAWD's response also. Ray stated that the Drainage Work Group efforts have realized positive outcome, including the proposed legislation.

Natural Resources and Conservation Service (NRCS) – Tim Koehler reported that NRCS and BWSR have committed to contribution agreements to accelerate the Federal Farm Bill. Tim, on behalf of NRCS, thanked BWSR staff Karli Swenson and Carol Strojny for the great job on guidance and protocol for monitoring efforts. In addition, Karli and Carol helped coordinate WRP landowners on maintenance of their easements; it's good landowner interaction with that program. Tim also thanked Al Kean and Tom Wenzel for their assistance with engineering design on projects. NRCS appreciates BWSR's efforts on acceleration of programs. Tim reported that today is the last day of EQIP sign-up, $26M to be allocated to farmers/landowners. Tim stated that

BWSR made a special allocation to drought counties, NRCS committed $500,000; the funding was carried over to 2007, and then allocating $1M for that effort, good partnership to get conservation on the ground. $13M funded for WRP; with $60M in requests. Tim reported that USDA developed special projects funding at the national level earmarked for state government partnerships; hopefully Minnesota will received more funding. Chair Kramer thanked Tim for his report.

UPCOMING MEETINGS

- Next Board Meeting, March 28, 2007, St. Paul

** 07-25 Moved by Kay Cook, seconded by Paul Langseth, to adjourn the meeting at 12:55 p.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer
Chair

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
2nd FLOOR CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, FEBRUARY 28, 2007

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF JANUARY 24, 2007

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

REPORTS

- Chair – Randy Kramer
- Executive Director – John Jaschke
- 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

NEW BUSINESS

1. Northeast Minnesota Wetland Management Strategy - Dave Weirens - ***DECISION ITEM***

2. Local Water Management Challenge Grants – Dave Weirens and Wayne Zellmer – ***DECISION ITEM***

3. Office of Legislative Auditor (OLA) Report: Status and Approach – John Jaschke – ***INFORMATION ITEM***

4. Board Retreat Follow-Up – Steve Woods – ***DECISION ITEM***

5. Board Committees – Chair Kramer – ***INFORMATION ITEM***

6. Legislative Update – John Jaschke – ***INFORMATION ITEM***
   - SF 749 – Board Membership Expansion
   - HF 577/SF 642 Drainage System Buffers
   - Wetland Conservation Act

7. Biofuels Update – Board Members Brian Kletscher and Joe Martin; and Mark Lindquist, Minnesota Project - ***INFORMATION ITEM***

AGENCY REPORTS

- Minnesota Pollution Control Agency – Brad Moore
- Minnesota Extension Service – Jim Anderson
- Minnesota Department of Natural Resources – Mark Holsten
- Minnesota Department of Health – Dan Wilson
- Minnesota Department of Agriculture – Joe Martin

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 Board Meeting, March 28, 2007, St. Paul

12:30 PM **ADJOURN**

Dispute Resolution Report
February 15, 2007
by: Jim Haertel

There are presently 23 appeals pending. All of the appeals involve WCA except File 05-24. There have been three new appeals filed since the last report dated January 11, 2007.

File 07-4. This is a new appeal of a restoration order in Hubbard County. The appeal regards the filling of Type 2/7 wetland for an access road to a lake. No decision has been made on the appeal.

File 07-3. This is a new appeal of a replacement plan decision in Traverse County. The appeal concerns the approval of a wetland replacement plan application. No decision has been made on the appeal.

File 07-2. This is a new appeal of a restoration order in Stearns County. The appeal regards the filling, draining and excavation of Types 1, 2 and 3 wetlands. No decision has been made on the appeal.

File 06-43. This is an appeal of a restoration order in Morrison County. The appeal involves the placement of fill in wetland near a lake. The appeal has been placed in abeyance and the restoration order has been stayed pending field review by the Technical Evaluation Panel this spring.

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, a pre-hearing conference was held, and a hearing before the DRC is being 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 the decision has been 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 06-12. 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. After a hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application.
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.

Status Report: RIM Reserve Conservation Easements

Leveraging federal funds for clean water and new wildlife habitat

Minnesota Board of Water & Soil Resources

For more information:
Doug Thomas, BWSR Assistant Director
(651) 297-5617
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(651) 297-1894

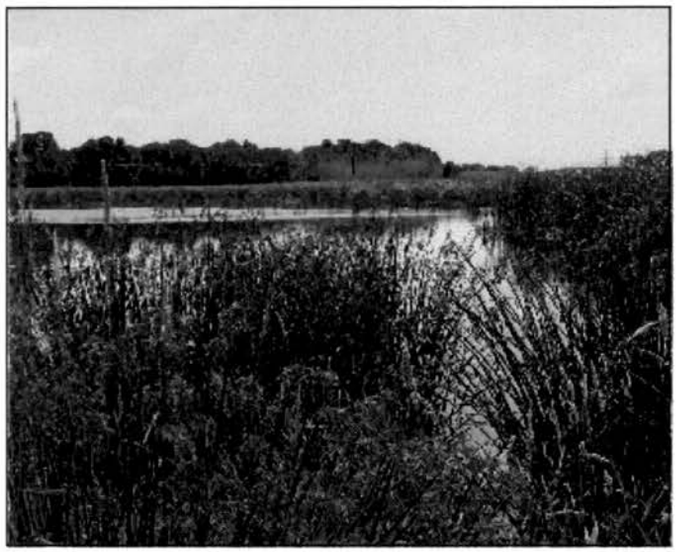
CREP II area map



CREP II and RIM Reserve / WRP Partnership

In 2004, Governor Tim Pawlenty submitted a second CREP application to the USDA as the centerpiece of his Clean Water Iniative. The first CREP enrolled 100,000 acres of cropland into conservation easements in the Minnesota River Watershed. The CREP II proposal targeted the Red River watershed, the Lower Mississippi River watershed in the southeast, and the Missouri and Des Moines River watersheds in the southwest.

The proposal sought a 100,000-acre enrollment goal, and annual payments to landowners would be 150% of the dryland cash rental rate for the county in which the land is located. An estimated state investment of $46 million would have brought $180 million in federal investment to Minnesota.



A CREP wetland restoration site with native vegetation in Freeborn County

The final Memorandum of Agreement announced by USDA Secretary Michael Johans and Gov. Pawlenty in April 2005, featured:

- A 120,000-acre enrollment goal
- Annual federal payments to landowners equal 130% of the dryland cash rental rate for the county in which the land is located.
- State investment estimate of $120 million would bring $200 million in federal investment
- Current funding: Phase I bonding totaled $20 M for easements and $3 M for implementation
- Deadline of December 31, 2007 (end of 2002 Federal Farm Bill)
- Landowners began enrolling June 6, 2005

CREP II Status

To date, the Board of Water & Soil Resources has 4,200 acres enrolled with another 3,500 acres in applications in process. Another 2,500 acres are in the development stage with landowners. These 10,200 acres will obligate $12.7 million of easement bonding dollars.

RIM Reserve / WRP Partnership leverages additional federal funds

This voluntary program allows landowners in CREP II watersheds to protect, restore and enhance wetlands on their property. This new partnership combines the 30-year easement option under the federal Wetland Reserve Program with a perpetual RIM Reserve easement.

- In Phase I, we are partnering on 39 easements totalling 8,777 acres from interested landowners.
- State investment for 8,777 acres = $5.9 M, which leverages $8.3 M in additional federal WRP funds.

Funding for CREP II and RIM Reserve / WRP will soon be depleted

By June 30, 2007, BWSR will have obligated $18.6 M of the original bonding appropriation of $20 million for easements and $3 million for implementation, and will have agreements with landowners to acquire 19,000 acres of conservation easements.

The $1.4 M remaining balance of bond funds will be used to fund as many projects as possible before the CREP II program deadline of December 31, 2007, or until the funding runs out.

February 20, 2007

Minnesota Board of Water & Soil Resources

DATE: February 21, 2007

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

FROM: John Jaschke, Executive Director

SUBJECT: February 28, 2007, Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, February 28, 2007, beginning at 9:00 a.m. The meeting will be held in the second floor conference room, at 520 Lafayette Road North, in St. Paul. Parking is available in the lot directly in front of the building (use hooded parking areas).

The following information pertains to agenda items:

NEW BUSINESS

1. **Northeast Minnesota Wetland Management Strategy** - The Strategy is a planning document intended to guide wetland mitigation in northeast Minnesota. It includes six recommended actions, of which three could involve BWSR. The Wetland Committee reviewed the Strategy on January 24, 2007. See attached. ***DECISION ITEM***

2. **Local Water Management Challenge Grants** – The Legislative Citizens Commission on Minnesota Resources (LCCMR) is recommending, and the Legislature is expected to pass, an appropriation of $350,000 for Local Water Management Challenge Grants. Staff are requesting Board approval for "Guidelines for Applications for FY2008/09 Local Water Management Challenge Grants" and authority to request proposals from eligible local units of government. See attached. ***DECISION ITEM***

3. **Office of Legislative Auditor (OLA) Report: Status and Approach** – The OLA has presented their recommendations to the House Environment and Natural Resources Policy Committee (Rep. Eken, chair) on Jan. 25th, and to the Watersheds, Wetlands and Buffers Subcommittee (Rep. Hansen, chair) of the House Environment and Natural Resources Policy Committee on Feb. 20th. Board Chairman Kramer and Executive Director Jaschke provided responses at both hearings. See attached. ***INFORMATION ITEM***

hrgs. in Senate

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4. **Board Retreat Follow-Up** – The information and analysis developed at the facilitated Board Retreat in November has been compiled. A recommendation to use those resources as a starting point for updating the agency's Strategic Plan has been developed. See the attached resolution and retreat documentation. ***DECISION ITEM***

5. **Board Committees** – The Chairman has developed changes for some of the Board's committees to expand their scope and add members. A revised listing of committee responsibilities and members will be provided at the Board meeting. ***INFORMATION ITEM***

6. **Legislative Update** – ***INFORMATION ITEM***
   - SF 749 – Board Membership Expansion
   - HF 577/SF 642 Drainage System Buffers
   - Wetland Conservation Act

7. **Biofuels Update** –Board Members Brian Kletscher and Joe Martin; and Mark Lindquist, Minnesota Project, will present the current state of biofuels and wind energy production in Minnesota. They will inform us about what the future might look like with increasing cellulosic production and potential State roles, including BWSR's, in making the most of the new biofuel production opportunities.

   An overview of SF480/HF589 provisions will be included with a focus on the RIM-Clean Energy (CE) component. ***INFORMATION ITEM***

If you have any questions regarding the agenda, please feel free to give me a call at 651-297-5617. The meeting will adjourn about 12:30 p.m. I look forward to seeing you on February 28th!

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Northeast Wetland Mitigation Strategy
Recommendation #1:

DRAFT

COOPERATIVE MINING MITIGATION BANK

NEEDS STATEMENT:

This strategy recommends developing a third party-administered wetland bank specifically for the mining industry. Furthermore, this Strategy suggests that an independent public agency (i.e. Iron Range Resources Board, Arrowhead Regional Development Commission, or other) administers the bank. This Strategy envisions that after an initial establishment of credits, the bank could operate perpetually with mining companies purchasing credits as needed when permits are issued. The bank would also allow individual mining companies to establish bank accounts for credits they develop.

GOALS:

A) Establish regional mining wetland mitigation bank administered by regional authority overseen by state and federal agencies.
B) Improve quality of wetland mitigation resulting from mining impacts.
C) Provide mechanism for coordinated inter-agency oversight of wetland mitigation and water quality protection in Northeast Minnesota.

PARTICIPANTS:

A) Iron Range Resources Board, Arrowhead Regional Development Commission *(Bank Administration)*
B) DNR Lands and Minerals *(WCA LGU)*
C) Wetland Mitigation Review Team *(state, local and federal agencies, wetland bankers, environmental groups select and oversee mitigation projects)*
D) Private consultants *(mitigation project development)*
E) Board of Water and Soil Resources *(participate in Wetland Mitigation Review Team)*

ACTIONS:

A) Continue discussions with Iron Range Resources, Arrowhead Regional Development Commission regarding development of bank.
B) Develop agreement with Corps of Engineers, regional authority, and state agencies establishing mining bank.
C) Establish Wetland Mitigation Review Team of state, local and federal agencies, wetland bankers, and environmental groups to select and oversee mitigation projects.
D) Establish "jump start fund" to begin establishing credits.
E) Develop request for proposals for mitigation projects in Northeast and North Central Minnesota.
F) Develop agreements with selected mitigation projects and begin development of projects.

OUTCOMES EXPECTED:

A) Higher quality wetland mitigation for mining wetland impacts.
B) Increased opportunity for water quality protection and improvement in Northeast and North Central Minnesota.
C) More efficient permitting for mining projects.

COST ESTIMATE: "Jump-start Fund" (to be determined)

ESTIMATED PROJECT COMPLETION DATE: December 31, 2008

Northeast Wetland Mitigation Strategy
Recommendation #2:

Draft

REGIONAL WETLAND MITIGATION INVENTORY

NEED STATEMENT: A study is needed to compile known and potential wetland mitigation opportunities within the northeastern region of Minnesota (the >80% presettlement wetland areas as designated in the Wetland Conservation Act, Minnesota Rules 8420.) The inventory will include identification of water quality improvement opportunities and areas where watershed improvements are needed. The study will also include an inventory of wetlands and water resources that have developed on former mine lands. This inventory will be the basis for setting wetland mitigation goals for the 3 sectors of the NE Wetland Mitigation Strategy: 1) mining 2) residential/commercial and 3) roads.

GOALS:

A) Gain a better understanding of mitigation potential in northeastern Minnesota.
B) Document mitigation potential on minelands.
C) Provide data to reevaluate mitigation goals.

PARTICIPANTS:

A) Board of Water and Soil Resources (project oversight)
B) Private consultants (project implementation).
C) LGUs, SWCDs, County Land Departments (assist with inventory).
D) Arrowhead Regional Development Commission (mapping, GIS management).

ACTIONS:

A) Collect and evaluate existing inventory data (local, state and federal agencies)
B) Develop protocol for inventory work.
C) Meet with LGU and SWCDs to develop work plan.
D) Conduct GIS (Geographic Information System) analysis to screen potential sites for wetland inventory work based on soils, topography, ownership, NWI and other factors.
E) SWCDs ground truth potential mitigation sites and screen and select high value sites.
F) Prepare inventory information for regional mitigation siting study.

OUTCOMES EXPECTED:

A) Comprehensive inventory of wetland mitigation sites in the 18 counties designated as <80% pre-settlement wetlands counties in northeastern and north central Minnesota.
B) This inventory will be the basis for setting wetland mitigation goals for the 3 sectors of the NE Wetland Mitigation Strategy
    1) Mining
    2) Residential and commercial
    3) Roads
C) The inventory will serve as the basis for the Regional Mitigation Siting Study.
D) Improved quality of wetland mitigation to offset the wetland impacts in northeast and north central Minnesota.

COST ESTIMATE: $225,000

ESTIMATED PROJECT COMPLETION DATE: December 31, 2008

Northeast Wetland Mitigation Strategy
Recommendation #3:

Draft

REGIONAL WETLAND MITIGATION SITING STUDY

NEED STATEMENT: The results of the Northeast Wetland Mitigation Inventory are expected to show insufficient wetland mitigation opportunities to meet the expected future demand. Therefore, there is a need to conduct a region-wide mitigation siting analysis based on the mitigation inventory. The siting study will take into account wetland mitigation opportunities in each watershed and Bank Service Area and develop goals for maintaining water quality. The study will identify opportunities in impaired watershed regions. A regional Mitigation Siting Study could curtail the level of effort required by each individual project in the region to meet the state and federal siting standards and allow resources to more efficiently be expended on mitigation planning instead. The siting study will help guide the establishment of wetland mitigation goals for the 3 sectors of the NE Wetland Mitigation Strategy: 1) mining 2) residential/commercial and 3) roads.

GOALS:

A) Utilize the Northeast Wetland Mitigation Inventory data to evaluate the mitigation potential in northeastern Minnesota.
B) Develop a plan for allocating wetland mitigation opportunities in the northeast among the three sectors of 1) mining, 2) residential/commercial and 3) roads.
C) Develop a plan that will target minor watersheds with impaired waters for increased wetland protection, enhancement and restoration.
D) Evaluate needs for wetland mitigation outside of the study area and set goals to meet demand.

PARTICIPANTS:

A) Board of Water and Soil Resources (project oversight)
B) Private consultants (project implementation).
C) LGU Steering Committee of elected officials (provide LGU policy input)
D) Minnesota Pollution Control Agency (assist with setting water quality goals).
E) Staff of LGUs, SWCDs, and County Land Departments (assist with regional plans).
F) Arrowhead Regional Development Commission (mapping, GIS management).
G) Wetland Mitigation Bank Review Team (provide technical guidance in targeting mitigation sites)

ACTIONS:

A) Evaluate northeast regional wetland mitigation inventory data.
B) Analyze wetland mitigation opportunities in the northeast by minor watershed, major watershed and basin (Bank Service Area).
C) Evaluate opportunities for water quality improvement in watersheds of impaired waters.
D) Set wetland mitigation goals for each minor watershed, major watershed, and bank service area.
E) Develop wetland-banking plan and promotion program for northeast Minnesota in cooperation with Wetland Bankers Association, LGUs and BWSR.
F) Allocate wetland mitigation opportunities in northeast by each of 3 sectors (mining, residential/commercial, roads)

(Continued)

OUTCOMES EXPECTED:

A) Comprehensive wetland mitigation strategy for the 18 counties designated as <80% pre-settlement wetlands counties in northeastern and north central Minnesota.

B) Comprehensive strategy for setting wetland mitigation goals for the 3 sectors of the NE Wetland Mitigation Strategy

1) Mining
2) Residential and commercial
3) Roads

C) Strategy for protecting and improving water quality in targeted minor watersheds of Northeast Minnesota.

D) Improved quality and better targeted wetland mitigation to offset the wetland impacts in northeast and north central Minnesota.

COST ESTIMATE: $175,000

ESTIMATED PROJECT COMPLETION DATE: June 30, 2009

Northeast Wetland Mitigation Strategy
Recommendation #4:

Draft

DEVELOP WETLAND MITIGATION GUIDELINES

NEED STATEMENT: This project will build on the actions eligible for credits as defined in the Minnesota Interagency Wetland Mitigation Memorandum of Understanding to add guidance for actions that are well suited for projects in northeast Minnesota. In the past, the lack of predictability in allocating wetland mitigation credits has created uncertainty in developing wetland mitigation sites in the northeast resulting in project delays and increased total project costs. This uncertainty may be a factor in the lack of wetland mitigation banking projects in northeast Minnesota. To resolve this uncertainty, the strategy recommends that state, local and federal agencies cooperatively develop guidelines for planning and allocating credits for unique wetland mitigation methods in northeastern Minnesota.

GOALS:

A) Develop BWSR guidance for LGUs for actions eligible for credit that is fully consistent with the Minnesota Interagency Wetland Mitigation Memorandum of Understanding.
B) Initiate an interagency committee including BWSR, Corps of Engineers, DNR, and LGUs that will develop consensus on standards for allocation of credit.
C) Develop a plan guidance, for example for establishment of white cedar restoration that will include, but is not limited to stocking rates, standards for deer protection, allocation of credit.

PARTICIPANTS:

A) Board of Water and Soil Resources (project leadership)
B) Corps of Engineers (active participation in development of guidelines)
C) Department of Natural Resources (active participation in development of guidelines)
D) Staff of LGUs, SWCDs, and County Land Departments (assist with regional plans).
E) Private consultants (assist with development of standards and guidelines).

ACTIONS:

A) Establish membership of a technical team including state, federal and local agencies and consultants to develop guidelines.
B) Use Interagency Wetland Mitigation MOU (and current WCA Rule) to identify actions eligible for credits that need guidelines for use in northeastern Minnesota..
C) Develop guidelines and standards for those actions eligible for credit that have been identified for targeted use in northeast Minnesota.

OUTCOMES EXPECTED:

A) Better guidance for wetland mitigation projects in northeast Minnesota.
B) Increase in number of private accounts in Minnesota Wetland Bank.

COST ESTIMATE: $150,000

ESTIMATED PROJECT COMPLETION DATE: June 30, 2009

Board of Water and Soil Resources
February 28, 2007

Northeastern Minnesota Wetland Management Strategy

Background

The Northeastern Minnesota Wetland Management Strategy is a planning document that includes the vision, goals, strategy, and recommendations to guide future wetland mitigation in northeast Minnesota. The strategy was developed over the last 14 months by a coalition of local, state, and federal agencies along with the mining industry and regional organizations. The overall goal of the project is to deal with the scarcity of wetland mitigation opportunities in the region and ensure coordination among the three sectors that use wetland credits in the northeast (mining, roads, residential/commercial).

The project area covers the 18 counties that still have greater than 80% of their pre-settlement wetlands as defined by the Wetland Conservation Act (WCA). This strategy works within the principles outlined in the Interagency Wetland Mitigation Memorandum of Understanding (MOU) and does not advocate any changes to the MOU.

The Strategy includes 6 recommended actions, 3 of which could involve BWSR:

1) Conduct a Northeast Wetland Mitigation Inventory
2) Conduct a Regional Mitigation Siting Study
3) Develop Wetland Mitigation Guidelines

BWSR staff have coordinated the effort during the 14 months of project plan development. If the project is funded, BWSR could play a role in coordinating the mitigation inventory with LGUs and regional and private project participants. As the state oversight agency for the WCA, BWSR involvement in the Regional Mitigation Siting Study would be essential. This component of the project would ensure coordination among LGUs, the mining industry, local transportation authorities and private wetland bankers to ensure high quality wetland mitigation for the region's impacts. The Wetland Mitigation Guidelines component would involve an interagency effort to further develop guidance for actions eligible for credit from the Wetland Mitigation MOU that are suitable for northeastern Minnesota.

Benefits

The Northeastern Minnesota Wetland Management Strategy would benefit BWSR in several ways:

- The mitigation inventory would help BWSR locate wetland mitigation sites for the public road mitigation program.
- The Regional Mitigation Siting Study would ensure coordination between the 3 main sectors (mining, roads, commercial/residential) that use wetland mitigation credits. This will help hold down wetland mitigation costs for public roads.
- The Mitigation Guidelines will help BWSR and LGUs promote a more predictable wetland banking program to landowners in northeastern Minnesota. The result should be a more robust banking program in the region with more high quality wetland mitigation options available.

BWSR Wetland Committee Recommendations

1) **Endorse the recommendations of the Northeastern Minnesota Wetland Management Strategy.**
2) **It is appropriate for BWSR to be the lead state agency for implementing elements of the Strategy.**

Board Resolution # 07-21

Northeastern Minnesota Wetland Management Strategy

WHEREAS, the Northeastern Minnesota Wetland Management Strategy (Strategy) is a planning document that includes the vision, goals, strategy, and recommendations to guide wetland mitigation and management activities in northeastern Minnesota;

WHEREAS, the Strategy was developed over a fourteen month period with BWSR staff coordination and the support and assistance from individuals representing the federal, state, regional and local governments and the private business community;

WHEREAS, the Strategy includes six recommended actions, as follows: (1) Develop a Cooperative Mining Mitigation Bank; (2) Conduct a Northeast Wetland Mitigation Siting Inventory; (3) Conduct a Regional Siting Study; (4) Develop Mitigation Guidelines; (5) Update the National Wetland Inventory in Northeastern Minnesota; and (6) Identify Research Needs;

WHEREAS, the Wetland Committee reviewed the Strategy on January 24, 2007.

NOW, THEREFORE BE IT RESOLVED THAT, the Board of Water and Soil Resources:
(1) accepts the recommendations of the Strategy; and
(2) will continue to be the lead state agency for implementing select recommended actions contingent on sufficient funding.

R J Kramer

Randy Kramer
Chair, Minnesota Board of Water and Soil Resources

2-28-07
Date

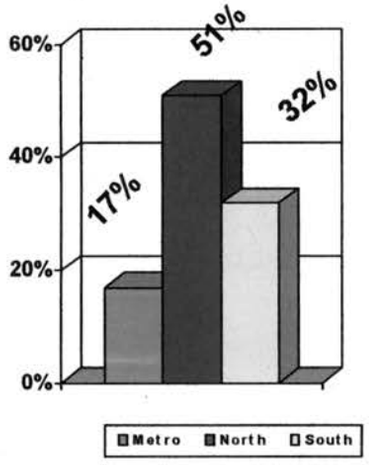
Local Water Resources Protection and Management Program

Local water protection and management bega n in the seven county metropolitan area with passage of the Metropolitan Surface Water Management Act in 1982.

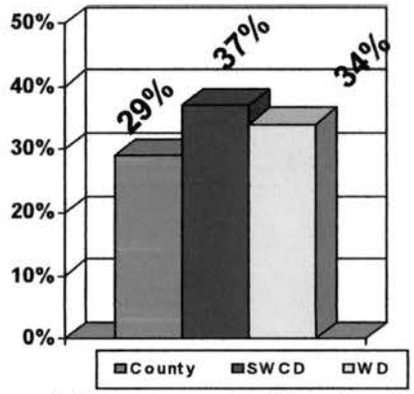
Challenge grants are competitive and are aimed at providing financial opportunites to local government to achieve priority goals in their state approved and locally adopted water management plan.

In the Fiscal Years 2006-2007, the Legislative Commission on Minnesota Resources (LCMR) awarded the BWSR $1 million for this program. BWSR received funding requests totaling $1,574,411 Of the 78 applications submitted, BWSR was able to fully fund 35 of the application s received.

Applications are reviewed and ranked by the Grants Team which is comprised of board conservationists representing each of the BWSR regions.

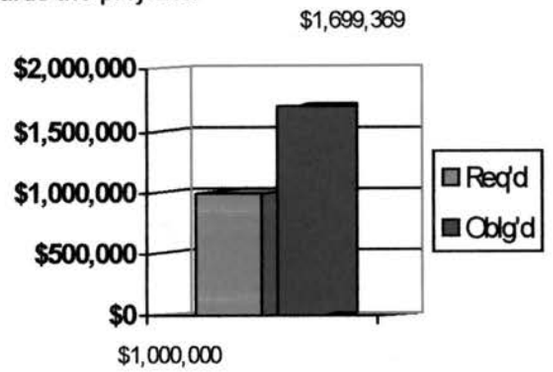


Regional Distribution



Local Government Distribution

The challenge grant program requires a 1:1 cash or in-kind match. The committment of local government to implement high priority activities with the these funds are demonstracted with the local contributions towards the projects.



Each project must be be an eligible initiative type. The following are the initiative types and the number of applications funded:

Education and Information 2 projects
Inventory/Mapping 11 projects
Land and Water Treatment 13 projects
Monitoring/Data Collection 6 projects
Reg, Ordinance, Planning 3 projects

Initiative type activities completed:

****Education and Information***
Aitkin SWCD
Funded: $13,075

Lake inventory on Mille Lacs Lake 200 parcels inventoried, photographed and condition of shoreline noted.

****Inventory/Maping***
Carlton Coungy
Funded: $16,250

Initial well log data collection and field review completed.

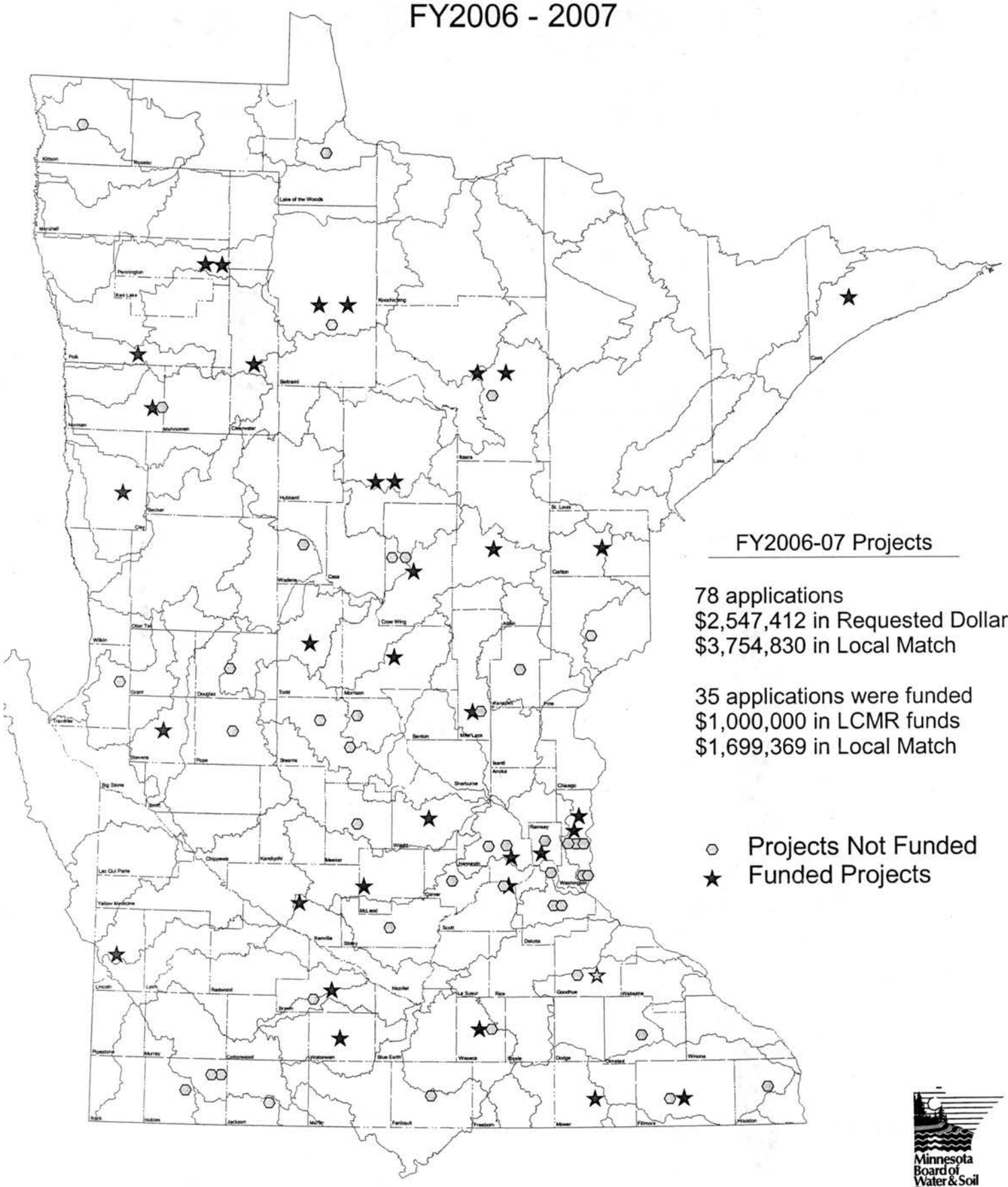
****Land and Water***
Stevens County
Funded: $20,000

Planted over 1,000 acres of grass filter strips and buffers.

****Monitoring/Data Collection***
Itasca SWCD
Funded: $24,200

Four lake sediment cores were gathered and data is currently being analyzed at the St. Croix Watershed Research Station.

Comprehensive Local Water Planning
Challenge Grant Distribution
FY2006 - 2007



FY2006-07 Projects

78 applications
$2,547,412 in Requested Dollars
$3,754,830 in Local Match

35 applications were funded
$1,000,000 in LCMR funds
$1,699,369 in Local Match

○ Projects Not Funded
★ Funded Projects

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

October 2006

PROPOSED GUIDELINES FOR APPLICATIONS FOR FY 2008/09 LOCAL WATER MANAGEMENT CHALLENGE GRANTS:

Application Period: March 1, 2007 – April 13, 2007

Available Funding: $350,000

Eligible Local Units of Government includes counties, watershed districts and watershed management organizations. Soil and water conservation districts (SWCD) may apply if the county has delegated the local water management planning responsibilities to them per 103B.311, subd. 2. All applicants must have an approved, current local water management plan.

Grant maximums: Grants will not exceed $25,000 per local government unit (LGU) or $75,000 per project where 3 or more LGUs are involved in implementing a project.

Required Match: All grants must be matched one-to-one with non-state cash or in kind contributions.

Priority consideration will be given to projects that develop and implement innovative practices, programs, or plans to protect or restore surface and ground waters. Examples of an innovative practice, program or plan would be one that applies a new method or approach to address a water quality problem, applies an accepted practice in a new way or as a demonstration, etc.

Eligible projects: Proposed projects must implement priority action items in an approved local water management plan. Eligible projects include:

1. land and water treatment (i.e., install erosion or water quality improvement practices);
2. planning and environmental controls (i.e. developing a lake plan or special area ordinance)
3. monitoring and modeling (i.e. water quality data or watershed modeling)

Ineligible projects include:

1. installation of individual sewage treatment systems;
2. updating local water plans;
3. Clean Water Partnership Phase 1 diagnostic studies;
4. federal and state combined cost-share that exceeds 75% of the cost of the project;
5. additional state money for BWSR easement payments (RIM, CREP, WRP, road replacement) or admin/tech services associated with the easement acquisition; and
6. digitizing soil surveys not done to USDA-NRCS standards.

Additional information on eligible/ineligible costs can be found on the LCMR website under LCMR Project Manager Information:

http://www.commissions.leg.state.mn.us/lcmr/manager/promanager.htm

Application period closes at 4:30 p.m. on Friday, April 13th, 2007.

All applications must be submitted using the BWSR eLINK program.

Board Resolution # 07-22

FY 2008-09 Local Water Mgt. Planning Grants Application Procedures

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

WHEREAS the Legislative-Citizens Commission on Minnesota Resources is recommending $350,000 from the Environment and Natural Resources Trust Fund for this proposal;

WHEREAS the Legislature is expected to appropriate these funds in the 2007 Legislative Session;

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

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources will solicit for FY2008-09 Local Water Management Challenge Grants according to the attached guidelines. The agencies represented on the board will be invited to participate in the review and ranking of applications received, which will be completed prior to the June 2007 Board Meeting.

R J Kramer

Randy Kramer
Chair, Minnesota Board of Water and Soil Resources

2/28/07

Date

2-23-07 Draft

The OLA has presented their recommendations to the House Env. And Nat. Res. Policy Committee (Rep. Eken, chair) on Jan. 25th, and to the Watersheds, Wetlands and Buffers Subcommittee (Rep. Hansen, chair) of the House Env. and Natural Resources Policy Committee on Feb. 20th. Board Chairman Kramer and Executive Director Jaschke provided responses at both hearings. Senate hearing set for March 1. Based on discussions with legislators and others, BWSR plans to begin working with legislators to develop an Oversight proposal.

Local Water Management Oversight & Accountability Principles:

Pre-emptive - so that problems are identified and diagnosed early (relying only on annual reports and 10-year planning intervals is not enough)

Systematic - thorough, consistent and expected so that local governments can be prepared

Constructive - recognizes uniqueness, charts a path for those needing help to get better, and showcases successes

Consequences - that are proportionate to the uncorrected deficiencies

Transparent - allowing for greater public awareness and participation

Key measures will be developed for:

1. core competencies,
2. coordination among local water management authorities, and
3. water resource issues specific to the local area.

Office of Legislative Auditor (OLA) Report: Status and Approach -

The OLA presented their recommendations to the House Env. And Nat. Res. Policy Committee (Rep. Eken, chair) on Jan. 25th, and to the Watersheds, Wetlands and Buffers Subcommittee (Rep. Hansen, chair) of the House Env. and Natural Resources Policy Committee on Feb. 20th. Board Chairman Kramer and Executive Director Jaschke provided responses at both hearings.

Based on discussions with legislators and others, BWSR will begin working with legislators to develop an Oversight proposal that:

is **Pre-emptive** - so that problems are identified and diagnosed early (relying only on annual reports and 10-year planning intervals is not enough)

is **Systematic** - thorough, consistent and expected so that local governments can be prepared

is **Constructive** - recognizes uniqueness, charts a path for those needing help to get better, and showcases successes

has **Consequences** - that are proportionate to the uncorrected deficiencies

is **Transparent** - allowing for greater public awareness and participation

BWSR has used a District Assessment tool in the past and Assistant Director Steve Woods will overview the scope of those efforts and discuss some alternatives and cost analysis for potential future oversight efforts.

Rep. Hansen has said he'd like to try and get something done this year via the budget. So, there may be an opportunity to address resources and authority tweaks this year and get going right away. The first Senate hearing is set for March 1st right after the BWSR budget overview presentation.

INFORMATION ITEM

REPORT TO THE MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Results of the Board and Staff Retreat

November 15-16, 2006
St. Cloud Minnesota

Prepared by
Donald Buckhout
Retreat Facilitator
November 22, 2006

DRAFT

Step 1: Accumulate Information

The first part of this retreat was devoted to the presentation of information that helps to define the Board of Water and Soil Resources and the environment in which it operates.

MISSION AND MANDATES

Executive Director Ron Harnack presented the Mission of BWSR that was developed in the 1997 Strategic Plan. He also summarized the Mandates that are largely specified in state statute and define the authorities and programs the agency is expected to administer.

MISSION

To assist local governments to manage and conserve their irreplaceable water and soil resources.

MANDATES

(Specific Mandates of the Board of Water and Soil Resources are not listed here. See the appendix of the September 1997 for a partial list of the Board's mandates.)

SURVEY ISSUES

Assistant Directors Doug Thomas and Steve Woods presented the results of a survey of BWSR's clients that was conducted in the two weeks prior to the retreat. The following list contains those items that Board members and staff took note of in the report of the survey results. These items represent what is important to the clientele that BWSR serves or areas to address in future client relations.

1. Communicate: MESSAGE
2. Training
3. Education / Awareness
4. Client / customer perceptions
5. Funding
6. Coordination
7. Survey response analysis
8. Decision Making: Who/How?
9. Impaired Waters
10. Who is the client/customer?
11. Salesmanship skills
12. Resource losses

EXTERNAL AND INTERNAL ASSESSMENT

The final task in the information accumulation step was to generate information based on the knowledge, experience, and perception of Board members and staff regarding the External environment that has an effect on BWSR and the Internal dynamics of the agency. Participants were encouraged to identify those factors that can affect (positively or negatively) ability of the agency to accomplish its Mission and carry out its Mandates. Opportunities and Strengths are those factors that the agency could take advantage of or build on in the next four years. Threats and Weaknesses are those factors that need to be avoided or carefully managed to minimize the damage they might cause to the agency's future effectiveness. After the items were listed in each category, Board members and staff voted for the most important items, which are indicated in **bold** with the number of votes in parentheses.

EXTERNAL OPPORTUNITIES

1. **Legislative interest (14)**
2. Dedicated fund potential (7)
3. 2007 Federal Farm Bill (6)
4. Special Interest Groups: work with coalition building groups (e.g., AMC) (6)
5. Single issue Special Interest Groups (e.g., commodity groups, D.U.) (1)
6. Organizations with similar interests or missions (5)
7. **General public support for mission (14)**
8. **Impaired waters is agreed upon priority (17)**

EXTERNAL THREATS

1. **Competition for funds (20)**
2. Running out of good development land; LGUs compromise (1)
3. North-South landscape differences/exclusivity (4)
4. Special Interest Groups: single issue environmental (2)
5. Government re-organization to eliminate/combine agencies (1)
6. New legislators are ignorant/unaware of BWSR (6)
7. **Legislature is ignorant/unaware of BWSR (14)**
8. Public does not understand new WCA policies (1)
9. **Inadequately addressed impaired waters (10)**
10. People don't trust state government to manage land/resources (7)
11. BWSR Board function seen as non-essential (5)

INTERNAL STRENGTHS

1. Focus on Outcomes (7)
2. **Diversity of Board (15)**
3. **Ability to collaborate across agencies/groups (16)**
4. Reality-based staff (9)
5. Board hires the executive director (not appointed) (2)

INTERNAL WEAKNESSES

1. **Communication of Message (19)**
2. Quantification of scientific results for dollars spent (10)
3. Procedures for LGUs becoming more cumbersome (3)
4. **Do not control funding (15)**

Step 2: Analyze the Information

The second part of the retreat required a look back at all the information presented or generated to try to identify key themes, ideas or priorities that emerge.

ISSUE TOPICS

The Board and staff identified the key themes that emerged from looking at all the information presented, and each of these themes was given a topic label that was descriptive. These Issue Topics can focus on policy, management, a specific program, or a broad trend that encompasses several factors. The participants voted for their top five Topics. The Topics in boldface type received the most votes. The number of votes is indicated in parentheses.

(Results of the first vote.)

1. **Public relations (12)**
2. Buffers/drainage (6)
3. **Impaired Waters (16)**
4. Building local capacity (10)
5. Human Resources: staff, exec. dir.; LGU capacity, volunteer leaders (10)
6. **Coordination/Partnerships (16)**
7. Management of BWSR (3)
8. Wetlands/No Net Loss (4)
9. 2007 Farm Bill (1)
10. Integrated Education (4)
11. **Marketing the Budget Request to Governor (15)**
12. Support/assistance for LGU program delivery system (9)
13. **Private Lands conservation (12)**

(Results of the second vote after Topics 4 and 5 were combined with Topics 12 and 7. After the second vote Topic 12 replaced Topic 13 as one of the top five and, in fact, received the most votes, indicating it was the most important Strategic Issue on the list.)

1. **Public relations (10)**
2. Buffers/drainage (7)
3. **Impaired Waters (18)**
4. ~~Building local capacity~~
5. ~~Human Resources: staff, exec. dir.; LGU capacity, volunteer leaders~~

6. **Coordination/Partnerships (15)**
7. Management of BWSR (8)
8. Wetlands/No Net Loss (8)
9. 2007 Farm Bill (0)
10. Integrated Education (5)
11. **Marketing the Budget Request to Governor (15)**
12. **Support/assistance for LGU program delivery system (21)**
13. Private Lands conservation (9)

STRATEGIC ISSUES

Strategic Issues are statements, usually in the form of a question, worded in such a way that they lead to practical steps or actions that will take the agency in a certain direction. Strategic Issues contain important **value** and **qualifier** words to guide decisions about the most effective actions to take to get you where you want to go. The following five Strategic Issues are listed in priority order based on the votes for the Topics in the previous section.

STRATEGIC ISSUE #1: **Support and assistance for LGU delivery system**

How do we **best** deliver technical information to local governments so that they have a **good base** to operate from?

What is the best way to provide **necessary** training and coordination?

What are the **top priority** training needs?

How do we identify and prioritize LGU technical and financial assistance needs?

How do we gather data and technical information?

How do we **best** identify and direct financial assistance opportunities?

How do we maintain accountability for funds spent?

STRATEGIC ISSUE #2: **Impaired waters**

How can we show the legislature what we are purchasing with their money?

How do we assist LGUs to administer TMDLs?

How can we clarify what is being done by local government?

How do we emphasize to the public and the legislature the importance of addressing impaired waters now?

How can we prevent waters from becoming impaired?

How do we influence the impaired waters designation process to ensure the **viability** of the economic community?

STRATEGIC ISSUE #3: **Marketing the BWSR budget request**

How can best use the influence of our clientele and the diversity of our Board to identify, assess, and persuade the Governor and legislature of the importance of the work, initiatives and outcomes of our agency so that we are adequately funded?

How do we show accountability to demonstrate effective delivery of results?

How do we identify, inform and influence key decision-makers that will affect our budget?
How can we best integrate our budget with "hot topics" (e.g., impaired waters)?

STRATEGIC ISSUE #4: **Coordination/Partnerships**

How do we best help with the coordination/connection of various units of government (in a way that helps the LGU to best achieve its purpose)?
How do we identify **key partners** or limit the number of partners to those who are **relevant**?
How do we best develop, nurture and use partnerships to **achieve our mission**?

STRATEGIC ISSUE #5: **Public relations**

How can we build a **uniform** message, get the message out, market who BWSR is, build our public image, so that we **compete well** for funds and all units of government collaborate in a way that capitalizes on public sentiment and legislative interest (to better accomplish our mission)?

Step 3: Develop Actions

Without specific actions, the Issues identified never get addressed. This third step was just barely started near the end of the retreat. However, it is probably the easiest step for people to accomplish because people at your level in the organization are action oriented. You automatically think in terms of what needs to be done. The caution is to make sure that the actions you select to devote time and resources to are the ones that will get at the key values identified in the Strategic Issue statements.

STRATEGIC ACTIONS

Strategic Actions are the specific tasks that will be done to address the Strategic Issues. Actions should be written very clearly and a deadline and responsibility assigned. When writing the Strategic Actions pay attention to the key words and qualifiers in the Issues. A Strategic Action can apply to more than one issue. In the example below, a few Strategic Actions were identified for Strategic Issue #3. That Issue was selected because it was judged to be the most urgent. Note that the fourth Action also applies to Strategic Issue #5.

Applies to Strategic Issue #	**Strategic Action**	By when?	By whom?
3	Prepare ***easily understood*** documentation of past achievements and future goals/needs	11/30/06	Staff
3	Develop a process/mechanism to achieve full Board support for budget	12/13/06 ?	Board & staff
3	Contact (e.g.) Ray Bohn, LeAnn Buck, other association groups to identify key legislators	12/13/06	Board members
3, 5	Develop the BWSR "Message" (why BWSR is important)	12/31/06	Staff→Admin. Advisory Comm→Board

Step 4: Follow-Up and Next Steps

There are several key activities that the Board and staff need to do to follow-up on the retreat. The first is to determine whether the Strategic Issues generated still ring true: are these the key issues that the agency wants to pursue in the next four years? Having decided that, the next step is for the Board and staff to spend some time developing additional Strategic Actions using the format in the previous section. The best Strategic Actions will address more than one Strategic Issue. It is suggested that Board devote time on the agenda of up-coming Board meetings for this task.

Final Note from the Facilitator:

It was a pleasure for me to help facilitate the important task of charting the future direction of your agency. I wish you the very best success as you continue to carry out your mission and the mandates you have been given. Please contact me if I can be of further assistance.

Don Buckhout
218-744-4482
Don.Buckhout@dnr.state.mn.us

BOARD RETREAT FOLLOW-UP

Whereas, the Board met in November 2006 for a two-day workshop to identify issues, review stakeholder input, and begin to set broad priorities; and

Whereas, the information and analysis from the November 2006 workshop has been compiled; and

Whereas, the Strategic Plan for the Minnesota Board of Water and Soil Resources adopted in 1997 has served the agency well; and

Whereas, Board membership over the intervening years since 1997 has changed such that only one currently serving member of the Board participated in the development of the 1997 Plan; and

Whereas, the regulatory, fiscal, conservation, and policy matters the Board is responsible for have evolved since 1997; and

Whereas, it is anticipated that significant policy and implementation efforts are upcoming in the areas of wetlands, public ditches, conservation easements, local government oversight, and impaired waters, among others.

Now Therefore, The Board hereby directs the Public Relations and Outreach Committee and staff to undertake the following actions:

a) develop a schedule and process plan that builds on the November workshop findings
b) gather further input from stakeholders and other Board members, and
c) provide a preliminary draft for Board review by September 2007 and a final draft for consideration by the end of 2007.



Randy Kramer, Chair

2-28-07

February 28, 2007

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Now Therefore, The Board hereby directs the Public Relations and Outreach Committee and staff to undertake the following actions:

develop

a) ~~convene and engage the services of an outside facilitator,~~
b) develop a schedule and process plan that builds on the November workshop findings
c) gather further input from stakeholders and other Board members, and
d) provide a preliminary draft for Board review by September 2007 and a final draft for consideration by the end of 2007.

_____ _____

Randy Kramer, Chair February 28, 2007

= Revisions

BOARD OF WATER AND SOIL RESOURCES
COMMITTEES
February 21, 2007 (draft)

ADMINISTRATIVE ADVISORY COMMITTEE

Membership:	Randy Kramer, chair	citizen
	Paul Brutlag, vice-chair	citizen
	Louise Smallidge	soil & water conservation district
	Kay Cook	watershed district/WMO
	LuAnn Tolliver	watershed district/WMO
	John Jaschke	staff
	Mary Jo Anderson	staff

Responsibility:

The administrative advisory committee consists of the Board's chair and vice-chair and the chairs of the Board's standing subcommittees. The administrative advisory committee will make evaluations and recommendations to the Board on various Board issues including ethics; expenses/per diem; bylaws; and legislation and budgets. The Administrative Advisory Committee will act as the personnel committee for personnel actions relating to the Board's executive director. The chairman may include additional members ad hoc to address special or unique topics or issues.

Meetings: The committee will meet at the call of the chair.

GRANTS PROGRAM AND POLICY COMMITTEE

Membership:	Louise Smallidge, chair	soil & water conservation district
	Dana Allen	citizen
	Brian Kletscher	county commissioner
	Bob Burandt	soil & water conservation district
	Paul Langseth	soil & water conservation district
	Gene Tiedemann	watershed district/WMO
	Joe Martin	Department of Agriculture
	Lisa Thorvig	Pollution Control Agency
	Wayne Zellmer	staff lead
	Doug Thomas	SMT staff

Responsibility:

The committee is responsible for reviewing cost-share, non-point engineering, clean water legacy, natural resources block grants, local

water management challenge grants and services grants allocations, policies, and rules and making recommendations to the Board.

Meetings:

The committee will meet at least two times a year; once prior to the June allocation of cost-share (feedlots, general and special projects); non-point engineering; and services grants.

DISPUTE RESOLUTION COMMITTEE (DRC)

Membership:	Randy Kramer, chair	citizen
	Paul Brutlag	citizen
	Kay Cook	watershed district/WMO
	Quentin Fairbanks	county commissioner
	Louise Smallidge	soil & water conservation district
	Jim Haertel	staff lead

Responsibility:

The DRC is responsible for appeals relating to the Wetland Conservation Act rule decisions of local governments, watershed district rule and permit decision appeals, and, under MS103A.301, determinations of water law and policy. The authority of the DRC is established in statute and assigned to the DRC by the Board. Under current guidelines the DRC receives the appeals; hears the issues; and makes recommendations to the Board.

Meetings:

The Committee will meet as needed to process appeals that have been filed with the Board.

PUBLIC RELATIONS, OUTREACH AND STRATEGIC PLANNING COMMITTEE

Membership:	Kay Cook, chair	watershed district/WMO
	LuAnn Tolliver	watershed district/WMO
	Dana Allen	citizen
	Brian Napstad	county commissioner
	Paul Langseth	soil & water conservation district
	Wayne Edgerton	Department of Natural Resources
	Jim Anderson	Minnesota Extension Service
	Jon Fure	staff lead
	Steve Woods	SMT staff

Responsibility:

The Public Relations, Outreach and Strategic Planning Committee is responsible for the development of strategic and outreach strategies and

plans for the Board including identification of key outcomes, partnerships and opportunities.

Meetings: *Committee will meet twice a year or at the call of the chair.*

WATER PLANNING and COMPREHENSIVE WETLAND PLAN REVIEW COMMITTEES: NORTHERN/SOUTHERN/METRO

Membership: The committee consists of Board Members from the BWSR administration regions – metro, north, and south.

Chairs: *north – Quentin Fairbanks*
south – Brian Kletscher
metro – Bob Burandt

North (4)	**South (4)**	**Metro (3)**
Quentin Fairbanks - CC	Brian Kletscher – CC	Bob Burandt – SWCD
Paul Brutlag – CIT	Dana Allen – CIT	Louise Smallidge – SWCD
Kay Cook – WD	Randy Kramer – CIT	LuAnn Tolliver – WD
Brian Napstad – CC	Paul Langseth – SWCD	Jim Anderson – MES
Gene Tiedemann – WD	Joe Martin – MDA	Lisa Thorvig – PCA
Wayne Edgerton – DNR	Dan Wilson – MDH	Steve Woods, SMT staff
Ron Shelito, SMT staff	Jeff Nielsen, SMT staff	

Responsibility:

The committee has the responsibility to review county water plans, water management organization plans, watershed district overall plans, comprehensive wetland plans, and amendments to same and to advise the Board on the adequacy of the plans.

Meetings:

*The committee will meet as necessary to review the local plans and amendments. A **majority** of the committee members must be present. The BWSR northern, southern, and metro regional supervisors will coordinate meeting schedules with members.*

CC = county commissioner
CIT = citizen
SWCD = soil and water conservation district
WD = watershed district

WETLANDS COMMITTEE

Membership:	LuAnn Tolliver, chair	watershed district/WMO
	Paul Brutlag	citizen
	Bob Burandt	soil and water conservation district
	Kay Cook	watershed district/WMO
	Brian Kletscher	county commissioner
	Brian Napstad	county commissioner
	Gene Tiedemann	watershed district/WMO
	Wayne Edgerton	Department of Natural Resources
	Joe Martin	Department of Agriculture
	Lisa Thorvig	Pollution Control Agency
	WCA Coordinator	vacant, staff lead
	Dave Weirens	SMT staff

Responsibility:

The Wetlands Committee is responsible for reviewing Wetland Conservation Act (WCA) and wetland banking rules, policies, guidelines and projects and making recommendations to the Board.

Meetings: The committee will meet twice during the year or at the call of the chair.

STATUTORY COMMITTEES

Committee: Committee on Wells and Borings

Membership: Eric Morhing, staff lead; Board members assigned by Chairman as needed

Responsibility:

Interest and availability with regard to Advisory Council on Wells and Borings and Pesticide Advisory Committee. Policy issues will be brought before the Borad for discussion as a new business agenda item.

Meetings: The committee will meet when necessary.

GENERAL COMMITTEE MEETING SCHEDULE

*The Board has adopted a resolution that **committees shall schedule meetings in conjunction with monthly Board meetings as much as possible.** A majority of each committee's membership should be available for a scheduled meeting. The committee chair and staff are expected to develop an agenda and staff are responsible for keeping minutes of the committee proceedings. The committee meetings are considered to be **public meetings** under the open meeting law and therefore must be noticed in the same manner as regular board meetings. All committee agendas should be e-mailed to Mary Jo Anderson for appropriate notice posting.*

Advisory members have offered to serve and may serve on BWSR committees as non-voting members and provide assistance as needed.

Advisory members:

Local Government Partners

- *Association of Minnesota Counties (AMC) – Annalee Garletz*
- *Minnesota Association of Conservation District Employees (MACDE) – Brian Watson/Rick Reimer*
- *Minnesota Association of Soil & Water Conservation Districts (MASWCD) – LeAnn Buck*
- *Minnesota Association of Townships (MAT) – Sandy Hooker*
- *Minnesota Association of Watershed Districts (MAWD) – Ray Bohn*
- *Minnesota County Planning and Zoning Administrators (MCPZA) – Norman Craig*
- *League of Minnesota Cities (LMC) - Jim Miller*

Federal Partners

- *U.S. Army Corps of Engineers (USCoE) – Bob Whiting*
- *U.S. Fish and Wildlife Service (USF&WS) – Robyn Thorson, Regional Director*
- *USDA Farm Services Agency (FSA) – Perry Aasness*
- *USDA Natural Resources Conservation Service (NRCS) – Tim Koehler*

State Agencies

- *Met Council – Peter Bell*
- *Minnesota Department of Transportation (MNDOT) – Carol Molnau, Lieutenant Governor*

Interest Partners

- *Audubon Society of Minnesota – Ken Finch, Executive Director*
- *Builders Association – Nate Duer*
- *Fish and Wildlife Legislative Alliance – Lance Ness*
- *Izaak Walton League – Gary Schwartz*
- *Mining Industry Association of Minnesota – Wayne Brandt*
- *Minnesota Agri-Growth Council – Daryn McBeth*
- *Minnesota Association of Realtors – Glen Dorfman*
- *Minnesota Barley Research & Promotion Council – Marv Zutz, Executive Director*
- *Minnesota Cattlemen's Association – Steve Brake, President*
- *Minnesota Center for Environmental Advocacy – Mark TenEyck*
- *Minnesota Conservation Federation – Gary Botzek*
- *Minnesota Corn Growers Association – Bruce Stockman, Executive Director*
- *Minnesota Ducks Unlimited -*
- *Minnesota Environmental Partnership – Steve Morse, Executive Director*
- *Minnesota Farm Bureau Federation – Kevin Paap, President*
- *Minnesota Farmers Union – Doug Peterson, President*
- *Minnesota Forest Industries & Timber Producers Association – Wayne Brandt*
- *Minnesota Land Trust – Jane Prohaska, Executive Director*
- *Minnesota Milk Producers Association – Bob Lefebvre*
- *Minnesota Pork Producers Association – Dave Preisler, Executive Director*
- *Minnesota Sierra Club – Judy Chucker, President*
- *Minnesota Soybean Growers Association – Jim Palmer, Executive Director*
- *Minnesota Turkey Growers Association – Steve Olson, Executive Director*
- *Minnesota Viewers Association – Ron Ringquist*
- *Minnesota Waterfowl Association – Jim Cox, President*
- *Minnesota Waters – Bruce Johnson*
- *Minnesota Wetland Bankers Association – Mary Mueller*
- *Minnesota Wetland Delineators Association*
- *Minnesota Wheat Growers Association – Dave Torgerson, Executive Director*
- *Pheasants Forever – Joe Duggan*
- *Property Rights Groups –*
- *Red River Valley Sugarbeet Growers, Nick Sinner, Executive Director*
- *The Nature Conservancy – Ron Nargang*
- *Urban Wetland Management Coalition – Cliff Aichinger*
- *Allete Minnesota Power - Keith Hansen*

BOARD OF WATER AND SOIL RESOURCES
COMMITTEES
February 21, 2007 ~~(draft)~~ 2/28/07

ADMINISTRATIVE ADVISORY COMMITTEE

Membership:	Randy Kramer, chair	citizen
	Paul Brutlag, vice-chair	citizen
	Louise Smallidge	soil & water conservation district
	Kay Cook	watershed district/WMO
	LuAnn Tolliver	watershed district/WMO
	John Jaschke	staff
	Mary Jo Anderson	staff

Responsibility:

The administrative advisory committee consists of the Board's chair and vice-chair and the chairs of the Board's standing subcommittees. The administrative advisory committee will make evaluations and recommendations to the Board on various Board issues including ethics; expenses/per diem; bylaws; and legislation and budgets. The Administrative Advisory Committee will act as the personnel committee for personnel actions relating to the Board's executive director. The chairman may include additional members ad hoc to address special or unique topics or issues.

Meetings: The committee will meet at the call of the chair.

GRANTS PROGRAM AND POLICY COMMITTEE

Membership:	Louise Smallidge, chair	soil & water conservation district
	Dana Allen	citizen
	Brian Kletscher	county commissioner
	Bob Burandt	soil & water conservation district
	Paul Langseth	soil & water conservation district
	Gene Tiedemann	watershed district/WMO
	Joe Martin	Department of Agriculture
	Lisa Thorvig	Pollution Control Agency
	Wayne Zellmer	staff lead
	Doug Thomas	SMT staff

Responsibility:

The committee is responsible for reviewing cost-share, non-point engineering, clean water legacy, natural resources block grants, local

water management challenge grants and services grants allocations, policies, and rules and making recommendations to the Board.

Meetings:

The committee will meet at least two times a year; once prior to the June allocation of cost-share (feedlots, general and special projects); non-point engineering; and services grants.

DISPUTE RESOLUTION COMMITTEE (DRC)

Membership:	Randy Kramer, chair	citizen
	Paul Brutlag	citizen
	Kay Cook	watershed district/WMO
	Quentin Fairbanks	county commissioner
	Louise Smallidge	soil & water conservation district
	Jim Haertel	staff lead

Responsibility:

The DRC is responsible for appeals relating to the Wetland Conservation Act rule decisions of local governments, watershed district rule and permit decision appeals, and, under MS103A.301, determinations of water law and policy. The authority of the DRC is established in statute and assigned to the DRC by the Board. Under current guidelines the DRC receives the appeals; hears the issues; and makes recommendations to the Board.

Meetings:

The Committee will meet as needed to process appeals that have been filed with the Board.

PUBLIC RELATIONS, OUTREACH AND STRATEGIC PLANNING COMMITTEE

Membership:	Kay Cook, chair	watershed district/WMO
	LuAnn Tolliver	watershed district/WMO
	Dana Allen	citizen
	Brian Napstad	county commissioner
	Paul Langseth	soil & water conservation district
	Wayne Edgerton	Department of Natural Resources
	Jim Anderson	Minnesota Extension Service
	Jon Fure	staff lead
	Steve Woods	SMT staff

Responsibility:

The Public Relations, Outreach and Strategic Planning Committee is responsible for the development of strategic and outreach strategies and

plans for the Board including identification of key outcomes, partnerships and opportunities.

Meetings: Committee will meet twice a year or at the call of the chair.

WATER PLANNING and COMPREHENSIVE WETLAND PLAN REVIEW COMMITTEES: NORTHERN/SOUTHERN/METRO

Membership: The committee consists of Board Members from the BWSR administration regions – metro, north, and south.

Chairs: *north – Quentin Fairbanks*
south – Brian Kletscher
metro – Bob Burandt

North (4)
Quentin Fairbanks - CC
Paul Brutlag – CIT
Kay Cook – WD
Brian Napstad – CC
Gene Tiedemann – WD
Wayne Edgerton – DNR
Ron Shelito, SMT staff

South (4)
Brian Kletscher – CC
Dana Allen – CIT
Randy Kramer – CIT
Paul Langseth – SWCD
Joe Martin – MDA
Dan Wilson – MDH
Jeff Nielsen, SMT staff

Metro (3)
Bob Burandt – SWCD
Louise Smallidge – SWCD
LuAnn Tolliver – WD
Jim Anderson – MES
Lisa Thorvig – PCA
Steve Woods, SMT staff

Responsibility:

The committee has the responsibility to review county water plans, water management organization plans, watershed district overall plans, comprehensive wetland plans, and amendments to same and to advise the Board on the adequacy of the plans.

Meetings:

*The committee will meet as necessary to review the local plans and amendments. A **majority** of the committee members must be present. The BWSR northern, southern, and metro regional supervisors will coordinate meeting schedules with members.*

CC = county commissioner
CIT = citizen
SWCD = soil and water conservation district
WD = watershed district

WETLANDS COMMITTEE

Membership:	LuAnn Tolliver, chair	watershed district/WMO
	Paul Brutlag	citizen
	Bob Burandt	soil and water conservation district
	Kay Cook	watershed district/WMO
	Brian Kletscher	county commissioner
	Brian Napstad	county commissioner
	Gene Tiedemann	watershed district/WMO
	Wayne Edgerton	Department of Natural Resources
	Joe Martin	Department of Agriculture
	Lisa Thorvig	Pollution Control Agency
	WCA Coordinator	vacant, staff lead
	Dave Weirens	SMT staff

Responsibility:

The Wetlands Committee is responsible for reviewing Wetland Conservation Act (WCA) and wetland banking rules, policies, guidelines and projects and making recommendations to the Board.

Meetings: The committee will meet twice during the year or at the call of the chair.

STATUTORY COMMITTEES

Committee: Committee on Wells and Borings

Membership: Eric Morhing, staff lead; Board members assigned by Chairman as needed

Responsibility:

Interest and availability with regard to Advisory Council on Wells and Borings and Pesticide Advisory Committee. Policy issues will be brought before the Borad for discussion as a new business agenda item.

Meetings: The committee will meet when necessary.

GENERAL COMMITTEE MEETING SCHEDULE

The Board has adopted a resolution that ***committees shall schedule meetings in conjunction with monthly Board meetings as much as possible.*** *A majority of each committee's membership should be available for a scheduled meeting. The committee chair and staff are expected to develop an agenda and staff are responsible for keeping minutes of the committee proceedings. The committee meetings are considered to be* ***public meetings*** *under the open meeting law and therefore must be noticed in the same manner as regular board meetings. All committee agendas should be e-mailed to Mary Jo Anderson for appropriate notice posting.*

Advisory members have offered to serve and may serve on BWSR committees as non-voting members and provide assistance as needed.

Advisory members:

Local Government Partners

- *Association of Minnesota Counties (AMC) – Annalee Garletz*
- *Minnesota Association of Conservation District Employees (MACDE) – Brian Watson/Rick Reimer*
- *Minnesota Association of Soil & Water Conservation Districts (MASWCD) – LeAnn Buck*
- *Minnesota Association of Townships (MAT) – Sandy Hooker*
- *Minnesota Association of Watershed Districts (MAWD) – Ray Bohn*
- *Minnesota County Planning and Zoning Administrators (MCPZA) – Norman Craig*
- *League of Minnesota Cities (LMC) - Jim Miller*

Federal Partners

- *U.S. Army Corps of Engineers (USCoE) – Bob Whiting*
- *U.S. Fish and Wildlife Service (USF&WS) – Robyn Thorson, Regional Director*
- *USDA Farm Services Agency (FSA) – Perry Aasness*
- *USDA Natural Resources Conservation Service (NRCS) – Tim Koehler*

State Agencies

- *Met Council – Peter Bell*
- *Minnesota Department of Transportation (MNDOT) – Carol Molnau, Lieutenant Governor*

Interest Partners

- *Audubon Society of Minnesota – Ken Finch, Executive Director*
- *Builders Association – Nate Duer*
- *Fish and Wildlife Legislative Alliance – Lance Ness*
- *Izaak Walton League – Gary Schwartz*
- *Mining Industry Association of Minnesota – Wayne Brandt*
- *Minnesota Agri-Growth Council – Daryn McBeth*
- *Minnesota Association of Realtors – Glen Dorfman*
- *Minnesota Barley Research & Promotion Council – Marv Zutz, Executive Director*
- *Minnesota Cattlemen's Association – Steve Brake, President*
- *Minnesota Center for Environmental Advocacy – Mark TenEyck*
- *Minnesota Conservation Federation – Gary Botzek*
- *Minnesota Corn Growers Association – Bruce Stockman, Executive Director*
- *Minnesota Ducks Unlimited -*
- *Minnesota Environmental Partnership – Steve Morse, Executive Director*
- *Minnesota Farm Bureau Federation – Kevin Paap, President*
- *Minnesota Farmers Union – Doug Peterson, President*
- *Minnesota Forest Industries & Timber Producers Association – Wayne Brandt*
- *Minnesota Land Trust – Jane Prohaska, Executive Director*
- *Minnesota Milk Producers Association – Bob Lefebvre*
- *Minnesota Pork Producers Association – Dave Preisler, Executive Director*
- *Minnesota Sierra Club – Judy Chucker, President*
- *Minnesota Soybean Growers Association – Jim Palmer, Executive Director*
- *Minnesota Turkey Growers Association – Steve Olson, Executive Director*
- *Minnesota Viewers Association – Ron Ringquist*
- *Minnesota Waterfowl Association – Jim Cox, President*
- *Minnesota Waters – Bruce Johnson*
- *Minnesota Wetland Bankers Association – Mary Mueller*
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Renewable Fuels and Minnesota



How We Got to Where We are Today

The Beginning Stages:

- **Producer Payments:**
  In 1986, the MN Legislature enacted legislation to provide payments to owners of MN ethanol plants.
- **E10:**
  In 1991, the legislature passed a law requiring all gasoline sold in MN to contain 10 % ethanol (E10). The law became effective in 1997.
- **Loan Programs:**
  Direct and low-interest loans have been made available to ethanol plants for assistance in construction and early production phases.
- **Biodiesel Requirement (B2):**
  In 2002, the legislature passed legislation requiring that all diesel fuel sold in the state must contain at least 2 % biodiesel by 2005.

Actions Taken Under Gov. Pawlenty's Watch

- **E20:**
  In 2005 Gov. Pawlenty signed historic legislation requiring 20 percent of our state's gasoline to be blended with ethanol (E20).
- **Retailer Incentives:**
  Legislation was also signed into law by Gov. Pawlenty in 2005 providing grants to reimburse gas station owners who install E85 pumps along with requiring that automakers provide written notice to consumers that new fuel flex vehicles can run on E85.
- **Job Opportunity Building Zones (JOBZ):**
  Four ethanol plants have signed JOBZ agreements since the program began in January 2004.

Renewable Program Goals

- Build a new market for the state's largest crop
- Develop ethanol production facilities in MN.
- Increase the number of farmer-owned plants.
- Replace 10 percent of imported petroleum we use for gasoline.

Results

- 200 million bushels of corn (20 percent of Minnesota crop) is made into ethanol, livestock food and other products.
- 39 million bushels of soybeans (13 percent of MN's soybean crop) is made into biodiesel
- MN's 16 ethanol plants and 3 biodiesel plants can produce over 550 million gallons and 60 million gallons respectively.
- 12 of MN's 16 ethanol plants are farmer-owned.
- MN has over 300 E85 stations.



"We cannot, as a strategic plan for the future, just . . . experience the cost crisis, the environmental impacts, and the supply questions that flow from just embracing the status quo. We need a different and better energy future."

-Minnesota Governor Tim Pawlenty
November 29, 2005

Minnesota

Leading the Nation to a Renewable Future

Leadership Milestones

- **First in per capita use of biodiesel & ethanol**
- **Fifth in ethanol production**
- **First in the number of E85 stations**
- **First in biodiesel production**

Production and Consumption

- Minnesota produced 550 million gallons of ethanol from 16 plants in 2006.
- About 260 million gallons were consumed in MN. The state's net ethanol export was 290 million gallons.
- Minnesota would need to produce only a 14 million gallons or 3 percent increase over the 2006 production level to meet the E20 requirement by 2013.
- Minnesota's 2007 ethanol production is projected to reach 620 million gallons.
- By 2008, ethanol production is projected to be at 1 billion gallons.

Source: AMS, MDA

Ethanol Plants in Minnesota

February 2007

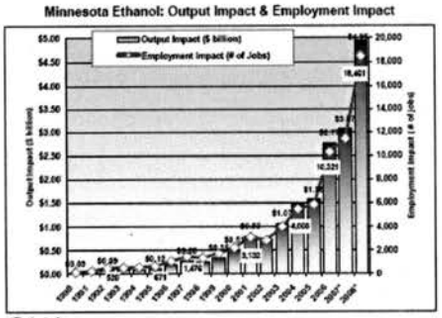


www.mda.state.mn.us/ethanol

Economic Impact

- In 2002, MN's ethanol industry generated over $700 million in total economic impact and resulted in over 2,800 jobs.
- In 2004, total economic impact was $1.4 billion with over 5,500 jobs created.
- At 2006 production levels, total economic impact was nearly $2.8 billion with over 10,300 jobs.
- At 2008 projected levels of 1 billion gallons, it is estimated that the economic impact will be $4.95 billion with over 18,400 jobs.

Minnesota Ethanol: Output Impact & Employment Impact

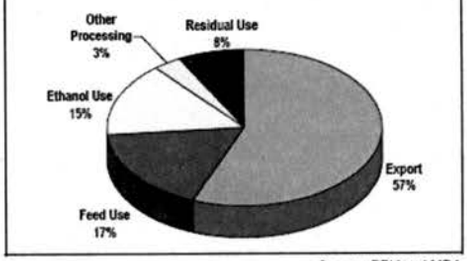


*Projected

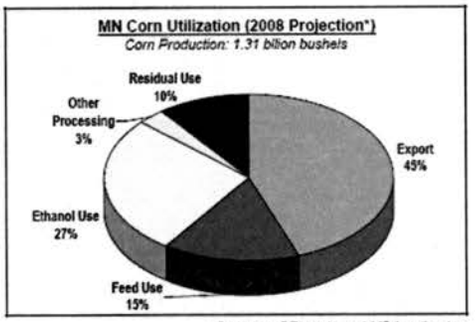
Source: AMS, MDA

MN Corn Utilization (2006)

Corn Production: 1.13 billion bushels



Source: PRX and MDA



U.S. Ethanol Industry Today

- 113 plants in operation with the capacity to produce 5.6 billion gallons/year.
- With 78 plants are under construction, combined with 7 expansions, the industry's capacity will be increased by an additional 6.2 billion gallons.
- Total Projected Capacity: 11.83 billion gallons/year.

Source: Renewable Fuels Association

The Future

- Increase efficiencies
- Improve Genetics
- Corn Oil Extraction
- Biomass Gasification
- Cellulosic Ethanol

CLEAN ENERGY MINNESOTA

Developing an Advanced Biofuels Industry in Minnesota

BIOFUELS BASICS

The nation's vast appetite for liquid fuels to power our cars, trucks, trains and airplanes dominates energy issues in the United States. Currently, transportation fuels are almost exclusively derived from oil; yet,, biofuels are a growing share of the market. The United States now has the capacity to produce 5.5 billion gallons of ethanol per year, with an additional 6 billion gallons per year under construction or planned. If all planned facilities are completed, the ethanol production would still be only a small percentage of our nation's current gasoline consumption. Advanced biofuels made from plant fibers (cellulosic feedstocks) can expand the biofuel production potential to 60 billion gallons per year, a ten-fold increase over current levels.

Cellulosic ethanol represents the best opportunity for replacing petroleum with a renewable fuel while improving national, economic and environmental security. And if combined with significant advances in auto sector energy-efficiency and transportation planning, there is the real possibility of eliminating U.S. dependence upon petroleum.

Biofuels: Liquid fuels that have been derived from organic, renewable resources—typically plants. Ethanol is the dominant biofuel, but others such as biodiesel made from animal fat or vegetable oil, are also available.

Ethanol: Ethanol is a two-carbon alcohol. Throughout history it has been used as a beverage with intoxicating properties. After a short-lived role as a fuel in the early 20th Century, it is again growing as a significant renewable fuel for motor vehicles. Virtually all U.S. ethanol is produced from starch found in grains, mostly corn. Sugar cane, sugar beets, wheat and milo (sorghum) are also used for ethanol production.

Cellulose: Cellulose is a complex carbohydrate that is the dominant component of the cell wall of green plants. In most plants the cellulose is also found interlinked with hemi-cellulose and lignin. Cellulosic feedstocks are diverse and include perennial energy crops, such as switchgrass and prairie grass mixtures; trees, especially fast growing varieties such as poplars and willow; crop and forest residues, including straw, corn stalks, and tree trimmings; and residues from food and industrial processing such as grain hulls and sawdust. While all of these sources are expected to be used for biofuel production, energy crops promise the highest potential benefit from both an energy production and environmental perspective, as these crops can also sequester carbon, reduce water pollution and erosion, and enhance biodiversity.

Cellulosic ethanol: Ethanol is ethanol. Cellulosic ethanol is simply ethanol produced from cellulose rich plant fiber rather than starch rich grains or simple sugars. Technologies to produce cellulosic ethanol are on the verge of widespread commercialization.

Advanced energy crop development should be introduced in conjunction with sustainability standards for their growing, harvesting, and processing. Stewardship criteria must be integrated from the beginning, for energy crops to provide their maximum expected environmental and local community benefits.

Center for Energy and Environment • Clean Water Action Alliance of Minnesota • Clean Up the River Environment • Fresh Energy • Institute for Agriculture and Trade Policy • Izaak Walton League of America–Midwest Office • Land Stewardship Project • Minnesota Center for Environmental Advocacy • Minnesota Project • Sierra Club North Star Chapter • Union of Concerned Scientists • Wind on the Wires • Windustry

CLEAN ENERGY MINNESOTA

Developing an Advanced Biofuels Industry in Minnesota

Technology to transform plant fibers (cellulosic biomass) into liquid biofuels, such as ethanol, is rapidly entering the marketplace. Rural Minnesota is well positioned, and can lead this emerging industry. Advanced biofuels will both move us towards greater energy independence, and contribute to the reduction in global warming pollution. Well managed development of this new industry will also improve water quality, wildlife habitat and rural economic development.

PROVIDE FUNDING FOR DEMONSTRATION PROJECTS

- *Cellulosic Bioenergy Incentives.* Production incentives to energy facilities using cellulosic biomass from agricultural lands for heat and/or power production. An additional incentive offered for perennial crops.
- *Cellulosic Biofuels Incentives.* Production incentives for liquid biofuels converted from cellulose, hemicellulose, and/or lignin to facilities with significant farmer ownership. An additional incentive offered for perennial crops.

ESTABLISH A CELLULOSIC BIOFUELS TARGET

- Clean Energy Minnesota proposes that one-quarter of the Minnesota Renewable Fuel Standard be designated for cellulosic biofuels.

DEVELOP A SUSTAINABLE PERENNIAL BIOMASS SUPPLY AND STANDARDS

Establishing a RIM-CE (Reinvest in Minnesota –Clean Energy) program will provide long-term contracts to farmers for sustainable growing and harvesting of native, perennial, bioenergy crops on agricultural lands.

- *Technical Committee.* To establish growing/harvesting standards that ensure public benefits including water quality, soil health, reduction of chemical inputs, carbon storage strategies, biodiversity and wildlife habitat.
- *Easement Payments* will reduce farmer risk and support cropping systems that provide important public benefits and encourage the establishment of bioenergy crops.
- *Capital Equipment Loans.* A revolving loan fund to support investment in capital equipment required for crop establishment, harvest or transport as part of a supply development strategy.

PROVIDE MONITORING, RESEARCH, AND TECHNICAL ASSISTANCE

- Funding for business development assistance, technical assistance and research/monitoring to verify and ensure water quality, soil carbon storage, biological diversity, wildlife and habitat impacts and benefits of biomass production, and to permit periodic revisions of biomass incentive programs, guidelines, and standards.

For more information on Clean Energy Minnesota: Nancy Lange, nlange@iwla.org, 651-649-1446
For more information on Clean Energy Minnesota's biofuel platform: Don Arnosti, darnosti@iatp.org, 612-718-3626; Diane Jensen, djensen@mnproject.org, 651.645.6159; Bobby King, bking@landstewardshipproject.org, 612-722-6377; Shalini Gupta, sgupta@iwla.org, 651-649-1446; www.cleanenergyminnesota.org/newfuels.htm

Governor Pawlenty's NextGen BioEnergy Initiatives

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1) **Gasification Grants—$10 million for the biennium**

These grants would be administered by the Department of Agriculture and an oversight panel. Entities would be eligible for grants to promote the installation of gasification technologies and to lessen dependency on fossil energy. The goal of these grants is to have current energy facilities offset natural gas usage, and build the "thermal platform" from which to start producing NextGen fuels, such as synthetic gases or liquid fuels.

Gasification means the conversion of a feedstock (biomass) to a combustible gas or liquid fuel. This process is completed via thermal decomposition of organic matter (grasses, corn stover, syrups, wood products, straw, etc.) in the absence or very small amount of air.

Grants will be awarded on a competitive process adopted by the commissioner of the agriculture with advice from the panel. A grant may pay up to 20% of the total project cost with a minimum of $50,000 and a maximum of $500,000 award to each applicant. Inventor cost-share must be at least 50%, and applicant's facilities must be at least 51% Minnesota-resident owned. Project applications must have a qualified engineer-certification on the technology and fuel source. Those awarded shall provide reports at the request of the commissioner of agriculture.

2) **Commitment of $90 million from 2010-2020—Formation of NextGen Energy Board**

A NextGen Energy Board will be organized, consisting of the commissioner of the department of agriculture, the commissioner of the department of commerce, the commissioner of the pollution control agency, the commissioner of the department of employment and economic development, and two members of the senate and two members of the house of representatives appointed by the chairs of the committees overseeing agriculture finance.

The Board's charge is to research and report to the commissioner of agriculture and to the legislature recommendations as to how the state can invest the appropriations to most efficiently achieve energy independence.

The board will at least:
*Examine the future of fuels such as synthetic gases, biobutanol, hydrogen, methanol, diesel, and ethanol within Minnesota;
*Study the proper role of the state in creating financing, investing and providing incentives;

*Evaluate how state and federal programs, including the Farm Bill, can best work together and leverage resources; and
*Report to the legislation before February 1, 2008 as to recommendations as to appropriations, legislation and results of past actions and projects.

3) $12 million in FY08 for E-85 Everywhere

Governor recommends a five-fold expansion of Minnesota retail service stations selling E-85 fuel, moving from the current 300 stations to 1,800 by the end of 2010. The Department of Commerce will administer the grant program. Prior grants have ranged from $2,000 to $15,000—the average amount is $8,000.

4) $10 million for the biennium for NextGen Energy Research

The Department of Agriculture, Commerce, and Pollution Control agency would award cost-share grants for renewable energy research projects. Entities such as, the University of Minnesota, the Minnesota State College and University system, the Agriculture Utilization and Research Institute, and other would be encouraged to apply.

5) $5 million for the biennium for 25X25 Renewable Electricity Grants

The Department of Commerce would award grants for:

*Cost-share for on-farm methane digesters or other energy production projects
-$500,000 each year for capital grants, with the goal of five additional on-farm digesters in the next two years. These grants would complement the current availability of the 1.5 cent per kilowatt hour production incentive.

*Solar energy rebate program
-$500,000 each year to rebate up to $2 per watt for solar power systems up to ten kilowatts ($20,000 max).

*Community energy outreach program
-$500,000 each year for Clean Energy Resource Teams (CERTS) to provide technical assistance to communities interested in renewable energy projects.

*Technical analysis and demonstration for E-85 plug-in hybrid cars in cold weather
-$1 million each year

Posted on Sat, Feb. 24, 2007

State considers $100M in biofuel incentives

BY TOM WEBB
Pioneer Press

Buoyed by the state's success in launching a corn-based ethanol industry, state officials are planning a $100 million, 12-year push to keep Minnesota at the forefront of the fast-changing biofuels revolution.

The two-pronged state plan calls for $10 million in grants to encourage ethanol producers to convert today's natural-gas-fired plants to biomass power. Next would come $90 million in incentives, spread over 10 years, for making next-generation biofuels, including ethanol from plant waste.

"I don't like to call it 'producer payments,' like what we've got for ethanol now, but it would be an ongoing incentive for those facilities that produce ethanol from cellulosic material," said Gene Hugoson, Minnesota's agriculture commissioner, on Friday.

The Pawlenty administration is eager to promote next-generation biofuels — as the state did in the '80s and '90s with corn ethanol — but Hugoson noted that both science and federal policy are changing rapidly. So officials want to defer decisions on the $90 million part of the plan until next year, after the U.S. Congress has completed a new farm bill and the emerging science may be a bit clearer.

Making ethanol from plant residue is technologically possible now, but it's not economical. Other emerging biofuels also show promise — including synthesis gases, butanol, methanol and hydrogen.

"It's so new, it's so exciting that people are going all over the place, and every week you hear of a new idea," Hugoson said. "Maybe some of it is nothing more than snake oil, but we could be sitting on the next Microsoft-type operation."

In the future, however, state incentives aren't likely to be as generous as in the past. State taxpayers are still paying corn-ethanol producers up to $3 million a year per factory, even though ethanol is now hugely profitable. In the future, incentives probably will be phased out if biofuel prices soar.

"It's sort of a safety-net approach," Hugoson said. "We're giving assurances to the lending institutions that these plants can make it," should oil prices plunge.

Officials from the state Agriculture Department, Commerce Department and the Legislature also have discussed how to structure incentives, Hugoson said. One idea: Base the incentives on BTUs produced. Another idea: Reward not just production, but energy-efficiency, too.

Minnesota's state incentives in the '80s and '90s built an ethanol industry here, where previously there was none, and it rewarded farmer-ownership of the factories. Today, Minnesota's 16 plants can produce 620 million gallons of ethanol a year, and production could top the 1 billion gallon mark by next year.

"In one sense, we feel vindicated, because the things Minnesota was saying all along are now being grasped and run with in other states, and other countries," Hugoson said. "But as the governor has said, we're not going to rest on our laurels. We know progress does not stand still."

Tom Webb can be reached at twebb@pioneerpress.com or 651-228-5428.

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CVEC

FRONTLINE
BIOENERGY, LLC
Renewable Energy & Chemicals

PRESS RELEASE:
December 12, 2005

For Immediate Release

CVEC Announces Alliance with Frontline BioEnergy, LLC

New Company to Commercialize Biomass Gasification Technologies

On December 12th, Chippewa Valley Ethanol Company, LLLP announced a research and development agreement with Frontline BioEnergy, LLC, a new Iowa company that specializes in biomass gasification technologies.

Under the terms of the agreement, CVEC agrees to purchase approximately $15 million of services, equipment, and materials from Frontline to support the installation of prototype gasification systems at CVEC's Benson, Minnesota ethanol plant. The project funding and development will be staged through three phases over a projected three year period. The objective of the development project is to replace essentially all of the CVEC's natural gas energy requirements.

"I really like the idea of replacing natural gas and reducing CVEC's operating costs with a renewable resource like the corn stover that's available on my farm" said Dan Benson, board member of CVEC.

In consideration for its commitment to fund the design, construction and startup of these prototype systems, CVEC has received an equity ownership position in Frontline BioEnergy, LLC. The three original Frontline principals, John Reardon, MS ChE, Norman Reese, M.Eng. PE and Jerod Smeenk, MS ME represent the other major owners of the new Frontline BioEnergy, LLC.

CVEC will be responsible for developing systems to supply its own feedstocks to the gasification systems. The prototype gasifiers will be designed to operate on a range of biomass feedstocks including corn stover, distillers dried grains, corn, wheat straw and wood wastes.

"CVEC's demonstrated commitment to innovative solutions for their ethanol facility is an excellent fit with Frontline's technology. We believe that this partnership will provide new sources of revenue to CVEC members and other area agricultural producers as CVEC begins to use corn stover and other forms of local biomass as energy inputs" said Norman Reese, Manager of Frontline BioEnergy.

Bill Lee, CVEC General Manager, said "the Frontline team combines highly advanced process concepts with real hands-on experience. We are very excited to collaborate with Frontline in developing these new technologies. The immediate benefit will be a cost effective alternative to natural gas inputs which will cost CVEC about $20 million this year. We also see longer term benefits as we firmly believe that biomass gasification will be an integral unit operation in the biorefinery of the future."

Frontline has valued the unique talent and specialized gasification facilities at the Iowa State University through research and development subcontracts in the past and plans on continued collaboration as Frontline pursues its stated Mission Statement **"To lead the nation in biomass gasification solutions for energy and products".**

CVEC intends to assist Frontline in developing and demonstrating biomass gasification technologies and in marketing the technologies to ethanol plants and other industrial processors. Frontline and CVEC also share a strong commitment to collaborate on future research to develop syngas-to-products technologies based upon biomass gasification.

Gasification is a promising new technology for converting solid carbonaceous materials directly into a combustible gas (synthesis gas or syngas) that can be combusted like natural gas. With further processing, syngas can be converted into ethanol and other products, providing bio-based alternatives for an array of petroleum-based chemicals. Gasification can provide advantages over conventional combustion technologies in conversion efficiencies, emissions and process flexibility.

Frontline BioEnergy, LLC, a new company located in Ames, Iowa is the successor of Colorado-based Frontline BioEnergy, Inc. For more information about Frontline Bioenergy, LLC, its principals, its processes and its vision, logon to frontlinebioenergy.com

Chippewa Valley Ethanol Company (CVEC) is a 45 MM gpy corn dry mill ethanol plant located in Benson, Minnesota. One of the longest-tenured of the cooperative ethanol facilities, the CVEC organization has built a reputation for its ethanol policy leadership and for expanding the boundaries of farmer-owned ethanol with its innovative processes and marketing programs. For more information about CVEC logon to cvec.com

Minnesota House of Representatives
House Research

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House Research Bill Summary

File Number: H.F. 589
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Status: Agriculture, Rural Economies and Veterans Affairs Policy

Authors: Peterson, A. and others

Subject: Cellulosic energy production

Analyst: Colbey Sullivan, 651-296-5047

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

Overview

The bill establishes a suite of new initiatives to speed the development of locally-owned biofuel and other bioenergy facilities that derive energy from perennial plants.

Section

1 **Renewable energy capital equipment loans.** Directs the Department of Agriculture to establish a renewable energy revolving loan program and make capital equipment loans to persons participating in the land easement program in section 4 and other persons using native perennials for energy or seed production. Directs the department, in consultation wi the advisory committee created in section 4, to establish loan guidelines.

2 **Cellulosic biofuel** development . Sets a cellulosic ethanol production goal and creates a tiered cellulosic biofuel producer payment program.

Subd. 1. Appropriation. Creates an open appropriation to fully fund the producer payments.

Subd. 2. Definitions. Defines several terms including "cellulosic biofuel," "perenni crops," "native species," and "eligible biofuel producer."

Subd. 3. Cellulosic biofuel production goal. Establishes a goal that by 2015 (or when 60 million gallons of cellulosic ethanol is produced in Minnesota), 1/4 of the ethanol used in the state will come from cellulosic sources.

Subd. 4. Cellulosic biofuel producer payments. Requires the department to pay

eligible cellulosic biofuel producers that began production before July 1, 2012. (Eligible producers are those (a) with at least 60 percent of the ownership interest ar 70 percent of the governance rights held by persons in the same county as the facilit or in adjoining counties and (b) at least 50 percent of the required local ownership and governance rights held by persons providing the cellulosic feedstock.)

Authorizes a first tier of ten years of payments, per producer, at 20¢ per gallon for tl first 15 million gallons produced annually. Establishes a second tier of ten years of 30¢/gallon payments for producers who begin producing by June 30, 2015 and meet certain standards to be developed and updated periodically by a Board of Water and Soil Resources-appointed committee (see section 4). Limits annual payments for all eligible producers under both tiers to $27 million.

Establishes a clawback provision for producers who fail to meet the local ownership requirements within ten years of receiving their final payment. Allows payment on certain production capacity increases. Establishes reporting requirements. States tha producers receiving payments via the program in section 3 are not eligible for cellulosic biofuel producer payments.

3 **Bioenergy production incentive.** Creates a bioenergy (i.e. commercial heat, industrial process heat, or electrical power from perennial, native crops) producer payment program.

Subd. 1. Appropriation. Creates an open appropriation to fund the producer payments.

Subd. 2. Definitions. Links to the definitions in section 2 and defines several new terms including "bioenergy production," "bioenergy crops" and "project area."

Subd. 3. Bioenergy producer payments. Requires the department to pay $1.50 per million Btu produced to eligible bioenergy producers who began production by Jun 30, 2010. Calls for ten years of payments and an annual per producer cap of $2.5 million. Limits annual payments to all producers to $11 million. Allows payment or certain production capacity increases. States that producers receiving payments via the program in section 2 are not eligible for bioenergy producer payments.

4 **Reinvest in Minnesota clean energy program.** Creates a technical committee to assist th Board of Water and Soil Resources (BWSR) in establishing a Reinvest in Minnesota (RIM program that devotes agricultural land to the cultivation of cellulosic perennials.

Subd. 1. Establishment of program. Directs BWSR to establish and administer the program in conjunction with a technical committee made up of representative from several state agencies and other public and private stakeholders. Specifies criteria fo the selection of land.

Subd. 2. Eligible land. Defines the features of eligible land.

Subd. 3. Designation of project areas. Directs BWSR to develop a process to designate project areas using specific criteria.

Subd. 4. Easements. Authorizes BWSR to acquire easements of a permanent or limited nature (at least 20 years) and exempts the negotiation and acquisition of easements from certain state contracting provisions.

Subd. 5. Nature of property rights acquired. Establishes easement terms, includir prohibited activities.

Subd. 6. Agreements by landowner. Specifies terms to which the landowner must agree.

Subd. 7. Payments for easements. Directs BWSR to develop a tiered payment system based on specific environmental factors and requires that the highest per-acr payment be for mixed perennials.

Subd. 8. Easement renewal. Allows for renewal of easement agreements upon expiration. Allows BWSR to adjust payment rates at point of renewal, subject to certain conditions.

Subd. 9. Correction of easement boundary lines. Allows BWSR, with approval o the attorney general, to correct errors in easement legal descriptions.

Subd. 10. Enforcement and damages. Prescribes damages for landowners who violate easement agreements.

Subd. 11. Technical committee. Requires BWSR to establish a technical committe to ensure that certain public benefits accompany bioenergy crop production on program lands.

5 **Appropriation; clean energy reserve standards.** Appropriates a onetime amount of $500,000 from the general fund to BWSR to develop clean energy reserve program guidelines in consultation with the technical committee (section 4).

6 **Appropriation; clean energy reserve easements.** Appropriates $20 million in bond proceeds to BWSR to acquire clean energy reserve easements (section 4).

7 **Transfer; renewable energy capital equipment revolving loan fund.** Directs the Department of Finance to transfer $3 million from the general fund to the capital equipme revolving fund (section 1) by June 30, 2008.

8 **Appropriation; bioenergy crop utilization technology permitting.** Appropriates $500,000 in FY2008 from the general fund to the pollution control agency to permit new and emerging bioenergy technologies.

9 **Appropriation; bioenergy production and utilization technical assistance.** Appropriat $600,000 in FY2008 from the general fund to the Agricultural Utilization Research Institu for technical assistance and technology transfer to bioenergy crop producers and users.

10 **Appropriation; bioenergy production research and monitoring.** Appropriates $1 milli in FY2008 from the general fund to BWSR to provide grants for bioenergy research and monitoring activities.

11 **Appropriation; bioenergy agronomic economic and policy research.** Appropriates $1 million in FYs 2008 and 2009 from the general fund to the Minnesota Institute for Sustainable Agriculture for on-station and on-farm field-scale research and outreach to develop and test the agronomic and economic requirements of diverse stands of prairie plants and other perennials.

12 **Appropriation; business development assistance grants.** Appropriates onetime funding of $150,000 in FY2008 from the general fund to the Department of Agriculture for grants nongovernmental entities assisting in the development of business plans and structures related to community ownership of cellulosic biofuel facilities.

2/19/07 Ag Policy Committee
Testimony

Diane Sievers: MW Project
Don Arnosti: Inst for sust Ag
Tom Kalahar: Renville SWCD
Jim Falk: Swift Co. Farmer

referred to: Bio-Science & Energy Technology Committee

1.1 ..... moves to amend H. F. No. 589 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. **[17.118] CLEAN ENERGY CAPITAL EQUIPMENT LOANS.**

1.4 (a) There is established a clean energy revolving loan fund that is eligible to receive
1.5 appropriations and make loans under this section. The commissioner shall establish a
1.6 clean energy loan program to make loans for capital equipment to persons participating
1.7 in the reinvest in Minnesota clean energy program under section 103F.518 and other
1.8 persons using native, perennial cropping systems for energy or seed production. The
1.9 commissioner, in consultation with the technical committee established under section
1.10 103F.518, subdivision 11, shall establish guidelines for loans made under this section. All
1.11 repayments of loans granted from this fund, including principal and interest, must be
1.12 deposited into this fund. Interest earned on money in the fund accrues to the fund, and
1.13 the money in the fund is appropriated to the commissioner to make clean energy capital
1.14 equipment loans under this section.

1.15 (b) The definitions in section 41A.10, subdivision 2, apply to this section.

1.16 Sec. 2. **[41A.10] CELLULOSIC BIOFUEL DEVELOPMENT.**

1.17 Subdivision 1. **Appropriation.** A sum sufficient to make the payments required
1.18 by this section is annually appropriated from the general fund to the commissioner of
1.19 agriculture and all money so appropriated is available until expended.

1.20 Subd. 2. **Definitions.** For the purposes of this section and sections 17.118, 41A.11
1.21 and 103F.518, the terms defined in this subdivision have the meanings given them.

1.22 (a) "Cellulosic biofuel" means transportation fuel derived from cellulosic materials.

1.23 (b) "Cellulosic material" means an agricultural feedstock primarily comprised
1.24 of cellulose, hemicellulose, or lignin or a combination of those ingredients grown on
1.25 agricultural lands.

(c) "Agricultural land" means land used for horticultural, row, close grown, pasture, and hayland crops; growing nursery stocks; animal feedlots; farm yards; associated building sites; and public and private drainage systems and field roads located on any of the foregoing.

(d) "Cellulosic biofuel facility" means a facility at which cellulosic biofuel is produced.

(e) "Perennial crops" means agriculturally produced plants that have a life cycle of at least three years at the location where the plants are being cultivated.

(f) "Perennial cropping system" means an agricultural production system that utilizes a perennial crop.

(g) "Native species" means a plant species which was present in a defined area of Minnesota prior to European settlement (circa 1850). A defined area may be an ecological classification province. Wild-type varieties therefore are regional or local ecotypes that have not undergone a selection process.

(h) "Diverse native prairie" means a prairie planted from a mix of nongenetically modified local Minnesota native prairie species consisting of not less than two legumes, two cool season grasses, four warm season grasses, and eight nonleguminous forbs. A selection from all available native prairie species may be made so as to match species appropriate to local site conditions. Local species seed may be obtained alone or in prepared seed mixes from any source within a 100-mile radius of the site of planting.

(i) "Commissioner" means the commissioner of agriculture.

(j) "Eligible biofuel producer" means a cellulosic biofuel facility that is at least 51 percent owned by farmers, as defined in section 500.24, subdivision 2, paragraph (n), residing in the county where the cellulosic biofuel facility is located or in an adjoining county, and an additional 24 percent of community ownership for any people residing in the county or adjoining county.

Subd. 3. **Cellulosic biofuel production goal.** The state cellulosic biofuel production goal is one-quarter of the total amount necessary for ethanol use required under section 239.791, subdivision 1a, by 2015 or when cellulosic biofuel facilities in the state attain a total annual production level of 60,000,000 gallons, whichever is first.

Subd. 4. **Cellulosic biofuel producer payments.** (a) The commissioner shall make cash payments to eligible producers of cellulosic biofuel located in the state that have begun production at a specific location by June 30, 2012. For the purpose of this subdivision, an entity that holds a controlling interest in more than one cellulosic biofuel plant is considered a single eligible producer. The amount of the payment for each eligible producer's annual production, except as provided in paragraph (d), is 15 cents per gallon

for each gallon of cellulosic biofuel produced at a specific location for five years after the start of production. Cellulosic materials utilized in the production of cellulosic biofuel must follow best available management practices or standards for their establishment, growing, and harvesting. Cellulosic biofuel produced from corn stover or any row crop must be grown according to management plans based on the University of Minnesota or United States Department of Agriculture Natural Resource Conservation Service's best practices for crop rotations, pests, and tillage that minimize soil erosion, contaminated runoff, and leaching of nutrients.

(b) In lieu of the payment under paragraph (a), the commissioner shall make cash payments to eligible producers of cellulosic biofuel located in the state that utilize perennial, native cellulosic material grown that follow the standards derived under the reinvest in Minnesota clean energy program, section 103F.518, subdivision 11, that have begun production at a specific location by June 30, 2015. For the purpose of this subdivision, an entity that holds a controlling interest in more than one cellulosic biofuel facility is considered a single eligible producer. The amount of the payment for each eligible biofuel producer's annual production, except as provided in paragraph (d), is 30 cents per gallon for each gallon of cellulosic biofuel produced at a specific location for ten years after the start of production.

(c) No payments shall be made for cellulosic biofuel production that occurs after June 30, 2022, for those eligible biofuel producers under paragraph (a), and 2025 for those eligible biofuel producers under paragraph (b). An eligible producer of cellulosic biofuel shall not transfer the producer's eligibility for payments under this section to a cellulosic biofuel facility at a different location.

(d) If the level of production at a cellulosic biofuel facility increases due to an increase in the production capacity of the facility, the payment under paragraph (a) apply to the additional increment of production until five years after the increased production began and under paragraph (b) apply to the additional increment of production until ten years after the increased production began. If capacity under paragraph (a) is converted to payment under paragraph (b), the ten-year payment limit starts when the capacity increased under paragraph (a). Once a facility's production capacity reaches 15,000,000 gallons per year, no additional increment will qualify for the payment.

(e) Payments under paragraphs (a) and (b) to all eligible biofuel producers may not exceed $27,000,000 in a fiscal year. Total payments under paragraphs (a) and (b) to an eligible biofuel producer in a fiscal year may not exceed the amount necessary for 15,000,000 gallons of biofuel production.

(f) An eligible biofuel producer may blend cellulosic feedstocks eligible under paragraphs (a) and (b), but only the percentage of gallons that is attributable to feedstocks under paragraph (a) receive 15 cents per gallon, and those under paragraph (b) receive 30 cents per gallon.

(g) By the last day of October, January, April, and July, each eligible biofuel producer shall file a claim for payment for cellulosic biofuel production during the preceding three calendar months. An eligible biofuel producer that files a claim under this subdivision shall include a statement of the eligible biofuel producer's total cellulosic biofuel production in Minnesota during the quarter covered by the claim. For each claim and statement of total cellulosic biofuel production filed under this subdivision, the volume of cellulosic biofuel production must be examined by an independent certified public accountant in accordance with standards established by the American Institute of Certified Public Accountants.

(h) Payments must be made November 15, February 15, May 15, and August 15. A separate payment must be made for each claim filed. The total quarterly payment to an eligible producer under this paragraph may not exceed the amount necessary for 3,750,000 gallons of biofuel production.

(i) If an eligible biofuel producer becomes ineligible within five years after the last payment has been received under paragraph (a), and ten years after under paragraph (b), all payments received for biofuel production must be refunded to the commissioner. Refunded payments received under this paragraph shall be deposited in the general fund.

(j) Annually, within 90 days of the end of its fiscal year, a cellulosic biofuel producer receiving payments under this subdivision must file a disclosure statement on a form provided by the commissioner. The initial disclosure statement must include a summary description of the organization of the business structure of the claimant, a listing of the percentages of ownership and governance by any person or other entity with an ownership interest or governance rights of five percent or greater, and a copy of its annual audited financial statements, including the auditor's report and footnotes. The disclosure statement must include information demonstrating what percentage of the entity receiving payments under this section is owned and governed by farmers or other entities that reside within the county where the cellulosic biofuel facility is located. Subsequent annual reports must reflect noncumulative changes in ownership of ten percent or more of the entity. The report need not disclose the identity of the persons or entities, but the claimant must retain information within its files confirming the accuracy of the data provided. This data must be made available to the commissioner upon request. Not later than the 15th day of February in each year, the commissioner shall deliver to the chairs of the standing committees of the senate and the house of representatives that deal with agricultural policy

and agricultural finance an annual report summarizing aggregated and facility data from plants receiving payments under this section during the preceding calendar year. Audited financial statements and notes and disclosure statements submitted to the commissioner are nonpublic data under section 13.02, subdivision 9. Notwithstanding the provisions of chapter 13 relating to nonpublic data, summaries of the submitted audited financial reports and notes and disclosure statements will be contained in the report to the committee chairs and will be public data.

(k) Bioenergy production for which payment has been received under section 41A.11 is not eligible for payment under this section.

Sec. 3. **[41A.11] BIOENERGY PRODUCTION INCENTIVE.**

Subdivision 1. **Appropriation.** A sum sufficient to make the payments required by this section is annually appropriated from the general fund to the commissioner of agriculture and all money so appropriated is available until expended.

Subd. 2. **Definitions.** The definitions in this subdivision and section 41A.10 apply to this section.

(a) "Bioenergy production" means the generation of energy for commercial heat, industrial process heat, or electrical power from a cellulosic material for a new or expanded capacity facility or a facility that is displacing existing use of fossil fuel after the effective date of this section.

(b) "Project area" means a geographically defined area in which reinvest in Minnesota clean energy program easements are secured in order to provide a cellulosic material supply to an identified facility producing bioenergy.

Subd. 3. **Bioenergy producer payments.** (a) The commissioner shall make cash payments to eligible producers of bioenergy located in the state that have begun production at a specific location by June 30, 2009. For the purpose of this subdivision, an entity that holds a controlling interest in more than one bioenergy production plant is considered a single eligible producer. The amount of the payment for each producer's annual production, except as provided in paragraph (d), is $0.75 per 1,000,000 British thermal units (Btu) of bioenergy production produced at a specific location for three years after the start of production. Cellulosic materials utilized for bioenergy production must follow best available management practices or standards for their establishment, growing, and harvesting. Bioenergy produced from corn stover or any row crop must be grown according to management plans based on the University of Minnesota or United States Department of Agriculture Natural Resource Conservation Service's best practices

for crop rotations, pests, and tillage that minimize soil erosion, contaminates runoff, and leaching of nutrients.

(b) The commissioner shall make cash payments to producers of bioenergy located in the state that utilize perennial, native cellulosic material grown according to standards derived under the reinvest in Minnesota clean energy program, section 103F.518, subdivision 11, that have begun a practice at a specific location by June 30, 2015. For the purpose of this subdivision, and entity that holds a controlling interest in more than one bioenergy production plant is considered a single producer. The amount of the payment for each producer's annual production, except as provided in paragraph (d), is $1.50 per 1,000,000 British thermal units (Btu) of bioenergy production produced at a specific location for ten years after the start of production.

(c) No payments shall be made for bioenergy production that occurs after June 30, 2012, for those eligible bioenergy producers under paragraph (a), and 2025 for those eligible biofuel producers under paragraph (b). A producer of bioenergy production shall not transfer the producer's eligibility for payments under this section to a bioenergy production plant at a different location.

(d) If the level of production at a bioenergy production plant increases due to an increase in the production capacity of the plant, the payment under paragraph (a) applies to the additional increment of production until three years after the increased production began, and under paragraph (b), ten years after the increased production began. If capacity under paragraph (a) is converted to payment under paragraph (b), the ten-year payment limit starts when the capacity increased under paragraph (a). Once a plant's bioenergy production capacity reaches 1,500,000,000,000 Btu per year, no additional increment will qualify for the payment under both paragraphs (a) and (b).

(e) Total payments under paragraphs (a) and (b) to all producers may not exceed $11,000,000 in a fiscal year. Total payments under paragraphs (a) and (b) to a producer in a fiscal year may not exceed $2,250,000.

(f) An eligible facility may blend a cellulosic feedstock with other fuels in the bioenergy production facility, but only the percentage attributable to cellulosic material listed is eligible to receive the producer payment.

(g) An eligible bioenergy producer may blend the cellulosic materials eligible under paragraphs (a) and (b), but only the percentage that is attributable to feedstocks under paragraph (a) receive $0.75 per 1,000,000 Btu and those under paragraph (b) receive $1.50 per 1,000,000 Btu.

(h) By the last day of October, January, April, and July, each producer shall file a claim for payment for bioenergy production during the preceding three calendar months.

A producer that files a claim under this subdivision shall include a statement of the producer's total bioenergy production in Minnesota during the quarter covered by the claim. For each claim and statement of total bioenergy production filed under this subdivision, the volume of bioenergy production must be examined by an independent certified public accountant in accordance with standards established by the American Institute of Certified Public Accountants.

(i) Payments shall be made November 15, February 15, May 15, and August 15. A separate payment shall be made for each claim filed. The total quarterly payment to a producer under this paragraph may not exceed $562,500.

(j) Biofuel production for which payment has been received under section 41A.10 is not eligible for payment under this section.

Sec. 4. **[103F.518] REINVEST IN MINNESOTA CLEAN ENERGY PROGRAM.**

Subdivision 1. **Establishment of program.** (a) The board, in consultation with the technical committee established in subdivision 11, shall establish and administer a reinvest in Minnesota clean energy program that is in addition to the program under section 103F.515. The board may adopt rules to implement this section. Selection of land for the clean energy program must be based on its potential benefits for bioenergy crop production, water quality, soil health, reduction of chemical inputs, soil carbon storage, biodiversity, and wildlife habitat.

(b) The definitions in sections 41A.10 and 41A.11 apply to this section.

Subd. 2. **Eligible land.** Eligible land under this section must:

(1) be owned by the landowner, or a parent or other blood relative of the landowner, for at least one year before the date of application;

(2) be at least five acres in size;

(3) not be currently set aside, enrolled, or diverted under another federal or state government program; and

(4) have been in agricultural use, as defined in Minnesota Statutes 2006, section 17.81, subdivision 4, or have been set aside, enrolled, or diverted under another federal or state program for at least two of the last five years before the date of application.

Subd. 3. **Designation of project areas.** The board shall develop a process to designate defined project areas. The designation process shall prioritize projects that include coordinated cooperation of a cellulosic biofuel facility or a bioenergy production facility, target impaired waters, or support other state or local natural resource plans, goals, or objectives.

Subd. 4. **Easements.** The board may acquire, or accept by gift or donation, easements on eligible land. An easement may be permanent or of limited duration. An easement of limited duration may not be acquired if it is for a period less than 20 years. The negotiation and acquisition of easements authorized by this section are exempt from the contractual provisions of chapters 16B and 16C.

Subd. 5. **Nature of property rights acquired.** (a) An easement must prohibit:

(1) agricultural crop production, unless approved by the board for energy production purposes; and

(2) spraying with chemicals, except as necessary to comply with noxious weed control laws, emergency pest control necessary to protect public health, or as needed to establish a productive planting as determined by the technical committee under subdivision 11.

(b) An easement is subject to the terms of the agreement provided in subdivision 6.

(c) Agricultural crop production and harvest are limited to native, perennial bioenergy crops. Harvest shall occur outside of bird nesting season.

(d) An easement must allow repairs, improvements, and inspections necessary to maintain public drainage systems provided the easement area is restored to the condition required by the terms of the easement.

(e) An easement may allow nonnative perennial prairie or pasture established by September 1, 2007, that meet the objectives outlines in subdivision 7.

(f) An easement may allow grazing of livestock only if practiced under a plan, approved by the board, that protects water quality, wildlife habitat, and biodiversity.

Subd. 6. **Agreements by landowner.** The board may enroll eligible land in the reinvest in Minnesota clean energy program by signing an agreement in recordable form with a landowner in which the landowner agrees:

(1) to convey to the state an easement that is not subject to any prior title, lien, or encumbrance;

(2) to seed the land subject to the easement, as specified in the agreement, at seeding rates determined by the board, or carry out other long-term capital improvements approved by the board; and

(3) that the easement duration may be lengthened through mutual agreement with the board.

Subd. 7. **Payments for easements.** The board must develop a tiered payment system for easements partially based on the benefits of the bioenergy crop production for water quality, soil health, reduction in chemical inputs, soil carbon storage, biodiversity,

and wildlife habitat using cash rent or a similar system as may be determined by the board. The payment system must provide that the highest per-acre payment is for diverse native prairie and perennials.

Subd. 8. **Easement renewal.** When an easement of limited duration expires, a new easement and agreement for an additional period of not less than 20 years may be acquired by agreement of the board and the landowner under the terms of this section. The board may adjust payment rates as a result of renewing an agreement and easement only after examining the condition of the established plantings, conservation practices, and land values.

Subd. 9. **Correction of easement boundary lines.** To correct errors in legal descriptions for easements that affect the ownership interest in the state and adjacent landowners, the board may, in the name of the state, with the approval of the attorney general, convey, without consideration, interests of the state necessary to correct legal descriptions of boundaries. The conveyance must be by quitclaim deed or release in a form approved by the attorney general.

Subd. 10. **Enforcement and damages.** (a) A landowner who violates the term of an easement or agreement under this section, or induces, assists, or allows another to do so, is liable to the state for treble damages if the trespass is willful, but liable for double damages only if the trespass is not willful. The amount of damages is the amount needed to make the state whole or the amount the landowner has gained due to the violation, whichever is greater.

(b) Upon the request of the board, the attorney general may commence an action for specific performances, injunctive relief, damages, including attorney fees, and any other appropriate relief to enforce this section in district court in the county where all or part of the violation is alleged to have been committed, or where the landowner resides or has a principal place of business.

Subd. 11. **Technical committee.** To ensure that public benefits, including water quality, soil health, reduction of chemical inputs, soil carbon storage, biodiversity, and wildlife habitat are secured along with bioenergy crop production, the Board of Water and Soil Resources shall appoint a technical committee consisting of one representative from the Departments of Agriculture, Natural Resources, Commerce, and the Pollution Control Agency; two farm organizations; one sustainable agriculture farmer organization; three rural economic development organizations; three environmental organizations; and three conservation or wildlife organizations. The board and technical committee shall consult with private sector organizations and University of Minnesota researchers involved in

biomass establishment and bioenergy or biofuel conversion. The technical committee is to develop program guidelines, standards, and rules, as appropriate to ensure that reinvest in Minnesota clean energy program contracts provide public benefits commensurate with the public investment. The technical committee shall review and make recommendations on the guidelines, standards, and rules every five years.

Sec. 5. **APPROPRIATION; RIM CLEAN ENERGY PROGRAM STANDARDS.**

$3,500,000 in fiscal year 2008 is appropriated from the general fund to the Board of Water and Soil Resources to develop, in consultation with the technical committee established under section 4, subdivision 11, RIM clean energy program guidelines, standards, and rules. This is a onetime appropriation and is available until June 30, 2009.

Sec. 6. **APPROPRIATION; RIM CLEAN ENERGY PROGRAM EASEMENTS.**

Subdivision 1. **Bond proceeds; appropriation.** $20,000,000 is appropriated from the bond proceeds fund to the Board of Water and Soil Resources to acquire RIM clean energy program easements under section 4.

Subd. 2. **Bond sale.** To provide the money appropriated in this act from the bond proceeds fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to $20,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

Subd. 3. **General fund; appropriation.** $500,000 in fiscal year 2008 and $500,000 in fiscal year 2009 are appropriated from the general fund to the Board of Water and Soil Resources to be used for long-term inspection and protection of easements acquired by the board.

Sec. 7. **TRANSFER; CLEAN ENERGY CAPITAL EQUIPMENT REVOLVING LOAN FUND.**

By June 30, 2008, the commissioner of finance shall transfer $3,000,000 from the general fund to the clean energy capital equipment revolving fund.

Sec. 8. **APPROPRIATION; BIOENERGY CROP UTILIZATION TECHNOLOGY PERMITTING.**

$1,000,000 in fiscal year 2008 and $1,000,000 in fiscal year 2009 are appropriated from the general fund to the Pollution Control Agency to permit new and emerging bioenergy crop utilization technologies. This is a onetime appropriation.

Sec. 9. **APPROPRIATION; BIOENERGY PRODUCTION AND UTILIZATION TECHNICAL ASSISTANCE.**

$600,000 in fiscal year 2008 is appropriated from the general fund to the Agricultural Utilization Research Institute for technical assistance and technology transfer to bioenergy crop producers and users. This appropriation is available until June 30, 2009.

Sec. 10. **APPROPRIATION; BIOENERGY PRODUCTION RESEARCH AND MONITORING.**

$1,000,000 in fiscal year 2008 is appropriated from the general fund to the Board of Water and Soil Resources to provide grants, in consultation with the technical committee established under section 4, subdivision 11, for bioenergy crop research and monitoring including, but not limited to, water quality, water quantity utilized, soil carbon storage, biological diversity, wildlife and habitat impacts and benefits, and small diameter woody bioenergy. This appropriation is available until June 30, 2009.

Sec. 11. **APPROPRIATION; BIOENERGY AGRONOMIC ECONOMIC AND POLICY RESEARCH.**

$1,000,000 in fiscal year 2008 and $1,000,000 in fiscal year 2009 are appropriated from the general fund to the Minnesota Institute for Sustainable Agriculture at the University of Minnesota to provide funds for on-station and on-farm field scale research and outreach to develop and test the agronomic and economic requirements of diverse stands of prairie plants and other perennials for bioenergy systems including, but not limited to, multiple species selection and establishment, ecological management between planting and harvest, harvest technologies, financial and agronomic risk management, farmer goal setting and adoption of technologies, integration of wildlife habitat into management approaches, evaluation of carbon and other benefits, and robust policies needed to induce farmer conversion on marginal lands.

Sec. 12. **APPROPRIATION; BUSINESS DEVELOPMENT ASSISTANCE GRANTS.**

$150,000 in fiscal year 2008 is appropriated from the general fund to the commissioner of agriculture for grants to nongovernmental entities to assist in the development of business plans and structures related to community ownership of eligible cellulosic biofuel facilities under Minnesota Statutes, section 41A.10. This is a onetime appropriation and is available until June 30, 2009."

Amend the title accordingly

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State of Minnesota

S.F. No. 480 - 1st Engrossment - Cellulosic Energy Development

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Date: February 19, 2007

S.F. No. 480, as amended, provides support for the development of energy from cellulosic material in Minnesota. The bill:

(1) establishes a Cellulosic Biofuel Development Program to pay eligible biofuel energy producers either15 or 30 cents per gallon (depending on the fuel used) for the first ten years of production of biofuel from cellulosic material, up to $27,000,000 per year;

(2) establishes a Bioenergy Production Incentive Program to pay eligible producers of bioenergy either $0.75 or $1.50 per million Btu (depending on the fuel used) for the first ten years of production of bioenergy from cellulosic materials, up to $11,000,000 per year;

(3) establishes a Reinvest in Minnesota (RIM) Clean Energy Program to provide easement payments for growing bioenergy crops, $23,500,000 in bond and onetime funds and $500,000 per year ongoing;

(4) establishes a Clean Energy Capital Equipment Loan Program to provide loans for capital equipment to persons participating in the RIM Clean Energy Program, $3,000,000 onetime transfer;

(5) provides funding to the Board of Water and Soil Resources (BWSR) for grants for bioenergy crop research and monitoring, $1,000,000 per biennium;

(6) provides funding to the Pollution Control Agency (PCA) for permitting new and emerging bioenergy crop utilization technology, $2,000,000 onetime;

(7) provides funding to the Agricultural Utilization Institute (AURI) for technical assistance and technology transfer to bioenergy crop producers and users, $600,000 per biennium;

(8) provides funding to the Minnesota Institute for Sustainable Agriculture (MISA) for on-station and on-farm research for agronomic and economic requirements of bioenergy crop systems from diverse stands of prairie plants and perennials, $1,000,000 per year; and

(9) provides funding to the Commissioner of Agriculture for grants to nongovernmental entities to assist with the development of business plans for biofuel producers who are eligible for the Cellulosic Biofuel Development Program, $150,000 onetime.

Section-By-Section Summary

Section 1 [Clean Energy Capital Equipment Loans] establishes a Clean Energy Capital Equipment Loan Program to provide loans for capital equipment to persons participating in the RIM Clean Energy Program, under Section 4.

Section 2 [Cellulosic Biofuel Development Program] establishes a Cellulosic Biofuel Development Program to pay eligible biofuel energy producers either:

(1) 15 cents per gallon for the first five years of production of biofuel from any type of cellulosic material that begin production by June 30, 2012; or

(2) 30 cents per gallon for the first ten years of production of biofuel from cellulosic material that is grown from perennial, native cellulosic material, based on standards for the RIM Clean Energy Program, established under section 4, that begin production by June 30, 2015.

To be eligible for payments under this program, a cellulosic biofuel production facility must be 51 percent owned by farmers residing within the county where the facility is located, or within an adjoining county, plus an additional 24 percent of community ownership for people residing in the county or adjoining county.

Each eligible biofuel facility is limited to payment on 15 million gallons. An eligible biofuel facility may receive a blended payment based on the percentage of feedstock qualifying for the 15 cents/gallon and 30 cents/gallon payment amounts. A capped open appropriation of $27,000,000 per year is provided to the Commissioner of Agriculture to make payments under this section.

If an eligible biofuel production facility becomes ineligible within five years of receipt of a cellulosic biofuel payment, all payments under this section must be refunded to the commissioner.

Bioenergy production, for which payment is received under section 3, is ineligible for payment under this section.

Section 3 [Bioenergy Production Incentive Program] establishes a Bioenergy Production Incentive Program to pay eligible producers of bioenergy either:

(1) 75 cents per million Btu for the first three years of bioenergy production from any type of cellulosic material that begin production by June 30, 2009; or

(2) $1.50 cents per million Btu for the first ten years of bioenergy production from cellulosic material that is grown from perennial, native cellulosic material, based on standards for the RIM Clean Energy Program, established under section 4, that begins production by June 30, 2015.

Each eligible bioenergy production facility is limited to payment of $2,250,000 per year. An eligible bioenergy production facility may receive a blended payment based on the percentage of feedstock qualifying for the 75 cents/million Btu and $1.50/million Btu payment amounts. A capped open appropriation of $11,000,000 per year is provided to the Commissioner of Agriculture to make payments under this section.

Biofuel production, for which payment is received under section 2, is ineligible for payment under this section.

Section 4 [Reinvest in Minnesota Clean Energy Program] establishes a Reinvest in Minnesota (RIM) Clean Energy Program in the Board of Water and Soil Resources (BWSR) to establish easements of at least 20 years on lands for growing bioenergy crops. Easements may be renewed for a period of not less than 20 years. To be eligible, the land must have been owned by the applicant or a family member for at least one year, be at least five acres in size, not currently enrolled or set aside in another program, and have been in agricultural use for at least two of the last five years. BWSR shall establish project areas to prioritize easements to coordinate with cellulosic biofuel and bioenergy facilities, target impaired waters, or support state or local natural resource plans, goals, or objectives.

BWSR will develop a tired payment program for the easements that is partially based on the benefits of bioenergy crop production for water quality, soil health, reduction in chemical inputs, soil carbon storage, biodiversity, and wildlife habitat. The highest per-acre payment must be for diverse native prairie and perennials.

A person who violates an easement is subject to treble damages if the violation is willful, and double damages if the violation is not willful.

BWSR will establish a technical review committee to develop program guidelines, standards, and rules to ensure that the RIM Clean Energy Program provides public benefits that are commensurate with the public investment. The committee consists of one representative from the departments of agriculture, natural resources, commerce, and

PCA; two farm organizations; one sustainable farmer organization; three environmental organizations; and three conservation or wildlife organizations.

Section 5 [Appropriation; RIM Clean Energy Program Standards] appropriates $3,500,000 in onetime money from the general fund to BWSR for the development of standards for the RIM Clean Energy Program.

Section 6 [Appropriation; RIM Clean Energy Program Easements] appropriates $20,000,000 from the bond proceeds fund for the acquisition of RIM Clean Energy Program easements and $500,000 per year from the general fund to BWSR for long-term inspection and protection of easements.

Section 7 [Transfer; Clean Energy Capital Equipment Revolving Fund] directs the Commissioner of Finance to transfer $3,000,000 from the general fund to the Clean Energy Capital Equipment Revolving Fund, created in Section 1.

Section 8 [Appropriation; Bioenergy Crop Utilization Technology Permitting] appropriates $1,000,000 per year from the general fund in onetime money to the PCA to permit new and emerging bioenergy crop utilization technologies.

Section 9 [Appropriation; Bioenergy Production and Utilization Technical Assistance] appropriates $600,000 for the biennium in ongoing money to the AURI for technical assistance and technology transfer to bioenergy crop producers and users.

Section 10 [Appropriation; Bioenergy Production Research and Monitoring] appropriates $1,000,000 for the biennium in ongoing money to BWSR for grants for bioenergy crop research and monitoring.

Section 11 [Appropriation; Bioenergy Agronomic Economic and Policy Research] appropriates $1,000,000 per year from the general fund in ongoing money to the Minnesota Institute for Sustainable Agriculture (MISA) for on-station and on-farm research for agronomic and economic requirements of bioenergy crop systems from diverse stands of prairie plants and perennials.

Section 12 [Appropriation; Business Development Assistance Grants] appropriates $150,000 from the general fund to the Commissioner of Agriculture for grants to nongovernmental entities to assist with the development of business plans for biofuel producers who are eligible for the Cellulosic Biofuel Development Program under Section 2.

GK:dv

Unofficial Fiscal Summary: SF 480 (Kubly), 1sr Engrossment

Agency	Description	Fund	FY2008	FY2009	Biennium	FY2010	FY2011	Biennium	Note
Finance	Clean Energy Capital Equipment Loans	General	3,000	3,000	6,000	3,000	3,000	6,000	Payments to Revolving Loan Fund
Finance	RIM: Clean Energy Bond Payments	General	1,190	2,201	3,391	2,086	1,935	4,021	Debt Service Payments
BWSR	Bioenergy Production & Monitoring Grants	General	1,000	-	1,000	-	-	-	Appropriated in bill
BWSR	Longterm Easement Inspection	General	500	500	1,000	500	500	1,000	Appropriated in bill
BWSR	RIM: Clean Energy Standards	General	3,500	-	3,500	-	-	-	Appropriated in bill
BWSR	RIM: Clean Energy Program Easements	Bond	6,142	7,808	13,950	5,500	550	6,050	Bonding
PCA	Bioenergy Crop Permiting	General	1,000	1,000	2,000	-	-	-	Appropriated in bill
Agriculture	Biofuel Producer Payments (2013)	General	-	-	-		-	-	Open Appropriation, $27 million max
Agriculture	Bioenergy Producer Payments	General	-	-	-		11,000	11,000	Open Appropriation, $11 million max
Agriculture	Staff Costs for Producer Payments	General	-	-	-		58	58	Not Apporiated in bill
Agriculture	Business Development Assistance	General	150	-	150	-	-	-	Appropriated in bill
Agriculture	Clean Energy Loan Officer	General	70	-	70	-	-	-	Not Apporiated in bill
Agriculture	Clean Energy Other Clerical	General	58	58	116	58	58	116	Not Apporiated in bill
AURI	Bioenergy Production Assistance	General	600	-	600	-	-	-	Appropriated in bill
U of MN	Bioenergy Ag Ec & Policy Reserch	General	1,000	1,000	2,000	1,000	1,000	2,000	Appropriated in bill
DNR	Staff Time for Technical Committee	General	25	25	50	25	25	50	Not Apporiated in bill
		TOTAL:	**18,235**	**15,592**	**33,827**	**12,169**	**18,126**	**30,295**	
	Summary by Expense Type	General	10,750	5,500	16,250	4,500	4,500	9,000	Appropriated in bill
		General	1,190	2,201	3,391	2,086	12,935	15,021	Debt Service/Open Approps
		General	153	83	236	83	141	224	Agency expense w no appropriation
		Bond	6,142	7,808	13,950	5,500	550	6,050	
		Total	**18,235**	**15,592**	**33,827**	**12,169**	**18,126**	**30,295**	

Dan Mueller, Senate Fiscal Analyst

2/22/2007

Bill Overview

File Number: SF 642 / HF 577 First Engrossment

Subject: Ditch Buffer Bill

In 2005, the Legislature directed the Board of Water and Soil Resources (BWSR) to conduct an implementation assessment of public drainage ditch buffers, in consultation with a broad group of stakeholders. The BWSR published the Public Drainage Ditch Buffer Study in February 2006. The Drainage Work Group, which was an outgrowth of that study, has developed a number of consensus recommendations regarding ditch buffer strips and other drainage issues, which are included in this bill.

Section 1. Amends Minnesota Statutes, Section 103E.021, Subdivision 1 to:

- Allow perennial vegetation approved by the drainage authority on required ditch buffer strips, including a directive that preference should be given to planting native species of a local ecotype.
- Clarifies the point of beginning for measuring required ditch buffer strips.
- Limits the required buffer strip width to 16-½ ft. for redetermination of benefits and damages only.

Sections 2 and 3.

- Conforming changes to replace "grass" with "perennial vegetation".

Section 4. Amends Section 103E.021 by adding a new **Subdivision 6. Incremental implementation of vegetated ditch buffer strips and side inlet controls.** This new subdivision:

- Enhances authority to establish and maintain buffer strips and side inlet controls, where needed to protect water quality and/or maintain the efficiency of the system.
- Requires the same point of beginning and perennial vegetation as required under amended section 103E.021, Subdivision 1, with a buffer strip width of 16-½ ft.
- Utilizes repair procedures, in accordance with current drainage law.
- Enables the drainage authority to appoint an engineer, if needed.
- Requires the determination of damages, but not redetermination of benefits.
- Utilizes due process compatible with current drainage law.

Section 5. Amends Chapter 103E by adding a new **Section 103E.067, Ditch buffer strip annual reporting**. Requires drainage authorities to annually report to the BWSR:

1. the number and types of actions for which viewers were appointed;
2. the number of miles of buffer strips established according to Section 103E.021;
3. the number of drainage system inspections conducted; and
4. the number of violations of Section 103E.021 identified and enforcement actions taken.

Section 6. Amends Section 103E.315, Subdivision 8 to:

- Clarify that damages paid by a drainage system may include restoring a federal or state conservation program practice damaged by a drainage system proceeding.

Section 7.

- Conforming change to replace "grass" with "perennial vegetation".

Section 8. Amends Section 103E.701 by adding a new **Subdivision 7. Restoration; disturbance or destruction by repair.** This new subdivision:

- Clarifies that damages must be paid for restoring a federal or state conservation program practice damaged by a drainage system repair.

Section 9. Amends Section 103E.705, Subdivision 1 to:

- Clarify the minimum inspection period for open drainage ditches to be 5 years when the ditch is in conformance with section 103E.021 and annually when a violation of section 103E.021 is found, until one year after the violation is corrected.

Sections 10, 11 and 12.

- Conforming changes to replace "grass" with "perennial vegetation".

Section 13. APPROPRIATIONS.

Subdivision 1. Drainage records preservation and modernization.

- $2,000,000 in FY 2008 from the general fund to the BWSR for local water management challenge grants to accelerate statewide public drainage records preservation and modernization.
- $150,000 in FY 2008 from the general fund to the BWSR to develop and disseminate, in consultation with the Drainage Work Group, guidelines for drainage records preservation and modernization.

Subdivision 2. Drainage manual update.

- $300,000 in FY 2008 from the general fund to the BWSR to update, in consultation with the Drainage Work Group, the Minnesota Public Drainage Manual and include drainage system best management practice information.

Subdivision 3. Drainage Work Group.

- $?? in FY 2008 from the general fund to the BWSR to facilitate the work of the Drainage Work Group to develop consensus recommendations for additional drainage issues and topics brought forward by its members.

Subdivision 4. Drainage assistance team.

- $?? in FY 2008 from the general fund to the BWSR to establish and facilitate a drainage assistance team to:
  1) Coordinate expertise of agencies, the University of Minnesota and others for multi-purpose projects involving drainage infrastructure in Minnesota.
  2) Coordinate access to applicable program funding.
  3) Provide coordinated technical assistance for alternatives analysis, design and construction.
  4) Provide information and education to drainage authorities and others for various drainage management options.

Governor's Recommendation for funding:

- $150,000 to BWSR in 2008 for developing drainage records preservation and modernization guidelines

- $500,000 to BWSR in 2009 for grants to drainage authorities to cost-share modernization of drainage records

- $300,000 to BWSR in 2008 and 2009 to create a drainage assistance team and update the Minnesota Public Drainage Manual

Drainage Work Group

Fact Sheet

Background

Since 1977, Minnesota drainage law (Section 103E.021) has required establishment and maintenance of permanent grass strips along public drainage ditches 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 and damages). The required grass strips (i.e. 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

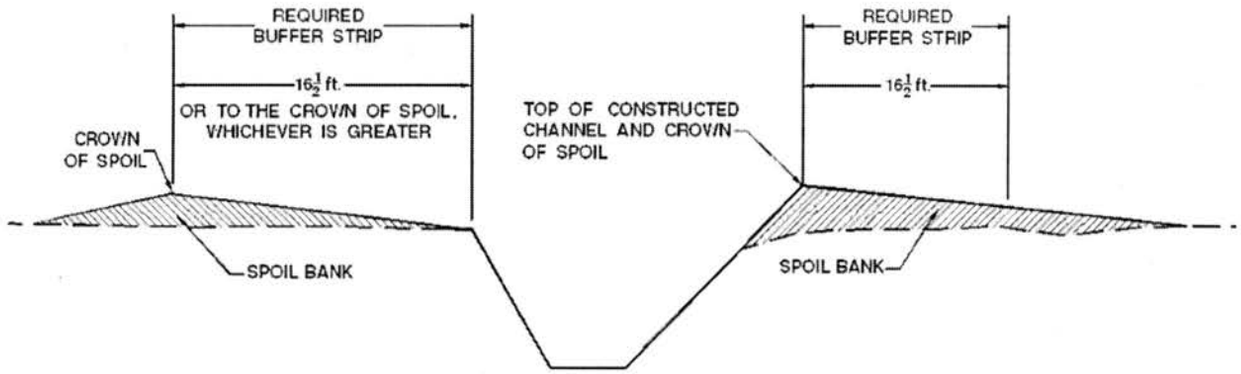
Drainage Work Group Recommendations

The Drainage Work Group has developed 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 on permanent buffer strips, and coordination with federal and state conservation programs)*
- Point of beginning and width for required buffer strips along public drainage ditches (See example cross sections on Page 2)
- Update of the Minnesota Public Drainage Manual, including addition of best management practice (BMP) information for drainage systems
- Buffer compliance, enforcement and reporting
- Continuation of Drainage Work Group
- Drainage Assistance Team

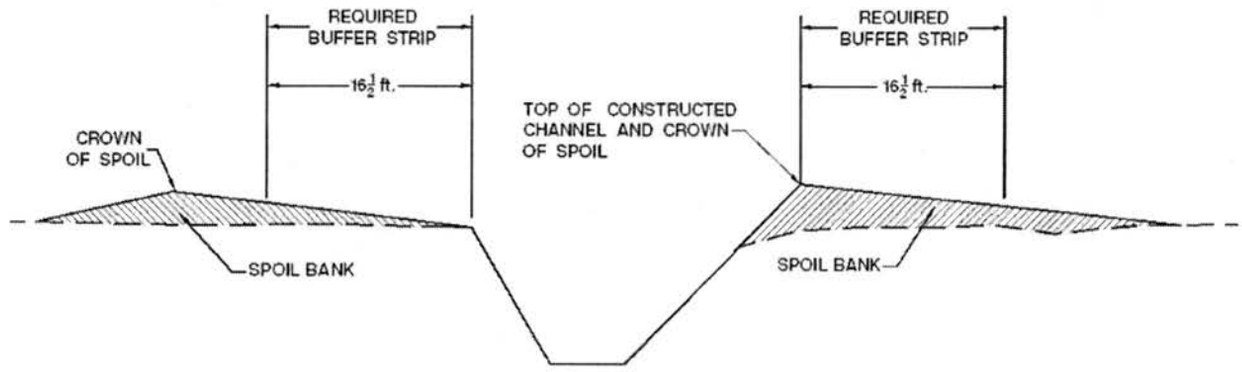
Topics for Future Discussion

- Impounding, rerouting or diverting a drainage system for conservation projects
- Removal of property from, or partial abandonment of, a drainage system for projects such as wetland restoration
- Urban ditches
- Native vegetation
- Adjusting ditch assessments for land use change



Width of Required Buffer Strips for Establishment, Improvement and Repair Proceedings that Appoint Viewers

(16 ½ ft. from the top edge of the constructed channel resulting from the proceeding, or to the crown of the leveled spoil bank, whichever is greater)



Width of Required Buffer Strips for Redetermination of Benefits and Damages Only

(16 ½ ft. from the top edge of the constructed channel)

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 County Officers
	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

WCA AMMENDMENTS - 2007

DRAFT #7

February 22, 2007

PROPOSED LEGISLATION	COMMENTS
103G.005 Definitions Subd. **Normal Precipitation** means the middle 40 percent of values derived from a historic distribution of precipitation values as determined by standards established by the United States Department of Agriculture National Water and Climate Center. **103G.222 Replacement of wetlands.** Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value under a replacement plan approved as provided in section 103G.2242, a replacement plan under a local governmental unit's comprehensive wetland protection and management plan approved by the board under section 103G.2243, or, if a permit to mine is required under section 93.481, under a mining reclamation plan approved by the commissioner under the permit to mine. Mining reclamation plans shall apply the same principles and standards for replacing wetlands by restoration or creation of wetland areas that are applicable to mitigation plans approved as provided in section 103G.2242. Public value must be determined in accordance with section 103B.3355 or a comprehensive wetland protection and management plan established under section 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in permanently and semipermanently flooded areas of types 3, 4, and 5 wetlands. (b) Replacement must be guided by the following principles in descending order of priority: (1) avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland; (2) minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation; (3) rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life	*Term is used in the proposed new "cropping history" provision in the Drainage Exemption (103G.2241, Subd. 2)*

of the activity; (5) compensating for the impact by restoring a wetland; and (6) compensating for the impact by replacing or providing substitute wetland resources or environments. For a project involving the draining or filling of wetlands in an amount not exceeding 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9, paragraph (a), the local government unit may make an on-site sequencing determination without a written alternatives analysis from the applicant. (c) If a wetland is located in a cultivated field, then replacement must be accomplished through restoration only without regard to the priority order in paragraph (b), provided that a deed restriction is placed on the altered wetland prohibiting nonagricultural use for at least ten years. ( ) If a wetland is drained under Minnesota Statutes 103G.2241, Subd. 2, the local government unit may require a deed restriction that prohibits nonagricultural use for at least ten years unless the drained wetland is replaced as provided under Minnesota Statutes 103G.222. The LGU may require the deed restriction if it determines the wetland area drained is at risk of conversion to a nonagricultural use within ten years based on the zoning classification, proximity to a municipality or full service road, or other criteria as determined by the local government unit . (d) Restoration and replacement of wetlands must be accomplished in accordance with the ecology of the landscape area affected. (e) Except as provided in paragraph (f), for a wetland or public waters wetland located on nonagricultural land, replacement must be in the ratio of two acres of replaced wetland for each acre of drained or filled wetland. (f) For a wetland or public waters wetland located on agricultural land or in a greater than 80 percent area, replacement must be in the ratio of one acre of replaced wetland for each acre of drained or filled wetland. (g) Wetlands that are restored or created as a result of an approved replacement plan are subject to the provisions of this section for any subsequent drainage or filling.	*The purpose of the deed restriction requirement in WCA is to ensure that the Agricultural Activities and Drainage Exemptions are not used to convert agricultural land to a non-agricultural use. However, there is no flexibility to limit its use to settings where agricultural land is the designated long-term use. The new language will address this program inefficiency by authorizing local governments to place a deed restriction on land impacted under the drainage exemption, when warranted. Allowing local discretion is a more efficient way to apply this tool to ensure the exemption is not misused.*

(h) Except in a greater than 80 percent area, only wetlands that have been restored from previously drained or filled wetlands, wetlands created by excavation in nonwetlands, wetlands created by dikes or dams along public or private drainage ditches, or wetlands created by dikes or dams associated with the restoration of previously drained or filled wetlands may be used in a statewide banking program established in rules adopted under section 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring wetlands from one type to another are not eligible for enrollment in a statewide wetlands bank. (i) The technical evaluation panel established under section 103G.2242, subdivision 2, shall ensure that sufficient time has occurred for the wetland to develop wetland characteristics of soils, vegetation, and hydrology before recommending that the wetland be deposited in the statewide wetland bank. If the technical evaluation panel has reason to believe that the wetland characteristics may change substantially, the panel shall postpone its recommendation until the wetland has stabilized. (j) This section and sections 103G.223 to 103G.2242, 103G.2364, and 103G.2365 apply to the state and its departments and agencies. (k) For projects involving draining or filling of wetlands associated with a new public transportation project and for projects expanded solely for additional traffic capacity, public transportation authorities may purchase credits from the board at the cost to the board to establish credits. Proceeds from the sale of credits provided under this paragraph are appropriated to the board for the purposes of this paragraph. (l) A replacement plan for wetlands is not required for individual projects that result in the filling or draining of wetlands for the repair, rehabilitation, reconstruction, or replacement of a currently serviceable existing state, city, county, or town public road necessary, as determined by the public transportation authority, to meet state or federal design or safety standards or requirements, excluding new roads or roads expanded solely for additional traffic capacity lanes. This paragraph only applies to authorities for public transportation projects that: (1) minimize the amount of wetland filling or draining associated with the project and consider mitigating important site-specific wetland functions on-site;	

(2) except as provided in clause (3), submit project-specific reports to the board, the technical evaluation panel, the commissioner of natural resources, and members of the public requesting a copy at least 30 days prior to construction that indicate the location, amount, and type of wetlands to be filled or drained by the project or, alternatively, convene an annual meeting of the parties required to receive notice to review projects to be commenced during the upcoming year; and (3) for minor and emergency maintenance work impacting less than 10,000 square feet, submit project-specific reports, within 30 days of commencing the activity, to the board that indicate the location, amount, and type of wetlands that have been filled or drained. Those required to receive notice of public transportation projects may appeal minimization, delineation, and on-site mitigation decisions made by the public transportation authority to the board according to the provisions of section 103G.2242, subdivision 9. The technical evaluation panel shall review minimization and delineation decisions made by the public transportation authority and provide recommendations regarding on-site mitigation if requested to do so by the local government unit, a contiguous landowner, or a member of the technical evaluation panel. Except for state public transportation projects, for which the state department of transportation is responsible, the board must replace the wetlands, and wetland areas of public waters if authorized by the commissioner or a delegated authority, drained or filled by public transportation projects on existing roads. Public transportation authorities at their discretion may deviate from federal and state design standards on existing road projects when practical and reasonable to avoid wetland filling or draining, provided that public safety is not unreasonably compromised. The local road authority and its officers and employees are exempt from liability for any tort claim for injury to persons or property arising from travel on the highway and related to the deviation from the design standards for construction or reconstruction under this paragraph. This paragraph does not preclude an action for damages arising from negligence in construction or maintenance on a highway. (m) If a landowner seeks approval of a replacement plan after the proposed project has already affected the wetland, the local government unit may require the landowner to replace the affected wetland at a ratio not to exceed twice the replacement ratio otherwise required.	

(n) A local government unit may request the board to reclassify a county or watershed on the basis of its percentage of presettlement wetlands remaining. After receipt of satisfactory documentation from the local government, the board shall change the classification of a county or watershed. If requested by the local government unit, the board must assist in developing the documentation. Within 30 days of its action to approve a change of wetland classifications, the board shall publish a notice of the change in the Environmental Quality Board Monitor. (o) One hundred citizens who reside within the jurisdiction of the local government unit may request the local government unit to reclassify a county or watershed on the basis of its percentage of presettlement wetlands remaining. In support of their petition, the citizens shall provide satisfactory documentation to the local government unit. The local government unit shall consider the petition and forward the request to the board under paragraph (n) or provide a reason why the petition is denied. Subd. 2. **Road credit funding.** The board shall give priority to restoration projects that: (1) will encourage land use that leads to more compact development or redevelopment; (2) will encourage public or private infrastructure investments which connect ecosystems and communities, attract private sector investment in commercial or residential properties adjacent to the public improvement; or (3) are located in critical rural and urban watersheds. Subd. 3. **Wetland replacement siting.** (a) Siting wetland replacement must follow this 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) for replacement by wetland banking, in the same wetland bank service area as the impacted wetland; ~~(4)~~ (5) (a) for project specific replacement, in an adjacent watershed ~~or county~~ to the affected wetland, or	*The changes to wetland replacement siting provisions are intended to (1) institute bank service areas as a new concept in wetland replacement, and (2) provide additional flexibility in locating replacement wetlands for impacts occurring in the greater than 80% area.*

(b) for replacement by wetland banking, in an adjacent wetland bank service area, except that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area, and impacts in a less that 50 percent area must be replaced in a less than 50 percent area; ~~and~~ ~~(5)~~ (6) statewide~~, only for wetlands affected in greater than 80 percent areas and~~ for 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 at a ratio of two to one in: (i) the affected county or, (ii) in another of the seven metropolitan counties, or (iii) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one to one must be replaced within the seven-county metropolitan area.; and (7) siting wetland replacement in greater than 80 percent areas may follow this priority order (a) by banking after evaluating on-site replacement, (b) replaced in an adjacent bank service area 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, and (c) statewide. (b) The exception in paragraph (a), clause ~~(5)~~ (4), does not apply to replacement completed using wetland banking credits established by a person who submitted a complete wetland banking application to a local government unit by April 1, 1996. (c) When reasonable, practicable, and environmentally beneficial replacement opportunities are not available in siting priorities listed in paragraph (a), the applicant may seek opportunities at the next level. (d) For the purposes of this section, "reasonable, practicable, and environmentally beneficial replacement opportunities" are defined as opportunities that: (1) take advantage of naturally occurring hydrogeomorphological conditions and require minimal landscape alteration; (2) have a high likelihood of becoming a functional wetland that will continue in perpetuity; (3) do not adversely affect other habitat types or ecological communities that are important in maintaining the overall biological diversity of the area; and (4) are available and capable of being done after taking	*BWSR and the U.S. Army Corps of Engineers are developing a wetland mitigation memorandum of understanding; bank service areas are being included as a new regulatory tool to provide additional flexibility in wetland replacement siting and provide additional certainty to private entrepreneurial wetland banking. Bank service areas generally correspond to the major watersheds (Minnesota River, St. Croix River, etc.)* *Flexibility is increased for siting replacement wetlands in the greater than 80% area. In this part of the state, wetland restoration opportunities are limited, making compliance with the current replacement siting requirements unnecessarily burdensome, when successful location of replacement wetlands nearby is unlikely. In addition, allowing replacement to occur in adjacent bank service areas recognizes the limited capacity for private wetland banking to service this need for the same reason - limited wetland restoration opportunities.* *The outcomes of these changes are expected to be increased wetland replacement, regulatory simplification, and reduced administrative costs.*

into consideration cost, existing technology, and logistics consistent with overall project purposes.

(e) Regulatory agencies, local government units, and other entities involved in wetland restoration shall collaborate to identify potential replacement opportunities within their jurisdictional areas.

103G.2241 Exemptions.

Subdivision 1. **Agricultural activities.** ~~(a)~~ A replacement plan for wetlands is not required for: (a) activities in a wetland conducted as part of normal farming practices. For purposes of this exemption, normal farming practices is defined as follows: farming, silvicultural, grazing, and ranching activities such as plowing, seeding, cultivating, and harvesting for the production of food, fiber, and forest products, but do not result in the draining or filling of wetlands; or

(b) soil and water conservation practices approved by the soil and water conservation district, after review by the technical evaluation panel, or

~~(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;~~

The proposal is to provide assurance to farmers that "normal farming practices" are not regulated activities.

Deleting references to wetland types and the federal farm program will eliminate uncertainty on application of the exemption, while reducing wetland losses under this exemption. A change included in the drainage exemption provides a partial continuation of some of the elements of this exemption (exempting draining a wetland with an 8 out of 10 year cropping history).

The expected outcomes of this change are expected to be reduced exempt wetland impacts, regulatory simplification, and a means to preserve the Agricultural Activities Exemption without a reliance on the unknown elements of future federal farm bills (e.g. Swampbuster).

~~(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)~~ (c) 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; or

~~(6)~~ (d) 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.~~ Subd. 2. **Drainage.** (a) For the purposes of this subdivision, "public drainage system" means a drainage system as defined in section 103E.005, subdivision 12, and any ditch or tile lawfully connected to the drainage system. If wetlands drained under this subdivision are converted to uses prohibited under clause (b)(2) during the ten-year period following drainage, the wetlands must be replaced under section 103G.222. (b) A replacement plan is not required for draining of type 1 wetlands, or up to five acres of type 2 or 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: (i) there was an expenditure made from the drainage system account for the public drainage system; (ii) the public drainage system was repaired or maintained as approved by the drainage authority; or (iii) no repair or maintenance of the public drainage system was required under section 103E.705, subdivision 1, as determined by the public drainage authority; and (2) the wetlands are not drained for conversion to: (i) platted lots; (ii) planned unit, commercial, or industrial developments; or (iii) any development with more than one residential unit per 40 acres. ~~If wetlands drained under this paragraph are converted to uses prohibited under clause (2) during the ten-year period following drainage, the wetlands must be replaced under section 103G.222~~. (c) A replacement plan is not required for draining 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. (d) A replacement plan is not required for draining or	*This language is being moved so it applies to all provisions of the exemption. The purpose of the drainage exemption is to enable drainage maintenance for agriculture, and hence the importance of this language to apply to all provisions of the exemption.*

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.	
(e) ~~A replacement plan is not required for draining 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.~~ A replacement plan is not required for draining agricultural land that: (1) was planted with annually seeded crops, or was in a crop rotation seeding of pasture grass or legumes in eight out of the ten most recent normal precipitation years prior to the impact; or (2) met the requirements of (1) prior to enrollment in a state or federal land conservation program.	*This provision is proposed to be deleted, as it is obsolete. The purpose is to ensure that drainage projects that received approval in the 5-years prior to 1991 were not subject to after the fact regulation. Any project approved during this period should have been completed long ago.* *The expected outcomes of this change are regulatory simplification and reduced administrative costs.* *This addition largely replaces language proposed to be deleted from the Agricultural Activities. The intent is to exempt drainage of wetlands that are cropped a significant majority of years. This exemption recognizes these wetlands provide limited function and values due to being frequently cropped. This proposal also moderates the increase in local government workload that would otherwise result from the proposed changes to the Agricultural Activities Exemption.*
(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. (f) Wetlands of all types that would be drained as a part of a public drainage repair project are eligible for the permanent wetlands preserve under 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.	
Subd. 3. **Federal approvals.** A replacement plan for wetlands is not required for~~:~~ ~~(1) activities exempted from federal regulation under United States Code, title 33, section 1344(f), as in effect on January 1, 1991;~~ ~~(2) activities authorized under, and conducted in accordance with, an applicable general 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, except the nationwide permit in~~	*Clause (1) is proposed to be deleted as it is obsolete, and as a simplification measure.* *Clause (2) is proposed to be deleted, as it is obsolete. The Clean Water Act, Section 404 program has changed since 1991, deleting this provision.*

~~Code of Federal Regulations, title 33, section 330.5, paragraph (a), clauses (14), limited to when a new road crosses a wetland, and (26), as in effect on January 1, 1991; or~~ ~~(3)~~ activities authorized under the federal Clean Water Act, section 404, or the Rivers and Harbors Act, section 10, regulations 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. Subd. 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. Subd. 5. **Incidental wetlands.** A replacement plan for wetlands is not required for activities in a wetland created solely as a result of: (1) beaver dam construction; (2) blockage of culverts through roadways maintained by a public or private entity; (3) actions by public or private entities that were taken for a purpose other than creating the wetland; or (4) any combination of clauses (1) to (3). Subd. 6. **Utilities; public works.** A replacement plan for wetlands is not required for: ~~(1) placement, maintenance, repair, enhancement, or replacement of utility or utility-type service if:~~ ~~(i) the impacts of the proposed project on the hydrologic and biological characteristics of the wetland have been avoided and minimized to the extent possible; and~~ ~~(ii) the proposed project significantly modifies or alters less than one-half acre of wetlands;~~ ~~(2) activities associated with routine maintenance of utility and pipeline rights-of-way, provided the activities do not result in additional intrusion into the wetland;~~ ~~(3) alteration of a wetland associated with the operation, maintenance, or repair of an interstate pipeline~~	*The expected outcomes of this change are expected to be regulatory simplification and reduced administrative costs.* *The changes to the Utilities; Public Works Exemption are solely intended to simplify the language of the exemption, and therefore its application. The change is expected to have no impact on no net loss, and a minor benefit to administrative costs.*

~~within all existing or acquired interstate pipeline rights-of-way;~~

~~(4) emergency repair and normal maintenance and repair of existing public works, provided the activity does not result in additional intrusion of the public works into the wetland and does not result in the draining or filling, wholly or partially, of a wetland;~~

~~(5) normal maintenance and minor repair of structures causing no additional intrusion of an existing structure into the wetland, and maintenance and repair of private crossings that do not result in the draining or filling, wholly or partially, of a wetland; or~~

~~(6) repair and updating of existing individual sewage treatment systems as necessary to comply with local, state, and federal regulations.~~

(1) new placement or maintenance, repair, enhancement or replacement of existing utility or utility-type, service, including pipelines, if:

(i) the direct and indirect impacts of the proposed project have been avoided and minimized to the extent possible; and

(ii) the proposed project significantly modifies or alters less than one-half acre of wetlands;

(2) 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

(i) 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.

Subd. 7. **Forestry.** A replacement plan for wetlands is not required for:

(1) 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 activities do 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 (2) 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.	
Subd. 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 subdivision, "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.~~	*This exemption is proposed to be repealed, as it is obsolete. The purpose is to ensure that certain development projects that received approval in the 5-years prior to 1991 were not subject to after-the-fact regulation. The outcomes of this change are expected to be regulatory simplification and slightly reduced administrative costs.*
~~Subd. 9.~~ **De minimis.** (a) Except as provided in paragraphs (b) and (c), a replacement plan for wetlands is not required for draining or filling the following amounts of wetlands as part of a project: (1) 10,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, outside of the shoreland wetland protection zone 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 in a 50 to 80 percent area; (3) ~~2,000~~ 1,000 square feet of type 1, 2, or 6 wetland, outside of the shoreland wetland protection zone in a less than 50 percent area;	*The changes to the De minimis Exemption are intended to reduce the amount of wetland impact allowed without replacement, and protect near shore wetlands. The proposals would reduce the exempt amount in the less than 80% areas of the state, and in the shoreland building setback, as defined in the local shoreland management ordinance. This area is generally between 75 and 200 feet from the shore depending on the classification of the lake or river.*

(4) 400 square feet of wetland types not listed in clauses (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~~ beyond the building setback zone, as defined in the local shoreland management ordinance, but within the shoreland wetland protection zone~~;~~. ~~except that in~~ 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 protection zone in areas beyond the building setback~~ if the 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 provision, the local shoreland ordinance applies. (b) The amounts listed in paragraph (a), clauses (1) to (5), may not be combined on a project. (c) This exemption no longer applies to a landowner's portion of a wetland when the cumulative area drained or filled of the landowner's portion since January 1, 1992, is the greatest of: (1) the applicable area listed in paragraph (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 in this section on a project. Subd. ~~10~~ 9. **Wildlife habitat.** A replacement plan for wetlands is not required for: (1) deposition of spoil resulting from excavation within a wetland for a wildlife habitat improvement project, if: (i) the area of deposition does not exceed five percent of the wetland area or one-half acre, whichever is less, and the spoil is stabilized and permanently seeded to prevent erosion; (ii) the project does not have an adverse impact on any species designated as endangered or threatened under state or federal law; and (iii) the project will provide wildlife habitat improvement as certified by the soil and water	

conservation district; or

(2) duck blinds.

Subd. 11. **Exemption conditions.** (a) A person conducting an activity in a wetland under an exemption in subdivisions 1 to 10 shall ensure that:

(1) appropriate erosion control measures are taken to prevent sedimentation of the water;

(2) the activity does not block fish passage in a watercourse; and

(3) the activity is conducted in compliance with all other applicable federal, state, and local requirements, including best management practices and water resource protection requirements established under chapter 103H.

(b) 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.

(c) Persons proposing to conduct an exempt activity are encouraged to contact the local government unit or the local government unit's designee for advice on minimizing wetland impacts.

103G.2242 Wetland value replacement plans.

Subdivision 1. **Rules.** (a) The board, in consultation with the commissioner, shall adopt rules governing the approval of wetland value replacement plans under this section and public waters work permits affecting public waters wetlands under section 103G.245. These rules must address the criteria, procedure, timing, and location of acceptable replacement of wetland values; may address the state establishment and administration of a wetland banking program for public and private projects, which may include provisions allowing monetary payment to the wetland banking program for alteration of wetlands on agricultural land; the administrative, monitoring, and enforcement procedures to be used; and a procedure for the review and appeal of decisions under this section. In the case of peatlands, the replacement plan rules must consider the impact on carbon balance described in the report required by Laws 1990, chapter 587, and include the planting of trees or shrubs.

(b) After the adoption of the rules, a replacement plan must be approved by a resolution of the governing body of the local government unit, consistent with the provisions of the rules or a comprehensive wetland

protection and management plan approved under section 103G.2243. (c) If the local government unit fails to apply the rules, or fails to implement a local comprehensive wetland protection and management plan established under section 103G.2243, the government unit is subject to penalty as determined by the board. Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size, or type of a wetland shall be submitted to and determined by a technical evaluation panel after an on-site inspection. The technical evaluation panel shall be composed of a technical professional employee of the board, a technical professional employee of the local soil and water conservation district or districts, a technical professional with expertise in water resources management appointed by the local government unit, and a technical professional employee of the department of natural resources for projects affecting public waters or wetlands adjacent to public waters. The panel shall use the "United States Army Corps of Engineers Wetland Delineation Manual" (January 1987), including updates, supplementary guidance, and replacements, if any, "Wetlands of the United States" (United States Fish and Wildlife Service Circular 39, 1971 edition), and "Classification of Wetlands and Deepwater Habitats of the United States" (1979 edition). The panel shall provide the wetland determination and recommendations on other technical matters to the local government unit that must approve a replacement plan, wetland banking plan, exemption determination, no-loss determination, or wetland boundary or type determination and may recommend approval or denial of the plan. The authority must consider and include the decision of the technical evaluation panel in their approval or denial of a plan or determination. (b) Persons conducting wetland or public waters boundary delineations or type determinations are exempt from the requirements of chapter 326. ~~By January 15, 2001, the board, in consultation with the Minnesota Association of Professional Soil Scientists, the University of Minnesota, and the Wetland Delineators' Association, shall submit a plan for a professional wetland delineator certification program to the legislature.~~ The Board may develop a professional wetland delineator certification program. Subd. 2a. **Wetland boundary or type determination.** (a) A landowner may apply for a wetland boundary or type determination from the local	*BWSR completed the wetland delineator certification plan as required by this language and has partnered with the University of Minnesota to create a voluntary wetland certification program. This change will provide specific authority for BWSR to continue to work on this program.*

government unit. The landowner applying for the determination is responsible for submitting proof necessary to make the determination, including, but not limited to, wetland delineation field data, observation well data, topographic mapping, survey mapping, and information regarding soils, vegetation, hydrology, and groundwater both within and outside of the proposed wetland boundary.	
(b) A local government unit that receives an application under paragraph (a) may seek the advice of the technical evaluation panel as described in subdivision 2, and, if necessary, expand the technical evaluation panel. The local government unit may delegate the decision authority for wetland boundary or type determinations ~~with~~ to ~~the zoning administrator~~ designated staff, or establish other procedures it considers appropriate.	*The term zoning administrator is a specific position in some local governments, and may not be the most appropriate staff to administer WCA. The change is administrative in nature to allow the local government to designate which staff will be responsible for WCA.*
(c) The local government unit decision must be made in compliance with section 15.99. Within ten calendar days of the decision, the local government unit decision must be mailed to the landowner, members of the technical evaluation panel, the watershed district or watershed management organization, if one exists, and individual members of the public who request a copy.	
(d) Appeals of decisions made by designated local government staff must be made to the local government unit. Notwithstanding any law to the contrary, an appeal of a delegated decision must be made by the local government unit within 30 days from the date of the filing of the appeal.	*The WCA rule requires appeals of certain local decisions to be made to a local appeals body. Minn. Stat. 15.99 requires these local appeals to be completed within the timeframes specified under this law. The proposal here is to ensure that the local government has an adequate amount of time to consider an appeal, without having to be concerned over a default approval under the provisions of Minn. Stat. 15.99.*
~~(d)~~ (e) The local government unit decision is valid for three years unless the technical evaluation panel determines that natural or artificial changes to the hydrology, vegetation, or soils of the area have been sufficient to alter the wetland boundary or type.	
Subd. 3. **Replacement completion.** Replacement of wetland values must be completed prior to or concurrent with the actual draining or filling of a wetland, or an irrevocable bank letter of credit or other security acceptable to the local government unit must be given to the local government unit to guarantee the successful completion of the replacement.	*The outcomes of this change are expected to be an improved process and fewer default approvals under Minn. Stat. 15.99.*
Subd. 4. **Decision.** Upon receiving and considering all required data, the local government unit reviewing replacement plan applications, banking plan applications, and exemption or no-loss determination requests must act on all replacement plan applications, banking plan	

applications, and exemption or no-loss determination requests in compliance with section 15.99. Subd. 5. **Processing fee.** The local government unit and soil and water conservation district may charge processing fees in amounts not greater than are necessary to cover the reasonable costs of implementing the rules adopted under subdivision 1 and for technical and administrative assistance to landowners in processing other applications for projects affecting wetlands. Subd. 6. **Notice of application.** (a) Except as provided in paragraph (b), within ten days of receiving an application for approval of a replacement plan under this section, copies of the complete application must be mailed to the members of the technical evaluation panel, the managers of the watershed district if one exists, and the commissioner of natural resources. Individual members of the public who request a copy shall be provided information to identify the applicant and the location and scope of the project. (b) Within ten days of receiving an application for approval of a replacement plan under this section for an activity affecting less than 10,000 square feet of wetland, a summary of the application must be mailed to the members of the technical evaluation panel, individual members of the public who request a copy, and the commissioner of natural resources. (c) For the purpose of this subdivision, "application" includes a revised application for replacement plan approval and an application for a revision to an approved replacement plan if: (1) the wetland area to be drained or filled under the revised replacement plan is at least ten percent larger than the area to be drained or filled under the original replacement plan; or (2) the wetland area to be drained or filled under the revised replacement is located more than 500 feet from the area to be drained or filled under the original replacement plan. Subd. 7. **Notice of decision.** Within ten days of the approval or denial of a replacement plan under this section, a summary of the approval or denial must be mailed to members of the technical evaluation panel, the applicant, individual members of the public who request a copy, the managers of the watershed district, if one exists, and the commissioner of natural resources.	

Subd. 8. **Public comment period.** Except for activities impacting less than 10,000 square feet of wetland, before approval or denial of a replacement plan under this section, comments may be made by the public to the local government unit for a period of 15 days or more, as determined by the local government unit. Subd. 9. **Appeal.** (a) Appeal of a replacement plan, exemption, wetland banking, wetland boundary or type determination, ~~or~~ no-loss decision, or restoration order may be obtained by mailing a petition and payment of a filing fee ~~of $200~~, which shall be retained by the board to defray administrative costs, to the board within 30 days after the postmarked date of the mailing specified in subdivision 7. If appeal is not sought within 30 days, the decision becomes final. The local government unit may require the petitioner to post a letter of credit, cashier's check, or cash in an amount not to exceed $500. If the petition for hearing is accepted, the amount posted must be returned to the petitioner. Appeal may be made by: (1) the wetland owner; (2) any of those to whom notice is required to be mailed under subdivision 7; or (3) 100 residents of the county in which a majority of the wetland is located. (b) Within 30 days after receiving a petition, the board shall decide whether to grant the petition and hear the appeal. The board shall grant the petition unless the board finds that: (1) the appeal is meritless, trivial, or brought solely for the purposes of delay; (2) the petitioner has not exhausted all local administrative remedies; (3) expanded technical review is needed; (4) the local government unit's record is not adequate; or (5) the petitioner has not posted a letter of credit, cashier's check, or cash if required by the local government unit. (c) In determining whether to grant the appeal, the board shall also consider the size of the wetland, other factors in controversy, any patterns of similar acts by the local government unit or petitioner, and the consequences	*This fee amount is proposed to be deleted, and in combination with the new (e) below, BWSR is proposing to be granted authority to establish a fee scheduled for appeals. Current fee revenue does not correspond to the cost to process appeals, and may encourage frivolous appeals, especially for appeals of restoration orders, for which there currently is no fee.* *The expected outcomes of this change are reduced appeals of restoration orders, increased cost to appellants, and increased funding to BWSR.*

of the delay resulting from the appeal. (d) All appeals must be heard by the committee for dispute resolution of the board, and a decision made within 60 days of filing the local government unit's record and the written briefs submitted for the appeal. The decision must be served by mail on the parties to the appeal, and is not subject to the provisions of chapter 14. A decision whether to grant a petition for appeal and a decision on the merits of an appeal must be considered the decision of an agency in a contested case for purposes of judicial review under sections 14.63 to 14.69. (e) The board shall establish a fee schedule to defray the administrative costs of appeals made to the board, under this subdivision. Fees established under this authority shall not exceed $1,000. Subd. 10. **Local requirements.** The rules adopted under subdivision 1 shall allow for local government units to use their own notice and public comment procedures so long as the requirements of this section are satisfied. Subd. 11. Expired. Subd. 12. **Replacement credits.** (a) No public or private wetland restoration, enhancement, or construction may be allowed for replacement unless specifically designated for replacement and paid for by the individual or organization performing the wetland restoration, enhancement, or construction, and is completed prior to any draining or filling of the wetland. (b) Paragraph (a) does not apply to a wetland whose owner has paid back with interest the individual or organization restoring, enhancing, or constructing the wetland. (c) Notwithstanding section 103G.222, subdivision 1, paragraph (h), the following actions, and others established in rule, that are consistent with criteria in rules adopted by the board in conjunction with the commissioners of natural resources and agriculture, are eligible for replacement credit as determined by the local government unit, including enrollment in a statewide wetlands bank: (1) reestablishment of permanent native, noninvasive vegetative cover on a wetland on agricultural land that was planted with annually seeded crops, was in a crop rotation seeding of pasture grasses or legumes, or was in a land retirement program during the past ten years;	

(2) buffer areas of permanent native, noninvasive vegetative cover established or preserved on upland adjacent to replacement wetlands;

(3) wetlands restored for conservation purposes under terminated easements or contracts; and

(4) water quality treatment ponds constructed to pretreat storm water runoff prior to discharge to wetlands, public waters, or other water bodies, provided that the water quality treatment ponds must be associated with an ongoing or proposed project that will impact a wetland and replacement credit for the treatment ponds is based on the replacement of wetland functions and on an approved stormwater management plan for the local government.

(d) Notwithstanding section 103G.222, subdivision 1, paragraphs (e) and (f), the board may establish by rule different replacement ratios for restoration projects with exceptional natural resource value.

Subd. 13. Repealed, 1996 c 462 s 44

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

(1) account maintenance annual fee: one percent of the value of credits not to exceed $500;

(2) account establishment, deposit, or transfer: 6.5 percent of the value of credits not to exceed $1,000 per establishment, deposit, or transfer; and

(3) withdrawal fee: 6.5 percent of the value of credits withdrawn.

Subd. 15. **Fees Paid To Board**. All fees established in subdivisions 9 and 14 must be paid to the board of water and soil resources ~~and credited to the general fund to be used for the purpose of administration of the wetland bank~~.

[RULES.]
Within 90 days of the effective date of this section, the board shall adopt rules that amend Minnesota Rules Chapter 8420. These rules are exempt from the rulemaking provisions of Minnesota Statutes, chapter 14, except that Minnesota Statutes, section 14.386, applies and the proposed rules must be submitted to the senate and house environment and natural resource committees at least 30 days prior to being published in the State Register. The amended rules are effective for two years from the date of publication of the rules in the State

Emergency rulemaking authority has been granted for all previous WCA rulemaking, with the exception of the original rules adopted in 1994. The purpose is to ensure that changes are implemented quickly to reduce regulatory uncertainty and align the rule with the statute quickly. This is important as there are over 300 local governments implementing the statute and rule.

Register unless they are superseded by permanent rules. [EFFECTIVE DATE] This chapter is effective the day following final enactment.	*The emergency rules would be superseded within 2 years by permanent rules.*

Sec. 5. **BOARD OF WATER AND SOIL**

RESOURCES $ 22,369,000 $ 22,728,000

$4,102,000 the first year and $4,102,000 the second year are for natural resources block grants to local governments. The board may reduce the amount of the natural resources block grant to a county by an amount equal to any reduction in the county's general services allocation to a soil and water conservation district from the county's previous year allocation when the board determines that the reduction was disproportionate. Grants must be matched with a combination of local cash or inkind contributions. The base grant portion related to water planning must be matched by an amount that would be raised by a levy under Minnesota Statutes, section 103B.3369.

$3,566,000 the first year and $3,566,000 the second year are for grants to soil and water conservation districts for general purposes, nonpoint engineering, and implementation of the reinvest in Minnesota conservation reserve program. Upon approval of the board, expenditures may be made from these appropriations for supplies and services

benefiting soil and water conservation districts.

$3,285,000 the first year and $3,285,000 the second year are for grants to soil and water conservation districts for costsharing contracts for erosion control and water quality management. Of this amount, at least $1,500,000 the first year and $1,500,000 the second year are for grants for costsharing contracts for water quality management on feedlots. Any unencumbered balance in the board's program of grants does not cancel

at the end of the first year and is available for the second year for the same grant program. This appropriation is available until expended. If the appropriation in either year is insufficient, the appropriation in the other year is available for it.
$100,000 the first year and $100,000 the second year are for a grant to the Red River Basin Commission to develop a Red River basin plan and to coordinate water management activities in the states and provinces bordering the Red River. The unencumbered balance in the first year does not cancel but is available for the second year.
$105,000 the first year and $105,000 the second year are for a grant to Area II, Minnesota River Basin Projects, for floodplain management, including administration of programs. If the appropriation in either year is insufficient, the appropriation in the other year is available for it.

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$5,450,000 the first year and $5,450,000 the second year are for implementation of the Clean Water Legacy Act as follows:
$1,500,000 each year is for targeted nonpoint restoration costshare and incentive payments, of which up to $1,400,000 each year is available for grants. The grant funds are available until expended; $2,000,000 each year is for targeted nonpoint restoration and protection and technical, compliance, and engineering assistance activities, of which up to $1,700,000 each year is available for grants; $200,000 each year is for reporting and evaluating applied soil and water conservation practices; $750,000 each year is for grants to implement

county individual sewage treatment system programs; and $1,000,000 each year is for grants to support local nonpoint source protection activities related to lake and river protection and management. All of the money appropriated in this paragraph 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. $1,060,000 the first year and $1,060,000 the second year may be spent for the following purposes to support implementation of the Wetland Conservation Act: $500,000 each year is to make grants to local units of governments to improve response to major wetland violations; $500,000 each year is for staffing to provide adequate state oversight and technical support to local governments

Wetland Conservation Act; $60,000 each year is for staff to monitor and enforce wetland replacement and wetland bank sites. $60,000 is to develop a comprehensive state wetland restoration vision and plan. This is a onetime appropriation. All of the money appropriated in this paragraph 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. $450,000 in the first year and $800,000 the second year are to implement recommendations of the Drainage Work Group to enhance public drainage and modernization as follows: $150,000 the first year is to develop guidelines for drainage records preservation and modernization;

$500,000 the second year is for costshare grants to local governments for records modernization; and $300,000 each year is to provide assistance to local drainage management officials and to update the Minnesota Public Drainage Manual. All of the money appropriated in this paragraph 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.

MINNESOTA ASSOCIATION OF WATERSHED DISTRICTS, INC
Land and Water Shall be Preserved

Minnesota Association of Watershed Districts

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Minnesota Association of Watershed Districts

Response to the Recommendations and Findings of the Office of the Legislative Auditor's Report on Watershed Management

1. The Watershed Based Approach

The report states:

- *"Water is one of Minnesota's most valuable resources."*
- *"...the quality and quantity of water in Minnesota is central to our way of life."*
- *"To address the water issues, Minnesota needs to effectively manage its watersheds."*
- *"Ideally, surface water should be managed on a watershed basis."*

As the Association for Watershed Districts in Minnesota, we would wholeheartedly agree with these statements. Stormwater runoff and drainage does not respect township, city and county boundaries. *To resolve water management issues, we need to plan and manage the "watershed."*

Watershed Districts Are:

- *Water Quality and Flood Control Experts*
- *Getting things done* – we have local levy authority and a unique statutory blend of authorities to raise funds needed for improvements and programs, and regulate the use and development of activities to ensure the protection of water quality.
- *Spending tax dollars wisely* – the Auditors report shows that Districts spend money on needed projects, improvements, and programs.
- *Provide public benefit* – our plans, projects and programs, which require extensive citizen involvement and state approval, address real on-the-ground resource management issues like flood control, surface and ground water quality, and recreational improvement. Some are even involved in sewer districts.
- *Demonstrate Accountability* – as detailed in the Auditor's report, Districts are already accountable. We submit Annual Reports and financial audits to BWSR, the DNR, and our local appointing authority and constituents.
- *Transcend political boundaries* – Districts manage on a watershed basis. This means we consider the drainage and the problems no matter where they occur. We work with all our cities and counties and SWCDs to implement collaborative and coordinated projects and program

The Watershed District model is a proven method backed by research studies. Watershed Districts in Minnesota have been successfully implementing projects since the mid-50s. Minnesota's Watershed Districts are recognized nationally as a unique local government model for addressing watershed issues.

2. Accountability

Watersheds are currently practicing and implementing a program of providing accountability to BWSR and our local governments. Districts provide Annual Reports and financial audits. Many of Minnesota's Districts have web sites for disseminating public information and education messages. The web sites often include financial information, program information, application forms, and work programs. Many of our Districts provide excellent printed publications and information to the public on their programs and projects.

The Auditors Report recommends that BWSR provide greater oversight of watershed management entities. MAWD believes we currently provide substantial information to BWSR and welcome BWSRs continued role in measuring and monitoring performance.

MAWD would welcome the opportunity to work with BWSR over the next year to develop reporting and accountability measures along with other local entities.

MAWD believes, however, that BWSR also requires additional tools and resources to accomplish meaningful oversight monitoring and reporting of local watershed entities activities and performance.

Reporting without use of the information can be a meaningless exercise for all involved.

3. BWSR Reorganization

MAWD currently recognizes a strong value in the BWSR organization as it is currently organized. It is the only state agency that fully recognizes the local resource management issues faced by watershed entities. And, it is the state agency currently able to provide watershed districts with a means to bring our issues into the state administrative process of policy and budget development. In turn, BWSR provides us with us with meaningful support and assistance.

The BWSR Board is a valuable organization in its current structure. The board structure is local government's linkage to state government in dealing with water management issues.

The Executive Director of BWSR should remain a resource professional hired by the BWSR Board. This structure has worked very well for watershed management in Minnesota. Without compelling reason for change, we do not support any change.

4. Additional Authorities

Watershed districts are also ditch authorities. Agricultural drainage ditches are an important responsibility for watershed districts in greater Minnesota, especially in our prime farming communities across the state.

The BWSR Board is a valuable organization in its current structure. The board structure is local government's linkage to state government in dealing with water management issues.

5. Comments on Policy Points

♦ Sunset Provisions

There is clearly no evidence in the report to support this dramatic approach to addressing the accountability issue. If anything, *this approach would result in major political and strategic impediments to accomplishing the long term solutions to Minnesota's water management issues*. Ultimately the State needs a reliable, stable local entity to implement needed watershed management programs and projects that will address flooding and water quality issues identified by the federal or state government (Impaired waters and TMDL) or local residents (flooding, wetlands and water quality).

♦ Selection of Board Members

Watershed District Board members are appointed by the Counties. This provides a clear point of accountability within the current local government structure. County Boards have the ability to select and appoint Managers that are both interested and qualified to perform their duties. The point not mentioned by the OLA, is that County Boards need to take their role in this process very seriously by soliciting qualified candidates and interviewing applicants to make sure they will perform their responsibilities in the interest of the watershed and the resources of the District.

The report clearly points out that changing to an elected Board is not a guaranty of better performance and greater accountability. There does not appear to be ample evidence to change the current Board member selection process.

♦ Eliminate WMOs

Although MAWD clearly believes that Watershed Districts are an effective and efficient organization for managing our water resources, we do not endorse the elimination of WMOs. There are clearly some very effective WMOs, but some that are not. As shown in the report, many WMOs are not sufficiently funded to implement an effective water management program. We would agree with the OLA that a better approach in the short term is to set clear standards for performance and provide BWSR with additional tools to assist poor performing organizations or to replace the WMO with a Watershed District where appropriate.

♦ Consolidation at the Local Level

MAWD acknowledges that there is the appearance of complexity and overlap of resource management entities at the local and state level. We acknowledge that some continued discussion and research of this issue may be worthwhile, but there is no clear evidence that the current system of agencies is impeding water resource programs or projects. A new consolidated approach is worth study for any uniform state-wide water management initiative.

In effective water management entities, these organization are not conflicting, but are rather collaborating on projects and programs. Districts, SWCDs, Counties and Cities, all with separate roles and duties, are often pooling staff and funds to accomplish programs and projects that cannot be implemented by any one agency. State agencies are often also involved in providing grant funds or staff technical assistance to the programs and projects.

♦ Consolidation at the State Level

The management of water is ubiquitous in Minnesota government programs – local and state. The consolidation of state level programs has been examined in numerous past studies and shown to be inadvisable. For those of us involved in water management, the numerous state and federal agencies involved in water resource management is not a problem. We recognize each agency's unique concern and see it as a valuable system of checks and balances.

Any consolidation at this time would be extremely disruptive to advancing watershed management in Minnesota. As the report says,"...consolidation into a single management structure does not automatically improve coordination...Improved coordination might be achieved with far less disruption by simply devoting more resources to coordination."

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
2ND FLOOR CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
MARCH 28, 2007

BOARD MEMBERS PRESENT:
Dana Allen, Jim Anderson, MES; Paul Brutlag, Bob Burandt, Kay Cook, Quentin Fairbanks, Mark Holsten, DNR; Randy Kramer, Paul Langseth, Brian Napstad, Louise Smallidge, Lisa Thorvig, MPCA; Gene Tiedemann, LuAnn Tolliver, Dan Wilson, MDH.

BOARD MEMBERS ABSENT:
Brian Kletscher
Joe Martin, MDA

STAFF PRESENT:
MaryJo Anderson, Bill Eisele, Jim Haertel, John Jaschke, Dale Krystosek, Kevin Lines, Les Lemm, Ron Shelito, Dan Steward, Steve Woods, Brad Wozney

OTHERS PRESENT:
Wayne Anderson, PCA
Ray Bohn, MAWD
LeAnn Buck, MASWCD
Wayne Edgerton, DNR
Jack Frost, Met Council
Sandy Hooker, MAT
Tim Koehler, NRCS
Helen McLennan, Morrison SWCD
Doug Norris, DNR

Chair Kramer called the meeting to order at 9:02 a.m.

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA - Chair Kramer proposed adding another agenda item
** under New Business, "Metro Water Planning Committee Update". Moved by
07-26 Louise Smallidge, seconded by Brian Napstad, to approve the agenda as amended. Motion passed on a voice vote.

** **MINUTES OF FEBRUARY 28, 2007** - Moved by LuAnn Tolliver, seconded by
07-27 Gene Tiedemann, to approve the minutes of February 28, 2007, as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Randy Kramer attended several meetings at the Capitol. Chair Kramer reported that he met with various groups that are happy with BWSR, and heard from those that registered their complaints too.

Executive Director's Report – John Jaschke has been busy attending legislative hearings. John will provide legislative information later today on the agenda.

Dispute Resolution Committee – Chair Kramer reported that the Dispute Resolution Committee did not meet this month. Jim Haertel stated that a new appeal has been received from Blue Earth County regarding County Highway 26.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee did not meet in March; the Wetlands Committee will meet today immediately following the Board meeting.

Public Relations, Outreach & Strategic Planning Committee – Kay Cook reported that the Committee met via e-mail. Kay requested that Board members reply to a survey on the website and respond to Jon Fure.

Administrative Advisory Committee – Chair Kramer reported that the Administrative Advisory Committee met this morning; items will be considered later today on the agenda.

COMMITTEE RECOMMENDATIONSNorthern Region Water Planning Committee Itasca County Local Water Management Plan – Quentin Fairbanks reported that the Northern Region Water Planning Committee met on March 12, 2007, to review the Itasca County Local Water

Management Plan, and recommend approval of approval of the Itasca County
** Local Water Management Plan. Moved by Quentin Fairbanks, seconded by Brian
07-28 Napstad, to approve the Itasca County Local Water Management Plan. Motion passed on a voice vote.

Koochiching County Priority Concerns Scoping Document (PCSD)– Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Koochiching County Priority Concerns Scoping Document and recommends
** approval. Moved by Quentin Fairbanks, seconded by Brian Napstad, to approve
07-29 the Koochiching County Priority Concerns Scoping Document. Quentin stated that Koochiching County has acknowledged the concerns by agencies and has agreed to complete them as required for updating their Comprehensive Local Water Management Plan by July. Lisa Thorvig stated that Minnesota Statutes require that all counties administer an ISTS ordinance; Koochiching County is the only county that has not adopted such an ordinance. Brian Napstad stated the concern is that Koochiching County is a large geographic county with sparse population, this equates to limited resources to carry out a plan. Brian is confident that the plan will be completed; Koochiching County may need assistance in implementation of the plan. Motion passed on a voice vote.

NEW BUSINESS

Petition for Enlargement, Name Change and Increase in Number of Managers of Carnelian-Marine Watershed District – Jim Haertel explained that the Metro Water Planning Committee presided over a public hearing on February 22, 2007. The hearing record remained open for two weeks and contains strong support for the proposed action and no opposition. The Metro Water Planning Committee met on March 9, 2007 and, based on the record, recommend the petition be approved
** contingent upon the Marine on St. Croix WMO being dissolved. Moved by Louise
07-30 Smallidge, seconded by LuAnn Tolliver, that the Board hereby orders the Carnelian Marine Watershed District be enlarged according to the Petition, that the name be changed to the Carnelian-Marine-St. Croix Watershed District, and that the number of managers be increased from five to seven, contingent upon the dissolution of the Marine on St. Croix Watershed Management Organization occurring within three months from the date of the Order. The Board further orders that the Carnelian-Marine Watershed District Watershed Management Plan be amended within one year of the date of the Order to include the petitioned area. Motion passed on a voice vote.

Update on Army Compatible Use Buffer Program (ACUB) – Dan Steward introduced Helen McClennan, Morrison SWCD Manager; Marty Skoglund, Camp Ripley Environmental Supervisor; Jay Brezinka, Camp Ripley Environmental staff;

and Lieutenant Colonel Scott St. Sauver, Camp Ripley. Lieutenant Colonel St. Sauver presented the Army Compatible Use Buffer (ACUB) Program and explained that BWSR has been working with Camp Ripley and Morrison SWCD to help implement easements through the ACUB Program. Marty Skoglund presented a chronology of events on the buffer program. Helen McClennan explained that BWSR and the local SWCD's have become active partners in the ACUB project, working on easements, funding, and land use planning on ordinances. She thanked BWSR for holding easements to keep Morrison County a rural area and agriculturally protected. ACUB provides an opportunity for agricultural producers to preserve their land. Kevin Lines stated that this is a very positive collaborative effort with BWSR, DNR, and Camp Ripley, an exciting project to be involved in; a win-win effort for the State of Minnesota. Dan Steward clarified that this program has been federally funded to this point. Chair Kramer thanked everyone for the presentation and for coming in today.

Chair Kramer called for a break in the meeting at 10:05 a.m. The meeting reconvened at 10:25 a.m.

2006 DNR Enforcement Wetland Flyovers – DNR Commissioner Mark Holsten introduced Captain Perry Bollum and Lieutenant Julie Olson. Captain Bollum explained that DNR has been working with BWSR on education and training efforts to get the message out to the public about the Wetland Conservation Act (WCA). In 2006, DNR began unprecedented aerial patrol using aircraft detection for possible wetland impacts. The aerial approach to identifying wetland violations has been effective. Lieutenant Olson presented a power-point presentation "Operation Bird's Eye View". The aerial patrol is intended to increase detection of violations; expand on educational efforts; bring public attention to WCA – and it works! 542 possible impacts recorded; 315 were impacts; 148 are violations; 77 are still under investigation. In 2006, statewide, 526 cease and desist orders were issued. Captain Bollum stated that wetland violations are not criminal violations, they are civil violations. DNR and local units of government work with the landowner to assist in the process, tracking violations, a team effort to get the landowner to comply. Ron Shelito stated that our challenge is to work with those that are willing to comply. Paul Brutlag stressed that communicating the positive aspects of wetland protection efforts is also important. Lisa Thorvig commended DNR for their efforts. Brian Napstad suggested potential enhancements to the imagery to help this effort in the future such as a closer partnership with zoning – the zoning person would fly with the Wetland Enforcement Officer (WEO), which could rapidly dismiss many of those violations. Chair Kramer thanked Captain Bollum and Lieutenant Olson for the very informative presentation.

Guidance for Management of Forested Wetland Mitigation Sites – Dale Krystosek introduced Doug Norris and Rick Dahlman, DNR. Dale explained the purpose of the guidance paper is to provide landowners and Local Government Units (LGUs) with guidance for determining allowable long-term vegetative management for forested wetland mitigation sites under the Wetland Conservation Act. Doug Norris clarified that this only applies to lands on mitigation sites. It is recommended that forest management activities for forested wetland mitigation sites be described in the vegetation management plan section of the wetland replacement plan and be considered in the Wetland Replacement Plan or Wetland Banking Plan decision by the LGU. Brian Napstad would like to see similar provisions as are required for forest certification rather than another set of rules. Dale agreed that some compatibility can be achieved. Chair Kramer thanked Dale, Doug and Rick for their presentation.

Legislative Update – John Jaschke presented a legislative summary that was current on March 27, 2007. The House has created an Environment and Natural Resources omnibus finance and policy bill (HF 1651). This has BWSR's bills included. The Senate has begun the same process for their finance bills but has policy bills separate. Negotiations continue on the bills until passage and then via House-Senate conference committees. John gave the current status of the budget, WCA, drainage buffers bill, the oversight bill, BWSR membership bill, RIM bonding, biofuels bill, and dedicated funding. John stated that the information provided will be subject to some change. John distributed the draft "Local Water Management Oversight and Accountability Principles" for board members' information. Chair Kramer commended John and staff for their efforts during this legislative session.

Metro Water Planning Update – Steve Woods reported that the Metro Water Planning Committee met on March 9, 2007, to discuss and explore non-implementation of watershed district plans. Steve distributed a copy of the Committee's meeting minutes for board members' information. Dan Wilson explained the stepped enforcement process. LuAnn Tolliver stated that a standardized format is useful. Quentin Fairbanks suggested having a meeting with county commissioners as they are the ones that make people comply. Chair Kramer stated that this is for information at this time. Staff and board members will continue discussions and move forward to develop programmatic or comprehensive oversight provisions, dependent on legislative direction and funding.

AGENCY REPORTS

Minnesota Extension Service (MES) - Jim Anderson reported that they are close to hiring his co-director position, replacing Deb Swackhamer. Jim reported that two NEMO positions will be filled soon.

Department of Natural Resources (DNR) - Mark Holsten reported that Brad Moore's replacement has been appointed; Larry Kramka, is the new Assistant Commissioner of DNR for field operations. Mark reported that DNR will be making some senior management structure changes. In the southern region, Mark Matuska is the new Regional Director in New Ulm.

Mark announced that the MCEA lawsuit with DNR on lakeshore rules has been dropped. Mark reported that DNR is working with the Department of Natural Resources and the Department of Health regarding tuberculosis (TB) in deer herds. In the northwest, 366 deer were shot in the impacted area; three deer have TB lesions. There has been good landowner participation, the assessment of herds continues. DNR is involved in legislation regarding fencing issues.

Department of Health (MDH) - Dan Wilson briefly commented on legislative bills. One bill would fund a limited study of "point-of-use" treatment devices for removing "PFCs" from drinking water. PFCs are contaminants that have been found in some groundwater in Washington County.

Minnesota Pollution Control Agency (MPCA) - Lisa Thorvig announced that MPCA received approval from EPA on mercury TMDLs. Lisa reported that MPCA is revising rules for septic systems, which will impact county requirements. Lisa stated that MPCA is soliciting grant proposals for the burn barrel reduction campaign. Lisa briefly commented on the controversial issue of Individual Sewage Treatment Systems (ISTS) and the new Subsurface Sewage Treatment Systems (SSTS). Lisa reported that MPCA held the first Clean Water Council meeting this month. Lisa stated that MPCA has been working with BWSR, DNR, and MDA, discussing impaired wetlands on the impaired waters list. Guidance is being put together for wetlands that are hydrologically connected to lakes, rivers, streams. Lisa suggested this topic as a future BWSR meeting agenda item.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD) - LeAnn Buck thanked BWSR for DNR's presentation on aerial patrol; this is a huge workload with good partnerships. LeAnn encouraged BWSR to be strategic on WCA funding allocations.

Minnesota Association of Watershed Districts (MAWD) – Kay Cook briefly commented on MAWD's good legislative day a few weeks ago. The "Minnesota Watershed District Guidebook" was distributed for board members' information.

Natural Resources and Conservation Services (NRCS) - Tim Koehler gave a brief update on legislative issues. He thanked BWSR for the funding for RIM tied to CREP and WRP. Tim will be working with Kevin Lines on allocations for quality projects when the funding becomes available. Tim thanked BWSR for assistance on WRP sites, wetland restoration, wildlife habitat, as areas with cooperative agreements between NRCS and BWSR. Tim reported that as of today $1.5M has been allocated to the State for drought assistance. NRCS would like to help with cost-share feedlot assistance. Chair Kramer thanked Tim for his report.

UPCOMING MEETINGS

- Next Board Meeting, April 25, 2007, in St. Paul

LuAnn Tolliver announced that the Wetland Committee will meet at 1:00 p.m. today.

** 07-31 Moved by Louise Smallidge, 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
March 15, 2007
by: Jim Haertel

There are presently 25 appeals pending. All of the appeals involve WCA except File 05-24. There have been two new appeals filed since the last report dated February 15, 2007.

File 07-6. This is a new appeal of a replacement plan decision in the City of Rochester. The appeal concerns the approval of a wetland replacement plan with a certain replacement site and the subsequent approval of a revised replacement plan with a different replacement site. No decision has been made on the appeal.

File 07-5. This is a new appeal of an exemption decision in Fillmore County. The appeal concerns the denial of a wetland exemption request on agricultural land enrolled in the Farm Program. No decision has been made on the appeal.

File 07-4. This is an appeal of a restoration order in Hubbard County. The appeal regards the filling of Type 2/7 wetland for an access road to a lake. No decision has been made on the appeal.

File 07-3. This is an appeal of a replacement plan decision in Traverse County. The appeal concerns the approval of a wetland replacement plan application. No decision has been made on the appeal.

File 07-2. This is an appeal of a restoration order in Stearns County. The appeal regards the filling, draining and excavation of Types 1, 2 and 3 wetlands. No decision has been made on the appeal.

File 06-43. This is an appeal of a restoration order in Morrison County. The appeal involves the placement of fill in wetland near a lake. The appeal has been placed in abeyance and the restoration order has been stayed pending field review by the Technical Evaluation Panel this spring.

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, a pre-hearing conference was held, a hearing before the DRC was scheduled but has been canceled while settlement discussions take place.

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 the decision has been 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 06-12. 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. After a

hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application.
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.

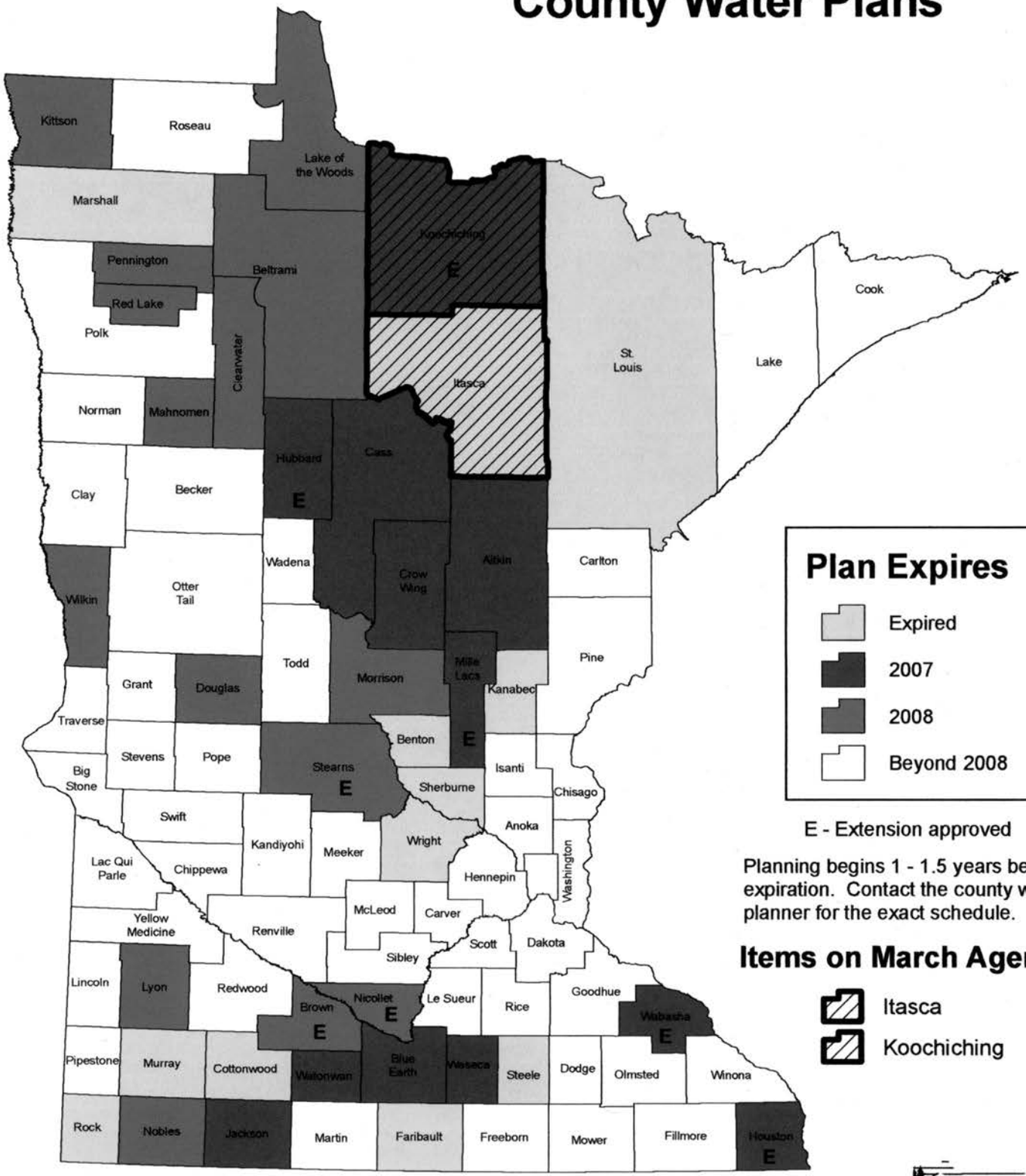
COMMITTEE RECOMMENDATIONS

Northern Region Water Planning Committee

1. Final Review – Itasca County Local Water Management Plan – ***DECISION ITEM***

2. Koochiching County Priority Concerns Scoping Document – ***DECISION ITEM***

County Water Plans



Plan Expires

- Expired
- 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 March Agenda

- Itasca
- Koochiching

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

map updated: March 2007

DATE: February 28, 2007

TO: BWSR North Region Water Plan Review Subcommittee

FROM: Dan Steward, BWSR Board Conservationist

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

On June 5, 2006, BWSR and other state review agencies received the Priority Concerns Scoping Document (PCSD) from Itasca County. The North Region Review Subcommittee (Committee) met August 16, 2006, to discuss state review comments, the content of the PCSD, and recommendations for the final plan.

BWSR's August 24, 2006, letter pursuant to M.S.section 103B.313, subdivision 5, communicated the State's official comments pertaining to the priority concerns chosen by Itasca County. BWSR commended Itasca County for the process used to select the concerns and did not require any changes to the PCSD.

Itasca County's six priority concerns are:

1. Surface Water Quality
2. Land Use and Development
3. Ground Water Quality
4. Septic Systems
5. Fish and Wildlife Habitat
6. Education

Itasca County held the required public hearing on December 19, 2006, as part of a regular County Board meeting. The final draft of the updated Itasca County Water Plan was submitted on December 22, 2006, for review by state agencies. Agency comments were due to Ron Shelito by January 29, 2007.

The duration of the LWP is from March 2007 to March 2017.

The following agencies provided these comments:

- On January 23, 2007, the Minnesota Pollution Control Agency, in its comments, stated that the Plan does not violate any statutory or rule requirements administered by the MPCA, and recommended BWSR approve the Plan as submitted. MPCA encouraged the county to visit its Environmental Data access web site to review water quality monitoring information.

- On January 30, 2007, the Minnesota Department of Agriculture, it its comments, stated that the Plan does not violate any statutory or rule requirements administered by the MDA, and recommended BWSR approve the Plan as submitted.

- On January 30, 2007, the Minnesota Department of Health, in its comments, stated that the Plan does not violate any statutory or rule requirements administered by the MDH, and recommended BWSR approve the Plan as submitted. The MDH also commended Itasca County for its recognition of the importance of protecting groundwater quality and quantity.

- On February 22, 2007, the Minnesota Department of Natural Resources, in its comments, stated that the Plan does not violate any statutory or rule requirements administered by the DNR, and recommended BWSR approve the Plan as submitted. The DNR also submitted comments related to forest practices and timber harvest and affects on water quality and wildlife habitat, and the county's shallow lakes.

- No comments were received from the Minnesota Environmental Quality Board.

Jim Gustafson, the Itasca County Water Planner, and other county representatives will attend the March 12th North Region Water Plan Review Committee meeting in Grand Rapids, 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 Itasca County Local Water Management Plan at their March 12th meeting prior to Board approval on March 28, 2007. Itasca County would then adopt the Plan in April, 2007.

Itasca County Local Water Management Plan

I. EXECUTIVE SUMMARY

The purpose of this plan is to address the water related issues across the entire county, regardless of jurisdictional, political, municipal or watershed boundaries. This plan should provide a means of consistency across the county and is not inconsistent with other state, regional or local planning processes. It will look at ground and surface water and those activities that may influence water quality or quantity. The plan will look specifically at the top six priority concerns that were developed through our scoping process. The concerns that were identified are addressed as county wide, however, when necessary or applicable they will be implemented on a watershed wide basis. This plan was written under the delegated authority of the Itasca County Board of Commissioners and is designed to cover the period from March of 2007 to March of 2017, with a review and update of the goals and implementation strategy scheduled for 2012. Much progress has been made over the last two decades to protect and restore water resources, and it is the intent of the county water plan to actively continue these efforts.

County Background

Itasca County is the third largest county in the state of Minnesota. It is located in the northern part of the Central Lakes Region. Dominant land uses are forest management, recreation, and private and corporate development. The county seat is located in the city of Grand Rapids.

Itasca County is very large and contains an abundance of surface water. There are over 1,000 lakes in the county, with about 950 lakes over ten acres in size, covering almost 9 percent (170,000 acres) of the total area of the county. Over 1,853 miles of streams drain the county's watersheds, including 119 miles of the Mississippi and 71 miles of the Big Fork Rivers. Itasca County is comprised of portions of 6 major watersheds the Mississippi River (Headwaters), Mississippi River (Grand Rapids), Upper and Lower Red Lake, Little Fork River, Big Fork River and St.Louis Rivers. There are 2,630 miles of lakeshore within the County; in comparison the state of California has just over 1,100 miles of coastline. Wetlands are present on over 550,000 acres, about one-third of the total land surface. Approximately 95 percent of pre-settlement wetlands still remain.

Surface and ground water quality and land use issues relating to surface water have become increasingly important to the people who live and recreate in Itasca County. Development, industry, agriculture, forestry and lake use issues are the primary factors that can affect water quality, fish and wildlife habitat, recreation and aesthetics.

The population of the county has increased substantially during the past ten years. From 1980 to 1990, the decrease in mining activity was a primary reason for a decline in population from 43,069 to 40,863. According to the most recent federal census, the population of Itasca County had increased to 44,242 by the year 2004, an increase of almost 8 percent. The population is projected to increase 8 percent for the period of 2000 to 2010. The population is expected to grow by 22 percent by 2030.

Other nearby counties, notably Aitkin and Cass, have seen even greater increases in population. Much of the increase in these three counties has been attributed to new shoreland development and conversion of seasonal to permanent residences, especially in shoreland areas. Shoreland values on some of the county's more desirable lakes have increased dramatically in the last ten years. This trend is expected to affect Itasca County as well.

Itasca County Comprehensive Land Use Plan, 2000

A major effort to develop a comprehensive land use plan was initiated by the county in 1998. Following many public meetings, reviews and revisions by a large citizen's committee and technical advisory panel, the Itasca County Board of Commissioners adopted the plan on May 23, 2000.

Many existing plans, including the county water plan, were incorporated into the county comprehensive plan. Because of the detailed attention that was paid to water resource issues in the county comprehensive plan, many of the "Implementation Tools" in the comprehensive plan are updated versions of "Action Items" of the 1995 update of the county Water Plan. It is the recommendation of the Itasca County Water Plan Implementation Committee (WPIC) that the "Implementation Tools" listed in the year 2000 County Comprehensive Land Use Plan again be considered in the 2007 Itasca County Local Water Plan Update. The public meetings conducted by WPIC have confirmed this decision. A summary of Implementation Tools considered in the water plan is listed in Attachment A.

Water Plan Strategies

Water quality monitoring has been a primary focus of the Itasca County Water Plan since its beginning in 1990. The original water plan was adopted in 1990. It was updated in 1996 and again in 2002. This update will be the fourth revision and will be completed in 2007.

Between 1990 and 2006, detailed one-year water quality assessments were completed by the county and volunteers on more than 62 lakes and 3 major rivers. Between 2000 and 2006, an additional 73 lakes have had their water quality surveyed. Many of these lakes are small to medium in size. A summary of the lake and river data shows generally very high water quality. This information has provided an important base for lake and river management decisions, such as development, land use and fisheries projects. Collection of surface water data will continue to be a priority area of focus for the county water plan.

A major goal of the water plan will be to assist local units of government, landowners and other interested groups to make wise land and water use decisions regarding potential impacts to water quality as a result of land use changes. In conjunction with water quality and lake/watershed information, computer modeling is being used and developed to make predictions and answer questions regarding the impact to surface waters from land and water use changes.

Through the continued monitoring and data collection on Itasca County's surface waters, the county will continue to strengthen its lake and river management program. In the early 1990s, the focus was on large watershed studies of impacted lakes, including Lake Winnibigoshish, Cass Lake and Trout Lake. Proactive lake management was accelerated in the late 1990s with the inclusion of Deer Lake as one of five lakes in the state's pilot "Lake Sustainability" program. Following that project, in 2001, nine of the county's 27 lake associations have completed lake management plans that also incorporates leadership training, through the "Healthy Lakes" program of the McKnight Foundation.

Shoreland and watershed management activities will focus on the most significant factors that affect lake conditions. These are primarily septic systems, near-shore land use activities, development, silvicultural practices, erosion control and water levels.

More groundwater-related projects have been completed between 2001 and 2006 than in the first years of county water plan implementation. A joint Minnesota Geological Survey (MGS), Minnesota Department of Health, Mississippi Headwaters Board and Itasca County well location verification survey has been incorporated into the new County Well Index and includes detailed well log information. The Minnesota Department of Natural Resources is heading up additional groundwater studies on the Mesabi Iron Range. Specific groundwater-related studies have also been undertaken to increase understanding of groundwater-surface water quality.

Beginning in late 2001 and completed in 2004, the surficial geology and gravel resources of Itasca County was mapped. The three-year project is a combined effort of the county highway department, MDNR and MGS. The primary goal of the project was to delineate areas favorable for road building material; however, another major benefit of the mapping will be significantly increased knowledge of groundwater resources.

In June 2003 Bemidji State University (BSU) in coordination with the Mississippi Headwaters Board completed a study, funded by the Legislative Commission on Minnesota Resources, on the relationship between property and water titled "Lakeshore Property Values and Water Quality". The major finding of this research shows that water clarity significantly affects prices paid for lakeshore properties located on Minnesota Lakes within the Mississippi Headwaters Board region, and that the relationship is positive. Their recommendations state that: 1) changes in lake water clarity will result in millions of dollars in property values—lost or gained—in this lake region of Minnesota and 2) for economic reasons alone—not to mention the ecological health and social benefits at stake—it is important to protect the water quality of all Minnesota's lakes.

Table 1.

PRIORITY CONCERNS
Summary of Actions to be Taken

Surface Water Quality
A. Update and expand data collection and monitoring by stabilizing funding through the 1000 Lakes and Rivers Fund and other grants B. Identify point and non-point sources of pollution from existing and future projects C. Support the Lake Sensitivity Project by providing data and begin implementation within three years D. Coordinate with cities on storm water management plans
Land Use and Development
A. Develop a proactive approach to major developments B. Promote the enforcement of current shoreland ordinances C. Encourage the use of Central Lakes or other Alternative Shoreland Standards D. Promote mitigation for improved water quality E. Promote riparian buffer zones F. Discourage the use of variances in shoreland impact zones and wetlands G. Support the Lake Sensitivity Project by providing data and begin implementation within three years H. Forest Management Practices
Ground Water Quality
A. Support sealing of abandoned wells B. Encourage municipal wellhead protection plans C. Develop a ground water quality and quantity database D. Increase awareness and education
Septic Systems
A. Encourage system inspections, awareness, and education B. Promote current ordinance enforcement C. Identify and increase funding sources for upgrades, including cluster systems D. Promote incentives for upgrading old systems
Fish and Wildlife Habitat
A. Promote the importance and value of fish and wildlife habitat to our residents and recreational users and to the economic viability of the county B. Increase monitoring C. Promote riparian buffer zones
Education
A. Develop presentations and/or brochures that focus on providing solutions and the positive aspects of being good land and water stewards B. Promote the development of new lake and watershed organizations

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Itasca County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on December 22, 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 5, 2006, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Itasca County, pursuant to M.S. Section 103B.312.

2) On August 16, 2006, the BWSR North Region Water Plan Review Committee met with representatives of Itasca County to review the Priority Concerns Scoping Document.

3) On August 24, 2006, the Board of Water and Soil Resources approved official comments on the Itasca County Priority Concerns Scoping Document, which were mailed to the county on August 24, 2006.

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

- Surface Water Quality
- Land Use and Development
- Ground Water Quality
- Septic Systems
- Fish and Wildlife Habitat
- Education

5) On December 22, 2006, the BWSR received the **Itasca** 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 12, 2007, the North Region Water Plan Review Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Itasca County Plan Update. Recommendations of the state review agencies were:

A) Minnesota Pollution Control Agency: recommended approval;
B) Minnesota Department of Agriculture: recommended approval;
C) Minnesota Department of Health: recommended approval;
D) Minnesota Department of Natural Resources: recommended approval;
E) Minnesota Board of Water and Soil Resources staff: recommended approval;
F) Board Water Plan Review Committee Meeting recommended approval.

7) This update will be in effect for a ten year period until March 28, 2117, with the goals, objectives and actions being updated in five years.

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

2. The Itasca 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 Itasca County Local Water Management Plan – March 28, 2007 to March 28, 2017.

Dated at St Paul, Minnesota, this twenty-eighth day of March 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

March 28, 2007

Itasca County Commissioners
123 4th Street N.E.
Grand Rapids, Mn. 55744

Dear Itasca County Commissioners:

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you it approved Itasca County's revised Local Water Management Plan at its regular meeting held on March 28, 2007. 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 Itasca County Local Water Management Plan is effective for a ten-year period until March 28, 2017, with the Goals, Objectives, and Action Items amended by March 28, 2012.

The county must adopt and begin implementing the plan within 120 days (1990m M. S. 103B.08 Subd. 6, Adoption and Implementation). An example of a resolution adopting the plan can be found on BWSR's website at http://www.bwsr.state.mn.us/watermgmt/guidance/Adoption.doc. Upon adoption, please forward the resolution to your Board Conservationist.

The Itasca Soil and Water Conservation District staff and water plan advisory members are to be commended for writing a plan that clearly presents the county's water management goals, actions and priorities. With continued implementation of your water plan the protection and management of Itasca County's water resources will be greatly enhanced. BWSR looks forward to working with you as you implement this Plan and document its outcomes.

Sincerely,

Randy Kramer, Chair

Enclosures
Cc: Jim Gustafson, County Water Plan Coordinator
File copy

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Date: March 16, 2007

To: BWSR Board

From: Jeff Hrubes, B.C. Bemidji

Subject: Approval of Koochiching County PCSD

Brief Process Overview

The Koochiching County Board of Commissioners requested a two-year extension of their Comprehensive Water Management Plan on April 27th of 2005. The Board granted this extension on June 22nd of 2005. The extension is due to expire on July 26, 2007. The reason for the extension was due to staff shortages in the Environmental Services office and reorganization of the SWCD.

Starting in October of 2005, Koochiching County has actively sought input for their water plan update. BWSR has been in close contact with Koochiching County throughout the update process. A water management advisory committee was convened and reviewed the current water management plan as well as the Rainy River Basin plan to identify Priority concerns for the next Comprehensive Water Management Plan. Notification of the plan update was provided to state agencies, adjoining counties and SWCDs, cities and the Province of Ontario.

In January 2007, BWSR informed the state agencies that comments on the proposed Koochiching County PCSD were requested by February 9th, 2007. Priority Concerns input comments were received from MDH, MDA, DNR, PCA, and the BWSR.

Priority concern input from the state agencies is summarized as follows:

DNR: Promote naturalized shoreline and the alternative standards for shoreline development; provide information about the hazards of using surface waters for drinking and provide safe treatment options and alternatives; follow zoning and shoreland ordinances in riparian areas to protect the shore impact zone.

MPCA: Recommended that County identify the priority that the county places on impaired waters that are listed for the County and provided a list of waters impaired for Mercury; Koochiching County should begin to implement a county-wide ISTS program in 2007 and prepare for proposed SSTS rule changes for the 2008 construction season.

MDH: Develop and implement a comprehensive source water protection plan as a component of a broader, county-wide resource/land use management plan as several resorts and the city of International Falls rely on Rainy Lake for their drinking water supply; Consider wellhead protection areas when making land use decisions within the county.

MDA: Approves the Priority Concerns identified and identifies the process as "commendable"

BWSR: Concentrate private lands forest management along shoreline areas and with small-acreage private landowners: devote adequate resources to allow administration of existing ordinances and delivery of technical assistance; periodically review ordinances and delivery systems to assess their adequacy; Ensure BMPs for erosion and sediment control are applied during construction activities, road management and as part of stormwater management, especially in shoreland areas and concentrating on the Little Fork River, which is listed as impaired due to sedimentation.

Personal communication from the Province of Ontario commended the actions identified in the PCSD, and had some suggestions regarding format. The Canadian Department of Fisheries and Oceans requested information on the private forest stewardship plans identified in the PCSD.

Priority Concerns chosen by the County

The Koochiching County water management task force has identified six priority concerns:

1) Erosion
2) Individual Sewage Treatment Systems
3) Education
4) Monitoring
5) Water Quality
6) Forestry

I have reviewed the PCSD and it meets the state requirements. The concerns received from the various state agencies can be incorporated into the selected Priority Concerns and woven into objectives and action items of the Comprehensive Local Water Management Plan that will follow the PCSD. Koochiching County has been working closely with the MPCA to administer the requirements of Minnesota Rule Chapter 7080 even though the County has not formally adopted an ordinance. The Water Management Task Force has identified this requirement and discussed it at length. The draft objectives for implementing the Comprehensive Local Water Management Plan identify ordinance adoption as an action to be completed.

KOOCHICHING COUNTY
WATER MANAGEMENT PLAN 2007 – 2017
PRIORITY CONCERNS SCOPING DOCUMENT

INTRODUCTION

County Primer

Koochiching County has generally seen a decline in population since 1960. It is projected by the State of Minnesota to continue to decline in population through the life of this plan (see Table 1).

Table 1. 1940 to 2020 Koochiching County Population

1940	1950	1960	1970	1980	1990	2000	2010	2020
16,930	16,910	18,190	17,131	17,571	16,299	14,355	13,970	13,580

Rates of population decline roughly correspond to the number of jobs at the paper mill. This is because the paper mill has about 25 percent of the total jobs in the county. It is hoped that increases in tourist-oriented jobs, location-independent jobs and other miscellaneous types of jobs might combine to give the population a bit of a boost rather than a consistent decline.

Table 2 shows the decline in population between 1990 and 2000 occurred in the cities and not in the unincorporated portion of the county. It is generally believed the 2,252 decline in International Falls is overstated. The 1990 Census counted many people as permanent residents when, in fact they were "temporary" residents working at the mill from 1989 to 1991. When they moved, International Falls' population declined and this decline was reflected in the year 2000 Census.

Lake and riverfront property attract new construction and it is along Rainy Lake, and the Little Fork, Big Fork and Rainy Rivers, that most of the county's growth is occurring. New construction of seasonal and retirement housing could accelerate as the Hibbing – Grand Rapids – Bemidji tier continues to fill up, making Koochiching County more attractive for development.

Table 2. 1990 and 2000 Cities / County Population
(source: U.S. Bureau of the Census)

Jurisdiction	Population		
	1990	2000	Change
Big Falls	341	264	-77
International Falls	8,325	6,073	-2,252
Littlefork	838	680	-158
Mizpah	100	78	-22
Northome	283	230	-53
Ranier	199	188	-11
Subtotal Cites	**10,086**	**7,513**	**-2,573**
Unincorporated	**6,213**	**6,842**	**629**
Total County	**16,299**	**14,355**	**-1,944**

The dominant land use of Koochiching County is managed forest. Managed forest easily takes up about 75 percent of the county. It is important to retain long term, sustainable forests, managed both for economic production and environmental values. Agriculture plays an important land use role even though total production has declined over the years. Other land uses include urban and rural residential development. Urban development located in the cities is declining while rural residential development on the lake and rivers is increasing at a modest pace.

Water Plan Information

The Local Governmental Unit (LGU) responsible for the local Water Management Plan (WMP) is the Koochiching County Environmental Services Department. More intimately involved in technical administration and implementation of the WMP is the Koochiching County Soil and Water Conservation District. These two entities work hand-in-glove to fulfill the county's local responsibility for WMP activities.

The original WMP was adopted in early 1995. The second, and most recent update, was adopted July 27, 2000. Progress on this WMP was delayed due to staff overload and the Board of Water and Soil Resources (BWSR) agreed to extend the deadline to July 27, 2007. It is Koochiching County's intent to adopt the WMP, 2007 – 2017 by July 27, 2007.

PRIORITY CONCERNS FOR THE 2007 – 2017 PLAN

All priority concerns point in one direction: water quality. Maintaining or enhancing existing water quality is the overriding goal of all priority concerns. The six priority concerns identified in this report attempt to disaggregate the concern for water quality into somewhat logical and discrete categories. Even at that they are overlapping but they do offer a focus from which to derive goals, strategies and implementation measures. The six priority concerns are:

1. Erosion
2. Individual Sewage Treatment Systems
3. Education
4. Monitoring
5. Water Quality
6. Forestry

These concerns were developed by the WMPAC.

Erosion

Erosion is one of the key contributors to poor water quality. It is a concern for Rainy Lake and for the three major rivers in the county, Rainy, Big Fork and Little Fork. It is also a concern for all the smaller rivers and lakes.

This Plan will support:

- cost share for erosion control on private land
- technical assistance to property owners is provided by the Soil and Water Conservation District (SWCD), the Natural Resources Conservation Service (NRCS), the Department of Natural Resources (DNR), and the Minnesota Pollution Control Agency (MPCA)
- Best Management Practices for agricultural operations
- Forest Resources Council Guidelines for forestry management
- study of the Little Fork River "impaired water" due to turbidity
- the Little Fork River / Big Fork River paired river study
- increased emphasis on shoreland protection by encouraging native vegetation and discouraging lawns up to the shoreline
- implementation of National Pollution Discharge Elimination Standards (NPDES)
- consider use of NEMO (Nonpoint Education for Municipal Officials) to determine cumulative impacts of runoff due to development.

Individual Sewage Treatment Systems (ISTS)

ISTS makes up a separate category because there are several grant programs and major activities that fit under this category. It is also generally acknowledged that faulty septic systems constitute the greatest manmade threat to water

quality. With the enactment of the Clean Water Act in 1973, point sources of pollution were a major problem 30 – 40 years ago but are now under strict permit requirements. Nonpoint sources, such as ISTS, now constitute the greatest threat.

- now that Jackfish Bay sewer is under construction, direct major attention to the rest of Rainy Lake from Tilson Bay to Dove Island, and also Rainy Lake's islands
- this plan supports adoption of a local ISTS ordinance
- implement a Water Quality Cooperative, or other administrative structure, to be responsible for maintenance, repair and construction of new ISTS
- do a septic system compliance inventory
- support the development of Performance Standards for ISTS which would for a wide range of types of ISTS and for having a range of effluent quality standards to apply depending on an area's remoteness from surface water
- focus attention on both specific, localized problem areas and on issues affecting the whole county.

The Board of Commissioners supports the extension of centralized sewer east to Dove Island. This may or may not be feasible. If not, cluster systems and performance standards should be implemented.

Education/Collaboration

Education is a key component of this new Water Management Plan. We all need to be educated about water. It is well known that Minnesotans cherish their water. They want to know how to maintain or enhance their water fronts, their surface water and their groundwater. Hopefully, the centerpiece of education about water in Koochiching County will be Rainy River Community College's Water Resources Center (WRC). There, all that is known about Rainy River Basin water quality may be studied, stored and retrieved. The WRC will be an international center absorbing information from both Minnesota and Canadian sources. It is important to note that 65 percent of the Rainy River Watershed is in Ontario. Collaboration between Minnesota and Ontario is fundamentally important to protection of the Rainy Basin's water quality.

- Seeking funding for the WRC to further its principal objectives to
  a) monitor the Basin's water quality,
  b) manage collected data,
  c) disseminate collected data in informational reports,
  d) support citizen-based water quality programs such as River Watch
- emphasize education over regulation
- prepare informational brochures on groundwater, water quality monitoring, shoreland vegetation and others
- encourage MN DNR, MPCA, BWSR, Dept. of Health, Voyageurs National Park, Ontario Ministry of Natural Resources and Ontario Office of the

Environment, Ontario Ministry of Oceans and Fisheries, Rainy River First Nations to disseminate informational reports, brochures and other educational materials

- convene the Water Management Plan Advisory Committee at least one time each year to review progress on implementing the WMP 2007 – 2017.

Monitoring

Monitoring is important because it requires the active pursuit of information to develop a deeper understanding of the water resource. Generally, water quality in the Rainy Basin is considered "good" as compared to nationally accepted water quality measurement standards and to other geographic areas in Minnesota. There is information, enough to draw conclusions about the general quality of Koochiching County waters. But no body of water, except for the Big Fork River, has been systematically studied to the point where a baseline has been established. The Big Fork River has been systematically monitored by the Big Fork and Littlefork High Schools and guided by volunteer expert, Richard Lacher. The WMP will seek to expand water quality monitoring efforts.

- continue water quality monitoring of the Big Fork River
- create systematic water quality monitoring programs for Rainy River, Little Fork River, Rapid River, Rat Root River and Rainy Lake in cooperation with the Water Resources Center
- encourage citizen water quality efforts
- support funding of a Volunteer Water Monitoring Coordinator position at Rainy River Community College
- seek funding for surface water studies
- do inventories, as a form of monitoring, of wells in Koochiching County and of unused, unsealed wells
- encourage high schools to commit to doing long term water quality monitoring consistent with MPCA requirements, in cooperation with the Water Resources Center
- establish water quality baselines for Rainy Lake, Rainy River and the Little Fork River
- support studies of exotic species on Rainy Lake and other bodies of water as appropriate
- support studies of cyno-bacteria (blue green algae) toxicity in Rainy Lake
- rely on Rainy Lake's status as an Outstanding Resource Value Water (ORVW) to justify funding of studies and programs designed to enhance Rainy Lake's water quality.

Protection of Water Quality

Protection of water quality refers mostly to impacts of construction on water quality. Most construction projects in Koochiching County have the potential to affect wetlands. Wetlands are more thoroughly addressed in the Koochiching

County Wetland Flexibility Plan. The WMP will address Priority Concerns that are particularly related to impacts associated with man-made development projects.

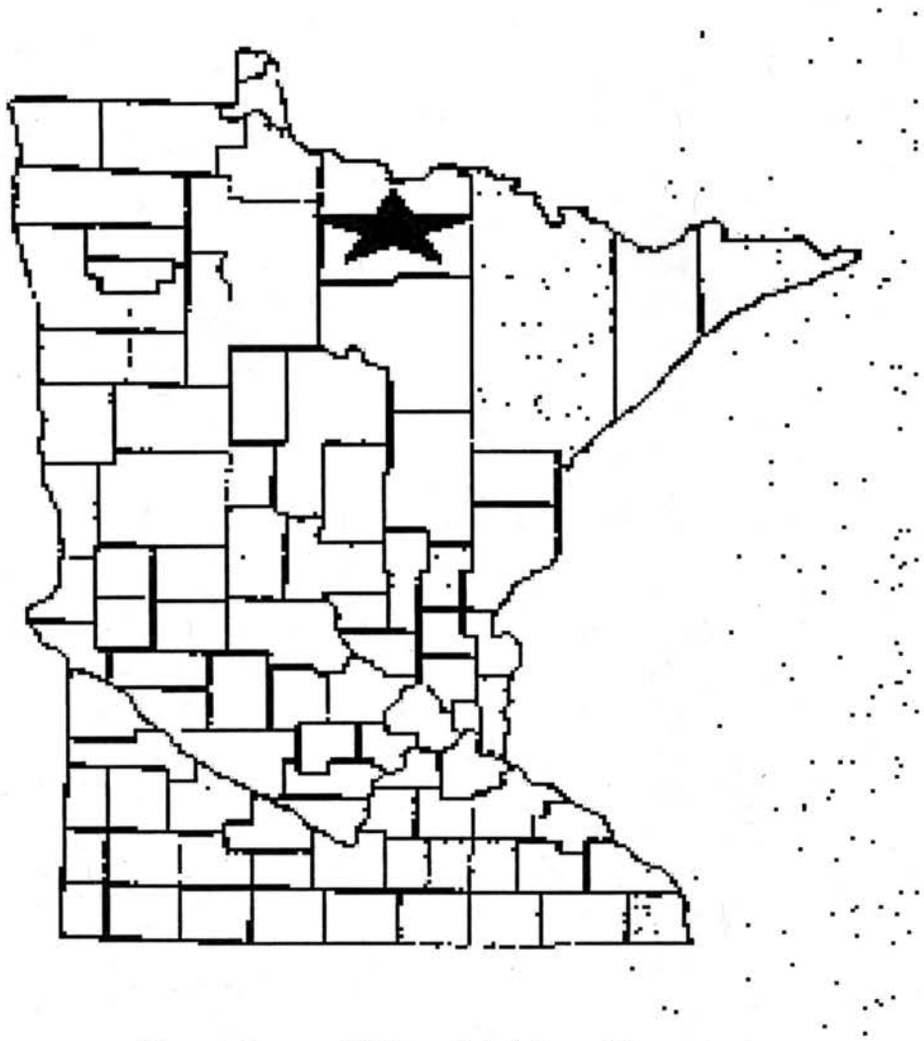
- promote planned, environmentally sensitive development in Koochiching County, designed to ensure good water quality
- preserve and enhance native vegetation on shoreland
- seek funding for wetland restoration where appropriate
- require site constraints analysis prior to designing residential or commercial/industrial projects
- seek continued State support of Koochiching County's Wetland Flexibility Plan
- insist that one size fits all is not appropriate to wetland mitigation in Minnesota
- achieve flexibility in siting wetland replacement by allowing replacement for Koochiching County projects anywhere in Minnesota
- do not require wetland mitigation be the same type of wetland as the type being affected
- avoid adverse impacts on water quality from aggregate mining and quarrying
- assist farmers in manure management
- encourage frequent use of the Technical Evaluation Panel to evaluate projects that will affect wetlands
- continue to have the SWCD provide technical assistance to Koochiching County cities and property owners
- consider setting local thresholds for water quality that are stricter than national or state standards

Forestry

Forestry is a key component of the Soil and Water Conservation District's (SWCD) work program. Since this Water Management Plan will be used as a basis for SWCD's actions, forestry is included in the Plan even though some of its components are not directly pertinent to water management.

This Plan will support:

- preparation by SWCD of Forest Stewardship Plans for private property owners
- distribution of trees throughout the county in SWCD's tree sales program
- participation in teaching forestry management educational classes at Rainy River Community College
- collaboration with federal and state agencies and the private sector in helping to assure Koochiching County has healthy, productive and sustainable forests.



Location of Koochiching County

County Seat: International Falls
Size: ~ 2,032,000 Acres
~ 1,381,000 Acres of Wetlands
90% of County is classified as forest
Public Land Ownership ~ 1,490,000 acres

Minnesota Board of Water & Soil Resources

March 28, 2007

Koochiching Co. County Commissioners
C/O Richard Lehtinen, Koochiching County P&Z
715 4th St.
International Falls, MN 56649

RE: Official Comments pertaining to the State Review of the Koochiching County Priority Concerns Scoping Document.

Dear Koochiching County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Koochiching 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 Koochiching County Priority Concerns Scoping Document (PSCD) on January 15th, 2007.

The Koochiching County Water Management Advisory Committee will address the following general areas:

1. Erosion
2. Individual Sewage Treatment Systems
3. Education
4. Monitoring
5. Water Quality
6. Forestry

Comments were received from the Minnesota Department of Health, Department of, Agriculture, Department of Natural Resources, Pollution Control Agency and Board of Water and Soil Resources. The comments are summarized as follows:

DNR: Promote naturalized shoreline and the alternative standards for shoreline development; provide information about the hazards of using surface waters for drinking and provide safe treatment options and alternatives; follow zoning and shoreland ordinances in riparian areas to protect the shore impact zone.

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MPCA: Recommended that County identify the priority that the county places on impaired waters that are listed for the County and provided a list of waters impaired for Mercury; Koochiching County should begin to implement a county-wide ISTS program in 2007 and prepare for proposed SSTS rule changes for the 2008 construction season. MPCA also noted that Koochiching County has not yet adopted Minnesota Rule Chapter 7080 regulating Individual Sewage Treatment Systems although they recognize that Koochiching County implements the requirements of that rule, and that the MPCA will not recommend approval of the final Local Water Management Plan until the statutory requirement of ordinance adoption is met. Koochiching County's written response to that comment recognizes the statutory requirement and identifies that a local ordinance should be ready for review by May 2007.

MDA: Approves the Priority Concerns identified and identifies the process as "commendable".

BWSR: Concentrate private lands forest management along shoreline areas and with small-acreage private landowners: devote adequate resources to allow administration of existing ordinances and delivery of technical assistance; periodically review ordinances and delivery systems to assess their adequacy; ensure BMPs for erosion and sediment control are applied during construction activities, road management and as part of stormwater management, especially in shoreland areas and concentrating on the Little Fork River, which is listed as impaired due to sedimentation.

MDH: Develop and implement a comprehensive source water protection plan as a component of a broader, county-wide resource/land use management plan as several resorts and the city of International Falls rely on Rainy Lake for their drinking water supply; consider wellhead protection areas when making land use decisions within the county.

Koochiching County acknowledged receipt of those comments as well as others from the Province of Ontario, the Canadian Department of Fisheries and Oceans and Voyageurs National Park. Koochiching County provided a written response to all comments received and incorporated suggestions that will be further developed in the Local Water Management Plan Document.

The Northern Region Water Planning Committee met on March 12, 2007, to discuss the state review agencies comments, the content of the PCSD and recommendations for the content of the final plan. The Committee recommended approval of the PCSD.

Sincerely,

Randy Kramer
Chair, Board of Water and Soil Resources

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NEW BUSINESS - *attachments*

1. Petition for Enlargement, Name Change and Increase in Number of Managers of Carnelian-Marine Watershed District – ***DECISION ITEM***

4. Guidance for Management of Forested Wetland Mitigation Sites ***INFORMATION ITEM***

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

In the Matter of the Enlargement, Increase in Number of Managers and Name Change of the Carnelian-Marine Watershed District in Washington County pursuant to Minnesota Statutes §§ 103D.261 and 103D.305

ORDER ENLARGEMENT OF CARNELIAN-MARINE WATERSHED DISTRICT

Whereas, Washington County filed a Petition dated December 1, 2006 with the Board of Water and Soil Resources (Board) on December 22, 2006, to enlarge and change the name of the Carnelian-Marine Watershed District (District) pursuant to Minn. Stat. § 103D.261, and to increase the number of managers of the District pursuant to Minn. Stat. § 103D.305, and;

Whereas, the Board has completed its review of the Petition;

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

FINDINGS OF FACT

1. **Petition.** The Petition to enlarge, change the name and increase the number of managers of the District dated December 1, 2006, was filed by Washington County with the Board on December 22, 2006.

2. **Property Description.** The territory to be included in the watershed district, the Petitioned Area, is depicted in Exhibit A of the Petition and is an area located in Washington County entirely within the metropolitan area and is approximately 38 square miles contiguous to the Carnelian-Marine Watershed District, which includes land in the Cities of Marine on St. Croix and Scandia, and the Towns of May and Stillwater. The proposed enlarged watershed district consists of a total of 81.48 square miles, of which 27.33 square miles are located within the City of Scandia, 4.18 square miles are located within the City of Marine on St. Croix, 0.74 square miles are located within the City of Hugo, 34.58 square miles are located

within the Town of May, 0.25 square miles are located within the City of Grant, and 14.40 square miles are located within the Town of Stillwater. The Petitioned Area includes, but is not solely limited to, the Marine on St. Croix Watershed Management Organization.

3. **District Name.** The Petition specifies the name of the proposed enlarged district shall be the "Carnelian-Marine-St. Croix Watershed District".

4. **Number of Managers.** The Petition specifies the proposed number of managers shall be increased to seven (7) from the present number of five (5) managers.

5. **Petition Service.** The Petition was served on the Board and the District pursuant to Minn. Stat. § 103D.261, Subd. 1 (c).

6. **Reasons for Change.** The Petition states the enlargement and increase in number of managers is necessary due to the large number and diversity of water-related natural resources, significant high value resources, heavy use of the resources for recreational and aesthetic purposes, recharge of drinking water supplies, increased development pressures, fiscal capacity, and manager appointments to fairly represent the area. In May 1998, the Washington County Board of Commissioners authorized a Water Governance Study to identify and evaluate the best governance structure for water management for the county. In April 2002, the county developed a plan defining the expectations of watershed management organizations for actively managing the water resources of the county. Washington County has worked with representatives of each of the water management units to develop recommendations for key issues related to the enlargement, renaming and increase the number of managers of the District, such as financing policies, coordination of water management plans, water management name and board representation. Goals from the Revised Implementation Plan for Water Governance are as follows:

   a. To create a water management structure that will provide long term protection for surface and groundwater resources.

   b. To create local water management units with the fiscal capacity and authority to govern efficiently and effectively.

   c. To identify financing mechanisms that are fair and adequate to meet the needs of the county.

d. To coordinate surface water, groundwater, land use, and natural resources management to provide for a more comprehensive approach to resource management.

e. To adopt a proactive rather than a reactive approach to countywide water resources.

f. To increase the accountability of the water management structure.

7. **Hearing Order.** At its regular meeting on January 24, 2007, the Board determined the Petition met the requirements of Minn. Stat. §§ 103D.261 and 103D.305, and consequently ordered a public hearing to be held on the Petition.

8. **Hearing Notice.** Legal notice of the public hearing on the proposed watershed district enlargement, name change and increase in number of managers, pursuant to Minn. Stat. §§ 103D.261, Subd. 1 (d) and 103D.305, Subd. 4, was published in the Country Messenger on January 31, 2007, and the Stillwater Gazette on February 1, 2007. Further, a copy of the hearing notice was mailed to several addressees including the Washington County Auditor, the Washington County Board of Commissioners, all of the cities and towns in the Petitioned Area, the District, adjacent watershed districts, the SWCD, and the DNR.

9. **Public Hearing.** A public hearing was held on the Petition on February 22, 2007, at the Marine on St. Croix City Hall, 121 Judd Street, Marine on St. Croix, Minnesota. The proceedings were tape recorded. The hearing panel was the Metro Water Planning Committee which consisted of Board members Louise Smallidge, Lisa Thorvig, LuAnn Tolliver and Robert Burandt as chair.

Jim Haertel, Board staff, entered Exhibits 1 through 15 into the record by reading a brief description of each exhibit.

Exhibit 1. Letter dated December 19, 2006, from Linda Krafthefer, Assistant Washington County Attorney, with attached (a) Petition for the Enlargement of the Carnelian-Marine Watershed District dated December 1, 2006, and (b) Map of Proposed Enlargement of Carnelian-Marine Watershed District dated June 3, 2005.

Exhibit 2. Washington County Board of Commissioners Resolution Number 2006-167 dated December 19, 2006, directing the filing of the Petition, with attached (a) certification of the resolution signed by James Schug, Washington County Administrator.

Exhibit 3. Letter dated January 10, 2007 from Linda Krafthefer, Assistant Washington County Attorney, with attached (a) proof of service of the Petition on the Carnelian-Marine Watershed District.

Exhibit 4. Memorandum dated January 24, 2007 from Amanda Goebel, Washington County Department of Public Health and Environment, forwarding Exhibits 5 through 11.

Exhibit 5. Joint Resolution of the Town of May, City of Marine on St. Croix, Town of Stillwater and Town of New Scandia to dissolve the Marine on St. Croix Watershed Management Organization contingent on approval of the Petition.

Exhibit 6. Resolution number 12-4-2006 of the Carnelian-Marine Watershed District in support of the proposed enlargement.

Exhibit 7. Resolution dated November 16, 2006 of the Marine on St. Croix Watershed Management Organization in support of the Petition.

Exhibit 8. Resolution number 2006-1222 of the City of Marine on St. Croix in support of the Petition.

Exhibit 9. Resolution number 2006-16 of the Town of May in support of the Petition.

Exhibit 10. Resolution number 12-05-06-01 of New Scandia Township in support of the Petition.

Exhibit 11. Resolution number 2006-2 of the Town of Stillwater in support of the Petition.

Exhibit 12. Order of the Board of Water and Soil Resources dated January 24, 2007, setting the date, time and location of the public hearing on the Petition.

Exhibit 13. Letter dated January 25, 2007, from Jim Haertel, Board of Water and Soil Resources, to several addressees providing notification of the public hearing with attached (a) Legal Notice, (b) map of proposed enlargement, (c) list of addressees and (d) Affidavit of Mailing.

Exhibit 14. Affidavit of Publication of Legal Notice in the Country Messenger on January 31, 2007.

Exhibit 15. Affidavit of Publication of Legal Notice in the Stillwater Gazette on February 1, 2007.

Exhibit 16. Hardcopy of electronic presentation presented at the hearing by Amanda Goebel, Washington County Department of Public Health and Environment.

Exhibit 17. Letter dated February 22, 2007 from Jim Shaver, Marine on St. Croix Watershed Management Organization President, in support of the Petition.

Exhibit 18. Letter dated February 22, 2007 from John Bower, Carnelian-Marine Watershed District President, in support of the Petition.

Exhibit 19. Resolution dated April 28, 2003 from New Scandia Township in support of inclusion of an area not currently under watershed management planning into the Marine on St. Croix Watershed Management Organization.

After all people present at the public hearing were given an opportunity to speak, the hearing record was left open for two weeks until 4:30 PM on March 8, 2007, for receipt of written comments. No exhibits were received while the hearing record was open.

10. **Hearing Panel.** The Metro Water Planning Committee met on March 9, 2007. Committee members in attendance were Louise Smallidge, Lisa Thorvig, LuAnn Tolliver and Robert Burandt as chair. Based on the entire record in this matter and after due consideration, the committee decided with a voice vote to recommend to the full Board that the Carnelian-Marine Watershed District be enlarged according to the Petition. The Committee further decided with a voice vote to recommend to the full Board that the number of managers be increased from five (5) to seven (7) and that the name be changed to the Carnelian-Marine-St. Croix Watershed District. The enlargement, increase in number of managers and name change would benefit the public welfare and public interest and the purposes of Minnesota Statutes Chapters 103B and 103D would be served. The Committee noted the overwhelming support in the hearing record for the Petition and the lack of opposition to the Petition in the hearing record. Per the Joint Resolution (See Exhibit 5), approval of this Order and filing of this Order with the Secretary of State needs to be contingent on the dissolution of the Marine on St. Croix Watershed Management Organization taking place first.

CONCLUSIONS

1. The Petition for the enlargement, name change and increasing the number of managers of the Carnelian-Marine Watershed District is valid in accordance with Minn. Stat. §§ 103D.261 and 103D.305.

2. Proper notice of hearing was given and the public hearing was held in accordance with applicable laws.

3. All relevant substantive and procedural requirements of law and rule have been fulfilled.

4. The Board has proper jurisdiction in the matter of ordering a watershed district enlargement, name change and increase in number of managers.

5. The enlargement, increase in number of managers and name change of the Carnelian-Marine Watershed District as proposed in the Petition would benefit the public welfare and public interest and the purposes of Minnesota Statutes Chapters 103B and 103D would be served.

6. The Carnelian-Marine Watershed District can be enlarged into the area of the Marine on St. Croix Watershed Management Organization because the organization will dissolve per the joint resolution of its member communities upon approval of the Petition.

7. The Carnelian-Marine Watershed District enlargement, increase in number of managers and name change cannot occur before the Marine on St. Croix Watershed Management Organization is dissolved.

ORDER

The Board hereby orders that the Carnelian Marine Watershed District be enlarged according to the Petition and Exhibit A of said Petition, that the name be changed to the Carnelian-Marine-St. Croix Watershed District, and that the number of managers be increased from five (5) to seven (7), contingent on the dissolution of the Marine on St. Croix Watershed Management Organization occurring within three months from the date of this Order. The Board further orders that the Carnelian-Marine Watershed District Watershed Management Plan be amended within one year of the date of this order to include the Petitioned Area. The legal description for the Carnelian-Marine-St. Croix Watershed District is as follows:

Township 30 North, Range 19 West (Stillwater Township):

All that part of Section 6 lying westerly of the main channel of the St. Croix River, also being the easterly boundary of Washington County, Minnesota.	Section 6

Township 30 North, Range 20 West (Stillwater Township):

All that part of Section 1 lying westerly of the main channel of the St. Croix River, also being the easterly boundary of Washington County, Minnesota.	Section 1
All of Section	Section 2
All of Section	Section 3
All of Section	Section 4
All of Section	Section 5
E ½	Section 6
E ½ of the NW ¼	Section 6
E ½ of the SW ¼	Section 6
SW ¼ of the SW ¼	Section 6
E ½	Section 7

NW ¼	Section 7
N ½ of the SW ¼	Section 7
All of Section	Section 8
All of Section	Section 9
All of Section	Section 10
All that part of Section 11 lying westerly of the main channel of the St. Croix River, also being the easterly boundary of Washington County, Minnesota.	Section 11
All that part of Section 12 lying westerly of the main channel of the St. Croix River, also being the easterly boundary of Washington County, Minnesota.	Section 12
All that part of Section 14 lying westerly of the main channel of the St. Croix River, also being the easterly boundary of Washington County, Minnesota.	Section 14
All that part of Section 15 lying westerly of the main channel of the St. Croix River, also being the easterly boundary of Washington County, Minnesota.	Section 15
N ½	Section 16
SE ¼	Section 16
NE ¼ of the SW ¼	Section 16
N ½ of the NE ¼	Section 17
NW ¼	Section 17
N ½ of the SW ¼	Section 17
SW ¼ of the SW ¼	Section 17
E ½	Section 18
N ½ of the NE ¼	Section 19
NE ¼ of the NW ¼	Section 19

Township 30 North, Range 21 West (City of Grant):

SE ¼ of the SE ¼	Section 1

E ½ of the NE ¼	Section 12
NE ¼ of the SE ¼	Section 12

Township 31 North, Range 19 West (May Township, City of Marine on St. Croix):

All that part of Township 31 North, Range 19 West lying westerly of the main channel of the St. Croix River, also being the easterly boundary of Washington County, Minnesota.

Township 31 North, Range 20 West (May Township, City of Marine on St. Croix):

All of Section	Section 1
All of Section	Section 2
All of Section	Section 3
All of Section	Section 4
All of Section	Section 5
All of Section	Section 6
NE ¼	Section 7
S ½	Section 7
All of Section	Section 8
All of Section	Section 9
All of Section	Section 10
All of Section	Section 11
All of Section	Section 12
All of Section	Section 13
All of Section	Section 14
All of Section	Section 15

All of Section	Section 16
All of Section	Section 17
All of Section	Section 18
NE ¼	Section 19
N ½ of the NW ¼	Section 19
SE ¼ of the NW ¼	Section 19
N ½	Section 20
E ½ of the SW ¼	Section 20
SE ¼	Section 20
All of Section	Section 21
All of Section	Section 22
All of Section	Section 23
All of Section	Section 24
All of Section	Section 25
All of Section	Section 26
All of Section	Section 27
All of Section	Section 28
NE ¼	Section 29
E ½ of the NW ¼	Section 29
S ½	Section 29
SE ¼ of the SE ¼	Section 30
NE ¼	Section 32
N ½ of the NW ¼	Section 32
SE ¼ of the NW ¼	Section 32
N ½ of the SE ¼	Section 32
SE ¼ of the SE ¼	Section 32
All of Section	Section 33

All of Section	Section 34
All of Section	Section 35
All of Section	Section 36

Township 31 North, Range 21 West (City of Hugo):

SE ¼	Section 12
NE ¼	Section 13
N ½ of the SE ¼	Section 13
SE ¼ of the SE ¼	Section 13
NE ¼ of the NE ¼	Section 24

Township 32 North, Range 19 West (City of Scandia, City of Marine on St. Croix):

All that part of Township 32 North, Range 19 West lying westerly of the main channel of the St. Croix River, also being the easterly boundary of Washington County, Minnesota.

Township 32 North, Range 20 West (City of Scandia, City of Marine on St. Croix):

All of Section	Section 1
SE ¼	Section 2
E ½ of the NE ¼	Section 2
That part of the SW ¼ of the NE ¼ lying easterly of the centerline of County State Aid Highway No. 3 (Olinda Trail North).	Section 2
That part of the NW ¼ of the NE ¼ lying easterly of the west line of Washington County Highway Right of Way Plat No. 106; AND that part of said NW ¼ of the NE ¼ described as follows: Commencing at the northwest corner of the NE ¼ of Section 2, Township 32 North, Range 20 West; Washington County, Minnesota; thence easterly along the north line of said Section 2 a distance of 555.54 feet to the centerline of County State Aid Highway No. 3; thence deflecting to the right 64 degrees 35 minutes 36 seconds, going southeasterly along said centerline of County State Aid Highway No. 3, a distance of 387.47 feet to the point of beginning of the tract to be described; thence continuing southeasterly along said centerline	Section 2

a distance of 405.0 feet; thence deflecting to the right 115 degrees 24 minutes 24 seconds going westerly and parallel to the north line of said NE ¼, a distance of 682.24 feet; thence deflecting to the right 90 degrees 00 minutes, a distance of 365.83 feet; thence deflecting to the right 90 degrees 00 minutes going a distance of 508.48 feet, more or less, to the point of beginning.	
That part of the NW ¼ of the NE ¼ and the NE ¼ of the NW ¼ described as follows: Beginning at the northwest corner of the NE ¼ of Section 2, Township 32 North, Range 20 West; Washington County, Minnesota; thence easterly along the north line of said Section 2 a distance of 555.54 feet to the centerline of County State Aid Highway No. 3; thence deflecting to the right 64 degrees 35 minutes 36 seconds, going southeasterly along said centerline of County State Aid Highway No. 3, a distance of 387.47 feet; thence deflecting to the right 115 degrees 24 minutes 24 seconds going westerly and parallel with the north line of said NE ¼, a distance of 1078.78 feet; thence deflecting 90 degrees 00 minutes to the right, a distance of 352.2 feet, more or less, going to the north line of the NW ¼ of said Section 2; thence easterly along said north line a distance of 357.0 feet, more or less, to the point of beginning.	Section 2
SE ¼	Section 7
That part of the S ½ of the NE ¼ of the SW ¼ lying easterly of the centerline of County Road No. 15A, (Manning Trail North).	Section 7
That part of the SE ¼ of the SW ¼ lying easterly of the centerline of County Road No. 15A, (Manning Trail North).	Section 7
The south 1230.00 feet of the west 355.00 feet of the SE ¼ of the SW ¼.	Section 7
That part of the S ½ of the SE ¼ lying northeasterly of the centerline of Oakhill Road North; EXCEPT that part of the west 330 feet of said S ½ of the SE ¼ lying northeasterly of said centerline of Oakhill Road North; ALSO EXCEPT that part of the east 300 feet of the west 630 feet of said S ½ of the SE ¼ lying northeasterly of said centerline of Oakhill Road North, and lying southerly of the north 480 feet and northerly of the south 33 feet thereof.	Section 10
NE ¼	Section 11
E ½ of the NW ¼	Section 11
S ½	Section 11
All of Section	Section 12
All of Section	Section 13

E ½	Section 14
E ½ of the NW ¼	Section 14
NW ¼ of the NW ¼	Section 14
That part of the SW ¼ of the NW ¼ lying northeasterly of the centerline of Oakhill Road North.	Section 14
E ½ of the SW ¼	Section 14
SW ¼ of the SW ¼	Section 14
That part of the NW ¼ of the SW ¼ lying northeasterly of the following described reference line: Beginning at the intersection of the centerline of Oakhill Road North and the north line of said NW ¼ of the SW ¼; thence southeasterly along said centerline to its intersection with the centerline of Oland Avenue North; thence northeasterly along said centerline of Oland Avenue North to its intersection with the northwesterly extension of the northeasterly line of Lot 1, Block 2 in the plat of HAWKINSON HIGHLANDS; thence southeasterly along said northeasterly line of Lot 1 and its extension, to the easterly corner of said Lot 1; thence southwesterly along the southeasterly line of said Lot 1 to the westerly corner of Outlot A in said plat of HAWKINSON HIGHLANDS; thence southeasterly along the southwesterly line of said Outlot A to the southerly corner of said Outlot A; thence southwesterly along an extension of the southeasterly line of said Outlot A to the centerline of said Oakhill Road North; thence southeasterly along said centerline of Oakhill Road North to its intersection with the south line of said NW ¼ of the SW ¼ and said reference line there terminating.	Section 14
That part of the NE ¼ lying northeasterly of the centerline of Oakhill Road North.	Section 15
S ½ of the S ½	Section 16
S ½ of the SE ¼	Section 17
SW ¼	Section 17
N ½ of the NW ¼, except the East 768.7 feet thereof	Section 17
S ½ of the NW ¼, except the East 860 feet thereof	Section 17
Part of the S ½ of the NW ¼ described as: Beginning at the southwest corner of the east 860 feet; thence north and parallel with the east line of said NW ¼ a distance of 325 feet; thence east and parallel with the south line of said NW ¼ a distance of 95 feet; thence south and parallel with the east line of said NW ¼ a distance of 325 feet to the south line of said NW ¼; thence west along the south line of said NW ¼ a distance of 95 feet to the point of beginning.	Section 17

E ½	Section 18
E ½ of the SW ¼	Section 18
That part of the E ½ of the NW ¼ lying easterly of the centerline of County Road No. 15A (Manning Trail North).	Section 18
That part of the SW ¼ of the NW ¼ lying easterly and southerly of the following described reference line: Beginning at the southwest corner of Lot 14, Block 1 of the plat of HARMONY ACRES; thence northerly along the west line of said Lot 14 to northwest corner of said Lot 14; thence northeasterly to the southwest corner of Lot 10, Block 2 of said plat; thence northerly along the west line of said Lot 10 to the northwest corner of said Lot 10; thence easterly along the north line of said Lot 10 and the north line of Lot 11, Block 2 of said plat to the northeast corner of said Lot 11; thence northerly along the east line of Lot 4, Block 2 of said plat and its northerly extension to the southerly line of Lot 1, Block 1 of said plat; thence easterly along said southerly line to the southeast corner of said Lot 1; thence northerly along the east line of said Lot 1 and the east line of Lot 2, Block 1 of said plat to the northeast corner of said Lot 2; thence easterly along the north line of said plat of HARMONY ACRES to the northeast corner of said plat and said reference line there terminating.	Section 18
That part of the NW ¼ of the SW ¼ lying northerly and easterly of the following described reference line: Beginning at the southeast corner of the plat of HARMONY ACRES; thence westerly along the south line of said plat to the southeast corner of Lot 23, Block 1 of said plat; thence northerly along the east line of said Lot 23 to the northeast corner of said Lot 23; thence northerly to the southeast corner of Lot 20, Block 1 of said plat; thence westerly along the southerly line of said Lot 20 to the southwesterly corner of said Lot 20; thence northwesterly along the westerly line of said Lot 20 to the northwest corner of said Lot 20; thence easterly along the northerly line of said Lot 20 to the southwest corner of Lot 14, Block 1 of said plat; thence northerly along the west line of said Lot 14 to the northwest corner of said Lot 14 and said reference line there terminating.	Section 18
E ½ of the NE ¼	Section 19
E ½ of the SE ¼	Section 19
SW ¼ of the SE ¼	Section 19
All of Section	Section 20

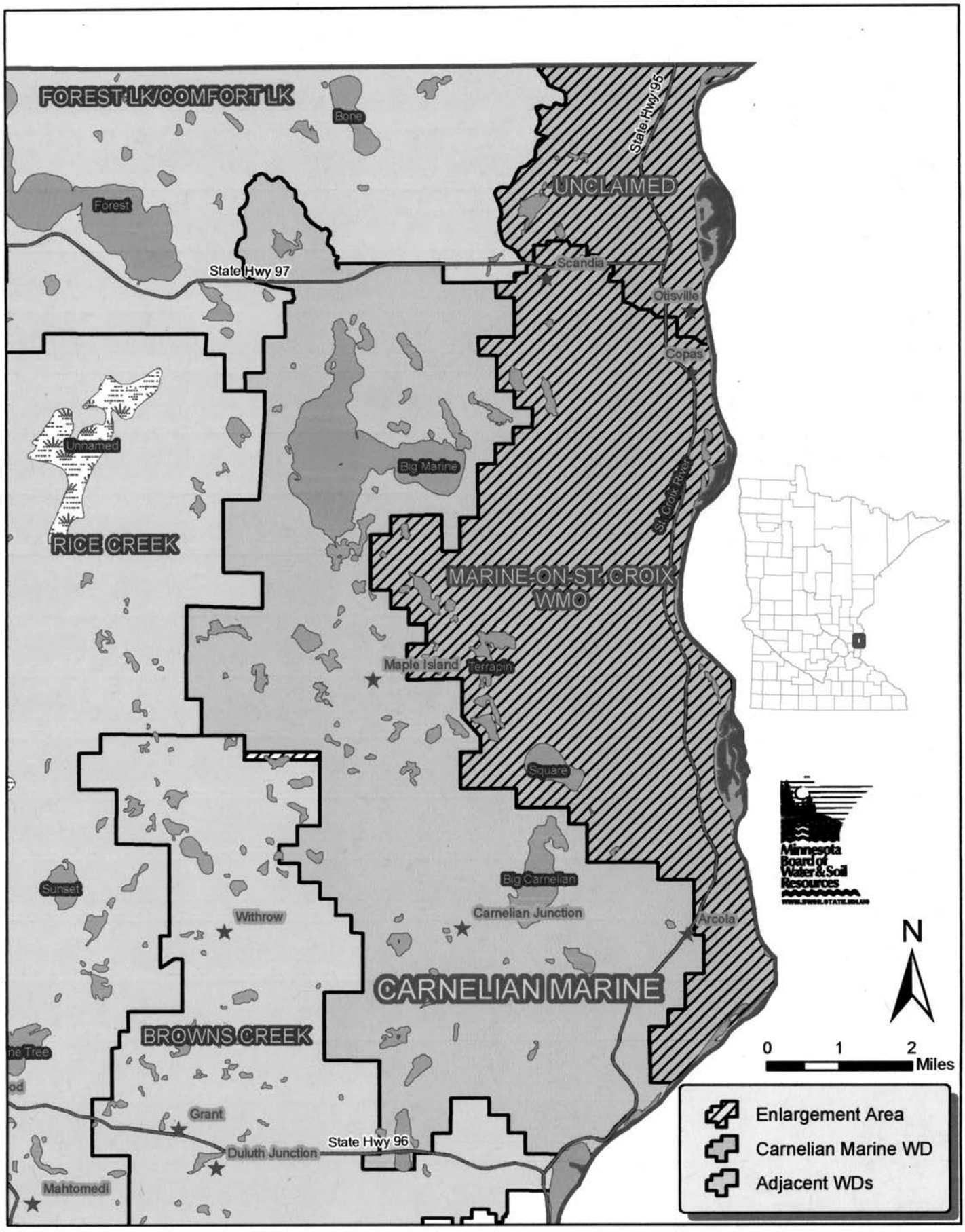
All of Section	Section 21
All of Section	Section 22
All of Section	Section 23
All of Section	Section 24
All of Section	Section 25
All of Section	Section 26
All of Section	Section 27
All of Section	Section 28
All of Section	Section 29
E ½	Section 30
SE ¼ of the NW ¼	Section 30
E ½	Section 31
All of Section	Section 32
All of Section	Section 33
All of Section	Section 34
All of Section	Section 35
All of Section	Section 36

Dated at Saint Paul, Minnesota this 28th day of March, 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

Enlargement of Carnelian Marine Watershed District



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

In the Matter of the Enlargement, Increase in Number of Managers and Name Change of the Carnelian-Marine Watershed District in Washington County pursuant to Minnesota Statutes §§ 103D.261 and 103D.305

ORDER ENLARGEMENT OF CARNELIAN-MARINE WATERSHED DISTRICT

Whereas, Washington County filed a Petition dated December 1, 2006 with the Board of Water and Soil Resources (Board) on December 22, 2006, to enlarge and change the name of the Carnelian-Marine Watershed District (District) pursuant to Minn. Stat. § 103D.261, and to increase the number of managers of the District pursuant to Minn. Stat. § 103D.305, and;

Whereas, the Board has completed its review of the Petition;

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

FINDINGS OF FACT

1. **Petition.** The Petition to enlarge, change the name and increase the number of managers of the District dated December 1, 2006, was filed by Washington County with the Board on December 22, 2006.

2. **Property Description.** The territory to be included in the watershed district, the Petitioned Area, is depicted in Exhibit A of the Petition and is an area located in Washington County entirely within the metropolitan area and is approximately 38 square miles contiguous to the Carnelian-Marine Watershed District, which includes land in the Cities of Marine on St. Croix and Scandia, and the Towns of May and Stillwater. The proposed enlarged watershed district consists of a total of 81.48 square miles, of which 27.33 square miles are located within the City of Scandia, 4.18 square miles are located within the City of Marine on St. Croix, 0.74 square miles are located within the City of Hugo, 34.58 square miles are located

within the Town of May, 0.25 square miles are located within the City of Grant, and 14.40 square miles are located within the Town of Stillwater. The Petitioned Area includes, but is not solely limited to, the Marine on St. Croix Watershed Management Organization.

3. **District Name.** The Petition specifies the name of the proposed enlarged district shall be the "Carnelian-Marine-St. Croix Watershed District".

4. **Number of Managers.** The Petition specifies the proposed number of managers shall be increased to seven (7) from the present number of five (5) managers.

5. **Petition Service.** The Petition was served on the Board and the District pursuant to Minn. Stat. § 103D.261, Subd. 1 (c).

6. **Reasons for Change.** The Petition states the enlargement and increase in number of managers is necessary due to the large number and diversity of water-related natural resources, significant high value resources, heavy use of the resources for recreational and aesthetic purposes, recharge of drinking water supplies, increased development pressures, fiscal capacity, and manager appointments to fairly represent the area. In May 1998, the Washington County Board of Commissioners authorized a Water Governance Study to identify and evaluate the best governance structure for water management for the county. In April 2002, the county developed a plan defining the expectations of watershed management organizations for actively managing the water resources of the county. Washington County has worked with representatives of each of the water management units to develop recommendations for key issues related to the enlargement, renaming and increase the number of managers of the District, such as financing policies, coordination of water management plans, water management name and board representation. Goals from the Revised Implementation Plan for Water Governance are as follows:

   a. To create a water management structure that will provide long term protection for surface and groundwater resources.

   b. To create local water management units with the fiscal capacity and authority to govern efficiently and effectively.

   c. To identify financing mechanisms that are fair and adequate to meet the needs of the county.

d. To coordinate surface water, groundwater, land use, and natural resources management to provide for a more comprehensive approach to resource management.

e. To adopt a proactive rather than a reactive approach to countywide water resources.

f. To increase the accountability of the water management structure.

7. **Hearing Order.** At its regular meeting on January 24, 2007, the Board determined the Petition met the requirements of Minn. Stat. §§ 103D.261 and 103D.305, and consequently ordered a public hearing to be held on the Petition.

8. **Hearing Notice.** Legal notice of the public hearing on the proposed watershed district enlargement, name change and increase in number of managers, pursuant to Minn. Stat. §§ 103D.261, Subd. 1 (d) and 103D.305, Subd. 4, was published in the Country Messenger on January 31, 2007, and the Stillwater Gazette on February 1, 2007. Further, a copy of the hearing notice was mailed to several addressees including the Washington County Auditor, the Washington County Board of Commissioners, all of the cities and towns in the Petitioned Area, the District, adjacent watershed districts, the SWCD, and the DNR.

9. **Public Hearing.** A public hearing was held on the Petition on February 22, 2007, at the Marine on St. Croix City Hall, 121 Judd Street, Marine on St. Croix, Minnesota. The proceedings were tape recorded. The hearing panel was the Metro Water Planning Committee which consisted of Board members Louise Smallidge, Lisa Thorvig, LuAnn Tolliver and Robert Burandt as chair.

Jim Haertel, Board staff, entered Exhibits 1 through 15 into the record by reading a brief description of each exhibit.

Exhibit 1. Letter dated December 19, 2006, from Linda Krafthefer, Assistant Washington County Attorney, with attached (a) Petition for the Enlargement of the Carnelian-Marine Watershed District dated December 1, 2006, and (b) Map of Proposed Enlargement of Carnelian-Marine Watershed District dated June 3, 2005.

Exhibit 2. Washington County Board of Commissioners Resolution Number 2006-167 dated December 19, 2006, directing the filing of the Petition, with attached (a) certification of the resolution signed by James Schug, Washington County Administrator.

Exhibit 3. Letter dated January 10, 2007 from Linda Krafthefer, Assistant Washington County Attorney, with attached (a) proof of service of the Petition on the Carnelian-Marine Watershed District.

Exhibit 4. Memorandum dated January 24, 2007 from Amanda Goebel, Washington County Department of Public Health and Environment, forwarding Exhibits 5 through 11.

Exhibit 5. Joint Resolution of the Town of May, City of Marine on St. Croix, Town of Stillwater and Town of New Scandia to dissolve the Marine on St. Croix Watershed Management Organization contingent on approval of the Petition.

Exhibit 6. Resolution number 12-4-2006 of the Carnelian-Marine Watershed District in support of the proposed enlargement.

Exhibit 7. Resolution dated November 16, 2006 of the Marine on St. Croix Watershed Management Organization in support of the Petition.

Exhibit 8. Resolution number 2006-1222 of the City of Marine on St. Croix in support of the Petition.

Exhibit 9. Resolution number 2006-16 of the Town of May in support of the Petition.

Exhibit 10. Resolution number 12-05-06-01 of New Scandia Township in support of the Petition.

Exhibit 11. Resolution number 2006-2 of the Town of Stillwater in support of the Petition.

Exhibit 12. Order of the Board of Water and Soil Resources dated January 24, 2007, setting the date, time and location of the public hearing on the Petition.

Exhibit 13. Letter dated January 25, 2007, from Jim Haertel, Board of Water and Soil Resources, to several addressees providing notification of the public hearing with attached (a) Legal Notice, (b) map of proposed enlargement, (c) list of addressees and (d) Affidavit of Mailing.

Exhibit 14. Affidavit of Publication of Legal Notice in the Country Messenger on January 31, 2007.

Exhibit 15. Affidavit of Publication of Legal Notice in the Stillwater Gazette on February 1, 2007.

Exhibit 16. Hardcopy of electronic presentation presented at the hearing by Amanda Goebel, Washington County Department of Public Health and Environment.

Exhibit 17. Letter dated February 22, 2007 from Jim Shaver, Marine on St. Croix Watershed Management Organization President, in support of the Petition.

Exhibit 18. Letter dated February 22, 2007 from John Bower, Carnelian-Marine Watershed District President, in support of the Petition.

Exhibit 19. Resolution dated April 28, 2003 from New Scandia Township in support of inclusion of an area not currently under watershed management planning into the Marine on St. Croix Watershed Management Organization.

After all people present at the public hearing were given an opportunity to speak, the hearing record was left open for two weeks until 4:30 PM on March 8, 2007, for receipt of written comments. No exhibits were received while the hearing record was open.

10. **Hearing Panel.** The Metro Water Planning Committee met on March 9, 2007. Committee members in attendance were Louise Smallidge, Lisa Thorvig, LuAnn Tolliver and Robert Burandt as chair. Based on the entire record in this matter and after due consideration, the committee decided with a voice vote to recommend to the full Board that the Carnelian-Marine Watershed District be enlarged according to the Petition. The Committee further decided with a voice vote to recommend to the full Board that the number of managers be increased from five (5) to seven (7) and that the name be changed to the Carnelian-Marine-St. Croix Watershed District. The enlargement, increase in number of managers and name change would benefit the public welfare and public interest and the purposes of Minnesota Statutes Chapters 103B and 103D would be served. The Committee noted the overwhelming support in the hearing record for the Petition and the lack of opposition to the Petition in the hearing record. Per the Joint Resolution (See Exhibit 5), approval of this Order and filing of this Order with the Secretary of State needs to be contingent on the dissolution of the Marine on St. Croix Watershed Management Organization taking place first.

CONCLUSIONS

1. The Petition for the enlargement, name change and increasing the number of managers of the Carnelian-Marine Watershed District is valid in accordance with Minn. Stat. §§ 103D.261 and 103D.305.

2. Proper notice of hearing was given and the public hearing was held in accordance with applicable laws.

3. All relevant substantive and procedural requirements of law and rule have been fulfilled.

4. The Board has proper jurisdiction in the matter of ordering a watershed district enlargement, name change and increase in number of managers.

5. The enlargement, increase in number of managers and name change of the Carnelian-Marine Watershed District as proposed in the Petition would benefit the public welfare and public interest and the purposes of Minnesota Statutes Chapters 103B and 103D would be served.

6. The Carnelian-Marine Watershed District can be enlarged into the area of the Marine on St. Croix Watershed Management Organization because the organization will dissolve per the joint resolution of its member communities upon approval of the Petition.

7. The Carnelian-Marine Watershed District enlargement, increase in number of managers and name change cannot occur before the Marine on St. Croix Watershed Management Organization is dissolved.

ORDER

The Board hereby orders that the Carnelian Marine Watershed District be enlarged according to the Petition and Exhibit A of said Petition, that the name be changed to the Carnelian-Marine-St. Croix Watershed District, and that the number of managers be increased from five (5) to seven (7), contingent on the dissolution of the Marine on St. Croix Watershed Management Organization occurring within three months from the date of this Order. The Board further orders that the Carnelian-Marine Watershed District Watershed Management Plan be amended within one year of the date of this order to include the Petitioned Area. The legal description for the Carnelian-Marine-St. Croix Watershed District is as follows:

Township 30 North, Range 19 West (Stillwater Township):

All that part of Section 6 lying westerly of the main channel of the St. Croix River, also being the easterly boundary of Washington County, Minnesota.	Section 6

Township 30 North, Range 20 West (Stillwater Township):

All that part of Section 1 lying westerly of the main channel of the St. Croix River, also being the easterly boundary of Washington County, Minnesota.	Section 1
All of Section	Section 2
All of Section	Section 3
All of Section	Section 4
All of Section	Section 5
E ½	Section 6
E ½ of the NW ¼	Section 6
E ½ of the SW ¼	Section 6
SW ¼ of the SW ¼	Section 6
E ½	Section 7

NW ¼	Section 7
N ½ of the SW ¼	Section 7
All of Section	Section 8
All of Section	Section 9
All of Section	Section 10
All that part of Section 11 lying westerly of the main channel of the St. Croix River, also being the easterly boundary of Washington County, Minnesota.	Section 11
All that part of Section 12 lying westerly of the main channel of the St. Croix River, also being the easterly boundary of Washington County, Minnesota.	Section 12
All that part of Section 14 lying westerly of the main channel of the St. Croix River, also being the easterly boundary of Washington County, Minnesota.	Section 14
All that part of Section 15 lying westerly of the main channel of the St. Croix River, also being the easterly boundary of Washington County, Minnesota.	Section 15
N ½	Section 16
SE ¼	Section 16
NE ¼ of the SW ¼	Section 16
N ½ of the NE ¼	Section 17
NW ¼	Section 17
N ½ of the SW ¼	Section 17
SW ¼ of the SW ¼	Section 17
E ½	Section 18
N ½ of the NE ¼	Section 19
NE ¼ of the NW ¼	Section 19

Township 30 North, Range 21 West (City of Grant):

SE ¼ of the SE ¼	Section 1

E ½ of the NE ¼	Section 12
NE ¼ of the SE ¼	Section 12

Township 31 North, Range 19 West (May Township, City of Marine on St. Croix):

All that part of Township 31 North, Range 19 West lying westerly of the main channel of the St. Croix River, also being the easterly boundary of Washington County, Minnesota.

Township 31 North, Range 20 West (May Township, City of Marine on St. Croix):

All of Section	Section 1
All of Section	Section 2
All of Section	Section 3
All of Section	Section 4
All of Section	Section 5
All of Section	Section 6
NE ¼	Section 7
S ½	Section 7
All of Section	Section 8
All of Section	Section 9
All of Section	Section 10
All of Section	Section 11
All of Section	Section 12
All of Section	Section 13
All of Section	Section 14
All of Section	Section 15

All of Section	Section 16
All of Section	Section 17
All of Section	Section 18
NE ¼	Section 19
N ½ of the NW ¼	Section 19
SE ¼ of the NW ¼	Section 19
N ½	Section 20
E ½ of the SW ¼	Section 20
SE ¼	Section 20
All of Section	Section 21
All of Section	Section 22
All of Section	Section 23
All of Section	Section 24
All of Section	Section 25
All of Section	Section 26
All of Section	Section 27
All of Section	Section 28
NE ¼	Section 29
E ½ of the NW ¼	Section 29
S ½	Section 29
SE ¼ of the SE ¼	Section 30
NE ¼	Section 32
N ½ of the NW ¼	Section 32
SE ¼ of the NW ¼	Section 32
N ½ of the SE ¼	Section 32
SE ¼ of the SE ¼	Section 32
All of Section	Section 33

All of Section	Section 34
All of Section	Section 35
All of Section	Section 36

Township 31 North, Range 21 West (City of Hugo):

SE ¼	Section 12
NE ¼	Section 13
N ½ of the SE ¼	Section 13
SE ¼ of the SE ¼	Section 13
NE ¼ of the NE ¼	Section 24

Township 32 North, Range 19 West (City of Scandia, City of Marine on St. Croix):

All that part of Township 32 North, Range 19 West lying westerly of the main channel of the St. Croix River, also being the easterly boundary of Washington County, Minnesota.

Township 32 North, Range 20 West (City of Scandia, City of Marine on St. Croix):

All of Section	Section 1
SE ¼	Section 2
E ½ of the NE ¼	Section 2
That part of the SW ¼ of the NE ¼ lying easterly of the centerline of County State Aid Highway No. 3 (Olinda Trail North).	Section 2
That part of the NW ¼ of the NE ¼ lying easterly of the west line of Washington County Highway Right of Way Plat No. 106; AND that part of said NW ¼ of the NE ¼ described as follows: Commencing at the northwest corner of the NE ¼ of Section 2, Township 32 North, Range 20 West; Washington County, Minnesota; thence easterly along the north line of said Section 2 a distance of 555.54 feet to the centerline of County State Aid Highway No. 3; thence deflecting to the right 64 degrees 35 minutes 36 seconds, going southeasterly along said centerline of County State Aid Highway No. 3, a distance of 387.47 feet to the point of beginning of the tract to be described; thence continuing southeasterly along said centerline	Section 2

a distance of 405.0 feet; thence deflecting to the right 115 degrees 24 minutes 24 seconds going westerly and parallel to the north line of said NE ¼, a distance of 682.24 feet; thence deflecting to the right 90 degrees 00 minutes, a distance of 365.83 feet; thence deflecting to the right 90 degrees 00 minutes going a distance of 508.48 feet, more or less, to the point of beginning.

That part of the NW ¼ of the NE ¼ and the NE ¼ of the NW ¼ described as follows: Beginning at the northwest corner of the NE ¼ of Section 2, Township 32 North, Range 20 West; Washington County, Minnesota; thence easterly along the north line of said Section 2 a distance of 555.54 feet to the centerline of County State Aid Highway No. 3; thence deflecting to the right 64 degrees 35 minutes 36 seconds, going southeasterly along said centerline of County State Aid Highway No. 3, a distance of 387.47 feet; thence deflecting to the right 115 degrees 24 minutes 24 seconds going westerly and parallel with the north line of said NE ¼, a distance of 1078.78 feet; thence deflecting 90 degrees 00 minutes to the right, a distance of 352.2 feet, more or less, going to the north line of the NW ¼ of said Section 2; thence easterly along said north line a distance of 357.0 feet, more or less, to the point of beginning. — Section 2

SE ¼ — Section 7

That part of the S ½ of the NE ¼ of the SW ¼ lying easterly of the centerline of County Road No. 15A, (Manning Trail North). — Section 7

That part of the SE ¼ of the SW ¼ lying easterly of the centerline of County Road No. 15A, (Manning Trail North). — Section 7

The south 1230.00 feet of the west 355.00 feet of the SE ¼ of the SW ¼. — Section 7

That part of the S ½ of the SE ¼ lying northeasterly of the centerline of Oakhill Road North; EXCEPT that part of the west 330 feet of said S ½ of the SE ¼ lying northeasterly of said centerline of Oakhill Road North; ALSO EXCEPT that part of the east 300 feet of the west 630 feet of said S ½ of the SE ¼ lying northeasterly of said centerline of Oakhill Road North, and lying southerly of the north 480 feet and northerly of the south 33 feet thereof. — Section 10

NE ¼ — Section 11
E ½ of the NW ¼ — Section 11
S ½ — Section 11

All of Section — Section 12

All of Section — Section 13

E ½	Section 14
E ½ of the NW ¼	Section 14
NW ¼ of the NW ¼	Section 14
That part of the SW ¼ of the NW ¼ lying northeasterly of the centerline of Oakhill Road North.	Section 14
E ½ of the SW ¼	Section 14
SW ¼ of the SW ¼	Section 14
That part of the NW ¼ of the SW ¼ lying northeasterly of the following described reference line: Beginning at the intersection of the centerline of Oakhill Road North and the north line of said NW ¼ of the SW ¼; thence southeasterly along said centerline to its intersection with the centerline of Oland Avenue North; thence northeasterly along said centerline of Oland Avenue North to its intersection with the northwesterly extension of the northeasterly line of Lot 1, Block 2 in the plat of HAWKINSON HIGHLANDS; thence southeasterly along said northeasterly line of Lot 1 and its extension, to the easterly corner of said Lot 1; thence southwesterly along the southeasterly line of said Lot 1 to the westerly corner of Outlot A in said plat of HAWKINSON HIGHLANDS; thence southeasterly along the southwesterly line of said Outlot A to the southerly corner of said Outlot A; thence southwesterly along an extension of the southeasterly line of said Outlot A to the centerline of said Oakhill Road North; thence southeasterly along said centerline of Oakhill Road North to its intersection with the south line of said NW ¼ of the SW ¼ and said reference line there terminating.	Section 14
That part of the NE ¼ lying northeasterly of the centerline of Oakhill Road North.	Section 15
S ½ of the S ½	Section 16
S ½ of the SE ¼	Section 17
SW ¼	Section 17
N ½ of the NW ¼, except the East 768.7 feet thereof	Section 17
S ½ of the NW ¼, except the East 860 feet thereof	Section 17
Part of the S ½ of the NW ¼ described as: Beginning at the southwest corner of the east 860 feet; thence north and parallel with the east line of said NW ¼ a distance of 325 feet; thence east and parallel with the south line of said NW ¼ a distance of 95 feet; thence south and parallel with the east line of said NW ¼ a distance of 325 feet to the south line of said NW ¼; thence west along the south line of said NW ¼ a distance of 95 feet to the point of beginning.	Section 17

E ½	Section 18
E ½ of the SW ¼	Section 18
That part of the E ½ of the NW ¼ lying easterly of the centerline of County Road No. 15A (Manning Trail North).	Section 18
That part of the SW ¼ of the NW ¼ lying easterly and southerly of the following described reference line: Beginning at the southwest corner of Lot 14, Block 1 of the plat of HARMONY ACRES; thence northerly along the west line of said Lot 14 to northwest corner of said Lot 14; thence northeasterly to the southwest corner of Lot 10, Block 2 of said plat; thence northerly along the west line of said Lot 10 to the northwest corner of said Lot 10; thence easterly along the north line of said Lot 10 and the north line of Lot 11, Block 2 of said plat to the northeast corner of said Lot 11; thence northerly along the east line of Lot 4, Block 2 of said plat and its northerly extension to the southerly line of Lot 1, Block 1 of said plat; thence easterly along said southerly line to the southeast corner of said Lot 1; thence northerly along the east line of said Lot 1 and the east line of Lot 2, Block 1 of said plat to the northeast corner of said Lot 2; thence easterly along the north line of said plat of HARMONY ACRES to the northeast corner of said plat and said reference line there terminating.	Section 18
That part of the NW ¼ of the SW ¼ lying northerly and easterly of the following described reference line: Beginning at the southeast corner of the plat of HARMONY ACRES; thence westerly along the south line of said plat to the southeast corner of Lot 23, Block 1 of said plat; thence northerly along the east line of said Lot 23 to the northeast corner of said Lot 23; thence northerly to the southeast corner of Lot 20, Block 1 of said plat; thence westerly along the southerly line of said Lot 20 to the southwesterly corner of said Lot 20; thence northwesterly along the westerly line of said Lot 20 to the northwest corner of said Lot 20; thence easterly along the northerly line of said Lot 20 to the southwest corner of Lot 14, Block 1 of said plat; thence northerly along the west line of said Lot 14 to the northwest corner of said Lot 14 and said reference line there terminating.	Section 18
E ½ of the NE ¼	Section 19
E ½ of the SE ¼	Section 19
SW ¼ of the SE ¼	Section 19
All of Section	Section 20

All of Section	Section 21
All of Section	Section 22
All of Section	Section 23
All of Section	Section 24
All of Section	Section 25
All of Section	Section 26
All of Section	Section 27
All of Section	Section 28
All of Section	Section 29
E ½	Section 30
SE ¼ of the NW ¼	Section 30
E ½	Section 31
All of Section	Section 32
All of Section	Section 33
All of Section	Section 34
All of Section	Section 35
All of Section	Section 36

Dated at Saint Paul, Minnesota this 28th day of March, 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Randy Kramer, Chair

ACUB Program Log

2006 Allocation **$462,500.00**

Easement #	Landowner	Township	Payment Rate	Exclusions	Acres Enrolled	Payment	Balance
							$462,500.00
49-01-06-04	Dale Nelson	Darling	$834/ac	30/ac fmst, 6.4 ROW	382.9	319,338.60	$143,161.40
49-02-06-04	Russell Nygren	Rail Prairie	$866/ac	4/ac home, 3.23 ROW	61.8	53,518.80	$89,642.60
49-03-06-04	Anthony Wenzel	Darling	$834/ac	5/ac home, .1/ac ROW	35.5	29,607.00	$60,035.60
49-04-06-04	Peter Brutscher	E.Belle Prairie	$867/ac	10.3 ac fmst, 3.7 ROW	66	57,222.00	$2,813.60
49-05-06-04	Sheldon Prozinski	E.Cushing	$789/ac	none	40	31,560.00	-$28,746.40
							-$28,746.40
							-$28,746.40
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Minnesota Wetland Conservation Act
Guidance Paper 2007 – 01

Reviewed by BWSR Wetland Committee: February 27, 2007

SUBJECT: Guidance for Management of Forested Wetland Mitigation Sites

Prepared by: Minnesota Board of Water and Soil Resources with assistance from the Minnesota Department of Natural Resources, U.S. Army Corps of Engineers, Fond du Lac Reservation, St. Louis County Land Department and several Local Units of Government.

1. Purpose and applicability.

a. **Purpose.** The purpose of this guidance paper is to provide landowners and Local Government Units (LGUs) with guidance for determining allowable long-term vegetative management for forested wetland mitigation sites under the Wetland Conservation Act.

b. **Applicability.** LGUs and landowners are encouraged to use this guidance to help determine the appropriate long-term vegetative management on forested wetland mitigation sites including wetland banking sites and project specific wetland replacement sites.

2. General Considerations.

This guidance recognizes that the purpose of wetland replacement plans (see Minnesota Rule 8420.0500) includes "*...ensuring adequate replacement of lost public values for unavoidable wetland impacts.*" This guidance is intended to provide guidelines for the long-term management of vegetation on forested wetland mitigation sites. The goal of a forested wetland mitigation project is to establish an ecologically representative wetland that provides the functions over time, typical of a reference wetland of the desired wetland type. Local government units and landowners using this guidance should maintain this goal and utilize the guiding principles listed below.

3. Guiding Principles:

- **The long-term goal of forested wetland mitigation sites is to replace the lost wetland functions and values of similar impacted forested wetland types.**
- **Mimicking natural disturbances is the preferred method for regenerating forested wetland plant communities.**
- **When necessary, silvicultural practices, including timber harvest may be used to provide a means to maintain the ecological health of a forested wetland plant community.**

- **Ecological goals for vegetation establishment and management projects should be based on references such as the *Field Guide to the Native plant Communities of Minnesota, (Three volumes), Minnesota Department of Natural Resources; Wetland Plants and plant Communities of Minnesota and Wisconsin, Steve D. Eggers and Donald M. Reed Second Edition; and Hydrogeomorphic Approach for Assessing Wetland Functions (HGM).***
- **After a forested wetland community goal has been identified, a long-term forest management plan should be developed and submitted as part of the vegetation management plan within a Wetland Replacement Plan or Wetland Banking Plan under the Wetland Conservation Act. The Technical Evaluation Plan should make recommendations to the local government unit regarding the proposed forest management activities and whether the proposed management is suitable for the mitigation site.**
- **Extended rotation guidelines should be strongly considered when developing plans for regenerating woody vegetation on forested wetland mitigation sites in Minnesota. (*or, Extended rotation, with the goal of increasing selected wetland functions over time is preferred in most cases.)***
- **Forest management activity should be done within the context of the relevant Minnesota Forest Resources Council Landscape Plan.**
- **Forested wetland mitigation sites are subject to Minnesota Rules 8420.0541 (Actions eligible for credit) and 8420.0500 (Standards and procedures for evaluating wetland replacement plans).**
- **Forest management activities (or silvicultural practices) on a forested wetland mitigation site may be allowed under a Forest Management Plan approved by the Wetland Conservation Act Technical Evaluation Panel (see Minnesota Rules 8420.0240)**
- **The Minnesota Interagency Wetland Mitigation Memorandum of Understanding should be used to help ensure a unified approach to wetland credit allocation under the WCA and Section 404 of the Clean Water Act.**
- **Forest Management activities (or silvicultural practices) on a forested wetland mitigation site should follow the most current publication of the *Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines.***

4. Forested Mitigation Management Evaluation

Local Government Units may require, based on a Technical Evaluation Panel (TEP) recommendation, applicants to develop and submit a long term forest management plan that describes necessary management for a forested wetland mitigation site. This plan should be tailored for the forested wetland community goal that has been identified in the wetland mitigation plan and the long-term forest management plan should be developed using the guiding principles outlined (above) in this document. **The LGU should expand the TEP to include individuals with expertise in plant ecology, wildlife habitat, and forestry to**

evaluate the long-term forest management plan to ensure the plan meets the wetland mitigation goals.

The Minnesota Interagency Wetland Mitigation MOU discusses determination of wetland types for wetland mitigation purposes by using ***Wetland Plants and plant Communities of Minnesota and Wisconsin, Steve D. Eggers and Donald M. Reed Second Edition.*** (Eggers and Reed) To provide consistency for local government units, Board of Water and Soil Resource staff, U.S. Army Corps of Engineers staff and landowners responsible for wetland mitigation, this guidance has been developed using the same document. **Vegetation management plans for forested wetland mitigation sites should include as many native species as possible as described in Eggers and Reed (see examples below).**

Hardwood Swamp

Description: Black ash (Fraxinus nigra), yellow birch (Betula alleghaniiensis), silver maple (Acer saccharinum) and/or red maple (Acer rubrum) are dominant. Northern white cedar (Thuja occidentalis) may be subdominant. Other common species may include speckled alder (Alnus incanna ssp.rugosa), cinnamon fern (Osmunda cinnamomea), sensitive fern (Onoclea sensibilis), fowl bluegrass (Poa palustris), jewelweed (Impatiens capensis) and giant goldenrod (Solidago gigantea).

Coniferous Bog

Description: Tamarack (Larix laricinia)or black spruce (Picea mariana) are dominant, growing on a continuous sphagnum moss mat with acid, peat soils. Sedges, orchids, and heath family (Ericaceae) shrubs are common. Other species may include bog rosemary (Andromeda glaucophylla), small cranberry (Vaccinium oxycoccos), bog laurel (Kalmia polifolia), bog sedge (Carex oligosperma), and wool grass (Scirpuscyperinus).

Coniferous Swamp

Description: Northern white cedar (Thuja occidentalis) and/or tamarack (Larix laricina) are dominant, usually growing on neutral to alkaline peat/muck soils. Other common species may include yellow birch (Betula alleghaniensis), black ash (Fraxinus nigra), speckled alder, fowl manna grass (Glyceria striata), wild sarsaparilla (Aralia nudicaulis) and jack-in-the-pulpit ((Arisaema triphyllum).

Floodplain Forest

Description: Silver maple (Acer saccharinum), American elm (Ulmus americana), river birch (Betula nigra), green ash (Frainus pennsylvanica), black willow (Salix nigra) and/or eastern cottonwood (Populus deltoides) are dominant, growing on alluvial soils with riverine system. Other common species may include riverbank grape (Vitis riparia), jewelweed ((Impatiens capensis) , stinging nettle (Urtica dioica) and goldenglow (Rudbechia laciniata).

5. **Summary-** Management of vegetation on forested wetland mitigation sites should be designed to maintain the ecological health of the intended plant community. The goal of a forested wetland mitigation project is to establish an ecologically diverse, wetland that provides the functions typical of a reference wetland typical of the same type as is being impacted. Local government units or landowners responsible for achieving wetland mitigation should use the guiding principles included in this guidance in developing management plans. Forest management activities on a forested wetland mitigation site may be allowed under a Forest Management Plan approved by the Wetland Conservation Act Technical Evaluation Panel (see Minnesota Rules 8420.0240), provided the management helps achieve the goal of replacing the functions and values of a wetland that is drained or filled. It is recommended that forest management activities for forested wetland mitigation sites be described in the vegetation management plan section of the wetland replacement plan and be considered in the Wetland Replacement Plan or Wetland Banking Plan decision by the LGU.

3-19-07 Draft

Local Water Management Oversight & Accountability Principles:

1. Pre-emptive - so that problems are identified and diagnosed early (relying only on annual reports and 10-year planning intervals is not enough)

2. Systematic - thorough, consistent and expected so that local governments can be prepared

3. Constructive - recognizes uniqueness, charts a path for those needing help to get better, and showcases successes

4. Consequences - that are proportionate to the uncorrected deficiencies

5. Transparent - allowing for greater public awareness and participation

6. **Local Ownership and Autonomy** – must be retained, even when State does not fully agree with decisions.

7. **Proportionate Expectations** – comparisons are inevitable but need to acknowledge capacity and budget variables

8. **Preserve the state/local partnership** – where the State provides training, resources, and oversight as a partnership package

9. **"More Better" on-the-ground conservation** – oversight must add value to conservation and clean water outcomes, not become an outcome unto itself.

Key measures will be developed for:

1. core competencies,
2. coordination among local water management authorities
3. water resource issues specific to the local area
4. public outreach, participation and responsiveness
5.

BWSR Legislative Summary: 3-27-07

The House has created an Environment and Natural Resources omnibus finance *and* policy bill (HF1651). The Senate has begun the same process for their finance bills (base = SF2096, one-time = SF????) but has policy bills mostly separate. There will continue to be negotiations on the elements of the bills until passage and then via House-Senate conference committee(s).

Budget

The House has proposed to replace the dedicated Feedlot Cost-Share with a couple of native vegetation restoration programs. While the new ideas hold promise if given sufficient time to be ramped up, removing the dedicated feedlot portion would mean the connection to the regulatory provisions, which require state cost-share for high-cost measures prescribed to address runoff, would be compromised. The House has put some additional CWLA funding toward ISTS but the overall amounts are the same as the Governor's recommendations. The Senate has more funding for CWLA but it is one-time vs. the House's current base commitment.

WCA

Agreement exists on most everything except for the de minimis exemption. The Counties have stated they are against the proposed reduction in the de minimis for the 50-80% Counties from 5000 sf to 2500 sf, based on a cost/benefit argument. Senate has not included the local government grant funding in finance bills ($500K). Policy bill (SF1137) is in Senate Ag committee – hearing expected after Easter break.

Drainage Buffers

Smooth sailing on the policy and $ in the House. Hearing on Thursday in Senate Ag Committee on policy elements (SF642). Senate has not included the local government grant funding in finance bills ($300K).

Oversight

Senate has turned the oversight language into a study for recommendations for next year. House has all the policy but is challenged now to find $. The following language was also added to the appropriation section of the House bill: In addition to other authorities, the Board of Water and Soil Resources may reduce, withhold, or redirect grants and other funding if the local water management entity has not corrected deficiencies as prescribed in a notice from the board within one year from the date of the notice. Also, a mandate for SWCDs to develop web sites was written into the General Services appropriation: Any district requesting a grant under this subdivision shall create and maintain a Web page that publishes at a minimum, its annual plan, annual report, annual audit, and annual budget, including membership dues and meeting notices and minutes.

BWSR membership bill

HF1431 that proposes to add 2 city and 1 township official to the BWSR Board was heard in the House but not included in the omnibus bill. Not heard in the Senate.

RIM Bonding: CREP/WRP

Governor proposed $10M in a supplemental recommendation; House at $8M and Senate at $10M in respective bills going to floor.

Biofuels

Senate proposes to have BWSR develop, in consultation with a technical committee, RIM clean energy program guidelines, standards, and rules and provide pass-through grants for additional research on the establishment and maintenance of perennial vegetation for cellulosic ethanol production. House has more narrowly focused approach with DNR leading assessment of native vegetation restoration and use.

Dedicated Funding:

SF6 (Pogemiller) is the bill moving forward thus far to establish a Constitutional amendment for a 3/8ths sales tax dedication to natural and cultural resources purposes; arts, humanities, museum and public broadcasting, heritage enhancement, parks and trails and clean water funds and heritage enhancement council.

FY08/09 Biennium: Comparison

As of: 3/27/07

All numbers -000

		Senate FY08/09 Total	House FY08/09 Total	Difference	
1.	NRBG	$8,204	$8,204	$0	
2.	General Service gramts	7,132	7,132	0	
3.	Cost-share grants	6,570	6,500	70	
4.	Red River Basin Commission	200	200	0	
5.	Area II	280	280	0	
6.	Administration	8,146	8,146	0	
7.	Sub Total Base Budget	30,532	30,462	70	
8.	Clean Water Legacy (1)	17,730	10,700	7,030	Funds are one-time in Senate
9.	WCA (2)	1,180	2,180	(1,000)	
10.	Drainage (3)	750	1,250	(500)	Funds are one-time in Senate
11.	Operating: Base Adjustments	333	205	128	3.25 in Senate; 2% in House & Gov
12.	Operating: Rent Increase	100	100	0	
13.	MN River JPB grant	184	200	(16)	
14.	RIM Bioenergy program development	200	0	200	Senate has companion policy
15.	RIM Bioenergy grants	500	0	500	
16.	Blue Earth SWCD	2	0	2	Comes out of cost-share rollover in House
17.	Oversight	0	0	0	
18.	Sub Total change Items	20,979	14,635	6,344	
19.	TOTAL BUDGET	$51,511	$45,097	$6,414	
20.	**Difference from Agency Request**	(951)	(7,365)		
21.	**Difference from Governor**	6,414	0		
	(1) CWL detail				
22.	Non-pont rest	6,680	3,000	3,680	Funds are one-time in Senate
23.	Non-point tech	3,000	4,000	(1,000)	Funds are one-time in Senate
24.	Reporting	400	400	0	Funds are one-time in Senate
25.	ISTS	4,150	3,300	850	Funds are one-time in Senate
26.	Non-poiint lake and river	2,500	0	2,500	Funds are one-time in Senate
27.	Failing ISTS	1,000	0	1,000	Funds are one-time in Senate
28.	Total CWL	17,730	10,700	7,030	Funds are one-time in Senate
	(2) WCA detail				
29.	Financial support increase	0	0	0	
30.	New violation appropriation	0	1,000	(1,000)	
31.	BWSR staff: for oversight	1,000	1,000	0	
32.	BWSR staff: monitoring	120	120	0	
33.	Local Road Wetland Replacement	0	0	0	
34.	Vision and plan (one-time)	60	60	0	
35.	Total WCA	1,180	2,180	(1,000)	
	(3) Drainage detail				
36.	Guidelines prep (one-time)	150	150	0	Funds are one-time in Senate
37.	Cost-share for drainage records	0	500	(500)	
38.	Manual update (one-time)	0	0	0	
39.	Drainage Advisory Team	600	600	0	
40.	Total Drainage	750	1,250	(500)	
	Other legislation				
41.	Oversight bill: policy language	Some	Detailed		
42.	Oversight bill: appropriation	No	No		
43.	WCA	In bill	In bill		
44.	Drainage	In bill	In bill		
45.	Board per diem increase	No	No		

March 9 Discussion
Metro Water Plan Review Committee (and guests)

Background: The Metro committee met in January to review several water plans and address a citizen complaint of "non-implementation" directed toward a metro watershed district plan. Committee members wanted a subsequent meeting to explore how non-implementation of a plan—or portions of a plan—might differ from the more common instance where such a charge is leveled at the organization as a whole.

What constitutes "non-implementation" of a water(shed) management plan?
The metro program is mandatory, BWSR can remove authority and turn control over to another entity. In contrast, the county program is voluntary and there is no BWSR sanction on par with the metro rule's authority to transfer powers. To our knowledge, the county process has not been used.

QUESTION: There are a number of measures that one could apply to measure implementation. Do you apply a one-fail – all fail perspective, go with the preponderance of the evidence, or a hybrid that weights certain factors more?

Hybrid seemed the consensus – plan is neither a contract nor a casual wish list: it is a future commitment based on present understandings. Therefore "reasonable" adherence to the plan coupled with a "methodical" approach to tackling the goals is what we are looking for.

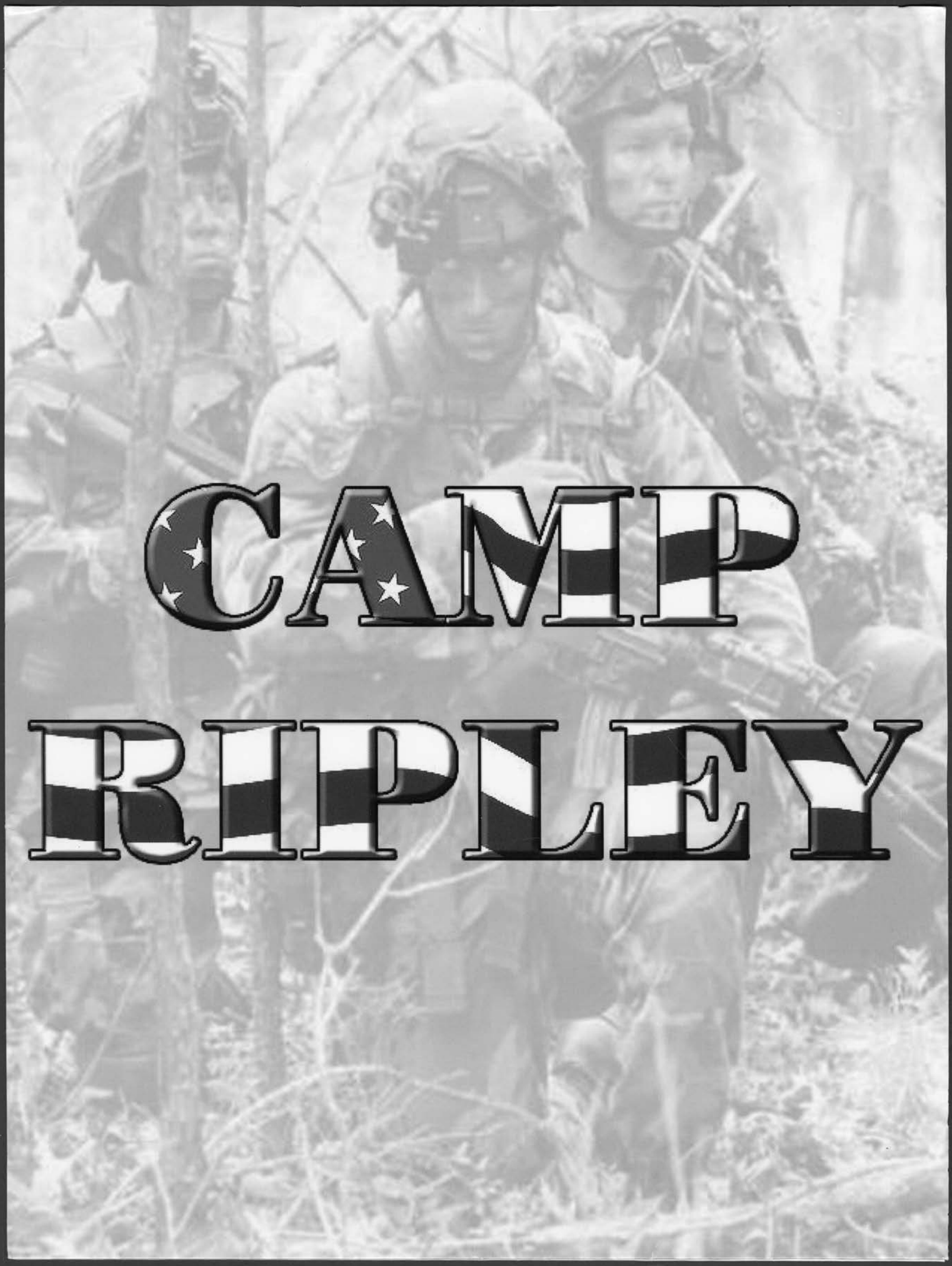
QUESTION: If some things are not as they should be, your alternative courses of action appear to be wide. Do you believe in escalation (i.e. intervention, then sanctions, then "The Hammer"™)?

"Stepped enforcement" coupled with asking what we can do to help. This leads to "guilt-free" enforcement.

Role of the plan review committee. Plans reaching the committee have had their content scrutinized for a year and two plan review periods totaling over a hundred days. This makes it tough to change at the 11th hour. County plans get more front-end influence because of the priority concerns scooping documents that are approved.

QUESTION: Staff uses your preferences to shape the message for subsequent plans. Do you want more ability to require changes to plans that are in front of you?

Should concentrate on process – did the planner listen and respond to stakeholders? BWSR board members need to see some self-assessment of how well they implemented their previous plan. How will they overcome obstacles that thwarted them last time?


CAMP
RIPLEY

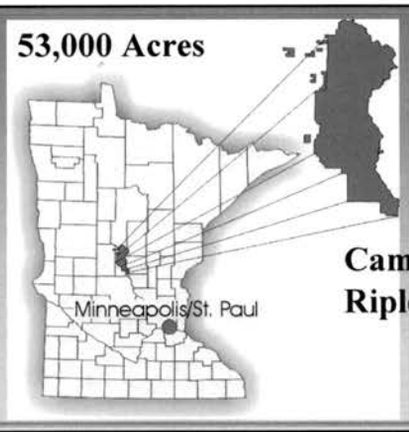
BWSR Board

Camp Ripley Army Compatible Use Buffer (ACUB)

Central Minnesota Prairie to Pines Partnership
"Preserving Our Heritage"

28 March 2007

53,000 Acres



Camp Ripley

The Issue

Internal

Military Training
- **Noise**
- **Dust/Smoke**

External

Land Use Changes
- **Development Pressure**
- **Incompatible land use**





C O N F L I C T





MNARNG Strategy

1. Soldier Readiness is first and foremost.
2. Maintain Camp Ripley's existing military mission.
3. Accommodate future missions **without expanding its boundaries.**
4. Maintain the natural environment.
5. Preserve current land use, particularly agriculture, forestry, recreation, and the rural character of the area.
6. Promote opportunities for public recreational use.
7. Maintain strong community relations.
8. **Willing Landowners Only and Protect Property Rights.**

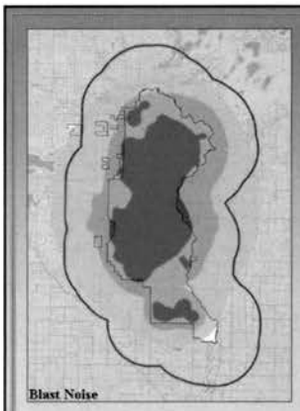
1963 Structures



2001 Structures



Noise Zones



Land Use Planning Zone (60-65 dB)
Zone 2 (66-75 dB)
Zone 3 (>75 dB)
3 Mile Buffer

Blast Noise



Airfield Noise

Project Area

- Comprised of 110,000 acres Includes 21 local units of government
  - 3 Counties
  - 5 Cities
  - 13 Townships
- Perimeter of Camp Ripley is 66 miles
  - Morrison County (47 miles 71%)
  - Crow Wing County (11 miles 17%)
  - Cass County (8 miles 12 %)
- Priority areas established

Priority Areas

Priority Area No.1
Mississippi River Corridor

Priority Area No. 2
Crow Wing River Corridor

Priority Area No. 3
Lake Alexander Region

Priority Area No. 4
Agricultural Region



Chronology of Events

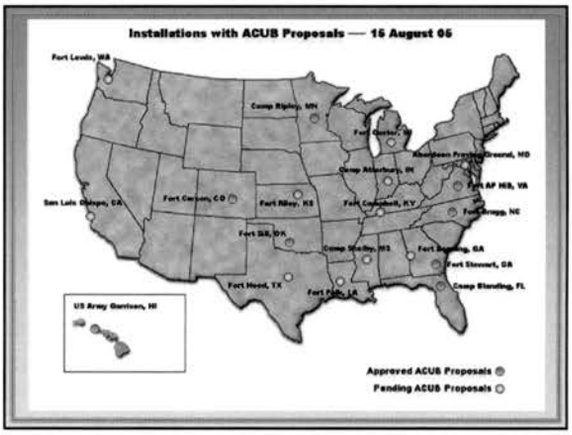
- Camp Ripley encroachment study October 2001
- ACUB Authorized Nationally December 2002
- Camp Ripley initiates ACUB June 2003
- Informational meetings 2003-2005 (140 plus meetings)
- Camp Ripley ACUB approved May 2004
- DNR Cooperative Agreement with NGB, August 2004
  - $500,000 FY 2004
  - $1,000,000 FY 2005
  - $500,000 FY 2006
  - $749,000 FY 2007

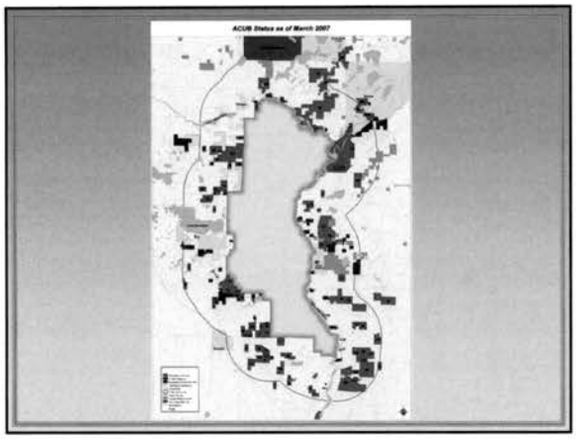
Chronology of Events(continued)

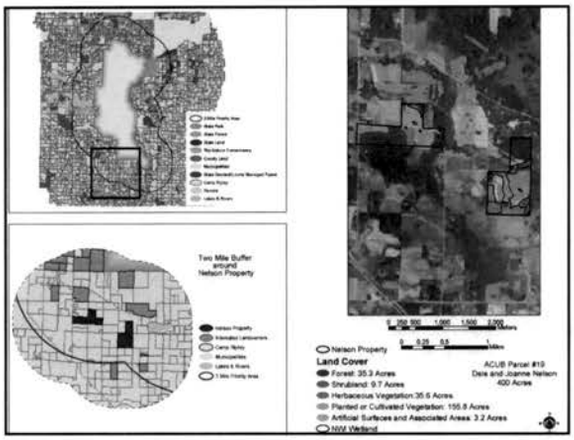
- BWSR field staff and SWCDs recommended BWSR involvement, August 2004
- Briefing for BWSR Board, 15 December 2004
- BWSR Board approval to proceed, 23 March 2005
- BWSR receives state legislative authority to participate in ACUB conservation easements, April 2005
- Army approves BWSR as a partner, 18 April 2005
- Cooperative Agreement between NGB and BWSR, June 2006
  - $500,000 FY 2006
  - $1,000,000 FY 2007

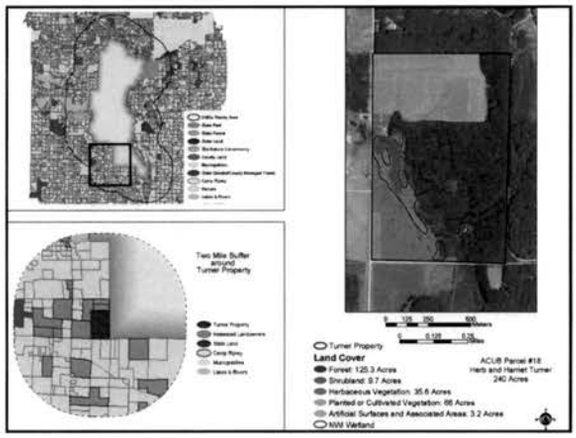
Update Including FY 2007

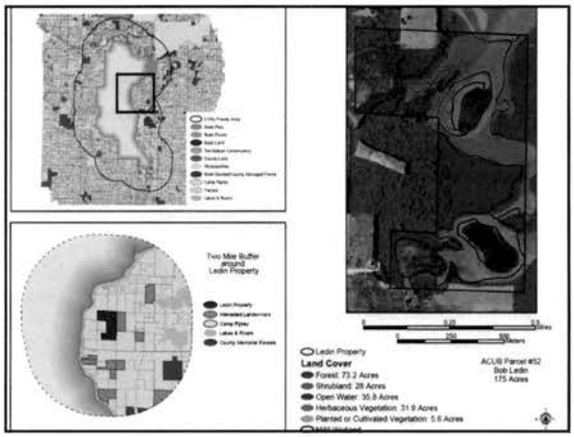
- Partnerships – Government and Private
  - Protected over 20,000 acres
  - Leveraged about $40,000,000 land value
  - Federal funding received $4,249,000
- BWSR involved in 10 land deals totaling 1,829 acres
- DNR involved in 12 land deals totaling 1,688 acres
- 110 interested landowners awaiting participation representing about 16,000 acres
- Continuing to work with City and County




ACUB Status as of March 2007


Two Mile Buffer
around
Nelson Property
Nelson Property
Land Cover
Forest: 35.3 Acres
Shrubland: 9.7 Acres
Herbaceous Vegetation: 35.6 Acres
Planted or Cultivated Vegetation: 155.8 Acres
Artificial Surfaces and Associated Areas: 3.2 Acres
NW Wetland
ACUB Parcel #19
Dale and Joanne Nelson
400 Acres


Two Mile Buffer
around
Turner Property
Turner Property
Land Cover
Forest: 120.3 Acres
Shrubland: 9.7 Acres
Herbaceous Vegetation: 35.6 Acres
Planted or Cultivated Vegetation: 66 Acres
Artificial Surfaces and Associated Areas: 3.2 Acres
NW Wetland
ACUB Parcel #18
Herb and Harriet Turner
240 Acres


Two Mile Buffer
around
Ledin Property
Ledin Property
Land Cover
Forest: 73.2 Acres
Shrubland: 28 Acres
Open Water: 35.8 Acres
Herbaceous Vegetation: 31.9 Acres
Planted or Cultivated Vegetation: 5.6 Acres
ACUB Parcel #52
Bob Ledin
175 Acres

QUESTIONS???

A Conservation Defense
The Prairie to Pines Partnership

Prairie to Pines Partnership Members

- Audubon Minnesota
- Brainerd Lakes Area Audubon Society
- Camp Ripley
- Cass County
- Cass County Soil and Water Conservation District
- Crow Wing County
- Crow Wing County Soil and Water Conservation District
- Ducks Unlimited
- Minnesota Deer Hunters Association
- Minnesota Department of Military Affairs
- Minnesota Department of Natural Resources
- Minnesota Department of Transportation, District 3
- Minnesota Land Trust
- Morrison County
- Morrison County Soil and Water Conservation District
- National Guard Bureau
- National Wild Turkey Federation, Minnesota Chapter
- Parks & Trails Council of Minnesota
- Pheasants Forever
- 1000 Friends of Minnesota
- The Nature Conservancy in Minnesota
- The Trust for Public Land

Camp Ripley

Camp Ripley has been an important part of the Central Minnesota landscape since the first troops arrived for training in June 1931. Today, the 53,000-acre Camp is owned and managed by the Minnesota Department of Military Affairs. It also serves as the primary field training site for the Minnesota National Guard and is the primary Winter Training Facility in the United States.

Thousands of soldiers from around the country pass through here every year. Their time at Camp Ripley prepares them to carry out their missions as they serve our country as soldiers, sailors, airmen and Marines.

With a work force of more than 500 employees, Camp Ripley is one of the largest employers in Central Minnesota. The Camp is also important to the nearby communities considering its economic impact, which exceeded $142 million last year.



The main entrance to Camp Ripley is marked by historic granite towers and walls crafted by the WPA in 1934.

Challenge

Over the last several years, it has become increasingly clear that residential and commercial development (also called "encroachment") near military facilities can hurt the quality of training our troops receive. When surrounding areas become too developed, the military is often forced to curtail important training exercises because of concerns about noise and public safety. Encroachment is a very serious issue because limited training can put our troops at risk if they are forced to go into combat without thorough preparation.

The economic health of local communities can also be severely compromised if military operations and missions must relocate because of encroachment.

Solution

To help preserve the integrity of our country's military training and readiness programs, Congress authorized the Department of Defense to develop partnerships with state and non-profit conservation organizations to address encroachment.

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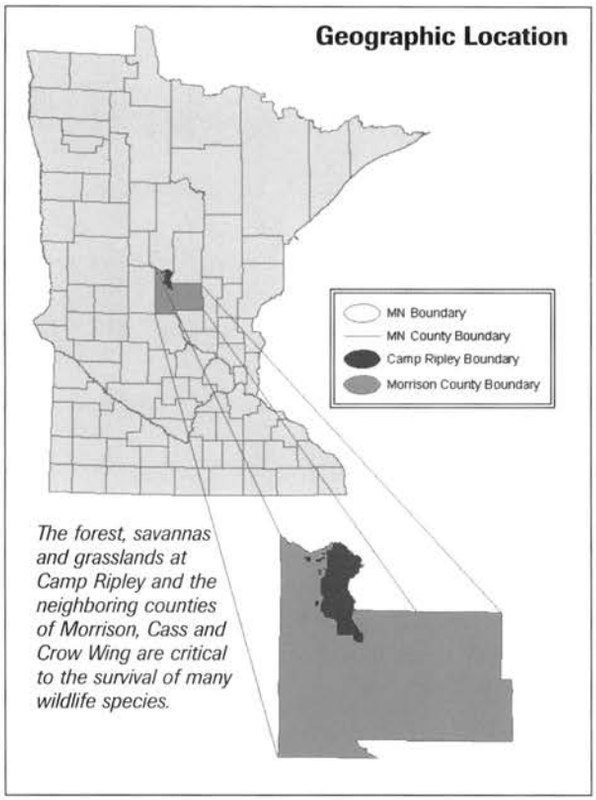
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Camp Ripley's Natural Resources

Camp Ripley's 53,000 acres harbor many unique plants and animals, including red-shouldered hawks, hooded warblers, blandings turtles and black bears.



The forest, savannas and grasslands at Camp Ripley and the neighboring counties of Morrison, Cass and Crow Wing are critical to the survival of many wildlife species.





HOODED WARBLER © CORNELL LAB OF ORNITHOLOGY

To ensure that Camp Ripley continues to be able to provide high quality training to our country's armed forces, the Camp has formed the Prairie to Pines Partnership with the Minnesota Department of Natural Resources and The Nature Conservancy.

The Prairie to Pines Partnership is designed to simultaneously conserve some of Minnesota's critical natural resources and protect Camp Ripley from encroachment by development that is incompatible with military training. The partnership also benefits from the participation and guidance of a group of local landowners and citizens.



BLANDING'S TURTLE © JIM GINDORFF

Army Compatible Use Buffer

To help further limit encroachment at Camp Ripley, the Minnesota National Guard is proposing the development of an Army Compatible Use Buffer (ACUB) program. Landowners within the proposed buffer area can participate in a voluntary program to protect their lands from development. In most cases, this program would merely preserve the historical land uses around the camp—agriculture and recreation—and create a permanent compatible use buffer. The ACUB will ensure that the military will be able to maintain training flexibility and the ability to adapt to future mission needs.

Our mission is very straightforward. We seek to provide the highest quality training and be good neighbors to the community.

For more information contact:

www.dma.state.mn.us/cpripley/envir/envir.htm

CAMP RIPLEY, ARMY NATIONAL GUARD · Marty Skoglund (320) 632-7201

THE NATURE CONSERVANCY · Gabrielle Horner (612) 331-0752 · Garth Fuller (218) 575-3032

MINNESOTA DEPARTMENT OF NATURAL RESOURCES · Pam Perry (218) 828-2228 · Dennis Asmussen (651) 772-7994

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
2ND FLOOR CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, APRIL 25, 2007

BOARD MEMBERS PRESENT:
Dana Allen, Jim Anderson, MES; Paul Brutlag, Bob Burandt, Kay Cook, Quentin Fairbanks, Mark Holsten, DNR; Randy Kramer, Paul Langseth, Joe Martin, MDA; Brian Napstad, Louise Smallidge, Lisa Thorvig, MPCA; Gene Tiedemann, LuAnn Tolliver, Dan Wilson, MDH

BOARD MEMBERS ABSENT:
Brian Kletscher

STAFF PRESENT:
Mary Jo Anderson, Bill Eisele, Jim Haertel, John Jaschke, Dale Krystosek, Kevin Lines, Ron Shelito, Doug Thomas, Dave Weirens, Steve Woods, Brad Wozney

OTHERS PRESENT:
Cliff Aichinger, Ramsey-Washington Metro Watershed District
Jack Frost, Ramsey-Washington Metro Watershed District
Sandy Hooker, Minnesota Association of Townships
Molly Deen, Sierra Club

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

PLEDGE OF ALLEGIANCE

** 07-32 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Kay Cook, to adopt the agenda as presented. Motion passed on a voice vote.

** 07-33 **MINUTES OF MARCH 28, 2007** – Moved by Paul Langseth, seconded by Brian Napstad, to approve the minutes of March 28, 2007, as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Randy Kramer stated that he did not attend the EQB meeting last week; he was farming so Jim Haertel attended on his behalf. Chair Kramer has had many conversations with agricultural groups regarding agricultural exemptions on wetlands. Chair Kramer has also had various discussions regarding other legislative issues.

Executive Director's Report – John Jaschke reported that he attended the Northern Counties Land Use Coordinating Board meeting in Chisholm. The group discussed wetland issues and strategies, ISTS, mining interests, and federal legislation that could redefine the waters of the United States. John attended the Northern Region staff meeting and met with local governments regarding the oversight issue. John has spent much time on legislative issues; he will provide information later today on the agenda. John reported that BWSR's staffing plan is beginning development. Staff will be working with the Administrative Advisory Committee as legislative issues unfold and as a staffing plan is finalized.

Brian Napstad thanked John Jaschke, on behalf of the Northern Counties Land Use Coordinating Board, they expressed gratitude for John's attendance at their meeting.

Dispute Resolution Committee (DRC) – Jim Haertel reported that four new appeals have been received. Stearns County's appeal with MinnCan pipeline; an exemption decision in Stearns County; a restoration order in Redwood County; and a replacement plan denial in Benton County. The DRC members voiced concern for the number of appeals and paper they receive; Jim will e-mail information to the DRC members.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee met on March 28 and again on April 24. The Committee discussed wetland restoration project solicitation and the sale of wetland banking credits to non-road public transportation authorities. These issues will be presented to the full Board in May. LuAnn thanked staff for their diligence in keeping board members informed. She also thanked the Wetland Committee for their time, commitment, and patience in working on the wetland issues.

Grants Program and Policy Committee – Louise Smallidge reported that the Grants Program and Policy Committee will meet following the May Board meeting.

Public Relations, Outreach and Strategic Planning Committee – Kay Cook reported that the Public Relations, Outreach and Strategic Planning Committee will meet today immediately following the Board meeting. Kay thanked Steve Woods and Jon Fure for their efforts in coordinating this meeting.

Administrative Advisory Committee – Randy reported that the Administrative Advisory Committee met this morning; items will be considered later today on the agenda.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Ramsey-Washington Metro Watershed District, Watershed Management Plan – Bob Burandt reported that the Metro Water Planning Committee met to review the Ramsey-Washington Metro Watershed District Watershed Management Plan, and unanimously recommend the Plan be approved. Moved
** 07-34 by Bob Burandt, seconded by Louise Smallidge, to approve the Ramsey-Washington Metro Watershed District Watershed Management Plan. Bob and LuAnn Tolliver commended the Ramsey-Washington Metro Watershed District for the "mini-plan" that was developed as an informational piece from the Plan, a useful tool for others to review and use as a model. Motion passed on a voice vote.

Shingle Creek and West Mississippi Watershed Management Organizations' Major Plan Amendment – Bob Burandt reported that the Metro Water Planning Committee reviewed the Shingle Creek and West Mississippi Watershed Management Organization's major plan amendment and recommends approval. Moved by Bob Burandt, seconded by LuAnn
** 07-35 Tolliver, to approve the Shingle Creek and West Mississippi Watershed Management Organizations' Major Plan Amendment. Discussion followed.

Lisa Thorvig stated that MPCA supports the Plan amendment. Motion passed on a voice vote.

Upper Rum River Watershed Management Organization, Watershed Management Plan – Bob Burandt reported that the Metro Water Planning Committee reviewed the Upper Rum River Watershed Management Organization, Watershed Management Plan and unanimously recommends the
** Plan approval. Moved by Bob Burandt, seconded by LuAnn Tolliver, to approve
07-36 the Upper Rum River Watershed Management Organization Watershed Management Plan. Discussion followed. Lisa Thorvig asked for an overview from staff regarding the WMO's reliance on state agencies and locals to assist. Steve Woods stated that Anoka Conservation District has pledged to work with the Upper Rum River Watershed Management Organization on the Watershed Management Plan. Motion passed on a voice vote.

Northern Water Planning Committee

Wilkin County Priority Concerns Scoping Document – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Wilkin County Priority Concerns Scoping Document and recommends approval.
** Quentin stated that DNR comments were not relevant to the document. Moved
07-37 by Quentin Fairbanks, seconded by Kay Cook, to approve the Wilkin County Priority Concerns Scoping Document. Motion passed on a voice vote.

Southern Water Planning Committee

Middle Fork Crow River Watershed District (MFCRWD) Water Management Plan – Dana Allen reported that the Southern Water Planning Committee met to review the Middle Fork Crow River Watershed District Water Management Plan and unanimously recommend approval of the Plan. Dana reported that this is the MFCRWD's first plan, they hired an experienced administrator; the Committee is
** confident the plan will be implemented. Moved by Dana Allen, seconded by Paul
07-38 Langseth, to approve the Middle Fork Crow River Watershed District Water Management Plan. Motion passed on a voice vote.

NEW BUSINESS

Koochiching SWCD Supervisory Boundary Change Request – Quentin Fairbanks reported that the Northern Water Planning Committee met to consider the Koochiching SWCD supervisor nomination districts proposed boundary
** change, and recommends approval. Moved by Quentin Fairbanks, seconded by
07-39 Kay Cook, to accept and approve the boundary change request for Koochiching SWCD. Discussion followed. It was noted that this is not a change based only on

population, there are other factors including the landscape. The SWCD supervisors are elected on a countywide basis. Motion passed on a voice vote.

Establishment Petition for Cedar River Watershed District – Jim Haertel reported there is a strong consensus from Mower County for the establishment of a watershed district; there is no opposition. Jim reported that the hearing panel recommends establishment of the Cedar River Watershed District per the draft Order. Moved by Louise Smallidge, seconded by Bob Burandt, to approve the establishment petition for the Cedar River Watershed District, with acceptance of the proposed list of managers. Jim Haertel stated that criminal background checks were completed on the board of managers. Discussion followed. Motion passed on a voice vote.

** 07-40

Chair Kramer called for a break in the meeting at 10:05 a.m. The meeting reconvened at 10:20 a.m.

Reinvest in Minnesota (RIM) Reserve Strategic Program Plan Update and BWSR ad hoc Committee Appointment – Kevin Lines explained the need to update the RIM Reserve Program Strategic Plan. The updated Plan will guide agency requests for future appropriations, leveraging opportunities with partners and new conservation initiatives. Chair Kramer named the ad hoc RIM Reserve Committee: Paul Brutlag, chair; Paul Langeth, Bob Burandt, Joe Martin, and Dana Allen. Chair Kramer has contacted the aforementioned board members, and they are willing to serve on the ad hoc committee. Kevin reported that the committee will seek significant stakeholder participation representing agriculture, environment, conservation, federal, state, and local government. The ad hoc committee will meet three times during May and June, and is expected to present the results of the Committee's work to the full Board at the June 27, 2007, meeting. Paul Brutlag stated that the ad hoc committee will meet briefly immediately following the Board meeting today.

Update on the MPCA Ditches and Wetland Listing Process – Doug Thomas explained that as state agencies begin to implement the Clean Water Legacy Act, the need to discuss the TMDL process and identify priorities for monitoring, assessing and listing impaired waters to ensure a focused and organized approach was recognized. An interagency group began meeting in mid-2006 to discuss the TMDL process and prioritization needs, including how to approach assessment and listing of wetlands and ditches. Doug Thomas introduced Shannon Lotthammer, MPCA. Shannon presented an overview of the interagency listing process and outcomes, the status of MPCA implementation of the agreed-upon watershed-based approach for considering wetlands and

ditches in the 2008 impaired waters listing cycle. Discussion followed. Quentin Fairbanks suggested that counties include the classification standards in their water plans. Chair Kramer thanked Doug and Shannon for their informative presentation.

BWSR Committee Meeting Schedule – John Jaschke presented upcoming BWSR committee schedules for board members' information. This committee schedule will be posted on the Board's website and updated as meetings are scheduled.

Legislative Update – John Jaschke presented a legislative summary as of April 24th. John also presented the Senate and House FY08/09 Biennium Budget Comparison. Discussion followed.

John Jaschke briefly commented on the Governor's Conservation Legacy Council (CLC) draft minutes from a meeting on April 12, 2007. John noted that on page six of the draft minutes, regarding watershed management, BWSR is mentioned and a possible link to the conservation commission is discussed. The CLC's final meeting will be held tomorrow, with a final report subsequent to that.

AGENCY REPORTS

Minnesota Extension Service (MES) – Jim Anderson reported that Faye Sleeper has been hired as co-director of the Water Resources Center. Jim announced that John Bilotta, has been hired for the NEMO project; John will be located in Farmington, starting next week.

Minnesota Department of Natural Resources (DNR) – Mark Holsten reported that DNR is spending lots of time monitoring legislative conference committees. DNR is working with the legislature on groundwater and aquifers including another budget proposal for groundwater research, it's been a struggle to get funding over the years. Commissioner Holsten stated that drought conditions still exist in northeastern Minnesota and lakes are low.

Commissioner Holsten stated that DNR prevailed in the lawsuit with MCEA regarding shoreland rules. Senator Chaudhary has an omnibus bill (SF #1312) for DNR implementation of shoreland rules. Commissioner Holsten announced that the DNR southern region is working with Farm Fest on a prairie grass demonstration site.

Commissioner Holsten reported on the status of tuberculosis (TB) in northwestern Minnesota deer herds. DNR has finished the final spring shooting,

harvesting 488 deer in the last couple weeks; six deer are expected to be TB positive, showing early signs of TB centered on the Marshall-Beltrami County line. DNR will continue further monitoring in the fall. A press release regarding this issue will go out within the week.

Minnesota Department of Health (MDH) – Dan Wilson reported that legislation is moving along. MDH is reacting to external environmental health issues, discussions continue on health risks. Dan reported that the well code has been under revision for a long time; this will be sent to the Governor shortly, with dual notice on the rules. The rule is anticipated to be in effect by the end of the calendar year.

Minnesota Department of Agriculture (MDA) - Joe Martin stated that there is lots of uncertainty at the State Capitol right now. Issues of interest include: county waste and pesticide issues, Clean Water Legacy, bioenergy, funding for feasibility studies and research on E85.

Minnesota Pollution Control Agency (MPCA) – Lisa Thorvig reported that another interagency group has been formed with MPCA, BWSR and DNR, to work on ditch maintenance and stormwater requirements, trying to keep the NPDES permitting approach simple. Chair Kramer thanked MPCA for allowing Shannon Lotthammer to present information today.

UPCOMING MEETINGS
- Next Board Meeting, May 23, 2007, in St. Paul.

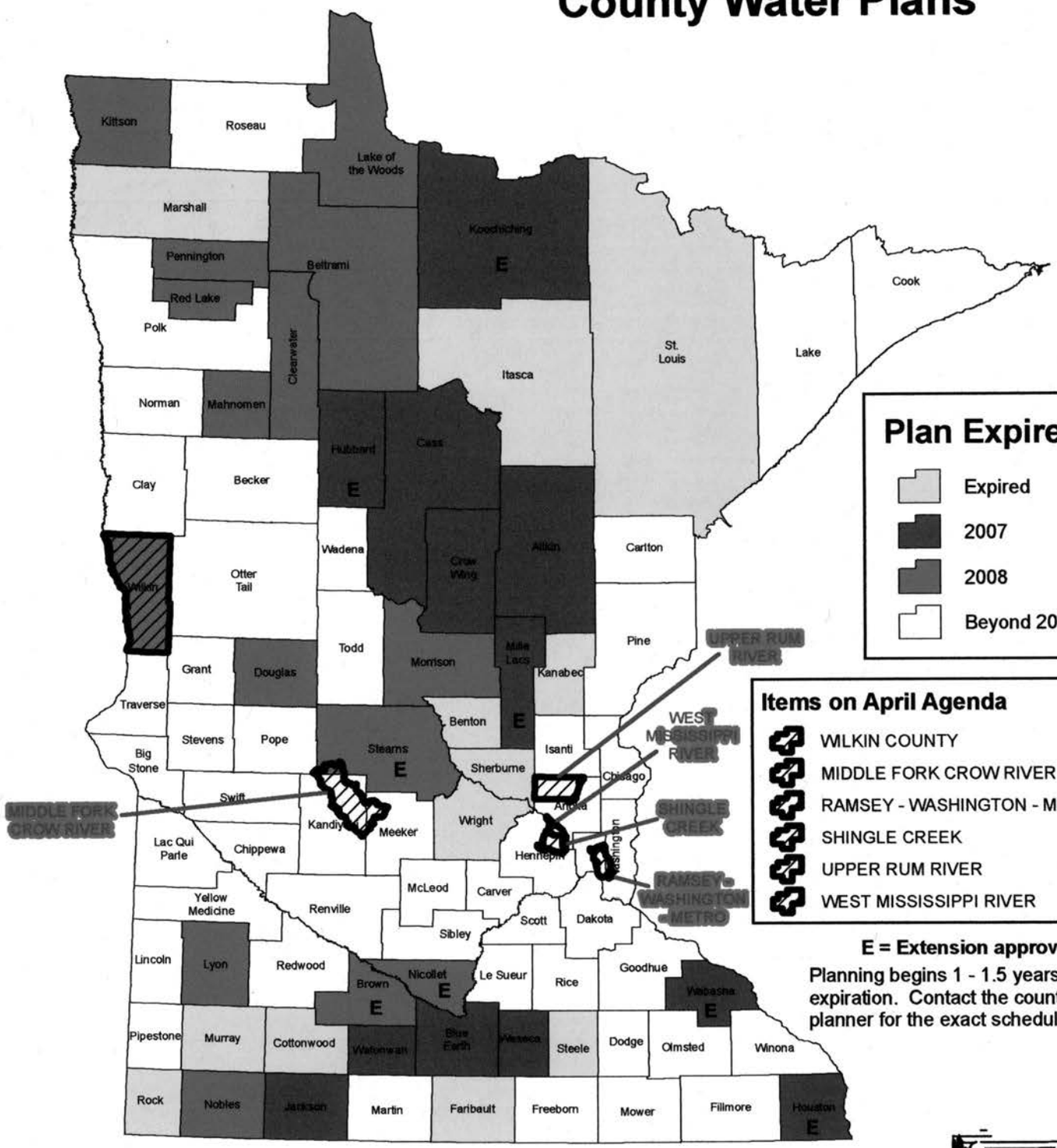
Kay Cook announced that the Public Relations, Outreach and Strategic Planning Committee meets immediately following the Board meeting today.

** 07-41 Moved by LuAnn Tolliver, seconded by Quentin Fairbanks, to adjourn the meeting at 12:05 p.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer
Chair

County Water Plans



Plan Expires

- Expired
- 2007
- 2008
- Beyond 2008

Items on April Agenda

- WILKIN COUNTY
- MIDDLE FORK CROW RIVER
- RAMSEY - WASHINGTON - METRO
- SHINGLE CREEK
- UPPER RUM RIVER
- WEST MISSISSIPPI RIVER

E = Extension approved

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

Minnesota Board of Water & Soil Resources

WWW.BWSR.STATE.MN.US

map updated: April 2007

Comparison of WCA Legislation
April 23, 2007

Issue	Senate	SF2096 (House Version)
60-Day Rule	*SF1312* ▪ Amends Minn. Stat. 15.99 (60-day rule) to specify that an agency response includes an approval with conditions. Failure to satisfy the conditions may be a basis to revoke or rescind agency approval, and will not give rise to a claim that the 60-day rule was not met.	▪ Amends Minn. Stat. 15.99 (60-day rule) to specify that an agency response includes an approval with conditions. Failure to satisfy the conditions may be a basis to revoke or rescind agency approval, and will not give rise to a claim that the 60-day rule was not met.
Stormwater Ponds	*SF1312* ▪ To be eligible for wetland replacement credit, water quality treatment ponds must include pretreatment of runoff and function as a wetland.	▪ Prohibits using stormwater ponds created primarily to fulfill stormwater management and water quality requirements to be used to meet wetland replacement requirements, unless the design includes pretreatment of runoff and the pond is functioning as a wetland.
Deed Restriction	*SF1704* ▪ Authorizes local governments to place a deed restriction on a wetland drained under the Drainage Exemption that prohibits non-ag use for ten years, if the wetland area is at risk of conversion.	▪ Authorizes local governments to place a deed restriction on a wetland drained under the Drainage Exemption that prohibits non-ag use for ten years, if the wetland area is at risk of conversion
Wetland Replacement Siting	*SF1312* ▪ Reorganizes wetland replacement siting provisions into >80%, <80%, seven county metro, and public transportation sections ▪ Authorizes wetland bank service areas as another geographic siting region for wetland replacement ▪ Allows impacts in >80% area to replace by banking after evaluating on-site replacement and replacement within the watershed	▪ Reorganizes wetland replacement siting provisions into >80%, <80%, seven county metro, and public transportation sections ▪ Authorizes wetland bank service areas as another geographic siting region for wetland replacement ▪ Allows impacts in >80% area to replace by banking after evaluating on-site replacement and replacement within the watershed

Issue	Senate	SF2096 (House Version)
Agricultural Activities Exemption	*SF1704* ▪ Delete current exemption and replaces with exemption for normal farming ▪ Normal farming is defined as farming, silvicultural, grazing, and ranching such as plowing, seeding, cultivating, and harvesting, for the production of feed, food, fiber, and forest products ▪ Normal farming does not include draining or filling ▪ Exempts soil and water conservation practices approved by the SWCD	▪ Delete current exemption and replaces with exemption for normal farming ▪ Normal farming is defined as farming, silvicultural, grazing, and ranching such as plowing, seeding, cultivating, and harvesting, for the production of feed, food, fiber, and forest products ▪ Normal farming does not include draining or filling ▪ Exempts soil and water conservation practices approved by the SWCD
Drainage Exemption	*SF1704* ▪ Require replacement if wetland drained under this exemption is converted to a prohibited use within 10-years ▪ Delete obsolete provision (projects approved between 1986 and 1991) ▪ Exempt draining of agricultural land that has been (1) planted, and subsequently harvested with annually seeded crops in 8 out of 10 most recent years, (2) was in a crop rotation seeding in 8 out of 10 most recent years, or (3) enrolled in a land conservation program and met (1) or (2) before enrollment	▪ Require replacement if wetland drained under this exemption is converted to a prohibited use within 10-years ▪ Delete obsolete provision (projects approved between 1986 and 1991) ▪ Exempt draining of agricultural land that has been (1) planted with annually seeded crops in 8 out of 10 most recent years, (2) was in a crop rotation seeding in 8 out of 10 most recent years, or (3) enrolled in a land conservation program and met (1) or (2) before enrollment
Federal Approvals Exemption	*SF1312* ▪ Deletes first two clauses of existing exemption	▪ Deletes first two clauses of existing exemption
Wetland Restoration Exemption	*SF1312* ▪ Adds exemption for activities in a wetland created or restored without any governmental assistance, and the wetland has not been created or restored for wetland replacement	▪ No comparable provision.

Issue	Senate	SF2096 (House Version)
Utilities; Public Works Exemption	*SF1312* ▪ Delete and re-write current exemption	▪ Delete and re-write current exemption
Approved Development Exemption	*SF1312* ▪ Repeal	▪ Repeal
De minimis Exemption	▪ No comparable provision.	▪ Reduce exemptions amounts as follows: o 10,000 s.f in > 80% area (no change) o ~~5,000~~ 2,500 s.f. in 50-80% area o ~~2,000~~ 1,000 s.f. in < 50% area o 100 s.f. of wetlands types 3, 4, and 5, outside of the building setback zone, statewide o ~~400~~ 0 in building setback zone of the shoreland wetland protection zone o 400 s.f. in the shoreland zone beyond the building setback zone o 20 s.f. regardless of wetland type and location ▪ Prohibits dividing property to increase De minimis amounts
Exemption Noticing	*SF1312* ▪ BWSR is required to develop rules for estimates and reporting of wetland impacts, including the drainage, utilities/public works, and de minimis exemptions.	▪ BWSR is required to develop rules that address the application and implementation of exemptions and that provide for estimates and reporting of exempt wetland impacts, including the drainage, utilities/public works, and de minimis exemptions.
Administrative Penalty Orders	▪ No comparable provision.	▪ BWSR may issue an order to require violations be corrected and administratively assess monetary penalties for violations of 103B, 103C, 103D, 103E, 103F, and 103G

Issue	Senate	SF2096 (House Version)
Certification Program	*SF1312* ▪ Authorize BWSR to establish a wetland delineator certification program	▪ Authorize BWSR to establish a wetland delineator certification program
Local Appeals	*SF1312* ▪ Allow 30 days for local appeals, notwithstanding the 60-day rule.	▪ Allow 30 days for local appeals, notwithstanding the 60-day rule.
BWSR Appeals	*SF1312* ▪ Authorize BWSR to establish fees for appeals of restoration orders ▪ Deletes local government authority to require $500 fee for appeals to BWSR ▪ Authorizes BWSR to establish a fee schedule for appeals, which are not to exceed $1,000 ▪ Fees must be paid to BWSR	▪ Authorize BWSR to establish fees for appeals of restoration orders ▪ Deletes local government authority to require $500 fee for appeals to BWSR ▪ Authorizes BWSR to establish a fee schedule for appeals, which are not to exceed $1,000 ▪ Fees must be paid to BWSR
Rulemaking	*SF1312* ▪ Authorizes BWSR to adopt exempt rules within 90-days of enactment, that are in effect for 2-years, the rulemaking shall address wetland replacement and banking	▪ Authorizes BWSR to adopt exempt rules within 90-days of enactment, that are in effect for 2-years, the rulemaking shall address exemptions, wetland replacement and banking

Issue	Senate	SF2096 (House Version)
Appropriations (The Senate has split the appropriations into two bills: SF2096-ongoing, SF2190-one time. All House appropriations are in SF2096-House Version)	▪ $500,000 (one-time) to BWSR for grants to local governments to improve response to major wetland violations ▪ $500,000 per year to increase BWSR staffing to provide oversight and skilled technical support to local governments ▪ $60,000 per year to establish BWSR staff to monitor and enforce wetland replacement/banking sites ▪ $60,000 (one-time) to BWSR to develop the state wetland restoration strategy	▪ $500,000 per year to BWSR for grants to local governments to improve response to major wetland violations ▪ $500,000 per year to increase BWSR staffing to provide oversight and skilled technical support to local governments ▪ $60,000 per year to establish BWSR staff to monitor and enforce wetland replacement/banking sites ▪ $60,000 (one-time) for rulemaking ▪ $225,000 (one-time) to BWSR to inventory wetland mitigation opportunities and water quality and watershed improvement projects in northeastern Minnesota ▪ $150,000 (one-time) to BWSR to conduct a region-wide wetland mitigation siting analysis for northeastern Minnesota
Effective Date	▪ Day following final enactment	▪ Day following final enactment

Prepared by the Board of Water and Soil Resources

Dispute Resolution Report
April 12, 2007
by: Jim Haertel

There are presently 23 appeals pending. All of the appeals involve WCA except File 05-24. There have been three new appeals filed since the last report dated March 15, 2007.

File 07-9. This is a new appeal of an exemption decision in Stearns County. The appeal concerns the denial of the request that the wetlands are "incidental". No decision has been made on the appeal.

File 07-8. This is a new appeal of a restoration order in Stearns County. The appeal regards the draining of wetland on agricultural land. No decision has been made on the appeal.

File 07-7. This is a new appeal of a replacement plan in Blue Earth County. The appeal regards the approval of a wetland replacement plan involving the realignment of a county road. No decision has been made on the appeal.

File 07-3. This is an appeal of a replacement plan decision in Traverse County. The appeal concerns the approval of a wetland replacement plan application. No decision has been made on the appeal.

File 06-43. This is an appeal of a restoration order in Morrison County. The appeal involves the placement of fill in wetland near a lake. The appeal has been placed in abeyance and the restoration order has been stayed pending field review by the Technical Evaluation Panel this spring.

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, a pre-hearing

conference was held, a hearing before the DRC was scheduled but has been canceled while settlement discussions take place.

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 the decision has been appealed to the Court of Appeals.

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 06-12. 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. After a hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application.
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. Ramsey-Washington Metro Watershed District, Watershed Management Plan – Bob Burandt - ***DECISION ITEM***

2. Shingle Creek and West Mississippi Watershed Management Organizations' Major Plan Amendment – Bob Burandt - ***DECISION ITEM***

3. Upper Rum River Watershed Management Organization, Watershed Management Plan – Bob Burandt - ***DECISION ITEM***

Northern Water Planning Committee

1. Wilkin County Priority Concerns Scoping Document – Quentin Fairbanks - ***DECISION ITEM***

Southern Water Planning Committee

1. Middle Fork Crow River Watershed District (MFCRWD) Water Management Plan – Brian Kletscher - ***DECISION ITEM***

Ramsey-Washington-Metro Watershed District Plan 2006 – 2016

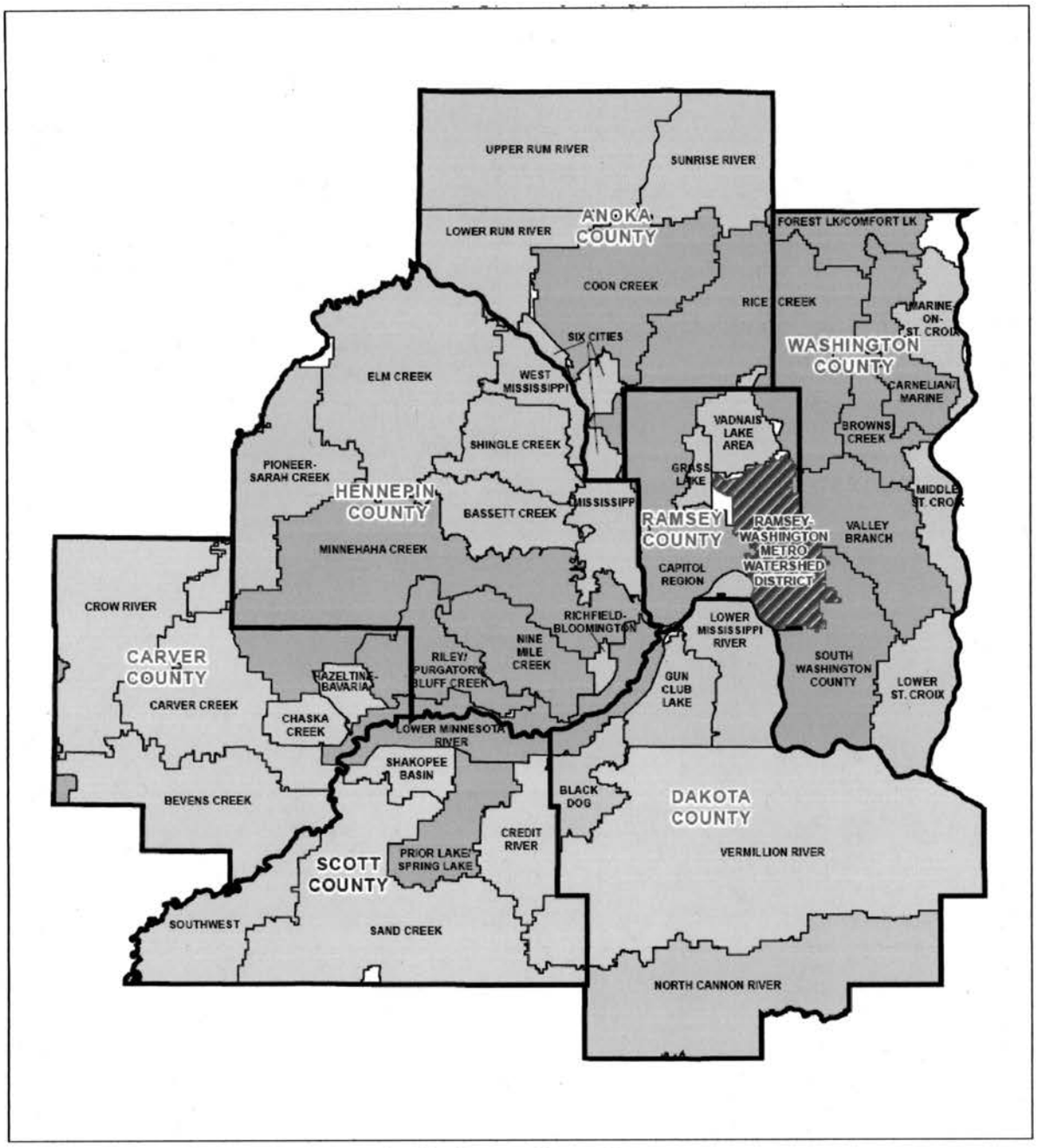


Figure I.A-1

LOCATION OF
RAMSEY-WASHINGTON METRO
WATERSHED DISTRICT

Fiscal Context and Implementation

The table below provides context, and reveals a relatively stable trend with regards to expenditures of RWMWD over the past several years of available data, with variations due mainly to expenditures for capital projects. RWMWD expenditures are projected to total $49,450,000 over the life of the plan. Approximately 95 percent of the RWMWD's funds for implementing capital projects, programs, and other operations are raised through an ad valorem property tax levy. The current District financing approach is to pay for District capital improvements in the year they are constructed, if possible. Projects in excess of approximately $1 million may be financed in multiple years. Grants and loans make up a small percentage of the RWMWD's funding sources. As a guiding principle, the RWMWD intends to restrict its annual levy to be in a range from approximately $3 to $4 million. This will maintain a relatively level property tax rate of approximately 2.5% or about $25 per $100,000 of property value. Based on 2005 property values, a tax rate of 2.5% would raise approximately $4 million. This tax rate will allow the RWMWD's levy to grow at approximately the same rate as the increase in property values. This self-imposed tax limit requires that the RWMWD establish spending priorities to assist the Board in decision-making when there is a high demand for the District's programs.

Watershed District	Taxes Payable 2004 (TMV)	Area (sq mi)	Expenditures				
			2001	2002	2003	2004	2005
Ramsey-Washington Metro	**9,197,769,100**	**53**	**3,048,986**	**3,329,310**	**3,370,862**	**2,350,399**	**1,945,645**
Browns Creek	1,118,882,500	28	1,035,814	536,531	403,906	320,385	503,935
Capitol Region	12,180,656,400	37	397,354	386,503	577,504	1,327,715	924,848
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	243,511
Coon Creek	6,763,641,200	96	467,285	601,544	660,523	640,591	498,240
Lower Minnesota River	5,748,966,600	64	427,058	292,621	204,346	318,216	456,166
Minnehaha Creek	28,338,875,675	184	6,086,030	5,270,636	3,343,963	2,436,635	3,212,548
Nine Mile Creek	13,293,860,700	50	1,021,981	950,905	1,015,845	1,484,029	2,413,557
Prior Lake-Spring Lake	1,882,034,700	42	410,171	610,534	732,799	655,410	756,044
Rice Creek	13,893,021,700	201	1,319,055	1,692,567	2,589,521	3,041,834	2,810,074
Riley-Purgatory-Bluff Creek	9,434,538,700	47	480,471	772,593	2,366,737	2,245,286	1,819,722
South Washington	6,070,592,700	53	2,356,478	2,323,327	5,771,911	1,921,135	1,252,877
Valley Branch	2,681,731,600	64	443,537	526,532	730,992	772,065	211,104

Recommendation

BWSR Board Conservationist Les Lemm recommends approval of the Ramsey-Washington Metro Watershed District 2006-2016 Watershed Management Plan.

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

In the Matter of the review of the Watershed Management Plan for the **Ramsey-Washington Metro Watershed District** pursuant to Minnesota Statues Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Ramsey-Washington Metro Watershed District (RWMWD) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. RWMWD Establishment

The Ramsey-Washington Metro Watershed District (RWMWD) was established on February 24, 1975, by the Minnesota Water Resources Board, now the Minnesota Board of Water and Soil Resources (BWSR) pursuant to the Minnesota Watershed Act, to effect the protection and provident use of water resources. This Plan is the fourth watershed management plan for RWMWD. The previous RWMWD Plans were:

1977 – *Overall Plan – Ramsey-Washington Metro Watershed District*
1986 – *Stormwater Runoff and Water Quality Management Plan*
1997 – *Ramsey-Washington Metro Watershed District Watershed Management Plan*

In general, the RWMWD is responsible for addressing water resource management issues that affect more than one city or issues defined by the RWMWD to be of District-wide significance. This usually means the watershed of the affected water resource spans more than one city. Specifically, the RWMWD is responsible for managing water level and water quality issues for certain water resources. These "District-managed" resources include the following 14 lakes and five streams:

Lakes:

Battle Creek Lake	Beaver Lake	Carver Lake
Eagle Lake	Gervais Lake	Keller Lake
Kohlman Lake	Lake Phalen	Round Lake (Maplewood)
Round Lake (Little Canada)	Tanners Lake	Twin Lake
Wakefield Lake	Willow Lake	

Streams:

Battle Creek	Fish Creek	Gervais Creek
Kohlman Creek	Willow Creek	

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. Watershed Description

The RWMWD is located in eastern Ramsey County and western Washington County. The District is generally bounded on the west by downtown St. Paul and Interstate 35E, on the north by County Road E in White Bear Lake, on the east by I-694/I-494, and on the south by the Mississippi River. A small part of the District extends southeast of I-494 in the city of Woodbury. The RWMWD spans a 56.5-square-mile area and includes all or part of 10 communities, including White Bear Lake, Vadnais Heights, Gem Lake, Little Canada, Maplewood, Landfall, North St. Paul, St. Paul, Oakdale, and Woodbury. Approximately 44.9 square miles of the area lie within Ramsey County; the remaining 11.6 are within Washington County.

The RWMWD is adjacent to the following watershed districts and joint powers watershed management organizations:

- Capitol Region Watershed District, along west boundary of RWMWD
- Grass Lake Watershed Management Organization, along northwest boundary of RWMWD
- Vadnais Lake Area Watershed Management Organization, along north boundary of RWMWD
- Rice Creek Watershed District, along northeast boundary of RWMWD
- Valley Branch Watershed District, along east boundary of RWMWD
- South Washington Watershed District, along southeast boundary of RWMWD
- Lower Mississippi River Watershed Management Organization, across the Mississippi River from RWMWD along the southwest boundary of RWMWD

Topography within the District varies from steep river bluffs along the east side of the Mississippi River Valley and southeastern St. Paul, to moderately rolling land in Oakdale, Maplewood and eastern St. Paul, to gently rolling land in White Bear Lake, North St. Paul and Little Canada.

According to the 2000 Metropolitan Council land use data for the RWMWD, the watershed is largely fully developed. According to the Metropolitan Council future land use projections for 2020 for the RWMWD, some additional development is likely to occur but much of the expected overall change in land use will be from redevelopment. Based on the University of Minnesota's color-infrared Landsat photography (2002), the RWMWD analyzed the amount of impervious surface areas within each watershed and found the impervious surface areas of the RWMWD subwatersheds ranged from 21.3% to 43.1%, and the average was 34.0%.

4. Plan Development and Review

In assembling its fourth generation Watershed Management Plan (Plan), the RWMWD solicited input from review agencies and stakeholders through several meetings of a Planning Advisory Group (PAG), who guided the development and content of the Plan. Prior to submitting its updated Plan for formal review, the RWMWD solicited additional up-front comments by submitting a preliminary version of the draft Plan to review agencies and local governments. This resulted in additions and revisions to the draft Plan, as well as a meeting between RWMWD and BWSR staff to discuss the District's approach to addressing BWSR requirements. The draft Plan was submitted to BWSR, other state agencies, and local governments for the required 60-day review on July 6, 2006. A public hearing was held on November 1, 2006 and few comments were received. On November 27, 2006 the revised draft plan was sent to the review agencies for the 45-day review period. Formal comments were relatively limited due to the early involvement of agency staff in the Plan development process. The final draft Plan was submitted to BWSR on March 20, 2007.

5. Local Review

The BCWD circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

Washington County: The County commended the RWMWD for developing an excellent planning framework to provide direction for managing water resources in the watershed, and found the Plan generally consistent with County activities. The County encouraged RWMWD to consider groundwater protection in the rule development process. The County also recommended referencing the Washington County Groundwater Plan and listing the implementation actions that watershed districts are responsible for implementing. The County also recommended adding additional groundwater information to certain sections of the Plan, and to encourage local governments to develop land use regulations to protect groundwater resources. The RWMWD responded by including much of the requested information in the Plan. The RWMWD also responded that they have reviewed the County's draft proposed groundwater rules and determined that they were not appropriate for the Watershed, but that they would reassess this issue as new data become available.

Ramsey County: The County commented that, overall, the Plan reflects the maturity of the District and provides a thorough discussion of proposed water management strategies

and activities. The County provided sources for the historic water quality data collected by the County and recommended it be included in the Plan. The RWMWD replied that it would check the identified sources and update the Plan as appropriate. The County also provided updated information regarding the West Vadnais outlet and recommended the Plan include a breakdown of capital, operation, and maintenance costs for the alum treatment systems and innovative BMPs. The RWMWD responded that it will complete the suggested evaluations and include this information in the Plan.

Washington Conservation District: The WCD commented that it supports the RWMWD Plan.

City of Vadnais Heights: The City, through several comments, requested clarification on how specific Plan requirements would apply to the member cities. The RWMWD responded by providing clarifications and stating that the new Rules will apply district-wide while other implementation items will be the responsibility of the District.

City of Woodbury: The City provided numerous corrections and recommendations to improve information in the Plan and make it easier to read, resulting in several Plan changes by RWMWD. The City also suggested a closer review of Carver Lake water quality data, questioning the reported correlation between phosphorous concentration and Secchi disc values, which the RWMWD agreed to check for accuracy. The City commented that the completed Carver Ravine project was damaged by the October 2005 storm event and in need of repair. The RWMWD responded that because the Carver Ravine and its tributary watershed are located entirely within the City of Woodbury, the City's increased flows to the ravine (caused by the City's change to the drainage system) likely exacerbated the recent damages, and the slope failure at the upstream end was a main contributor to damage, that the repairs are the City's responsibility.

The City also commented that RWMWD does not have zoning authority and cities are not required to obtain watershed district approvals for zoning changes. The RWMWD agreed and clarified that the District's intent is to review proposed zoning changes to determine if the changes would impact the District's modeling, and that any comments are advisory to the City.

The City suggested removing the street sweeping requirement from the stormwater management system maintenance requirements, indicating they are analyzing whether a fall sweeping is cost-effective. The RWMWD responded that they would be interested in seeing the results of this analysis, but that the District's extensive street sweeping study presents strong evidence that two sweepings per year is a bare minimum and up to 9 sweepings per year is supported.

The City noted the statutory requirement for watershed district plans to describe conflicts with existing plans of local government units and stated that the RWMWD Plan does not adequately address this requirement. The RWMWD responded that past such evaluations performed by the District were not specific enough to be helpful in the development of local water management plans, and that this information would be more useful if performed when the cities are ready to start their local planning process. The RWMWD

offered to assist the cities in defining District requirements and inconsistencies with local ordinances at this time.

City of St. Paul: The City asked how the Plan's buffer and pretreatment requirements would apply to certain City storm ponds. The RWMWD responded that the City will be required to develop a plan to minimize buffer disturbance during maintenance activities. The City also had a similar comment as the City of Woodbury regarding zoning authority (see above), and requested a couple clarifications.

6. **Metropolitan Council Review**

Council staff felt that the Technical Advisory Committee that was appointed early in the planning process provided valuable input and feedback on the plan as it was being developed and provided an opportunity for stakeholder involvement. The Council found the Plan to be consistent with the Council's 2030 Water Resources Management Policy Plan and recommended that BWSR approve the RWMWD Plan update.

7. **Department of Agriculture Review**

MDA did not provide comments on the RWMWD Plan.

8. **Department of Health Review**

MDH did not provide comments on the RWWD Plan.

9. **Department of Natural Resources Review**

For the 60-day review, the DNR noted that Division of Waters staff were involved with the development of the Plan through the Planning Advisory Group. The DNR specifically recommended revising a table within the plan to list the MPCA's water quality criteria for those basins identified on the impaired waters list. The DNR also clarified information regarding public water lake identification numbers, contacts for MLCCS data, and administration of the DNR's aquatic plant management control program.The DNR also provided specific recommendations regarding individual subwatershed plans, including specific recommendations for improving public access and recreational activities, removal and limiting movements of carp, controlling excessive aquatic vegetation, monitoring of highway reconstruction, establishing native vegetation and restoring shorelines, and provide additional improvements to water quality.

In the DNR's 45-day comment letter, the agency indicated that the RWMWD had sufficiently and completely considered and responded to the comments previously submitted.

10. **Pollution Control Agency Review**

The PCA found the Plan to be well written and comprehensive. The PCA recommended that, for the lakes where RWMWD water quality goals are less stringent than the water

quality criteria of the PCA, that the Plan could describe the study methods, techniques, and goals, giving due consideration to the PCA criteria. The PCA requested additional assurance that the wetland protection afforded by the Plan meet or exceed WCA, DNR, and PCA requirements, and provided suggested language to add to the Plan. The PCA also recommended that the stormwater requirements include a provision for maintenance. RWMWD responded by making the applicable changes to the Plan.

11. **Department of Transportation Review**

DOT found the Plan to be very well organized and very detailed. The DOT, however, felt that the draft Plan should have been circulated prior to development of the District's Rules. Many of the DOT's comments were similar to those on the draft Rules. The DOT provided several comments to clarify the Department's responsibilities and authorities, and requested clarification to how many of the RWMWD's requirements would apply in road situations, instances with limited right-of-way, etc. The DOT also questioned the RWMWD's one-inch volume control standard, stating that these standards need to take into consideration the type of soil and should be phased in on a subwatershed basis. The DOT also expressed a preference that NPDES permitting remain with the PCA. The RWMWD responded by revising the plan, providing requested information, and recognizing that linear road projects can present additional challenges so variances for these projects could be considered on a case-by-case basis.

12. **Board Review**

Board staff noted that they had previously provided comments on a preliminary version of the Plan, which were fully incorporated, and commented that the RWMWD's early coordination, combined with early involvement of the PAG, had resulted in a quality Plan and few comments at the end of the process. The Board fully supported the steps RWMWD had taken to complete a self-assessment, noting that it was important for the District to continue to improve its effectiveness in reaching its goals. The Board recommended a periodic self-evaluation of the effectiveness of the District's actions over the duration of this Plan. Board staff indicated that the Plan meets or exceeds the requirements of Minnesota Rule 8410.

13. **Plan Summary and Highlights**

The RWMWD Plan includes goals, actions, and measures in six primary areas—surface water quality, ecosystems, flood control, groundwater, citizen education and involvement, and organizational management. The Plan is comprised of two main parts. The Strategic Overview is designed to reach a broad audience and provide them with an understanding of the District's past, present, and future approach to effective watershed management. The Resource and Organizational Assessment provides more specific details of the RWMWD resources (district-wide and watershed-based) and organizational management (e.g., District operations, such as regulatory programs, local water management plans, and the RWMWD standards). The watershed-based resource assessment section is comprised of individual subwatershed plans that present detailed information for each of the17 subwatersheds within the RWMWD.

The RWMWD's vision is as follows: "Water resources and related ecosystems are managed to sustain their long-term health and integrity and to enable them to contribute to the well-being of the citizens within the watershed. Watershed citizens understand the importance of water resources and support the Ramsey-Washington Metro Watershed District's science-based and citizen input-based management decisions."

The RWMWD will adhere to the following core set of principles that will guide their efforts to achieve the above identified vision. The RWMWD will be:

- A leader and innovator in the field of watershed management
- Focused on excellence in the delivery of services
- Focused on results and performance
- A trusted and accountable spender of public money
- A provider of reliable information to citizens, businesses, and the general public
- A collaborator with other public and private organizations
- An organization that bases its decisions on reliable information and science
- An organization that uses past experiences to guide future decision making

According to the RWMWD, "Accomplishing the vision requires a focus on common goals that, when realized, will place the use and management of RWMWD water resources closer to the District's vision." The RWMWD will pursue the following goals as a way of proceeding toward the vision:

- Promote quality surface water—The quality of surface waters is maintained or improved to meet or exceed the water quality necessary to support RWMWD designated beneficial uses.

- Achieve healthy ecosystems—Ecosystems associated with watershed projects and programs are managed to achieve the characteristics of healthy urban ecosystems.

- Provide for flood control—The public is protected from flooding through measures that ensure public safety and prevent inundation of occupied structures.

- Sustain quality groundwater—The RWMWD considers groundwater protection in management decisions and collaborates with other governing entities responsible for groundwater management and protection.

- Educate and involve citizens—Citizens of all ages are educated about water resources (including their use, protection, and management); are involved in resource management programs and decisions; and interact with water resources and healthy ecosystems.

- Manage organization effectively—RWMWD is well organized and administered, and water resource management is coordinated among clientele, especially various government jurisdictions.

Highlights of the Plan include:

- The Plan contains individual watershed management plans with specific hydrologic data and water quality goals for the 17 sub-watersheds within RWMWD.

- The Plan's Strategic Overview provides an excellent summary of RWMWD goals, accomplishments, activities, and implementation program to effectively and efficiently convey a large amount of information to the general public.

- With much of the District fully developed, the RWMWD will administer a $5,000,000 Best Management Practices Cost Sharing Grant Program over the life of the Plan, soliciting the involvement and action of property owners, including residents, businesses, and builders/developers.

- With many of the large regional water quality improvement projects identified in previous studies completed, RWMWD's priorities have increasingly shifted from flood control toward water quality improvement and natural resources protection.

- To assist in determining the responsibility for the increasing number of smaller scale projects, the RWMWD developed funding guidelines, which place various types of projects and programs into one of three tiers to identify who should fund the project.

- RWMWD is seeking ways to assist the cities in meeting their NPDES Phase II MS4 obligations. This collaborative program is designed to assist the cities in meeting some of their obligations under the MS4 program, identify areas for collaboration and efficiency, and refine and improve all MS4 SWPPPs.

- The Plan outlines a Biennial Work Program & Budget Process, which will develop a two-year work plan and budget (with annual review) that incorporates an evaluation of District programs, tracking of changes to the original plan content and projections, and determining if plan amendments are required.

14. **Metro Water Planning Committee Meeting**

On April 10, 2007, the Board's Metro Water Planning Committee and staff met with representatives from the RWMWD in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Robert Burandt, Louise Smallidge, LuAnn Toliver, and Lisa Thorvig. Board staff in attendance were Metro Region Supervisor Steve Woods, Board Conservationist Les Lemm, and Board Conservationist Brad Wozney. Representatives from the RWMWD were Administrator Cliff Aichinger, District Consulting Engineer Karen Chandler, and Manager Jack Frost. Board staff recommended approval of the Plan. After discussion, the subcommittee unanimously voted to recommend approval of the Ramsey-Washington Metro Watershed District 2006 - 2016 Watershed Management Plan to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Ramsey-Washington Metro Watershed District pursuant to Minnesota Statutes Sections 103B.231, Subd. 9.

3. The Ramsey-Washington Metro Watershed District Watershed Management Plan attached to this Order defines water and water-related problems within the RWMWD 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 2007 as the Watershed Management Plan for the Ramsey-Washington Metro Watershed District.

Dated at Saint Paul, Minnesota this 25th day of April 2007.

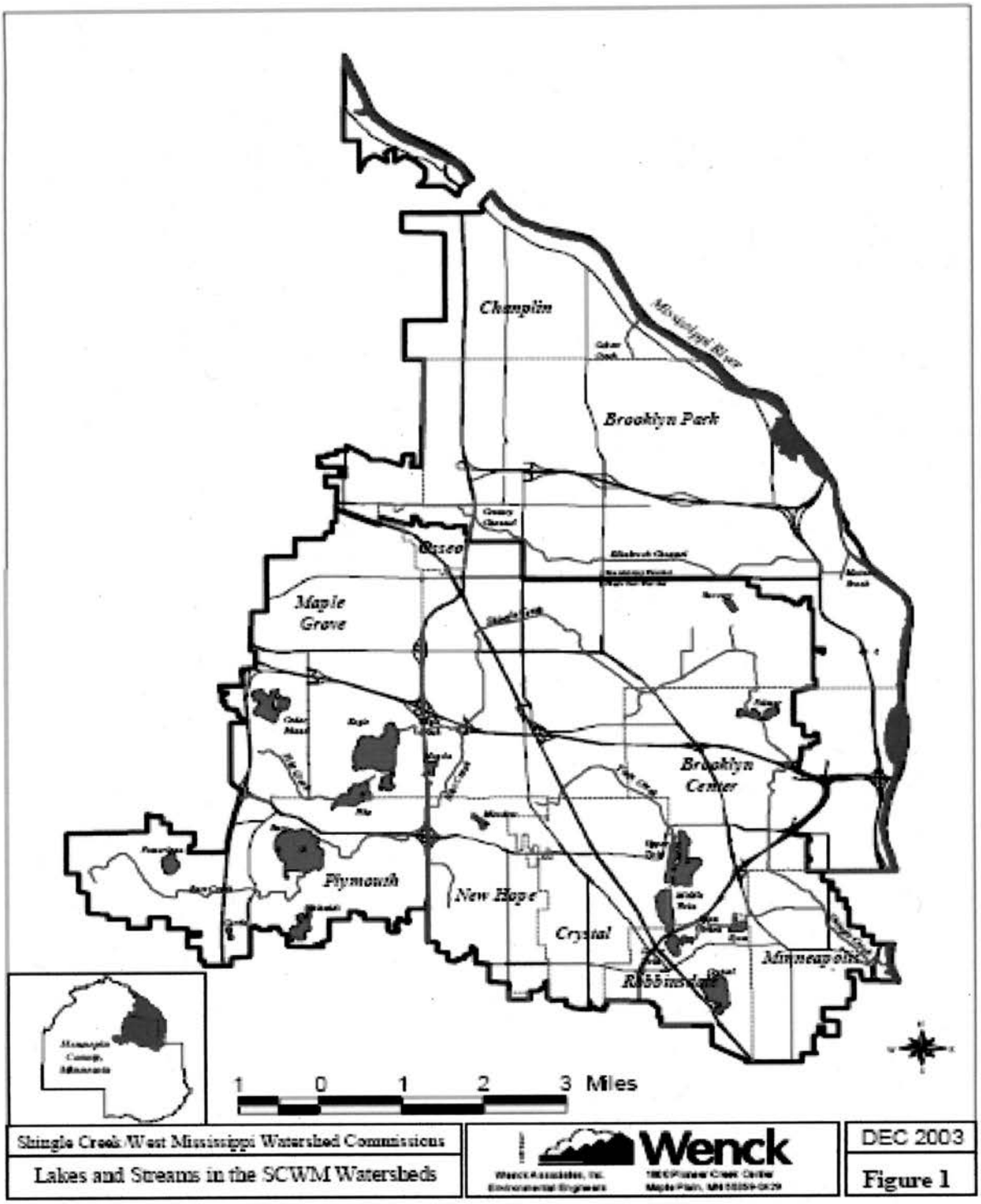
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Minnesota Board of Water and Soil Resources
April 2007 Metro Water Planning Committee Meeting

OVERVIEW

Shingle Creek / West Mississippi Watershed Management Organizations (SC-WMWMC) Major Plan Amendment 2007-2012



1. **SC-WMWMC Establishment.** Joint Powers Agreements established the Shingle Creek and West Mississippi Watershed Management Commissions (SC-WMWMC) in 1984. Each Commission is comprised of one member appointed from each community by their respective city council. The first Watershed Management Plan was published in April 1990. The second generation watershed management plan was approved by BWSR in April 2004.

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 Shingle Creek and West Mississippi Watershed Management Commissions are located exclusively in Hennepin County in the northwest portion of the Minneapolis – St. Paul seven county metropolitan area. They are bound by the Mississippi River to the north and east, on the southeast by the Mississippi WMO, on the south by Bassett Creek WMO, and on the west by the Elm Creek WMO. Both watersheds encompass all or part of the following ten municipalities: Brooklyn Center, Brooklyn Park, Champlin, Crystal, Maple Grove, Minneapolis, New Hope, Osseo, Plymouth, and Robbinsdale. The Shingle Creek and West Mississippi watersheds cover 44.5 square miles and 23 square miles respectively. There are fourteen lakes in the Shingle Creek watershed, and none in West Mississippi. Combined the watersheds have approximately 20.5 miles of stream. Predominantly both watersheds are fully developed, with the remaining land being currently developed.

4. **Plan Development and Review.** The draft Amendment was submitted to BWSR, other state agencies, and local governments for the required 60-day review on September 23, 2006. The main components of the Amendment include: **1) Addition of a Water Quality Plan that includes specific water quality goals for the lakes, streams, and wetlands, and a specific set of management actions to manage and improve those resources, 2) Revised Capital Improvement Program and amendment procedure language, 3) Revised Cost-Share Policy that provides that 25% of the cost of qualifying capital projects would be funded by the county ad valorem tax levy across all watershed-wide properties, with the balance of the project costs paid for by the cities.** The SC-WMWMC received 60-day review comment letters from BWSR, DNR, Hennepin County Department of Environmental Services, MNDOT, Met Council, and the Cities of Brooklyn Center and Plymouth. SC-WMWMC held a public hearing on December 20, 2006. No new suggested changes were offered during the meeting. On December 22, 2006, all review agencies had received the revised draft Amendment for the required 45-day review period. The Commissioners received comment letters from the BWSR, DNR, MPCA, and Met Council. The final draft Amendment was submitted to BWSR on February 23, 2007.

5. **Local Review.** The SC-WMWMC circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

   City of Brooklyn Center had concerns regarding the anticipated increase in the city assessment dues above the assessment cap dictated in the JPA. In addition, the city commented that capital projects should not be funded where TMDLs have not been completed. SC-WMWMC stated that an adjustment to the cap might be warranted to accomplish the goals set forth in the Water Quality Plan and grants will continue to be solicited to offset project costs. SC-WMWMC responded that there are several good reasons for pursuing projects not related to TMDLs such

as WMO statutory responsibilities, the length of time it takes agencies to approve TMDLs and their associated implementation plans, and taking advantage of timely opportunities.

City of Plymouth suggested a few minor changes related to various lakes and water quality data.

6. **Metropolitan Council Review.** Met Council was supportive of the amendment with the recognition that TMDL implementation plans should be part of this amendment.

7. **Department of Agriculture Review.** MDA did not provide comments on the SC-WMWMC Amendment.

8. **Department of Health Review.** MDH did not provide comments on the SC-WMWMC Amendment.

9. **Department of Natural Resources Review.** The DNR had concerns related to runoff volume control, protection of unimpaired waterbodies, and one component of the water resource prioritization criteria. These items were adequately addressed in the Commissions' responses.

10. **Pollution Control Agency Review.** MPCA offered their support of the Amendment, looking forward to partnering on TMDL development and implementation.

11. **Department of Transportation Review.** DOT requested clarification on TMDL intentions, lake classifications, and wetland function and value assessments.

12. **Hennepin County.** Hennepin County strongly recommended that all capital projects in the Capital Improvement Plan where the SC-WMWMC contribution exceeds $250,000 be submitted as minor plan amendments for approval by the County Board, even if costs are within the 125% cost estimate threshold.

13. **Board Review.** Board comments centered around developing a process for incorporating future TMDL implementation plans and other management plans resulting from this Water Quality Plan, the need to involve the WCA Technical Evaluation Panel in every phase of wetland assessment and management planning, and the perceived lack of commitment to implement the Water Quality Plan. The Commissions sufficiently revised the implementation plan to address the commitment issue by creating four categories of activities: 1) Activities already undertaken and which they commit to continuation, 2) Activities to be undertaken starting in 2007 which are currently funded by member city assessments above the assessment cap, 3) Activities the Commissions have budgeted for in future years but have not yet undertaken, and 4) Activities that are desirable but for which no ongoing funding has yet been identified. The All Commissions' responses were determined satisfactory.

14. **Plan Summary and Highlights.** The main goal of the major plan amendment is the addition of the Water Quality Plan. Other results of the amendment include an updated CIP and revisions of the cost share policy and minor amendment criteria. Highlights include:

    - Prioritization and grouping schemes for scheduling water management activities and targeting limited funding.
    - An aggressive "Interim CIP 2007-2009" for Shingle Creek WMC.

- A major Total Maximum Daily Load (TMDL) role taken on by SCWMC for chloride. TMDLs have also begun for nutrient impairments on 13 lakes.
- Extensive water quality monitoring programs.

15. **Metro Water Planning Committee Meeting**. On April 10, 2007, the Board's Metro Water Planning Committee and staff met with representatives from the SC-WMWMC in St. Paul to review and discuss the Amendment. Those in attendance from the Board's Committee were Robert Burandt, Louise Smallidge, Lisa Thorvig, and LuAnn Tolliver. Board staff in attendance were Metro Region Supervisor Steve Woods and Board Conservationists Brad Wozney and Les Lemm. The representative from SC-WMWMC was Consultant Diane Spector and Ed Matthiesen from Wenck Associates. Board staff recommended approval of the Amendment. [After discussion, the subcommittee (unanimously?) voted to recommend _____ of the Shingle Creek – West Mississippi Watershed Management Commissions' Watershed Management Plan Amendment to the full Board.]

Fiscal Context and Implementation

The table below reveals a stable trend with regards to annual expenditures of the Shingle Creek WMC and an upward trend for West Mississippi WMC. The Commissions appear to be in the middle bracket of expenditures per area in comparison with adjacent WMOs. Shingle Creek WMC's proposed annual budget for the Water Quality Plan within this amendment ranges $425,000 - $608,375 for years 2007-2009. West Mississippi WMC has a proposed annual budget ranging $39,700 - $45,500 from 2007 until 2012. It is highly likely that the Water Quality Plan, which includes the proposed TMDL implementation plans, stream assessments, and lake management plans will generate a significant number of new projects thereby requiring incorporation by amendment. Another amendment to the Water Quality Plan will be needed prior to 2009 to fill in the Water Quality Plan budget gaps. Additionally, the overall CIP will be reviewed and updated annually, a management strategy that BWSR fully supports.

The table below reveals financial information for adjacent WMOs. A map of the metro WMOs can be found at http://www.bwsr.state.mn.us/watermgmt/metro_imap-2005.htm

WMO	Area (sq mi)	Year 02	03	04	05	Exp/Area
Shingle Creek WMO	**44**	**$353,581**	**$374,809**	**$349,990**	**$305,402**	**$7,862**
West Mississippi WMO	**24**	**$67,834**	**$83,385**	**$125,104**	**$103,729**	**$3,959**
Mississippi WMO	31	$239,658	$487,438	$722,226	$1,284,437	$11,688
Bassett Creek WMO	40	$390,653	$318,823	$1,176,382	$270,230	$13,476
Six Cities WMO	21	$9,810	$6,317	-	$13,764	$474
Lower Rum WMO	56	-	-	$50,353	$48,222	$880
Elm Creek WMO	127	$156,370	$121,562	$140,500	$93,203	$1,007
Nine Mile Creek WD	50	$950,905	$1,015,845	$1,484,029	$2,413,557	$29,322
Minnehaha Creek WD	184	$5,270,636	$3,343,963	$2,436,635	$3,212,548	$19,380
Rice Creek WD	201	$1,692,567	$2,589,521	$3,041,834	$2,810,074	$12,604

" – " indicates incomplete data.

STAFF RECOMMENDATION:

With the state agencies' concerns sufficiently addressed in the amendment, BWSR Board Conservationist Brad Wozney recommends approval of the Shingle Creek – West Mississippi Watershed Management Commissions' Major Plan Amendment 2007-2012.

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 **Shingle Creek and West Mississippi Watershed Management Organizations** pursuant to Minnesota Statues Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHED MANAGEMENT PLAN AMENDMENT

Whereas, the Board of Commissioners of the Shingle Creek and West Mississippi Watershed Management Commissions (SC-WMWMC) submitted a Watershed Management 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. **SC-WMWMC Establishment.** Joint Powers Agreements established the Shingle Creek and West Mississippi Watershed Management Commissions (SC-WMWMC) in 1984. Each Commission is comprised of one member appointed from each community by their respective city council. The first Watershed Management Plan was published in April 1990. The second generation watershed management plan was approved by BWSR in April 2004. The During the development process of the Second Generation Plan, both Commissions agreed upon merging the plan preparation, operating policies, and administration for efficiency purposes, but will remain separate, politically distinct Watershed Management Organizations. Four out of the five member cities of West Mississippi Water Management Commission are also members of Shingle Creek WMC; Champlin is a member of West Mississippi only. The attached amendment will therefore be incorporated into the joint Watershed Management Plan once approved and adopted.

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 Shingle Creek and West Mississippi Watershed Management Commissions are located exclusively in Hennepin County in the northwest portion of the Minneapolis – St. Paul seven county metropolitan area. They are bound by

the Mississippi River to the north and east, on the southeast by the Mississippi WMO, on the south by Bassett Creek WMO, and on the west by the Elm Creek WMO. Both watersheds encompass all or part of the following ten municipalities: Brooklyn Center, Brooklyn Park, Champlin, Crystal, Maple Grove, Minneapolis, New Hope, Osseo, Plymouth, and Robbinsdale. The Shingle Creek and West Mississippi watersheds cover 44.5 square miles and 23 square miles respectively. There are fourteen lakes in the Shingle Creek watershed, and none in West Mississippi. Combined the watersheds have approximately 20.5 miles of stream. Predominantly both watersheds are fully developed, with the remaining land being currently developed.

4. **Plan Development and Review.** The draft Amendment was submitted to BWSR, other state agencies, and local governments for the required 60-day review on September 23, 2006. The main components of the Amendment include: **1) Addition of a Water Quality Plan that includes specific water quality goals for the lakes, streams, and wetlands, and a specific set of management actions to manage and improve those resources, 2) Revised Capital Improvement Program and amendment procedure language, 3) Revised Cost-Share Policy that provides that 25% of the cost of qualifying capital projects would be funded by the county ad valorem tax levy across all watershed-wide properties, with the balance of the project costs paid for by the cities.** The SC-WMWMC received 60-day review comment letters from BWSR, DNR, Hennepin County Department of Environmental Services, MNDOT, Met Council, and the Cities of Brooklyn Center and Plymouth. SC-WMWMC held a public hearing on December 20, 2006. No new suggested changes were offered during the meeting. On December 22, 2006, all review agencies had received the revised draft Amendment for the required 45-day review period. The Commissioners received comment letters from the BWSR, DNR, MPCA, and Met Council. The final draft Amendment was submitted to BWSR on February 23, 2007.

5. **Local Review.** The SC-WMWMC circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

   City of Brooklyn Center had concerns regarding the anticipated increase in the city assessment dues above the assessment cap dictated in the JPA. In addition, the city commented that capital projects should not be funded where TMDLs have not been completed. SC-WMWMC stated that an adjustment to the cap might be warranted to accomplish the goals set forth in the Water Quality Plan and grants will continue to be solicited to offset project costs. SC-WMWMC responded that there are several good reasons for pursuing projects not related to TMDLs such as WMO statutory responsibilities, the length of time it takes agencies to approve TMDLs and their associated implementation plans, and taking advantage of timely opportunities.

   City of Plymouth suggested a few minor changes related to various lakes and water quality data.

6. **Metropolitan Council Review.** Met Council was supportive of the amendment with the recognition that TMDL implementation plans should be part of this amendment.

7. **Department of Agriculture Review.** MDA did not provide comments on the SC-WMWMC Amendment.

8. **Department of Health Review.** MDH did not provide comments on the SC-WMWMC Amendment.

9. **Department of Natural Resources Review.** The DNR had concerns related to runoff volume control, protection of unimpaired waterbodies, and one component of the water resource prioritization criteria. These items were adequately addressed in the Commissions' responses.

10. **Pollution Control Agency Review.** MPCA offered their support of the Amendment, looking forward to partnering on TMDL development and implementation.

11. **Department of Transportation Review.** DOT requested clarification on TMDL intentions, lake classifications, and wetland function and value assessments.

12. **Hennepin County.** Hennepin County strongly recommended that all capital projects in the Capital Improvement Plan where the SC-WMWMC contribution exceeds $250,000 be submitted as minor plan amendments for approval by the County Board, even if costs are within the 125% cost estimate threshold.

13. **Board Review.** Board comments centered around developing a process for incorporating future TMDL implementation plans and other management plans resulting from this Water Quality Plan, the need to involve the WCA Technical Evaluation Panel in every phase of wetland assessment and management planning, and the perceived lack of commitment to implement the Water Quality Plan. The Commissions sufficiently revised the implementation plan to address the commitment issue by creating four categories of activities: 1) Activities already undertaken and which they commit to continuation, 2) Activities to be undertaken starting in 2007 which are currently funded by member city assessments above the assessment cap, 3) Activities the Commissions have budgeted for in future years but have not yet undertaken, and 4) Activities that are desirable but for which no ongoing funding has yet been identified. The All Commissions' responses were determined satisfactory.

14. **Plan Summary and Highlights.** The main goal of the major plan amendment is the addition of the Water Quality Plan. Other results of the amendment include an updated CIP and revisions of the cost share policy and minor amendment criteria. Highlights include:

    - Waterbody prioritization and grouping schemes for scheduling water management activities and targeting of limited funds.
    - An aggressive "Interim CIP 2007-2009" for Shingle Creek WMC's portion of the Water Quality Plan. The Commissions will conduct annual CIP reviews and updates.
    - A major Total Maximum Daily Load (TMDL) role taken on by SCWMC for chloride. TMDLs have also begun for nutrient impairments on 13 lakes.
    - Extensive water quality monitoring programs.

15. **Metro Water Planning Committee Meeting**. On April 10, 2007, the Board's Metro Water Planning Committee and staff met with representatives from the SC-WMWMC in St. Paul to review and discuss the Amendment. Those in attendance from the Board's Committee were Robert Burandt, Louise Smallidge, Lisa Thorvig, and LuAnn Tolliver. Board staff in attendance were Metro Region Supervisor Steve Woods and Board Conservationists Brad Wozney and Les Lemm. The representative from SC-WMWMC was Consultant Diane Spector and Engineer Ed Matthiesen from Wenck and Associates. Board staff recommended approval of the Amendment. After discussion, the subcommittee unanimously voted to recommend approval of the Shingle Creek – West Mississippi Watershed Management Organizations' Watershed Management Plan Amendment to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan Amendment for the Shingle Creek and West Mississippi Watershed Management Organizations pursuant to Minnesota Statutes Sections 103B.231, Subd. 9.

3. The Shingle Creek and West Mississippi Watershed Management Organizations' Watershed Management Plan Amendment attached to this Order defines the need and purpose of the program changes, their relation to the WMO's goals, and the methods 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 Plan Amendment dated February 2007, to the Watershed Management Plan for the Shingle Creek and West Mississippi Watershed Management Organizations.

Dated at Saint Paul, Minnesota this 25th day of April 2007.

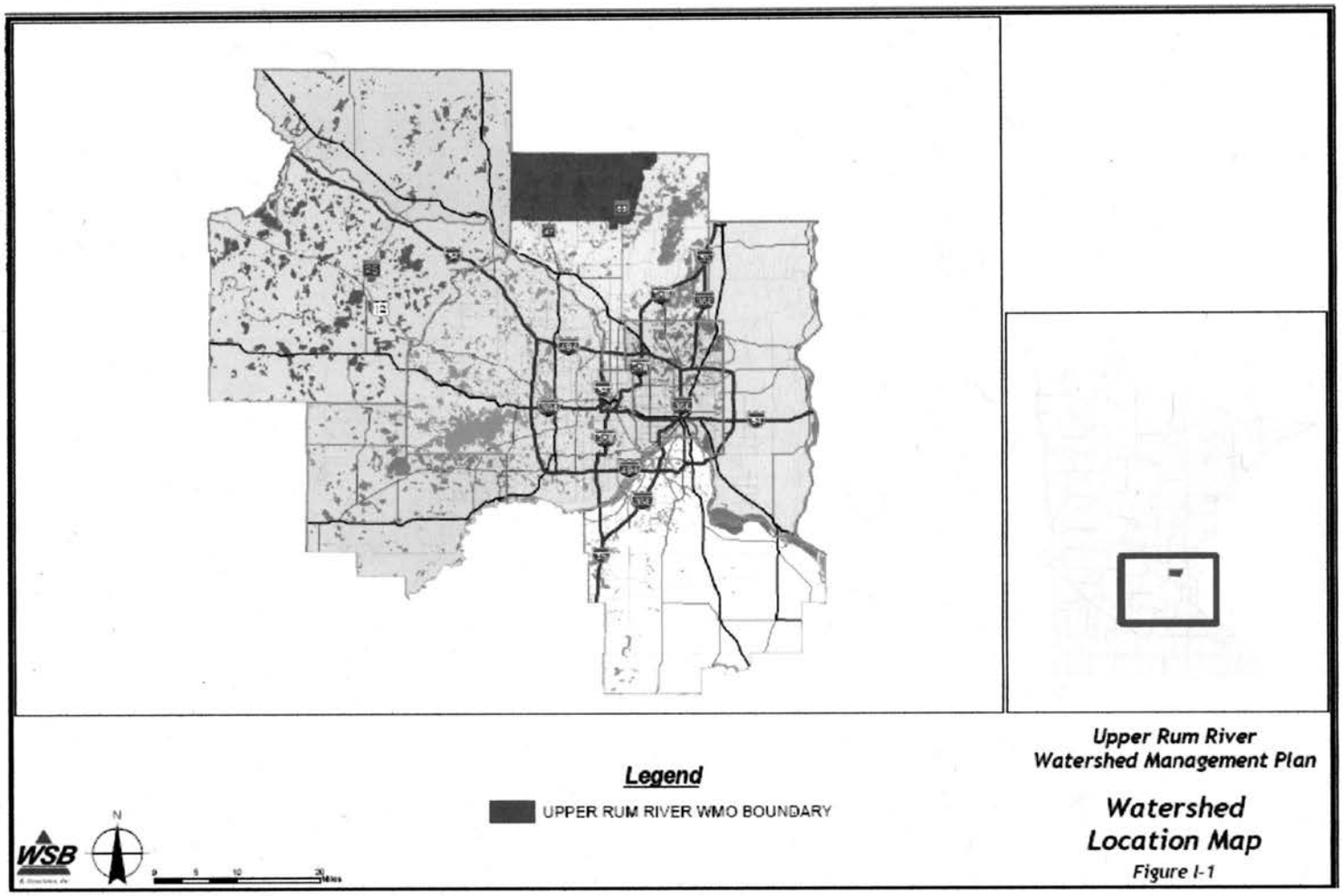
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Minnesota Board of Water and Soil Resources
April 2007 Board Meeting

Upper Rum River Watershed Management Organization Plan 2007 – 2017

Location and Fiscal Context



Fiscal Context and Implementation

The table below reveals a stable trend with regards to expenditures of the Upper Rum River WMO over the past several years of available data, with the exception of additional planning expenses in 2005. The last several years of WMO expenditures, however, are the lowest of all Watershed Management Organizations in the state. Projected WMO expenditures for management programs and studies vary from $3,500 in 2007 to $45,500 in 2010, with 2012-2017 annual expenditures averaging $10,250. No capital improvements are planned.

Water Management Organizations	Counties	Area (sq mi)	Expenditures					2005 Exp./Area
			2001	2002	2003	2004	2005	
Upper Rum River	**Anoka**	**127**	**2,212**	**2,233**	**2,273**	**2,417**	**20,482**	**161**
Bassett Creek	Hennepin	40	433,208	390,653	318,823	1,176,382	317,647	7,941
Black Dog	Dakota	26	124,711	181,628	159,941	114,637	82,685	3,180
Carver County	Carver	280	76,722	69,447	104,573	138,255		494
Elm Creek	Hennepin	127	160,360	156,370	121,562	140,500	93,203	734
Grass Lake	Ramsey	9			18,594	5,969		663
Gun Club Lake	Dakota	33	42,900	28,125	18,451	32,237	22,958	696
Lower Mississippi River	Dakota, Ramsey	56	43,324	50,727	57,383	85,842	56,709	1,013
Lower Rum River	Anoka	56	31,007			50,353	48,222	861
Lower St. Croix	Washington	46					52,472	1,141
Marine on St. Croix	Washington	37			43,059	32,177	32,460	877
Mississippi River	Hennepin	30		239,658	487,438	722,226	1,284,437	42,815
Middle St. Croix	Washington	19	14,044	11,257	32,918	42,659	61,124	3,217
North Cannon River	Dakota	150	20,500	33,915	11,628	2,500	23,307	155
Pioneer-Sarah Creek	Hennepin	72	91,150	103,625	75,501	60,472	58,104	807
Scott County	Scott	323			194,985	440,661	475,208	1,471
Shingle Creek	Hennepin	44	238,813	353,581	374,809	349,990	305,402	6,941
Six Cities	Anoka	21	9,954	9,810	6,317		13,764	655
Sunrise River	Anoka	71	28,913	14,893	19,327	9,960	10,863	153
Vadnais Lake Area	Ramsey, Anoka	24	63,192	66,409	78,431	625,126	302,081	12,587
Vermillion River	Dakota, Scott	335			154,447	303,967		907
West Mississippi	Hennepin	24	83,385	125,104	149,051	115,215	103,729	4,322

* Gray cells indicate 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 for the **Upper Rum River Watershed Management Organization** pursuant to Minnesota Statues Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Upper Rum River Watershed Management Organization (URRWMO) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **URRWMO Establishment.** The URRWMO was formed on June 18, 1991 through a Joint Powers Agreement by Burns, Bethel, East Bethel, Ham Lake, St. Francis and Oak Grove under the authority conferred to the member parties in 1992 through Minnesota Statues Sections 103B.201 to 103B.251. The agreement was amended and bylaws adopted in 1997. The Organization's purpose is to coordinate watershed-wide efforts to efficiently manage surface and groundwater resources. Management is aimed to improve water quality, minimize flooding, enhance wildlife values, and ensure sustainability. The WMO's first Watershed Management Plan was approved in 1997.

   A Board of Commissioners was established as the governing body of the WMO. The 11 member Board of Commissioners is comprised of appointed members from each of the member communities. Many of the appointed members are council members or town board members of the member community. One member represents the City of Bethel, two members represent the town of Burns, two members represent the City of East Bethel, one member represents the City of Ham Lake, two members represent the City of Oak Grove, and one member represents the City of St. Francis.

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. **Watershed Description.** The URRWMO lies wholly within the northwestern corner of Anoka County, Minnesota. It is bordered by the Lower Rum River WMO on the southwest, the Coon Creek Watershed District on the southeast, and the Sunrise River

WMO to the east. To the north is Isanti County and to the west is Sherburne County, both outside of the seven county metropolitan area. The watershed covers 126.5 square miles.

Nearly 25% of the watershed's land use is residential development. Agriculture production is another common land use, particularly in Burns Township. Following settlement of the area farming of row crops and hay was common. Sod and tree farming also supply the areas growing landscape needs. Parkland and public land make up 8% of the watershed with Cedar Creek Natural History Area making up nearly half of the public open space.

The two major changes in land use since European settlement are the initial clearing of land for agriculture production, and now the conversion of those agricultural lands and additional clearing for roads, houses, businesses and other facilities to support a growing population. Development within the URRWMO boundary generally has consisted of land use conversion from agricultural to rural residential.

4. **Plan Development and Review.** The WMO's second generation Watershed Management Plan (Plan) has undergone an extensive review process, which included a substantial number of comments during the formal review periods. On February 1, 2005, BWSR staff met with the WMO Board to discuss the requirements of the second generation watershed planning process. The draft plan was submitted to BWSR, other state agencies, and local governments for the required 60-day review on February 23, 2006. A public hearing was held on January 3, 2006 and a second public hearing was held on June 6, 2006. A meeting with the member communities and review agencies was held on June 5, 2006. On August 7, 2006 the revised draft plan was sent to the review agencies for the 45-day review period. Both review periods resulted in a considerable number of significant comments and concerns from local and state reviewers. On November 16, 2006, BWSR received revised text from the draft Plan for additional review. This review resulted in additional comments and a March 5, 2007 meeting between BWSR staff and representatives from the WMO. The multiple comments from the review agencies and additional comments from BWSR staff resulted in significant changes to the plan after the 45-day review period to better address those comments. The final draft Plan was submitted to BWSR on March 21, 2007.

5. **Local Review.** Anoka Conservation District. For the 60-day review, ACD recommended the WMO reduce the uses of phrases such encourage, promote, whenever feasible, shall attempt to, etc. and replace with terms that are more concrete, include more specificity on how the WMO intends to accomplish its priorities, and to reduce the number of policies by converting some to action statements in the implementation schedule. The WMO responded by making some changes while wanting to maintain "flexibility" in others. ACD also identified several issues and additional information that should be included in the current Plan, including analyzing existing programs regulating groundwater, addressing invasive species, detection of illicit discharges, and more specifics on water control structure maintenance concerns. The WMO generally responded that these items would not be addressed in the Plan, but rather in the implementation program by member communities.

ACD commented that the entire implementation program was too vague to be useful, and that details were needed for each item. The WMO indicated that the Plan was revised for added clarity. ACD also noted that the principal funding source for management studies is listed as grants, which generally require a dollar-for-dollar match, making it unreasonable for the WMO to expect that its priority projects will occur without financial contributions from the WMO. ACD pointed out that the table outlining the member community regulatory programs is substantially incomplete, and should be completed to assist the WMO in its planning efforts. The WMO responded that the information has not been provided by all member communities, but can be addressed through the local stormwater management plan process.

ACD commented that the deferral of completing proposed studies to member communities, the vague description of the studies, the lack of financial commitment by the WMO, and the lack of target completion dates seems to indicate that the WMO has not considered whether the work is needed and does not have a commitment to completing it. The WMO responded by clarifying the implementation plan and the roles of member communities. ACD also questioned whether public input was obtained during plan development. The WMO responded that public input was solicited at two public meetings and through WMO Board members.

For the 45-day review, ACD recommended better communication between the WMO and member communities. ACD also indicated that they would like to see the WMO play a larger role in developing water quality goals. The WMO responded that it would develop water quality goals for high public use water bodies with assistance from member communities in 2008. The WMO also added a MOU with ACD for assistance in implementing the 2007 plan of work. ACD strongly urged the WMO to develop hydrologic models on a watershed basis, rather than the member communities developing them on a municipal boundary basis. The WMO responded that it will continue to require hydrologic studies be completed at the local level, showing the location of discharge points at municipal boundaries.

ACD noted that the Plan gives member communities the option to adopt the WMO Plan as their local plan. Since the Plan delegates much of the regulatory and implementation responsibilities to the municipalities, ACD felt this should not be allowed. The WMO responded that the provisions for the WMO, through its Technical Advisory Committee (TAC), will set clear and measurable standards for water quality and volume control, which will establish a formal process for WMO oversight of member communities' annual resource activities.

ACD recommended including a ten-year water quality monitoring plan in the implementation section of the Plan. ACD provided the general plan it currently follows, and recommended some additions. The WMO responded that it will work with ACD to develop a more detailed monitoring program in 2008, and included an MOU between the WMO and ACD in the plan to document the 2007 plans for monitoring. ACD also recommended increasing the amount budgeted for grant matching from $1,000 to 2,000 annually. ACD also recommended adding two implementation items to the Plan; cost-share for water quality improvement projects at $1,000 per year, and lakeshore erosion

mapping and education for a one-time cost of $2,325. ACD indicated that both were discussed by the WMO board and were favorably received. The WMO responded that, given the considerable changes to the implementation section, the WMO would assess these additional projects during the annual review process.

City of Ham Lake. For the 60-day review, the City recommended the WMO work with CCWD to correct the boundary between the two organizations. The City pointed out several corrections in Plan contents and provided updated information, which resulted in revisions by the WMO. The City commented that the WMO requirement for NURP ponds conflicts with the City's SWPPP/LSWMP which does not require ponds for all discharges, to which the WMO responded that stormwater needs to be treated prior to discharge to any water body and that Ham Lake may need to update their policies. The City also pointed out that the WMO requirement for low floor elevations to be two feet above unsuitable soils conflicts with the City's requirement of one foot, to which the WMO again responded that the City would need to update its policies to be in conformance with the WMO.

For the 45-day review, the City again pointed out that the WMO requirement for low floor elevations conflicts with the City requirement. The City stated that they would not revise their low floor requirement. The WMO responded by revising their low floor requirement from two feet to one foot in order to be consistent with the City. The City also expressed concerns with proposal for member communities to implement wetland buffer standards since placing buffers over existing wetlands could significantly reduce development potential. The WMO responded that they would work with the TAC, which will include membership from the member communities, to develop reasonable standards consistent with City goals and expectations.

City of Oak Grove. The City commented that many of the Plan's policies appear to provide the WMO with a substantial increase in authority without modification of the joint powers agreement between the communities. The City felt that the local communities have worked quite well together with the limited authority used by the WMO in the past. The WMO responded that many of the referenced policies were in the previous plan, and that the WMO is required by State Statute and Rule to develop policies, which, in this case, will be implemented locally with WMO involvement only when issues transcend municipal boundaries. The City had many additional questions and comments of a similar nature, requesting the WMO cite the authority under which they may assess and collect payments and regulate water quality and quantity standards, and expressed concerns about the WMO's policies.

The City also expressed objections to what they considered additional layers of regulation and review in areas such as wetlands, groundwater, recreation, and development review. The City feels there are few problems in the watershed and that the WMO proposed standards for stormwater, rate control, erosion control, etc. are unnecessary. Additionally, the City commented the proposed management programs and studies are unnecessary, the City does not need any support from the WMO, and the WMO does not need to review the City's ordinances or require new plans. The WMO responded to multiple such comments by stating that they have the authority to set policy, develop programs, identify projects, review local plans, collect fees from member

communities, and require conformance to the Plan via MN Statute 103B, MN Rules 8410, and the Joint Powers Agreement. The WMO also was clear that it was their intent for the member communities to implement those requirements.

City of St. Francis. The City expressed concerns that WMO policy would require discharge rates to be less than existing, to which the WMO replied that discharge rates could be the same as existing, but could not exceed existing. The City questioned whether the WMO policy on phosphorous removal would place an unreasonable financial burden on a member community. The WMO responded that this was the policy of the last plan, that local communities should require development to reduce phosphorous loading through BMPs, and that it is up to the member communities to implement this policy as part of their development review. The City asked if the requirement for a local shoreland ordinance would apply if there were no shoreland areas within the local community and if other ordinances can be modified to meet the intent of the shoreland ordinance. The WMO responded that an ordinance would not be needed if a community did not have any shoreland areas, but that there are two DNR wetlands with a Natural Environment designation within St. Francis. The City asked if the intent of the Erosion and Sediment Control Ordinance can be met through MPCA permitting. The WMO replied that the intent of the policy is for member communities to adopt an ordinance, of which model ordinances are available online. The City asked if the WMO had the regulatory authority over the member communities that certain policies suggest. The WMO responded that the policies were in the old plan and that they are based on Minnesota Statutes and Rules. The City also had several questions requesting clarification of the WMO's intent, the meaning of proposed policies, compliance with those policies, and the accuracy of certain plan data.

6. **Metropolitan Council Review.** For the 60-day review, the Council found the Plan to have serious deficiencies and not adequately address the issues in the watershed or the requirements in statute for watershed plans. Council staff encouraged the WMO to work with the Board and other review agencies to address Plan shortcomings and urged the Board to hold approval of the Plan until all plan requirements have been met. Given the WMO's general philosophy to keep regulation at the local level, a major concern of the Council was the ability of the WMO to establish criteria and provide effective oversight to ensure the criteria are followed. In a related comment, the Council noted that all of the proposed projects in the Plan are unfunded, pending resources becoming available. The Council felt that the Plan did not include adequate structural and nonstructural solutions to the problems and issues in the watershed, and that the proposed annual budget would not provide adequate funding in order to effectively implement a proactive plan and address watershed issues.

The Council noted the Rule requirement for the Plan to contain specific goals and policies to control soil erosion, and commented that the WMO should take an active role in encouraging the local governments to adopt local erosion control and stormwater management ordinances that can be implemented through their local water plans. If communities fail to adopt local water plans or applicable ordinances, the Council recommended the WMO seriously consider a permitting program to ensue equitable standards are being enforced watershed-wide. The WMO responded that stormwater management will be implemented via the policies in local plans and that local

communities are better suited to implement the permitting program. The Council also noted that several communities in the WMO have not sent local water plans to the Council in the past, and stated that the Plan needs to be amended to include information about this requirement. The Council also felt it was crucial that the Plan provide guidance to the member communities for developing local water plans. The WMO added the Council's review requirement and revised portions of the Plan to indicate member community responsibilities, but indicated that the specific local requirements could be found in Minnesota Rule 8410.

The Council noted that the Plan did not include information on the storm sewer drainage systems, stormwater management, and resulting discharge rates for the entire watershed, making it important and necessary for the WMO to work closely with the communities to ensure that all local water plans include this information. The Council provided information that must be included in local plans and asked questions concerning how the WMO will ensure compliance. The WMO responded that they would require annual reporting by the member communities to review compliance and implementation of the Plan. The Council also stated that the WMO's minimum requirements for a local stormwater management maintenance plan are inadequate, that most of the model ordinances contained in the Plan are old, and that the new State Stormwater Manual as a source for model maintenance plans and ordinances. The WMO responded by referencing the State Stormwater Manual as a source for model ordinances.

The Council commented that, with over 100 policies, the Plan contained too many policies which were too generic and non-committal rather than clear statements of WMO beliefs that support the overall goals. In addition, the Council felt the Plan was missing detail on how the policies will be implemented. The WMO responded that the Plan will be revised to more clearly identify the goals and policies of the WMO, that the WMO's focus will be to get involved in issues that transcend municipal boundaries, and that implementation of the policies will primarily be at the local level.

The Council noted the Rule requirement for watershed plans to outline specific water quality goals for natural surface water storage and retention systems and strongly encouraged the WMO to establish numerical standards and quantifiable goals for each of the 36 lakes in the watershed as soon as possible. The WMO responded that member communities would be responsible for developing water quality goals. The Council also noted several impaired waters within the watershed and indicated that it was important for the WMO to work with the MPCA to determine TMDLs for the impaired water bodies, to continue water quality monitoring and develop a detailed monitoring plan, and to put in place a strategy to improve the water quality so they can be removed from the impaired waters list. The WMO responded that they have deferred to the member communities to work with the MPCA to develop TMDLs, and that ACD would develop a monitoring plan for the WMO.

The Council felt it was important to complete a wetland function and value assessment watershed-wide and prior to proposals that may impact wetlands to allow for a rational basis for protection and preservation of wetlands, utilization of wetlands for stormwater treatment, and the enhancement or restoration of wetlands. The WMO anticipated that this would be the responsibility of the member communities.

For the 45-day review, the Council commented that the Plan still had serious deficiencies and Council staff had strong reservations about the WMO's approach and the member communities' abilities to meet the requirements. The Council reiterated many of the comments and concerns from the 60-day review, indicating that they were not adequately addressed by the WMO. The WMO ultimately made extensive revisions to the Plan, with the WMO taking a more active approach to developing standards with measurable timelines for water resource management. The revised final plan contains a provision for the WMO Technical Advisory Committee (TAC) to assist in setting clear and measurable standards for water quality, volume control, and local wetland management plans within two years. The TAC will be made up of member communities and review agencies, and will be provided regular ability to evaluate stormwater management via the policies in local plans. The WMO also stated that in 2007 it will undertake a review of the member communities' regulatory programs as part of the local water plan review for conformance with WMO policies, and through an annual report to the WMO by member communities.

Additional Council comments for the 45-day review indicated that local water plans must contain detailed subwatershed hydrologic modeling and a map of the stormwater system. The WMO responded that the Plan would require member communities to develop a hydrologic/hydraulic model as part of the development of their local water plans.

7. **Department of Agriculture Review.** MDA did not provide comments on the URRWMO Plan.

8. **Department of Health Review.** MDH did not provide comments on the URRWMO Plan.

9. **Department of Natural Resources Review.** For the 60-day review, the DNR indicated that they have a number of important concerns about the approaches being taken in various parts of the Plan and about the direction or tenor or the language in the Plan. The direction of the Plan tends to focus on encouraging or considering something rather than committing to proactively pursuing aspects to attain an identified goal, policy, or implementation action. The DNR recommended that the WMO take a strong lead in the planning and implementation of goals, policies, and projects. The WMO responded by revising portions of the Plan to provide more clarity, but stated that they have limited resources and rely on member communities for implementation. The WMO said they would continue to monitor water quality and focus on issues that transcend municipal boundaries.

   The DNR emphasized that, for the Plan to ensure that water resources are not impacted by development, that the public capital expenditures to control excessive runoff volumes are minimized, and that fish and wildlife habitat are protected, the Plan should include specific descriptions and discussions about water conservation, volume control, natural vegetated buffers adjacent to all water resources, and responsible erosion control. Relying on encouraging runoff rate control is not sufficient. The WMO responded by clarifying portions of the plan, but that developing wetland management plans, buffer standards, and volume control are deferred to the member communities. The WMO also

contended that the change in land use in the watershed from agricultural to rural residential has reduced the volume of stormwater runoff and provided for improved water quality.

The DNR pointed out that the Plan does not contain an identification, description, or discussion of groundwater quantity, and recommended the Plan be revised to include additional information on the aquifers, groundwater level trends, monitoring efforts, and water supply issues relating to groundwater quantity in and/or affecting the watershed. The DNR also noted that the Plan identifies a potential for groundwater supplies to not meet future demands and recommended that the Plan include some specific requirements to address this issue. The WMO responded that groundwater quality and quantity is a priority, that developing the requested information has been more clearly added to the Plan, and that an implementation component related to developing infiltration and volume control requirements has been added.

The DNR pointed out that, within the watershed, there is limited public access to the Rum River and recommended the WMO seek opportunities to provide public access points along the river. The WMO expressed support for this recommendation, but stated that it is not a priority and would not be pursued. The DNR also noted that the Plan includes specific information from the DNR about the rare features found in the watershed, but that it is important the Plan be expanded to include goals and strategies to address how these rare species and significant native plant communities will be protected. The WMO responded that they would defer this to the local communities.

Regarding the draft Plan goal to "maintain or improve the water flow of all existing natural and artificial watercourses...," the DNR expressed concerns. They stated that the Plan for the watershed should move further than this in promoting and enhancing water resources. The DNR also stated that the goal is contrary to the notion of reducing connectivity in relation to modern stormwater management and is inconsistent with other identified goals within the Plan. The DNR recommended the WMO explore disconnecting at least some of the artificial connections between basins and promote more stormwater storage nearer the source and higher in the watershed. The WMO responded by removing the goal from the Plan, but did not add the recommended item to explore disconnecting artificial connections.

The DNR recommended that the Plan be revised to address runoff volume as part of the effort to protect stream and ditch channels. The DNR specifically recommended a policy clearly stating that increased stormwater runoff rate and volume is not allowed for a developing site as an excellent way to limit public expenditures due to development and to protect water quality. They also pointed out that the Plan states that the WMO "encourages the development of enhanced infiltration practices..." but does not identify how the WMO is or will accomplish it, and that the Plan should be revised as such. The WMO responded that they have deferred to the member communities the responsibility to develop infiltration and volume related guidelines.

The DNR indicated that existing controls are <u>not</u> adequate to protect wetlands or public waters, and that the WMO should go further than just encouraging buffer standards and require naturally vegetated buffers on all wetlands, watercourses, ditches, and basins

through a local buffer ordinance. The DNR recommended that the WMO promote drought tolerant landscaping that uses less water and to add discussion and specific information regarding how the WMO will be encouraging infiltration or preservation of wetlands. The WMO responded that these issues have been deferred to the member communities. The DNR also recommended that the WMO work with member communities to develop aquatic vegetation management plans for individual lakes. The WMO responded that they could coordinate with member communities and ACD if requested by the member communities.

The DNR recommended that the Plan further describe or explain if a policy of the WMO is to require member communities to maintain all existing ditches, including the extent to which it is in the public interest to maintain all ditches, opportunities for restoration of wetlands, efforts to improve water storage, establishing vegetated buffers, construction of more natural side slopes on ditches, and requiring setbacks from the water resource. The WMO responded by clarifying that all of the Public ditches are maintained by the Anoka County Highway Department, and the member communities would be responsible for maintaining any lateral drainage systems.

For the 45-day review, the DNR commented that, in general, many of the previously submitted comments were addressed, but that the Department still has concerns about some of the approaches being taken in various parts of the Plan. The DNR's 45-day comments were similar to the 60-day comments, recommending that the WMO take a stronger leadership role in the planning and implementation of goals, policies, and projects rather than leaving such discretion to the member communities without significant direction from the WMO. The DNR then reiterated some of the areas and issues that the DNR included in previous comments.

The WMO responded by including several additional actions to address the DNR's comments, including provisions for the WMO's TAC to assist in setting clear and measurable standards for water quality and volume control within two years. The WMO will also establish a formal process for oversight by the WMO of the member communities' annual water resources activities, including an annual reporting requirement. The WMO also committed to a clear process with established timelines to achieve specific outcomes including:

- Resource standards completed with local input by the end of 2008, which will allow local communities to incorporate into their 2009 local water management plans.
- The WMO will develop, with the assistance of ACD, a water quality monitoring program to track trends in water quality over time within the watershed. This plan will include a list of lakes and streams to be monitored, the frequency of monitoring, and the parameters and pollutants to be monitored. This monitoring plan will be developed by 2008 and will be effective through 2012. The WMO will review and alter, if necessary, the monitoring plan annually.
- The WMO will undertake a public input process with its member communities to develop specific standards for water resource management within the next two years.

- The WMO will develop specific standards related to infiltration, water quality goals for water bodies, and wetland buffer standards through this input process with the member communities within the next two years.
- The WMO will develop wetland management plan criteria to be followed by the member communities within the next two years.

10. **Pollution Control Agency Review.** For the 60-day review, the PCA listed the water bodies that have been identified as impaired within the watershed and indicated they will seek to work cooperatively with the WMO, local units of government, an other stakeholders to complete TMDL related activities. The PCA also pointed out that the Lake Pepin TMDL is currently underway, aimed at phosphorous and turbidity as the pollutants of concern. The sources of these parameters within the WMO will need to be assessed and strategies to reduce or maintain these parameters at current levels developed. The WMO responded that they have deferred to the member communities to work with the PCA to develop TMDLs for the impaired waters within the watershed.

The PCA encouraged the WMO to require more scientifically based peak flow rate controls. The WMO requirement of sustaining flows at or near two-year storm levels can be very erosive depending on channel shape. Continuous-stage recording of stream flows and periodic measurement of water-quality parameters would allow the WMO to develop flow and duration curves for all open water channels. The PCA also recommended that physical channel measurements be collected at each of the stream gage sites to make it possible to develop regional curves for various channel sites in the WMO. This would allow the WMO to more accurately assess the condition and threats to stream channels and tailor stormwater requirements to protect those stream channels. As an interim approach, the PCA suggested implementing channel protection controls such as those specified in the MPCA's Stormwater Manual. The WMO responded that a program to track lake and stream levels will be implemented by ACD and they will take the comments into consideration as data is collected. The comments were not incorporated into the Plan.

The PCA encouraged the WMO to conduct a thorough and comprehensive hydrologic and hydraulic evaluation of the watershed, which would be useful for the WMO to address its goals. The WMO responded that development of such a model is deferred to the local communities. The PCA cited the wetland protection requirements of Minnesota Rule 7050, and encouraged the WMO to complete a Comprehensive Wetland Management Plan for the watershed. The WMO responded that the member communities are the LGUs for local wetland protection implementation. The PCA also provided citations from the agency's website for information regarding stormwater management and surface water monitoring.

For the 45-day review, the PCA recommended the clear identification of the roles of the WMO and member communities in developing TMDL studies, developing a hydrologic/hydraulic model, and furthering a watershed-wide approach to wetland protection. The WMO responded that the member communities would be responsible for completing the indicated activities. The PCA also recommended considering

planning for the removal/treatment of fecal coliform in stormwater permitting efforts in anticipation of the Mississippi River TMDL studies.

11. **Department of Transportation Review.** For the 60-day review, the DOT questioned how the WMO would ensure that installed BMPs are maintained after construction. The DOT was particularly concerned with those properties that are adjacent to DOT right of way. The WMO responded that these issues are to be determined at the local level. DOT also requested revisions to stormwater treatment design parameters, which the WMO changed in the Plan. DOT commented that the sample Stormwater Maintenance Plan should also apply to private commercial and industrial properties with structural BMPs., to which the WMO responded that this responsibility would remain with the member communities. The DOT also suggested that the WMO take steps to help member communities identify illegal drainage/stormwater connections. The WMO responded that it is more effective and efficient for the member communities to undertake this effort.

12. **Board Review.** For the 60-day review, the Board commented that the Plan was insufficient, lacked specificity and focus, and would be difficult for member communities to know the WMO's intent. The Board recommended against mixing a large number of existing State requirements and general statements with WMO policy, but rather making WMO policies and action items clearer, more specific as to the desired end result, and outcome based in order to measure the WMO's success in reaching them.

    The Board noted that the Plan's implementation program is severely constrained, identifying several high priority management studies without scheduling any for completion without obtaining outside grants. The Board urged URRWMO to commit to doing at least a small number of high priority projects and/or studies, and focus other efforts on prevention. The Board recommended identifying, funding and completing necessary studies to provide a basis for future planning efforts, and for the WMO to better address the requirements of Minnesota Rule 8410 in the Plan.

    The Board noted that the URRWMO has the authority to adopt a budget to the extent necessary to implement its Plan and the requirements of State Statute and Rule, and identifying problems and needs for additional study but failing to fund a prioritized implementation schedule that addresses them does not meet the intent of statute or rule. The Board felt that achieving the goals of the Plan would undoubtedly require a higher level of funding than currently committed. The Board pointed out that the URRWMO still has the opportunity to avoid future problems and protect its important resources through long-term planning activities, and recommended investing some in planning and prevention now to avoid having to fix problems after the fact.

    Board staff indicated that, because of the very modest, non-committal implementation plan and lack of specificity in the WMO policy statements, staff would not recommend approval of a plan with this level of uncertainty. The Board felt that the 60-day version of the draft Plan did not meet the requirements of Minnesota Statute 103B and Rule 8410, and indicated that significant revisions would be necessary to correct deficiencies and address review agency comments. The Board also recommended the Plan provide an assessment of how well the organization did in implementing the last plan, including a

discussion of the implementation barriers of the last plan and how they will be overcome to implement the new Plan.

Specific Board comments expressed concerns about the approach the Plan was taking towards landlocked basins, review and approval of local plans, the proposed wetland management policies, stormwater management, water body classification, enforcement of Plan requirements, TMDLs, runoff volume control, effective use of WMO authorities, clarity of WMO intent, and utilization of more up-to-date technical manuals.

For the 45-day review, the Board commented that the format of the Plan was improved over the 60-day version, but the Plan content remained ambiguous as to what the WMO and member communities are expected to accomplish in several key areas. The Board acknowledged the WMO's intent for the member communities to implement programs and Plan requirements, actually requiring them to undertake planning and development of goals and policies. The Board noted, however, that this intent is contradictory to the policy of allowing member communities the option of adopting the WMO Plan instead of developing their own. The Board also pointed out that Minnesota Rule 8410.0080 requires the WMO to develop the detailed goals and policies, which the member communities can exceed if they wish. The Rules requires the WMO Plan to contain minimum standards and establish maximum permissible runoff rates, etc. The Board explained that merely passing on the development of standards and implementation items to the member communities circumvents the citizen and agency involvement process set up by State Statute. The Board also felt that the WMO's approach conflicts with the intent of Minnesota Statute 103B, which includes a stated purpose to "establish more uniform local policies and official controls for surface and groundwater management." In short, the member communities can implement the policies and standards, but they must be developed by the WMO. Board staff indicated that they were again unable to recommend approval of the 45-day version of the Plan, and proposed that the WMO re-assess the direction of the Plan.

The URRWMO responded by making additional changes to the Plan and submitting it to the Board for a final review, resulting in additional comments. Board staff indicated that review agency comments had not been satisfactorily addressed. Board comments summarized several previous comments regarding Plan clarity and structure, responding to agency comments, organizational accountability, water quality monitoring, wetland management, water quality goals and standards, the Plan's impact on member communities, and plan amendments. For each of these areas, Board comments cited the related State Statute and Rule requirements, summarized Plan contents, and provided guidance on the actions necessary to bring the Plan into compliance. These comments resulted in a meeting between Board staff and representatives from the URRWMO to further discuss needed steps to bring the Plan into compliance with Minnesota Rules. These comments and discussions resulted in significant revisions to the Plan to better address agency comments and meet the minimum requirements of Minnesota Rule 8410 (see responses to other review agency comments above, particularly Met Council and DNR). In the opinion of Board staff, these revisions have resulted in the Plan now being compliant with minimum Rule requirements.

13. **Plan Summary and Highlights.** The URRWMO Watershed Management Plan outlines strategies to target four main audiences in order to meet the goals of the Plan and the requirements of Minnesota Statute 103B.201. Policies were then developed based on the target audience and strategy. The target audiences and strategies are as follows:

AUDIENCE	STRATEGY
Public – Residents and Business Owners	Education, Regulation
City Staff and City Council	Cooperation, Education, Regulation, Operation
Developers	Education, Regulation
Review Agencies	Cooperation

The Plan contains an assessment of existing and potential water resource related problems and the corrective actions the WMO intends to pursue to address them and achieve the organization's goals. An implementation program has been developed, based partially on the availability of grants.

Highlights of the Plan include:

- The WMO realizes it currently has limited capabilities and resources, and thus relies on its member communities for much of the Plan implementation.

- The WMO intends to utilize a Technical Advisory Committee to assist in developing wetland management plan and buffer standards, infiltration and volume reduction standards, and water quality goals for high public use water bodies. These will need to be approved as an amendment to the Plan, and member communities will be required to adopt these standards.

- The WMO intends to complete a groundwater capacity study to determine the population that can be supported by private wells, and to partner with other agencies to develop and implement a plan to track groundwater levels, trends, and quality.

14. **Metro Water Planning Committee Meeting.** On April 10, 2007, the Board's Metro Water Planning Committee and staff met with representatives from the URRWMO in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Robert Burandt, Louise Smallidge, LuAnn Tolliver, and Lisa Thorvig. Board staff in attendance were Metro Region Supervisor Steve Woods, Board Conservationist Les Lemm, and Board Conservationist Brad Wozney. Representatives from the URRWMO were Board Chair Randy Bettinger and Consultants Todd Hubmer and Phil Belfiori of WSB. Board staff recommended approval of the Plan. After much discussion, the subcommittee unanimously voted to recommend approval of the Upper Rum River Watershed Management Organization 2007 - 2017 Watershed Management Plan to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Upper Rum River Watershed Management Organization pursuant to Minnesota Statutes Sections 103B.231, Subd. 9.

3. The Upper Rum River Watershed Management Organization Watershed Management Plan attached to this Order defines water and water-related problems within the URRWMO 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 2007 as the Watershed Management Plan for the Upper Rum River Watershed Management Organization.

Dated at Saint Paul, Minnesota this 25th day of April 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

April 25, 2007

Stephanie Miranowski, Chairperson
Wilkin County Commissioners
1552 270th Street
Breckenridge, MN 56520-9711

RE: Official Comments pertaining to the State Review of the Wilkin County Priority Concerns Scoping Document.

Dear County Commissioner Miranowski:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Wilkin County has chosen to address in the update of their Local Water Management Plan. The Board of Water and Soil Resources, along with the state review agencies, received Wilkin County's Priority Concerns Scoping Document (PCSD) on February 20, 2007.

The Wilkin County Local Water Management Advisory Committee reviewed concerns raised during the data collection process and selected the following priority concerns for the water plan update:

Water Quality Concerns – Including, but not limited to: impaired waters (TMDLs), groundwater pollution, nonpoint pollution, etc.
Erosion Concerns – Including, but not limited to: soil erosion (wind and water), streambank erosion, sedimentation of streams and rivers, etc.
Flood Damage Reduction - Including, but not limited to: flooding, effects of tiling, drainage, etc.
Natural Resource Protection Concerns – Including, but not limited to: trout stream protection, stream/river restoration and connectivity, native prairie conservation, wetland and grassland restoration and protection, etc.
Water Quantity – Including but not limited to: groundwater recharge areas, wellhead protection, surface water supply, etc.

Agency responses, as of April 9, 2007, to the PCSD were:

- The Minnesota Pollution Control Agency (MPCA) concurs with the identified priority concerns. The County, while completing the plan update, is encouraged to use the MPCA's monitoring data for assessments. MPCA commended Wilkin County and Wilkin SWCD efforts in the Lower Ottertail TMDL Study and Implementation

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Plan; the Comstock Coulee Project (in cooperation with Clay SWCD & BRRWD); and implementation of BMPs in the Whiskey Creek Watershed. MPCA congratulates the County and SWCD in obtaining Clean Water Legacy funds which will deal extensively with sedimentation issues and looks forward to reviewing the forthcoming Plan.

- The Minnesota Department of Health (MDH) concurs with the identified priority concerns. MDH offers the following comments for consideration when drafting the plan: mention drinking water protection under Water Quality Priority Concerns and acknowledge that downstream users of Wilkin County rivers and ditch waters (Fargo and Moorhead) are constantly providing expensive treatment to make the waters potable and any upstream improvements of water quality will increase the likelihood that those treatment plants are able to function properly.
- The Minnesota Department of Agriculture concurs with the priority concerns identified.

The Northern Water Planning Committee (hereinafter referred to as the Committee) met on April 16, 2007, 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 used to select the priority concerns. The priority concerns to be addressed in the plan were deemed to be appropriate. The Committee does not recommend or require any changes to the PCSD as presented. The Committee suggests the final plan utilize and encompass information from the Lower Otter Tail River Turbidity Total Maximum Daily Load Report and the Implementation Plan; and the Comstock Coulee Assessment of Current Issues and Potential Activities.

Sincerely,

Randy Kramer, Chair
Board of Water and Soil Resources

C: Lyle Hovland, Wilkin County Commissioner & Chair of LWM Advisory Committee
Bruce Poppel, Environmental Officer, Wilkin County
Ron Shelito & Pete Waller, BWSR
John Fax & Mike Carrol, DNR
Art Persons, MDH
Becky Balk, MDA
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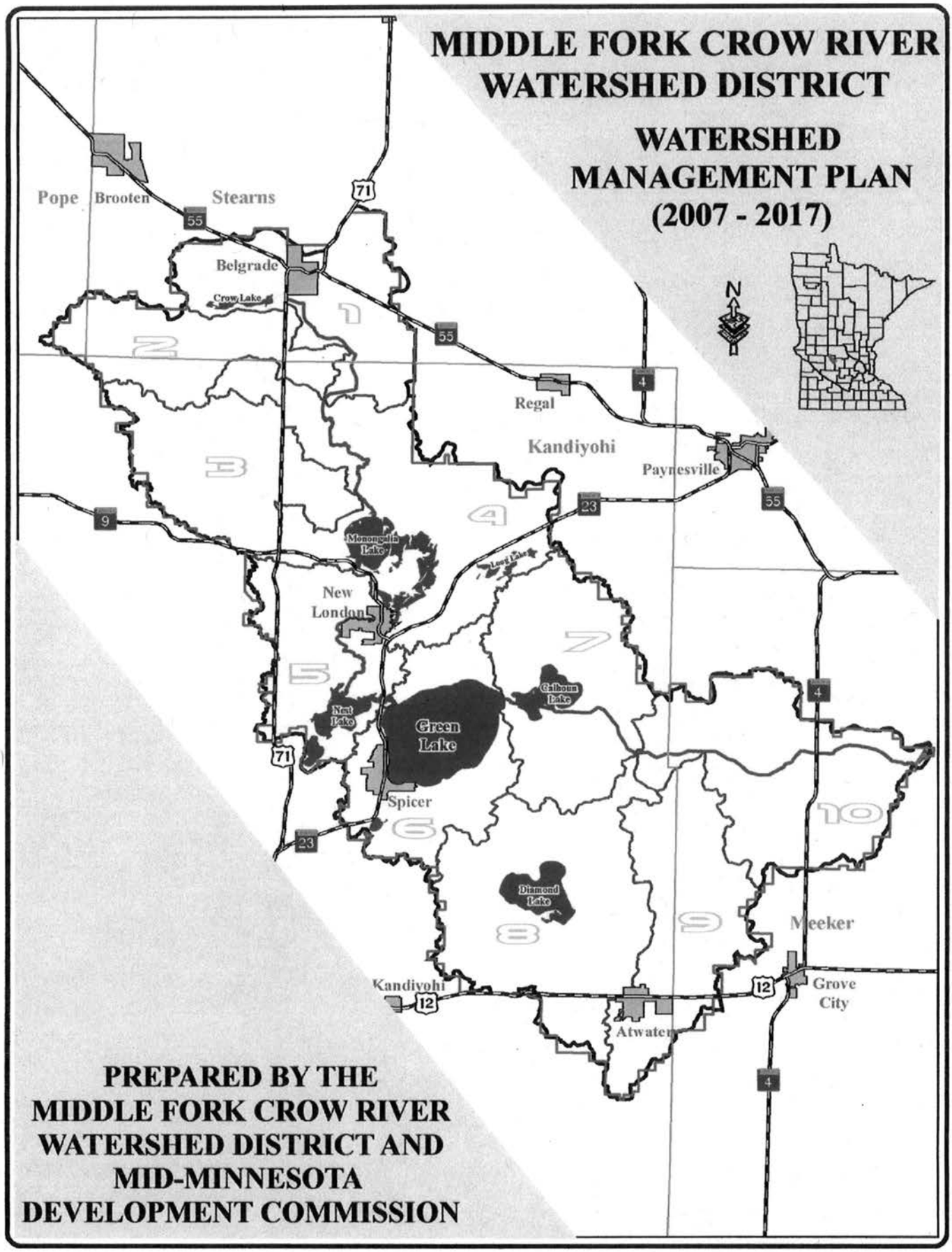
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MIDDLE FORK CROW RIVER WATERSHED DISTRICT

WATERSHED MANAGEMENT PLAN (2007 - 2017)



PREPARED BY THE MIDDLE FORK CROW RIVER WATERSHED DISTRICT AND MID-MINNESOTA DEVELOPMENT COMMISSION

Chapter Five:
Administration

Chapter Five provides detailed information on Plan administration with sections on plan schedule, plan coordination, plan implementation, definition of a basic water management project, establishment of water management districts, available funding mechanisms, types of projects, project initiation, recommendations to agency programs, intergovernmental conflict resolution, plan evaluation, plan amendment procedure, and references to statutes and rules.

A. Plan Schedule

Implementation of this Plan will commence with its adoption by the Board of Managers and final approval from the BWSR. The Plan will remain in effect for a ten-year period, which is specified as April 2007 to April 2017.

B. Plan Coordination

Water resource management in the District involves many stakeholders. To effectively achieve the goals and objectives set forth in this Plan, a well-coordinated effort will be needed. The District will ensure coordination of this Plan through its Board of Managers and Advisory Committee. An annual Work Plan will be developed and approved by the Board of Managers that identifies the initiatives targeted for implementation on an annual basis.

C. Plan Implementation

An evaluation of the estimated costs associated with the implementation of this Plan is provided in Table 5A. According to the Table, to fully implement the 106 initiatives contained in the Plan would cost an estimated $2,193,200 over the next ten years. While the District generates $250,000 per year through its General Fund tax levy, not all of this money can be dedicated to projects; a portion will be used for staffing and other administrative costs. As a result, the District understands that it will need to seek outside sources of revenue (i.e. grants) and partnerships with other local units of government and State and Federal agencies to effectively implement this Plan.

Table 5A
Estimated Plan Implementation Costs

Goal	# Initiatives	Total Estimated Cost
Goal 1: Protect and improve surface water quality.	26	$974,250
Goal 2: Protect groundwater quality.	3	$40,000
Goal 3: Maintain an adequate supply of surface and groundwater for all users.	3	$7,500
Goal 4: Protect and restore critical areas.	7	$133,600
Goal 5: Promote Wise Land Use Management.	9	$30,250
Goal 6: Expand our knowledge and understanding of the watershed.	22	$601,500
Goal 7: Engage residents in water resource management.	12	$84,500
Goal 8: Provide for efficient and effective administration.	24	$321,600
Total	106	$2,193,200

EXECUTIVE SUMMARY

The Middle Fork Crow River Watershed District (MFCRWD) was formed by order of the Minnesota Board of Water and Soil Resources (BWSR) on April 27, 2005, in accordance with Minnesota Statutes Chapter 103D (Watershed Law). The action concluded a process that began with an establishment petition that was signed by more than 350 concerned citizens. The petition stated that the formation of the District was necessary because of the degradation of water resources in recent decades and the need to address issues including erosion, sedimentation, and best management practices.

The organizational structure of the District consists of a Board of Managers and an Advisory Committee. The Board, which is comprised of five members, is responsible for the oversight of all District-related business. Board representation is based upon the relative area of each county within the District; three managers represent Kandiyohi County, while Meeker and Stearns County each have one manager. The Advisory Committee assists the Board of Managers on matters affecting the interests of the District. The Committee consists of 31 Board-appointed members, most of which are residents of the District.

Pursuant to M.S. 103D.401, the District is required to prepare and adopt a watershed management plan for the purposes for which it was established. The intent of this Plan is to fulfill this requirement and provide a "vision" for water resource management for the next ten years (April 2007-April 2017). The Plan consists of an introduction and five chapters. A description of each of these components is provided below.

- **Introduction** - This section includes background information on the Watershed Law, formation of the District, organizational structure, and a description of the planning process. Also included in the introduction is a profile of key stakeholders and recently completed water resource studies.

- **Chapter One: Inventory of Resources** - Chapter One provides a general overview of the District. It inventories the physical, social, and economic characteristics that are important to understanding the unique nature of the District. The Chapter is divided into four sections: District Setting, Environmental Context, Water Resources, and Land Resources.

- **Chapter Two: Assessment of Resources** - Chapter Two provides a detailed analysis of the District's important water and land resources. Included in this Chapter are sections on water quality and quantity, invasive aquatic species, soils, and land use.

- **Chapter Three: Priority Issues** - Chapter Three presents the priority issues of the District, as determined by input from the public informational meeting, Watershed Management Plan Taskforce (WMPT), and Advisory Committee. Included in this Chapter is a description on how priority issues were identified, along with profiles of each of the District's ten subwatersheds.

- **Chapter Four: Implementation** - Chapter Four contains the District's Implementation Plan. This Plan identifies the goals, objectives, and initiatives that will guide the District in water resource management over the next ten years.

- **Chapter Five: Administration** - Chapter Five provides detailed information on Plan administration with sections on plan schedule, plan coordination, plan implementation, definition of a basic water management project, establishment of water management districts, available funding mechanisms, types of projects, project initiation, recommendations to agency programs, intergovernmental conflict resolution, plan evaluation, plan amendment procedure, and references to statutes and rules.

A multi-step planning process was utilized in the development of this Plan, with special emphasis placed on involving residents, other local governmental units, and State and Federal agencies. The initial phase of the process involved a Public Informational Meeting, which was held on March 30, 2006, to identify issues facing the District; minutes from this meeting are included as Appendix B. Issues identified at this meeting were then used to focus the scope of the Plan.

The second phase of the planning process involved the appointment of a Watershed Management Plan Taskforce (WMPT), consisting of representatives from the public, other local governmental units, and State and Federal agencies. The WMPT met three times during the planning process to identify the priority issues that are specific to each of the District's subwatersheds, as well as formulate recommendations on how the District should address each issue. Minutes from each of the WMPT meetings are included in Appendix C. The findings of the Taskforce were then submitted to the Advisory Committee for their comments. Comments submitted by Committee members are included in Appendix D. The most prominent issues of the District are presented below in alphabetical order:

- Agricultural Drainage
- Erosion and Sediment Control
- Feedlot Management
- Groundwater Contamination
- Invasive Aquatic Species Control
- Lake Management
- Shoreland Management
- Stormwater Management
- Wellhead Protection
- Wetland Preservation/Restoration

Input from the WMPT was used to formulate the Implementation Plan, which consists of the eight goals listed below. The initiatives contained within the Plan were prioritized for implementation based upon input gathered from an Open House, which was held on November 16, 2006 and was attended by approximately 70 residents and other stakeholders. A detailed transcript of the input gathered from the Open House is contained in Appendix E.

- Goal 1: Protect and improve surface water quality.
- Goal 2: Protect groundwater quality.
- Goal 3: Maintain an adequate supply of surface and groundwater for all users.
- Goal 4: Protect and restore critical areas.
- Goal 5: Promote wise land use management.
- Goal 6: Expand our knowledge and understanding of the watershed.
- Goal 7: Engage residents in water resource management.
- Goal 8: Provide for efficient and effective administration.

Implementation of this Plan will commence with the final approval from the BWSR. The District will ensure coordination and implementation of this Plan through its Board of Managers and Advisory Committee, both of which will regularly review progress and identify emerging issues and opportunities. An annual Work Plan will be developed and approved by the Board of Managers that identifies the initiatives targeted for implementation on an annual basis. The District will utilize all available funding sources to finance the implementation of this Plan, including, but not limited to the following: Ad valorem tax levies, assessment levies, bond sales, and grants.

The Board of Managers and Advisory Committee shall regularly review the Plan in order to ensure that the District's goals and objectives remain both accurate and constructive. The Plan can be amended through the procedures outlined in M.S. Chapter 103D.411. A complete revision of the Plan is scheduled to occur prior to its expiration in April 2017.

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

In the Matter of prescribing the
Watershed Management Plan for the
Middle Fork Crow River Watershed District
Pursuant to Minnesota Statutes Section 103D.401

ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Middle Fork Crow River Watershed District (District) submitted a Watershed Management Plan (Plan) dated December 2006 to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103D.401, 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 District was established by the Minnesota Board of Water and Soil Resources (BWSR) on April 27, 2005, under the authority of Minnesota Statutes Chapter 103D. Establishment was in response to a citizens' petition to BWSR to address water resource issues.

2. **Requirement to Plan.** Minnesota Statutes Chapter 103D.401 states that a board of watershed district managers adopt a Plan for any or all of the purposes for which the watershed district may be established. The intent of the District Plan is to fulfill this requirement and provide a vision for water resource management for the next ten years (April 2007-April 2017).

3. **Nature of the Watershed.** The District is located in central Minnesota, approximately 75 miles west of the Minneapolis-St. Paul metropolitan area. It is located within portions of Kandiyohi, Meeker, Pope, and Stearns counties and encompasses 270.7 square miles (173,220 acres). The Middle Fork Crow River begins in the northwestern portion of the District and flows approximately 48.8 miles southeasterly through the District and outlets to the North Fork Crow River, which eventually outlets to the Mississippi River. The drop in elevation across this area is 319 feet. The overwhelming majority of the District is located within Kandiyohi County (72.1%) with lesser amounts in Meeker County (16.2%), Stearns County (11.3%), and Pope County (0.5%). There are approximately 11,546 residents occupying 4,633 households in the District. Spicer (1,174) is the most populated city followed by New London (1,105), Atwater (1,089), and Belgrade (739). The vast majority of residents live in Kandiyohi County (9,930) with lesser amounts in Stearns County (1,021), Meeker County (589), and Pope County (6). There are eight major lakes within the District (Calhoun, Diamond, Elkhorn, George, Green, Long, Monongalia, and Nest) with a majority of them found in the New London-Spicer area. There are fifteen public drainage ditches totaling a combined length of approximately 137 miles. Land use within the District is 51.4% agriculture, 13.5% forest, 13.0% wetland, 8.4% urban/development, 8.0% water, 5.3% grassland, and 0.4% shrub land.

4. **Plan Development and Review.** The District engaged a multi-step planning process. A Public Information Meeting was held on March 30, 2006. A watershed Management Plan Taskforce was appointed that met three times to identify the priority issues. An Open House was held on November 16, 2006 to gather input from the approximately 70 residents and stakeholders that attended. The final draft Plan was then developed utilizing all input received at that point. On December 7, 2006, pursuant to Minnesota Statutes Chapter 103D.401, the Plan was distributed to specific local government units and state agencies for their review. Comments were to be returned to the District

before the end of the 60-day review period—February 5, 2007. Comments received from reviewing entities were addressed—incorporated in part or wholly into the Plan, pointed out where already found within the Plan, or responded why comment was not considered for including. A summary of comments received and the responses made are included within the Plan as Appendix F.

5. **Local Review.** Roseville Town Board. The Roseville Town Board stated they are committed to the North Fork Crow River Watershed District, cannot serve in two capacities, please remove our name from your mailing list, and the small portion of Long Lake in the township is being covered by the Long Lake Association. No written response needed.

6. **Local Review.** Stearns Soil and Water Conservation District. Only one comment submitted via e-mail questioning the littoral area information in Table 1E of two lakes. No written response made; no change in information in final Plan.

7. **Local Review.** Advisory Committee member. A summary of comments received and the responses made are included within the Plan as Appendix F. Comments were incorporated into the Plan, identified where already found within the Plan, or addressed why not in the Plan.

8. **Minnesota Pollution Control Agency Review.** Numerous comments provided by two different agency staff, some grammatical, others technical. A summary of comments received and the responses made are included within the Plan as Appendix F. Comments were incorporated into the Plan, identified where already found within the Plan, or addressed why not in the Plan.

9. **Department of Natural Resources Review.** The DNR thanked the District for the opportunity to provide input and stated that overall the Plan is well thought out, very comprehensive and ambitious. The DNR provided specific comments and recommendations, some grammatical, others technical. A summary of comments received and the responses made are included within the Plan as Appendix F. Comments were incorporated into the Plan, identified where already found within the Plan, or addressed why not in the Plan.

10. **Minnesota Department of Health Review.** The MDH provided comments via e-mail, some grammatical, others technical. A summary of comments received and the responses made are included within the Plan as Appendix F. Comments were incorporated into the Plan, identified where already found within the Plan, or addressed why not in the Plan.

11. **Minnesota Department of Agriculture.** The MDA thanked the District for the opportunity to review and recommended some additional initiatives to add. A summary of comments received and the responses made are included within the Plan as Appendix F. Comments were incorporated into the Plan, identified where already found within the Plan, or addressed why not in the Plan.

12. **Board Review.** Following the establishment of the District in April 2005, Board staff attended a vast majority of the monthly board of managers meetings offering guidance, recommendations and assistance as needed as they began their organizational structure and worked toward initiating the development of their Plan. In 2006, the District contracted with a consultant to facilitate the development of its Plan. Board staff met early in the process with the managers of the District and its consultant to have discussions on the planning process. Board staff attending the Public Information Meeting, most of the task force meetings, and the Open House. Board staff also provided periodic review and comment of draft materials during the planning process. In a letter dated February 2, 2007, Board staff submitted numerous written comments including content recommendations, grammatical changes, formatting changes/additions, requested including budget information, etc. for consideration. A summary of comments received and the responses made are included within the Plan as Appendix F. Comments were incorporated into the Plan, identified where already found within the Plan, or addressed why not in the Plan.

13. **Highlights of the Plan.** Critical elements in the Plan include:
    a. Opportunity for and input received from citizens and local and state agency partners in bringing forth issues and concerns of the watershed.
    b. Opportunity for and participation received from citizens and local and state agency partners on the task force committee to prioritize issues and concerns and provide input in the development of the Plan.
    c. Each of the ten sub-watersheds within the District were profiled containing information on area, minor surface water resources, local government units, land use characteristics, and priority issues.
    d. Identification of the most prominent issues of the District: agricultural drainage; erosion and sediment control; feedlot management; groundwater contamination; invasive aquatic species control; lake management; shoreland management; stormwater management; wellhead protection; and wetland preservation/restoration.
    e. Development of goals, objectives, and initiatives to guide the District in water resource management over the ten-year period of 2007-2017.
    f. An implementation section of the Plan that contains 106 specific actions to address the following eight identified goals of the District:
        Goal 1 Protect and Improve Surface Water Quality.
        Goal 2 Protect Groundwater Quality.
        Goal 3 Maintain An Adequate Supply of Surface and Groundwater For All Users.
        Goal 4 Protect and Restore Critical Areas.
        Goal 5 Promote Wise Land Use Management.
        Goal 6 Expand Our Knowledge and Understanding of the Watershed.
        Goal 7 Engage Residents in Water Resource Management.
        Goal 8 Provide for Effective and Efficient Administration.

14. **Publish Notice of Filing.** The Board provided for legal notice of filing for the District Plan. Notices were published in "The Observer" on February 21, 2007; "West Central Tribune" on February 22, 2007; "Lakes Area Review" on February 19, 2007; "Bonanza Valley Voice" on February 22, 2007; and the "Independent Review" on February 22, 2007. Also, a letter containing the Legal Notice of Filing was sent from Board staff Jim Haertel dated February 15, 2007, to several addresses, including the affected county board of commissioners, county auditors, county water planners, county soil and water conservation districts, cities, and the Minnesota Department of Natural Resources. This notice provided an invitation to submit written comments on the Plan or submit a written request for a hearing if opposed to the Plan. Written comments or requests were to be submitted by March 26, 2007. No written comments or written requests for a hearing were received.

15. **Public Hearing.** No written request for a hearing was received, therefore, no hearing was held.

16. **Board Water Planning Review Committee Meeting.** On April 5, 2007, the Board's Southern Region Water Planning Review Committee (Committee) and staff met with representatives from the District at the Dethlef Senior Center in Spicer, Minnesota, to review and discuss the Plan. Those in attendance from the Board's Committee were Dana Allen, Dan Wilson, Becky Balk, Randy Kramer and Paul Langseth. Board staff in attendance were Southern Region Supervisor Jeff Nielsen and Board Conservationist Tom Fischer. In attendance representing the District were managers Robert Hodapp, Robert Zenner, Gordan Behm, and Joe Flanders; District Administrator Julie Klocker; and Michael Sharp of Mid-Minnesota Development Commission (Plan consultant). Also attending were District Citizen Advisory Committee members Bill and Ann Latham, and Harlan Meints, and Kandiyohi SWCD Program Director Rick Reimer. Board staff recommended approval of the Plan. After discussion, the Committee voted 5-0 to recommend approval of the Middle Fork Crow River Watershed District 2007 – 2017 Watershed Management Plan to the full Board.

CONCLUSIONS

1. All relevant, substantive, and procedural requirements of law and rule have been fulfilled.

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Middle Fork Crow River Watershed District pursuant to Minnesota Statutes Chapter 103D.401.

3. The Middle Fork Crow River Watershed District 2007 – 2017 Watershed Management Plan attached to this Order defines water and water-related problems within the District boundaries, possible solutions thereto, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Chapter 103D, BWSR guidelines for Watershed District Plan content, and is consistent with the affected counties' comprehensive water plans.

ORDER

The Board hereby prescribes the attached Plan as the 2007 – 2017 Watershed Management Plan for the Middle Fork Crow River Watershed District.

Dated at Saint Paul, Minnesota this 25th day of April 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

NEW BUSINESS

1. Koochiching SWCD Supervisory Boundary Change Request – Ron Shelito - ***DECISION ITEM***

2. Establishment Petition for Cedar River Watershed District – Jim Haertel - ***DECISION ITEM***

3. Reinvest In Minnesota (RIM) Reserve Strategic Plan Update and BWSR Committee Appointment – Kevin Lines - ***INFORMATION ITEM***

4. Update on the MPCA Ditches and Wetland Listing Process– Doug Thomas, BWSR; and Shannon Lotthammer, MPCA – ***INFORMATION ITEM (no attachment)***

5. BWSR Committee Meeting Schedule – John Jaschke - ***INFORMATION ITEM***

6. Legislative Update – John Jaschke – ***INFORMATION ITEM (no attachment)***

2007-1 NOMINATION DISTRICTS RESOLUTION

REVISED

Be it resolved by the **Koochiching** Soil and Water Conservation District Supervisors that pursuant to M.S. 103C.311, the district be divided into five areas for nominating candidates for the positions of Soil and Water Conservation District Supervisors to be elected at-large as follows:

District	Description of Boundaries
I	
II	
III	**See Attachment**
IV	
V	

I, **Bernie Uran,** Secretary of the **Koochiching** Soil and Water Conservation District, do hereby certify that the above resolution relating to the division of the **Koochiching** Soil and Water Conservation District into five (5) nominating areas was adopted by the said District Supervisors at a regular meeting held on **April 2, 2007** , that I have compared the above copy with the original resolution as set forth in the minutes of said meeting, and it is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of the Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of **two (2) Ayes** to **one (1) Nay** of the members present.

Signed: Bernie Uran (Bernard Uran)
Secretary
Koochiching Soil and Water Conservation District

Be it resolved by the Board of Water and Soil Resources that the division of the **Koochiching** Soil and Water Conservation District into five nominating areas as set forth in the above resolution adopted by the supervisors of said district on **April 2, 2007**, is hereby approved.

I, **John Jaschke**, Executive Director of the Board of Water and Soil Resources, do hereby certify that I have compared the above copy of resolution relating to the division of the **Koochiching** Soil and Water Conservation District into five (5) nominating areas adopted by said Board at a regular meeting held on April 25, 2007, **2007,** with the original as set forth in the minutes of said meeting, and that said copy is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of said Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of to of 14 to 0 of the members present.

Signed: John C. Jaschke
Executive Director
Board of Water and Soil Resources

Filed 29th day of MAY, 2007.

Signed: Robert Peterson
County Auditor
Koochiching County

RECEIVED
JUN 4 2007
Bd. of Water & Soil Resources
St. Paul

2007-1 NOMINATION DISTRICTS RESOLUTION

REVISED

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Secretary
Koochiching Soil and Water Conservation District

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Signed: John C. Jaschke
Executive Director
Board of Water and Soil Resources

Filed _____ day of _____, 2007.

Signed: _____
County Auditor
Koochiching County

April 3, 2007

RECEIVED

APR 05 2007

BD OF WATER & SOIL
RESOURCES-BEMIDJI

Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul MN 55155

Dear Board Members:

At their April 2, 2007 regular board meeting, the Koochiching Soil and Water Conservation District Board of Supervisors voted to change the boundaries of supervisor nomination Districts III and V (as outlined on the attached resolution and supporting map) after considering the following:

- The district wishes to effectively increase the number of eligible supervisor candidates in District V without unseating any current supervisor;
- District supervisors are elected "at large" so registered voter numbers within any supervisor area does not affect the election of the supervisor, only the size of their work area or jurisdiction.

Koochiching County is the second largest county in Minnesota with 2 million acres or 3102 square miles, about the size of the 9-county metro area of Anoka, Washington, Ramsey, Dakota, Hennepin, Carver, and Wright. Yet that is where the similarities end. With a total population of just under 14,000, Koochiching County has approximately 4 people per square mile. International Falls alone contains 77% of the county population.

During the 2006 election, no one filed for the office of District V supervisor. Although District supervisors are elected at-large, eligible candidates must live within the district they represent. Of the 38 total registered voters eligible to serve as District V supervisor, one resident was elected county-wide with a total of 4 write-in votes. After deliberating since January 2007, he has since decided to decline the position.

Feeling strongly that this boundary change is the correct course of action, the Koochiching Soil & Water Conservation District Board of Supervisors respectfully requests your support and approval.

Sincerely

Bernie Uran (Bernard Uran)

Bernie Uran
Secretary
Koochiching SWCD

2007-1 NOMINATION DISTRICTS RESOLUTION

REVISED

Be it resolved by the **Koochiching** Soil and Water Conservation District Supervisors
that pursuant to M.S. 103C.311, the district be divided into five areas for nominating candidates for the positions of Soil and Water Conservation District Supervisors to be elected at-large as follows:

District	Description of Boundaries
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III	**See Attachment**
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Signed: Bernie Uran (Bernard Uran)
Secretary
Koochiching Soil and Water Conservation District

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Koochiching Soil and Water Conservation District into five nominating areas as set forth in the above resolution adopted by the supervisors of said district on **April 2, 2007**, is hereby approved.

I, **John Jaschke**, Executive Director of the Board of Water and Soil Resources, do hereby certify that I have compared the above copy of resolution relating to the division of the **Koochiching** Soil and Water Conservation District into five (5) nominating areas adopted by said Board at a regular meeting held on _____, **2007,** with the original as set forth in the minutes of said meeting, and that said copy is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of said Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of to of _____to _____of the members present.

Signed:_____
Executive Director
Board of Water and Soil Resources

Filed _____day of _____, 2007.

Signed:_____
County Auditor
Koochiching County

Nomination Districts for Koochiching Soil and Water Conservation District
Koochiching County

REVISED 4-2-2007

DISTRICT I

From a point located at the NW corner of Sec.7 – T 160 N – R 29W, thence South along a line on the Western boundary of Koochiching County to a point located at the SW corner of Sec. 31 – T 156 N – R 29W, thence East along a line to a point located at the SE corner of Sec. 36 – T 156 N – R 25W, thence North to a point located at the NE corner of Sec. 13 – T 158 N – R 25 W, at its junction with Rainy River, thence West along the United States border to the point of beginning.

DISTRICT II

From a point located at the NW corner, Sec. 13 – T 158 N – R 25 W, thence South along a line to a point located at the SW corner of Sec. 35 – T 66 N – R 27 W, thence East along a line to a point located at the SE corner of Sec. 36 – T 66N – R 25 W, thence North along a line to a point located at the NE corner of Sec. 24 – T 70 N – R 25 W, at its junction with Rainy River, thence West along the United States border to the point of beginning.

DISTRICT III

From a point located at the NE corner of Sec. 24 – T 70 N – R 25 W, thence South along a line to a point located at the SW corner of Sec. 31 – T 70 N – R 24 W, thence East along a line to a point located at the SE corner of Sec. 36 – T 70 N – R 22W, thence North along a line following the Eastern boundary of Koochiching County to its junction with the United States border, thence West along the United States border to the point of beginning.

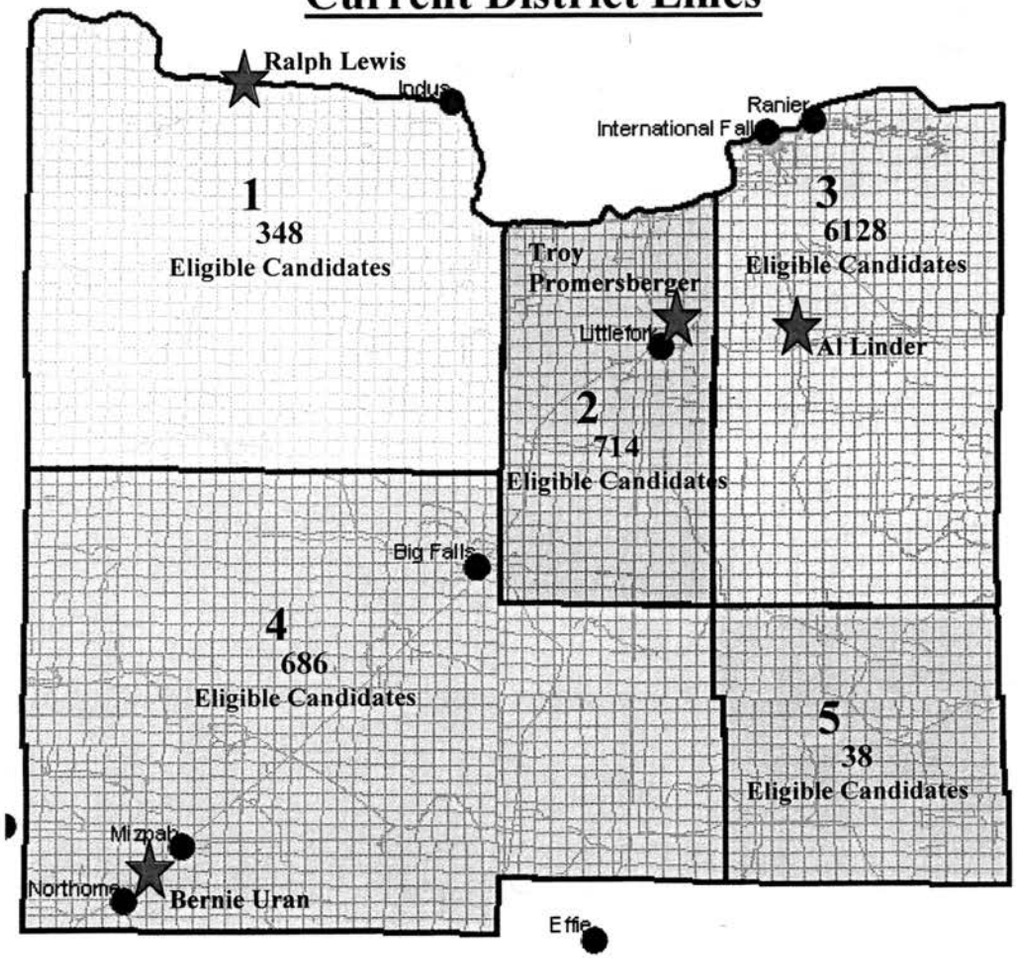
DISTRICT IV

From a point located at the NW corner of Sec. 6 – T 155 N – R 29 W, thence along a line South, following the West boundary of Koochiching County to a point located at the SW corner of Sec. 31 – T 151 N – R 29 W, thence East along the Southern boundary of Koochiching County to a point located at the SE corner of Sec. 36 – T 63 N – R 25 W, thence North along the Eastern boundary of Townships on R 25 W to a point located at the NE corner of Sec. 1 – T 65 N – R 25 W, thence West along a line to a point located at the SW corner of Sec. 35 – T 66 N – R 27 W, thence North along a line to a point located at the NE corner of Sec. 1 – T 155 N – R 25 W, thence West along a line to the point of beginning.

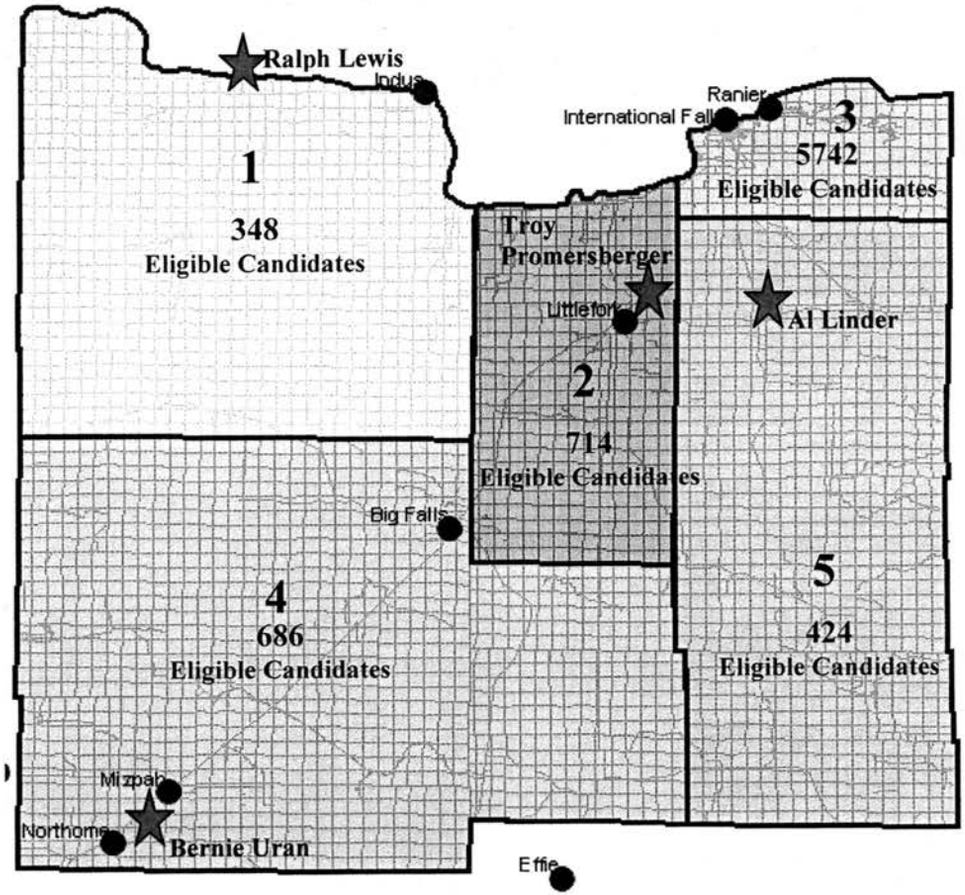
DISTRICT V

From a point located at the NW corner of Sec. 6 – T 69 N – R 24 W, thence along a line South to a point located at the SW corner of Sec. 31 – T 63 N – R 24 W, which follows the Western boundary of Townships on R 24W, thence East along the Southern boundary of Koochiching County to a point located at the SE corner of Sec. 36 – T 63 N – R 22 W, thence North along the Eastern boundary of Koochiching County to a point located at the NE corner of Sec. 1 – T 69 N – R 22 W, thence West along a line to the point of beginning.

Current District Lines



Proposed NEW District Lines



★ **Supervisor Name and Location**

● **City Name and Location**

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 Minnesota Statutes Sections 103D.205 to 103D.225.

ORDER TO ESTABLISH CEDAR RIVER WATERSHED DISTRICT

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.** 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. The proposed watershed district lies within Dodge, Freeborn, Mower and Steele Counties. Filed with the Petition were the required proofs of service on the Dodge, Freeborn, Mower and Steele County Auditors, the Commissioner of the Department of Natural Resources, and the Director of the Division of Waters of the Department of Natural Resources.

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, Westfield and Windom.

3. **District Name.** The Petition states the name of the proposed district shall be the Cedar River Watershed District.

4. **Number of Managers.** The Petition specifies the proposed number of managers as seven (7).

5. **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.

6. **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.

7. **Hearing Order.** At its regular meeting on December 20, 2006, the Board determined the Petition met the requirements of Minn. Stat. § 103D.221, Subd. 1, and consequently ordered a public hearing to be held on the Petition.

8. **Hearing Notice.** Legal notice of the public hearing on the proposed watershed district establishment, pursuant to Minn. Stat. § 103D.221, Subd. 2, was published in the Blooming Prairie Times on December 26, 2006, the Austin Daily Herald on December 27, 2006, the Albert Lea Tribune on December 27, 2006 and the Hayfield Herald on December 27, 2006. Further, a copy of the hearing notice and map were mailed to approximately 50 addressees including the affected county Boards of Commissioners, County Auditors, County Water Planners, all of the cities in the proposed watershed district, all of the towns in the proposed watershed district, the affected soil and water conservation districts, neighboring watershed districts and the DNR.

9. **Director's Report.** The Director of the Division of Waters of the Department of Natural Resources (DNR) filed a written report pursuant to Minn. Stat. §103D.215 dated January 3, 2007 recommending establishment of a larger watershed district than proposed in the Petition that would include the Turtle Creek Watershed District and the Cedar River subwatersheds that flow into the Cedar River in Iowa.

10. **Public Hearing.** A public hearing was held on the establishment of the Cedar River Watershed District on January 10, 2007, at the Ellis Middle School Auditorium located at 1700 Fourth Avenue Southeast in Austin, Minnesota. The proceedings were tape recorded. The hearing panel consisted of Board members Dana Allen, Robert Burandt, Brian Kletscher, Gene Tiedemann and Randy Kramer as chair. After all people present at the public hearing were given an opportunity to speak and enter exhibits, the hearing record was left open for three weeks until 4:30 PM on January 31, 2007, for receipt of written comments.

The following list of exhibits comprise the hearing record. Jim Haertel, Board staff, entered Exhibits 1 through 12 into the hearing record by reading a brief description of each exhibit.

Exhibit 1. Letter dated November 29, 2006, from Craig Oscarson, Mower County Coordinator, with attached (a) Petition for the Establishment of the Cedar River Watershed District dated November 7, 2006, signed by Dave Hillier, Chairman, Mower County Board of Commissioners, and (b) Map of Proposed Cedar River Watershed District, dated July 25, 2006.

Exhibit 2. Proofs of Service of the Petition on the Auditors of: (a) Dodge, (b) Freeborn, (c) Mower and (d) Steele Counties, and (e) the Department of Natural Resources Commissioner and Director of the Division of Waters.

Exhibit 3. Order of the Board of Water and Soil Resources dated December 20, 2006, setting the date, time and location of the public hearing on the Petition.

Exhibit 4. Letter dated December 21, 2006, from Jim Haertel, Board of Water and Soil Resources, to several addressees providing notification of the public hearing with attached (a) Legal Notice, (b) map, (c) list of addressees and (d) Affidavit of Mailing.

Exhibit 5. Affidavit of Publication of Legal Notice in the Blooming Prairie Times on December 26, 2006.

Exhibit 6. Affidavit of Publication of Legal Notice in the Austin Daily Herald on December 27, 2006.

Exhibit 7. Affidavit of Publication of Legal Notice in the Albert Lea Tribune on December 27, 2006.

Exhibit 8. Affidavit of Publication of Legal Notice in the Hayfield Herald on December 27, 2006.

Exhibit 9. Letter dated December 29, 2006 from Daryl Franklin, Mower County Environmental Services Director, with attached (a) Water Quality Study on the Cedar River, dated summer of 2001, by Carol Mostrom.

Exhibit 10. Letter dated January 3, 2007 from Kent Lokkesmoe, DNR-Division of Waters Director, recommending establishment of a larger watershed district than proposed in the Petition that would include the Turtle Creek Watershed District and the Cedar River subwatersheds that flow into the Cedar River in Iowa, with attached (a) map.

Exhibit 11. Letter dated January 3, 2007 from Tom Butler, Turtle Creek Watershed District Chairman, supporting the Petition.

Exhibit 12. Letter dated January 10, 2007 from Dave Peterson, Board of Water and Soil Resources, recommending establishment of a larger district than proposed in the Petition that would include the Cedar River subwatersheds that flow into the Cedar River in Iowa.

Exhibit 13. Hardcopy of the power point presentation given for the petitioners by David Hillier, Mower County Commissioner.

Exhibit 14. Water Quality Study on the Cedar River, dated spring/summer of 2000 and 2001, by Carol Mostrom.

Exhibit 15. Request from Dan Belshan, Freeborn County Commissioner, requesting a public hearing be held in Freeborn County.

Exhibit 16. Watershed support from the City of Austin with information on floods.

Exhibit 17. Resolution No. 13128 dated January 2, 2007 from the Austin City Council in support of the Petition.

Exhibit 18. Letter dated January 10, 2007 from Jim Gebhardt, Mower Soil and Water Conservation District Chairman, stating the Board of Supervisors passed a resolution in support of the Petition.

Exhibit 19. Position statement dated January 10, 2007 from Dave Cole, Izaak Walton League Austin Chapter 10 President, in support of the Petition.

Exhibit 20. Position statement from Arlen Schamber, Hormel Foods Corporation, in support of the Petition.

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After all people present at the public hearing were given an opportunity to speak, the hearing record was left open for three weeks until 4:30 PM on January 31, 2007, for receipt of written comments. The following exhibits were received while the record was open.

- - - - - - -

Exhibit 21. Letter received on January 18, 2007 from Peggy Ratigan in opposition to the Petition.

Exhibit 22. Letter dated January 14, 2007 from Carol Leuer in support of the Petition.

Exhibit 23. Letter dated January 23, 2007 from Steven Crull, Drainage Design and Survey, in opposition to the Petition.

Exhibit 24. Letter received on January 26, 2007 from Lynn Schmeling in opposition to the Petition.

Exhibit 25. Letter dated January 25, 2007 from Roger and Georgia Schramm in opposition to the Petition.

Exhibit 26. Letter dated January 25, 2007 from Jams Hurm, City of Austin Administrator, in support of the Petition.

Exhibit 27. Letter dated January 29, 2007 from Jon Erichson, City of Austin Engineer, in support of the Petition.

Exhibit 28. Letter dated January 29, 2007 from Harold Buck, Hayfield Town Board Supervisor, in opposition to the Petition.

Exhibit 29. Letter received on January 31, 2007 from Paul Fiebiger in opposition to the Petition.

Exhibit 30. Letter dated January 28, 2007 from Phyllis Helgeson in opposition to the Petition.

11. **Board Hearing Panel.** On February 28, 2007, the hearing panel of the Board convened. Hearing panel members in attendance were Dana Allen, Robert Burandt, Brian Kletscher, Gene Tiedemann and Randy Kramer, Chair. Based on the entire record in the matter and after due consideration, the panel with a voice vote decided to recommend to the full Board the watershed district be established according to the Petition because the establishment would benefit the public welfare and public interest, and would advance the purpose of Minnesota Statutes Chapter 103D. The watershed district boundary should be established according to the Petition and the name should be the "Cedar River Watershed District" as proposed in the Petition. Also, the panel decided with a voice vote to recommend the watershed district board of managers consist of seven managers with the distribution being four managers from Mower County, one manager from Dodge County, one manager from Freeborn County and one manager from Steele County. The panel further decided with a voice vote to recommend the terms of office for the first board of managers appointed by the respective county Boards of Commissioners be set as follows:

Dodge County Manager

One manager position – three year term

Freeborn County Manager

One manager position – three year term

Mower County Managers

One manager position – one year term
One manager position – one year term
One manager position – two year term
One manager position – three year term

Steele County Manager

One manager position – two year term

Lastly, the panel decided with a voice vote to recommend seven manager nominees from the Petition as the first board of managers of the watershed district. Criminal background checks were to be completed.

After the February 28, 2007 meeting, the manager nominee selected from Dodge County became unavailable to serve as a manager. On April 5 and 6, a majority of the panel members gave their approval of an alternate manager nominee from Dodge County. Background checks of the seven manager nominees being recommended were completed and indicated no criminal history according the Bureau of Criminal Apprehension Criminal Justice Information System. The panel recommends the first board of managers consist of the following individuals:

Alfred Kording – Dodge County

Steven Kraushaar – Freeborn County

James Gebhardt – Mower County

Albert Layman – Mower County

Harlen Peck – Mower County

Daniel Regner – Mower County

Michael Jones – Steele County

CONCLUSIONS

1. The Petition for establishment of the Cedar River Watershed District is valid in accordance with Minn. Stat. § 103D.205.

2. Proper notice of hearing was given and the public hearing was held in accordance with applicable laws.

3. The establishment of the Cedar River Watershed District would benefit the public welfare and public interest, and would advance the purpose of Minnesota Statutes Chapter 103D.

4. The boundary of the Cedar River Watershed District should be as set forth in the Petition.

5. All relevant substantive and procedural requirements of law and rule have been fulfilled.

6. The Board has proper jurisdiction in the matter of ordering a watershed district establishment.

ORDER

The Board hereby orders the following:

1. The proposed watershed district is hereby established and is named the "Cedar River Watershed District" by which name it shall hereafter be known, and it shall have all the power, authority, and duties provided by law.

2. The principal place of business of the Cedar River Watershed District is the Mower Soil and Water Conservation District Office, 1408 – 21st Avenue NW, Suite 2, Austin, MN 55912.

3. The territory to be included in the Cedar River Watershed District encompasses a total area of approximately 435 square miles in Dodge, Freeborn, Mower and Steele Counties 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, Westfield and Windom.

4. The boundary of the Cedar River Watershed District shall be as set forth in "Exhibit A" of the Petition, a map which shows the watershed district boundary attached herewith to this Order and fully incorporated herein, together with the data set "Exhibit A" was produced from.

5. The Board of Managers for the Cedar River Watershed District shall consist of seven (7) managers with one manager from Dodge County, one manager from Freeborn County, four managers from Mower County, and one manager from Steele County.

6. The first board of managers of voting residents within the Cedar River Watershed District shall be as follows:

Alfred Kording – Dodge County

Steven Kraushaar – Freeborn County

James Gebhardt – Mower County

Albert Layman – Mower County

Harlen Peck – Mower County

Daniel Regner – Mower County

Michael Jones – Steele County

7. The term for the first Board of Managers appointed by the Board of Water and Soil Resources is one year and until the successors can be appointed and qualified, and the terms of office for the first board of managers appointed by the respective county Boards of Commissioners are as follows:

Dodge County Manager

One manager position – three year term

Freeborn County Manager

One manager position – three year term

Mower County Managers

One manager position – one year term
One manager position – one year term
One manager position – two year term
One manager position – three year term

Steele County Manager

One manager position – two year term

Thereafter, upon completion of the terms for the first board of managers appointed by the county Boards of Commissioners, manager terms are three years and until the successors can be appointed and qualified.

Dated at Saint Paul, Minnesota this 25th day of April, 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

What:	Reinvest in Minnesota (RIM) Reserve Strategic Plan	
Purpose:	Update RIM Reserve Strategic Plan	
Timeline:	April – June, 2007	
Who:	Staff Lead:	Kevin Lines, Conservation Easement Section Manager
	Agency Staff:	Tim Fredbo, Conservation Easement Specialist
		Tabor Hoek, Board Conservationist
		Pete Waller, Board Conservationist
		Greg Larson, Technical Services Manager

RIM Reserve Committee: Board members appointed by BWSR Chair Kramer at April 25, 2007 BWSR Board Meeting

Stakeholders: The following stakeholders will be invited to participate: agriculture, environmental, conservation, local government, state government, and federal government

Process for Updating Minnesota Reinvest in Minnesota (RIM) Strategic Plan

Goal – Update Minnesota's RIM Reserve Program Strategic Plan

Review the accomplishments of the first twenty years of the RIM Reserve Program, and identify future opportunities for continued success. For the first twenty years the following goals have guided the RIM Reserve program:

- Protect and improve water quality
- Reduce soil erosion
- Enhance fish and wildlife habitat

Although we believe these goals are still pertinent we are seeking input from the Board and stakeholders in updating our RIM Reserve Strategic Plan. This updated RIM Reserve Strategic Plan will guide agency requests for future appropriations, leveraging opportunities with partners, and new conservation initiatives such as biofuels.

Process

BWSR through its RIM Reserve committee will update the agency's RIM Reserve Strategic Plan. The RIM Reserve committee will meet approximately three times during May and June 2007 to achieve this goal. The RIM Reserve committee will be seeking significant stakeholders participation. Stakeholders representing the following organizations and agencies will be invited to participate: agriculture, environmental, conservation, local government, state government, and federal government.

Timeline:

April 25, 2007	BWSR Chair Kramer will appoint a RIM Reserve committee at the April 25, 2007 Board Meeting.
May 2007	Three meeting dates will be determined after appointment of committee members. Kick-off meeting will include stakeholders to provide input into updating RIM Reserve Strategic Plan.
June 2007	Date, Time, and Location to be determined by RIM Reserve Committee.
June 27, 2007	Present updated RIM Reserve Strategic Plan for BWSR Board Approval.

Prepared by Kevin J. Lines
Conservation Easement Section Manager
April 13, 2007

Update on MPCA Impaired Waters Listing Process

Board of Water and Soil Resources
April 25, 2007

Introduction

- The CWA requires states to:
  - Establish standards to protect beneficial uses
  - Monitor waters and assess against standards
  - List waters that do not meet standards
  - Identify pollutant sources and the reductions needed
  - Develop an implementation plan



Overview of Process

- Waters are monitored to identify condition
  - Monitoring Strategy guides this effort
- Data is analyzed, impaired waters are identified and listed
  - Every two years
  - Rigorous process
  - Based on designated uses & standards/criteria:
    - Aquatic recreation
    - Aquatic life
    - Aquatic consumption



Assessment (Data Analysis)

- Waters are identified as supporting designated uses, not supporting uses, or not assessed
- Use the best data and best science
- Consider factors such as:
  - Data quality
  - Monitoring design/purpose
  - Frequency of exceedence
  - Local knowledge

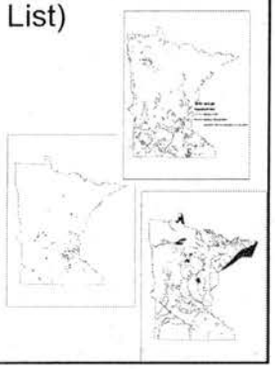


Listing

- Waters that do not meet designated uses are placed on the "impaired waters list"
- List is organized by waterbody and impairment
  - Waters can be listed for multiple impairments
  - Includes schedule for TMDL development
- Public has opportunity for comment
- List due to EPA by April 1 of even-numbered years

Summary of Impairments (2006 List)

- 2,250 impairments on 1,297 water bodies (1,013 lakes; 284 streams)
- Impairment types:
  - Mercury – 1,312
  - Turbidity - 218
  - Eutrophication/ Phosphorus - 208
  - Impaired Biota – 144
  - PCBs - 141
  - Fecal Coliform - 139
  - Low Dissolved Oxygen – 54
  - Others - 34



2008 Assessment/Listing Cycle Considerations

- Focus on lakes and streams
  - Clear message from CWLA discussions
- Approach for wetlands and ditches
  - Have tools to assess some wetlands
  - Developing tiered aquatic life use classification system for streams
- Interagency meetings to discuss priorities and approach







2008 Listing Cycle – Timeline

- "Call for Data" completed in 2006
- Professional Judgment Team meetings this spring
- Informational meetings during late summer
- Public Notice: fall 2007 or winter '07-'08
- Final draft list due to EPA by April 1, 2008



Questions?

Thank You!

Minnesota Pollution Control Agency

Assessing and listing impaired waters

wq-iw3-11 • March 2007

The assessment of Minnesota's rivers, streams and lakes is tied to the goals of the 1972 Clean Water Act (CWA) for restoring and protecting the ecological integrity of America's waters.

One CWA strategy used to meet these goals is identifying, listing and restoring "impaired waters." The CWA requires states to:

- Assign designated uses to waters and develop standards to protect those uses
- Monitor and assess their waters
- List waters that do not meet standards
- Identify pollutant sources and the reductions needed to achieve standards
- Develop a plan to implement restoration activities

This fact sheet describes the process of assessing and listing impaired waters in Minnesota.

What are "impaired waters"?

The CWA requires states to adopt water-quality standards to protect waters from pollution. These standards define how much of a pollutant can be in a water and still allow it to meet designated uses, such as drinking water, fishing, swimming, irrigation or industrial purposes.

"Impaired waters" are those waters that do not meet water-quality standards for one or more pollutants, thus they are "impaired" for their designated uses.

Section 303(d) of the CWA requires states to assess all their waters for impairments and publish a list of impaired waters every two years. Assessing Minnesota's waters and developing the Impaired Waters List involves a rigorous process that takes more than two years to accomplish.

How are impaired waters identified and listed?

The assessment and listing process involves dozens of agency staff, other state agencies, and local partners. The goal of this effort is to use the best data and best science to assess the condition of Minnesota's water resources.

The process requires a high level of planning and cooperation among Minnesota Pollution Control Agency (MPCA) staff and partners. The many tasks that go into developing the list can be grouped into six major milestones, as follows:

Call for Data

The first step in identifying impaired waters involves collecting all of the monitoring data available for Minnesota's water resources.

The MPCA relies on data it collects along with data from other sources, such as sister agencies, local government and volunteers, to assess a lake or stream. The data must meet rigorous quality-assurance protocols before being used. Some sources of data, such as Secchi disk monitoring by volunteers, are used only in association with other data.

Early in the assessment process, the MPCA publishes a "Call for Data" in the *State Register* and contacts partner organizations directly to request their monitoring data.

Minnesota Pollution Control Agency • 520 Lafayette Rd. N., St. Paul, MN 55155-4194 • www.pca.state.mn.us
651-296-6300 • 800-657-3864 • TTY 651-282-5332 or 800-657-3864 • Available in alternative formats

Data analysis

Once all available data are checked for accuracy and entered into a database, MPCA scientists analyze the data to identify potential water impairments. Assessments are based on established water-quality standards (see www.pca.state.mn.us/water/standards/index.html) and the MPCA *Guidance Manual for Assessing the Quality of Minnesota Surface Waters* (www.pca.state.mn.us/water/tmdl/index.html). The guidance contains information on standards, data collection, data-assessment requirements, and minimum data needed to conduct an assessment.

In addition to completing the very detailed, science-based assessments, MPCA staff evaluate waters currently on the list for potential de-listing, and revise the assessment and listing guidance as needed.

Professional judgment teams

Once the preliminary assessments are complete, "professional judgment team" (PJT) meetings are held with resources managers from around the state. These teams consist of MPCA staff, the collectors of the data under review, and other local and regional scientific experts.

The PJTs are peer-review groups that discuss the preliminary assessments and provide a local perspective. The preliminary assessments are either confirmed by the group or refined based on additional knowledge of the water resources. Waters are assigned to categories such as "not impaired," "more data needed to complete an assessment," and "impaired." A record of the PJT discussion is maintained on the MPCA web site at www.pca.state.mn.us/water/tmdl/index.html#support.

Informational meetings

Following the PJT meetings, MPCA staff compile a draft Impaired Waters List consisting of all the waters that have been assessed as impaired. The MPCA then holds meetings across the state to review the draft list with interested parties and answer questions about the assessment and listing process, the draft list, and impaired waters in general.

Public notice

The next step is the formal public notice period. The draft list and request for comments are noticed in the *State Register* and the notice is also mailed to more than 400 contacts. Following the comment period, responses to comments are developed and the draft list is modified as necessary based on the comments received.

EPA approval

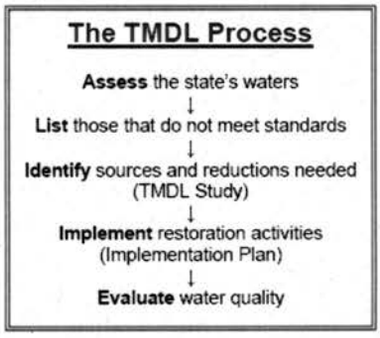
For the last step in this biennial process, the final draft Impaired Waters List is provided to the U.S. Environmental Protection Agency for approval. States are required to submit their final draft list to EPA by April 1 of even-numbered years.

Timeline for 2008 listing cycle

The entire assessment and listing process spans more than two years. For example, work on the 2008 list and report began in August 2005 with an evaluation of the previous listing cycle. The MPCA published the "Call for Data" in the *State Register* on June 26, 2006, and completed preliminary assessments during the winter of 2006-7. PJT meetings are scheduled for the spring of 2007. The MPCA anticipates hosting informational meetings during the late summer of 2007 and noticing the final draft list in late fall 2007 or early winter 2008. This puts the MPCA on schedule to deliver the final draft list to EPA by April 1, 2008.

Beyond the Impaired Waters List

CWA requirements do not stop with the approval of the Impaired Waters List. States are also required to prepare Total Maximum Daily Load (TMDL) studies for every impairment on the list. A TMDL defines the maximum amount of a pollutant that a water body can receive and still meet standards. TMDLs also set limits and reduction goals for restoring impaired waters so they meet standards. More information about TMDLs can be found at www.pca.state.mn.us/water/tmdl/index.html.



For more information

For more information on assessing and listing impaired waters, contact Howard Markus, 651-296-7295 or howard.markus@pca.state.mn.us.

BWSR Legislative Summary: 4-25-07

The House and Senate have established SF2096 as the omnibus Environment and Natural Resources finance bill. The House also has its policy in the same bill while the Senate has a separate omnibus policy bill (SF1312). Conference Committee members are:
Senate: Anderson, Saxhaug, Frederickson, Torres-Ray, Chaudhary
House: Wagenius, Hilty, Hansen, Dill, Ozment

Budget
The House has proposed to replace the dedicated Feedlot Cost-Share with a couple of native vegetation restoration programs (and has "restored" $650K of the $1.5M by earmarking Clean Water Legacy Funding). While the new ideas hold promise if given sufficient time to be ramped up, removing the dedicated feedlot portion would mean the connection to the regulatory provisions, which require state cost-share for high-cost measures prescribed to address runoff, would be compromised. There is still a large unmet demand for water quality improvement projects as documented in a 2004 MDA report. The concern about the potential loss of the dedicated funds is expected to be noted in the Governor's letter to the conference committee. The House has base funding for most items whereas the Senate has designated one-time funding for those linked to Clean Water Legacy and the WCA grants to local governments.

WCA policy
Senate removed proposed changes to deminimis in Committee. House retains the reduced deminimis amounts after committee and floor amendments to undo the proposed changes failed. Agriculture exemptions not in Senate bill but agency and agriculture interests continue to fine-tune the provisions either for Conference Committee or for a separate hearing on SF1704 -- which contains only these elements.

Drainage Buffers
SF642 passed in the Senate last week 65-0 and language is also in the omnibus policy bill (SF1312). Senate has not included the local government grant funding in finance bill ($300K). House language is all in the SF2096 omnibus bill.

Oversight
House has the policy language and $100K/yr to ramp up the policy implementation. The Senate has language for a study for recommendations for next year.

BWSR membership bill
HF1431proposed to add 2 city and 1 township official(s) to the BWSR Board. Heard in the House but not included in the omnibus bill. Not heard in the Senate.

RIM Bonding: CREP/WRP
Governor proposed $10M in a supplemental recommendation; House at $8M and Senate at $10M. Capital Investment Conference Committee to resolve differences.

Biofuels
Senate proposes to have BWSR develop, in consultation with a technical committee, RIM clean energy program guidelines, standards, and rules and provide pass-through grants for additional research on the establishment and maintenance of perennial vegetation for cellulosic ethanol production. House has more narrowly focused approach with DNR leading assessment of native vegetation restoration and use.

Dedicated Funding:
SF6 (Pogemiller) failed to move out of the Taxes Committee yesterday on a 5-7 vote. Uncertainty about its viability continues. House bill (HF2285 – Sertich) to have first hearing on same day. The bill would establish a Constitutional amendment for a 3/8ths sales tax dedication to generate about $291million/year for natural and cultural resources purposes; arts, humanities, parks and trails, clean water, etc.

FY08/09 Biennium: Comparison

As of: 4/24/07

All numbers -000

		Senate FY08/09 Total	House FY08/09 Total	Difference	
1.	NRBG	$8,204	$8,204	$0	
2.	General Service grants	7,132	7,132	0	
3.	Cost-share grants	6,570	6,500	70	House: 2,400 for veg buffers and 600 for weed mgmt
4.	Red River Basin Commission	200	200	0	
5.	Area II	280	280	0	
6.	Administration	8,146	8,146	0	
7.	Sub Total Base Budget	30,532	30,462	70	
8.	Clean Water Legacy (1)	17,700	10,900	6,800	Funds are one-time in Senate.
9.	WCA (2)	1,680	2,180	(500)	
10.	Drainage (3)	750	1,250	(500)	
11.	Operating: Base Adjustments	333	205	128	3.25% per year in Senate; 2% per year in House/Gov
12.	Operating: Rent Increase	100	100	0	
13.	MN River JPB grant	184	0	184	House: Funds in their CWL section. See line 30
14.	RIM Bioenergy program development	200	0	200	Senate has companion policy
15.	RIM Bioenergy grants	500	0	500	
16.	City of Gaylord	200	0	200	Storm water related construction
17.	Blue Earth SWCD	2	0	2	House: 2 per year comes out of cost-share rollover
18.	Oversight	0	0	0	House: 100 per year comes out of cost-share rollover
19.	Sub Total change Items	21,649	14,635	7,014	
20.	TOTAL BUDGET	$52,181	$45,097	$7,084	
21.	**Difference from Agency Request**	(281)	(7,365)		
22.	**Difference from Governor**	7,084	0		
	(1) CWL detail				
23.	Non-point rest	6,650	3,000	3,650	S: 1,500 to watershed rest., H: 500 to MN Cons Corp
24.	Non-point tech	3,000	4,000	(1,000)	H: 375 for wetland mitigation inventory & analysis
25.	Reporting	400	400	0	
26.	ISTS	4,150	2,000	2,150	
27.	Non-point lake and river	2,500	0	2,500	
28.	Failing ISTS	1,000	0	1,000	
29.	Feedlot Water Quality grants	0	1,300	(1,300)	Replaces $$ House diverted in Cost-Share base grant
30.	MN River JPB grant	0	200	(200)	Senate funds. See line 13
31.	Total CWL	17,700	10,900	6,800	All CWL funds are one-time in Senate
	(2) WCA detail				
32.	Financial support increase	0	0	0	
33.	New violation appropriation	500	1,000	(500)	Funds are one-time in Senate
34.	BWSR staff: for oversight	1,000	1,000	0	
35.	BWSR staff: monitoring	120	120	0	
36.	Local Road Wetland Replacement	0	0	0	
37.	Vision and plan (one-time)	60	60	0	
38.	Total WCA	1,680	2,180	(500)	
	(3) Drainage detail				
39.	Guidelines prep (one-time)	150	150	0	
40.	Cost-share for drainage records	0	500	(500)	
41.	Manual update (one-time)	0	0	0	
42.	Drainage Advisory Team	600	600	0	Language differences
43.	Total Drainage	750	1,250	(500)	

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD
2ND FLOOR CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 23, 2007

BOARD MEMBERS PRESENT:
Dana Allen, Jim Anderson, MES; Linda Bruemmer, MDH; Paul Brutlag, Bob Burandt, Quentin Fairbanks, Larry Kramka, DNR; Randy Kramer, Paul Langseth, Joe Martin, MDA; Brian Napstad, Ken Robinson, Louise Smallidge, Wayne Anderson, MPCA; Gene Tiedemann, LuAnn Tolliver

BOARD MEMBERS ABSENT:
Brian Kletscher

STAFF PRESENT:
Mary Jo Anderson, Bill Eisele, Jon Fure, Dan Girolamo, Jim Haertel, John Jaschke, Doug Thomas, Pete Waller, Dave Weirens

OTHERS PRESENT:
Kay Cook
Jack Frost, MCES
Wayne Edgerton, DNR
Ray Bohn, MAWD
Molly Deen, Sierra Club
Sandy Hooker, MAT
Tim Koehler, NRCS
Joe Montonye, Grant SWCD

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

PLEDGE OF ALLEGIANCE

** 07-42 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Quentin Fairbanks, to adopt the agenda as presented. Motion passed on a voice vote.

** 07-43 **MINUTES OF APRIL 25, 2007** – Moved by Paul Langseth, seconded by Louise Smallidge, to approve the minutes of April 25, 2007, as circulated. Motion passed on a voice vote.

Chair Kramer welcomed and introduced Ken Robinson, newly appointed board member from St. Cloud representing watershed districts, replacing Kay Cook.

Chair Kramer announced that he and Quentin Fairbanks have each been reappointed for another four-year term.

REPORTS

Chair's Report – Chair Kramer reported that the Environmental Quality Board did not meet this month. Chair Kramer has had numerous communication with legislators and staff.

Executive Director's Report – John Jaschke attended the Red River Watershed Management Board (RRWMB) and Flood Damage Reduction Work Group (FDRWG) meetings on May 16th in Ada. Discussion included the process for getting projects evaluated for the state bonding bill consideration; additional meetings will be held in Crookston on May 24, and Detroit Lakes on June 14, 2007.

John attended the USDA State Technical Committee meeting in St. Cloud on May 22, regarding Farm Bill provisions and related developments. John reported that a colored-coded dot system has been developed for wetland tracking compliance.

John announced that BWSR has two newly hired employees. Dan Shaw is the wetland vegetative specialist; and Chad Severs is the new board conservationist located in Bemidji. John stated that newly hired staff will be introduced at upcoming board meetings.

John reported that much of his time has been spent on the conclusion to legislative issues. He will present a legislative update later today on the agenda.

Dispute Resolution Committee – Jim Haertel reported that a new restoration order appeal in Aitkin County has been filed. Jim referenced appeals in Stearns County and clarified the MinnCan pipeline issue with various LGUs is being resolved. Jim stated that two appeals in Carver County on agricultural land involved exemption decisions and were not enforcement actions. The main issue is the requirement for ten-year deed recordings for the land to stay in agricultural use.

Wetlands Committee – LuAnn Tolliver stated that the Wetlands Committee has items to be considered later today on the agenda. The Wetlands Committee will meet on June 11th at 8:30 a.m.

Grants Program and Policy Committee – Louise Smallidge reported that the Grants Program and Policy Committee will meet on June 11.

Public Relations, Outreach and Strategic Planning Committee – Chair Kramer announced that Brian Napstad has been appointed to chair the Public Relations, Outreach and Strategic Planning Committee. Brian reported that the Committee met on April 25. Cliff Tweedale facilitated the meeting; discussion included review of the strategic plan's goals and objectives. Brian stated that the strategic plan is a work in progress. There will be a meeting on June 6 with stakeholders and advisory members. The Committee will meet on June 27th to look at BWSR's website and public outreach activities in the future, and develop language for the mission statement.

Chair Kramer stated that he will be reviewing BWSR Committees and making new appointments due to the departure of Kay Cook, and the appointment of Ken Robinson.

Administrative Advisory Committee – Chair Kramer reported that the Administrative Advisory Committee met this morning, issues discussed will be considered later today on the agenda or will be on the June Board meeting agenda.

Kay Cook reported on the State Envirothon held on May 16th in Lake Shetek. Kay reported that 29 teams competed, 140 students were in attendance. Benilde-St. Margaret was the first place winner; Rushford-Peterson placed second; and Benidle-St. Margaret's second team placed third. The winning team will go on to the Canon National Envirothon in New York, the last week in July. Kay encouraged board member attendance at future State Envirothons.

RIM Reserve ad hoc Committee – Paul Brutlag reported that staff has done an excellent job on the RIM Program Plan input and assessment phase. A stakeholders meeting will be held today to discuss assessment, legislative strategy, review the budget, and look at the future of the Reinvest In Minnesota Program.

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

Benton County Priority Concerns Scoping Document – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Benton
** County Priority Concerns Scoping Document and recommends approval. Moved
07-44 by Quentin Fairbanks, seconded by Brian Napstad, to approve the Benton County Priority Concerns Scoping Document. Motion passed on a voice vote.

Stearns County Priority Concerns Scoping Document – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Stearns
** County Priority Concerns Scoping Document and recommends approval. Moved
07-45 by Quentin Fairbanks, seconded by Brian Napstad, to approve the Stearns County Priority Concerns Scoping Document. Brian Napstad reported that Stearns County has developed an excellent model that will asess runoff for construction sites. The Northern Water Planning Committee suggested that Stearns County present their model to the Board at a future meeting. Motion passed on a voice vote.

Warroad Watershed District Revised Watershed Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Warroad Watershed District Revised Watershed Management Plan
** and recommends approval. Moved by Quentin Fairbanks, seconded by Paul
07-46 Brutlag, to approve the Warroad Watershed District Revised Watershed Management Plan. Quentin stated that the Committee recommends that the Warroad Watershed District be evaluated within the next two years. The Committee will keep a close watch on the Watershed District, and recommends that the County be involved with the Warroad Watershed District. Motion passed on a voice vote.

NEW BUSINESS

Sale of Wetland Mitigation Credits to Public Transportation – Dave Weirens reported that BWSR has been authorized since 2002 to sell wetland credits to public transportation authorities. Recently, non-road public transportation authorities have inquired about purchasing credits under this statutory authority.

The Wetlands Committee recommends the Board adopt the policy presented regarding the sale of wetlands credits to public transportation authorities as
** presented. Moved by LuAnn Tolliver, seconded by Bob Burandt, to accept the
07-47 Wetlands Committee recommendation to approve the resolution as presented. Discussion followed. Quentin Fairbanks stated that there is a need for an inventory of wetlands. Dana Allen asked how much funding is needed to meet the needs of public transportation, the future demand? Dave stated that there should be no net increase, no impact to BWSR as credits are sold at cost. Dave stated that there is a significant difference in the cost of public versus private credits. Brian Napstad stated that the Wetlands Committee had lengthy discussions regarding the credit sales and needs. There are 400 credits in the bank in order to meet expected demand. Is it a proper approach to use tax dollars to sell to revenue producing entities? Will now look to the legislature for a policy response. Motion passed on a voice vote.

John Jaschke, on behalf of the Board, presented Kay Cook with a print, and thanked Kay for her involvement and service during her four-year term, 2003 – 2007. Kay thanked board members for their passion they bring to the Board. Kay thanked Chair Kramer, John and staff, for their effective efforts. Randy Kramer thanked Kay for her team effort on the Board.

Chair Kramer called for a break in the meeting at 10:15 a.m. The meeting reconvened at 10:35 a.m.

Plan for Soliciting Wetland Restoration Projects for the Local Road Wetland Replacement Program – Dave Weirens reported that staff have developed a plan for seeking wetland banking projects for the Local Road Wetland Replacement Program. The Wetlands Committee recommends approval of the Plan. Dan Girolamo stated that the Plan seeks proposals from landowners for high quality wetland restoration projects in priority watersheds and bank service areas. Dan presented the 2007 Wetland Banking Request for Proposal, the program options, screening process, and how to apply. Dave reported that this is
** expected to be an ongoing annual application process. Moved by LuAnn
07-48 Tolliver, seconded by Bob Burandt, to accept the Wetland Committee's recommendation to adopt the resolution regarding the Plan for Soliciting Wetland Restoration Projects for the Local Road Wetland Replacement Program. Discussion followed. Dan stated that staff are marketing the annual program; seven informational meetings will be held statewide. Motion passed on a voice vote.

AGENCY REPORTS

Minnesota Extension Service (MES) – Jim Anderson stated that he will provide a status report on various MES programs at the June Board meeting.

Department of Natural Resources (DNR) – Larry Kramka, Assistant Commissioner for Operations, was introduced. Larry was appointed in March. He will be Commissioner Mark Holsten's alternate at most future Board meetings. He reported that Minnesota is the first state to approve the Great Lakes Compact which protects resources and management of the Great Lakes. Larry stated that DNR is satisfied with the outcomes of the legislative session. DNR received $2M for impaired waters, one-time funding. Other DNR legislative issues addressed during session include: water demands, ethanol issues, regulation on importation of firewood to primarily deal with the ash borer; energy efforts on prairie grassland, and watercraft and fishing licenses, boat registration for residents and non-residents. Larry also reported that DNR is involved with BWSR to develop prairie specie seed harvesting and guidelines.

Minnesota Department of Health (MDH) – Linda Bruemmer was introduced, she is attending today on behalf of Dan Wilson. Linda stated that Governor Pawlenty has not yet signed the Health and Human Services bill. She reported that there is a well drilling fee increase. Linda stated that it's a pleasure to attend the Board meeting today.

Minnesota Department of Agriculture (MDA) – Joe Martin reported that MDA has been funded for the Ag BMP loan process, which included research dollars. MDA will develop a recommendation for the State regarding the Next Generation Energy Board. Joe stated MDA is coordinating with other agencies regarding the emerald ash borer invasive species.

Minnesota Pollution Control Agency (MPCA) – Wayne Anderson reported that MPCA received funding for Clean Water Legacy and for ethanol and mining permitting. MPCA received energy funding for green power and green energy, biofuels. Wayne reported that the State Supreme Court acted on the matter of the Cities of Annandale and Maple Lake NPDES/SDS permit issuance for the discharge of treated wastewater, and request for contested case hearing. The decision was made on three issues: 1) deference to State authorities under federal law; 2) ability to do pre-TMDL off-setting; and 3) Annandale-Maple Lake MPCA's permitting issuance. Wayne stated that MPCA will begin to work with various stakeholders to look at future projects.

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ADVISORY COMMENTS

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn reported that session went well. MAWD appreciated the efforts of Randy Kramer, John Jaschke, and Doug Thomas, they did a tremendous job. Ray thanked Kay Cook for her dedicated service over the years. Ray welcomed Ken Robinson; he will be a real asset to BWSR. Ray encouraged board member attendance at the MAWD summer tour, June 28-30, hosted by the Ramsey-Washington Metro Watershed District. MAWD will be involved in interim activities regarding the drainage workgroup, DNR moving forward on con-con land; and accountability issues with BWSR. Ray reported that Representative Morrie Lanning introduced legislation regarding water management. MAWD will participate in statewide discussions.

Natural Resources Conservation Services (NRCS) – Tim Koehler reported the good news – NRCS received $4M in WRP funding. Tim also reported on the bad news – NRCS will probably lose all of that federal funding due to the lack of a state bonding bill this year; that funding will all go back to Washington. Tim stated that Bill Hunt has committed to the contribution endeavor with BWSR regarding monitoring and restoration efforts. Tim stated that NRCS is not sure how the feedlot implication will impact NRCS.

UPCOMING MEETINGS

- Next Board Meeting, June 27, 2007
- Board Tour and meeting, August 22-23, 2007, Koochiching and Lake of the Woods Counties

Chair Kramer stated that the RIM Strategic Planning ad hoc Committee will meet immediately following the Board meeting today.

Chair Kramer wished everyone a happy Memorial Day weekend. Dana Allen invited board members to attend the Open House on her dairy farm, June 9th, 1:00 – 4:00 p.m. She will send invitations via e-mail to board members.

** 07-50 Moved by LuAnn Tolliver, seconded by Quentin Fairbanks, to adjourn the meeting at 1:05 p.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer
Chair

Dispute Resolution Report
May 10, 2007
by: Jim Haertel

There are presently 28 appeals pending. All of the appeals involve WCA except File 05-24. There have been seven new appeals filed since the last report dated April 12, 2007.

File 07-16. This is a new appeal of a replacement plan decision in Aitkin County. The appeal involves the denial of a replacement plan application for a second driveway.

File 07-15. This is a new appeal of an exemption decision in Carver County. The appeal regards the denial of a wetland exemption application on agricultural land. No decision has been made on the appeal.

File 07-14. This is a new appeal of an exemption decision in Carver County. The appeal regards the denial of a wetland exemption application on agricultural land. No decision has been made on the appeal.

File 07-13. This is a new appeal of a replacement plan decision in Benton County. The appeal involves the denial of a replacement plan application that proposed filling 7.8 acres of an approximately 10 acre wetland for commercial development. No decision has been made on the appeal.

File 07-12. This is a new appeal of a restoration order in Redwood County. The appeal regards the filling of Type 3 wetlands. No decision has been made on the appeal.

File 07-11. This is a new appeal of an exemption decision in Stearns County. The appeal involves the MinnCan pipeline project. The appeal has been remanded for a public hearing at the local level.

File 07-10. This is a new appeal of a replacement order in Stearns County. The appeal regards the filling of wetlands associated with road maintenance/improvement. No decision has been made on the appeal.

File 07-7. This is an appeal of a replacement plan decision in Blue Earth County. The appeal regards the approval of a wetland replacement plan involving the realignment of a county road. The appeal has been remanded for a public hearing at the local level.

File 07-3. This is an appeal of a replacement plan decision in Traverse County. The appeal concerns the approval of a wetland replacement plan application. No decision has been made on the appeal.

File 06-43. This is an appeal of a restoration order in Morrison County. The appeal involves the placement of fill in wetland near a lake. The appeal has been placed in abeyance and the restoration order has been stayed pending field review by the Technical Evaluation Panel this spring.

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, a pre-hearing conference was held, a hearing before the DRC was scheduled but has been canceled while settlement discussions take place.

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 the decision has been appealed to the Court of Appeals.

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 06-12. 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. After a hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application.
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. Benton County Priority Concerns Scoping Document (PCSD) – Quentin Fairbanks – ***DECISION ITEM***

2. Stearns County Priority Concerns Scoping Document (PCSD) - Quentin Fairbanks – ***DECISION ITEM***

3. Warroad Watershed District Revised Watershed Management Plan – Quentin Fairbanks – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

May 23, 2007

Benton County Commissioners
c/o Annie Felix
Benton Soil and Water Conservation District
14 West 2nd Avenue
Foley, MN 56329

Dear Benton County Commissioners,

SUBJECT: OFFICIAL COMMENTS PERTAINING TO THE STATE REVIEW OF THE BENTON COUNTY PRIORITY CONCERNS SCOPING DOCUMENT (PCSD)

Pursuant to M.S. Section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns that Benton 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 Benton County Priority Concerns Scoping Document on March 26, 2007. The Northern Water Planning Committee (hereinafter referred to as Committee) met on April 9, 2007, to discuss the 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 and does not recommend any changes or offer any to the priority concerns selected to be addressed by the plan.

The Committee offers the following specific suggestions to be considered in the development of the final plan:

- Include a communication and education Goal and/or Objective into each priority concern contained within the Local Water Management Plan
- Identify a goal that seeks to insure the implementation of regulations such as shoreland ordinances and subsurface sewage treatment systems (SSTS) through zoning and other efforts
- Include provisions that identify methods to protect the resource identified in Table 6 of the PCSD including Wetlands, Streams/Rivers and Lakes.

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The Board of Water and Soil Resources encourages Benton County to submit the final plan for board approval within (6) months of receiving this letter.

Sincerely,

Randy Kramer
Chairperson

cc: Ron Shelito, BWSR
David Weirens, BWSR
Jason Weinerman, BWSR
Becky Balt, MDA
John Wells, MN EQB
Art Persons, MDH

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Minnesota Board of Water & Soil Resources

May 23, 2007

Stearns County Commissioners
c/o Susan McGuire
Stearns County Environmental Services
Administration Center Room 343
705 Courthouse Square
St. Cloud, MN 56303

Dear Stearns County Commissioners,

SUBJECT: OFFICIAL COMMENTS PERTAINING TO THE STATE REVIEW OF THE STEARNS COUNTY PRIORITY CONCERNS SCOPING DOCUMENT

Pursuant to M.S. Section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns that Stearns 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 Stearns County Priority Concerns Scoping Document (PCSD) on February 14, 2007. The Northern Water Planning Committee (hereinafter referred to as Committee) met on April 9, 2007, to discuss the 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 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, but encourages the county to submit the final plan for board approval within (6) months of receiving this letter.

Sincerely,

Randy Kramer
Chairperson
cc: Ron Shelito, BWSR
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OVERVIEW
WARRAOD WATERSHED DISTRICT
OVRALL PLAN UPDATE

In the Fall of 2004 the Warroad Watershed District passed a resolution to update their Long Range Plan. The Plan had not been updated since the Minnesota Water Resources Board prescribed the original plan on September 13, 1965. There had been ongoing discussion with the Warroad WD board for about 3 years prior to them passing this resolution on the necessity to update their plan. It was a major flood event in the city of Warroad in 2002 that got the WWD board thinking about the future of the Watershed District. After many discussions on what the Watershed District's authorities are and how they could be utilized before, during, and after an event such as this, it was decided that there is a need for a more active Watershed District. Hence the development of a long-range plan that has a three-phase implementation plan for the next ten years:

Phase 1. Build internal capabilities and program set up. (Year 1)
Phase 2. Implement baseline programs, initiate inventories and specific plan/program development. (Year 2-3)
Phase 3. Implement baseline programs, specific issue implementation projects/programs. (Year 3 on)

The mission of the Warroad Watershed District is to: Take a proactive role in managing resources by providing leadership for water management and working in partnership with local, state, and federal partners to focus on water flow management, address issues related to surface water run-off, educate the public, and model good stewardship of the environment.

Summary of the planning process

In the fall of 2004 the WWD contracted with Dan Money of Prairie Aquatics and Jody Horntvedt with the U of M Extension Service to facilitate a planning process that provided for public identification of issues and problem areas within the District as well as prioritizing these issues.

Two public input meetings were held. In January of 2005 federal, state, and local agencies and organizations, and other interested parties where invited as members of a "technical advisory committee" to participate in a discussion identifying problem areas and offering possible solutions. As a result of this meeting the TAC and WWD thought it important to provide the general public an opportunity to hear what had been identified and to offer additional thoughts and considerations. This public input meeting was held in late February 2005 and was well attended. This being a small Watershed District it was felt that these two meetings adequately identified the issues within the District.

In addition to identifying the need to develop better and more active administration of the Warroad Watershed District, the planning process identified urban and rural issues within the District. Rural issues were localized flooding from out of bank flows of the Warroad River leading to erosion and the resulting sediment deposits in the river and Lake of the

Woods. Urban issues where localized flooding from stromwater run off from not only city stromwater management systems but also adjacent agricultural lands.

In March 2006, the WWD distributed a copy of the draft Plan for a 60-day review to those that participated on the citizens and technical advisory committees established for the purposes of this plan revision and to those identified in 103D.405 subd.3.

LOCATION & SIZE

The Warroad Watershed District consists of two distinct areas, described below. One part of the Watershed District lies north of the watershed of the Warroad River. This part of the District includes an approximately 24 square mile portion of Lake Township of Roseau County, and extends from the Warroad River Watershed boundary north to the Canadian border. It is approximately six miles north to south and 4 miles east to west, and lies west of the shoreline of Lake of the Woods.

The other area, the major portion of the District, is the land draining directly to the Warroad River. The area drained by the Warroad river and tributaries lies in the Lake of the Woods Drainage Basin, which in turn is a part of the Hudson Bay Basin. The Watershed District is located in the extreme north central –north western portion of Minnesota, next to the International Boundary with Manitoba, Canada and is mostly in eastern Roseau County and western Lake of the Woods County. The only population center located within the District is the City of Warroad, although the Cities of Roseau and Baudette are within short driving distance.

The District encompasses an area of about 312 square miles (199,680 acres) of which 190 square miles is in the Beltrami Island State Forest. It has a maximum length of 32 miles from north to south and a maximum of 19 miles from east to west.

The District has several distinct areas, relative to management and development. The southern ½ is largely undeveloped (approximately 70% wetlands), and is home to the Beltrami Island State Forest and the Red Lake Indian Reservation. There are also lands designated as "consolidated conservation" lands, and managed by the Minnesota DNR in this area. These areas are largely undeveloped and dedicated to forestry. To the north of this area from the State Forest to the international border, encompassing about 100 square miles is an area of agriculture and mixed commercial – industrial use. About 70 % of this northern area is utilized as ag.

LAND USE / PUBLIC & PRIVATE LAND OWNERSHIP

Approximately 60% of the District is either in the Beltrami Island State Forest, the Red Lake Indian Reservation, or otherwise under the management of the Minnesota DNR as a designated Consolidated Conservation land or Wildlife Management Area. Most of this area is vastly undeveloped, and is managed largely as forest lands.

The remaining 40% of the District, located in the northern regions, is either managed as agriculture, is within the City of Warroad, or is under private or industrial use.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55110

In the Matter of prescribing a Revised Watershed Management Plan for the **Warroad Watershed District** pursuant to Minnesota Statutes Section 103D.405

ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Warroad Watershed District (W WD) filed a proposed Revised Watershed Management Plan (Plan) dated January 24, 2007 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 W WD was established by the Minnesota Water Resources Board on September 20, 1963.

2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). This Plan is the first revision of the original W WD plan written in 1965. The revised Plan identifies the need and has developed responding actions to improve the leadership and management for the business of the Warroad Watershed District. Resource issues identified in the planning process identified rural and urban issues. Rural concerns are flooding and related damages to agricultural land and infrastructure, erosion and related sediment in streams and Lake of the Woods, and unique water/land and related resources. Urban concerns are flooding and related flood damages resulting from storm water runoff as well as high lake levels of Lake of the Woods, and groundwater quality. The Plan contains the District's Mission, Description of the District, Existing conditions, Related potential problems & solution alternatives, Watershed Goals & Strategies, Conflicts between existing programs & Policies of other Organizations, Policies & proposed actions of the District, and a Summary statement of District Policy & Commitment.
   The recently adopted mission statement of the W WD is to:
   "Take a proactive role in managing resources by providing leadership for water management and working in partnership with local, state, and federal partners to focus on water flow management, address issues related to surface water run-off, educate the public, and model good stewardship of the environment."

3. **Nature of the Watershed.** The Warroad Watershed District consists of two distinct areas. One part of the Watershed District lies north of the watershed of the Warroad River. This part of the District includes an approximately 24 square mile portion of Lake Township of Roseau County, and extends from the Warroad River Watershed boundary north to the

Canadian border. It is approximately six miles north to south and 4 miles east to west, and lies west of the shoreline of Lake of the Woods.
The other area, the major portion of the District, is the land draining directly to the Warroad River. The area drained by the Warroad river and tributaries lies in the Lake of the Woods Drainage Basin, which in turn is a part of the Hudson Bay Basin. The Watershed District is located in the extreme north central –northwestern portion of Minnesota, next to the International Boundary with Manitoba, Canada and is mostly in eastern Roseau County and western Lake of the Woods County. The only population center located within the District is the City of Warroad, although the Cities of Roseau and Baudette are within short driving distance.
The District encompasses an area of about 312 square miles (199,680 acres) of which 190 square miles is in the Beltrami Island State Forest. It has a maximum length of 32 miles from north to south and a maximum of 19 miles from east to west.
The District has several distinct areas, relative to management and development. The southern ½ is largely undeveloped (approximately 70% wetlands), and is home to the Beltrami Island State Forest and the Red Lake Indian Reservation. There are also lands designated as "consolidated conservation" lands, and managed by the Minnesota DNR in this area. These areas are largely undeveloped and dedicated to forestry. To the north of this area from the State Forest to the international border, encompassing about 100 square miles is an area of agriculture and mixed commercial – industrial use. About 70 % of this northern area is utilized as agricultural land.
There is one major city within the District, the City of Warroad. One major manufacturing company is located there, Marvin Windows. Tourism on Lake of the Woods is a major attraction for both summer and winter activities. On the outskirts of Warroad are many resorts and one major subdivision, Warroad Estates. The City and subdivision, shoreland areas of Lake of the Woods, Beltrami Island State Forest, and agricultural areas all present different challenges to water management.

4. **Local Review.** On March 31 2006, the W WD distributed a copy of the draft Plan for a 60-day review to those that participated on the citizens and technical advisory committees established for the purposes of this plan revision and to those identified in Minnesota Statutes Section 103D.405, subd.3.

5. **Department of Natural Resources Review**. No review comments where received. However the Divisions of Fisheries, Wildlife, Forestry, and Waters actively participated in the planning process. In response to the "Published Notice of Filing" the DNR did submit a letter dated March 1, 2007 stating, " The Department of Natural Resources (DNR) has been involved with the planning and review of this plan. The Department has no further comments at this time and approves the plan without further revisions."

6. **Pollution Control Agency Review.** Provided general comments on the need to include a discussion on "TMDL's" even though at present there are no identified impaired waters in the District. They did mention with additional monitoring there is some speculation that Lake of the Woods maybe placed on the impaired waters list due to eutrophication. They also identified concerns of septic system issues in the vicinity of the shores of Lake of the Woods.

7. **Roseau County Review.** Provided grammatical corrections only.

8. **Board Review.** Board staff from the regional office in Bemidji met early in the process with the W WD board and it's consultants to have a discussion on the planning process and provided plan format recommendations and guidance. Board staff participated with and assisted the W WD and its consultants throughout the plan revision process by attending task force meetings and one-on-one meetings. Board staff also provided periodic review and comment of draft materials during the planning process. In a letter dated May 23, 2006, Board staff provided its written comments, which offered a number of editorial suggestions,

needed clarifications, omissions, and recommended additions. The most significant suggestion was to arrange the implementation strategies in a "phased" manner that: 1) builds a local program 2) conduct inventories and studies on identified problems and related issues 3) implement projects and programs to address the results of the inventories and studies.

9. **Highlights of the Plan.** Critical elements in the Plan include:
   a. Input from citizens and local and state agency partners in bringing forth issues and concerns of the watershed,
   b. Participation from citizens and local and state agency partners on the task force committees to prioritize issues and concerns and provide input in the development of the Plan,
   c. Development of goals, objectives and policy guidelines that provide a framework for the W WD to base their decisions on,
   d. An implementation section of the Plan that contains specific actions to address four main goals of the W WD:

      Goal A) Provide leadership and management for the business of the Watershed District

      Goal B) Provide information and education to the public

      Goal C) Promote good stewardship of the environment

      Goal D) Partner with local, state, and federal entities

      Goal E) Focus on water flow management and water quality

10. **Publish Notice of Filing.** Legal Notice of Filing was published in the Warroad Pioneer on February 21, 2007. The Legal Notice of Filing was also mailed in a letter from Board staff Jim Haertel dated February 20, 2007 to several addressees including the affected county boards, county auditors, county water planners, cities, Soil and Water Conservation Districts, and the Department of Natural Resources Commissioner and Director of the Division of Waters.

11. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minnesota Statutes Sections 103D.105, Subd. 2 and 103D.405, Subd. 5, which require within 30 days of the last date of publication of the Notice of Filing of the Plan that at least one request for hearing be received by the Board before a hearing will be held. No requests for hearing and no comments were received during the specified period of time and no hearing was held.

12. **Northern Water Planning Committee Meeting.** On May 9, 2007 the Board's Northern Water Planning Committee and staff met with representatives from the W WD in Brainerd to review and discuss the Plan. Those in attendance from the Board's Committee were, Quentin Fairbanks, Kay Cook, Paul Brutlag, Gene Tiedemann, and Brian Napstad. Board staff in attendance was northern region supervisor Ron Shelito and board conservationist Brian Dwight. Representatives from the W WD were manager Keith Landin, and planning consultant Dan Money. Board staff recommended approval of the Plan with the recommendation that the

W WD report back to the Board in two years on the progress they have made on Goal A: Provide Leadership and Management for the Business of the Watershed District. After discussion, the subcommittee unanimously voted to recommend approval of the Warroad Watershed District 2007 – 2016 Overall Plan to the full Board with the following conditions: 1) That the W WD provides a copy of the revised W WD long range Plan to the International Joint Commission (IJC); 2) That they meet with the Northern Water Planning Committee in two years to report on the progress they have made on Goal A.

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 Warroad Watershed District pursuant to Minnesota Statutes Section 103D.405.

3. The Warroad Watershed District 2007 – 2016 Overall Plan attached to this Order defines water-related problems within the W WD boundaries, possible solutions thereto, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Section 103D, BWSR guidelines for Watershed District Plan content, and is consistent with the affected counties comprehensive water plans.

ORDER

The Board hereby prescribes the attached Plan as the 2007 – 2016 Overall Plan for the Warroad Watershed District.

Dated at Saint Paul, Minnesota this 23rd day of May, 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Wetland Committee met

NEW BUSINESS

1. Sale of Wetland Mitigation Credits to Public Transportation Authorities – Dave Weirens – ***DECISION ITEM***

2. Plan for Soliciting Wetland Restoration Projects for the Local Road Wetland Replacement Program - Dave Weirens – ***DECISION ITEM***

3. Wetland Mitigation Memorandum of Understanding - Dave Weirens – ***DECISION ITEM***

Resolution # 07-47

Sale of Wetland Credits to Public Transportation Authorities
May 23, 2007

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 adopted a policy on the cost of credits that has been in effect since July 1, 2005;

WHEREAS, since BWSR has been authorized to sell wetland credits to public transportation authorities, only public road authorities have purchased wetland credits;

WHEREAS, public airport authorities have recently inquired about the authority of BWSR to sell them wetland credits, prompting staff to seek direction from the Wetland Committee;

WHEREAS, the Wetland Committee reviewed this issue on April 24, 2007 and is recommending that the BWSR Board adopt the following policy regarding the sale of wetland credits to public transportation authorities:

1. Establish an interim policy on the sale of wetland credits to public transportation authorities that would limit the sale of wetland credits only to public road authorities, which has been the past practice; and
2. Ask the Legislature to clarify the intent of the law in 2008 with regards to which public transportation authorities are eligible to purchase wetland credits from the BWSR.

NOW THEREFORE BE IT RESOLVED, that the BWSR adopt the recommendation of the Wetland Committee.

R J Kramer — 5/23/07

Randy Kramer, Chair — Date

Resolution # 07-48

Plan for Soliciting Wetland Restoration Projects
for the
Local Road Wetland Replacement Program
May 23, 2007

WHEREAS, BWSR is directed pursuant to 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, 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 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, the Wetland Committee reviewed the Plan for Soliciting Wetland Restoration Projects for the Local Road Wetland Replacement Program on April 24, 2007. The Committee is recommending that the BWSR Board authorize soliciting for wetland credits and wetland banking projects for the BWSR and MN/DOT Cooperative Wetland Mitigation Program, as follows:

1. Solicit private bank account holders in Bank Service Area 5 to purchase credits that have been certified and deposited into the Wetland Bank;
2. Solicit local governments and landowners for wetland banking projects under the Easement Agreement and Easement and Development Agreement options;
3. Projects meeting the following criteria will receive priority consideration:
   (A) located in major watersheds 22, 24, and 25;
   (B) located in Bank Service Areas 1, 2, 3, 4, 5, and 7;
   (C) located in the seven county metropolitan area; and
   (D) that maximize the restoration of wetland types 1, 2, 6, 7, and 8;
4. All project submissions and applications will be made to BWSR on the basis of bids;
5. Staff will prioritize potential projects based on program criteria that include location, price, wetland type and quality; and
6. the Wetland Committee will provide oversight to the process.

NOW THEREFORE BE IT RESOLVED, that the BWSR adopt the recommendations of the Wetland Committee.

Randy Kramer, Chair

5/23/07
Date

2007 Wetland Banking Request For Proposal

Deadline: July 31, 2007

Draft
May10, 2007

The Minnesota Board of Water and Soil Resources again will be accepting wetland-banking proposals to supply the Cooperative Wetland Replacement Program with credits for road mitigation. The application period will run from June 1 to July 31, 2007. Those interested in submitting an application are encouraged to work with their Wetland Conservation Act Local Governmental Unit (LGU) and Soil and Water Conservation District (SWCD) staff to compile the necessary information required for a complete application.

Program Options

During this solicitation wetland banking *Easement Agreements* and *Easement and Development Agreements* will be accepted statewide. Both options require a BWSR-approved, perpetual conservation easement and compliance with both BWSR and ACOE mitigation banking requirements as written at the time of application. Option #2 proposals will need to include performance criteria, to be provided by BWSR (measurable attributes that can be used to judge whether project objectives have been met) for hydrology, native vegetation establishment, invasive species control and monitoring.

Option #1 *- Easement Agreement* – Under this program option, the fee title owner submits a bid, on a per acre basis, for an easement on the proposed wetland project area. The fee title owner is compensated for the easement at the agreed easement bid price. After the banking easement is recorded on the property deed and the landowner receives their easement payment, the State, through the Board of Water and Soil Resources, designs and implements the bank plan at the state's expense.

Option #2 *– Easement and Development Agreement* – Under this program option, the fee title owner submits a bid for an easement covering the land holding the deposited wetland credits and development costs associated with the proposed wetland project. This bid must include all costs associated with establishing the projected wetland credits and maintaining them in perpetuity. After the banking easement is recorded on the property deed, the State, through the Board of Water and Soil Resources, issues the first payment per the agreement. **Special Note**: Purchase agreement proposals are eligible during this solicitation only for wetland banking projects where an easement has <u>not</u> yet been recorded. In other words, considerable planning and implementation work could already be done but the banking easement is not recorded. Projects in this scenario are eligible to apply under this announcement and if you are in doubt ask either your local LGU or BWSR staff for an interpretation.

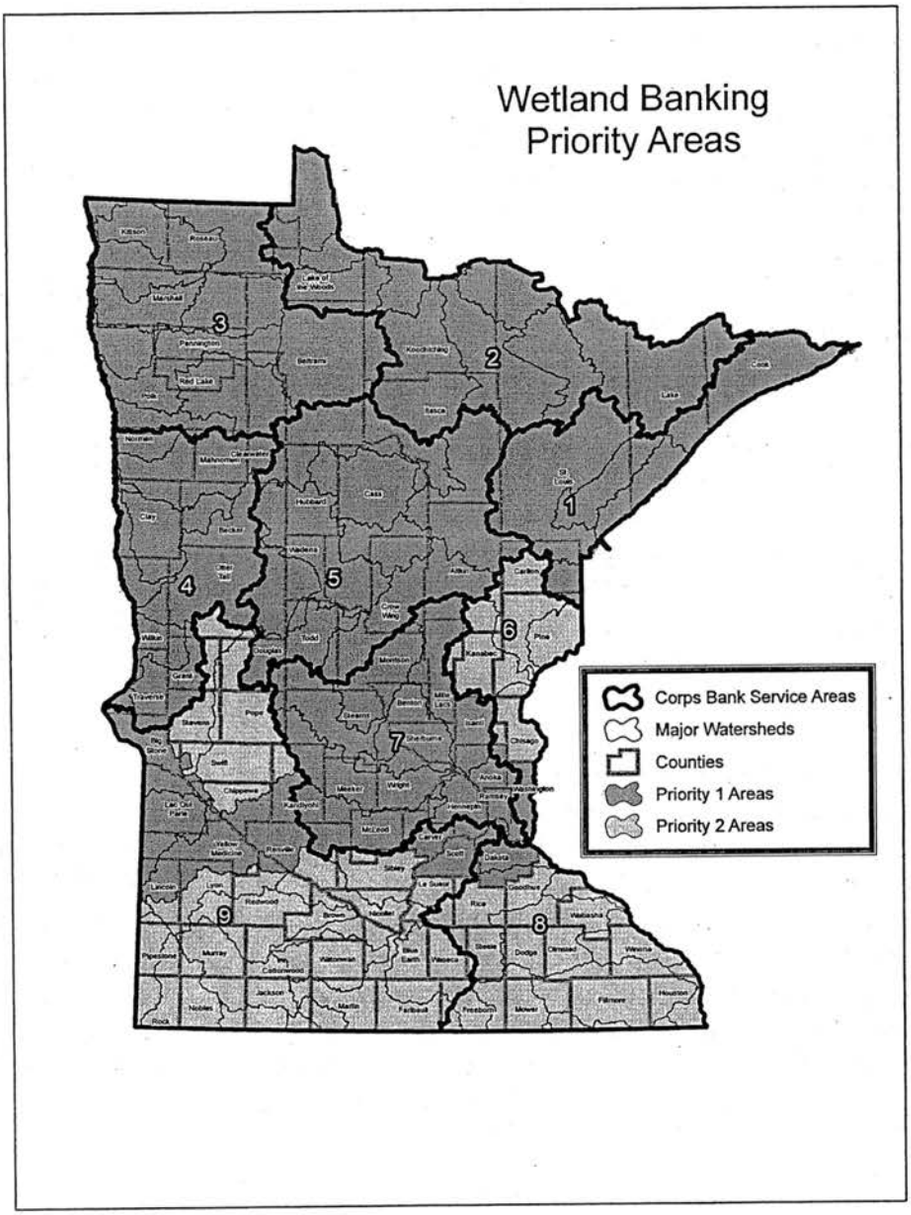
Screening Process – Location, Wetland Type and Value Determinations

All applications received by July 31, 2007 will be reviewed by the Minnesota Interagency Banking Team and ranked by BWSR staff using wetland type and location.

- Wetland type screening will be accomplished by prioritizing applications that maximize the restoration of wetland types 1, 2, 6, 7, and 8.

- Location screening will be accomplished by matching the location of proposals with targeted areas of the state, as identified below in Figure 1.
  - Projects located in watershed unit codes 22, 24, and 25.
  - Projects located in COE Bank Service Areas 1, 2, 3, 4, 5 and 7.
  - Projects located in the seven county metropolitan area.

Figure 1



How to Apply

Application Materials: Direct all questions regarding the application process toward the BWSR Wetland Specialist contact listed below in Figure 2.

All applications must be submitted to the appropriate BWSR Wetland Specialist by July 31st, 2007 to be considered. Application materials must include:

- A signed, complete Part A of the Wetland Banking Application form found at http://www.bwsr.state.mn.us/wetlands/wcamanual/bankapp_A.doc. Note: A topographic survey is not required.
- An estimate of the acres and types of credits to be realized by the proposed project.
- Evidence of land ownership or a signed option to purchase for the subject property. Both the seller and buyer must sign this document.
- Completed road program bid form.

Please Note: The BWSR Board retains the right to reject any and all bids at their sole discretion.

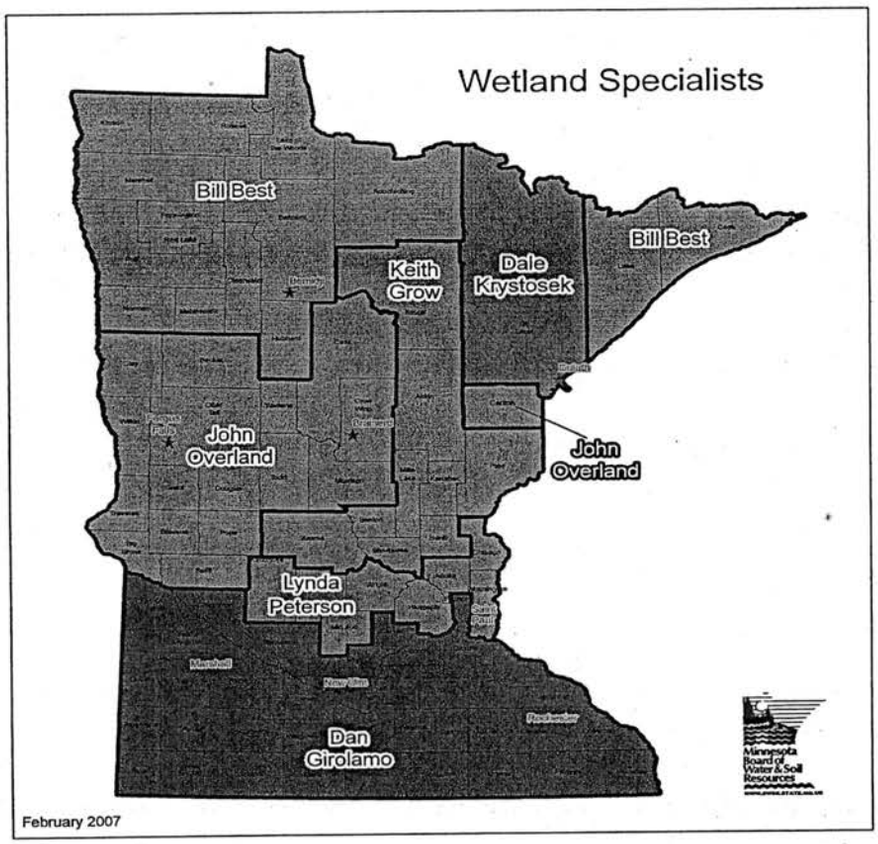
Completing the Bid Form: The bid form, to be considered complete, must include the required applicant information, bid price for the selected option and signatures from both the landowner and LGU.

Easement Agreement – Under this option the applicant only determines the land easement bid price and completes only that specific line on the bid form (See Figure 3.)

Easement and Development Agreement – Under this option the applicant must determine a comprehensive wetland credit bid price that includes all project components listed on the bid form (See Figure 3.) To better understand the potential costs and expectations of the wetland banking process, refer to both Parts A&B, including the appendices, of the BWSR Bank Application. Parts A and B can be found at http://www.bwsr.state.mn.us/wetlands/wcamanual/bankapp_A.pdf and . http://www.bwsr.state.mn.us/wetlands/wcamanual/bankapp_B.pdf respectively.

[Advanced Notice: BWSR will again be soliciting 2008 application from June 1, 2008 thru July 31, 2008.]

Figure 2



Wetland Specialists			
Bill Best – NW	(218) 333 - 8026	John Overland - West Central	(218) 825 – 6807
Dale Krystosek	(218) 333 - 8029	Keith Grow - East Central	(218) 828 - 6035
		Lynda Peterson – Metro	(612) 201 - 9806
		Dan Girolamo – South	(651) 215 - 1703

Central Office: • 520 Lafayette Road North • Saint Paul, MN 55155 • Phone: (651) 296-3767 • Fax: (651) 297-5615
WWW.BWSR.STATE.MN.US

US Army Corps of Engineers
St. Paul District

Wetland Mitigation Guidelines
For the State of Minnesota

Minnesota Board of Water & Soil Resources

Introduction.

The Minnesota Board of Water and Soil Resources (BWSR) and the U.S. Army Corps of Engineers (COE), St. Paul District have been leading discussions for the past two years on streamlining wetland compensatory mitigation requirements under the Minnesota Wetland Conservation Act and Section 404 of the Clean Water Act. The purpose of this effort is to increase state and federal regulatory consistency with the resulting programmatic and natural resource benefits.

These guidelines between BWSR and COE represent the programmatic changes that will be pursued to implement the Wetland Mitigation Guidelines. Each agency will make a good faith effort to implement these guidelines, but strict adherence to these guidelines is beyond the authority of the agencies to guarantee.

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1. ***ISSUE*** – Use of preservation as a wetland mitigation option.

GUIDELINES BETWEEN BWSR AND COE:

- Wetland to be preserved must be under demonstrable threat. Demonstrable threat is defined as follows: A proposed activity or potential activity(-ies) that would degrade or destroy wetland functions that are important to the watershed. Examples that document demonstrable threat include an approved development plat, approved building permit, zoning change or USDA authorization to fill/drain a non-jurisdictional wetland. Important functions can be determined by a functional assessment (e.g. MnRAM 3.0)
- Replacement credit is awarded at minimum 8:1 ratio or 12.5% (1 acre replacement credit for every 8 acres preserved)
- Preservation should be the last priority for compensatory mitigation
- Preservation may be considered for replacement credit statewide

2. ***ISSUE*** – Mitigation credit for stream restoration

GUIDELINES BETWEEN BWSR AND COE:

- Stream restoration projects confined to the channel (the area between the ordinary high water marks on each bank) should not be used as wetland mitigation. Stream restoration projects that include restoration of adjacent riparian wetlands are eligible to receive credit for the area of wetlands restored, enhanced, or created as part of the stream restoration project.

3. *ISSUE* – In-Lieu Fee (ILF) Mitigation

GUIDELINES BETWEEN BWSR AND COE:

- BWSR and the Corps do not support allowing in lieu fee mitigation to be used as a standard wetland mitigation option under the regulatory programs. However, discussions will continue between the Corps and BWSR regarding special circumstances where in lieu fee mitigation may be appropriate, such as for large impacts and enforcement penalties or after the fact compensatory mitigation.

4. *ISSUE* – Definition of In-kind, In-place and In-advance for wetland mitigation

A. GUIDELINES BETWEEN BWSR AND COE – IN-KIND:

- BWSR and the Corps support using the "Wetland Plant Community Types" by S. Eggers and D. Reed that will establish 12 wetland types for purposes of determining in-kind wetland mitigation. This will require establishing guidelines on how to translate these wetland types with those currently recognized in the WCA rule. (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 Type 6: Shrub swamp
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.

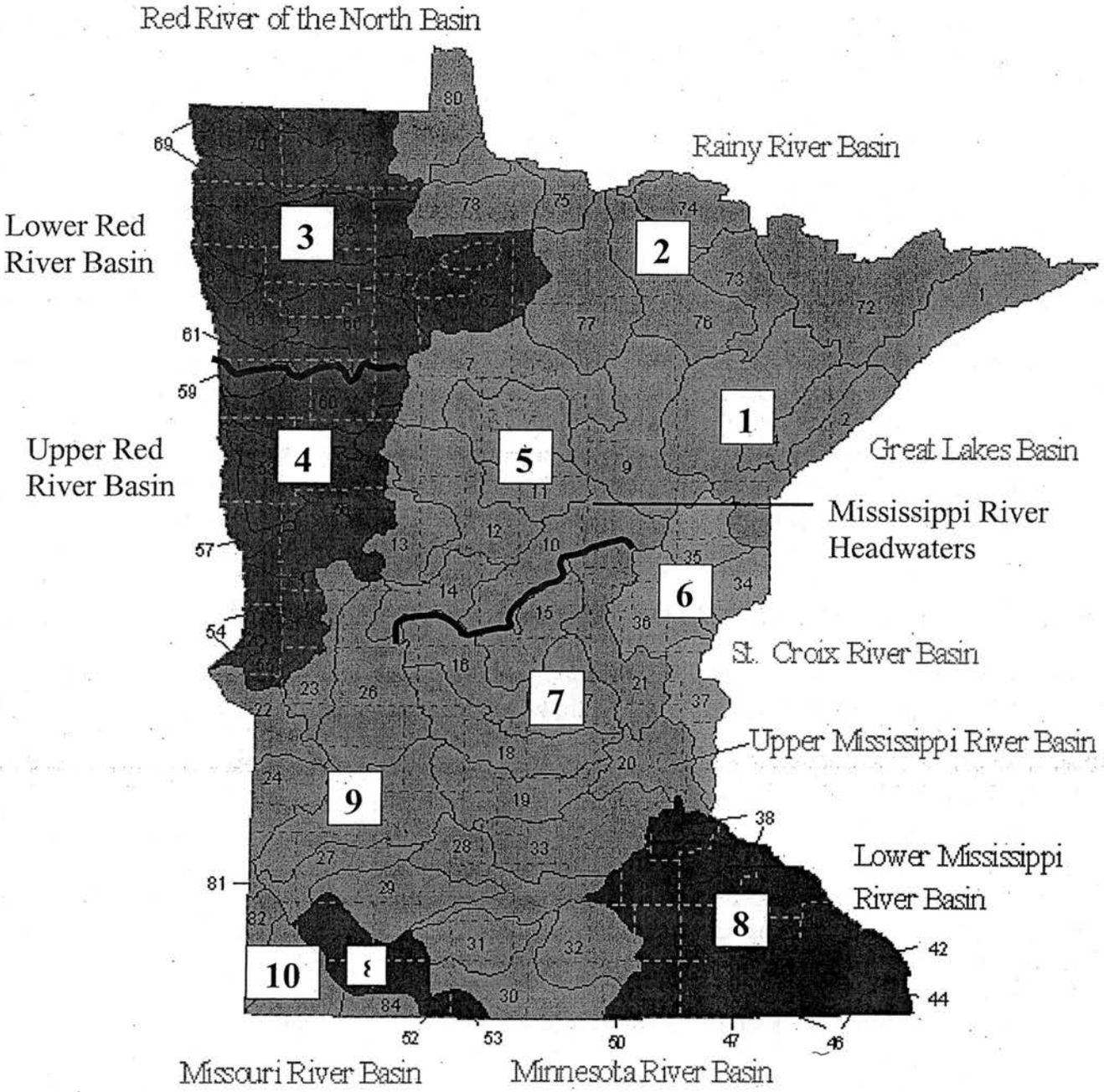
B. GUIDELINES BETWEEN BWSR AND COE – IN-ADVANCE:

- BWSR and the Corps support defining in-advance as: (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 stage of the compensation site.

C. GUIDELINES BETWEEN BWSR AND COE – IN-PLACE:

- In-place means the mitigation occurs within the same major watershed (one of 81 in Minnesota) as the permitted activity or, if debits are withdrawn from a bank site, in the same bank service area as that where the permitted impact occurred. (See map below)
- Replacement for impacts in Bank Service Area 10 can be accomplished in Bank Service Area 9 or the Des Moines River Basin in Bank Service Area 8 with no increase in the replacement ratio.
- Replacement for impacts in Bank Service Area 1 can be accomplished in Bank Service Area 2 with no increase in the replacement ratio.
- A seven-county metropolitan area bank service area may be established in the future to acknowledge land value disparities that are not accounted for under a watershed approach.
- Comprehensive inventories of replacement opportunities may be used to establish special replacement siting criteria.

MAJOR BASINS AND WATERSHEDS OF MINNESOTA



5. *ISSUE* - Options for Mitigation Credit

GUIDELINES BETWEEN BWSR AND COE:

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 / WPP(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	Based on a percentage of wetland hydrology restored Variable credit is determined by the TEP and/or Corps based on professional judgment, using a functional analysis as a foundation.	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)	50% or 100% of total wetland area restored, depending on a sliding scale that measured the degree that wetland functions were increased
	Cropped wetlands where hydrology is still intact (i.e., no ditches, tiles, etc.)	Vegetation	Based on percentage of wetland area restored and cropping history (% of years). Variable credit is determined by the TEP and/or Corps based on professional judgment, using a functional analysis as a foundation.	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)	33% credit; considered more vegetative enhancement as opposed to restoration

	Affected Wetland	Replacement Method	Proposed	Current Amount of Credit (x:1 = x acres of treatment to get 1 acre of credit) WCA / WPP(DNR)	Section 404
	Wetlands previously restored via conservation easements	Extending restoration	Up to 75% depending on cropping history prior to enrollment in easement program. Excludes any remnant wetland area that existed prior to restoration.	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
Enhancement	Wetlands dominated by invasive or exotic species	Establish native, non-invasive vegetation	33% credit baseline if escrow account is established to ensure vegetative management plan is implemented for a period of ten years. Credit is determined by TEP and/or Corps based on professional judgment, using Floristic Quality Assessment as a foundation, degree of invasives, and establishment of escrow account to fund maintenance for a period of ten years.	PVC: 25% of total area vegetatively restored (MR 8420.0541 Subp. 8)	33% credit
	Upland buffer areas	Establish native, non-invasive, permanent vegetation	Required minimum upland buffer width of 50 ft. 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.

	Affected Wetland	Replacement Method	Proposed	Current Amount of Credit (x:1 = x acres of treatment to get 1 acre of credit)	
				WCA / WPP(DNR)	Section 404
Preservation	Wetlands under demonstrable threat and providing important functions	Preservation	12.5% credit baseline for wetland area preserved, wetland must be under demonstrable threat and providing important functions based on professional judgment, using a functional analysis as a foundation	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	Baseline is 50% to 100% of wetland area created depending on risk of failure and connection (or lack of) to other wetlands and upland habitats. See 404 column at right.	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)	50% credit if isolated from other habitats and/or has a higher risk of failure; 100% credit if has low risk of failure (adequate hydrology data to predict successful hydrology) and connected to other wetlands and upland buffers

	Affected Wetland	Replacement Method		Current Amount of Credit (x:1 = x acres of treatment to get 1 acre of credit)	
			Proposed	WCA / WPP(DNR)	Section 404
	Water quality treatment areas in non-wetlands	Creation	No credit for single or primary cells; up to 50% credit for secondary or tertiary cells based on professional judgment, using a functional analysis as a foundation 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 primary stormwater/water quality cells. 50% credit for second or third cells if designed for saturated soils to 3-foot 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 stormwater management 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 March 14, 2007).
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 their presettlement wetland acreage remaining (see MR 8420.0545).

6. *ISSUE* – Mitigation Ratios

Proposed WCA/Section 404 Mitigation Ratios

Impact Location	Replacement Location (in-place)	Type of Replacement Wetland (in-type)	Replacement Process (in-time)	Minimum Replacement Ratio Proposed WCA/ Section 404 (see notes)
> 80% area (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 (and non-agricultural land – WCA)	In-Place	Same type as impact wetland	In advance	2:1
			Not in advance	2.25:1
		Different type	In advance	2.25:1
			Not in advance	2.5:1
	Not In-Place	Same type as impact wetland	In advance	2.25:1
			Not in advance	2.5:1
		Different type	In advance	2.5:1
			Not in advance	2.5:1

Note: Ratio guidelines for Section 404 only pertain to < or > 80% areas (not related to agricultural areas). Existing U.S. Army Corps of Engineers Section 404 regulations regarding agricultural areas are unchanged by this MOU.

Unresolved Issues:

1. *ISSUE* – Agency participation in developing local wetland plans

GUIDELINES BETWEEN BWSR AND COE:

- BWSR and the Corps will continue to explore and work on methods to ensure that locally generated wetland plans can be accepted by all state and federal regulatory agencies.

US Army Corps of Engineers
St. Paul District

INTERAGENCY MEMORANDUM OF UNDERSTANDING

WETLAND MITIGATION GUIDELINES

Minnesota Board of Water & Soil Resources

This Memorandum of Understanding (MOU) is made and entered into by the Minnesota Board of Water and Soil Resources and the U.S. Army Corps of Engineers.

WHEREAS, the Minnesota Board of Water and Soil Resources has state oversight responsibilities for the Wetland Conservation Act and the rules through which it is implemented (Minnesota Rules Chapter 8420);

WHEREAS, the U.S. Army Corps of Engineers administers Section 404 of the Clean Water Act, which regulates the discharge of dredged or fill material into waters of the United States. Under Section 10 of the Rivers and Harbors Act, the Corps also regulates any work done below the ordinary high water mark of traditionally navigable waters;

WHEREAS, these State and Federal authorities regulate impacts to wetlands/waters and require that unavoidable impacts be offset through compensatory mitigation;

WHEREAS, increased efficiency and effectiveness in program administration, reduced cost to the governments that administer these programs, and reduced cost for the regulated public can be gained through increased consistency between and among these State and Federal agencies;

WHEREAS, the discussions over how to reconcile programmatic differences have led to proposals to increase state and federal program consistency in the following areas:

- Criteria for the use of preservation as a wetland mitigation option;
- Mitigation credit for stream restoration;
- In lieu fee mitigation;
- Definition of in kind, in place, and in advance for wetland mitigation;
- Options for mitigation credit, including credit for water quality treatment areas; and
- Mitigation ratios.

THEREFORE, the undersigned agencies concur that it is in the public interest to implement changes to bring their programs into conformance with the wetland mitigation requirements that are contained within the "Wetland Mitigation Guidelines" and hereby incorporated into this MOU.

GENERAL.

1. The policies and procedures contained within this MOU does not create any rights or obligations, either substantive or procedural, enforceable by any party or any third party. Deviation or variance from the wetland mitigation guidance included in this MOU will not constitute a defense for violators or others concerned with any State or Federal action.

2. Nothing in this MOU is intended to diminish, modify, or otherwise affect statutory or regulatory authorities of any signatory agencies. All formal guidance interpreting this MOU and background materials upon which this MOU is based will be issued after consultation with the signatory agencies.

3. All responsibilities identified in this MOU are subject and dependent on the availability of sufficient funds appropriated and allocated for that purpose.

4. This MOU will take effect on the date of the last signature below and will continue in effect until modified or revoked by the signatory agencies.

5. This MOU is based on the state and federal authorities as they exist on the date of signature. Subsequent changes to these authorities are not binding on the parties to this MOU.

Randy Kramer	Date	Colonel Michael Pfenning	Date
Chair		District Engineer and Commander	
Minnesota Board of Water and Soil Resources		St. Paul District	
		U.S. Army Corps of Engineers	

Attachment: Wetland Mitigation Guidelines

BWSR Board Legislative Update *- May 23, 2007*

Budget Items (spreadsheet at end of document)

Agency Operations - $4,224,000 in the first year and 4,329,000 in the second year of the biennium. The conference report is the same as the agency request and Governor's recommendation. Rider includes $50,000 each year for rent increases and a 3.0% inflationary adjustment.

Natural Resources Block Grant - $4,102,000 in each year of the biennium. The conference report is the same as the agency request and Governor's recommendation. The rider language includes historical penalty and local match requirements.

SWCD Services - $3,566,000 in each year of the biennium. The conference report is same as the agency request and Governor's recommendation. The appropriation funds general services at $2,161,000/year, non-point engineering assistance $1,060,000/year, and RIM services $345,000/year. Rider language changes that are new include:

- Districts must request grants
- Any district requesting a grant must create and publish a web-page that publishes, at a minimum, its annual plan, annual report, annual audit, annual budget, membership dues, meeting notices, and minutes.

SWCD Cost-share Program - $3,285,000 in each year of the biennium. The conference report is the same as the agency request and Governor's recommendation. Rider language changes that are new or different include:

- Historical feedlot water quality grant rider for $1,500,000/year deleted. (This amount is restored in the Clean Water Legacy appropriation with new conditions, see Clean Water Legacy section)
- Creates a new activity, $1,200,000 /year, for grants for cost-sharing contracts to establish and maintain vegetation buffers of restored native prairie and restored prairie of a local ecotype region. (Conference report creates new definitions for prairie and prairie plantings).
- Creates a new activity, $300,000/year, for grants to begin county cooperative weed management programs.
- Requires BWSR to fund, from FY 2007 cost-share rollover the following items:
    - $2,000 to the Faribault SWCD to pay for erosion repair on the Blue Earth River.
    - $40,000 is available for grants to SWCD's for web-site development and reporting.
    - $100,000 in each year of the biennium to BWSR for evaluating and reporting on performance, financial, and activity information of local water management entities as provided for in the new Local Water Management Accountability and Oversight requirements.
- Requires BWSR to:
    - Develop a forestry practice docket

- Develop standards or polices for the following purposes: (1) establishment and maintenance of vegetated buffers of native prairie; (2) establishment of cooperative weed management programs for private natural lands and land enrolled in state or federal conservation programs; and (3) establishment of soil and water conservation and ecological improvement practices on private forest lands.

Red River Basin Commission - $100,000 in each year of the biennium for a grant to the RRBC. The conference report is the same as the agency request and Governor's recommendation.

add: 1.5M targeted to pilot project for watershed implementation

Clean Water Legacy - $14,166,000 one-time appropriation ($7,083,000/year). The conference report is $3,266,000 more than the agency request and Governor's recommendation. The appropriation will fund the following activities

- $3,316,000 one-time for targeted nonpoint restoration cost-share and incentive payments. Of this amount $100,000/year is for agency implementation and $250,000/year must be contracted with the Minnesota Conservation Corps.
- $3,000,000 one-time is for targeted nonpoint restoration and protection technical, compliance, and engineering assistance. Of this amount $300,000/year is for agency implementation, and $375,000 in the first year to fund activities related to the NE wetland mitigation strategy.
- $400,000 one-time for reporting and evaluating applied soil and water conservation practices
- $2,450,000 one-time for grants to implement county individual sewage treatment systems. Of this amount counties may request individual grants up to $120,000 in to inventory properties with individual sewage treatment systems that are an imminent threat
- $3,000,000 one-time for feedlot water quality grants for feedlots fewer than 300 animal units where there are impaired waters.
- $1,000,000 one-time for non-point source protection activities related to lake and river protection and management.
- $1,000,000 one-time for grants to address imminent threat and failing individual sewage treatment systems.

MN River Joint Powers Board - $100,000 each year for grants to the MN River Basin Joint Powers Board for operations and to measure and report the results of projects in the 12 major watersheds in the basin.

Study Area II - $140,000/year for a grant for floodplain management including administration of programs. The conference report is $35,000/year more that the agency request and Governor's recommendation.

Wetland Conservation Act Implementation - $1,120,00 the first year and $1,060,00 the second year. This is a change item. The conference report total is the same as the agency request and Governor's recommendation. Funded activities include:

- $500,000/year for BWSR staff to provide adequate oversight and technical assistance.
- $60,000/year to monitor and enforce wetland replacement and wetland bank sites.
- $60,000 in the first year for rulemaking
- $250,000/year for grants to LGU's in the 11 county metro area*.
- $250,000/year to DNR to support enforcement activities

Drainage Assistance - $450,000 in the first year and $ 800,000 in the second year. This is a change item. The conference report is the same as the agency request and Governor's recommendation. Funded activities include:

- $300,000/year for BWSR to staff a drainage assistance team and update the MN Drainage Manual
- $150,000 in the first year to develop guidelines for drainage records preservation and modernization.
- $500,000 in the second year for grants to drainage authorities for cost-share of drainage record modernization.

Fiscal oversight - Provides additional corrective authorities including the ability to reduce, withhold, or redirect grants and other funding if a local water management entity has not corrected deficiencies as prescribed by BWSR within one year from the date of notice

RIM Clean Energy - $700,000 one-time appropriation to provide money for research and to develop a RIM Energy program. This is a new item. This item was not in either the agency request or Governor's recommendation. Funds the following activities:

- $500,000 one-time for grants to support research related to biomass production
- $200,000 one-time to BWSR to develop a RIM Clean Energy program.

Policy Language

WCA (Dave Weirens will provide a more detailed update to Wetland Committee). Short version is:

- Changes to 15.99 (60 day review) requirements
- Ag & drainage exemptions modified - *effective August 1st*
- APO authority given to the agency for violations of WCA & other BWSR statutory programs
- *Changes to the de minimis exemption for 11 County metro
- Changes to sequencing requirements, especially for the greater than 80% counties
- Changes to fees collected by BWSR for appeals and wetland banking
- Grants emergency rulemaking authority to incorporate legislative changes

Local Government Oversight and Accountability

- Adds SWCD supervisors, WD managers, and JPA WMO members to the definition of public official in MS 10A.01, which will require filing of financial interest documents upon election or appointment.

- Adopts findings on the need and importance of having a process to monitor the performance of local water management entities.
- Defines local water management entities as SWCDs, WDs, JPA WMOs, Counties and WCA LGUs.
- Requires BWSR on a regular basis to evaluate performance, financial and activity information for each local water management entity.
- Requires BWSR to post information on our web-site and report to the house and senate committees having jurisdiction over environment and natural resources
- Provides additional corrective authorities including the ability to reduce, withhold, or redirect grants and other funding if a local water management entity has not corrected deficiencies as prescribed by BWSR within one year from the date of notice.
- Allows BWSR to defer decisions on watershed district termination for up to one year to conduct an evaluation and communicate with petitioners and affected local governments.
- Adds expressed authority for WD's and SWCD's regarding the use of credit cards.

Drainage System Buffers – Policy language, which provides a number of clarification and changes in MN Drainage Law designed to enhance and promote the establishment of buffers on public drainage systems.

Reinvest In Minnesota (RIM) Clean Energy Program – Policy language that establishes a RIM Clean Energy program, defines eligible land and nature of property rights acquired and establishes a technical committee to design the program and develop the payment rates. No money was appropriated for actual RIM Energy easements.

Capital Investment (Bonding) – no bill passed after Governor's veto of original bill that included $8M for RIM/WRP.

Dedicated Funding – no vote on Conference Committee report (H. F. No. 2285, see: http://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=ccrhf2285.html&session=ls85)

33 percent of the receipts shall be deposited in the *outdoor heritage fund* and may be spent only to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife;

33 percent of the receipts shall be deposited in the *clean water fund* and may be spent only to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation, and **at least five percent** of the clean water fund must be spent only to *protect drinking water sources*;

14.25 percent of the receipts shall be deposited in the *parks and trails fund* and may be spent only to support parks and trails of regional or statewide significance; and

19.75 percent shall be deposited in the *arts and cultural heritage fund* and may be spent only for arts, arts education, and arts access and to preserve Minnesota's history and cultural heritage.

BWSR FY08/09 BIENNIAL BUDGET As of: 5/4/07

Conference Report

All Numbers -000	FY08	FY09	Total	
NRBG	$4,102	$4,102	$8,204	
General service	3,566	3,566	7,132	
Cost-Share	3,285	3,285	6,570	
RRBC	100	100	200	
Area II	140	140	280	
Administration (detail below)	4,224	4,329	8,553	
Sub Total Base Budget	15,417	15,522	30,939	
Clean Water Legacy (detail below)	14,166	0	14,166	
WCA (detail below)	1,120	1,060	2,180	
Drainage (detail below)	450	800	1,250	
City of Gaylord	0	0	0	
MN River JPB	100	100	200	
RIM Bioengy development	200		200	
RIM Bioenrgy grants	500		500	
Blue Earth SWCD	0		0	
Sub total change items	16,536	1,960	18,496	
Total Budget	$31,953	$17,482	$49,435	
Difference from Agency Request	$6,805	($9,632)	($2,827)	
Difference from Governor	$9,784	($5,246)	$4,538	
Admin Detail				
Base	4,073	4,073	8,146	
Compensation and inflation increase	101	206	307	Equals 3% per year
Rent increase	50	50	100	
	4,224	4,329	8,553	
CWL detail				
Non-point rest	3,316	0	3,316	
Non-point tech	3,000	0	3,000	
Reporting & Evaluation	400	0	400	
ISTS program	2,450	0	2,450	
Non-point lake and river	1,000	0	1,000	
ISTS grants	1,000	0	1,000	
Cost-share feedlots	3,000	0	3,000	
	14,166	0	14,166	
WCA detail				
Financial support increase	0	0	0	
New violation appropriation	250	250	500	11 Country Metro area only
DNR for wetland violations	250	250	500	
BWSR staff: for oversight	500	500	1,000	
BWSR staff: monitoring	60	60	120	
Local Road Wetland Replacement	0	0	0	
Vision and plan (one-time)	60	0	60	Rulemaking
	1,120	1,060	2,180	
Drainage detail				
Guidelines prep (one-time)	150	0	150	
Cost-share for drainage records	0	500	500	
Manual update (one-time)	0	0	0	
Drainage Advisory Team	300	300	600	
	450	800	1,250	

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
2ND FLOOR CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 27, 2007

BOARD MEMBERS PRESENT:
Paul Brutlag, Bob Burandt, Quentin Fairbanks, Larry Kramka, DNR; Randy Kramer, Joe Martin, MDA; Brian Napstad, Ken Robinson, Faye Sleeper, MES; Louise Smallidge, Lisa Thorvig, MPCA; Gene Tiedemann, LuAnn Tolliver, Dan Wilson, MDH

BOARD MEMBERS ABSENT:
Dana Allen, Brian Kletscher and Paul Langseth

STAFF PRESENT:
Mary Jo Anderson, Tim Fredbo, Jon Fure, Jim Haertel, John Jaschke, Al Kean, Kevin Lines, Kristie Mack, Jeremy Maul, Jeff Nielsen, Ron Shelito, Sarma Straumanis, Doug Thomas, Dave Weirens, Brad Wozney, Wayne Zellmer

OTHERS PRESENT:
Kerry Netzke, Area II
Tom Kalahar, Renville SWCD
Wayne Edgerton, DNR

Chair Kramer called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

** 07-51 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Larry Kramka, to adopt the agenda as presented. Motion passed on a voice vote.

** 07-52 **MINUTES OF MAY 23, 2007** – Moved by LuAnn Tolliver, seconded by Bob Burandt, to approve the minutes of May 23, 2007, as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Randy Kramer reported that he received a thank you note from the winners of the State Envirothon at Lake Shetek. They thanked BWSR for their support; the team will go to New York in late July for the Canon National Envirothon competition.

Chair Kramer attended the BWSR field staff meeting in St. Cloud earlier this month. Chair Kramer also attended the Grants Program and Policy Committee meeting, the RIM Reserve Planning Committee meeting, and the Wetlands Committee meeting this month.

Executive Director's Report – John Jaschke reported that he attended the Red River Basin Commission's tour/meeting on June 6-7. John attended Dana Allen's Gar-Lin dairy farm open house on June 9th. John met with Bill Hunt, NRCS, regarding program and training coordination. John attended the MASWCD Area 2 and Area 6 meetings. John met with newly appointed Board Member Ken Robinson, on June 21 in Sauk Rapids. John met separately with DNR Enforcement and also LGUs and legislators from central Minnesota on June 25 to discuss wetland enforcement funding for non-metro LGUs. John attended the MACDE summer meeting on June 26 in Stillwater. John will attend MAWD's summer meeting and tour later this week.

John reported that the LCCMR tour is scheduled for July 11 in Renville County, looking at rock outcrop and CREP easements. John stated that the LCCMR projects and Conservation Plan were featured in a Star Tribune article. John stated that information is provided in Board Members' packets today regarding Congressman Jim Oberstar's Clean Water Restoration Act and Minnesota's perspective and support from multi-agencies. John reported that BWSR's bonding bill requests were submitted on June 25. Project requests include: RIM Reserve Program; Local Government Road Wetland Replacement; RIM Clean

Energy; Clean Water Legacy-Streambank and Lakeshore; and Grass Lake. John has had conversations with the Campaign Finance and Disclosure Board regarding the new requirement for SWCD and Watershed District officials to file statements of Economic Interest. John reported that he met with the new Colonel of the U.S. Army Corps of Engineers, Jon Christensen, replacing Michael Pfenning.

Dispute Resolution Committee – Jim Haertel was pleased to report there are no new appeals since the Board notice was sent; two appeals have been settled.

Wetlands Committee – LuAnn Tolliver reported that Wetlands Committee met on June 11th, with a follow-up meeting held on June 15 via conference call. LuAnn stated that the Wetlands Committee has items to be considered later today on the agenda.

Grants Program and Policy Committee – Louise Smallidge reported that the Grants Program and Policy Committee met on June 11th. The Grants Program and Policy Committee has items to be considered later today on the agenda.

Public Relations, Outreach and Strategic Planning Committee – Brian Napstad reported that the Public Relations, Outreach and Strategic Planning Committee will meet immediately following the Board meeting today. Brian reported that Cliff Tweedale, facilitator, held a meeting with stakeholders on June 6th. Brian reported that Jon Fure is conducting a survey regarding BWSR's website redesign and outreach activities in the future.

Administrative Advisory Committee – Randy Kramer reported that the Administrative Advisory Committee met this morning, issues discussed will be considered later today on the agenda, or information will be provided at upcoming Board meetings. Chair Kramer stated that per diems were discussed, he will provide information to Board members at a future meeting.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Minnehaha Creek Watershed District, Watershed Management Plan – Bob Burandt reported that Metro Water Planning Committee met on June 11th to review the Minnehaha Creek Watershed District Watershed Management Plan, and recommends approval. Moved by Bob Burandt, seconded by LuAnn Tolliver, to accept the recommendation to approve the Minnehaha Creek Watershed District Watershed Management Plan. Discussion followed. Mike

** 07-53

Wyatt, Planner for Minnehaha Creek Watershed District, was introduced and presented information. Motion passed on a voice vote.

Northern Water Planning Committee

Sherburne County Local Water Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee met on June 13th in Brainerd to review the Sherburne County Local Water Management Plan and recommends approval. Quentin reported that this ten-year plan will be reviewed again in five years. Quentin suggested that plans be reviewed on an on-going
** basis to monitor, assess and evaluate progress. Moved by Quentin Fairbanks,
07-54 seconded by Larry Kramka, to approve the Sherburne County Local Water Management Plan. Motion passed on a voice vote.

Southern Water Planning Committee

Cottonwood County Local Water Management Plan Update – Jeff Nielsen reported that the Southern Water Planning Committee met to review the Cottonwood County Local Water Management Plan Update and recommends
** approval. Moved by Dan Wilson, seconded by Louise Smallidge, to approve the
07-55 Cottonwood County Local Water Management Plan. Motion passed on a voice vote.

Murray County Local Water Management Plan Update – Jeff Nielsen reported that the Southern Water Planning Committee met to review the Murray County
** Local Water Management Plan Update and recommends approval. Moved by
07-56 Bob Burandt, seconded by Dan Wilson, to approve the Murray County Local Water Management Plan. Motion passed on a voice vote.

Jeff Nielsen reported that the Southern Water Planning Committee will meet July 19th to review the Jackson County Priority Concerns Scoping Document.

NEW BUSINESS

FY2008 Farm Bill Assistance Project-CREP II Implementation – Kevin Lines presented the FY 2008 Farm Bill implementation funding and grant formula. Staff recommends approval of the funding formula, and requests authorization to
** implement Phase VII for FY2008 . Discussion followed. Moved by Brian
07-57 Napstad, seconded by Quentin Fairbanks, to approve the funding proposal for the FY2008 Farm Bill Assistance Project-CREP II Implementation. Motion passed by a voice vote.

Request to Allow Prescribed Grazing on LCCMR Rock Outcrop Conservation Easements – Chair Kramer stated that this agenda item is for information at this time with a decision anticipated at the August Board meeting. Tim Fredbo explained the request and introduced Tom Kalahar, Renville SWCD; and Joe Stangel, DNR private lands specialist. Tom presented the minimum requirements for prescribed grazing. Discussion followed. Lisa Thorvig commended Tom on the project; she requested that the data be tracked on this effort. John Jaschke suggested a uniform approach for easement and management plans, working with SWCD staff, BWSR staff, BWSR Committee, and Attorney General's office. Chair Kramer thanked Tom Kalahar for his efforts. This will also be on the August Board meeting agenda for decision.

FY08 SWCD Grants – Wayne Zellmer reported that the Grants Program and Policy Committee recommends approval of the annual allocations to SWCDs for Cost-Share and Services Grants as presented. New for FY08 is a Services Grant requirement that SWCDs must request these funds by providing certain SWCD information (SWCD staff and supervisor contact information, SWCD geographical data, financial information, recent activities, and future projects). This information will be assembled into a Minnesota SWCD Guidebook. Wayne explained that another new grant for FY08 is the Web Site Development Grant. Wayne clarified that only SWCDs that do not have a web page would be eligible to receive the approximately $857 grant. MASWCD will receive about $10,000 for development of guidance for SWCDs on required web elements.

** 07-58 Moved by Louise Smallidge, seconded by Gene Tiedemann, to accept the Grants Program and Policy Committee recommendation to approve the FY08 SWCD Grants Allocations. Brian Napstad liked that appropriations are allocated for services rendered. Lisa commended BWSR staff and the Grants Program and Policy Committee for their efforts. Motion passed on a voice vote.

FY08 Natural Resources Block Grant – Wayne Zellmer explained that the FY08 Natural Resources Block Grant (NRBG) provides assistance to local governments to implement state natural resources programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, DNR Shoreland Management, MPCA County Feedlot, and the MPCA SSTS. The Grants Program and Policy Committee recommends Board approval of the FY08 Natural Resources Block Grant Program to authorize staff to enter into grant agreements with counties that meet program requirements according to the

** 07-59 allocations presented. Moved by Louise Smallidge, seconded by Lisa Thorvig, to accept the Grants Program and Policy Committee's recommendation to approve the FY08 Natural Resources Block Grant allocations as presented. Discussion followed. Brian Napstad suggested that a more equitable distribution

of compensation is due for efforts on the WCA allocations. Motion passed on a voice vote.

FY08 Non-Point Engineering Assistance (NPEA) Base Grant – Wayne Zellmer explained that the NPEA Base Grant allocation is a non-competitive annual grant allocated to the eleven SWCD Technical Service Areas (TSA) to be used by each TSA to provide engineering/technical services to help landowners implement erosion control and water quality improvement practices. Wayne reported that the Grants Program and Policy Committee is requesting the authorization of the FY08 NPEA Base Grant Program, and staff to allocate these grants to JPBs meeting program, work plan, and reporting requirements beginning July 1, 2007. Moved by Louise Smallidge, seconded by Brian Napstad, to accept the Grants Program and Policy Committee's recommendation to approve the FY08 Non-Point Engineering Assistance Base Grant allocations. Motion passed on a voice vote.

** 07-60

FY08 Local Water Management Planning Challenge Grants – Dave Weirens distributed a statewide map of the LCCMR Challenge Grant Projects and explained that LCCMR has provided BWSR with $350,000 to implement priority action items in approved local water management plans. Dave presented the FY08 Local Water Management Planning Challenge Grants, and explained the review process and funding recommendations. The Grants Program and Policy Committee recommends that the highest scoring 12 projects be funded, with the twelfth project receiving partial funding. These projects will provide a match of $587,709. Moved by Louise Smallidge, seconded by Ken Robinson, to accept the Grants Program and Policy Committee recommendation to approve the FY08 Local Water Management Planning Challenge Grants. Discussion followed. Motion passed on a voice vote.

** 07-61

Soil Survey Assistance Grants – Wayne Zellmer explained that LCCMR allocated Trust Funds to BWSR to accelerate the completion of soil surveys. $400,000 will be available July 1, 2007. $10,000 ($40,000 total) is proposed to be allocated to Koochiching, North St. Louis, South St. Louis, and Crow Wing SWCDs for excavation work to support the on-going soil surveys for those counties. Greg Larson will be supervising this allocation. Moved by Louise Smallidge, seconded by Bob Burandt, to accept the Grants Program and Policy Committee's recommendation to approve up to $10,000 ($40,000 total) each to Koochiching, North St. Louis, South St. Louis, and Crow Wing SWCDs for backhoe work to support the on-going soil surveys for those counties. Discussion followed. Motion passed on a voice vote.

** 07-62

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

Jeff Nielsen introduced Jeremy Maul, senior wetland specialist. Jeff stated that today is Jeremy's first day at BWSR. Chair Kramer welcomed Jeremy.

Area II Minnesota River Basin Project Inc., FY08 Annual Work Plan – Tabor Hoek, BWSR BC in Marshall, introduced Gary Sorenson, Vice Chair of Area II (Cottonwood County); Kerry Netzke, Area II Coordinator; and Andy Lochner, Chair of Area II (Brown County). Tabor gave a brief overview of Area II. Kerry Netzke presented the Area II FY08 Annual Work Plan, explained projects and gave an update on the Lazarus Creek project. Kerry also presented the FY08 technical office budget. Tabor explained that a 25% local match is required for all state dollars. Staff recommends approval of the plan and execution of the
** administrative grant agreement for FY2008. Moved by Brian Napstad, seconded
07-63 by Quentin Fairbanks, to approve the Area II Minnesota River Basin Project Inc., FY08 Annual Work Plan. Motion passed on a voice vote.

WCA Exempt Rule – Dave Weirens reported that the Wetlands Committee met on June 11, and had a follow-up meeting via conference call on June 15. Dave explained the WCA Exempt Rule and the changes to the Exempt Appeals Rule, the changes to the Exempt Exemption Rule, and the changes to the Exempt Wetland Replacement and Banking Rule. The Wetlands Committee recommends the Wetland Conservation Act (WCA) Proposed Exempt Rule Adoption – Amendments to Minnesota Rule Chapter 8420, and authorizes staff to: (i) notify the Governor's Office; (ii) submit the proposed exempt rule to the Office of Administrative Hearings, and (iii) complete the processes necessary to publish adopted rules in the State Register in order to make the rule effective on
** August 6, 2007. Discussion followed. Moved by LuAnn Tolliver, seconded by
07-64 Paul Brutlag, to accept the Wetlands Committee recommendation to adopt the WCA Exemption Rule Resolution as presented. Motion passed on a voice vote.

RIM Reserve Planning Committee's Progress Report – Kevin Lines distributed a packet of information for Board members to review. John Jaschke asked that Board members review and read the information distributed. This material is for information at this time, with a decision item for the Board expected this fall. Kevin gave a brief overview of the RIM Reserve Planning Committee's progress. The Committee consists of: Paul Brutlag, chair; Dana Allen, Bob Burandt, Paul Langseth, Joe Martin, Kevin Lines, Tim Fredbo, Tabor Hoek, Kristie Mack, and Pete Waller. The Committee has developed a FY09-10

Capital Investment Recommendation. Chair Kramer thanked the RIM Reserve Planning Committee for their efforts. The Committee will meet again in July.

AGENCY REPORTS

Minnesota Extension Service (MES) - Faye Sleeper reported that she has been appointed as co-director (with Jim Anderson) at the U of M Extension Service/Department of Soil, Water and Climate. Faye will attend BWSR meetings as Jim Anderson's alternate. Faye distributed the publication, "Great Lakes Regional Water Program Progress and Impact Report" for information.

Department of Natural Resources (DNR) - Larry Kramka commented on the proposed amendment to the Clean Water Act, redefining the Clean Water Act's jurisdiction. The language is to attempt to define the Clean Water Act, the focus is on 404 permitting. Larry stated that DNR, BWSR, MPCA, MDA, MNDOT, and MDH, are working together on the State's position to be presented to the Governor. Board members can contact Larry or John Jaschke if they have any questions regarding this issue.

Department of Health (MDH) - Dan Wilson gave a brief overview on the statute changes pertaining to water laws, including: 1) Well contractor bonds; 2) statewide plumbing licensure; 3) Health Risk Limits for top ten groundwater contaminants; 4) funding for a study of point-of-use water treatment for perfluorochemicals in drinking water; 5) provision for biomonitoring of environmental contaminants in people; and 6) increased well program fees in FY2009.

Minnesota Pollution Control Agency (MPCA) – Lisa Thorvig reported that MPCA's initial attempts at Pre-TMDL Trading met mixed reactions and reached the docket of the Minnesota Supreme Court in 2006. In a ruling released in May 2007, the court agreed with the MPCA's interpretation of the Clean Water Act and upheld a wastewater treatment facility permit issued to the cities of Annandale and Maple Lake. The court acknowledged that the MPCA made a "reasonable interpretation" of the law by allowing a reduction in phosphorus discharge at one facility to make up for an increase at the proposed Annandale-Maple Lake facility. The ruling provided significant guidance to the MPCA in developing Pre-TMDL Trading. Lisa stated that this draft document is on MPCA's website. If Board members have questions regarding this issue, contact Lisa.

Lisa reported that MPCA is working with BWSR, DNR, and MDA, on two fact sheets: 1) a drainage fact sheet that explains when a permit is needed; and 2) a fact sheet on conservation practice projects – when to get a construction stormwater permit. The fact sheets will clarify questions regarding permits. Lisa reported that she will attend the MAWD tour on Friday.

Chair Kramer stated that the BWSR Committee Schedule is in Board members packet today. The following Committees will meet on July 25: Grants Program and Policy Committee; the RIM Reserve Planning Committee; and the Wetlands Committee.

UPCOMING MEETINGS
Board Tour and Meeting, August 22-23, 2007, Koochiching and Lake of the Woods Counties. Additional information will be sent to Board members in the next few weeks.

John Jaschke stated that Koochiching County and International Falls have wetland issues that will be addressed to some extent prior to the meeting

** 07-65 Moved by Louise Smallidge, seconded by Lisa Thorvig, to adjourn the meeting at 12:45 p.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer
Chair

Dispute Resolution Report
June 15, 2007
by: Jim Haertel

There are presently 26 appeals pending. All of the appeals involve WCA except File 05-24. There have been three new appeals filed since the last report dated May 10, 2007.

File 07-19. This is a new appeal of an exemption decision in Roseau County. The appeal involves the approval of an exemption application for War-Road Estates. No decision has been made on the appeal.

File 07-18. This is a new appeal of a restoration order in St. Louis County. The appeal regards the grading and filling of wetland to construct a road, trails and building sites. No decision has been made on the appeal.

File 07-17. This is a new appeal of a restoration order in Aitkin County. The appeal involves the filling of wetland to construct a road. No decision has been made on the appeal.

File 07-15. This is an appeal of an exemption decision in Carver County. The appeal regards the denial of a wetland exemption application on agricultural land. The appeal has been remanded for a public hearing at the local level.

File 07-14. This is an appeal of an exemption decision in Carver County. The appeal regards the denial of a wetland exemption application on agricultural land. The appeal has been remanded for a public hearing at the local level.

File 07-13. This is an appeal of a replacement plan decision in Benton County. The appeal involves the denial of a replacement plan application that proposed filling 7.8 acres of an approximately 10 acre wetland for commercial development. The appeal has been remanded for a public hearing at the local level.

File 07-11. This is an appeal of an exemption decision in Stearns County. The appeal involves the MinnCan pipeline project. The appeal has been remanded for a public hearing at the local level, however the parties have agreed to settlement terms and the appeal should be withdrawn in the near future.

File 07-9. This is an appeal of an exemption decision in Stearns County. The appeal involves an incidental wetland request that was denied. The appeal has been remanded for a public hearing at the local level.

File 07-7. This is an appeal of a replacement plan decision in Blue Earth County. The appeal regards the approval of a wetland replacement plan involving the realignment of a county road. The appeal has been remanded for a public hearing at the local level, however settlement discussions are taking place.

File 06-43. This is an appeal of a restoration order in Morrison County. The appeal involves the placement of fill in wetland near a lake. The appeal has been placed in abeyance and the restoration order has been stayed pending field review by the Technical Evaluation Panel.

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 06-23. 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 the decision has been appealed to the Court of Appeals.

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 06-12. 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 05-24. 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. After a

hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application.
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. Minnehaha Creek Watershed District, Watershed Management Plan – Bob Burandt – ***DECISION ITEM***

Northern Water Planning Committee

1. Sherburne County Local Water Management Plan – Quentin Fairbanks – ***DECISION ITEM***

Southern Water Planning Committee

1. Cottonwood County Local Water Management Plan Update – Brian Kletscher – ***DECISION ITEM***

2. Murray County Local Water Management Plan Update – Brian Kletscher – ***DECISION ITEM***

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 **Minnehaha Creek Watershed District** pursuant to Minnesota Statues Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Minnehaha Creek Watershed District (MCWD) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **MCWD Establishment.** The Hennepin County Commissioners asked the Minnesota Water Resource Board (MWRB) to form the Minnehaha Creek Watershed District (MCWD) on April 12,1966. The MWRB established the District on March 9, 1967 under the authority of Minnesota Statutes Chapter 103D (formerly Chapter 112), the Watershed Act. In 1972 the District accepted authority over the eight county and judicial ditches located within the watershed. The District's first Water Resources Management Plan was approved in 1969 and its "second generation" Water Resources Management Plan in 1997.

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 Minnehaha Creek Watershed District spans approximately 178 square miles on the western edge of the Twin Cities Area. Most of the watershed - 148 square miles - is in Hennepin County while the remaining 29 square miles are in Carver County. Two distinct hydrologic basins exist within the watershed. The "Upper Watershed" drains through 104 square miles of agricultural land and suburbs west of Minneapolis to Lake Minnetonka. As Minnesota's 10th largest water body, this lake covers an additional 22 square miles before discharging to Minnehaha Creek. The "Lower Watershed" consists of the area east of Lake Minnetonka that is drained by

Minnehaha Creek and extends to the Mississippi River. As the creek winds toward Minnehaha Falls, it accepts runoff from 52 square miles of the lower watershed, including Minneapolis. The "Lower Watershed" is nearly completely developed, with redevelopment expected to occur in the next couple decades.

Local government units within the District include two counties, two townships and 27 cities. Twelve of these cities are located totally within the District. In Hennepin County, the local governments within MCWD include: Deephaven, Edina, Excelsior, Golden Valley, Greenwood, Hopkins, Independence, Long Lake, Maple Plain, Medina, Minneapolis, Minnetonka, Minnetonka Beach, Minnetrista, Mound, Orono, Plymouth, Richfield, St. Bonifacius, St. Louis Park, Shorewood, Spring Park, Tonka Bay, Wayzata, and Woodland. In Carver County, the governmental units include: Chanhassen, Victoria, Laketown Township, and Watertown Township. Two regional park authorities exist within the Minnehaha Creek Watershed District, the Minneapolis Park and Recreation Board and the Three Rivers Park District. There are 65 lakes and numerous miles of stream in the watershed district – Minnehaha Creek itself is 22 miles long. The DNR Public Waters Inventory identifies 104 protected waters and 229 protected waters wetlands.

MCWD is bound by the Pioneer-Sarah Creek WMO to the northwest, on the north by Bassett Creek and Elm Creek WMOs, on the northeast by Mississippi WMO, on the southeast by the Richfield-Bloomington WMO and Lower Minnesota River WD, on the south by Nine Mile Creek and Riley-Purgatory-Bluff Creek WDs, and on the west by the Carver County WMO.

4. **Plan Development and Review.** BWSR and other state agency staff were involved early on in the plan update process, which aided in relatively few, formal comments received from the state review agencies. The draft Comprehensive Watershed Management Plan (Plan) was submitted to BWSR, other state agencies, and local governments for the required 60-day review on September 25, 2007. MCWD received 60-day review comment letters from BWSR, Carver County, DNR, Hennepin County Department of Environmental Services, Met Council, MNDOT, MPCA, and the Cities of Chanhassen, Independence, Medina, Minneapolis, Minnetonka, Minnetrista, Mound, Plymouth, Richfield, St. Louis Park, and Victoria among several other stakeholders. MCWD held public hearings on December 21, 2006, and January 18, 2007. At these public hearings, written and electronic comments also were received from Lake Minnetonka Association, Lyman Properties LLC, Cities of Minnetonka, Minneapolis, and Victoria, Minneapolis Park and Recreation Board, and Steve Mohn. Numerous comments were made during the public hearings, and were discussed by the Managers, but they were not significantly different than those presented during the 60-day comment period. Therefore no substantive changes were incorporated into the draft Plan in response to these comments. On February 16, 2007, all review agencies had received the revised draft Plan for the required 45-day review period. The Managers received comment letters from the BWSR, DNR, Met Council, Minneapolis Park and Recreation Board, City of Minneapolis, and the Builders Association of the Twin Cities. The final draft Plan was submitted to BWSR on April 4, 2007.

5. **Local Review.** The MCWD circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

Carver County commented and MCWD agreed that both parties should discuss refining the watershed boundaries separating the two entities as well as develop a formal agreement regarding project reviews in the areas of concern.

Hennepin County requested that in order to maintain County Board oversight in light of the fact that the District's proposed Capital Improvement Program (CIP) expenditures exceed $80 million over the life of the Plan, that 1) the District submit a revised CIP every two years via the minor amendment process and 2) that the District brief the County Board every year following the revised CIP submittal. Because MCWD will be utilizing the funding mechanism outlined in 103B.241, which only allows for county review and comment of proposed projects, MCWD offered the following as a compromise: For each capital project ordered, MCWD would notify property owners within 600 feet of the proposed project and host at least one public information meeting at a location near the project site, provide a press release and hearing notice to a local newspaper, and mail a printed notice to property owners within 600 feet of the proposed project with time and location of the public hearing and name and contact information of project manager. In addition MCWD agreed to annually submit copies of the proposed 10-year CIP and capital funding proposal to Hennepin and Carver Counties and all cities/townships for review and comment, respond in writing to all comments received and carbon-copying the County Board, and present to either County Board the proposed CIP and discuss any issues raised by county or city staff.

Related comments made by various member cities. The following recurring comments were contained within a majority of the municipal and other stakeholder comment letters during the formal review period and at the public hearings.

MCWD Rules and Standards

Issue: Commenters highlighted concerns about the applicability or ramifications regarding a proposed standard, primarily abstraction requirements or buffer standards.

MCWD Response: The Plan lays out the general goals, the rationale, and information that the MCWD will consider during its rulemaking process. Inherent to the goals related to stormwater rules is the concept that property owners are responsible for the management of stormwater on their land and that the water leaving their site must be in a condition that does not place an undue burden on adjacent property owners or the general public to clean up the water or manage the adverse affects of increased flows. While this concept has generated the most concern from the regulated community, it also received considerable support from other stakeholders. Any recommendations regarding future MCWD rules and revised standards will be addressed through a stakeholder- involved public process in consultation with Local Units of Government, citizens, regulated community, government agencies, and environmental advocates.

TMDL's

Issue: Commenters question MCWD goals identified in Plan and how they relate to state water quality standards for Impaired Waters and TMDL's.

MCWD Response: MCWD does not currently contain any approved TMDL's within its jurisdiction, however, the efforts of the District and delegated responsibilities to Local Government Units are intended to achieve clear and measurable progress towards MCWD goals identified in the Plan. The TMDL Process will be a parallel, but separate, process for Impaired Waters. MCWD has voluntarily undertaken its TMDL and Comprehensive planning with the intent of minimizing expenditures on local entities by initiating the process at a regional level on behalf of our communities. In addition to the first Nine Lakes on the Impaired Waters list, MCWD anticipates the development of future TMDL's for other lakes and streams within the District. The lack of an approved TMDL does not preclude the MCWD Comprehensive Water Resources Management Plan from approval, as the water quality standards established by the State will be observed and discussed with the necessary agencies as more information becomes available.

Load Allocations

Issue: Commenters question how load allocations must be achieved by communities or the allocation of credit for existing Best Management Practices constructed within the City.

MCWD Response: While the MCWD will address a large portion of the load allocation through its regulation and capital projects, cities will also be responsible to reduce a portion of the pollutant loading entering waterbodies located in their communities. Cities will be given credit for capital projects they have installed in the past and programs such as street sweeping that help reduce the pollutant load on a case-by-case basis. Rather than dictate how cities must address their share of the load allocation, the plan lays out a strategy that allows considerable flexibility for LGU's, through Local Surface Water Management Plans, to identify the most cost effective means to address water resources issues. Load allocations were established using the best models and information available, however, as more data is collected or as models are refined, the water quality goals and load allocations may be adjusted.

Project Maintenance

Issue: Commenter questions the cost of maintenance of capital improvements or the role the community must play in the long-term maintenance of capital improvements identified in the Plan.

MCWD Response: Roles and responsibilities of each party involved in a Capital Project are established through a Cooperative Agreement executed prior to project initiation. Establishing roles and responsibilities will inherently vary by project depending on the project partners and, therefore, this is not an appropriate issue to address in the Plan, but rather on a case-by-case basis.

CIP/Project Descriptions

Issue: Commenter questions the cost-effectiveness, the purpose, siting, or compulsory obligation of a community to participate in any given capital improvement identified in the Plan.

MCWD Response: MCWD will conduct a feasibility study-level investigation to determine the most cost effective course of action for each improvement proposed in the CIP. In regards to Infiltration Projects, MCWD has designated projects for specific sub-basins based on loading projections (volume and nutrient). Feasibility Study investigation will allow MCWD to evaluate a host of project alternatives towards completing project objectives. Community participation in MCWD Capital Projects, as always, is voluntary. It is the hope of MCWD that CIP development over time will be an iterative process with local communities. If a community within the District wishes to partner with MCWD on a project not included within the CIP, a petition process can be initiated by the City to update and amend the project to the MCWD Plan.

Land Conservation

Issue: Commenter questions how the land conservation program will be applied within the community and/or whether MCWD will condemn private land for the program.

MCWD Response: The MCWD Land Conservation Program provides voluntary incentives for land conservation for interested landowners in Key Conservation Areas. Through that program, the District acquires land and conservation easements from willing sellers, performs landscape restoration pursuant to the land rights it has acquired, and provides financial and technical assistance to landowners interested in restoring portions of their land. The District does not intend to condemn land for its Land Conservation Program. The Plan also includes numerous capital improvement projects independent of the Land Conservation Program. These are specific projects (typically construction and/or restoration related) in specific places designed to improve an existing problematic condition. When the District needs easement rights for such projects, it will work cooperatively with willing landowners. The District, like other units of government, does have the authority to exercise eminent domain. This is an authority that the District has invoked just a very few times during its 40-year existence. Nevertheless, it is an authority that the District would consider if needed to carry out a project addressing a pressing public water resource issue.

Preliminary Plat

Issue: Commenter has taken issue with the Plan recommendation to require MCWD approval at the time of preliminary platting for new development.

MCWD Response: The intent of this requirement was to reduce developers costs and frustrations by requiring them to meet with District staff to review the concept plans to identify rule requirements and discuss possible BMP's before options narrow and costs escalate. MCWD will insert the change "Require MCWD Staff review of concept plans to identify regulatory requirements, stormwater management alternatives, and critical natural resources to efficiently expedite final review and comment on proposals and how they relate to District ecological integrity goals."

City of Minneapolis provided several comment letters during the formal comment periods. In addition to a number of the related comments listed above, the city believes that since there may be changes needed now and in the future to the Hydrologic,

Hydraulic, and Pollutant Loading Study (HHPLS), that the loading reduction results from the original model should be withdrawn from the Plan. The City also contends that the proposed load reductions were not developed with consideration as to the potential to reduce loads in a completely urbanized setting, and should be removed from the Plan. The City desires both a Diagnostic Study of the Minnehaha Creek Subwatershed and the TMDL implementation plan be completed prior to assigning load reductions. MCWD notes that there are no known changes planned for the model, however, some input parameters may be adjusted. The City believes that MCWD is attempting to involve itself in local land use control via imposing rules. MCWD believes that they have express authority to develop rules and standards. Subsequently, MCWD believes it has the authority to assume the responsibilities of implementing the requirements of the Plan if an LGU fails to adopt and implement said rules and permitting requirements within its Local Water Management Plan.

6. **Metropolitan Council Review.** Met Council offered highly supportive comments of the Plan along with the recommended, continued use of a technical advisory committee and strict enforcement of local water management plan compliance within the dictated timeframe. The Council found the Plan to be consistent with their *2030 Water Resources Management Policy Plan*.

7. **Department of Agriculture Review.** MDA did not provide comments on the MCWD Plan.

8. **Department of Health Review.** MDH did not provide comments on the MCWD Plan.

9. **Department of Natural Resources Review.** The DNR stated that the Plan is extremely comprehensive, well developed, and thorough, but noted several items regarding status of municipal shoreland ordinances, and specific subwatershed recommendations for Christmas Dutch Lake Subwatershed Plans. The DNR affirmed that these concerns were adequately addressed and incorporated into the Plan.

10. **Pollution Control Agency Review.** MPCA offered their support of the Plan, looking forward to partnering on TMDL development/implementation and on reducing the reporting burden for municipalities related to NPDES SWPPPs and MCWD's annual reporting requirements. MPCA also agreed to investigate the possibility of MCWD being delegated SWPPP review and approval responsibilities.

11. **Department of Transportation Review.** DOT requested numerous clarifications and additions on TMDL intentions, stormwater volume control, and wetland function and value assessments and wetland management, and road expansion/maintenance in Key Conservation Areas. The District will address most of these comments during rule writing, of which MNDOT will be invited as a member of the Rule Technical Advisory Committee.

12. **Board Review.** Board comments centered around completing a self assessment, developing a process for incorporating future TMDL implementation plans and other management plans resulting from this Plan, the need to involve the WCA Technical

Evaluation Panel in every phase of wetland assessment and management planning, and more clearly identifying the District's intended CIP funding mechanism. The Board is also aware of lingering stakeholder concerns in the area of rule revisions and hopes that all comments received to date will be retained and considered during rule writing. MCWD intends to utilize 103B.241 to fund its operations, capital projects, and programs. MCWD sufficiently addressed these comments and incorporated the changes into the final draft. A copy of MCWD's proposed administrative/operations budget is attached revealing more than adequate financial/staff resources needed to implement the Plan. Board staff indicated that the Plan meets or exceeds the requirements of MR 8410.

13. **Plan Summary and Highlights.** This is an extremely thorough document (over 1100 pages). The heart of this Plan is the eleven subwatershed plans that detail problems, issues, and structural/non-structural solutions. The District included a brief self-assessment narrative at the end of Section 1.5, part of which is attached. According to MCWD, "The District has invested in a significant planning effort since 2000, completing systematic analyses of all its major hydrologic systems, including surface water quantity and quality modeling (HHLPS); water quality goal setting; stream assessments for Minnehaha Creek and the primary streams of the upper watershed; functions and values assessments of the wetland resources of the District; and a Visioning process to identify options and public preferences for the future management of Minnehaha Creek. In addition, specialized studies on specific water resources have been conducted, including the Painter Creek Feasibility Study, the Stubbs Bay Feasibility Study, and the Gleason Lake Management Plan. Most of these past planning efforts included an extensive public participation process. This Plan integrates these past planning efforts into a long-range Management Plan for the watershed and the eleven subwatershed planning units."

Plan highlights include:

- MCWD completed a systematic and lengthy upfront input planning process with the municipalities and other watershed stakeholders grouped by subwatershed.
- A guiding principle of the Plan is Integrated Resource Management (performance-based approach), which focuses on outcomes rather than process for achieving water quality goals and allows the cities to identify the most cost-effective means to reduce loads.
- The Plan contains individual watershed management plans with specific hydrologic data, water quality goals, and loading allocations by municipality for the 11 sub-watersheds, based on an extensive 2-year modeling effort (HHPLS).
- An extremely aggressive implementation program with proposed expenditures exceeding $80 million over the Plan's 10-year lifespan, with biennial CIP review.
- A lead TMDL role taken on by MCWD for 9 lakes with nutrient impairments.
- Extensive water quality monitoring, educational, and regulatory programs.
- Embarked on an innovative, multi-million dollar Land Conservation Program providing voluntary incentives to conserve and/or restore the District's best remaining natural resources via technical assistance to District stakeholders, targeted conservation easement acquisition from willing sellers, and cost-share funding.
- MCWD is seeking ways to assist the cities in meeting their TMDL, NPDES Phase II MS4, and nondegradation obligations. This collaborative approach is designed to

assist the cities in meeting some of their obligations under the MS4 program, identify areas for collaboration and efficiency, and refine and improve all MS4 SWPPPs.

14. **Metro Water Planning Committee Meeting.** On June 11, 2007, the Board's Metro Water Planning Committee and staff met with representatives from the MCWD in St. Paul to review and discuss the Plan update. Those in attendance from the Board's Committee were Jim Anderson, Robert Burandt, Louise Smallidge, Lisa Thorvig (late arrival), and LuAnn Tolliver. Board staff in attendance were Metro Region Supervisor Steve Woods and Board Conservationist Brad Wozney. The representatives from MCWD were District Administrator Eric Evenson, Planner Mike Wyatt, and Consulting Engineer Mike Panzer (Wenck & Associates). Board staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the Minnehaha Creek Watershed District's Comprehensive Watershed Management Plan to the full Board.

CONCLUSIONS

1. All relevant, substantive and procedural requirements of law and rule have been fulfilled.

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Minnehaha Creek Watershed District pursuant to Minnesota Statutes Sections 103B.231, Subd. 9.

3. The Minnehaha Creek Watershed District Watershed Management Plan attached to this Order defines water and water-related problems within the MCWD 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 April 2007 as the Comprehensive Watershed Management Plan for the Minnehaha Creek Watershed District.

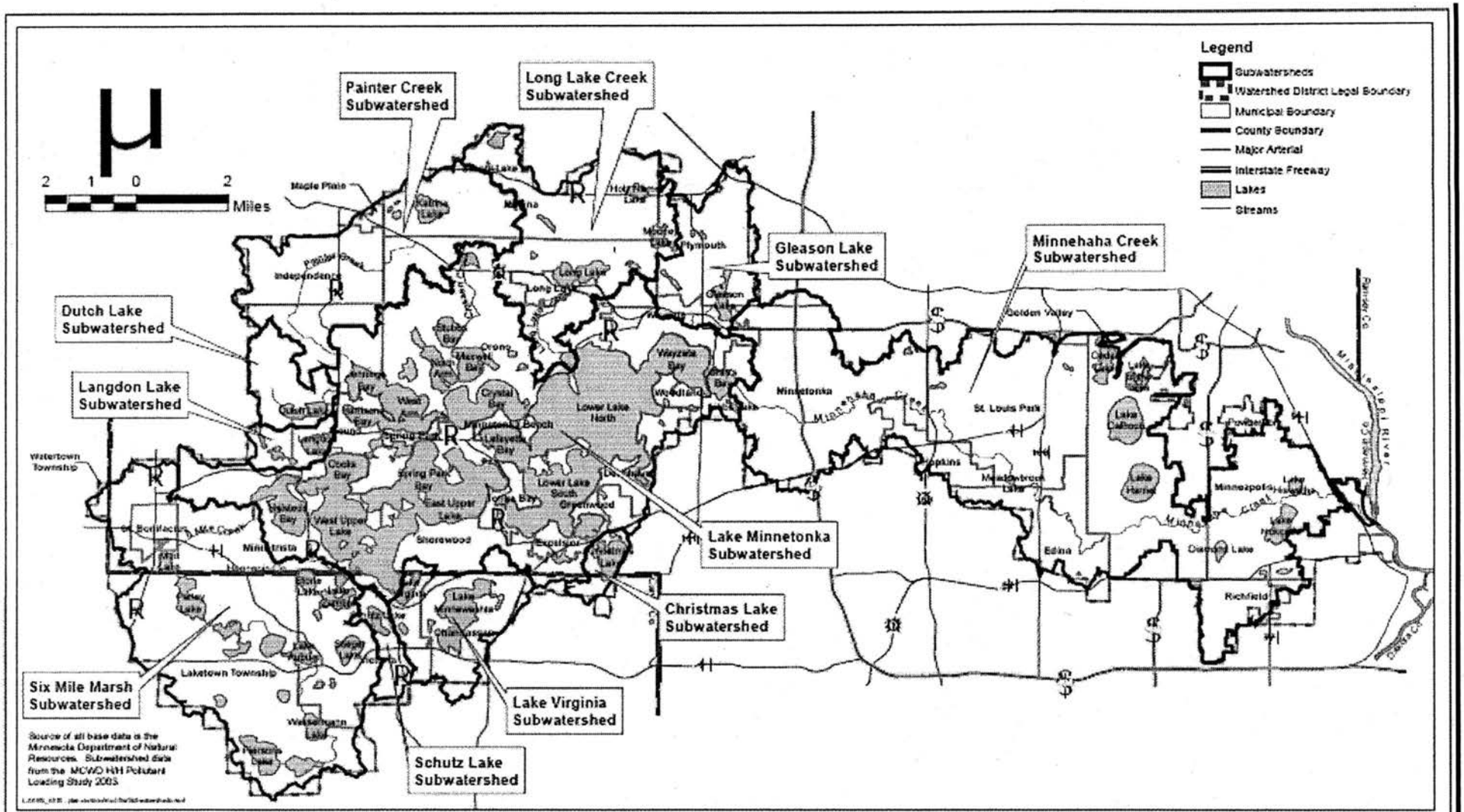
Dated at Saint Paul, Minnesota this 27th day of June 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

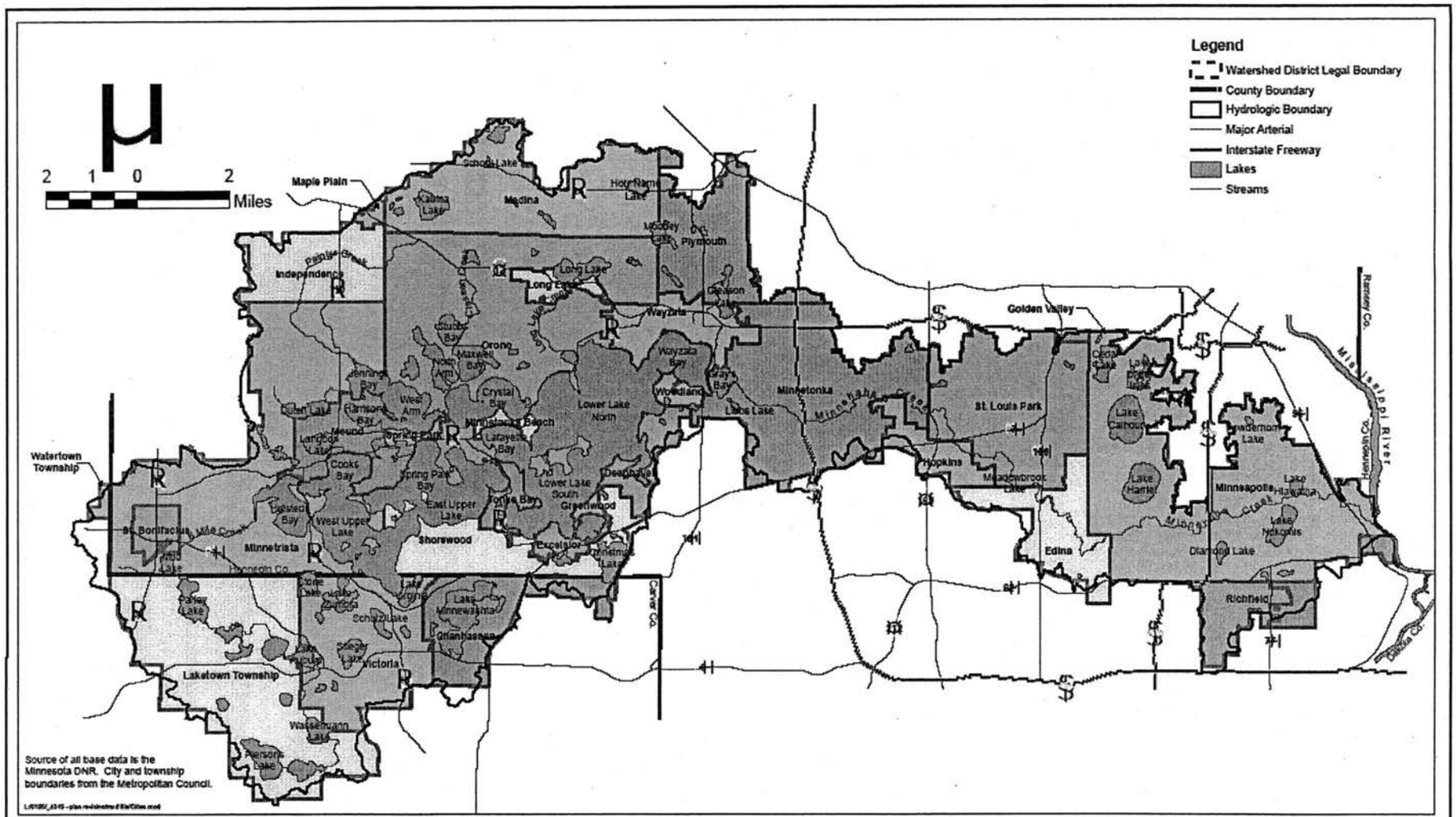
BY: Randy Kramer, Chair

Minnesota Board of Water and Soil Resources
June 2007 BWSR Board Meeting

MAP AND FISCAL INFORMATION
Minnehaha Creek Watershed District (MCWD)
Comprehensive Watershed Management Plan Update 2007-2017 (Plan)



MINNEHAHA CREEK WATERSHED DISTRICT	Minnehaha Creek Watershed District	JAN 2006
Subwatersheds in the Minnehaha Creek Watershed District		Figure 2



MINNEHAHA CREEK WATERSHED DISTRICT	Minnehaha Creek Watershed District	JAN 2006
Minnehaha Creek Watershed District		Figure 1

Nature of the Watershed.

The Minnehaha Creek Watershed District spans approximately 178 square miles on the western edge of the Twin Cities Area. Most of the watershed - 148 square miles - is in Hennepin County while the remaining 29 square miles are in Carver County. Two distinct hydrologic basins exist within the watershed. The "Upper Watershed" drains through 104 square miles of agricultural land and suburbs west of Minneapolis to Lake Minnetonka. As Minnesota's 10th largest water body, this lake covers an additional 22 square miles before discharging to Minnehaha Creek. The "Lower Watershed" consists of the area east of Lake Minnetonka that is drained by Minnehaha Creek and extends to the Mississippi River. As the creek winds toward Minnehaha Falls, it accepts runoff from 52 square miles of the lower watershed, including Minneapolis. The "Lower Watershed" is nearly completely developed, with redevelopment expected to occur in the next couple decades.

Local government units within the District include two counties, two townships and 27 cities. Twelve of these cities are located totally within the District. In Hennepin County, the local governments within MCWD include: Deephaven, Edina, Excelsior, Golden Valley, Greenwood, Hopkins, Independence, Long Lake, Maple Plain, Medina, Minneapolis, Minnetonka, Minnetonka Beach, Minnetrista, Mound, Orono, Plymouth, Richfield, St. Bonifacius, St. Louis Park, Shorewood, Spring Park, Tonka Bay, Wayzata, and Woodland. In Carver County, the governmental units include: Chanhassen, Victoria, Laketown Township, and Watertown Township. Two regional park authorities exist within the Minnehaha Creek Watershed District, the Minneapolis Park and Recreation Board and the Three Rivers Park District. There are 65 lakes and numerous miles of stream in the watershed district – Minnehaha Creek itself is 22 miles long. The DNR Public Waters Inventory identifies 104 protected waters and 229 protected waters wetlands.

MCWD is bound by the Pioneer-Sarah Creek WMO to the northwest, on the north by Bassett Creek and Elm Creek WMOs, on the northeast by Mississippi WMO, on the southeast by the Richfield-Bloomington WMO and Lower Minnesota River WD, on the south by Nine Mile Creek and Riley-Purgatory-Bluff Creek WDs, and on the west by the Carver County WMO.

Fiscal Context and Implementation.

The table below reveals a relatively stable trend with regards to annual expenditures of MCWD. MCWD consistently ranks as the top watershed district in the metro region for annual expenditures. MCWD's proposed CIP budget for the Plan annually ranges $5,396,700 - $8,572,700 utilizing the 103B.241 funding mechanism. The Land Conservation Program received a $20 million boost through the county via bond funds. Additionally, the overall CIP will be reviewed and updated biennially.

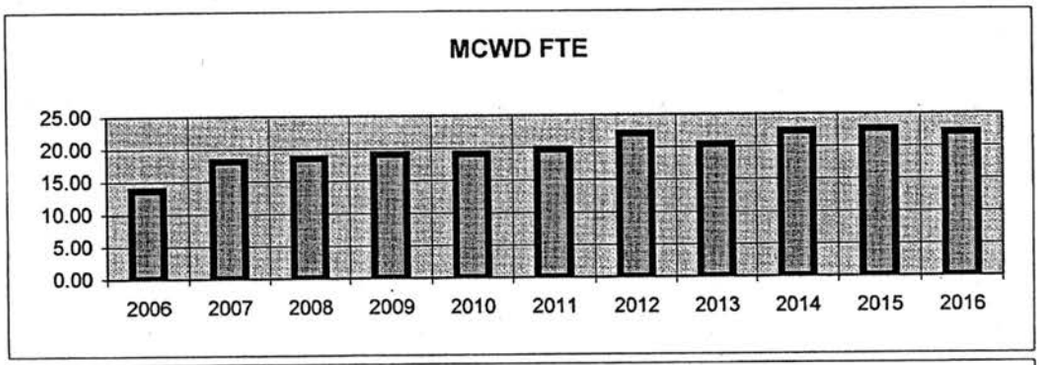
The table below reveals financial information for all WDs. A map of the metro WMOs can be found at http://www.bwsr.state.mn.us/watermgmt/metro_imap-2005.htm

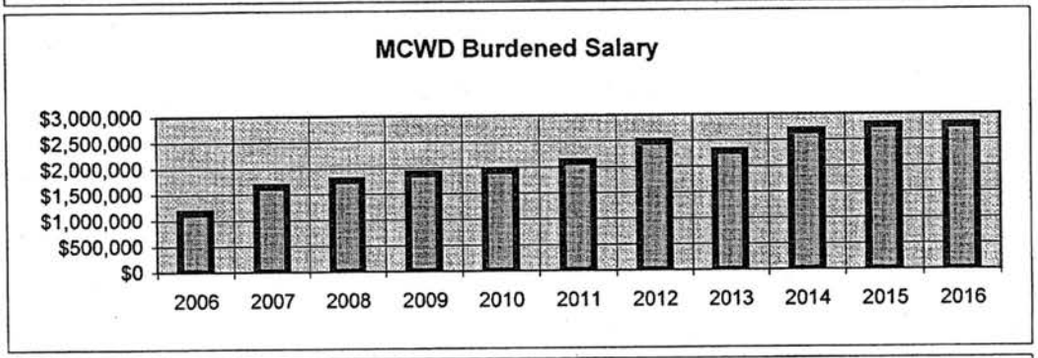
Watershed District	Taxes Payable 2004 (TMV)	Area (sq mi)	Expenditures				
			2001	2002	2003	2004	2005
Browns Creek	1,118,882,500	28	1,035,814	536,531	403,906	320,385	503,935
Capitol Region	12,180,656,400	37	397,354	386,503	577,504	1,327,715	924,848
Carnelian-Marine	517,571,600	43	404,561	447,838	491,103	420,888	-
Comfort Lake Forest Lake	1,289,010,500	49	77,716	301,143	206,157	287,058	243,511
Coon Creek	6,763,641,200	96	467,285	601,544	660,523	640,591	498,240
Lower Minnesota River	5,748,966,600	64	427,058	292,621	204,346	318,216	456,166
Minnehaha Creek	**28,338,875,675**	**184**	**6,086,030**	**5,270,636**	**3,343,963**	**2,436,635**	**3,212,548**
Nine Mile Creek	13,293,860,700	50	1,021,981	950,905	1,015,845	1,484,029	2,413,557
Prior Lake-Spring Lake	1,882,034,700	42	410,171	610,534	732,799	655,410	756,044
Ramsey-Washington Metro	9,197,769,100	53	3,048,986	3,329,310	3,370,862	2,350,399	1,945,645
Rice Creek	13,893,021,700	201	1,319,055	1,692,567	2,589,521	3,041,834	2,810,074
Riley-Purgatory-Bluff Creek	9,434,538,700	47	480,471	772,593	2,366,737	2,245,286	1,819,722
South Washington	6,070,592,700	53	2,356,478	2,323,327	5,771,911	1,921,135	1,252,877
Valley Branch	2,681,731,600	64	443,537	526,532	730,992	772,065	211,104

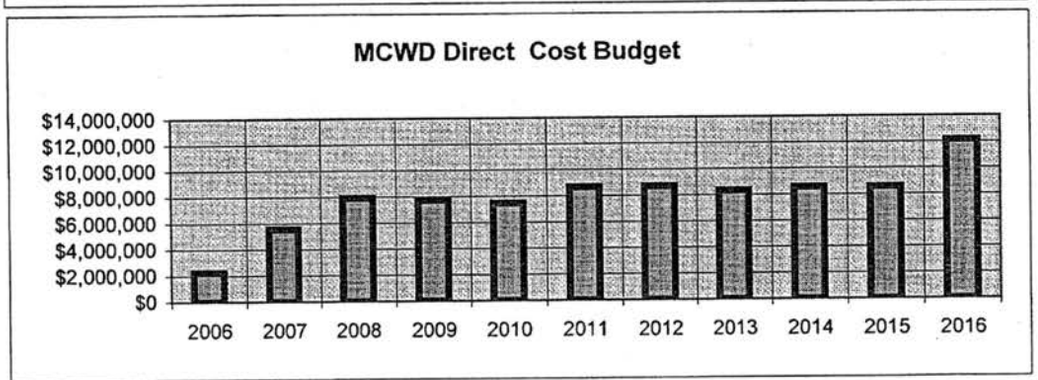
" – " indicates incomplete data.

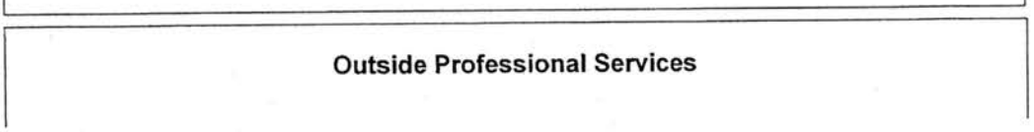
Minnehaha Creek Watershed District
Proposed
Administrative/Operations Budget
2007-2017

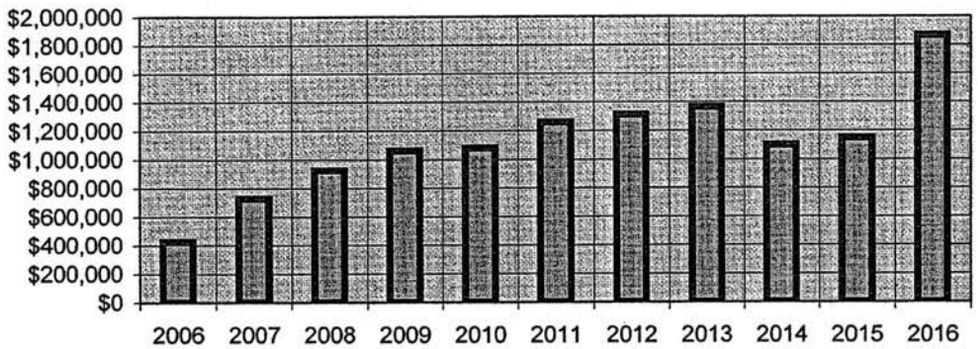
	MCWD FTE	MCWD Staff Hours	MCWD Burdened Salary	MCWD Direct Cost Budget	Outside Professional Services	Outside Legal Services	MCWD Total Cost Budget
2006	13.71	28,517	$1,143,152	$2,243,000	$428,851	$233,513	$4,048,516
2007	18.06	37,565	$1,655,127	$5,538,800	$728,654	$230,406	$8,152,987
2008	18.56	38,605	$1,768,244	$7,932,000	$922,875	$252,650	$10,875,769
2009	19.08	39,686	$1,885,272	$7,701,310	$1,060,522	$228,336	$10,875,440
2010	19.08	39,686	$1,941,831	$7,481,940	$1,079,566	$239,209	$10,742,545
2011	19.73	41,038	$2,094,537	$8,672,920	$1,258,438	$237,558	$12,263,453
2012	22.09	45,947	$2,484,238	$8,714,770	$1,312,541	$238,105	$12,749,654
2013	20.34	42,307	$2,290,824	$8,337,230	$1,365,910	$333,555	$12,327,518
2014	22.34	46,467	$2,681,005	$8,561,180	$1,101,752	$260,334	$12,604,271
2015	22.64	47,091	$2,779,645	$8,546,570	$1,149,261	$275,001	$12,750,477
2016	22.14	46,051	$2,781,038	$12,136,700	$1,868,580	$351,744	$17,138,062



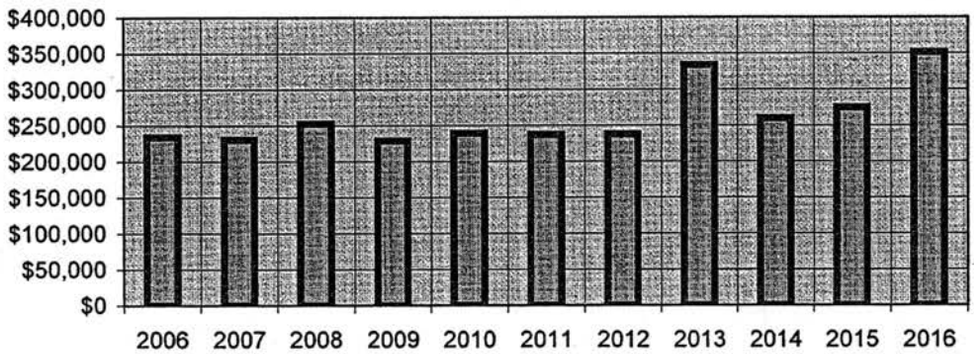




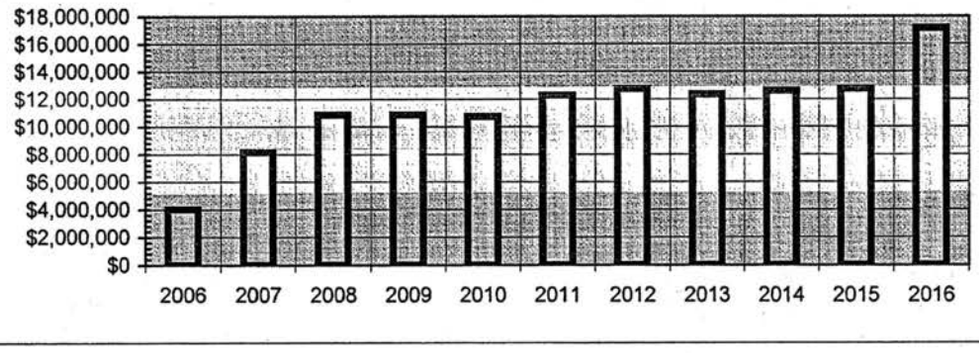




Legal Services



MCWD Total Cost Budget



	MCWD FTE	MCWD Staff Hours	MCWD Burdened Salary	MCWD Direct Cost Budget	Outside Professional Services	Outside Legal Services	MCWD Total Cost Budget
2006							
Land Conservation	1.02	2,122	$104,630	$2,002,000	$0	$32,407	**$2,139,037**
Regulatory Program	5.25	10,920	$309,470	$10,000	$355	$72,702	**$392,526**
Planning	1.05	2,184	$98,280	$2,000	$148,604	$47,533	**$296,418**
Capital Projects	0.95	1,976	$118,560	$105,000	$199,359	$26,939	**$449,858**
Hydrologic Data	2.19	4,555	$178,833	$58,000	$32,533	$3,199	**$272,565**
Research	0.00	0	$0	$0	$0	$0	**$0**
Public Education	1.17	2,434	$120,017	$19,000	$0	$2,732	**$141,749**
Administration	2.08	4,326	$213,363	$47,000	$48,000	$48,000	**$356,363**
Totals:	**13.71**	**28,517**	**$1,143,152**	**$2,243,000**	**$428,851**	**$233,513**	**$4,048,516**
2007							
Land Conservation	2.02	4,202	$207,208	$2,002,000	$0	$75,000	**$2,284,208**
Regulatory Program	5.25	10,920	$309,470	$10,000	$10,000	$35,000	**$364,470**
Planning	1.00	2,080	$93,600	$2,000	$0	$6,000	**$101,600**
Capital Projects	3.95	8,216	$492,952	$3,295,300	$670,654	$63,406	**$4,522,312**
Hydrologic Data	2.44	5,075	$204,478	$63,000	$0	$0	**$267,478**
Research	0.15	312	$14,040	$100,500	$0	$0	**$114,540**
Public Education	1.17	2,434	$120,017	$19,000	$0	$0	**$139,017**
Administration	2.08	4,326	$213,363	$47,000	$48,000	$51,000	**$359,363**
Totals:	**18.06**	**37,565**	**$1,655,127**	**$5,538,800**	**$728,654**	**$230,406**	**$8,152,987**
2008							
Land Conservation	2.02	4,202	$213,424	$2,002,000	$10,000	$50,000	**$2,275,424**
Regulatory Program	5.25	10,920	$318,754	$10,000	$10,000	$35,000	**$373,754**
Planning	1.40	2,912	$147,918	$3,000	$0	$6,000	**$156,918**
Capital Projects	3.95	8,216	$507,741	$5,677,500	$854,875	$110,650	**$7,150,766**
Hydrologic Data	2.54	5,283	$221,178	$73,000	$0	$0	**$294,178**
Research	0.15	312	$15,848	$100,500	$0	$0	**$116,348**
Public Education	1.17	2,434	$123,617	$19,000	$0	$0	**$142,617**
Administration	2.08	4,326	$219,764	$47,000	$48,000	$51,000	**$365,764**
Totals:	**18.56**	**38,605**	**$1,768,244**	**$7,932,000**	**$922,875**	**$252,650**	**$10,875,769**
2009							
Land Conservation	2.02	4,202	$221,733	$2,002,000	$10,000	$50,000	**$2,283,733**
Regulatory Program	5.25	10,920	$333,269	$10,000	$0	$15,000	**$358,269**
Planning	1.40	2,912	$153,676	$3,000	$0	$6,000	**$162,676**
Capital Projects	3.50	7,280	$466,696	$5,441,810	$822,522	$106,336	**$6,837,363**
Hydrologic Data	2.59	5,387	$235,698	$63,000	$180,000	$0	**$478,698**
Research	0.15	312	$16,465	$100,500	$0	$0	**$116,965**
Public Education	1.17	2,434	$128,429	$19,000	$0	$0	**$147,429**
Administration	3.00	6,240	$329,306	$62,000	$48,000	$51,000	**$490,306**
Totals:	**19.08**	**39,686**	**$1,885,272**	**$7,701,310**	**$1,060,522**	**$228,336**	**$10,875,440**
2010							
Land Conservation	2.27	4,722	$256,650	$2,004,000	$160,000	$65,000	**$2,485,650**
Regulatory Program	5.25	10,920	$343,267	$10,000	$0	$15,000	**$368,267**
Planning	1.40	2,912	$158,286	$3,000	$0	$6,000	**$167,286**
Capital Projects	3.50	7,280	$480,696	$5,235,440	$791,566	$102,209	**$6,609,911**

Hydrologic Data	2.34	4,867	$214,503	$63,000	$80,000	$0	**$357,503**
Research	0.15	312	$16,959	$100,500	$0	$0	**$117,459**
Public Education	1.17	2,434	$132,282	$19,000	$0	$0	**$151,282**
Administration	3.00	6,240	$339,185	$47,000	$48,000	$51,000	**$485,185**
Totals:	**19.08**	**39,686**	**$1,941,831**	**$7,481,940**	**$1,079,566**	**$239,209**	**$10,742,545**

2011

Land Conservation	2.02	4,202	$235,236	$2,002,000	$10,000	$50,000	**$2,297,236**
Regulatory Program	5.25	10,920	$353,565	$10,000	$0	$15,000	**$378,565**
Planning	1.40	2,912	$163,035	$3,000	$0	$6,000	**$172,035**
Capital Projects	4.25	8,840	$601,214	$6,427,920	$970,438	$115,558	**$8,115,130**
Hydrologic Data	2.49	5,179	$238,406	$63,500	$230,000	$0	**$531,906**
Research	0.15	312	$17,468	$100,500	$0	$0	**$117,968**
Public Education	1.17	2,434	$136,251	$19,000	$0	$0	**$155,251**
Administration	3.00	6,240	$349,361	$47,000	$48,000	$51,000	**$495,361**
Totals:	**19.73**	**41,038**	**$2,094,537**	**$8,672,920**	**$1,258,438**	**$237,558**	**$12,263,453**

2012

Land Conservation	2.22	4,618	$266,283	$2,002,000	$10,000	$50,000	**$2,328,283**
Regulatory Program	5.25	10,920	$364,172	$10,000	$0	$15,000	**$389,172**
Planning	1.40	2,912	$167,926	$3,000	$0	$6,000	**$176,926**
Capital Projects	5.95	12,376	$866,951	$6,455,270	$974,541	$116,105	**$8,412,866**
Hydrologic Data	2.70	5,616	$270,747	$78,000	$280,000	$0	**$628,747**
Research	0.15	312	$17,992	$100,500	$0	$0	**$118,492**
Public Education	1.17	2,434	$140,338	$19,000	$0	$0	**$159,338**
Administration	3.25	6,760	$389,828	$47,000	$48,000	$51,000	**$535,828**
Totals:	**22.09**	**45,947**	**$2,484,238**	**$8,714,770**	**$1,312,541**	**$238,105**	**$12,749,654**

2013

Land Conservation	2.22	4,618	$274,271	$2,002,000	$20,000	$75,000	**$2,371,271**
Regulatory Program	5.25	10,920	$375,098	$10,000	$0	$15,000	**$400,098**
Planning	1.50	3,120	$185,318	$3,000	$0	$9,000	**$197,318**
Capital Projects	4.00	8,320	$600,309	$6,077,730	$917,910	$108,555	**$7,704,503**
Hydrologic Data	2.70	5,616	$278,870	$78,000	$380,000	$0	**$736,870**
Research	0.15	312	$18,532	$100,500	$0	$0	**$119,032**
Public Education	1.17	2,434	$144,548	$19,000	$0	$0	**$163,548**
Administration	3.35	6,968	$413,878	$47,000	$48,000	$126,000	**$634,878**
Totals:	**20.34**	**42,307**	**$2,290,824**	**$8,337,230**	**$1,365,910**	**$333,555**	**$12,327,518**

2014

Land Conservation	2.22	4,618	$282,499	$2,002,000	$20,000	$75,000	**$2,379,499**
Regulatory Program	5.25	10,920	$386,350	$10,000	$0	$15,000	**$411,350**
Planning	1.50	3,120	$190,878	$3,000	$0	$6,000	**$199,878**
Capital Projects	6.45	13,416	$997,038	$6,316,680	$953,752	$113,334	**$8,380,803**
Hydrologic Data	2.35	4,888	$242,698	$63,000	$80,000	$0	**$385,698**
Research	0.15	312	$19,088	$100,500	$0	$0	**$119,588**
Public Education	1.17	2,434	$148,885	$19,000	$0	$0	**$167,885**
Administration	3.25	6,760	$413,569	$47,000	$48,000	$51,000	**$559,569**
Totals:	**22.34**	**46,467**	**$2,681,005**	**$8,561,180**	**$1,101,752**	**$260,334**	**$12,604,271**

2015

Land Conservation	2.22	4,618	$290,974	$2,002,000	$20,000	$75,000	**$2,387,974**

Regulatory Program	5.25	10,920	$397,941	$10,000	$0	$15,000	**$422,941**
Planning	2.55	5,304	$334,227	$5,000	$50,000	$21,000	**$410,227**
Capital Projects	5.70	11,856	$907,536	$6,300,070	$951,261	$113,001	**$8,271,868**
Hydrologic Data	2.35	4,888	$249,979	$63,000	$80,000	$0	**$392,979**
Research	0.15	312	$19,660	$100,500	$0	$0	**$120,160**
Public Education	1.17	2,434	$153,351	$19,000	$0	$0	**$172,351**
Administration	3.25	6,760	$425,976	$47,000	$48,000	$51,000	**$571,976**
Totals:	**22.64**	**47,091**	**$2,779,645**	**$8,546,570**	**$1,149,261**	**$275,001**	**$12,750,477**

2016

Land Conservation	2.22	4,618	$299,704	$2,002,000	$20,000	$75,000	**$2,396,704**
Regulatory Program	5.25	10,920	$409,879	$10,000	$0	$15,000	**$434,879**
Planning	2.55	5,304	$344,254	$8,000	$250,000	$31,000	**$633,254**
Capital Projects	5.20	10,816	$852,765	$9,837,200	$1,470,580	$179,744	**$12,340,289**
Hydrologic Data	2.35	4,888	$257,478	$63,000	$80,000	$0	**$400,478**
Research	0.15	312	$20,250	$100,500	$0	$0	**$120,750**
Public Education	1.17	2,434	$157,952	$19,000	$0	$0	**$176,952**
Administration	3.25	6,760	$438,755	$97,000	$48,000	$51,000	**$634,755**
Totals:	**22.14**	**46,051**	**$2,781,038**	**$12,136,700**	**$1,868,580**	**$351,744**	**$17,138,062**

Minnehaha Creek Watershed District Comprehensive Water Resources Management Plan

2007-2017

Wenck File #0185-4315

Prepared for:

MINNEHAHA CREEK WATERSHED DISTRICT

Minnehaha Creek Watershed District

Improving Quality of Water, Quality of Life

February 2007

Prepared by:

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1.0 Introduction

1.1 INTRODUCTION AND PURPOSE

The Minnehaha Creek Watershed District conserves the natural resources of the Minnehaha Creek watershed principally through analysis of the causes of harmful impacts on the water resources, public information and education, regulation of land use, regulation of the use of waterbodies and their beds, and capital improvement projects. Through its extensive analysis of the watershed, the District has been able to effectively identify the root causes of water quality degradation and flooding. The District has then successfully used this knowledge to develop and implement solutions that address these causes. The District's management plans have included both nonstructural solutions to the problems such as public information and education and regulation of land and water use and structural solutions, including construction of wet detention basins/wetlands, a headwaters outlet control structure and restoration of degraded wetlands.

1.2 METROPOLITAN SURFACE WATER MANAGEMENT ACT

The Metropolitan Surface Water Management Act (Chapter 509, Laws of 1982, Minnesota Statute Section 103B.201 to 103B.255 as amended) establishes requirements for preparing watershed management plans within the Twin Cities Metropolitan Area. The law requires the plan to focus on preserving and using natural water storage and retention systems to:

- Improve water quality.
- Prevent flooding and erosion from surface flows.
- Promote groundwater recharge.
- Protect and enhance fish and wildlife habitat and water recreation facilities.
- Reduce, to the greatest practical extent, the public capital expenditures necessary to control excessive volumes and rate of runoff and to improve water quality.
- Secure other benefits associated with proper management of surface water.

To ensure these objectives are realized the Metropolitan Surface Water Management Act further specified the basic content of watershed management plans. The plans must:

- Describe the existing physical environment, land use, and development in the area, and the environment, land use, and development proposed in existing local and metropolitan comprehensive plans.
- Present information on the hydrologic system and its components, including the drainage systems previously constructed under chapter 103E, and existing and potential problems related thereto.

- State objectives and policies including management principles, alternatives and modifications, water quality, and protection of natural characteristics.
- Set forth a management plan including the hydrologic and water quality conditions that will be sought and significant opportunities for improvement.
- Describe the effect of the plan on existing drainage systems.
- Identify high priority areas for wetland conservation, enhancement, restoration, and establishment and describe conflicts with wetlands and land use in those areas.
- Describe conflicts between the watershed plan and existing plans of Local Governmental Units (LGUs).
- Set forth an implementation program consistent with the management plan that includes a capital improvement program, standards, and schedules for amending the comprehensive plan and official controls of LGUs in the watershed to bring conformance with the plan.
- Set out procedures and timelines for amending the plan.

1.3 MEMBERSHIP OF BOARD OF MANAGERS

The Minnehaha Creek Watershed District is governed by a seven member Board of Managers, six of whom are appointed by Hennepin County and one by Carver County.

Table 1. Membership of the Minnehaha Creek Watershed District Board of Managers, 2006.

Member	*County Appointed By*	*Term Expires*
Pamela Blixt, Vice President Minneapolis	Hennepin	3/08
Jeff Casale Shorewood	Hennepin	3/09
Jim Calkins, President Minnetonka	Hennepin	3/07
Lance Fisher Minnetrista	Carver	3/07
Lee Keeley, Secretary Plymouth	Hennepin	3/09
Richard Miller, Treasurer Edina	Hennepin	3/08
Ethel Smith Wayzata	Hennepin	3/07

Former Managers who were instrumental in developing the policy and technical background for this Plan are: C. Scott Thomas, Susan Goetz, Robert Schroeder, and Monica Gross.

1.4 GENERAL BOUNDARIES

The Minnehaha Creek Watershed District spans approximately 178 square miles on the western edge of the Twin Cities Area. Most of the watershed - 148 square miles - is in Hennepin County while the remaining 29 square miles are in Carver County. The District drains an area

approximately 29 miles from east to west and 15 miles from north to south. Two distinct hydrologic basins exist within the watershed. The "Upper Basin" or "Upper Watershed" drains through 104 square miles of agricultural land and suburbs west of Minneapolis to Lake Minnetonka. As Minnesota's 10th largest water body, this lake covers an additional 22 square miles before discharging to Minnehaha Creek. The "Lower Basin" or "Lower Watershed" consists of the area east of Lake Minnetonka that is drained by Minnehaha Creek and extends to the Mississippi River. As the creek winds toward Minnehaha Falls, it accepts runoff from 52 square miles of the lower watershed, including Minneapolis. Figure 1 shows the District's hydrologic and legal boundaries and the governmental units located within the district.

1.4.1 Governmental Units Within District Boundaries

Local government within the District includes two counties, two townships and 27 cities. Twelve of these cities are located totally within the District. The various governmental units in the District are listed below:

Table 2. Governmental units within the Minnehaha Creek Watershed District.

Hennepin County	
Deephaven	*Minnetonka Beach
Edina	Minnetrista
*Excelsior	*Mound
Golden Valley	*Orono
*Greenwood	Plymouth
Hopkins	Richfield
Independence	*St. Bonifacius
*Long Lake	St. Louis Park
Maple Plain	Shorewood
Medina	*Spring Park
Minneapolis	*Tonka Bay
Minnetonka	*Wayzata
	*Woodland
Carver County	
Chanhassen	*Victoria
Laketown Township	Watertown Township

*Entirely in District

Two regional park authorities exist within the Minnehaha Creek Watershed District, the Minneapolis Park and Recreation Board (MPRB) and the Three Rivers Park District (TRPD).

The MPRB was established in 1883 by an act of the State Legislature. That act granted the MPRB the authority to operate, maintain, and administer a system of parks in and adjacent to the City of Minneapolis. Over its history, the MPRB has acquired a significant amount of acreage along Minnehaha Creek and other water bodies in and adjacent to the City of Minneapolis including two golf courses that abut Minnehaha Creek.

The TRPD was established in 1957 by the State Legislature. As a special park district, Three Rivers Park District is charged with the responsibilities of acquisition, development and maintenance of large park reserves, regional parks and regional trails for the benefit and use of the citizens of suburban Hennepin County, Scott County, the metropolitan areas, and the State of Minnesota.

The MPRB and TRPD work cooperatively with the Metropolitan Parks and Open Space Commission, Metropolitan Council and State Legislature as two of ten implementing agencies of the Metropolitan Regional Park System to provide education/recreation facilities, services and programs.

The MCWD Comprehensive Plan recognizes the unique roles of the MPRB and the TRPD and their mission to provide the public with access to its land and water resources, and recreational facilities. The MCWD also recognizes the past work of the MPRB and TRPD to maintain and improve water quality in lakes and streams within their jurisdictions. Any efforts of the MPRB, TRPD and MCWD to improve water quality and manage load allocations for storm water runoff presents unique challenges in the context of their location within the watershed, surrounding land use, and downstream waterbodies. For example, the role that urban lakes play as part of the Minneapolis storm water system and the natural resource role that lakes in the TRPD play may require special consideration in the rules adopted by the MCWD. In addition, these efforts must give careful consideration to the effect on the invaluable recreational system built around the water bodies in the Watershed District and the near 27 million annual user visits that occur in the TRPD, the chain of lakes in Minneapolis, Minnehaha Creek and Minnehaha Regional Park. The intent of the MCWD is to work cooperatively with the MPRB and TRPD to improve water quality while acknowledging the importance of recreational access to the MPRB's and TRPD's land in rules promulgated by the MCWD. Moreover, the MCWD Comprehensive Plan recognizes the role that the MPRB and TRPD has and continues to play in conserving its land and water resources.

1.5 HISTORY OF THE MINNEHAHA CREEK WATERSHED DISTRICT

The Minnehaha Creek Watershed District is a special purpose unit of local government created to carry out watershed management and to protect the water resources of the Minnehaha Creek watershed.

The Minnesota Water Resources Board (MWRB) established the District on March 9, 1967 under the authority of Minnesota Statutes Chapter 103D (formerly Chapter 112), the Watershed Act. The Hennepin County Commissioners asked the MWRB to form the District on April 12, 1966. They sought to form the District to conserve the watershed's waters and natural resources. Their goals included improving lakes, marshes and channels for water storage, drainage, recreation and other public purposes. The County also wanted projects to reduce flooding, to keep silt out of streams and to control erosion of land. Other goals were reclaiming wetlands, controlling stormwater and preserving water quality in the District's lakes and streams.

The District has implemented numerous programs, policies and projects to advance its goals. It started a permit program in 1967. Through this program the District has approved stormwater

management plans and shaped projects in floodplains and wetlands. The program has also covered dredging, stream and lake crossings and projects to improve shoreline. In 1972 the District accepted authority over the eight county and judicial ditches located within the watershed. The District completed its first Water Resources Management Plan in 1969 and its second Water Resources Management Plan in 1997. The focus of those plans was on identifying problems and solutions relating to water quality degradation resulting from urbanization and on preventing further degradation from future development.

The District has successfully completed the items identified in its 1997 implementation plan, as well as additional items to further progress towards District goals.

- The District has completed a number of construction projects to address water quality and flooding issues. These include major projects to improve regional resources, including the award-winning Chain of Lakes Clean Water Partnership projects to improve water quality and biological integrity in five lakes. The District also completed projects to improve Long Lake, Landon Lake, and various bays of Lake Minnetonka.
- An extensive resource analysis and data gathering program was undertaken, including a number of special studies that serve as the basis for this Plan. These include the *Hydrologic, Hydraulic, and Pollutant Loading Study,* which established numerical water quality goals for the lakes in the watershed; detailed assessments of the condition of Minnehaha Creek and five upper watershed streams; a *Functional Assessment of Wetlands* to assess current conditions of the wetland resources in the watershed; and several specialized studies such as the *Painter Creek Feasibility Study, Minnehaha Creek Visioning,* and floodplain evaluations for Minnehaha Creek and other major streams.
- The hydrologic data gathering program was expanded, and easy-to-read summaries in the form of lake and stream report cards are published each year to keep the public informed about conditions of the water resources in the watershed.
- A five-year *Strategic Education and Communications Plan* was developed to fine-tune and focus the education and communication program and to identify strategies for improvement and expansion of those efforts.
- While not specifically identified as an activity in the 1997 implementation plan, the District has embarked on an ambitious Land Conservation Program intended to protect and conserve high-quality natural resources in the watershed through a variety of means.

1.6 CONTEXT OF PLAN

The District has completed a number of specialized studies within the last three years, including detailed analyses of the condition of lakes, streams, and wetlands in the watershed, and an extensive Hydrologic and Hydraulic analysis of existing and expected future hydrologic and water quality conditions. This Plan consolidates the findings and recommendations of those studies. The focus of this Plan is on the Water Resource. The individual Subwatershed Plans that make up the heart of this management effort set forth comprehensive and holistic hydrologic, water quality and ecological integrity goals for the lakes, streams, and wetlands within the watershed. Structural and nonstructural approaches to attaining those goals are detailed by subwatershed.

Within the Upper Watershed, an important factor in the achievement of these goals is the land planning and future land uses within an area that is now vacant, agricultural, or rural-density. This Plan Revision is specifically intended to coincide with the development of city Comprehensive Plan updates required of Twin Cities Metro Area communities by 2008, reflecting the philosophy that water resources and natural resources planning should be an integral part of land use planning. These required local plans must be consistent with this Plan, including not only an assessment of problems and identification of solutions, but also an evaluation of how the local government intends on an ongoing basis to meet the performance standards set forth here.

1.7 SUMMARY OF PROBLEMS, GOALS, AND SOLUTIONS

1.7.1 General Problems and Goals

The Board of Managers has identified 17 key problem areas impacting resources in the watershed and has developed general goals to address them through implementation of this Plan as well as other planning and management activities. Table 3 summarizes these problems and goals, which are presented in more detail in each of the eleven subwatershed plans, along with specific policies and actions to address the problems and achieve the District's goals.

Table 3. Seventeen key problem areas identified by the Board of Managers in the Minnehaha Creek watershed, and general goals and solutions.

	Problem	Goal
1	Development and the creation of impervious surface degrades water quality if proper treatment is not provided, increases the quantity of stormwater runoff, reduces the quantity of groundwater recharge which creates a potential deficit within groundwater aquifers and decreases water quality within surface waters.	Abstraction. Promote abstraction, such as infiltration of surface water, capture and reuse of stormwater, and increased evapotranspiration, where feasible for the purposes of improving water quality and increasing groundwater recharge throughout the watershed.
2	Human activity can degrade existing habitat and contribute to the loss of wildlife habitat quantity and quality affecting the overall ecological integrity of the resources within the MCWD.	Ecological Integrity. Promote activities which maintain, support and enhance floral, faunal quantity and ecological integrity of upland and aquatic resources throughout the watershed.
3	Urbanization, increase in impervious surface, reduction in the quantity of wetland area, and increases in conveyance efficiency can adversely affect the quality of surface waters.	Water Quality. Conserve, maintain and improve aesthetic, physical, chemical and biological composition of surface waters and groundwater within the District.
4	Non-point and point source discharges of pollutants into surface waters can inhibit human use of water resources as well as negatively affect public health and the environment.	Public Health. Minimize the risks of threats to public health through the development of programs, plans and policies that improve the quality of surface and groundwater resources
5	Changes in land use, development, and increases in impervious surface can negatively affect surface water runoff through reduction in infiltration, increasing in peak values of runoff hydrographs, and increasing volumes of stormwater runoff; each of which can aggravate and create problems related to flooding, erosion and degradation.	Water Quantity. Maintain or reduce existing flows from drainage within the watershed to decrease the negative effects of stormwater runoff and bounce from existing and proposed development as well as provide low flow augmentation to surface waters

	Problem	Goal
6	Eroding shorelines and streambanks contribute to the degradation of water quality and can contribute adverse effects downstream; furthermore, improperly implemented and/or inappropriate stabilization practices reduce the natural function and qualities of streambanks and shorelines, and may potentially contribute adverse effects downstream.	Shorelines and Streambanks. Conserve the natural appearance of shoreline areas and minimize degradation of surface water quality which can result from dredging operations.
7	MCWD contains water resources with which the recreational value of the resource is highly dependent on the opportunity for people to enjoy boating and canoeing; the recreational value of these resources is reduced by impedances to navigation.	Navigation. Maintain the hydraulic capacity of and minimize obstruction to navigation without compromising wildlife habitat in water courses and preserve water quality and navigation appearance in shoreland areas.
8	Development and creation of impervious surface contribute to the degradation of water quality and increase the quantity and rate of stormwater runoff which affect downstream receiving waters when not designed properly.	Best Management Practices. Improve water quality by promoting best management practices (BMP's) requiring their adoption in local plans and their implementation on development sites
9	Common activities conducted by citizens, developers, and public entities within MCWD have the potential to have an adverse effect on the quality and ecology of surface and ground waters; a need exists to promote stewardship and appreciation for the benefits of watersheds.	Education and Communications. Enhance public participation and knowledge regarding District activities and provide informational and educational material to municipalities, community groups, businesses, schools, developers, contractors and individuals.
10	Public ditches historically function as conveyances of drainage for private property and local communities and also serve to prevent flooding, however, pubic ditches have substantially changed in form and function as the watershed has developed and maintenance of such features may run contrary to other District goals.	Public Ditches. Maintain public ditch systems within the District as required under Statutory jurisdiction.
11	Wetlands are diminishing in quantity and quality throughout the watershed; wetlands serve essential functions in watershed management by maintaining water quality, providing wildlife habitat, recharging groundwater, creating recreational opportunities, complementing stormwater runoff management and augmenting low flows in drought periods.	Wetlands. Conserve, create and restore wetland resources and maximize the benefits and functionality of wetlands to the watershed.
12	Issues related to groundwater flow, quality and quantity are affected by surface land use; groundwater is a significant source of drinking water for private wells and municipalities and aquifers must be protected for their value to communities; groundwater also serves to augment surface water levels through inflow and export which serves as a significant tool to mediate climatic fluctuations.	Groundwater. Protect and maintain existing groundwater flow, promote groundwater recharge and improve groundwater quality and aquifer protection
13	Reduction of floodplain volume as a result of development and/or improper management contribute to increasingly higher critical water levels as well as risk to property and public safety; floodplains serve to reduce the frequency and severity of high water periods within the watershed.	Floodplains. Reduce the severity and frequency of flooding and high water by preserving and increasing the existing water storage capacity below 100-year flood elevations on all waterbodies within MCWD.

	Problem	Goal
14	Impaired waters, poor water quality, ecosystem degradation, and water quantity all influence the viability of waters as recreational resources; recreational enjoyment of water resources fosters a sense of stewardship over the resource and concern for its quality.	Recreation. Promote the recreational use, where appropriate, of surface waters within MCWD by providing recreation opportunities for citizens by promoting the use and enjoyment of water resources with the intent of increasing the livability and quality of life within the watershed.
15	Erosion of soil and sediment transport have a detrimental effect on the quality of water, the quality of habitat, detention time within basins, and capacity of stormwater conveyances.	Erosion Control. Control temporary sources of sediment resulting from land disturbance and identify, minimize and correct the effects of sedimentation from erosion-prone and sediment source areas.
16	Local municipal regulation alone oftentimes is unable to provide an acceptable standard of protection to regional natural resources that span multiple political boundaries	Regulation. Promote effective planning to minimize the impact of development and land use change on water resources as well as achieve Watershed District Goals.
17	Citizens become disenfranchised with government when it is perceived that the opinion of individuals is insignificant; MCWD requires a structural forum for citizens within the Watershed District to provide constructive input to the MCWD Board of Managers for the Board to thoughtfully consider during decision making.	Public Input. Solicit input from the general public with the intent that policies, projects and programs will address local community values and goals as well as protect historic and cultural values regarding water resources; strive to manage expectations; base decisions on an educated public; foster an educated and informed public within the watershed.

1.7.2 General Solutions

Achieving the goals set forth in the subwatershed plans will require an integrated set of programs and projects oriented toward the conservation and improvement of water resources within the watershed. This Plan places an emphasis on the duty and responsibility for the ownership and management of runoff from both private and public property. Where possible, land use changes will require regulatory controls to limit and manage runoff. In areas where regulatory controls will not sufficiently address water resource concerns, this Plan will provide for public investment to address shared resource issues. Each subwatershed plan includes an Implementation Plan that sets forth in detail the activities that will be undertaken by various parties and identifies parties responsible for each activity. In general, those Implementation Plans include the following activities.

Regulatory Program. The District has operated a regulatory program since 1967. This permitting program includes requirements on development and redevelopment projects to implement water quantity and water quality controls to reduce impacts on downstream resources. Nonetheless, many of the lakes and streams in the watershed do not meet water quality or biotic integrity standards, and a majority of the wetlands exhibit degraded functions and values. Development in the watershed is expected to contribute additional stormwater volume and pollutant loads to downstream resources, further impacting those sensitive resources. The current regulatory program will not be sufficient to control these impacts. To mitigate these future impacts and to address other goals such as increased infiltration, wetland management, and improved ecological integrity, additional regulation will be necessary.

Additional regulatory controls on permitted development and redevelopment will be considered for most subwatersheds to increase pollutant load reduction requirements, add volume management and infiltration requirements, conserve natural resources, and implement wetland

management in accordance with management classification. Regulations providing an incentive such as a volume reduction credit to developers to maintain undisturbed areas, to reforest, or to plant native vegetation will be considered.

Land Conservation Program. Conservation of high-value resources provides an opportunity to improve the characteristics of aquatic ecosystems, and can help address water quality, infiltration, volume management, and ecological integrity needs. Prior to the encroachment of additional development, the opportunity exists to conserve high value resources, maintain corridor connections between ecosystems in the watershed to improve water resources, conserve natural conveyances, and facilitate the movement and proliferation of native species as well as enhance recreational opportunities.

The District currently operates a Land Conservation Program that undertakes conservation activities ranging from assisting property owners in enrolling property in conservation programs to acquiring conservation easements or fee title over high value resources. This Plan identifies Key Conservation Areas in each subwatershed that contain valuable natural resources such as high-quality wetlands, minimally disturbed upland vegetation, and rare resources. Within these areas LGUs will be required to identify in their Local Plans strategies for conserving those high-value resources. Some of those areas have been identified as District Priority Areas where the District will continue to proactively investigate and implement opportunities to conserve key resources and to work cooperatively with other agencies and groups to accomplish conservation goals. District staff will provide technical assistance to the LGUs to support their accomplishment of program goals.

Wetlands Management. The District has undertaken a *Functional Assessment of Wetlands* to assess the current status of wetlands in the watershed. The functions and values of the wetlands were evaluated and each wetland has been assigned a Management Classification based on its current condition. This Plan proposes to regulate future impacts to wetlands based on those management classifications.

Education Program. The District operates a watershed-wide Strategic Education and Communications program that provides general watershed education and outreach activities as well as targeted information to key stakeholder groups. These activities will be continued as a part of this Plan. To supplement these general activities, each subwatershed plan identifies targeted education and public involvement activities specific to meeting subwatershed goals. The Implementation Plan includes a mid-course opinion survey and stakeholder focus groups to update the Strategic Education and Communications Program as well as to fine-tune specific messages.

Monitoring and Data Collection. To monitor progress toward meeting water quality and quantity goals, routine monitoring of water quality and water quantity in lakes and streams in the watershed will continue to be a part of the District's annual Hydrologic Data Program. The District's efforts will be supplemented with data from the Metropolitan Council's Citizen Assisted Lake Monitoring Program (CAMP), macroinvertebrate monitoring performed by volunteers through the Hennepin County RiverWatch program, and wetland monitoring through the Hennepin County Wetland Health Evaluation Program (WHEP). In addition, the District

will continue to undertake specialized or research-based monitoring intended to address special needs, diagnose specific problems, or explore research questions.

Operations and Maintenance. The District has undertaken a number of improvements in the watershed to date that require ongoing operations and maintenance to sustain their benefits. A number of new activities detailed in the subwatershed plans will require new operations and maintenance activities. These include:

- Annual inspection of erosion-prone reaches of streams to maintain conveyance capacity and identify erosion that could contribute sediment downstream or impede proper function of the channel.
- Routine inspection of ditches over which the District has jurisdictional responsibility.
- Inspection of wetlands with exceptional vegetative diversity for signs of invasive species encroachment.
- Routine inspection of ponds, outfalls, fish barriers, grade control devices, and outlet structures.
- Monitoring of sediment buildup in detention ponds.
- Vegetation management of wetland and other native plant restorations.
- Repair of any facilities found to need correction.

LGU Requirements. The ambitious goals and actions identified in this Plan will require the District to partner with other entities, including the Local Government Units (LGUs) within its jurisdiction.

Phosphorus Load Reduction. A number of the lakes within the watershed do not meet their water quality goals. The primary strategy for attaining those goals is to reduce phosphorus contributions to the lake from internal and external sources through a phosphorus load reduction plan. Some of that load reduction is expected to occur through the regulatory program and part from capital projects. However, the District expects the LGUs to participate in this by implementing actions to reduce part of the phosphorus load contributed by existing land uses. The LGU requirement in this Plan is a 15 percent reduction in loading from existing residential land use; 25 percent from agricultural land use; and 10 percent from other developed land use. This reduction can be accomplished through: application of BMPs such as additional street sweeping, local water quality ponds, rain gardens and infiltration swales, and agricultural BMPs that reduce erosion or treat runoff or drain tile discharge; prevention of future load increases through the conservation of lands previously identified for development; or achieving load removals in excess of the minimum required.

As another example, a key element in achieving overall ecological integrity goals in the watershed is the conservation of high value natural resources, including high-value wetlands and uplands. This Plan requires LGUs to identify the Key Conservation Areas identified in this Plan in their local water management plans, and must also identify strategies they will undertake to protect the ecological and hydrological values of resources in those areas. These may include such strategies as land use regulation; tree or natural resource conservation ordinances or policies; acquisition and management of land and/or conservation easements; and property owner education.

The HHPLS identified a number of issues related to management of landlocked basins, modeled high water locations, and areas with known or potential flow velocity or erosion issues. Local plans must identify strategies for addressing these concerns.

Capital Improvement Program. Each subwatershed plan sets forth a set of potential improvement projects that address the unique issues and needs of the subwatershed. In general, these projects include:

- Stormwater detention pond projects to treat runoff and reduce downstream pollutant loading.
- Lake internal load management projects, such as biomanipulation, hypolimnetic withdrawal, chemical treatment, and aquatic plant management to improve water quality and clarity and biologic integrity.
- Wetland restoration projects to increase wetland diversity and functions and values, to replace area lost in the past to filling and draining, and to achieve water quality goals.
- Land Conservation Program activities such as acquisition of conservation easements or fee title on key lands to conserve or restore their ecological values and proactively address ecologic integrity, water quality, and other goals of this Plan.
- Stream restoration projects to stabilize streambanks, improve buffers, and increase aquatic habitat.
- Regional infiltration projects to maintain surficial groundwater recharge patterns and maintain or improve stream baseflow.
- Maintenance projects such as the replacement of structures or pond dredging.

1.8 GENERAL CONTENT REQUIRED OF LOCAL PLANS

Local water management plans shall be adopted within two years of the approval of the District's plan. Local plans shall be developed as required by rules and policies promulgated by the Board of Water and Soil Resources (Minnesota Rules Chapter 8410). Section 7.0 of this Plan specifies both statutory requirements for local plans as well as requirements established in this Plan. To have local plans approved by the District, local plans must protect the District's water resources at least as well as the rules in the District's plan. Local plans may be more stringent than District rules. Municipalities have the option of taking over much of the District permitting program or, based on community specific needs, interests and resources, they may choose to have permitting authority remain with the District.

1.9 PLAN ORGANIZATION

While this Plan includes, for the watershed as a whole, all the elements required by Minnesota statute and administrative rule, the heart of this Plan is eleven subwatershed plans that set forth problems, issues, and solutions in detail. The eleven subwatersheds are illustrated on Figure 2.

The Plan is divided into the following sections:

1 – Introduction: Provides a general overview of the Minnehaha Creek Watershed District, the purpose of the Surface Water Management Act and the components of this watershed management plan.

2 – Land and Natural Resources Inventory: A physical inventory of the watershed, it includes a profile of the watersheds' existing environmental conditions. This profile contains descriptions of the area's geology, topography, soils, biological and human environment, and current land use and projected land use to the year 2020.

3 - Hydrologic Systems: Contains information necessary to understand the hydrologic system. Information includes historic precipitation, the drainage system and watershed and subwatershed boundaries, wetlands, waterbodies, conveyance systems, and floodplains. Surface water quality information and groundwater characteristics are included in this section.

4 – Issues Identification: Provides an overview of priority issues identified in the planning process. These generalized watershed issues are developed in more subwatershed-specific detail in each of the subwatershed plans.

5 – Goals and Policies: Presents an overview of the 17 goals and associated policies developed by the Board of Managers to guide this plan. These 17 goals provide the framework for the development of performance goals and standards in each of the subwatershed plans.

6 – Implementation Program: Sets forth a plan of action for managing water resources in the watershed that includes proposed amendments to the regulatory program; expansion of operating programs including the Land Conservation Program; and a Capital Improvement Program.

7 – Impact on Local Government: Discusses requirements of Local Surface Water Management Plans, annual reporting, and impact of this Plan on local governments.

8 – Amendments: Identifies the procedures for amending this plan.

DATE: 6/5/2007

TO: BWSR NORTHERN REGION AD HOC COMMITTEE

FROM: JASON WEINERMAN

RE: REVIEW OF SHERBURNE COUNTY FINAL LOCAL WATER MANAGEMENT PLAN (LWMP)

Sherburne County submitted their Local Water Management Plan to the Brainerd office of the BWSR on April 16, 2007. From my observation of the plan development and review of the final plan, I arrived at the conclusion that the local water management plan meets the guidelines established by BWSR, as well as the requirements of 103B.313-103B.314. I recommend that BWSR approve the updated LWMP for Sherburne County.

During the Priority Concerns Scoping phase, the County did an excellent job of contacting state and local agencies and partners to solicit input and developed six priority concerns, which were approved by the BWSR metro water planning subcommittee in March of 2006. After reviewing the metro water planning subcommittee recommendations, the following three priority concerns were resubmitted to and approved by the metro water planning subcommittee:

1. Impaired and degraded lakes and streams in the Elk River Watershed.
2. Increasing urban and residential land use replacing agriculture, forest and open space creates a concern about water quantity and quality due to increased impervious areas
3. Quality and quantity of riparian and aquatic vegetation.

In addition to the above listed priority concerns, the metro water planning subcommittee recommended that the county add a section discussing on-going activities addressing actions undertaken to address groundwater use/quantity, ground water quality including but not limited to contamination from nitrates and pesticides, and pollution of water resources by toxic chemicals. Other recommendations include a section explaining which activities the water plan will not implement and that an education plan be incorporated into various implementation sections of the plan update.

These recommendations have all been addressed in the current plan.

On April 17, 2007 the plan was routed to the reviewing state agencies who returned the following comments.

MDA: The plan does not violate any statutory or rule requirements administered by our agency and approves the entire plan as submitted with no additional comments.

PCA: The plan does not violate any statutory or rule requirements administered by our agency and recommends BWSR approve the entire plan as submitted. The PCA offered the following comments:

- Encourage the county to use the MPCA's Environmental Data Access to find information that may be useful in future water management efforts.

On April 3, 2007, the Water Plan was presented to the County Commissioners and held before a public hearing during the Commissioners regularly scheduled meeting. There were no comments from the public. The commissioners requested that a copy of the plan be provided to the county administrator.

1. Executive Summary

This is the fourth version of the Sherburne County Local Water Management Plan (Water Plan). The first version was adopted by the County in 1992 and was revised in 1995 and in 2002. This version of the Water Plan is in effect through February 28, 2017. The Implementation Program outlined in Section 3 focuses on the first five years of the effective time frame of the plan. In 2012, the plan will be amended to update the Implementation Program for the final five years. The Sherburne Soil and Water Conservation District has been delegated the responsibility for developing and implementing the Local Water Management Plan.

Sherburne County is located in east central Minnesota. The County Seat is located in Elk River. Elk River is approximately 35 miles northwest of Minneapolis and 30 miles southeast of St. Cloud.

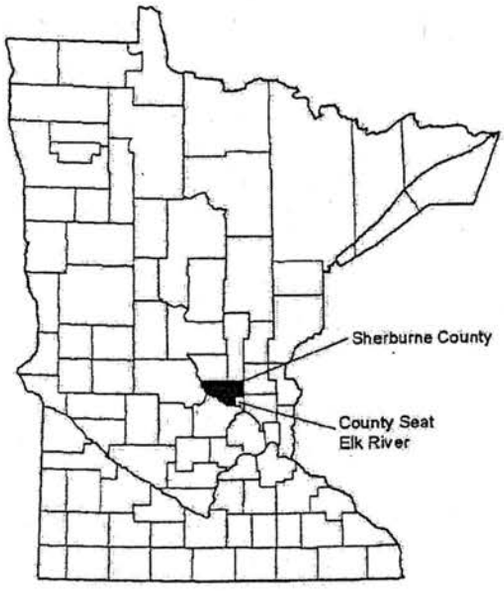
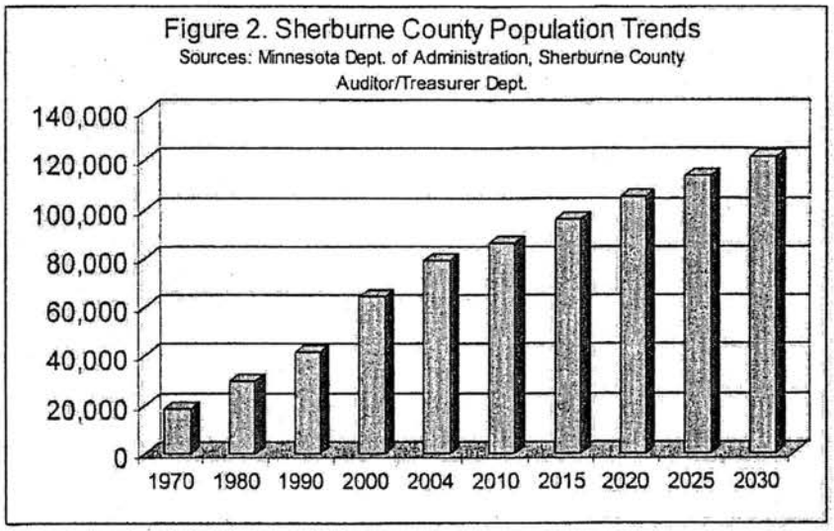


Figure 1. Location of Sherburne County

The estimated 2006 population of Sherburne County is 87,322 with 49,280 residing within incorporated areas. The County has experienced rapid population growth in recent decades and is one of the fastest growing Counties in Minnesota (Figure 2). Based on birth rate statistics provided by the Sherburne County Public Health Department, the projected population increase may be conservative. The rapid population growth of Sherburne County is primarily due to its proximity to the Twin Cities metropolitan area and the St. Cloud urban area.



Background on Local Water Management Planning

Comprehensive Local Water Planning began at the state level in 1985 when a statewide planning committee was formed to make recommendations to the legislature about local water planning. The Legislature, after a yearlong effort, passed Comprehensive Local Water Planning into law as Chapter 110B in the spring of 1986. In 2003, the statute governing County Water Plans was revised and is currently found in M.S. 103B. The County Water Plans are now referred to as "Local Water Management Plans".

The Sherburne County Board determined on August 2, 1989 that the Sherburne Soil and Water Conservation District (SWCD) Board of Supervisors should be the lead agency in the local water plan. The Sherburne County Water Planning Task Force, appointed by the SWCD Supervisors and County Board to represent the county's interest, met monthly starting in March 1990. It established the issues, goals, objectives, actions, and implementation strategies, and was the principal architect of the first version of the Sherburne County Water Plan. Following adoption of the County Water Plan in 1992, the County Board appointed a Water Plan Advisory Committee to review plan implementation and to update the Water Plan every five years.

County Water Plan Advisory Committee

Committee Members:	**Board, Agency or City/Township of Residence**
John Riebel	Sherburne County Board
Lee Schlosser	Sherburne SWCD
Bryan Adams	Livonia Township
Garry Anderson	East St. Cloud
Roger Nelson	Blue Hill Township
Nels Andersen	Livonia Township
C. Perry Schenk	Palmer Township
John Weicht	Elk River
Barbara Tucker	Clear Lake Township
Terry Polsfuss	Palmer Township (member through March, 2006)
Alternates:	
Tiffany Babich	Big Lake Township

Revised April 10, 2007

John Barr	Becker Township
County and State Advisors:	
Mark Basiletti, Water Plan Coordinator	Sherburne SWCD
Gina Hugo, Secretary	Sherburne SWCD
Nicola Blake-Bradley	Sherburne County Zoning (member through January, 2006)
Jennifer Oknich	Sherburne County Zoning
Vonna Henry	Sherburne County Public Health
Tana Haugen-Brown	Sherburne County Extension
Margaret Leach	Minn. Pollution Control Agency
Jason Weinerman	Minn. Board of Water and Soil Resources

The Purpose and Scope of the Sherburne County Local Water Management Plan

The Water Plan focuses on the quality and quantity of surface water and groundwater, and related land uses that effect water resources. The purpose of the Water Plan is:

1. To identify existing and potential problems or opportunities for the protection, management, and development of water resources and related land resources in the County

2. To identify priority concerns to be addressed during the effective time frame of the plan, and

3. To develop and implement a plan of action to address priority concerns.

The Water Plan applies to the entire geographic area of Sherburne County including incorporated and unincorporated areas.

Surface Water, Ground Water and Related Resources

To facilitate the planning process, the county has assembled and studied available information relating to the physical environment, surface and groundwater resources, and related land use. This information is summarized in **Appendix 2** in the context of watershed units and ground water systems.

The Water Plan Advisory Committee used the assembled information to better understand the nature and condition of the County's water and water related resources.

Water Plan Priorities

The process through which priority concerns were selected is described in Section 2. The following three concerns were identified as high priority for this planning period:

(1) Impaired and degraded lakes and streams in the Elk River Watershed;

(2) Increasing urban and residential land use replacing agriculture, forest and open space creates a concern about water quantity and quality due to increased impervious areas; and

(3) Quality and quantity of riparian and aquatic vegetation.

The Implementation Plan

The implementation plan specifies goals, objectives, and specific actions to address issues and concerns identified in the plan. Where appropriate, priority watersheds for actions are specified.

Goals, in the context of this plan, are general statements that clearly communicate what is to be accomplished over the long-term to address the priority concerns. Goals are achievable in a reasonable period of time.

Objectives state how the goal will be accomplished by breaking it down into smaller, more specific measures that will be taken. Objectives are measurable.

Actions are specific activities that the county has identified as being necessary to achieve the goals and objectives identified in this plan. Actions include activities such as educational programs, land treatment projects, monitoring of water resources and development of ordinances and land use controls.

Goals have been developed for each priority concern as follows: (1) Reduce pollutant levels for impaired lakes and streams and maintain water quality where resources meet state standards; (2) Mitigate the quantitative and qualitative storm water impacts to surface water from urban and residential development; (3) Protect, improve and establish native riparian and aquatic vegetation (Section 3).

Specific actions have been identified which will result in making significant progress toward Water Plan goals in the effective time frame of the plan. Actions emphasize using available staff and financial resources, partnerships with federal and state agencies and cooperation with volunteers and local organizations. Grant funding has been obtained to fund many actions stated in the plan. Actions stress working with land owners to install practices such as buffers and stormwater BMPs; working with volunteers and lake associations to monitor water resources; and educating the public on recommended BMPs. Actions are also specified to work with state programs such as TMDLs where these programs compliment Water Plan goals. Actions related to agriculture specify working with USDA-NRCS to establish buffers, implement nutrient management and irrigation water management through on-going programs such as the Environmental Quality Incentive Program, the Conservation Reserve Program and the Wildlife Habitat Incentive program.

The total cost estimate for the implementation program is $557,700 for 2007 through 2011. This cost includes existing staff time; grant funds, some of which is currently in place; USDA – NRCS funding; LGU budgets; funding by private organizations; volunteer time; and contributions from landowners for installing land treatment projects.

Some objectives and actions from the previous Water Plan version are considered on-going and will be continued. These initiatives come under the areas of enforcing existing ordinances and policies for water resource protection and the continuation of programs funded through on-going local, state and federal programs. These actions are considered essential for on-going protection of water resources in Sherburne County. These objectives and actions are listed in Section 4 of the Water Plan.

Consistency with other Local, State and Regional Plans

The following plans were reviewed in preparation of this plan:

Local Water Management Plans of Benton, Stearns, Wright, Mille Lacs and Isanti Counties
Comprehensive Plans for Sherburne County, Elk River, Big Lake, Zimmerman, Becker, Clear Lake and St. Cloud
Storm Water Pollution Prevention Plans for Sherburne County, Elk River, St. Cloud
City of Zimmerman Comprehensive Storm Drainage Plan
The Minnesota 2001-2005 Non Point Source Management Program Plan (NSMPP), MPCA
Upper Mississippi River Basin Water Quality Plan, Headwaters to the Rum River at Anoka, MPCA
Minnesota Watermarks Gauging the Flow of Progress 2000 – 2010, Environmental Quality Board

Local Controls reviewed in the preparation of this plan:

Sherburne County zoning ordinance, subdivision ordinance, floodplain ordinance, recreational and scenic rivers ordinance
City of Becker subdivision ordinance, floodplain ordinance
City of St. Cloud subdivision ordinance, shoreland management ordinance, scenic rivers ordinance, floodplain ordinance
City of Elk River land development regulations, wild and scenic rivers ordinance, floodplain ordinance, shoreland management ordinance
City of Clear Lake zoning ordinance, subdivision ordinance
Zimmerman zoning ordinance, subdivision ordinance, erosion and sediment control ordinances,
City of Big Lake zoning ordinance, subdivision ordinance, floodplain ordinance, wetlands overlay district, shoreland ordinance.

The Sherburne County Local Water Management Plan is consistent with the existing local, state and regional plans reviewed.

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Sherburne** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **April 16, 2007** 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 17, 2006,** the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Sherburne** 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 **Sherburne** 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 and degraded lakes and streams in the Elk River Watershed
   B) Increasing urban and residential land use replacing agriculture, forest and open space creates a concern about water quantity and quality due to increased impervious areas
   C) Quality and quantity of riparian vegetation

4) On **April 16, 2007,** the BWSR received the **Sherburne** 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 13, 2006,** the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the **Sherburne** County Plan Update . Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture recommends Approval
   B) Minnesota Department of Health recommends no recommendation received
   C) Minnesota Department of Natural Resources: no recommendation received
   D) Minnesota Pollution Control Agency recommends Approval
   E) Minnesota Environmental Quality Board: no recommendation received

F) Minnesota Board of Water and Soil Resources regional staff recommends Approval
G) Board Water Plan Review Committee Meeting recommends Approval

6) This update will be in effect until **February, 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 **Sherburne** County pursuant to Minnesota Statutes , 103B.315, Subd. 5.

2. The **Sherburne** 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 **Sherburne** Local Water Management Plan **February 1, 2007 to January 31, 2017 with** the Goals, Objectives and Action Items being amended prior to December 31, 2012.

Dated at **St. Paul,** Minnesota, this **twenty seventh day of June, 2007.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

June 28, 2007

Sherburne County Commissioners
13880 Highway 10
Elk River, MN 55330

Dear Sherburne County Commissioners:

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you it approved Sherburne County's revised Comprehensive Local Water Plan at its regular meeting held on June 27, 2007. 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 Sherburne County Comprehensive Local Water Plan is effective for a ten-year period until February 2017; with the Goals, Objectives and Action Items amended by February 2012.

The county must adopt and begin implementing the plan within 120 days (1990, M.S. 103B.08 Subd. 6, Adoption and Implementation). An example of a resolution adopting the plan can be found on BWSR's website at http://www.bwsr.state.mn.us/watermgmt/guidance/Adoption.doc. Upon adoption, please forward the resolution to your Board Conservationist.

The Sherburne Soil and Water Conservation District staff and water plan advisory members are to be commended for writing a plan that clearly presents the water management goals, actions and priorities. With continued implementation of your water plan the protection and management of Sherburne County's water resources will be greatly enhanced. The BWSR looks forward to working with you as you implement this Plan and document its outcomes.

Sincerely,

Randy Kramer, Chair

Enclosures
cc: Mark Basiletti, County Water Plan Coordinator
File copy

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Saint Paul
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Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

Minnesota Board of Water & Soil Resources

DATE: June 18, 2007

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: David Sill, Board Conservationist

SUBJECT: **Cottonwood County Local Water Management Plan Final Review**

I have completed my final review of the Cottonwood County Local Water Management Plan and recommend approval of this update.

The Cottonwood County Local Water Management Plan meets all requirements including:

- focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- adequately assesses the priority concerns and sets forth appropriate goals and objectives;
- lays out a detailed implementation program with measurable actions, timeline and budget; and
- includes all required sections.

State agency comments were received from the Minnesota Department of Natural Resources (DNR), the Minnesota Department of Agriculture (MDA), and Minnesota Department of Health (MDH). These agencies recommend approval of the Plan.

I look forward to assisting Cottonwood County in the implementation of their plan. Water Plan Coordinator – Michael Hanson should be commended for his leadership and dedication throughout the planning process.

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fax (651) 297-5615

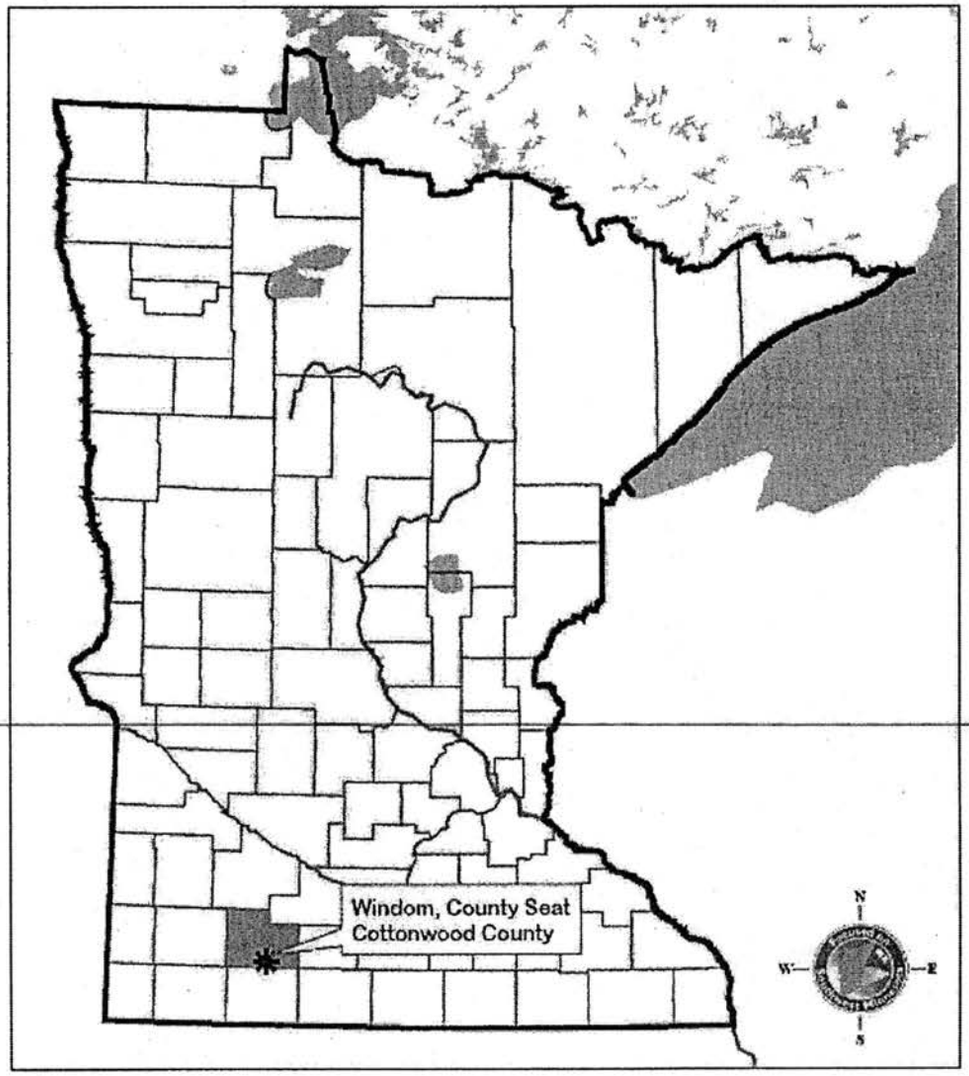
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COTTONWOOD COUNTY
LOCAL WATER MANAGEMENT PLAN
2007-2017

A 10-year plan with a 5-year implementation schedule

March 2007

Prepared for the Cottonwood County Local Water Management Plan Task Force
By Cottonwood County Environmental Office and
Southwest Regional Development Commission



A. Executive Summary

Cottonwood County is located in southwestern Minnesota, adjacent to Murray, Redwood, Brown, Watonwan, Jackson, and Nobles counties. The City of Windom is the county seat. Cottonwood County's population in the 2000 census was 12,167 and the City of Windom's population was 4,490.

The Coteau des Prairies—a conspicuous ridge extending northwest to southeast across the region—bisects Cottonwood County into two major drainages. Watersheds of the Cottonwood, Watonwon, and to a lesser extent the Little Cottonwood and Blue Earth, drain in a northeasterly direction into the Minnesota River, which meets the Mississippi River at St. Paul. The West Fork Des Moines River watershed drains south into Iowa and eventually into the Mississippi River.

A.1 Purpose & Introduction

The Cottonwood County Local Water Management 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 Cottonwood County. On 7 April 1987, the Cottonwood County Board of Commissioners approved a resolution entering into a joint powers agreement with twelve other counties to form the South Central Minnesota Counties Comprehensive Water Planning Project. On 18 August 1987, the Cottonwood County Board of Commissioners adopted a resolution to develop a comprehensive local water plan according to Minnesota Statutes in effect at that time. A public hearing was held on 24 September 1991 where comments were heard by the County Board, and the plan adopted by the Cottonwood County Board of Commissioners after the 90-day review.

The County updated the water plan in 1996, with a public hearing and adoption on 1 October 1996. This second edition of the water plan took a watershed-based approach for data assessment. The Cottonwood County Board of Commissioners adopted a resolution on 10 January 2006 to revise this plan, according to Minnesota Statutes now in effect.

Major accomplishments under Cottonwood County's previous water management plans included:

- Managed and provided funds for county residents to test well water for nitrates and bacteria.

- Promoted the sealing of abandoned wells, and provided cost share to seal 191 wells since 1998, and numerous wells prior to that; and maintained the data base with the pertinent information.
- Promoted the replacement of non-compliant septic systems: 90 systems replaced between 1981 and 1989, 400 systems between 1990 and 1999, and 227 from 2000 to date. Maintained files and data base with pertinent information.

Cottonwood County Water Plan
Ag BMP Loans

	Septics	Dollars	Agricultural Waste	Dollars	Conservation and Tillage	Dollars
2000	0	$0	1	$23,217	1	$20,000
2001	7	$41,829	1	$50,000	5	$39,320
2002	7	$37,325	1	$50,000	3	$67,520
2003	6	$30,846	5	$126,352	8	$123,160
2004	4	$22,460	5	$221,544	15	$243,950
2005	1	$7,250	5	$113,750	6	$169,533
2006	0	$0	4	$94,064	12	$166,455

Source: Cottonwood County Environmental Office, SWCD

- Secured funds for the Low Interest Loan Program to provide funding for installation of septic systems, and continue to look for additional sources of this funding.
- Worked with MPCA as a Delegated County for the Feedlot Program, and maintained the feedlot data base.
- Worked with county livestock producers in registering their feedlots and completing their Manure Management Plans.
- Provided county livestock producers with funding for testing samples of manure.
- Provided technical assistance and guidance in developing Well Head Protection Plans for Red Rock Rural Water, the City of Windom, and the City of Jeffers.
- Participated in the 13 County Water Planners organization.
- Worked with Mankato State University in the development of GIS mapping capabilities and shape-files.
- Worked with Mankato State University on the Cottonwood County Geological Atlas and the Cottonwood County Surface Hydrology Atlas.
- Administered the Wetland Conservation Act
- Administered the Shoreland and Flood Plain Management Program.
- Administrator for and helped fund the West Fork Des Moines River (WFDMR) Drinking Water Project Phase I Clean Water Partnership.
- Administrator for the Des Moines River Phase I Clean Water Partnership Project.
- Rewrote the County Comprehensive Plan and addressed the protection of the waters in the County.
- Developed a Mining, Extraction, and Excavation Ordinance to protect the quality and quantity of water in Cottonwood County.
- Funded and participated in the Little Cottonwood Clean Water Partnership.

- Cottonwood County, along with Brown and Nicollet Counties, sponsored and helped co-ordinate the annual Children's Water Festival held in the month of March for approximately 900 4th grade students of the three counties for the past 8 years
- Provided funding for Conservation Day attended by 5th grade students of Cottonwood County for many years.
- Provided funding for the Southwest MASWCDE Environmental Fair attended by 6th grade classes of Cottonwood County for many years.
- Helped fund a SWCD CREP (Minnesota River Basin) staff position for 4 years.
- Provided funds to plant trees in shelter belts and wildlife plantings.
- Provided funds for a weed-badger used in weeding the tree plantings.

The Cottonwood County Environmental Office is responsible for local water management in Cottonwood County, including facilitation of public input and convening the Cottonwood County Local Water Management Plan Task Force. Cottonwood County retained the Southwest Regional Development Commission to manage the Plan update process. Task Force membership currently includes:

2006-07 Local Water Management Plan Task Force Members

- Phyllis Bakken, County Planning Commission, Agriculture
- Dave Bucklin, Cottonwood Soil & Water Conservation District
- Kay Clark, Cottonwood Soil & Water Conservation District
- Kelli Daberkow, Red Rock Rural Water System / Heron Lake Watershed District (2006)
- Mike Haugen, City of Windom
- Norm Holmen, Cottonwood County Commissioner
- Dominic Jones, Red Rock Rural Water System (2007)
- Tom Kresko, MN Department of Natural Resources
- Wendy Meyer, City of Mountain Lake
- Art Steere, Amo Township, Agriculture
- Mike Hanson, Cottonwood County Environmental Office/Water Planner
- Marlene Smith, Cottonwood County Environmental Office
- Karen Boysen, Cottonwood County TMDL Project Coordinator
- John C. Shepard, AICP, Southwest Regional Development Commission Planner (project manager)

A.1.a Public and Internal Forums

9/27/2005	Cottonwood County Board of Commissioners approve new Comprehensive (land use) Plan after several years of public process, including chapters addressing the relationship of land use, development and water resources. Identifies task of updating Water Plan.
1/10/2006	Cottonwood County Board of Commissioners approve resolution of intent to revise and update the local water management plan.
3/17/06	KDOM-AM/FM interview with Southwest Regional Development Commission Development Planner, discussing water plan update.
3/21/06	Notice of Decision to Revise and Update the Local Water Management Plan provided by email and/or postal service to local units of government, organizations and responsible agencies as suggested and required.

4/5/06	Shallow Lakes Forum addresses water quality concerns.
5/10/06	Requested date for priority concerns, comments and information to be returned to Cottonwood County Environmental Office or Southwest Regional Development Commission.
5/10/06	Meeting notice published as legal ad in *Cottonwood County Shopper*.
5/17/06	Meeting Notice published as display ad in *Cottonwood County Citizen*.
5/18/06	Cottonwood County Planning Commission Public Hearing to consider zoning amendments addressing mining impacts on shoreland and water resources, as identified in the Comprehensive Plan.
5/25/06	Local Water Management Plan Update Information Meeting held with Task Force as public hearing on priority water management concerns for Cottonwood County, at DNR Office in Windom. (8 att.)
6/23/06	Meeting of DNR staff with Cottonwood County Water Planner and Southwest Regional Development Commission Development Planner in Slayton, to discuss priority water concerns.
6/29/06	Continuation of Local Water Management Plan Update Information Meeting with Task Force and staff held at Cottonwood County Environmental Office. (12 att.)
11/08/06	BWSR Southern Water Planning Review Committee
11/30/06	Plan Task Force Meeting on Priority Concerns — Feedlots & ISTS (10 att.)
12/20/06	Plan Task Force Meeting on Priority Concerns — Groundwater (9 att.)
1/25/2007	Plan Task Force Meeting on Priority Concerns —Surface Water Quality. (11 att.)
2/16/07	KDOM-AM/FM interview with Southwest Regional Development Commission Development Planner, discussing water plan update.
2/22/07	Plan Task Force Meeting on Implementation (9 att.)
3/27/07	Public Hearing on Local Water Management Plan before the County Board of Commissioners

A.1.b Plan Adoption and Amendment

Upon approval of this plan by the Minnesota Board of Water and Soil Resources (BWSR), Cottonwood 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. While the assessment of priority concerns utilized the best available data, this plan rests solidly on information and analysis contained in previous editions of the county's local water management plan.

Priority Concern 1. Improve Surface Water Quality.

Protecting soil from erosion is always a challenge. Improved land use and agricultural best management practices are necessary to address the quality of lakes, wetlands and rivers. MPCA listing of impaired waters requires local strategies to meet Total Maximum Daily Load (TMDL) standards.

Priority Concern 2. Protect Groundwater.

Portions of Cottonwood County have enjoyed adequate groundwater supplies, while other areas have experienced difficulty with sufficient supply. There is increasing concern with groundwater quality and long-term supply. Efforts to protect groundwater should be focused on Drinking Water Supply Management Areas (DWSMA) and surficial aquifer areas.

Priority Concern 3. Feedlots & ISTS (Individual Sewage Treatment Systems).

Nutrient management plans and controlling feedlot runoff are important tools in preventing water quality issues. There are also many dispersed farmsteads and rural residential properties with outdated septic systems; there is a great need and demand to continue upgrades.

A.3 Summary of Goals, Actions, and Projected Costs

Goals and Actions were selected to address priority concerns, with a focus on principles of sound hydrological management.

Priority Concern 1. Improve Surface Water Quality.

This concern will be addressed to prevent further degradation of stream and lake water quality, with a priority for Des Moines and Watonwan Watersheds. Objectives include protecting soil from erosion, drainage management, wetland restoration and management, and addressing TMDL impaired waters.

Implementation actions include promotion and education, reviewing ordinances, providing technical assistance with programs and best management practices, providing financial incentives for conservation practices, developing new GIS map layers, and working with state and federal agencies on measures to improve water quality.

Projected costs over the five years of the management plan to implement all actions would include about $927,000 for projects and financial assistance, $760,000 for TMDL plans and implementation, $100,000 for technical assistance and $6,250 for outreach and education, as well as annual in-kind services. All dollar figures are estimates and recognize approximate costs of all identified implementation partners.

Priority Concern 2. Protect Groundwater.

This concern will be addressed to assure long-term quality and quantity of groundwater supplies, with a priority for Drinking Water Supply Management Areas

(DWSMA) and surficial aquifers. Objectives include supporting well head protection, preventing groundwater contamination, and protecting long-term supplies.

Implementation actions include providing technical assistance and incentives for landowners, outreach and education, reviewing ordinances, maintenance of GIS layers, testing well water quality, providing assistance to seal unused wells, and working with cities and water providers for long-term water supplies.

Projected costs would include about $10,000 over the five year management plan for review of Conditional Use Permits; $75,000 for assistance to landowners sealing unused wells, $20,000 for technical assistance, and $3,750 for outreach and education, as well as annual in-kind services.

Priority Concern 3. Feedlots & ISTS (Individual Sewage Treatment Systems).

This concern will be addressed to protect public waters and assist residents in meeting feedlot and septic standards, focusing on immediate health and safety needs. Objectives include assisting feedlots owners to maintain compliance with state statutes and continuing to bring nonconforming septic systems into compliance with state standards.

Implementation actions include providing education and outreach, technical assistance with nutrient and manure plan development, maintenance of GIS layers, review ordinances, and providing financial assistance to fix feedlot problems, and replace non-compliant septic systems.

Projected costs would include about $1,400,000 towards bringing septic systems into compliance, $350,000 for projects and financial assistance, $120,000 for technical assistance and consulting, and $5,000 for outreach and education, as well as annual in-kind services.

A.4 Consistency with Local, State and Regional Plans

Cottonwood County Environmental Office administers the County's comprehensive land use plan and zoning ordinance. This helps to maintain consistency between this plan and these other plans and ordinances. The *Cottonwood County 2005 Comprehensive Plan* identifies issues, goals, objectives, policies and tasks, which have been reviewed for consistency with this water management plan. No other plans were received for review.

A.5 Summary of Recommended Amendments to Other Plans and Official Controls

No specific amendments are recommended at this time. Action items include updates to the comprehensive plan and zoning ordinances within this document's management timeline. It would be recommended to incorporate data from this plan into other local plans and controls when they are updated.

B.3 Goals and Objectives to Address Priority Concerns

Goals and Objectives for local water management were selected by the Task Force based on the selected priority concerns. **Goals** are general statements that clearly communicate **what is to be accomplished** over the long-term to address the priority concerns. Goals are achievable in a reasonable period of time. **Objectives** state **how the goal will be accomplished** by breaking it down into smaller, more specific measures that will be taken. Objectives should be measurable. Goals and objectives listed below were reached by consensus and are not necessarily in rank order.

Priority Concern 1. Improve Surface Water Quality.

Goal 1: Prevent further degradation of stream and lake water quality, with a priority for the Des Moines and Watonwon watersheds.

Objective 1.a: Protect soil from erosion and prevent agricultural runoff.

Objective 1.b: Address impacts of Drainage Management

Objective 1.c: Wetland restoration and management.

Objective 1.d: Address TMDL Impaired Waters

Priority Concern 2. Protect Groundwater.

Goal 2: Assure long-term quality and quantity of groundwater supplies, with a priority for Drinking Water Supply Management Areas (DWSMA) and surficial aquifer areas.

Objective 2.a: Support Well Head Protection planning and implementation.

Objective 2.b: Prevent nitrate and pesticide infiltration of shallow groundwater.

Objective 2.c: Prevent groundwater contamination from unused wells.

Objective 2.d Protect long-term water supply.

Priority Concern 3. Feedlots & ISTS (Individual Sewage Treatment Systems).

Goal 3: Protect public waters and assist residents in meeting feedlot and septic standards, focusing on immediate health and safety situations.

Objective 3.a: Assist feedlot owners to maintain compliance with MN Statute 7020 standards.

Objective 3.b: Continue to bring nonconforming ISTS into compliance with state standards.

C. Implementation to Address Priority Concerns

This section establishes the implementation program for local water management to address priority concerns. **Action items** describe **specific measures** that the County intends to implement, in cooperation with appropriate local, state and federal agencies and organizations. Action items listed below were reached by consensus and are not necessarily in rank order.

C.1 Priority Concern 1. Improve Surface Water Quality.

Goal 1: Prevent further degradation of stream and lake water quality, with a priority for the Des Moines and Watonwan watersheds.

Objective 1.a: Protect soil from erosion and prevent agricultural runoff.

Actions:

1a.1 Review zoning ordinances to insure minimal development impacts on surface waters.
Who: Env When: 2007-2012 Cost: In-Kind

1a.2 Assist coordination of a multi-county yearly water festival that educates 850 children on environmental stewardship.
Who: Env, BNC When: 2007-2012 Cost: In-Kind

1a.3 Help fund a multi-county yearly water festival that educates 850 children on environmental stewardship.
Who: Env, SWCD, BNC When: 2007-2012 Cost: $500 per year

1a.4 Help fund an annual environmental fair and conservation day which educates 500 children from southwest Minnesota.
Who: Env, SWCD When: 2007-2012 Cost: $500 per year

1a.5 Educate landowners on proper lakeshore and stream-bank stabilization practices.
Who: Env, DNR When: 2007-2012 Cost: In-Kind

1a.6 Promote use of buffer strips along ditches and streams within the Des Moines and Watonwon watersheds.
Who: Env, SWCD, NRCS, HLWD When: 2007-2009 Cost: In-Kind

1a.7 Assist producers in applying for cost share opportunities for conservation practices.
Who: Env, SWCD, NRCS, RCRCA, BNC When: 2007-2012 Cost: In-Kind

1a.8 Promote conservation tillage, EQIP, and AgBMPs by contacting all County landowners through an informational bulletin sent by the SWCD.
Who: Env, SWCD, NRCS When: 2007-2012 Cost: $1,000 per year

1a.9 Conduct conservation tillage transect survey for the County, and analyze data to determine residue cover.
Who: SWCD, BWSR, NRCS When: 2007-09 Cost: $3,000

1a.10 Provide incentives for sign up of 80 acres of buffer strips along ditches and streams within the Des Moines, Heron Lake and Watonwan watersheds.
Who: Env, SWCD, NRCS, HLWD When: 2007-2009 Cost: $10,000

1a.11 Enroll 500 acres of marginal land into CREP buffer strip program.
Who: Env, SWCD, BWSR, NRCS When: 2007-2012 Cost: $500,000

1a.12 Reduce the amount of wind erosion by planting 12,500 feet of field windbreaks and living snow fences; also plant 25 acres of farmstead shelterbelts.
Who: Env, SWCD When: 2007-2012 Cost: $25,000

Objective 1.b: Address impacts of Drainage Management

Actions:

1b.1 Administer the Floodplain Ordinance to assure adherence to water plan.
Who: Env When: 2007-2012 Cost: In-Kind

1b.2 Investigate developing a GIS layer of all public drainage systems.
Who: Env, Auditors Office When: 2007-2008 Cost: In-Kind

1b.3 Develop a GIS layer of all public drainage systems and include: system name, watershed size, outlets, date established, system type, repair history, improvement history, and other relevant data.
Who: Env, Auditors Office, BWSR When: 2009-2012 Cost: $60,000

1b.4 Assist with and install 25 grassed waterways.
Who: NRCS, SWCD When: 2007-2012 Cost: $75,000

1b.5 Assist with and install 30 sediment control structures.
Who: NRCS, SWCD, HLWD When: 2007-2012 Cost: $150,000

1b.6 Work with Area II Representatives to identify areas in the Minnesota River basin watersheds for water retention structures.
Who: Env, SWCD, Area II When: 2009-2010 Cost: In-Kind

1b.7 Seek additional funding for water retention structures within the Des Moines River and Watonwon headwaters watersheds.
Who: Env, SWCD, USDA When: 2007-2012 Cost: In-Kind

Objective 1.c: Wetland restoration and management.

Actions:

1c.1 Provide technical assistance to the Wetland Technical Evaluation Panel (TEP) to minimize the amount of wetland conversions.
Who: Env, SWCD, BWSR When: 2007-2012 Cost: $100,000

1c.2 Work with DNR and US Fish and Wildlife Service to maintain wetlands in existing wildlife areas.
Who: Env, DNR, US FWS When: 2007-2012 Cost: In-Kind

1c.3 Work with the Heron Lake Watershed District to educate landowners on the benefits of converting drained wetlands back to a vegetated state, using Wetland Reserve Program, Conservation Reserve Program and Continuous CRP.
Who: Env, SWCD, HLWD When: 2007-2012 Cost: In-Kind

1c.4 Enroll 100 acres of marginal land into CREP/WRP wetland restoration program.
Who: Env, SWCD, BWSR, NRCS When: 2007-2012 Cost: $100,000

Objective 1.d: Address TMDL Impaired Waters

Actions:

1d.1 Provide public information on water quality through a booth at the County Fair.
Who: Env, SWCD When: 2007-2012 Cost: $750 + In-Kind

1d.2 Provide public information on water quality through a booth at Windom Ag day.
Who: Env, SWCD When: 2007-2012 Cost: $500 + In-Kind

1d.3 Coordinate preparation of the Des Moines River TMDL study and plan.
Who: Env, SWCD, HLWD, MPCA When: 2007-2008 Cost: $10,000 +In-Kind
Murray, Jackson, Nobles counties

1d.4 Provide technical assistance for preparation of Greater Blue Earth Basin TMDL plans.
Who: Env, SWCD, MPCA, GBERBA When: 2007-2012 Cost: In-Kind

1d.5 Provide technical assistance for preparation of the Little Cottonwood River TMDL plans.
Who: Env, SWCD, BNC, MPCA When: 2007-2008 Cost: In-Kind

1d.6 Provide technical assistance for preparation of the Redwood/Cottonwood Rivers TMDL plans.
Who: Env, SWCD, MPCA, RCRCA When: 2008-2012 Cost: In-Kind

1d.7 Coordinate implementation of the Des Moines River TMDL study and plans, through funding from Clean Water Legacy and other sources.
Who: Env, SWCD, HLWD, MPCA When: 2008-2012 Cost: $750,000
Murray, Jackson, Nobles counties

C.2 Priority Concern 2. Protect Groundwater.

Goal 2: Assure long-term quality and quantity of groundwater supplies, with a priority for Drinking Water Supply Management Areas (DWSMA) and surficial aquifer areas.

Objective 2.a: Support Well Head Protection planning and implementation.

Actions:

2a.1 Educate cities on importance of Wellhead Protection
Who: Env When: 2007-2012 Cost: In-Kind

2a.2 Assist cities with completing a Wellhead Protection Plan.
Who: Env, MDH When: 2007-2012 Cost: In-Kind

2a.3 Educate landowners in DWSMAs on measures to protect groundwater.
Who: Env When: 2007-2012 Cost: In-Kind

2a.4 Protect DWSMA and surficial aquifer areas from agricultural and industrial contamination through conditional use hearings.
Who: Env When: 2007-2012 Cost: $5,000

2a.5 Maintain a GIS layer of wellhead protection areas throughout the County.
Who: Env When: 2007-2012 Cost: In-Kind

2a.6 Assess effectiveness of existing ordinances to ensure that they protect and do not negatively impact Well Head Protection Areas.
Who: Env, MDH When: 2007-2012 Cost: In-Kind

2a.7 Continue to cooperate with Red Rock Rural Water on the expansion of the rural water systems and advise the public about County programs that will help manage potential contamination sources.
Who: Env, RRRWS When: 2007-2012 Cost: In-Kind

2a.8 Promote use of CREP in Well Head Protection Areas.
Who: Env, SWCD When: 2007-2012 Cost: In-Kind

Objective 2.b: Prevent nitrate and pesticide infiltration of shallow groundwater.

Actions:

2b.1 Promote proper application of fertilizers and pesticides.
Who: Env, SWCD When: 2007-2012 Cost: In-Kind

2b.2 Promote use of grassed waterways and buffer strips along ditches and streams in surficial aquifer areas.
Who: Env, SWCD, NRCS, HLWD When: 2007-2012 Cost: In-Kind

2b.3 Conduct bi-yearly free clinics for testing nitrate levels in well water.
Who: Env, MDH, MDA When: 2007-2012 Cost: $750

2b.4 Seek additional funding for nitrate and pesticide education and outreach.
Who: Env When: 2008-2009 Cost: In-Kind

2b.5 Assist 3 producers a year with nutrient management plans.
Who: Env, GBERBA When: 2007-2012 Cost: $20,000/year

Objective 2.c: Prevent groundwater contamination from unused wells.

Actions:

2c.1 Work with well contractors to promote proper well protection and sealing.
Who: Env When: 2007-2012 Cost: $150 per year

2c.2 Provide information to rural water system members about proper well protection and sealing programs.
Who: Env, RRRWS When: 2007-2012 Cost: $150 per year

2c.3 Prevent contamination of groundwater aquifers through the sealing of 30 unused wells per year.
Who: Env When: 2007-2012 Cost: $500 per well

Objective 2.d: Protect long-term water supply.

Actions:

2d.1 Assist public water suppliers with water exploration within the County
Who: Env, RRRWS When: 2007-2012 Cost: In-Kind

2d.2 Promote water conservation by using existing materials and resources.
Who: Env, MDH, RRRWS When: 2007-2012 Cost: $1,500

2d.3 Protect long-term water supply through conditional use hearings for municipal, industrial, irrigation, or public water supply wells.
Who: Env, DNR When: 2007-2012 Cost: $1,500

C.3 Priority Concern 3. Feedlots & ISTS (Individual Sewage Treatment Systems).

Goal 3: Protect public waters and assist residents in meeting feedlot and septic standards, focusing on immediate health and safety situations.

Objective 3.a: Assist feedlot owners to maintain compliance with MN Statute 7020 standards.

Actions:

3a.1 Conduct yearly meetings with township officials and promote Ag BMP's.
Who: Env When: 2007-2012 Cost: In-Kind

3a.2 Inspect 10% of all registered feedlots per year to verify they are in compliance with MN Statute 7020.
Who: Env When: 2007-2012 Cost: $15,000

3a.3 Provide technical assistance for feedlot improvements to 150 projects over 5 years.
Who: Env, SWCD, NRCS When: 2007-2012 Cost: In-Kind

3a.4 Provide implementation funding through EQIP and state cost-share to 75 projects over 5 years.
Who: SWCD, NRCS When: 2007-2012 Cost: $350,000

3a.5 Maintain a GIS layer of all registered feedlots compatible with E-link.
Who: Env When: 2007-2012 Cost: In-Kind

3a.6 Provide manure sample kits to 12 producers a year.
Who: Env, MPCA When: 2007-2012 Cost: $2,000

3a.7 Assist 10 producers a year with registered feedlots over 300 animal units to develop and maintain a manure management plan for proper manure application.
Who: Env, SWCD, GBERBA When: 2007-2012 Cost: $85,000/year

3a.8 Assist 3 producers a year with nutrient management plans.
Who: Env, SWCD, GBERBA, NRCS When: 2007-2012 Cost: $20,000/year

Objective 3.b: Continue to bring nonconforming ISTS into compliance with state standards.

Actions:

3b.1 Work through GBERBA to develop a basin-wide (Greater Blue Earth watershed) plan to accelerate upgrades to septic systems.
Who: Env, GBERBA When: 2007-2008 Cost: $20,000

3b.2 Upgrade 40 non-compliant septic systems per year.
Who: Env When: 2007-2012 Cost: $7,000 per system

3b.3 Seek additional funding from USDA and other sources for ISTS construction.
Who: Env, MPCA When: 2008-2012 Cost: In-Kind

3b.4 Update County ISTS ordinance to achieve compliance with State rules.
Who: Env, MPCA When: 2008 Cost: In-Kind

3b.5 Provide an informational packet regarding septic system maintenance to every landowner who installs a new ISTS.
Who: Env, MPCA When: 2007-2012 Cost: $200 per year

3b.6 Maintain a GIS layer of all septic system installations throughout the County.
Who: Env When: 2007-2012 Cost: In-Kind

3b.7 Work with Cities to hook households and businesses with non-compliant ISTS onto municipal services.
Who: Env When: 2007-2012 Cost: In-Kind

3b.8 Provide public information on state sewer rules and educate property owners about the imminent public heath threats and environmental harm posed by non-complying systems.
Who: Env, RRRWS When: 2007-2012 Cost: $2,000

D. Implementation Schedule of Ongoing Activities

This section identifies other local activities and programs of the County Environmental Office and cooperators which contribute towards the goals and objectives of local water management, in addition to those under the scope of the local water management plan. There are also many other public and private efforts at the regional, state and federal levels which serve to promote the regulatory and informational goals of sound water management. These particular ongoing activities typically encompass all watersheds in the county, reaching a broad cross-section of local residents and businesses.

D.1 Priority Concern 1. Improve Surface Water Quality..

- Administer and provide assistance for the State Revolving Fund for Ag BMP's.
- Assist with testing and providing services for commercial pesticide applicators.
- Continue to administer Wetland Conservation Act.
- Promote technical assistance for conservation programs.
- Promote the SWCD tree program.
- Promote and help facilitate the CREP program.

D.2 Priority Concern 2. Protect Groundwater.

- Continue to promote and provide Household Hazardous Waste Program to correctly dispose of HHW.
- Provide a collection program for waste pesticides and empty containers.
- Promote recycling and solid waste management.
- Provide electronics and appliance disposal.
- Provide cost-share assistance for well sealing.

D.3 Priority Concern 3. Feedlots & ISTS (Individual Sewage Treatment Systems).

- Continue to be a delegated County in the MPCA Feedlot Program and provide data to state databases.
- Inspect and assist producers in maintaining compliance with State rules.
- Promote and provide assistance for manure management plans and practices.
- Inspect and assist producers in maintaining compliance with County and State feedlot rules.
- Administer regulations, permit, and inspect individual sewage treatment systems.

D.4 Additional Environmental Office Programs.

- Assist landowners with setback permits and zoning regulations.
- Facilitate and track biological control of noxious weeds.
- Educate Townships on the noxious weed program.
- Participate in the State's Rainfall monitoring program.
- Administer Shoreland and Floodplain Management Program.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Cottonwood** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on April 6, 2007 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 July 24, 2006 the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Cottonwood** County, pursuant to M.S. Section 103B.312.

2) On December 20, 2006 the Board of Water and Soil Resources approved official comments on the **Cottonwood** County Priority Concerns Scoping Document, which were mailed to the county on December 20, 2006.

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

   A) Improve Surface Water Quality;
   B) Protect Groundwater;
   C) Feedlots & ISTS (Individual Septic Treatment Systems).

4) On **April 11, 2007** the BWSR received the **Cottonwood** 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 4, 2007,** the regional Water Planning Committee of the board reviewed the recommendations of the state review agencies regarding final approval of the Cottonwood 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: no recommendation received;
   E) Minnesota Environmental Quality Board: no recommendation received;
   F) Minnesota Board of Water and Soil Resources regional staff: recommends approval;
   G) Board Water Plan Review Committee Meeting: recommends approval.

6) This update will be in effect until **July 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 **Cottonwood** County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2) The **Cottonwood** 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 **Cottonwood** County Local Water Management Plan with a required update to the Implementation section (Goals, Objectives and Action) by **July 1, 2012**.

Dated at St. Paul, Minnesota, this twenty-seventh day of June 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: June 18, 2007

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: David Sill, Board Conservationist

SUBJECT: **Murray County Local Water Management Plan Final Review**

I have completed my final review of the Murray County Local Water Management Plan and recommend approval of this update.

The Murray County Local Water Management Plan meets all requirements including:

- focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- adequately assesses the priority concerns and sets forth appropriate goals and objectives;
- lays out a detailed implementation program with measurable actions, timeline and budget; and
- includes all required sections.

State agency comments were received from the Minnesota Department of Natural Resources (DNR), the Minnesota Department of Agriculture (MDA), the Minnesota Department of Health (MDH), and the Minnesota Pollution Control Agency (MPCA). These agencies recommend approval of the Plan.

I look forward to assisting Murray County in the implementation of their plan. Water Plan Coordinator – Chris Hansen should be commended for his leadership and dedication throughout the planning process.

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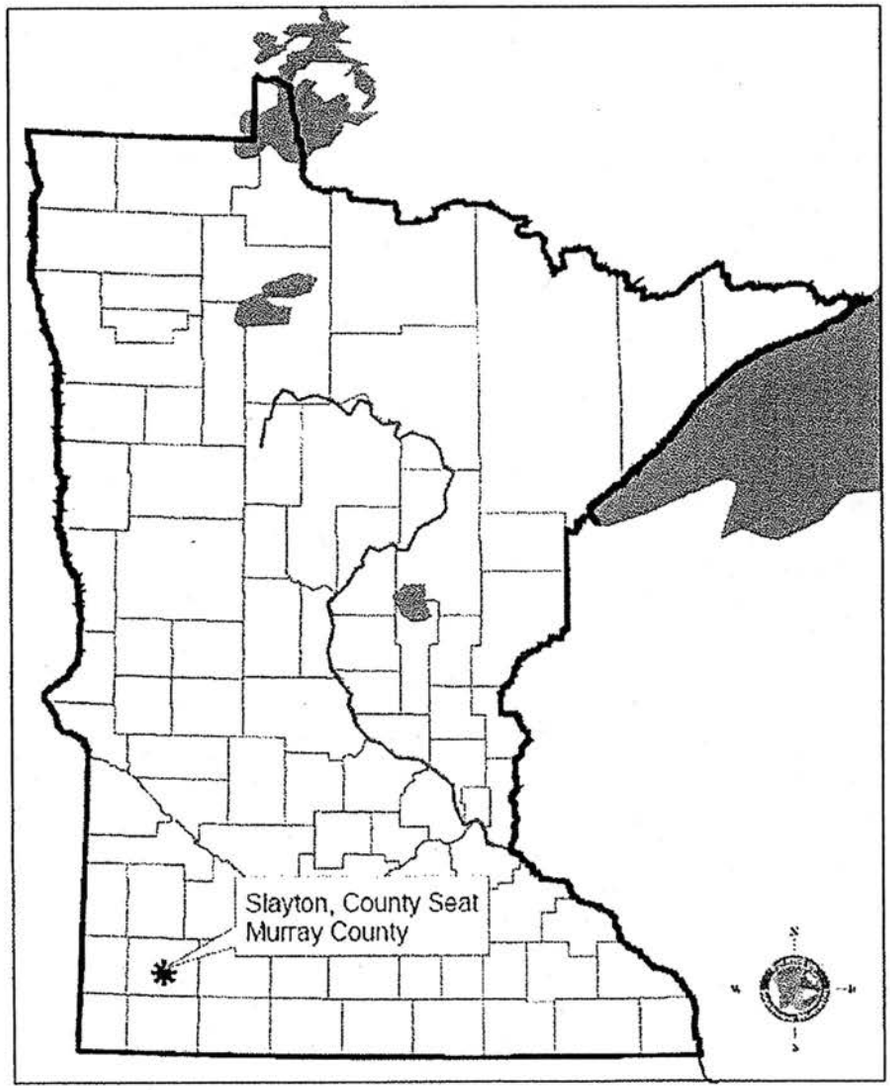
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MURRAY COUNTY
LOCAL WATER MANAGEMENT PLAN
2007-2017

A 10-year plan with a 5-year implementation schedule.

January 2007

Prepared for the Murray County Local Water Management Plan Task Force
By Murray County Environmental Services and
Southwest Regional Development Commission



A. Executive Summary

Murray County is located in southwestern Minnesota, adjacent to Cottonwood, Redwood, Lyon, Pipestone, Rock, and Nobles counties. The City of Slayton is the county seat. Murray County's population in the 2000 census was 9,165 and the City of Slayton's population was 2,050.

Murray County is typical prairie environment, with variation in land elevation from 1900 feet above sea level atop the Coteau de Prairies (Buffalo Ridge) to 1250 feet in the northeast corner of the county, with nine generalized soil areas. Murray County contains the headwaters of four major watersheds, including the Cottonwood and Redwood rivers which drain into the Minnesota River, the Rock River which drains into the Missouri River basin, and the Des Moines River which eventually drains into the Mississippi River **(see Map A attached)**.

A.1 Purpose & Introduction

The Murray 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 Murray County. On 10 October 1987, the Murray County Board of Commissioners adopted a resolution to develop a Comprehensive Local Water Plan according to Minnesota Statutes in effect at that time. This plan, developed as a multi-county project under the direction of the Redwood-Cottonwood Rivers Control Area, was adopted by the Murray County Board of Commissioners on 4 September 1990. On 7 December 1995, the Murray County Board of Commissioners adopted a resolution to update and revise the Comprehensive Local Water Plan. The Murray County Board of Commissioners adopted a resolution on 6 September 2005 to revise the current plan, adopted on 1 April 1997, according to Minnesota Statutes now in effect.

Major accomplishments under Murray County's previous water management plans included:

- Completed a Level III Feedlot Inventory of the Cottonwood watershed.
- Provided cost-share to seal 448 wells since 1995.
- Provided funding for cities within Murray County for their wellhead protection plans.
- Sampled 65 wells throughout the County since 1992 for contaminants.

- Sample all perimeter tiles around new animal confinement structures for ground water contamination.
- Conducted soil fertility tests on 9 sites throughout the County since 1992.
- Helped fund three cities with their sewer upgrades.
- Sponsored the Heron Lake Ecology Bus
- Helped sponsor the Southwest MN Environmental Fair for 15 years.
- Helped sponsor the 4-H Camp for 8 years.
- Completed several thousand feet of rip-rap on Current Lake through a challenge grant.
- Received a challenge grant for the Shetek Area Water & Sewer District's centralized sewer feasibility study.

Murray County Water Plan
Ag BMP Loans

	Feedlots	Dollars	Septics	Dollars	Conservation Tillage	Dollars
2000	2	$37,228	12	$58,025	13	$149,095
2001	4	$65,314	9	$45,349	25	$399,146
2002	0	$0	5	$31,514	12	$157,160
2003	0	$0	5	$27,515	13	$216,856
2004	7	$187,289	6	$36,042	23	$526,707
2005	3	$125,000	2	$14,031	16	$287,553
2006	6	$193,693	3	$16,186	19	$313,750

Source: Murray County Environmental Services Office

The Murray County Environmental Services Office is responsible for local water management in Murray County, including facilitation of public input and convening the Murray County Local Water Management Plan Task Force. Murray County retained the Southwest Regional Development Commission to assist with writing the Plan update. Task Force membership currently includes:

2006-07 Local Water Management Plan Task Force Members

Paul Posthuma	Agriculture / SWCD
Duane Spartz	Private Business
Jon Hoyme	Shetek Area Water and Sewer Commission (SAWSC)
Larry Byers	Township Representative
Dave Kremer	Private Business
Mike Bambrick	City of Slayton Representative
Jay Takle	State Park
Howard Konkol	SWCD
Robert Koehler	Extension
Heidi Winter	County EDA (2006)
Jon Bloemendaal	Ag & Solid Waste Administrator
Mike Boersma	Extension Educator
Jean Christoffels	Murray County Zoning Administrator / Secretary
Alfred Gertsema	County Commissioner (2006)
Robert Moline	County Commissioner
Bill Sauer	County Commissioner
Chris Hansen	Water Resources Administrator / Water Plan Coordinator

A.1.a Public and Internal Forums

9/6/05	Resolution to Update Plan from County Board of Commissioners
11/3/05	TMDL Meeting
12/15/05	Water Survey
1/6/06	Notice of Plan Update sent to townships and cities, adjacent counties, SWMN JPO, Heron Lake Watershed, BWSR, MPCA, DNR, EQB, MDH
3/29/06	Public Meeting on Priority Concerns & Murray County Local Water Management Plan Task Force Meeting
4/5/06	Shallow Lakes Forum
4/26/06	Plan Task Force Meeting to forward PCSD
8/9/06	BWSR Southern Water Planning Review Committee
9/19/06	Murray County Townships Association meeting
10/4/06	Plan Task Force Meeting on Priority Concerns — Protect Groundwater (13 att.)
11/1/06	Plan Task Force Meeting on Priority Concerns — Improve Surface Water Quality (11 att.)
11/29/06	Plan Task Force Meeting on Priority Concerns — Stormwater Retention (10 att.)
1/17/2007	Plan Task Force Meeting on Implementation (13 att.)
2/20/07	Public Hearing on Local Water Management Plan before the County Board of Commissioners

A.1.b Plan Adoption and Amendment

Upon approval of this plan by the Minnesota Board of Water and Soil Resources (BWSR), Murray 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. While the assessment of priority concerns utilized the best available data, this plan rests solidly on information and analysis contained in previous editions of the county's local water management plan.

Priority Concern A. Improve Surface Water Quality.

Protecting surface water is a challenge in any community. Improved land use and agricultural best management practices are necessary to address the quality of lakes, wetlands and rivers. MPCA listing of impaired waters requires local strategies to meet Total Maximum Daily Load (TMDL) standards. Sub-Surface Treatment System (SSTS) compliance is also a continued challenge.

Priority Concern B. Protect Groundwater.

Murray County has enjoyed abundant groundwater supplies, although there is increasing concern with groundwater quality and long-term supply. Efforts to protect groundwater should be focused on Drinking Water Supply Management Areas (DWSMA) and surficial aquifer areas.

Priority Concern C. Stormwater Retention.

While drainage improvements have improved our ability to manage stormwater, hastening flows has often led to problems downstream. Particular concerns include slowing runoff, promoting land conservation, and active wetland restoration, focused on the Beaver Creek and Heron Lake watersheds.

A.3 Summary of Goals, Actions, and Projected Costs

Goals and Actions were selected to address priority concerns, with a focus on principles of sound hydrological management.

Priority Concern A: Improve Surface Water Quality.

This concern will be addressed to prevent further degradation of stream and lake water quality, with a priority for Beaver Creek and Heron Lake watersheds. Objectives include promoting land use practices to protect water quality, promoting ag best management practices (BMP's), feedlot compliance and completing a level 3 feedlot inventory, addressing TMDL impaired waters, and encouraging septic system compliance.

Implementation actions include providing technical assistance and incentives for landowners, outreach and education, update of ordinances, developing new information in Geographic Information Systems (GIS), planting windbreaks and living snowfences, and conducting water testing.

Projected costs to implement all actions would include about $335,000 for projects and $169,000 for technical assistance and consulting over the five years of the management plan; $420,000 per year towards bringing septic systems into compliance, and $6,500 annually for outreach and education, as well as annual in-kind services. All cost estimates are approximate.

Priority Concern B: Protect Groundwater.

This concern will be addressed to assure long-term quality and quantity of groundwater supplies, with a priority for Drinking Water Supply Management Areas (DWSMA). Objectives include encouraging well head protection planning, expanding access to public water supplies, and assistance to seal unused wells.

Implementation actions include providing technical assistance and incentives for landowners, outreach and education, update of ordinances, developing new GIS map layers, well monitoring and cooperation with public water suppliers.

Projected costs would include about $14,250 over the five year management plan for technical assistance; $15,000 annually for assistance to landowners sealing unused wells, and $9,200 annually for outreach and education, as well as annual in-kind services.

Priority Concern C: Stormwater Retention.

This concern will be addressed to prevent soil erosion through comprehensive drainage management, with a priority for Beaver Creek and Heron Lake watersheds. Objectives include slowing runoff, promoting conservation tillage and buffer strips, and moving towards active wetland restoration.

Implementation actions include providing technical assistance and incentives for landowners, outreach and education, and developing new information in GIS.

Projected costs would include about $450,000 for projects, $123,000 for technical assistance and consulting, and $1,000 annually for outreach and education, as well as annual in-kind services.

A.4 Consistency with Local, State and Regional Plans

Murray County Environmental Services administers the County's land use and zoning plans and ordinances. This helps to maintain consistency between this plan and those documents. No other plans were received for review.

A.5 Summary of Recommended Amendments to Other Plans and Official Controls

No specific amendments are recommended at this time. Action items include updates to the comprehensive land use plan, and zoning and septic ordinances within this document's management timeline. It would be recommended to incorporate data from this plan into other local plans and controls when they are updated.

B.3 Goals and Objectives to Address Priority Concerns

Goals and Objectives for local water management were selected by the Task Force based on the selected priority concerns. **Goals** are general statements that clearly communicate **what is to be accomplished** over the long-term to address the priority concerns. Goals are achievable in a reasonable period of time. **Objectives** state **how the goal will be accomplished** by breaking it down into smaller, more specific measures that will be taken. Objectives are **MEASURABLE.**

Priority Concern A. Improve Surface Water Quality.

Goal A: *Prevent further degradation of stream and lake water quality, with a priority for Beaver Creek and Heron Lake watersheds.*

Objective A1: Promote land use practices that protect surface water quality.

Objective A2: Promote Ag Best Management Practices; complete Level 3 feedlot inventory.

Objective A3: Address TMDL Impaired Waters.

Objective A4: Encourage SSTS compliance; Continue septic loan program & seek additional funding

Priority Concern B. Protect Groundwater.

Goal B: *Assure long-term quality and quantity of groundwater supplies, with a priority for Drinking Water Supply Management Areas (DWSMA) and surficial aquifer areas.*

Objective B1: Encourage Well Head Protection planning.

Objective B2: Work to expand access to public water supplies.

Objective B3: Continue assistance to seal unused wells.

Priority Concern C. Stormwater Retention.

Goal C: *Prevent soil erosion through comprehensive drainage management, with a priority for Beaver Creek and Heron Lake watersheds.*

Objective C1: Slow runoff to keep soil, pesticide and fertilizer on the land.

Objective C2: Promote conservation tillage and buffer strips; seek additional funding.

Objective C3: Move from no net loss of wetlands to active wetland restoration.

C. Implementation to Address Priority Concerns

This section establishes the implementation program for local water management to address priority concerns. **Action items** describe **specific measures** that the County intends to implement, in cooperation with appropriate local, state and federal agencies.

C.1 Priority Concern A. Improve Surface Water Quality.

Goal A: Prevent further degradation of stream and lake water quality, with a priority for Beaver Creek and Heron Lake watersheds.

Objective A1: Promote land use practices that protect surface water quality.

Actions:

A1.a Promote use of buffer strips along ditches and streams within the Beaver Creek and Heron Lake watersheds.
Who: ESO, SWCD, NRCS, HLWD When: 2007-2009 Cost: Inkind

A1.b Review and update Comprehensive Land Use Plan to incorporate goals and objectives to the Local Water Management Plan.
Who: ESO When: 2007 Cost: $1,000

A1.c Update zoning ordinances to minimize development impacts on surface waters.
Who: ESO When: 2007-2012 Cost: $10,000

A1.d Administer the Floodplain Ordinance to assure adherence to zoning regulations.
Who: ESO When: 2007-2012 Cost: Inkind

A1.e Provide funding for a yearly seminar that educates 50 children on environmental stewardship.
Who: ESO, MN 4-H When: 2007-2012 Cost: $600 per year

A1.f Help fund an annual environmental fair which educates 500 children from southwest Minnesota.
Who: ESO, SWCD, NRCS When: 2007-2012 Cost: $500 per year

A1.g Fund the Prairie Ecology Bus to allow them to provide a yearly educational seminar for each school in Murray County as well as an educational seminar at the County Fair.
Who: ESO When: 2007-2012 Cost: $1,500 per year

A1.h Provide 3 educational information classes per year to the area high schools regarding surface water quality.
Who: ESO, HIGH SCHOOL When: 2007-2012 Cost: Inkind

A1.i Provide educational inserts to the Lake Association newsletter on the proper application of fertilizer, fire pit placement, and rain gardens.
Who: ESO, LAKE ASSOC. When: 2007-2009 Cost: $1,000

A1.j Provide technical assistance with the Lake Maria restoration project and contact landowners surrounding the basin for a CRP enrollment.
Who: ESO, MN DNR, SWCD When: 2007-2009 Cost: $20,000

A1.k Reduce the amount of wind erosion by planting 25,000 feet of field windbreaks and living snowfences, also plant 20 acres of farmstead shelterbelts.
Who: ESO,SWCD When: 2007-2012 Cost: $35,000

A1.l Assist with and install 50 grassed waterways.
Who: NRCS,SWCD When: 2007-2012 Cost: $150,000

A1.m Assist with and install 30 sediment control structures.
Who: NRCS,SWCD, BC CWP When: 2007-2012 Cost: $150,000

Objective A2: Promote Ag Best Management Practices; complete Level 3 Feedlot Inventory.

Actions:

A2.a Conduct yearly meetings with township officials and promote Ag BMP's.
Who: ESO When: 2007-2012 Cost: Inkind

A2.b Promote the Feedlot Registration program through a booth at the County Fair.
Who: ESO When: 2007-2012 Cost: $200

A2.c Inspect 10% of all registered feedlots per year to verify they are in compliance with MN Statute 7020.
Who: ESO When: 2007-2012 Cost: $15,000

A2.d Provide technical assistance in distributing EQIP Funds and state cost-share to 100 projects over 5 years.
Who: ESO, SWCD, NRCS When: 2007-2012 Cost: Inkind

A2.e Conduct a Level Three Feedlot Inventory within the Beaver Creek Watershed.
Who: ESO, MPCA, BWSR When: 2007-2009 Cost: $45,000

A2.f Conduct yearly pit tile testing on all animal confinement units to verify pit watertightness.
Who: ESO, MN EXTENSION When: 2007-2012 Cost: $2,500 per year

A2.g Conduct yearly sampling of soil fertility to achieve maximum effectiveness of manure application.
Who: ESO, MN EXTENSION When: 2007-2012 Cost: $350 per year

A2.h Develop a GIS layer of all registered feedlots and include all data from E-link.
Who: ESO When: 2007-2012 Cost: Inkind

A2.i Assist 50 producers with registered feedlots over 300 animal units to achieve a manure management plan for the proper manure application.
Who: ESO, MN EXTENSION When: 2007-2012 Cost: $15,000

A2.j Assist producers with 25 nutrient management plans.
Who: ESO, NRCS, MN EXTENSION When: 2007-2012 Cost: $25,000

Objective A3: Address TMDL Impaired Waters.

Actions:

A3.a Water sample Beaver Creek to determine the amount of nutrients leaving the watershed.
Who: ESO, MNDNR, MPCA When: 2007-2008 Cost: $18,000

A3.b Monitor lakes within county with public accesses to get baseline data.
Who: ESO, MNDNR, MPCA When: 2007-2012 Cost: $20,000

A3.c Provide technical assistance for preparation of the Des Moines River TMDL plan.
Who: ESO, SWCD, HLWD, MPCA When: 2007-2008 Cost: Inkind

A3.d Provide technical assistance for preparation of the Rock River TMDL plan.
Who: ESO, SWCD, HLWD, MPCA When: 2007-2009 Cost: Inkind

Objective A4: Encourage SSTS compliance; Continue septic loan program and seek additional funding

Actions:

A4.a Upgrade 60 non-compliant septic systems per year.
Who: ESO When: 2007-2012 Cost: $7,000 per system

A4.b Seek additional funding for SSTS construction.
Who: ESO, MPCA When: 2009-2012 Cost: Inkind

A4.c Update County SSTS ordinances to achieve compliance with State rules.
Who: ESO, MPCA When: 2008 Cost: $10,000

A4.d Assist Hadley with implementation and administration of SSTS ordinances and inspections.
Who: ESO, MPCA When: 2007-2009 Cost: $2,000

A4.e Provide an informational brochure regarding septic system maintenance to every landowner who installs a new SSTS.
Who: ESO When: 2007-2012 Cost: $200 per year

A4.f Provide technical assistance to the Shetek Area Water and Sewer Commission to sewer the remaining unsewered areas in the Shetek Area Water and Sewer District.
Who: ESO When: 2007-2008 Cost: Inkind

A4.g Create a GIS layer of all septic system installations throughout the County.
Who: ESO When: 2007-2012 Cost: Inkind

C.2 Priority Concern B. Protect Groundwater.

Goal B: *Assure long-term quality and quantity of groundwater supplies, with a priority for Drinking Water Supply Management Areas (DWSMA) and surficial aquifer areas.*

Objective B1: Encourage Well Head Protection planning.

Actions:

B1.a Educate cities on importance of Wellhead Protection
Who: ESO When: 2007-2012 Cost: $1,000

B1.b Assist three cities with completing their Wellhead Protection Plan.
Who: ESO, MDH When: 2007-2012 Cost: $5,000 per city

B1.c Conduct yearly free clinics for testing nitrate levels in well water.
Who: ESO, MDH, Dept. of AG When: 2007-2012 Cost: $250 per year

B1.d Protect DWSMA and surficial aquifer areas from agricultural and industrial contamination through conditional use hearings.
Who: ESO When: 2007-2012 Cost: $7,500

B1.e Monitor 65 wells throughout the County for nutrient and bacteria levels.
Who: ESO, MN EXTENSION When: 2007-2012 Cost: $4,800 per year

B1.f Create a GIS layer of wellhead protection areas throughout the County.
Who: ESO When: 2007-2012 Cost: Inkind

B1.g Examine existing ordinances and proposed changes to ensure that they protect and do not negatively impact Well Head Protection Areas.
Who: ESO, MDH When: 2007-2012 Cost: $3,000

B1.h Continue to cooperate with Lincoln-Pipestone and Red Rock Rural Water on the expansion of the rural water systems and advise them about County programs that will help manage potential contamination sources.
Who: ESO, RRRW, LPRW When: 2007-2012 Cost: Inkind

Objective B2: Work to expand access to public water supplies.

Actions:

B2.a Coordinate with Rural Water suppliers on sending a survey/brochure to determine the need for rural water expansion.
Who: ESO, RRRW, LPRW When: 2008 Cost: $2,500

B2.b Assist Rural Water suppliers with water exploration within the County
Who: ESO, RRRW, LPRW When: 2009-2012 Cost: $2,500

B2.c Promote water conservation by using existing materials and resources.
Who: ESO, RRRW, LPRW When: 2009-2012 Cost: $1,500

Objective B3: Continue assistance to seal unused wells.

Actions:

B3.a Utilize County Fair exhibits and semi-annual newspaper advertisements to promote the proper well protection/abandonment.
Who: ESO When: 2007-2012 Cost: $150 per year

B3.b Prevent contamination of groundwater aquifers through the sealing of 30 unused wells per year.
Who: ESO When: 2007-2012 Cost: $500 per well

B3.c Assist 15 landowners with proper farm site abandonment and demolition by making sure all storage tanks are removed, wells are sealed, and hazardous waste is disposed of prior to demolition.
Who: ESO When: 2007-2012 Cost: $1,250

C.3 Priority Concern C. Stormwater Retention.

Goal C: Prevent soil erosion through comprehensive drainage management, with a priority for Beaver Creek and Heron Lake watersheds.

Objective C1: Slow runoff to keep soil, pesticide and fertilizer on the land.

Actions:

C1.a Investigate developing a GIS layer of all public drainage systems.
Who: ESO, AUDITORS OFFICE When: 2007-2008 Cost: Inkind

C1.b Develop a GIS layer of all public drainage systems and include: system name, watershed size, outlets, date established, system type, repair history, improvement history,
Who: ESO, AUDITORS OFFICE, BWSR When: 2009-2012 Cost: $25,000

C1.c Assist producers in applying for cost share opportunities for conservation practices.
Who: ESO, BWSR, NRCS When: 2007-2012 Cost: In-Kind

C1.d Work with Area II Representatives to identify areas in the Beaver Creek watershed for water retention structures.
Who: ESO, SWCD, Area II When: 2007-2008 Cost: $4,000

C1.e Work with Area II Representatives to identify areas in the Heron Lake watershed for water retention structures.
Who: ESO, SWCD, Area II When: 2009-2010 Cost: $4,000

C1.f Seek additional funding for water retention structures within the Beaver Creek and Heron Lake watersheds.
Who: ESO, SWCD, USDA When: 2007-2012 Cost: $2,500

C1.g Meet with 15 landowners per year and educate them on proper lakeshore and streambank stabilization practices.
Who: ESO, MN DNR When: 2007-2012 Cost: Inkind

Objective C2: Promote conservation tillage and buffer strips; seek additional funding.

Actions:

C2.a Promote conservation tillage, EQIP, and Ag BMP's by contacting all County landowners through an informational bulletin sent by the SWCD.
Who: ESO, SWCD, NRCS When: 2007-2012 Cost: $1,000 per year

C2.b Provide incentives for sign up of 80 acres of buffer strips along ditches and streams within the Beaver Creek and Heron Lake watersheds.
Who: ESO, SWCD, NRCS, HLWD When: 2007-2009 Cost: $10,000

C2.c Enroll 100 acres of marginal land into CREP buffer strip program.
Who: ESO, SWCD When: 2007-2012 Cost: $300,000

C2.d Conduct conservation tillage transect surveys for the County every 3 out of 5 years, and analyze data to determine residue cover.
Who: SWCD, NRCS When: 2007-2012 Cost: $30,000

Objective C3: Move from no net loss of wetlands to active wetland restoration.

Actions:

C3.a Provide technical assistance to the Wetland Technical Evaluation Panel (TEP) to minimize the amount of wetland conversions.
Who: ESO, SWCD, BWSR When: 2007-2012 Cost: $35,000

C3.b Work with the Beaver Creek Clean Water Partnership and Heron Lake Watershed District to assist in converting 250 acres of drained wetlands back to a vegetated state, using Wetland Reserve Program, Conservation Reserve Program and Continuous CRP.
Who: ESO, SWCD, HLWD When: 2007-2012 Cost: $150,000

D. Implementation Schedule of Ongoing Activities

This section identifies other local activities and programs of the Murray County Environmental Services Office and cooperators which contribute towards the goals and objectives of local water management, in addition to those under the scope of the local water management plan. There are also many other public and private efforts at the regional, state and federal levels which serve to promote the regulatory and informational goals of sound water management. These particular ongoing activities typically encompass all watersheds in the county, reaching a broad cross-section of local residents and businesses.

D.1 Priority Concern A. Improve Surface Water Quality.

- Administer and provide assistance for the State Revolving Fund for Ag BMP's.
- Continue to be a delegated County in the MPCA Feedlot Program and provide data to Elink
- Inspect and assist producers in maintaining compliance with State rules.
- Promote and provide assistance for manure management plans and practices.
- Inspect and assist producers in maintaining compliance with County and State feedlot rules.
- Assist with testing and providing services for commercial pesticide applicators.
- Administer, permit, and inspect individual sewage treatment systems throughout Murray County.

D.2 Priority Concern B. Protect Groundwater.

- Continue to promote and provide Household Hazardous Waste Program to correctly dispose of HHW.
- Provide a collection program for waste pesticides and empty containers.
- Promote recycling and solid waste management.
- Provide electronics and appliance disposal.
- Conduct nitrate testing at the County Fair.
- Provide cost-share assistance for well sealing.
- Sample well water from 65 wells throughout the County.
- Continue to test sample all perimeter tiles around new animal confinement structures ground water for contamination.

D.3 Priority Concern C. Stormwater Retention.

- Provide educational assistance to landowners for proper lakeshore stabilization.
- Provide funding for special projects, i.e. bank stabilization.
- Continue to administer Wetland Conservation Act.
- Promote technical assistance for conservation programs.
- Promote the SWCD tree program.
- Promote and help facilitate the CREP program.

D.4 Additional Environmental Services Programs.

- Assist landowners with land use permits and zoning regulations.
- Facilitate and track biological control of noxious weeds.
- Educate Townships on the noxious weed program.
- Help fund the Heron Lake Ecology Bus for the schools of Fulda and Slayton.
- Help fund the Southwest Minnesota 4-H Day Camp.
- Help fund the Southwest Minnesota Environmental Fair.
- Conduct yearly soil fertility tests on 9 sites throughout the County.
- Participate in the State's Rainfall monitoring program.
- Administer Shoreland and Floodplain Management Program.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Murray** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on March 29, 2007 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 19, 2006 the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Murray** County, pursuant to M.S. Section 103B.312.

2) On August 24, 2006 the Board of Water and Soil Resources approved official comments on the **Murray** County Priority Concerns Scoping Document, which were mailed to the county on August 24, 2006.

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

   A) Improve Surface Water Quality;
   B) Protect Groundwater;
   C) Stormwater Retention.

4) On **March 30, 2007** the BWSR received the **Murray** 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 4, 2007,** the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Murray 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.

6) This update will be in effect until **July 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 **Murray** County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2) The **Murray** 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 **Murray** County Local Water Management Plan with a required update to the Implementation section (Goals, Objectives and Action) by **July 1, 2012**.

Dated at St. Paul, Minnesota, this twenty-seventh day of June 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

NEW BUSINESS

1. FY 2008 Farm Bill Assistance Project-CREP II Implementation – Kevin Lines – See attachment. ***DECISION ITEM***

2. Request to allow Prescribed Grazing on LCCMR Rock Outcrop Conservation Easements - Tom Kalahar, Renville SWCD – See attachment. ***INFORMATION ITEM***

3. FY08 SWCD Grants – Wayne Zellmer - See attachment - ***DECISION ITEM***

4. FY08 Natural Resources Block Grant – Wayne Zellmer - See attachment. ***DECISION ITEM***

5. FY08 Non-Point Engineering Assistance Base Grant – Wayne Zellmer See attachment. ***DECISION ITEM***

6. FY08 Local Water Management Planning Challenge Grants – Dave Weirens - See attachment. ***DECISION ITEM***

7. Soil Survey Assistance Grants – Greg Larson - See attachment. ***DECISION ITEM***

8. Area II Minnesota River Basins Project Inc. FY 2008 Annual Work Plan –Tabor Hoek, BWSR, and Kerry Netzke, Area II Coordinator – See attachment. ***DECISION ITEM***

9. WCA Exempt Rule – Dave Weirens – See attachment. ***DECISION ITEM***

10. RIM Reserve Planning Committee's Progress Report – Paul Brutlag and Kevin Lines – See attachment. ***INFORMATION ITEM***

FARM BILL IMPLEMENTATION FUNDING

6/27/2007

FUNDING

PARTNERS	FY 2006
DNR	$337,500
BWSR NAWCA	$126,000
BWSR CWL *	$100,000
BWSR Carry-Over	$236,000
Total Cash	**$799,500**

MATCH	
SWCD Match	$167,389
Local Organization	$33,477
Other	
TOTAL FUNDING	**$1,000,366**

***CWL Funding to be approved**

Farm Bill Assistance Grant Formula

- **Annual Budget of $40,000/FTE**

  –Percent FTE Determined between SWCD and FBA Committee (DNR, BWSR, Pheasants Forever)
  –70% State
  –25% SWCD
  –5% Local Organization

s:farmbill2/phaseVIIgrantformula

Minimum Requirements for Prescribed Grazing

To maintain the integrity of prairie/open land habitats enrolled in the rock outcrop easement program the following guidelines will be required of all sites where landowners retain the right to graze:

1) Grazing plans will be developed in accordance with the Prescribed Grazing (528) practice standard as contained in the Natural Resource Conservation Service (NRCS) Field Office Technical Guide.

2) Paddock systems will be developed such that one paddock or pasture is left un-grazed each year. Cattle should begin grazing in a different paddock or pasture each year and turn out time should vary.

3) Vegetation height will be retained with a minimum average stubble height of 4-8 inches at all times on grazed areas.

4) Grazing will only be allowed between April 1 to September 1.

5) Only spot spraying will be allowed for weed control.

6) Portions of the easement that are woodland (excluding invasive trees such as cedar that will be removed) will not be allowed as pasture. Open oak savanna habitats will be eligible for grazing.

7) No hay will be fed in the easement area and cattle will not have access to hay while they are in the paddock. This provision will reduce instances of new exotic weeds entering the site.

8) Mineral stations, loading areas, and other high impact sites must be located off the easement area on adjacent land.

9) All prescribed grazing plans that are developed will need to be signed by the landowner and approved by the SWCD, BWSR and the DNR Wildlife Specialist.

Trust Fund 2007 Work Program

Date of Report: 3-21-2007
Date of Next Status Report: Periodic work program progress reports will be submitted not later than December 31, 2007, June 30, 2008, December 31, 2008 and June 30, 2009. It may be necessary to submit progress reports December 31, 2009, June 30, 2010 and December 31, 2010 if easement processing and practice implementation must be completed after the official end of the grant period.
Date of Work program Approval:
Project Completion Date: June 30, 2009

I. PROJECT TITLE: Protection of Rare and Unique Rock Outcrop Wetlands

Project Manager: Thomas J. Kalahar
Affiliation: Renville SWCD
Mailing Address: 1008 W. Lincoln
City / State / Zip : Olivia MN 56277
Telephone Number: 320-523-1559
E-mail Address: kalahar@yahoo.com
FAX Number: 320-523-2389
Web Page address: n/a

Location: Redwood and Renville Counties, Minnesota

Total Trust Fund Project Budget:	**Trust Fund Appropriation:**	**$563,000**
	Minus Amount Spent:	**$ 0**
	Equal Balance:	**$563,000**

Legal Citation: ML 2007, [Chap.____], Sec.[____], Subd._____.

Appropriation Language: $563,000 is from the trust fund to the Board of Water and Soil Resources in cooperation with Renville and Redwood Soil and Water Conservation Districts for perpetual easements of unique wetland and riparian habitats associated with rock outcrops in the Minnesota River Valley.

II. PROJECT SUMMARY AND RESULTS: The Minnesota River Valley contains ancient bedrock outcrops with associated wetlands that provide unique habitats for specialized plant and animal communities rarely found elsewhere in Minnesota. These resources are threatened by mining and other development interests, as removal of the rock results in the severe degradation or permanent loss of the wetlands located among the rock complexes. Although the wetlands vary greatly in size and duration, some of the smallest and most temporary basins harbor the rarest and most specialized plants. Many of these wetlands may not be protected due to regulations under the Wetland Conservation Act. Rock outcrops are also a

component of the Minnesota River's riparian zone and destruction of this unique habitat will continue to degrade the water quality and aquatic habitat of the Minnesota River and its tributaries. Unlike other mining operations, there is no reclamation plan possible for replacing this very unique landscape feature once it is removed. The outcome of this project proposal will be to preserve and protect rock outcrops and their associated wetlands, plus improve water quality and aquatic habitat within the Minnesota River Valley. This will be done by enrolling 200 acres in Reinvest In Minnesota Easements.

III. PROGRESS SUMMARY AS OF *(date)*: 250 word limit.

IV. OUTLINE OF PROJECT RESULTS:

Result 1: Habitat Protection via Perpetual Easements:

Description: This project will protect 200 acres of rock outcrop complexes within riparian corridors and/or with associated wetlands. Compensation for easements to willing landowners will be secured using local cropland rates of the Reinvest In Minnesota easement program administered through the Minnesota Board of Soil and Water Resources (BWSR) and the Renville and Redwood Soil and Water Conservation Districts (SWCDs). Easement applications will be prioritized by a local work group comprised of technical experts from local, state and federal agencies. A total of twenty easements will be recorded. The goal of the local SWCD offices is to have applications taken for the entire 200 acres within the first year of the grant. Due to the sometimes lengthy easement process, this would ensure signed agreements with landowners before the end of the grant period.

Summary Budget Information for Result 1:	**Trust Fund Budget:**	**$530,000**
	Amount Spent:	**$ 0**
	Balance:	**$ 530,000**

Deliverable	**Completion Date**	**Budget**	**Status**
1. 20 easements Totaling 200 acres	**6-30-2008**	**$530,000**	

Completion Date: All funds encumbered with signed landowner conservation easement agreements by June 30, 2009.

Result Status as of 12-31-2007:

Result Status as of 6-30-2008:

Result Status as of 12-31/2008:

Result Status as of 6-30-2008:

Result Status as of 12-31-2008

Result Status as of 6-30-2009

Result Status as of 12-31-2009

Final Report Summary: 6-30-2010

**a final report summary may not be possible until after the grant period due to the lengthy process of recording easements. Even after a signed agreement is in place, there can be unforeseen legal issues that cause delays.

Result 2: Habitat Restoration:

Description: To provide appropriate habitat management practices including but not limited to invasive species management and livestock management facilities (e.g. fencing and watering sites) on the acres protected by easements. We will continue to seek additional funding from federal and private agencies to augment this budget item.

Summary Budget Information for Result 2: **Trust Fund Budget: $33,000**
Amount Spent: $ 0
Balance: $33,000

Deliverable	Completion Date	Budget	Status
1. Practice implementation	6-30-2009	$33,000	

Completion Date: Practice completion within six months after recorded conservation easement. This could be delayed due to weather and season of the year.

Result Status as of 12-31-2007

Result Status as of 6-30-2008

Result Status as of 12-31-2008

Result Status as of 6-30-2008

Result Status as of 12-31-2008

Result Status as of 6-30-2009

Result Status as of 12-31-2009

Result Status as of 6-30-2010

Final Report Summary: 12-31-2010

****Final Report Summary could be delayed if easement process is delayed and we experience additional delays for practice implementation due to season of year, weather conditions or contractor availability.**

V. TOTAL TRUST FUND PROJECT BUDGET:

Staff or Contract Services: $40,0000 (includes $7,000 for BWSR Staff to process easements & $33,000 for Renville & Redwood SWCD Staff to promote project, process applications and easements, design conservation practices and supervise construction of practices).
Equipment: $0
Development: $ 0
Restoration: $ 23,000 for 200 acres of practice implementation and $10,000 for staff time to the Renville & Redwood SWCD offices for staff time for technical assistance, conservation plan development, supervision of practice implementation.
Acquisition, including easements: $500,000 for 200 acres of RIM conservation easements with private landowners ($470,000 for 20 easements totalling 200 acres at an average of $2,350/acre and $30,000 for title insurance and attorney fees at $1,500/easement X 20 easements)

TOTAL TRUST FUND PROJECT BUDGET: $563,000

Explanation of Capital Expenditures Greater Than $3,500: n/a

VI. OTHER FUNDS & PARTNERS:

A. Project Partners: BWSR Easement Team Staff

B. Other Funds Proposed to be Spent during the Project Period:

Renville & Redwood Soil & Water Conservation District Offices will provide in-kind in the form of office space, phones, vehicles and any staff costs in excess of the grant. Estimated costs over and above the Staff Services budgeted in this grant are $200/easement X 20 easements for the above costs for a total of $4,000.

C. Past Spending: none

D. Time:

VII. DISSEMINATION: One-on-one personal contacts and mail contacts with landowners who have been identified through GIS coverages and public records as owning rock outcrops in the Minnesota River Valley in Redwood and Renville Counties.

VIII. REPORTING REQUIREMENTS:
Periodic work program progress reports will be submitted not later than December 31, 2007, June 30, 2008, December 31, 2008, June 30, 2009, December 31, 2009, June 30, 2010 and December 31, 2010. A final work program report and associated products will be submitted between June 30 and August 1, 2009 as requested by the LCCMR.

IX. RESEARCH PROJECTS: *N/A*

PROPOSED FY 08 SWCD GRANTS

The Board is requested to approve the Grants Program and Policy Committee recommendation to approve FY 08 SWCD allocations for four BWSR grant programs. These grant programs are:

COST SHARE
Regular Statewide Cost Share Base Grants
Feedlot Water Quality Management Grants
SERVICE GRANTS
General Services
Easement Services
Web Site Grants

A brief summary of each of these programs follows with highlights and topics of concern for this year.

COST SHARE

Regular Statewide Cost Share Base Grants - $2,067,851. These base grants are for the installation of conservation practices. The FY 08 legislative appropriation is $1,785,000 – a $35,000 decrease from 07. 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 08, these definitions would indicate that the following SWCDs (54) will receive a $1,000 high level of performance increase for spending 80% or more of their base grant on projects:

Anoka *	Becker	Benton *	Blue Earth	Brown	Cass
Chippewa	Clay	Clearwater	Cook	Crow Wing	Dakota
Fillmore	Freeborn	Goodhue	Grant	Hennepin	Hubbard
Kanabec	Kandiyohi	Kittson	Koochiching	Lake/Woods	Lake
Le Sueur	Lincoln	Lyon	Mahnomen	Mille Lacs	Morrison
Mower	Nicollet	Olmsted	East Ottertail	Pine	Pipestone
East Polk	Pope	Ramsey	Redwood	Renville	Root River
Scott	Sherburne	N. St. Louis	S. St. Louis	Stearns	Swift
Todd	Wadena	Watonwan	Wilkin	Wright	Yellow Medicine

The following SWCDs (4) will receive a 5% decrease for spending less than 60% of their base grant on projects: Beltrami McLeod Marshall Red Lake

* Benton and Anoka performance increases are not recommended because of State Cost Share Program Rule violations.

Cost Share Performance Range: Highest – Pine 100%, Lowest – McLeod 36%

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 $282,851. There is sufficient rollover to cover this amount.

Feedlot Water Quality Management Grants - $1,101,877 – The BWSR received requests of $2,403,995 to fund 87 projects. The FY 08 appropriation is $1,500,000 and is appropriated under the Clean Water legacy Act instead of the traditional State Cost Share Program. 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.

In addition, the appropriation included the following language:

$1.5 each year is for feedlot water quality grants for feedlots under 300 animal units where there are impaired waters;

Based on this, and the above funding priorities, the funding recommendation is for only eligible feedlots – those that are riparian and occur in a feedlot-related impaired watershed (DO, fecal, nutrients, Ph, etc,) under 300 AUs.

The 303 (d) or impaired waters list was used to identify impaired waters and their watersheds. In 2 cases the listed water appeared on other states' 303(d) listing although the feedlot under consideration was located within a Minnesota watershed connected to that water.

The following assumptions were made in reviewing the applications:

- Even though many waters are listed as impaired by mercury, there did not seem to be a direct connection to feedlots for that pollutant and waters impaired by mercury were not considered eligible.
- Impairments for which feedlots could contribute pollutants of concern included fecal coliform bacteria, lake nutrients, ammonia, and dissolved oxygen. Waters listed as impaired due to fish or invertebrate indexes of biotic integrity (IBI) were also included since there has not been a definitive pollutant identified.
- Large-scale impairments such as the Lake Pepin and Red River turbidity impairments were not considered.
- Impaired waters and TMDL implementation must be addressed on a watershed scale.

The list of feedlot water quality applications was reviewed and verified with SWCD partners when necessary, as being located within the watershed of an impaired water and with a direct surface water connection.

This recommendation will allocate $1,101,877 (through #47, see attached spreadsheet *Fiscal-Year 2008 FWQMG Applications Report*) and leave $398,123 unallocated. Recommended options for remaining balance:

- Retain $150,000 for 09 NPEA Challenge Grant, retain $248,123 and add it to the 09 FWQMG (Preferred)
- Add to 08 CWL Program
- Decide later

SERVICE GRANTS

New for 08 is the requirement that SWCDs must "request" these grants. It is proposed that SWCDs will "request" services funds by providing certain SWCD information, including, SWCD staff and supervisor contact information, SWCD geographical data, financial information, important recent activities, and future projects. This information will be assembled into a Minnesota SWCD Guidebook.

Web Site Service Grant - $40,000 (Roll-Over) - New for 08 is the eligibility requirement of a SWCD web page. In a proposed allocation policy endorsed by MASWCD, a SWCD must have a web page or be in the process of developing one to be eligible to receive service grants. Their web page must provide their annual plan, annual report, annual audit, annual budget, membership dues, meeting notices, and minutes. Currently, about 35 SWCDs do not have a web site. Only SWCDs without web sites are eligible to receive this approximate ~~$943~~ $857 grant. MASWCD will receive about ~~$7,000~~ $10,000 for development of guidance for SWCDs on required web elements and local web site development.

General Services Grant - $2,152,980 - 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.

Easement Services Grant - $344,993 - 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.

The Committee is recommending:

1. Allocation of FY 08 SWCD grants as itemized on the composite spreadsheet totaling $2,067,851 for State Cost Share Base Grants, $1,101,877 for FWQMGs, $2,152,980 for General Services Grants, and $344,993 for Easement Services Grants.
2. Service Grants "request" process be implemented as stated above.
3. Web Site Service Grants be allocated as indicated above.

FISCAL YEAR 2008 FWQM GRANT APPLICATIONS REPORT

By Ranking Criteria
Total Project Cost: $6,902,560
Total FWQM Requested $2,403,995
Total Producers: 87
Total Funding Available $1.5M

	Applicant	Stewardship Plan	LANDOWNER	RIPARIAN	FLEVAL RATING	PRACTICE STATE DATE	COMPLETE INVENTORY	LEVEL	ANIMAL UNITS	ANIMAN SPECIES	TOTAL PROJECT COST	EQIP FUNDS REQUESTED	EQIP AMOUNT	FWQM FUNDS REQUESTED	T/A FUNDS REQUESTED	TOTAL FUNDS REQUESTED	CRITERIA ELIGIBLE CUMULATIVE	Out
1	PIPESTONE SWCD	Yes	BILL	B	43	8/1/2007	Yes	3	228	DAIRY	$102,008	Yes	$51,004	$25,502	$2,550	$28,052	$28,052	MN River DO TMDL in Redwood SWCD
2	STEARNS SWCD	Yes	GREG	E	41	10/1/2007	Yes	2	121	DAIRY	$97,500	Yes	$39,000	$34,125	$3,413	$37,538	$65,590	
3	**PINE SWCD**	Yes	MICHAEL	B	38	8/1/2008	Yes	2	208	DAIRY	$102,000	Yes	$51,000	$25,000	$2,500	$27,500	$65,590	Not impaired
4	STEARNS SWCD	Yes	STANLEY	B	36	10/1/2007	Yes	2	191	DAIRY	$7,600	Yes	$1,500	$7,500	$750	$8,250	$73,840	
5	WABASHA SWCD	Yes	NEIL	B	33	7/1/2007	Yes	3	250	DAIRY	$75,000	No	$0	$45,455	$4,545	$50,000	$123,840	
6	STEARNS SWCD	Yes	KEN	B	28	10/1/2007	Yes	2	146	DAIRY	$31,000	Yes	$12,700	$10,550	$1,055	$11,605	$135,445	
7	STEARNS SWCD	Yes	WILLIAM	B	18	10/1/2007	Yes	2	75	DAIRY	$200,000	Yes	$3,180	$2,520	$252	$2,772	$138,217	
8	STEARNS SWCD	Yes	SHAWN	B	16	10/1/2007	Yes	2	60	HORSE	$30,000	Yes	$51,000	$25,000	$2,500	$27,500	$165,717	
9	FILLMORE SWCD		JIM	B	63	9/1/2007	Yes	3	250	BEEF	$240,535	No	$0	$45,500	$4,500	$50,000	$215,717	
10	PIPESTONE SWCD		PAT	B	58	7/1/2007	Yes	3	208	DAIRY	$166,662	Yes	$83,310	$41,666	$4,167	$45,832	$261,549	Pipestone Creek fecal
11	FILLMORE SWCD		DAN	B	58	5/1/2008	Yes	3	299	BEEF	$75,000	No	$0	$45,500	$4,500	$50,000	$311,549	
12	MORRISON SWCD		KEVIN	B	58	7/1/2007	Yes	3	160	DAIRY	$125,000	Yes	$58,560	$35,153	$3,515	$38,668	$311,549	Not impaired
13	FILLMORE SWCD		LLOYD	B	56	9/1/2007	Yes	3	120	sheep	$70,000	No	$0	$45,500	$4,500	$50,000	$361,549	
14	FILLMORE SWCD		MATT	B	52	9/1/2007	Yes	3	84	BEEF	$30,000	No	$0	$22,500	$2,250	$24,750	$386,299	
15	ROCK SWCD		MOSS	B	52	9/1/2007	Yes	3	580	DAIRY	$310,000	Yes	$30,000	$33,500	$0	$35,560	$386,299	
16	FILLMORE SWCD		BLAISE	B	51	9/1/2007	Yes	3	200	BEEF	$180,000	No	$0	$45,500	$4,500	$50,000	$436,299	
17	JACKSON SWCD		KEVIN	A	50	7/16/2007	Yes	3	375	BEEF	$138,000	Yes	$73,273	$30,227	$3,000	$33,227	$436,299	Not impaired
18	FILLMORE SWCD		DAVE	B	50	5/1/2008	Yes	3	150	BEEF	$38,000	No	$0	$28,500	$2,850	$31,350	$467,649	
19	MORRISON SWCD		ROBERT	B	50	7/1/2007	Yes	3	155	DAIRY	$168,000	Yes	$84,000	$42,000	$4,200	$46,200	$467,649	Not impaired
20	NOBLES SWCD		KEVIN	C	49	9/1/2007	No	3	469	DAIRY	$154,266	Yes	$77,133	$88,588	$3,857	$42,423	$467,649	
21	WASHINGTON SWCD		DENNIS	A	48	8/15/2007	Yes	1	30	HORSE	$20,000	No	$0	$15,000	$1,500	$16,500	$484,149	
22	FILLMORE SWCD		DEAN	B	46	5/1/2008	Yes	3	250	DAIRY	$180,000	No	$0	$45,500	$4,500	$50,000	$534,149	
23	WINONA SWCD		WAYNE	B	45	7/1/2007	Yes	3	168	DAIRY	$20,795	No	$0	$15,596	$1,160	$16,756	$550,905	
24	MOWER SWCD		JACK	B	42	8/15/2007	Yes	3	121	BEEF	$34,180	No	$0	$25,635	$2,564	$28,199	$579,104	
25	**MILLE LACS SWCD**		CHARLIE	B	41	7/1/2007	Yes	2	256	DAIRY	$12,636	Yes	$6,318	$3,159	$315	$3,474	$579,104	Not impaired
26	RICE SWCD		SCOTT	B	40	9/1/2007	Yes	3	68	BEEF	$55,000	No	$0	$41,250	$4,125	$45,375	$624,479	
27	MORRISON SWCD		KURT	B	39	7/1/2007	Yes	3	110	DAIRY	$125,000	Yes	$62,500	$31,250	$3,125	$34,375	$658,854	Little Rock Creek impaired IBI
28	ROCK SWCD		DAVID	B	39	9/1/2007	Yes	3	197	BEEF	$36,000	Yes	$18,000	$6,000	$600	$6,600	$665,454	Beaver Creek
29	WINONA SWCD		IHRKE	B	35	7/1/2007	Yes	3	107	DAIRY	$41,710	No	$0	$31,283	$3,128	$34,411	$699,865	
30	WINONA SWCD		STEPHEN	B	34	7/1/2007	Yes	3	40	DAIRY	$11,360	No	$0	$8,520	$852	$9,372	$709,237	
31	WINONA SWCD		ANTHONY	B	34	7/1/2007	Yes	3	90	DAIRY	$15,610	No	$0	$11,708	$1,171	$12,878	$722,115	
32	ROOT RIVER SWCD		JIM	B	32	8/1/2007	Yes	2	180	BEEF	$67,000	No	$0	$32,300	$3,180	$35,480	$757,595	
33	PIPESTONE SWCD		DARREL	B	31	7/1/2007	Yes	3	200	DAIRY	$50,000	Yes	$25,000	$12,500	$1,250	$13,750	$771,345	Pipestone Creek fecal
34	CARLTON SWCD		LINDA	B	31	10/1/2007	Yes	3	96	BEEF	$86,500	Yes	$43,250	$21,625	$2,163	$23,788	$795,133	St.Loouis Estuary Nutrient Impairment (Wisconsin)
35	GOODHUE SWCD		JEFF	B	28	8/1/2007	No	3	141	DAIRY	$112,500	No	$0	$50,000	$0	$50,000	$845,133	
36	RICE SWCD		PETE	B	28	6/1/2008	Yes	3	45	BEEF	$29,830	No	$0	$22,375	$2,237	$24,612	$869,745	
37	ROOT RIVER SWCD		DAVID	B	28	9/1/2007	Yes	2	36	BEEF	$21,141	No	$0	$15,855	$1,585	$17,440	$887,185	
38	WINONA SWCD		ROY	B	28	7/1/2007	Yes	3	82	DAIRY	$12,035	No	$0	$9,026	$903	$9,929	$897,114	
39	ROCK SWCD		KURT	B	28	9/1/2007	Yes	3	285	BEEF	$28,000	No	$0	$21,000	$2,100	$23,100	$920,214	Beaver Creek
40	FILLMORE SWCD		GLEN	B	26	5/1/2008	Yes	3	150	BEEF	$30,000	Yes	$11,250	$11,250	$1,125	$12,375	$932,589	
41	**MILLE LACS SWCD**		DUANE	B	24	7/1/2007	Yes	2	112	DAIRY	$185,298	Yes	$92,649	$46,325	$3,675	$50,000	$932,589	Not impaired
42	STEARNS SWCD		TF	A	22	10/1/2007	Yes	2	216	DAIRY	$55,000	Yes	$5,617	$8,446	$845	$9,291	$941,880	
43	ROOT RIVER SWCD		JOHN	B	22	9/1/2007	Yes	2	40	BEEF	$70,945	No	$0	$45,500	$4,500	$50,000	$991,880	
44	FILLMORE SWCD		JAMES	D	20	9/1/2007	Yes	3	150	BEEF	$28,500	No	$0	$21,375	$2,137	$23,512	$1,015,392	
45	ROCK SWCD		GEORGE	B	16	9/1/2007	Yes	3	267	HOGS	$84,914	No	$0	$45,000	$4,500	$49,500	$1,064,892	Rock River WS Fecal
46	STEARNS SWCD		JEFF	A	3	10/1/2007	Yes	2	240	DAIRY	$18,750	Yes	$18,877	$22,373	$2,237	$24,610	$1,089,502	
47	WINONA SWCD		STEVE	B	0	7/1/2007	Yes	3	258	DAIRY	$15,000	No	$0	$11,250	$1,125	$12,375	$1,101,877	Proposed Funding Recommendation

FISCAL YEAR 2008 FWQM GRANT APPLICATIONS REPORT
By Ranking Criteria
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Total Funding Available $1.5M

	Applicant	Stewardship Plan	LANDOWNER	RIPARIAN	FLEVAL RATING	PRACTICE STATE DATE	COMPLETE INVENTORY	LEVEL	ANIMAL UNITS	ANIMAN SPECIES	TOTAL PROJECT COST	EQIP FUNDS REQUESTED	EQIP AMOUNT	FWQM FUNDS REQUESTED	T/A FUNDS REQUESTED	TOTAL FUNDS REQUESTED	CRITERIA ELIGIBLE CUMULATIVE	Out
48	STEARNS SWCD	Yes	ROBERT		52	10/1/2007	Yes	2	133	DAIRY	$82,730	Yes	$70,000	$35,000	$3,500	$38,500	$1,140,377	
49	**STEARNS SWCD**	Yes	FRED		49	10/1/2007	Yes	2	161	DAIRY	$34,800	Yes	$13,920	$12,180	$1,218	$13,398	$1,140,989	Not impaired
50	STEARNS SWCD	Yes	AA		30	10/1/2007	Yes	2	267	DAIRY	$140,000	Yes	$41,365	$20,683	$2,068	$22,751	$1,163,740	
51	WINONA SWCD		TOM		70	7/1/2007	Yes	3	542	BEEF	$169,245	Yes	$109,100	$47,500	$2,500	$50,000	$1,163,740	Not impaired
52	STEARNS SWCD		RANDY		66	10/1/2007	Yes	2	61	DAIRY	$17,500	No	$0	$43,125	$4,313	$47,438	$1,211,178	
53	**STEARNS SWCD**		JOSEPH		65	10/1/2007	Yes	2	15	SWINE	$30,000	Yes	$40,685	$20,343	$2,034	$22,377	$1,211,178	Not impaired
54	**PIPESTONE SWCD**		MIK		64	7/1/2007	Yes	3	263	DAIRY	$78,720	Yes	$39,360	$19,680	$1,968	$21,648	$1,211,178	Not impaired
55	**STEARNS SWCD**		JAMES		58	10/1/2007	Yes	2	134	DAIRY	$126,500	Yes	$16,250	$12,250	$1,225	$13,475	$1,211,178	Not impaired
56	STEARNS SWCD		STEVE		53	10/1/2007	No	2	400	BEEF	$65,000	Yes	$2,605	$3,395	$340	$3,735	$1,211,178	Not impaired
57	FILLMORE SWCD		JOHN		52	6/1/2008	Yes	3	250	BEEF	$66,000	Yes	$31,020	$30,480	$3,048	$33,528	$1,244,706	
58	WINONA SWCD		TERRY		50	7/1/2007	Yes	3	204	DAIRY	$103,500	Yes	$23,813	$19,687	$1,969	$21,656	$1,266,362	
59	WINONA SWCD		STEPHAN		48	7/1/2007	Yes	3	120	DAIRY	$235,939	Yes	$8,840	$12,723	$1,272	$13,995	$1,266,362	Not impaired
60	STEARNS SWCD		JOE		43	10/1/2007	Yes	2	998	DAIRY	$40,000	Yes	$36,625	$19,625	$1,963	$21,588	$1,266,362	Not impaired
61	STEARNS SWCD		JOE		43	10/1/2007	Yes	2	149	DAIRY	$54,000	No	$0	$30,000	$3,000	$33,000	$1,299,362	
62	LINCOLN SWCD		GENE		41	8/15/2007	Yes	3	494	BEEF	$310,000	Yes	$25,000	$16,250	$1,625	$17,875	$1,299,362	Not impaired
63	**STEARNS SWCD**		GERARD		40	10/1/2007	Yes	2	156	DAIRY	$70,000	Yes	$9,993	$8,752	$875	$9,627	$1,299,362	Not impaired
64	STEARNS SWCD		ROGER		40	10/1/2007	Yes	2	108	DAIRY	$92,374	Yes	$10,127	$8,623	$862	$9,485	$1,308,847	
65	FARIBAULT SWCD		DON		39	7/1/2007	Yes	3	144	BEEF	$35,800	Yes	$21,221	$20,967	$2,097	$23,064	$1,331,911	
66	STEARNS SWCD		JAMES		35	10/1/2007	Yes	2	92	DAIRY	$50,000	Yes	$6,200	$21,925	$2,193	$24,118	$1,356,029	
67	**STEARNS SWCD**		CHRISTINA		35	10/1/2007	Yes	2	73	BEEF	$41,250	Yes	$39,606	$20,394	$2,039	$22,433	$1,356,029	Not impaired
68	STEARNS SWCD		RICHARD		33	10/1/2007	Yes	2	154	DAIRY	$37,500	Yes	$15,228	$15,710	$1,571	$17,281	$1,373,310	
69	WABASHA SWCD		KEVIN		31	7/1/2007	Yes	3	400	BEEF	$118,490	Yes	$16,837	$20,663	$2,066	$22,729	$1,376,310	Not impaired
70	STEARNS SWCD		THOMAS		28	10/1/2007	Yes	2	82	DAIRY	$80,000	Yes	$35,000	$17,500	$1,750	$19,250	$1,392,560	
71	YELLOW MEDICINE SWCD		PAUL		28	7/1/2007	No	2	873	BEEF	$330,000	Yes	$46,187	$23,094	$2,309	$25,403	$1,392,560	Not impaired
72	CHISAGO SWCD		JIM		27	8/1/2007	Yes	2	100	SWINE	$20,000	Yes	$11,000	$19,000	$1,900	$20,900	$1,413,460	
73	STEARNS SWCD		DOUG		27	10/1/2007	Yes	2	185	BEEF	$56,250	Yes	$27,000	$13,500	$1,350	$14,850	$1,428,310	
74	KANABEC SWCD		PETER		21	9/1/2007	No	0	144	DAIRY	$22,770	Yes	$12,400	$10,100	$1,010	$11,110	$1,439,420	
75	**MILLE LACS SWCD**		DAVID		21	8/1/2007	Yes	2	60	DAIRY	$32,197	Yes	$54,472	$40,403	$4,040	$44,443	$1,439,420	Not impaired
76	STEARNS SWCD		LAWRENCE		21	10/1/2007	Yes	2	68	DAIRY	$25,000	Yes	$27,662	$21,088	$2,109	$23,197	$1,462,617	
77	STEARNS SWCD		ARNOLD		20	10/1/2007	Yes	2	70	DAIRY	$25,000	Yes	$3,465	$9,660	$966	$10,626	$1,473,243	
78	STEARNS SWCD		THERESA		18	10/1/2007	Yes	2	77	DAIRY	$55,000	Yes	$67,100	$48,000	$2,000	$50,000	$1,523,243	
79	STEARNS SWCD		ALVIN		18	10/1/2007	Yes	2	150	BEEF	$40,000	Yes	$15,375	$8,773	$877	$9,650	$1,532,893	
80	STEARNS SWCD		MARK		11	10/1/2007	Yes	2	141	DAIRY	$75,000	Yes	$148,434	$28,520	$2,852	$31,372	$1,564,265	
81	STEARNS SWCD		MICHAEL		11	10/1/2007	Yes	2	92	DAIRY	$28,750	No	$0	$17,077	$1,707	$18,784	$1,583,049	
82	STEARNS SWCD		DAVID		8	10/1/2007	Yes	2	136	DAIRY	$58,000	No	$0	$45,500	$4,550	$50,050	$1,633,099	
83	STEARNS SWCD		DARRELL		4	10/1/2007	Yes	2	158	DAIRY	$82,000	Yes	$11,825	$45,500	$4,550	$50,050	$1,683,149	
84	**STEARNS SWCD**		MARTIN		3	10/1/2007	Yes	2	50	DAIRY	$8,000	No		$45,500	$4,500	$50,000	$1,683,149	Not impaired
85	STEARNS SWCD		KEVIN		3	10/1/2007	Yes	2	180	SWINE	$38,000	No	$0	$45,500	$4,500	$50,000	$1,733,149	
86	STEARNS SWCD		JEROME		2	10/1/2007	Yes	2	66	DAIRY	$81,370	Yes	$22,903	$3,947	$395	$4,342	$1,737,491	
87	WASECA SWCD		RICHARD		0	10/1/2007	Yes	3	300	DAIRY	$57,500	No	$0	$15,000	$1,500	$16,500	$1,737,491	

Project #47 is a milk house tank

***Riparian Locations**

A=within 1,000 feet of a lake 3
B=within 300 feet of a stream 33
C=within 100 year floodplan 0
D=sinkhold catchment area 1
E=Drinking water Supply Management Area 1

Application period March 1, 2007 through April 17, 2007

Total FWQM request is for all applications submitted

PROPOSED FY 2008 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	$143	**$32,529**
ANOKA # *	$6,093		$21,508	$0	**$27,601**
BECKER	$45,711		$23,245	$356	**$69,312**
BELTRAMI	$10,975		$23,105	$713	**$34,793**
BENTON	$19,869		$23,479	$1,710	**$45,058**
BIG STONE	$12,239		$22,075	$2,351	**$36,665**
BLUE EARTH	$32,340		$23,058	$14,606	**$70,004**
BROWN	$24,624		$23,152	$11,899	**$59,675**
CARLTON	$12,000	$23,788	$22,824	$0	**$58,612**
CARVER	$29,202		$24,041	$2,850	**$56,093**
CASS	$12,648		$22,356	$143	**$35,147**
CHIPPEWA	$18,001		$23,152	$11,614	**$52,767**
CHISAGO	$16,524		$24,087	$713	**$41,324**
CLAY	$27,821		$23,526	$3,776	**$55,123**
CLEARWATER	$13,025		$22,918	$499	**$36,442**
COOK	$16,000		$22,263	$0	**$38,263**
COTTONWOOD	$26,328		$23,152	$13,181	**$62,661**
CROW WING	$15,000		$22,450	$0	**$37,450**
DAKOTA #	$39,457		$25,866	$499	**$65,822**
DODGE	$18,513		$23,620	$570	**$42,703**
DOUGLAS	$27,712		$24,602	$6,199	**$58,513**
FARIBAULT	$23,637		$23,620	$13,110	**$60,367**
FILLMORE	$42,432	$341,987	$24,555	$1,069	**$410,043**
FREEBORN	$27,846		$23,386	$5,486	**$56,718**
GOODHUE	$45,358	$50,000	$24,462	$4,418	**$124,238**
GRANT	$21,173		$23,245	$1,639	**$46,057**
HENNEPIN	$24,072		$33,071	$2,423	**$59,566**
HUBBARD	$14,500		$22,216	$71	**$36,787**
ISANTI	$11,303		$24,602	$641	**$36,546**
ITASCA	$10,000		$23,011	$0	**$33,011**
JACKSON	$20,990		$22,403	$5,771	**$49,164**
KANABEC	$16,000		$22,871	$499	**$39,370**
KANDIYOHI	$23,759		$23,807	$9,405	**$56,971**
KITTSON	$15,000		$23,432	$499	**$38,931**
KOOCHICHING	$16,000		$22,590	$0	**$38,590**
LAC QUI PARLE	$38,341		$22,918	$12,398	**$73,657**
LAKE	$16,000		$22,403	$0	**$38,403**
LAKE OF THE WOODS	$16,000		$22,075	$0	**$38,075**
LE SUEUR	$33,447		$23,947	$6,911	**$64,305**
LINCOLN	$26,062		$24,275	$6,769	**$57,106**
LYON	$23,472		$23,479	$10,118	**$57,069**
MAHNOMEN #	$16,030		$22,169	$0	**$38,199**
MARSHALL	$11,745		$22,497	$1,211	**$35,453**
MARSHALL-BELTRAMI	$9,025		$22,824	$285	**$32,134**
MARTIN	$33,528		$23,105	$13,680	**$70,313**

	COST SHARE		SERVICE GRANTS		
SWCD	BASE GRANTS	FEEDLOT	GENERAL SERVICES	EASEMENT SERVICES	GRANT TOTALS
MC LEOD	$20,529		$22,965	$4,133	**$47,626**
MEEKER	$27,983		$22,684	$5,201	**$55,868**
MILLE LACS	$10,025		$23,058	$1,140	**$34,223**
MORRISON	$39,665	$34,375	$24,696	$2,209	**$100,945**
MOWER	$20,214	$28,199	$25,351	$3,919	**$77,683**
MURRAY	$20,336		$22,309	$5,914	**$48,559**
NICOLLET	$21,082		$23,479	$5,201	**$49,762**
NOBLES	$32,479		$22,637	$1,354	**$56,470**
NORMAN	$17,947		$23,198	$2,351	**$43,496**
OLMSTED	$57,252		$26,474	$855	**$84,581**
OTTER TAIL EAST	$28,809		$23,198	$784	**$52,791**
OTTER TAIL WEST	$36,159		$23,198	$3,420	**$62,777**
PENNINGTON	$17,674		$22,871	$71	**$40,616**
PINE	$21,424		$23,198	$71	**$44,693**
PIPESTONE	$27,707	$87,634	$22,824	$1,496	**$139,661**
POLK EAST	$16,282		$23,011	$428	**$39,721**
POLK WEST	$25,063		$23,011	$71	**$48,145**
POPE	$34,283		$22,731	$11,400	**$68,414**
RAMSEY	$19,988		$23,620	$0	**$43,608**
RED LAKE	$8,145		$22,122	$285	**$30,552**
REDWOOD	$22,418		$23,620	$22,016	**$68,054**
RENVILLE	$16,594		$23,807	$27,218	**$67,619**
RICE	$24,873	$69,987	$27,878	$3,206	**$125,944**
ROCK	$27,802	$79,200	$23,620	$1,140	**$131,762**
ROOT RIVER	$36,104	$102,920	$27,363	$3,206	**$169,593**
ROSEAU	$16,716		$22,918	$71	**$39,705**
SCOTT	$31,366		$24,321	$3,349	**$59,036**
SHERBURNE	$13,000		$26,333	$0	**$39,333**
SIBLEY	$16,825		$23,058	$6,983	**$46,866**
ST. LOUIS NORTH	$13,025		$22,965	$0	**$35,990**
ST. LOUIS SOUTH	$10,352		$22,965	$0	**$33,317**
STEARNS	$65,834	$121,566	$26,801	$1,354	**$215,555**
STEELE	$17,874		$24,415	$3,420	**$45,709**
STEVENS	$28,603		$23,432	$4,489	**$56,524**
SWIFT	$15,839		$22,731	$11,685	**$50,255**
TODD	$28,056		$24,462	$285	**$52,803**
TRAVERSE	$10,044		$23,386	$1,496	**$34,926**
WABASHA	$28,775	$50,000	$23,947	$1,710	**$104,432**
WADENA	$16,000		$22,871	$784	**$39,655**
WASECA	$17,767		$23,198	$7,553	**$48,518**
WASHINGTON #	$21,927	$16,500	$25,070	$143	**$63,639**
WATONWAN	$18,113		$22,497	$7,339	**$47,949**
WILKIN	$22,139		$23,526	$1,853	**$47,518**
WINONA	$21,728	$95,721	$25,538	$1,924	**$144,911**
WRIGHT	$26,565		$26,006	$3,064	**$55,635**
YELLOW MEDICINE	$28,926		$23,526	$12,184	**$64,636**
ALLOCATED TOTALS	**$2,067,851**	**$1,101,877**	**$2,152,980**	**$344,993**	**$5,667,701**

NOTES:

COST SHARE BASE GRANT PENALTIES FOR RULE VIOLATION.

ANOKA - $11,710

DAKOTA - $750

MAHNOMEN - $1,199

WASHINGTON - $1,154

* 15% SERVICES GRANT PENALTY FOR LATE REPORTING

H:FY08SWCD

PROPOSED FY 2008 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 Subsurface Sewage Treatment Systems (SSTS).

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 2008 NRBG Schedule

June 27, 2007	BWSR Requested to authorize the FY 2008 NRBG Counties Begin to Apply
July 2007	Grant Agreements Sent to Counties
August 2007	Grant Agreements Executed and Payments Transferred
October 30, 2007	Application Deadline
February 1, 2008	eLINK Reports Due

Selected Program Highlights of the FY 2008 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. Counties must have a BWSR approved locally adopted comprehensive local water plan.

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. The formula includes the following factors:

- Number of landowner contacts resulting in mitigation or replacement
- Number of cease and desist orders & restoration orders issued
- Change in population
- Amount of wetlands on non-public lands
- Amount of poorly drained soils on non-public lands
- Amount of shoreland on non-public lands

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 based on:

- Shoreline miles of lakes and rivers
- Amount of private lands
- Population

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 .7:1 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 Subsurface Sewage Treatment Systems Program - $859,995 All counties are required to pass ordinances regulating SSTS countywide. All counties that have enacted countywide ordinances and have a BWSR approved locally adopted comprehensive local water plan are eligible to receive this grant. No local match is required. Grant amount of $9,885 is determined by equal county allocations. (If dedicated funding is achieved for FY 09, this amount will become the base amount for FY 09 grants.) These funds are appropriated under the CWL Program. These allocations will leave a remaining FY balance of $365,000 to be allocated under the CWL Program.

Recommendation

On behalf of the BWSR, DNR, and MPCA staffs, the Grants Committee is requesting the Board to approve the 08 Natural Resources Block Grant Program and authorize staff to enter into grant agreements with counties that meet Program requirements according to the itemized amounts on the attached spreadsheet *Proposed 2008 BWSR Natural Resources Block Grant, Base Grant Breakdown by Program.*

PROPOSED 2008 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 SSTS PROGRAM	
COUNTY	CLWM BASE GRANT	WCA BASE GRANT	MINIMUM SWCD TRANSFER	SHORELAND BASE GRANT	FEEDLOT BASE GRANT	SSTS BASE GRANT	GRANT TOTAL
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 2008 BWSR NATURAL RESOURCES BLOCK GRANT
BASE GRANT BREAKDOWN BY PROGRAM

	$1.5 M	$2.17M		$.43 M	$1.97 M	$.86 M	
	LOCAL WATER MANAGEMENT	WCA CONSERVATION ACT		DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	MPCA COUNTY SSTS PROGRAM	
COUNTY	CLWM BASE GRANT	WCA BASE GRANT	MINIMUM SWCD TRANSFER	SHORELAND BASE GRANT	FEEDLOT BASE GRANT	SSTS BASE GRANT	GRANT TOTAL
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 .7:1 CASH/IN-KIND MATCH. THE MPCA COUNTY SSTS PROGRAM BASE GRANT DOES NOT REQUIRE A MATCH.

H:08NRBG

PROPOSED FY 08 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 08, the legislature has appropriated $1.06 M for this Program – a $4,000 reduction from 07.

This Grant Program is proposed 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 08 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 = $96,364 per TSA (i.e. equal state funding) TSA = $24,091

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.

Before FY 06, our allocation policy required the JPBs financial report for the previous year. The reason that we required the financial report was because it was used to determine if the JPB had any unspent funds remaining from the previous year's grant. If any unspent funds remained, their next grant was reduced by that amount.

JPBs were given until July 31 (1 month after the end of the FY) to complete their financial reports. Grant amounts were then determined and the Board was requested to approve allocations at their next available meeting, which was in late August. Allocations were made in early September.

Because of Board Policy adopted FY 06, all JPB grants are now =,=,=. It is no longer necessary to reconcile their next grant with the previous year's financial report. Staff may

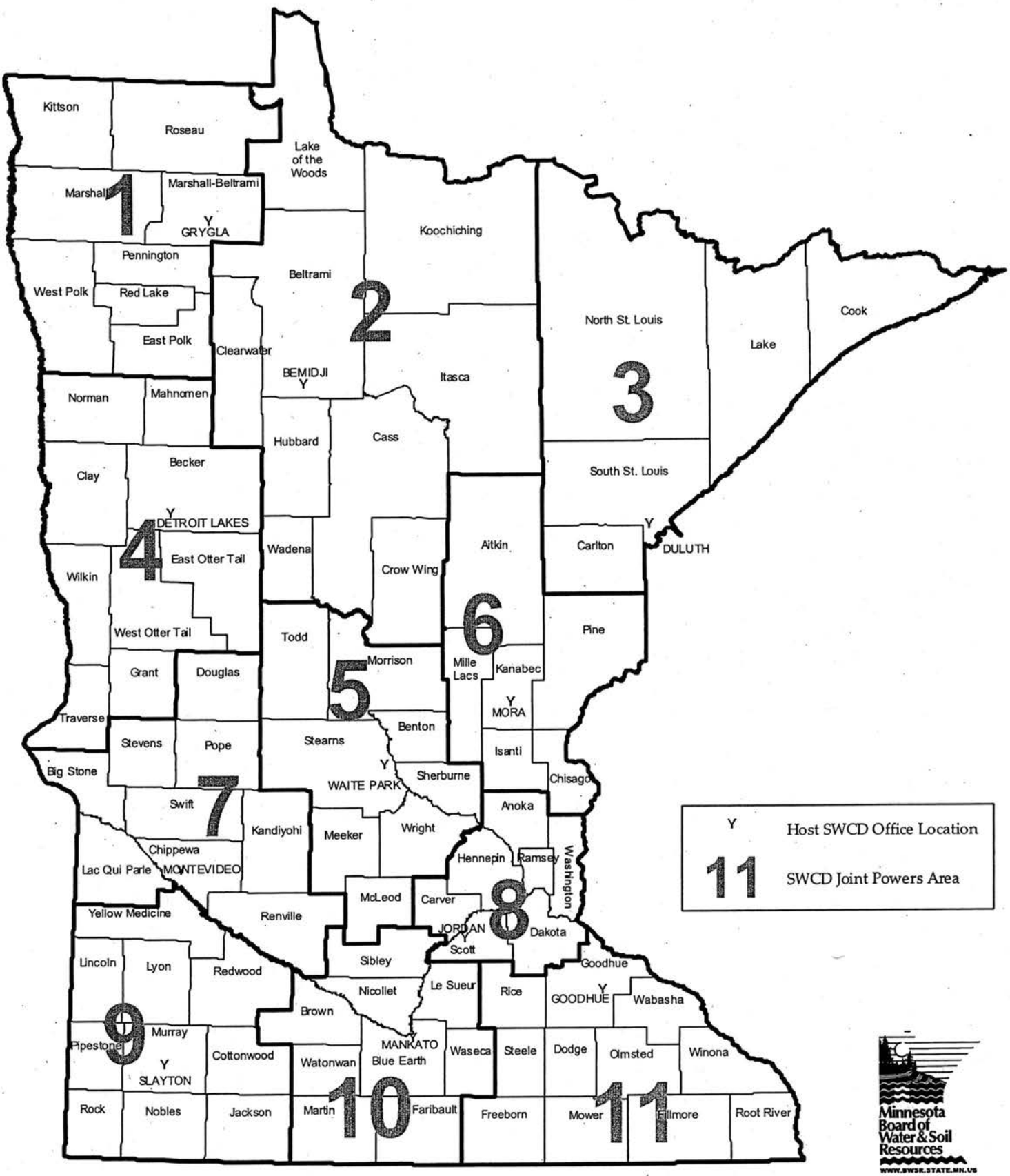
begin the allocation process immediately after July 1. This should move up the allocations by about 2 months.

RECOMMENDATION

The Grants Program and Policy Committee is requesting the authorization of the 08 NPEA Base Grant Program, and staff to allocate these grants to JPBs meeting Program, workplan, and reporting requirements, beginning July 1, 2007.

H:08NPEAGC

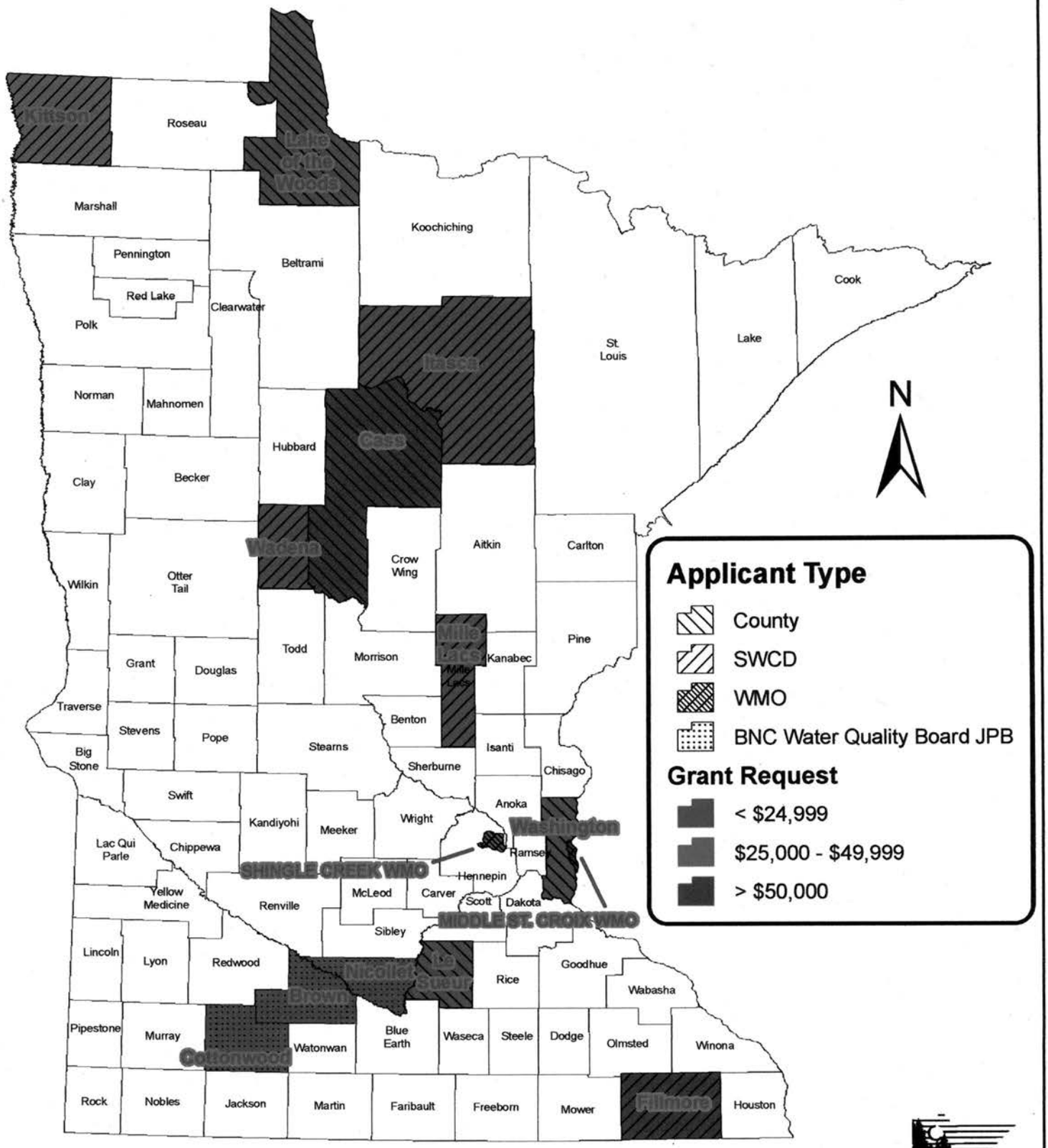
Nonpoint Engineering Assistance Program



Minnesota Board of Water & Soil Resources
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January 2003

Recommended BWSR 2008/09 LCCMR Challenge Grant Projects



Minnesota Board of Water & Soil Resources
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Local Water Management Challenge Grant Program Successes

BWSR first introduced the Local Water Management Challenge Grant program beginning with FY1990. At that time the agency fully funded the program. Beginning with the 00/01 biennium, and through the 08/09 biennium, the agency has successfully been awarded the LCMR (now known as LCCMR) Local Water Planning Challenge Grant funds to implement local government projects.

Local government units have been awarded approximately **$8.32 million** for proposals submitted to implementing high-priority activities listed in their comprehensive water management plan as a result of the program. Local commitment to improving surface and ground water quality has contributed in excess of the 1:1 amount required.

Eligible recipients are counties, soil and water conservation districts, watershed districts, water managements organizations and joint powers boards with a board approved and locally adopted water plan. To date, the program has funded **282** projects through the FY 06/07 biennium.

Here are a few of the program's most recent successes for FY04/05:

Meeker County
Awarded $25,000
Local contribution $50,653

Developed a GIS based public drainage ditch system.

Washington County
Awarded $60,450
Local contribution $64,218

Water management united adopted policies based in science to protect groundwater recharge and discharge areas while improving and maintaining water quantity and quality.

Stearns SWCD
Awarded $23,000
Local contribution $96,048

Development of a lakeshed management plan and implementation project which targets the investment of resource conservation dollars from public, private and non profit sources through a minor watershed assessment process.

Yellow Medicine County
Awarded $16,000
Local contribution $16,000

YMC transferred all county and Judicial Ditch information to ArcView benefiting various counties by providing data quickly and efficiently without having to view various large paper maps.

Over the year we have received hundreds of qualified projects local government which makes this program such a success. We hope to continue supporting local efforts in maintaining Minnesota's natural resource.

Data taken from eLINK report.

FY 2008/09 LOCAL WATER MANAGEMENT PLANNING CHALLENGE GRANTS:

Background: BWSR has been providing project funds on a competitive basis since the beginning of the Local Water Management Program. In the early years, state general funds supported the Challenge Grant Program, however, beginning in fiscal year 2000 the Legislative Commission on Minnesota Resources began providing funding for the Challenge Grant Program..Total LCMR (and now LCCMR) funding is $4,190,000.

Available Funds: $350,000

Application Period: March 1, 2007 – April 13, 2007

Eligible Local Units of Government includes counties, watershed districts and watershed management organizations. Soil and water conservation districts (SWCD) may apply if the county has delegated the local water management planning responsibilities to them per 103B.311, subd. 2. All applicants must have an approved, current local water management plan.

Grant maximums: Grants will not exceed $25,000 per local government unit (LGU) or $75,000 per project where 3 or more LGUs are involved in implementing a project.

Required Match: All grants must be matched one-to-one with non-state cash or in kind contributions.

Eligible projects: Proposed projects must implement priority action items in an approved local water management plan. Eligible projects include:

1. land and water treatment (i.e., install erosion or water quality improvement practices);
2. planning and environmental controls (i.e. developing a lake plan or special area ordinance)
3. monitoring and modeling (i.e. water quality data or watershed modeling)

Priority consideration will be given to projects that develop and implement innovative practices, programs, or plans to protect or restore surface and ground waters.

Ineligible projects include:

1. installation of individual sewage treatment systems;
2. updating local water plans;
3. Clean Water Partnership Phase 1 diagnostic studies;
4. federal and state combined cost-share that exceeds 75% of the cost of the project;
5. additional state money for BWSR easement payments (RIM, CREP, WRP, road replacement) or admin/tech services associated with the easement acquisition; and
6. digitizing soil surveys not done to USDA-NRCS standards.

Application Summary: A total of 64 applications were received by the April 13 deadline. These applications requested $1,474,706 in grant funds with a total match of $2,569,393.

Review Process: BWSR along with the Pollution Control Agency, and the Departments of Agriculture, Health, and Natural Resources reviewed the applications and scored them on the basis of the following: (1) Desired Outcome; (2) Initiatives and Budget; and (3) Special Consideration. The Review Committee met on May 16 to finalize the funding recommendations.

Funding Recommendation: The Grants Policy and Program Committee supports the Review Committee's funding recommendation that the highest scoring 12 projects be funded, with the twelfth project receiving partial funding. These projects will provide a match of $587,709.

BWSR 2008-2009 LWM Planning Challenge Grant Application
Combined Reviewers Scoring Worksheet

	Applicant	Application Title	Grant Request	Cumulative Total	Match	Total Budget	Accept Lesser Amount	Predominate Category	Total Score
1	Middle St. Croix River WMO	Stabilization of the Afton-Lakeland Gully	$75,000	$75,000	$90,000	$165,000		L&W	618
2	Mille Lacs SWCD	Mille Lacs Shoreland Restoration	$4,000	$79,000	$4,000	$8,000	Y	L&W	589
3	Washington County	Abandoned Exploritory Borehole Geo-physics, Contamination Assessment, and Remediation	$10,000	$89,000	$10,000	$20,000	Y	Monitoring/Data Collection	559
4	Fillmore SWCD	Root River Watershed Partnership to reduce Fecal Coliform through improved grazing managment	$75,000	$164,000	$81,000	$156,000	Y	L&W	546
5	Wadena SWCD	Menahga Stormwater Disconnect Implementation	$21,500	$185,500	$23,750	$45,250	Y	L&W	546
6	BNC Water Quality Board JPP	Integrating solar/wind powered pumps with restored wetlands to enhance water treatment	$24,500	$210,000	$25,000	$49,500		L&W	538
7	Cass County	Aitkin-Cass-Crow Wing Sensitive and Key Lakeshore and River Reach Identification for Cons. Easements	$56,000	$266,000	$64,000	$120,000	Y	Regulation,Ordinances,Planning	509
8	Lake of the Woods County	Bostic Watershed Erosion & Sedimentation Investigation	$11,553	$277,553	$11,553	$23,106		Monitoring/Data Collection	495
9	Itasca SWCD	Itasca SWCD LWM Challenge Grant 08-09	$24,690	$302,243	$37,690	$62,380	Y	Monitoring/Data Collection	484
10	Kittson SWCD	Kittson SWCD Greenwood Cemetery Streambank Challenge Grant application	$25,000	$327,243	$155,000	$180,000		L&W	479
11	Le Sueur County	Phosphorus Reduction in Drainage using Organic Carbon Barley Straw	$6,732	$333,975	$6,896	$13,628		Monitoring/Data Collection	454
12	Shingle Creek WMO	Shingle Creek Stream Restoration - LWM Challenge	$30,000	$363,975	$78,820	$108,820	Y	L&W	453
13	Lake of the Woods SWCD	Lake of the Woods Shoreline Protection Cost Share Program	$24,050	$388,025	$25,900	$49,950	Y	L&W	447
14	North Fork Crow River	NFCR Watershed County Ditch 4 Impoundment Construction	$25,000	$413,025	$30,575	$55,575	Y	L&W	430
15	Douglas County	Douglas SWCD Challenge Grant-Lake Geneva Gully Stablization	$3,500	$416,525	$3,500	$7,000	Y	L&W	427
16	Buffalo Creek	McLeod County LiDAR and Orthophotography Acquisition Project	$75,000	$491,525	$278,937	$353,937	Y	Regulation,Ordinances,Planning	408
17	Kittson SWCD	Percy Blake Streambank Stabilization Challenge Grant application	$7,269	$498,794	$21,807	$29,076		L&W	385
18	Hubbard SWCD	Hubbard SWCD 2007 LWP Challenge Grant Application	$3,592	$502,386	$3,592	$7,183		Monitoring/Data Collection	375
19	Rice Creek WD	Stream Health Evaluation Project (SHEP) - RCWD	$11,900	$514,286	$20,430	$32,330		Monitoring/Data Collection	351
20	Ottertail, East SWCD	Otter Tail County Shorland Technical Assistance and Education Program	$25,000	$539,286	$52,835	$77,835	Y	L&W	350
21	Cook County	Cook County Individual Sewage Treatment System (ISTS) GIS Database	$10,000	$549,286	$10,000	$20,000	Y	Inventory/Mapping	349
22	Martin County	Martin County Local Water Management Planning Challage Grant	$50,000	$599,286	$90,800	$140,800	Y	L&W	343
23	Sand Hill River WD	Development of a GIS Planning Tool for the Management of Drainage Systems, Projects& Benefit Areas	$15,000	$614,286	$15,000	$30,000		Regulation,Ordinances,Planning	335
24	Sibley SWCD	Technical and financial assistance for replacing open tile intakes	$12,500	$626,786	$12,500	$25,000		L&W	333
25	Sauk River WD	Sauk River Watershed District GIS Drainage Ditch Systems Ditch Inventory for Management & Planning	$8,388	$635,173	$8,388	$16,775	Y	Regulation,Ordinances,Planning	330

	Applicant	Application Title	Grant Request	Cumulative Total	Match	Total Budget	Accept Lesser Amount	Predominate Category	Total Score
26	Carnelian Marine WD	Carnelian Hills 130 Street Lane BMP Program	$50,000	$685,173	$50,000	$100,000	Y	L&W	323
27	Martin County	Martin County Local Water Managemenr Planning Challenge Grant.	$6,000	$691,173	$10,500	$16,500	Y	Monitoring/Data Collection	318
28	Middle-Snake-Tamarac Rivers WD	Legal Drainage Ditch GIS Creation and Supporting Information for Future Planning & Management	$40,000	$731,173	$50,000	$90,000	Y	Regulation,Ordinances,Planning	314
29	Ramsey SWCD	cost-share shoreline stabilization Lake owasso	$10,000	$741,173	$10,000	$20,000	Y	L&W	309
30	Coon Creek WD W	Low Impact Development Demonstration Site	$25,000	$766,173	$10,000	$35,000	Y	L&W	307
31	Heron Lake WD	Conservation Tillage Study for Continuous Corn-on-Corn	$47,367	$813,540	$60,872	$108,240		L&W	304
32	Roseau River WD	Roseau River Watershed District Challenge Grant Application	$7,500	$821,040	$7,500	$15,000		Monitoring/Data Collection	301
33	Goodhue SWCD	Stormwater BMP Project	$5,000	$826,040	$5,000	$10,000	Y	L&W	300
34	Mower County	Mower County GIS Based Public Drainage Project	$5,000	$831,040	$5,000	$10,000	Y	Monitoring/Data Collection	298
35	Ramsey SWCD	Cost-share Program for Native Plant BMPs	$10,000	$841,040	$10,000	$20,000	Y	L&W	298
36	Shell Rock River WD	Shell Rock GIS for ISTS Success	$25,000	$866,040	$25,000	$50,000	Y	Regulation,Ordinances,Planning	298
37	Chisago County	Chisago County Government Center Stormwater Retro-Fit Project	$35,000	$901,040	$85,000	$120,000	Y	L&W	297
38	Shingle Creek WMO	Shingle Creek Phosphorus Reduction Grant	$75,000	$976,040	$610,000	$685,000	Y	L&W	291
39	Shell Rock River WD	Measure Impact of Urban Runoff	$20,000	$996,040	$20,000	$40,000	Y	Monitoring/Data Collection	285
40	Chisago County	Chisago County Shoreline Restoration Challange Grant	$20,000	$1,016,040	$25,000	$45,000	Y	L&W	275
41	Cass County	Developing and using whole-watershed phosphorus balances as a lake management tool	$25,000	$1,041,040	$25,000	$50,000	Y	Monitoring/Data Collection	269
42	Okabena-Ocheda WD	Lake Ocheda Shoreland Management Plan	$10,000	$1,051,040	$10,000	$20,000	Y	Regulation,Ordinances,Planning	267
43	Wright SWCD	Stormwater BMP Study and Demonstration	$22,000	$1,073,040	$42,000	$64,000		L&W	242
44	Buffalo-Red River	Create public education water quality information for BRRWD website	$6,000	$1,079,040	$6,000	$12,000	Y	Monitoring/Data Collection	234
45	Beltrami County	PILT Culvert Inventory	$15,000	$1,094,040	$41,700	$56,700		Inventory/Mapping	233
46	Prior Lake - Spring Lake WD	PLSLWD-Rain Garden Testing	$11,642	$1,105,683	$11,642	$23,285	Y	Monitoring/Data Collection	232
47	Beltrami SWCD	Shoreline Restoration Specialist	$50,000	$1,155,683	$50,000	$100,000		L&W	225
48	Goodhue SWCD	ATV Fertilizer Equipments	$12,600	$1,168,283	$12,600	$25,200	Y	L&W	220
49	Mille Lacs SWCD	West Branch Rum River Monitoring	$31,600	$1,199,883	$35,000	$66,600	Y	Monitoring/Data Collection	219
50	Le Sueur County	Enhanced Upper Cannon Lakes Intensive Monitoring	$17,700	$1,217,583	$22,663	$40,363		Monitoring/Data Collection	212
51	Le Sueur County	Le Sueur Arsenic/ Nitrogen Groundwater Quality	$12,208	$1,229,791	$15,073	$27,281	Y	Monitoring/Data Collection	212
52	Ramsey SWCD	Pilot Abandoned Well Sealing	$25,000	$1,254,791	$25,000	$50,000	Y	L&W	210
53	Faribault SWCD	Continued monitoring of bacteria levels of a small community after wastewater upgrade	$3,000	$1,257,791	$3,000	$6,000		Monitoring/Data Collection	205

	Applicant	Application Title	Grant Request	Cumulative Total	Match	Total Budget	Accept Lesser Amount	Predominate Category	Total Score
54	Beltrami SWCD	Grace Lake Watershed Water and Nutrient Budget Development	$7,500	$1,265,291	$7,500	$15,000		Regulation,Ordinances,Planning	204
55	Bois de Sioux	2008/09 Upper Mustinka Subwater Culvert Inventory	$25,000	$1,290,291	$25,000	$50,000			195
56	Beltrami SWCD	Grace Lake Watershed Improvement Projects	$17,500	$1,307,791	$17,500	$35,000		L&W	194
57	Bois de Sioux	East Branch Twelve Mile Creek Challenge Grant	$25,000	$1,332,791	$25,000	$50,000		Monitoring/Data Collection	192
58	Ramsey SWCD	Native Plant Sale and workshop	$5,000	$1,337,791	$5,000	$10,000	Y	Education/Information	191
59	Valley Branch WD	Raleigh Creek Repair & Rehabilitation Project	$25,000	$1,362,791	$0	$25,000	Y	L&W	190
60	Goodhue SWCD	Goodhue County SWCD	$4,150	$1,366,941	$4,150	$8,300	Y	Regulation,Ordinances,Planning	188
61	Le Sueur County	Ney Backyard Conservation Workshops II	$10,265	$1,377,206	$17,219	$27,484	Y	Education/Information	186
62	Valley Branch WD	Best Management Practices Demonstration Site at Oakdale Nature Center	$75,000	$1,452,206	$0	$75,000	Y	L&W	185
63	Wright SWCD	Corinna Town MLCCS Survey	$20,000	$1,472,206	$20,000	$40,000	Y	Monitoring/Data Collection	140
64	Ramsey SWCD	Lakeshoreline and riparian zone inventory	$2,500	$1,474,706	$2,500	$5,000	Y	Monitoring/Data Collection	119

Challenge Grant Summary *$1,474,706* *$2,569,393* *$4,044,099*

ANNUAL PLAN – FY 008

JULY 1, 2007 – JUNE 30, 2008



AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

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FY 2008 TECHNICAL OFFICE BUDGET

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

2007 BOARD OF DIRECTORS

BROWN COUNTY
ANDREW LOCHNER – CHAIR
CHARLES GUGGISBERG

COTTONWOOD COUNTY
GARY SORENSON – VICE CHAIR
NORMAN HOLMEN

LAC QUI PARLE COUNTY
HAROLD SOLEM
TODD PATZER

LINCOLN COUNTY
CURT BLUMEYER
LARRY HANSEN

LYON COUNTY
PHILIP NELSON - SECRETARY/TREASURER
RODNEY STENSRUD

MURRAY COUNTY
ROBERT MOLINE
JOHN GIESE

PIPESTONE COUNTY
LUKE JOHNSON
HAROLD MILLER

REDWOOD COUNTY
JOHN SCHUELLER
ALLEN KOKESCH

YELLOW MEDICINE COUNTY
LOUIS SHERLIN
RON ANTONY

ANNUAL PLAN – FY 2008
ADMINISTRATIVE WORK PLAN NARRATIVE

STAFF: Kerry Netzke ~ *Coordinator* Joe DeSchepper ~ *Engineering Technician* Duane Hansel, P.E. ~ *Consultant Engineer Bolton & Menk, Inc.*

Looking toward Fiscal 2008 is exciting with partially restored administrative funding in addition to a healthy balance of construction funding for floodwater retention projects. The $500,000 LCMR funding from 2005 will expire June 30, 2007 and we are working on the 2005 and 2006 Bonding funds balances. Our goal is to reduce the bonding to a minimum in order to request another $500,000 appropriation from the 2008 legislature.

Area II continues 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 be completed.

Due to an unseasonably warm spring, we have a busy construction season well underway. With the LCMR appropriation expiring on June 30th, priority was given to those projects which also required switching a few projects to be funded by LCMR rather than Bonding. We plan to construct at least nine retention projects in 2007 with cooperation from the weather and permitting authorities. When staff is not busy staking or inspecting ongoing construction, design and permit work for the projects slated to receive the 2006 Bonding appropriation take priority. With a small staff, the project management of multiple projects becomes challenging.

Our administrative funding was partially restored to $140,000 per year which was a welcome relief. 'Doing more with less' was becoming less feasible and more difficult as the budget continues to slowly increase with inflation and general costs of living. Our local legislators are tremendously supportive and dedicated to Area II and we thank them graciously. The nine member counties voted to increase their levies to Area II by 2% last year as the levies had remained the same for 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 as the Joint Powers Agreement was recently extended until 2009.

Area II greatly appreciates the long-term support and trust given to them from the Minnesota Board of Water & Soil Resources. We look forward to a strong relationship with John Jaschke as he takes BWSR into a new era. We hope to continue our good work and to make BWSR proud of the conservation practices that only we can do in southwestern Minnesota!

FY 2007
COMPLETED PROJECTS

χ	**Holly 9 Dam and Small Dam Repair - Murray County**	**$221,307.52**
	LCMR	$165,087.57
	Area II counties	$ 36,219.95
	Landowners	$ 20,000.00

Additionally, in-kind services of $10,640.00 were contributed by Area II and $900.51 from Murray County Hwy Dept.

χ	**Sodus 27 Dam - Lyon County**	**$68,557.72**
	2005 Bonding Funds	$ 51,418.29
	Landowner	$ 17,139.43
χ	**Gales 17 Small Dam Repair - Redwood County**	**$10,560.75**
	RCRCA Cost-Share	$ 7,920.56
	Area II Counties	$ 196.34
	Landowner/Renter	$ 2,443.85
χ	**Monroe 1 Small Dam Repair - Lyon County**	**$11,374.81**
	RCRCA Cost-Share	$ 8,531.11
	Landowner	$ 2,843.70
χ	**Aetna 22 Small Dam Repair - Pipestone County**	**$14,432.50**
	RCRCA Cost-Share	$ 10,824.37
	Landowner	$ 3,608.13
χ	**Lynd 8 Small Dam Repair - Lyon County**	**$18,817.00**
	RCRCA Cost-Share	$ 13,135.50
	Landowner	$ 5,681.50
χ	**Amiret 29 Dam - Lyon County**	**$ 14,216.57**
	2005 Bonding Funds	$ 10,662.43
	Landowner	$ 3,103.39
	Area II Counties	$ 450.75

COMPLETED PROJECTS TOTAL
$ 359.266.87

FY 2008
2005 BONDING PROJECTS

χ **Alta Vista 36 Road Retention – Lyon/Lincoln County $658,603.34** COMPLETED

46.9 acres of flood easement acquired to reduce 100-year storm flows by 49.6% (1124 cfs to 578 cfs); 498 acre-feet of storage.

MNDOT Local Road Improvement Grant	$250,000.00	Lyon County In-kind (asphalt surfacing)	$ 70,000.00
2005 Bonding Funds	$155,000.00	Lincoln County In-kind (engineering)	$ 58,521.98
Lincoln County – MNDOT State Aid	$ 73,104.66	Yellow Medicine Watershed District	$ 51,976.70

χ **Sodus 27 Dam - Lyon County $ 68,557.72** COMPLETED

3.09 acres of flood easement acquired to reduce 100-year storm flows by 77% (54 cfs to 12 cfs); 22.3 acre-feet of storage.

2005 Bonding Funds	$ 51,418.29
Landowner	$ 17,139.43

χ **Amiret 29 Dam - Lyon County $ 14,216.57** COMPLETED

1.69 acres of flood easement acquired to reduce 100-year storm flows by 95% (11 cfs to 0.6 cfs).

2005 Bonding Funds	$ 10,662.43
Landowner	$ 3,103.39
Area II Counties	$ 450.75

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. The County will likely choose between this project, or the Springdale 21 project, for 2007 construction. The remaining project will likely be constructed in 2008.

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.

CONTINUED...

CONTINUED...
2005 BONDING PROJECTS

χ **Monroe 7 Small Dam Repair - Lyon County**
Bonding will provide 75% for construction while the remaining local match of 25% will be provided by the landowner and Area II. We are negotiating a suitable design as several complexities exist for this project including: undersized original plan, downstream road retention, and adjacent Scenic & Natural Area (SNA).

χ **Custer 15 Small Dam Repair - Lyon County** ($13,245.21) IN CONSTRUCTION
Funding has been secured through EQIP (50%) and Bonding (25%) with the remaining local match of 25% will be provided by the landowner.

χ **Lake Marshall 31 Small Dam Repair - Lyon County** ($20,834.55) IN CONSTRUCTION
Funding has been secured through EQIP (~50%) and Bonding (25%) with the remaining local match of 25% will be provided by the landowner.

χ **Norman 35 Small Dam Repair – Yellow Medicine County** ($22,785.00)
Funding has been secured through EQIP (50%), Bonding (25%), the Yellow Medicine River Watershed District (12.5%) and landowner (12.5%). Construction is slated for July.

BALANCE REMAINING
$ 284.271.71

FY 2008
2006 BONDING PROJECTS

- 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. Soil borings have recently been taken and preliminary reports indicate very good soils for dam construction.

- χ **Drammen 15 Dam – Lincoln County**
  Located in the upper reaches of the Redwood River, this site is nestled in among several windturbine generators. Soil borings have recently been taken and preliminary reports indicate very good soils for dam construction.

- 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 **Delhi 24 Small Dam Repair - Redwood County**

- χ **Marshfield 24 NW Small Dam Repair - Lincoln County**

- χ **Marshfield 24 SE Small Dam Repair - Lincoln County**

- χ **Fortier 22 Road Retention – Yellow Medicine County**

- χ **Lynd 35 Small Dam Repair – Lyon County**

BALANCE REMAINING
$ 500.000.00

FY 2008
LCMR PROJECTS

χ **Florida 9 Road Retention – Yellow Medicine County** ($112,367.09) COMPLETED

14.8 acres of flood easement acquired to reduce 100-year storm flows by 24.2% (947 cfs to 718 cfs); 99 acre-feet of storage.

LCMR	$ 81,207.57
Area II Counties	$ 31, 059.52

χ **Holly 9 Dam and Small Dam Repair - Murray County** ($221,307.52) COMPLETED

13.25 acres of flood easement acquired to reduce 100-year storm flows by 82% (418 cfs to 77 cfs); 255 acre-feet of storage.

LCMR	$165,087.57
Area II counties	$ 36,219.95
Landowners	$ 20,000.00

Additionally, in-kind services of $10,640.00 were contributed by Area II and $900.51 from Murray County Hwy Dept.

χ **Monroe 3/10 Road Retention/Dam - Lyon County** ($250,934.05) IN CONSTRUCTION

χ **Lynd 32 Dam – Lyon County** ($46,933.00) IN CONSTRUCTION

χ **Germantown 4 Road Retention - Cottonwood County** BID LETTING 6/25/2007

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. We intend to purchase the flood easements using LCMR funding and finance 75% of the construction through a bonding appropriation.

χ **Lyons 12 Dam - Lyon County**

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 intend to purchase the flood easement and wetland mitigation using LCMR funding and finance 75% of the construction through a bonding appropriation.

FY 2008
OTHER PROJECTS

χ Lake Stay Outlet Dam Restoration – Lincoln County

The original concrete dam which was built in 1916 is now undermining and dangerously lowering the water of this popular area lake. Lincoln County has adopted ownership and responsibility of the dam and has asked Area II to assist in the survey and design of the new outlet structure.

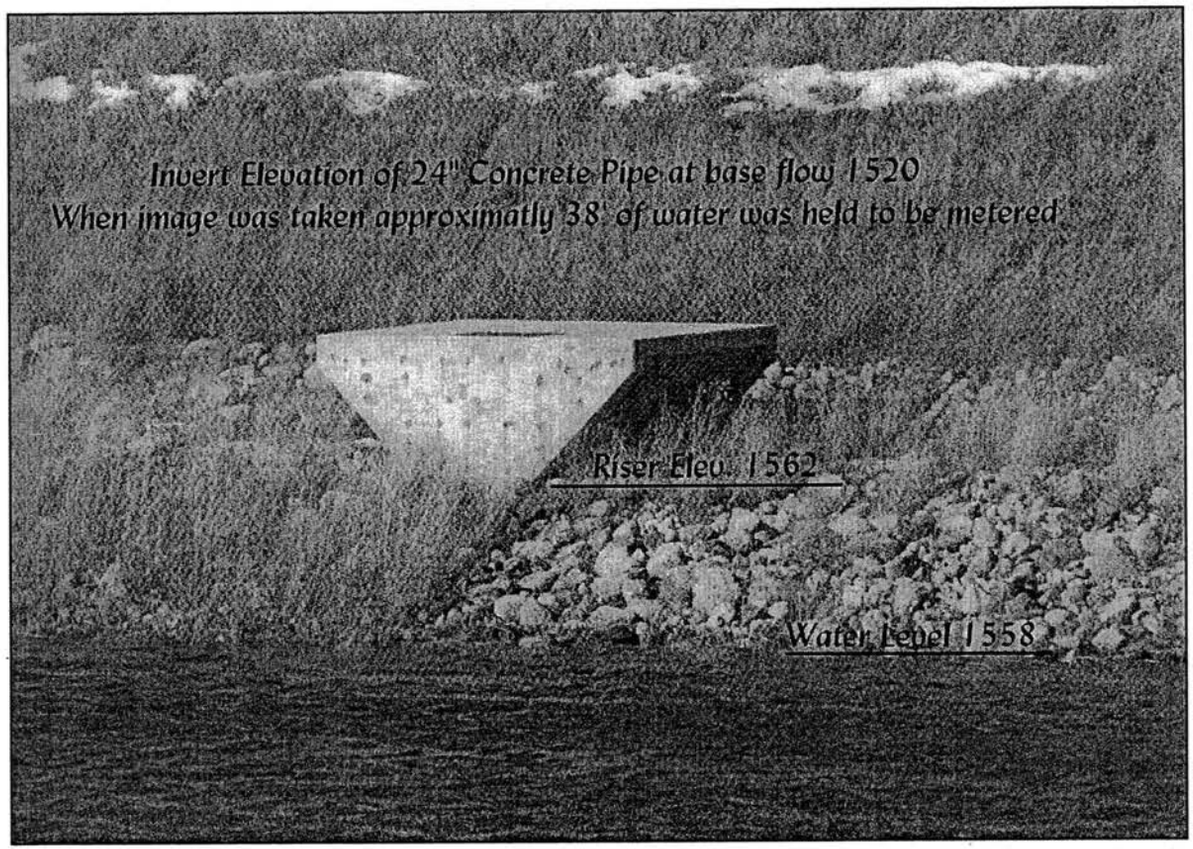
χ Beaver Creek Watershed – Murray County

Through the Murray County Comprehensive Local Water Plan, Area II has been hired to assist Murray County in locating potential floodwater retention areas in the Beaver Creek watershed. This watershed is not within Area II watershed boundaries, however the water planners were willing to hire our services to help them achieve their goal to reduce floodwater damages.

χ Lyon County Floodplain Mapping

During the 90-day review and comment period for the draft floodplain map revisions, it was determined by FEMA and DNR that the existing floodwater retention projects within Lyon County may have a substantial effect on the 100-year flows. Area II will be modeling the cumulative impact of these projects upon the mainstream watercourses. This data, if deemed "substantial" by FEMA and DNR, will be incorporated into the draft revisions.

FY 2008
LAZARUS CREEK UPDATE



March 13, 2007
Following melting of 2 feet of accumulated snow.

ATTACHMENT A

FY 2008 Technical Office Budget

OFFICE OPERATIONS

Personal Services:	
*Directors' Compensation	$ *6,700.00**
*Directors' FICA	*512.50**
Employees' Salaries	86,315.00
Employees' FICA	6,603.00
Employees' Medical Insurance	14,145.36
Employees' Retirement	5,394.69
Employee' FlexPlan	420.00
Total Personal Services	**$ 120,090.55**

Supplies:	
Office	$ 2,000.00
Field	500.00
Capital Outlay	0.00
Total Supplies	**$ 2,500.00**

Other Services and Costs:	
*Directors' Expenses	$ *4,000.00**
Employees' Expenses	1,300.00
Continuing Education	0.00
Professional Services	40,000.00
Maintenance & Repairs	1,200.00
Telephone	675.00
Postage	1,000.00
Vehicle Expense	3,500.00
*Director's Insurance	*1,552.00**
Other Insurance	13,350.00
Rent	7,083.00
Miscellaneous & Other Expenses	3,000.00
*Miscellaneous Expenses - Directors	*0.00**
Total Other Services and Costs	**$ 76,660.00**

TOTAL OFFICE OPERATIONS	$ 199,250.55
Total Ineligible for Cost-Share by the State	*12,764.50**
Total Eligible for Cost-Share by the State	$ 186,486.05
STATE SHARE OF ELIGIBLE OFFICE COSTS	**$** 140,000.00 (75%)
Local Share of Eligible Office Costs	59,250.55 (25%)

**** These items not cost-shared by the State***

Soil Survey Assistance Grants

BACKGROUND

The LCCMR allocated Trust Funds to BWSR to accelerate the completion of soil surveys. $400,000 will be available July 1st.

ISSUE

Subsurface investigations by backhoe are very helpful in the conduct of a soil survey. (To "see" below the land surface, and road cuts are not available, a backhoe becomes a useful tool.) In recent years, the NRCS has not funded this activity. By providing money to county-based NRCS soil survey staff through a SWCD, backhoe services could be obtained.

The NRCS estimates about 10 days of backhoe time is needed per county. 10 days times $1,000 per day equals $10,000 per SWCD.

LOCAL PROCESS

The county-based NRCS soil scientist determines where a backhoe would be useful. The SWCD contracts for backhoe services and pays the bill. Funds remaining from the allocation to a county are returned to BWSR and ultimately reallocated to other tasks associated with the LCCMR-approved work plan.

RECOMMENDATION

The Grants Policy and Program Committee requests the Board to allocate up to $10,000 ($40,000 total) each to the following SWCDs for backhoe work to support the on-going soil surveys for those counties.

Koochiching
North St. Louis
South St. Louis
Crow Wing

K:SSAG

Two Families

One Vision

In 2004, two Minnesota dairy farm families determined their future in the dairy industry would be stronger and more efficient by teaming together. By 2007, their dreams for a dairy poised to compete in the national and world markets became a reality. Gar-Lin Dairy Farms, Inc. consists of a partnership between Gary and Linda Allen and children Dana and Dean, and Gene and Phyllis Speltz. The business includes 1,400 total cows, 1,100 heifers and 3,600 acres of crops. There are 48 employees including family members.

This is where wholesome, quality milk gets it start.



The management team includes (L to R) Linda and Gary Allen, Dana Allen, Dean Allen, Phyllis and Gene Speltz

PEOPLE BEHIND THE PRODUCT

You can learn more about dairy products and dairy farmers at www.midwestdairy.com

Be sure to get your 3 servings a day of milk, cheese or yogurt!

Gar-Lin Dairy Farms, Inc.

3922 125th Avenue SE
Eyota, MN 55934

Phone: 507-545-0102

Please call ahead if you would like a tour.

To learn more about dairy farming visit ***www.dairyfarmingtoday.org***

Gar-Lin Dairy Farms, Inc.

Eyota, Minnesota



Wholesome, quality milk starts with the cows.

"As we planned for the future, our facility was designed to meet the needs of the cows and those who care for them."

Dr. Dana Allen

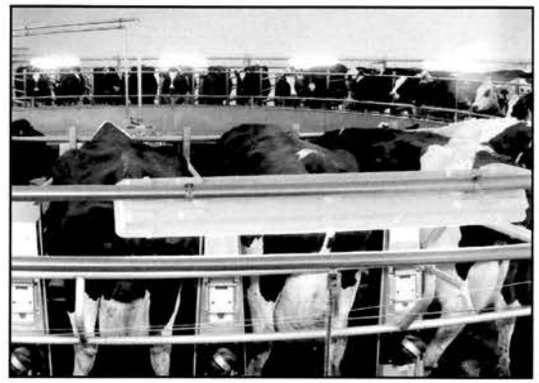
Welcome to our farm, our legacy.

*We take **PRIDE** in what we do ...* we're innovators, recyclers, caretakers, neighbors.

Gar-Lin Dairy Facts

- Gar-Lin Dairy Farms, Inc. includes a total of **1,400 cows.** They raise all their young stock which includes **1,100 heifers.** They operate **3,600 acres** of alfalfa, corn, corn silage and soybean. They also grow peas, sweet corn and lima beans.
- The **rolling herd average is 29,800** and **somatic cell count is an impressive 180,000.**
- The dairy herd is milked 3 times per day in 6 hours shifts, allowing for necessary clean-up.
- The **dairy herd produces about 13,720 gallons of milk each day** that is directly loaded onto three awaiting semis. These tanker trucks make daily deliveries to Gar-Lin's cooperative, Land-O-Lakes.
- There are **fans and sprinklers** in the barns to keep the cows comfortable year-round. In addition, the dairy uses **sand bedding.** The sand is separated from the manure and reused in the stalls.
- A **12 million gallon lagoon** that is double lined, including 6 inches of concrete at the base, stores the manure. It is incorporated into the cropland twice a year according to nutrient management plans.

Gar-Lin Dairy is one of a few dairies in the country to implement the use of Radio Frequency Identification (RFID) tags in the parlor. This technology allows the business to manage the herd more effectively by obtaining daily milk weights from each cow.



The 50-stall Magnum Auto-Roto milking parlor provides efficiency and a pleasant environment for both cows and employees. It takes about 10 minutes to complete the rotation.

"We created this dairy with the future in mind. We wanted the next generation to have the best opportunity to succeed in the dairy industry."

Gary Allen

"Dairy farming is a good living. It's a great place to raise a family. ***Management decisions are based on family values and a strong work ethic.*** *That's what we're about here."*

Gene Speltz

BOARD RESOLUTION 07-64

Wetland Conservation Act (WCA) Proposed Exempt Rule Adoption – Amendments to Minnesota Rule Chapter 8420

WHEREAS, the Board of Water and Soil Resources is required by 2007 Laws of Minnesota, Chapter 57, Section 166, to adopt rules that amend the WCA rules, within 90 days of enactment or by August 9, 2007;

WHEREAS, 2007 Laws of Minnesota, Chapter 57, Section 166 exempts this rulemaking from the rulemaking provisions of Minnesota Statutes 14;

WHEREAS, the proposed exempt rules include changes necessary to: i) incorporate the revisions required by 2007 Laws of Minnesota, Chapter 57 and 2007 Laws of Minnesota, Chapter 131; ii) incorporate revisions identified in the Wetland Conservation Act Assessment adopted by the Board on December 20, 2006; and iii) incorporate revisions included in the BWSR-U.S. Army Corps of Engineers Wetland Mitigation Memorandum of Understanding adopted by the Board on May 23, 2007; and

WHEREAS, Board staff: (i) have convened stakeholder meetings to review the proposed exempt rule and solicit ideas for improvements; (ii) have submitted the proposed exempt rule to the Revisor of Statutes for review; (iii) will notify the Governor's Office and submit the proposed exempt rule to the Office of Administrative Hearings after Board approval; and (iv) publish the proposed exempt rule on August 6, 2007.

NOW, THEREFORE BE IT RESOLVED, the Board of Water and Soil Resources hereby adopts the proposed Wetland Conservation Act exempt rules and authorizes staff to: (i) notify the Governor's Office; (ii) submit the proposed exempt rule to the Office of Administrative Hearings, and (iii) complete the processes necessary to publish adopted rules in the State Register in order to make the rule effective on August 6, 2007.

R J Kramer

Randy Kramer, Chair
Board of Water and Soil Resources

6/27/07

Date

Exempt Appeals Rule

Board Review Draft
June 15, 2007

8420.0200 DETERMINING LOCAL GOVERNMENT UNIT; DUTIES.

Subpart 1. **Determinations of local government unit.** The local government unit responsible for making exemption, wetland type, wetland boundary, and no-loss determinations and approving replacement and wetland banking plans shall be determined according to items A to D.

A. Outside the seven-county metropolitan area, the local government unit is the county or city in which the drain or fill activity is located, or its delegate.

B. In the seven-county metropolitan area, the local government unit is the city, town, or water management organization regulating surface-water-related matters in the area in which the drain or fill activity is located, or its delegate. The watershed management plan adopted under Minnesota Statutes, section 103B.231, and related board rules will normally indicate the appropriate local government unit. Lacking an indication, the local government unit must be the city, town, or its delegate.

C. If the activity in a wetland is located in two jurisdictions, the local government unit is the one exercising zoning authority over the project or if both have zoning authority, the one in which most of the wetland loss will occur. If no zoning permits are required, the local government unit is the one in which most of the wetland loss will occur. If an activity will affect wetlands in more than one local government unit, the board will coordinate the project review to ensure consistency and consensus among the local government units involved.

D. In those cases where an activity will occur on state land, the local government unit is the state agency, or the agency's designee, with administrative responsibility for that land.

The board will resolve all questions as to which government entity is the responsible authority, applying the guidelines in items A to D.

Notwithstanding items A to D, the Department of Natural Resources shall be the approving authority for activities associated with projects requiring permits to mine under Minnesota Statutes, section 93.481, and for projects affecting calcareous fens.

Subp. 2. **Local government unit duties.**

A. A local government unit must provide knowledgeable and trained staff to manage the program or secure a qualified delegate. Otherwise, the board may declare a moratorium as prescribed in part 8420.0260 or take other appropriate legal action to assure proper implementation and compliance with this chapter. The board may establish standards and requirements for training, experience, and certification.

B. The local government unit may place the decision authority for exemption, no-loss, wetland boundary and type, replacement plan, and wetland banking determinations with local government unit staff according to procedures it establishes. For final determinations made by staff, the local government unit must establish a local appeal process that includes a public hearing before appointed or elected officials. The final determination of staff becomes final if not appealed to the local government unit within 30 days after the date on which the decision is mailed to those required to receive notice of the decision. Notwithstanding the timeframes of Minnesota statutes 15.99, or any other law to the contrary, the local government unit must make a ruling within 30 days from the date of the filing of the appeal, unless the appellant and local government unit mutually agree, in writing, to an extension of time beyond the 30 days.

Appeal of a final determination made by staff may be made by the landowner, by any of those required to receive notice of the decision, or by 100 residents of the county in which a majority of the wetland is located.

C. The notice of decision mailed by the local government unit must include information on the process and timeframes to appeal the decision of the local government unit.

~~C.~~ D. The local government unit and soil and water conservation district may charge processing fees in amounts not greater than are necessary to cover the reasonable costs of implementing this chapter and for technical and administrative assistance to landowners in processing other applications for projects affecting wetlands.

8420.0250 APPEALS.

Subpart 1. **Appeal of local government unit decisions.** The decision of a local government unit to approve, approve with conditions, or reject a replacement plan, banking plan, public road project notice, exemption, no-loss, or wetland boundary or type request becomes final if not appealed to the board within 30 days after the date on which the decision is mailed to those required to receive notice of the decision. Appeals of decisions made by local government staff must be made to the local government unit as provided for in 8420.0200, Subp. 2B. This subpart applies to those determinations which are made under comprehensive wetland protection and management plans.

Appeal may be made by the landowner, by any of those required to receive notice of the decision, or by 100 residents of the county in which a majority of the wetland is located.

Appeal is effective upon mailing of the petition and payment of a nonrefundable filing fee of $200, or an amount otherwise determined by the board not to exceed $1,000, to the board with evidence that a copy of the petition has been mailed to the local government unit. The filing fee is not required for appeals petitioned by state agencies or members of the technical evaluation panel. Another filing fee is not required for appeals that have been remanded if the filing fee was paid and the same party appeals the new decision made under remand. ~~Subsequent to receipt of a petition, the local government unit may require the petitioner to post a letter of credit, cashier's check, or cash in an amount not to exceed $500 per appeal. The amount posted must be~~

~~returned to the petitioner unless there is a finding under subpart 3 that the appeal is meritless, trivial, or brought solely for the purposes of delay. The local government unit shall then mail a copy of the petition to all those to whom it was required by part 8420.0230 to mail a copy of the notice of decision.~~

Subp. 2. [Repealed, 22 SR 1877]

Subp. 3. **Board appeal procedures.** Within 30 days after receiving the petition, the board or its dispute resolution committee or executive director shall decide whether to grant the petition and hear the appeal. The board or its executive director shall grant the petition unless the appeal is deemed meritless, trivial, or brought solely for the purposes of delay; that the petitioner has not exhausted all local administrative remedies; or that the petitioner has not posted a letter of credit, cashier's check, or cash if required by the local government unit.

The board or its executive director may stay the local government unit decision until the appeal is resolved.

The board or its executive director may remand the appealed decision back to the local government unit if the petitioner has not exhausted all local administrative remedies such as a local government unit public hearing, if expanded technical review is needed, or if the local government unit's record is not adequate. If an appeal is remanded, the local government unit must make a decision within 60 days unless the remand order, or a subsequent order, specifies a longer period.

After granting the petition, the appeal shall be heard by the dispute resolution committee and decided by the board within 60 days after the filing of the local government unit's record, submittal of the written briefs for the appeal, and the hearing by the dispute resolution committee. Parties to the appeal are the appellant, the landowner, the local government unit, and those required to receive notice of the local government unit decision.

The board or its executive director may elect to combine related appeals and process as one decision, either multiple appeals on the same project or appeals of different local government unit decisions on the same project.

Upon appeal, the local government unit shall forward to the board the record on which it based its decision. The board will make its decision on the appeal after hearing. Thirty days' notice of the hearing shall be given by the board to the parties. The parties may present written and oral argument. When the local government unit has made formal findings contemporaneously with its decision and there is an accurate verbatim transcript of the proceedings and the proceedings were fairly conducted, the board will base its review on the record. Otherwise it may take additional evidence, or remand the matter.

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.

Subp. 4. **County or watershed reclassification.**

A. A local government unit may request the board to reclassify a county or watershed on the basis of its percentage of presettlement wetlands remaining. After receipt of satisfactory documentation from the local government, the board shall change the classification of a county or watershed. If requested by the local government unit, the board must assist in developing the documentation. Within 30 days of its action to approve a change of wetland classifications, the board shall publish a notice of the change in the Environmental Quality Board Monitor.

B. One hundred citizens who reside within the jurisdiction of the local government unit may request the local government unit to reclassify a county or watershed on the basis of its percentage of presettlement wetlands remaining. In support of their petition, the citizens shall provide satisfactory documentation to the local government unit. The local government unit shall consider the petition and forward the request to the board or provide a reason why the petition is denied.

8420.0290 ENFORCEMENT PROCEDURES.

Subpart 1. **Enforcement authorities.** The commissioner, conservation officers, and other peace officers may issue cease and desist orders and restoration and replacement orders.

Subp. 2. **Cease and desist orders.** Cease and desist orders may be issued when the enforcement authority has probable cause that a drain, excavation, or fill activity is being or has been conducted in a wetland and does not qualify for an exemption or a no-loss determination under parts 8420.0210 and 8420.0220 and is being or has been conducted without prior approval of a replacement plan by a local government unit under part 8420.0230 or involving a determination stayed by the board pursuant to part 8420.0250.

A cease and desist order must not be issued if the landowner has a valid exemption, no-loss, or replacement plan determination from the local government unit or a completed and submitted public road project notification that has not been stayed, remanded, or reversed on appeal under provisions of part 8420.0250, or has sufficient evidence to support an exemption or no-loss determination.

The enforcement authority shall advise the landowner that the landowner's written application, if any, for an exemption, no-loss, or replacement plan determination, should be made immediately to the local government unit and that whatever drain, excavation, or fill work that has been done may require restoration if the application for exemption, no-loss, or replacement plan determination is denied or reversed on appeal.

The enforcement authority issuing a cease and desist order shall promptly submit copies to the soil and water conservation district, local government unit, and Department of Natural Resources.

If an application for an exemption, no-loss, or replacement plan determination is triggered by a cease and desist order, the local government unit shall make the determination in accordance with parts 8420.0210 to 8420.0230.

In cases where the cease and desist order has been issued to a local government unit, the determination of exemption or no-loss shall be made by the board.

If the determination is that the activity is exempt or results in no loss of wetland, the decision maker shall request that the enforcement authority rescind the cease and desist order, pending the outcome of any appeal, and notify the soil and water conservation district, the enforcement authority, and the landowner.

If the application is denied, the decision-maker shall immediately notify the soil and water conservation district, the enforcement authority, and the landowner.

Subp. 3. **Restoration and replacement orders.** The enforcement authority shall issue a restoration order or replacement order when:

A. the drain, excavation, or fill has already been completed when discovered, or after a cease and desist order has been issued and the landowner does not apply for an exemption, replacement plan, or no-loss determination within three weeks;

B. the local government unit grants the application but it is reversed on appeal; or

C. the local government unit denies the application.

Promptly upon being informed by the enforcement authority of the need, the soil and water conservation district staff person shall inspect the site and prepare a plan in consultation with the local government unit for restoring the site to its prealtered condition. Restoration shall be ordered unless the soil and water conservation district, with the concurrence of the technical evaluation panel and the enforcement authority, concludes that restoration is not possible or prudent. The soil and water conservation district shall incorporate its plan into a restoration or replacement order and send it to the enforcement authority for service in person or by certified mail to the landowner or responsible party.

Subp. 3a. **Contents of order.** A restoration order must specify dates by which the landowner or responsible party must either:

A. restore the wetland according to the soil and water conservation district plan and obtain a certificate of satisfactory restoration from the soil and water conservation district; or

B. submit a complete replacement plan application to the local government unit.

If the replacement plan application is denied, the landowner or responsible party shall restore the wetland as specified in the order.

The restoration order shall be rescinded if the landowner or responsible party obtains an after-the-fact replacement plan, exemption, or no-loss determination from the local government unit that is not reversed on appeal.

A replacement order must specify a date by which the landowner or responsible party must submit a replacement plan to the local government unit and a subsequent date by which the landowner or responsible party must replace the wetland according to the approved replacement plan and obtain a certificate of satisfactory replacement from the soil and water conservation district.

Subp. 3b. **Enforcement authority orders.** If the soil and water conservation district, with the concurrence of the technical evaluation panel and the enforcement authority, determines that restoration will not restore all the loss caused by the drain, excavation, or fill activity, the enforcement authority may order a combination of restoration and replacement, or may order replacement rather than restoration. The order must direct the landowner or responsible party to obtain replacement plan approval from the local government unit. The order must specify that if replacement plan approval is not obtained, the landowner or responsible party must restore the wetland as ordered.

Each cease and desist, restoration, and replacement order shall state that violation of the order is a misdemeanor.

If, as part of a misdemeanor proceeding, the court orders restoration or replacement, the soil and water conservation district, with the concurrence of the technical evaluation panel and the enforcement authority, shall determine which is appropriate, and if it is restoration, the method of restoration. If the court orders replacement, the landowner or responsible party must follow the replacement plan process in subpart 4 and parts 8420.0500 to 8420.0630.

Subp. 3c. **Appeals of replacement and restoration orders.** A landowner or responsible party may appeal the terms and conditions of a restoration or replacement order issued pursuant to subpart 3 to the board's executive director within 30 days of receipt of written notice by filing a written request for review and payment of a nonrefundable filing fee to the board. The filing fee is $200, or an amount otherwise determined by the board not to exceed $1,000. If the written request is not submitted within 30 days, the restoration or replacement order becomes final. The executive director shall review the request and supporting evidence and render a decision within 60 days of the request for review. The executive director may stay the restoration or replacement order until the appeal is resolved.

Subp. 4. **After-the-fact replacement.** If a landowner or responsible party seeks approval of a replacement plan after the proposed project has already impacted the wetland, the local government unit shall require the landowner or responsible party to replace the impacted wetland at a ratio twice the replacement ratio otherwise required, unless the local government unit and enforcement authority concur that an increased ratio is not required.

Subp. 5. **Misdemeanor.** A violation of an order issued under this part is a misdemeanor and must be prosecuted by the county attorney where the wetland is located or the illegal activity occurred.

Subp. 6. **Contractor's responsibility when work drains, excavates, or fills wetlands.**

A. An agent or employee of another may not drain, excavate, or fill a wetland, wholly or partially, unless the agent or employee has:

(1) obtained a signed statement from the landowner stating that the wetland replacement plan required for the work has been obtained or that a replacement plan is not required; and

(2) mailed a copy of the statement to the local government unit with jurisdiction over the wetland.

B. Work in violation of this part is a misdemeanor.

C. The board shall develop a form to be distributed to contractor's associations, local government units, and soil and water conservation districts to comply with this part. The form must include:

(1) a listing of the activities for which a replacement plan is required;

(2) a description of the penalties for violating Minnesota Statutes, sections 103G.2212 to 103G.237;

(3) the telephone number for information on the responsible local government unit;

(4) a statement that national wetland inventory maps are on file with the soil and water conservation district office; and

(5) spaces for a description of the work and the names, mailing addresses, and telephone numbers of the person authorizing the work and the agent or employee proposing to undertake it.

Exempt Exemption Rule

Board Review Draft
June 15, 2007

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 unit's designee for advice on determining whether a proposed project is eligible for an 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~~ an exemptions or no-loss determinations cannot 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, for ten years after the draining, excavating, 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 acknowledgment.~~

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.

8420.0122 EXEMPTION STANDARDS.

Subpart 1. **Agricultural activities.** A replacement plan for wetlands is not required for:

A. activities in a wetland that was planted with annually seeded crops or was in a crop rotation seeding of pasture grass or legumes in six of the last ten years prior to January 1, 1991. Documentation, such as aerial photographs, United States Department of Agriculture records, or affidavit of landowner must be required by the local government unit to show and use as evidence for this exemption. Land eligible for this exemption must be wetland types 1 and 2;

~~B. activities in a wetland that is or has been enrolled in the federal Conservation Reserve Program that was planted with annually seeded crops or was in a crop rotation seeding in six of the last ten years prior to being enrolled in the program, and has not been restored with assistance from a public or private wetland restoration program.~~

~~Federal documentation that the wetland is or has been enrolled in the federal Conservation Reserve Program may be used as evidence for this exemption. The landowner must also meet the same requirements of item A, except that the years required are at least six of the ten years preceding the year of enrollment in the federal Conservation Reserve Program. The landowner must also state in writing that the wetland was not restored with assistance from a public or private wetland restoration fund, or that the restoration was done under a contract or easement providing the landowner with the right to drain the restored wetland;~~

~~C. 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 USDA 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. The landowner must provide United States Department of Agriculture documents confirming that the county USDA office determined before September 19, 1988, that drainage had begun before December 23, 1985, and that the determination has not been overturned by subsequent appeal or review and is not currently under administrative review;~~

~~D. (1)~~ activities in a type 1 wetland on agricultural pasture land that remains in the same use, 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 pasture land that remains in the same use;

~~2) this exemption 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;~~

~~(3) the exemption in subitem (2) is subject to the size limits included in subitem (1);~~

C. activities in a wetland conducted as part of normal farming practices. For purposes of this clause, "normal farming practices" means farming, silvicultural, grazing, and ranching activities such as plowing, seeding, cultivating, and harvesting for the production of feed, food, and fiber products, but does not include activities that result in the draining of wetlands;

D. soil and water conservation practices, that do not permanently drain or fill a wetland, approved by the soil and water conservation district, after review by the technical evaluation panel. For purposes of this item, examples of soil and water conservation practices includes those identified in the State Cost Share Program Manual, available at the BWSR website (http://www.bwsr.state.mn.us/cs/costsharemanual.pdf), federally funded demonstration, research, and cost share programs and projects;

E. 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;

F. 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;

G. ~~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~~

~~H.~~ agricultural activities that are~~:~~

~~(1) in a wetland that is on agricultural land annually enrolled in or determined to be eligible for benefits under the federal Agriculture Improvement and Reform Act of 1996, Public Law 104-127; or~~

~~(2)~~ subject to ~~subsequent~~ federal farm program restrictions that meet minimum state standards under this chapter and Minnesota Statutes, 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. The approved conditions and standards shall be noticed by the board to local government units and published in the State Register. The conditions and standards shall take effect 30 days after publication and remain in effect unless superseded by subsequent statute, rule, or notice in the State Register. This exemption may be applied to agricultural land annually enrolled in the federal Farm Program as long as wetlands are not drained, excavated, or filled beyond what is:

(a) allowed under the other exemptions in this part;

(b) necessary to replace, maintain, or repair existing private drainage infrastructure with a capacity not to exceed that which was originally constructed; or

(c) replaced at a ratio of 1:1 or greater under United States Department of Agriculture provisions as supported by documentation from the United States Department of Agriculture which must be included as evidence to support this exemption.

If the activity would result in loss of eligibility, the landowner cannot qualify for the exemption.

Subp. 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, except for parcels subject to local zoning standards that allow family members to establish an additional residence on the same 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.~~

A replacement plan is not required for draining agricultural land that:

(1) was planted with annually seeded crops prior to July 5, except for crops that are normally planted after this date, in eight out of ten most recent years prior to the impact;
(2) was in a crop rotation seeding of pasture grass, cover crop, or legumes, or was fallow for a crop production purpose in eight out of the ten most recent years prior to the impact; or
(3) was enrolled in a state or federal land conservation program and met the requirements of clause (1) or (2) prior to enrollment.

Documentation, such as aerial photographs, United States Department of Agriculture records, or affidavit of the landowner or another landowner with knowledge of the subject agricultural land may be required by the local government unit as evidence for this exemption.

F. 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. 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.

H. Present and future owners of wetlands drained or filled without replacement under an exemption in part 8420.0122, subpart 2, items B and E, can make no use of the wetland area after it is drained, excavated, or filled, other than as agricultural land, for at least ten years after the draining, excavating, or filling, unless it is first replaced under the requirements of Minnesota Statutes, section 103G.222. Also, for at least 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 local government unit may require the landowner to record a notice of these restrictions in the office of the county recorder for the county in which the project is located. The local government unit may require recording a notice of these restrictions if it determines the wetland area drained is at risk of conversion to a nonagricultural use within ten years based on the zoning classification, proximity to a municipality or full service road, or other criteria as determined by the local government unit. In making a determination under this subpart, the local government unit must review the applicable comprehensive plan when evaluating the risk of conversion to a non-agricultural use and monitor and enforce the prohibition on using the area drained, filled or excavated for a non-agricultural purpose for at least ten years.

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 restriction expires, the name of the local government which certified the exemption, if such occurred, the signatures of all owners, and an acknowledgment.

Subp. 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.

Subp. 4. **Wetland restoration.**

A replacement plan for wetlands is not required for:

(1) 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; ; or

(2) activities in a wetland restored or created by a landowner without any assistance or financing from public agencies or private entities other than the landowner and the wetland has not been used for wetland replacement or deposited in the state wetland bank. For purposes of this subpart, assistance by public agencies does not include consultation on project design or advice on the project's relationship to state or federal programs.

The landowner must provide a contract, billing statements or affidavit demonstrating that the landowner or a predecessor restored or created the wetland without any assistance or financing from public agencies or private entities other than the landowner. The landowner must also provide sufficient information to determine that the area was not wetland prior to the restoration or creation activity.

Subp. 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.

Subp. 6. **Utilities; public works.** A replacement plan for wetlands is not required for:

~~A. placement, maintenance, repair, enhancement, or replacement of utility or utility-type service if:~~

~~(1) the impacts of the proposed project on the hydrologic and biological characteristics of the wetland 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 routine maintenance of utility and pipeline rights-of-way, provided the activities do not result in additional intrusion into the wetland;~~

~~C. alteration of a wetland associated with the operation, maintenance, or repair of an interstate pipeline within all existing or acquired interstate pipeline rights-of-way;~~

~~D. emergency repair and normal maintenance and repair of existing public works, provided the activity does not result in additional intrusion of the public works into the wetland and does not result in the draining or filling, wholly or partially, of a wetland;~~

~~E. normal maintenance and minor repair of structures causing no additional intrusion of an existing structure into the wetland, and maintenance and repair of private crossings that do not result in the draining or filling, wholly or partially, of a wetland; or~~

~~F. repair and updating of existing individual sewage treatment systems as necessary to comply with local, state, and federal regulations.~~

~~For new placement and enhancement of existing facilities, the utility must demonstrate that the character and extent of the impacts of the proposed project on the wetlands have been minimized.~~

~~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 best management practices. Work of an emergency nature may proceed as necessary and any drain or fill activities shall be addressed with the local government unit after the emergency work has been completed.~~

A. new placement or maintenance, repair, enhancement, or replacement of existing utility or utility type service, including pipelines, if:
(i) the direct and indirect impacts of the proposed project have been avoided and minimized to the extent possible; and
(ii) 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;

C. repair and updating of existing individual sewage treatment systems necessary to comply with local, state, and federal regulations; or

D. 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 the utility 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 government unit after the emergency work has been completed.

Subp. 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.

Subp. 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.~~

~~Subp. 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 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 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;~~

~~(3) 2,000 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.~~

~~Except as provided in paragraphs (b) and (c), a replacement plan for wetlands is not required for draining or filling up to the following amounts of wetlands for a single and complete project:~~

(1) in a greater than 80 percent area, including Isanti County:
(i) 10,000 square feet of type 1, 2, 6, or 7 wetland, except for white cedar and tamarack wetland, outside of the shoreland wetland protection zone;
(ii) 400 square feet of type 1, 2, 6, or 7 wetland, except for white cedar and tamarack wetland, outside of the building setback zone, as defined in the local shoreland management ordinance, but within the shoreland wetland protection zone. This amount may be increased to 1,000 square feet by the local government unit if the wetland is isolated and determined to have no direct surficial connection to the public water;

(2) in a 50 to 80 percent area:
(i) 5,000 square feet of type 1, 2, 6, or 7 wetland, except for white cedar and tamarack wetland, outside of the shoreland wetland protection zone, and outside of the 11 county metropolitan area;
(ii) 2,500 square feet of type 1, 2, 6, or 7 wetland, except for white cedar and tamarack wetland, outside of the shoreland wetland protection zone, and inside the 11 county metropolitan area;

(iii) 400 square feet of type 1, 2, 6, or 7 wetland, except for white cedar and tamarack wetland, outside of the building setback zone, as defined in the local shoreland management ordinance, but within the shoreland wetland protection zone;

(3) in a less than 50 percent area:
(i) 2,000 square feet of type 1, 2 or 6 wetland outside of the shoreland wetland protection zone, and outside the 11 county metropolitan area;
(ii) 1,000 square feet of type 1, 2 or 6 wetland outside of the shoreland wetland protection zone, and inside the 11 county metropolitan area;
(iii) 400 square feet of type 1, 2, or 6 wetland, outside of the building setback zone, as defined in the local shoreland management ordinance, but within the shoreland wetland protection zone;
(iv) 100 square feet of type 7 wetland outside of the building setback zone, as defined in the local shoreland management ordinance; or

(4) statewide:
(i) 100 square feet of type 3, 4, 5, 8, and white cedar and tamarack wetland outside of the building setback zone, as defined in the local shoreland management ordinance;
(ii) 20 square feet of wetland, regardless of type, inside the building setback zone, as defined in the local shoreland management ordinance.

(5) For purposes of this subpart, the 11 county metropolitan area consists of the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

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. Property may not be subdivided solely to increase the amounts listed in A.

~~E.~~ F. 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.

Subp. ~~10.~~ 9. **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.

8420.0200 DETERMINING LOCAL GOVERNMENT UNIT; DUTIES.

Subpart 1. **Determinations of local government unit.** The local government unit responsible for making exemption, wetland type, wetland boundary, and no-loss determinations and approving replacement and wetland banking plans shall be determined according to items A to D.

A. Outside the seven-county metropolitan area, the local government unit is the county or city in which the drain or fill activity is located, or its delegate.

B. In the seven-county metropolitan area, the local government unit is the city, town, or water management organization regulating surface-water-related matters in the area in which the drain or fill activity is located, or its delegate. The watershed management plan adopted under Minnesota Statutes, section 103B.231, and related board rules will normally indicate the appropriate local government unit. Lacking an indication, the local government unit must be the city, town, or its delegate.

C. If the activity in a wetland is located in two jurisdictions, the local government unit is the one exercising zoning authority over the project or if both have zoning authority, the one in which most of the wetland loss will occur. If no zoning permits are required, the local government unit is the one in which most of the wetland loss will occur.

If an activity will affect wetlands in more than one local government unit, the board will coordinate the project review to ensure consistency and consensus among the local government units involved.

D. In those cases where an activity will occur on state land, the local government unit is the state agency, or the agency's designee, with administrative responsibility for that land.

The board will resolve all questions as to which government entity is the responsible authority, applying the guidelines in items A to D.

Notwithstanding items A to D, the Department of Natural Resources shall be the approving authority for activities associated with projects requiring permits to mine under Minnesota Statutes, section 93.481, and for projects affecting calcareous fens.

Subp. 2. **Local government unit duties.**

A. A local government unit must provide knowledgeable and trained staff to manage the program or secure a qualified delegate. Otherwise, the board may declare a moratorium as prescribed in part 8420.0260 or take other appropriate legal action to assure proper implementation and compliance with this chapter. The board may establish standards and requirements for training, experience, and certification.

B. The local government unit may place the decision authority for exemption, no-loss, wetland boundary and type, replacement plan, and wetland banking determinations with local government unit staff according to procedures it establishes. For final determinations made by staff, the local government unit must establish a local appeal process that includes a public hearing before appointed or elected officials.

C. The local government unit and soil and water conservation district may charge processing fees in amounts not greater than are necessary to cover the reasonable costs of implementing this chapter and for technical and administrative assistance to landowners in processing other applications for projects affecting wetlands.

8420.0210 EXEMPTION DETERMINATIONS.

A landowner intending to drain or fill a wetland without replacement, claiming exemption under part 8420.0122, may contact the local government unit before beginning draining or filling activities for determination whether or not the activity is exempt. A landowner who does not request a determination may be subject to the enforcement provisions in part 8420.0290 and Minnesota Statutes, section 103G.2372. The local government unit must keep on file all documentation and findings of fact concerning exemption determinations for a period of ten years.

An exemption may apply whether or not the local government unit has made an exemption determination. If the landowner requests an exemption determination, then the local government unit must make one.

The landowner applying for exemption is responsible for submitting the proof necessary to show qualification for the particular exemption claimed, including proof of the requisite property

rights to do the activity. The local government unit may evaluate evidence for an exemption without making a determination.

The local government unit decision shall be based on the exemptions standards in part 8420.0122. If the decision requires a finding of wetland size or type, the local government unit should seek the advice of the technical panel as described in part 8420.0240. The local government unit decision must be made in compliance with Minnesota Statutes, section 15.99. The local government unit decision must be sent to the landowner, members of the technical evaluation panel, the watershed district or water management organization if there is one, the commissioner of natural resources, and individual members of the public who request a copy within ten working days of the decision.

Exempt Wetland Replacement and Banking Rule

Board Review Draft
June 15, 2007

8420.0500 PURPOSE.
Parts 8420.0500 to 8420.0630 specify the procedures and criteria for avoiding and minimizing wetland impacts and for ensuring adequate replacement of lost public values for unavoidable wetland impacts.

8420.0505 PREVIOUSLY APPROVED DETERMINATIONS.
Replacement plan, banking plans exemption, public road project notification, wetland boundary, wetland type, and no-loss determinations may be completed under the laws, rules, conditions, and guidelines in effect when they were approved.

8420.0510 REPLACEMENT PLAN PROCEDURES.
Subpart 1. **Generally.** No person shall drain, excavate in the permanent or semipermanently flooded areas of type 3, 4, or 5 wetlands, or fill a wetland, wholly or partially, or otherwise impact wetlands without first having a wetland replacement plan or other determination approved by the local government unit.

Subp. 2. **Preapplication conference and site visit.** Before preparation of a wetland value replacement plan, it is recommended that the landowner meet with the local government unit for a preapplication conference and site visit. The local government unit is encouraged to inform the landowner of all sequencing requirements and the criteria used to evaluate replacement plans. A landowner may submit the information required in part 8420.0520 and request a determination of compliance with the sequencing requirements from the local government unit before preparing a replacement plan.

Subp. 3. **Evaluation.** As provided for in part 8420.0240, technical questions concerning the public value, location, size, and type of wetland shall be submitted to the technical evaluation panel. The local government unit may use a technical evaluation panel to predetermine public value, location, size, or type of wetlands under its jurisdiction and use this determination in administering the act. Wetland boundaries must be determined using the methodologies in the United States Army Corps of Engineers Wetland Delineation Manual (January 1987). Wetland type must be identified according to Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al., 1979), ~~and according to~~ United States Fish and Wildlife Service Circular No. 39 (1971 edition) "Wetlands of the United States." or Wetland Plants and Plant Communities of Minnesota and Wisconsin, (S. Eggers and D. Reed, 1997) as modified by the board-U.S. Army Corps of Engineers' Wetland Mitigation Memorandum of Understanding (May 2007). The technical evaluation panel shall provide its determinations to the local government unit for consideration.

8420.0520 SEQUENCING.
Subpart 1. **Requirement.** The local government unit may not consider or approve a wetland replacement plan unless the local government unit finds that the applicant has demonstrated that the activity impacting a wetland has complied with all of the following principles in descending order or priority:

A. avoids direct or indirect impacts to the wetland that may destroy or diminish the wetland under the criteria in subpart 3;

B. minimizes the impact to the wetland by limiting the degree or magnitude of the wetland activity and its implementation under the criteria in subpart 4;

C. rectifies the impact by repairing, rehabilitating, or restoring the affected wetland under the criteria in subpart 5;

D. reduces or eliminates the impact to the wetland over time by preservation and maintenance operations under the criteria in subpart 6; and

E. replaces unavoidable impacts to the wetland by restoring or, if wetland restoration opportunities are not reasonably available, creating substitute wetland areas having equal or greater public value as provided for in parts 8420.0530 to 8420.0760.

Exceptions to this part include wetlands located in cultivated fields that are subject to subpart 8, and calcareous fens that are subject to subpart 9.

Subp. 2. **Application options.** An applicant may either submit the information required for sequencing analysis as part of a replacement plan application or apply for a preliminary sequencing determination from the local government unit before preparing a replacement plan. The local government unit may request additional information needed to make a determination. For projects impacting wetland areas less than 10,000 square feet more than the de minimis amount listed in part **8420.0122**, subpart 9, item A, the local government unit may provide an on-site sequencing determination without written documentation from the applicant.

Subp. 3. **Determination of impact avoidance.**

A. Avoidance must be required when indicated by part 8420.0548.

B. Wetland dependence determination:

(1) Based on information provided by the applicant, the local government unit shall determine if the proposed project is wetland dependent. A project is wetland dependent if wetland features, functions, or values are essential to fulfill the basic purpose of the project. A wetland present at the site of a proposed project does not make that project wetland dependent.

(2) A project that has been determined by the local government unit to be wetland dependent is exempt from the analysis of avoidance alternatives in item C.

C. Alternatives analysis:

(1) The applicant shall provide the local government unit with documentation describing at least two alternatives, in addition to the proposed project to avoid wetland impacts. One may be the no-build alternative, that would avoid impacts to wetlands. For projects that repair or rehabilitate existing infrastructure, only one alternative is required. The alternatives may include consideration of alternate sites or alternative project configurations on the proposed site. The alternatives must be judged by the local government unit as good faith efforts, or the local government unit may require the applicant to redraft them for reconsideration.

(2) The local government unit shall determine whether any proposed feasible and prudent alternatives are available that would avoid impacts to wetlands. An alternative shall be considered feasible and prudent if it meets all of the following requirements:

(a) it is capable of being done from an engineering point of view;

(b) it is in accordance with accepted engineering standards and practices;

(c) it is consistent with reasonable requirements of the public health, safety, and welfare;

(d) it is an environmentally preferable alternative based on a review of social, economic, and environmental impacts; and

(e) it would create no truly unusual problems.

(3) For projects proposing impacts to type 3, 4, or 5 wetlands, the local government unit shall also determine that there are no environmentally preferable alternatives that would avoid the impact.

(4) The local government unit shall consider the following in evaluating alternatives as applicable:

(a) whether the basic project purpose can be reasonably accomplished using one or more other sites in the same general area that would avoid wetland impacts. An alternate site may not be excluded from consideration only because it includes or requires an area not owned by the applicant that could reasonably be obtained, used, expanded, or managed to fulfill the basic purpose of the proposed project;

(b) the general suitability of alternate sites considered by the applicant;

(c) whether reasonable modification of the size, scope configuration, or density of the project would avoid impacts to wetlands;

(d) efforts by the applicant to accommodate or remove constraints on alternatives imposed by zoning standards or infrastructure, including requests for conditional use permits, variances, or planned unit developments; and

(e) the physical, economic, and demographic requirements of the project. Economic considerations alone do not make an alternative not feasible and prudent.

(5) If the local government unit determines that a feasible and prudent alternative exists that would avoid impacts to wetlands, it shall deny the replacement plan. If no feasible and prudent alternative is available that would avoid impacts to wetlands, the local government unit shall evaluate the replacement plan for compliance with subparts 4 to 8.

Subp. 4. **Determination of impact minimization.**

A. The applicant shall demonstrate to the local government unit's satisfaction that the activity will minimize impacts to wetlands. In reviewing the sufficiency of the applicant's efforts to minimize wetland impacts, the local government unit must consider:

(1) the spatial requirements of the project;

(2) the location of existing structural or natural features that may dictate the placement or configuration of the project;

(3) the purpose of the project and how the purpose relates to placement, configuration, or density;

(4) the sensitivity of the site design to the natural features of the site, including topography, hydrology, and existing vegetation;

(5) the value, function, and spatial distribution of the wetlands on the site;

(6) individual and cumulative impacts; and

(7) an applicant's efforts to:

(a) modify the size, scope, configuration, or density of the project;

(b) remove or accommodate site constraints including zoning, infrastructure, access, or natural features;

(c) confine impacts to the fringe or periphery of the wetland; and

(d) otherwise minimize impacts.

B. If the local government unit finds that an applicant has not complied with the requirements to minimize wetland impacts, the local government unit shall list, in writing, its objections to the project. If, within 30 days, the applicant does not withdraw the project proposal or indicate intent to submit an amended project proposal satisfying the local government unit's objections, the statement of objections shall constitute a denial.

Subp. 5. **Determination of impact rectification.** Temporary impacts to a wetland must be rectified by repairing, rehabilitating, or restoring the affected wetland.

A. Activities may qualify for a no-loss determination in part 8420.0220 by meeting all of the following conditions:

(1) the physical characteristics of the affected wetland, including ground elevations, contours, inlet dimensions, outlet dimensions, substrate, plant communities, and hydrologic regime, are restored to preproject conditions sufficient to ensure that all preproject functions and values are restored;

(2) the activity is completed and the physical characteristics of the wetland are restored within six months of the start of the activity; and

(3) the party responsible for the activity provides a performance bond to the local government unit for an amount sufficient to cover the estimated cost to restore the wetland to preproject conditions. The local government unit shall return the performance bond to the responsible party upon a determination by the local government unit that the conditions in this item and item B have been met.

B. An applicant shall be granted a no-loss determination under the criteria in item A once in a ten-year period for a particular site within a wetland, except that repairs to the original project shall be allowed under the no-loss determination, if the local government unit determines the request to be necessary and reasonable.

C. Wetland impacts that do not qualify for a no-loss determination according to the criteria in item A are subject to replacement under the criteria in parts 8420.0530 to 8420.0630.

Subp. 6. **Determination of reduction or elimination of impacts over time.** After an activity is completed, further wetland impacts from the draining or filling must be reduced or eliminated by

maintaining, operating, and managing the project in a manner that preserves and maintains remaining wetland functions and values. The local government unit must require applicants to implement best management practices to protect wetland functions and values.

Subp. 7. **Unavoidable impacts.** Unavoidable wetland impacts that remain after efforts to minimize, rectify, or reduce or eliminate them must be replaced according to parts 8420.0530 to 8420.0630.

Subp. 7a. **Sequencing flexibility.**

A. Sequencing flexibility cannot be implemented unless alternatives have been considered and unless the proposed replacement wetland is certain to provide equal or greater functions and public values as determined based on a functional assessment reviewed by the technical evaluation panel using a methodology approved by the board. The project sponsor must provide the necessary information and the local government unit must document the application of sequencing flexibility in the replacement plan approval.

B. Flexibility in application of the sequencing steps may be applied, subject to the conditions in item A, as determined by the local government unit if:

(1) the wetland to be impacted has been degraded to the point where replacement of it would result in a certain gain in function and public value;

(2) preservation of a wetland would result in severe degradation of the wetland's ability to function and provide public values, for example, because of surrounding land uses and the wetland's ability to function and provide public values cannot reasonably be maintained through other land use controls or mechanisms;

(3) the only feasible and prudent upland site available for wetland replacement or development has greater ecosystem function and public value than the wetland. Although this is a rare circumstance since there will usually be several options for siting the replacement wetland or development, it may be appropriate if the project sponsor:

(a) demonstrates impact minimization to the wetland;

(b) agrees to perpetually preserve the designated upland site; and

(c) completely replaces the impacted wetland's functions and public values; or

(4) the wetland is a site where human health and safety is a factor.

Subp. 8. **Wetlands on cultivated fields.** If the wetland is located on a cultivated field and will be replaced through restoration, then the priority order for sequencing in subpart 1 is not required. A wetland drained or filled under this provision must not be converted to nonagricultural land for ten years. The landowner must execute and record a notice of this requirement in the office of the county recorder for the county in which the property is located.

Subp. 9. **Calcareous fens.** Calcareous fens, as identified by the commissioner, may not be filled, drained, or otherwise degraded, wholly or partially, by any action, unless the commissioner, under an approved management plan, decides some alteration is necessary, as provided in part 8420.1010.

8420.0530 REPLACEMENT PLAN COMPONENTS.
On an application form approved by the board in consultation with the commissioner of natural resources, provided through the local government unit, and with required attachments supplied by the applicant, the following documentation must be provided, except that for replacement plans utilizing the wetland bank in parts 8420.0700 to 8420.0760, items B, subitem (1); and D, do not apply; instead the applicant shall submit the wetland banking credit withdrawal form prescribed in part 8420.0740, subpart 2, item E:

A. generally, organizational information, including but not limited to the following:

(1) the post office address of the applicant;

(2) for corporations, the principal officers of the corporation, any parent companies, owners, partners, and joint venturers, and a designated contact person; and

(3) managing agents, subsidiaries, or consultants that are or may be involved with the wetland draining or filling project;

B. either:

(1) a signed statement confirming that the wetland acres and values will be replaced ~~before~~ in advance of or concurrent with the actual draining or filling of a wetland; or

(2) an irrevocable bank letter of credit, a performance bond, or other security acceptable to the local government unit in an amount sufficient to guarantee the successful completion of the wetland replacement;

C. for the impacted wetland:

(1) a recent aerial photograph or accurate map of the impacted wetland area;

(2) the location of the wetland;

(3) the size of the wetland;

(4) the type of the wetland;

(5) a list of the dominant vegetation in the impacted wetland area, if known;

(6) a soils map of the site showing soil type and substrate, where available;

(7) the locations of any surface inlets or outlets, natural or otherwise, draining into or out of the wetlands, and if the wetland is within the shoreland wetland protection zone or floodplain of a stream, river, or other watercourse, the distance and direction to the watercourse;

(8) the nature of the proposed project, its areal extent, and the impact on the wetland must be described in sufficient detail to allow the local government unit to determine the amount and types of wetland to be impacted and to demonstrate compliance with the replacement sequencing criteria in part 8420.0520, if applicable;

(9) evidence of ownership or property rights to the affected areas; and

(10) a list of all other local, state, and federal permits and approvals required for the activity, if known;

D. for the replacement wetland, item C, subitems (1) to (7), (9), and (10), and:

(1) an explanation of the size and type of wetland that will result from successful completion of the replacement plan;

(2) scale drawings showing plan and profile views of the replacement wetland;

(3) how the replacement wetland shall be constructed, for example, excavation or restoration by blocking an existing tile; the type, size, and specifications of outlet structures; elevations, relative to Mean Sea Level or established bench mark, of key features, for example, sill, emergency overflow, and structure height; and best management practices that will be implemented to prevent erosion or site degradation;

(4) for created wetlands only, additional soils information sufficient to determine the capability of the site to produce and maintain wetland characteristics;

(5) a timetable that clearly states how and when implementation of the replacement plan shall proceed, and when construction of the replacement wetland shall be finalized;

(6) a notice in a form provided by the board attached to and recorded with the deed for lands containing a replacement wetland, specifying the following:

(a) the location of the replacement wetland;

(b) that the wetland is subject to the act;

(c) that the fee title owner is responsible for the costs of repairs or reconstruction and management, if necessary, or for replacement costs;

(d) that reasonable access to the replacement wetland shall be granted to the proper authorities for inspection, monitoring, and enforcement purposes;

(e) that costs of title review and document recording is the responsibility of the fee title owner; and

(f) that the local government unit or board can require necessary repairs or reconstruction and revegetation work to return the wetland to the specifications of the approved replacement plan and require reimbursement of reasonable costs from the wetland owner, or can require replacement of the wetland according to the act;

(7) an affidavit that the replacement wetland was not previously restored or created under a prior approved replacement plan;

(8) a statement that the replacement wetland was not drained or filled under an exemption during the previous ten years;

(9) a statement that the replacement wetland was not restored with financial assistance from public conservation programs, or was not restored for other unrelated regulatory purposes;

(10) a statement that the replacement wetland was not restored using private funds other than those of the landowner unless the funds are paid back with interest to the individual or organization that funded the restoration and the individual or organization notifies the local government unit in writing that the restored wetland may be considered for replacement;

(11) a statement by the applicant that monitoring will occur in accordance with parts 8420.0610 and 8420.0620 unless the local government unit will be conducting the monitoring of the wetland replacement area;

(12) evidence that a person proposing to create or restore a wetland within the easement of a pipeline as defined in Minnesota Statutes, section 299J.02, subdivision 11, has first notified the easement holder and the director of the Office of Pipeline Safety in writing. The person may not create or restore the wetland if, within 90 days after receiving the required notice, the easement holder or the director of the Office of Pipeline Safety provides to the person a written notice of objection that includes the reasons for the objection;

(13) evidence that any drainage or property rights potentially detrimental to the replacement wetland have been acquired, subordinated, or otherwise eliminated; and

(14) a five-year vegetation establishment and management plan, including seeding rates, planting methods, seed and plant mixes, herbicide treatments, and control of noxious weeds and invasive or nonnative species;

E. other information considered necessary for evaluation of the project by the local government unit; and

F. information known to the applicant or readily available concerning the special considerations criteria in part 8420.0540, subpart 9.

8420.0540 REPLACEMENT PLAN EVALUATION CRITERIA.

Subpart 1. **Sequencing.** Before consideration or approval of a replacement plan, the local government unit must ensure that the applicant has exhausted all possibilities to avoid and minimize adverse wetland impacts according to sequencing in part 8420.0520.

The applicant must demonstrate to the local government unit that the replacement plan complies with this part and part 8420.0550.

Subp. 2. **Type of replacement.**

A. The preference for the method of replacement is that which is most likely to result in a wetland area that functions wholly, perpetually, and naturally. Wetland restoration is generally preferred over creation and restoration of completely impacted wetlands is generally preferred over other methods of replacement.

B. Modification or conversion of nondegraded wetlands from one wetland type to another by damming, diking, impounding, or excavating does not constitute replacement credit.

C. Wetlands drained or filled under an exemption may not be restored for replacement credit for ten years after draining or filling.

8420.0541 ACTIONS ELIGIBLE FOR CREDIT.

Subpart 1. **Scope.** The actions in this part are eligible for replacement credit or wetland banking credit as determined by the local government unit in parts 8420.0500 to 8420.0760.

Subp. 2. **Restoration of completely drained wetland areas.** Restoration of the natural hydrology regime and vegetation on completely drained or filled wetlands may receive new wetland credit in an amount not to exceed 100 percent of the total wetland area hydrologically restored.

Subp. 3. **Restoration of partially drained wetland areas.** Restoration of the natural hydrology regime and vegetation of jurisdictional wetlands that have been degraded by prior drainage, diversion of the natural watershed, or filling may:

A. in a less than 80 percent area, receive public value credit in an amount up to 50 percent of the degraded wetland area or receive new wetland credit in an amount not to exceed 25 percent of the total wetland area hydrologically restored, provided that permanent native, noninvasive vegetation is established within the restored wetland area and on an upland buffer, which may receive replacement credit according to subpart 6; and

B. in a greater than 80 percent area, receive new wetland credit in an amount not to exceed 25 percent of the total wetland area hydrologically restored.

Subp. 4. **Exceptional natural resource value projects**. Projects that restore exceptional natural resource values of wetlands may receive either public value or new wetland replacement credit solely or in combination as determined by the local government unit with concurrence of the technical evaluation panel. The amount and type of credit allowed shall be based on a functional assessment that documents the restoration of these values.

Subp. 5. **Restoration of farmed wetlands**. Reestablishment of permanent native, noninvasive vegetative cover on a wetland that was planted with annually seeded crops, was in a crop rotation seeded to pasture grasses or legumes, or was required to be set aside to receive price supports or equivalent payments in six of the last 20 years prior to the date of application for a replacement plan or bank plan may receive credit in accordance with one of the following considerations:

A. if the wetland was annually seeded, in rotation, or set aside for six or more of the last 20 years, the wetland is eligible for public value credit not to exceed 50 percent of the wetland area; or

B. if the wetland was annually seeded, in rotation, or set aside for ten or more of the last 20 years, the wetland is eligible for new wetland credit based on the percent of the time the wetland area was annually seeded, in rotation, or set aside during the prior 20-year period.

Subp. 6. **Upland buffer areas**. Buffer areas of permanent native and noninvasive dominated vegetative cover established or preserved on upland adjacent and contiguous to replacement wetlands may receive credit, provided that the upland buffer must have an average width of at least 50 feet for wetlands in nonmunicipal areas and an average width of at least 25 feet for wetlands in a municipal area and the buffer vegetative establishment or preservation plan must be approved by the technical evaluation panel. Replacement credit for the buffer may not exceed 100 percent of the replacement wetland area and may only be used as public value credits for replacement above a 1:1 ratio.

Subp. 7. **Wetlands previously restored via conservation easements.** Wetland areas previously restored for conservation purposes under terminated easements or contracts are eligible for up to 75 percent new wetland credit and adjacent upland buffer areas reestablished to permanent native,

noninvasive vegetative cover are eligible for public value credit above a 1:1 ratio in an amount not to exceed 25 percent of the restored wetland area.

Subp. 8. **Restoration of wetland vegetation.** Reestablishment and maintenance of permanent native, noninvasive vegetation cover on a wetland that is dominated by invasive or exotic species may receive public value credit. Replacement credit may not exceed 25 percent of the total wetland area vegetatively restored and the vegetative restoration and maintenance plan must be approved by the technical evaluation panel. The technical evaluation panel may require a monitoring period in excess of 12 months after the vegetative restoration is completed before approving the site for replacement credit.

Subp. 9. **Wetlands established via mineral extraction site reclamation.** Wetland areas established in nonwetland areas due to mineral extraction activities may receive new wetland credits if all of the following criteria are met:

A. application for replacement credit is made within ten years after the last day that extraction activities have taken place;

B. a wetland establishment and management plan has been approved by the technical evaluation panel and implemented by the landowner or authorized agent;

C. the wetland area meets the criteria in part 8420.0550; and

D. if the land is not state-owned, a conservation easement in favor of the state has been accepted by the state and recorded in the county recorder's office, or if the land is state-owned, covenants and restrictions are recorded that identify that the wetland area is a replacement wetland subject to this chapter.

Subp. 10. **Water quality treatment areas.**

A. ~~Replacement~~ New ~~W~~wetland credit of up to ~~50%~~ 100 percent for wetland areas constructed as part of water quality treatment ~~ponds~~ systems ~~constructed to pretreat stormwater runoff prior to discharge to wetlands or public waters is allowed~~ may be granted by the local government unit with the concurrence of the technical evaluation panel, provided that:

(1) the local government unit has an approved and active stormwater management plan;

(2) the water quality treatment system project design includes pretreatment of runoff before discharge to the wetland areas receiving credit;

~~(2)~~ (3) the ~~basins~~ wetland areas receiving credit are constructed in nonwetland areas; ~~and~~

~~(3)~~ (4) the ~~basins~~ water quality treatment system ~~are~~ is associated with an ongoing or proposed project that will impact a wetland or public waters~~.~~ ;

~~B. Credits are determined according to subitems (1) to (3) by the local government unit with concurrence of the technical evaluation panel.~~

~~(1) Public value credit may be allowed for up to 100 percent of the normal pool area of an isolated one-cell, wet detention basin or the upper cell of a two-cell system, or for the one-year design pool of a stormwater infiltration area that also has an established native, noninvasive vegetative cover.~~

~~(2) New wetland credit may be allowed for up to 100% percent of the normal pool area of the downstream cell of a two-cell, wet detention system, provided:~~

~~(a)~~ (5) ~~the two cells are completely separated by a barrier for up to the ten-year critical event~~ the wetland areas receiving credit are separated from the water quality treatment system that pretreats runoff before discharge to the wetland areas receiving credit;

~~(b) the upstream basin meets the criteria in subitem (1);~~

~~(c)~~ (6) the ~~downstream cell~~ ~~basins~~ wetland areas receiving credit are ~~is~~ designed for a maximum 24-inch rise in water level for the ten-year critical storm event;

~~(d)~~ (7) the standards in part 8420.0550 are followed; and

~~(e)~~ (8) the ~~design goal~~ wetland areas receiving credit are ~~is a fully~~ functioning wetlands ~~for the downstream cell~~.

~~(3) Buffer areas installed adjacent to two-celled systems that are consistent with subitem (2) and subpart 6 may be allowed for public value credit.~~

~~C.~~ B. Stormwater detention basins allowed for replacement are not eligible for the exemptions in part 8420.0122 and are subject to parts 8420.0500 to 8420.0630.

Subp. 11. **Wetland creations**. All other wetland creation sites may receive new wetland credit in an amount not to exceed 100 percent of the total wetland area created. Except for public projects, a performance bond or other surety shall be secured and held until the local government unit has determined that the design goal for the wetland replacement site, as approved in the replacement plan, is fully achieved.

8420.0542 TIMING OF REPLACEMENT.

Replacement of wetland functions and values must be completed ~~before~~ in advance of or concurrent with the actual draining, excavation, or filling of a wetland, unless an irrevocable bank letter of credit or other security acceptable to the local government unit is submitted to the local government unit to guarantee successful completion of the replacement. Local government units may require performance bonds or similar instruments to assure that the replacement wetland is successfully established. All wetlands to be restored or created for replacement must be designated for replacement before restoration or creation. Submission to the local government unit of the information required in part 8420.0530 and subsequent approval shall be considered evidence of designation for replacement, provided the information is submitted before the actual restoration or creation. The exceptions contained in part 8420.0544 do not apply to replacement completed using wetland banking credits established by a person who submitted a complete wetland banking application to a local government unit by April 1, 1996.

8420.0543 WETLAND REPLACEMENT SITING.

A. Siting wetland replacement must follow this 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) for replacement by wetland banking, in the same wetland bank service area as the impacted wetland, except that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a less than 50 percent area;

(5) for project specific replacement, in an adjacent watershed ~~or county~~ to the affected wetland, or for replacement by wetland banking, in an adjacent wetland bank service area, except that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a less than 50 percent area; ~~and~~

~~(5)~~ (6) notwithstanding items (1) to (5), ~~statewide, for:~~

~~(a) wetlands affected in greater than 80 percent areas; and~~

~~(b)~~ public transportation projects may be replaced statewide, 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 at a ratio of two to one in: (i) ~~in~~ the affected county or, (ii) if no restoration opportunities exist in the county, in another seven-county metropolitan area county~~.~~ , or (iii) in one of the major watershed that are wholly or partially within the seven county metropolitan area, but at least one-to-one must be replaced within the seven county metropolitan area;

(7) notwithstanding items (1) to (5), siting wetland replacement in greater than 80 percent areas may follow the priority order under this paragraph: (i) by wetland banking after evaluating on-site replacement and replacement within the watershed; (ii) replaced in an adjacent wetland bank service area if wetland bank credits are not reasonably available in the same wetland bank service area as the affected wetland, as determined by a comprehensive inventory approved by the board; and (iii) statewide; or

(8) notwithstanding items (1) to (5), siting wetland replacement in the seven-county metropolitan area must follow the priority order under this paragraph: (i) in the affected county; (ii) in another of the seven metropolitan counties; or (iii) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one to one must be replaced within the seven-county metropolitan area.

B. Until December 31, 2012, existing wetland bank account holders outside of the seven county metropolitan area, but within a major watershed that is wholly or partially within the seven county metropolitan area, may withdraw wetland credits according to part 8420.0541 that was in effect at the time of the deposit of the public value credit and/or new wetland credits.

C. Until December 31, 2012, local government units may approve wetland replacement plans that propose replacement via wetland banking, using credits established according to the replacement siting rule in effect on August 5, 2007.

~~B.~~ D. When reasonable, practicable, and environmentally beneficial replacement opportunities are not available in siting priorities listed in item A, the applicant may seek opportunities at the next level.

~~C.~~ E. For the purposes of item B, "reasonable, practicable, and environmentally beneficial replacement opportunities" means opportunities that:

(1) take advantage of naturally occurring hydrogeomorphological conditions and require minimal landscape alteration;

(2) have a high likelihood of becoming a functional wetland that will continue in perpetuity;

(3) do not adversely affect other habitat types or ecological communities that are important in maintaining the overall biological diversity of the area; and

(4) are available and capable of being done after taking into consideration cost, existing technology, and logistics consistent with overall project purposes.

~~D.~~ F. Regulatory agencies, local government units, and other entities involved in wetland restoration shall collaborate to identify potential replacement opportunities within their jurisdictional areas.

8420.0544 REPLACEMENT FOR PUBLIC TRANSPORTATION PROJECTS.

A. Wetlands impacted by public transportation projects may be replaced statewide, only for wetlands affected in greater than 80 percent areas and for 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 at a ratio of two to one in:

(1) the affected county;

(2) in another of the seven metropolitan counties; or

(3) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one to one must be replaced within the seven-county metropolitan area.

Part 8420.0543, item A, subitem (5), does not apply to replacement completed using wetlands banking credits established by an applicant who submitted a complete wetland banking application to a local government unit by April 1, 1996.

B. Replacement of wetlands may be accomplished under the rules for wetland banking as provided for in parts 8420.0700 to 8420.0760.

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

D. A replacement plan for wetlands is not required for individual public road projects that result in the draining, excavating, or filling of wetlands for the repair, rehabilitation, reconstruction, or replacement of a currently serviceable existing state, city, county, or town public road necessary, as determined by the public road authority, to meet state or federal design or safety standards or requirements, excluding new roads or roads expanded solely for additional traffic capacity lanes. This item only applies to authorities for public road projects that:

(1) minimize the amount of wetland draining, excavating, or filling associated with the project and consider mitigating important site-specific wetland functions on site; and

(2)(a) submit, at least 30 days prior to construction, project-specific reports, and any changes or addenda, to the board, the technical evaluation panel, the commissioner of natural resources, and members of the public requesting a copy that indicate the location, amount, and type of wetlands drained, excavated, or filled by the project;

(b) convene an annual meeting of the parties required to receive notice to review projects to be commenced during the upcoming year; or

(c) for minor and emergency maintenance work impacting less than 10,000 square feet, the public road authority may submit project-specific reports, within 30 days of commencing the activity, to the board and the technical evaluation panel that indicate the location, amount, and type of wetlands that have been drained, excavated, or filled.

E. The technical evaluation panel shall review minimization and delineation decisions made by the public road authority and provide recommendations regarding on-site mitigation if requested to do so by the local government unit, a contiguous landowner, or a member of the technical evaluation panel.

F. Those required to receive notice of public road projects may appeal minimization, delineation, and on-site mitigation decisions made by the public road authority to the board according to part 8420.0250.

G. Changes to wetland impacts proposed by local road authorities in item D shall be reported to the board within six months from the date of the change being finalized.

H. Except for state public transportation projects, for which the state Department of Transportation is responsible, the board must replace public road project impacts to wetlands and wetland areas of public waters if authorized by the commissioner or a delegated authority, that are drained, excavated, or filled by local government projects on existing roads. Replacement of the wetlands must occur in critical rural and urban watersheds.

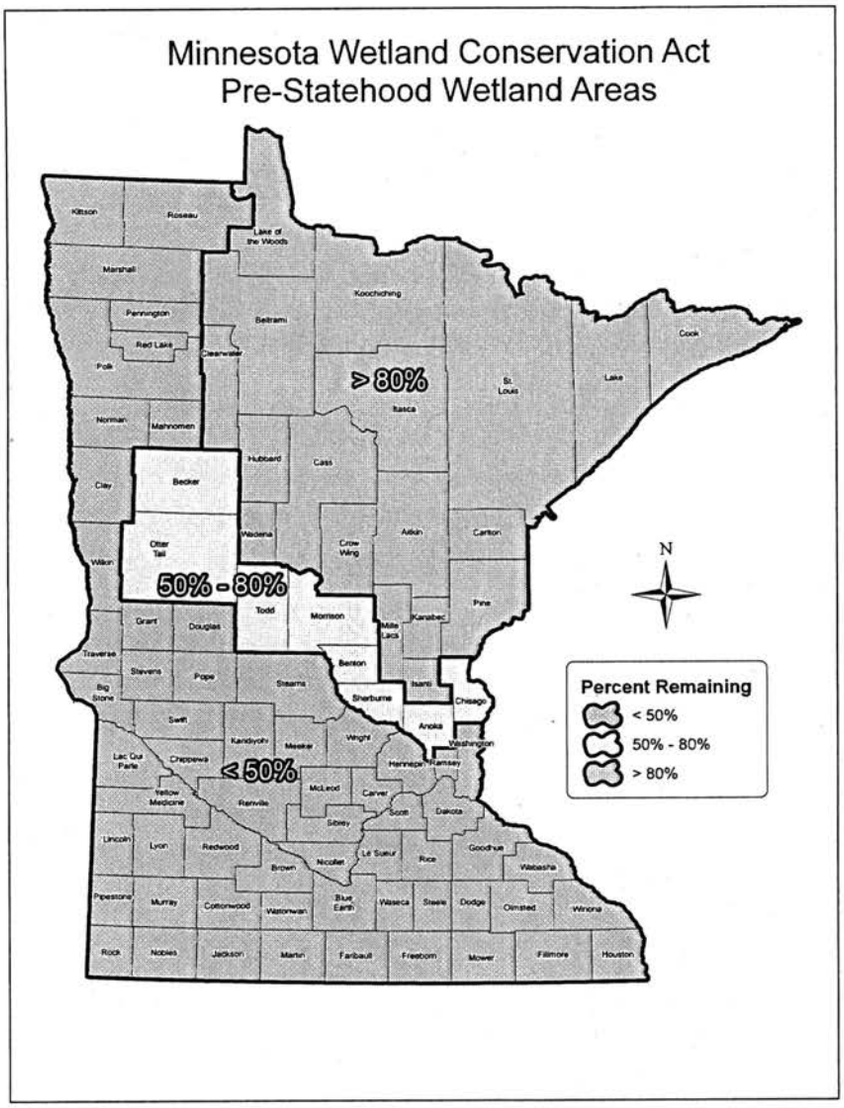
I. Public road authorities at their discretion may deviate from federal and state design standards on existing road projects when practical and reasonable to avoid wetland filling or draining, provided that public safety is not unreasonably compromised. The local road authority and its officers and employees are exempt from liability for any tort claim for injury to persons or property arising from travel on the highway and related to the deviation from the design standards for construction or reconstruction under this item. This item does not preclude an action for damages arising from negligence in construction or maintenance on a highway.

8420.0545 PRESETTLEMENT WETLAND ACRES AND AREAS.

A. For purposes of parts 8420.0540 to 8420.0549, the following counties are greater than 80 percent areas: Aitkin; Beltrami; Carlton; Cass; Clearwater; Cook; Crow Wing; Hubbard; Isanti; Itasca; Kanabec; Koochiching; Lake; Lake of the Woods; Mille Lacs; Pine; St. Louis; and Wadena.

B. For purposes of parts 8420.0540 to 8420.0549, the following counties are less than 50 percent areas: Big Stone; Blue Earth; Brown; Carver; Chippewa; Clay; Cottonwood; Dakota; Dodge; Douglas; Faribault; Fillmore; Freeborn; Goodhue; Grant; Hennepin; Houston; Jackson; Kandiyohi; Kittson; Lac Qui Parle; Le Sueur; Lincoln; Lyon; Mahnomen; Marshall; Martin; McLeod; Meeker; Mower; Murray; Nicollet; Nobles; Norman; Olmsted; Pennington; Pipestone; Polk; Pope; Ramsey; Red Lake; Redwood; Renville; Rice; Rock; Roseau; Scott; Sibley; Stearns; Steele; Stevens; Swift; Traverse; Wabasha; Waseca; Washington; Watonwan; Wilkin; Winona; Wright; and Yellow Medicine.

C. For purposes of parts 8420.0540 to 8420.0549, the following counties are 50 to 80 percent areas: Anoka; Becker; Benton; Chisago; Morrison; Otter Tail; Sherburne; and Todd.



8420.0546 SIZE OF REPLACEMENT WETLANDS.

Replacement wetlands must be of a size sufficient to ensure that they provide equal or greater public value than the wetland that was drained or filled. The minimum amount of replacement wetland that must be provided is shown in 8420.0549, subp. 7. ~~Except in greater than 80 percent areas, for a wetland located on nonagricultural land~~ For a wetland located on nonagricultural land in a 50 to 80 percent area or a less than 50 percent area, the minimum size of the replacement wetland must be in the ratio of two acres of replaced wetland for each acre of drained or filled wetland. For a wetland located on agricultural land, or in greater than 80 percent areas, the minimum size of the replacement wetland must be in the ratio of one acre of replaced wetland for each acre of drained or filled wetland. The actual replacement ratios required for a replacement wetland may be more than the minimum, subject to the evaluation of wetland functions and values in part 8420.0549.

~~Except in greater than 80 percent areas~~ For wetlands located in a 50 to 80 percent area or a less than 50 percent area, future owners may make no use of the wetland after it is altered, other than as agricultural land for a period of ten years unless future replacement to achieve a ~~2:1~~ ratio equaling or exceeding the

appropriate ratio in 8420.0549, subp. 7 occurs. The landowner shall record a notice of this restriction in the office of the county recorder in which the project is located.

8420.0547 OTHER REQUIREMENTS.
Subpart 1. **Carbon balance.** When it is necessary to replace a drained or filled peatland, the replacement wetland must be revegetated with planted or naturally pioneering native vegetation established within three growing seasons.

Subp. 2. **Ecological consistency.** Restoration and replacement of wetlands must be accomplished according to the ecology of the landscape area affected. A replacement plan that would result in wetlands or wetland characteristics that do not naturally occur in the landscape area in which the replacement will occur will not be approved.

8420.0548 SPECIAL CONSIDERATIONS.
Subpart 1. **Scope.** The factors in this part, when identified as being applicable to an impact site or a replacement site, must be considered by the local government unit in the review of replacement plans.

Subp. 2. **Endangered and threatened species.** A replacement plan for activities that involve taking species listed as endangered or threatened in parts 6134.0200 to 6134.0400 must be denied unless the commissioner issues a permit pursuant to part 6212.1800 or Minnesota Statutes, section 84.0895, subdivision 7. Applicants may determine if there are known locations of listed species at a particular site by contacting the Department of Natural Resources' natural heritage and nongame research program.

Subp. 3. **Rare natural communities.** A replacement plan for activities that involve the modification of a rare natural community as determined by the Department of Natural Resources' natural heritage program must be denied if the local government unit determines that the proposed activities will permanently adversely affect the natural community.

Subp. 4. **Special fish and wildlife resources.** A replacement plan for activities that would have a significant adverse impact that cannot be mitigated on a special or locally significant fish and wildlife resource must be denied. These activities include, but are not limited to:

A. fish passage and spawning areas;

B. colonial waterbird nesting colonies;

C. migratory waterfowl concentration areas;

D. deer wintering areas; and/or

E. wildlife travel corridors.

Activities involving streams must not block fish passage unless approved by the Department of Natural Resources.

Subp. 5. **Archaeological, historic, or cultural resource sites.** A replacement plan for activities that involve the modification of known archaeological, historical, or cultural resource sites on or eligible for the National Register of Historic Places, as designated by the state historic preservation officer, must be denied, if the local government unit, in consultation with the State Historical Preservation Office, determines that the proposed activities will have a significant adverse impact on the archaeological or historical value of the site.

Subp. 6. **Groundwater sensitivity.** A replacement plan for activities must be denied if the local government unit determines the activities would have a significant adverse impact on groundwater quality. The publication "Criteria and Guidelines for Assessing Geologic Sensitivity of Ground Water Resources in Minnesota" (MDNR, 1991) may be used as a guide in determining potential impacts.

Subp. 7. **Sensitive surface waters.** A replacement plan must be denied if the local government unit determines the activities will have a significant adverse impact on the water quality of outstanding resource value waters listed in part 7050.0180 or on trout waters designated by the commissioner.

Subp. 8. **Education or research use.** Wetlands known to be used for educational or research purposes must be maintained or adequately replaced.

Subp. 9. **Waste disposal sites.** The local government unit must evaluate the type and amount of waste material found at the site. Activities involving known or potential hazardous wastes or contaminants must be conducted according to applicable federal and state standards.

Subp. 10. **Consistency with other plans.** The local government unit must consider the extent to which proposed activities are consistent with other plans, such as watershed management plans, land use plans, zoning, and master plans.

8420.0549 EVALUATION OF WETLAND FUNCTIONS AND VALUES.

Subpart 1. **Evaluation options.** Replacement wetlands must replace the functions and values that are lost from a wetland that is drained or filled. When environmentally preferable, a replacement wetland should replace the same combination of functions and values provided by the impacted wetland. Replacement of wetland functions and values may occur at more than one location. The local government unit may allow the evaluation of wetlands by measuring and comparing public values specified in Minnesota Statutes, section 103B.3355, with a scientifically accepted methodology in subparts 7 and 8.

Subp. 2. **Wetland types.** For wetland replacement ratio determinations, wetland type shall be based on the twelve wetland plant community types as listed in this subpart.

Wetland Plants and Plant Communities of Minnesota and Wisconsin (Eggers and Reed 1997) as modified by the board-U.S. Army Corps of Engineers Wetland Mitigation Memorandum of Understanding (May 2007)	**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

~~wetlands classification equivalency chart. For purposes of this part, the following table serves as a key for using Table 2 (subpart 4, item A) and as a wetland classification equivalency chart for the wetland classification developed by the United States Fish and Wildlife Service (Cowardin et al. 1979), and the approximate wetland type from the United States Fish and Wildlife Service Circular No. 39 (1971 edition).~~

~~Table 1. Wetland Classification Equivalency Chart. The Cowardin classification includes system, subsystem, class, subclass, and/or water regime. The Circular 39 wetland type is approximated.~~

~~Cowardin System Circular 39~~
~~L1 (all) 5*~~
~~L2ABF 4~~
~~L2ABG 5~~
~~L2ABH 5~~
~~L2EMA 5~~
~~L2EMB 5~~

~~L2EMF 4~~
~~L2EMG 4~~
~~L2EMH 5~~
~~L2RS 5~~
~~L2UB 5~~
~~L2US 4~~
~~PABF 4~~
~~PABG 4~~
~~PABH 5~~
~~PEMA 1~~
~~PEMB 2, 8~~
~~PEMC 3~~
~~PEMD 3~~
~~PEME 2~~
~~PEMF 3~~
~~PEMG 4~~
~~PEMH 4~~
~~PEMJ 1~~
~~PEMU 3~~
~~PEMW 1~~
~~PEMY 3~~
~~PEMZ 4~~
~~PFOA 1L**~~
~~PFO1B 7~~
~~PFO2B 7~~
~~PFO4B 7~~
~~PFO5B 7~~
~~PFO6B 7~~
~~PFO7B 7~~
~~PFOC 7~~
~~PFOD 7~~
~~PFOF 7~~
~~PFOJ 1L**~~
~~PFOU 1L**~~
~~PFOW 1L**~~
~~PFOY 7~~
~~PMLB 8~~
~~PRB (all) 5~~
~~PSSA 6~~
~~PSS1B 6~~
~~PSS2B 8~~
~~PSS3B 8~~
~~PSS4B 8~~
~~PSS5B 6~~
~~PSS6B 6~~
~~PSS7B 8~~
~~PSSC 6~~
~~PSSD 6~~
~~PSSF 6~~
~~PSSG 6~~
~~PSSH 6~~

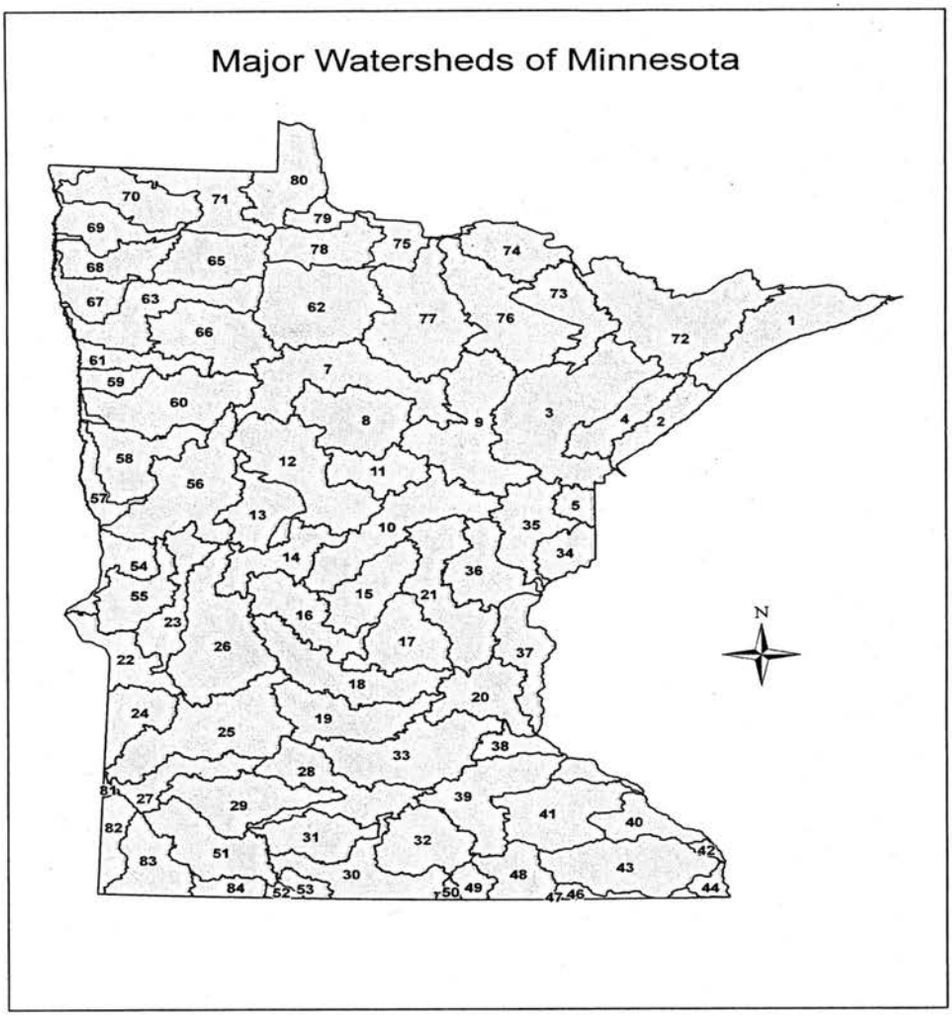
~~PSSJ 6~~
~~PSSW 6~~
~~PSSY 6~~
~~PSSZ 6~~
~~PSSU 6~~
~~PUBB 3~~
~~PUBF 4~~
~~PUBG 5~~
~~PUBH 5~~
~~PUS (all) 3~~
~~R1 R2***~~
~~R2 (all) R2***~~
~~R3 (all) R3***~~
~~R4 (all) R4***~~
~~R5 R4***~~

~~* Circular No. 39 does not classify deep water as a wetland type, but for purposes of this table, these areas can be approximated as a type 5.~~
~~** 1L wetlands by Circular No. 39 are Type 1 Bottomland Hardwoods.~~
~~*** No equivalent. Circular No. 39 does not address riverine wetlands.~~

~~"K" water regimes are often municipal/industrial water facilities.~~

~~NOTE: In the case of wetland identified using the Cowardin system with both numerator and denominator wetland types, the numerator type is considered the dominant wetland type, with the exception that the denominator wetland type is to be used when the numerator wetland type vegetation is dead.~~

STATE OF MINNESOTA WATERSHED BOUNDARIES - 1979
(~~84~~ 81 MAJOR WATERSHED UNITS)



LIST OF ~~84~~ 81 MAJOR WATERSHED UNITS OF MINNESOTA

1 Lake Superior (north)
2 Lake Superior (south)
3 St. Louis River
4 Cloquet River
5 Nemadji River
7 Mississippi River (Headwaters, Lake Winnibigoshish)
8 Leech Lake River
9 Mississippi River (Grand Rapids)
10 Mississippi River (Brainerd)
11 Pine River
12 Crow Wing River
13 Redeye River (Leaf River)
14 Long Prairie River
15 Mississippi River (Sartell)
16 Sauk River
17 Mississippi River (St. Cloud)
18 North Fork Crow River

19 South Fork Crow River
20 Mississippi River (Metro)
21 Rum River
22 Minnesota River (Headwaters)
23 Pomme de Terre River
24 Lac qui Parle River
25 Minnesota River (Granite Falls)
26 Chippewa River
27 Redwood River
28 Minnesota River (Mankato)
29 Cottonwood River
30 Blue Earth River
31 Watonwan River
32 Le Sueur River
33 Minnesota River (Shakopee)
34 St. Croix River (Upper)
35 Kettle River
36 Snake River
37 St. Croix River (Stillwater)
38 Mississippi River (Red Wing) and Lake Pepin
39 Cannon River
40 Mississippi River (Winona)
41 Zumbro River
42 Mississippi River (La Crescent)
43 Root River
44 Mississippi River (Revo)
46 Upper Iowa River
47 Wapsipinican River (Headwaters)
48 Cedar River
49 Shell Rock River
50 Winnebago River (Lime Creek)
51 West Fork des Moines River (Headwaters)
52 West Fork des Moines River (Lower)
53 East Fork des Moines River
54 Bois de Sioux River
55 Mustinka River
56 Otter Tail River
57 Red River of the North (Headwaters)
58 Buffalo River
59 Marsh River
60 Wild Rice River
61 Sandhill River
62 Upper and Lower Red Lake
63 Red Lake River
65 Thief River
66 Clearwater River

67 Grand Marais Creek (Red River of the North)
68 Snake River
69 Tamarack River (Red River of the North)
70 Two River
71 Roseau River
72 Rainy River (Headwaters)
73 Vermillion River
74 Rainy River (Rainy Lake)
75 Rainy River (Manitou)
76 Little Fork River
77 Big Fork River
78 Rapid River
79 Rainy River (Baudette)
80 Lake of the Woods
81 Big Sioux River (Medary Creek)
82 Big Sioux River (Pipestone)
83 Rock River
84 Little Sioux River

Subp. 3. **In-kind wetland replacement.** Wetland replacement for drainage, excavation, or fill shall be considered in-kind if ~~one of the following applies:~~

~~A.~~ the replacement wetland is of the same type as the impacted wetland~~;~~

~~B. the replacement wetland is within the same county as the impacted wetland; or~~

~~C. the replacement wetland is in the same watershed as the impacted wetland. For in-kind replacement, the minimal replacement ratio shall be used to determine the necessary size of the replacement wetland. For impacted wetlands on agricultural land, or in greater than 80 percent areas, the minimum replacement ratio is 1:1, requiring an equal area be replaced for the area impacted. For less than 80 percent areas and for impacted wetlands on nonagricultural land, the minimum replacement ratio is 2:1, and public value credits can be used for the portion of replacement required above 1:1~~.

Subp. 4. **Out-of-kind wetland replacement.** Out-of-kind replacement is any replacement that is not in-kind in subpart 3.

If a wetland to be drained or filled exhibits more than one wetland type as determined by the technical evaluation panel, and more than one wetland type is proposed to be drained or filled, the local government unit shall use the following procedure to determine needed replacement. The acreage of each wetland type to be impacted shall be determined. The sum of the replacement for each wetland type shall be the resultant acreage requirement.

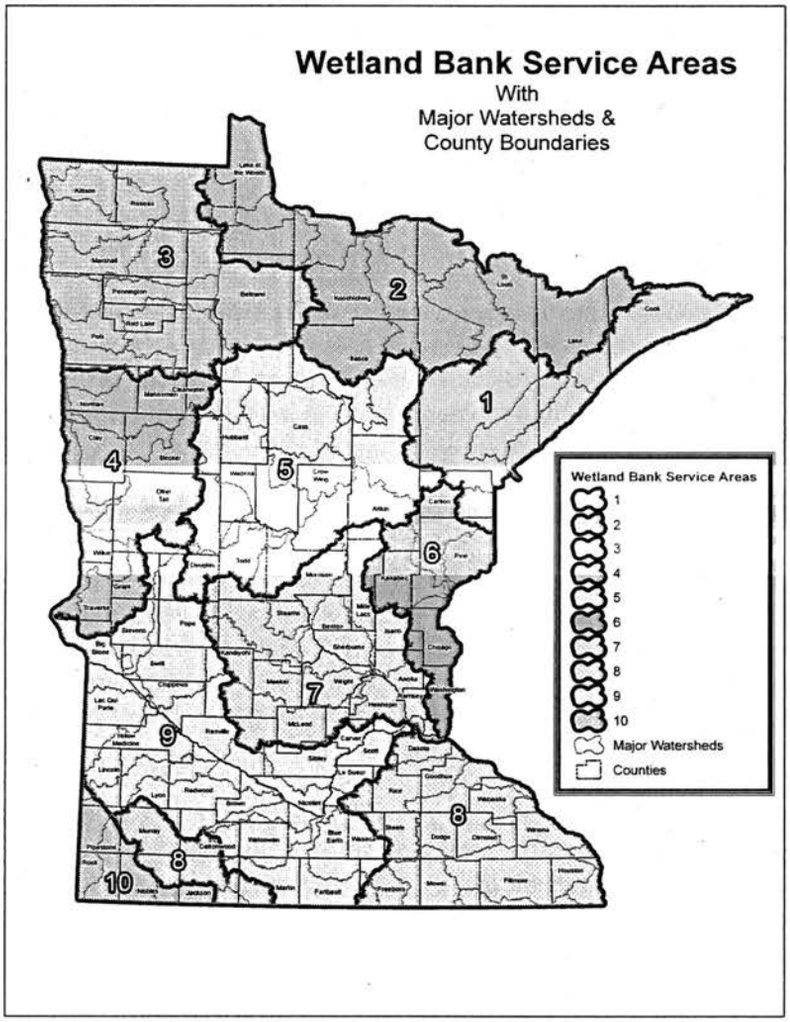
Subp. 5. **In advance replacement**. Replacement is in advance if the replacement is: (1) approved wetland bank credits; or (2) replacement sites that have established wetland hydrology and vegetation, but the vegetation may not be mature. The minimum requirement for (2) is that the replacement site has wetland hydrology and hydrophytic vegetation established one full growing season (April-October) prior to the impact. Further, the site must meet all performance standards applicable to that development stage of the replacement site.

Subp 6. **In place replacement**.. Replacement is in-place if the mitigation occurs within the same watershed as the permitted activity or, if wetland credits are withdrawn from an approved wetland bank site, in the same bank service area as that where the permitted impact occurred. (See map below). The following exceptions apply to this definition:

(i) Replacement for impacts in bank service area 10 can be accomplished in bank service area 9 or the Des Moines River Basin in bank service area 8 with no increase in the replacement ratio;

(ii) Replacement for impacts in bank service area 1 can be accomplished in bank service area 2 with no increase in the replacement ratio; and

(iii) The board may approve special replacement ratios based on data derived from comprehensive inventories of replacement opportunities. The replacement ratios shall be noticed by the board to local government units and published in the State Register. The board shall provide opportunities for public input and comment prior to publishing the special replacement ratios. The conditions and standards shall take effect 30 days after publication and remain in effect unless superseded by subsequent statute, rule, or notice in the State Register.



~~Table 2.~~

~~Replacement Type~~	~~Impact Location~~	
	~~>80% Area or Ag Land~~	~~<80% Area and Non-Ag Land~~
~~In-kind (same wetland type or same watershed or same county)~~	~~1:1~~	~~2:1~~
~~Out-of-kind: direct replacement~~	~~1.5:1~~	~~2.5:1~~
~~Out-of-kind: banking~~	~~1.25:1~~	~~2.25:1~~

Subp. 7. **Minimum wetland replacement ratios**: The minimum wetland ratios shall be based on the location of the impact and replacement, the wetland type, and the timing of replacement, as determined by the table below.

Impact Location	Replacement Location (in place)	Type of Replacement Wetland (in type)	Replacement Process (in time)	Minimum Replacement Ratio
> 80% area (or agricultural land)	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 (and non-agricultural land)	In-Place	Same type as impact wetland	In advance	2:1
			Not in advance	2.25:1
		Different type	In advance	2.25:1
			Not in advance	2.5:1
	Not In-Place	Same type as impact wetland	In advance	2.25:1
			Not in advance	2.5:1
		Different type	In advance	2.5:1
			Not in advance	2.5:1

~~See Table 1 of subpart 2 for wetland classification equivalency.~~

~~he topographic setting characteristics of a replacement wetland and an impacted wetland shall be described as topographic, riverine, floodplain, flow-through, tributary, or isolated.~~

Subp. ~~5~~ 8. **Determining impacts of partial drainage**. In cases where wetlands will be partially or incompletely drained, the amount of wetland to be replaced must be determined as follows:

The area impacted by partially draining a wetland is determined in two parts. The wetland area where the hydrology is totally removed must be replaced in its entirety. The area that is partially drained must be replaced in an amount that is at least 50 percent of the acreage of the remaining wetland area or determined by an assessment of the wetland functions listed in part 8420.0103, using a methodology chosen by the technical evaluation panel from one of the methodologies established or approved by the board.

Subp. ~~6~~ 9. Alternative evaluation methodologies. The local government unit may evaluate the replacement plan using a scientifically accepted methodology that evaluates all wetland functions specified in Minnesota Statutes, section 103B.3355, for both the impacted and replacement wetlands. Such alternative methodologies must be approved and listed by the board, in consultation with the commissioners of natural resources and agriculture, and local government units.

When using alternative evaluation methodologies to evaluate replacement plans, the ratio of impact wetland to replacement wetland must not be less than the minimum acreage requirements as listed in part 8420.0546, except as provided for in part 8420.0650.

Subp. ~~7~~ 10. Special cases or appeals. For projects of unusual complexity, or replacement plans that have been denied and are being appealed, and for which the local government unit believes an alternative evaluation process may produce a substantially different replacement requirement, the local government unit may evaluate the replacement plan using the current version of the Minnesota wetland evaluation methodology or another scientifically accepted methodology approved by the board, in consultation with the commissioner, that evaluates all wetland functions and values for both the impacted and replacement wetlands.

When using a board-approved methodology to evaluate replacement plans, the ratio of impact wetland to replacement wetland must not be less than the minimum acreage requirements as listed in part 8420.0546. Further, the topographic setting ratio in subpart 4 and the local ~~public value~~ replacement ratio, if any, in subpart 4 must also be considered when using a board-approved methodology.

Subp. ~~8~~ 11. **Adequacy decision.** A replacement plan that fails to meet the requirements in this part must be considered inadequate in replacing lost functions and values and must be denied by the local government unit. A replacement plan that has been considered by the local government unit and not approved may be revised and resubmitted for consideration by the local government unit. As required by part 8420.0250, the decision of a local government unit to approve, approve with conditions, or deny a replacement plan becomes final if not appealed to the board within 30 days after the date on which the decision is mailed to those required to receive notice of the decision. Within 30 days of completing construction of a replacement wetland, the notice specified in part 8420.0530, item D, subitem (6), must be recorded and proof of recording provided to the local government unit.

8420.0550 WETLAND REPLACEMENT STANDARDS.

Subpart 1. **General requirements.** The standards and guidelines in this part shall be used in wetland creation and restoration efforts to ensure adequate replacement of wetland functions and values.

In evaluating a wetland replacement plan, the local government unit must determine whether the wetland type stated as the replacement plan goal will result from the replacement plan specifications. If a wetland type other than the replacement plan goal is likely to result, the local government unit must evaluate the plan based on this determination. The local government unit must also determine that the proposed replacement plan will adequately replace functions and public values lost. If adequate replacement of

function and public value is not likely to result, the local government must determine what further measures are necessary to obtain adequate replacement or deny the replacement plan.

Subp. 2. **Specific requirements.** The standards in items A to H shall be followed in all wetland replacements unless the technical evaluation panel determines that a standard is clearly not appropriate.

A. Water control structures must be constructed using specifications provided in the Minnesota Wetland Restoration Guide or their equivalent. Control structures may be subject to the Department of Natural Resources dam safety regulations.

B. Best management practices must be established and maintained adjacent to the entire perimeter of all replacement wetlands.

C. For replacement wetlands where native, noninvasive vegetation that is characteristic of the wetland type identified as the replacement goal in part 8420.0530, item D, is not likely to become dominant naturally in a five-year period, the replacement wetland shall be seeded or planted with appropriate native, noninvasive species, as determined by the technical evaluation panel. If the replacement wetland is seeded or planted, the seed or planting stock should be from native, noninvasive species of regional wetland origin. During the monitoring period, the applicant must take reasonable steps to control invasion by any nonnative or invasive species, for example, reed canary grass, Canada thistle, common buckthorn, spotted knapweed, leafy spurge, purple loosestrife, and Eurasian water milfoil, that would defeat the revegetation goal of the replacement plan.

D. Erosion control measures as determined by the soil and water conservation district must be employed during construction and until permanent ground cover is established to prevent siltation of the replacement wetland or nearby water bodies.

E. For all restored wetlands where the original organic substrate has been stripped away and for all created wetlands, provisions must be made for providing an organic substrate unless the technical evaluation panel recommends otherwise. When feasible, the organic soil used for backfill should be taken from the drained or filled wetland dominated by native, noninvasive species. Organic soil for backfill from wetlands dominated by nonnative, invasive species should be avoided.

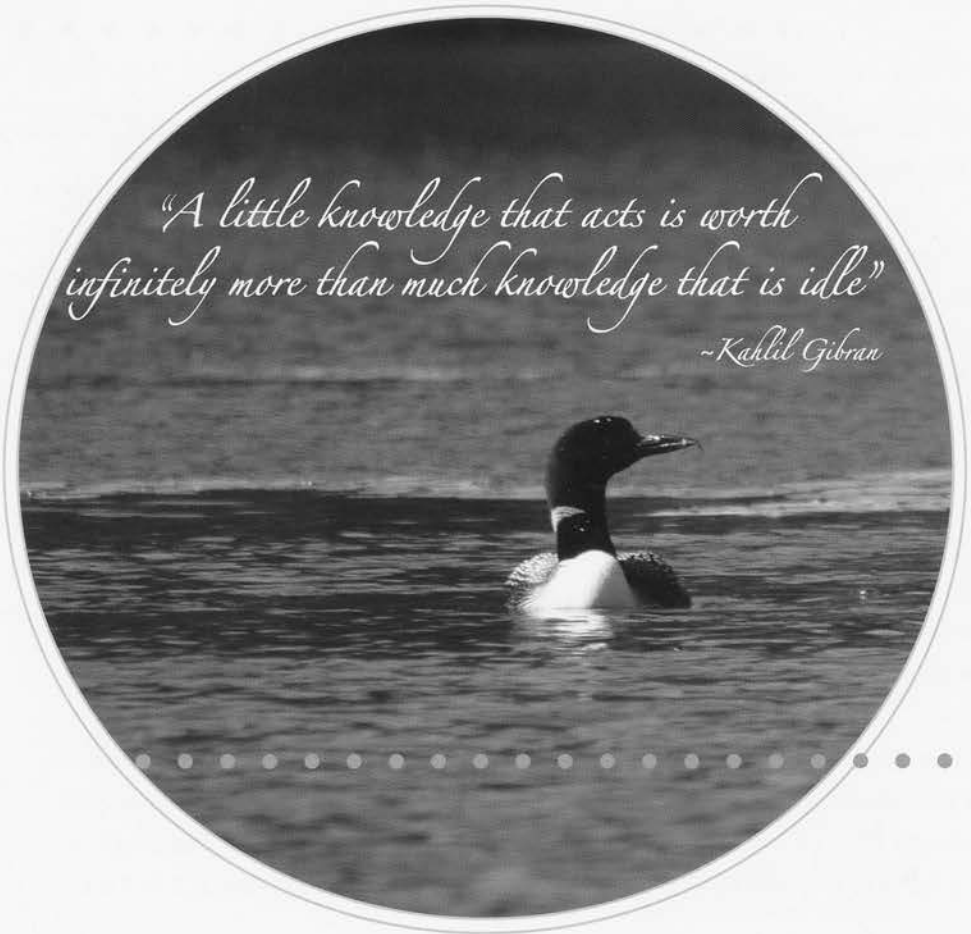
F. The bottom contours of created types 3, 4, and 5 wetlands should be undulating, rather than flat, to provide a variety of water depths, comparable to natural wetlands in the vicinity of the replacement, and be consistent with part 8420.0547, subpart 2.

G. Sideslopes of created portions of wetlands and graded buffer strips must not be steeper than 5:1, five feet horizontally for every one foot vertically as averaged around the wetland. Sideslopes of 10:1 to 15:1 are preferred. More than half of the slopes of graded areas inside the exterior boundaries of restored, created, or enhanced wetlands must be no steeper than 10:1 unless the technical evaluation panel concurs that steeper slopes are acceptable.

H. Created wetlands should have an irregular edge to create points and bays, consistent with part 8420.0547, subpart 2.

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APPLYING KNOWLEDGE TO IMPROVE WATER QUALITY



GREAT LAKES REGIONAL WATER PROGRAM

PROGRESS & IMPACT REPORT

Applying knowledge to improve water quality
Great Lakes
Regional Water Program
A Partnership of USDA CSREES & Land Grant Colleges and Universities

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For more information about the Cooperative State Research, Education, and Extension Service (CSREES) National Water Program, please contact:

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To contact Regional Project Coordinators, Regional Liaisons, National Facilitation Project Coordinators, and CSREES State Water Quality Coordinators, please visit the National Water Quality website and the National Water Quality Directory at
HTTP://WWW.USAWATERQUALITY.ORG/DIRECTORY/DEFAULT.HTML





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Introduction

"Only from space can you see that our planet should not be called Earth, but rather Water, with specklike islands of dryness on which people, animals, and birds surprisingly find a place to live."

~ Oleg Makarov, The Home Planet, 1988

"Study finds Great Lakes threatened by aging sewage system"; "Study finds drugs, chemicals in treated waste sold to gardeners"; "Recovery of N.Y. lake offers hope for acid rain-ravaged region"; "Farmers, environmentalists unite to clean Iowa's waters"; "Dakotas 'epicenter' of drought-stricken nation". This is but a sampling of water-related headlines from 2006. The stories include all-too-common tears in the fabric of our environmental management systems, as well as hopeful stories of neighbors uniting in pursuit of a common cause.

The United States is fortunate to have a strong fabric of federal and state agencies, tribal governments and communities, local governments and citizens, professional and other non-profit organizations, business leaders, and institutions of higher learning caring for our nation's water. The Cooperative State Research, Education, and Extension Service (CSREES), and the Land Grant Universities have been helping communities generate and apply knowledge to clean up our nation's waters for more than 30 years. Through national and regional collaborations on water quality programs and projects, we 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 highlights specific successes and impacts 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 supply of clean, usable water is available for future generations.

The CSREES National Water Program





The goal of the Cooperative State Research, Education, and Extension Service (CSREES) National Water Program is to protect or improve water resources throughout the United States, particularly in agricultural and rural watersheds. The CSREES National Water Program brings university scientists, instructors, and extension educators into more effective and efficient partnerships with Federal interagency programs to address priority water quality issues in U.S. agriculture. A key emphasis of the program is integration of extension, research and education resources to solve water quality problems at the local level. The National Water Program has identified eight priority themes for research, education, and extension projects:

- 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 program is guided by a unique model for shared leadership that includes representatives from each of 10 regional projects, representatives from the 1890 and 1994 Land Grant University institutions and the CSREES National Program Leader for Water Quality. This group is called the CSREES Committee for Shared Leadership for Water Quality (CSL-WQ).

The CSREES National Water Program website (**www.usawaterquality.org/**) enhances communication and coordination within the CSREES/University network and with its national and regional partners. The website is designed for scientists, instructors, and extension educators to share and access information about successful water quality improvement programs from across the nation. For a national impact report that provides examples of how water resource professionals at universities and colleges, in cooperation with CSREES, are working with citizens, communities and partner agencies to address critical water resource problems across the United States, please see **www.usawaterquality.org/success.html**

The Great Lakes Regional Water Program

The Great Lakes Regional Water Program (GLRWP) supports water quality research, campus-based education, and outreach in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. Our purpose is to enhance the delivery and sharing of successful programs across our region and the nation. We encourage multi-state and multi-region efforts to protect and restore water resources. We make every effort to take advantage of the diverse knowledge bases available in each state, as well as the economies of scale available when states share water research, classroom curricula, and outreach programs and publications.





The following program goals and organizational framework guide and provide structure for our work:

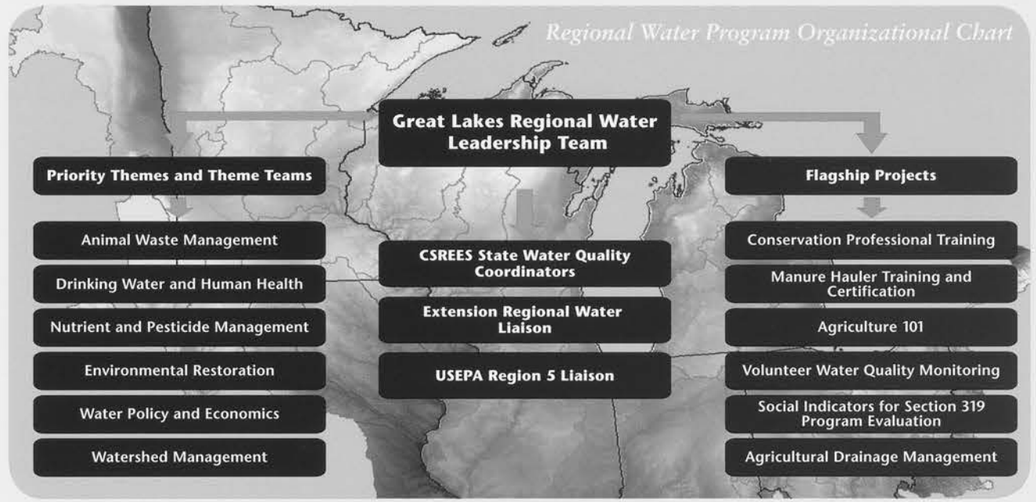
Program Goals

- Provide regional coordination of research, education, and extension/ outreach efforts addressing water issues within Extension's North Central Region and USEPA Region 5.

- Work cooperatively to share responsibilities and resources in the interest of resolving water-related problems that are complex in nature and regional in scope.

- Build continuing education and professional development programs based on the best available water-related research.

- Offer an entry point for state and federal agencies, commodity organizations, and other non-governmental organizations to access resources within the Land Grant universities and collectively address water-related problems of mutual interest.



Framework and Organization

- A Regional Water Quality Leadership Team (Extension State Water Quality Coordinators from Great Lakes states, an Extension Regional Water Liaison, and a liaison from USEPA Region 5.

- Six regional themes that bring together experts from each state in the region to focus on water management problems and solutions. The six regional themes are derived from the eight National Water Program priority themes.

- Multi-state Flagship projects that bring together the research, education, extension/ outreach, and technical skills groups interested issues that impact water quality. A "flagship" designation indicates a long-term commitment from the GLRWP to foster multi-state collaboration and impacts on a given project or topic.

- State water programs that are the foundation for all multi-state programs and projects.

The GLRWP has been in existence for six years. During that time, we have seen researchers and Extension educators, already doing excellent work in their own states, grow rich and productive working relationships with their colleagues in neighboring states. We think the result has brought more of what the Land Grants have to offer to the audiences we serve. In some cases, such as in manure management (**www.uwex.edu/ces/regionalwaterquality/FocusAreas/agriculture/awm.htm**), Extension educators with similar areas of expertise, state and federal agencies, and private sector professionals learn from each other's approaches to technical and policy issues. In other cases, such as our efforts to develop social indicators and a social data tracking system for state and regional nonpoint source programs (primarily Section 319), universities have experts that whose complementory knowledge and skills combine to deliver the best product possible (**www.uwex.edu/ces/regionalwaterquality/Flagships/Indicators.htm**).

Regional Coordination Impacts

The project summaries that follow are a sample of regional activities in the six national priority themes adopted by the Great Lakes Regional Program: Animal Waste Management, Drinking Water and Human Health, Environmental Restoration, Nutrients and Pesticide Management, Water Policy and Economics, and Watershed Management. We are also highlighting the successes of other projects funded directly by CSREES in the Great Lakes Region. For more information, please contact any one of the Regional Team members listed on page 3 of this document, or visit the Program website at **www.uwex.edu/ces/regionalwaterquality**.



WWW.UWEX.EDU/CES/REGIONALWATERQUALITY

Animal Waste Management

Over 1000 Converge on St. Johns, Michigan for the Great Lakes Manure Handling Expo: Keep it in the Rootzone (July, 2006) – This highly successful event truly reflects the value of multi-state collaboration and partnerships that the GLRWP supports. The purpose of the Great Lakes Manure Expo was to provide producers with practical and innovative ideas for land application of manure. By showcasing a systems approach to manure applications, the event focused on communicating the dollar value of manure nutrients, the cost associated with transporting them to the most appropriate fields, conservation practices that will impact retaining these nutrients, and odor control concerns. Although only ninety evaluations were returned (attendance was nearly 1300), respondents indicated that they were going to increase their frequency of: calculating hauling costs, replacing fertilizer with manure, manure testing, keeping better records, improving odor management and even crop producers taking manure from a livestock farm. The best comment indicating direct impact was from a large Michigan pork producer indicating, "as a result of the discussion at the field day the farm has decided to lay down 4-5 miles of pipe and purchase an Aerway and possibly a Cadman outfit (equipment used for incorporating manure)", directly related to the Expo theme "keeping manure in the rootzone". The tri-state Planning Committee felt that this event left participants with a strong positive impression of university Extension systems. The Planning Committee included farmers, custom manure applicators, a private consul-tant, and university educators. The diversity of interests involved in planning was key to the event's success. The Expo had many sponsors, including local farmers agri-businesses, and the Great Lakes Regional Water Program.

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Conservation Professional Training Program Serves Agencies, TSPs, Farmers - The Conservation Professional Development and Training program is a six state project designed to provide both a base level of training for conservation staff (soil and water conservation districts/partner agencies, Extension, and private sector) and targeted training in specialized areas (such as pest management, comprehensive nutrient management planning, forestry, etc). The project has fostered greater definition of how University Extension can assist its partner conservation agencies by providing training and professional development. Conservation professionals who completed the training program: 1) gained the necessary skills and knowledge to write conservation plans (esp. CNMP's and Nutrient Management Plans); 2) gained a holistic conservation perspective in order to write more effective conservation plans; 3) improved their ability to develop positive

relationships with landowners that either require conservation plans or that voluntarily implement them; 4) helped their agencies reach various goals for implementation of conservation planning; and 5) enhanced their own potential for career growth.

Between Wisconsin and Minnesota, more than 50 private sector consultants have been trained in Conservation Planning. Once certified, these consultants will increase the number of certified planners available to help farmers in the two states by more than 15%. More than two hundred agency staff and TSPs have been trained in Comprehensive Nutrient Management Planning across the region, generating more than 200 CNMPs in Wisconsin alone in the past 18 months. Trained TSPs and agency staff are developing 170 Pest Management Plans, resulting in a 7-fold increase in acres planned in just 3 years.

By partnering with agency staff and Land Grant institutions in curriculum development, deployment and implementation, we are able to build on each state's strengths and increase conservation delivery across the region. With the pilot phase complete, we are working with partners in all 6 states in the region to roll out the training in a cost and staff effective manner. An additional 4 curricula are currently under development; Forestry, Invasive Plants, Wetlands and Burning.

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Drinking Water and Human Health

Citizen Volunteers and Water Quality Benefit from Multi-State E. coli Monitoring Effort – This flagship project of the Great Lakes Regional Water Program is entering its fifth year. This project used seed funding from the GLRWP and a $275,000 grant from USDA-CSREES to evaluate five test methods for monitoring *E. coli* bacteria suitable for home use. The project is teaching *E. coli* monitoring methods to volunteers as well as testing the ability and preferences of volunteers using "home test kits" to evaluate local streams health using *E. coli* as an indicator. Michigan State University, in consultation with project partners, has produced a training manual: Citizens Monitoring Bacteria: A Training Manual for Monitoring *E. coli* (2006). The manual has been used in 29 training sessions involving 113 volunteers, and has been well received by both volunteers and state environmental agencies and USEPA regional staff.

While test kit analysis is ongoing, reliability results from this three-year investigation will provide crucial information for state agencies considering using volunteer monitoring data in watershed planning and perhaps TMDL development. Several states have implemented credible data legislation which will place added importance upon volunteer data as state budget and agency resources continue to diminish.

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Environmental Restoration

Joining Forces to Protect Manoomin (Wild Rice) Resources - The Great Lakes Regional Water Program, in partnership with Ferris State University in Michigan and the Lac Vieux Desert Band of Lake Superior Chippewa, led a diverse coalition that convened the Wild Rice Restoration and Preservation Conference in August, 2006. The conference brought together Native American communities, universities, tribal colleges, nonprofit groups, tribal and local governments, and federal and state agencies to share information and experiences. It developed new partnerships among Land Grant colleges and universities and tribal communities across the Great Lakes Region, and built a solid foundation for future initiatives. At the conference, participants learned about wild rice identification, management and restoration, ecological importance, harvesting, processing, nutrition and recipes, culture and the role wild rice plays in the spirituality of Great Lakes tribal communities, and communication and networking.

There were 109 attendees at the conference, and, based upon evaluation results, respodents learned a great deal regarding most of the presented topics. For example, 94% stated that they learned a significant or great amount about the cultural values of wild rice. Respondents also generated a wealth of ideas for future coalition building and networking. Participants frequently commented that they appreciated the hands-on elements, the interesting speakers, trips to lakes and rice beds, and the union of science and spirituality themes in the conference. There was also strong interest in more conferences like this in the future. The conference steering committee will use the participant feedback to develop potential next steps toward achieving sustainable wild rice populations across the Great Lakes Region.

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Nutrients & Water Quality



Promoting New Partnerships & Cover Crop Choices in the Great Lakes Region - Researchers, educators and farmers from the Great Lakes States and Iowa came together at Innovations in Cover Crops and Perenniality, a multi-state cover crop summit hosted by Michigan State University's Kellogg Biological Station. Many of the participants have been working on pieces of the perennial/cover crop puzzle for years, and the summit provided an opportunity to share their experiences and data and to explore more efficient mechanisms to deliver new information to farmers and stakeholders. The summit also covered practical cover technologies and promoted new partnerships in research, education, and additional resource opportunities. A new community of practice has been formed including a very broad base of backgrounds (researchers, educators, and innovative farmers). It has already enhanced participants' ability to receive future support and develop research projects, and will continue to work to increase and enhance the region's current perennials/cover cropping systems. Perhaps most importantly it has called attention to this critical issue throughout the region, and has established a framework for future efforts. The long-term goal of the project is to create significant changes in farming practices that improve soils, and reduce leaching and nutrient runoff into water systems.

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"Drainage Water Management for the Midwest" Bulletin Now Available! - Subsurface drainage is very common in the Great Lakes states, with the percentage of cropland that is drained estimated to be more than 30% in five of the six states. There are several water quality concerns related to subsurface drainage, the most critical being nitrate-N, a soluble N ion that moves wherever water moves. New drainage management systems have recently been developed to reduce nitrate loss due to agricultural drainage.

The Drainage Water Management for the Midwest bulletin synthesizes current research on drainage water management technologies that reduce nitrate loss and provide the information in an accessible form. The key message of the publication is that new research and technologies are available to reduce nitrate losses from drained land. The publication responds to a clearly expressed need of many agencies including USDA NRCS, universities, EPA and state environmental agencies. It was funded by the Great Lakes Regional Water Program, and is a product of the multi-state Agricultural Drainage Management Systems (ADMS) Task Force, 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.

Eight thousand copies were printed and have been distributed regionally and nationally to Land Grant universities in the Midwest (MN, IL, IN, OH, WI, IA, and MO); NRCS state offices in the Great Lakes States; National Technology Support Centers (East, Central), the National Water and Climate Center, National Water Management Center, and National Headquarters; ARS National headquarters plus research units that work on drainage; industry (ADMC and manufacturers); and USEPA Headquarters. The publication has also been distributed at many events for decision-makers, agency staff, industry, and producers including the Upper Mississippi Hypoxia Nutrient Mgmt Subcommittee, USEPA Non-point Source Tour in Minnesota, National Irrigation Association, Innovations in Nonpoint Source Management conference, and it will be used in many Extension events this winter. The involvement by agencies such as EPA and NRCS in its review will enhance the widespread impact. This project has enhanced research/extension integration, through the synthesis of current research in a bulletin for target community audiences. Although university teaching is not a target outcome of the project, the bulletin may be useful in some courses. To access the bulletin, please see: **www.ces.purdue.edu/extmedia/WQ/WQ-44.pdf**

Partners Work Regionally To Benefit Farmers and the Environment - The Natural Resources Conservation Service awarded a $950,000 grant to a collaborative effort among Purdue University, the University of Illinois, the Minnesota Department of Agriculture, the University of Minnesota, the Ohio State University, Iowa State University, USDA - Agricultural Research Service, the National Corn Growers Association, and the Agricultural Drainage Management Coalition (ADMC) to study the impact of drainage water management systems on nutrient outflows and crop yields. Drainage water management systems have been shown to reduce nitrogen outflows by 30-60%, or more when paired with other conservation practices. The goal of the project is to promote and characterize drainage water management at larger scales than has previously taken place and over the entire Midwest region. This project builds on existing efforts and long-time collaboration to synthesize research results across the region and transfer the results to agencies that can use the results in decision-making. A database of the different sites, with their soil, crop, drainage system, slope, climate, and other relevant factors will be developed, and results from the different sites will be analyzed to explain similarities and differences in drainage water management effectiveness.

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Water Policy & Economics

Serving the Wastewater Treatment Needs of Small Communities – All Great Lakes Region states are facing the issue of how to implement decentralized wastewater treatment for small communities. Small communities in this context include unincorporated towns and clusters of homeowners on lakeshores. As the decentralized option is increasingly recognized, as a viable approach, policy makers, engineers, local government officials will need assistance. In addition, universities have differing capacities and expertise that, if shared, may increase the overall service they are able to provide to small communities. In response, the Great Lakes Regional Water Program has formed a multi-state team consisting of the primary educators from across the region to identify collaboration opportunities that address small community needs. The team has 1) summarized existing Land Grant research and outreach capacity in the region, 2) developed a list of potential projects, and 3) identified topic leaders that are drafting project description for three priority areas (educational materials, tracking and inventory of decentralized systems, and research) to be used in discussions.

Learning from TMDL Approaches Across the Great Lakes Region - Current regulations require the determination of total maximum daily loads (TMDLs) for surface waters. According to critics, this determination of loads often is determined from incomplete information. Depending on what models are used and what the data requirements are, results can vary for the same impaired water or watershed. Success of the implementation of practices to reduce loads within the TMDL is at least partially dependent on the degree that parties subject to the load allocation agree with the methodologies used and the answers they provide. Each of our states face this problem in establishing TMDLs.

A work group was formed at the University of Minnesota to develop a model curriculum for a comprehensive training program on evaluating effectiveness of TMDLs at addressing water quality concerns. The curriculum involves three elements: 1) training on why TMDLs need to be evaluated and effective evaluation methods, 2) incorporating information on a comparative regional economic analysis of best policies for TMDL development and implementation, and 3) evaluation of TMDL development and implementation plans/strategies (what is working and what isn't). This draft curriculum will be shared with a broader regional group and finalized in 2007.

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Watershed Management

"Watersheds come in families; nested levels of intimacy...As you work upstream toward home, you're more closely related. The big river is like your nation, a little out of hand. The lake is your cousin. The creek is your sister. The pond is her child. And, for better or worse, in sickness and in health, you're married to your sink."

~ Michael Parfit, National Geographic

Measuring Social Outcomes of Nonpoint Source Management Programs - USEPA Region 5, state water quality agencies, university researchers and educators, and local water managers have produced pilot methods and guidance for measuring social information and outcomes from nonpoint source (NPS) programs in the Great Lakes Region. This project will increase the ability of EPA Region 5 and state agencies to measure meaningful outcomes (such as increases in knowledge, or behavior change) that may precede water quality improvement. A regional approach has allowed states to develop a single shared evaluation system for less cost than individual systems. As a result, states will be able to share data to increase their understanding of the social dynamics of NPS management in the Region. All partners have shown strong and innovative leadership to accomplish project goals. CSREES has awarded additional funding to this group to test the validity of the indicators developed through this project.
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Behind the Scenes: Watershed Management Theme Team Helps Professionals Keep Current – The purpose of the Watershed Management Theme Team is to share research and outreach resources and foster multi-state collaborations. The Team holds regular conference calls where Team members can present and discuss existing or needed watershed–related resources. The Team has produced an inventory of watershed management programs and resources with region-wide applicability. Examples of program improvement directly resulting from Team communications include: 1) the Indiana Watershed Leadership Academy has incorporated elements of the Ohio Watershed Academy including modules and format; 2) Ohio Certified Volunteer Naturalists manual has incorporated research and outreach and resources from Wisconsin's Best Education Practices web site; and 3) the University of Illinois Extension is using University of Minnesota Extension Shore line web site and resources as a foundation for their own. An informal evaluation indicated

that Team members greatly value the time to exchange information with their colleagues in other states, and that it improves the service they provide in their states.

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Sneak Preview: Other Regional Initiatives

The GLRWP has recently funded five other projects that are contributing to water research, education, and outreach in the region:

- Building Capacity of Watershed Organizations, Agricultural Land Owners, and Land Planners to Protect and Restore Watersheds
- Social Dimensions of Private Well Testing - Challenges, Barriers, Strategies
- The Lake Superior Volunteer Stream Monitoring Program
- Manure Slurry Seeding of Cover Crops and an Evaluation of a Cover Crop Root System for Retaining Bacterial Contaminants in the Root Zone
- Phosphorus Removal and Recycling From On-Site Generated Wastewater and Animal Manure from Agricultural Facilities

Please contact the Great Lakes Regional Water Liaison for more information about these projects.

State Program Highlights

State water programs are the foundation for all multi-state programs and projects. The capacity and needs of each state provide direction and raw materials for regional initiatives. The following state accomplishments contribute to progress on regional and national themes. More information on state-specific programs is available on the regional website (see links in each state's section).



Illinois

WWW.UWEX.EDU/CES/REGIONALWATERQUALITY/FOCUSAREAS/STATES/ILLINOIS.HTM

Broad Support for Illinois River Stewardship Highlighted at Governor's Conference (Theme: Watershed Management) - The Governor's Conference on the Illinois River is an ongoing project of the water quality program of University of Illinois Extension (UIE). Since the inaugural biennial conference was held in 1987, attendance has grown from 150 to over 350 participants representing diverse backgrounds, agencies, organizations and communities. The most recent conference, held October 4-6, 2005, opened with more than 110 attendees taking part in a Conservation Tour, highlighting current BMPs for river and watershed protection. Planning is underway for the 2007 conference, to be held October 2-4 in Peoria, Illinois. An UIE extension educator chairs the event each year.

The 2005 conference was one of the largest ever - a true indication of the sustained interest in protecting the Illinois River for the future. UIE was one of more than 60 agencies and organizations sponsoring the conference. As part of the conference, 30+ river-related exhibits and displays were featured, including one by U of I Extension's Natural Resources Management (NRM) team. The Great Lakes Region Water Quality Coordination project provided support for the development of the display by the UIE NRM team for use at the Illinois River conference and at the Farm Progress Show. The display highlights the large variety of land uses in the Illinois River watershed and BMPs for water quality protection applicable for each of those land uses.

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EZregs Makes Sense of Environmental Regulations That Affect Agriculture, Horticulture, and More (Theme: Water Policy and Economics) - If you're baffled by the myriad of environmental regulations that pertain to agricultural and horticultural operations, help is only a mouse-click away. EZregs, a new website hosted by University of Illinois Extension, can help farm producers, green industry professionals, land use planners and others make sense of environmental regulations in Illinois. The website can be found at: **www.ezregs.uiuc.edu**.

The EZregs website has a database of 13 sets of regulations, including IEPA Livestock Regulations (Parts 501, 506, 560, 570, & 580), the Livestock Management Facility Act (Section 900), the Illinois Construction Site Stormwater Permit, the Illinois Pesticide Act, the Endangered Species Act and the Historic Resources Preservation Act. Currently, users of the website can access sections on four different operation types--Livestock Production, Food Crop Production, Ornamental Horticulture Production and Landscape Maintenance.

This program is an excellent example of the impact of regional programming for state-specific programs. While the direct funding for EZRegs comes from the Illinois Pork Producers Association (through the Pork Checkoff program) and US EPA Region 5, the Great Lakes Regional Water Quality Coordination project has helped provide much broader exposure for the project.

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Indiana

WWW.UWEX.EDU/CES/REGIONALWATERQUALITY/FOCUSAREAS/STATES/INDIANA.HTM

Purdue Atrazine Response Benefits Water Users and Suppliers (Theme: Drinking Water and Human Health) - In response to the potential for cancellation of atrazine (the herbicide used on more than 80% of corn acres in Indiana) in watersheds used for drinking water if atrazine concentrations are too high, Purdue Extension worked with the Indiana Pesticide Watershed Work Group consisting of representatives from local, state and federal agencies, the pesticide industry (Syngenta), public water systems, crop consultants and farmers to create and distribute county-based maps of watersheds used for public water supply. The maps were used in presentations to approximately 10,000 pesticide applicators as part of the Private Applicator Re-registration Program, to help them be aware of sensitive watersheds affecting drinking water and take steps to reduce atrazine loss to surface water. The maps are available on the web at **http://pasture.ecn.purdue.edu/~frankenb/Indiana/map**, to provide easy access to watershed locations that are used for drinking water in Indiana. In addition, Purdue Extension is working with Veolia Water, which runs the largest water system in Indiana serving approximately 800,000 people, to identify potential solutions to this issue which cost them $25,000 at the peak of atrazine treatment in summer 2006 ($800,000 total for atrazine treatment in 2006).

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Purdue Extension Provides Training and Tools for Local Watershed Groups (Theme: Watershed Management) - The Indiana Watershed Leadership Academy increased the capacity of 24 watershed managers in its first year. The program has broad and enthusiastic support among conservation agencies in Indiana, demonstrated by the active participation of fifteen organizations and agencies on the Steering Committee. The participation of state conservation organizations and others representing major interests in this topic has been very beneficial both for the program itself and has a wider impact of coordinating watershed management education in Indiana. Regional funding leveraged an IDEM/EPA

Indiana continued

319 grant which now provides primary support for the program. Participants testified that the program had clear and direct impacts on watershed protection, with statements like "My involvement in the Indiana Watershed Leadership Academy has led to the success of our watershed planning efforts". The Indiana Watershed Leadership Web site, at **www.purdue.edu/watersheds**, provides information on all aspects of watershed management in Indiana, including the Academy.

Purdue Extension also created a prototype of a site called the Atlas of Indiana Watershed and River Organizations (**www.ces.purdue.edu/waterquality/atlas**). This GIS-based web site elevates awareness and visibility of watershed organizations across Indiana, connects citizens who are interested in learning more about their watershed and potentially participating with active watershed groups, and informs local and statewide decision makers about the need for watershed support in active and inactive areas of the state. Purdue Extension is currently working with state agencies to expand contact information. Finally, Purdue Extension is starting a statewide process to compile a water quality monitoring inventory, which involves people from all the state agencies and EPA Region 5. A Steering Committee has been established and an initial meeting held. The Web site is at **http://pasture.ecn.purdue.edu/~frankenb/Monitoring_Inventory/Index.htm**.

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Michigan

www.uwex.edu/ces/regionalwaterquality/focusareas/states/michigan.htm

Protecting Drinking Water (Theme: Drinking Water and Human Health) - Michigan State University, the Michigan Department of Environmental Quality, and the Michigan Rural Water Association co-hosted a Source Water Protection Workshop designed for local health department personnel who deal with non-community groundwater supply systems. Approximately 90 local and district health department representatives and state agency staff attended the workshop. Topics included the groundwater inventory and mapping tools and how they can be applied at the local level, new arsenic rules implementation, updating source water assessment information, using Map Image Viewer software for local source water protection efforts and continuing education opportunities for non-community water supplies.

A Wellhead Protection Conference was also held in Midland, Michigan. More than 120 people attended the conference. Sessions included: abandoned well management, wastewater systems, land use planning and zoning, map image viewer, outreach and education, contaminant source inventory, recruiting and maintaining volunteers, groundwater flow model, business community engagement, updating wellhead programs, moving from assessment to protection, groundwater protection in agricultural areas, dealing with contaminated site, integrating storm water management and wellhead protection. Conference evaluations were overwhelmingly positive, and attendees stressed the need for continuing opportunities for information sharing and education regarding wellhead protection programs.

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Michigan State University - A Community Partner in Stormwater Management (Theme: Watershed Management) - Michigan State University continued its active involvement with the Greater Lansing Regional Committee on Phase II Non-Point Source Pollution Prevention (GLRC). The GLRC is a guiding body comprised of twenty participating Phase II communities within the Greater Lansing, Michigan Region. The committee has been established to guide the implementation of the entire Phase II Program for the communities within three identified watersheds; the Grand River, the Red Cedar River and the Looking Glass River watersheds. Michigan State University serves as an ex-officio member of the GLRC, and faculty and staff members serve on several GLRC committees.

In addition, MSU representatives worked with neighboring communities to design a uniform decal to be used in area catch basin labeling programs, watershed boundary signage for the three area watersheds and a series of brochures and posters addressing stormwater issues pertaining to motor oil, pet waste, car washing, and lawn care. Work continues on the development of additional printed materials.

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Training Programs for Lake and Stream Leadership (Theme: Watershed Management) – A series of training sessions and workshops dealing with inland lakes, watershed management, and stormwater were offered across the state. Target audiences included riparians, lake boards, drain commissioners, local government officials, and interested citizens. An alumni program for the Lake and Stream Leader's Institute was held and attended by over 80% of class members from the previous year. Advanced sessions on lake and stream ecology, legislation, and groundwater-surface water interactions were presented. Field sessions included plant mapping in lakes, stream discharge, and phosphorus analyses. The Michigan Watershed Management Short Course, a short course customized to the host community, county or watershed in partnership with a county MSU Extension

Michigan continued

office or other local entity, was also held. Extension water team members help local groups plan the course agenda and deliver training modules for the program.

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Demonstrating Shoreline Restoration (Theme: Environmental Restoration) - A demonstration project to help shoreline property owners protect water quality and improve wildlife habitat was completed this fiscal year. Highlights include the installation of a variety of soil-bioengineered erosion control structures; the design and installation of four 100-foot alternative landscapes with multiple educational concepts embedded in each; and the creation of interpretive signage, educational materials and lesson plans to enhance and expand the value of this unique educational resources. A color brochure was also produced and distributed. Housed at the Kellogg Biological Station, the demonstration site has received hundreds of visitors since its completion.

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HIT (High Impact Targeting)(Theme: Water Policy and Economics) - This project focused on prioritizing watersheds based on sediment loading, and has recently incorporated an economic component. Because of coarse-resolution input data and a focus on agricultural land, targeting high risk areas within watersheds has not been effective at the 8-digit watershed scale. To reduce sediment loading, targeting needs to occur at a fine resolution and results need to be easily accessible for user groups to benefit. In this fiscal year, MSU and partners combined several fine resolution models including the Spatially Explicit Deliver Model (SEDMOD) and the Revised Universal Soil Loss Equation (RUSLE) and were able to estimate the amount of sediment from an individual cell that reaches a stream network within a given year. The costs and benefits of conservation practices have also been incorporated into the HIT system to evaluate the efficient allocation of conservation efforts within/among the high risk watershed areas. This program is in Phase I of development. Phase II will be available for use by government agencies such as NRCS, Conservation Districts and Michigan Department of Agriculture to prioritize areas for BMP implementation.

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Minnesota

www.uwex.edu/ces/regionalwaterquality/focusareas/states/minnesota.htm

2006 Strip-Tillage Expo: Tillage for Today & Tomorrow (Theme: Nutrients and Water Quality) - Over 600 farmers and agricultural professionals participated in field demonstrations and education sessions at the July Strip-Tillage Expos held at the UM Research and Outreach Centers at Lamberton and Waseca. The nine strip-tillage implements may have been the largest collection ever run side-by-side. Attendance was strong at the education sessions on comparative yield response, soil fertility management, and guidance systems for strip-tillage. Of special interest was the noon panel of experienced strip-tillage farmers, who answered in-depth management questions. With the recent rise in fuel and fertilizer prices, farmers are attracted by the potential fuel savings and lower banded phosphorus and potassium fertilizer rates that strip-tillage offers. The Expos were capstone events following two years of on-farm conservation tillage trials and demonstrations. The project was facilitated by an EPA-funded and MPCA-managed 319 grant through the UM Water Resources Center, and was carried out by UM Extension and Experiment Station staff in collaboration with staff of the Monsanto Company.

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The Impact of Subsurface (Tile) Drainage on Fresh Water Aquatic Ecosystems (Themes: Nutrients and Water Quality and Environmental Restoration) - Environmental concerns about subsurface drainage have become the focus of numerous research efforts in recent years. Extensive summaries and reviews of literature on the environmental effects of drainage have been published, but these reviews have typically stopped short of describing the potential impacts to freshwater aquatic environments associated with these effects. A literature review was conducted to extend the known water quality and hydrologic effects of artificial drainage systems to subsequent impacts on freshwater aquatic ecosystems. A white

paper was developed by a interdisciplinary team to interpret the findings of the literature review for the beach ridge and valley floor land/soil formations in the Red River of the North Basin (RRB), a region that has experienced an increased interest in subsurface drainage in recent years. These publications are currently under review to be published. The interdisciplinary team is now developing appropriate environmental sampling schemes to test hypotheses related to the impacts of drainage on aquatic ecosystems in the RRB. The sampling schemes will be included as a section in the white paper. Information from the literature review and white paper will be used to contribute to the development of the "Riparian/Aquatic Resources" chapter of the literature review and synthesis currently under development by The Wildlife Society pursuant to the Wildlife Component of the USDA Conservation Effects Assessment Project (CEAP). Information generated from the RRB literature review will also be used to develop technical notes on maximizing aquatic habitat quality and other environmental benefits with respect to tile drainage actions and management.

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Shoring Up Shorelands for Wildlife, potential Water, and People - The Shoreland Education Program, sponsored by the University of Minnesota Extension Service in cooperation with the University of Minnesota WaterResources Center and Minnesota Sea Grant, works to improve water quality, habitat and aesthetics of lakes and rivers.

The project provides educational resources for shoreland property owners, the landscape and nursery industry, natural resource professionals, realtors, developers and local government agencies. Key components of the program include workshops, hands-on field experience, educational materials, and research and demonstration sites.

During 2006, the Shoreland Education Project worked with many federal, state, and local partners to conduct 30 workshops in areas of shoreland volunteering, planting, erosion control and aquatic plants, reaching over 3600 people. The project continues to produce the Shore-to-Shore newsletter, which reaches nearly 700 shoreland property owners, lake associations, local governments, and others interested in lake and stream health. For more information, visit **www.extension.umn.edu/shoreland.**

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Ohio

WWW.UWEX.EDU/CES/REGIONALWATERQUALITY/FOCUSAREAS/STATES/OHIO.HTM

Manure Nutrient Utilization on Growing Crops (Themes: Animal Waste Management and Nutrients and Water Quality) - Potential environmental impacts from animal manure are minimized when manure nutrients are fully utilized by a growing crop. Manure nutrients were used as the primary nitrogen source applied to corn and winter wheat during the growing season. Through the use of on-farm replicated demonstration plots liquid swine manure was applied between corn rows during the growing season (side-dress) and to winter wheat in early spring just prior to breaking dormancy (top-dress). Each plot was compared with petroleum based nitrogen fertilizers. There was no significant yield difference between manure or commercial fertilizer nutrients on these plots.

Great Lakes Regional Water Quality funding made it possible to demonstrate for three consecutive years that liquid manure applied at side-dress is a viable nitrogen resource for growing corn. This same funding source has made it possible to begin on-farm replicated demonstration projects utilizing liquid manure as a nutrient resource for winter wheat. Again, demonstrating the viability of manure nutrients as a resource and protecting water quality by more fully recycle these nutrients through a growing crop.

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Ohio Watershed Academy Builds Local Capacity to Manage Water Resources (Theme: Watershed Management) - The Ohio Watershed Academy program, which began in 2000, provides valuable opportunities for newly hired and experienced watershed coordinators and group leaders to develop the skills necessary to successfully complete watershed plans, to participate with Ohio's TMDL efforts, and to sustain local watershed planning and project implementation. All watershed coordinators funded by Section 319 grants are required to attend courses offered by the Academy. To date, more than 120 coordinators and watershed group members throughout Ohio have participated.

The sixth Academy class was completed in 2006. Seventeen participants completed the Academy, including eight watershed coordinators. Evaluation results indicated that their experiences in the Academy were helpful and helped participants address job responsibilities relative to watershed management. Participants also indicated that the course provided them with opportunities to network with other professionals and exposed them to new ideas. All participants indicated that they would recommend the Academy to other people in their watershed.

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Ohio continued

"Livestock and Streams" Fact Sheets Give Watershed Management Guidance To Rural Residents (Theme: Watershed Management) - In Ohio, modification of stream channels and resultant impacts on stream bank erosion and in-stream habitat are the number one source of impairment to surface waters. When livestock have access to streams, the results are often slumping stream banks, increased sediment and bacteria loads, and impairments to in-stream habitat. Livestock access to streams is a significant problem on much of Ohio's pasture lands. A new series of five fact sheets has been developed addressing the impacts of livestock on riparian areas. Titles include:

- Understanding the Benefits of Healthy Riparian Areas, LS-1-05
- Negative Effects of Livestock Grazing Riparian Areas, LS-2-05
- The Effects of Grazing Management on Riparian Area, LS-3-05
- Best Management Practices to Control the Effects of Livestock Grazing Riparian Areas, LS-4-05
- Pathogenic Effects from Livestock Grazing Riparian Areas, LS-5-05

Regional funding allowed for the printing of 1000 copies of LS-1-05. Copies will be distributed to farmers, 4-H clubs, watershed groups, and community development groups through County Extension Educators. All five fact sheets can be viewed on-line at **http://ohioline.osu.edu/ls-fact**

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Wisconsin

WWW.UWEX.EDU/CES/REGIONALWATERQUALITY/FOCUSAREAS/STATES/WISCONSIN.HTM

Working with Farmers on Development and Implementation of Nutrient Management Plans (Themes: Animal Waste Management and Nutrients and Water Quality) - In Wisconsin, The Multi-Agency Land and Water Education Grant (MALWEG) Program was started to help integrate educational programming and local conservation efforts. Program support comes from the Natural Resources Conservation Service; the Wisconsin Department of Natural Resources; the Wisconsin Department of Agriculture, Trade and Consumer Protection; the Farm Service Agency (FSA); and the University of Wisconsin-Extension. The Program provides competitive money for local projects to help farmers and other private landowners develop nutrient management plans and improve on-farm environmental performance.

The MALWEG Program has allocated over $1 million to over 100 projects. Over 1,400 producers with nearly 423,000 acres farmed in 34 Wisconsin counties received on-farm consultation and nutrient management assessments since the project began. 95% of participating producers have completed or received a nutrient management plan or have a plan in development. Over 85% of farmers were following their NMPs on 76% or more of their acres; 42% were following their NMPs on 100% of their acres. A majority of the participants had their manure spreaders calibrated. Over 85% had their soil conservation plans reviewed and updated to assure their plans met accepted specifications. Many of the Nutrient Management Plan writers were the farmers themselves, which indicates a strong motivation to adopt conservation practices and shows the effectiveness of the training programs. In other cases they work with Extension specialists to write the plans. Finally, 80% of local education project providers plan to train additional farmers on NMP if funds are available.

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Wisconsin Great Lakes Freshwater Estuary Applied Research, Management, and Outreach Needs Assessment (Theme: Environmental Restoration) - The University of Wisconsin-Extension, with funding assistance from the Wisconsin Coastal Management Program, is conducting a Great Lakes freshwater estuary needs assessment for Wisconsin. In the 2006, three coastal community working sessions were held near the shores of Lake Michigan and Lake Superior. The working sessions brought together resource experts, community leaders, and knowledgeable citizens to identify and prioritize Wisconsin's Great Lakes estuary needs. At each session, small facilitated groups identify priority needs for Wisconsin's freshwater estuaries.

Priorities identified at the three working sessions were narrowed to a list of 19 research, management, and outreach and education needs. The next step will be a survey to gather expert input and quantitative data regarding the priority needs. The results of the survey will increase the relia-bility and validity of the needs assessment process and provide the basis for a strategy document for Wisconsin's Great Lakes freshwater estuaries. This project is a model that can be replicated regionally and used to increase the capacity of land grant institutions and others meet freshwater estuary needs. The needs assessment results will also be incorporated into relevant aspects of an ongoing effort to develop a National Estuarine Research Reserve on Wisconsin's Lake Superior shoreline.

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Wisconsin continued

Discovery Farms Program (Theme: Animal Waste Management) - Discovery Farms are a network of real working Wisconsin farms in different geographic areas facing different environmental challenges. They work with researchers at UW-Madison, UW-Platteville and UW-Stevens Point to evaluate nutrient management strategies and practices aimed at reducing nonpoint source pollution while protecting farm profitability. A primary objective is to establish baseline data that can be used to determine environmental impacts of various farm management practices in the varying landscape and climate areas of Wisconsin.

In the past year, Discovery Farms continued existing programs related to comprehensive nutrient management planning, baseline monitoring, core farm development, and training of local citizen sampling volunteers. Discovery Farms staff worked with other nutrient management specialists to develop three additional training programs based on the information coming off Discovery Farms. These training programs included: 1) Managing manure and nutrients on tiled land; 2) Managing manure and nutrients on highly permeable soils; and 3) Adjusting diets to meet the NRCS 592 standard. In addition, programs related to education and producer training and efforts on the northwest shoreline of Lake Michigan were continued and expanded. The Discovery Farm Area on the northwest shoreline of Lake Michigan is working with local producers to develop sound baseline information on sediment movement and nitrogen and phosphorus losses. The long-term goal is to determine the contribution of nutrients (phosphorus and nitrogen) and sediment from agricultural production. This project is different from other Discovery Farms projects in that work is being conducted on three farms with different farming systems to gather information on nutrients and sediment losses in this region.

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Central Wisconsin Groundwater Center (Drinking Water and Human Health and Water Policy and Economics) - The Central Wisconsin Groundwater Center was established in 1985 to work with citizens and local governments throughout Wisconsin, particularly those in the central part of the state. In the past year, the Groundwater Center has 1) worked with county land conservation departments to develop and support private well testing programs and use the information gained to locate areas that are more likely to experience problems with nitrate and bacteria contamination, 2) provided statewide assistance to individuals with questions and concerns regarding drinking water quality and private well issues, and 3) assisted in coordinating the 2006 Wisconsin Groundwater Festival. The purpose of the festival is to increase groundwater awareness and provide examples of local people and programs taking action to protect their groundwater resources. The 2006 festival was designed to reflect the groundwater issues and concerns that face Northeast Wisconsin. There were 920 students from 11 different schools that attended the festival, with nearly 200 volunteers and over 30 sponsors assisting with the event.

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Other CSREES-Funded Projects In the Great Lakes Region

"If you have knowledge, let others light their candles in it."
~ Margaret Fuller

These projects are important components of CSREES and Land Grant contributions to the knowledge and skills necessary to improve water management across the U.S. They are funded directly through the CSREES National Integrated Water Quality Program. We are proud to highlight their work here, with the hope that others will benefit from their insights.

National Facilitation Highlights

EPI-NET – Because Little Things Can Make A Big Difference! - The Environmental Pathogens Information Network (EPI-NET) provides a centralized resource of water-related environmental microbiological contamination information. EPI-NET encourages information sharing, connects a network of stakeholders, regulatory officials, and technical experts, provides methods and data interpretation references, and increases our ability to develop a coherent national research agenda and good public policy for pathogen management. The Network's primary method of information delivery is the **http://epi-net.org/** website, however, the organization has conducted two workshops (on microbial source tracking and pathogens as part of beach monitoring programs) and has three more planned for 2007.

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Great Lakes Radio Consortium Brings "The Great Coast" To Millions – The Great Lakes contain the world's largest supply of fresh water, and are surrounded by a basin that is home to more than 30 million people – over 10% of the US population. The Great Lakes Radio Consortium (GLRC) at Michigan Radio creates a weekly 29-minute satellite newsfeed of environmental reports about the Great Lakes region that is sent to more than 145 public radio stations in 20 states and two Canadian provinces. Under its most recent grant from the United States Department of Agriculture, GLRC is producing and distributing 120 public radio stories focused on the dynamic relationship between the agricultural sector and water quality in the Great Lakes watershed and in other watersheds in the eight Great Lakes states and beyond. Under the previous USDA grant held by the GLRC, the final survey by the independent firm Market Trends Research showed that the impact of GLRC reporting is substantial. Comparing 2004 results with 2002 results, the percentage of listeners who recalled hearing one or more reports about common environmental topics increased by a combined total of 54%. Ninety-five percent of listeners remembered hearing a report about environmental issues on public radio, and the percentage of listeners who considered themselves well informed about environmental issues increased by 14% between 2002 and 2004. Listeners had greater awareness of each of the following GLRC topics (comparing 2002 and 2004): loss of farmland due to urban sprawl, the effect of pesticides on water quality, the effect of fertilizer or nitrogen on water quality, and the effect of animal feed operations on water quality. These results indicate that the GLRC is pursuing a successful course in reporting issues of agriculture and water quality in the Great Lakes region. During this new project, the GLRC is expanding upon its evaluation of listener knowledge and attitudes by initiating an independent study to determine if GLRC reporting on agriculture, water quality, and land use has an effect on the actual behavior of public radio listeners. In addition to making editorial changes in response to impartial evaluative information, the GLRC has also modified its website to make it more helpful to the public, adding more links and more photos to illustrate archived stories. Unique visits to the site nearly doubled between July and October 2005. Also, by streamlining the tool through which 145 collaborating radio stations report to the GLRC, the staff have made this reporting process easier and more accurate. In March 2005, the GLRC introduced podcasting, by which listeners can download the complete 29-minute modular environmental radio feed each week for playback whenever they want. The GLRC has been in the forefront of such expanding technologies, to reach more listeners with high-quality environ-mental news. For further information, see **www.glrc.org**.

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Integrated Research, Education & Extension Highlights

Enhancing Phosphorus Reduction Strategies in the Kalamazoo River Basin – The Kalamazoo River TMDL is nationally recognized for its watershed-wide, community-based approach. The Michigan State University Kellogg Biological Station Land & Water Program, in cooperation with the Kalamazoo River TMDL Implementation Committee, plays a lead role in facilitating the TMDL implementation process, conducting educational programs, and developing a web-based phosphorus reduction tracking system. Although the project is not yet complete, total phosphorus load to the Lake Allegan inlet has been reduced 30%, with a non-point load reduction of 27%and point source load reduction of 35%, compared to 1998 levels. Efforts to develop a watershed umbrella organization were strengthened by 1) the Kalamazoo River Watershed Council agreeing to assume that responsibility, and 2) their receipt of a $ 258,000 multi-year federal section 319 grant to develop a comprehensive watershed plan, and associated informational systems. Although it is difficult to quantify project contribution to the successful grant application, the combination of a track record of basin-wide successes, a strong data set and research basis no doubt increased proposal competitiveness. The strategy to improve the positive identity of the river has focused on creation of the first ever watershed-wide Michigan Heritage Water Trail. The first leg of that trail (from Comstock to Lake Michigan) is expected to be completed, dedicated and opened by next summer. A comprehensive and searchable data base of watershed organizations, communities and businesses has been refined and made more user friendly, and will be posted to the Watershed Council website in the near future. Members of both the TMDL Implementation Committee and the Watershed Council have affiliated with the newly formed Southwest Michigan Sustainable Business Roundtable. All of these tasks address the project goal of developing sustainable community organizational models for P reduction.

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Extension Education Highlights

Youth LEAP Toward Future of Ohio Agriculture - Ohio State University (OSU), OSU Extension, the Ohio Livestock Coalition, the Ohio Department of Natural Resources, Ohio Federation of Soil & Water Conservation Districts, United States Department of Agriculture Natural Resources Conservation Service, and the Ohio Environmental Protection Agency have completed a student manual for the Youth Livestock Environmental Assurance Program (Youth LEAP). This high-school agriculture education curriculum is designed to stimulate future generations of agriculture-based managers to incorporate environmental best management practices into their daily operations. The curriculum integrates agriculture, food systems, and public health issues, and meets animal agriculture curriculum benchmarks. Modules on management address: odor, site evaluation, feedlot surface, egg wash water, milking center wastewater, silage storage, grazing strategies, nutrient storage and handling. The education modules include tools for teachers to assess changes in their students' levels of knowledge and skills related to environmental stewardship. Three training sessions with a total of 98 vocational agriculture education instructors have been conducted. 92% of those attending have requested a copy of the curriculum, supporting the need for this information for students. For a copy of the curriculum, please see the Ohio State University Curriculum Materials Service website: **www-cms.ag.ohio-state.edu/4DACTION/WEB_InventoryIndividualDisplay/LEAP**

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Communities Come Together to Protect a Local Treasure from Invasive Species - The Chippewa Flowage is a valued and sacred aquatic resource in Northern Wisconsin. The Chippewa Flowage Invasive Species Education and Management Project, led by the Lac Courte Oreilles Ojibwe Community College (LCOOCC), has mapped existing areas of Eurasian water-milfoil and purple loosestrife infestations and the distributions of native aquatic plants on the Chippewa Flowage. LCOOCC and its partners are using their findings and other research about aquatic invasives to develop integrated and collaborative solutions for invasive management. The project also provides education and leadership to targeted organizations, stakeholders and voluteers to help them implement selected management strategies. The project recently underwent a midterm external evaluation. The following are some comments from the external evaluator:

"Having been an external evaluator on a number of grants for various agencies, the documentation of accomplishments . . . is one of the best I have seen. . . I am convinced that the quantity and quality of work achieved in the first two years of this grant are exemplary of the kind of "return on investment" for public money that one could reasonably hope for. It is further indication of the quality of work being achieved by 'Tribal Colleges and Universities' on behalf of their own communities and that of the surrounding non-tribal areas."

Partners include, but are not limited to the WI Department of Natural Resources, University of Wisconsin Extension, the Lac Courte Oreilles Band of Lake Superior Chippewa, the US Forest Service, the Great Lakes Indian Fish and Wildlife Commission, local schools, local lake associations, the Hayward Area Lakes Visitors and Convention Bureau, the Natural Resource Conservation Service, local conservation departments, local businesses, Trout Unlimited, and the River Alliance of Wisconsin. For more information, please see **www.lco.edu/public/ext/water/WaterQuality.htm**

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Applying Knowledge to Improve Water Quality



www.uwex.edu/ces/regionalwaterquality

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Bemidji Brainerd Duluth Fergus Falls Marshall New Ulm Rochester Saint Paul

Helping Minnesota's local governments manage and
conserve their irreplaceable water and soil resources.

Mary Jo Anderson

RIM Reserve Planning Committee's Progress Report:

RIM Reserve Planning Committee's Representatives, Board Member and Staff:
Paul Brutlag (Committee Chair), Dana Allen, Bob Burandt, Paul Langseth, Joe Martin, Kevin Lines (Lead Staff), Tim Fredbo, Tabor Hoek, Kristie Mack, and Pete Waller.

Committee Timeline:

Phase I (May-June 2007)

A. Collect information and ideas from stakeholders.
B. BWSR preliminary assessment of information and ideas to guide preliminary bonding proposal.

Interim (June-October 2007)
Conduct/participate/monitor:
-Clean Energy assessments
-Federal Farm Bill Development
-State Dedicated Funding potential

Phase II (September-November 2007)

A. Review of draft findings and recommendations by stakeholders.
B. Adoption of program plan by BWSR Board.
C. Finalization of bonding bill proposal.

Phase III (FY09-10)
Implementation.

Phase I Meetings Held:

May 10th, 207: RIM Reserve Program Assessment "20 Years of Success."

May 23rd, 2007: Stakeholder Input Meeting-Outcomes "Significant Findings."

June 11th, 2007: RIM Reserve Planning Committee's initial capital investment recommendation.

The RIM Reserve Planning Committee has met three times since May 10th, 2007. A facilitated Stakeholder Input meeting was held on May 23rd, 2007 in which over 50 organizations or agencies were invited to provide their input on the Rim Reserve Program. Twenty-four organizations attended and participated in this process. In addition we received written comments from nine organizations or agencies regarding their ideas on how we can improve the Rim Reserve Program. From this input, staff developed a "Significant Findings" document:

'Significant Findings' From Stakeholder Input Meeting:

- Voluntary program
- Need more and a consistent source of funding
- Focusing/targeting is increasingly important
- Leveraging is a priority, particularly the Federal Farm Bill opportunities
- Maintain/enhancing our local deliver system is critical
- Lack of necessary administrative funding to SWCDs to implement all aspects of RIM Reserve
- TMDL/Impaired Waters targeting
- More wildlife habitat is needed; target priority habitats
- Utilize local work groups to identify high priority areas
- Must maintain competitive payment rates to be successful
- Easement maintenance/long-term management is critical
- Restore/protect key wetland and grassland habitat complexes
- Riparian crop land enrollment/target impaired waters
- Development of a stand-alone RIM Clean Energy Program
- Increased flexibility of land use within easement areas
- BWSR/Program/St. Paul/Regional/Local

At the June 11th, 2007 RIM Reserve Planning Committee meeting, the Committee reviewed the stakeholder input 'Significant Findings' and used this input in assisting in the development of the Committee's FY2009-10 Capital Investment Recommendations:

RIM Reserve Planning Committee's Recommendations:

Capital Investment 2009-10 Recommendations:	Proposed
A. RIM Reserve Opportunities to target: TMDL's/Impaired Waters Riparian Buffers Working Land Initiative Priority Wetland/Grassland/Wildlife Habitats Expiring RIM Reserve contracts (3500 Ac.) Expiring CRP contracts (62,622 Ac.) Lakeshore Easements Others	$30-$40M
B. RIM Reserve/Wetland Reserve Program (WRP) Partnership	$20-$30M
C. Clean Energy Easement Program (New stand-alone program)	$20-$40M

RIM Reserve Planning Committee Information/Reports:

Table of Contents:

- RIM Reserve Program-20 Years of Success (Power Point Presentation)
- May 10th, 2007 RIM Reserve Planning Committee Meeting Minutes
- May 23rd, 2007 Stakeholder Input Meeting, Invitation List
- May 23rd, 2007 Stakeholder Input Meeting, Attendees List
- May 23rd, 2007 Stakeholder Input Meeting, Facilitated Responses
- May 23rd, 2007 Stakeholder Input Meeting, Written Responses
- May 23rd, 2007 Stakeholder Input Meeting, "Significant Findings"
- June 11th, 2007 RIM Reserve Planning Committee Meeting Minutes
- RIM Reserve Committee's Capital Investment Recommendation-June 27th, 2007 Board Meeting
- Map of all Easements 1986-2006
- Map of Wetland Restoration Easements 1986-2006

Reinvest in Minnesota (RIM) Reserve

Stakeholder Input Meeting

May 23, 2007



Reinvest in Minnesota Resources Act

103F.505 PURPOSE AND POLICY.

It is the purpose of sections 103F.505 to 103F.531 to keep certain marginal agricultural land out of crop 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 land adjacent to public waters, drainage systems, wetlands, and locally designated priority waters, from crop production and to reestablish a cover of perennial vegetation.

History: *1990 c 391 art 6 s 71; 1992 c 415 s 1*



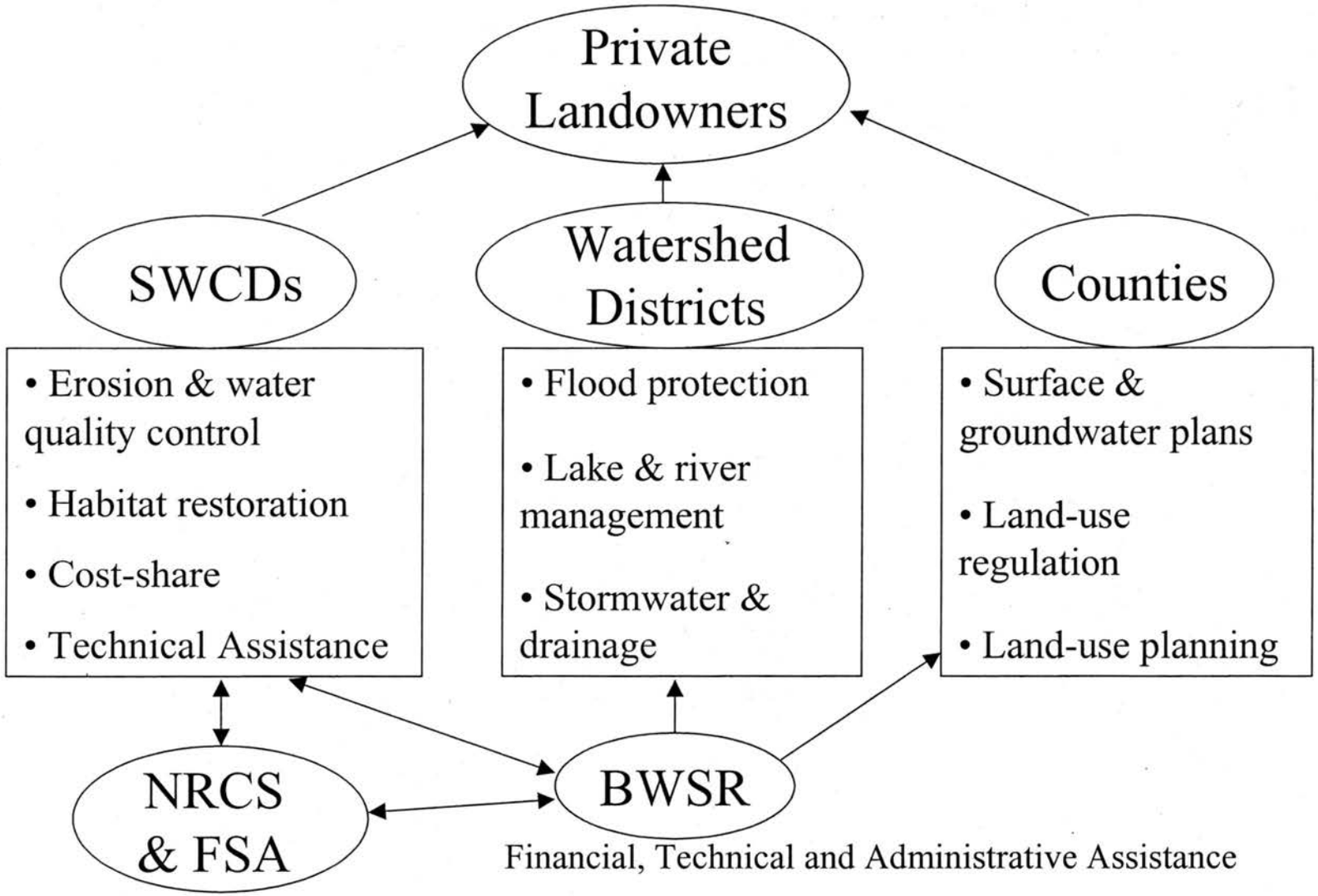
Reinvest in Minnesota (RIM) Reserve

The state's largest private land easement program delivers multiple benefits:

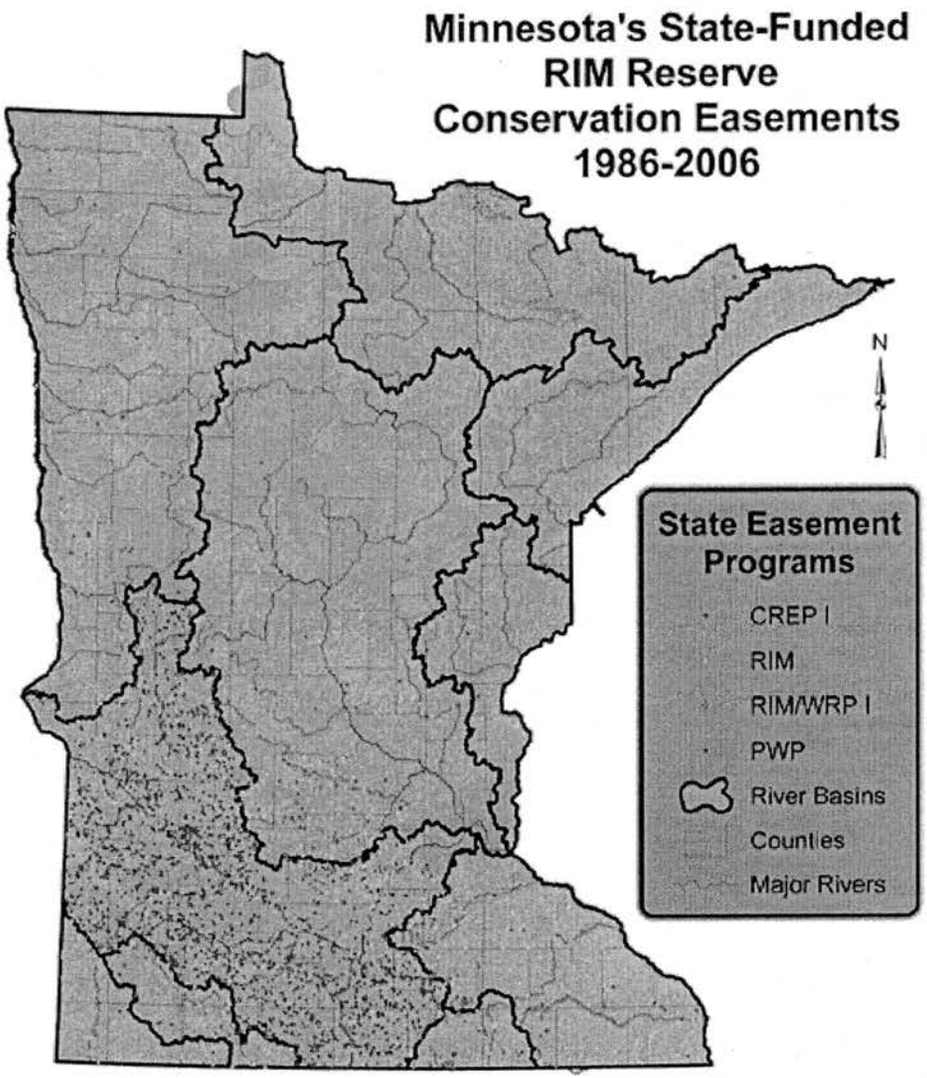
- **Retires environmentally sensitive agricultural land from production**
- **Protects and improves water quality**
- **Reduces soil erosion**
- **Enhances fish and wildlife habitat**
- **Keeps lands on local tax rolls**


RIM Reserve has recently targeted:
• Riparian Lands
• Wetland restoration and associated upland buffers
• Groundwater / wellhead protection

Conservation Delivery System

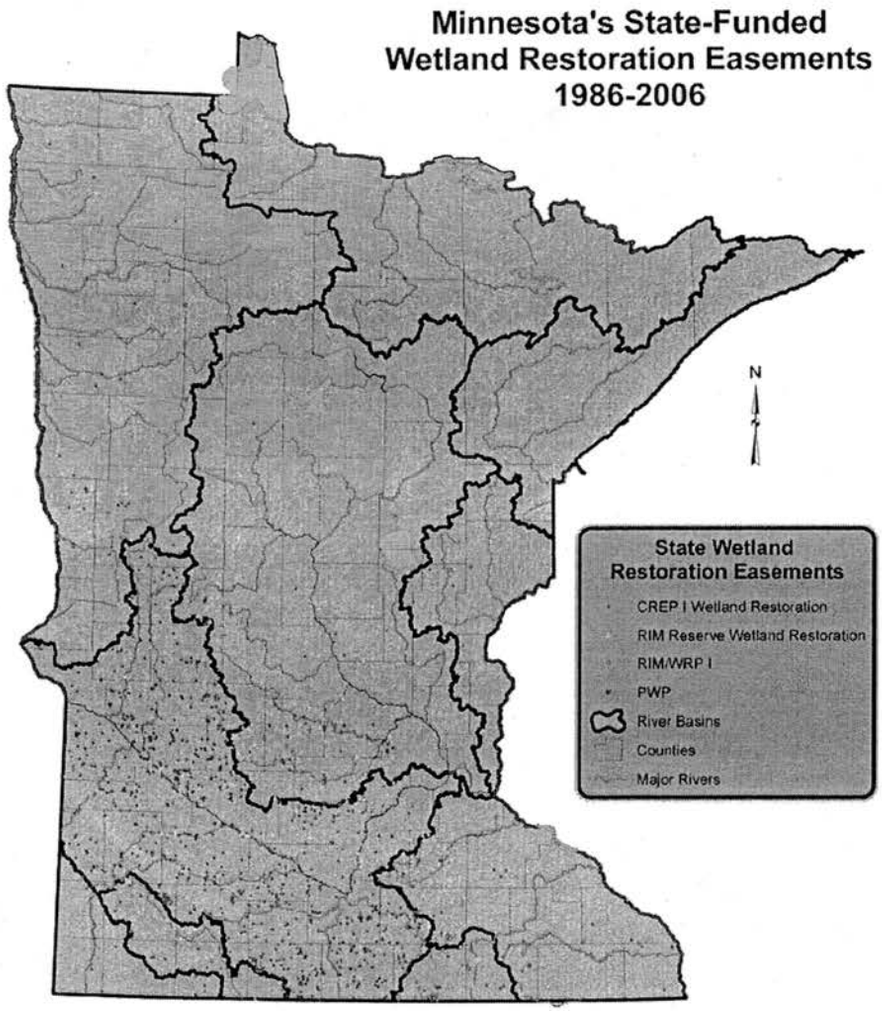


177,000 total acres in RIM Reserve

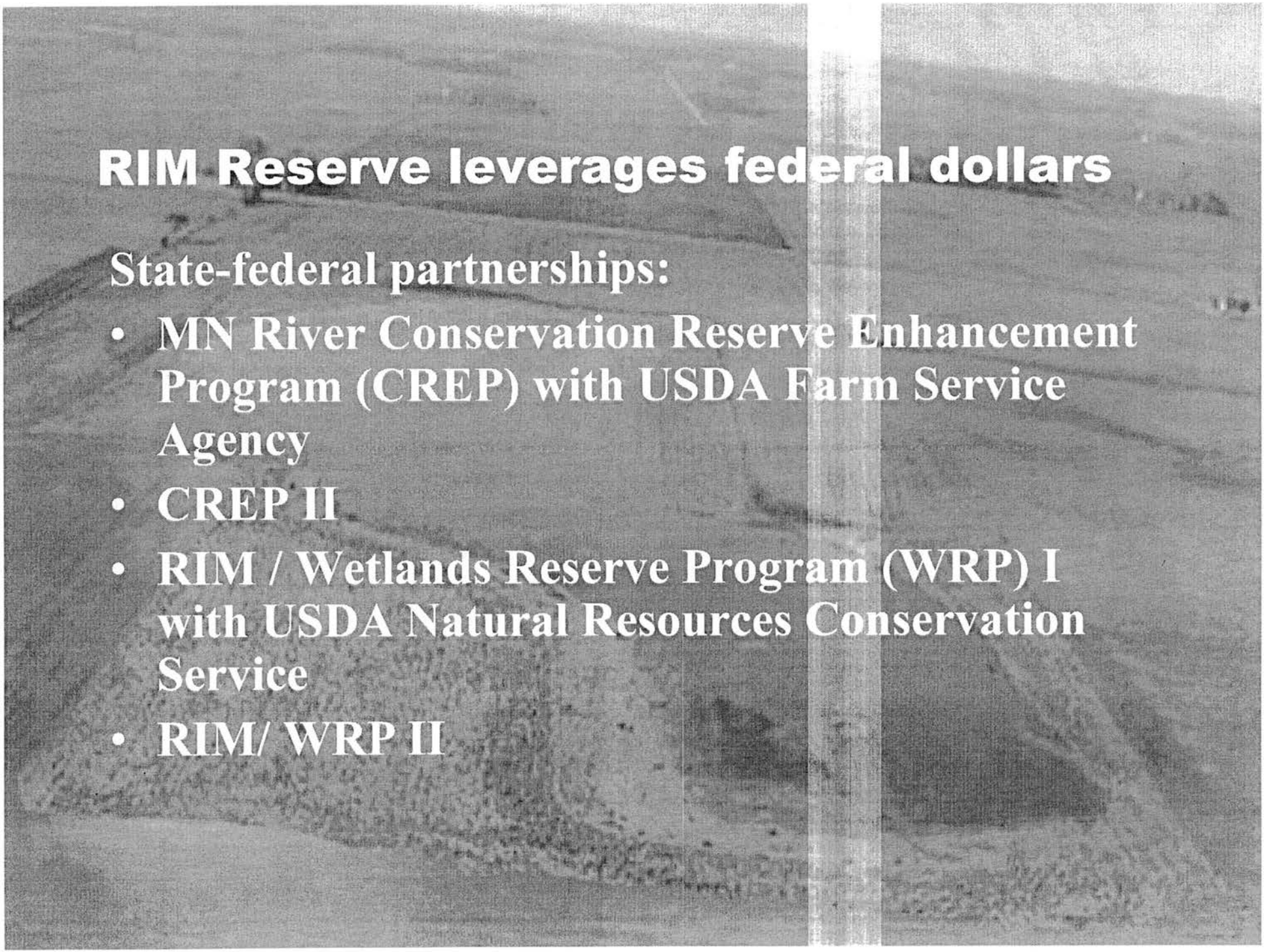


PROGRAM	NUMBER	ACRES
RIM/WRP I	117	6,686
PWP	299	11,490
CREP I	2,470	100,292
RIM Reserve	1,920	58,509
TOTAL	***4,806***	***176,977***

92,439 acres of wetlands restored



PROGRAM	NUMBER	ACRES
RIM/WRP I	117	6,686
PWP	299	11,490
CREP I Wetland Restorations	919	55,246
RIM Reserve Wetland Restorations	512	19,017
TOTAL	***1,847***	***92,439***



RIM Reserve leverages federal dollars

State-federal partnerships:

- MN River Conservation Reserve Enhancement Program (CREP) with USDA Farm Service Agency
- CREP II
- RIM / Wetlands Reserve Program (WRP) I with USDA Natural Resources Conservation Service
- RIM/ WRP II

Looking back ... MN River CREP

- Minnesota River CREP was the second in the nation.
- 100,000 acres (more than half were wetland restorations) were protected.
- 2,456 easements were enrolled.
- Average easement size: 40.9 acres
- Median easement size: 24.5 acres

Minnesota River CREP eligibility requirements:

- Frequently flooded cropland, including land within the 100-year floodplain and major tributaries
- Marginal cropland along rivers and streams
- Cropped wetlands and prairie potholes

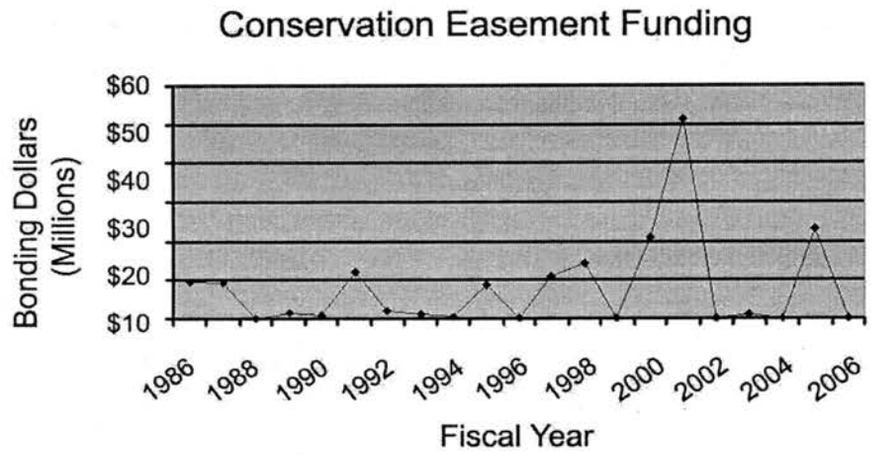
What changed with CREP II

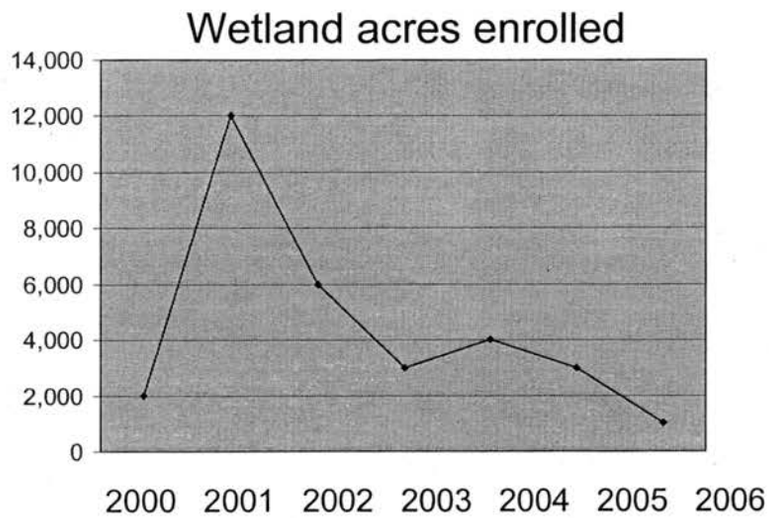
Conservation practices are targeted within subcategories for each region

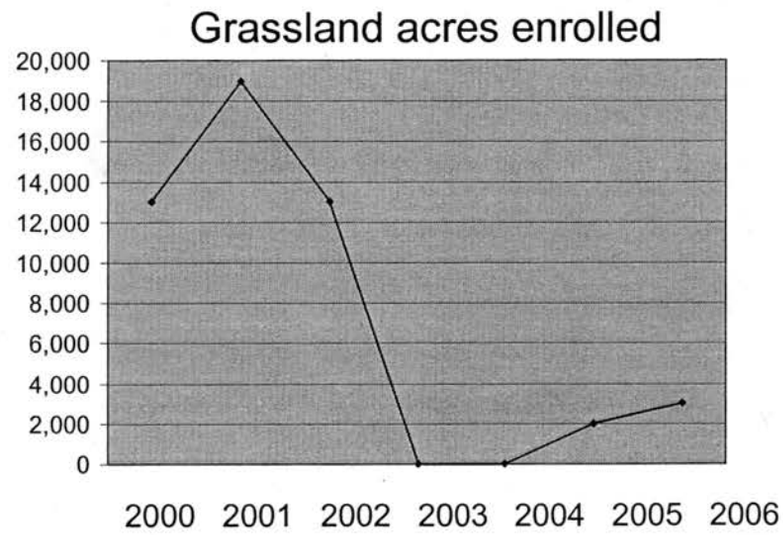
- *Red River targets (51,000-acre goal):*
  - 35,435 acres riparian zones (15 yr. CRP + 45 yr. RIM)
  - 13,440 acres wetland restoration (15 yr. CRP + perpetual RIM)
  - 2,125 acres flood damage reduction (15 yr. CRP + perpetual RIM)
- *Southeast targets (51,000-acre goal):*
  - 14,828 acres riparian zones (15 yr. CRP + 45 yr. RIM)
  - 6,179 acres groundwater protection (15 yr. CRP + 45 yr. RIM)
  - 18,058 acres highly erodible land (15 yr. CRP + 45 yr. RIM)
  - 2,850 acres rotation contour strip (15 yr. CRP only)
  - 6,960 acres wetland restorations (15 yr. CRP + perpetual RIM)
  - 2,125 acres flood damage reduction (15 yr. CRP + perpetual RIM)
- *Southwest targets (18,000-acre goal):*
  - 11,634 acres riparian zones (15 yr. CRP + 45 yr. RIM)
  - 2,016 wellhead/groundwater protection (15 yr. CRP + 45 yr. RIM)
  - 3,600 acres wetland restorations (15 yr. CRP + perpetual RIM)
  - 750 acres flood damage reduction (15 yr. CRP + perpetual RIM)

Capital Investment dollars at work

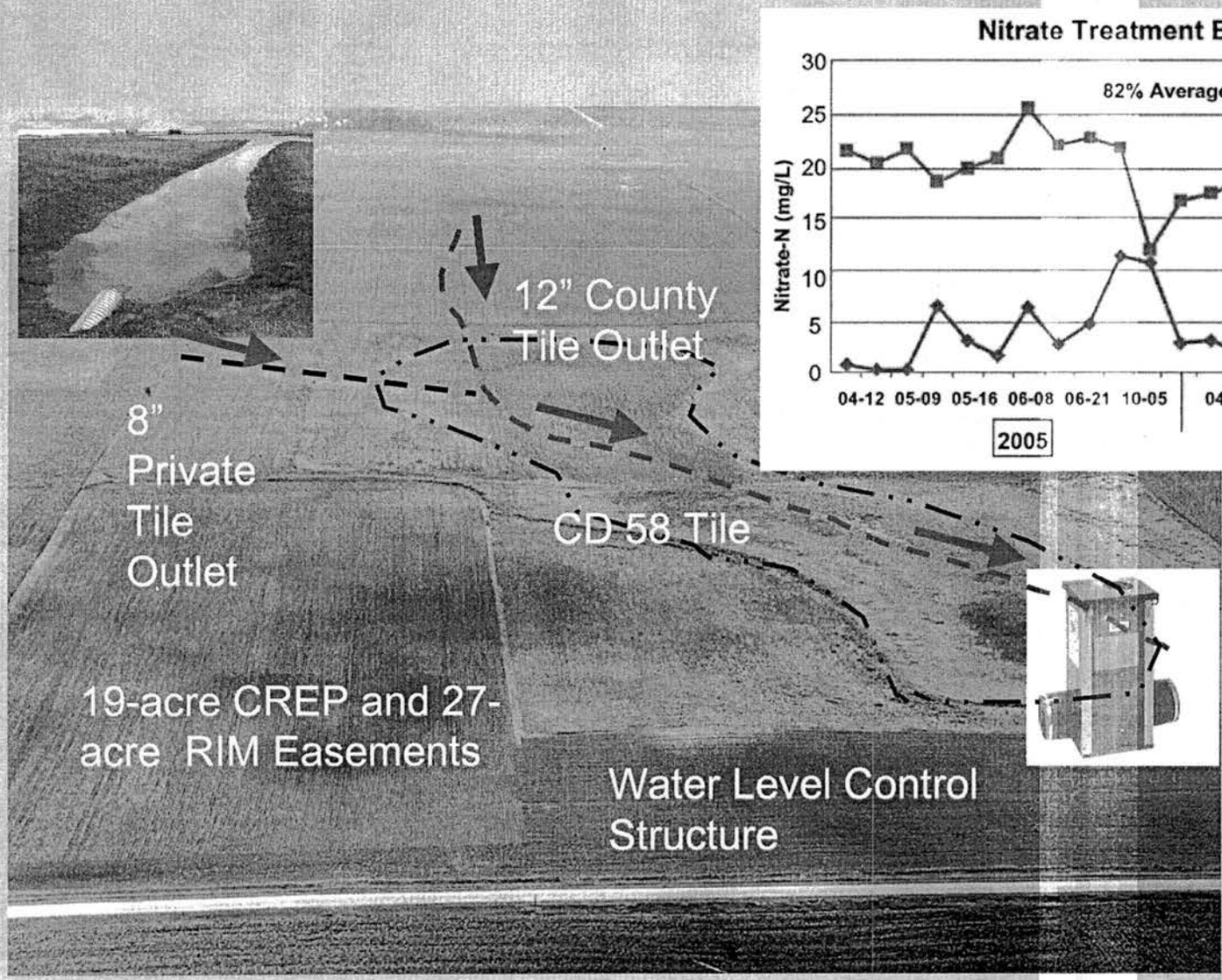
Private Lands = Public Benefits

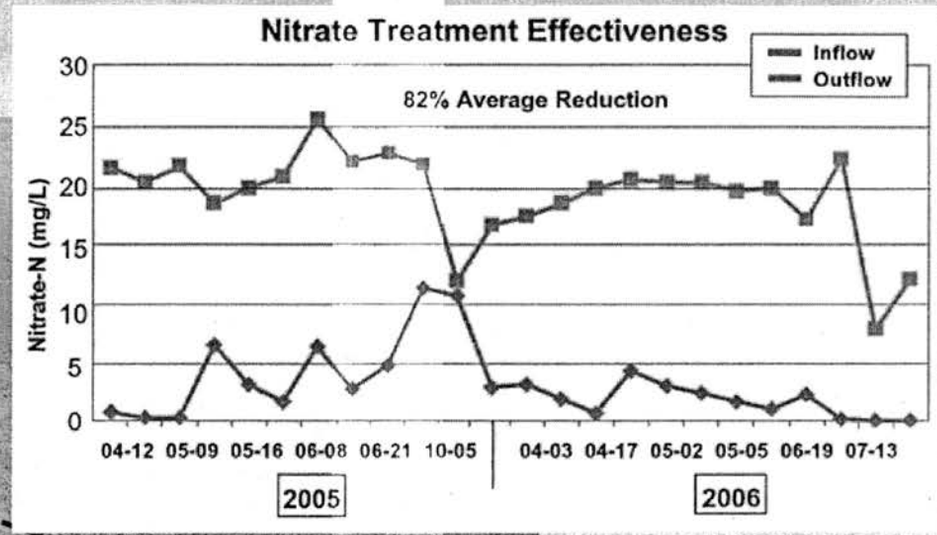






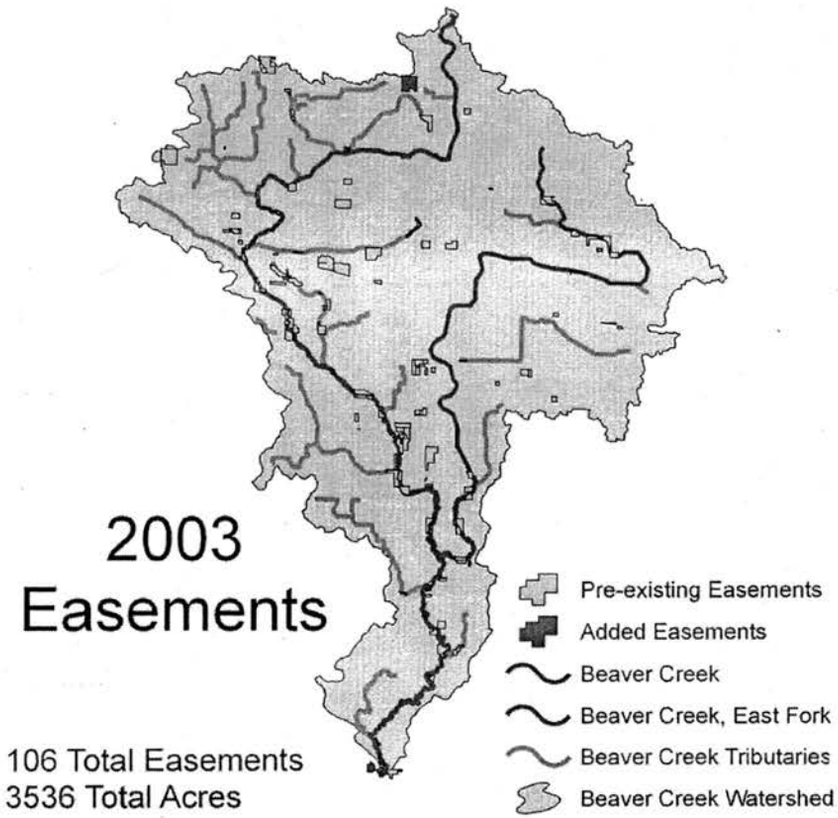
Pollution reduction benefits of conservation easements

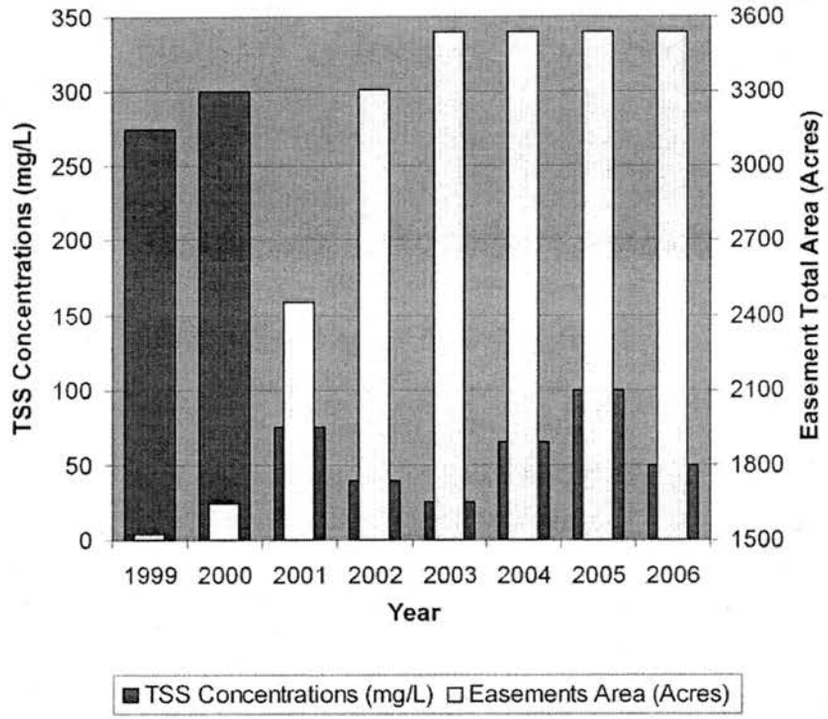




RIM Reserve Wetland restoration in Nicollet County

Hawk / Beaver Creek Case Study





* There were 31 pre-existing RIM Reserve easements contributing to 1270 total easement acres prior to 1999.

Positive landowner response

A 2002 statewide survey of landowners who have enrolled in the Reinvest in Minnesota (RIM) Reserve program has provided valuable insight into the program's success. The survey was conducted by the Water Resources Center of the University of Minnesota.

Top 5 Reasons to Enroll in RIM Reserve

- When asked why they made the decision to enroll, landowners ranked the following reasons as the five most important:

  - 1. Improving wildlife habitat
  - 2. Improving water quality
  - 3. Obtaining income
  - 4. Restoring wetlands
  - 5. Stabilizing stream banks

- The survey also found that:

  - 25 percent of the respondents in the Minnesota River basin would like to enroll more land, and
  - 88 percent of the respondents in the Minnesota River basin would recommend the program to other landowners.


Thank you!
We appreciate your input, and we look forward to your participation in this RIM Reserve planning effort!

Reinvest in Minnesota (RIM) Reserve Planning Committee Meeting-Minutes: May 10th, 2007

"It is the purpose of sections 103F.505 to 103F.531 to keep certain marginal agricultural land out of crop 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 land adjacent to public waters, drainage systems, wetlands, and locally designated priority waters, from crop production and to reestablish a cover of perennial vegetation." This is the Purpose and Policy statement as contained in MS 103F.505.

It is important for us to get broader support for RIM, other than that of the BWSR staff and its partners. Dedicated Funding and the United States Department of Agriculture (USDA) Farmbill Program are two big issues coming up that will affect RIM. With land values and commodity prices on the rise, we will need to be more creative in the future to insure continued success of our conservation easement program.

A brief history of the Reinvest in Minnesota (RIM) Reserve Program:

20 Years of Success:

1986-1992

- RIM was established by the Legislature in 1986. Governor Perpich believed that "RIM is landmark legislation. It provides the foundation for programs that can protect our natural heritage and insure that all residents can continue to enjoy and take pride in the quality of life for which Minnesota is famous."
- 10 to 20 year easements on marginal cropland areas were the early focus of the RIM Reserve Program. (1986-1988)
- The main focus areas of the RIM Reserve Program were to improve water quality, control soil erosion, and to increase and enhance fish and wildlife habitat through conservation easements. (103F.515, subd.1)
- Applications for the RIM Reserve Program were open statewide and local RIM Screening Committees oversaw acceptance to the Program.
- In 1987 the legislature established wetland restorations as an eligible land type, requiring permanent easements.
- In 1989 "sensitive groundwater areas" were added as an eligible land type by the legislature.
- In 1991 the Legislature established the Permanent Wetlands Preserves Program as part of the Wetland Conservation Act. Enrollment began in 1992.

1992-1997

- In September of 1992 Governor Carlson issued a challenge to make the Minnesota River 'swimmable and fishable within 10 years.'
- BWSR focused 50% of the available easement acquisition funds to the Minnesota River Watershed.
- High priority was given to perpetual easement applications. (Contained in Statute 103F.515, subd.2(e))
- The 1996 Federal Farm Program created the Conservation Reserve Enhancement Program (CREP) Initiative within the Conservation Reserve Program (CRP).
- Governor Carlson submitted the Minnesota River Conservation Reserve Enhancement Program application in October 1996, which was approved on February 19th, 1998. It was the second CREP application approved by the USDA in the nation.
- 1997 saw tremendous changes, two new major USDA partnership efforts; the RIM Reserve/Wetland Restoration Program (RIM/WRP) partnership and the Conservation Reserve Enhancement Program (CREP) provided new opportunities to increase enrollment acreage and environmental benefits.
- The RIM Reserve/WRP partnership combines the RIM Reserve Program with the federal WRP (administered by the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)) to restore wetlands and place them first in a 30-year WRP easement, followed by a perpetual RIM Reserve easement. The new RIM/WRP partnership provided for permanent protection of the wetlands while leveraging federal dollars and reducing RIM Reserve costs.
- From 1997-2000, the RIM Reserve/WRP partnership leveraged approximately $6.1 million federal dollars, which combined with $2.2 million in state money, has protected 6,686 acres of wetlands and adjacent uplands.

1998-2004

- Applications were accepted for enrollment in the Minnesota River Conservation Reserve Enhancement Program (CREP) from May 1st, 1998 to September 30th, 2002.
- This was a tremendous opportunity to leverage federal money: $81 million state investment: $164 million federal investment.
- MN River CREP enrolled approximately 100,000 acres totaling 2500 easements.
- Cropland eligibility criteria consisted of the following areas:
    1. Frequently flooded cropland in the Minnesota River Watershed, including land within the 100-year floodplain and major tributaries.
    2. Riparian buffer areas along rivers and streams.
    3. Drained wetlands for restoration and adjacent upland buffers at a 2:1 ratio.
    4. Upland buffers around wetlands and prairie potholes.
- Benefits for the land enrolled include reduced phosphorus and nitrogen runoff, soil erosion reductions, reduced flooding, improved wildlife habitat, and increased recreational opportunities.

2004-to present:

- In 2004 Governor Pawlenty submitted a second CREP application to the federal government.
- The CREP II is composed of grassroots project area proposals, that allowed parts of Minnesota that were not eligible for CREP I, to now be eligible for a conservation easement program.
- CREP II addresses three areas of Minnesota; the Red River Watershed in the Northwest, the Lower Mississippi River Watershed in the Southeast, and the Missouri River and Des Moines River Watersheds in the Southwest.
- 120,000 acres have been proposed for the second round of CREP, with Northwest Minnesota seeking to enroll 51,000 acres, Southeast Minnesota seeking to enroll 51,000 acres, and Southwest Minnesota seeking to enroll 18,000 acres.
- The "Landowner Bill of Rights" was created to communicate to participants what their obligations and expectations are, regarding enrollment in the CREP II.
- The BWSR board increased CREP II payment rates in July of 2006 to help accelerate enrollment in the program.
- Sign-up for the CREP II began on June 6th, 2005 and continues until December 31st, 2007. To date we have enrolled 5,400 acres in 217 easements.

Issues Discussed:

- Tax Liability: The income that land can bring in is limited when landowners enroll their land in an easement, however taxes keep going up.
- In some cases people are now paying more for rural/wildlife property than they are for agricultural lands. How do we approach changes in land values?
- Each county's land assessments and taxes vary across the state. How do we deal with this?
- The state demographer estimates approximately 1 million people will be added to MN within the next 25 years. What affect will this have on land and land values?
- Internal vs. External decisions regarding taxes: See attached, 'Summary of Statutes Affecting Property Tax Valuation on Conservation Easements.'
- The original enrollment process for the RIM Reserve program used a statewide application period in the fall. This was transitioned to a continuous enrollment method because our federal partnerships required a continuous enrollment process.
- RIM Reserve has been successful because its current statutes & rules have allowed it to remain flexible in dealing with numerous eligible land types and reasonable landowner eligibility requirements.
- A suggested, new approach to payment would be a tiered approach for enrollment? A higher payment rate would be applied to protect critical resources, while a lesser payment would be applied to other lands.
- Existing limited RIM Reserve contracts, and CRP contracts are expiring. We need incentives for landowners to keep the conservation practices associated with these contracts, in place.

- New name for RIM Reserve? Is this name confusing or does it have negative connotations?

Landowner concerns observed by field staff:

- Conservation payments must be competitive due to alternative land use.
- Programs need to be farmer friendly if they are to be attractive to landowners. For example, not being able to round-out fields enrolled makes it more difficult and less efficient for farmers to manage their land.
- Compensation must be significant to convince landowners to enroll in a long-term easement versus a 15-year contract (CRP). The cost benefits need to be real to the landowner as well as to the state. Does the resource protection need to be permanent?

Items to focus on:

1. Targeting: This can be done by 1) Watershed, 2) Land eligibility, 3) Geography, etc. How do we want to target? Do we want to target at all?
2. Length of Easement: Minimum length of a RIM Reserve easement can be 20 years. This is due to bonding. The state has to pay back capital investment dollars (bond repayment timeline=17.3 years) before easement duration runs out.
3. Weed Control/Maintenance/On-going Management: Additional landowner responsibilities we need to take into consideration.
4. Greenspace/Urban: RIM can be useful in urban as well as rural areas. However, payment rates are now based on agricultural rates(cropped rates). This needs to change if we want to capture acres in urban areas.
5. Taxes/Structure: Re-tooling system. Pay local government to take land off tax rolls. State would make a payment to local governments.
6. Marketing/Streamlining: We need to maintain our good working relationship with the private landowner, as well as our local delivery system (SWCD's, Watershed Districts, etc.)
7. Leveraging-connection to Federal & State programs: Do we want to do a stand-alone RIM sign-up again? Targeting is great, however a statewide program keeps everyone interested. Is there a way to optimize partnerships without minimizing interest?
8. Payment Rates vs. Market: We need to be able to pay to get critical pieces of land enrolled. We need a larger, more consistent source of funding.
9. What are the State's critical resource needs? Recognizing the importance of the Farmbill Program and its' impact on private lands makes it appropriate for BWSR to look at a 5 year timeframe to assess the priorities of our conservation easement programs. Under this approach we can address local as well as national needs.
10. Demographics: What will occur in the future with regards to urbanization? Who are our potential clients; farmers, children who inherit property, people buying land for hunting, etc.

Sec. 4. [103F.518] Reinvest in Minnesota Clean Energy Program

Subdivision 1. Establishment of program. (a) The board, in consultation with the technical committee established in subdivision 11, shall establish and administer a Reinvest in Minnesota clean energy program that is in addition to the program under section 103F.515. The board may adopt rules to implement this section. Selection of land for the clean energy program must be based on its potential benefits for bioenergy crop production, water quality, soil health, reduction of chemical inputs, soil carbon storage, biodiversity, and wildlife habitat.

Phase II-Future Visions & Opportunities

Staff thoughts:

- BWSR needs to stay sharp. We need to stay on top of changing issues/ideas. -Market, political and resource issues are changing/evolving. We need to use our Board now to help address these concerns.
- BWSR needs to continue to be on the forefront and take advantage of future opportunities.
- We need to keep our LGU's well prepared and involved in the issues. We have the responsibility to support our districts.
- Improve our relationships with landowners. Rebuild trust and remain open to change.
- What do we want RIM to do and does it fit BWSR's mission?
- We need to stay flexible to be able to use RIM no matter what direction we decide to go.
- We may be able to influence some change concerning tax issues, and have the responsibility to bring these changes to the forefront.

It is important to keep the following three items in mind in regards to having a successful RIM Reserve Program:

1. We need to obtain/maintain landowner interest.
2. Local delivery is critical.
3. We need to get citizens and the legislature to see the value in investing public dollars in private lands.

Stakeholder Input Process

Possible questions:

A. What's going well?
B. What could be better?
C. How would you target dollars?
D. Flexibility vs. Prescriptive?
E. Are there land preservation needs that are different than what the current RIM Reserve program targets?

Meeting should begin with a brief power point on the history of RIM.
We will attempt to explain to stakeholders:

1. Why you're here.
2. How we are going to use input given.
3. How will the job get done?
4. What's next? Expectations of Stakeholders vs. Committee.

Heidi, Brian, & Kevin will meet to fine tune questions and to decide what the structure of the meeting will be. How will we best obtain the thoughts/ideas of +/-57 people within the three hours we have?

Wednesday, May 16th, 2007: Goal we're shooting for to formulate and send out questions to stakeholders. Give up to a two-week time period for stakeholders to respond to our questions.

June 11th, 2007 from 1pm to 3pm: Committee meeting date, to draft a resolution and gather stakeholder input.

June 25th, 2007: Draft Resolution to governor by this date.

June 27th, 2007: June board meeting.

Minnesota RIM Reserve Stakeholder Invitation List		
Organization	**Contact**	**E-mail Address**
Agriculture		
AgriGrowth Council	Daryn McBeth	daryn.mcbeth@agrigrowth.org
Farm Credit	Dave Ladd	dave.ladd@agribank.com
MN Assoc of Coops	Amy Fredregill	amy.fredregill@wfcmca.coop
MN Barley Growers	Marv Zutz	mzutz@gvtel.com
MN Buffalo Association	Gail Griffin	ggriffin@luminet.net
MN Cattlemen	Tom Pyfferoen	tpyffero@pitel.net
MN Corn Growers Association	Bruce Stockman	stockman@mncorn.org
MN Farm Bureau	Kevin Paap, President	kpaap@midwestwireless.net
	cc: Chris Radatz	cradatz@fbmn.org
MN Farmers Union	Doug Peterson, President	Doug@mfu.org
	cc: Thomas Peterson	thom@mfu.org
MN Grain and Feed Association	Bob Zelenka	mgfa@usinternet.com
MN Milk Producers	Bob Lefebvre	blefebvre@mnmilk.org
MN Pork Producers	Dave Preisler	david@mnpork.com
MN Sheep, Lamb and Wool	Jeremy Geske	jgeske@fbmn.org
MN Soybean Growers	Lawrence Sukalski	sukallnd@frontiernet.net
	Jim Palmer	jim@mnsoybean.com
	cc. Jerry Schoenfeld	greaterstate2002@yahoo.com
MN Turkey and Poultry	Steve Olson	steve@minnesotaturkeys.com
MN Wheat Growers	Dave Torgerson	torgerso@gvtel.com
	cc. Bruce Kleven	klevlaw@aol.com
Red River Valley Sugarbeet Growers	Nick Sinner	nick.sinner@rrvsga.com
Conservation/Environmental/Energy		
Citizens for a Clean Minnesota River	Scott Sparlin, Executive Director	yasure@lycos.com
Clean Up Our River Environment (CURE)	Patrick Moore, Executive Director	cure_ed@info-link.net
Ducks Unlimited	Ryan Heiniger	rheiniger@ducks.org
Fish & Wildlife Legislative Alliance	Lance Ness	nesslk@juno.com
Institute for Agriculture and Trade Policy	Don Arnosti	darnosti@iatp.org
Izaak Walton League	Brad Redlin	bredlin@iwla.org
Land Stewarship Project	George Boody	gboody@landstewarshipproject.org
Minnesota Conservation Federation	Gary Botzek	gary@capitolconnections.com

Conservation/Environmental/Energy	**Contact**	**E-mail Address**
Minnesota Deer Hunters Association	Mark Johnson	mjohnson@mndeerhunters.com
Minnesota Outdoors Heritage Alliance	John Schroers	jrschroers@aol.com
Minnesota Project	Diane Jensen	daitura@aol.com
Minnesota Waterfowl Association	Brad Nylin	brad.nylin@mnwaterfowl.com
Minnesota Waters	Bruce Johnson, Executive Director	brucej@minnesotawater.org
MN Campaign for Conservation	John Curry, Director	john.minnesota@comcast.net
MN Environmental Partnership	Steve Morse, Executive Director	stevemorse@mepartnership.org
NWTF Regional Director	Tom Glines	bosstom@comcast.net
Pheasants Forever	Matt Holland	ringneck@tds.net
Teddy Roosevelt Conservation Partnership	Jim Klatt	jklatt@trcp.org
The Nature Conservancy	Tom Landwehr	tlandwehr@tnc.org
Local Government		
Association of Minnesota Counties	Annalee Garletz	garletz@mncounties.org
Cass SWCD	John Sumption	john.sumption@co.cass.mn.us
Farmland & Natural Areas Program, Dakota Co.	Al Singer	al.singer@co.dakota.mn.us
Grant County	Greg Lillemon, Zoning Adiminstrator	greg.lillemon@co.grant.mn.us
Grant SWCD	Joe Montonye	montonye@mn.nacdnet.net
Jackson SWCD	Brian Nyborg	brian.nyborg@mn.nacdnet.net
MN Association of SWCD's	LeAnn Buck, Executive Director	leann.buck@maswcd.org
	cc: Judy Erickson	jlerickson@tcinternet.net
Minnesota Association of Townships	David Fricke, Executive Director	dfricke@mntownships.org
MN Association of Watershed Districts	Ray Bohn	raybohnmga@aol.com
Mower SWCD	Bev Norby	bev.norby@mn.nacdnet.net
Red River Watershed Management Board	Ron Harnack	hrnckcrk@frontiernet.net
Wilkin SWCD	Don Bajumpaa	donald.bajumpaa@mn.nacdnet.net
	WD #1	
	WD #2	

Federal Agencies	Contact	E-mail Address
USDA-Farm Service Agency (FSA)	Perry Aasness, State Executive Director	perry.aasness@mn.usda.gov
	cc: Greg Anderson: Conservation Specialist	gregory.anderson@mn.usda.gov
USDA-Natural Resource Conservation Service (NRCS)	Bill Hunt, State Conservationist	william.hunt@mn.usda.gov
	Paul Flynn, Assistant State Conservationist	paul.flynn@mn.usda.gov
	Tim Koehler, Assistant State Conservationist	tim.koehler@mn.usda.gov
USFWS-United States Fish and Wildlife Service	Jim Leach, Refuge Supervisor	jim_leach@fws.gov
-Partners for Fish & Wildlife Program	cc: Sheldon Myerchin	sheldon_myerchin@fws.gov
State Agencies		
Minnesota Department of Agriculture	Joe Martin, Assistant Commissioner	Joe.Martin@state.mn.us
	cc: Paul Burns, Assistant Director Ag. Res.	paul.burns@state.mn.us
Minnesota Department of Commerce	Mike Bull, Assistant Commissioner	mike.bull@state.mn.us
Minnesota Department of Health	Dan Wilson	Daniel.Wilson@health.state.mn.us
Minnesota Department of Natural Resources (DNR)	Mark Holsten, Commissioner	mark.holsten@dnr.state.mn.us
	cc: Wayne Edgerton	wayne.edgerton@dnr.state.mn.us
	cc: Mark Lindquist	mark.lindquist@dnr.state.mn.us
Minnesota Pollution Control Agency	Brad Moore, Commissioner	brad.moore@pca.state.mn.us
	cc: Lisa Thorvig	lisa.thorvig@pca.state.mn.us
	cc: Wayne Anderson	wayne.p.anderson@pca.state.mn.us
University of Minnesota		
-Department of Applied Economics	Steve Taff	sjtaff@umn.edu
-Department of Soil, Water & Climate	Jim Anderson	ander045@umn.edu

List of Attendees for the RIM Stakeholder Meeting, May 23rd, 2007

Last Name	First Name	E-mail Address	Organization
Anderson	Wayne	wayne.p.anderson@pca.state.mn.us	Minnesota Pollution Control Agency
Arnosti	Don	darnosti@iatp.org	Institute for Agriculture and Trade Policy
Botzek	Gary	gary@capitolconnections.com	Minnesota Conservation Federation
Burns	Paul	paul.burns@state.mn.us	Minnesota Department of Agriculture
Edgerton	Wayne	wayne.edgerton@dnr.state.mn.us	Minnesota Department of Natural Resources
Fredregill	Amy	amy.fredregill@wfcmca.coop	MN Association of Coops
Glines	Tom	bosstom@comcast.net	National Wild Turkey Federation
Holland	Matt	ringneck@tds.net	Pheasants Forever
Klatt	Jim	jklatt@trcp.org	Teddy Roosevelt Conservation Partnership
Koehler	Tim	tim.koehler@mn.usda.gov	USDA, Natural Resource Conservation Service
Leach	Jim	jim_leach@fws.gov	USFWS, Partners for Fish & Wildlife Program
Lefebvre	Bob	blefebvre@mnmilk.org	MN Milk Producers
Lindquist	Mark	mark.lindquist@dnr.state.mn.us	Minnesota Department of Natural Resources
Montonye	Joe	montonye@mn.nacdnet.net	Grant SWCD
Myerchin	Sheldon	sheldon_myerchin@fws.gov	USFWS, Partners for Fish & Wildlife Program
Norby	Bev	bev.norby@mn.nacdnet.net	Mower SWCD
Nyborg	Brian	brian.nyborg@mn.nacdnet.net	Jackson SWCD
Nylin	Brad	brad.nylin@mnwaterfowl.com	Minnesota Waterfowl Association
Peterson	Thomas	thom@mfu.org	MN Farmers Union
Radermachor	Dianne	dianne.radermacher@mn.nacdnet.net	MN Association of Watershed Districts
Schafer	Glenn	glenn.schafer@mn.usda.gov	USDA, Natural Resource Conservation Service
Sukalski	Lawrence	sukallnd@frontiernet.net	MN Soybean Growers
Vanney	Sheila	sheila.vanney@maswcd.org	MN Association of SWCD's
Wrede	Erik	ewrede@tnc.org	The Nature Conservancy

Reinvest in Minnesota (RIM) Reserve Stakeholder Meeting
Responses to Questions Put Forth for Stakeholder Reflection

Question #1: What do you believe is contributing to the success of BWSR's RIM Reserve Program?

1. Local delivery is critical. (12 similar comments made) Landowners are more willing to listen and accept suggestions and solutions from local staff. The staff knows the people and the land the best. There is an established trust between landowners and local staff.
   -Dedication of BWSR staff as well as the local delivery system (SWCD staff, Watershed District staff, etc.).
   -Well trained staff at multiple levels around the state, not just in St. Paul.
   -Focused efforts on maintaining good partnerships. Good support from, and collaboration among and between these partnerships-sportsmen and women, legislature, USDA, drainage authorities, and all other county, state and federal agencies and groups. (10 similar comments made)
   -BWSR board has been a good tool for the public to participate and be involved in the program and it's happenings.

2. More wildlife habitat. (7 similar comments made) The ability to target local needs. Focusing on HEL's, restoration of wetlands, and marginal lands. Integrate goals/programs relative to: clean water, habitat, climate and energy.

3. The program works for farmers because it provides economic benefits, such as income for marginal land. It works for the public because it provides environmental benefits, such as improved water quality. (6 similar comments made)

4. RIM is a <u>voluntary</u> program that provides perpetual benefits and leaves a legacy. (4 similar comments made)

5. Flexible restoration guidelines, project design excellence. Flexibility in application (wide variety of eligible lands) (4 similar comments made)

6. Educating the public through private landowners-a lot of people are showing a concern for clean water. Landowner word of mouth has helped the program grow. There is a growing understanding among farmers and agricultural organizations that good stewardship is positive for farming.

7. Landowners are interested in what we are selling. Local staff must believe in the program to sell the program. The program makes sense to landowners; eligibility is relatively simple, payment rates are straight forward, and cost-share is set.

8. Include shorter duration easement option if non-bond funds are available. The greater than 10 year contract length is a positive. Perpetual Easements!

9. Good payment rates, competitive compensation for enrollment.

10. The ability of BWSR to utilize the local delivery system of SWCD's without the SWCD commitment of time and money. Ability to partner with other funding sources to use state dollars effectively. Bonding dollars are easy to get compared to general funds.

Question #2: How could BWSR's RIM Reserve Program be improved to become even more successful?

1. Need a more consistent source of funding! (9 similar comments made) Stable, base funding is needed. Seek matching dollars wherever possible (3 similar comments made).

2. Increase payment rates by targeting specific lands. Payment rates need to be more adaptable to reflect changing land value. (7 similar comments made) Address rising land valuation in relations to property taxes. Pay LGU for property tax, rather than making a landowner payment. Conservation must be competitive with other options available to landowners.
   -Escalating land values are increasing property taxes. (4 similar comments made) For those landowners who are locked into a Permanent RIM easement, there is an escalating tax cost which may force hardship on fixed income landowners. If the land value of these acres placed in a permanent RIM easement could be locked in at the time the easement is placed, it would not paralyze the landowner.
   -We need more funding due to increased demand for agricultural production and urban development. Keep in mind that additional funding is also needed at the local SWCD to keep up with inflation.

3. Increased flexibility of land use within easement areas. (4 similar comments made) For example, allow more managed grazing, bioenergy harvest, haying. In turn, payment rates on these areas would be less. Allow landowners to better round out fields and allow shorter-term contracts.

4. Easement maintenance-better weed management. (3 similar comments made) Controlled burns. Give districts additional maintenance incentives throughout a specified long-term period. Make sure native species being planted, out competes weeds that may appear.

5. Augment bonding dollars with general fund dollars to support ancillary investment in more flexible practices.

6. Expand eligibility for the program by allowing things like biomass fuel production, with a managed plan. Allow/require greater upland ratio associated with wetland restorations. Include certain native plant communities (without crop history) for inclusion.

7. Define goals and outcomes/better track measures of success.

8. Continue spirit of partnerships by leveraging other programs/initiatives, for example, clean water legacy and private sector connections (CCA's, etc.). Work more closely with stakeholder groups. Establish a new conservation advisory board, for example hunters and anglers, to help promote current success and offer ideas for new projects.

9. Continued education is very important.

10. An annual statewide program would be better than a continuous sign up. Continuous sign ups are nice, but limited dollars may prevent continuous applications. Also, it takes time to change landowner values. When sign-up periods for programs are short, this is a problem. Having a general sign-up would give staff time to work with and entice landowners to enroll in programs.

Question #3: What ideas or frameworks do you have for targeting limited RIM Reserve dollars?

1. Targeting can be done by specific practices (sensitive lands) (9 similar comments made) or by geography (5 similar comments made).
   -For example, sensitive land targets could be any of the following;
   - -Buffers
   - -Wetland Restorations
   - -Rivers, streams, ditches, lakes
   - -HEL's

   -Or tie in sensitive lands based on endangered species. What lands are most critical to endangered species in the area?

   -Targeting by geography could be done by focusing on areas of the state that have been left out of past programs.

2. Target some RIM funding to help achieve individual TMDL Implementation plans. (3 similar comments made)

3. Utilize local work groups to identify high priority areas. (3 similar comments made) Have local water plans quantify and specify targets/goals. Off the top allocations could be used and/or priority points, or priority given to applications meeting targeting criteria. As an alternative, we could have the board set our targets/priorities.

4. Use existing technology (GIS) & infrastructure to help with delivery. (2 similar comments made) The framework for the program is already in place, we need to take advantage of it in order to be more efficient.
   -For example, the FWS office in Fergus Falls has already produced a map using GIS technology, which identifies priority focus areas.
   -We could also use the USFWS grassland bird conservation area model to prioritize.

   -We need to capitalize on enhancing existing state investments in conservation.

5. We need to be more surgical in the land selection process and be willing to pay a premium to get land that benefits water quality the most, into the program. However, it is a concern that being more surgical means less focus on wildlife and more focus on soil and water.

6. Look at targeting existing CCRP & CRP. This is arguably the most sensitive land and is likely already enrolled in a short-term program. We may be able to obtain this land for minimal dollars.
   -Maximize collaboration with working lands initiative. Tie some RIM projects into jointly funded roadside habitat programs, working with MNDOT and DNR Highway Transportation dollars.
   -Enhance Federal Farm Program opportunities with RIM Reserve.

7. The IRS may require CRP payments to have a self-employment tax attached to them. RIM and CRP payments will have to be higher to make up for this tax. As some conservation acres are sold (for hunting land, recreation land, etc.), property values are on the rise on existing conservation acres, for example, CREP acres. At some point in time property tax increases will cause the landowner to hold out for higher RIM & CRP rates.

Question #4: What are some local conservation/preservation needs that are different than what the current RIM Reserve Program targets? How might the RIM Reserve targets be adjusted to support these local needs?

Areas of focus/areas to target:

1. Prairie wetlands and grassland restorations continue to be the priority. (4 similar comments)
2. Impaired waters. (3 similar comments)
3. Urban areas-greenspace. (2 similar comments)
4. Target waterway buffers in major agricultural areas, for example, drainage systems. (2 similar comments)
5. Flood control. (2 similar comments)
6. Shoreland protection. (2 similar comments)
7. Focus on agricultural storm water management.

8. Restoration or preservation of oak savannahs that had naturally existed along some riparian corridors.
9. Infeasible to farm options/squaring up fields.
10. Include lands with no cropping history.
11. Make program accessible to lake and forest areas of the state.
12. Interface wildlife and water quality as dual components in a future RIM program.
13. Protect and restore habitat for threatened & endangered species.

-We should collaborate with Clean Water Legacy and TMDL impairment reduction.
-Subdivisions: provide funding based on the value at the land for development vs. cropland. It makes no sense to spend money cleaning up agricultural runoff only to have urban runoff problems.
-NW MN doesn't have much RIM-why? We need to try and resolve this problem.
-Township by Township rate changes that are significant need to be dealt with in some additional way.
-Provide enough funding to SWCD's to implement all parts of RIM, from application to monitoring.

Question #5: How would you suggest we use geographic-specific enrollment criteria and land resource type eligibility criteria to target RIM Reserve dollars? For example, geographic-specific lands must be located in the Sauk River watershed; land resource type means previously drained wetlands and associated uplands.

1. Species approach. What species need help/which species are threatened or endangered?
2. We need a combined approach; geographic/species.
3. Opportunities become smaller when we become too targeted. The probability of landowners who will say yes to the program, becomes smaller the more targeted we become. We also lose interested parties outside of the program area when targeting becomes too focused.
4. Monitor how much work we make landowners do to enroll in the program when we know we have a limited amount of dollars. For example, 50 people may apply, but only 4 get in due to funding limitations.
5. Don't prioritize ourselves out of an effective program. We need to maintain flexibility and take advantage of federal dollars.
6. We need to use today's technology, for example GIS, to intersect all our resource needs. We could give points to certain layers. When you receive so many points, you get funded.
7. BWSR may be able to look at obtaining some of the funds that are currently set-aside in the transportation bill for roadside ditch buffers.
8. How we engage the private landowner is key to RIM's future success.

Question #6: How important is leveraging RIM Reserve dollars with other funding sources? What funding sources are particularly important to leverage and why?

1. Leveraging is highly important. The Farmbill is the #1 area where we need to take advantage, due to large amounts of funding available within the Farmbill. Clean Water Legacy dollars would be another tool for us to use.
2. We need to be careful not to take dollars away from commodities. Rather, we need to get extra dollars for conservation. Right now landowners have a good working relationship with FSA, NRCS, SWCD's. All these agencies are in one place, which makes it easy for landowners to get their business done and questions taken care of. If you start taking money away from commodities, you will see landowners backing away from participating in Farmbill programs because they won't be worth going into.
3. Leveraging is good, but watch who our partners are. Different programs have different priorities. We are talking easements; clean water legacy may have other focuses and priorities that are not what we are looking for.
4. RIM was started when agricultural conditions were not good. Now we are trying to get landowners to enroll who have high valued land. This is a real challenge.
5. How do we maximize wildlife when we have clean energy programs competing for the same land?
6. We don't want to have unused dollars from RIM dollars granted to us. We don't want to lose funding because the legislature sees unused dollars as unnecessary dollars for future programs.
7. We need to leverage landowner needs with public needs/public good.
8. What are the environmental cost benefits? What's wildlife worth? What should we pay for critical lands? For example, should we pay landowner 'X' more than landowner 'Y' because they have more environmental benefits to offer?

Question #7: What other perspectives or ideas would you like to share with us about the RIM Reserve Program?

1. When landowners enrolled in CREP, their property values went down along with their taxes. Now, land values are going up, which is affecting the taxes on these set aside lands. Along with the new challenge of rising land values, is the self-employment tax on CRP lands. Due to these changes, the payment infrastructure needs to be changed.
2. Landowners, who enrolled in CRP at one time or another, are now not eligible for CREP. This is a problem. Can we change this?
3. We should not change the rules in the middle of the game, for example CREP II; we lose credibility with the landowner this way.
4. Do we have enough staff to implement programs or should funding go strictly to the program?
5. Landowners don't necessarily differentiate between agencies as far as what agency staff person they are working with. Negative attitudes towards agencies are not seen that much any more.

6. Most goals have been acreage based. This is a problem. We need more flexibility as far as measurements/acreage outcomes are concerned. Each acre is not equal. We need to ask the legislature to back off of acre requirements and focus more on quality vs. quantity.
7. Tiered system for payments-how much do we pay vs. benefit to public. The more benefit, the more we pay the landowner. Examples of this can be found in the Clean Energy proposal.
8. Why, how, what, do non-landowners feel about RIM; and about having land enrolled in the RIM Program?
9. Make sure not too much land is taken out of production in one area so small town rural economies are not negatively affected.
10. We have well-trained staff, but we fall short when it comes to offering something attractive to the landowner.
11. Have we tried to leverage funds from the private sector? Such as, crop consultants, grain elevators, etc.
12. We should look at the 1984 report on RIM. There's a lot of knowledge in this report. We could use it to see what we haven't targeted yet.

Comments from BWSR Board Conservationists Pete Waller and Dan Steward

At last week's staff meeting Dan Steward and I had an opportunity to discuss the RIM program and the program plan which is currently underway. Dan is a BC located in Brained with a work area rich in lakes from Douglas-Crow Wing-Atikin-Cass counties. He has a good perspective to the benefits private easements as a 'tool in the resource management tool box' (water quality & habitat-both on land and in the water) for the non-traditional RIM portions of the state.

Dan also provided me with the attachment passed by the legislature which was vetoed by Gov Ventra. Obviously a lot of thought and effort went into the attached shoreland protection program.

I'll not be able to attend the June 11th RIM meeting, but thought this worthy.

Pete

Dan Steward's June 1st email:
Pete, Thanks for the opportunity to provide comment for the RIM Plan. As we discussed at the staff meeting yesterday, RIM started out in an era of concern for a very weak farm economy and surplus crop production. A lot has changed over the past twenty years, and we have a great opportunity to review RIM to see if it can reflect some of those changes. One of the big easement developments over the past few years was how CREP solidified BWSR's role as the private lands easement agency. Now with the Clean Water Legacy up and running, and its "protection" element, we have a new opportunity to extend our easement role into the forested zone. It is harder to define the practices that will come to define "protection", but one of them should be shoreland easements.

Easements can be mapped, they are long term, and they can be focused on high priority sites, such as water quality or spawning areas. I don't want to get too much into the details of how this might work, but we might pilot a modest project and see what kind of interest there is in low-cost easements. We also need to define our needs and priorities in an effort to reduce the "black hole concept", as Doug suggests. The north central lakes project is working on this. Cass County recently querried their parcel data for parcels on Woman Lake (thought to be very heavily developed) that were over 3 acres or 600 feet of shoreline. They were surprised how many tracts came up. It isn't too late, we still have a lot of opportunities.

It would be interesting to see how many takers we would get with an easement payment of say $50,000 on a value of $300,000. The landowner would then be free to take the rest as a tax write off. We would be leveraging federal $ as in CREP, but through a different means.

The ACUB project in Morrison County has shown that landownerns have better choices when they can choose either the fee title DNR option (assuming the site meets DNR priorities), or the formula based BWSR/SWCD easement option. Both tools are needed. Hopefully RIM can help the state and local government define some practical and effective tools that together spell Protection.

CC: Dan Steward; Doug Thomas; John Jaschke; Randy Kramer; Ron Shelito

103F.225 Shoreland protection program.

Background: The shoreland protection program was established in 2002 in response to the growing concern and frustration over the lack of authority and financial resources available to private landowners and local governments to protect and preserve environmentally sensitive shoreland threatened with land use conversion. It was noted at that time that no federal or state programs existed that were specifically designed to restore or protect shoreland areas. Some successful programs such as the Reinvest in Minnesota Reserve (RIM Reserve) or the federally funded Conservation Reserve program (CRP) provide funding only to land with a recent crop history, which is still the case today.

Having the program authorization is as important as having funding. BWSR, with the support of the administration, is seeking to repeal the current June 30, 2004 sunset. Continuing the program authorization will continue to allow BWSR and local soil and water conservation districts with the opportunity to capitalize on future state and federal initiatives and funding.

Why Shoreland Buffers: The continued heavy demand for shoreland, for housing and recreation, is now placing pressure on the most environmentally sensitive shoreland areas, those that are low and wet or very steep and erodible. Healthy shorelands with a variety of vegetation that provides full ground cover, mid-story and upper story growth are the best way to protect environmentally sensitive lands that pose a threat, if developed, to adjacent waters from sedimentation and nutrification. In addition to filtering runoff, buffer strips stabilize the shoreline, minimizing erosion, provide habitat for fish and wildlife and even regulate stream temperature.

Supporters: Repeal of the sunset provision is supported by the following organizations;

Minnesota Environmental Partnership
Governor's Five County North Central Pilot Lakes Project
Minnesota lakes Association
Minnesota Association of Soil and Water Conservation Districts
Leech Lake Watershed Foundation

Minnesota Statues 103F.225 Shoreland protection program.

Subdivision 1. **Establishment.** The Board of Water and Soil Resources shall establish a program to acquire conservation easements in environmentally sensitive lake and river shoreland areas from private landowners. The board may award grants to local soil and water conservation districts and participating local units of government to accomplish the purposes of the program. The board shall coordinate the acquisition of lake and river shoreland conservation easements with shoreland protection and enhancement activities of the commissioner of natural resources, the Pollution Control Agency, and other public and private entities.

Subd. 2. **Local acquisition criteria.** A participating soil and water conservation district or local unit of government must establish a working group of interested individuals. The working groups, along with the county board and the soil and water conservation district, must develop criteria for acquisition of lake and river shoreland conservation easements and the preservation and enhancement of degraded or eroded shoreland.

Subd. 3. **Use of grants.** The board, a participating soil and water conservation district, or local unit of government may use a grant for the acquisition of shoreland conservation easements. The grant may be up to 100 percent of the cost of acquisition of the easement. A conservation easement, as defined in section 84C.01, must be permanent and is subject to applicable provisions relating to easement acquisition in section 103F.515, subdivisions 3 to 6, 8 and 9, except the easement may be held by the board, a local unit of government, or a soil and water conservation district. Section 273.117 applies to conservation easements acquired under this section.

Subd. 4. **Conservation plan; grant priority.** (a) An entity applying for a grant to acquire a shoreland conservation easement under this section must prepare a conservation plan for the area subject to the easement to provide for the preservation and enhancement of the natural shoreline. The conservation plan shall also include information on identified and committed funding sources to implement the plan.

(b) The board shall give priority for grants based on:

(1) the environmental sensitivity of the shoreland;
(2) the need for preservation and enhancement of the shoreland due to existing degradation and erosion; and
(3) the extent that funding, including in-kind contributions, has been committed to implement the conservation plan.

Subd. 5. Expiration. This section expires June 30, 2004.

For additional information pleas contact Ron Harnack at 651-296-0878 or Doug Thomas at 651-297-5617.

DUCKS UNLIMITED

Ryan P. Heiniger
Director of Conservation Programs – MN/IA

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May 30, 2007

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Bd. of Water & Soil Resources
St. Paul

John Jaschke, Executive Director
Board of Water and Soil Resources
520 Lafayette Road N
St. Paul, MN 55155

RE: Ducks Unlimited support for the Reinvest in Minnesota reserve program

Dear Mr. Jaschke:

Please accept this letter as Ducks Unlimited's formal comments as part of your agency's stakeholder input process for the Reinvest in Minnesota (RIM) reserve program. We congratulate the Board of Water and Soil Resources (BWSR) on 21 years of accomplishments through the RIM reserve program and commend you for the commitment to develop a stakeholder involved, strategic plan for the next five years.

Ducks Unlimited (DU) strongly believes the RIM reserve program must continue to fulfill the valuable conservation niche of working with private landowners to restore and perpetually protect key wetland and grassland habitat complexes. Paramount to the program's continued success will be the recognition of the drastically changing land values and the need to update the easement payments accordingly. Without a competitive easement payment formula, the program will not be attractive to Minnesota landowners.

We also encourage BWSR to make RIM reserve a high priority within the agency when seeking funds from the Legislature. Although difficult to quantify given the multiple outcomes of this program such as providing quality wildlife habitat, reducing soil erosion, and improving water quality, the return on investment for this program is substantial. Furthermore, the RIM program is uniquely positioned to help leverage federal farm programs such as the Wetland Reserve Program (WRP). As you know, a significant opportunity to secure $10-$15 million in WRP funds in 2007 will likely be lost due to a lack of state appropriated match. The wetland conservation need is so great in Minnesota that we simply cannot afford to lose opportunities such as this in the future.

Regarding geographic-specific enrollment and land resource type eligibility criteria, we encourage BWSR to take into account landscape level planning efforts (e.g. Working Lands Initiative) completed by other state and federal resource agencies as well as the habitat targets prioritized by conservation organizations. From a waterfowl habitat perspective, DU has identified shallow lakes as the number one priority for our work in Minnesota through our Living Lakes Initiative. Using Geographic Information Systems planning tools, we have delineated 20 "Emphasis Areas" (see attached map) in Minnesota that represent our highest

priority landscapes. We believe there are significant opportunities for increased collaboration between DU and BWSR by working together to identify key shallow lakes within these Emphasis Areas and focus outreach and RIM enrollment efforts to the riparian landowners as well as landowners within the respective lakesheds. RIM easements can play a greater role in protecting shallow lake shoreline from being developed while also contributing to the improvement of water quality in important watersheds.

Looking to the future, DU believes the emerging cellulosic energy market will present a tremendous opportunity to restore marginal cropland back to perennial native vegetation in Minnesota and across the Great Plains. In the context of how this issue relates to the RIM reserve program, we suggest RIM reserve should to retain a strong emphasis on providing quality wildlife habitat. Much research is needed to answer key questions about the impacts (both positive and negative) that lands dedicated to cellulosic energy production will have on wildlife populations. As an alternative to adding a new purpose to RIM reserve, BWSR should develop a RIM energy program. This new program should be developed in a manner that is complimentary to the existing RIM program and that avoids any supplanting of funds.

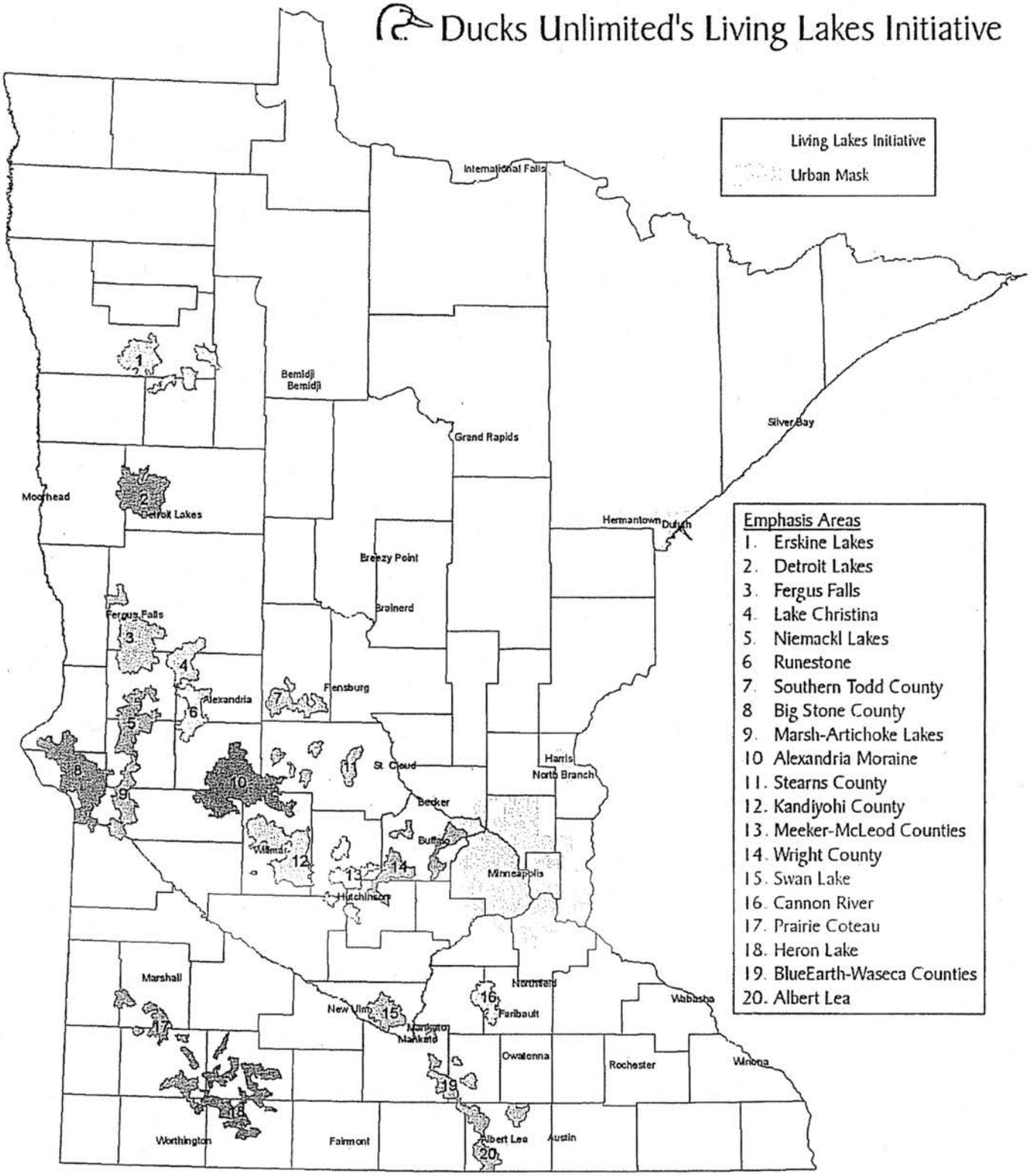
Lastly, given the importance of maintaining high quality habitat on existing lands enrolled in RIM easements, BWSR should increase its commitment to monitoring and management. We understand the challenges that arise for funding management since many easements are funded using bonding appropriations. However, given BWSR's proven ability to innovate, perhaps a management endowment could be created that creates annual revenue for management actions. To maximize ongoing benefits to waterfowl and other wetland-dependent wildlife species, particular management emphasis should be placed on keeping wetlands within RIM easements in an early successional condition. This can be easily accomplished by working with landowners and field staff to help them understand the benefits and techniques to conduct draw-downs on wetlands that have been restored using water control structures. Secondarily, BWSR should strive to minimize woody vegetation encroachment on RIM easements within the prairie region of the state.

Ducks Unlimited truly appreciates the opportunity to provide comments on how BWSR can continue to improve the RIM reserve program for the benefit of wildlife and the citizens of Minnesota.

Sincerely,

Ryan Heiniger
Director of Conservation Programs – MN/IA
Ducks Unlimited, Inc.

Ducks Unlimited's Living Lakes Initiative



Joe Montonye, Grant SWCD

Questions for Reflection by Stakeholders

1. What do you believe is contributing to the success of BWSR's RIM Reserve Program?
   The ability of BWSR to utilize the local delivery system of SWCD's. Without the local SWCD's efforts of promotion, implementation and maintenance RIM Reserve would not function. BWSR should be aware that for the local SWCD to be successful in their efforts they need to establish credibility with the landowners. This is accomplished in a variety of ways but generally credibility is established over period of years not months. In many cases SWCD staff, have established credibility with the landowner through other programs the landowner has participated in over the years. My point is that SWCD's need to retain quality employees over a number of years by providing competitive wages and benefits. In my view current funding from BWSR for RIM administration is not adequate to cover even a small portion of the actual costs. The Farm Bill assistance grant program has helped significantly, however can the SWCD's count on this funding in the future to assist landowners with maintenance issues?

2. How could BWSR's RIM Reserve Program be improved to become even more successful?
   Additional funding is the easy answer. However if additional funding is not available I think serious consideration should be given to providing a larger share of the available funds for maintenance and improvement of existing easements. I think many landowners wait to make decisions on their land until they see how a program works on their neighbors land. If we don't do a good job of controlling weeds and getting the best possible stand of grass etc. on existing easements many landowners may determine that the RIM program isn't an option for them. While I would agree that getting more acres into the RIM reserve would benefit wildlife and water quality, neglecting the acres currently enrolled may hurt that effort in the long run. The current level of funding for RIM administration is not adequate for the local SWCD's to provide the amount of service needed to really make current easements as good as they could be.

3. What ideas or frameworks do you have for targeting limited RIM Reserve dollars?
   Targeting at the State level in a state the size and scope of Minnesota is difficult at best. There are so many varied resource concerns across the state that it would be very hard to make a determination as to which resource concern in which area of the state would have priority over the rest. As I recall the original RIM reserve legislation tried to target the pheasant range and the folks in the northwest had fits, so it is probably safe to say that targeting has political difficulties as well. With that said, I think it would be easiest to require that targeting be completed at the local level. However if the State is up to the task and can handle the political heat then BWSR should prioritize the resource concern and the priority areas of the state and stick with it for a pre-determined period of time and then move on to a new concern or new area of the State. For example if pheasant habitat is the concern where in the state can it best be achieved (GIS technologies should make this task much easier). Put a timeframe on the eligibility for landowners to participate in that area. This needs to be, long enough to get the information out and get the program implemented, but it also has to be short enough that landowners are aware the program will sunset and the opportunity for participation is limited. A timeframe also tells citizen in other parts of the State that they will get a chance to address the resource concern in their area. For this plan to be effective BWSR will need listen to what the locals have to say as far as setting the parameters and then stay on track and not change the rules in the middle of the game otherwise the whole process will lose credibility.

4. What are some local conservation/preservation needs that are different than what the current RIM Reserve Program targets?
Currently Rim Reserve targets mainly cropland areas and makes payments based on cropland valuations. I see an emerging need to protect shoreland areas of the state from whole sale subdivision's on all shoreland classes. How might the RIM Reserve targets be adjusted to support these local needs? **Provide funding based on the value of the land as development versus cropland and target a percentage of each lake in the state. Understandably this will take additional RIM funding from the State Legislature. However it makes very little sense to spend a bunch of money cleaning up our water resources from Ag land runoff only to have it deteriorated from urban runoff or establishing new wildlife habitat only to allow existing habitat be destroyed.**

5. How would you suggest we use geographic-specific enrollment criteria and land resource type eligibility criteria to target RIM Reserve dollars? For example, geographic-specific lands must be located in a specific area such as the Sauk River watershed; land resource type means previously drained wetlands and associated uplands, in Minnesota.

6. How important is leveraging RIM Reserve dollars with other funding sources?
Anytime funds can be leveraged it improves a program and more can be accomplished. What funding sources are particularly important to leverage and why? **An obvious source is USDA, the Minnesota river CREP is great example of how leveraging can and should work. However we should always make sure that the funds that are being leveraged have the same goals and objectives as RIM reserve. Other sources of leveraged funds that are seldom recognized are the funds that local SWCD's, Counties, and other State agencies put into the program at the local level.**

7. What other perspectives or ideas would you like to share with us about the RIM Reserve Program?

Don Arnosti, Institute of Agriculture and Trade Policy

RIM- Renewable Energy Opportunities =20 +20

1) RIM-RE program – statewide.
$20 million bonding request (plus $3 million in administrative funds)

This program will target one to three project areas, as recommended by the technical committee. Close associations with impaired waters, existing or emerging bioenergy producers (ethanol, steam, or electricity), and concentrations of suitable lands will be sought. Examples of such locations could include within 50 miles of: New Ulm (powerplant/Minnesota River), Benson or Little Falls (ethanol plants/Minnesota & Mississippi Rivers), St. Paul (District Energy and Rock Tenn/Vermillion-Cannon Rivers), Shakopee (Koda Power/Minnesota River), etc.

2) RIM-RE program – Red River flood management focus
$20 million bonding request (plus $3 million? in administrative funds)

This sub-program of the authorized RIM-RE program will target one or more flood prone communities in the Red River Valley where flood damage reduction dollars are often invested. RIM-RE easements will be taken on strategic floodways, which can manage and direct overland floodwaters around vulnerable communities. The easements will be planted to native grasses and woody perennials, lined with low-head field dikes of one – four feet, and be available for biomass harvest at intervals which are protective of wildlife values. The biomass could be used by local energy-consuming facilities such as sugar beet plants, which would likely install gasification systems (Next Gen Energy Board Grant assistance?). Projects could focus benefits on such flood prone communities as Ada, Roseau or Warren.

Minnesota Department of Natural Resources

500 Lafayette Road
St Paul, Minnesota 55155-40__

May 31, 2007

Mr. Kevin Lines, Conservation Easement Section Manager
Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

Dear Mr. Lines:

Thank you for the opportunity for Department of Natural Resources (DNR) staff to attend and provide input at your recent Reinvest in Minnesota (RIM) Reserve Stakeholder Meeting. The DNR Division of Fish and Wildlife remains very supportive of the RIM Reserve Program. As you know, we have cooperated with your program since it was first established in the mid-1980s. The Board of Water and Soil Resources (BWSR) and the local Soil and Water Conservation Districts should be very proud of the many natural resource accomplishments of this innovative program over the last 20-years.

The RIM Reserve Program is critical in helping us achieve many of our fish and wildlife goals, and it is important that fish and wildlife conservation continue to be a primary focus of the program as outlined in statute. For example, the DNR's Duck Recovery Plan calls for the restoration and long-term protection of two million acres of wetland and grassland habitat over the next 50 years to support breeding waterfowl population goals in the state. Management of private lands will be essential in meeting these and other wildlife objectives, and the RIM Reserve Program is one of the most important "tools in the toolbox" of resource managers to meet these important challenges.

In addition, I want to offer our assistance as you move toward implementing the new "clean energy RIM" program. As Minnesota and the nation strive for energy independence, biomass crops on private lands will be critical, and we want to work with BWSR staff to maximize the full range of natural resource benefits on these lands, including fish and wildlife habitat, as this program is developed.

Thanks for your leadership with this important program.

Sincerely,

David R. Schad, Director
Division of Fish and Wildlife
DNR Building – 500 Lafayette Road
Saint Paul, Minnesota 55155-4020
651-259-5180

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St. Paul

DRS/WE/jls
c Mr. Larry Kramka, Assistant Commissioner for Operations, Department of Natural Resources
Mr. Wayne Edgerton, Agricultural Policy Coordinator, Outreach Section, Division of Fish and Wildlife

Minnesota Farm Bureau Response to RIM Stakeholder Questions

1. What do you believe is contributing to the success of BWSR's RIM Reserve Program?
   It is a voluntary program.

2. How could BWSR's RIM Reserve Program be improved to become even more successful?
   Focus on landowner adoption of practices on "working lands" that have proven environmental and habitat benefits and that are cost-effective. Allow more active management of land enrolled in RIM, i.e., grazing and haying.

3. What ideas or frameworks do you have for targeting limited RIM Reserve dollars?
   Prioritize outcomes desired from RIM land. Our first thought would be to focus on the impaired waters list and how RIM could meet goals that will be established through the TMDL process. Allowing more active management of land enrolled in RIM would result in more economic return to the landowner and might reduce the need for higher RIM payments.

4. What are some local conservation/preservation needs that are different than what the current RIM Reserve Program targets? How might the RIM Reserve targets be adjusted to support these local needs?
   Again looking at how RIM can support TMDL activity.

5. How would you suggest we use geographic-specific enrollment criteria and land resource type eligibility criteria to target RIM Reserve dollars? For example, geographic-specific lands must be located in a specific area such as the Sauk River watershed; land resource type means previously drained wetlands and associated uplands, in Minnesota.
   These could be important criteria but the first question that needs to be answered is - what is the desired outcome, improved water quality or enhanced wildlife habitat. Once the outcome is clear than you can use the factors above to target the geographic areas that will result in the best use of technical and financial resources to reach the outcome.

6. How important is leveraging RIM Reserve dollars with other funding sources? What funding sources are particularly important to leverage and why?
   Leveraging is important and obviously whatever dollars are available from the federal level play a big part. However, the program should not be changed just to meet criteria that may be associated with other monies if those changes are not consistent with the desired outcomes of RIM.

7. What other perspectives or ideas would you like to share with us about the RIM Reserve Program?
   We feel landowners would be more willing to participate if they could actively manage the land for some economic return and have the option of entering into easements that are for a specified timeframe not just permanent. This added flexibility in the program would allow for adjustments in the program to meet local needs.

Tom Landwehr, The Nature Conservancy

Questions for Reflection by Stakeholders

1. What do you believe is contributing to the success of BWSR's RIM Reserve Program?
    a. **Flexibility in application (wide variety of eligible lands)**
    b. **Good payment rate, known amount upfront**
    c. **Local implementation, knowledge and relationships**
    d. **Ability to pair with federal farm bill programs**
    e. **Perpetual nature of easements**

2. How could BWSR's RIM Reserve Program be improved to become even more successful?
    a. **Identify other collaborative opportunities with federal programs**
    b. **Include certain native plant communities (without crop history) for inclusion**

3. What ideas or frameworks do you have for targeting limited RIM Reserve dollars?
    a. **Use USFWS grassland bird conservation area model to prioritize**
    b. **Maximize collaboration with working lands initiative**
    c. **Capitalize on enhancing existing state investments in conservation**

4. What are some local conservation/preservation needs that are different than what the current RIM Reserve Program targets? How might the RIM Reserve targets be adjusted to support these local needs?
    a. **Prairie protection**
    b. **Shoreline protection**
    c. **Collaboration with Clean Water Legacy and TMDL impairment reduction**

5. How would you suggest we use geographic-specific enrollment criteria and land resource type eligibility criteria to target RIM Reserve dollars? For example, geographic-specific lands must be located in a specific area such as the Sauk River watershed; land resource type means previously drained wetlands and associated uplands, in Minnesota.
    a. **Again, use the FWS grassland bird conservation area concept to prioritize to specific watersheds (8-digit HUCS?)**
    b. **Identify key priority land resource types, including: drained wetlands/associated uplands, shorelines, native prairies, etc.**

6. How important is leveraging RIM Reserve dollars with other funding sources? What funding sources are particularly important to leverage and why?
    a. **I think it is critical; it is the most compelling argument to maximize state appropriations**
    b. **Federal funding sources are most critical, as they represent the largest pots of money. As have been used in the past, farm bill dollars are an obvious source. Other sources might include EPA and FWS funds.**

7. What other perspectives or ideas would you like to share with us about the RIM Reserve Program?
    a. **Retention of permanent easements is critical**
    b. **Leverage is key**
    c. **Focusing is increasingly important**

STEARNS COUNTY SOIL AND WATER
CONSERVATION DISTRICT

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MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

Kevin J. Lines
Conservation Easement Section Manager
Mn Board of Water and Soil Resources
520 Lafayette Road N.
St. Paul, MN 55155

RE: RIM RESERVE COMMENTS

Dear Mr. Lines:

We regret that we could not attend the RIM Reserve management plan meeting on May 23, 2007.

The SWCD wrote its last RIM Reserve easement in 2002 (wetland restoration). Since that time most RIM Reserve funding was diverted to CREP in the Minnesota River Valley and other areas outside of Stearns County. Despite the loss of RIM Reserve funding here we feel that leveraging federal dollars in critical watersheds is the best use of these tax dollars. I believe that our board would welcome CREP in Stearns County.

It is somewhat difficult to comment on a program that we haven't worked with for a few years except to say that we feel that RIM is still a useful conservation tool and we support additional funding for this program. Perhaps, through the Clean Water Legacy Act and dedicated funding we can expand the RIM Reserve program. Also I am sure that many needed changes have been made to streamline the easement process.

Again, we are sorry that we could not attend this meeting. We would be glad to comment on the discussion and recommendations if you would send them to us.

Sincerely,

Brad Wenz
Soil Conservationist

Cc: Dennis Fuchs, Stearns Co. SWCD Administrator

RECEIVED
MAY 29 2007
Bd. of Water & Soil Resources
St. Paul

United States Department of Agriculture

NRCS

Natural Resources Conservation Service
375 Jackson Street, Suite 600
St. Paul, MN 55101-1854

Phone Number (651) 602-7900
Fax Number (651) 602-7914

June 1, 2007

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JUN 4 ..

Bd. of Water & Soil Resources
St. Paul

Mr. John Jaschke
Executive Director
Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, MN 55155

Dear John:

Thank you for requesting MN NRCS input on the Reinvest In Minnesota (RIM) reserve program that is administered by the Board of Water and Soil Resources (BWSR). My ASTC, Tim Koehler, attended your recent stakeholder meeting and provided feedback to you. I am providing additional follow-up with a few written comments and an update on USDA-NRCS Wetlands Reserve Program (WRP) funding issues.

As you know, our two agencies have partnered a number of times over the years with the RIM and WRP to secure easements and to restore thousands of acres of habitat with willing landowners. This has included the initial RIM/WRP partnership, the Nation's second Wetlands Reserve Enhancement Program (WREP), as well as the new RIM/WRP partnership started last year. All these efforts have yielded a multitude of environmental benefits to Minnesotans as well as economic benefits to landowners and local communities. I believe these efforts have demonstrated our ability to successfully partner together; leverage private, local, State and Federal resources while delivering a market based voluntary conservation program to the local level.

Continuing the RIM/WRP partnership into the future is one of my highest priorities. In 2007, MN NRCS Farm Bill implementation received over $15 million of technical and financial assistance resources through the WRP. As the emergency bonding bill progressed over the past few months, it became apparent that our continued Federal-State partnership was a priority for the Governor and the Legislature when the final markup indicated $8 million of funding. Unfortunately the bill was not passed; and at this time, future funding of the RIM portion of the partnership is uncertain.

The NRCS national deadline for obligating WRP funds is August 1, 2007. Unfortunately with our new 2006 "yellow book" appraisal process, oftentimes WRP offers alone are not enough to secure the easement. We currently have ordered 60 appraisals on WRP applicant's lands throughout the State of Minnesota. We have just begun to receive these back and will soon know what the value is that we can offer to the landowners. The few that we have received are very close to the 2006 levels with a slight increase due to an increase in values of recent land

sales. Based on the appraisal value of those we processed in 2006 and the few that we have gotten in 2007, it is apparent that the values will be less than what will probably be acceptable to many landowners. In 2006, landowners only accepted about 25% of the WRP-only appraisal values. If this trend continues, you can see that MN NRCS may not be able to obligate the WRP funds by August 1. What this means is that potentially I may have to send both financial and technical assistance WRP dollars back to Washington to be used by another state. This amount could be close to $10 million, based on last year's values. These turn-back funds could have a negative effect on WRP funding for Minnesota in future years.

I look forward to discussing this issue with you in more detail in the future and hope that our leveraged Federal-State RIM/WRP partnership can continue.

Sincerely,

William Hunt

William Hunt
State Conservationist

cc: Tim Koehler, ASTC, NRCS, St. Paul, MN
Doug Thomas, Assistant Director, BWSR, St. Paul, MN
Kevin Lines, Section Manager, BWSR, St. Paul

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

IN REPLY REFER TO:

FWS/NWRS-RFS-3

MAY 31 2007

Mr. Kevin Lines
Administrator
Conservation Easement Program
Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

Dear Mr. Lines:

Thank you for the opportunity to provide comments and suggestion regarding the Reinvest in Minnesota (RIM), planning process for the future. Without question the RIM program has been very successful focusing on the highest priority habitats (i.e. wetlands and grasslands), for restoration in the former prairie regions of Minnesota. The U.S. Fish and Wildlife Service (Service), encourage a continued strong focus on the restoration and protection of these priority habitats.

From a wildlife perspective, the RIM program has been very opportunistic and complimentary of federal programs like the Conservation Reserve Enhancement Program, Wetland Reserve Program, and the Small Wetlands Acquisition Program in the delivery of habitat conservation projects at the local level. Many of these projects have resulted in the restoration and permanent protection of wetland and grassland habitats in priority "focus areas" for both migratory and resident wildlife. International initiatives such as the North American Waterfowl Management Plan, Partners in Flight, and the North American Shorebird Plan have all benefited from habitat conservation projects initiated by the RIM program. In addition to these International/National initiatives, the RIM program provides direct benefits to Minnesota wildlife plans such as the Waterfowl and Pheasant plans, and more recently, the State Wildlife Action Plan for species of Special Concern.

With advancements in Geographic Information System (GIS) technologies, multiple layers of data (i.e. priority wildlife habitat, water quality enhancement projects, and flood reduction), can all be overlaid to identify where within a particular landscape multiple benefits can be achieved from individual habitat restoration projects. We encourage the Board of Water and Soil Resources (BWSR), to investigate these advancements and offer the assistance of our staff at Fergus Falls to demonstrate the capabilities of this new GIS technology.

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JUN 1 2007
Kevin
Bd. of Water & Soil Resources
St. Paul

In summary, the Service is very supportive of the RIM program and encourages the BWSR to strengthen the "wildlife focus" of this land conservation program into the future.

We appreciate the opportunity to comment on the future direction of the RIM program and value the BWSR as a premier resource conservation agency within the State of Minnesota. Again, thank you for the opportunity to provide comments.

Sincerely,

James T. Leach
Refuge Supervisor

May 23rd RIM Reserve Stakeholder Input Meeting

Significant Findings

- Voluntary program
- Need more and a consistent source of funding
- Focusing/targeting is increasingly important
- Leveraging is a priority, particularly the Federal Farm Bill opportunities
- Maintain/enhancing our local delivery system is critical
- Lack of necessary administrative funding to SWCDs to implement all aspects of RIM Reserve
- TMDL/Impaired Waters targeting
- More wildlife habitat is needed; target priority habitats
- Utilize local work groups to identify high priority areas
- Must maintain competitive payment rates to be successful
- Easement maintenance/long-term management is critical
- Restore/protect key wetland and grassland habitat complexes
- Riparian crop land enrollment/target impaired waters
- Development of a stand-alone RIM Clean Energy Program
- Increased flexibility of land use within easement areas
- BWSR/Program/St. Paul/Regional/Local

Reinvest in Minnesota (RIM) Reserve Planning Committee Meeting
June 11, 2007, 1-3pm
Minutes:

Attendance: Randy Kramer (Board Chair), Paul Brutlag (Committee Chair), Paul Langseth, Dana Allen, Bob Burandt, Wayne Edgerton, John Jaschke, Tabor Hoek, Tim Fredbo, Kevin Lines, and Kristie Mack.

Discussion of highlights from the stakeholder input gathered from the May 23rd meeting:

-We are still on the right track, but we need to make sure we keep the program moving at a fast enough pace to keep up with changing needs, goals, etc.

-There was a lot of reaffirmation heard at the stakeholder meeting regarding the success of the RIM Reserve program.

-An important finding from the stakeholder meeting that should be noted was that the local staff knows the people and the land the best. Also important to note, is the good working relationship between BWSR staff and the local delivery system.

-It was observed that different groups at the meeting were coming at the RIM Reserve program discussion from different angles; some from a wildlife perspective, some from a conservation perspective. The success of the program will still come down to targeting and the program being lucrative enough to gain landowner interest.

Committee's preliminary assessment of information and ideas to help formulate a bonding proposal:

-One perspective is that the payment rate is the biggest issue dragging the program down. We need to find a way to keep up with rising land values and be able to project needs into the future. On the other hand, we need to be careful not to get ahead of rising land values.

-Anytime we set goals, for example a specific number of acres needing to be reached, we need to have a little flexibility to make things work. For example, the ability to round out fields using the RIM additional acres policy.

-We have only tiered by easement duration. Maybe we should use tiering in regards to payment rates.

-When you have a partnership, for example the partnership that exists between the State and the Federal government within the Conservation Reserve Enhancement Program, you need all partners to fully participate or the program will not be as successful as it could be.

-The possibility of doing a bid process, especially in strategic/critical areas was discussed. We may be able to learn more about the bid process through the Wetland Road Mitigation Bank.

-Money is an important factor of the RIM Reserve program, but so is the ability to enroll the right lands to make sure future use of the land is not adversely affected. The use of RIM additional acres with the CREP is an example.

-Limited use of program acres is an issue for some landowners. However, the public may see more use of enrolled lands as double dipping. It is believed that increased use of enrolled lands could be worked out, by having the landowner pay us back for lands that they hay, graze, etc. This could mitigate the double dipping issue. The dollars paid back could be put into a long-term maintenance fund.

-Local committees should play more of a role in the balancing act between landowner interests vs. what the public's interests are when it comes to targeting.

-There is a still a lot of excitement for RIM. Flexibility is a key issue in the Program's success. We need to key in on landowners who are interested in more than monetary issues, for example, those landowners who are interested in leaving a legacy on the land.

-Wildlife and recreational lands may be worth more than cropped land. This is helping to drive up land values and associated taxes. We are dealing with a new competitor that didn't exist in the past.

-Trying to sell long-term easements can be hard in some cases. Landowners feel as though they are losing control, as well as the issue of having to deal with long-term maintenance on enrolled lands. If we pay 90% of the value of the land (perpetual cropland payment rate) for an easement up front, is it unrealistic to expect landowners to do maintenance? It was discussed that enrolled lands should be taken off the tax roll or get reduced tax rates, to help alleviate some of these landowner issues and concerns.

-What if we don't lock the payment rates? It was discussed that it is unlikely we could do this with bonding dollars because bonding dollars are a one-time allotment of funds. We are granted funds for a certain period of time to purchase easements during a certain time frame.

-We need to try and blend conservation with landowner needs. Changes to the program may need to be made; however, we also need to be mindful of what our partner's are trying to achieve.

-There are different ways we can impact tax issue for landowners:

- Escrow accounts specifically for taxes.
- Green Acres-an example of a tax abatement program.
- Counties and the State need to work together to address tax concerns from landowners.

-Wetland Preservation Areas-A tax exemption program for enrolled wetlands. Counties must adopt this program in order for wetland acres to receive a tax exemption. Only two counties have to date. Counties receive PILT payments from the state in return. The program has been around since 1992.

-We should provide bonding dollars to counties in lieu of reduced taxes on landowners. Restrictions on bond funds will most likely preclude this.

-Fair compensation won't cut it right now. Do we wait until land values decrease to try and promote the program?

-We could partner with counties to identify and target areas of water quality concern. In turn, this would help these areas resolve their water quality issues. Should dollars go back to local screening committees to address local concerns?

-We need to do a better job of explaining what we are trying to achieve with the RIM Reserve program. For example 1.4 million acres of Minnesota's cropland is near a water source. We want that small sliver of land that is considered critical or sensitive. This is the type of cropland we are working to enroll for water quality protection.

Bonding discussion:

-We should start out very high for our bonding request. Giving a dollar amount to all of our possible target areas could help substantiate this:

- TMDL's
- Riparian Buffers
- Expiring RIM Reserve Contracts
- Expiring CRP Contracts
- Working Land Initiative
- Priority Wetland/Grassland/Wildlife Habitats
- Lakeshore Easements
- Others

-If land values are high, the acres we are able to purchase will be less.
We will adjust how many acres we are able to purchase at a later date.

-All bonding dollars are 'New' dollars. These dollars must go towards purchasing the land to be enrolled. It cannot go towards maintenance or administrative costs.

-We should increase our numbers for our bonding request, but maintain the flexibility to spend what we want where we want it.

-RIM Clean Energy will be a stand-alone program so as not to take away from existing RIM dollars.

-It was noted that we are in the ballpark compared to where we have been historically in regards to our bonding request.

A brief timeline of things to come:

Presentation to BWSR board at the June 27th, 2007 meeting:

Phase I (May-June 2007)

A. Collect information and ideas from stakeholders.
B. BWSR preliminary assessment of information and ideas to guide preliminary bonding proposal.

Interim (June-October 2007)

Conduct/participate/monitor:
-Clean Energy assessments
-Federal Farm Bill Development
-State Dedicated Funding potential

Phase II (September-November 2007)

A. Review of draft findings and recommendations by stakeholders.
B. Adoption of program plan by BWSR Board.
C. Finalization of bonding bill proposal.

Phase III (FY09-10)

Implementation.

RIM Reserve Planning Committee's Recommendations

Capital Investment 2009-10 Recommendations:	Proposed
A. RIM Reserve Opportunities to target: TMDL's/Impaired Waters Riparian Buffers Working Lands Initiative Priority Wetland/Grassland/Wildlife Habitats Expiring RIM Reserve contracts (3500 Ac.) Expiring CRP contracts (62,622 Ac.) Lakeshore Easements Others	$30-$40M
B. RIM Reserve/Wetland Reserve Program (WRP) Partnership	$20-$30M
C. Clean Energy Easement Program (New stand-alone program)	$20-$40M

Important Dates:

June 25th, 2007: Draft Resolution to governor

June 27th, 2007: Board meeting

Minnesota's State-Funded RIM Reserve Conservation Easements 1986-2006

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State Easement Programs

- CREP I
- RIM
- RIM/WRP I
- PWP
- River Basins
- Counties
- Major Rivers

PROGRAM	*NUMBER*	*ACRES*
RIM/WRP I	117	6,686
PWP	299	11,490
CREP I	2,470	100,292
RIM Reserve	2,432	58,509
TOTAL	***4,806***	***176,977***

Minnesota Board of Water & Soil Resources

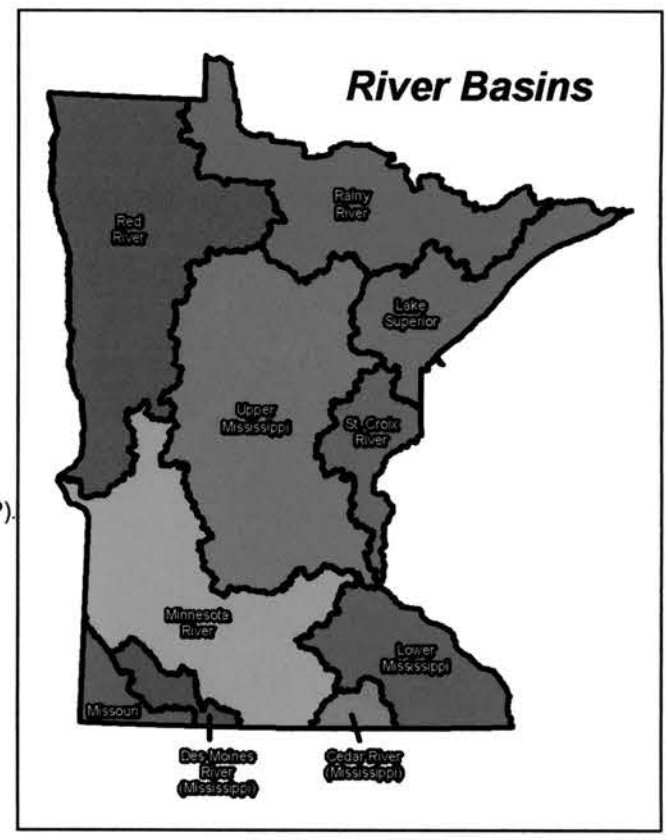
RIM/WRP: Minnesota's Reinvest in Minnesota (RIM) Reserve Program combined with federal Wetland Reserve Program (WRP).

PWP: Rim Reserve Permanent Wetland Preserves (PWP) for existing wetlands at high risk of being drained or filled.

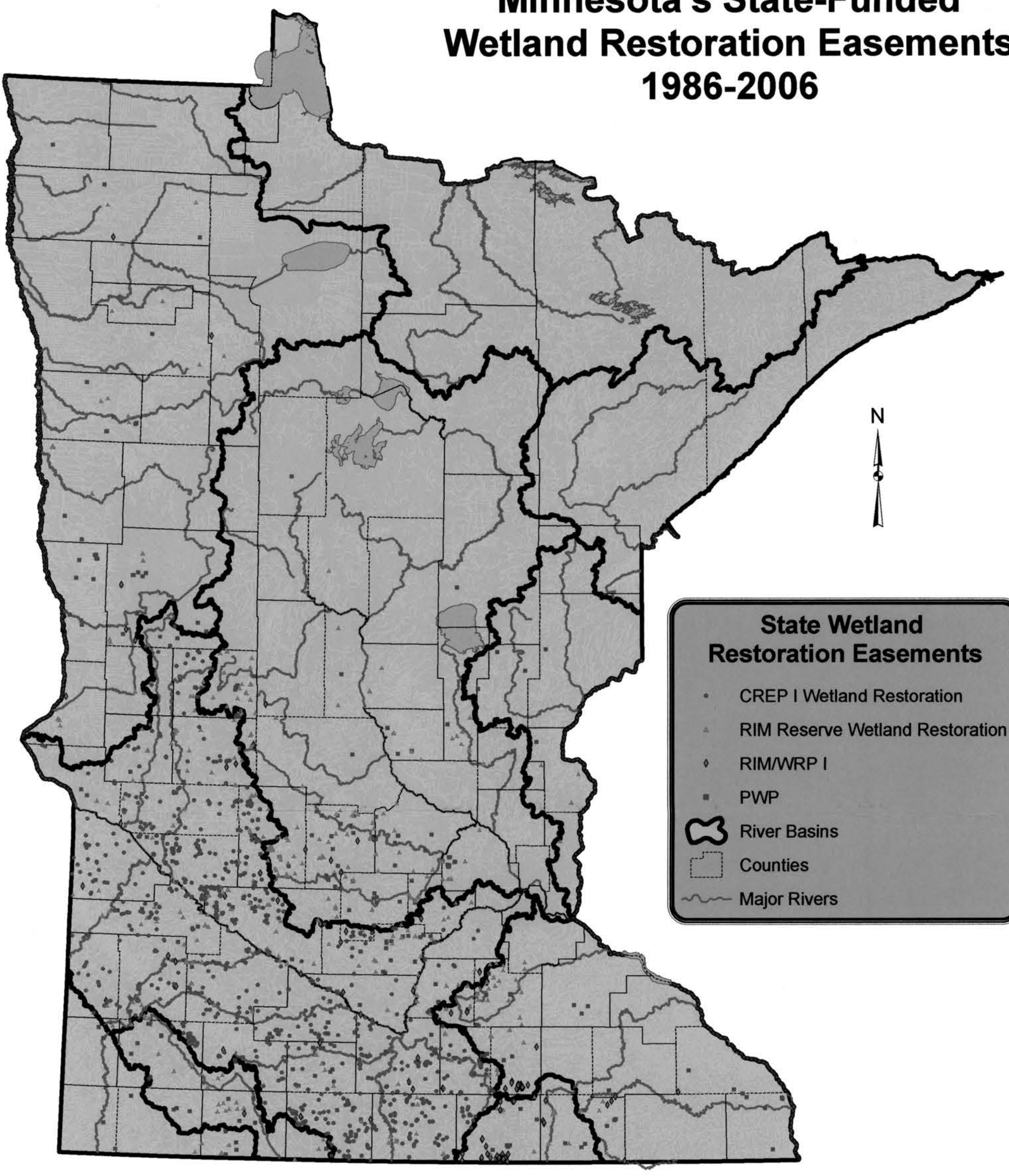
CREP: Conservation Reserve Enhancement Program (CREP), combines RIM Reserve with the federal Conservation Reserve Program (CRP). Easements must be in the Minnesota River basin.

RIM Reserve: Minnesota's RIM easement program removes lands from agricultural production to benefit water quality and fish and wildlife habitat.

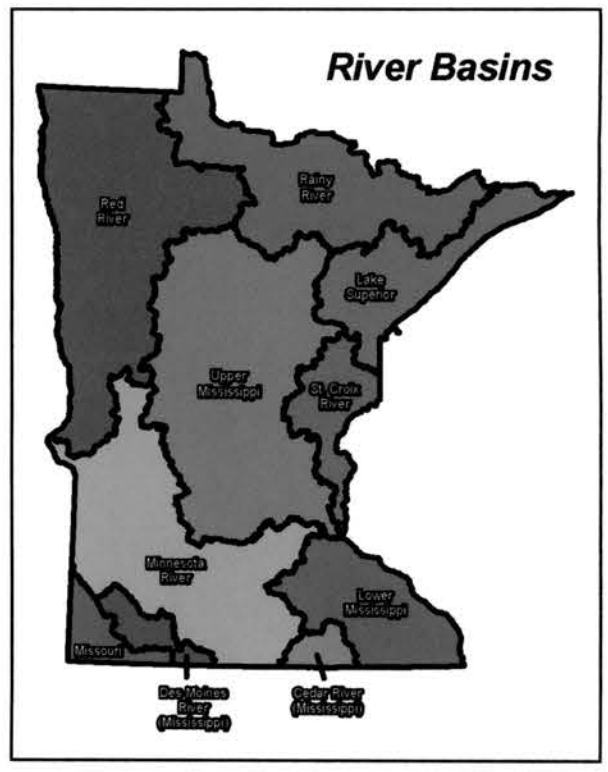
April 24, 2007



Minnesota's State-Funded Wetland Restoration Easements 1986-2006



PROGRAM	*NUMBER*	*ACRES*
RIM/WRP I	117	6,686
PWP	299	11,490
CREP I Wetland Restorations	919	55,246
RIM Reserve Wetland Restorations	512	19,017
TOTAL	***1,847***	***92,439***



RIM/WRP: Minnesota's Reinvest in Minnesota (RIM) Reserve Program combined with federal Wetland Reserve Program (WRP).

PWP: Rim Reserve Permanent Wetland Preserves (PWP) for existing wetlands at high risk of being drained or filled.

CREP: Conservation Reserve Enhancement Program (CREP), combines RIM Reserve with the federal Conservation Reserve Program (CRP). Easements must be in the Minnesota River basin.

RIM Reserve: Minnesota's RIM easement program removes lands from agricultural production to benefit water quality and fish and wildlife habitat.

April 24, 2007