

Minnesota Board of Water and Soil Resources. Minutes.

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Version 3
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Minnesota Board of Water & Soil Resources

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DATE: January 20, 2004

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: January 28th Board Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, January 28, 2004, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room, lower level, at One West Water Street, St. Paul. Parking is available across the street from the building. Please display the enclosed "temporary parking permit" on your vehicle's dashboard.

The following information pertains to agenda items:

Local Water Management Plans: Draft Guidance and Priority Concerns Scoping Document Primer – Marybeth Block will present a brief update on the status of the draft local water management program guidance. Also, an overview of the Regional Water Planning Committee's and Board's role regarding the Priority Concerns Scoping Document required pursuant to 103B.313, subdivision 5: Board review of priority concerns scoping document. *INFORMATION ITEM*

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Douglas County Local Water Management – Priority Concerns Scoping Document – Douglas County is updating their Local Water Management Plan according to the statutory changes that became effective on August 1, 2003. Attached is Douglas County's Priority Concerns Scoping Document, which lists the priority concerns selected for the plan's focus and a detailed account of how these concerns were identified and chosen. Douglas County submitted their Priority Concerns Scoping Document to the Board on October 30, 2003. The Northern Water Planning Committee met January 6, 2004. Upon Board approval, the attached letter providing comments (as per M.S. 103B.313, subd. 5) will be sent to the local plan authority. See attached. *DECISION ITEM*

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Southern Water Planning Committee

1. Lincoln County Local Water Management – Priority Concerns Scoping Document - Lincoln County is updating their Local Water Management Plan (LWMP) according to the statutory changes that became effective on August 1, 2003. Attached is Lincoln's Priority Concerns Scoping Document, which lists the priority concerns selected for the plan's focus and a detailed account of how these concerns were identified and chosen. Lincoln County submitted their Priority Concerns Scoping Document to the Board on October 15, 2003. The Southern Water Planning Committee met January 8, 2004. Upon Board approval, the attached letter providing comments (as per M.S.103B.313 Subd. 5) will be sent to the local plan authority. See attached. *DECISION ITEM*

2. Yellow Medicine County Local Water Management – Priority Concerns Scoping Document – Yellow Medicine County is updating their Local Water Management Plan (LWMP) according to the statutory changes that became effective on August 1, 2003. Attached is Yellow Medicine's Priority Concerns Scoping Document, which lists the priority concerns selected for the plan's focus and a detailed account of how these concerns were identified and chosen. Yellow Medicine County submitted their Priority Concerns Scoping Document to the Board on December 4, 2003. The Southern Water Planning Committee met January 8, 2004. Upon Board approval, the attached letter providing comments (as per M.S.103B.313 Subd. 5) will be sent to the local plan authority. See attached. *DECISION ITEM*

3. Buffalo Creek Watershed District Overall Plan - On July 18, 2003, the final draft Plan was submitted to BWSR, state agencies and local government units for the required 60-day review. BWSR provided the required notice for filing of revised watershed management plan and no requests for hearing were received so no hearing was held. On January 7, 2004, the Southern Water Planning Committee met with BWSR staff and representatives from the District to review and discuss the Plan. BWSR staff recommended approval of the Plan. The Southern Water Planning Committee unanimously recommend the Plan be approved per the attached draft Order. See attached. *DECISION ITEM*

4. Rice County Comprehensive Local Water Plan – see attached. *DECISION ITEM*

5. Turtle Creek Watershed District Overall Plan – The Turtle Creek Watershed District submitted a revised watershed management plan to the BWSR on July 11, 2003. The board of managers made a significant effort to obtain citizen and public agency input during the planning process. The managers identified four Major Areas of District Involvement that are: Watershed Management, Water Quality, Water Quantity Management and Stewardship/Education. Three to five clearly stated goals are identified for each major area. For each goal, Action Policies are identified that include responsibility assignment, timeframe and estimated cost where possible. An overview of the Plan is attached which provides background information on the district and the Plan. The BWSR Staff

recommends approval of Plan. The Southern Water Planning Committee met on January 7, 2004, and unanimously recommend approval of the Turtle Creek Watershed District 2002-2012 Watershed Management Plan per the attached draft Order. *DECISION ITEM*

Metro Water Planning Committee

1. Coon Creek Watershed District Grant Recovery - The Metro Water Planning Committee will inform the Board of the staff notification (January 8, 2004 memorandum attached) to recover $15,600 from the Coon Creek Watershed District (CCWD) for failure to comply with the requirements of their water planning grant agreement. The CCWD Overall Plan for Water Management expired at the end of 1990 and the grant was executed in February 1997. The plan progressed part way through the review process in 2001-02 and has not yet been finalized. *INFORMATION ITEM*

2. Scott Watershed Management Plan - In October 1996, BWSR declared the Sand Creek, Shakopee Basin and Southwest Scott Joint Powers WMO's to be non-implementing and terminated them. Subsequent to that action, the Credit River WMO also failed. Scott County decided to undertake the WMO functions as opposed to creating watershed districts and has undertaken a comprehensive planning process that combines surface and ground water management. The plan is similar to that developed for Carver County in that it serves to mesh the County Comprehensive Land Use Plan with its Water and Ground Water Plans. Metro Region staff feel the County's foundation for directing the rapid development occurring in the County is strengthened as a result of the plan. Metro Region staff recommend approval of the plan. On January 15, 2003, the Board's Metro Water Planning Committee reviewed the plan and unanimously recommended approval of the Scott Watershed Management Plan per the attached draft Order. *DECISION ITEM*

3. Rice Creek Watershed District, Anoka County Ditch 53-62 Comprehensive Wetland Management Plan - The Rice Creek Watershed District (RCWD) submitted a comprehensive wetland management plan (CWMP) for the Anoka County Ditch (ACD) 53-62 drainage area on November 14, 2003 to BWSR for approval. Much controversy, litigation and appeals have revolved around the ditch for many years. Implementation of the CWMP is considered a potential alternative to litigation presently pending. BWSR has 60 days to act on the CWMP. The RCWD agreed to extend the action date for BWSR to the January board meeting. The BWSR Metro Water Planning Committee met on January 15, 2004 to review the CWMP. Also in attendance at the committee meeting were representatives from the RCWD and the Anoka Conservation District. BWSR staff recommended approval of the plan with certain contingencies (see attached staff report). The Anoka Conservation District had several concerns about the CWMP. After much discussion, the Metro Water Planning Committee unanimously recommended the CWMP be approved with inclusion of certain

contingencies from the BWSR staff report and the Anoka Conservation District per the attached draft Order. *DECISION ITEM*

OLD BUSINESS

1. Local Water Management 2004/05 Challenge Grants – Amendment to Approved Project List - At the August 28, 2003 Board meeting, the Board passed Resolution #03-67 funding 21 projects that applied for Local Water Management Challenge Grant funds. The local units of government identified to receive grants have changed for two projects, requiring an amendment to Board Resolution #03-67. See attached. *DECISION ITEM*

2. Rules for Appeals of Watershed District Rules and Permit Decisions – At the December 17, 2003 Board meeting, Resolution Number 03-91 adopted the proposed rules governing appeals to BWSR of watershed district permit decisions and rules. The Revisor's draft rules that were adopted had not been certified and it is desirable to reference the certified Revisor's file and date (attached) in a resolution adopting the rules. Further, it is desirable to delegate signature authority to the Executive Director to sign the Order Adopting Rules after approval from the Administrative Law Judge. Staff recommend Resolution Number 03-91 be rescinded and the attached resolution be adopted. *DECISION ITEM*

NEW BUSINESS

1. Amendment to Boundary Change for Middle-Snake-Tamarac Rivers and Two Rivers Watershed Districts - On August 28, 2003, the Board ordered the boundary change requested by a petition from the Middle-Snake-Tamarac Rivers Watershed District and the Two Rivers Watershed District. The petition contained a table and maps of parcels affected by the boundary change which were incorporated into the order. The table contained a mistake that listed a certain 40-acre parcel to be added to both districts, however, the maps clearly showed the parcel to be added to the Middle-Snake-Tamarac Rivers Watershed District. Each of the boards of managers of the two watershed districts has requested in writing that the order and table be amended to include the subject 40-acre parcel in the Middle-Snake-Tamarac Rivers Watershed District. The subject 40-acre parcel is the SW ¼ of the NW ¼ of Section 21, Arveson Township, Kittson County. Staff recommend the amendment be approved per the attached draft Order. *DECISION ITEM*

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The meeting will adjourn about 1:30 p.m.; lunch will be provided. If bad weather conditions exist in your area and you are unable to attend the meeting due to travel restrictions, please notify the Board office by noon on Tuesday, if possible. I look forward to seeing you on January 28th!

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
WEDNESDAY, JANUARY 28, 2004

PRELIMINARY AGENDA

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

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF DECEMBER 17, 2003

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

REPORTS

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

AGENCY REPORTS

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

Local Water Management Plans: Draft Guidance and Priority Concerns Scoping Document Primer – Marybeth Block – *INFORMATION ITEM*

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Douglas County Local Water Management – Priority Concerns Scoping Document – *DECISION ITEM*

Southern Water Planning Committee

1. Lincoln County Local Water Management – Priority Concerns Scoping Document – *DECISION ITEM*

2. Yellow Medicine County Local Water Management – Priority Concerns Scoping Document – *DECISION ITEM*

3. Buffalo Creek Watershed District Overall Plan – *DECISION ITEM*

4. Rice County Comprehensive Local Water Plan – *DECISION ITEM*

5. Turtle Creek Watershed District Overall Plan – *DECISION ITEM*

Metro Water Planning Committee

1. Coon Creek Watershed District Grant Recovery – *INFORMATION ITEM*

2. Scott Watershed Management Plan – *DECISION ITEM*

3. Rice Creek Watershed District, Anoka County Ditch 53-62 Comprehensive Wetland Management Plan – *DECISION ITEM*

OLD BUSINESS

1. Local Water Management 2004/05 Challenge Grants – Amendment to Approved Project List – Marybeth Block – *DECISION ITEM*

2. Rules for Appeals of Watershed District Rules and Permit Decisions – Jim Haertel – *DECISION ITEM*

NEW BUSINESS

1. Amendment to Boundary Change for Middle-Snake-Tamarac Rivers and Two Rivers Watershed Districts – Jim Haertel – *DECISION ITEM*

ADVISORY COMMENTS

- Association of Minnesota Counties (AMC) – Dave Weirens
- Minnesota Association of Conservation District Employees (MACDE) – Rick Reimer
- Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck

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

UPCOMING MEETINGS

- 2004 Legislative Session Begins – February 2, 2004
- Next Board Meeting, March 24, 2004, St. Paul

ADJOURN

TEMPORARY PARKING PERMIT

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
Lower Level Conference Room

DATE: Wednesday, January 28, 2004

QUESTIONS, PLEASE CALL 651-296-3767.

Parking is available across the street from the building in the first two rows of the northwest corner of the Wabasha Deli parking lot. Display this "temporary parking permit" on your vehicle's dashboard. Thank you.

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

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

BOARD MEMBERS ABSENT:
Paul Krabbenhoft
Clair Nelson
Kevin Anderson

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

ADVISORS PRESENT:
Rick Reimer, MACDE
Ray Bohn, MAWD

OTHERS PRESENT:
Wayne Edgerton and Doug Norris, DNR

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

PLEDGE OF ALLEGIANCE

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

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

REPORTS

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

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

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

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

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

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

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

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

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

AGENCY REPORTS

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

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

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

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

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

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

COMMITTEE RECOMMENDATIONS

Administrative Advisory Committee

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

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

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

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

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

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

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

State Cost-Share Roll-Over Funds – Wayne Zellmer reported that the Administrative Advisory Committee examined the existing State Cost-Share Roll-Over fund balance at their November 24, 2003 meeting and considered allocation options for the available fund balance. Wayne explained that current BWSR policy requires that any State Cost-Share allocation funds that are not encumbered, or that become unencumbered after the end of the grant agreement period, be returned to the Board within 30 days after the end of the grant agreement period. The Administrative Advisory Committee recommends the State Cost-Share Roll-Over fund balance, in excess of $123,000 (approximately $150,000) be divided equally between the seven field staff areas and allocated for area high priority practices (Alternative #9). Practices will be selected by regional supervisors and board
** conservationists in consultation with SWCDs. Moved by Dwain Otte, seconded by
03-88 Randy Kramer, to adopt the Administrative Advisory Committee's recommendation to divide equally between the seven field staff areas and allocate for high priority practices. Discussion followed. Motion passed on a voice vote.

SWCD Farm Bill Assistance Grants – Ron Harnack stated that BWSR has partnered with SWCD's, Pheasants Forever (PF) and DNR on grants to SWCD's to accelerate implementation of farm bill programs. The success of this over the past year has been an additional 20,000 + acres of lands enrolled in the various farm programs. There is a strong desire on the part of the districts, PF, DNR and BWSR to continue this partnership for another year, at a BWSR cost of up to $150,000. We would use funds received from USFWS reimbursements that is not obligated to any specific project. SWCD's make a 25% match to the grant. The Administrative Advisory Committee recommendation is that this is a very worthwhile effort that keeps SWCD's in the forefront of conservation efforts and continues to help build
** local capacity and commitment to outcomes in conservation. Moved by Jack Frost,
03-89 seconded by Dwain Otte, to approve the Administrative Advisory Committee's recommendation to continue the SWCD farm bill assistance grants. Discussion followed. Motion passed on a voice vote.

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

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

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

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

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

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

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

Wetland Committee

Sale of Wetland Banking Credits – John Jaschke and Doug Norris presented information regarding Minnesota Statutes 103G.222, Subd. 1(k), as amended in 2003, provides for the sale of wetland credits to public transportation authorities. This document establishes the cost of establishing the credits, and accordingly, the sales price to be charged to public transportation agencies. These sale prices will be updated annually via Board policy to reflect actual costs. The costs represent the average cost incurred by BWSR to establish or purchase credits at a number of

** 03-92 wetland bank sites in each identified region. Moved by Victor Ormsby, seconded by Quentin Fairbanks, to adopt the Wetland Committee's recommendation to approve the sale of wetland credits to public transportation authorities. Discussion followed. Motion passed on a voice vote.

Wetland Banking Fees (MS 103G.2242, Subds. 14-15) – John Jaschke presented information on the policy on wetland banking fees. Minnesota Statutes 103G.2242, Subds. 14 and 15 require the Board of Water and Soil Resources to collect fees for administering the state wetland banking program. This action adopts the fee structure and procedures that will be implemented beginning January 1, 2004, and are subject to annual evaluation and possible change. Doug Norris explained the background, definitions, fee structure and procedures. John stated that the wetland

** 03-93 banking fees are clarified by annual evaluation. Moved by Jack Frost, seconded by Kay Cook, to approve the policy on wetland banking fees. Discussion followed. Commissioner Merriam questioned the authority to establish a fee without the

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

The Minnesota Routine Assessment Method (MnRam) Version 3 – John Jaschke explained that MnRAM is one of the accepted standard procedures for evaluating wetland functions and values. BWSR lead an interagency work group to develop a new version of this tool to help assess a wetland's contribution to the diversity and integrity of Minnesota's natural resources. It is available to local governments, consultants, and others with a role in implementing the Wetland Conservation Act and other wetland management programs. MN Rule 8420.0112 requires updates to items incorporated by reference to be approved by the Board. The interagency work group endorsed the updated version and the Wetland Committee recommends approval of Version 3 – Minnesota Routine Assessment
** Method. Moved by Jack Frost, seconded by Lisa Thorvig, to approve the MnRAM
03-94 Version 3. Motion passed on a voice vote.

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

NEW BUSINESS

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

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

Upcoming Meetings
2004 Legislative Session Begins – February 2, 2004.

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

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

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

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

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

Respectfully submitted,

Jerome Deal
Chair

Dispute Resolution Report
January 15, 2004
by Jim Haertel

There are presently nine appeals pending. All of the appeals involve WCA. Three new appeals have been filed since the last report of December 3.

There is an appeal of an exemption decision in Morrison County. The appeal regards a road that was upgraded and the denial of a forestry exemption. A cease and desist order and a restoration order were issued. The appeal was been remanded for a hearing, the LGU denied the exemption again, and that decision has now been appealed. A decision on accepting the appeal has not been made.

There is an appeal of a replacement plan decision in Waseca County. The appeal involves a MNDOT road project where MNDOT is the LGU. An agricultural property owner wants an alternate route for the road and has brought action in district court against the taking and under the Minnesota Environmental Rights Act (MERA). A decision on accepting the appeal has not been made.

There is an appeal of a restoration order in Stevens County. The violation involves the excavation of a ditch in a DNR protected water and the sidecasting of dredge spoil into wetland bordering agricultural land. Work was also done on a neighboring property without permission. The appeal is pending.

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

There is an appeal of a no-loss decision in the City of Hermantown near Duluth in St. Louis County. The site is an old refinery where Superfund cleanup has been done and is continuing. There are questions about the extent of wetlands on the property and whether a consent decree applied to the whole site. A meeting was held with representatives of the agencies that entered into the consent decree. The results of the meeting were conveyed to the landowner. The appeal has been accepted and a meeting was held with the landowner, the city, a local legislator and the TEP to try to resolve the appeal. Resolution was achieved at the meeting and a stipulated agreement needs to be finalized to close the appeal.

There is an appeal of a no-loss decision and two exemption decisions made by the Vadnais Lake Area Water Management Organization in Vadnais Heights, Ramsey County. The proposed project is for a residential development. The appeal is in abeyance since it was remanded to the WMO for an expanded TEP. Under remand the WMO made the same decision as before, and that decision has now been appealed. The present appeal was remanded again for further technical work. It appears the LGU and the applicant have come to agreement and the appeal will likely be withdrawn.

There is an appeal of a no-loss decision in Meeker County. At issue is the wetland delineation. The project involves wetland fill for a garage. The appeal is being held in abeyance pending further technical evaluation work, however, it appears a settlement agreement may be reached between the county attorney and the landowner.

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

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

January 16, 2004

TO: **Board Members**
FROM: **Marybeth Block**
Re: Draft Local Water Mgt. Guidance &
Priority Concerns Scoping Document Primer

Local Water Mgt: Guidance for Updating Water Plans

The statutory changes passed during the 2003 Legislative session, including the repeal of the program's administrative rules, became effective on 8/1/2003. Statutes direct the board to develop guidelines for the contents of local water management plans that provide for a flexible approach to meeting the different water and related land resources needs of the counties and the watersheds across the state [M.S. 103B.321, Duties of the Board, Subdivision 1 (1).] Recently drafted guidance material will be included in the packet of information distributed the day of the January board meeting. It can also be accessed on the BWSR website at http://www.bwsr.state.mn.us/watermgmt/guidance/index.html. Comments from BWSR staff, board members and LGU staff will be solicited until mid to late February. The material will be updated as the comments warrant and ***the Board will be asked to endorse the material at their March, 2004 meeting.***

Local Water Mgt: The Board's Role in Priority Concern's Scoping Documents (PSCD)

Both the Northern and Southern Water Plan Committees of the board met this past month to discuss the priority concerns scoping documents submitted by Douglas, Lincoln and Yellow Medicine Counties. Under the new process:

- counties are required to submit a PCSD communicating the priority concerns their plan will focus on and how they were selected;
- state agencies submit comments within 30 days to BWSR regarding the PSCD;
- the regional water planning committee meets to discuss the county's priority concerns and the state agencies comments.
- the regional water planning committee agrees what will be ***required***, ***recommended, or suggested*** in the final plan and drafts letter communicating those expectations; and
- the full board approves the comment letter.

No local water management plan can be approved without addressing the required items in the official comment letter. A few key points about priority concerns and the PCSD are presented on the next page.

PRIORITY CONCERNS PRIMER

What are Priority Concerns?

Priority concerns are the focus of local water plans. Priority concerns are specific in nature and describe an existing or anticipated problem (issue), or identify a specific resource or area targeted for management. For each priority concern, the local water management plan will contain an assessment and identify goals, objectives and actions to address the concern.

How are the priority concerns selected?

The Local Advisory Taskforce is charged with selecting the priority concerns the plan will focus on. Input provided by local governments, state review agencies and citizens is the basis for their selection. The more compelling these groups make their case why a concern is important to address, the more likely it is the locals will select it.

How many Priority Concerns should be selected for the plan's focus?

The number of priority concerns should be limited and commensurate with the duration of the plan and the resources available to implement solutions. The intent of the new process is to determine the most pressing water management issues and target local resources (staff and money) to them. This is a departure from past plans, which contained a sizeable amount of data, assessments, goals and actions.

It is very important for BWSR, and the state review agencies, to be mindful that the statutory program changes, and draft program guidance, require plans be focused and realistic about what they are capable of accomplishing.

What is the Regional Water Planning Committee's, and the board's, role pertaining the Priority Concern Scoping Document?

Through the Priority Concerns Scoping Document(PCSD)the plan authority communicates to the Board and state review agencies the priority concerns they've selected for the plan's focus, how they selected them, and why some concerns were not selected. The PSCD is only submitted once, and the BWSR Board does not approve it.

The regional water planning committees review the PSCD and any comments submitted by the state review agencies. Staff and elected officials from the LGU may attend a meeting of the committee. If a state agency has requested the committee to require changes to the priority concerns it is recommended a spokesperson from the agency attend the meeting of the committee.

After the committee meeting regional staff, in consultation with the committee, draft an official comment letter on behalf of the full board. This letter communicates any required, recommended, or suggested items to be included in the local water management plan or the process of writing the plan.

BWSR Regional staff will submit the draft official comment letter and a copy of the PCSD for a board agenda item. The regional Water Plan Committee chair will seek board approval of the comment letter. The comment letter must be sent to the LGU within 60 days of receipt of the PCSD in the BWSR office (or after the next regularly scheduled board meeting.)

Minnesota Board of Water & Soil Resources

One West Water Street, Suite 250, St. Paul, Minnesota 55107

January 28, 2004

Douglas County Commissioners
C/O Emily Wolf
Douglas County Land and Resource Management
305 8th Ave W.
Alexandria, MN 56308

SUBJECT: Official Comments pertaining to the State Review of the Douglas County Priority Concerns Scoping Document.

Dear Douglas County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns that Douglas 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 Douglas County Priority Concerns Scoping Document (PSCD) on October 30, 2003. The Northern Water Planning Committee (hereinafter referred to as the Committee) met on January 6, 2004 to discuss the state review agencies comments, the content of the PCSD and recommendations for the content of the final plan.

The Committee commends the county for the process they used to select the concerns and does not recommend or require any changes to the priority concerns selected to be addressed in the plan.

As per the Committee's recommendation, the Board requests that the following suggestions be considered in the development of the final plan.

- Implementation of the Douglas County Feedlot program should be included in the water plan under the required section ***Other [Ongoing] water management responsibilities and activities coordinated by the plan*** (M.S. section 103B.314, subd. 5.) In addition, reference that Douglas County has a Feedlot Workplan and where a copy of that plan can be found.

- The Committee recognizes that the county will focus its water plan actions on issues reflected in the Priority Concerns Scoping Document. The Committee reminds Douglas County that it can amend its water plan at any time to reflect new priorities to take advantage of new funding opportunities.

- A training/education program be conducted with realtors to help address the environmental concerns associated with the development pressures in Douglas County.

- Develop new partnerships and strengthen existing partnerships to implement the goals and objectives in the water plan especially when seeking new funding sources.

- Consider contacting the Environmental Quality Board (EQB) for assistance when dealing with large or controversial development projects.

The Board encourages the county to submit the final plan for board approval within six (6) months of receiving this letter.

Sincerely,

Jerome Deal
Chair, Board of Water and Soil Resources.

c: Pete Waller, BWSR
Marybeth Block, BWSR
John Fax, DNR
Patricia Bloomgren, MDH
Becky Balk, MDA
Paul Swenson, DNR
Lisa Thorvig, MPCA

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Request for Review of Priority Concerns Scoping Document
- Douglas County -

TO: John Fax, DNR Waters; Art Persons, MDH; David Johnson, MPCA; Becky Balk, MDA; John Wells, MN EQB

CC: Ron Shelito, BWSR; Kevin Brennan, FWS; Julie Aadland, DNR Waters; Pete Waller, BWSR; Tim James, MPCA; Mike Howe, MDH; Jerry Haggenmiller, Douglas SWCD; Paula Carpenter, Douglas Co. Land & Resource Management; Marybeth Block, WSR

October 30, 2003

Douglas County is presently involved in the update of our Local Water Management Plan. We would like to thank you for your participation in this process, including your agency's input at the public hearing held in Alexandria, individual feedback, and review of the attached Priority Concerns Scoping Document.

Issues presented at the meeting are included in the attached document. In order to comply with the Board of Water and Soil Resources (BWSR) changes in Minnesota Statutes, section 103B, this Priority Concerns Scoping Document must be sent to the above listed state review agencies for review and comment.

Please review the enclosed document and return your comments within 30 days to:

Minnesota Board of Water and Soil Resources
Ron Shelito, Regional Supervisor
217 South 7th Street, Suite 202
Brainerd, MN 56401
Email: ron.shelito@bwsr.state.mn.us

Thank you for participating in planning the management of Douglas County's water resources. We look forward to working together with you during the implementation phase. Comments received by Monday, December 1, 2003 will be considered in the revision of this document.

Sincerely,
Emily Wolf
Local Water Manager
Douglas County

Timeline of Actions

Priority Concerns of Douglas County were identified through the following process:

November 2002.

November 13, 2002 the Douglas County Board of Commissioners signed a resolution to update the Comprehensive Local Water Plan.

Meeting was held in Douglas County with Pete Waller of BWSR to discuss the update process to receive BWSR input.

Written Notice was sent to all interested parties informing them of the intent to update, offering membership in the Water Plan Task Force, and requesting any water and related land resource plans and official controls. The notice further requested that the party identify any conflict, problem, or opportunity they would like examined in the process. The parties were given 60 days to respond. Notice was sent to all twenty townships, all eleven incorporated cities, three watershed organizations, officials of six surrounding counties, and representatives of the MGS, DNR, Douglas SWCD, MPCA, MDH, U of M Extension Service, MDA, and BWSR.

A special invitation was sent to all townships, and lake associations to join the Water Plan Task Force.

December 2002.

Notice of a public informational meeting was sent to all lake associations in the COLA, County Commissioners and Commissioners Elect, Viking Land Builders Association, the Douglas Lakes Region Planning Committee, all townships and incorporated cities, MGS, DNR, Douglas SWCD, MPCA, MDH, U of M Extension Service, MDA, and BWSR.

A fourteen-member update committee was selected by the Water Plan Task Force to work intensively on the plan.

A press release was published in the Echo Press newspaper advertising the public meeting.

A special invitation was sent to all incorporated cities to schedule a meeting or send written comments to discuss any questions or topics they would like to include in the water plan update. The letter also contained another reminder of the pubic meeting.

A special meeting was held with Lynn Nelson of the Sauk River Watershed District to specifically discuss the District's plan in relation to Douglas County, and problems and opportunities within that watershed.

January 2003.

Public meeting was advertised on local radio program and announced at regular intervals.

Public meeting was held on January 9, 2003 in Alexandria and was attended by forty people. A brief presentation of the existing Water Plan was given, followed by an open discussion of problems and opportunities in the Douglas County area. An anonymous survey was also completed. Representatives from the following organizations were present and had the opportunity to comment: Douglas County Commissioners, DNR, BWSR, Douglas SWCD, Alexandria Township, Todd County, La Grande Township, Urness Township, MPCA, SRWD, and Douglas County Land and Resource Management and the Cities of Alexandria, Forada, and Evansville.

A special meeting was held with Jerry Haggenmiller of the Douglas SWCD to specifically discuss the District's plan in relation to the update, and problems and opportunities within our area.

October 2003.

Preliminary Scoping Document review and comments were requested from watershed organizations, state agencies and the U.S. Fish and Wildlife Service.

Outcomes

Special Meetings and Agency Feedback

Sauk River Watershed District

- Improve city use of Shoreland Ordinances.
- Address shoreland erosion problems in the Osakis City Park.
- Improve drainage management to preserve water quality.
- Consider permanent funding options.
- Provide cost share or funding for soil testing, well sealing, and well testing.
- Restore tillable wetlands.

Douglas Soil and Water Conservation District

- Improve the quality of storm water runoff and management of that runoff into area lakes.
- Erosion control on developments needs to be equal for developments, plats, and individual homes.
- Education of the developers and landowners of best management practices needs to be widespread.
- Reduce soil erosion on agricultural lands.
- Encourage Land and Resource Management to enforce any adopted storm water ordinance.
- Buffer strips need to be used more often and people need to be better educated on their benefits.
- Utilization of best management practices in county drainage projects and ditches.
- Find additional grant funding to mitigate feedlot problems such relocating existing feedlots or other activities to achieve compliance with state regulations.
- Work with landowners to reduce till or no till in areas of wind and/or water erosion.
- Utilize conservation practices such as windbreaks, terraces, and etc.
- Encourage enrollment in existing programs for erosion control and to improve water quality.
- Encourage proper well abandonment to protect groundwater supplies.
- Agricultural land uses conflict with urban development experienced in many areas.
- Lake area residents want a centralized sewer system, yet PCA discharge restriction issues may inhibit the project.

Written responses were received from the following:

- Minnesota Department of Agriculture. Priorities and concerns included the following: Work with livestock producers to mitigate impacts on surface and groundwater. Encourage producers to sign up for the open lot agreement. Provide information and funding opportunities for alternative milk house waste systems. Examine a variety of non-point source pollution in rural areas including failing septic

systems, land application of municipal waste, abandoned wells, and several others. Educate farmers on Best Management Practices and provide technical assistance. Opportunities include managed grazing systems, cover crops, buffer strips, alternative grains, nutrient credits, deep litter livestock facilities, and integration of the County land use plan.

- City of Garfield: Water drainage issues relating to road construction and high groundwater tables. Other road construction, tile lines, and gravel pits may impact future development in low areas.

Plans were collected and reviewed from the following:

- Otter Tail County, Todd County, and 2002 Pope County Draft Comprehensive Local Water Management Plans.
- Sauk River Watershed District Overall Comprehensive Plan
- Pomme de Terre draft Comprehensive Plan
- Chippewa River Watershed Project Implementation Plan
- Alexandria Lakes Area Lake Management Plan
- Alexandria Wellhead Protection Plan
- Drafts of the Upper Mississippi River Basin Plan pertaining to the Long Prairie and Sauk Rivers
- Douglas SWCD and NRCS Annual Plan of Work 2002

Public Meeting & Survey

Meeting attendees were asked to complete a survey identifying problems in Douglas County and the most threatened resources. The survey and discussion information are provided below.

The most threatened resources were lakes followed by wetlands, streams and rivers, and groundwater. Other threatened resources named included agricultural land, constitutional rights, public access to lakes and streams, and natural habitats.

Problems and Opportunities in Douglas County

1. Development Pressures/Impacts
   - Vegetated buffers on developments
   - Development ordinance
   - I feel lake construction and subdivision projects by the lake should be monitored more closely. More proactive instead of reactive.
   - Major problem is really that developers always put their profit ahead of common good. If they were legal - most issues would be minimal.
   - Evaluate lake sensitivities and potentially reduce impervious coverage rule to provide necessary increased protection on environmentally sensitive lakes.

Survey Results

Rank	Problem	Votes
1	Development pressure/impacts	23
2	Stormwater/Drainage management	18
3	Failing septic systems	13
4	Natural habitat destruction	13
5	Declining water clarity	11
6	Contaminated runoff	10
7	Erosion	8
8	Lack of regulations	6
9	Lack of environmental education	5
10	Over-application of fertilizers	5
11	Groundwater contamination	2

- Centralized sewer issues – need more information on pros, cons, and alternatives
- Also see groundwater contamination.

2. Storm Water/Drainage Management
   - Safety considerations in retention pond designs (fences)
   - Maintenance for retention ponds – responsible party
   - Types of retention/detention ponds, design criteria (holding water too long)
   - Make ponds more aesthetically pleasing
   - 25% impervious surface maximum is good.
   - Consideration of downstream effects of actions
   - See development pressures/impacts.
   - Need a coordinated approach to water management including storm water runoff
   - Address the negative impacts of agricultural tiling and outdated harmful drainage ditches and the seeming "hands off" approach because of the archaic ditch laws. Bring the ditch inspector into the water protection fold, rather than being a polarized maverick.
3. Failing Septic Systems
   - Septic System designs and maintenance – failing systems
   - ISTS - improve homeowner education
   - Disposal of pumpers' effluent – sites
   - Centralized sewer issues – need more information on pros, cons, and alternatives
4. Natural Habitat Destruction
   - Loss of habitat and vegetation in and near lakes
   - Vegetated buffers on developments
5. Declining Water Clarity
   - Surface water recreation – zoning, speed limitations
   - Chemical use in and out of lakes (pesticides, fertilizers)
   - Healthy Lakes Program – program allows lake associations to be eligible for funding
   - Also see contaminated runoff and over application of fertilizers
6. Contaminated Runoff
   - Ban phosphorus fertilizers for lawns
   - Encourage use of non-phosphorus fertilizers/adoption of non-phosphorus fertilizers in urban areas.
   - Investigate lawn service contractors for phosphorus fertilizer use
7. Erosion
   - Erosion on construction sites and enforcement
8. Lack of Regulation
   - Incentive program for positives versus fines.
   - Mandated restoration for violations rather than fines.
   - Lack of enforcement and prosecution, Douglas County lacks enforcement, sporadic enforcement, and need more enforcement of violations. Enforcement overall – explore barriers to enforcement and find solutions. Regulations in place right now need to be enforced.
   - Regulations should be the same for everyone. Citizens should not be liable for zoning mistakes.

9. Lack of Environmental Education
   - Educate and inform over increased regulation.
   - People need to understand the water system. The planning commission needs to comply and work together. The commissioners need to keep educated. The public needs continued education.
   - Minimize chemical usage with education
10. Over-application of Fertilizers
   - Residential fertilizing, spraying, and irrigating
   - Hold soil-testing clinics
   - Use agronomic rates and soil incorporation
11. Groundwater Contamination
   - Wells and water use in the same aquifer – consider rural water supply
   - Evaluate groundwater resources – study extent, sensitivity, and water age
   - Wellhead protection
   - The amount of wells being drilled in the county vs. the option of rural water systems to minimize the perforations into the aquifers.
12. Other Comments, Suggestions, Problems
   - Explore stable funding options instead of the Environmental Trust Fund or grants
   - Reevaluate livestock value and focus – asset versus problem
   - Stable/expanded funding/trust fund, less reliance on grants. Septic pumpers (training/regulation). Salvage yards.
   - Political aspect of county government and planning boards

Preliminary Scoping Document Review

U.S. Fish and Wildlife Service

The Service encouraged the county to incorporate the following items in the Water Plan:

1. Restoration of wetlands wherever possible for water quality improvement, groundwater recharge, flood control, and wildlife habitat.
2. Restoration of grasslands to control soil erosion, improve water quality, and provide wildlife habitat.
3. Give consideration to implementing zoning or land use planning in, or near, the Service's Waterfowl Production Areas to allow for orderly development of property while providing for rounding out of these areas in the future.
4. Consider changes in the county policies that would temper the recent and large amount of county ditch repairs. These repairs appear to have little regard for wetland and stream channel resources resulting in extensive drainage of wetlands and degradation of water quality coming from these cleanout activities.

Minnesota Department of Health

The MDH submitted a list of priority concerns for potential inclusion in the Douglas County LWM Plan. In summary MDH recommended supporting approved, developing, and potential wellhead protection plans; establishing a cost share program for well-sealing; continuing public education activities; starting a GPS well location program; support the well monitoring and testing; developing a program to identify high arsenic aquifers; educating the ISTS community on inner well management zones; listing Public Water Suppliers in the plan; and supporting the enforcement of the well code.

Sauk River Watershed District

The District agreed with the priority issues selected and commented that impacts on water resources have direct link to the County's wildlife resources, fisheries, tourism industry, and economic benefits the county is accustomed to having.

Board of Water and Soil Resources

It was suggested that the Update Committee consider creating an upland development model and wetland management plan similar to those completed in Cass and Clay Counties. An upland development model would assist Douglas County in further planning anticipated development due to high growth projections. Given the availability of the drained basin inventory, both drained and existing wetlands should be considered in the Wetland Management Plan.

Priority Concerns and Rationale

Many water resource concerns and management recommendations were forwarded in public comment sessions and partnership reviews. Most issues had common themes which allowed the Water Plan Update Committee to collate these concerns into three priority areas:

1. Development Pressures/Impacts: Lack of Enforcement, Lack of Environmental Education, and Natural Habitat Destruction
2. Storm Water/Drainage Management: Contaminated Runoff, Over-Application of Fertilizers, Declining Water Clarity, and Erosion
3. Failing Septic Systems: Groundwater Contamination

These priorities are appropriate for Douglas County based on the following:

- Douglas County has a forecasted growth rate of 41% by the year 2030 and has grown from a population of 22,910 to 32,821 in the past 30 years according to the State Demographers Office.
- Significant land subdivision and platting continues around Douglas County lakes and streams. The Douglas County Planning Commission reviews an average of 50 preliminary plats and 45 final plats a year alone. Fifty-three percent of land use permits were issued in residential shoreland areas versus all other zoning classifications (residential, agricultural, and etc) in 2002.
- Shoreland alterations continue on larger lakes in the area and contribute to further reduction of habitat in critical areas. Douglas County permits 80-100 shoreland alterations every year.
- Increased development in combination with apparent climate change has created conditions of greater storm water runoff. Three or more 100-year flood events have occurred in Douglas County in only the last decade.
- Lakeshore owners who have lived in the area over ten years attest to changes in water clarity and the amounts of aquatic vegetation.
- Land values are affected by changes in water clarity as proven by the recent Bemidji State University study, "Lakeshore Property Values and Water Quality." Loss of land values has the potential to harm the county's economy.
- Failing septic systems continue to be a problem throughout the county based on high failure rates. It is the professional opinion of Land and Resource Management that the countywide failure rate could be as high as 60%.

- Most, if not all, drinking water is supplied from groundwater in Douglas County. Very little information is available to determine groundwater sensitivities, extent, and contamination potential.

Some water management issues will not be addressed in the updated plan. Program budget cuts necessitated narrowing and prioritizing the focus of the work plan. Development pressures and impacts quickly came to the foreground in most discussions and responses. Other concerns will be re-examined for higher prioritization at the next plan update or addressed as unforeseen opportunities arise.

Minnesota Board of Water & Soil Resources

January 28, 2004

Lincoln County Commissioners
C/O Pauline Moen, Lincoln SWCD
P.O. Box 32
Ivanhoe, Minnesota 56142

RE: Official Comments pertaining to the State Review of the Lincoln County Priority Concerns Scoping Document.

Dear Lincoln County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns that Lincoln County has chosen to address in the update of their Comprehensive Local Water Management Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Lincoln County Priority Concerns Scoping Document (PCSD) on October 15, 2003. The Southern Water Planning Committee (hereinafter referred to as the Committee) met on January 8, 2004 to discuss the state review agencies comments, the content of the PCSD and recommendations for the content of the final plan.

The Committee commends the county for the process they used to select the concerns. The MN Departments of Health and Natural Resources and the MN Pollution Control Agency endorsed the priority concerns as identified. During the State review period leading to the subcommittee meeting, the BWSR met with the county to clearly define and focus the priority concerns selected. Following discussion between the subcommittee and your county, we mutually agreed the following priority concerns will be addressed in your final plan:

1. Groundwater Protection for the Verdi Well Field.
2. Surface Water Quality Deterioration priorities being Nutrients and Bacteria focusing on two identified TMDL sites – Lake Shaokatan and the South Branch of the Yellow Medicine River.
3. Erosion and Sediment Control on agricultural land, primarily gully erosion and concentrated flow with several priority areas being the South Branch of the Yellow Medicine River, Norwegian Creek, Coon Creek, Lake Benton Lake and Dead Coon Lake watersheds.
4. Lake Management Improvement (water quality) and Recreational Opportunities targeting Lake Benton, Lake Shaokatan and Lake Hendricks.
5. Surface Water Runoff and Drainage addressing runoff volume and water quality through drainage management.

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The Committee was impressed with the level of detail and information provided by the county and fully endorsed these concerns.

In summary, the Board encourages you to continue to engage in a process that includes citizens, local government officials, and state and federal resource managers as you develop goals, objectives and an implementation plan. We look forward to the completion of your plan and its implementation!

Sincerely,

Jerome Deal
Chair, Minnesota Board of Water and Soil Resources

c: Jeff Nielsen, Southern Region Supervisor
David Sill, Board Conservationist
Marybeth Block, Water Management Specialist

Lincoln County Water Management Plan

Priority Scoping Document

September 2003

Draft

Priority Scoping Document

The following priority scoping document for the Lincoln County Water Management Plan was developed in accordance with the changes to the Comprehensive Local Water Management Act; Statutes: 103B.304 – 103B.355. This scoping document lists the priority concerns the Lincoln County Water Management Task Force has chosen along with a detailed account of how these concerns were identified and chosen.

(1) List of priority concerns chosen:

The priority concerns the Lincoln County Water Management Plan will address are as follows:

1) Groundwater Protection for the Verdi Well Field
2) Surface Water Quality Deterioration (Nutrients-Bacteria)
3) Erosion and Sediment Control
4) Wildlife and Recreation Enhancement
5) Runoff and Drainage

Education and Information/Outreach is, for the most part, a component of each of the priority concerns, therefore, it is not categorized as a priority concern on its own.

(2) Description of how and why the priority concerns were chosen:

Under iii) below; are the issues identified by the local and state government agencies. From this list a spreadsheet was developed (Attachment 1) listing the concerns of each agency responding. The Task Force used Attachment 1-to summarize and determine our list of priority concerns.

Using the process of summarizing the issues of all agencies, the Task Force felt that at the present time, the list of priority concerns that were chosen, were based on the current threats to our water resources.

The Task Force also developed a spreadsheet (Attachment 2) to identify the issues collected from the state and local input meetings as shown in Attachments 3 and 4 (under the summary of proceedings and supporting data in this section). This spreadsheet was not used in determining the list of priority concerns because each individual agencies input was used as shown in Attachment 1.

(i) Part 1-List of all public and internal forums held to gather input regarding priority concerns, dates, list of participants, and affiliated organizations:

The Lincoln County Water Management planning process of addressing priority concerns has included the following steps/actions:

- **November 26, 2002:** Request for priority concerns and plans/official controls was sent to the following: county commissioners, cities, townships, pheasants forever, sportsmen's groups, Lincoln-Pipestone Rural Water Board, Planning and Zoning Board, Lincoln Co. Highway Dept., watershed districts, RCRCA, Regional Development Commission, and lake associations.
- **November 26, 2002:** Notice of Decision to Revise and Update the Lincoln County Water Management Plan was also sent out to the above mentioned agencies.
- **December 5, 2002:** Letter requesting agency priority concerns and invite to state agency meeting was sent to area SWCD's, county commissioners, watershed districts, RCRCA, NRCS, Dept. of Agriculture, Dept. of Health, MPCA, Dept. of Natural Resources, BWSR, RDC, RC&D, USFWS, MGS and East Dakota Water Development District. The priority concerns from the state agencies were copied and supplied to everyone in attendance. Additional comments were made throughout the meeting.
- **January 15, 2003:** Letter sent to same agencies as listed from the Nov. 26 date inviting them to a public input meeting on February 11, 2003. Notice of the public meeting was sent to the four county papers and published.
- **January 29, 2003:** State Agency Meeting held at the BWSR meeting room in Marshall with sixteen people in attendance at this meeting. Matthew Johnson, consultant was the facilitator for the state

agency meeting. This meeting was for both Yellow Medicine and Lincoln County together. Present were the following:

- Matt Johnson, Midwest Comm. Plan.
- Pauline Moen, Lincoln Co. WMTF
- Jolene Johnson, Yellow Med. Co. WP
- LouAnn Nagel, Yellow Med. SWCD
- Randy Sheik, NRCS, Ivanhoe
- Ron Madsen, Lincoln SWCD
- Lewis Miller, Yellow Medicine WP
- Donald Evers, Lincoln-Pipestone RW
- David Sill, BWSR
- Delmar Mamer, Yellow Med. WP
- Terry Renken, Lincoln Co. WMTF
- Daniel Christianson, Lin. Co WMTF
- Robert E. Olsen, Lincoln Co. WMTF
- Rich Papasso, USFWS
- Bob Meyer, DNR-Wildlife
- Terry Bovee, MDH

- **February 11, 2003:** Public input meeting at 1:00 p.m. at the Lincoln County Courthouse Assembly Room in Ivanhoe. Twelve people in attendance at this public input meeting. Priority concerns from the local agencies that were received were copied and distributed to those present at the public meeting:
  - Curt Blumeyer, Co. Commissioner
  - Pauline Moen, Lincoln SWCD/WMTF
  - Donald Evers, Lincoln-Pipestone RW
  - Norm VanOverbeke, Emergency Mgmt.
  - Daniel Christianson, Lincoln SWCD
  - Robert Olsen, Environmental Office
  - John Boulton, Yellow Med RWD
  - Deane D. Sagmoe, Co. Commissioner
  - Denny Browning, Hansonville Twp.
  - John Olson, Hansonville Twp.
  - Dennis Johnson, NRCS
  - Donald Oerter, Yellow Med. RWD
- **June 12, 2003:** Task Force met to discuss water plan update and discuss and select 4-6 priority concerns that they felt would be obtainable to implement over the next five years.
- **July 31, 2003:** Met with David Sill, BWSR concerning holding up with the priority concerns until we develop a scoping document which needs to be approved by BWSR prior to going any farther on the water plan update.
- **September 4, 2003:** Task Force met to discuss water plan update, discuss and select 4-6 priority concerns that they felt were the most threatened resources in Lincoln County. The following came out of that meeting:

(i) Part 2-Summaries of the proceedings, and supporting data;

Attached are the following:

1) Summary of the water plan issues identified at the State Agency Meeting held on January 29, 2003-Attachment 3; and
2) Summary (minutes) from the public input meeting held on February 11, 2003-Attachment 4.

ii) Process used to locally coordinate and resolve differences between the plan's priority concerns and other state, local, and regional concerns;

Used in the process to coordinate and resolve differences between the plan's priority concerns and other state, local, and regional concerns, we used Attachments 1 and 2. Using the process of summarizing the issues of all agencies, the Task Force felt was a good way to coordinate all concerns/issues and determine which they felt were a threat to our water resources in Lincoln County. A lot of the concerns listed from the various agencies we felt, were more action items than concerns. We will look at placing do-able implementation items under our list of identified priority concerns when we start working on our action items, after the scoping document has been approved.

(iii) Part 1-List of issues identified by the stakeholders but not selected as priority concerns, Part 2- why they were not included in the list of priority concerns,

We have listed all of the stakeholders identified concerns. Once again, we felt a lot of the concerns are implementation items rather than overall concerns.

Local Government Outcomes:
Requests for local government input (priority concerns/plans) from the agencies responding:

- **November 26, 2002:** Request for priority concerns/plans were sent to the following: county commissioners, cities, townships, pheasants forever, sportsmen's groups, Lincoln-Pipestone Rural Water Board, Planning and Zoning Board, Lincoln Co. Highway Dept., watershed districts, RCRCA, Regional Development Commission, and lake associations. The following represents a list of the responding agencies with a breakdown of their priorities:

- **RCRCA** – Jim Doering
  - Reduce non-compliant septic systems in the project area by 75%
  - Reduce the amount of external nutrients reaching Lake Benton and Coon Creek to achieve eco-region thresholds
  - Reduce the amount of fecal coliform bacteria in Lake Benton and Coon Creek to achieve TMDL levels
  - Monitor/evaluate the projects progress on Lake Benton, Coon Creek and its effect on the Redwood River

- **Yellow Medicine River Water District (YMRWD)** – Terry Renken and Steve Howey
  - Nutrient management
  - Protect and improve existing surface and ground water quality
  - Repair old ASCS dams in Lincoln County
  - Promote new road retention structures
  - Encourage ditch berm maintenance on Lincoln County Ditches
  - Trees in the River-cut and burn

- **Lincoln County Environmental Office** – Robert Olsen
  - Protect/improve existing surface and ground water quality
    - Convert surface tile intakes to subsurface intakes
  - Protect/improve surface water and ground water quality
    - Minimize pollution with clean water diversions/buffer area development around feedlots
    - Upgrade non-compliant septic systems
    - Develop manure management plans – to help regulate nutrients entering water from field run-off
    - Wellhead Protection Area
  - Phosphorus management with commercial fertilizer – replace open intakes with blind intakes
  - Reduce TMDL directly to streams and Rivers – French drains

- **City of Ivanhoe** – Dennis Klingbile
  - Improve discharge water from ponds to receiving water or stream
  - Improve existing sewer mains

- **City of Hendricks** – Angie Morseth
  - Lake Hendricks outlet into Lac qui Parle River-clean up

- **City of Tyler** – Jason Maxwell
  - Improve ditch drainage – problem south of Tyler-County Ditch 33 and tile
  - Improve quality of Lake Benton – curly leaf problem in Lake Benton Lake

- **Lake Improvement For Everyone (LIFE)** – Ed Gruhot
  - Protect and improve existing surface and water quality

- Implement filter strips around Lake Benton Lake
- Encourage farmers to install more settling ponds
- Fence out cattle around the lake
- Control curly leaf pond weed
- Keep pollution out of watershed coming into the lake

- **Lincoln SWCD/NRCS** – Pauline Moen/Dennis Johnson
  - Reduce soil erosion, sedimentation, and potential attached pollutants-improve water quality
    - Reduce sedimentation/water erosion-BMP's-Conservation practices/Increase CRP, CREP, RIM, filter strips, critical area plantings
    - Wind Erosion-Tree plantings: living snowfences, field windbreaks, wildlife tree plantings, farmstead shelterbelts, etc.
    - Reduce flooding-restore wetlands, increase filter strips through CRP, CREP, etc., repair existing dams
    - Reduce feedlot pollution-ag waste systems; nutrient/manure management
  - Increase and protect wildlife habitat
    - Increase wildlife habitat management areas, restore wetlands, wildlife tree plantings, etc.
  - Reduce the volume of sedimentation and nutrients reaching county lakes, streams, rivers and wetlands
    - Provide information about best management practices
    - Present options to landowners to reduce sediment and nutrients by implementing BMP's
    - Promote the use of Conservation Tillage Equipment
    - Provide assistance to landowners on feedlot waste management systems
    - Pursue funds for special projects for watershed based activities/practices
    - Prevent soil erosion from entering streams, lakes, rivers by promoting/implementing buffer strips on each side of the river, stream, or lake
  - Preserve existing wetlands and restore legally drained wetlands having potential for flood damage reduction, wildlife recreational and groundwater recharge benefits
    - Present options to landowners such as CRP, CREP, RIM and promote/implement these programs
  - Work with Lincoln-Pipestone Rural Water on implementing the Verdi Wellhead Protection Plan
  - Increase public awareness – education is a component for each of the priority concerns
- **Lincoln County Highway Engineers Office** – Ronald Gregg
  - Develop a Wetland Banking Program – provide Replacement Acres for wetlands lost in County Highway Improvement projects and Lincoln County Enterprise Development projects

- **Plans were collected from the following:**
  - City of Ivanhoe: Ivanhoe Development Management Ordinance; Ordinance 130; Ordinance 106; Stabilization Pond Discharge for Controlled Discharges; and NPDES/SDS Permit # MN0023825 - Municipal Wastewater Treatment Facility
  - Lincoln-Pipestone Rural Water: Verdi Well Field Wellhead Protection Plan

State/Federal Government Outcomes:

Requests for state government input (priority concerns) from the agencies responding:

- **December 5, 2002:** Letter requesting agency priority concerns were sent to area SWCD's, county commissioners, watershed districts, RCRCA, NRCS, Dept. of Agriculture, Dept. of Health, MPCA, Dept. of Natural Resources, BWSR, RDC, RC&D, USFWS, MGS and East Dakota Water Development District. The following represents a list of the responding agencies with a breakdown of their priorities:

Priority concerns were collected from the following state/federal government agencies:

- **MPCA** – Muriel Runholt-
  - Feedlots
    - Nutrient Management planning
    - Feedlot management-open lot agreement
    - Feedlot compliance-finding/fixing problems (inspections)
    - Provide technical assistance
    - Establish training programs, workshops, etc. to assist livestock operators in implementing/expectations of Chapter 7020 Feedlot Rules
    - Target compliance efforts on worst case situations-feedlots in ground water sensitive areas/shoreland
  - Total Maximum Daily Load (TMDL) - identify the 303d impaired water list in CLWP; focus cleanup efforts on the entire watershed-not just impaired reach; target landowners causing most environmental damage; tie county surface water efforts to goals and objectives-MPCA's Basin Plans
  - Individual Septic Treatment Systems (ISTS) and Unsewered Areas
  - Storm Water-educate contractors-permit requirements; implement BMP procedures for contractors on construction sites
- **MDA** – Mark Dittrich, Matt Drewitz, Wayne Monsen, Becky Balk and John Hines-
  - Reduce pollution from feedlots-open lot agreements; reduce pollution to surface/groundwater
  - Proper abandonment of feedlots-lots; manure storages
  - Erosion Control/Sedimentation-develop manure management plans; implement BMP's (conservation practices); conservation tillage; prioritize by more vulnerable watersheds (TMDL's); funding-CREP
  - Increase acres of perennial crops – through managed grazing systems, cover crops, forage production and especially on Highly Erodible Land acres
  - Improve grazing management in sensitive riparian areas – managed grazing systems
  - Diversify cropping systems by encouraging alternative grains for livestock feed and bedding – improve grain availability and markets
  - Increase residue by encourage more strip-till/ridge till residue management systems/consider exceeding the 30% residue goal in vulnerable landscapes
  - Nutrient credits for manure application
  - Integration of the County Land Use Plans with the CLWP
  - Note in CLWP-Ag BMP loan program-number of loans made; on what; total $'s
- **BWSR** – Phil Belfiori and David Sill-
  - Develop one implementation strategy where multiple plans exist
  - Address runoff volume
    - Identify/list the public drainage systems in the county
    - Inventory/assess two drainage systems to gain insight on the water quality and quantity implications of future projects
  - Understand and protect groundwater resources
    - How to interpret and use the Regional Hydrogeologic Assessment/groundwater information; incorporate groundwater information into land use decision making; develop protection strategy with BMP incentives/zoning/ordinance development
    - List county public water supplies and their current wellhead protection status; identify key BMP strategies; assist w/development of wellhead protection plans
    - Provide education on both wellhead protection areas and private wells
- **DNR-Waters** – Corey Hanson
  - Water quality-increase buffer strips; wetland restorations

- Drainage issues-water storage on landscape-historically wet areas
- Groundwater quality and availability-water conservation education; support of exploration
- Stream/river stability and restoration-stream bank stabilization projects; education

- **DNR-Wildlife** – Robert Meyer
  - Wetland restoration to improve water quality, recharge ground water, reduce downstream flooding, provide wildlife habitat and increase recreational opportunities-restore wetlands
- **MDH** – Terry Bovee
  - Protect Verdi Well Field from contamination-implement ISTS, feedlot, shoreland requirements, provide incentive programs for nutrient management/manure management, buffers, wetland restoration, continue monitoring groundwater and surface waters in Spring Creek Watershed
- **USFWS** – Rich Papasso
  - Identify drained wetlands to prioritize restoration and acquisition efforts-develop county wide drained wetland data and mapping
  - Restore wetland habitat for wildlife, and improve water quality and flood water retention benefits-identify landowners willing to restore wetland/upland habitats with various FWS/other government programs
- **East Dakota Water Development District (EDWDD)** – Jay Gilbertson
  - TMDL – Big Sioux River – Sediment (NTU, TSS)-reparian management; filter/buffer strips, upland BMP's, stream bank stabilization
  - TMDL – Big Sioux River – Fecal Coliform Bacteria-Septic System upgrades, feedlot permits/compliance; manure management plans; livestock exclusion

(iii) Part 3-Brief description of how the concerns may be addressed or delegated to other partnering entities:

- Many of the items under each of the agencies concerns will fit under some of our priority concern areas. As they are, as stated previously, more action items then priority concerns.
- The concerns that are not addressed in our plan, such as, but not limited to, watershed based activities, implementing buffer strips, flooding, etc., will fit under individual Watershed plans, County Comprehensive Plan, State/Federal Plans and programs, etc.
- Some of the City concerns will fit into their individual city plans, such as the sewer issues, discharge water and ditch drainage.
- Many of the concerns address septic systems, feedlot/manure management issues, sediment and nutrients reaching our county lakes, streams, etc. The majority of these issues will be addressed in our plan under the priority concerns that have been chosen by the Task Force.

State agency/public meeting Outcomes:

- Spreadsheet priority concerns/issues-collected from local/state/federal agencies-Attachment 1.
- Spreadsheet priority concerns/issues-collected from state/public input meetings-Attachment 2.
- Summary of the proceedings of the State Agency Meeting-Attachment 3.
- Summary of the proceedings of the local public input meeting-Attachment 4.

Minnesota Board of Water & Soil Resources

January 28, 2004

Yellow Medicine County Commissioners
C/O Jolene Johnson
Yellow Medicine County Water Plan Office
1000 10th Avenue, P.O. Box 675
Clarkfield, Minnesota 56223

RE: Official Comments pertaining to the State Review of the Yellow Medicine County Priority Concerns Scoping Document.

Dear Yellow Medicine County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns that Yellow Medicine County has chosen to address in the update of their Comprehensive Local Water Management Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Yellow Medicine County Priority Concerns Scoping Document (PCSD) on December 4, 2003. The Southern Water Planning Committee of the board (hereinafter referred to as the committee) met on January 8, 2004 to discuss the state review agencies comments, the content of the PCSD and recommendations for the content of the final plan.

The committee commends the county for the process they used to select the concerns and does not recommend or require any changes to the priority concerns selected to be addressed in the plan.

The Minnesota Pollution Control Agency (MPCA) and Minnesota Department of Natural Resources (DNR) did recommend several strategies when addressing the priority concerns selected:

- The MPCA strongly encouraged the county consider how their water management plan addresses impaired waters, the priority placed on these waters, and how they plan to participate in the development or implementation of Total Maximum Daily Load (TMDL) projects.

- The DNR strongly recommended the county incorporate flood plain and wetland restorations in the strategies to address priority concern #4 – "protection of agricultural lands from flooding."

The Board recommends that Yellow Medicine County incorporate these strategies in its plan under the required sections - Goals and Objectives addressing the priority concerns and Implementation Program for priority concerns (M.S. 103B.314, subdivisions 3 and 4).

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In summary, we encourage you to continue to engage in a process that includes citizens, local government officials, and state and federal resource managers as you develop goals, objectives and an implementation plan. We look forward to the completion of your plan and its implementation!

Sincerely,

Jerome Deal
Chair, Minnesota Board of Water and Soil Resources

c: Jeff Nielsen, Southern Regional Supervisor
David Sill, Board Conservationist
Marybeth Block, Water Management Specialist

Priority Concerns Scoping Document

For

Yellow Medicine County
Local Water Management Plan

December 2003

History:

The Yellow Medicine County Local Water Management planning process of addressing priorities has included the following actions:

$ **November 20, 2002**: The Water Plan Coordinator sent a request to various local and state agencies to submit priority concerns that they would like to see addressed in the Water Plan. Comments were received from the Department of Agriculture, Redwood-Cottonwood Rivers Control Area, Minnesota Pollution Control Agency, Minnesota Department of Health, Department of Natural Resources, US Fish and Wildlife Service, Board of Water and Soil Resources, Yellow Medicine River Watershed, Yellow Medicine Soil and Water Conservation District, City of Clarkfield, Yellow Medicine County Ditch Inspector and the University of Minnesota Extension Service.

$ **December 4, 2002:** A letter was sent to all cities and townships within the county, adjacent counties, rural water systems, watershed districts, county highway department, RCRCA, UMVRDC, Area II, BWSR, SWCD and the Yellow Medicine County Ditch Inspector. The letter informed them of Yellow Medicine County=s intent to update the local water plan and requested a copy of existing plans and a list of priority concerns that they would like to see included in the Plan.

$ **December 2002:** A survey was included in the December issue of the Water Quality/Quantity newsletter. This newsletter/survey was sent to every resident in Yellow Medicine County. Residents were instructed to identify their top ten environmental concerns. Fifteen responses were received.

$ **January 29, 2003:** An issues identification meeting was held in Marshall, MN. The meeting was attended by representatives from the Minnesota Department of Health, Department of Natural Resources, US Fish and Wildlife Services, Board of Water and Soil Resources, Natural Resources Conservation Service, Lincoln Pipestone Rural Water, Soil and Water Conservation Districts and Lincoln County and Yellow Medicine County staff. Comments received were discussed and new issues were identified.

$ **February 25, 2003:** The Yellow Medicine County Water Task Force held a public hearing to receive input from the general public, cities, townships and local government agencies. There were three members of the public in attendance.

$ **April 30, 2003:** The Yellow Medicine County Water Task Force convened to review and discuss the issues identified at the various meetings that had been held and correspondence that had been received. At this meeting the priority concerns were drafted.

RESULTS:

Written responses to the November 20, 2002 and December 4, 2002 request for priority concerns include the following comments:

- $ **Minnesota Pollution Control Agency (MPCA)** - Feedlots, TMDL=s, ISTS, Unsewered Areas and Storm Water
- $ **Minnesota Department of Health (MDH)** - Wellhead protection
- $ **Minnesota Department of Natural Resources (DNR) - Wildlife-** Wetland Restoration
- $ **US Fish and Wildlife Service (USFWS)- Morris Wetland Management District** - Wetland and Prairie Restoration, Protect existing wetland and native prairie habitats, Flood control and water quality improvement
- $ **Minnesota Department of Natural Resources (DNR) - Waters** - Water quality, drainage, groundwater quality and availability, stream/river stability and restoration
- $ **Board of Water and Soil Resources (BWSR)** - Integrate plans, address run-off volume, protect groundwater resources.
- $ **Minnesota Department of Agriculture (MDA)** - Feedlots, manure management, erosion control
- $ **Yellow Medicine Soil and Water Conservation District (SWCD)** - Promote and enhance surface water quality by reducing the amount of sedimentation and pollutants entering the County=s lakes, streams, rivers and wetlands; protect surface and groundwater supplies from contamination caused by point and nonpoint pollution; preserve existing wetlands and restore legally drained wetlands having potential for flood damage reduction, wildlife, recreational, and groundwater recharge benefits.
- $ **Yellow Medicine River Watershed District (YMRWD)** - Nutrient management, protect and improve existing surface and ground water quality, river bank restoration, erosion control
- $ **City of Clarkfield** - Well sealing, groundwater and surface water protection, wellhead protection
- $ **Yellow Medicine County Ditch Inspector** - Prevent soil erosion
- $ **Yellow Medicine County Extension Service** - Environmental education
- $ **Fortier Township** - no concerns

The comments and concerns listed above were discussed at the issues identification meeting held on January 29, 2003, in Marshall, MN. Additional discussion also took place and in summary, the concerns were categorized into the following:

- $ Restorable Wetlands Inventory
- $ Reduce priority pollutants with Best Management Practice (BMPs) emphasis
- $ Drainage
- $ Education
- $ Intergovernmental Cooperation
- $ Recreation, Tourism, Fisheries & Wildlife
- $ Groundwater Protection

A survey was placed in the December 2002 Water Quality/Quantity newsletter. The newsletter was sent to every household in the County. The survey consisted of a list of concerns and issues related to water. There was also an opportunity for respondents to offer their own suggestions or concerns. The following are the results of the survey, in order of importance, as rated by those who responded.

- $ Protect ground water supplies from contamination
- $ Protect surface water from contamination
- $ Reduce the amount of sedimentation entering the County=s lakes, streams and rivers
- $ Promote the use of BMP=s
- $ Promote the proper use of household hazardous waste, pesticides, etc.
- $ Preserve existing wetlands
- $ Bring feedlots into compliance
- $ Identify sensitive geologic areas which may cause groundwater contamination
- $ Restore drained wetlands that have flood damage reduction or wildlife and recreational benefits
- $ Improve flood control efforts
- $ Increase and enhance the recreational use of waters of Yellow Medicine County
- $ Work with landowners to test their private wells
- $ Properly seal abandoned wells
- $ Address illegal dumping of solid waste and demolition debris
- $ Clean up unpermitted junk yards
- $ Identify and remove underground storage tanks
- $ Bring non-conforming individual sewage treatment systems into compliance
- $ Provide municipalities with assistance in developing a wellhead protection plan
- $ Reduce the amount of wind erosion on severely erodible acres
- $ Assist in the construction of flood damage reduction structures
- $ Limit/remove/reduce development of agricultural uses in flood prone areas
- $ Expand surface and ground water monitoring
- $ Increase the number of acres of native prairie in the County
- $ Provide support for the development of nutrient/manure management plans for feedlots

Issues identified at the public hearing include tree removal from the waterways in the County, septic systems, feedlots and best management practices.

Setting the Priority Concerns for Yellow Medicine County:

The Yellow Medicine County Water Task Force determined from the above concerns that the focus for the next five years would be the following:

1. Groundwater Protection: aiding public water suppliers with the development of wellhead protection plans and by providing assistance to help manage vulnerable areas from potential contamination sources.

2. Erosion and Sediment Control on agricultural lands located in the Yellow Medicine and Lac qui Parle Watersheds.

3. Reduce priority pollutants, nutrients and bacteria, related to feedlots and non-conforming individual sewage treatment systems.

4. Manage flooding and its= effects minimizing losses associated with the flooding of agricultural lands.

5. Surface water and drainage management by addressing runoff volume and water quality deterioration due to excessive runoff.

These five issues will be the focus in the creation of the goals, objectives and an implementation plan.

The following issue will not be addressed within the scope of the Local Water Management Plan are:

$ Integrate County land use plans with the water plan and develop one implementation strategy. The Yellow Medicine County Comprehensive Land Use Management Plan is outdated, however, because of budget concerns the County does not plan to update this document in the near future. The Water Task Force has chosen to keep the documents separate but will utilize the existing document any way possible and will work closely with the Yellow Medicine County Zoning Office in the development and implementation of the Local Water Plan.

$ Identify and remove underground storage tanks.

This will not be addressed due to lack of funding.

$ Address illegal dumping of solid waste and demolition debris and the clean up of unpermitted junk yards.

These issues will be handled by the Environmental Office and the Zoning Office.

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

January 2004 BWSR Board Agenda Item

BUFFALO CREEK WATERSHED DISTRICT OVERALL PLAN (FOR BOARD ACTION)

Buffalo Creek Watershed District (District) was established on January 30, 1969, by order of the Minnesota Water Resources Board, now known as the Minnesota Board of Water and Soil Resources (BWSR). The District formally adopted its first Overall Plan (Plan) on February 8, 1974. In 1991, the District revisited its Plan and updated necessary data, as well as goals, objectives and action items.

On June 26, 2001, the District entered into a grant agreement with the State of Minnesota for purposes of development of its watershed management plan. The District received the grant in November of 2001. The District began the planning process in earnest in January 2003. On May 27, 2003, the District submitted a resolution to the BWSR requesting an extension of their grant agreement until December 31, 2003, for the purpose of completing the Plan. The extension request was approved by the BWSR on September 9, 2003. On July 18, 2003, the final draft Plan was submitted to BWSR, state agencies and local government units for the required 60-day review.

On September 24, 2003, the BWSR provided the required notice for filing of revised watershed management plan for the District. 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 and requests were to be received by the BWSR by November 1, 2003. No requests for hearing and no comments were received during the specified period of time and no hearing was held.

On January 7, 2004, the Southern Region Water Plan Committee met in the City of Faribault with BWSR staff and representatives from the District to review and discuss the Plan.

BWSR staff has reviewed the Plan and recommends its approval by the BWSR Board. The Southern Region Water Plan Review Committee (Char Kahler, Randy Kramer, Victor Ormsby and Dan Wilson) will make its approval recommendation to the full BWSR Board at its January 28, 2004, meeting.

Minnesota Board of Water and Soil Resources

January 2004 Board Meeting

OVERVIEW

Buffalo Creek Watershed District Overall Plan 2004-2013

Background

The Buffalo Creek Watershed District (District) was established on January 30, 1969, by order of the Minnesota Water Resources Board, now known as the Minnesota Board of Water and Soil Resources (BWSR). On February 8, 1974, the District formally adopted its first Overall Plan (Plan). In 1991, the District revisited its Plan and updated necessary data, as well as goals, objectives and action items. On June 26, 2001, the District entered into a grant agreement with the State of Minnesota for purposes of development of its watershed management plan. The District received the grant in November of 2001 from the BWSR. On May 27, 2003, the District submitted a resolution to the BWSR requesting an extension of their grant agreement until December 31, 2003. The extension request was approved by the BWSR on September 9, 2003.

District Description

The District is located in south-central Minnesota, spans 51 miles from west to east and is approximately 422 square miles in size. Traveling from west to east, there are five counties (Kandiyohi, Renville, McLeod, Sibley and Carver) and six cities (Hector, Buffalo Lake, Stewart, Brownton, Glencoe and Plato, all located along U.S. Highway 212) that are wholly or partially contained within the District. Four major highways are located in the District: U.S. Highway 212 is the west – east corridor; State Highways 4, 15 and 22 are the north – south corridors. The Buffalo Creek watershed is the southern most sub-watershed of the larger South Fork of the Crow River watershed, which eventually outlets to the Mississippi River near Dayton, Minnesota. The highest point in the District is found in southern Kandiyohi County with an elevation of 1,137 feet above sea level. The lowest point in the District is found near the mouth of Buffalo Creek in Carver County with an elevation of 945 feet above sea level. Major surface water resources within the District include Buffalo Creek and a handful of lakes (Allie, Barber, Boon, Clear, Eagle, Hodgson, Marion, Mud, Phare and Preston). Lakes Allie, Marion and Preston are classified as recreational development while the others are classified as natural environment. There are 24 public drainage systems within the District with a combined length of approximately 800 miles. The District has jurisdiction over one public ditch; the respective counties regulate the other 23 public ditches. There are approximately 270,184 acres within the District, of which 88.4 percent is agricultural land. Primary crops are those of a cash grain operation—corn, soybeans, small grain, and sugar beets. The vast majority of land in the District (98.8 percent) is privately owned.

Plan Update

In December of 2002, the District contracted with the Mid-Minnesota Development Commission (consultant) for the purpose of preparing the District's Plan. Consultant staff met with BWSR staff to discuss the format of the plan and to establish a timeline to keep the process on track. A public information meeting was held on January 28, 2003, at which many issues and concerns were brought forward. A task force committee was established consisting of the five District managers and thirteen individuals representing local government units and state agencies. This task force met three times following the public information meeting to discuss issues and review segments of the plan developed by the consultant.

The District developed a Plan outline and submitted it to the BWSR on May 21, 2003, for review and approval. BWSR provided comments and recommendations, which the District incorporated. The outline was approved on June 6, 2003. On July 18, 2003, the final draft Plan was submitted to BWSR, state agencies and local government units for the required 60-day review. The District received comments from the BWSR, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Carver County, and two task force committee members.

On September 24, 2003, the BWSR provided the notice for filing of revised watershed management plan for the District. 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 received by the BWSR by November 1, 2003; none were received during the specified time period.

On November 5, 2003, the District provided written response to those entities that had provided comments during the 60-day review. Based on the comments provided, the District revised the Plan and submitted the final copy to BWSR and other entities on December 19, 2003.

Plan Update Review

The District's original Plan adopted in February 1974 was developed to protect the public's health and welfare and to conserve the natural resources through land use planning, flood control and other conservation projects. The Plan updated in 1991 had more of a focus on water quality and management with the District implementing a water-monitoring program. The 2004 – 2013 Plan contains four main sections: district performance, water quantity management, reducing priority pollutants, and muti-purpose corridors. The main goals of the 2004 - 2013 Plan are:

- To improve stakeholder participation, cooperation and coordination in implementing the District's initiatives;
- To ensure that an adequate supply of surface water is available for agricultural, commercial/industrial, natural resources and recreational purposes, while minimizing flood related damage;
- To decrease the nutrient/sediment concentration of surface water to the 50th percentile of the Western Corn Belt Plains Ecoregion;
- To protect and enhance the biological resources and recreational amenities of muti-purpose corridors.

BWSR staff has participated with the District and its consultant throughout the revision process attending task force meetings, one-on-one meetings, plus other communications. Using the Board Conservationist Findings and Plan Review form, BWSR Board Conservationist Thomas Fischer has completed the final review of the Plan and recommends approval of the Buffalo Creek Watershed District 2004 - 2013 Overall Plan.

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

In the Matter of prescribing a Revised Watershed Management Plan for the **Buffalo Creek Watershed District** pursuant to Minnesota Statutes Section 103D.405

ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Buffalo Creek Watershed District (BCWD) filed a proposed Revised Watershed Management Plan (Plan) dated July 2003 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 BCWD was established by the Minnesota Water Resources Board on January 30, 1969.

2. **Requirement to Plan.** The Plan defines a framework to allow the BCWD to implement the Plan toward goals addressing priority issues pertaining to: district performance; water quantity management; reducing priority pollutants; and multi-purpose corridors. The BCWD's mission is to "1) help alleviate water problems, 2) enhance the living conditions of the area, and 3) maintain or improve the economic well being of the residents of the district." 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).

3. **Nature of the Watershed.** The BCWD is located in south-central Minnesota, approximately thirty-miles west of the Minneapolis-St. Paul metropolitan area. Traveling from west to east, BCWD straddles U.S. Highway 212 and occupies parts of Kandiyohi, Renville, McLeod, Sibley and Carver counties. It is approximately 422 square miles in size and contains approximately 270,184 acres, of which 88.4 percent is agricultural land. It spans approximately fifty-one miles in length and nineteen-miles in width. Major surface water resources within the watershed include Buffalo Creek and a handful of lakes (Allie, Barber, Boon, Clear, Eagle, Hodgson, Marion, Mud, Phare and Preston). Buffalo Creek flows through the center of the watershed emptying into the South Fork Crow River just inside the western border of Carver County, south of the City of New Germany, Minnesota. There are 24 public drainage systems within the BCWD with a combined length of approximately 800 miles. The BCWD has jurisdiction over one public ditch; the respective counties regulate the other 23 public ditches.

4. **Local Review.** Pursuant to Minnesota Statutes Section 103D.405, the BCWD was required to send a copy of the revised Plan to specific local government units and state agencies for their review. On July 18, 2003, the BCWD distributed a copy of the draft Plan to those required by Statute and to other numerous entities.

5. **Department of Natural Resources Review.** In a letter dated September 16, 2003, the DNR commented that they appreciated the BCWD's process for gathering input and identifying issues that took place prior to releasing the draft Plan. They commented that the Plan is very well written with clear goals, objectives and activities, and contains graphics and tables that are well done and help support the Plan. The DNR also commented that it is understandable that the Plan does not list activities with much detail or specificity. The DNR encouraged the BCWD to continue to work with DNR staff and commented that they look forward to working with the BCWD. They provided specific comments about removal of woody plant materials within the creek, strongly supporting activities that hold water higher in the landscape, natural corridors being an important component of resource protection and maintenance, and considering incorporating lakescaping activities for improving water quality. The DNR closed their comments by stating that the Plan is ambitious and they complement the BCWD on their efforts.

6. **Pollution Control Agency Review.** In a letter dated September 19, 2003, the MPCA provided numerous comments on the Plan. The MPCA led off by asking how the BCWD proposes to avoid perpetuating the trend of funding availability, and not the priority of the project, driving implementation. Additional comments can be summarized as recommending additions, clarification needs, pointing out omissions, the need for definition or description of terms found in the Plan, discrepancies of text versus maps or tables, adding policy guidelines for feedlots and individual septic treatment systems, and pointing out that filled wetlands are important in terms of water quality and quantity.

7. **Carver County Review.** In a letter dated September 18, 2003, the Carver County staff provided its comments. They commended the BCWD on putting together a thorough and action based Plan. The county provided some excerpt language to consider regarding water management and current information and data pertaining to official population projects, public ditches, feedlots and individual septic treatment systems, all in regards to the county's portion of the watershed.

8. **Board Review.** Board staff from the region and central offices met early in the process with BCWD's consultant to have a discussion on planning and provided Plan format recommendations and guidance. Board staff participated with and assisted the BCWD and its consultant 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 August 21, 2003, Board staff provided its written comments, which offered a number of editorial suggestions, needed clarifications, omissions, and recommended additions. Follow-up discussions with the consultant were provided as the Plan neared completion.

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 committee 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 BCWD to base their decisions upon,
    d. An implementation section of the Plan that contains specific actions to address four main goals of the BCWD:
        Goal 1) District Performance: To improve stakeholder participation, cooperation and coordination in implementing the district's initiatives.
        Goal 2) Water Quantity Management: To ensure that an adequate supply of surface water is available for agricultural, commercial/industrial, natural resources and recreational purposes, while minimizing flood related damage.
        Goal 3) Reducing Priority Pollutants: To decrease the nutrient and sediment concentration of surface water to the 50th percentile of the western Corn Belt plains ecoregion.
        Goal 4) Multi-Purpose Corridors: To protect and enhance the biological resources and recreational amenities of multi-purpose corridors.

10. **Publish Notice of Filing.** Legal Notice of Filing was published in the Glencoe Enterprise on October 2, 2003, the Hector News-Mirror on October 1, 2003, the Gaylord Hub on October 2, 2003, the Kandiyohi County Times on September 29, 2003, the Carver County News on October 2, 2003, and the Norwood Young America Times on October 2, 2003. The Legal Notice of Filing was also mailed in a letter from Board staff Jim Haertel dated September 24, 2003 to several addressees including the affected county auditors, county water planners, cities, and Soil and Water Conservation Districts.

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. **Southern Region Water Plan Committee Meeting.** On January 7, 2004, the Board's Southern Region Water Planning Committee and staff met with representatives from the BCWD in Faribault to review and discuss the Plan. Those in attendance from the Board's Committee were Char Kahler, Randy Kramer, Victor Ormsby, and Dan Wilson. Board staff in attendance were southern region supervisor Jeff Nielsen and board conservationist Thomas Fischer. Representatives from the BCWD were managers Don Belter, Larry Phillips and George Schlagel, task force committee members Ken Schiroo and Lyle Winterfeldt, and Ryan Freitag of the McLeod Soil and Water Conservation District. Board staff recommended approval

of the Plan. After discussion, the subcommittee unanimously voted to recommend approval of the Buffalo Creek Watershed District 2004 – 2013 Overall Plan to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a revised watershed management Plan for the Buffalo Creek Watershed District pursuant to Minnesota Statutes Section 103D.405.

3. The Buffalo Creek Watershed District 2004 – 2013 Overall Plan attached to this Order defines 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 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 2004 – 2013 Overall Plan for the Buffalo Creek Watershed District.

Dated at Saint Paul, Minnesota this 28th day of January 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Jerome Deal, Chair

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

January 28, 2004 BWSR Board Agenda Item

RICE COUNTY COMPREHENSIVE LOCAL WATER PLAN (FOR BOARD ACTION)

Rice County has a Comprehensive Local Water Plan (Plan), which was approved by the Minnesota Board of Water and Soil Resources (BWSR) on June 25, 1997. Rice County submitted a resolution requesting an extension of its Plan on January 23, 2001. BWSR approved the Plan extension on April 25, 2001. The Plan was extended until December 31, 2003. Rice County submitted its third generation Plan to the BWSR on October 10, 2003. The ninety-day state agency final review process began on October 27, 2003, and ends on January 6, 2004.

On January 7, 2004, the BWSR Board Water Plan Review Committee met in the City of Faribault with BWSR staff and representatives from Rice County to review and discuss the third generation ten-year Comprehensive Local Water Plan, titled 2003-2008 Rice County Water Resources Management Plan.

For the January 28, 2004, BWSR Board meeting, an overview of the Rice County Plan is included which provides background information on Rice County and the Plan.

BWSR staff has reviewed the Rice County Plan and find that all relevant requirements of law and rule have been fulfilled and it is in conformance with the requirements of Minnesota Statutes 1990, 103B and Minnesota Rules Chapter 9300. BWSR staff recommends approval of the Rice County 2003-2008 five-year Comprehensive Local Water Plan and 2003-2008, titled 2003-2008 Rice County Water Resources Management Plan.

The BWSR Water Plan Review Committee, chaired by Char Kahler, will make its approval recommendation to the full BWSR Board at its January 28, 2004, meeting.

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

January 2004

Overview -- Rice County Water Resource Management Plan 2003-2008

Introduction and Description of Rice County

Rice County is located in southeastern Minnesota. Faribault is the county seat. The county has a well-developed, diversified industrial economy. Rice County includes several small communities that reflect the highly productive agricultural base that predominates the land use in the county. Residential development pressure from the Twin City metropolitan area is having a major effect on the land use of the northern half of Rice County.

Western Rice County is rolling till plain with productive soils and numerous lakes and wetlands. The eastern half of the county is in an older landscape with highly productive soils and a well-developed pattern of streams and valleys. Significant areas of woodland are found throughout the county. A substantial portion of agricultural land has been drained to enhance crop production. Ditch systems were developed for agricultural drainage outlets where streams were not adequate for depth, capacity or location. Residential development is affecting the hydrographs of the streams and ditch systems.

Plan Accomplishments of the 1997-2002 Plan

Rice County implemented many activities identified in the 1997-2002 water management plan. These include: water resource protection through formation of lake associations and COLA, shoreland regulation, level II feedlot inventory, ISTS regulation, monitoring projects, database development, wellhead protection, development of the geologic atlas and development of GIS coverage for protected waters, ditches and feedlots. Staff turnover, staffing limitations and other budget constraints prevented even greater success in implementing the 1997-2002 goals and activities.

Staff Review

The 2003-2008 Rice County Water Resource Management Plan is a third generation plan that adds new information in data and assessments. The plan is organized to clearly identify and describe six major issue areas within the context of the eight overall management goals that include: 1. Protection of natural surface and groundwater storage systems, 2. Capital management to correct flooding and water quality problems, 3. Improve surface and groundwater quality, 4. Better integrate local policies and controls for water management, 5. Erosion prevention, 6. Groundwater recharge, 7. Fish and wildlife habitat enhancement, and 8. Other surface and groundwater management activities.

The six major issue areas are: 1. Animal agriculture, 2. Erosion and sediment control, 3. Groundwater resources, 4. Stormwater management, 5. Surface water quantity and quality, and 6. Wetland management. Each major issue area has clearly stated goals, proposed actions, timeframes, location, priority, measureable outcomes, costs, possible funding sources and staff resources. Actions included are inventories, technical services, planning, education, regulation, BMP's, monitoring and easement acquisition applicable to goals for the six major issue areas.

The 2003-2008 Rice County Water Resource Water Management Plan is a clear, concise third generation local water management plan using a good mix of local resources to implement six locally identified major issue areas.

The 2003-2008 Rice County Water Resource Water Management Plan is recommended for approval.

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

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

ORDER APPROVING COMPREHENSIVE WATER PLAN

Whereas, the Rice County Board of Commissioners adopted a Comprehensive Water Plan (Plan) on February 21, 1997, under authority of Minnesota Statutes 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board) on June 25, 1997, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

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

Whereas, the Rice County Board of Commissioners submitted a Comprehensive Water Plan Update (Plan Update) to the Board on October 8, 2003, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. M.S. 1990, Section 103B.311, Subd. 4, requires adopted Comprehensive Water Plans to be updated on a recurring basis.

2. On February 13, 2001 the Board received a resolution from Rice County requesting an extension of their existing Comprehensive Water Plan.

3. On April 25, 2001 the Board approved the extension of the existing Rice County Comprehensive Plan until December 31, 2003. (The Board has authorization to grant extensions pursuant to Minnesota Session Law 1995, Chapter 184 Section 24.)

4. On January 23, 2001, Rice County passed a resolution to develop a Comprehensive Water Plan Update to meet the plan update requirements.

5. Rice County held a public information meeting on April 4, 2001, for purposes of gaining public input into the Plan Update.

6. On May 23, 2003, Rice County completed a draft Plan Update and submitted it to affected local units of government for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 1.

7. On May 23, 2003, Rice County submitted a draft Plan Update to the Minnesota Departments of Agriculture, Health, and Natural Resources, Minnesota Pollution Control Agency and Minnesota Environmental Quality Board for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 5.

8. On September 18, 2003, Rice County held a public hearing on the Plan Update pursuant to M.S. 1990, Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.

9. On October 8, 2003 Rice County submitted its Plan Update along with all written comments received on the Plan Update and a record of the public hearing to the Board for final State review pursuant to M.S. 1990, Section 103B.315, Subd. 5.

10. On October 23, 2003, the Board distributed notification of the official 90-day state review and a copy of the Rice County Plan Update to the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency and the Minnesota Environmental Quality Board for their review and comment pursuant to Minnesota Rules, Chapter 9300.0170. The notification stated that each agency had 45 days from receipt of the notification to submit written comments to the Board.

11. **Individual Comments:**

    The Cannon River Watershed Partnership, in a letter dated March 21, 2003, recommended several editorial changes.

    Dan and Jane Bartho, in a letter dated July 25, 2003, provided comments regarding septic systems, wetlands, erosion control, animal waste management and lake associations.

    Ed Olson, in an electronic mail dated July 25, 2003, provided editorial comments.

12. **County Response to Individual Comments:** In letters dated October 7, 2003, to the Cannon River Watershed Partnership, Dan and Jane Bartho and Ed Olson, Rice County staff acknowledged receipt of their comments and described resulting changes to the plan or explained why no changes would be made as recommended in the letters.

13. **Local Government Unit (LGU) Comments:** In a letter dated June 30, 2003, Dakota County principal planner Kurt Chatfield, acknowledged receipt of the plan, but provided no comments.

14. **County Response to LGU Comments:** In a letter dated October 7, 2003, Rice County acknowledged receipt of the letter from Dakota County.

15. **Minnesota Department of Agriculture (MDA) Review:** No comments were received from the Minnesota Department of agriculture.

16. **Minnesota Department of Health (MDH) Review:** In a letter dated July 29, 2003, the Minnesota Department of Health provided comments regarding enhancements to the in the areas of wellhead protection, terminology for unused wells and data reporting standards.

17. **Minnesota Department of Natural Resources (DNR) Review:** In a letter dated July 25, 2003, the Minnesota Department of Natural Resources provided comments regarding editorial changes, and in enhancements to the plan in the areas animal agriculture, groundwater, stormwater management and wetland management.

18. **Minnesota Pollution Control Agency (MPCA) Review:** In a letter dated July 25, 2003, the Minnesota Pollution Control Agency found no inconsistencies with state law and recommended approval of the plan.

19. **Minnesota State Planning Agency/Environmental Quality Board (EQB) Review:** No comments were received from the Environmental Quality Board.

20. **Minnesota Geological Survey (MGS) Review:** No comments were received from the Minnesota Geological Survey.

21. **Minnesota Board of Water and Soil Resources (BWSR):** No written comments were received from the Minnesota Board of Water and Soil Resources.

22. **County Response to State Agency Comments**: In letters dated October 7, 2003, Rice County responded to the comments from MDH, MDNR and MPCA acknowledging receipt of agency comments and described resulting changes in the plan in the areas of concern expressed by the agency or explaining why the recommended changes would not be made to the plan.

23. **Board Water Plan Review Committee Meeting:** On January 7, 2004, the Board committee met in Faribault, Minnesota with Board staff and representatives from Rice County to review and discuss the Plan Update. Those in attendance were Victor Ormsby (SWCD member), Dan Wilson (Department of Health representative), and Char Kahler and Randy Kramer (citizen members) of the Board; the Board's Southern Region Supervisor Jeff Nielsen and Board Conservationist David Peterson; Rice County Water Plan Coordinator Melissa Bokman, Rice County Planning and Zoning Director Arlyn Grussing, Rice County staff Jon Krueger and Nick Haig; and Stan Burmeister and Milt Bosejpka, Citizen Advisory Committee members. The water plan review committee met to determine whether all relevant law and rule requirements had been met; to discuss past accomplishments; to discuss resource issues and needs; to review the proposed Plan Update; and to hear comments from Rice County on the planning process.

24. On January 7, 2004, the Board Water Plan Review Committee voted unanimously to recommend that the Board approve the Rice County 2003-2008 five-year Rice County Water Resource Management Plan.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Rice County titled Rice County Water Resources Management Plan 2003-2008, pursuant to Minnesota Statutes 1990, 103B.311, Subd. 4, and Minnesota Rules 9300.0170, Subp. 4.

2. The Rice County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of Minnesota Statutes 1990, 103B.301 and Minnesota Rules Chapter 9300.

ORDER

The Board hereby approves the attached Plan Update as the Rice County Water Resources Management Plan. Dated at St. Paul, Minnesota, this 28th day of January 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Jerome Deal, Chair

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

January 2004

Overview
Turtle Creek Watershed District
2002-2012 Watershed Management Plan

Introduction and Description of the Turtle Creek Watershed District

The Turtle Creek Watershed District (TCWD) is located in south central Minnesota occupying the northeastern one-quarter of Freeborn County and a small portion of west central Mower County. Turtle Creek is a tributary of the Cedar River, joining the river in the City of Austin. The predominate land use in the TCWD is agricultural. Soils were formed generally in glacial till and outwash plains with a large area of organic soils in the Hollandale area. The soils are highly productive when augmented with drainage and most of the land is in agricultural crop and limited livestock production. The organic soils around Hollandale are used for vegetable production.

Agricultural drainage of uplands and adequate drainage and flooding in the low land areas around Hollandale and flooding in the City of Austin have been the primary concerns of the TCWD. These issues will continue to dominate the activities of the TCWD managers. There are ten public ditch systems that outlet into Turtle Creek that is also known as Joint County Ditch #24.

Agricultural drainage and flooding are the primary concerns in the TCWD; however, water quality monitoring conducted by the Mower County Environmental Services office indicates Turtle Creek contributes suspended solids and fecal coliform to the Cedar River. The TCWD 2002-2012 plan recognizes water quality issues as well as water quantity concerns.

Plan Accomplishments of the Current TCWD Plan

The TCWD has concentrated on the maintenance and restoration of the public drainage systems under the current plan. An improvement of Joint County Ditch #24 was completed to restore drainage to low lands. The TCWD also requires permits under district rules for private drainage projects.

Staff Review

The TCWD board of managers made a significant effort to obtain citizen and public agency input during the planning process. The managers identified Four Major Areas of District Involvement from their deliberations and from the public input process. The four major areas are: 1) Watershed Management, 2) Water Quality, 3) Water Quantity Management, and 4) Education. Three to five clearly stated goals are identified for each major area. For each goal, action policies are identified that include responsibility assignment, timeframe, and estimated cost where possible.

The Turtle Creek Watershed District 2002-2012 Watershed Management Plan is a clear, concise update of the district's overall plan. The plan maintains the district's commitment to drainage maintenance and alleviating flooding, but also has the district engaged in water quality and quantity concerns that are beyond the traditional focus of previous plans and activities of the district.

The Turtle Creek Watershed District 2002-2012 Watershed Management Plan is recommended for approval.

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

In the Matter of prescribing a Revised Watershed Management Plan for the **Turtle Creek Watershed District** pursuant to Minnesota Statutes Section 103D.405	**ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN**

Whereas, the Board of Managers of the Turtle Creek Watershed District (TCWD) filed a proposed Revised Watershed Management Plan (Plan) 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 TCWD was established by the Minnesota Water Resources Board on November 14, 1968.

2. **Requirement to Plan.** The Plan defines a framework to allow the TCWD to implement the Plan to improve the water resources of the TCWD in four major issue areas of Watershed Management, Water Quality, Water Quantity and Stewardship/Education. The TCWD administers a permit program for private drainage projects. The overall goal of the TCWD – "is to make the wisest possible use and conservation of the District's water and related resources." 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).

3. **Nature of the Watershed.** The Turtle Creek Watershed District contains approximately 174 square miles. It is located in south central Minnesota occupying the northeastern one-quarter of Freeborn County and a small portion of west central Mower County. Turtle Creek is a tributary of the Cedar River joining the river in the city of Austin. The predominate land use in the TCWD is agricultural. Soils were formed generally in glacial

till and outwash plains with a large area of organic soils in the Hollandale area. The soils are highly productive when augmented with drainage and most of the land is in agricultural crop and limited livestock production. The organic soils around Hollandale are used for vegetable production.

Agricultural drainage of uplands, adequate drainage and flooding in the low land areas around Hollandale and flooding in the city of Austin have been the primary concerns of the TCWD. These issues will continue to dominate the activities of the TCWD managers. There are ten public ditch systems that outlet into Turtle Creek that is also known as Joint County Ditch #24.

Agricultural drainage and flooding are the primary concerns in the TCWD, however, water quality monitoring conducted by the Mower County Environmental Services office indicates Turtle Creek contributes suspended solids and fecal coliform to the Cedar River. The TCWD 2002-2012 plan recognizes water quality issues as well as water quantity concerns.

4. **Local Review.** The TCWD circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103D.405.

5. **Department of Natural Resources Review.** In correspondence dated November 18, 2003, the Minnesota Department of Natural Resources stated that the Plan was well written and contained sound and reasonable goals. The DNR also commented that the relationship between cumulative drainage impacts and water quantity and quality problems was recognized, and that items listed in the Action Tables included practices that should help address those concerns to a degree.

6. **Board Review.** Board staff were involved during the plan development process and submitted no written comments during the local review phase.

7. **Minnesota Department of Health.** In a letter dated September 12, 2003, the Minnesota Department of Health provided comments regarding the TCWD plan. The MDH comments concerned possible district involvement with water suppliers, wellhead protection and groundwater issues. The district decided the recommendations provided by MDH were not consistent with the major issue areas identified in the plan and, in a response to the MDH, declined to include the recommendations in the plan.

8. **Highlights of the Plan.** The TCWD board of managers made a significant effort to obtain citizen and public agency input during the planning process. The managers identified four Major Areas of District Involvement from their deliberations and from the public input process. The four major areas are: 1. Watershed Management, 2. Water Quality, 3. Water Quantity Management and 4. Stewardship/Education. Three to five clearly stated goals are identified for each major area. For each goal, Action Policies are identified that include responsibility assignment, timeframe and estimated cost where possible.

The Turtle Creek Watershed District 2002-2012 Watershed Management Plan is a clear, concise update of the district's overall plan. The plan maintains the district's commitment to drainage maintenance and alleviating flooding, but also has the district engaged in water quality and quantity concerns that are beyond the traditional focus of previous plans and activities of the district.

9. **Publish Notice of Filing.** Legal Notice of Filing was published in the Albert Lea Tribune on November 24, 2003 and the Austin Daily Herald on November 24, 2003. The Legal Notice of Filing was also mailed in a letter from Jim Haertel dated November 19, 2003 to several addressees including the affected county auditors, county water planners, cities, and Soil and Water Conservation Districts.

10. **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.

11. **Water Planning Subcommittee meeting.** On January 7, 2004, the Board's Southern Region Water Planning Subcommittee and staff met with representatives from the TCWD. The subcommittee members present were Char Kahler, Randy Kramer, Victor Orsmby, and Dan Wilson. Board staff recommended approval of the Plan. After discussion, the subcommittee unanimously decided to recommend approval of the Turtle Creek Watershed District 2002-2012 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 revised watershed management plan for the Turtle Creek Watershed District pursuant to Minnesota Statutes Section 103D.405.

3. The Turtle Creek Watershed District 2002-2012 Watershed Management Plan attached to this Order defines water and water-related problems within the TCWD 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 county comprehensive water plans.

ORDER

The Board hereby prescribes the attached Plan as the 2002-2012 Watershed Management Plan for the Turtle Creek Watershed District.

Dated at Saint Paul, Minnesota this 28th day of January 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

MEMORANDUM

January 8, 2004

To: Metro Sub-Committee
From: Steve Woods
Subject: Informational Item on Coon Creek planning grant

The CCWD Overall Plan for Water Management expired at the end of 1990. BWSR's Priority Schedule for Second Generation Watershed Planning slated the new plan to be received by June 1997. Metro WMOs were each granted $15,600 to help defray the cost of second generation plan preparation. CCWD passed a resolution in May 1996 (forwarded to BWSR in January 1997) to accept the grant money. BWSR processed the request after execution of a contract in February 1997. The plan has not yet been finalized.

The CCWD is considered a sound manager of public drainage systems, the Wetland Conservation Act, and stormwater resources in general. However, the continued lack of an updated management plan as required by both M.S. 103B and 103D represents an unnecessary liability that undermines the CCWD's ability to assert its authorities, fund its programs, and adapt to the needs of the communities it serves.

The grant agreement required the submittal of a draft plan by the June 1997 due date. This was a date agreed to by the CCWD in their resolution for the grant. After repeated requests to advance the plan to review agencies, the draft plan was distributed for 60-day review in December 2001. Various review agencies responded with comments in January and February 2002. No further review activity has taken place since that time.

I have called the Administrator (Tim Kelly) to advise him of my intentions to recover the grant monies on behalf of BWSR. A letter will be sent to the Chair of the CCWD advising them of our desire to pursue recovery of the funds.

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OVERVIEW
Scott Watershed Management Organization
Watershed Management Plan

Background

On January 15, 2004, the Metro Water Planning Committee heard the staff recommendation to approve the Scott WMO (SWMO) Watershed Management Plan. This recommendation was based on substantial compliance with Minnesota Statutes 103B and Minnesota Rules Chapter 8410.

Summary of Plan Review Process

The SWMO became necessary after the failure of four WMO's which had originally been established under the Surface Water Management Act of 1982. Scott County elected to take over water planning activities in the areas addressed by the Sand Creek, Shakopee Basin, Southwest Scott, and Credit River watersheds. A multi-year plan development effort was undertaken with an exemplary public input process (see attachment for participants) that included cities, townships, neighboring counties, watershed districts, non-profit organizations, and the Shakopee Mdewakanton Sioux Community. The process was delayed significantly due to the departure of the original project manager, but made good progress in 2003.

The Plan was submitted for 60-day review deadline to over 20 reviewing entities in October 2002. A large inter-agency meeting was held at Scott County in January 2003 to consolidate comments and address probable responses from the county. The Plan was resubmitted in July 2003 for its 45-day review. The County has made final revisions from this review process and is now seeking final approval.

Watershed Description

The SWMO extends over 287 square miles of Scott County. The remaining portions of Scott County are addressed by the Lower Minnesota River WD, Prior Lake/Spring-Lake WD, the Vermillion River WMO, and Black Dog WMO. There are also approximately two square miles tributary to the Cannon River in the Southeast corner of the County that is subject to the Metropolitan Surface Water Management Act and is considered part of the SWMO area. Drainage of Scott County is toward the Minnesota River which forms the northern border of the County. Agricultural land use dominates the landscape, but urbanization is occurring in the northern portions of the County.

Plan Strengths and Weaknesses

Strengths

The Plan picks up in the wake of WMO failures and provides authority for setting minimum standards to guide development and local governments.

- The County's Ground Water Plan (adopted March 1999) has been incorporated into the Plan.

- They have addressed management areas of stormwater, wetland, water quality, groundwater, agricultural uses, flooding, urban development, and education.
- The Plan is a "Policy Plan" (vs. project construction). Its biggest strength is that it meshes the SWCD and various County Departments for seamless addressing of County priorities. This will provide for future flexibility in funding these operations.

Weaknesses

- The Plan does not propose capital improvement projects by the SWMO. They have addressed funding tools that the County Commissioners will consider when capital improvement projects are pursued, but lack the detail necessary to jump straight to funding. A plan amendment will likely be required in the future to justify 103B funding.
- The SWMO's desire to set standards and have implementation occur at the municipal level will require an oversight function which will ultimately be filtered through the County Commissioners which serve as the SWMO Board.
- The Plan tabulates few activities of other entities working within Scott County. While the Plan does do a good job of utilizing data generated from historical activities of others, it does not look forward with the same degree of specificity.

Financial Context

The table below provides selected information for neighboring WMO's and those of comparable size in the Metro area. Information was not available for Carver County, unfortunately.

Watershed	Area (square miles)	Typical Activity Level (dollars)
Vermillion River	311	300K
Scott WMO	287	727K
Rice Creek WD	201	1.3 – 1.7M
Minnehaha Creek WD	184	6 – 7M
Nine-Mile Creek WD	50	1 – 1.3M
Riley Purgatory Bluff Creek WD	47	1 – 2M
Prior Lake/Spring-Lake WD	42	600 – 700K

Fiscal activities are an approximate barometer of influence within a watershed only. The table above shows that Scott County is proposing activities which are small given the area being managed. When seen in the light of Scott County's 55 percent population growth during the 1990's and the eighth fastest growing county in the U.S. in 2003, there is room for increases. Balancing this perspective, however, is the fact that the Commissioners have purposely chosen to create a structure by which most implementation is carried out at the municipal level. Under this structure, we would expect their expenditures per square mile to be lower than organizations like Rice Creek WD and Minnehaha Creek WD which undertake capital improvement projects, run regulatory programs, and conduct substantial monitoring and education programs.

Successful water management in Scott County still hinges on attracting Federal Farm Bill monies through the SWCD and the setting and enforcing of minimum standards on new development. This ounce-of-prevention strategy need not be terribly expensive.

Scott Watershed Management Organization
Comprehensive Water Resources Management Plan

Adopted on >>>>>>>>
Scott County Board of Commissioners

JERRY HENNEN
BARBARA MARSCHALL
JON ULRICH
BOB VOGEL
JOE WAGNER

Citizen Advisory Committee

DAVE MORAN
DOUG DREWS
RON JABS
CRAIG GONTAREK
DARRELLL JAHN
DAVE CZAJA
CY WOLF
TED KORNER
EDWARD NYTES
DAVID WOESTEHOFF
BILL OLSON
GERRY MARECK
SCOTT JOHNSON
BRUCE MATHIOWETZ
GLENDA SPIOTTA
LES THILL
JOSEPH WORM
LOU VANHOUT
EWALD GRUETZMACHER
RALPH MALZ
ALBERT ZWEBER
WESLEY MADER
DENNIS WEHLE

Technical Advisory Committee

DOUG SNYDER, BWSR
PHIL BELFIORI, BWSR
PETE BECKIUS, SCOTT SWCD
JACK FROST, MET COUNCIL
PETER LEETE, MNDNR
NELS NELSON, BARR ENGINEERING
KEVIN BIGALKE, LMRWD
PAUL NELSON, PLSLWD
JOE SWENTEK, CITY OF SHAKOPEE
GREG ILLKA, SCOTT CO.
BRUCE LONEY, CITY OF SHAKOPEE
SCOTT WALZ, SMSC
STAN ELLISON, SMSC
DAVE RESCH, U OF M EXTENSION SERVICE
PETE BECKIUS, SCOTT SWCD
TERRY SCHULTZ, CITY OF BURNSVILLE
LANI LEICHTY, CITY OF PRIOR LAKE
TINA CARSTENS, CITY OF SAVAGE

Plan Preparation and Development

SCOTT COUNTY COMMUNITY DEVELOPMENT DIVISION
SCOTT SOIL AND WATER CONSERVATION DISTRICT
SCOTT COUNTY PUBLIC WORKS DIVISION

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

In the Matter of the review of the Watershed Management Plan For the **Scott Watershed Management Organization** pursuant to Minnesota Statues Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Scott County Commissioners serving as the board of the Scott Watershed Management Organization (SWMO) submitted a Watershed Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes 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. **WMO Establishment.** The SWMO became necessary after the failure of four WMO's which had originally been established under the Surface Water Management Act of 1982. Scott elected to take over water planning activities in the areas addressed by the Sand Creek, Shakopee Basin, Southwest Scott, and Credit River watersheds. A multi-year plan development effort was undertaken with a public input process that included cities, townships, neighboring counties, watershed districts, non-profit organizations, and the Shakopee Mdewakanton Sioux Community.

   The Plan was submitted for a 60-day review to over 20 reviewing entities in October 2002. A large inter-agency meeting was held at Scott County in January 2003 to consolidate comments and address probable responses from the county. The Plan was resubmitted in July 2003 for its 45-day review. The County has made final revisions from this review process and is now seeking final approval.

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. The Organization may prepare and adopt a groundwater plan in accordance with Section 103B.255.

3. **Nature of the Watershed.** The SWMO has been divided into nine sub-watershed units for planning purposes. Several of these are wholly or partially addressed by other WMO's acting under authorities of Minnesota Statutes 103B and 103D.

4. **Local Review.** The SWMO circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7, prior to submittal to the Metropolitan Council.

5. **Metropolitan Council Review.** The Council concluded the draft Plan largely met the requirements of Minnesota Rules Chapter 8410. Thirteen comments were submitted with the majority addressing minor corrections. Substantial questions were raised on how the County would identify solutions to ISTS problems, the setting of stormwater standards, and the absence of the capital improvement program. In a subsequent letter dated August 18, 2003 following the 45-day review, the Council found the draft Plan to be consistent with the Council's Water Resources Management Plan.

6. **Department of Agriculture Review.** The MDA supported a process to preserve priority agricultural cropping and livestock areas through planning and zoning activities and raised a concern over conversion of agricultural drainage systems as subdivisions are developed. It is the intention of the SWMO to utilize the County's Development Review Team which studies these issues in detail.

7. **Department of Health Review.** The MDH commented in December 2002. They had substantial comments related to well head protection, the sealing of unused wells, and provided a tabulation of well head protection phasing for sites within the county.

8. **Department of Natural Resources Review.** The primary comments of DNR were centered around the land and water resource inventory data. Nearly all of these suggestions were incorporated into subsequent revisions. Comments were also raised regarding how the County would address rare species and significant natural communities, wetland protection, ISTS compliance checks with building sales, and a request to mandate minimum water conservation measures for domestic water users in the County. The SWMO was able to adequately address most of these issues, however, they did stop short of requiring minimum water conservation measures on local governments but pledged support to the on-going Southwest Metro Ground Water Work Group.

9. **Pollution Control Agency Review.** The MPCA did not provide comments on the SWMO Plan.

10. **Board Review.** Board Staff convened a January 21, 2003 Inter-Agency meeting at Scott County which integrated all the perspectives from the commenting agencies. Prior to this meeting and after its completion, the Board's primary comment was toward the effective tabulation of the implementation program for Administrative, Capitol, and programmatic activities. This requirement was addressed sufficiently within a revised appendix F. Another primary concern of the Board was the process by which the County will enforce the standards on the municipalities. This was a comment raised by several municipalities

as well. The SWMO will initiate a rule writing process as well as adopting County ordinances. In a letter dated October 2, 2003 BWSR advised Scott County that the Plan had included sufficient revisions to comments or issues and the fundamental planning expectations articulated by the Board.

11. **Highlights of the Plan.** The critical elements included in the Plan are:

- The County's Ground Water Plan, adopted March 1999, has been incorporated into the Plan.

- They have addressed management areas of stormwater, wetland, water quality, groundwater, agricultural uses, flooding, urban development, and education.

- The Plan is a "Policy Plan" and not a "Project Construction Plan". Its biggest strength is that it meshes the SWCD and various County Departments for seamless addressing of County priorities. This will provide for future flexibility in funding these operations.

12. **Metro Water Plan Committee Meeting.** The Board's Metro Water Plan Committee met on January 15, 2004 with representatives of the SWMO to review and discuss the Plan. Board staff recommended approval of the Plan. After discussion, the Committee unanimously decided to recommend approval of the Scott 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 Scott Watershed Management Organization pursuant to Minnesota Statutes Sections 103B.231, Subd. 9.

3. The Scott Watershed Management Organization Plan attached to this Order defines water and water-related problems within the SWMO 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 2003 as the Watershed Management Plan for the Scott Watershed Management Organization.

Dated at Saint Paul, Minnesota this 28th day of January, 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Jerome Deal, Chair

Memorandum

DATE: January 8, 2004

TO: BWSR Metro Region Water Planning Subcommittee

FROM: Lynda Peterson, BWSR Wetland Specialist

SUBJECT: Anoka County Ditch 53-62 Comprehensive Wetland Management Plan Review

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BACKGROUND

The Anoka County Ditch (ACD) 53-62 drainage area is in the west-central portion of the Rice Creek Watershed District (RCWD) in southern Anoka County. The geomorphic region is known as the Anoka Sand Plain. The ditch system is almost entirely within the City of Blaine. Currently, the majority of the property within this plan area is privately held.

RCWD is proposing to balance natural area preservation and land development. This plan eliminates the piecemeal approach to ditch maintenance, natural area preservation, and land development by defining areas that are developable and to be protected.

ACD 53-62 is a public drainage system, which was constructed in the early 1900's. Much rerouting and modification has taken place within the ditch system. The existing public drainage system was completed in 1917. Grade along the ditch is minimal with many stretches being completely flat. Land use within the ACD 53-62 drainage area has been accelerating since the 1980s. With conversion from agricultural to urban uses, the ditch has become increasingly relied upon for storm water conveyance and less important for agricultural drainage.

Many "unofficial" changes have been made to ACD 53-62 since it was originally constructed. The landowners have dug a latticework of private ditches. Limited maintenance has been preformed. As the population continued to increase throughout the area, public road crossings were also built.

There has been disagreement on what the original, as-built profile of the ditch was. It has led to protested proceedings to establish an "official" profile. The RCWD, City of Blaine, and landowners agreed upon a profile elevation for the ditch in a 1997 agreement. All parties agreed that the ditch would be maintained and culverts established at an elevation of 891.46 feet for the flat portion of the public ditch between Interstate 35W and the Lexington Avenue Crossing to the north.

GOAL OF THE PLAN

In 2001, Rice Creek Watershed District began developing a comprehensive planning approach to solve the legal and environmental issues associated with ACD 53-62 following several years of contentious debate and lawsuits. The Comprehensive Wetland Management Plan (CWMP) for ACD 53-62 will accomplish several overall objectives:

- Improving wetland and ecological integrity
- Meeting storm water needs
- Enhancing wildlife habitat
- Satisfying landowner issues
- Dissolving a long-standing legal impasse
- Protecting high value wetlands

HOW THE PLAN MEETS OR EXCEEDS WCA RULE 8420

1. MN Rule 8420.0650, Subpart 2.C allows for variation of replacement standards of part 8420.0540 for specific wetland impacts provided there is no net loss of public values. For a 50% to 80% presettlement wetland county, which Anoka County is located, the replacement ratio can be reduced to 1:1 as long as there is a no net loss
2. Wetland types 3, 4, & 5 are nonexempt and types 1, 2, 6, and 7 are exempt under the WCA for ditch maintenance activities. Fulfilling mitigation requirements will enable key culverts to be lowered and the ditch cleaned to the profile as agreed to in the 1997 Agreement.
3. **All** high quality wetland plant communities (DNR Natural Heritage Rank B/C or higher) are protected and may not be disturbed.
4. High quality upland may not be excavated for new wetland replacement credit.
5. Low quality upland may be converted to wetland for wetland fill replacement.
6. The plan allows landowners to dedicate additional upland for donation.
7. Upland dedicated to the open space areas may not be developed.
8. A wetland delineation is required (by proposed RCWD Rule M) for each parcel participating in the CWMP.
9. Actual acreages of wetland drainage, wetland filling and wetland replacement will be calculated using the approved methodology detailed in the CWMP.
10. The CWMP is based on a methodology that utilizes exempt, effectively drained wetlands as replacement for wetland fill. The new wetland replacement ratio for all filled wetlands within this CWMP is 1:1.
11. The required 50' buffer separating the development areas from open space will include

low maintenance native vegetation and may contain walking trails and stormwater infiltration BMP's.

12. The plan establishes a contiguous open space area. The undeveloped open space will be called the Wetland Preservation Area (WPA). The WPA's will be protected and incorporated into the City of Blaine's open space system.[1]

The plan utilizes the Minnesota Routine Assessment Method (MnRAM ver. 2.0) as a basis for the functional assessment of wetlands in the planning area in addition to the Minnesota Land Cover Classification System (MLCCS) to determine the quality of the area. The result of this effort will place land with high quality of assessment in preservation. The wetland functions evaluated as this part of MNRAM include:

Vegetative Diversity	Surface hydrology
Flood Control	Water Quality
Shoreline Protection	Groundwater Interaction
Wildlife Habitat	Fishery Habitat
Aesthetics	Commercial Uses

UNIQUE AND INNOVATIVE FEATURES OF THIS PLAN

There are several methodologies used within this plan that make it unique. The Board of Water and Soil Resources see this methods as ways to tie land use and urbanization with the environment. Below are several of the methods used in this plan:

- The plan is inclusive with governments and local landowners needs.
- The method to calculate the lateral scope and effect for the public drainage system is well documented, qualitatively rigorous, and based on on-site physical characteristics.
- Upland preservation and efforts to connect habitat within this plan improve the functions and values of the land.
- BWSR staff is confident that this plan will meet BWSR standards.

CITIZEN PARTICIPATION

The RCWD has reviewed this plan with all of the involved landowners throughout the ACD 53-62 watershed. The general consensus is positive among the citizens.

[1]Anoka County Ditch 53-62 Comprehensive Wetland Management Plan, July 17, 2003, Emmons & Olivier Resources, PG 28

AGENCY PARTICIPATION

ANOKA CONSERVATION DISTRICT (ACD)

Chris Lord has participated in final review stages. The ACD has indicated concurrence with the scope and effect and profile determinations. However, they have other concerns about the plan:

The ACD contends that the existing WCA Rules will provide better protection of high quality resources than the current version of the CWMP because of the following:

- Sequencing should be enforced under individual applications due to the quality of the wetland being impacted and special wildlife resources as provided for in MNRule Chapter 8420.0547;
- Applicants would not be allowed to restore wetlands drained under an exemption for wetland credit under individual applications and so would have to utilize limited upland areas to meet replacement requirements;
- Drainage of wetlands more than 25 years old resulting from maintenance of private and public ditches are subject to full replacement under individual applications; and functions and values of off site replacement wetlands are still highly valued and important to the project area.

ACD contends that unmaintained private and public ditches not maintained within the past 25 years should not receive automatic drainage status and replacement ratios of 1:1. They would not qualify for a drainage exemption and the associated impact would be subject to a 2:1 replacement ratio (private: all types; public: types 3, 4, & 5).

Essentially, there must be clear net benefit of the CWMP compared to individual applications. In ACD's opinion, the benefits of this current plan are heavily skewed in favor of individual landowners while the resources (wetlands and wildlife) and the downstream users are losers.

The ACD would like to see an "alternative scenario" showing replacement required under WCA if there was no plan. This would help show the benefits of approving this plan.

DNR

The Minnesota Department of Natural Resources (DNR) has been a participant throughout the development. Joan Galli, DNR Nongame, assisted in the evaluation of the Bobolink habitat. Doug Norris, Ecological Services, was also represented in the initial discussions. Wayne Barstad has participated in final review stages. They have indicated concurrence with the scope and effect and profile determinations. DNR shares the concern of the Anoka Conservation District, which is manner in which the CWMP incorporates a number of private, possibly non-functional ditches into the analysis of wetland impacts. They also believe that this issue needs further review by the TEP – possibly requiring a field review during the growing season.

MINNESOTA POLLUTION CONTROL AGENCY

The MPCA was not an active participant in the planning process.

ARMY CORPS OF ENGINEERS

The Corps was represented during the initial discussions of the plan. COE staff Tim Fell attended the initial meeting. During the development of the plan the COE was not represented, but has re-engaged during final review process. They have historically concurred with the profile determination and recently expressed concurrence with the scope and effect methodologies.

BWSR STAFF RECOMMENDATION

The BWSR Staff recommends approval of the Anoka County Ditch 53-62 Comprehensive Wetland Management Plan with the following contingencies:

1. The financing mechanism for the ditch maintenance, which is proposed with this wetland plan, must be conducted under 103E.005, subdivision 12. Financing completed this way allows for the exemption of wetlands under 8420.0122, subpart 2.A. The RCWD needs to document the authorities under which ditch activity will be undertaken (or authorized to others). If 103E is not used, the exemption assumptions will need to be revisited.
2. RCWD has located numerous private ditches which are connected to the public ditches. - These were located by RCWD and EOR in the spring of 2002. The technical evaluation panel (TEP) has not fully reviewed the locations to confirm their existence. Chris Lord, ACD, and Jason Naber, EOR, reviewed these locations in December 2003, however, all were not located. The plan and proposed Rule M will both require individual delineations to be preformed to verify assumptions.
3. During the review by Chris Lord and Jason Naber in December of 2003, several areas indicated as type 2 wetlands were found to be type 3 wetlands. The type of these wetlands will need to be reviewed by the TEP during the growing season.
4. There is some question as to what the Corp of Engineers (COE) will require for mitigation. The St. Paul District office is starting to require 1.5:1 mitigation for wetland replacement. This could be clarified before plan approval, but ultimately is a federal matter.
5. BWSR would like to see revisions made within the proposed Rule M, indicating the requirement for an on-site delineation completed before the project is proposed and the requirement of a functional assessment (MnRAM ver. 3) completed and reviewed by the TEP as projects are proposed.

To review the Anoka County Ditch 53-62 Comprehensive Wetland Management Plan and relating documents refer to this website: http://www.ricecreekwd.com/project/5362.sthml.

cc: John Jaschke, BWSR (file copy)
Steve Eggers, Army Corps of Engineers
Doug Norris, DNR/BWSR
Chuck Lenthe, City of Blaine
Chris Lord, Anoka Conservation District

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

In the Matter of the review of the Wetland Management Plan for the **Rice Creek Watershed District, Anoka County Ditch 53-62,** pursuant to Minnesota Statutes Section 103G.2242, Subd. 1 (c)

ORDER APPROVING WETLAND MANAGEMENT PLAN

Whereas, the Rice Creek Watershed District (RCWD) submitted a Comprehensive Wetland Management Plan (Plan) for Anoka County Ditch 53-62 (ACD 53-62) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103G.2242, Subd. 1 (c), and;

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

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

FINDINGS OF FACT

1. **Requirement to Plan.** Minnesota Statutes Section 103G.2242, Subd. 1 (c) and Minnesota Rules Chapter 8420.650 allow the Board to approve a comprehensive wetland protection and management plan developed by a metropolitan watershed district provided it is implemented by rules adopted under Minnesota Statutes Chapters 103B or 103D. The RCWD intends to implement the Plan through Rule M of its Watershed Management Plan.

   The intent of the Plan is to provide the means for the RCWD to protect and manage its wetlands by utilizing the flexibility within the Wetland Conservation Act (WCA). The Plan provides guidelines for wetland protection and management, assistance with the Wetland Conservation Act, and acts as a reference guide to developers to use when working near wetlands. The development of protection and management strategies for wetlands within the Watershed District stems from the function and values assessment completed as part of the Plan. These management strategies allow the Watershed District to protect and manage wetland resources by implementing flexibility in the Wetland Conservation Act.

2. **Background of the Anoka County Ditch 53-62 Drainage Area within the Rice Creek Watershed District.** The ACD 53-62 drainage area is located in the west-central portion of the RCWD in southern Anoka County. The Plan addresses lands facing imminent development within the watershed of ACD 53-62. The first phase of the Plan is called "Village Meadows" and is located in Sections 14 and 23 of Township 31N, Range 23W. Wetlands constitute nearly half of the entire drainage area of ACD 53-62. The Village Meadows planning area consists of a matrix of upland and wetland plant communities. Many of the wetland communities have been altered by partial drainage. Upland areas vary from forests to non-native dominated herbaceous cover types with scattered development impacts.

   ACD 53-62 is a ditch system that was constructed in the early 1900's. Many changes have been made to ACD 53-62 since it was originally constructed. The landowners, to improve drainage, dug a latticework of private ditches. In addition, many crossings were also established. One of the most significant crossings along ACD 53-62 is Interstate 35W. There have been significant concerns, especially on the part of the landowners along the ditch, that the ditch bottom varied significantly in elevation and location from the originally constructed ditch and is the object of concentrated repair negotiations and litigation.

   The RCWD, City of Blaine, and landowners agreed upon a profile elevation for the ditch in a 1997 Agreement. All parties agreed that the ditch would be maintained and culverts established at an elevation of 891.46 feet for the flat portion of the public ditch between I-35W and the Lexington Avenue Crossing to the north.

3. **Local Review.** The Plan was developed, reviewed and revised in consultation with the state agencies, technical evaluation panel, landowners, and local governments. The Plan agreed to by the stakeholders, including landowners, RCWD, City of Blaine, and City of Circle Pines, would allow all parties to move forward and settle many years of unrest and litigation. On December 3, 2003, Board staff convened a meeting on the draft Plan with the Corps of Engineers, DNR, City of Blaine, Anoka Conservation District (ACD), and RCWD. The Plan has an attached Rule M that will be adopted and is to be used in conjunction with the RCWD Watershed Management Plan.

4. **Anoka Conservation District.** The ACD provided comments on the Plan.

   The ACD contends that the standard WCA Rules will provide better protection of high quality resources than the current version of the Plan because of the following:

a. Sequencing should be enforced under individual applications due to the quality of the wetland being impacted and special wildlife resources as provided for in Minnesota Rules Chapter 8420.0547, and;
b. Applicants would not be allowed to restore wetlands drained under an exemption for wetland credit under individual applications and thus would have to utilize limited upland areas to meet replacement requirements, and;

c. Drainage of wetlands more than 25 years old resulting from maintenance of private and public ditches are subject to full replacement under individual applications; and functions and values of off site replacement wetlands are still highly valued and important to the project area.

ACD contends that private and public ditches not maintained within the past 25 years should not receive automatic drainage status and replacement ratios of 1:1. Such ditches would not qualify for a drainage exemption and the associated impacts would be subject to a 2:1 replacement ratio for all wetland types that are impacted by private ditches and wetland types 3, 4 and 5 that are impacted by public ditches.

ACD's opinion is there must be a clear net benefit of the Plan compared to individual applications. In ACD's opinion, the benefits of the Plan are skewed in favor of individual landowners while the wetlands and wildlife resources and the downstream users are losers.

5. **Department of Natural Resources Review.** The DNR was a participant throughout the development of the Plan. They have indicated concurrence with the scope and effect and profile determinations. The DNR shares the concern of the ACD regarding the way the Plan incorporates a number of private, possibly non-functional ditches into the analysis of wetland impacts. The DNR also believes that this issue needs further review by the technical evaluation panel, possibly by requiring a field review during the growing season.

6. **Pollution Control Agency Review.** The MPCA did not provide comments on the Plan.

7. **Army Corps of Engineers.** The Corps was represented during the initial discussions of the Plan and during the final review phase. The Corps has been in agreement with the profile determination and recently expressed concurrence with the scope and effect methodologies. The Corps has noted that a mitigation ratio of 1.5:1 may be required.

8. **Board Staff Report.** In a staff report dated January 8, 2004, approval of the Plan was

recommended with the following contingencies:

a. The financing mechanism for the ditch maintenance, which is proposed with this wetland plan, must be conducted under 103E.005, subdivision 12. Financing completed this way allows for the exemption of wetlands under 8420.0122, subpart 2A. The RCWD needs to document the authorities under which ditch activity will be undertaken (or authorized to others). If 103E is not used, the exemption assumptions will need to be revisited.

b. RCWD has located numerous private ditches, which are connected to the public ditches. These were located by RCWD and EOR in the spring of 2002. The Technical Evaluation Panel has not fully reviewed the locations to confirm their existence. Chris Lord, Anoka Conservation District, and Jason Naber, EOR, reviewed these locations in December 2003, however, all were not located. The plan and proposed Rule M will both require individual delineations to be performed to verify assumptions.

c. During the review by Chris Lord and Jason Naber in December of 2003, several areas indicated as type 2 wetlands were found to be type 3 wetlands. The type of these wetlands will need to be reviewed by the Technical Evaluation Panel during the growing season.

d. There is some question as to what the Corp of Engineers will require for mitigation. The St. Paul District office is starting to require 1.5:1 mitigation for wetland replacement. This could be clarified before plan approval, but ultimately is a federal matter.

e. BWSR would like to see revisions made within the proposed Rule M, indicating the requirement for an on-site delineation completed before the project is proposed and the requirement of a functional assessment (MnRAM verion 3) completed and reviewed by the Technical Evaluation Panel as projects are proposed.

9. **Highlights of the Plan.** RCWD reviewed the Plan with all of the involved landowners throughout the ACD 53-62 watershed. The general consensus is positive among the landowners. The Plan meets or exceeds Minnesota Rules Chapter 8420 as follows:

a. Minnesota Rules Chapter 8420.0650, Subpart 2.C allows for variation of replacement standards of part 8420.0540 for specific wetland impacts provided there is no net loss of public values. For a 50% to 80% presettlement wetland county, which Anoka County is located in, the replacement ratio can be reduced to 1:1 as long as there is a no net loss, which the Plan has exceeded.

b. Wetland types 3, 4, & 5 are nonexempt and types 1, 2, 6, and 7 are exempt under the WCA for ditch maintenance activities. Fulfilling mitigation requirements will enable key culverts to be lowered and the ditch cleaned to the profile as agreed to in the 1997

Agreement.

c. All high quality wetland plant communities, identified as DNR Natural Heritage Rank B/C or higher, are protected and may not be disturbed.

d. High quality upland may not be excavated for new wetland replacement credit.

e. Low quality upland may be converted to wetland for wetland fill replacement.

f. The Plan allows landowners to dedicate additional upland for donation.

g. Upland dedicated to the open space areas may not be developed.

h. A wetland delineation is required by proposed RCWD Rule M for each parcel participating in the Plan.

i. Actual acreages of wetland drainage, wetland filling and wetland replacement will be calculated using the approved methodology detailed in the Plan.

j. The Plan is based on a methodology that utilizes exempt, effectively drained wetlands as replacement for wetland fill. The new wetland replacement ratio for all filled wetlands within the Plan is 1:1.

k. The required 50 foot buffer separating the development areas from open space will include low maintenance native vegetation and may contain walking trails and stormwater infiltration Best Management Practices.

l. The Plan establishes a contiguous open space area. The undeveloped open space will be called the Wetland Preservation Area. These Area's will be protected and incorporated into the City of Blaine's open space system.

m. The Plan is inclusive with governments and local landowners needs.

n. The method used to calculate the lateral scope and effect for public drainage systems is well documented, qualitatively rigorous, and based on on-site physical characteristics.

o. Upland preservation and efforts to connect habitat within the Plan will be improved.

10. **Metro Water Planning Committee.** The Board's Metro Water Planning Committee met on January 15, 2004 with representatives from the RCWD and the AC. After much discussion, the Committee unanimously decided to recommend the Plan be approved by the Board with certain contingencies. The Executive Director would be delegated the authority to determine when the contingencies have been fulfilled. The Plan would become effective after the Executive Director has made a determination that all contingencies have been satisfactorily addressed. The contingencies are based on the staff report and concerns of the ACD, as follows:

a. The financing mechanism for ditch repair and maintenance must be conducted under Minnesota Statutes Chapter 103E.

b. Rule M must require an on-site determination of the existence and location of all ditches for each project that is proposed.

c. Rule M must require an on-site wetland delineation, wetland type determination, and functional assessment using an approved methodology pursuant to Minnesota Rules Chapters 8420.0110, Subp. 52, 8420.0110, Subp. 54a, and 8420.0549, Subp. 7, with review by the Technical Evaluation Panel, for each project that is proposed.

d. The Technical Evaluation Panel, including additional expertise pursuant to Minnesota Rules Chapter 8420.0240, must review and approve the drainage estimate for groundwater influence, factoring in computer modeling and calibration limitations, before the Plan is finalized.

e. The Plan should be coordinated with the Corps of Engineers mitigation requirements.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Comprehensive Wetland Management Plan for Rice Creek Watershed District Anoka County Ditch 53-62 pursuant to Minnesota Statutes Section 103G.2242, Subd. 1 (c).

3. The Rice Creek Watershed District Anoka County Ditch 53-62 Comprehensive Wetland Management Plan attached to this Order provides a function and value assessment framework for all wetlands within the Rice Creek Watershed District Anoka County Ditch 53-62 jurisdictional boundary, defines all wetland-related matters within the Rice Creek Watershed District of Village Meadows, Anoka County Ditch 53-62 boundaries, and includes an implementation program.

4. The attached Plan is in substantial conformance with the requirements of Minnesota Statutes Sections 103G.221 to 103G.2373 and Minnesota Rules Chapter 8420 subject to the following contingencies:

    a. The financing mechanism for ditch repair and maintenance must be conducted under Minnesota Statutes Chapter 103E.

    b. Rule M must require an on-site determination of the existence and location of all ditches for each project that is proposed.

    c. Rule M must require an on-site wetland delineation, wetland type determination, and functional assessment using an approved methodology pursuant to Minnesota Rules Chapters 8420.0110, Subp. 52, 8420.0110, Subp. 54a, and 8420.0549, Subp. 7, with review by the Technical Evaluation Panel, for each project that is proposed.

    d. The Technical Evaluation Panel, including additional expertise pursuant to Minnesota Rules Chapter 8420.0240, must review and approve the drainage estimate for groundwater influence, factoring in computer modeling and

calibration limitations, before the Plan is finalized.

e. The Plan should be coordinated with the Corps of Engineers mitigation requirements.

ORDER

The Board hereby approves the attached Comprehensive Wetland Management Plan dated July 17, 2003, for the Rice Creek Watershed District, Anoka County Ditch 53-62, Village Meadows, contingent on the following five contingencies, and hereby delegates to the Board's Executive Director the authority to determine when the five contingencies have been satisfactorily addressed and finalize approval of the Plan.

1. The financing mechanism for ditch repair and maintenance must be conducted under Minnesota Statutes Chapter 103E.

2. Rule M must require an on-site determination of the existence and location of all ditches for each project that is proposed.

3. Rule M must require an on-site wetland delineation, wetland type determination, and functional assessment using an approved methodology pursuant to Minnesota Rules Chapters 8420.0110, Subp. 52, 8420.0110, Subp. 54a, and 8420.0549, Subp. 7, with review by the Technical Evaluation Panel, for each project that is proposed.

4. The Technical Evaluation Panel, including additional expertise pursuant to Minnesota Rules Chapter 8420.0240, must review and approve the drainage estimate for groundwater influence, factoring in computer modeling and calibration limitations, before the Plan is finalized.

5. The Plan should be coordinated with the Corps of Engineers mitigation requirements.

Dated at Saint Paul, Minnesota this 28th day of January, 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

Janurary 15, 2004

To: **Board Members**

From: **Marybeth Block, BWSR Land and Water Section**

RE: **Amendment to Board Approved list of 2004 LWM Challenge Grants**

BACKGROUND: At the August 28, 2003 regular meeting, the board passed Resolution #03-67 funding 21 projects that applied for Local Water Mgt. Challenge Grant funds (see Attachment A on pages 3-4 for a copy of the resolution.) The circumstances, described below, necessitate amending Resolution #03-67.

Project 4: Integrating Groundwater and Surface Water Mgt submitted by the Washington SWCD.

Because the Washington SWCD has not been delegated water planning responsibility for Washington County per M.S. 103B.311, subd. 2, they are not eligible to receive a LWM Challenge Grant. Resolution 03-67 stipulated that funding for the Washington SWCD project be contingent upon receipt of a resolution from Washington county (or a watershed district with jurisdiction in the SWCD's area) granting the SWCD authority to receive and administer the funds for the project. BWSR received a resolution from Washington County communicating that the county will serve as the fiscal agent (i.e., they did not transfer fiscal responsibility to the SWCD as required.)

Project 21: Connecting Water Quality Data With Land Use mgt in the Lake Superior Basin submitted by Itasca SWCD

Itasca SWCD originally requested $47,375.00 to fund Connecting Water Quality Data With Land Use Mgt.(second project on the approved list.) Because the Legislative funding for the challenge grant program included an appropriation from the Great Lakes Fund -that must be spent in the Lake Superior Basin- BWSR requested that Itasca SWCD submit a separate application for the work that would be carried out in the Lake Superior Basin. Itasca SWCD complied and the work in the Lake Superior Basin is approved project #21 on the list. The BWSR has received a resolution from Itasca SWCD requesting that the fiscal and administrative authority be transferred to St. Louis County.

ACTION REQUESTED: Amend resolution #03-67

----------Attachment A ----------

Board Resolution # 03-67

Approve funding for FY 2004/05 Local Water Mgt. Planning Challenge Grants

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

WHEREAS the Legislature appropriated the following funds for this project as per ML 2003, Chapter 128, article 1, Section 9, subd. 7a:

> $222,000 from the Environmental Trust Fund for Local Water Mgt. Planning Challenge Grants statewide in FY 2004;
>
> $56,000 from the Great Lakes Protection Funds for Local Water Mgt. Challenge Grants in the Lake Superior Basin in FY 2004; and
>
> $222,000 for Local Water Mgt. Planning Challenge Grants statewide in FY 2005;

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources approves projects 1 – 19 on the attached list be funded from the Environmental Trust Fund. These projects will receive half of project dollars requested immediately upon BWSR approval of a project workplan, and the remaining project dollars after the Legislative Commission on Minnesota Resources appropriates the Fiscal Year 2005 funds to the BWSR (anticipated to be early July 2005). Any approved project not submitting a project workplan by November 1, 2003 may have their funding revoked and the next highest-ranking project will be offered the available funds. Funding of projects 4 (Washington SWCD) and 9 (Stearns SWCD) will be contingent upon a resolution by the county or watershed district with jurisdiction in the SWCD's area granting them authority to receive and administer the funds for the project.

Be it further resolved that the Board approves projects 20 and 21 on the attached list to be funded from the Great Lakes Protection Fund. These projects will receive the entire project amount upon BWSR approval of the project workplan.

Jerome Deal
Chair, Minnesota Board of Water and Soil Resources

Date

AMENDMENT TO RESOLUTION 03-67

Approve funding for FY 2004/05 Local Water Mgt. Planning Challenge Grants

WHEREAS the Board of Water and Soil Resources passed Resolution 03-67 at the regular meeting of the Board on August 28, 2003; and

WHEREAS Washington SWCD is not the delegated water plan authority for Washington County under 103B.311 Subd. 2 making them ineligible to receive a local water planning challenge grant unless the County passes a resolution transferring fiscal responsibility for the challenge grant; and

WHEREAS Washington County passed a resolution authorized the Dept. of Health and Environment division of Washington County to serve as fiscal agent for the Integrating Groundwater and Surface Water Mgt challenge grant project; and

WHEREAS Itasca SWCD has submitted a resolution to the BWSR transferring fiscal and administrative responsibility for the Connecting Water Quality Data With Land Use mgt in the Lake Superior Basin challenge grant project to St. Louis County;

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources amends the attached list Resolution 03-67 to reflect the following changes:

#	Project Name	Local Unit of Govt	awarded amount $
4	Integrating Groundwater and Surface Water Mgt	Washington ~~SWCD~~ County	$60,450.00
21	Connecting Water Quality Data With Land Use mgt in the Lake Superior Basin	~~Itasca SWCD~~ St. Louis County	$19,000.00

Jerome Deal
Chair, Minnesota Board of Water and Soil Resources

Date

Projects recommended to receive 2004/05 Local Water Management Challenge Grant funds

#	Project Name	Local Unit of Govt	requested amount $	awarded amount $	running total ($500,000 availa
1	Cass County Land and Water Protection Initiative	Cass SWCD	$23,800.00	$23,800.00	
2	Connecting Water Quality Data With Land Use mgt	Itasca SWCD	$47,375.00	$28,425.00	$52,225.00
3	Develop a Natural Resources Corridor Mgt Plan	Blue Earth COUNTY	$20,000.00	$20,000.00	$72,225.00
4	Integrating Groundwater and Surface Water Mgt	Washington SWCD	$75,000.00	$60,450.00	$132,675.00
5	Winona County Planning Department	Winona COUNTY	$15,000.00	$15,000.00	$147,675.00
6	Silver Creek Corridor Implementation Plan	Carnelian Marine WD WSHED	$25,000.00	$25,000.00	$172,675.00
7	Drainage System Inventory and Management Plan	Le Sueur COUNTY	$25,000.00	$25,000.00	$197,675.00
8	Stearns County COLA, Assessments and Mgt Plans	Stearns COUNTY	$25,000.00	$25,000.00	$222,675.00
9	Sauk River Chain of Lakes Lakeshed Mgt Plan and Imple	Stearns SWCD	$23,000.00	$23,000.00	$245,675.00
10	Develop four lake management plans and begin implementation	Todd SWCD	$25,000.00	$25,000.00	$270,675.00
11	Fish Lake Project	Jackson COUNTY	$10,000.00	$10,000.00	$280,675.00
12	Compe Drainage System Management Planning Model	Faribault SWCD	$25,000.00	$25,000.00	$305,675.00
13	Drainage System Inventory	Swift COUNTY	$18,975.00	$18,975.00	$324,650.00
14	Wadena/Hubbard Healthy Lakes and Rivers Program	Wadena SWCD	$20,000.00	$20,000.00	$344,650.00
15	Fish Lake Management Planning	Prior Lk- Spring Lake WSHED	$8,350.00	$8,350.00	$353,000.00
16	History of Drainage Systems and Alternative Intake Demo	Chippewa COUNTY	$25,000.00	$25,000.00	$378,000.00
17	Yellow Medicine Drainage Ditch Inventory and Mapping	Yellow Medicine COUNTY	$16,000.00	$16,000.00	$394,000.00
18	Meeker public drainage ditch systems inventory	Meeker COUNTY	$25,000.00	$25,000.00	$419,000.00
19	Kandiyohi public drainage ditch systems inventory	Kandiyohi COUNTY	$25,000.00	$25,000.00	$444,000.00
20	Wetland Education: Arrowhead Water Quality Team	Carelton County	$37,000.00	$37,000.00	$481,000.00
21	Connecting Water Quality Data With Land Use mgt in the Lake Superior Basin	Itasca SWCD		$19,000.00	$500,000.00

Board of Water and Soil Resources
Adopted Exempt Rules Relating to Watershed District Appeals

8415.0100 PURPOSE.

The rules of procedure in parts 8415.0100 to 8415.0120 govern appeals to the board pursuant to Minnesota Statutes, section 103D.537.

8415.0110 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Board.** "Board" means the Minnesota Board of Water and Soil Resources.

Subp. 3. **Day.** "Day" means a calendar day unless specified otherwise. The day of the event must not be used in counting any time period.

Subp. 4. **Dispute resolution committee.** "Dispute resolution committee" means the committee of the board established pursuant to Minnesota Statutes, section 103B.101, subdivision 10.

Subp. 5. **Executive director.** "Executive director" means the executive director of the Minnesota Board of Water and Soil Resources.

Subp. 6. **Person.** "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

Subp. 7. **Public transportation authority.** "Public transportation authority" means a state, county, city, or township road authority.

8415.0120 APPEALS.

Subpart 1. **Appeal of rules.**

A. An interested person may appeal a rule made by the managers of a watershed district by filing a petition with the board.

B. An appeal is effective upon submittal of the petition to the executive director with evidence that a copy of the petition has been served upon the watershed district.

C. An appeal filed under this subpart must follow the procedures in subpart 3.

Subp. 2. **Appeal of permit decisions.**

A. A public transportation authority may appeal a final permit decision of a watershed district issued to it by filing a petition with the board. The appeal must be filed within 30 days of the decision by the watershed district managers pursuant to Minnesota Statutes, section 103D.537. The watershed district must notify the public transportation authority promptly of its permit decision.

B. An appeal is effective upon submittal of the petition to the executive director with evidence that a copy of the petition has been served upon the watershed district.

C. An appeal filed under this subpart must follow the procedures in subpart 3 unless the public transportation authority makes a request in the petition for an expedited appeal hearing. The procedures in subpart 4 must be followed if an expedited appeal hearing is requested in the petition.

Subp. 3. **Board appeal procedures.**

A. Within 30 days after receiving the petition with evidence that the watershed district has been served with a copy of 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, untimely, or brought solely for the purposes of delay; or that the petitioner has not exhausted all local administrative remedies.

B. The board or its executive director may remand the appealed decision back to the watershed district if the petitioner has not exhausted all local administrative remedies such as a public hearing or if the watershed district's record is not adequate. If an appeal is remanded, the watershed district must make a decision within 60 days unless the remand order, or a subsequent order, specifies a longer period.

C. After granting the petition, the appeal must be heard by the dispute resolution committee and decided by the board within 60 days after the filing of the watershed district'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 and the watershed district. For appeals of rules, interveners are allowed. For appeals of permit decisions, interveners are not allowed unless they have been granted intervener status by the watershed district prior to the final permit decision.

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

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

F. In the case of appeals of watershed district permit decisions filed under subpart 2, the board shall affirm the watershed district's decision if substantial evidence supports the findings of fact, if the watershed district correctly applied the law, watershed district rule and the watershed district's board-approved watershed management plan to the facts, and if the watershed district made no procedural errors prejudicial to a party. Otherwise, the board shall reverse the decision, amend it, or remand it with instructions for further proceedings.

Subp. 4. **Expedited board appeal procedures.**

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

B. Interveners are not allowed unless they have been granted intervener status by the watershed district prior to the final permit decision.

C. The watershed district must submit a copy of the record as soon as possible and in no case later than in conjunction with a written brief to the executive director and the public transportation authority at least ten days before the hearing. No further written submittals by the parties are

allowed unless specifically authorized by the board.

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

RESOLUTION NUMBER 04-___

RESOLVED, to approve and adopt the Administrative Advisory Committee and staff recommendation to adopt the exempt rules relating to appeals of watershed district rules and permit decisions in the form set out in the Revisor of Statutes draft, file number RD3457, dated 12/18/03, identified as Minnesota Rules Chapter 8415.0100 to 8415.0120, pursuant to authority vested in the Minnesota Board of Water and Soil Resources by Minnesota Statutes § 103D.537, and that Ronald D. Harnack, the Executive Director of the Minnesota Board of Water and Soil Resources, is authorized to sign the Order Adopting Rules and further is authorized to modify the rules if necessary to obtain the approval of the rules by the Revisor of Statutes or the Administrative Law Judge and to perform the necessary acts to provide that the rules shall have the force and effect of law.

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

In the Matter of the Boundary Change for the Middle-Snake-Tamarac Rivers Watershed District and the Two Rivers Watershed District pursuant to Minn. Stat. § 103D.251.

AMENDMENT TO ORDER OF BOUNDARY CHANGE FOR MIDDLE-SNAKE-TAMARAC RIVERS WATERSHED DISTRICT AND TWO RIVERS WATERSHED DISTRICT

Whereas, the Board of Managers of the Middle-Snake-Tamarac Rivers Watershed District and the Two Rivers Watershed District filed a Petition with the Board of Water and Soil Resources (Board) dated June 16, 2003, to change the common boundary of the two watershed districts pursuant to Minn. Stat. § 103D.251, and;

Whereas, the Board approved the boundary change as requested in the Petition by Order dated August 28, 2003, and;

Whereas, the table identified as Exhibit A attached to the Petition, and attached to and incorporated into the August 28, 2003 Order, inadvertently listed a 40 acre parcel described as the SW ¼ of the NW ¼ of Section 21, Arveson Township, Kittson County, to be added to both the Two Rivers Watershed District and the Middle-Snake-Tamarac Rivers Watershed District, and;

Whereas, the boards of managers of the two affected watershed districts are in agreement that the above mentioned 40 acre parcel in fact should be added to the Middle-Snake-Tamarac Rivers Watershed District and not to the Two Rivers Watershed District, as stated in a November 4, 2003 resolution from the Two Rivers Watershed District Board of Managers and an October 17, 2003 letter from the president of the Middle-Snake-Tamarac Rivers Watershed District Board of Managers, and;

Whereas, the three maps identified as Exhibit B attached to the Petition, and attached to and incorporated into the August 28, 2003 Order, correctly depicted the above mentioned 40 acre parcel to be included in the Middle-Snake-Tamarac Rivers Watershed District;

Now Therefore, the Board hereby makes the following Order.

ORDER

The Board hereby orders that the table identified as Exhibit A attached to the Board Order dated August 28, 2003 concerning the boundary change of the Middle-Snake-Tamarac Rivers Watershed District and the Two Rivers Watershed District is amended to list the SW ¼ of the NW ¼ of Section 21, Arveson Township, Kittson County, to be added solely to the Middle-Snake-Tamarac Rivers Watershed District, which is described in "Amendment to Exhibit A" attached hereto and fully incorporated herein.

Dated at Saint Paul, Minnesota this 28th day of January, 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Jerome Deal, Chair

FOR YOUR INFORMATION
January 27, 2004

- BWSR Update

- Press Release regarding Environmental Initiatives Key Component of Governor Pawlenty's 2004 Bonding Proposal

- MN Farm Bill Assistance Project

Minnesota Board of Water & Soil Resources

Board of Water and Soil Resources
U·P·D·A·T·E

A publication of the Minnesota Board of Water and Soil Resources January 2004

SOUTH

Hoek Honored for CREP work

Pheasants Forever (PF) awarded Tabor Hoek with the 2004 "PF Minnesota Professional of the Year" award during Pheasants Forever's Minnesota state convention. The award recognizes individuals who have demonstrated an extraordinary commitment to the protection of wildlife, habitat, and our hunting heritage in Minnesota.



Tabor Hoek accepts his award from Howard Vincent, Pheasants Forever CEO.

"For the past 5 years, Tabor Hoek has unselfishly donated his time, skills and heart to Minnesota CREP [Conservation Reserve Enhancement Program]," said Matt Holland, Pheasants Forever director of conservation - Minnesota. "His tireless commitment to landowners, wildlife, soil, and water has resulted in the successful establishment of 100,000 acres of pheasant habitat in the Minnesota River basin."

"This award goes to a lot of people," said Hoek after accepting the award. "The award is great, and I really appreciate receiving it. However, the big reward for me has been working with all of the committed partners and landowners that made this program viable. It has been a privilege to be a part of a significant improvement to the quality of life in the Minnesota River Basin."

ENGINEERING

During the first and third weeks of January, Al Kean and Tom Wenzel presented at the 2-day Minnesota Drainage Management Conferences held in Crookston and Willmar. They each presented a session entitled "Having It Both Ways – Integrating Wetland Restoration with Drainage" in Crookston and Willmar, respectively. This session outlined the methods used by BWSR to restore wetlands on public and private drainage systems in ways that respect drainage rights, while enhancing wildlife habitat, water quality, and typically flood water detention as well. Al also presented a session entitled "What's in It for You – Making the Most of Engineers' Reports" at both conference locations. Conference attendance was around 60 in Crookston and 130 in Willmar. The U of M Extension and several state and federal agencies collaborated to lead these conferences. Although time for questions and answers was sometimes squeezed by presentation length, there was very good information sharing, as well as dialogue and networking among participants. The conference presenters invited evaluations to help define the content, frequency, and location(s) for future conferences about drainage management.

Tom Wenzel recently used the BWSR wetland restoration project database developed by Michelle Lewis to assess the status of Minnesota River CREP and other RIM wetland restoration projects at the end of the calendar year 2003 construction season. This assessment indicates that approximately 290 of 570 CREP wetland restoration projects have been constructed to date (including about 70 for which vouchers had not yet been processed at the time of assessment), and that about 370 projects have been designed to date. Therefore, we have about 190 project designs yet to complete and 280 projects yet to construct. "We" includes eight BWSR staff, four SWCD Joint Powers Area offices, two private consultants, and staff at most of the Minnesota River Basin SWCDs. Note that wetland restoration "projects" often involve several individual easements. The total number of wetland restoration easements in the Minnesota River CREP is 898. There are 154 wetland projects that are either not restorable or classified as crop cessation only. The 2004 construction season will be a big one again, like 2003!

I'm sad for BWSR and our clientele, but happy for Gene Clark, BWSR lakeshore/coastal engineer, to report that he took a new job recently with the University of Wisconsin / Wisconsin Sea Grant. Gene will serve as a coastal engineering specialist for Wisconsin and outreach

manager in northwest Wisconsin, working out of the UW-Superior campus. His last day with BWSR was Jan. 22.

Gene was hired by BWSR in 1994 to provide engineering assistance to and through SWCDs for investigation, design, and construction inspection of shoreline erosion control and other shoreland BMPs. His functions included providing training and outreach for SWCDs, landowners, and contractors about shoreland BMPs, as well as interagency work on Lake Superior coastal nonpoint planning and implementation. During the past 10 years, Gene helped investigate and provide advice for more than 170 shoreline and streambank erosion sites along the North Shore and other Minnesota lakes, design and implement more than 30 erosion control projects, and help provide many information and training sessions. This included managing numerous grants from the Great Lakes Commission and EPA totaling about $1M to help implement these functions and install demonstration projects using innovative, low-cost methods. In recent years, State Cost-Share (Special Projects), Clean Water Partnership loans, and other incentives for shoreline stabilization have been scarce. State budget cuts had also necessitated redirecting Gene's focus to CREP wetland restoration design and new limited duration partnerships with MPCA and DNR. In FY 04, Gene was helping resolve NOAA and EPA conditional approval of Minnesota's Lake Superior Coastal Nonpoint Program and implement the approved portions of the program, in partnership with MPCA, DNR, and SWCDs. Al, Ron Shelito, and others are developing a plan of action to restaff to complete these interagency agreements and map a tentative plan for the future.

The NRCS is in the process of revising policies and procedures regarding Technical Approval Authority (TAA) for conservation practices. This is due to additions and revisions of a number of conservation practice design standards and to make the TAA process clearer and more workable for private and public Technical Service Providers (TSPs). Al recently provided review and comment to NRCS for proposed revisions related to engineering TAA. The federal TSP program is a key method for acquisition of additional technical assistance for increased EQIP and other Farm Bill programs administered by NRCS. SWCDs will be required to have staff with TAA in order to participate in contribution agreements. Professional engineers (PEs) working on EQIP projects via NRCS contribution agreements with SWCDs (i.e. Nonpoint Engineering Assistance PEs) or as private TSPs will continue to sign-off under their PE license, rather than via delegated TAA for reasons of practicality and liability.

For a number of months, Dwight Wilcox, MDA Ag BMP Loan Program manager, has been working on an update of the Feedlot Financial Needs Assessment Report requested by the Legislature in 2000 and completed in January 2001. Other state and federal agency staff have provided input, including Al Kean and Wayne Zellmer, regarding feedlot cost-share and engineering assistance information. Al has also helped via review and comment on the drafts. The updated report is expected to be complete by early February.
-Submitted by Al Kean

LAND & WATER

The Wetland Conservation Act (WCA) delegates decision-making authority to Local Government Units (LGUs). WCA also places the responsibility to oversee implementation of WCA on the Board of Water and Soil Resources. As part of its effort to oversee WCA implementation around Minnesota, BWSR has developed and recently implemented a formal LGU performance review process.

The least time-consuming and intrusive level of this review is a spot-check, where a sample of the LGUs' WCA paperwork is reviewed. A spot-check is typically done at the LGU office by a board conservationist. The BC can, and typically does, ask for assistance from a wetland specialist, other BCs, DNR enforcement, and members of the local Technical Evaluation Panel (TEP). The office visit by BWSR is always followed up with a letter from the BC to the LGU summarizing BWSR's findings and recommendations. BWSR's goal is to perform spot-checks of all LGUs on a regular basis.

Since the first spot-check reviews were started in late 2000, BWSR staff completed approximately 60 WCA performance spot-checks of the 300-plus LGUs in Minnesota. Of those, eight were spot-checks of cities, the remainder were reviews of county-wide programs run by county or Soil and Water Conservation District staff. The 300-plus LGUs in the state are unevenly distributed among the three BWSR regions, with about 160 LGUs in the metro region, about 90 in the north, and about 60 in the south.

On occasion, a more extensive review of WCA performance, called an audit, is merited. An audit involves a full review of all WCA activity in the LGU and every written WCA document and record. Typically an audit is performed only if a spot-check review or other information leads BWSR staff to believe that an LGU is having serious WCA implementation problems. In some LGUs, those that take few WCA actions, the level of effort needed to produce an audit may be the same as required for spot-checks. An audit is typically lead by a BC, almost always with assistance from a wetland specialist and/or regional supervisor. TEP and DNR enforcement assistance is always sought for audits. Audits always are summarized in writing and commonly include a series of follow-up meetings and correspondence before all issues are resolved to BWSR's satisfaction. Of the 60 LGUs whose programs have been formally reviewed thus far, only seven appear to have had problems significant enough to warrant audits.
-Submitted by Tom Mings

BRIEFS

Two new board conservationists have been hired for the Metro Region.

Brad Wozney, who had been on staff at Wright SWCD, began at BWSR this past week. Brad has a B.S. from the University of Wisconsin, Stevens Point.

Les Lemm, formerly on staff at Lake of the Woods SWCD, will begin this week. Les most recently was doing consulting work with Widseth, Smith, and Nolting, Brainerd. He has a B.S. from the University of Minnesota, Crookston, and an M.S. from NDSU.

◆

Governor Tim Pawlenty has announced the nomination of three major watershed projects for funding through the U.S. Environmental Protection Agency's Watershed Initiative. The projects include the Root River Watershed Project, the Hawk Creek Project, and the Clearwater River Project.

EPA's Watershed Initiative program will award approximately $20 million in grants to as many as 20 watershed projects around the nation. States nominate projects to their regional EPA office with each of EPA's 10 regional offices selecting four projects to forward to headquarters in Washington. From the total of 40 nationwide projects, EPA selects 20 for funding.

"Our administration's Clean Water Initiative places water as a top priority for Minnesota. It includes a watershed approach to address unique challenges from one part of the state to another," Governor Pawlenty said. "Working together with local partners and combining federal and state resources, we have an opportunity to achieve our clean water goals and significant environmental results."

Measurable goals for the initiative in southeast Minnesota include: achievement of swimmable streams by 2013; a two million ton annual reduction in soil erosion; and a 30 percent reduction of sediment delivered to streams during the next decade. Funding of the Root River project will help to accelerate these goals.

The Hawk Creek project lies in the Minnesota River headwaters watershed in southwestern Minnesota. The Minnesota River is a significant contributor of nutrients and sediment to the Mississippi River and has been identified as a leading contributor of nitrogen to the Gulf of Mexico.

Hawk Creek flows through a rich agricultural environment. Nearly 98 percent of the original wetlands in the watershed have been drained for agricultural purposes. From 1999 through 2001, the Hawk Creek watershed project performed a study which identified that sediment, nitrates, phosphorus, and bacteria were serious problems in its waters. If obtained, funds from EPA's Watershed Initiative would be used to implement on-the-ground restoration activities.

The Clearwater River Project is a joint project with the Red Lake Nation of Chippewa. The Clearwater River is in the Red River Basin and contributes a significant amount of nutrients and sediment to Hudson Bay in Canada. A major component of this project is the effort by the Red Lake Nation of Chippewa to manage wild rice operations in the watershed to enhance water quality.

From: Jeff Falk <Jeff.Falk@state.mn.us>
Date: 1/12/04 9:01AM
Subject: Environmental initiatives key component of Gov. Pawlenty's 2004 bonding proposal -- January 12, 2004

FOR IMMEDIATE RELEASE: Contact:
Leslie Kupchella

January 12, 2004
(651) 296-0001

ENVIRONMENTAL INITIATIVES KEY COMPONENT OF GOVERNOR PAWLENTY'S 2004 BONDING PROPOSAL

~ Governor requests $147 million to protect and enhance state's natural resources~

Saint Paul - Saying that protecting and improving Minnesota's waters, forests and wildlife are crucial to an exceptional quality of life, Governor Pawlenty today committed a substantial portion of his 2004 bonding proposal to environmental enhancement projects. Approximately $147.4 million will fund waters, parks and trails, forests, wildlife habitat and flood mitigation efforts in Minnesota.

"Minnesota must make a strong commitment to improve and protect its natural resources," Governor Pawlenty said. "From planting new trees to cleaning up our waters, these projects are important steps toward achieving an excellent environmental standard for future generations."

The Governor's environmental package will include funding for five major elements:

Protecting and restoring clean water.

* $22 million to fund the Conservation Reserve Enhancement Program (CREP), a state-federal program to set aside agricultural lands for improved water quality and improved wildlife habitat. CREP is a cornerstone of the Governor's clean water initiative, outlined last year. When finished in a few years, the total CREP project will represent a $236 million commitment to restore 100,000 acres in watersheds in southeast, southwest, and northwest Minnesota. The federal government will pay for 80 percent of the

project's total cost.

* $20 million for flood mitigation and dam safety projects to reduce soil erosion and downstream flooding while increasing water availability.

* $26.48 million in grants for local wastewater treatment and drinking water projects that will assist Minnesota communities in leveraging federal funding to improve water quality. ($10 million for Wastewater Infrastructure Fund grants and $16.48 million for US EPA Drinking Water/Wastewater Capitalization grants.)

* $2 million for the Lewis and Clark Rural Water System in southwest Minnesota to assist in development of a multi-state water system that serves Lincoln, Pipestone and Rock Counties in Minnesota.

* $570,000 to fund an agriculture water management research project that will help farmers learn how to effectively manage rural drainage systems to reduce sediment flow into waterways.

Pollution Control Agency Commissioner Sheryl Corrigan said, "These recommendations are critical to our effort to protect and improve the quality of water in Minnesota."

Protecting and restoring land.

* $14 million to the Pollution Control Agency's Closed Landfill Program to assist in the closure and cleanup of landfills.

* $4 million for the Office of Environmental Assistance's Capital Assistant Program to provide financial incentives to local governments to develop solid waste management infrastructure.

Protecting and improving wildlife habitats.

* $4 million to match private donations to acquire ecologically

sensitive land and can safeguard threatened land critical to plants and animals.

* $12 million to purchase more than 11,000 acres of wildlife management area lands and increase wildlife habitat and recreational opportunities. The plan also includes the development and restoration of many Wildlife Management Areas.

* $1.05 million to acquire aquatic management area lands and develop fisheries habitat.

* $7 million to the Metropolitan Council for metro area greenways and to enhance and develop regional parks. In addition, $1 million to the Department of Natural Resources for metro greenways.

Improve state parks and trails.

* $2 million to fund the rehabilitation of five state trails by repairing bridges, controlling erosion and stabilizing the land.

* $2 million for the acquisition of private land within state parks to prevent development pressure.

* $3 million to fund ongoing maintenance projects in the Minnesota park system, including new buildings.

Expand and improve Minnesota's forests.

* $3 million for state reforestation efforts and $1 million for county reforestation that includes the planting of nearly 7 million trees on more than 13,300 acres of state and county forests.

* $1 million to fund the acquisition of more than 250 acres of private land within state forests to reduce outside development pressure.

* $1 million to fund an ongoing program to rebuild and maintain forest roads and bridges.

* An additional $16 million for miscellaneous Department of Natural Resources capital asset preservation and other projects.

"This is a comprehensive package that addresses a wide variety of Minnesota's environmental challenges," the Governor said. "I am hopeful the Legislature will agree that funding these projects is critical to ensuring a bright future for Minnesota."

Department of Natural Resources Commissioner Gene Merriam said, "Governor Pawlenty is putting an exceptionally high value on Minnesota's natural resources. This proposal is a real win for everyone who loves the outdoors."

--30--

Jeff Falk

Office of Governor Tim Pawlenty

130 State Capitol

Saint Paul, MN 55155

651-296-0058 phone

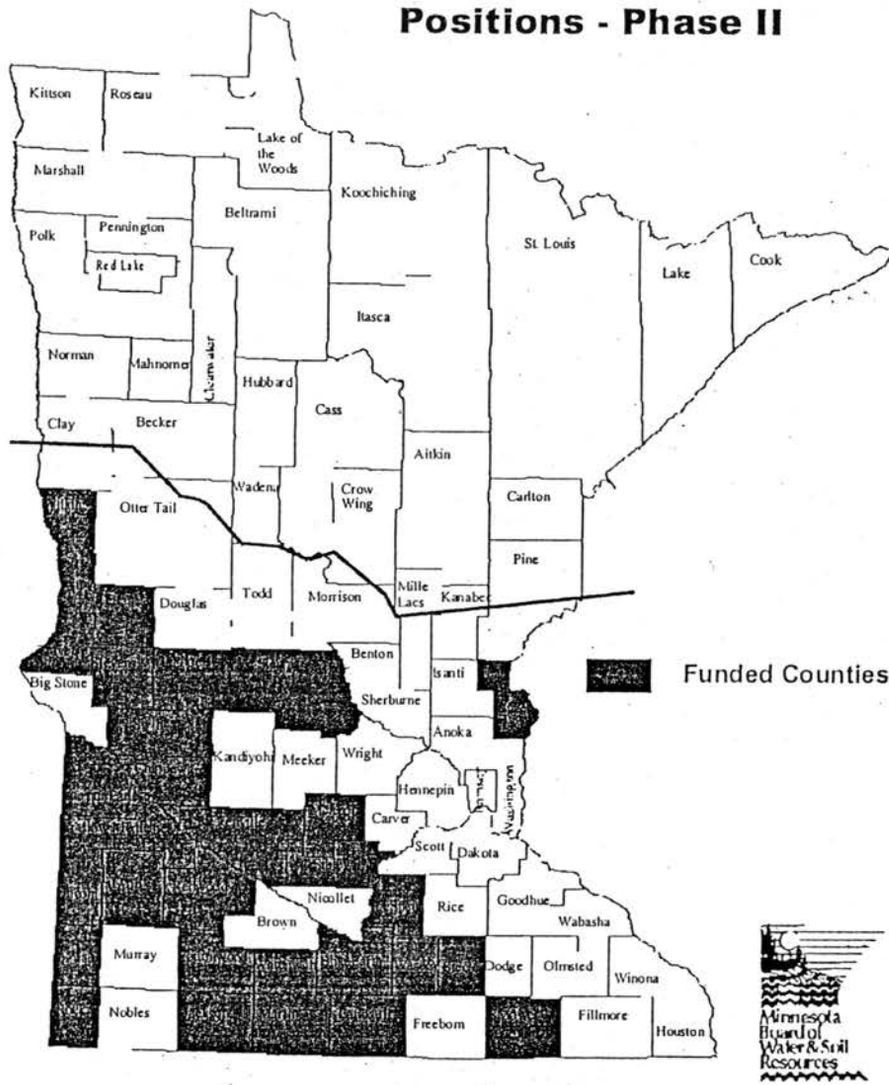
651-296-0056 fax

MN FARMBILL

ASSISTANCE PROJECT

Minnesota Board of Water and Soil Resources ▫ January 2004 ▫

Farm Bill Assistance Positions - Phase II



1/2/04

s:\2Farmbill\Assistance Positions Phase II

2003 MN Farmbill Initiative

Statewide Summary

MONTH	Hours	# Farmer Contacts	Total Enrolled #Contracts / #Acres		Filterstrips #Contracts / #Acres		Riparian Buffers #Contracts / #Acres		Field Borders & Contour Buffer		Field Wind Breaks		Shelterbelts #Contracts / #Acres		General CRP #Contracts / #Acres		Other-Wetlands, living snow fence		CCRP Farmed Wetland Pilot	
January	1104.5	446	64	373.9	21	150.5	15	69.4	6	29	5	21.4	10	42.6			4	38.6	3	22.4
February	1362.25	805	73	683.6	31	286.6	9	74.2	3	22.8	6	19.6	13	35.6			5	118.5	6	126.3
March	1840.25	897	102	1061.9	33	284.7	20	201.2	3	8.4	18	68.4	8	16.8			15	225	16	257.4
April	1795.5	875	59	551.9	17	177.5	11	86.5	4	12.1	8	40.6	7	11.4			6	95	6	128.8
May	1515.75	2257	98	1323.4	29	234.9	13	127.3	13	29.9	10	19.6	6	14.1			20	751.9	11	145.7
June	1665.75	2675	132	1546.6	48	426.1	9	78	0	0	7	36	10	27.2			16	166.8	42	812.5
July	1970.75	2589	58	464.9	28	192.3	3	72	0	0	3	9	5	9.6			12	108.8	7	73.2
August	1544	1012	213	5773.26	22	344.3	5	100.6	0	0	5	30.1	2	8.06	166	4070.2	11	1136.4	9	83.6
September	1887	1695	354	7628.74	91	899.12	52	752.8	0	0	15	152.1	14	63.4	145	3921.4	30	1162.3	33	677.6
October	1315	714	132	1271.92	51	424.52	6	33.5	0	0	7	20.1	16	33.1	10	164.8	35	446.9	11	149
November	1012	400	60	558.6	24	147.9	4	49	0	0	5	56	1	1.8	0	0	22	257	8	46.9
December	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	17012.8	14365	1345	21238.7	395	3568.4	147	1644.5	29	102.2	89	472.9	92	263.66	321	8156.4	176	4507.2	152	2523.4

TOTAL ACRES ENROLLED: 21238.7 acres

RECENT HISTORY

- 2002 – PHASE I:
  - 26 counties
  - 7,000 acres
  - $207,600
- 2003 – PHASE II:
  - 28 counties
  - 22,000 acres
  - $581,330
- 2004 – PHASE III:
  - 35 counties
  - 30,000 acres
  - $696,420

- $1.5M committed or spent this far
- Averaging $25/ac. for 15 yrs of habitat
- $45,000,000 in CRP payments into state
- Counties required to do monthly reporting

Minnesota Board of Water & Soil Resources

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

DATE: April 12, 2004

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

FROM: Ronald B. Harnack, Executive Director

SUBJECT: April 28th Board Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, April 28, 2004, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room, lower level, at One West Water Street, St. Paul. Parking is available across the street from the building. Please display the enclosed "temporary parking permit" on your vehicle's dashboard.

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Administrative Advisory Committee

1. **BWSR By Laws Updated** – The By Laws were reviewed by the Administrative Advisory Committee and presented to the Board at the March meeting for review of proposed changes. The updated By Laws shall become effective immediately after approved by a majority vote of the Board. *DECISION ITEM*

Cost-Share Committee

1. **FY 05 Feedlot Water Quality Management Grant Policy** – The Cost Share Committee is submitting their recommendations to the Board for FY 05 Feedlot Water Quality Management Grant (FWQMG) policy: 1) The FY 05 FWQMG application period should be open from May 1, 2004 through May 31, 2004. This schedule will maximize funding benefits available to producers from both EQIP and the FWQMG programs. 2) Producers enrolled in recognized producer group stewardship programs should receive funding priority. These programs complement environmental agency objectives. *DECISION ITEM*

Metro Water Planning Committee

1. **Shingle Creek and West Mississippi Watershed Management Commission (WMC) Watershed Management Plan** – The watershed management plan for the Shingle Creek Watershed Management Commission and the West Mississippi WMC was filed with the Board in early February. Both of the Commissions are Joint Powers Agreement Watershed Management Organizations. Four out of the five member cities of the West Mississippi WMC are also members of the Shingle Creek WMC. Both Commissions agreed to merging the plan preparation, operating policies, and administration for efficiency purposes, but will remain separate, politically distinct Watershed Management Organizations. The review process, which is further described in the attached Overview, began in September of 2002 when the draft plan was distributed for comments. Many

comments were received and in March of 2003 a final draft plan was submitted for review. Comments on the final draft resulted in additional revisions to the plan. Further delays to the plan being submitted for approval resulted from the Commissions still having staff from member cities on the boards. The Metro Water Planning Committee unanimously recommends the plan be approved for each of the Watershed Management Organizations per the attached draft orders. *DECISION ITEM*

OLD BUSINESS

1. **Rice Creek Watershed District Comprehensive Wetland Management Plan** – At the January 28, 2004 meeting, the board adopted an Order that conditionally approved the Rice Creek Watershed District Comprehensive Wetland Management Plan regarding Anoka County Ditch 53-62. The approval was subject to the BWSR board determining when six contingencies had been satisfactorily addressed. The contingencies related to the watershed district adopting Rule M, wherein the contingencies would be reflected. The watershed district adopted Rule M and a BWSR staff report recommended full, unconditional approval of the plan. Similar to circumstances surrounding the January Board action, comments were received from the Anoka Conservation District and the Minnesota Center for Environmental Advocacy. The comments contended that all of the contingencies had not been fully met. The Metro Water Planning Committee reviewed Rule M and the plan, discussed the comments and unanimously decided to recommend approval of the plan subject to two revisions to Rule M, per the attached draft Order. *DECISION ITEM*

NEW BUSINESS

1. **Minnesota Land Prices and Implications for BWSR** – Steve Taff, Professor, U of M/Department of Applied Economics – *INFORMATION ITEM*

2. **Legislation and Budget Update** – Ron Harnack – Attached is a comparison of House and Senate Omnibus Budget Bills referencing BWSR items. The House bill covering BWSR is H.F. 1867, 3rd engrossment. It can be located in its entirety at the legislative bill status site. The direct link is: http://www.revisor.leg.state.mn.us/cgi-bin/bldbill.pl?bill=H1867.3&session=ls83.

   The Senate has two bills: H.F. 2028 and H.F. 956, both of which include all agency budget items instead of the individual bills found in the House budget. H.F. 2028 can be located at: http://www.revisor.leg.state.mn.us/unoff/senate/ue/ueh2028.1.html *INFORMATION ITEM*

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The meeting will adjourn about noon. I look forward to seeing you on April 28th!

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
WEDNESDAY, APRIL 28, 2004

PRELIMINARY AGENDA

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

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF MARCH 24, 2004

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

REPORTS

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

COMMITTEE RECOMMENDATIONS

Administrative Advisory Committee

1. BWSR By Laws Updated – *DECISION ITEM*

Cost-Share Committee

1. FY 05 Feedlot Water Quality Management Grant Policy – *DECISION ITEM*

Metro Water Planning Committee

1. Shingle Creek and West Mississippi Watershed Management Commission (WMC) Watershed Management Plan – *DECISION ITEM*

OLD BUSINESS

1. Rice Creek Watershed District Comprehensive Wetland Management Plan – Jim Haertel - *DECISION ITEM*

NEW BUSINESS

1. Minnesota Land Prices and Implications for BWSR – Steve Taff, Professor, U of M/Department of Applied Economics – *INFORMATION ITEM*

2. Legislation and Budget Update – Ron Harnack - *INFORMATION ITEM*

AGENCY REPORTS

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next Board Meeting, May 26, 2004, St. Paul

ADJOURN

TEMPORARY PARKING PERMIT

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
Lower Level Conference Room

DATE: Wednesday, April 28, 2004

QUESTIONS, PLEASE CALL 651-296-3767.

Parking is available across the street from the building in the first two rows of the northwest corner of the Wabasha Deli parking lot. Display this "temporary parking permit" on your vehicle's dashboard. Thank you.

Dispute Resolution Report
April 8, 2004
by Jim Haertel

There are presently eleven appeals pending. All of the appeals involve WCA. There have been no new appeals filed since the report presented at the March 24th board meeting.

Three appeals involve the same project, which is the proposed construction of a new bridge over the St. Francis River in Big Lake Township of Sherburne County. The appeals were filed by the Minnesota Center for Environmental Advocacy, the DNR, and the Audubon Society in conjunction with the St. Cloud Area Environmental Council. All three appeals have been accepted. A pre-hearing conference is scheduled for April 14th.

Another appeal is of a Restoration Order in Otter Tail County. A Restoration Order was previously appealed for the same project resulting in affirming the Restoration Order. However, an amended Restoration Order was then issued and is the subject of this new appeal.

There are two appeals of a restoration order in McLeod County. At issue is the cleaning of a three-party, private agricultural ditch. The situation is complicated by the fact that the person served with the restoration order is not one of the two appellants. Adding to the complications is the heated relationship the three parties share. A court ordered settlement agreement should be finalized in the near future. The appeals have been placed in abeyance until the agreement is signed.

There is an appeal of an exemption decision in Morrison County. The appeal regards a road that was upgraded and the denial of a forestry exemption. A cease and desist order and a restoration order were issued. The appeal was remanded for a hearing, the LGU denied the exemption again, and that decision has now been appealed. The appeal has been accepted. No pre-hearing conference has been set since the landowner, after negotiations, has consented to submitting a replacement plan application.

There is an appeal of a restoration order in Stevens County. The violation involves the excavation of a ditch in a DNR protected water and the sidecasting of dredge spoil into wetland bordering agricultural land. Work was also done on a neighboring property without permission. The appeal is in abeyance pending a DNR survey this spring.

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

Resolution was achieved at the meeting and a stipulated agreement needs to be finalized to close the appeal. The agreement has been signed by most of the parties except there may be an issue with the Corps of Engineers entering into the agreement.

There is an appeal of a no-loss decision in Meeker County. At issue is the wetland delineation. The project involves wetland fill for a garage. The appeal is being held in abeyance pending further technical evaluation work, however, it appears a settlement agreement may be reached between the county attorney and the landowner.

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

~~March,~~ April, 2004

BOARD OF WATER AND SOIL RESOURCES
BYLAWS

ARTICLE I. Introduction

1. Purpose
The Board of Water and Soil Resources (BWSR) desires to conduct its business and perform all of its responsibilities and duties in an orderly, efficient, fair and lawful manner. These Bylaws are established for that purpose.

2. Application of Bylaws
Unless otherwise specifically indicated, these Bylaws shall apply to the transaction of all BWSR business and the conduct of all BWSR meetings and hearings.

3. Compliance with Applicable Law
It is the specific intent of the BWSR to perform all of its responsibilities and conduct all of its hearings and meetings in accordance with all applicable federal law and state statutes and regulations. The provisions of all such applicable law shall have control over anything to the contrary in these Bylaws.

ARTICLE II. Membership, Officers and Duties

1. Membership
The Board of Water and Soil Resources shall be composed of 17 voting members appointed by the Governor according to MN Statute 103B.101.

Individual members shall not act to represent the Board on any given subject unless specific Board action/position has been determined/ruled and the individual action thus represents the Board as a whole.

MN Statute 15.0575, subd. 4, provides that "[t]he chair of the board shall inform the appointing authority [i.e., the Governor] of a member missing three consecutive meetings. After the second consecutive missed meeting and before the next meeting, the chair of the board shall notify the member in writing that the member may be removed for missing the next meeting."

2. Officers Designated

The officers of the BWSR shall be the Chair and the Vice-Chair. The Chair is appointed by the Governor from the voting members of the Board. The Vice-Chair shall be elected to a two-year term from the regular membership of the BWSR. The Vice-Chair shall be elected by majority vote at the first regularly scheduled meeting of every EVEN calendar year.

The Board shall employ an Executive Director, a salaried officer, who is the administrative and general manager of the BWSR. All additional staff shall report to the Executive Director.

3. Duties of Officers

a) Chair

The Chair shall have the following responsibilities:

1) Supervise the affairs of the Board and communicate such affairs to all board members.
2) Preside at all Board meetings.
3) Appoint committees and subcommittees as may be necessary and shall be ex-officio member of all committees.
4) May vote on all issues.
5) May schedule special meetings.

b) Vice-Chair

The Vice-Chair shall have the following responsibilities:

1) Perform those duties delegated by the Chair.
2) Act as Chair in the event of the Chair's illness, disability, absence from meeting or not being readily able to function as Chair.

c) Executive Director

The Executive Director shall be responsible to the Board and communicate/report regularly to the Chair. The Executive Director or designee shall attend all Board meetings but shall not vote. The Executive Director shall have the following responsibilities:

1) To see that all resolutions, rules, regulations and orders of the Board are carried out.
2) To present to the Board program plans, studies and reports prepared for Board purposes and action and recommend to the Board for adoption those measures deemed necessary to carry out the programs and duties of the Board or for the efficient administration of the affairs of the Board. <u>Executive Director shall have the authority to execute or officially sign on behalf of the Board on all actions approved/ruled by the Board.</u>

3) To communicate and interact with the Governor's office, state agencies and local government special districts legislature and to participate in relevant meetings as well as provide such meeting knowledge to Board.
4) To keep the Board fully advised as to its financial condition and to prepare and submit an annual Board budget.
5) To represent the Board's determined/ruled policy positions only.
6) To record and maintain a record and minutes of the meetings and process and maintain all information relating to Board business.
7) To set the original agenda for the Board, provide for meeting notices and handle all other administrative affairs.
8) To sign documents as designated by the Board.
9) To participate in an annual Personnel Review as directed by the Chair.

4. Vacancies of Officers
   a) Chair: In the absence of the Chair, the Vice-Chair shall preside.

   b) Vice-Chair: If a vacancy occurs in the office of Vice-Chair, the regular members shall elect an individual to fill the remaining term time.

   c) Chair, Vice-Chair: If at a Board meeting, neither the Chair nor Vice-Chair are present but a quorum exists, the members shall elect from within the membership an acting Chair to run the meeting.

ARTICLE III. Meetings and Hearings

1. Notice
   Notices of all meetings and hearings of the BWSR shall be made in a manner in accordance with MN Statute 471.705 (Open Meeting Law). Notice shall be posted at the BWSR main office and reasonable effort shall be made to inform BWSR clientele by mail or message. Board meetings will be scheduled according to the current Board policy.

2. Open Meetings and Records
   All meetings of the BWSR shall be open to the public. The votes of the members shall be recorded by voice vote or by roll call if so called. The minutes shall be available to the public during all normal business hours at the BWSR central office. Minutes of the BWSR Board meetings shall be permanently preserved.

3. Closed Meetings

Meetings having data classified as not public, in accordance with MN Statute 103D.05. The Chair may call a closed meeting if the closure is expressly authorized by statute or permitted by the attorney-client privilege. Specific applicable statutes found in the Open Meeting Laws in Minnesota Statute Chapter 13D:

a) If non-public data is being discussed per the requirements in Chapter 13D.05, Subdivision 2; or

b) If the Board is meeting to evaluate the performance of the Executive Director, per requirement in Chapter 13D.05, Subdivision 3, or

c) If the Board is meeting to exercise quasi-judicial functions involving disciplinary proceedings per Chapter 13D.01, Subdivision 2.

In all cases where a closed meeting is called, the Board shall abide by the requirements for closed meetings in Chapter 13.D.

4. Hearing Records

All information submitted to BWSR for hearing purposes becomes the property of the BWSR.

The BWSR shall be required to maintain all records gathered during public hearings. The Executive Director shall not be required to maintain the records for more than three years after the close of a hearing.

5. Quorum

A majority of the voting Board members is a quorum.

6. Voting

Each voting member shall have one (1) vote in the transaction of business of the Board. In order to vote, the member must be in attendance at the meeting. A vote will be recorded by voice vote unless a roll call vote is requested. A roll call vote may be requested by any member.

7. Meeting Arrangements

The BWSR shall normally meet the fourth Wednesday of the month so designated by action of the Board ~~policy~~ at 9:00 AM until agenda business is complete. The Chair may call for recess for appropriate breaks or for purposes of furthering the agenda orders of business.

A majority of BWSR members shall select a meeting location which shall be convenient and suitable for the members, staff and general public.

8. General Order of Business
The general order of business of BWSR Board meetings:

a) Approval of agenda

b) Approval of minutes of previous meeting

c) Open Mike

d) Chair's, Executive Director's and Committee Reports

e) Committee Recommendations

f) Old Business

g) New Business

h) Board issues and information

i) Agency Reports

j) Advisory Member Reports

k) Upcoming Meetings

l) Adjournment

9. Parliamentary Procedure
Robert's Rules of Order, Revised, shall govern the conduct of the meeting except when state statute, policies and these bylaws state otherwise.

The Chair shall make all parliamentary rulings. The Executive Director or meeting designee shall serve as the parliamentarian advisor to BWSR.

10. Agenda Application
All matters for agenda consideration with pertinent information included shall be submitted to the Executive Director two weeks prior to the Board meeting. Placement of items on the agenda will be at the discretion of the Chair and the Executive Director. The proposed agenda must have the approval of the Chair.

11. Adoption Amendments
Adoption
These Bylaws shall become effective immediately after approved by a majority vote of the Board.

Amendments

These Bylaws may be amended by a 2/3 vote of the members. All proposed amendments shall be presented in writing. The Board ~~or~~ ~~agency designate~~ shall review the proposed changes at least one meeting prior to adoption.

05 FEEDLOT WATER QUALITY MANAGEMENT GRANT POLICY

Amount Available - $1.35 million

The Cost Share Committee convened on March 23. There was also an informational follow-up meeting on April 8 with producer groups. The Committee presents the following for consideration and decision:

Background

The BWSR has traditionally conducted a yearly application period from March 1 – May 1. Applications are competitive and all SWCDs may apply. Successful applicants receive funding around mid-summer.

Last Year:	Number of Applications Received	153
	Total Project Costs	$6,849,000
	FWQMG Funds Requested	$3,773,000
	Number of Applications Funded	53

BWSR Funding Priorities:

1 Feedlots in riparian locations
2. Feedlot operations where FLEVAL indicates a high pollution potential.
3 Practices that will be applied in 2004.
4 Feedlot operators who have received a notice of violation.
5 Feedlots in counties that are conducting or have completed a level 2 or level 3 feedlot inventory.

Issue #1

The Committee has recommended delaying the application period for this year because NRCS is currently accepting applications for EQIP funding through April 30, 2004. EQIP also has different program criteria. In general, these key differences are:

Max. Cost Share Rate – BWSR 75%, EQIP 50%
Partial Systems Eligible? – BWSR Yes, EQIP Only separable clean water practices
Max. Funding Available/Project – BWSR $50,000, EQIP $450,000(Producer)
Max. Animal Units – BWSR 499, EQIP None
Expansions – BWSR No, EQIP Yes, up to 25%

Recommendation #1

The Committee is recommending the FWQMG application period begin May 1, and end May 31. This schedule will maximize the potential funding benefits available to producers from both EQIP and the FWQMG programs by allowing SWCDs to sign-up as many feedlot projects under EQIP as possible and then determine which ones, if any, they want to submit to BWSR for additional cost share up to the 75% limit.

Issue #2

The Committee heard discussion from the Minnesota Milk Producers and Pork Producers regarding their producer participant stewardship programs. (Cattle producers are also eligible to participate.) Producers enrolled in these programs have agreed to a comprehensive environmental analysis of their livestock operation. This analysis assesses environmental issues

categories including water quality, odor and air quality, soil quality and nutrient management, habitat quality and diversity, and community relations. Deficiencies in any of these categories are then identified and corrective options developed in a remedial plan.

Recommendation #2

The Committee feels that these stewardship plans reflect the common environmental protection and sustainability goals of BWSR and our member agencies, and is recommending that producers who have enrolled and been accepted in one of these stewardship plans be given priority in FWQMG funding. The Committee is recommending FY 05 FWQMG funding priorities as follows:

1. Feedlots in riparian locations enrolled in a recognized stewardship plan and high FLEVAL pollution potential.
2. Feedlots in riparian locations and high FLEVAL pollution potential.
3. Feedlot operations where a high FLEVAL indicates a greater pollution potential.
4. Practices that will be applied in 2004.
5. Feedlot operators who have received a notice of violation.
6. Feedlots in counties that are conducting or have completed a level 2 or level 3 feedlot inventory.

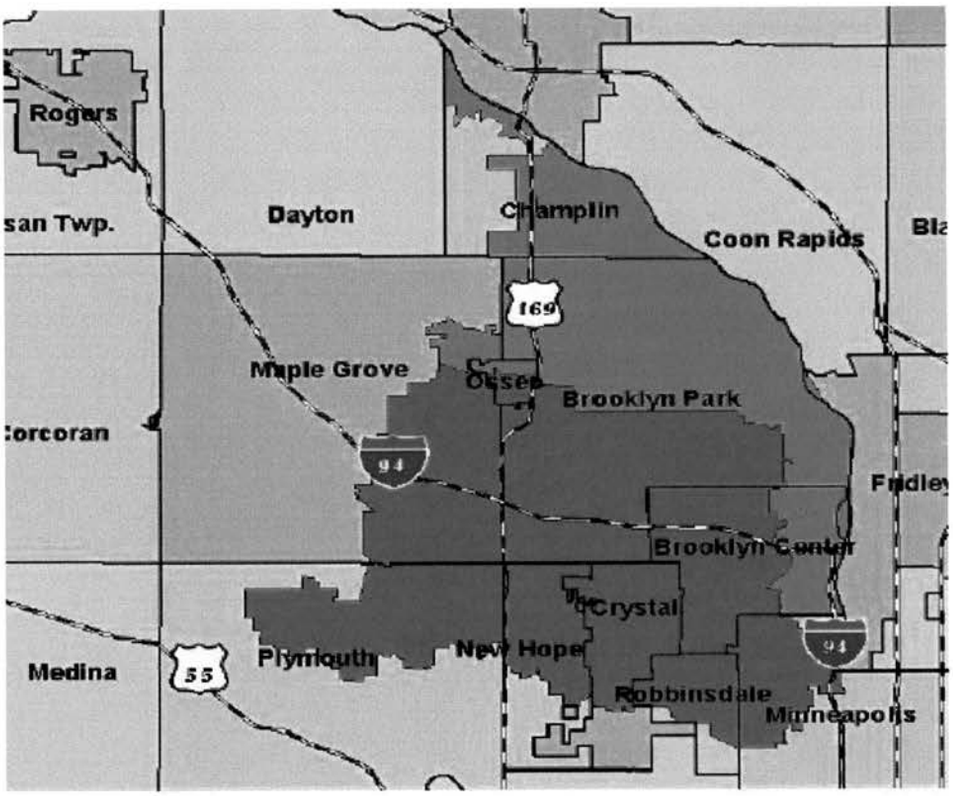
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Minnesota Board of Water and Soil Resources
April 2004 Board Meeting

OVERVIEW
Shingle Creek/West Mississippi Watershed Management Organization Plan 2004-2013

Watershed Description

The Shingle Creek and West Mississippi Watershed Management Commissions (SCWMC & WMWMC, or the Commissions) are located exclusively in Hennepin County in the northwest portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the Mississippi River to the north and east, on the southeast by the Mississippi Watershed Management Organization (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. Primarily both watersheds are fully developed, with the remaining land being currently developed.



Summary of Plan Review Process

The Shingle Creek and the West Mississippi Watershed Management Commissions were formed in 1984. 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 the West Mississippi WMC only.

On September 13, 2002, the draft plan was submitted to BWSR, state agencies, and local governments for the required 60–day review. The Commission received comments from the BWSR, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Metropolitan Council, City of Plymouth, Three Rivers Parks, and several residents. On March 7, 2003, the Commission submitted the final draft of the Shingle Creek/West Mississippi Watershed Management Plan for the 45-day review. Comments were received from Met Council, MPCA, and BWSR. The revised final plan was submitted to BWSR on February 6, 2004 for approval. The reasons for the delay in submitting the final plan were twofold: first, achieving compliance with MS 103B.227, Subd.2 stating that "...staff of LGUs that are members of the WMO are not eligible to be appointed to the board," and second, the Commissions amending the Plan in accordance with 45-day comments. The Joint Powers Agreements are both compliant and executed.

Fiscal Context

The table below shows financial information for SCWMC, WMWMC and adjacent WMOs.

WMO	Area (sq mi)	Year			Expenditures per Area
		00	01	02	
Bassett Creek WMO	40	464,500	341,500	340,000	$8,500
Elm Creek WMO	127	139,600	160,400	00	$1,263
Pioneer-Sarah Creek WMO	72	106,400	91,100	103,600	$1,439
Shingle Creek WMO	44	134,200	238,800	353,600	$8,036
West Mississippi WMO	24	67,800	84,100	125,100	$5,213
9-Mile WD	50	176,500	201,300	00	$4,026
Riley Purgatory-Bluff Cr. WD	47	480,500	772,600	00	$16,438
Minnehaha Creek WD	184	2,963,500	6,086,000	4,617,900	$25,097

Fiscal activities are an approximate barometer of influence within a watershed only. The table above shows a significant trend of increasing annual expenditures for Shingle Creek WMO. The projected budget for the next several years predicts a 5% increase per year. However the budget cap is destined to increase even further as a result of implementation of the Chloride and 2005 Lakes TMDL programs. The Commissions will also rely on funding through the county.

Reviewing Agencies'/LGUs' Comments and WMO Responses

BWSR's primary concerns related to passive direction to member communities (which was brought forth in both review letters), the lack of measurable strategies and policies, analysis of retrofit water quality improvement opportunities, missing linkage with municipal "greenway" plans, and the recommendation to continue utilizing citizen and technical advisory committees. The Commissions responded by offering to have Annual Work Plans contain measurable goals and objectives including an evaluation of progress; a Regional Pond Analysis will be the framework for identifying retrofit

opportunities; SCWMC intends to implement "greenway" strategies as part of the Shingle Creek Corridor plan; and all stakeholders will participate via the technical advisory committee and an Education and Public Outreach Committee (EPOC).

The **DNR** had the following concerns: the Plan did not address the disappearing wetlands in Brooklyn Park; the Plan did not address the pumping of flood water from Bassett Creek into Shingle Creek watershed; the Plan does not include a land cover assessment; protection of native habitat and significant natural communities; and the presence of Least Darters and waterwillows in certain water bodies. The Commissions amended the Plan as recommended: An informal agreement with the DNR and Brooklyn Park to attempt to restore hydrology to the disappearing basins via the storm drainage system; Because much of the land area is already developed, the existing general land use information is sufficient for stormwater modeling; A rare species table is now added to the Plan, while member cities will be required to develop policies and plans for threatened and special concern species as well as natural communities.

The **Metropolitan Council** submitted numerous comments and asked for several language clarifications. The main comments were: Both Met Council review letters strongly recommended that the Plan take a more active role in getting member cities to adopt local erosion control and stormwater management ordinances. Both review letters also insisted that the Plan set up a timely process for completion of a watershed-wide wetland function and values assessment for all wetlands as well as provide guidance on wetland management and buffers. Lastly, both Met Council review letters strongly encouraged the Plan to establish quantifiable goals and standards for each lake. According to the Commissions, many of Met Council's comments will be addressed in the Water Quality Plan, which is the first step in implementing their Second Generation Plan and was completed in January 2004. The Water Quality Plan was reviewed and approved by the Technical Advisory Committee in March 2004.

The **City of Plymouth** had numerous comments highlighted as follows: the Plan should coordinate with cities to avoid duplication of educational and other on-going efforts; clearly explain the "tie" between existing municipal stormwater plans and this Second Generation Plan; clearly explain the purpose of data collection and what will be done with the data; the Plan should require all member cities to adopt erosion control, stormwater and shoreland management ordinances as well as wetland buffer regulations; wetland function and values assessments and wetland buffer ordinances previously accepted shall be "grandfathered in"; the Plan should require soil improvements after construction i.e. reduce compaction to encourage better infiltration and plant growth; and the Plan should contain specific guidance on strategies for improving water quality. The Commissions largely amended the Plan as recommended with the exception of the following: The Plan does not require stormwater management ordinances in all member cities; the Plan does not require soil improvements upon completion of construction activities; The Commissions chose not to provide a detailed list of BMPs in the Plan that improve water quality as there are many manuals, technical resources, and the NPDES Phase II process where information is currently available; The Plan stresses that for all cities without a Local Water Management Plan in conformance with the Second Generation Plan, the Commissions will operate a project review program until the municipal LWMP is updated.

The **Three Rivers Parks District** relayed comments regarding degradation of high quality waterbodies, requiring more stringent stormwater requirements for certain developments and receiving waters, and adding a provision to require soil improvements post-construction. The Commissions addressed the degradation of high quality waters by adding a policy triggering the Commissions to develop water protection strategies at the time of water resource/TMDL process; The Commissions chose not to amend the Plan requiring more stringent stormwater requirements at this time; The Commissions also elected not to adopt a post-construction soil improvement provision.

Summary of Plan Strengths and Weaknesses

The main goals of the Shingle Creek and West Mississippi Water Management Commissions for 2004-2013 are:

1. Maintain the existing 100-year flood profile throughout the watersheds.
2. Protect and improve water quality based on practical use.
3. Strive to provide water quality that supports recreation, fish and wildlife based on practical use.
4. Establish an education and public outreach program.
5. Develop an appropriate management strategy for Hennepin County Ditch #13.
6. Protect and improve groundwater quality and promote groundwater recharge.
7. Protect and improve wetlands.
8. Reduce erosion and sedimentation.

The highlights of the Plan include:

1) Proposed administrative costs reduced by merging administrative services of both Commissions.
2) A major Total Maximum Daily Load (TMDL) role taken on by SCWMC for chloride. TMDLs have also begun for nutrients on several lakes.
3) Buffer ordinances are required in all municipalities for new development and redevelopment.
4) The SCWMC and WMWMC will operate a project review program in each municipality until the LWMP is updated.
5) Infiltration is required for new development and redevelopment.
6) The Water Quality Plan has been completed and is under review.

Issues not fully addressed in the Plan include:

1) Stormwater management plans in all municipalities are not required under the Plan, however the Commissions will maintain the existing review process.
2) Reliance on municipalities for project implementation dollars may be a potential shortcoming.
3) Post-construction soil improvements were not addressed as part of this Plan, but the Commissions intend to include this as an amendment to their rules and standards within the context of the Infiltration Plan.
4) The complex issue of disappearing wetlands in Brooklyn Park may not have been sufficiently addressed. However, the Commissions will ensure that the pre- and post-development watersheds to these basins will be maintained. Climate-based changes, irrigation, and an interceptor pipe are all possible contributions to the problem.

BWSR Board Conservationist Brad Wozney recommends approval of the Shingle Creek and West Mississippi Watershed Management Commission Second Generation Plan.

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

In the Matter of the review of the Watershed Management Plan for the Shingle Creek Watershed Management Commission pursuant to Minnesota Statutes Section 103B.231, Subdivison 9

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Shingle Creek Water Management Commission (SCWMC) serving as the board of the Shingle Creek Watershed Management Organization submitted a Second Generation Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes 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. **WMO Establishment.** The Shingle Creek Watershed Management Commission (SCWMC) was formed in 1984. The SCWMC's Second Generation Watershed Management Plan development process began in early 2001 with a series of organizational meetings and kickoff meetings with agency representatives. A Steering Committee consisting of city representatives and staff from the review agencies was established and began meeting formally in June 2001. During the development process of the Plan, the Shingle Creek and West Mississippi Water Management Commissions, which have several cities common to both Commissions, agreed upon merging the plan preparation, operating policies, and administration for efficiency purposes, but will remain separate, politically distinct Watershed Management Organizations.

   On September 13, 2002, the draft plan was submitted to BWSR, state agencies, and local governments for the required 60–day review. The Commission received comments from the BWSR, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Metropolitan Council, City of Plymouth, Three Rivers Parks, and several residents. On March 7, 2003, the Commission submitted the final draft of the Shingle Creek/West Mississippi Watershed Management Plan for the 45-day review. Comments were received from Met Council, MPCA, and BWSR. The revised final Plan was submitted to BWSR on February 6, 2004, for approval. The reasons for the delay in

submitting the final plan were twofold: first, achieving compliance with Minnesota Statutes Section 103B.227, Subd. 2 stating, "...staff of LGUs that are members of the WMO are not eligible to be appointed to the board," and secondly the Commissions were amending the Plan in accordance with the 45-day comments. The Joint Powers Agreements are both compliant and executed.

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 SCWMC is located exclusively in Hennepin County in the northwest portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the West Mississippi WMO to the north and east, on the southeast by the (Mid) Mississippi Watershed Management Organization, on the south by Bassett Creek WMO, and on the west by the Elm Creek WMO. The watershed encompasses all or part of the following nine municipalities: Brooklyn Center, Brooklyn Park, Crystal, Maple Grove, Minneapolis, New Hope, Osseo, Plymouth, and Robbinsdale. The Shingle Creek watershed covers 44.5 square miles. There are fourteen lakes in the Shingle Creek watershed. Primarily this watershed is fully developed, with the remaining land being currently developed.

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

5. **Metropolitan Council Review.** The Council submitted numerous comments and asked for several language clarifications. Both Met Council review letters strongly recommended that the Plan take a more active role in getting member cities to adopt local erosion control and stormwater management ordinances. Both review letters also insisted that the Plan set up a timely process for completion of a watershed-wide wetland function and values assessment for all wetlands as well as provide guidance on wetland management and buffers. Lastly, both Met Council review letters strongly encouraged the Plan to establish quantifiable goals and standards for each lake. According to the SCWMC, many of Met Council's comments will be addressed in the Water Quality Plan, which is their first step in implementing the Second Generation Plan and was completed in January 2004. The Water Quality Plan was reviewed and approved by the Technical Advisory Committee in March 2004.

6. **Department of Agriculture Review.** The MDA did not provide comments on the SCWMC Plan.

7. **Department of Health Review.** The MDH did not provide comments on the SCWMC Plan.

8. **Department of Natural Resources Review.** The DNR had the following concerns: the Plan did not address the disappearing wetlands in Brooklyn Park; the Plan did not address the pumping of flood water from Bassett Creek into Shingle Creek watershed; the Plan did not include a land cover assessment; protection of native habitat and significant

natural communities; and the presence of Least Darters and waterwillows in certain water bodies. The SCWMC amended the Plan as recommended: An informal agreement with the DNR and Brooklyn Park to attempt to restore hydrology to the disappearing basins via the storm drainage system; Because much of the land area is already developed, the existing general land use information is sufficient for stormwater modeling; A rare species table is now added to the Plan, while member cities will be required to develop policies and plans for threatened and special concern species as well as natural communities.

9. **Pollution Control Agency Review.** The MPCA provided recommendations during the 45-day review centering on techniques for effective stormwater management ordinances.

10. **Board Review.** Board Staff convened a December 16, 2002 Inter-Agency meeting that integrated all the perspectives from the commenting agencies. Prior to this meeting and after its completion, the Board's primary comments were toward passive direction to member communities, the lack of measurable strategies and policies, analysis of retrofit water quality improvement opportunities, missing linkage with municipal "greenway" plans, and the recommendation to continue utilizing citizen and technical advisory committees. The SCWMC offered the following responses: Annual Work Plans will contain measurable goals and objectives including an evaluation of progress; a Regional Pond Analysis will be the framework for identifying retrofit opportunities; Shingle Creek WMC intends to implement "greenway" strategies as part of the Shingle Creek Corridor plan; and all stakeholders will participate via the technical advisory committee and an Education and Public Outreach Committee (EPOC)..

11. **Highlights of the Plan.** The critical elements included in the Plan are:

- Proposed administrative costs reduced by merging administrative services of two Commissions.
- A major Total Maximum Daily Load (TMDL) role taken on by SCWMC for chloride. TMDLs have also begun for nutrients on several lakes.
- Buffer ordinances are required in all municipalities for new development and redevelopment.
- The SCWMC will operate a project review program in each municipality until the LWMP is updated.
- Infiltration is required for new development and redevelopment.
- The Water Quality Plan has been completed and is under review.

12. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on April 7, 2004 with representatives of the SCWMC to review and discuss the Plan. Board staff recommended approval of the Plan. After discussion, the Committee unanimously decided to recommend approval of the Shingle Creek and West Mississippi Watershed Management Commissions Second Generation 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 Shingle Creek Watershed Management Organization pursuant to Minnesota Statutes Sections 103B.231, Subd. 9.

3. The Shingle Creek and West Mississippi Watershed Management Commissions Second Generation Watershed Management Plan attached to this Order defines water and water-related problems within the SCWMC 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 Shingle Creek and West Mississippi Watershed Management Commissions Second Generation Watershed Management Plan dated July 2003 as the Watershed Management Plan for the Shingle Creek Watershed Management Organization.

Dated at Saint Paul, Minnesota this 28th day of April, 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

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

In the Matter of the review of the Watershed Management Plan for the West Mississippi Watershed Management Commission pursuant to Minnesota Statutes Section 103B.231, Subdivision 9	**ORDER APPROVING WATERSHED MANAGEMENT PLAN**

Whereas, the West Mississippi Water Management Commission (WMWMC) serving as the board of the West Mississippi Watershed Management Organization submitted a Second Generation Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes 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. **WMO Establishment.** The West Mississippi Watershed Management Commission (WMWMC) was formed in 1984. The WMWMC's Second Generation Watershed Management Plan development process began in early 2001 with a series of organizational meetings and kickoff meetings with agency representatives. A Steering Committee consisting of city representatives and staff from the review agencies was established and began meeting formally in June 2001. During the development process of the Plan, the West Mississippi and Shingle Creek Water Management Commissions, which have several cities common to both Commissions, agreed upon merging the plan preparation, operating policies, and administration for efficiency purposes, but will remain separate, politically distinct Watershed Management Organizations.

   On September 13, 2002, the draft plan was submitted to BWSR, state agencies, and local governments for the required 60–day review. The Commission received comments from the BWSR, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Metropolitan Council, City of Plymouth, Three Rivers Parks, and several residents. On March 7, 2003, the Commission submitted the final draft of the Shingle Creek/West Mississippi Watershed Management Plan for the 45-day review. Comments were received from Met Council, MPCA, and BWSR. The revised final Plan was submitted to BWSR on February 6, 2004, for approval. The reasons for the delay in

submitting the final plan were twofold: first, achieving compliance with Minnesota Statutes Section 103B.227, Subd. 2 stating, "...staff of LGU's that are members of the WMO are not eligible to be appointed to the board," and secondly the Commissions were amending the Plan in accordance with the 45-day comments. The Joint Powers Agreements are both compliant and executed.

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 WMWMC is located exclusively in Hennepin County in the northwest portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the Mississippi River to the north and east, on the south by the Shingle Creek Watershed Management Organization, and on the west by the Elm Creek WMO. The watershed encompasses all or part of the following five municipalities: Brooklyn Center, Brooklyn Park, Champlin, Maple Grove, and Osseo. The West Mississippi watershed covers 23 square miles. There are no lakes in the West Mississippi watershed. Primarily this watershed is fully developed, with the remaining land being currently developed.

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

5. **Metropolitan Council Review.** The Council submitted numerous comments and asked for several language clarifications. Both Met Council review letters strongly recommended that the Plan take a more active role in getting member cities to adopt local erosion control and stormwater management ordinances. Both review letters also insisted that the Plan set up a timely process for completion of a watershed-wide wetland function and values assessment for all wetlands as well as provide guidance on wetland management and buffers. Lastly, both Met Council review letters strongly encouraged the Plan to establish quantifiable goals and standards for each lake. According to the WMWMC, many of Met Council's comments will be addressed in the Water Quality Plan, which is their first step in implementing the Second Generation Plan and was completed in January 2004. The Water Quality Plan was reviewed and approved by the Technical Advisory Committee in March 2004.

6. **Department of Agriculture Review.** The MDA did not provide comments on the WMWMC Plan.

7. **Department of Health Review.** The MDH did not provide comments on the WMWMC Plan.

8. **Department of Natural Resources Review.** The DNR had the following concerns: the Plan did not address the disappearing wetlands in Brooklyn Park; the Plan did not address the pumping of flood water from Bassett Creek into Shingle Creek watershed; the Plan did not include a land cover assessment; protection of native habitat and significant natural communities; and the presence of Least Darters and waterwillows in certain water bodies. The WMWMC largely amended the Plan as recommended: An informal

agreement with the DNR and Brooklyn Park to attempt to restore hydrology to the disappearing basins via the storm drainage system; Because much of the land area is already developed, the existing general land use information is sufficient for stormwater modeling; A rare species table is now added to the Plan, while member cities will be required to develop policies and plans for threatened and special concern species as well as natural communities.

9. **Pollution Control Agency Review.** The MPCA provided recommendations during the 45-day review centering on techniques for effective stormwater management ordinances.

10. **Board Review.** Board Staff convened a December 16, 2002 Inter-Agency Meeting that integrated all the perspectives from the commenting agencies. Prior to this meeting and after its completion, the Board's primary comments were toward passive direction to member communities, the lack of measurable strategies and policies, analysis of retrofit water quality improvement opportunities, missing linkage with municipal "greenway" plans, and the recommendation to continue utilizing citizen and technical advisory committees. The WMWMC offered the following responses: Annual Work Plans will contain measurable goals and objectives including an evaluation of progress; a Regional Pond Analysis will be the framework for identifying retrofit opportunities; SCWMC intends to implement "greenway" strategies as part of the Shingle Creek Corridor plan; and all stakeholders will participate via the technical advisory committee and an Education and Public Outreach Committee (EPOC)..

11. **Highlights of the Plan.** The critical elements included in the Plan are:

- Proposed administrative costs reduced by merging administrative services of two Commissions.
- Buffer ordinances are required in all municipalities for new development and redevelopment.
- The WMWMC will operate a project review program in each municipality until the LWMP is updated.
- Infiltration is required for new development and redevelopment.
- The Water Quality Plan has been completed and is under review.

12. **Metro Water Plan Committee Meeting.** The Board's Metro Water Planning Committee met on April 7, 2004 with representatives of the WMWMC to review and discuss the Plan. Board staff recommended approval of the Plan. After discussion, the Committee unanimously decided to recommend approval of the Shingle Creek and West Mississippi Watershed Management Commissions Second Generation 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 West Mississippi Watershed Management Organization pursuant to Minnesota Statutes Sections 103B.231, Subd. 9.

3. The Shingle Creek and West Mississippi Watershed Management Commissions Second Generation Watershed Management Plan attached to this Order defines water and water-related problems within the WMWMC 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 Shingle Creek and West Mississippi Watershed Management Commissions Second Generation Watershed Management Plan dated July 2003 as the Watershed Management Plan for the West Mississippi Watershed Management Organization.

Dated at Saint Paul, Minnesota this 28th day of April, 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

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

In the Matter of the review of the Wetland Management Plan for the Rice Creek Watershed District, Anoka County Ditch 53-62, pursuant to Minnesota Statutes Section 103G.2242, Subd. 1 (c)

ORDER APPROVING WETLAND MANAGEMENT PLAN

Whereas, the Rice Creek Watershed District (RCWD) submitted a Comprehensive Wetland Management Plan (Plan) for Anoka County Ditch 53-62 (ACD 53-62), Village Meadows, dated July 17, 2003, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103G.2242, Subd. 1 (c), and;

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

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

FINDINGS OF FACT

1. In an Order dated January 28, 2004, which is fully incorporated herein by reference, the Board approved the Plan for the RCWD subject to six contingencies being met, as follows:

    a. The financing mechanism for ditch repair and maintenance must be conducted in accordance with Minnesota Statutes Chapter 103E.

    b. Rule M must require an on-site determination of the existence and location of all ditches for each project that is proposed.

    c. Rule M must require an on-site wetland delineation, wetland type determination, and functional assessment using an approved methodology pursuant to Minnesota Rules Chapters 8420.0110, Subp. 52, 8420.0110, Subp. 54a, and 8420.0549, Subp. 7, and 8420.0650, Subp. 2.C with review by the Technical Evaluation Panel, for each project that is proposed.

d. The Technical Evaluation Panel, including additional expertise pursuant to Minnesota Rules Chapter 8420.0240, must have the opportunity to review and advise on the drainage estimate for groundwater influence, factoring in computer modeling and calibration limitations, before the Plan is finalized.

e. The Plan should be coordinated with the Corps of Engineers mitigation requirements.

f. Rule M has been adopted by the Rice Creek Watershed District Board of Managers and reflects contingencies 1 to 5 above and meets all the provisions of Minnesota Rules Chapter 8420.0650.

2. Subsequent to the January 28, 2004 Board Order, the RCWD adopted Rule M and the Technical Evaluation Panel reviewed and advised on the drainage estimate for groundwater influence.

3. Board staff reviewed the Plan, the adopted Rule M, and the process to be followed by the RCWD to implement the Plan and Rule M. In a report dated March 30, 2004, Board staff recommended full and unconditional approval of the Plan.

4. The Anoka Conservation District and the Minnesota Center for Environmental Advocacy submitted comments that all of the contingencies in the January 28, 2004 Board Order had not been fully met.

5. The Board's Metro Water Planning Committee met on April 7, 2004. Following review of the Plan, Rule M, the comments received, and discussion, the Committee unanimously decided to recommend the Plan be approved by the Board and require two revisions to Rule M, as follows:

a. Rule M must be revised to clarify that the financing mechanism for ditch repair and maintenance must be conducted in accordance with Minnesota Statutes Chapter 103E.

b. Rule M must be revised to require that wetland delineations, wetland type determinations, and functional assessments will use MNRAM or another assessment methodology authorized under the Wetland Conservation Act, and that the Technical Evaluation Panel will review on-site wetland delineations, wetland

type determinations, and functional assessments, to issue findings and recommendations on these aspects for each project that is proposed, and the Rice Creek Watershed District will consider these findings and recommendations in its permit decision. The financing mechanism for ditch repair and maintenance must be conducted under Minnesota Statutes Chapter 103E.

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 Comprehensive Wetland Management Plan for Rice Creek Watershed District Anoka County Ditch 53-62 pursuant to Minnesota Statutes Section 103G.2242, Subd. 1 (c).

3. The Rice Creek Watershed District Anoka County Ditch 53-62 Comprehensive Wetland Management Plan attached to this Order provides a function and value assessment framework for all wetlands within the Rice Creek Watershed District Anoka County Ditch 53-62 jurisdictional boundary, defines all wetland-related matters within the Rice Creek Watershed District of Village Meadows, Anoka County Ditch 53-62 boundaries, and includes an implementation program.

4. The attached Plan is in substantial conformance with the requirements of Minnesota Statutes Sections 103G.221 to 103G.2373 and Minnesota Rules Chapter 8420 subject to the following two revisions to Rule M:

    a. Rule M must be revised to clarify that the financing mechanism for ditch repair and maintenance must be conducted in accordance with Minnesota Statutes Chapter 103E.

    b. Rule M must be revised to require that wetland delineations, wetland type determinations, and functional assessments will use MNRAM or another assessment methodology authorized under the Wetland Conservation Act, and that the Technical Evaluation Panel will review on-site wetland delineations, wetland type determinations, and functional assessments, to issue findings and recommendations on these aspects for each project that is proposed, and the Rice Creek Watershed District will consider these findings and recommendations in its permit decision. Rule M must require an on-site determination of the existence and location of all ditches for each project that is proposed.

ORDER

The Board fully incorporates by reference its January 28, 2004 Order regarding the Plan and hereby approves the attached Comprehensive Wetland Management Plan dated July 17, 2003, for the Rice Creek Watershed District, Anoka County Ditch 53-62, Village Meadows, subject to the following two revisions to Rule M. Upon completion of the following two revisions to Rule M, the Plan is in effect.

1. The Rice Creek Watershed District must revise Rule M within 120 days of the date of this order to clarify that the financing mechanism for ditch repair and maintenance must be conducted in accordance with Minnesota Statutes Chapter 103E.

2. The Rice Creek Watershed District must revise Rule M within 120 days of the date of this order to require that wetland delineations, wetland type determinations, and functional assessments will use MNRAM or another assessment methodology authorized under the Wetland Conservation Act, and that the Technical Evaluation Panel will review on-site wetland delineations, wetland type determinations, and functional assessments, to issue findings and recommendations on these aspects for each project that is proposed, and the Rice Creek Watershed District will consider these findings and recommendations in its permit decision.

Dated at Saint Paul, Minnesota this 28th day of April, 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

Comparison of House and Senate omnibus budget bills: BWSR items.

Budget Cuts

Governor
(1) The Governor proposed an additional 3% reduction in most agency FY05 operating budgets, including BWSR. In discussion with the department of Finance, some flexibility was granted in how the cut would be met.
(2) The cut is carried forward as a base cut of 3% in the next biennium, FY06-07, as a way of dealing with that biennium's projected deficit.

House
(1) The House adopted the Governor's 3% cut. For BWSR, the bill provides language allowing some flexibility in how the FY05 cut is handled, per the agreement with Department of Finance.
(2) The House does not carry the 3% cut forward into FY06/07. The Governor has already spoken out about this and has said that if the budget bills do not deal with the future deficit he will call a special session.

Senate:
(1) Additional 5% agency cut in FY05. Has flexibility language for BWSR cut. The cut does not carry into FY06-07.
(2) A separate $12 million reduction in FY04 carryover funds must be apportioned against all executive branch agencies. The impact to BWSR is unknown at this time.

Dollar amounts of above comparison: (All amounts –000)

	FY04	FY05	FY06	FY07
Governor: 3% cut	$0	**$127**	**$127**	**$127**
House: 3% cut	$0	**$127**	$0	$0
Senate: 5% cut	$0	**$212**	$0	$0
Senate: $12M cut (agencies share)	**$??**	$0	$0	$0

Shoreland Protection Act Sunset

Language extending the sunset from 6/30/04 to 6/30/08 is in both House and Senate budget bills. The language that BWSR proposed is used.

Wetland Delineator Program

The Senate bill includes language requiring implementation of the professional wetland delineator certification program. **See below for specific language.**

Clean Water Council

Language creating this council appears in both bills. BWSR: Impact: BWSR is on the council.

Bill links

The House bill covering BWSR is H.F. 1867, 3rd engrossment. It can be located in its entirety at the legislative bill status site. The direct link is: http://www.revisor.leg.state.mn.us/cgi-bin/bldbill.pl?bill=H1867.3&session=ls83.

The Senate has two bills: H.F. 2028 and H.F. 956, both of which include all agency budget items instead of the individual bills found in the House budget. H.F. 2028 can be located at: http://www.revisor.leg.state.mn.us/unoff/senate/ue/ueh2028.1.html

Wetland Delineator language found in HF **2028, Section 34:**

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.~~

(c) The board, in cooperation with other appropriate
institutions and state and federal agencies, shall implement a
professional wetland delineator certification program. The
board shall post on its Web site a list of certified
professional wetland delineators and any sanctions that have
been issued against them. By January 15, 2006, the board shall
report to the legislature on the implementation of the voluntary
professional wetland delineator certification program. The
report shall include, but not be limited to, an analysis of
future rulemaking needs, an estimate of the cost of the

rulemaking, the appropriateness of the fee amount, and other potential sources of funding for the certification. The board may develop rules for implementing the professional wetland delineator certification program. The rules shall establish specific standards for education, experience, testing, ethics, and performance for persons conducting regulatory delineations. The board shall charge an annual fee of up to $75 for professional wetland delineator certification. Money collected under this subdivision shall be deposited in the special revenue fund and is appropriated to the board for the purpose of the wetland delineator certification program.

Minnesota Board of Water & Soil Resources

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

DATE: March 15, 2004

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: March 24th Board Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, March 24, 2004, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room, lower level, at One West Water Street, St. Paul. Parking is available across the street from the building. Please display the enclosed "temporary parking permit" on your vehicle's dashboard.

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Administrative Advisory Committee

1. BWSR By Laws Updated – The attached By Laws have been reviewed by the Administrative Advisory Committee. The By Laws are in compliance with applicable federal law and in accordance with Minnesota Statutes and regulations. The By Laws are brought before the Board this month for review and discussion and will come before the Board in April for action. *DISCUSSION ITEM*

Southern Water Planning Committee

1. Shell Rock River Watershed District Watershed Management Plan – The watershed management plan for the Shell Rock River Watershed District (A copy of the Plan is available for inspection at www.hwy.co.freeborn.mn.us/watershed/, www.wenck.com) was filed with the Board in early December. DNR and PCA comments were submitted in early February. The Southern Water Planning Committee held a properly noticed public hearing on the plan in Albert Lea at the end of February. Several citizens, local government staff and watershed district managers were present at the hearing. Comments for and against plan approval were submitted at the hearing. Components of the plan that some of the public

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

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

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

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

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

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

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

Saint Paul
One West Water Stre
Suite 250
Saint Paul, MN 551
phone (651) 282-99
fax (651) 284-0000

has commented should not be approved are lake dredging and construction of a lock and dam. The plan includes studying the feasibility of the two components. The Southern Water Planning Committee unanimously recommends the plan be approved per the attached draft order. *DECISION ITEM*

OLD BUSINESS

1. Local Water Management – Resolution to Approve Local Water Management Guidance. On March 2, 2004, the ad hoc water management committee of the Board met to review the guidance. See attached resolution and guidance. (The guidance is located on BWSR's website http://www.bwsr.state.mn.us/watermgmt/guidance/planupdateguide.pdf and has been slightly modified from the packet distributed to the Board Members on 1/24/04.) *DECISION ITEM*

NEW BUSINESS

1. Legislation – *INFORMATION ITEMS*
    1) Budget Update - The Governor's Supplemental budget was recently announced. One component directly impacts BWSR: there is a new 3% reduction in agency operating budgets. This reduction is effective not only in the current FY04/05 biennium, but is also carried forward as a permanent budget cut to contribute to the FY06/07 budget shortfall.

    We have been advised that this 3% cut is to be taken solely out of agency "administrative budgets," not out of "program dollars." This potentially limits us to the $4.2 million administrative appropriation for places to take this new budget reduction. We were initially advised to anticipate that 5% of agency budget would be likely. The Administrative Advisory Committee reviewed those options earlier. We are now preparing responses for the 3% to use both with Finance and the legislative committees who will put together the supplemental budget bill.

    2) CREP Update – see attached CREP Update

    3) Other Legislation - see attached 2004 Legislative Session Tracking Sheet. Click on the bill number on the tracking sheet to see the bill, authors, and status.
        a) H.F. 2088 – BWSR's appointment of executive director by Governor allowed, effective July 1, 2004
        b) H.F. 2855 – Extending expiration of Shoreland Protection Program
        c) H.F. 2767 / S.F. 2630 – Water and soil resource management program pilot project funding provided and money appropriated
        d) H.F. 2480 / S.F. 2644 – DNR required to obtain permits for construction activities in watershed districts

e) H.F. 1980 / S.F. 1799 - Watershed and soil and water conservation district officers conflicts of interest clarified
f) H.F. 2722 / S.F. 2363 – Wetland delineation and federal Clean Water Act 401 certifications, environmental review requirements modifications

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The meeting will adjourn about noon. If bad weather conditions exist in your area and you are unable to attend the meeting due to travel restrictions, please notify the Board office by noon on Tuesday, if possible. I look forward to seeing you on March 24th!

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
WEDNESDAY, MARCH 24, 2004

PRELIMINARY AGENDA

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

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF JANUARY 28, 2004

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

REPORTS

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

COMMITTEE RECOMMENDATIONS

Administrative Advisory Committee

1. BWSR By Laws Updated – *DISCUSSION ITEM*

Southern Water Planning Committee

2. Shell Rock River Watershed District Watershed Management Plan – *DECISION ITEM*

OLD BUSINESS

1. Local Water Management – Resolution to Approve Local Water Management Guidance – Char Kahler – *DECISION ITEM*

NEW BUSINESS

1. Legislation – *INFORMATION ITEM*
   1) Budget Update
   2) CREP Update
   3) Other Legislation

AGENCY REPORTS

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next Board Meeting, April 28, 2004, St. Paul

ADJOURN

TEMPORARY PARKING PERMIT

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
Lower Level Conference Room

DATE: Wednesday, March 24, 2004

QUESTIONS, PLEASE CALL 651-296-3767.

Parking is available across the street from the building in the first two rows of the northwest corner of the Wabasha Deli parking lot. Display this "temporary parking permit" on your vehicle's dashboard. Thank you.

Dispute Resolution Report
March 11, 2004
by Jim Haertel

There are presently eight appeals pending. All of the appeals involve WCA. Two new appeals have been filed since the last report of January 15.

There are two appeals of a restoration order in McLeod County. At issue is the cleaning of a three-party, private agricultural ditch. The situation is complicated by the fact that the person served with the restoration order is not one of the two appellants. Adding to the complications is the relationship the three parties share which is remarkably similar to the Hatfield's and the McCoy's. No decision has been made on the appeals.

There is an appeal of an exemption decision in Morrison County. The appeal regards a road that was upgraded and the denial of a forestry exemption. A cease and desist order and a restoration order were issued. The appeal was remanded for a hearing, the LGU denied the exemption again, and that decision has now been appealed. The appeal has been accepted. No pre-hearing conference has been set since the landowner, after negotiations, has consented to submitting a replacement plan application.

There is an appeal of a replacement plan decision in Waseca County. The appeal involves a MNDOT road project where MNDOT is the LGU. An agricultural property owner wants an alternate route for the road and has brought action in district court against the condemnation, where MNDOT prevailed, and also filed suit under the Minnesota Environmental Rights Act (MERA). A decision was made to deny the appeal and not hear it. That decision has now been appealed to the Court of Appeals.

There is an appeal of a restoration order in Stevens County. The violation involves the excavation of a ditch in a DNR protected water and the sidecasting of dredge spoil into wetland bordering agricultural land. Work was also done on a neighboring property without permission. The appeal is in abeyance pending a DNR survey this spring.

There is an appeal of a no-loss decision in the City of Hermantown near Duluth in St. Louis County. The site is an old refinery where Superfund cleanup has been done and is continuing. There are questions about the extent of wetlands on the property and whether a consent decree applied to the whole site. A meeting was held with representatives of the agencies that entered into the consent decree. The results of the meeting were conveyed to the landowner. The appeal has been accepted and a meeting was held with the landowner, the city, the Corps, a local legislator and the TEP to try to resolve the appeal. Resolution was achieved at the meeting and a stipulated agreement needs to be finalized to close the appeal.

There is an appeal of a no-loss decision in Meeker County. At issue is the wetland delineation. The project involves wetland fill for a garage. The appeal is being held in abeyance pending further technical evaluation work, however, it appears a settlement agreement may be reached between the county attorney and the landowner.

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

March 2004

BOARD OF WATER AND SOIL RESOURCES
BYLAWS

ARTICLE I. Introduction

1. Purpose
The Board of Water and Soil Resources (BWSR) desires to conduct its business and perform all of its responsibilities and duties in an orderly, efficient, fair and lawful manner. These Bylaws are established for that purpose.

2. Application of Bylaws
Unless otherwise specifically indicated, these Bylaws shall apply to the transaction of all BWSR business and the conduct of all BWSR meetings and hearings.

3. Compliance with Applicable Law
It is the specific intent of the BWSR to perform all of its responsibilities and conduct all of its hearings and meetings in accordance with all applicable federal law and state statutes and regulations. The provisions of all such applicable law shall have control over anything to the contrary in these Bylaws.

ARTICLE II. Membership, Officers and Duties

1. Membership
The Board of Water and Soil Resources shall be composed of 17 voting members appointed by the Governor according to MN Statute 103B.101.

Individual members shall not act to represent the Board on any given subject unless specific Board action/position has been determined/ruled and the individual action thus represents the Board as a whole.

MN Statute 15.0575, subd. 4, provides that "[t]he chair of the board shall inform the appointing authority [i.e., the Governor] of a member missing three consecutive meetings. After the second consecutive missed meeting and before the next meeting, the chair of the board shall notify the member in writing that the member may be removed for missing the next meeting."

2. Officers Designated

The officers of the BWSR shall be the Chair and the Vice-Chair. The Chair is appointed by the Governor from the voting members of the Board. The Vice-Chair shall be elected to a two-year term from the regular membership of the BWSR. The Vice-Chair shall be elected by majority vote at the first regularly scheduled meeting of every EVEN calendar year.

The Board shall employ an Executive Director, a salaried officer, who is the administrative and general manager of the BWSR. All additional staff shall report to the Executive Director.

3. Duties of Officers

a) Chair

The Chair shall have the following responsibilities:

1) Supervise the affairs of the Board and communicate such affairs to all board members.
2) Preside at all Board meetings.
3) Appoint committees and subcommittees as may be necessary and shall be ex-officio member of all committees.
4) May vote on all issues.
5) May schedule special meetings.

b) Vice-Chair

The Vice-Chair shall have the following responsibilities:

1) Perform those duties delegated by the Chair.
2) Act as Chair in the event of the Chair's illness, disability, absence from meeting or not being readily able to function as Chair.

c) Executive Director

The Executive Director shall be responsible to the Board and communicate/report regularly to the Chair. The Executive Director or designee shall attend all Board meetings but shall not vote. The Executive Director shall have the following responsibilities:

1) To see that all resolutions, rules, regulations and orders of the Board are carried out.
2) To present to the Board program plans, studies and reports prepared for Board purposes and action and recommend to the Board for adoption those measures deemed necessary to carry out the programs and duties of the Board or for the efficient administration of the affairs of the Board. Executive Director shall have the authority to execute or officially sign on behalf of the Board on all actions approved/ruled by the Board.

3) To communicate and interact with the Governor's office, state agencies and local government special districts legislature and to participate in relevant meetings as well as provide such meeting knowledge to Board.
4) To keep the Board fully advised as to its financial condition and to prepare and submit an annual Board budget.
5) To represent the Board's determined/ruled policy positions only.
6) To record and maintain a record and minutes of the meetings and process and maintain all information relating to Board business.
7) To set the original agenda for the Board, provide for meeting notices and handle all other administrative affairs.
8) To sign documents as designated by the Board.
9) To participate in an annual Personnel Review as directed by the Chair.

4. Vacancies of Officers
   a) Chair: In the absence of the Chair, the Vice-Chair shall preside.

   b) Vice-Chair: If a vacancy occurs in the office of Vice-Chair, the regular members shall elect an individual to fill the remaining term time.

   c) Chair, Vice-Chair: If at a Board meeting, neither the Chair nor Vice-Chair are present but a quorum exists, the members shall elect from within the membership an acting Chair to run the meeting.

ARTICLE III. Meetings and Hearings

1. Notice
   Notices of all meetings and hearings of the BWSR shall be made in a manner in accordance with MN Statute 471.705 (Open Meeting Law). Notice shall be posted at the BWSR main office and reasonable effort shall be made to inform BWSR clientele by mail or message. Board meetings will be scheduled according to the current Board policy.

2. Open Meetings and Records
   All meetings of the BWSR shall be open to the public. The votes of the members shall be recorded by voice vote or by roll call if so called. The minutes shall be available to the public during all normal business hours at the BWSR central office. Minutes of the BWSR Board meetings shall be permanently preserved.

3. Closed Meetings

Meetings having data classified as not public, in accordance with MN Statute 103D.05. The Chair may call a closed meeting if the closure is expressly authorized by statute or permitted by the attorney-client privilege. Specific applicable statutes found in the Open Meeting Laws in Minnesota Statute Chapter 13D:

a) If non-public data is being discussed per the requirements in Chapter 13D.05, Subdivision 2; or

b) If the Board is meeting to evaluate the performance of the Executive Director, per requirement in Chapter 13D.05, Subdivision 3, or

c) If the Board is meeting to exercise quasi-judicial functions involving disciplinary proceedings per Chapter 13D.01, Subdivision 2.

In all cases where a closed meeting is called, the Board shall abide by the requirements for closed meetings in Chapter 13.D.

4. Hearing Records

All information submitted to BWSR for hearing purposes becomes the property of the BWSR.

The BWSR shall be required to maintain all records gathered during public hearings. The Executive Director shall not be required to maintain the records for more than three years after the close of a hearing.

5. Quorum

A majority of the voting Board members is a quorum.

6. Voting

Each voting member shall have one (1) vote in the transaction of business of the Board. In order to vote, the member must be in attendance at the meeting. A vote will be recorded by voice vote unless a roll call vote is requested. A roll call vote may be requested by any member.

7. Meeting Arrangements

The BWSR shall normally meet the fourth Wednesday of the month so designated by action of the Board at 9:00 AM until agenda business is complete. The Chair may call for recess for appropriate breaks or for purposes of furthering the agenda orders of business.

A majority of BWSR members shall select a meeting location which shall be convenient and suitable for the members, staff and general public.

8. General Order of Business
The general order of business of BWSR Board meetings:

a) Approval of agenda

b) Approval of minutes of previous meeting

c) Open Mike

d) Chair's, Executive Director's and Committee Reports

e) Committee Recommendations

f) Old Business

g) New Business

h) Board issues and information

i) Agency Reports

j) Advisory Member Reports

k) Upcoming Meetings

l) Adjournment

9. Parliamentary Procedure
Robert's Rules of Order, Revised, shall govern the conduct of the meeting except when state statute, policies and these bylaws state otherwise.

The Chair shall make all parliamentary rulings. The Executive Director or meeting designee shall serve as the parliamentarian advisor to BWSR.

10. Agenda Application
All matters for agenda consideration with pertinent information included shall be submitted to the Executive Director two weeks prior to the Board meeting. Placement of items on the agenda will be at the discretion of the Chair and the Executive Director. The proposed agenda must have the approval of the Chair.

11. Adoption Amendments
Adoption
These Bylaws shall become effective immediately after approved by a majority vote of the Board.

Amendments

These Bylaws may be amended by a 2/3 vote of the members. All proposed amendments shall be presented in writing. The Board shall review the proposed changes at least one meeting prior to adoption.

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

January 2004

Overview -- Shell Rock River Watershed District Watershed Management Plan

Introduction and Description of the Shell Rock River Watershed District

The Shell Rock River Watershed District (SRRWD) is located in south central Minnesota occupying approximately 319 square miles in the central part of Freeborn County. The Shell Rock River flows into Iowa south of Glenville. There are eighteen USGS minor watersheds in the Shell Rock River watershed. The watershed includes lakes, streams, wetlands and 24 public ditch and 5 public tile outlet systems.

The municipalities of Albert Lea, Clarks Grove, Glenville, Hayward, Manchester and Twin Lakes are located in the SRRWD. The predominate land use in the SRRWD is agricultural. Generally, the soils in the SRRWD were formed in glacial tills and outwash plains. Some areas of organic soils are also present in the watershed. The soils are highly productive when augmented with drainage and most of the land is in agricultural crop with limited livestock production.

Water quality issues are related to municipal and agricultural non-point runoff delivering sediment, nutrients and other contaminants to surface waters. Point sources of contaminants include residential, municipal and industrial effluent, hazardous waste, storage facilities and animal feedlots.

Water quantity issues are related to agricultural drainage involving maintenance of free flowing outlets for cropland and inundation of flood prone areas downstream of Albert Lea Lake during storm events.

Staff Review

The history of civic interest and activity in the Shell Rock River watershed involves several decades of project proposals and planning efforts primarily to improve water quality and dredge Albert Lea Lake. Interest in watershed improvement accelerated with the filing of the petition with BWSR to form the Shell Rock Watershed District on March 9, 2000. Action to form the watershed district was held in abeyance on July 26, 2000 at the request of the Freeborn County board. The county embarked on a major planning process to develop a management plan for the Shell Rock River watershed that included major public involvement.

The Shell Rock River Watershed District Watershed Management Plan is a clear and concise compilation of four previously developed plans developed through the Freeborn County watershed planning process. The plan commits the SSRWD to community involvement, high standards of water quality improvement, wetland protection and enhancement, and lake resource management while recognizing the importance of maintaining and improving the quality of the agricultural, industrial, recreational and residential land uses in the watershed. The Plan includes an Introduction describing the SRRWD. The Physical Environment, Land Use and Development section includes information, references and data regarding resources in the watershed. The Implementation section of the Plan includes ten Implementation Plans. Each Implementation Plan contains from two to eleven Project Goals. Each of the Project Goals identifies Objectives and Actions in concise statements to achieve the goals.

The Shell Rock River Watershed District Watershed Management Plan is recommended for approval.

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

In the Matter of prescribing a Watershed Management Plan for the **Shell Rock River Watershed District** pursuant to Minnesota Statutes Section 103D.401

ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Shell Rock River Watershed District (SRRWD) filed a Watershed Management Plan (Plan) with the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes 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 SRRWD was established by the Board on June 25, 2003. The SRRWD organizational meeting was held on June 26, 2003.

2. **Requirement to Plan.** Upon establishment, a watershed district must adopt a Watershed Management Plan under Minnesota Statutes Section 103D.401. The Plan includes background on the SRRWD and the SRRWD mission statement, a description of the physical setting, a reference and resources data section, and implementation sections.

3. **Nature of the Watershed.** The SRRWD is located in south central Minnesota occupying approximately 319 square miles in the central part of Freeborn County. The Shell Rock River flows into Iowa south of Glenville. There are eighteen USGS minor watersheds in the Shell Rock River watershed. The watershed includes lakes, streams, wetlands and 24 public ditch and 5 public tile outlet systems.

   The municipalities of Albert Lea, Clarks Grove, Glenville, Hayward, Manchester and Twin Lakes are located in the SRRWD. The predominate land use in the SRRWD is agricultural. Generally, the soils in the SRRWD were formed in glacial tills and outwash

plains. Some areas of organic soils are also present in the watershed. The soils are highly productive when augmented with drainage and most of the land is in agricultural crop with limited livestock production.

Water quality issues are related to municipal and agricultural non-point runoff delivering sediment, nutrients and other contaminants to surface waters. Point sources of contaminants include residential, municipal and industrial effluent, hazardous waste, storage facilities and animal feedlots.

Water quantity issues are related to agricultural drainage involving maintenance of free flowing outlets for cropland and inundation of flood prone areas downstream of Albert Lea Lake during storm events.

4. **Local Review.** The SRRWD circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103D.401.

5. **Department of Natural Resources Review.** The Minnesota Department of Natural Resources (DNR), in a letter dated February 6, 2004 to James Haertel, the Board's Water Management Specialist, provided extensive comments on the Plan related to editorial comments, data accuracy and collection, and the implementation sections goals, objectives and actions. The SRRWD board of managers responded with written comments to the DNR comments at the public hearing for the Plan, which was held on February 24, 2004. In its response to the DNR, the SRRWD acknowledged various individual DNR comments, described changes made to the Plan as recommended by the DNR, or explained why changes were not made as recommended by the DNR.

6. **Board Review.** Board staff were involved during the Plan development process and submitted no written comments during the local review phase.

7. **Minnesota Pollution Control Agency Review.** The Minnesota Pollution Control Agency (MPCA), in a letter dated February 5, 2004 to SRRWD chair Harley Miller, provided extensive comments on the Plan including editorial comments, information on out-dated data and suggested changes to the implementation section. The SRRWD board of managers responded with written comments to the MPCA comments at the public hearing, which was held on February 24, 2004. In its response to the MPCA, the SRRWD acknowledged various individual comments, described changes made to the Plan as recommended by the MPCA, or explained why changes would not be made as recommended by the MPCA.

8. **Other Comments and Responses.** Comments were received from individuals. Two comments recommended text changes in the reference section to add information regarding Albert Lea wastewater treatment and land treatment. The SRRWD board of managers responded with written comments at the public hearing on February 24, 2004 making the recommended changes to the Plan. Written comments were received from Jeanne Venem

objecting to proposed lake based projects. The SRRWD board of managers responded to Jeanne Venem's comments with written comments presented at the public hearing on February 24, 2004, explaining why changes would not be made to the Plan as suggested.

9. **Highlights of the Plan.** The Freeborn County Board of Commissioners requested in a resolution dated June 20, 2000, that the establishment of the District be held in abeyance for one year to allow the county the opportunity to develop a plan for improvement of the watershed. After review of the hearing record and considering that the watershed lies entirely within Freeborn County, the Board accepted the County's request for the abeyance. As part of the agreement between the County and the Board, a watershed plan was developed that involved major public involvement and commitment. The County planning process included numerous meetings of a large committee made up primarily of local residents, but also included local and state agencies. Information from numerous watershed and lake studies and plans, testimony from residents, presentations by resource experts and lengthy sub-committee work was used in developing the County plan. The committee finally developed the plan with goals, objectives and actions to address watershed improvement issues that considered the varied interests of the residents and local and state entities.

   The Shell Rock River Watershed District Watershed Management Plan is based on this County plan and three subsequent and related lake management plans.

   The Plan includes an Introduction describing the SRRWD. The Physical Environment, Land Use and Development section includes information, references and data regarding resources in the watershed. The Implementation section of the Plan includes ten Implementation Plans. Each Implementation Plan contains from two to eleven Project Goals. Each of the Project Goals identifies Objectives and Actions in concise statements to achieve the goals.

10. **Hearing Notice.** The legal Notice of Public Hearing was published in the Albert Lea Tribune on February 10, 2004. Further, a letter containing the legal Notice of Public Hearing was sent from Jim Haertel dated February 5, 2004, to several addresses including the affected county auditor, county SWCD and cities.

11. **Public Hearing.** A public hearing was held on the Plan on Tuesday, February 24, 2004, at the Riverland Community College Auditorium located at 2200 Riverland Drive in Albert Lea. The Board's Southern Water Planning Committee presided over the public hearing. Five of the six Committee members were present at the hearing, namely Victor Ormsby, Kevin Anderson, Dan Wilson, Mark Dittrich, and Char Kahler, chair. The proceedings were tape recorded.

    Jim Haertel, board staff, entered Exhibits 1 through 14 into the record by reading a brief description of each exhibit.

Exhibit 1. Draft Water Management Plan for the Shell Rock River Watershed District dated December 2003.

Exhibit 2. Letter dated February 5, 2004, from Jim Haertel to several addressees notifying them of the public hearing, including copies of the legal notice and an affidavit of mailing.

Exhibit 3. Affidavit of Publication dated February 11, 2004, of Legal Notice of Public Hearing in the Albert Lea Tribune on February 10, 2004.

Exhibit 4. Letter dated February 5, 2004, from Lisa Thorvig, Minnesota Pollution Control Agency providing comments on the draft plan.

Exhibit 5. Letter dated February 6, 2004, from David Leuthe, Minnesota Department of Natural Resources, providing comments on the draft plan.

Exhibit 6. Shell Rock River Watershed District response to DNR comments, undated, 13 pages.

Exhibit 7. Shell Rock River Watershed District response to PCA comments, undated, 10 pages.

Exhibit 8. Shell Rock River Watershed District response to other comments, undated, 1 page.

Exhibit 9. Letter dated February 13, 2004, from Frank and Pat Gjersvik, providing comments on the draft plan and budget.

Exhibit 10. Letter dated February 10, 2004, from Jeanne Venem, providing comments on the draft plan.

Exhibit 11. Letter dated February 14, 2004, from Donald Koch, providing comments on the draft plan.

Exhibit 12. Comments on the draft plan received on February 20, 2004, 3 pages.

Exhibit 13. Comments on the draft plan received on February 23, 2004, from Roger Fink.

Exhibit 14. Addendum No. 1 dated February 23, 2004 from Kent Torve, Wenck Associates, entitled "Text Changes and Comments for the Shell Rock River Watershed District Water Management Plan".

Exhibit 15. Hardcopy of Power Point presentation given at the hearing by Kent Torve, 39 pages.

Exhibit 16. Board staff report dated February 24, 2004 from Dave Peterson.

Exhibit 17. Expectations and issues for SRRWD advisory committee from Save Our Lakes, undated, 2 pages, from Mike Kelly.

Exhibit 18. Assessment of dredging Albert Lea Lake, undated, 1 page, from Mike Kelly.

Exhibit 19. Some considerations for Albert Lea Lake Management from Save Our Lakes, undated, 2 pages, from Mike Kelly.

Exhibit 20. Notes to the Board dated February 24, 2004 from Mike Kelly, 2 pages.

Exhibit 21. Copy of a letter to the editor from Jeanne Venem, 1 page, undated, entitled "Watershed plans are similar to other programs, and costly".

Exhibit 22. Copy of the SRRWD 2004 budget from Jeanne Venem, 1 page, undated, annotated as too expensive, needing revision, and nothing in the budget actually cleans up the watershed.

Exhibit 23. Harley Miller, SRRWD Chair, and Jeanne Venem entered a total of 118 advertisements from the local Shopper newspaper that they had received. The advertisement was set up for people to fill in their name and address, then mail to the SRRWD. The advertisement was opposed to: (1) dredging Albert Lea Lake, (2) installing a lock and dam system, and (3) property tax increase. 84 of the advertisements were originals cut from the newspaper. 34 were copies of the advertisement, many with additional comments written in the margin. One copy of the advertisement included a newspaper article on lake development published in the Albert Lea Tribune on February 12, 2004 by Citizens Against Ridiculous Policy (CARP). There were also five unidentified small notes containing various comments.

12. **Southern Water Planning Committee.** After receiving oral and written testimony on the Plan from the SRRWD, Board staff, and several citizens, the Committee deliberated and voted unanimously to recommend approval of the Shell Rock River Watershed District Water 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 Shell Rock River Watershed District pursuant to Minnesota Statutes Section 103D.401.

3. The Shell Rock River Watershed District Water Management Plan attached to this Order defines water and water-related problems within the SRRWD boundaries, possible solutions thereto, and an implementation program.

4. The attached Plan, together with the revisions specified in Exhibit 14, is in conformance with the requirements of Minnesota Statutes Section 103D, BWSR guidelines for Watershed District Plan content, and is consistent with the county comprehensive water plan.

ORDER

The Board hereby prescribes the attached Plan, which is Exhibit 1, entitled "Shell Rock River Watershed District Water Management Plan", together with the revisions specified in Exhibit 14, as the Watershed Management Plan for the Shell Rock River Watershed District.

Dated at Saint Paul, Minnesota this 24th day of March, 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Board Resolution #_____

Adopt Local Water Management Guidance (M.S. 103B.301)

WHEREAS the 2003 Minnesota Legislature amended the statutes governing the Comprehensive Local Water Management Act (M.S. 103B.301-.355) and repealed program Administrative Rules Chapter 9300; and

WHEREAS M.S. 103B.321 requires the Board develop guidelines for the contents of local water management plans that provide for a flexible approach to meeting different water and related land resource needs of counties across the state; and

WHEREAS annual review of the program and the program's guidance will help ensure the effectiveness of the local water management plans;

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources adopts the attached guidance {for board packet purposes view online at http://www.bwsr.state.mn.us/watermgmt/guidance/planupdateguide.pdf) for the content and development of local water management plans developed under current statutes, M.S. 103B.310-.355 and commits to an annual evaluation of the program to be conducted by representatives of the Board's regional water planning committees.

_____ _____

Jerome Deal
Chair, Minnesota Board of Water and Soil Resources

Date

CREP UPDATE
March 15, 2004

The debate continues on how many acres should be offered as permanent easements as a part of the CREP program proposed by Governor Pawlenty. It is likely the debate will not end anytime soon.

House Status

Recent action on CREP includes work done by the Agriculture and Rural Development Finance Committee in the House, chaired by Rep. Elaine Harder. This Committee put forth their bonding recommendations and even though they do not have legislative or financial jurisdiction over BWSR or CREP, they put forth rider language on CREP which reflected Congressman Gutknecht and Peterson's positions (H.F. 2294 Kuisle):

- 120,000 acres
- 20% permanent
- 15 year CRP/30 year RIM reserve on the remaining acres for a total of 45 years

In presenting their position to the Capital Investment Committee on Tuesday, March 9, Rep. Harder stated this proposal reflected the consensus of the farm organizations, but when pressed she could not say it was supported by anyone else. She also stated that the farm groups have given considerable ground by allowing 20% for permanent easements. Finally when asked why the state should be paying farmers for easements every generation, Harder claimed easements longer than 21 years were unconstitutional. (Minnesota's Attorney General has ruled that RIM Reserve easements and permanent easements are in fact constitutional).

The House Environment and Natural Resources Finance Committee spent a considerable amount of time reviewing, discussing and taking testimony on the Governor's CREP proposal on March 2 and 4th. At the conclusion of these hearings, the Committee voted to support Rep. Ozment's CREP legacy proposal (S.F. 2249 Cox).

Rep. Ozment presented his package of bonding recommendations and his CREP Legacy proposal on Wednesday, March 10th. Rep. Ozment spoke very strongly that CREP is a tool for the state to use in protecting and restoring Minnesota's waters. He firmly believes in landowner choice at the same time recognizes the issues raised by the farm organizations. He believes very strongly the Legislature has the authority to decide what is best for Minnesota and should not be dictated to by Congressional interests. The Speaker of the House, Rep. Steve Sviggum, supports the Ozment CREP Legacy proposal.

CREP Legacy Proposal

1. Limits permanent easements to 24,000 acres
2. Provides three options for conservation easements restricting land use:
   - Limited 50 year duration – 15 years of CRP followed by 35 years of traditional CREP.
   - Legacy CREP agreement – at any time after 35 years have passed since the effective date of the agreement the landowner may opt to purchase back all or

part of the use rights under the agreement, provided the stated water quality conservation is maintained.
- Perpetual duration - for restored or protected wetland areas.

What's next? The ball is now in the House Capital Investment Committee's court. They will be taking public testimony this week. Bev Nordby is scheduled to testify on behalf of the three basins. As of this writing, it looks like the Committee is taking public testimony all week and probably will layout their proposed bonding bill the week of March 22.

Senate

Our attention will turn to the Senate this week when the Senate Agriculture, Veterans and Gaming Committee takes up SF2145, the CREP bill authored by Sen. Rod Skoe, on Wednesday, March 17. Sen. Skoe has been under considerable pressure from Congressman Peterson and as of this writing we are not sure what he will do with his bill. We do know that Senator Vickerman, who has been an adamant supporter of the Governor's CREP proposal and permanent easements, is very interested in the Ozment Legacy Proposal.

The CREP watershed coordinators are all scheduled to testify at this Committee hearing.

Talking Points

- the proposal maintains the integrity of the governor's application by focusing on water quality protection and flood damage reduction;
- it offers landowners the choice of easements and the option out of a long term easement in the future;
- it is a reasonable and responsible compromise which accommodates many of the issues raised by the farm organizations.

3/15/04

2004 Legislative Session

Subject	House File	Senate File	Authors/Status	Staff Assigned	Comments
ADMINISTRATIVE ISSUES					
BWSR's appointment of executive director by Governor allowed, effective July 1, 2004	H. F. 2088		House: Finstad, Swenson, Kuisle 2/12/04 – First reading, referred to Agriculture Policy	Ron Harnack	
State **budget** process technical and clarifying changes provided	H. F. 1971	**S.F. No. 1978**	House: Knoblach 2/9/04 – First reading, referred to Ways and Means Senate: Cohen 2/12/04 – First reading, referred to Finance	Bill Eisele	The Senate version is identical to the House version. Technical and clarifying changes only, which explains why the bill was referred directly to Ways and Means. In addition to some minor language changes, it alters the way some tax revenue information is reported in the Dept of Finance forecasts. The changes in the bill would not impact the biennial budget process.
Individual sewage treatment systems program requirements modification	H. F. 2695	**S.F. No. 2549**	House: Tingelstad, Ozment, Cox, Peterson 3/3/04 – First reading, referred to Environment & Natural Resources Policy Senate: Hottinger 3/4/04 – First reading, referred to Environment & Natural Resources	Ron Harnack	
Codifying transfer of Planning Office to Department of Administration	H. F. 2629	**S.F. No. 2573**	House: Haas 3/1/04 – First reading, referred to Gov. Operations & Veterans Affairs Policy Senate: Dibble 3/4/04 – First reading, referred to State and Local Government Operations	Ron Harnack	
State employment, ratifying certain labor agreements and compensation plans	H. F. 2034	**S.F. No. 1866**	House: Haas, Eken, Rhodes 2/12/04 – First reading, referred to Government Operations & Veterans Affairs Policy 3/1/04 – Committee report to pass, re-referred to Ways and Means Senate: Scheid, Pappas, Kelley, Wergin, Gaither 2/6/04 – First reading, referred to State and Local Government Operations	Bill Eisele	House: 3/1/04: Passed Gov Ops and referred to Ways and Means. The bill is being held in W&M because a couple more plans are ready to ratify and may be included. Comments This bill ratifies the new 2003-2005 labor contracts covering AFSCME and MAPE state employees plus Commissioners and Managers Plan employee. They were already approved by

Subject	House File	Senate File	Authors/Status	Staff Assigned	Comments
			3/8/04 - SF1866 passed the State Gov Committee		the Subcommittee on Employee Relations giving them interim effect, but must be ratified by the full legislature. Since the agreements this year could be called fiscally conservative in terms of minimizing increased state costs, there is no opposition from Republicans. Nor are there any hot button issues in them like the domestic partner provision last time. The Senate file is identical.
Local government impact notes provided, legislative approval required for specified rulemaking	H. F. 2101		House: Seifert, Polowski 2/12/04 – First reading, referred to Government Operations & Veterans Affairs Policy 2/26/04 – Committee report to pass, re-referred to State Government Finance 3/9/04 - passed House State Gov't and sent to Ways and Means	Bill Eisele	Bill amended in House State Gov't after discussions with Gov, who vetoed it last year. The threshold for impact has been greatly lowered so the bill is much watered down. Now the proposed rule would apply only to businesses with less than 50 employees, not 100. (Previously the dollar impact was increased from $10K to $50K.)The likelihood of any rule proposed by BWSR being impacted is minimal as per discussions with John J. and Ron H.
State employees to reimburse employer for personal use of state vehicles	H. F. 1946		House: Haas, Rhodes, Krinkie 2/9/04 – First reading, referred to State Government Finance	Bill Eisele	The legislation requires employees to reimburse the State for mileage to and from their residence. A fiscal note estimated $618,000 annual reimbursement potential. Labor contracts would have to have language changes. (Note: Personal use of a state vehicle is already prohibited in 16B.55. this covers only commute.)
CREP ISSUES					
$23,200,000 is appropriated to BWSR for CREP – conservation easement funding provided, bonds issued, money appropriated	H. F. 2249 H. F. 2294	**S.F. No. 2145**	House: (HF 2249) Cox, Pelowski, Ozment, Peterson, Hackbarth 2/19/04 – First reading, referred to Environment & Natural Resources Finance House: (HF 2294) Kuisle, Magnus, Heiderken, Harder, Urdahl 2/19/04 – First reading, referred to Environment & Natural Resources Finance	Kevin Lines	Governor's CREP II Package as submitted 10/13/2003 Action: Support HF 2294 - $23.2 M appropriated 20% perpetual easement cap; 5,000 acres permanent easements for flood control efforts in Red River Watershed 30-year limited duration only on remaining acres. Action: none at this time.

Subject	House File	Senate File	Authors/Status	Staff Assigned	Comments
			Senate: Skoe, Kierlin, Langseth, Frederickson, Vickerman 2/19/04 – First reading, referred to Finance		
Conservation easements duration limits and defeasible estate documents duration reduction		**S.F. No. 2706**	Senate: Sams 3/11/04 – First reading, referred to Environment & Natural Resources	Kevin Lines	
Lower Mississippi River CREP funding provided, bonds issued, money appropriated.	H. F. 1763	**S.F. No. 1643**	House: Davids 2/2/04 – First reading, referred to Environment & Natural Resources Finance Senate: Kierlin 2/2/04 – First reading, referred to Finance	Kevin Lines	
FLOODING ISSUES					
Minnesota River Basin floodwater retention systems construction grants bond issue and appropriation		**S.F. No. 2021**	Senate: Vickerman, Frederickson, Kubly 2/16/04 – First reading, referred to Finance	Ron Harnack Jeff Nielsen	Bill Eisele's comments: Senator Sams heard Vickerman's bill in the Envir-Ag Finance committee on Thursday March 4th. There was a brief presentation by Kerry Netzke , Coordinator of Area II MRB-Marshall. There were no questions. The only comment was from Sen. Frederickson who spoke in favor of it. The bill was held over for possible inclusion in the committee's omnibus bonding bill.
Cannon Falls flood mitigation measures, funding appropriated	H. F. 2345	**S.F. No. 2262**	House: Dempsey 2/23/04 – First reading, referred to Environment & Natural Resources Finance Senate: Murphy 2/23/04 – First reading, referred to Finance	Mary Kells	Glen Roberson, Goodhue SWCD talked with Dallas Larson, Cannon Falls City Administrator, on this project. The proposal at this time is for planning on a city-wide basis for the runoff from the steep bluffs as well as in the river itself. It will also include looking at removal and/or replacement of the old city sewer crossing in the river that currently is exposed and catches flood debris. This project is not specifically highlighted within the Goodhue County Water Plan.
Chisago County Rush Creek Dam removal and restoration funding provided	H. F. 2132	**S.F. No. 2407**	House: Nelson 2/16/04 – First reading, referred to Environment & Natural Resources Finance Senate: Nienow	Steve Woods	

Subject	House File	Senate File	Authors/Status	Staff Assigned	Comments
			2/26/04 – First reading, referred to Finance		
Fletcher Creek flood control project bond issue and appropriation	H. F. 2260	**S.F. No. 1751**	House: Blaine 2/19/04 – First reading, referred to Environment & Natural Resources Finance Senate: Koering, Sams 2/5/04 – First reading, referred to Finance	Ron Shelito	Comments from Helen McLennan, Morrison SWCD: the county asked Helen to write a supporting letter. Senator Coleman has pledged to secure some federal funding so I guess Paul is seeking some state dollars to match. It's an $800,000 fix due to severe flooding the past three years. The county wants to armor Fletcher Creek and do some things to end the sediment dumping into the Mississippi River. Helen has a $50,000 grant towards the project but they need much more. The County Hwy. Engineer has taken the lead on the project.
Inver Grove Heights flood hazard mitigation grant bond issue and appropriation	H. F. 1960	**S.F. No. 1851**	House: Atkins 2/9/04 – First reading, referred to Environment and Natural Resources Finance Senate: Metzen 2/9/04 – First reading, referred to Finance	Steve Woods	WMO Plan?
Lake of the Isles, Minneapolis, flood mitigation funding provided, bonds issued, money appropriated	H. F. 2053	**S.F. No. 1930**	House: Kelliher, Kahn, Hornstein, Rhodes 2/12/04 – First reading, referred to Jobs & Economic Development Finance Senate: Dibble 2/12/04 – First reading, referred to Finance	Steve Woods	This area is in Minnehaha Creek WD and I'm sure they and the Pk Bd will continue thier history of cooperation... The MCWD plan is loaded with all sorts of text suportive of the 'nouns" listed in the bill. HOW they accomnplish flood relief is the kicker. If Pk. Bd just wants to raise low lands, look for MCWD to raise floodplain issues. This bill and several others like it are designed to acces flood funds from 97 storms. We've seen similar bills for St. Louis Pk, St. Anthony, Eagan (?), and CIty of Mpls in the past. The presence of the actual projects in the WMO plan is not a pressing issue.
Lake of the Isles, appropriating money to mitigate flooding	H. F. 2512	**S.F. No. 2441**	House: Kelliher 2/26/04 – First reading, referred to Environment and Natural Resources Finance Senate: Dibble	Steve Woods	Yet another city bill dealing with the aftermath of the 1997 storms. Isles had a lot of shoreline damage. They've been repairing and updating infrastructure remember the MCWD squabble

Subject	House File	Senate File	Authors/Status	Staff Assigned	Comments
			3/01/04 – First reading, referred to Finance		over wetland permitting with trail upgrades...). lots of WPA structures and general historical society involvement in addition to normal WCA/MCWD interactions.
Montevideo flood hazard mitigation grant provided, bonds issued, money appropriated	H. F. 2770		House: Koenen 3/4/04 – First reading, referred to Environment & Natural Resources Finance	Jeff Nielsen	Monitor
Roseau River Wildlife Management Area and Red Lake Watershed District flood hazard mitigation project funding appropriated	H. F. 2182	**S.F. No. 2159**	House: Penas, Lindgren, Lieder, Lanning, Marquart 2/19/04 – First reading, referred to Environment & Natural Resources Finance Senate: Stumpf, Skoe, Langseth, Frederickson, Sams 2/19/04 – First reading, referred to Finance	Ron Harnack	Monitor
Roseau flood damaged infrastructure repair grants bond issue and appropriation		**S.F. No. 1607**	Senate: Stumpf, Skoe, Langseth 2/2/04 – First reading, referred to Finance	Ron Harnack	Monitor
St. Louis Park flood hazard mitigation grant bond issue and appropriation	H. F. 1933	**S.F. No. 1849**	House: Rhodes, Latz 2/9/04 – First reading, referred to Environment and Natural Resources Finance Senate: Kelley 2/9/04 – First reading, referred to Finance	Steve Woods	Monitor
St. Paul downtown airport Holman Field flood control perimeter dike construction, appropriation	H. F. 2728	**S.F. No. 2364**	House: Mariani, Mahoney, Beard 3/3/04 – First reading, referred to Environment & Natural Resources Finance Senate: Cohen 2/26/04 – First reading, referred to Finance	Steve Woods	Monitor
Stillwater flood mitigation project grant period extended	H. F. 2350	**S.F. No. 2283**	House: Lipman, Otte 2/23/04 – First reading, referred to Environment & Natural Resources Finance Senate: Bachmann, LeClair 2/23/04 – First reading, referred to Finance	Steve Woods	This is a big extension for Stillwater levee work thru DNR. It is not associated with the pass thru money Stillwater received thru us last year.

Subject	House File	Senate File	Authors/Status	Staff Assigned	Comments
FORESTRY ISSUES					
Forest land and conservation easement acquisition to match federal forest legacy, funds appropriated	H. F. 2550	**S.F. No. 2382**	House: Howes, Solberg, Hackbarth, Hoppe, Dille 2/26/04 – First reading, referred to Environment & Natural Resources Finance Senate: Saxhaug, Ruud, Bakk, Skoe, Stumpf 2/26/04 – First reading, referred to Finance	Jim Lemmerman	This bill relates to acquiring easements or fee title to forestland. The easement portion is a match to the federal Forest Legacy Program. The Forest Legacy Program protects forestland from landuse change, primarily development. There is a fair amount of interest by private forestland owners in keeping their property forested. There are three areas in the state that have active Forest Legacy programs: 1) Rice County Big Wood, 2) Duluth North, & 3) Brainerd Lakes. The fee title portion is to purchase private land from willing sellers. These lands are usually land locked by state land, inside the boundaries of established state forest. The protection of private forestland from development is a good thing. The more forestland that is developed puts more pressure on the remaining forestland to produce products that society demands.
Forest management investment fund	H. F. 2660	**S.F. No. 2317**	House: Howes 3/1/04 – First reading, referred to Environment & Natural Resources Policy Senate: Bakk, Sams, Saxhaug 2/26/04 – First reading, referred to Environment & Natural Resources	Jim Lemmerman	This bill would create a dedicated fund from proceeds of forest management on state land to be spent on forest management on state land. Right now forest management proceeds are returned to the general fund and the DNR Division of Forestry must access the general fund for money to do forest management on state land. The legislature has not been in favor of dedicated funds in the past, but it seems reasonable to use funds gained from the management to be spent on the further management.
LOCAL COMPREHENSIVE PLANNING AND ZONING					
City of Lake Elmo to adopt and implement a long-term comprehensive plan	H. F. 1737	**S.F. No. 1770**	House: Lipman, Sviggum, Holberg, Buesgens 2/2/04 - First reading, referred to Local Government & Metro Affairs 2/26/04 – Committee report to pass,	Steve Woods	The ties back to Elmo's long battle with MetCouncil over how they are going to develop. (They want to remain an oasis of low density on ISTS.) The legislation is noteworthy in that it essentially

Subject	House File	Senate File	Authors/Status	Staff Assigned	Comments
			second reading Senate: LeClair 2/5/04 – First reading, referred to State & Local Government Operations		would exempt them from hooking to the Regional wastewater system and allow the low density. The water plans for this area have not gone into enough detail to foresee this happening - Elmo had been losing most of its battle. The low density would present a number of opposing benefits and threats. Furthering sprawl consumes more land, but could result in better habitat in Elmo. Low density would mean less runoff volume but more sprawl elsewhere in the region. Less runoff would mean better water quality runoff, as well as less runoff period. The dependence on ISTS presents a long-term maintenance issue and groundwater contamination threat. (Though they could ameliorate this somewhat with clustered septic.) Bottom line: this plays out as a MetCouncil authority issue. The water plan issues will lag behind by several years and be aimed at controlling the ISTS quality issues.
Municipalities authorized to require the dedication of land for public purpose	H. F. 2103		House: C. Nelson, Sertich, Klinzing, Sviggum, Blaine 2/12/04 – First reading, referred to Local Government & Metro Affairs	Jim Haertel	HF2103 solely relates to municipalities. Although the proposed statute revisions may have some impacts on lands within a SWCD, WD or JPA WMO, the revisions only pertain to the powers of municipalities, such as in platting, subdivisions, permits, variances, and dedication of lands. Of note is that the dedication of lands for public purposes can include wetlands. Municipalities, as members of a JPA WMO, would be impacted by the proposed revisions, but JPA WMO's, as such, are clearly not a part of the statutory revisions.
REVISOR'S BILL					
Revisor's Bill – making technical corrections; Sec. 22 – DRC; Sec. 64 – Clearwater River WD	H. F. 2577	**S.F. No. 2131**	House: DeLaForest, Sieben 3/01/04 – First reading, referred to Civil Law Senate: Betzold	John Jaschke	

Subject	House File	Senate File	Authors/Status	Staff Assigned	Comments
			2/19/04 – First reading, referred to Judiciary 3/15/04 – Committee report to pass as amended. Second reading		
SALES TAX TO NATURAL RESOURCES					
Constitutional amendment for sales tax dedication to natural resources; heritage enhancement fund and council, parks and trails, clean water funds established	H. F. 1166 H. F. 2775	**S.F. No. 2334** **S.F. No. 401**	House: Hackbarth, Howes, Larson, Kahn, Kellier, Abeler 3/24/03 – First reading, referred to Environment and Natural Resources Policy 2/26/04 – Committee report, to pass as amended and re-refer to Governmental Operations and Veterans Affairs Policy Senate: SF 2334 – Solon SF 401 - Sams 2/17/03 – First reading, referred to Environmental & Natural Resources 2/23/04 – Committee report to pass and referred to Finance House: HF 2775 – Dill 3/4/04 – First reading, referred to Environment & Natural Resources Policy	Kevin Lines	¼ of 1% sales tax proceeds dedicated to natural resources funding 40% Heritage Enhancement Fund; 30% Parks and Trail Fund; 30% Clean Water Fund. All of these bills contain a provision that requires land acquired by fee or easement with money deported in the heritage fund be open to public taking of fish and game during open seasons. HF 1166 – 38% of total annually to improve, enhance, or protect fish, wildlife, and habitat; 27% of total annually to parks, trails, and 2005; and 35% of total annually for water resource protection and restoration. This bill creates a stand alone "walk-in" public access initiative totaling $16M/year. Each of these bills would have the ability to fund conservation easements in two categories: Heritage Enhancement Fund and Clean Water Fund portion. Action: Need to strike easement clause requiring public access during open fish and game seasons. We should support if asked.
WATER ISSUES					
Relating to water; extending expiration of Shoreland Protection Program	H. F. 2855		House: Howes, Ozment, Hackbarth, Kahn, Hoppe 3/8/04 – First reading, referred to Environment & Natural Resources Policy	Ron Harnack	BWSR bill extending sunset to 2008
Water and soil resource management program pilot project funding provided and money appropriated	H. F. 2767	**S.F. No. 2630**	House: Ozment, Hackbarth, Swenson, Harder, Urdahl 3/4/05 – First reading, referred to Environment & Natural Resources Finance	Doug Thomas	Minnesota Milk Producers Association (MMPA) request for funding EQA pilots in five or so counties.

Subject	House File	Senate File	Authors/Status	Staff Assigned	Comments
			Senate: Sams, Vickerman, Langseth, Stumpf, Dille 3/8/04 – First reading, referred to Finance		
Great Lakes; International Joint Commission, waters diversion opposition continuation and annex 2001 finalization issues resolution	H. F. 1950	**S.F. No. 1603**	House: Kahn, Hornstein, Huntley, Opatz, Wagenius, Clark, Abeler 2/9/04 – First reading, referred to Environment and Natural Resources Policy Senate: Rest, Larson, Lourey, Dibble 2/9/04 – First reading, referred to Environment and Natural Resources	Ron Harnack	Monitor – DNR is appropriate lead.
DNR required to obtain permits for construction activities in watershed districts	H. F.2480	**S.F. No. 2644**	House: Peterson, Seifert, Koenen 2/26/04 – First reading, referred to Environment & Natural Resources Policy Senate: Kubly, Vickerman, Stumpf, Pariseau 3/8/04 – First reading, referred to Environment & Natural Resources	Ron Harnack	Poor legislation. Something should be worked out via MOA. Is unique situation in Lac Qui Parle Yellow Bank - not a statewide issue.
Lewis & Clark rural water facilities construction grants bond issue and appropriation	H. F. 2403	**S.F. No. 2259**	Senate: Vickerman 2/23/04 – First reading, referred to Finance House: Magnus, Harder 2/23/04 – First reading, referred to Jobs & Economic Development Finance	Jeff Nielsen Tabor Hoek	Monitor – is part of LWP – DNR is lead.
Ground water consumptive use provided	H. F. 1897	**S.F. No. 1740**	House: Osterman, Carlson, Latz 2/5/04 – Environment & Natural Resources Policy 3/3/04 – Committee report to pass, second reading Senate: Kelley, Rest 2/5/04 – First reading, referred to Environment & Natural Resources	Doug Thomas Steve Woods	Steve stated: This is the group of cities in Hennepin Co (Golden Valley, Crystal, New Hope) that have been threatening to break away from the Mpls (surface) Water Treatment Works supply. They feel they are paying too much and have gone a long way toward setting up their own utility to sell groundwater. Scott Harder (Karen's husband) is serving as their financial consultant. The legislation approves the water appropriation - - a function I would have thought was well within the DNR's authority to do. I have a call into DNR to see if they were posturing NOT to issue a permit. Doug's comments: Barr Engineering and TKDA have a proposal - telling the joint powers commission that if they drill their

Subject	House File	Senate File	Authors/Status	Staff Assigned	Comments
					own wells and develop their own municipal supply they'll be able to do it for a cost of $1.80/unit. Bloomington has done a similar thing - they used to get their water from Minneapolis, but are now drilling wells - apparently they had difficulty negotiating a more reasonable price with Minneapolis. Minnesota Statutes require that any consumptive use averaging over 2,000,000 gallons/day get legislative approval. Domestic use is exempt from this requirement, but summer lawn watering is not considered domestic use. So if the new municipal water supply has any amount of summer lawn watering (which it will) then they need the legislative approval. So this bill is the attempt to get the required legislative approval. DNR is reluctantly supportive, even though they don't really like it. DNR would prefer to see maximum use made of surface water sources before more pressure is put on the (already stretched) Jordan aquifer in the NW metro. DNR is hoping at least some kind of dual source solution can be worked out. Bloomington is doing a conjunctive use thing - getting the minimum required from Minneapolis under an existing agreement and augmenting with their own wells. Minneapolis will likely oppose the legislation, as they stand to loose one of their biggest customers. Action: This doesn't directly affect any of BWSR's main-line responsibilities.
MPCA water pollution total maximum daily load (TMDL) reports	H. F. 2424	**S.F. No. 2311**	House: Seifert, Lanning, Koenen, Juhnke, Dill 2/26/04 – First reading, referred to Environment & Natural Resources Policy Senate: Saxhaug, Sams, Dille, Senjem 2/26/04 – First reading, referred to	Steve Woods	Requires noticing before PCA ships something out to the feds. Given the G16's preferences for how the program should run the noticing will be redundant. Also, the G16 hoped to avoid legislators making a bunch of

Subject	House File	Senate File	Authors/Status	Staff Assigned	Comments
			Environment & Natural Resources		policy language w/o money in the program.
Public waters actions environmental impact statements preparation requirement	H. F. 1751	**S.F. No. 1997**	House: Ozment, Urdahl 2/2/04 – First reading, referred to Education Policy 2/5/04 – Motion to recall and re-refer, motion prevailed, Environment & Natural Resources Policy Senate: Ruud 2/12/04 – First reading, referred to Environment & Natural Resources	Jim Haertel	SF1997 would require the EQB board, not a WD or JPA WMO board, to be the RGU for the EIS on public waters bordering more than one county when ten or more new watercraft mooring spaces are being sought.
WATERSHED ISSUES					
Watershed district managers compensation increased	H. F. 2877		House: Lanning, Eken, Ozment, Peterson 3/8/04 – First reading, referred to Local Government & Metropolitan Affairs	Doug Thomas	MAWD initiative to raise per diem from $55 to $75. May have tough road in light of overall budget and fiscal issues in general.
Red Lake River Watershed improvement bond sale authorized and money appropriated Appropriates money to the Red Lake River JPB for capital improvements	H. F. 1863	**S.F. No. 1682**	House: Lieder, Eken, Marquart 2/5/04 – First reading, referred to Environment & Natural Resources Finance Senate: Stumpf, Skoe 2/5/04 – First reading, referred to Finance	Doug Thomas	According to Brian Dwight this is a relatively new organization. They have now formed as a JPB and partnered with the Red Lake WD, UMC, DNR and the Pemniba Trail RC&D. I believe the counties and SWCD's are members. Their goal is to improve recreational activities on the Red Lake River. The bill would provide bond proceeds to conduct a TMDL study, removal of a power dam 5 miles upstream of Crookston, and construct up to 15 boat accesses. Action: Support as it is a product of or local governmental partners working together to address local priority actions.
Sauk River Watershed District increased levy authorized	H. F. 2841		House: Stang, Heidgerken, Otremba, Urdahl, Knoblach 3/8/04 – First reading, referred to Taxes	Doug Thomas	
Shellrock River dam replacement and watershed district water quality capital improvements grant bond issue and appropriation	H. F. 2370	**S.F. No. 2339**	House: Dorman 2/23/04 – First reading, referred to Environment & Natural Resources Finance Senate: Sparks 2/26/04 – First reading, referred to Finance	Jim Haertel	Our agency position should be that we support the proposed bills. Replacement of the dam at Albert Lea has been needed for years. The dam has been in a serious state of disrepair for years. If the dam fails, Albert Lea Lake would drain thereby removing a huge recreational and

Subject	House File	Senate File	Authors/Status	Staff Assigned	Comments
					ecological resource from the city and there would be considerable flood damage downstream. The district's plan is being recommended for approval by the Southern Water Planning Committee at the March Board meeting. The district's plan includes dam replacement and other capital improvements to improve water quality.
Watershed district officers contracting conflict of interest prohibition exception Adds watershed districts to list of local governments that are exempt from certain contract for services requirements	H. F. 1980	**S.F. No. 1799**	House: Beard 2/9/04 – First reading, referred to Local Gov't. and Metropolitan Affairs 2/26/04 – Committee report to pass as amended, second reading 3/4/04 – Referred to Chief Clerk for comparison with SF1799. House rule 1.21, placed on Calendar for the Day. 3/8/04 – Bills not identical, rules suspended, SF substituted. HF indefinitely postponed. Senate: Robling 2/5/04 – First reading, referred to State and Local Government Operations 3/1/04 – Committee report to pass as amended, Consent Calendar, second reading 3/4/04 – Consent Calendar, Third reading passed.	Doug Thomas	The bill adds watershed districts to chapter 471.88. Chapter 471.88 provides a list of exceptions that allows listed local governments, by unanimous vote to contract for goods and services with an interested officer of the governmental units listed in the chapter. The addition of watershed districts was perpetrated by a situation in the Prior Lake Watershed District where a manager had a spouse that was employed by the law firm that represented the district. The only solution at the time was for the law firm to end its contract or for the manager to resign. By adding watershed districts to 471.88 they would, by exception, be allowed to contract for goods or services from an entity that an officer/or spouse of the district had an interest in. For example in this case the exception that deals with a contract for which competitive bids are not required by law would have helped the WD avoid the problem they found themselves in. Action: Support
WETLAND ISSUES					
Off-highway vehicle operation in wetlands restriction modified	H. F. 1862	**S.F. No. 1711**	House: Erickson 2/5/04 – First reading, referred to Environment & Natural Resources Policy Senate: Koering, Sparks, Bakk, Saxhaug, Tomassoni 2/5/04 – First reading, referred to Environment & Natural Resources	John Jaschke	There will be many OHV bills to amend M.S. 84. DNR is coordinating with BWSR to find language that the Administration will support.
Off-highway vehicle operation restrictions modified	H. F. 2678	**S.F. No. 2157**	House: Hackbarth, Ozment 3/1/04 – First reading, referred to	John Jaschke	

Subject	House File	Senate File	Authors/Status	Staff Assigned	Comments
			Environment & Natural Resources Policy Senate: Saxhaug 2/19/04 – First reading, referred to Environment & Natural Resources		
Off-highway vehicles operation restrictions modifications; forest trails designation rulemaking exemption and forest classification status review requirements expansion		**S.F. No. 2736**	Senate: Marty 3/11/04 – First reading, referred to Environment & Natural Resources	John Jaschke	SF2736 retains protection for all Type 3,4,5 wetlands on public land but protects only DNR PW wetlands on private land. Some exempt activities are also added.
Off-highway vehicle use on wetlands impact study		**S.F. No. 2793**	Senate: Frederickson, Ruud, Marty 3/11/04 – First reading, referred to Environment & Natural Resources	John Jaschke	SF2793 requires DNR to assess OHV affects and damage and report to the legislature by 1-15-05.
Public waters violations corrective and administrative penalty orders (APOs)	H. F. 2265	**S.F. No. 2201**	House: Hackbarth 2/19/04 – First reading, referred to Environment & Natural Resources Policy Senate: Betzold 2/19/04 – First reading, referred to Environment & Natural Resources	John Jaschke	Bill was to be heard last week but was not as the chief author was out with back problems. The bill gives DNR Waters the ability to issue APOs and fines as an alternative to criminal courts to remedy violations. The bill does not provide any similar authority for BWSR or Local Government Units. Not endorsed by BWSR.
Wetland delineation and Federal Clean Water Act 401 certifications, environmental review requirements modifications	H. F. 2722	**S.F. No. 2363**	House: Cox, Tinglestad 3/3/04 – First reading, referred to Environment & Natural Resources Policy Senate: Hottinger, Marty, Dibble, Frederickson 2/26/04 – First reading, referred to Environment & Natural Resources 3/10/04 – Referred to Finance Committee	John Jaschke	Establishes Wetland Delineator Certification Program via rulemaking with $50/year fee. Requires to PCA to reinstate their dormant 401 certification program to review waters/wetland projects and appropriates money for that purpose. Requires EQB to integrate local plans and develop guidance for gov't organizations conducting environmental review. Not endorsed by BWSR Amendments were made today (3-10-04) to make the program voluntary at the outset with an expectation that it become mandatory (via rulemaking) after an assessment and report to the legislature on the voluntary program. Also the fee was amended to be up to $75. The bill was referred to the Finance Division/Committee.
OTHER ISSUES					
Minnesota future resources fund and environment and natural resources	H. F. 2405	**S.F. No. 1974**	House: Tingelstad, Ozment 2/23/04 – First reading, referred to	Doug Thomas	Extends the deadline for certain LCMR funded projects Analysis: Extends the deadline

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trust fund appropriations			Environment and Natural Resources Finance Senate: Vickerman, Anderson 2/12/04 – First reading, referred to Finance 3/1/04 – Author added, Anderson		for the Restoring Minnesota's Fish and Wildlife Habitat Corridors project to June 30, 2006 and allows funds from Phase 1 of the project to be used to fund activities identified in Phase 2 of the project after June 30, 2004. Action: None required
Nonprofit corporations authorized to manage local special service districts	H. F. 2776	**S.F. No. 2304**	House: Kuisle, Bradley, C. Nelson 3/4/08 – First reading, referred to Taxes Senate: Pogemiller 2/26/04 – First reading, referred to Taxes	Doug Thomas	
Relating to drainage; tree planting prohibition Planting trees over certain public and private drain tile.	H. F. 2478	**S.F. No. 2068**	House: Swenson 2/26/04 – First reading, referred to Environment & Natural Resources Policy Senate: Dille, Sams, Nienow, Neuville - First reading, referred to Environment & Natural Resources	Doug Thomas	Bill appears to address the concern of someone knowingly planting trees over tile lines without permission of the benefited properties. Tree roots can be come and obstruction and maintenance problem where the tree roots intercept tile lines. The bill does not provide for a penalty so it can only be viewed as directory i.e. meaning there is no stated consequence if one were to knowingly plant trees. What it would do is give validity to a request from a landowner or an order from a drainage authority to remove the trees or remedy the situation. This could inadvertently happen with BWSR cost-shared practices and RIM so it is probably a good idea to at a minimum acknowledge the issue as they have done in this bill Action: None required. We should support if asked.
Phosphorous use in fertilizers restriction extended	H. F. 2005	**S.F. No. 1999**	House: McNamara, Howes, Wagenius, Cox, Kahn, S. Johnson, Clark, Samuelson, Strachen, Tingelstad, Murphy, Hoppe 2/12/04 – First reading, referred to Environment & Natural Resources Policy Senate: Sparks, Dille, Ruud, Sams	Ron Struss	BACKGROUND: Currently Minnesota has the Phosphorus Lawn Fertilizer Law that restricts lawn fertilizer use to 0% phosphate content in the metro area and 3% phosphate content in non-metro areas. Non-metro municipalities can adopt the 0% phosphate restriction and one county (Crow Wing) has already done so. The law is a restriction and not a ban - phosphorus containing fertilizer can be used when need is shown. It is also a

Subject	House File	Senate File	Authors/Status	Staff Assigned	Comments
					restriction on use, not sale. Stores can still sell phosphorus lawn fertilizer of any phosphate content. The law went into full effect January 2004. Bills have been introduced in the Minnesota House and Senate (HR 2005 and SF 1999) that call for extending the 0% phosphate lawn fertilizer restriction from the metro area to statewide. The bills' authors represent both parties and metro and non-metro areas of the state. PRO: Bill will reduce the amount of phosphorus introduced into watersheds and therefore has the potential of protecting and improving water quality. PRO: If the bill errors, it errors in the favor of lake protection. It is much easier and cost effective to correct low soil phosphorus levels in lawns (soil test and fertilize), then to correct high water phosphorus levels in lakes (alum treatments and watershed-wide BMPs). PRO: Bill makes lawn fertilizer restrictions consistent across the state making administration easier. PRO: Bill moves lawn management more towards the long-advocated practice of fertilizing according to plant need, which involves fertilization based on soil testing. Some, however, may see this as a "CON" (see below). CON: It puts more reliance on soil testing to assure lawn health, a somewhat difficult procedure not currently practiced by most homeowners. Most Minnesota lawns are managed without the benefit of soil test results, and are likely to continue to be so. Because of this, maintenance lawn fertilizers have typically contained 3% phosphate as a preventative against low soil P levels. CON: On soils with low P content, lawns may thin out if

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					managers don't soil test and fertilize with P when need is suspected. Thin lawns can be a source of P and sediment runoff through soil erosion. Western MN and spots in eastern MN have soils that are naturally low in P where P fertilization may be needed (however, soils naturally low in P may not currently need P fertilization since decades of fertilization may have raised P content to adequate levels). PRO or CON (depending on philosophy): The bill removes local control provided by current phosphorus lawn fertilizer law. Currently, non-metro units of government have the option of adopting the 0% phosphate restriction or retaining the current non-metro 3% phosphate restriction. The bill would make the 0% phosphate restriction mandatory statewide. SITUATION IF THE BILL FAILS: Current law allows non-metro local municipalities to adopt the 0% phosphate restriction. Crow Wing County has done so, and others are considering it. Therefore if the bill does not pass, non-metro municipalities concerned about phosphorus runoff will need to take individual action to adopt the 0% phosphate restriction. Citizens and citizen groups interested in adopting 0% phosphate restriction in non-metro municipalities will need to lobby their local elected officials and perhaps conduct soil testing surveys to support their position. SITUATION IF THE BILL PASSES: Non-metro property owners and managers will need to be educated on the new law. Those in areas with historically low P soils would be advised to soil test or keep an eye on their

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					turf to make sure it is not weakened due to inadequate soil P levels. Providing additional information and services on lawn soil testing in those areas would be advised.
Minnesota future resources and environment and natural resources trust funds prior appropriations availability extention Extends the deadline for certain LCMR funded projects	H. F. 2405	**S.F. No. 1974**	House: Tingelstad 2/23/04 – First reading, referred to Environment & Natural Resources Finance 3/1/04 – Authors added: Kahn, Carlson, Opatz, Hackbarth Senate: Vickerman 2/12/04 – First reading, referred to Finance 3/1/04 – Author added: Anderson	Doug Thomas	Extends the deadline for the Restoring Minnesota's Fish and Wildlife Habitat Corridors project to June 30, 2006 and allows funds from Phase 1 of the project to be used to fund activities identified in Phase 2 of the project after June 30, 2004. Action: None required
Local government aid payment provisions modifications	H. F. 2601	**S.F. No. 2353**	House: Dill, Rukavina, I.Anderson, Solberg 3/1/04 – First reading, referred to Taxes	Doug Thomas	Monitor
Brooklyn Park Shingle Creek shoreland stabilization and erosion control bond issue and appropriation	H. F. 2940	**S.F. No. 2697**	House: M. Nelson, Hilstrom 3/10/04 – First reading, referred to Environment & Natural Resources Finance Senate: Scheid 3/11/04 – First reading, referred to Finance	Steve Woods	Money would go thru DNR. Belief is that this is for a group of homeowners who back up to a pool on Shingle Creek. They've mown to waters edge and have seen sedimentation (of course) in the pool created by their developers sheet pile weir. SCWMO told them not interested and situation would be better with the weir removed. City public works not interested since there is no easement over area or the orphan dam.
Aitkin Drainage and Conservancy District established	H. F. 2994		House: Solberg 3/11/04 – First reading, referred to Environment & Natural Resources Policy	Ron Harnack	

FOR YOUR INFORMATION

March 24, 2004

- BWSR "Update"
- Updated BWSR Staff Phone List
- Letter to Steve Hobbs regarding BWSR Procedures for Approval of Contingencies to Board Order dated January 28, 2004
- Memo from Jim Haertel regarding Proposed Rules, As Revised, for Appeals of Watershed District Rules and Permit Decisions, Minnesota Rules Chapter 8415, Governor's Tracking Number AR073
- News Release – "Governor Pawlenty Unveils Plan to Fix Budget Deficit, Fund New Initiatives, With No Tax Increase"
- Governor Pawlenty's FY2004-05 Supplemental Budget
- Governor's Executive Order – #00-02 – Directing State Departments and Agencies to Follow a "No-Net Loss" Policy in Regard to Wetlands
- Letter to BWSR from Marshall-Beltrami SWCD regarding Disproportionate Cuts by Counties to SWCDs
- Letter to USDA-NRCS from MDA, DNR, MPCA, BWSR, regarding Conservation Security Program (CSP) Comments
- Letter from John Monson, FSA, regarding Continuous Conservation Reserve Program
- Coalition for a Clean Minnesota River – Granite Falls Ethanol Plant Comments
- News Release – "NW Flood-Reduction Project Selected As a Clean Water Initiative Demonstration Project"

Minnesota Board of Water & Soil Resources

Board of Water and Soil Resources
U·P·D·A·T·E

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NORTH

Jim Lemmerman worked with Aitkin SWCD to conduct a forest management training session in January. Nine SWCD forestry personnel attended. The session covered working with private forestland owners and actually doing inventory on two cover types of forestland.

Mark Nelson has worked with BWSR staff and other agency staff to develop a multi-year training plan for LGUs that includes: a recently completed plant identification course; a hydric soils course to be offered during the 2004 growing season; a follow-up plant I.D. course with field testing to be offered in 2005; and a wetland conference in Duluth produced by the Arrowhead Water Quality team under a BWSR Challenge Grant.

The Two Rivers Watershed District's long-range plan recently went through the 60-day final review process. Brian Dwight will meet with the district to discuss comments received and then head to a meeting with the ad hoc committee, with board approval to follow in June.

The Joe River and Roseau River Watershed Districts plans have gone out for 60-day final review. Brian does not expect much controversy to be raised during this review. Joe River should be ready for state approval in July.

Dale Krystosek has been assisting the "Stream Team," an organization of state, local, and federal staff in northeastern Minnesota, with a pilot project that would restore both a degraded stream and adjacent wetland functions in St. Louis County. The project, a cooperative effort of MPCA, DNR, U.S. Forest Service, BWSR, and several counties, would use a new way of allocating wetland credits titled "Exceptional Natural Resource Value Projects."

Dale has been assisting Lake County in resolving concern over Corps of Engineers new policy setting a goal of a 1.5:1 wetland mitigation. In an effort to improve wetland regulatory simplification, we initiated a joint wetland banking project that would utilize the "Exceptional Natural Resource Value Projects." The goal will be to provide wetland banking credits within Lake County that will allow for a straight one to one replacement ratio and maintain wetland functions within the county.

Dale and Jim Lemmerman have spearheaded development of guidance for use of the forestry exemption under the WCA rule. Four drafts have been reviewed. They've been working with the DNR, forestry industry, LGUs, EPA, and the Corps of Engineers to develop guidance that prevent misuse of the exemption. Hopefully this guidance will help LGUs to correctly and consistently apply the forestry exemptions in WCA.

Dale has been providing technical assistance to the City of Hermantown in development of a Comprehensive Wetland Protection and Management Plan. We are attempting to also coordinate the development of a Special Area Management Plan (SAMP) with the Corps of Engineers that would streamline federal Clean Water Act permitting for wetlands. If successful, it would be the first dual WCA wetland plan and SAMP approved for a city in Minnesota.

John Overland reports that the French Lake WMA project is underway again. The 537-acre parcel, a former rice paddy in Aitkin County, is to be restored for the road replacement program and for future use by the public as a Wildlife Management Area. The restoration of the site is expected to result in approximately 300 acres of new wetland credit. The bank plan is scheduled to be submitted by the end of June 2004. Construction is expected to begin before the end of this growing season.

Resolution of the two significant violations appears to be forthcoming. The first involves the construction and reconstruction of permanent roads through wetlands on an 8,200-acre parcel in Morrison County. John Overland

has been working closely with Helen McLennan, Morrison SWCD, and Leo Grabowski, Corps of Engineers, on this project. The landowner was denied a forestry exemption by the LGU; that decision was appealed to BWSR, remanded back to the SWCD board for a decision, and the SWCD board upheld the staff decision to deny the request. The SWCD board decision was then appealed to BWSR again. After appealing the decision, the landowner agreed to submit a replacement plan application for the project and withdraw the appeal of the exemption denial if the replacement plan is approved. The LGU and TEP are awaiting the submittal of the plan for review.

The second significant violation involves filling and/or excavation in 17 wetland areas spanning seven separate sections within Pope County. John Overland and Pete Waller have been working with Kim Krueger, Pope SWCD, on this project. An interagency meeting was held in January 2004 to discuss the project and gain consensus from all those involved. The NRCS agreed to use the WCA restoration order as their restoration agreement for the farm program and the Corps has also used the WCA restoration order for their purposes. After some initial resistance, the landowner submitted a written statement that he will comply with the WCA restoration order, which expires Dec. 24, 2004.

Wetland Specialists Dale Krystosek and John Overland provided North Region BWSR staff with training on sequencing reviews of wetland replacement plans applications. The sequencing training presentation developed by Dale and John has been made available to others and has since aided in the training of additional BWSR and LGU staff throughout the state. John Overland presented a forest road exemption case study at the Interagency Regional Waters/Wetland Regulatory Meetings in St. Cloud, Bemidji, and Cloquet. John has also been working on developing a basic WCA administrative training presentation (WCA 101) and will be assisting the board conservationists in training their LGU staff. The sequencing presentation, WCA 101 presentation, and others developed in the future are proposed to be available as BWSR "training modules" on the web site or ftp site. BWSR or LGU staff would then have access to these training topics whenever they needed it.

John Overland continues to be assigned to the Corps of Engineers as a 0.25 FTE. The Corps has tentatively agreed to consider the 0.25 FTE as general overlap accomplished by completing BWSR wetland specialist duties. John will also continue to coordinate the implementation of the much anticipated MN-GP-02. This programmatic General Permit is expected to be issued by May 2004. John has been working with Corps and BWSR staff to develop an administrative process that would allow GP-02 to function efficiently. Input from selected LGU staff will be solicited soon and the final administrative process is expected to be detailed in a new BWSR guidance document.
-Submitted by Ron Shelito

METRO

Metro Region is fully staffed again. Lynda Peterson did an incredible job of covering nearly all the WCA workload for eight counties while partially delaying assumption of her new wetland specialist duties in central and southern Minnesota. Metro has historically had higher turnover rates due to more opportunities that pay well for experienced staff. The departure of several people during the budget crises of '02 and '03 was unfortunate but not unexpected all things considered. New hires are Brad Wozney and Les Lemm who came on board at the end of January. Brad came from the Wright SWCD, and Les came from Lake of the Woods SWCD. They will be splitting duties with Marybeth Block, who will support water planning in selected areas to help even out the workload.

The Metro Region has gone from nine to 11 counties – the seven-county metro plus a line of counties across the north of Chisago, Isanti, Sherburne, and Wright. The amount of staff time available to cover the expanded area has shrunk to 2.5 FTEs. In order to make the most efficient use of staff we have elected to emphasize certain skills or tasks with the BCs. Marybeth will be our eLINK expert and primary grant processor in addition to providing the relief valve for planning activities mentioned earlier. Brad and Les will split the 162 WCA local government units. They will also carry out most planning assistance and retain eLINK assistance roles with a few counties in order to stay current.

We use this system because most of the metro clientele are proficient at their activities. When they have a question that stumps them (e.g. obscure cost-share rule), it usually will stump a BC unless they have specialized in the topic through focused experience.
–Submitted by Steve Woods

ENGINEERING

The Nonpoint Engineering Assistance (NPEA) – Conservation Technical Assistance Committee (CTAC) has met three times since late January to define recommendations for a sustainable future for SWCD shared engineering assistance, in light of the resolution passed at the MASWCD Annual Convention to keep 11 NPEA areas. Key program assets identified include flexible engineering assistance for local priorities, surveying and design technology, as well as development and recognition of SWCD technical capability. Program expectations include statewide coverage, Professional Engineer sign-off capability, capable technicians, and up-to-date technology. On March 16, the CTAC began review of 7 options for how to organize and manage the program into the future. These options range from 91 grants to SWCDs to be used for shared engineering assistance, to BWSR assumption of staffing for statewide engineering assistance, with a variety of options in between. Initial screening led to an option based on 11 technical service areas, with some amount and type of local match, and the ability to evolve. CTAC members were asked to coordinate review of options and attributes with other SWCD supervisors and staff. Cliff Tweedale has been an effective facilitator for these meetings. Doug Thomas, John Jaschke, and Al Kean are participating as BWSR staff, while Dwain Otte, Victor Ormsby, and Paul Krabbenhoft are representing the C-S Committee and BWSR Board. The intent is to have recommendations to the Board by June.

The MPCA continues to draft rules for the NPDES Phase 2 construction erosion control program, which reduces the disturbed area threshold to 1 acre. Al Kean and John Brach, NRCS state conservation engineer, are helping draft language for a conditional exclusion for conservation practices, many of which are erosion control practices (e.g. grassed waterways, terraces, grade stabilization structures, wetland restorations, etc.). Key foundations for this conditional exclusion are the NRCS practice standards and specifications utilized for EQIP, State Cost-Share, CRP, and other state and federal conservation programs. These standards and specs have been, or will be, tailored a bit to ensure that EPA and state rules for construction erosion control are adequately addressed. Key objectives for Al and John are for conservation cooperators to avoid the costs and paperwork of these permits, while ensuring good erosion control during construction and that the conditional exclusion is workable for conservation practices.

BWSR engineering staff and partners are working with many drainage authorities in the Minnesota River Basin to implement CREP wetland restorations on drainage systems. We estimate that 15-20 percent of CREP wetland restorations involve some type of modification of public drainage systems. The methods we use to integrate wetland restorations with drainage systems include: 1) tile breaks (removal a section of tile, typically at the outlet of a wetland, to disable part or all of the system upstream); 2) tile outlets (aka "daylighting") into wetlands; 3) ditch blocks, with associated embankments and spillways; 4) tile reroutes (install a new nonperforated tile around a wetland, if there isn't sufficient grade to outlet the tile into the wetland); and 5) ditch bank improvements (typically raising of spoil banks or ditch-parallel dikes, with provision for controlled flow through and/or over the dike). Wetland restoration projects on public drainage systems must work through the petition and hearing process to modify the drainage system, in accordance with drainage statutes. Participating landowners, SWCDs, and BWSR engineering staff are involved in these proceedings. Although there is often significant information and education needed via an engineer's report and discussion with drainage authorities, we've generally had good success, albeit sometimes involving design modification and more coordination time to achieve consensus. Many of the CREP wetland restoration projects currently in process involve drainage system modifications.

On March 18, Al and Dan Steward attended a South Two Rivers Watershed District meeting to help inform landowners, WD managers, and others about wetland restoration programs and methods. This was in regard to a proposed wetland restoration project near Albany. Greg Berg, Stearns SWCD wetland specialist, also attended, as well as a consulting engineer who has had previous involvement in the proposed project. Al was invited to give a presentation he gave at the MAWD Annual Meeting titled "Integrating Wetland Restoration, Drainage and Flood Damage Reduction." Although there are a number of technical challenges for the proposed project, a key constraint is how to fund easements or acquisition of land rights for the projects, and payment rates. Landowners are also concerned about affects on adjacent farmland and potential building sites. The federal Wetland Reserve Program is a current potential source of funding in this area of the state.

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Scot Leddy, NPEA Area 9 engineer, informed Al Kean and Tom Wenzel recently that he is taking a new position with a private engineering firm based in Brookings, S.D., and opening a new office in Pipestone. This will present new engineering staffing challenges for NPEA Area 9, as well as the Minnesota River CREP, for which NPEA Area 9 staff are providing engineering assistance for wetland restorations. Tom and Al are looking at workload shifting and other options to complete CREP wetland restoration projects having NPEA Area 9 staff involvement. Government organization and staffing of late is kinda like Minnesota weather – constantly changing – necessitating ongoing adaptation!

-Submitted by Al Kean

BRIEFS

Over the past year, Wilkin County experienced a jump of 2,300 new acres enrolled in the 2002 Federal Farm Bill conservation programs.

Thirty Minnesota counties involved in the state's Farm Bill Initiative are seeing increased enrollments in conservation practices such as filter strips, riparian buffers, field wind breaks, shelterbelts, and living snow fences. The conservation practices help improve water quality and provide wildlife habitat.

An additional 22,837 acres have been enrolled in federal conservation programs the past year in counties involved in the initiative, funded by BWSR, DNR, and Pheasants Forever. Nearly $700,000 is being used to provide grants to 30 SWCDs, which in turn have hired staff to market the federal conservation programs.

The program requires districts to provide an additional 25 percent, with another 5 percent required from local sources. Grants run through Sept. 30.

Don Bajumpaa, manager of the Wilkin Soil and Water Conservation District (SWCD), can attribute the SWCD's success to the district's ability to employ an outreach technician to help market federal Farm Bill programs. "If we had not had this opportunity, we would not see the success we've had today," Bajumpaa says.

Visit the BWSR web site (http://www.bwsr.state.mn.us/news/index.html) to see enrollment information on the counties.

Many current and former BWSR staff members have been recognized by Ron Harnack, executive director, for their efforts related to team projects that resulted in new or updated products or processes. These awards are commonly known as BWSR "Retooling Awards."

Congratulations to the following staff:

Jim Haertel, Tom Mings, Lynda Peterson, Dale Krystosek, John Overland, Doug Norris, Peter Raeker, Jim Lemmerman, Dan Eklund, Natasha DeVoe, and Bruce Sandstrom, for the *Wetland Conservation Act Rule and Manual Update.*

Marybeth Block, Jim Haertel, Dan Steward, Chris Hughes, and Phil Belfiori, for *Local Water Management Program Revisions.*

Keith Grow, Peter Raeker, Michelle Lewis, Wayne Zellmer, Lynda Peterson, Jim Lemmerman, Tabor Hoek, Dave Peterson, Jeff Nielsen, and Tom Kresko, for *Cost-Share Manual Update.*

Conor Donnelly, Michelle Lewis, Marybeth Block, Polly Remick, Eric Mohring, Wendy Sanderson, Sheila Otte, Tom Fischer, and Keith Grow, for *eLINK Development.*

Mary Kells, Wayne Zellmer, Sara Johnson, Pete Waller, Doug Snyder, Michelle Lewis, and Dave Sill, for *Natural Resources Block Grant Work Group.*

Deadline for next edition: April 23

PHONE NUMBERS FOR BWSR STAFF **USE LAST FIVE DIGITS WHEN TRANSFERRING**

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Brd Packet

Minnesota Board of Water & Soil Resources

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

March 18, 2004

Steve Hobbs, District Administrator
Rice Creek Watershed District
4325 Pheasant Ridge Drive NE, Suite 611
Blaine, MN 55449-3070

RE: BWSR Procedures for Approval of Contingencies to Board Order dated January 28, 2004

Dear Mr. Hobbs:

The Board Order dated January 28, 2004 which approved the Comprehensive Wetland Management Plan for ACD 53-62 was conditioned on six contingencies being met, to be determined by the full BWSR Board. This letter is to inform the District that BWSR Board approved procedures require the Metro Water Planning Committee to hear the matter and bring it to the full BWSR board in the same manner as the procedures followed in bringing the Plan to the January 28th Board meeting. While it may be unfortunate that these procedures have precluded the matter from being on the Board's March 24th agenda, the Board procedures must be followed, even though there may be no controversy surrounding the issues.

I have scheduled a Metro Water Planning Committee meeting for Wednesday, April 7th starting at 1:30 PM. The contingencies would come before the full BWSR Board for approval at their April 28th Board meeting.

BWSR staff have determined that all six contingencies have clearly been met by the District. I feel the Metro Water Planning Committee will recommend to the full BWSR Board that all six contingencies have been fulfilled and the Board will be in agreement with that recommendation.

Please feel free to contact me at (651) 297-2906, or at the central office address, if you have any questions.

Sincerely,

Jim Haertel
Water Management Specialist

cc: BWSR: Ron Harnack, John Jaschke, Steve Woods

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Board Packet

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M E M O R A N D U M

March 3, 2004

TO: Sen. John Marty, Chair, Senate Environment and Natural Resources Committee
Sen. Dean E. Johnson, Chair, Senate Transportation Policy and Budget Division
Rep. Tom Hackbarth, Chair, House Environment and Natural Resources Policy Comm.
Rep. Ron Erhardt, Chair, House Transportation Policy Committee
Tom Schultz, Committee Administrator, Senate Environment and Natural Resources Committee
John Pollard, Division Administrator, Senate Transportation Policy and Budget Division
Josh Gackle, Committee Administrator, House Environment and Natural Resources Policy Comm.
Margaret Amundson, Committee Administrator, House Transportation Policy Committee

FR: Jim Haertel, Water Management Specialist

PH: (651) 297-2906

RE: Proposed Rules, As Revised, for Appeals of Watershed District Rules and Permit Decisions
Minnesota Rules Chapter 8415
Governor's Tracking Number AR073

Please find enclosed a copy of the proposed rules, as revised, regarding appeals of watershed district rules and permit decisions that have been certified as to form by the Revisor of Statutes Office and adopted by the board.

Revisions have been made to gain approval from the Office of Administrative Hearings. The proposed rules that were sent to you on December 23, 2003 differ in Parts 8415.0120, subparts 2.A. and 4.D. Generally, the revision to subpart 2.A. adds a time of ten days to the word "promptly" for a watershed district to notify a public transportation authority of its permit decision. The revision to subpart 4.D. removes the possibility of the board assessing the costs of a special meeting to the appellant.

The exempt rules were authorized in the 2003 legislative session under Senate File Number 905, 3rd

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engrossment, at line numbers 93.26-94.19. The legislation revised Minn. Stat. § 103D.537 (b) to allow public transportation authorities to appeal watershed district permit decisions to BWSR. The legislation revised Minn. Stat. § 103D.537 (c) to authorize exempt rulemaking and required that your respective committees receive a copy of the proposed rules at least 30 days before publication in the state register.

A stakeholder group was utilized to obtain consensus on the draft rules. The stakeholder group consisted of representatives from the Minnesota Department of Transportation, the Association of Minnesota Counties, the Minnesota Association of Watershed Districts, and watershed districts.

Please feel free to contact me if you have any comments or questions.

Enclosure

c: Scott Wiggins, Governor's Office
Ron Harnack, BWSR
John Jaschke, BWSR

Office of the Revisor of Statutes
Administrative Rules

COPY



COPY

TITLE: Adopted Exempt Rules Relating to Watershed District Appeals

AGENCY: Board of Soil and Water Resources

MINNESOTA RULES: Chapter 8415

COPY

The attached rules are approved as to form

Carla M. Riehle
Senior Assistant Revisor

COPY

Board of Water and Soil Resources

Adopted Exempt Rules Relating to Watershed District Appeals

8415.0100 **PURPOSE.**

The rules of procedure in parts 8415.0100 to 8415.0120 govern appeals to the board pursuant to Minnesota Statutes, section 103D.537.

8415.0110 **DEFINITIONS.**

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Board.** "Board" means the Minnesota Board of Water and Soil Resources.

Subp. 3. **Day.** "Day" means a calendar day unless specified otherwise. The day of the event must not be used in counting any time period.

Subp. 4. **Dispute resolution committee.** "Dispute resolution committee" means the committee of the board established pursuant to Minnesota Statutes, section 103B.101, subdivision 10.

Subp. 5. **Executive director.** "Executive director" means the executive director of the Minnesota Board of Water and Soil Resources.

Subp. 6. **Person.** "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

Subp. 7. **Public transportation authority.** "Public transportation authority" means a state, county, city, or township road authority.

8415.0120 **APPEALS.**

Subpart 1. **Appeal of rules.**

A. An interested person may appeal a rule made by the managers of a watershed district by filing a petition with the board.

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Approved by Revisor

B. An appeal is effective upon submittal of the petition to the executive director with evidence that a copy of the petition has been served upon the watershed district.

C. An appeal filed under this subpart must follow the procedures in subpart 3.

Subp. 2. **Appeal of permit decisions.**

A. The watershed district must notify the public transportation authority promptly of its permit decision, but no later than ten days following the decision. A public transportation authority may appeal a final permit decision of a watershed district issued to it by filing a petition with the board. The appeal must be filed within 30 days of the decision by the watershed district managers pursuant to Minnesota Statutes, section 103D.537.

B. An appeal is effective upon submittal of the petition to the executive director with evidence that a copy of the petition has been served upon the watershed district.

C. An appeal filed under this subpart must follow the procedures in subpart 3 unless the public transportation authority makes a request in the petition for an expedited appeal hearing. The procedures in subpart 4 must be followed if an expedited appeal hearing is requested in the petition.

Subp. 3. **Board appeal procedures.**

A. Within 30 days after receiving the petition with evidence that the watershed district has been served with a copy of 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, untimely, or brought solely for the purposes of delay; or that the petitioner has not exhausted all local administrative remedies.

B. The board or its executive director may remand the appealed decision back to the watershed district if the petitioner has not exhausted all local administrative remedies such as a public hearing or if the watershed district's record is not adequate. If

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an appeal is remanded, the watershed district must make a decision within 60 days unless the remand order, or a subsequent order, specifies a longer period.

C. After granting the petition, the appeal must be heard by the dispute resolution committee and decided by the board within 60 days after the filing of the watershed district'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 and the watershed district. For appeals of rules, interveners are allowed. For appeals of permit decisions, interveners are not allowed unless they have been granted intervener status by the watershed district prior to the final permit decision.

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

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

F. In the case of appeals of watershed district permit decisions filed under subpart 2, the board shall affirm the watershed district's decision if substantial evidence supports the findings of fact, if the watershed district correctly applied the law, watershed district rule and the watershed district's board-approved watershed management plan to the facts, and if the watershed district made no procedural errors prejudicial to a party. Otherwise, the board shall reverse the decision, amend it, or remand it with instructions for further proceedings.

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Subp. 4. **Expedited board appeal procedures.**

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

B. Interveners are not allowed unless they have been granted intervener status by the watershed district prior to the final permit decision.

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

D. The board or its dispute resolution committee shall hold a hearing within 30 days of receiving the petition. The board shall make a decision within 30 days of the hearing and apply the standard of review in subpart 3, item F, unless it decides there is not sufficient basis to grant the request to expedite the appeal in which case subpart 3 would apply.

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OFFICE OF GOVERNOR TIM PAWLENTY

130 State Capitol ♦ Saint Paul, MN 55155 ♦ (651) 296-0001

NEWS RELEASE

FOR IMMEDIATE RELEASE:
March 4, 2004

Contact: Leslie Kupchella
(651) 296-0001

GOVERNOR PAWLENTY UNVEILS PLAN TO FIX BUDGET DEFICIT, FUND NEW INITIATIVES, WITH NO TAX INCREASE

~ State budget is working; minor tune-up will keep us on track, Governor says ~

Saint Paul – Saying this year's $160 million budget deficit should not cause Minnesota to lose fiscal discipline or compromise on its priorities, Governor Tim Pawlenty announced a supplemental budget that funds several key initiatives in critical areas while adjusting state spending to eliminate the shortfall. The Governor's plan does not raise taxes and keeps the state's current budget reserve intact.

"Considering the enormity of the budget challenges last year, this year's deficit seems small," said Governor Pawlenty. "Last year we put together a balanced budget that solved a $4.5 billion problem, but there's fine-tuning to do this year. This budget continues to be about reform, responsibility and protecting our quality of life."

The Governor's budget fix eliminates the forecast $160 million general fund deficit through $96 million in spending reductions, $50 million in revenue adjustments, and $76 million in one-time balances from other state funds. The plan provides $63 million for critical initiatives that must be addressed this legislative session. The state's $631 million current budget reserve is left untouched in Governor Pawlenty's plan, which provides the necessary cushion against forecast risks that remain with 15 months left in the biennium.

"Ideally, we'd have a robust and growing economy, world peace and a state budget flush with cash, but that's not the hand we've been dealt – and that's why we need to keep the focus on prudent management and fiscal responsibility," the Governor said.

Additional funding is provided in Governor Pawlenty's supplemental budget for the following:

- E-12 Education:
  - Mandatory summer school for students that fail the Basic Skills Test - $3.1 million.
  - Rural Telecommunications Access - $4.5 million.
  - Regional cooperation grants - $500,000.
  - Value-added performance assessments - $250,000.
  - Scholars of Distinction - $210,000.
  - Drivers license truancy - $388,000.
  - Super Teachers program beginning '04-'05 school year.

- Safer Communities:
  - Improve programs for sexual predator enforcement - $12.6 million.
  - Launch anti-meth initiative - $800,000.
  - Reform and enhance gang strike force - $2.6 million.
  - Funding for .08 implementation - $700,000.
  - Funding for increase in prison population - $2.8 million.

- National Guard:
  - Reenlistment bonuses for mid-career National Guard members - $1.3 million
  - Exempt state active duty pay from state income taxes.
  - Protect subsidized child care for Guard members upon their return from active duty.

- Other priorities:
  - Expand incentive for bioscience zones - $ 1 million.
  - Begin relief from anti-jobs tax - $1.8 million.
  - Increase for 4H programs - $1 million.

Key spending reductions and revenue adjustments include:

- Higher Education Services Office partial surpluses reduction - $20 million.
- Heath and Human Services reduction in provider reimbursement rates - $40 million.
- 3 % across-the-board reduction in state agencies' operating budgets (excluding Corrections and small agencies) - $19 million.
- Reduction in carry forward dollars - $7 million.
- Revenue compliance and payment adjustments, including up front payment of sales taxes on car and small truck leases and improving compliance of cigarette collection - $50 million.

One-time funding sources tapped include:

- Transfer of $70 million from the Health Care Access Fund surplus.
- Transfer of $6 million of the 21st Century Mineral Fund.
- Transfer of $1.2 million of the unclaimed lottery prize fund.

With a $441 million deficit projected for the 2006-07 biennium, Governor Pawlenty's supplemental budget also reduces the projected shortfall by $104 million.

"We are mindful of the challenges of tackling next biennium's budget challenges in an election year, but it is important that some progress be made this year. Next year's work will be made much easier by addressing as much of the problem as possible," the Governor said.

The State of Minnesota has a general fund biennial budget of $28.1 billion. Last year, the Governor and Legislature took action to eliminate a $4.5 billion budget deficit. However, a slower-than-expected economic recovery and increased demand for state programs has resulted in projection of a $160 million budget deficit for the current biennium.

--30--

FY 2004-05 Supplemental Budget



Governor Tim Pawlenty

March 4, 2004

Governor's Budget Fix

- Resolves budget deficit without raising taxes
- Maintains current budget reserve
- Makes modest spending reductions
- Funds limited number of high priority initiatives
- Adjusts timing of collections to increase revenues and strengthens compliance
- Transfers excess funding from special revenue funds to general fund

Plan Balances Fiscal Management and State Priorities

- Manages forecast risk expected over the 15 months remaining in the biennium
- Maintains current reserves
- Reduces structural gap projected for the FY 2006-07 budget

Plan Solves $160 Million Deficit for FY 2004-05

FY 2004-05 Forecast Deficit	$(160)
Targeted Program Reductions	70
General Operating Budget Cuts	25
Initiatives, Emergency Items	(62)
Revenue Adjustments	50
Transfers from Other Funds	77
Total – Recommended Actions	$160
Balance	$ 0

Governor's Initiatives

➢ E-12 Education

- Mandatory summer school for students that fail the Basic Skills Test - $3.1 million
- Rural Telecommunications Access - $4.5 million
- Regional cooperation grants - $500,000
- Value-added performance assessments - $250,000
- Scholars of Distinction - $210,000
- Drivers license truancy - $388,000
- Super Teachers program beginning in the next biennium

Governor's Initiatives

- **Safer Communities**
  - Improve programs for sexual predator enforcement - $12.6 million
  - Launch anti-meth initiative - $800,000
  - Reform and enhance gang strike force – $2.6 million
  - Funding for .08 implementation - $700,000
  - Funding for increase in prison population - $2.8 million

Governor's Initiatives

- **National Guard**
  - Reenlistment bonuses for mid-career National Guard members - $1.5 million
  - Exempt state active duty pay from state income taxes
  - Protect subsidized child care for Guard members upon their return from active duty

- **Other priorities**:
  - Expand incentive for bioscience zones - $1 million
  - Begin relief from anti-jobs tax - $1.8 million
  - Increase for 4-H programs - $1 million

Spending Reductions

- Higher Education Services Office partial surpluses reduction - $20 million
- Health and Human Services
  - Reduction in provider reimbursement rates - $40 million
- 3 % across-the-board reduction in state agencies' operating budgets (excluding Corrections and small agencies) - $19 million
- Reduction in carry forward dollars - $7 million

Revenue Changes

- Revenue compliance and payment adjustments, $50 million
  - Up front payment of sales taxes on car and small truck leases
  - Improve compliance of cigarette sales tax collections

- Transfers from other Funds - $76 million
  - Transfer surplus from Health Care Access Fund - $70 million
  - One-half 21st Century mineral balance - $6 million
  - Unclaimed lottery prize fund – $1.2 million

Plan Reduces Structural Gap in Projected Budget for FY 2006-07

	Feb Forecast		Gov. Rec.	
	FY 2006	FY 2007	FY 2006	FY 2007
Revenues	$14,346	$14,914	$14,364	$14,909
Spending	14,706	14,995	14,664	14,947
Structural Balance	*$(360)*	*$(81)*	*$(300)*	*$ (38)*

Board Packets

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rules differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rules previous *State Register* publication will be cited.

Expedited and Emergency Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

Board of Chiropractic Examiners

Adopted Permanent Rules Relating to the Definition of Sexual Misconduct

The rules proposed and published at *State Register*, Volume 27, Number 27, pages 1009-1010, December 30, 2002 (27 SR 1009), are adopted with the following modifications:

2500.6050 SEXUAL MISCONDUCT.

For the purposes of determining the presence of sexual misconduct:

A. a person is considered to remain an active patient until no less than ~~one year has~~ two years have elapsed since the last date on which the chiropractor examined or treated the patient; and

B. the conduct must occur at the time of or subsequent to the provision of an initial examination or treatment.

Consent or mutual consent may not be used by the chiropractor in the defense of an allegation of sexual misconduct by the chiropractor.

Board of Chiropractic Examiners

Adopted Permanent Rules Relating to Engagement in the Practice of Chiropractic

The rules proposed and published at *State Register*, Volume 27, Number 27, pages 1011-1012, December 30, 2002 (27 SR 1011), are adopted as proposed.

Executive Orders

The governor has the authority to issue written statements of orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statues* 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Executive Order #03-04: Providing for the Continuation of Certain Executive Orders

I, TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, *Minnesota Statutes* 2002, section 4.035, subdivision 3, provides that all executive orders expire 90 days after the date that the governor who issued the orders vacates office; and

WHEREAS, it is necessary to the operation of state government to continue certain executive orders;

NOW, THEREFORE, I hereby order that the following executive orders remain in effect:

02-02 PROVIDING FOR THE ASSIGNMENT OF DUTIES TO STATE AGENCIES UNDER THE LAND AND WATER CONSERVATION FUND ACT OF 1965 (P.L. 94-422); RESCINDING EXECUTIVE ORDER 93-13

01-01 PROVIDING FOR THE ESTABLISHMENT OF THE GOVERNOR'S STATE CAPITOL 2005 COMMISSION

00-02 DIRECTING STATE DEPARTMENTS AND AGENCIES TO FOLLOW A "NO-NET LOSS" POLICY IN REGARD TO WETLANDS

99-20 EMERGENCY EXECUTIVE ORDER ASSIGNING RESPONSIBILITIES TO STATE AGENCIES IN CASE OF EMERGENCY

99-17 DESIGNATING THE COMMISSIONERS OF THE DEPARTMENT OF NATURAL RESOURCES AND THE POLLUTION CONTROL AGENCY AS CO-TRUSTEES FOR NATURAL RESOURCES

99-12 PROVIDING FOR A GOVERNOR'S COUNCIL ON MINNESOTA'S LAKE SUPERIOR COASTAL PROGRAM, AND ASSIGNING RESPONSIBILITY TO THE DEPARTMENT OF NATURAL RESOURCES

99-9 PROVIDING FOR A CLIENT ASSISTANCE PROGRAM FOR INDIVIDUALS RECEIVING OR SEEKING SERVICES UNDER THE REHABILITATION ACT AND CONTINUING THE ASSIGNMENT OF RESPONSIBILITIES TO THE LEGAL AID SOCIETY OF MINNEAPOLIS; RESCINDING EXECUTIVE ORDER 86-7

99-8 PROVIDING FOR PROTECTION AND ADVOCACY FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES AND CONTINUING THE ASSIGNMENT OF RESPONSIBILITIES TO THE LEGAL AID SOCIETY OF MINNEAPOLIS; RESCINDING EXECUTIVE ORDER 86-6

99-7 PROVIDING FOR PROTECTION AND ADVOCACY FOR PEOPLE WITH MENTAL ILLNESS AND CONTINUING THE ASSIGNMENT OF RESPONSIBILITIES TO THE LEGAL AID SOCIETY OF MINNEAPOLIS; RESCINDING EXECUTIVE ORDER 86-5

99-6 PROVIDING FOR THE ESTABLISHMENT OF A MINNESOTA GOVERNOR'S COUNCIL ON GEOGRAPHIC INFORMATION; RESCINDING EXECUTIVE ORDER 93-17

99-4 PROVIDING FOR THE IMPLEMENTATION OF POLLUTION PREVENTION AND RESOURCE CONSERVATION BY STATE GOVERNMENT; RESCINDING EXECUTIVE ORDER 91-17

97-16 PROVIDING FOR HUMAN SERVICES DEPARTMENT APPOINTMENT AUTHORITY

96-9 PROVIDING FOR STATE AGENCY COORDINATION OF THE AMERICANS WITH DISABILITIES ACT

94-9 PROVIDING THE COMMISSIONER OF TRANSPORTATION WITH THE AUTHORITY TO COOPERATE AND ACT AS AGENT IN RECEIVING FEDERAL FUNDS UNDER THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991

93-20 PROVIDING FOR THE RE-ESTABLISHMENT OF THE GOVERNOR'S COUNCIL ON THE MARTIN LUTHER KING, JR. HOLIDAY

92-11 DESIGNATING THE DEPARTMENT OF EDUCATION AS THE LEAD AGENCY IN DEVELOPING COMPREHENSIVE INTERAGENCY EARLY INTERVENTION SERVICES FOR YOUNG CHILDREN WITH DISABILITIES AND THEIR FAMILIES IN ACCORDANCE WITH P.L. 99-457

92-5 PROVIDING FOR ADMINISTRATION OF TECHNOLOGY RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES

91-14 PROVIDING FOR A STATE AFFIRMATIVE ACTION COUNCIL

88-10 PROVIDING FOR THE ESTABLISHMENT OF THE GOVERNOR'S COUNCIL ON FIRE PREVENTION AND CONTROL; RESCINDING EXECUTIVE ORDER 85-13

87-17 PRESCRIBING THE MANUAL FOR MILITARY JUSTICE STATE OF MINNESOTA, 1987; RESCINDING EXECUTIVE ORDER 83-28

84-1 CREATING THE UPPER MISSISSIPPI RIVER BASIN ASSOCIATION, SUCCESSOR OF THE UPPER MISSISSIPPI RIVER BASIN COMMISSION

Pursuant to *Minnesota Statutes* 2002, section 4.035, subdivision 2, this Order will be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and will remain in effect until rescinded by proper authority or until it expires in accordance with *Minnesota Statutes* 2002, section 4.035, subdivision 3.

IN TESTIMONY WHEREOF, I have set my hand this 4th day of April, 2003

Tim Pawlenty
Governor

Filed According to Law:

Mary Kiffmeyer
Secretary of State

Board Packet

MARSHALL-BELTRAMI SOIL AND WATER
CONSERVATION DISTRICT

P.O. Box 16
Grygla, Minnesota 56727
Telephone (218) 294-6144

FEB 26 2004

MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

February 23, 2004

Ron Harnack,
Executive Director
Board of Water and Soil Resources
One West Water Street, Suite #200
St. Paul, MN 55107

Dear Mr. Harnack:

Re: Disproportionate Cuts by Counties to SWCD's

The Marshall-Beltrami Soil and Water Conservation District (SWCD) is aware of Minnesota statute language (Minnesota Laws 2003, Chapter 129, Section 7 [SF905}) which states: **"The board (BWSR) may reduce the amount of the natural resource block grant (NRBG) to a county by an amount equal to any reduction in the county's general services allocation to a soil and water conservation district (SWCD) from the county's previous year allocation when the board determines that the reduction was disproportionate."**

In 2003, the Beltrami County allocation to the Marshall-Beltrami SWCD was $22,000.00. The allocation for 2004 has been reduced to $.00. The county has changed from giving an allocation directly to the SWCD to having the SWCD list the services they provide (along with the cost) with the County then deciding which services to fund. To date, they have decided not to fund any district programs for 2004. (We are still negotiating with the County to administer the WCA Program).

Although we feel this situation fits the above criteria for a reduction in the county's NRBG funds, we are not asking BWSR to take any action at this time. We are asking, however, that we are able to retain the right to make such a request in the future in regards to this situation, if the Marshall-Beltrami SWCD deems requesting such action to be appropriate.

Sincerely,

Wally Byklum

Wally Byklum, Chairman
Marshall-Beltrami SWCD

WB:chs
cc:files
Bill Best, BWSR Board Conservationist
BWSR Board

Board Packet

MINNESOTA DEPARTMENT OF AGRICULTURE

FROM THE FARM TO YOUR FAMILY

Agricultural Resources Management & Development Division
phone 651-296-7686 fax 651-297-7678

Date: March 2, 2004

To: Gene Merriam & Wayne Edgerton, DNR, fax # 6-4799
Sheryl Corrigan, MPCA, fax # 6-6334
Wayne Anderson, MPCA, fax # 7-8683
Ron Harnack & Doug Thomas, BWSR, fax# 7-5615
Teri Velner, Office of Gov. Tim Pawlenty, fax # 6-2089
Jason Rohloff, Office of Gov. Tim Pawlenty, fax# (202) 624-5425
Bill Hunt & Paul Flynn, NRCS Mn Office, fax # 602-7914
Senator Norm Coleman, fax # (202) 224-1152
Senator Mark Dayton, fax # (202) 228-2186
Rep. Gil Gutknecht, fax # (202) 225-3246
Rep. Mark Kennedy, fax # (202) 225-6475
Rep. John Kline, fax # (202) 225-2595
Rep. Betty McCollum, fax # (202) 225-1968
Rep. James Oberstar, fax # (202) 225-0699
Rep. Collin Peterson, fax # (202) 225-1593
Rep. Jim Ramstad, fax # (202) 225-6351
Rep. Martin Olav Sabo, fax # (202) 225-4886

Number of Pages (including this page): 4

From: Barbara Weisman, phone 651-282-6831,
e-mail, barbara.weisman@state.mn.us

Message: Attached is a copy of the letter faxed to USDA-NRCS today from four Minnesota state agencies (Agriculture, Natural Resources, Pollution Control, and the Board of Water and Soil Resources) commenting on the proposed rule for the Conservation Security Program (CSP). Please contact me if you would like an (unsigned) electronic copy of the letter.

Minnesota Department of Agriculture

Minnesota Department of Natural Resources

Minnesota Pollution Control Agency

Minnesota Board of Water and Soil Resources

March 2, 2004

Conservation Security Program Comments
Attention: David McKay
NRCS Conservation Operations Division
P.O. Box 2890, Washington, D.C. 20013

via fax to (202) 720-4265

Dear Mr. McKay,

We are writing to respond to the proposed rule for the Conservation Security Program (CSP). As a top agricultural state, Minnesota has a strong interest in CSP because it is an innovative program that promises to offer agricultural producers meaningful financial incentives and rewards for environmental stewardship on working farms. CSP will "keep working lands working" while benefiting soil, water, and wildlife in Minnesota and across the nation. Our comments reflect a unified perspective on the CSP proposed rule by the Minnesota Department of Agriculture, the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and the Minnesota Board of Water and Soil Resources.

Most of our comments concern features of the proposed rule that are designed to limit the size and scope of CSP in response to a temporary cap on funding, which Congress has since removed. We urge USDA to issue a revised rule as soon as possible to reflect this change in funding status, which allows CSP to be implemented without these restrictive features starting in federal fiscal year (FY) 2005.

CSP Implementation in FY2004

The following comments apply only to CSP implementation in FY2004, funded at $41 million nationwide.

- **State Pilot Projects.** In FY2004, instead of restricting the program to a handful of nationally selected watersheds, consider allocating funds to the states to conduct pilot projects that address national and state resource concerns. Funds could be allocated among the states equally or based on factors such as the number of farmers or acres of farmland in each state. Give State Conservationists ample flexibility to implement the pilot projects and require states to report on lessons learned, as input for developing CSP revised, supplemental, and/or final rules.
- **Watershed Prioritization.** If USDA does restrict the program to selected watersheds in FY2004 due to severely limited funding, then State Conservationists should be allowed to play a role in ranking the watersheds, with input from State Technical Committees.

Minnesota Department of Agriculture • 90 West Plato Boulevard • St. Paul, MN 55107 • Phone 651/296-4435 • Fax 651/297-5522
Minnesota Department of Natural Resources • 500 Lafayette Road North • St. Paul, MN 55155 • Phone 651/297-8341 • Fax 651/296-4799
Minnesota Pollution Control Agency • 520 Lafayette Road North • St. Paul, MN 55155 • Phone 651/296-7323 • Fax 651/296-6334
Minnesota Board of Water and Soil Resources • 1 West Water Street • St. Paul, MN 55107 • Phone 651/297-5617 • Fax 651/297-5615

CSP Implementation in FY2005 and Beyond

The comments below concern key features of the proposed rule that we recommend be changed when USDA writes the revised, supplemental, and/or final rules that will guide CSP implementation in FY2005 and future years.

- **Priority Watersheds.** CSP should be available to producers nationwide as of FY2005, when the funding cap is effectively lifted. We recognize that USDA may restrict the program to selected watersheds in FY2004, but strongly oppose continuing this approach in future years.
- **Enrollment Categories.** CSP should be available to all types of working farms, not just those that fit certain, as yet undefined "enrollment categories."
- **Sign-Up Periods.** The opportunity to enroll in CSP should be ongoing year-round (as for the Conservation Reserve Program Continuous Sign-Up).
- **Resource Concerns.** We support designating soil quality and water quality as nationally significant resource concerns, but also encourage allowing each State Conservationist to designate a limited number of additional state-level priority resource concerns, in consultation with the State Technical Committee.
- **Minimum Eligibility Requirements.** Requiring producers to have already met all soil and water resource quality criteria standards before enrolling in CSP would set the bar for eligibility too high. CSP should promote high environmental standards yet give producers who apply new practices a chance to achieve those high standards while enrolled—for example, by the end of the third year of the contract.
- **Conservation Practices.** Limiting the number of practices eligible for CSP cost-share runs counter to the program's goal of encouraging whole-farm conservation planning. Any NRCS-approved practice should be eligible (except animal waste transport and storage, as stated in the law), as long as it is appropriate to meet standards or enhance performance for designated resource concerns in a site-specific conservation plan.
- **Payments.** The proposed payment formulas are inadequate to provide meaningful rewards and incentives for good stewardship. We suggest: 1) Eliminating the part of the formula that reduces base payment rates by 90 percent, since the law already provides an effective reduction factor for each tier; 2) Increasing the cost-share rate to at least 50 percent, on par with other farm bill conservation programs; and, 3) Ensuring that enhancement payments to reward producers for additional effort and exceptional performance are substantial enough to constitute a bonus.

The remaining comments address a few of the specific questions distributed by NRCS at CSP listening sessions. Additional questions are being addressed in comments submitted by other Minnesota stakeholders.

- **Tenant Eligibility.** Most agricultural land in Minnesota is rented in short-term leases. The proposed rule would unfairly disqualify or limit participation in CSP by many conservation-minded producers based solely on their inability to show control of a parcel for the life of the contract. Rather than making such producers or parts of the land they rent ineligible for CSP payments, the rule should permit them to modify a CSP contract if a lease is lost through no fault of their own.

- **Changes in Land Use.** CSP participants should not be penalized by a reduction in the base payment if they convert cropland to pasture or other perennial cover to adopt a less intensive production system, such as prescribed rotational grazing—nor for maintaining such an existing system on land suitable for crops. A potential solution may be to value such land as "pastured cropland" at cropland rates.
- **Incidental Forest Land.** We suggest the following definition: "Incidental forest lands are the wooded or forested portions of a farm that do not regularly contribute a significant portion of the annual income of the agricultural operation but meet the proposed rule's definition of forestland and contribute to the overall stewardship of its soil, water and biological resources, including but not limited to timber and wildlife." Appropriate levels of treatment for incidental forest land should be determined by State Conservationists, in consultation with State Technical Committees.

CSP Funding

We are pleased that the Administration has recommended significantly more funding for CSP in FY2005 than in FY2004. This is an important step in the right direction. The amount recommended, however, still amounts to a cap on CSP funding, which would limit the program's effectiveness. As in the past, Minnesota will again join other states in urging Congress to leave CSP funding uncapped, in keeping with the program's entitlement status.

We thank you and NRCS for the opportunity to comment on the CSP proposed rule. If you have any questions about our comments, please feel free to contact any of the following agency staff: Perry Aasness, Assistant Commissioner, Minnesota Department of Agriculture, (651) 296-4435; Wayne Anderson, Agricultural Policy Director, Minnesota Pollution Control Agency, (651) 296-7323; Wayne Edgerton, Agricultural Policy Director, Minnesota Department of Natural Resources, (651) 297-8341; or Doug Thomas, Assistant Director, Minnesota Board of Water and Soil Resources, (651) 297-5617.

Sincerely,

Gene Hugoson, Commissioner
Minnesota Department of Agriculture

Sheryl Corrigan, Commissioner
Minnesota Pollution Control Agency

Gene Merriam, Commissioner
Minnesota Department of Natural Resources

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

cc: NRCS State Conservationist Bill Hunt and Assistant State Conservationist Paul Flynn
U.S. Senators Norm Coleman and Mark Dayton
U.S. Representatives Gil Gutknecht, Mark Kennedy, John Kline, Betty McCollum, James Oberstar, Collin Peterson, Jim Ramstad, and Martin Olav Sabo

USDA FARM SERVICE AGENCY

UNITED STATES DEPARTMENT OF AGRICULTURE
375 JACKSON STREET, SUITE 400
ST. PAUL, MN 55101-1852

MINNESOTA STATE OFFICE
Phone (651) 602-7700
FAX: (651) 602-7743

Doug T. Board Packet - FYI

Kevin FYI I got a copy! Thanks - KJL

RECEIVED
FEB 18 2004
Board of Water & Soil Resources
St. Paul

February 12, 2004

RE: Continuous Conservation Reserve Program

To: State Technical Committee and CRP Subcommittee Members:

The Continuous Conservation Reserve Program (CCRP) Sign-up, which began on September 4, 1996, is designed to target and enroll small, environmentally sensitive acreages into long term conservation covers. The USDA-Farm Service Agency administers the CCRP in cooperation with many of the various agencies and organizations represented on the State Technical Committee and CRP Subcommittee. The CCRP continues to be a very popular program in Minnesota with over 200,000 acres enrolled, this second only to Iowa, see map enclosed for county enrollment. Since 1996 new practices have been added to the CCRP allowing virtually every Minnesota farm to have some land that would be potentially eligible for the CCRP provided all other policy requirements are met. We have enclosed for your use and review a Minnesota CCRP Fact sheet that outlines the basic program policies and provides a list of conservation practices which are available.

One of the goals we have set for the CCRP is to enroll another 100,000 acres of environmentally sensitive land here in Minnesota in the remaining years of the 2002 Farm Bill. We are committed to the goal of enrolling an average of 25,000 acres in each of the years 2004, 2005, 2006, and 2007. However, we recognize that to achieve the goal it will take the continued effort and cooperation of many agencies and organizations. As in the past, we want to build on these efforts that have and are taking place in many counties across Minnesota. Therefore, one of the efforts occurring at the local county FSA offices in Minnesota is a series of CCRP stakeholder meetings. Many of the same agencies and organizations represented on the State Technical Committee and CRP Subcommittee are being invited to these meetings. The purpose of these meetings is for the local stakeholders to get together to discuss the many opportunities the CCRP has to offer and to identify conservation needs, and how programs like the CCRP and other federal, state, county and private programs can be used to best address the local natural resource concerns. In addition we have instructed county FSA staff to make certain there is a plan in place to ensure that all landowners and operators are made aware of the opportunities within the CCRP and how all the stakeholders can work cooperatively to make certain the CCRP is administered effectively and efficiently. This will require close communication and cooperation.

The CCRP remains a high priority with FSA and many members of the State Technical Committee and the CRP Subcommittee. Therefore, I want to make certain you are aware of the extra effort FSA is taking here in Minnesota to enroll additional acreage into the CCRP. We look forward to the continued cooperation, efforts and assistance your agency/organization has to offer in achieving another 100,000 acres of CCRP in Minnesota.

Please feel free to contact me or Program Specialist Greg Anderson or his staff (651-602-7731) here in the State Office if you would like to discuss any of these efforts further.

Sincerely,

John Monson
State Executive Director

Enclosures

Farm Service Agency is an Equal Opportunity Agency.
Complaints of Discrimination should be sent to: Secretary of Agriculture, Washington, D.C. 20250

USDA

Minnesota Fact Sheet

Conservation Reserve Program
Continuous Signup for High Priority
Conservation Practices

February 2004

Authorization

The Food Security Act of 1985, as amended, authorizes the Conservation Reserve Program (**CRP**), which is administered by the Commodity Credit Corporation (**CCC**) through the United States Department of Agriculture (USDA)-Farm Service Agency (FSA).

Overview

CRP is a voluntary program with an objective to cost-effectively assist owners and operators in conserving and improving the nation's natural resource base. CRP provides an opportunity for Minnesota's environmental resources to be conserved by placing long term conservation covers on eligible land. CRP covers protect the nation's soil, water, and wildlife resources; improves and preserves water quality; enhances fish and wildlife habitat. Enrollment in CRP provides participants with financial benefits as well by receiving annual rental payments based on the agricultural rental value of the land and includes a per acre maintenance rate, cost share assistance for implementing conservation practices (**CP**) and, on eligible practices, incentive payments are also offered.

More detailed information pertaining to CRP can be found on USDA's Website at: http://www.fsa.usda.gov/dafp/cepd/crp.htm

CRP Continuous Signup

The Continuous CRP (**CCRP**) which began on September 4, 1996 is designed to target and enroll small, environmentally sensitive acreages.

Participants who wish to enroll land into the CCRP may do so at any time. Offers for the continuous signup are not subject to competitive bidding as they are with a general CRP signup. Offers are automatically accepted provided the land and producer meet certain eligibility criteria. Eligible land may be enrolled in CCRP contracts from 10 to 15 year durations.

To find your local FSA office, visit FSA's web site at: http://oip.usda.gov/scripts/ndisapi.dll/oip_agency/index?state=us&agency=fsa

Producer Eligibility

Eligible participant's can include

- Individuals
- Associations
- Trusts
- Other legal entities
- Local governments
- Indian tribal ventures
- Corporations
- Joint stock companies
- Estates
- State governments
- Joint operations

To be eligible for CRP continuous signup enrollment, a producer must have owned or operated the land for at least 12 months prior to submitting the offer, unless:

- The new landowner acquired the land due to will or succession as a result of death; or
- The circumstances of the acquisition present adequate assurance to FSA that the new owner did not acquire the land for the purpose of placing it in CRP.

Eligible Land

To enroll land in CRP it must meet the following classification requirements:

- Cropland: planted or considered planted to an agricultural commodity during 4 of the 6 crop years from 1996 through 2001 (including field margins) which is physically and legally cable of being cropped in a normal manner to an agricultural commodity.
- Certain marginal pastureland that is immediately adjacent and parallel to 1 of the following: perennial stream, seasonal stream, a permanent body of water; and devoted to a riparian buffer (planted or natural regeneration), wildlife habitat buffer, or wetland buffer.

Eligible Practices and Technical Assistance

The Natural Resources Conservation Service (**NRCS**) or a Technical Service Provider (**TSP**) must determine based on a site visit the suitability of the practice for the acreage offered and the need and feasibility of the offered practice to solve a resource concern. Beginning with CRP General Signup 26 as a part of the conservation plan developed by NRCS or the TSP mid-contract management will be required. These management activities will be designed to ensure plant diversity and wildlife benefits while ensuring protection of the soil and water.

Refer to pages 3, 4 and 5 for more detailed CCRP practice information.

Federal Crop Insurance Requirements

CRP participants on acreage that was enrolled on or after October 13, 1994, must be in compliance with the Federal Crop Insurance Reform Act to remain eligible for participation.

Continued ➥

Adjusted Gross Income

Beginning May 13, 2002, an average Adjusted Gross Income (AGI) limitation became effective for certain programs, including CRP. For CRP and beginning with the 2003 crop year producers must provide a certification of whether or not their average AGI exceeds $2.5 million, and less then 75 percent of the average AGI is derived from farming, ranching, or forestry operations.

HEL and Wetland Provisions

CRP participants must comply with the highly erodible land (**HEL**) conservation and wetland conservation provisions.

Payment Limitations

The following CRP payments count towards the $50,000 per person per year CRP payment limitation:

- Annual rental payments (rental rate, incentive rate, maintenance rate)
- Signing Incentive Payment (SIP)
- Practice Incentive Payment (PIP)
- CP23 Wetland restoration practice incentive

Contract Effective Date

In most instances, the effective date of the CRP continuous signup contract is the first day of the month following the month of FSA County Committee approval. In certain circumstances, producers may defer the effective date for up to six months.

However, if the acreage offered for the Continuous CRP Signup is currently under CRP contract and is in its last year of the scheduled expiration date, the effective date of the continuous signup contract is October 1 following the expiration date of the existing CRP contract.

CRP Continuous Signup Payments

- **Rental Payments**

Participants will receive an annual rental payment from CCC for the life of the contract. These payments are based on the relative productivity of the soil and the average dryland cash rent or cash rent equivalent. In cases where the first year of the contract may be in effect for less than 12 months this payment will be prorated.
Rental rates for marginal pastureland practices were revised in April 2000 to better reflect the value of such lands being offered for the CCRP.

As a part of the annual rental payment an incentive of 20 percent is added to the soil rental rate for practices CP5A, CP8A, CP21, CP22, CP27, and CP28. A payment incentive of 20 percent is added to the marginal pastureland rental rate for practices CP22, CP29, and CP30. Also a 10 percent incentive is available for practices in approved wellhead protection areas (CP1, CP2, CP3, CP3A, CP4B, CP4D, and CP10).

For CCRP practices there is an additional per acre maintenance rate, ranging from $5.00 - $10.00 depending on the type of practice, which will be included in the annual rental payment. Participants may elect to receive an amount less than the maximum payment rate.

- **Cost Share Payments**

CCC will provide cost share assistance up to 50% of the eligible cost for the establishment of the CCRP practice and for eligible and approved mid-contract management activities.

- **Incentive Payments**

On applicable practices a one-time Signing Incentive Payment (**SIP**) is available to participants after contract approval and payment eligibility are met. The SIP is calculated by multiplying the number of eligible acres enrolled times the number of full years of the CRP contract times $10.00.

The SIP is to help the participant defray up front costs for the following practices: CP5A, CP8A, CP16A, CP17A, CP21, CP22, CP27, CP28, CP29, and CP30.

A one-time Practice Incentive Payment (**PIP**) is available to participants after a practice is completely installed, all eligible costs are verified, payment eligibility, and certification of compliance are met. The PIP is equal to 40 percent of the total eligible practice installation costs. All CCRP practices are eligible to receive a PIP except 15B, CP23 and CP31.

A one-time incentive payment equal to 25 percent of the eligible cost of restoring the hydrology of the site is available on practice CP23-Wetland Restoration.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C., 20250-9410, or call (202) 720-5964 (voice or TDD).

USDA is an equal opportunity provider and employer.

Continued ➥

Continuous Conservation Reserve Program Practice Information

Practice	Length of contract	Description
CPl Grasses and Legumes 2/ **NRCS Standard 645**	10	Establish vegetative cover of introduced grasses and legumes that will enhance environmental benefits. *(10 % SRR incentive, $5.00 maintenance rate, PIP)*
CP2 Native Grasses 2/ **NRCS Standard 645**	10	Establish vegetative cover of native grasses that will enhance environmental benefits. *(10 % SRR incentive, $5.00 maintenance rate, PIP)*
CP3 Tree Planting 2/ **NRCS Standard 612**	10	Establish a stand of trees in a timber planting that will enhance environmental benefits. *(10 % SRR incentive, $5.00 maintenance rate, PIP)*
CP3A Hardwood Tree Planting 2/ **NRCS Standard 612**	10 to 15 1/	Establish a stand of predominately hardwood trees in a timber planting that will enhance environmental benefits. *(10 % SRR incentive, $5.00 maintenance rate, PIP)*
CP4B Wildlife Habitat Corridor 2/ **NRCS Standard 645**	10 to 15 1/	Establish a permanent wildlife corridor between two existing wildlife habitat areas that are not connected by a suitable corridor for environmental benefits. *(10 % SRR incentive, $5.00 maintenance rate, PIP)*
CP4D Wildlife Habitat 2/ **NRCS Standard 645**	10	Establish a permanent wildlife habitat cover to enhance environmental benefits for the wildlife habitat of the designated surrounding areas. *(10 % SRR incentive, $5.00 maintenance rate, PIP)*
CP5A Field Windbreak **NRCS Standard 380**	10 to 15 1/	Establish field windbreaks to improve the environmental benefits of a farm or ranch to reduce cropland erosion below soil loss tolerance and enhance wildlife habitat. *(20% SRR incentive, $5.00 maintenance rate for existing CRP, $7.00 maintenance rate for new land, SIP, PIP)*
CP8A/ Grass Waterway **NRCS Standard 412**	10	Convey runoff from terraces, diversions, or other water concentrations without causing erosion or flooding and improve water quality. *(20% SRR incentive, $5.00 maintenance rate, SIP, PIP)*
CP9 Shallow Water Areas for Wildlife **NRCS Standard 657**	10	To develop or restore shallow water areas to an average depth of 6 to 18 inches for wildlife for the majority of the year. *($5.00 maintenance rate, PIP)*
CP10 Vegetative Cover – Grass Already Established 2/ **NRCS Standard 327**	10	Maintain existing grass cover. *(10 % SRR incentive, $5.00 maintenance rate)*
CP15A Contour Grass strips **NRCS Standard 332**	10	Establish strips of permanent vegetative cover following the contour on eligible cropland alternated with wider cultivated strips farmed on the contour that will reduce erosion and control runoff. *($5.00 maintenance rate, PIP)*
CP15B Contour Grass Strips on Terraces **NRCS Standard 332**	10	Establish vegetative cover on terraces that are no longer under lifespan to enhance water quality and reduce erosion. *($5.00 maintenance rate)*

Continued ➥

Continuous Conservation Reserve Program Practice Information (Continued)

CP16A Shelterbelt **NRCS Standard 380**	10 to 15 1/	Establish shelterbelts on a farm or ranch to protect farmsteads or livestock areas from serious wind and to save energy and enhance wildlife habitat. *($5.00 maintenance rate for existing CRP, $7.00 maintenance rate for new land, SIP, PIP)*
CP17A Living Snow Fence **NRCS Standard 380**	10 to 15 1/	Establish living snow fences on a farm or ranch to manage snow, provide living screen, enhance wildlife habitat, and protect lives. *($5.00 maintenance rate for existing CRP, $7.00 maintenance rate for new land, SIP, PIP)*
CP18B Permanent Vegetation to Reduce salinity **NRCS Standard 327**	10	Establish permanent salt tolerant vegetative cover within saline seep areas or establish vegetative cover in areas causing seeps. *($5.00 maintenance rate, PIP)*
CP18C Establishment of Permanent Salt Tolerant Vegetative Cover **NRCS Standard 327**	10	Establish permanent salt tolerant vegetative cover on eligible cropland with existing high water tables. *($5.00 maintenance rate, PIP)*
CP21 Filter Strips **NRCS Standard 393**	10 to 15 1/	Establish a vegetative grass cover that will remove pollutants from surface runoff and subsurface flow thereby reducing pollution and protect surface water and subsurface water quality. *(20% or SRR incentive, $5.00 maintenance rate for existing CRP and new land with no fencing or water facility; $9.00 maintenance rate for new acres with fencing, $10.00 maintenance rate for new acres with fencing and water development, SIP, PIP)*
CP22 Riparian Buffer **NRCS Standard 391**	10 to 15 1/	Establish a stand of trees that will remove pollutants from surface and subsurface flow thereby reducing pollution and protect surface water and subsurface water quality, create shade to lower water temperature to improve habitat for aquatic organisms, provide a source of detritus and large woody debris for aquatic organisms and habitat for wildlife. *(20% SRR incentive, $5.00 maintenance rate for existing CRP, $7.00 maintenance rate for new acres with no fencing or water facility, $9.00 maintenance rate for new acres with fencing/no water development, $10.00 maintenance rate for new acres with fencing and water development, SIP, PIP)*
CP23 Wetland Restoration **NRCS Standard 645, 657**	10 to 15 1/	Restore the functions and values of wetlands adjacent to permanent streams and rivers within the 100-year flood plain to restore and enhance water quality, reduce impacts of flood events, enhance wildlife habitat, protect and restore floodplains. The level of restoration of the wetland ecosystem shall be determined by the applicant in consultation with the USDA. *(25% incentive for restoring the hydrology of the site, $5.00 maintenance rate)*
CP24 Establishment of Permanent Vegetative Cover as Cross Wind Trap Strips **NRCS Standard 589**	10	Establish 1 or more strips, varying in size, of permanent vegetative cover resistant to wind erosion that will reduce on-farm wind erosion, trap wind-borne sediments and sediment borne contaminants, help protect public health and safety. *($5.00 maintenance rate, PIP)*

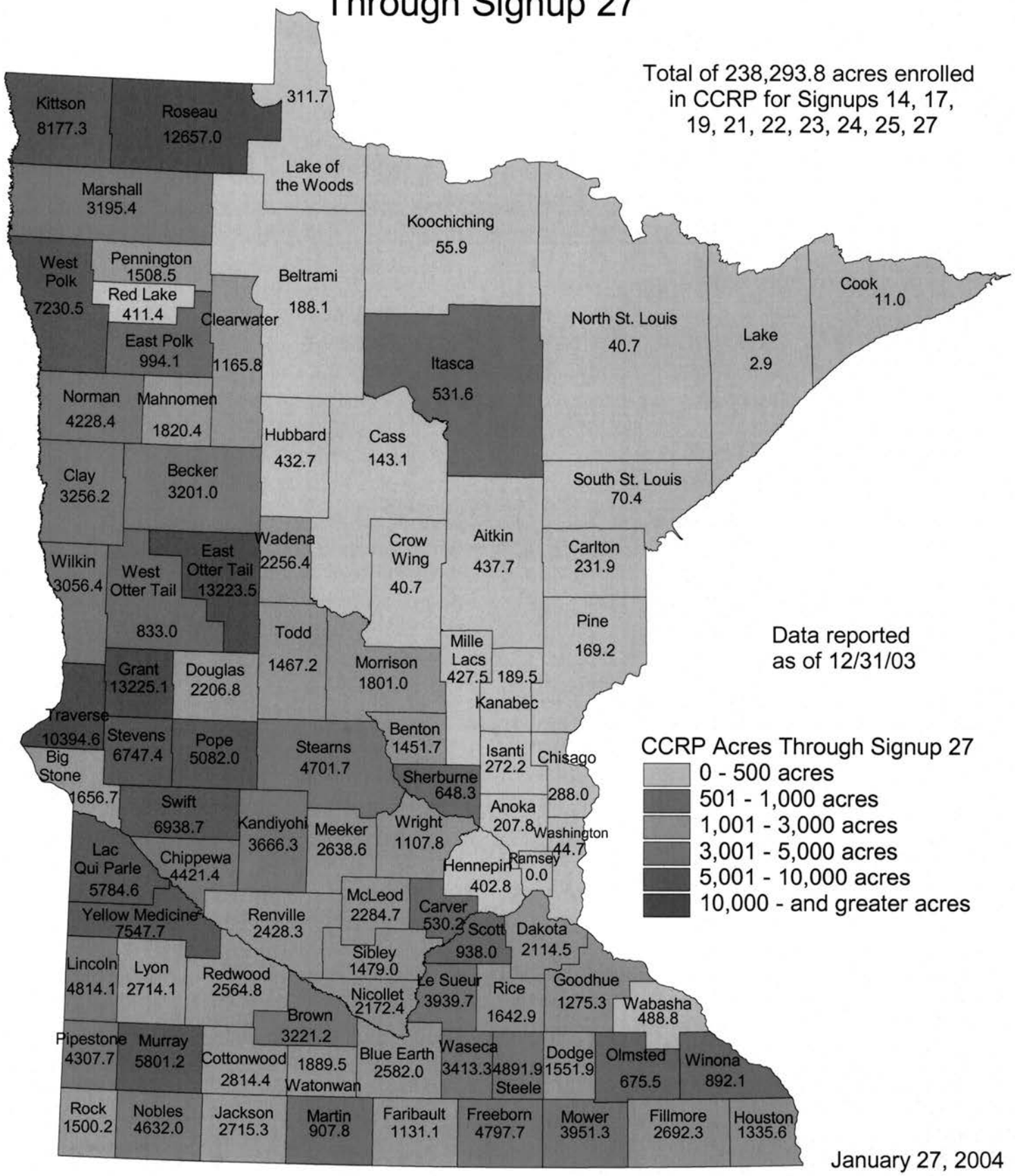
Continuous Conservation Reserve Program Practice Information (Continued)

CP27 Farmable Wetlands **NRCS Standard 657**	10 to 15 1/	To restore the functions and values of those wetlands that have been devoted to agricultural use. Hydrology and vegetation must be restored to the maximum extent possible, as determined by USDA. *(20% SRR incentive, $5.00 maintenance , SIP, PIP)*
CP28 Farmable Wetlands Buffer **NRCS Standard 645**	10 to 15 1/	To provide vegetative buffer around wetlands (CP27) to remove sediment, nutrients and pollutants from impacting the wetland and to provide wildlife habitat for the associated wetland. *(20% SRR incentive, $5.00 maintenance , SIP, PIP)*
CP29 Marginal Pastureland Wildlife Habitat Buffer **NRCS Standard 645**	10 to 15 1/	To remove pollutants from surface runoff and subsurface flow by restoring native plant communities thereby reducing pollution and protecting surface water and subsurface water quality while assisting in stabilizing stream banks, reducing flood damage impacts, and restoring and enhancing wildlife habitat. *(20% MPL incentive, $5.00 maintenance rate when no fencing or water facility; $9.00 maintenance rate for new acres with fencing, $10.00 maintenance rate for new acres with fencing and water development, SIP, PIP)*
CP30 Marginal Pastureland Wetland Buffer **NRCS Standard 645**	10 to 15 1/	The practice will enhance and/or restore hydrology and plant communities associated with existing or degraded wetland complexes which will enhance water quality, reduce nutrient and pollutant levels, and improve wildlife habitat. *(20% MPL incentive, $5.00 maintenance rate when no fencing or water facility; $9.00 maintenance rate for new acres with fencing, $10.00 maintenance rate for new acres with fencing and water development, SIP, PIP)*
CP31 Bottomland Timber Establishment on wetlands **NRCS Standard 612**	14 to 15	Establishment of bottomland hardwood trees or adapted shrubs that will provide multipurpose forest and wildlife benefits within the recognized 100-year flood plain for a river or stream with permanent flow. *($5.00 maintenance rate)*

1/ Producer shall elect a contract period of 10 and 15 years

2/ Practice eligible within approved wellhead protection areas only.

Minnesota
Continuous CRP Acres Enrolled
Through Signup 27



MAR 1 0 2004 JH

The Coalition for a Clean Minnesota River

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Randy Krzmarzick
Director, President

Patrick Lowther
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Kim Olson
Director

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Director

Scott Sparlin
Executive Director
Coordinator

Granite Falls Ethanol Plant Comments February 21, 2004

The mechanics of using river water for the production of Ethanol are probably sound. Discharge water can even be an improvement to the quality of the water presently existing in the Minnesota River if the proper and insured safeguards are adhered to.

The need for using Minnesota River water re-emphasizes the importance of conserving this water on the landscape for present and future domestic, industrial and economic needs.

The Minnesota Drainage Code, written at the turn of the last century, views water as the "enemy" for agricultural purposes. The present Corps of Engineers operational plan for the Minnesota River emphasizes rapidly discharging excess water from artificially drained agricultural lands.

In the case of the Ethanol industry, we can foresee agricultural interests demanding more drainage of land to increase the production of corn to meet the increased demand. We can also foresee more demands of land and water resources for the production of livestock in order to make use of the byproducts the industry will create.

As you can most likely see, if provisions and assurances are not made now to protect the integrity of our water resources, we will continue down the path of a non-sustainable agricultural industry.

We must work towards a balanced harmony with our natural environment if Minnesota is to continue to be a suitable place to live and work.

The Coalition for a Clean Minnesota River (CCMR) and similar interest groups has worked hard to try to reach such a balance. Some of these efforts have been met with continued assaults on the environment and escalating demands for "ransom payments" not to pollute. These demands are often made on the premise of "property rights". The question may be asked: what property right is there that permits passing on the environmental costs of ones actions on to others?

CCMR looks forward to working with agricultural interests who will be pro-active in managing our water resources for the benefit of greater society and future generations.

Agricultural interests can start by taking a pro-active roll in wetland restorations, perpetual set aside lands, and asking the Army Corps of Engineers to review its operating plan which rapidly discharges excess seasonal water.

Such a pro-active approach would enhance fish and wildlife production; allow for ground water recharge; increase recreational opportunities; and provide a clean water source for domestic as well as agricultural and industrial needs.

Clean water is perhaps our most important natural resource and without a doubt is essential to life itself. It is important that we work together so that Minnesota remains a desirable and healthy place to live and work.

Del Wehrspann, Montevideo MN

On behalf of the Board of Directors and Membership, CCMR

MJ - PJS

NEWS RELEASE

Minnesota Board of Water and Soil Resources • One West Water Street, #200 • St. Paul, MN 55107
Contact: Peter Raeker, Communications Office; 651-296-0884; fax: 651-297-5615 • www.bwsr.state.mn.us

March 10, 2004
For immediate release

Contact: **Peter Raeker, BWSR, 651-296-0884**
Myron Jesme, Red Lake Watershed District, 218-681-5800

NW FLOOD-REDUCTION PROJECT SELECTED AS A CLEAN WATER INITIATIVE DEMONSTRATION PROJECT

THIEF RIVER FALLS, MN—Some of the most fertile farmland in the Red River Valley will be protected through an estimated $10 million flood-reduction project being planned in an area north of Crookston, Minn.

Once all structural components of the project are in place, approximately 40 square miles of flood-prone land would be protected in the Polk County Ditch 2 portion of the Grand Marais Creek subwatershed up to a 10-year, 24-hour frequency storm (3.5 inches). In addition, infrastructure – homes, bridges, and roads downstream of the project components in the 100 square mile drainage area – would be protected from a 100-year frequency event.

Other benefits include a 20 percent reduction in sediment loading by installing buffer strips and implementing Best Management Practices across the project area. Fish and wildlife habitat would also be enhanced by wetland and prairie restorations, a channel restoration, and riparian buffer strip installations.

"Everyone knows that the Red River Valley has been hard hit by frequent flooding in the past 10 years," said Myron Jesme, Red Lake Watershed District administrator. "These projects will help reduce flood damages to our farmland, roads, and infrastructure." The Red Lake Watershed District is overall project manager.

Crops have been hard hit as a result of flooding in the area. For example, the West Polk County Farm Service Agency reported that flash flooding in June 2000 resulted in a 90 percent loss of the potato crop. The FSA estimated that the West Polk County area experienced more than $44 million in crop loss due to flooding in June 2002. Polk County alone reported repair estimates of $392,400 to roads and bridges, $41,000 for recreational sites, and $10,000 needed for protective measures as a result of early June 2002 flood events. Red Lake Watershed reported $147,000 in damages and the Sand Hill Watershed reported $146,000 in damages in the same flood events.

"By using a variety of approaches to help reduce flood damage, the project will provide cost-savings to our farmers and taxpayers in an area that has seen its share of disasters," Jesme said.

-More-

Funding for the projects would come from a variety of sources, including state bonding money, and cost-share between the Red River Watershed Management Board, the Red Lake Watershed District, and other entities. Costs of ditch improvements would be borne by landowners within the benefited area of the two ditches; the benefiting landowners will need to petition the watershed district for the improvements.

Legislation to help fund the project has been introduced in bonding bills in St. Paul; however, Jesme stresses that whether or not the project moves forward is contingent on passage of the bonding legislation.

The project has been named one of several demonstration projects within Gov. Pawlenty's Clean Water Initiative. These projects, selected from four regions in Minnesota, represent some of the state's most unique and important water resource challenges. The Governor's Clean Water Cabinet recently approved the project.

For this subwatershed, the challenge is flooding, with a related problem of undersized ditches for the area that they are supposed to drain. A typical ditch draining into the Grand Marais Creek has the capacity to handle runoff from a 1-2 year frequency rain event, which is 2 inches in 24 hours. Because of the low capacity, flooding and crop losses occur on an almost annual basis.

One of the largest components of the overall project is the construction of two impoundments in the eastern edge of the sub-watershed. The Brandt Impoundment would have an estimated storage volume of 3,500 acre-feet. The Euclid East Impoundment would have an estimated storage volume of 2,500 acre-feet.

The project also includes local participation through ditch improvements to County Ditch 2 and County Ditch 66, which would improve the capacity to a 5-year frequency event (3 inches in 24 hours). Another aspect is the construction of a ditch outlet that flows into the Grand Marais Creek and the Red River of the North. This activity was to be pursued through the U.S. Army Corps of Engineers Section 206 program, but has since been put on hold by the Corps because of funding shortfalls. It could be addressed through other avenues.

This project has been developed through a project work team created in accordance with the Red River Basin Flood Damage Reduction Work Group Agreement. In the late 1990s, watershed districts, state agencies, and other entities agreed to follow a framework intended to achieve early coordination and consensus on flood damage reduction and natural resources protection and enhancement projects in the valley. If funding components are in place, construction for the impoundments could begin in summer 2005.

Overall project manager is the Red Lake Watershed District. Project partners include the Polk County Soil and Water Conservation District, Polk County, the Red River Watershed Management Board, Department of Natural Resources, Pollution Control Agency, the Board of Water and Soil Resources, Department of Agriculture, University of Minnesota Extension, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, the USDA Natural Resources Conservation Service, and the USDA Farm Service Agency.

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FOR YOUR INFORMATION

April 28, 2004

- BWSR "Update"
- BWSR Adopted Exempt Rules Relating to Watershed District Appeals
- MDA has approved the attached 2004 SRF AG BMP Loan Allocations
- "Halfmann nominated to Farm Service Agency State Committee"
- Soil and Water Conservation Society's Preliminary Program – July 24-28, 2004, Radisson Riverfront Hotel, St. Paul

Minnesota Board of Water & Soil Resources

Board of Water and Soil Resources UPDATE

A publication of the Minnesota Board of Water and Soil Resources April 2004

ENGINEERING

The Conservation Technical Assistance Committee (CTAC) met again on March 30 and April 22 to finalize recommendations for a more sustainable service delivery model for SWCD shared technical assistance. This model is to be implemented starting in FY 06. Program expectations include statewide coverage for Professional Engineer assistance to and through SWCDs (including PE sign-off), capable technicians, and up-to-date technology. After the March 30 meeting, a subcommittee developed draft requirements regarding performance measures and local match. This led to some disagreement and further discussion at the April 22 meeting to reach CTAC agreement. The final recommendations include a hard local match for shared technical assistance (from local, other state, or federal funds) and an annual plan and budget for providing adequate engineering assistance within each technical service area (TSA). These recommendations are currently being compiled with previously agreed to model characteristics for final review by CTAC members prior to leading out to the eleven SWCD Joint Powers Boards and all SWCDs and subsequent recommendation to the BWSR board. Stay tuned – more specifics will be available soon.

In 2003, the MPCA provided funding to BWSR to help lead a project to resolve conditional approval by NOAA and EPA of Minnesota's Coastal Nonpoint Program submitted in July 2001. Former BWSR coastal engineer, Gene Clark, was a primary player in this interagency partnership with MPCA and DNR. Failure to resolve the six NOAA/EPA conditions would make Minnesota subject to up to a 30 percent reduction in EPA 319 funding. Recently, Al Kean, together with Brian Fredrickson, MPCA – Duluth, and Mike Peloquin, DNR – Two Harbors, interviewed two candidates for a temporary, full-time project specialist position with BWSR to co-lead this project. We anticipate hiring for this position soon and getting this interagency project back into high gear.

NRCS, MPCA, and BWSR staff involved with feedlots met in early April to discuss the implications of an NRCS national initiative to evaluate the use of vegetated filter strips and infiltration areas for feedlot pollution control. The national cattlemen's association is particularly interested in the use of vegetated filter strips, which have been used in Minnesota for many years for feedlot pollution control, albeit with some ongoing debate and evolution. The current NRCS interim practice standard 784 – Wastewater and Feedlot Runoff Control, which was coordinated with state and federal feedlot rules, is compatible with current research. However, additional research is being facilitated by the NRCS and others at the national level that could affect this standard.

On April 20, MPCA staff gave a presentation entitled "Ditching, Tiling and Draining in MN: Effects, Status and Future Options." This overview presentation noted the increase in contributing drainage area resulting from drainage over the years in example watersheds and the resulting effects on stream hydrology and stream channel change. It was noted that water management, including drainage, involves many entities in Minnesota, as well as many state and federal programs and regulations. The presentation suggested that in order to improve the discussion of the issues three scales should be considered including land scales, water resource system scales, and jurisdictional / authority scales. The presentation also briefly mentioned pertinent research and analysis at the U of M and presented some options for future drainage management to improve water quality locally and on down to the Gulf of Mexico.

On April 23, the Minnesota Milk Producers Association sponsored a training session at the U of M for technicians to assist implementation of its Environmental Quality Assurance (EQA) program. About 20 people participated for certification, which was more than expected. This proactive producer group program was developed over the past several years via a grant from the Legislative

Commission on Minnesota Resources, supplemental funding by Bongaard's Creamery for its direct shippers, and some funding from the MPCA. U of M, MPCA, NRCS, and BWSR staff and others have assisted via consultation and advise. At the training session on April 23, Kevin Lines presented information about conservation easements and wildlife habitat and Al Kean presented information about state feedlot cost-share which is implemented via SWCDs. This EQA program is a great example of producer group initiative supported by the U of M, and local, state, and federal government. The federal Environmental Quality Incentives Program now has an $800 incentive payment for participation in this EQA program or the National Pork Producers' Environmental Assurance Program. State feedlot cost-share is moving to consider participation in these environmental programs as a component of the priority criteria for funding.

-Submitted by Al Kean

LAND & WATER

The *State Cost-Share Program Manual* was last revised in 1996, following the rule revision. Since then, there have been many changes to program requirements, procedures, and policies. In addition, some sections are out-of-date, cumbersome, or incomplete. Consequently, in the spring of '02, the Senior Management Team directed the Grants Team to accomplish a revision of the manual.

To perform this huge effort, the Grants Team re-activated a modified version of the "Team" from 1996, co-chaired by Keith Grow and Michelle Lewis. An e-mail survey was sent to all SWCDs requesting their input for a better mousetrap.

While revising the manual, the team also attempted to make it more readable, concise, informative, and as electronically compatible as practical. Peter Raeker packaged it in an attractive format and the Senior Management Team approved the draft.

BWSR will not be providing printed manuals to SWCDs or BWSR staff. The manual will be available for viewing or printing from the BWSR web site. It is the intent of the Grants Team to keep the electronic version up to date. This will allow users to always have access to the latest accurate version.

Administrative procedures no longer needed or regarded as cumbersome have been simplified. New policies, such as the addition of farmstead windbreaks to the approved practice list, were added. Canceled policies, such as the "area allocation policy," were deleted.

A section was developed and included for Cost Share Non-Compliance. This section will provide BWSR and SWCDs uniform statewide information on violations and penalties for non-compliance issues. Representative conservation practice pictures were added to the Technical Information section.

All forms were updated with completed examples and directions for completion. Simplifications and clarifications were made where possible. Nearly all forms are interactive.

The revised manual will become the new administrative policy for the State Cost-Share Program grants beginning July 1, 2004, with the new fiscal year. Between now and then, BWSR staff will be providing various training opportunities for SWCDs.

-Submitted by Wayne Zellmer

SOUTH

The board conservationists in the southern region conducted a total of nine one-day WCA Sequencing LGU training sessions this winter. The purpose of the training was for LGUs to gain additional understanding of applying WCA sequencing criteria to the review of applications for wetland impacts. All LGUs and their TEP members were in attendance. The morning consisted of reviewing the sequencing requirements as per rule, which generated much discussion. In the afternoon, LGUs shared experiences based on case files they presented to the group.

The sessions were well received. Benefits included the opportunity to share experiences with each other and the validation of WCA sequencing expectations. In the end, the LGUs appeared more confident that the WCA rule allowed them to demand appropriate information and request additional information when necessary to make their sequencing decisions.

-Submitted by Jeff Nielsen

When it comes to establishing conservation practices and wildlife habitat, Minnesota landowners have numerous options from which to choose. Understanding those options and making the best choice is the primary objective of the Farm Bill Assistance Project.

This program, started in 2002 by DNR, BWSR, Pheasants Forever, and SWCDs, provides a critical link between landowners and available conservation programs.

DNR, BWSR, and PF provide matching grant funds to SWCDs for staffing costs. Staff make contacts and work with individual landowners to review various conservation options for their land.

The primary focus of this effort has been in fully utilizing the Continuous CRP program along with other conservation provisions of the Federal Farm Bill. Practices like grass filter strips and wetland restorations have become popular. This outreach effort helps make the connection between eligible landowners and the agency or program that best fits a landowner's operation.

To date, $1.5 million of state, local, and non-profit funding has been committed to this effort. In 2002, 26 counties participated and helped enroll 7,000 acres over 6 months. In 2003, 28 counties participated and helped enroll 23,000 acres. In 2004, we have 35 counties and have set a goal of 30,000 acres.
-Submitted by Tabor Hoek

BRIEFS

Late last month, John Jaschke announced his resignation at BWSR to accept the position of Dakota County water resources manager. In his e-mail announcement to staff, he said that the position offered "a chance to learn and grow by taking on new known and unknown challenges that expand on my interests and abilities. I'll be doing what I do best – aligning science, people and funding to maximize results – but learning how to do it in new ways in a new place with a broader set of issues." He began his position April 19.

At its annual meeting in March, the Minnesota Chapter of the Soil and Water Conservation Society recognized two BWSR staff.

Greg Larson received the chapter's "Outstanding Service Award" for 2004. The award is given to members who have 10 years or more of service to the chapter. Larson was specifically commended for his work in getting the Minnesota chapter involved in issues that have broad impact outside of the state.

Pete Raeker received the SWCS "Merit Award." The award is given to a member or non-member for accomplishments or contributions to the natural resource field. The chapter recognized Raeker for his work with the public relations committee for the 2004 SWCS national convention in St. Paul.

High school teams from across the state are preparing for Minnesota Envirothon events, a competition that test students' knowledge about soil, aquatics, forestry, wildlife, and a current issue in the natural sciences. The first regional events begin April 28 in Area I.

Winners of the regional events will advance to the State Envirothon, set for Wednesday, May 19, at the Prairie Woods Environmental Learning Center, north of Willmar. The winner of the State Envirothon will compete in the Canon Envirothon, which will be held July 26-Aug. 1 in Buckhannon, W.V.

Funds have been raised from a variety of sources to help sponsor the state event. This year's sponsors include the Minnesota Association of Soil and Water Conservation Districts Auxiliary, the Minnesota Association of Conservation Districts Employees, BWSR, Great River Energy, the Minnesota Pollution Control Agency, USDA Natural Resources Conservation Service, Mille Lacs Band of Ojibwe, and Canon Envirothon.

As part of the State Envirothon this year, team advisors will attend a training session led by Tom Mings, BWSR wetland specialist. The session will cover emerging trends in wetlands, careers in natural resources, among other topics.

The 2004 Soil and Water Conservation Society (SWCS) annual conference will be held July 24-28 at the Radisson Riverfront Hotel in downtown St. Paul.

Board of Water and Soil Resources Update, Page 4

The SWCS annual conference brings together researchers, practitioners, and policymakers at all levels of government, along with a broad cross-section of other interest groups to explore current issues in natural resource management and planning. This year's theme is "Headwaters of Conservation."

SWCS has multidisciplinary membership of more than 7,000 individuals and business leaders throughout the world.

Program topics include: Soil and Environmental Quality; Assessing the Effectiveness of Conservation and Environmental Programs; and Geo-Spatial Technology for Conservation-Soil, Water, and Land. Speakers, panels, and poster sessions will be held.

Four educational conservation technical tours will be held on July 28. Tours include: Campus, Compost, and Conservation in the Beltway; River Ecology via Riverboat (on the Jonathon Padelford); National Refuge, Arboretum, and Minnehaha Falls; and Whitewater Watershed Tour.

Sightseeing tours are scheduled for July 25-26. Teen and youth activities are offered July 25-26. Social night will be July 26 from 6-9:30 p.m. at Harriet Island.
College student activities that are planned include: Leadership Seminar, Career Opportunities in Conservation Seminar, Recruitment Fair, and a Poster Contest.
For registration information, see the Minnesota Chapter's web site at www.minnesotaswcs.org or the international site at www.swcs.org.

Deadline for next edition: May 21

Board of Water and Soil Resources
Adopted Exempt Rules Relating to Watershed District Appeals

8415.0100 PURPOSE.

The rules of procedure in parts 8415.0100 to 8415.0120 govern appeals to the board pursuant to Minnesota Statutes, section 103D.537.

8415.0110 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Board.** "Board" means the Minnesota Board of Water and Soil Resources.

Subp. 3. **Day.** "Day" means a calendar day unless specified otherwise. The day of the event must not be used in counting any time period.

Subp. 4. **Dispute resolution committee.** "Dispute resolution committee" means the committee of the board established pursuant to Minnesota Statutes, section 103B.101, subdivision 10.

Subp. 5. **Executive director.** "Executive director" means the executive director of the Minnesota Board of Water and Soil Resources.

Subp. 6. **Person.** "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

Subp. 7. **Public transportation authority.** "Public transportation authority" means a state, county, city, or township road authority.

8415.0120 APPEALS.

Subpart 1. **Appeal of rules.**

A. An interested person may appeal a rule made by the managers of a watershed district by filing a petition with the board.

B. An appeal is effective upon submittal of the petition to the executive director with evidence that a copy of the petition has been served upon the watershed district.

C. An appeal filed under this subpart must follow the procedures in subpart 3.

Subp. 2. **Appeal of permit decisions.**

A. The watershed district must notify the public transportation authority promptly of its permit decision, but no later than ten days following the decision. A public transportation authority may appeal a final permit decision of a watershed district issued to it by filing a petition with the board. The appeal must be filed within 30 days of the decision by the watershed district managers pursuant to Minnesota Statutes, section 103D.537.

B. An appeal is effective upon submittal of the petition to the executive director with evidence that a copy of the petition has been served upon the watershed district.

C. An appeal filed under this subpart must follow the procedures in subpart 3 unless the public transportation authority makes a request in the petition for an expedited appeal hearing. The procedures in subpart 4 must be followed if an expedited appeal hearing is requested in the petition.

Subp. 3. **Board appeal procedures.**

A. Within 30 days after receiving the petition with evidence that the watershed district has been served with a copy of 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, untimely, or brought solely for the purposes of delay; or that the petitioner has not exhausted all local administrative remedies.

B. The board or its executive director may remand the appealed decision back to the watershed district if the petitioner has not exhausted all local administrative remedies such as a public hearing or if the watershed district's record is not adequate. If an appeal is remanded, the watershed district must make a decision within 60 days unless the remand order, or a subsequent order, specifies a longer period.

C. After granting the petition, the appeal must be heard by the dispute resolution committee and decided by the board within 60 days after the filing of the watershed district'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 and the watershed district. For appeals of rules, interveners are allowed. For appeals of permit decisions, interveners are not allowed unless they have been granted intervener status by the watershed district prior to the final permit decision.

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

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

F. In the case of appeals of watershed district permit decisions filed under subpart 2, the board shall affirm the watershed district's decision if substantial evidence supports the findings of fact, if the watershed district correctly applied the law, watershed district rule and the watershed district's board-approved watershed management plan to the facts, and if the watershed district made no procedural errors prejudicial to a party. Otherwise, the board shall reverse the decision, amend it, or remand it with instructions for further proceedings.

Subp. 4. **Expedited board appeal procedures.**

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

B. Interveners are not allowed unless they have been granted intervener status by the watershed district prior to the final permit decision.

C. The watershed district must submit a copy of the record as soon as possible and in no case later than in conjunction with a written brief to the executive director and the public transportation authority at least ten days before the hearing. No further written submittals by the parties are

allowed unless specifically authorized by the board.

D. The board or its dispute resolution committee shall hold a hearing within 30 days of receiving the petition. The board shall make a decision within 30 days of the hearing and apply the standard of review in subpart 3, item F, unless it decides there is not sufficient basis to grant the request to expedite the appeal in which case subpart 3 would apply.

Tentative Allocations for AgBMP Program

Board Packet

03/05/04

Award Levels: 1 -$ 300,000.00 2-$ 200,000.00 2-$ 150,000.00
Equipment Cap:$ 100,000.00
ISTS Cap:$ 100,000.00
BASIC AWARD LEVEL:$ 79,000.00
Statewide Interim Allocation Pool: ~$ 425,000.00

Local Government Unit	Rank	Amount Request	Non-discretionary Carry Over	Non-discretionary Repayments	2004 New Funds	2004 Total Allocation
Rice County	1	50,000.00	0.00	0.00	50,000.00	50,000.00
Lyon Soil And Water Conservation District	2	200,000.00	28,246.84	0.00	200,000.00	229,000.00
Waseca County	3	300,000.00	26,580.00	0.00	200,000.00	227,000.00
Northwestern Minnesota Joint Powers Board	4	300,000.00	178,150.00	34,291.13	300,000.00	513,000.00
Watonwan County	5	300,000.00	225,000.00	0.00	150,000.00	375,000.00
Aitkin County	99	32,000.00	50,000.00	0.00	32,000.00	82,000.00
Becker Soil And Water Conservation District	99	81,947.80	13,350.00	61,702.12	79,000.00	155,000.00
Benton Soil And Water Conservation District	99	0.00	0.00	0.00	0.00	0.00
Big Stone County	99	0.00	0.00	2,400.00	0.00	3,000.00
Blue Earth Soil And Water Conservation District	99	100,000.00	44,660.00	0.00	79,000.00	124,000.00
Brown County	99	88,273.00	14,460.00	0.00	79,000.00	94,000.00
Carlton Environmental Office	99	0.00	0.00	0.00	0.00	0.00
Carlton Soil And Water Conservation District	99	0.00	0.00	0.00	0.00	0.00
Carver Environmental Office	99	100,000.00	0.00	0.00	79,000.00	79,000.00
Carver Soil And Water Conservation District	99	0.00	114,130.49	0.00	0.00	115,000.00
Ccins Joint Powers Board #3	99	15,000.00	29,057.59	0.00	15,000.00	45,000.00
Chippewa County	99	0.00	0.00	0.00	0.00	0.00
Clay Soil And Water Conservation District	99	87,969.24	0.00	26,030.76	79,000.00	106,000.00
Cook County	99	0.00	20,000.00	0.00	0.00	20,000.00
Cottonwood County - Environmental Office	99	40,000.00	0.00	0.00	40,000.00	40,000.00
Cottonwood Soil And Water Conservation District	99	60,000.00	0.00	0.00	60,000.00	60,000.00
Dodge County	99	99,115.00	15,885.75	0.00	79,000.00	95,000.00
Douglas Soil And Water Conservation District	99	100,000.00	45,000.00	58,241.38	79,000.00	183,000.00
Faribault County	99	70,000.00	0.00	0.00	70,000.00	70,000.00
Fillmore County	99	50,000.00	12,000.00	0.00	50,000.00	62,000.00
Freeborn County	99	0.00	0.00	0.00	0.00	0.00
Goodhue County	99	100,000.00	100,997.00	0.00	79,000.00	180,000.00
Grant Soil And Water Conservation District	99	100,000.00	0.00	0.00	79,000.00	79,000.00
Hennepin County	99	0.00	0.00	0.00	0.00	0.00
Houston County	99	73,000.00	50,677.80	0.00	0.00	51,000.00
Hubbard County	99	100,000.00	48,600.60	0.00	79,000.00	128,000.00
Impack-6 Joint Powers Board	99	0.00	94,520.00	0.00	0.00	95,000.00
Itasca County	99	0.00	0.00	0.00	0.00	0.00
Jackson County	99	100,000.00	0.00	0.00	79,000.00	79,000.00
Kandiyohi Soil And Water Conservation District	99	100,000.00	8,208.00	0.00	79,000.00	88,000.00
Kittson County	99	100,000.00	51,688.75	0.00	79,000.00	131,000.00
Lac Qui Parle Soil And Water Conservation District	99	50,000.00	32,000.00	0.00	50,000.00	82,000.00
Le Sueur Soil And Water Conservation District	99	100,000.00	235,000.00	0.00	79,000.00	314,000.00
Lincoln County	99	100,000.00	11,000.00	0.00	79,000.00	90,000.00
Mahnomen Soil And Water Conservation District	99	100,000.00	14,155.00	16,151.62	79,000.00	110,000.00
Martin County	99	70,000.00	0.00	0.00	70,000.00	70,000.00
McLeod Soil And Water Conservation District	99	0.00	0.00	0.00	0.00	0.00
Meeker Soil And Water Conservation District	99	0.00	0.00	0.00	0.00	0.00
Morrison Soil And Water Conservation District	99	100,000.00	47,657.39	0.00	79,000.00	127,000.00
Mower County Planning Dept.	99	100,000.00	0.00	0.00	79,000.00	79,000.00
Mower Soil And Water Conservation District	99	0.00	91,370.00	0.00	0.00	92,000.00
Murray County	99	100,000.00	110,060.50	0.00	79,000.00	190,000.00
Nicollet County	99	90,500.00	0.00	0.00	79,000.00	79,000.00
Nobles County	99	100,000.00	19,125.00	75,089.42	79,000.00	174,000.00
Norman Soil And Water Conservation District	99	100,000.00	0.00	0.00	79,000.00	79,000.00
North Central Minnesota Joint Powers Board	99	450,000.00	0.00	0.00	450,000.00	450,000.00

Tentative Allocations for AgBMP Program

03/05/04

Award Levels: 1 -$ 300,000.00 2-$ 200,000.00 2-$ 150,000.00
Equipment Cap:$ 100,000.00
ISTS Cap:$ 100,000.00
BASIC AWARD LEVEL:$ 79,000.00
Statewide Interim Allocation Pool: ~$ 425,000.00

Local Government Unit	Rank	Amount Request	Non-discretionary Carry Over	Non-discretionary Repayments	2004 New Funds	2004 Total Allocation
Olmsted Soil And Water Conservation District	99	0.00	0.00	0.00	0.00	0.00
Ottertail Soil And Water Conservation District	99	100,000.00	75,834.00	10,192.45	79,000.00	166,000.00
Pipestone County	99	75,476.97	59,824.98	100,000.00	75,506.97	236,000.00
Pope County	99	100,000.00	0.00	0.00	79,000.00	79,000.00
Red Lake Soil And Water Conservation District	99	0.00	0.00	0.00	0.00	0.00
Redwood Soil And Water Conservation District	99	0.00	0.00	0.00	0.00	0.00
Renville County	99	0.00	15,000.00	0.00	0.00	15,000.00
Rice Soil And Water Conservation District	99	0.00	20,826.56	144,173.44	0.00	165,000.00
Rock Soil And Water Conservation District	99	0.00	0.00	4,005.42	0.00	5,000.00
Saint Louis County	99	100,000.00	0.00	0.00	79,000.00	79,000.00
Scott County	99	0.00	9,175.00	0.00	0.00	10,000.00
Sherburne County	99	70,000.00	0.00	0.00	70,000.00	70,000.00
Sibley County	99	0.00	0.00	0.00	0.00	0.00
Stearns Soil And Water Conservation District	99	100,000.00	16,000.00	0.00	79,000.00	95,000.00
Steele County	99	0.00	48,330.00	0.00	0.00	49,000.00
Stevens County	99	0.00	61,000.00	54,008.82	0.00	116,000.00
Swift Soil And Water Conservation District	99	87,530.45	0.00	3,767.09	79,000.00	83,000.00
Todd County	99	77,225.00	398,275.00	0.00	77,225.00	476,000.00
Traverse Soil And Water Conservation District	99	30,000.00	46,950.00	52,218.34	30,000.00	130,000.00
Wabasha Soil And Water Conservation District	99	0.00	141,949.62	0.00	0.00	142,000.00
Washington Soil And Water Conservation District	99	0.00	0.00	0.00	0.00	0.00
Wilkin County	99	100,000.00	0.00	18,346.98	79,000.00	98,000.00
Winona Soil And Water Conservation District	99	0.00	116,000.00	0.00	0.00	116,000.00
Wright Soil And Water Conservation District	99	0.00	114,370.75	0.00	0.00	115,000.00
Yellow Medicine County	99	0.00	0.00	0.00	0.00	0.00
TOTAL		**5,048,037.46**	**2,855,116.62**	**660,618.97**	**4,201,731.97**	**7,739,000.00**

For April Bid Packet.

Halfmann nominated to Farm Service Agency State Committee



Craig Halfmann

Senator Norm Coleman announced Monday that Craig Halfmann of Stephen, had been appointed to the Minnesota Farm Service Agency (FSA) State Committee by President George W. Bush's administration. The U.S. senator from Minnesota nominated Halfmann, a farmer, to this important position which administers farm safety net and conservation programs at the state level.

"Craig Halfmann is a good friend and a solid ally of Minnesota farm families," said Coleman. "I know that Craig will serve President Bush and our farm families well in his new position as a member of the Minnesota Farm Service Agency State Committee."

Residing in Stephen with his wife Marlys and their three children, Halfmann grows sugar beets, wheat, soybeans and dry beans. He has held numerous positions within the Red River Valley Sugar Beet Growers Association, including president, vice president and secretary. Halfmann has also been vice-chairman of the Red River Valley Workers Compensation Board and has been active in his community, serving on the Stephen-Argyle school board for 15 years and on the local grain elevator board for a three-year term.

"Craig Halfmann is a farmer, he has been active in farm organizations for a very long time, he was instrumental in the drafting of the 2002 Farm Bill, and he has been very active on issues relating to agriculture trade," said Coleman.

Halfmann looks forward to the challenge of serving on the committee.

"I'm excited about it," Halfmann said of his opportunity. "It's taken some time to get going and I don't know a whole lot about it yet. It's an important position and I don't want to take it lightly."

Halfmann's first FSA committee meeting will be March 24 in St. Paul and he plans on arriving a day early to familiarize himself with his role in the committee. He said part of what the committee does is settle disputes between Minnesota farmers and FSA.

"I am proud to have nominated him to continue this strong record of service to Minnesota farm families and I applaud the Bush Administration's decision," Coleman said.

SOIL AND WATER CONSERVATION SOCIETY

PRELIMINARY PROGRAM

HEADWATERS OF CONSERVATION

59TH ANNUAL CONFERENCE



2004

JULY 24-28

RADISSON RIVERFRONT HOTEL | ST. PAUL, MINNESOTA

HOSTED BY THE MINNESOTA CHAPTER OF
THE SOIL AND WATER CONSERVATION SOCIETY

SOIL AND WATER CONSERVATION SOCIETY

CONTENTS

2 Plenary Sessions
Monday, July 26, 8:30–10:00 a.m.
H. Wayne Pritchard Lecture – Helen Blue-Redner
Tuesday, July 27, 8:30–10:00 a.m.
"Soil Conservation and SWCS: A Forty-Year Retrospective," Max Schnepf

2 Educational Sessions
Symposia and concurrent sessions will take place on Monday and Tuesday at the following times:
10:30 a.m.–12:00 p.m.
1:30–3:00 p.m.
3:30–5:00 p.m.
See the listing of titles for the educational sessions and poster presentations, pages 2–6

6 Workshops
Saturday, July 24
WEPP Training
ESRI Authorized Training (first of two days)
Sunday, July 25
ESRI Authorized Training (second of two days)
ABCs of TMDLs
Wind Erosion Prediction System (WEPS)
Communicate your ideas visually—presentation graphics for conservation planning
Wednesday, July 28
Conservation planning field technology
Assessing the impacts of agricultural operations on ambient air quality
RUSLE2 for conservation planning and erosion assessment
New rules, tools, and techniques to ensure NPDES compliance
The use of risk assessment tools in Comprehensive Nutrient Management Plan (CNMP) development

10 Personal Development Session
Monday, July 26
Conflict resolution

10 Student Activities
Leadership Seminar
Career Opportunities in Conservation
Recruitment Fair
Poster Contest

10 Soil and Water Conservation Society Meetings
Saturday, July 24
Chapter Development Workshop
Sunday, July 25
House of Delegates Meeting
SWCS Committee Meetings

10 Associated Meetings
Saturday, July 24
CPESC, Inc. Council Meeting
Sunday, July 25
CPESC and CPSWQ Exam Review
Tuesday, July 27
ARSCSE Board Meeting
Earth Care Connection Reception
ARSCSE Social and Banquet

11 Technical Tours
Wednesday, July 28
Campus, Compost and Conservation in the Beltway
River Ecology via Riverboat
National Refuge, Arboretum and Minnehaha Falls
Whitewater Watershed Tour

11 Family and Social Activities
Sunday, July 25
Chanhassen Dinner Theatre
Gangster Tour of St. Paul
Teen and Youth Activity—Camp Snoopy at the Mall of America
Monday, July 26
Optional Sightseeing Tours: Cannon River Canoe Trip, Twin City Tour
Teen and Youth Activities: Minnesota Zoo and IMAX
Social Night at Harriet Island
Tuesday, July 27
Optional Sightseeing Tour: Historic Stillwater or Bust!
Teen and Youth Activities: Minnesota Valley Wildlife, Refuge and Historic Fort Snelling, Wild Mountain Water Slides, Teen Nightclub—Maplewood Community Center
Wednesday, July 28
Teen and Youth Activity: St. Paul Science Museum

14 Reservation and Radisson Riverfront Hotel Information

15 Information on St. Paul

16 Registration Information and Form

HEADWATERS OF CONSERVATION

59TH ANNUAL CONFERENCE

Join us for the 59th annual conference of the Soil and Water Conservation Society July 24 – 28, at the Radisson Riverfront Hotel in St. Paul, Minnesota. The conference will take place in the heart of downtown St. Paul—part of the "twin cities" of Minnesota. A modern metro area of more than one million people, St. Paul is the capital city of Minnesota. It is the commercial, cultural, and educational hub of the upper Midwest. In addition to cultural activities, the area offers an abundance of outdoor activities for all ages and interests.

The Minnesota Chapter of the Soil and Water Conservation Society will host the event that consists of a combination of workshops, plenary and concurrent sessions, and educational tours. The conference is well respected across a multitude of disciplines.

Professional development is always foremost on the agenda at an SWCS annual conference. This year's topics are listed with the titles to be included in the symposia, concurrent sessions, and poster presentations.

PLENARY SESSIONS

Two plenary sessions are planned for the 2004 annual conference.

Monday, July 26, 8:30 – 10:00 a.m.
This first plenary session will include the H. Wayne Pritchard Lecture, to be given by Helen Blue-Redner, Tribal leader in the Upper Sioux Community. Ms. Redner will speak to the efforts taken by the Sioux Tribe in bringing together diverse groups to improve and protect natural resources for future generations.

Tuesday, July 27, 8:30 – 10:00 a.m.
The second plenary features a presentation by Max Schnepf, former SWCS employee and mentor. Max's presentation is entitled "Soil Conservation and SWCS: A Forty-Year Retrospective."

On-the-ground conduct of soil and water conservation activities has changed dramatically over the past 40 years. Likewise, the many institutions created in support of soil and water conservation efforts have changed. Founders envisioned SWCS as an organization integral to success in soil and water conservation. How has SWCS measured up over the past four decades? What has been the relationship of SWCS to key partners in the movement? And what does the SWCS experience portend for the future of the organization and the soil and water conservation movement alike?

SYMPOSIA AND CONCURRENT SESSIONS

Concurrent and symposia sessions will take place on Monday and Tuesday, morning and afternoon. A total of six sessions are scheduled for 2004, as compared to the three sessions at the 2003 annual conference.
Concurrent and symposia sessions are scheduled for:

Monday morning	10:30 a.m.–12:00 p.m.
Monday afternoon	1:30–3:00 p.m.
	3:30–5:00 p.m.
Tuesday morning	10:30–12:00 a.m.
Tuesday afternoon	1:30–3:00 p.m.
	3:30–5:00 p.m.

The following titles are listed by topic, not necessarily as they will appear in the program. Abstracts for all presentations will be added to the SWCS web site by late May.

TOPIC 1
SOIL AND ENVIRONMENTAL QUALITY

Symposium Sessions –

Assessment tools for quantifying conservation program effectiveness

Measuring the success of conservation and environmental programs is necessary to ensure public investment is justified. Approaches to measure success, however, can vary considerably. Disciplinary emphasis, data availability, and targeted user groups represent just a few factors that affect the characteristics of tools for quantifying the effects of conservation practices on relevant environmental outcomes. This symposium will review a range of assessment tools for evaluating conservation program effects on soil, air, and water quality. Each presentation will review a different assessment tool, and provide an example of how the tool quantifies success of a conservation program.

Finding common ground on soil quality—balancing benefits with pitfalls

The concept of soil quality resonates strongly with farmers and action agencies charged with stewardship of the soil resource. It has been controversial, however, in the soil science community. Problems of definition, simultaneous contradictory function of soil, and overemphasis of some soil properties with positive production impact but ambiguous impacts on environmental and other considerations have led many soil scientists to withhold support for the concept. This symposium brings together prominent spokespersons for both points of view in an effort to bilaterally acknowledge both the benefits and pitfalls of the concept.

Concurrent Paper Titles –

- Implementing the SAMF for Environmental Quality Policy: Water quality implications in Iowa
- Indicator development for soil quality assessment
- T-values, corn stover removal and sustained productivity
- Manure management on the urban fringe
- Switchgrass management for biomass production, carbon sequestration, and soil conservation
- Aggregate stability and associated properties of soil under new management in eastern South Dakota
- Developing conservation tree and shrub suitability groups in the Midwest
- Use of compost as alternative to synthetic fertilizers for ag productivity/sustainability on Guam
- Turbidity impairment, TMDL's, and soil loss in southeastern Minnesota
- Measurement of tillage translocation and modeling tillage erosion in southwest Manitoba, Canada

Poster Presentations –

- Used tires recycled for conservation
- The use of leguminous crops for the management of heavily degraded and eroded soils of Ekpoma in Savanna-Rainforest transitional agricultural ecological zone of Nigeria, West Africa
- Conservation management decisions for compacted coastal soils in cotton with buried microirrigation
- Forest soil quality monitoring in the U.S. Forest Service Forest Inventory and Analysis Program
- Missouri's Soil Potential Index used as an education tool to protect groundwater
- Integrated assessment of agroecosystems: Case studies from the Great Plains and western Corn Belt
- Impact of soil erosion on production and emission of greenhouse gases within complex landscapes
- Soil wettability for assessing soil quality
- Water quality education for youth at the annual Natural Resources Conservation Workshop Field Day, Tifton, Georgia
- Field, farm, and watershed: Iowa Soybean Association advancing agricultural performance
- Alberta Soil Quality Benchmark project: Costs and benefits after five years
- Multi-scale soil resource evaluation using the Soil Management Assessment Framework (SMAF)

TOPIC 2
AGRICULTURAL MANAGEMENT AND ENVIRONMENTAL QUALITY

Symposia Sessions –

Climate change impacts on soil and water conservation
This session, sponsored by the SWCS International Committee, will review aspects of climate change, such as higher temperatures and increased frequency of heavy rains, and their implications for water quality and soil protection; present latest assessment of above topics by leading experts from North America, and suggest erosion and water quality control measures to address the changing conditions; and increase awareness of SWCS members of current international management issues and foster greater understanding of climate change and of related conservation policy and management issues.

Air quality in the United States
Air quality in agricultural systems is gaining importance as an environmental endpoint. There are several ongoing studies underway to evaluate various aspects of air quality across the United States with emphasis on agricultural systems. This special session will focus on the importance of air quality through a series of presentations by a range of experts.

Fugitive dust emissions: State of the art research for improving air quality
The National Ambient Air Quality Standards promulgated in 1990 required the U.S. EPA to regulate and enforce standards for particulate matter less than 10 microns in size (PM10). Additional standards for particulates less than 2.5 microns (PM2.5) were declared in 1997. The purpose of this symposium is to present the state of the art research being conducted by the USDA Agricultural Research Service in understanding and controlling fugitive dust emissions from agricultural soils for improving air quality.

Improving water quality through agricultural drainage water management systems
In the past, surface and subsurface drains were used to remove excess water from the soil on agricultural lands to provide conditions that are more favorable for crop production. In recent years, science has shown that improved drainage water management is the key to reducing nutrient and pesticide losses to surface and ground waters. The Agricultural Drainage Management Systems Task Force (ADMSTF) was formed to address the issue of using drainage water management to improve water quality in five mid-western States. Scientists participating in the ADMSTF will present information supporting this effort.

The Conservation Security Program: Setting the standard for a new era of conservation policy
The Conservation Security Program offers the opportunity to set the highest standards of conservation and environmental performance for all agriculture production systems. By targeting on-farm resources of concern, the Conservation Security Program can offer powerful incentives to bring about long-term change in working lands management. This symposium will examine the Conservation Security Program from three perspectives: the urgent need for conservation practices to sustain working lands; the new agricultural policy paradigm presented through the authorization of a national, stewardship incentives program; and the challenges that face the agency charged with setting the standards and implementing the program.

Concurrent Paper Titles –

- Town & country: Comparisons on fertilizer and pesticide use
- Global climate changes and the effect of converting cool season pastures into warm season grazing systems on carbon pools
- Voluntary and regulatory approaches to reducing phosphorus discharges to Lake Okeechobee
- A case study of EQIP Scoring Systems in three southeastern states. Can we see the desired effect?
- The environmental impact of vegetative filter areas treating silage leachate from bunk silos
- Environmental management systems applied on New York dairy farms
- USU Extension's Agriculture Environmental Management Systems program
- Integrated solutions for protecting public water supplies in agricultural communities
- Designing and scoring working land programs
- Tribal government leadership in implementing forestland erosion control systems in western New York
- Impact of nitrogen BMPs on nitrate losses to subsurface, tile drainage
- Improving NRCS EQIP allocation and ranking: More bang for the buck
- Importance of lateral, subsurface erosion on total sediment load to streams in northern Mississippi
- Improving soil, air and water quality with continuous no-till
- Climate, fertility, soil, and tillage effects on U.S. cropland soil carbon sequestration potential
- Management practices to reduce atmospheric emissions of soil fumigants
- The North Fork, "A model watershed project"
- Estimating the effects of BMPs on water quality
- Markets in environmental services from agricultural lands: Satisfying the necessary preconditions
- The effects of the closure of surface, agricultural drains on water quality and fish habitat
- Changing Land Use and the Environment (CLUE)
- Manure application methods and timing for optimum nutrient utilization in no-till corn
- Effects of digested dairy manure on soil nitrogen and corn yield
- Agricultural pesticide BMPs for water quality protection in Minnesota
- Nutrient movement: Does it occur in sandy soil with drain tiles and conservation tillage?
- Pesticide use surveys to enhance water quality protection programs: Design elements and constraints
- Land application considerations in managing swine manure
- An analysis of farm-level factors influencing the shift to concentrated livestock operations and their effect on excess nutrient loadings: U.S. and regional trends
- An analysis of farm-level factors influencing conservation practice adoption and conservation program participation in the United States
- The power of predictive modeling for farmland diversification
- Statistical analysis of nutrient and soil losses from U.S. farms: CNMP effects by region and crop
- Managing agriculture and the environment: Community-based approaches to conflict resolution
- Using a whole farm nutrient balance as a nutrient management tool: Introducing yardstick to farmers
- Development of agricultural environmental stewardship education programs
- The role of biosolids in sustainable agriculture
- Lessons from 29 years of the Rosemount Sewage Sludge Project

- Interstate highways in Illinois are being used to drive the adoption of BMPs
- Mediation, a process for resolving environmental policy conflicts: Lessons from the Agricultural Mediation Program of Illinois, 1997–2003
- Watershed planning: Acceptability to residents of alternative structures of planning committees
- Cultivating for clean water: A public-private partnership to protect the Monterey Bay National Marine Sanctuary

Poster Presentations –

- Web-based watershed tools for the classroom: A project for grades 4–8 in Missouri
- Reducing environmental risk in soil fumigation with models
- Optimum return period for jhum in CHT ecosystem
- "Waste to Watts" biogas generating project
- Use of the OnePlan Planner software for nutrient management in the state of Idaho
- Geotextile innovation for waste management
- Reducing nutrient BMP adoption risk by guaranteeing performance
- Two-year association of seasonal sources of fecal E. coli with rain events in southwest Missouri
- CEMSA – An Iowa Soybean Association program to evaluate the use of EMS on Iowa farms
- New equipment for removing fine sediment from streams and for restoring sediment-impacted habitats
- Considerations for odor control and management in agricultural operations
- Dust deposition near an eroding source field
- Evaluating forest road BMP effectiveness
- Phytofiltration shows promise to reduce ground water nitrate
- Mitigating the environmental impact of agriculture with alternative management practices
- Conservation practice standards – delivering conservation technology to the field
- A buffer capability index for water quality planning
- Movement and survival of fecal contaminant indicators in an Iowa watershed
- Soil erodibility by rainfall on CRP lands converted to crop and hay production
- A purpose-based selection guide for woody conservation plantings
- Using SWAT to predict basin scale water quality changes due to field scale management decisions
- AWM computer program
- A regional assessment of coarse woody debris in riparian and non-riparian areas
- Wagon Train Lake, protecting a valued resource
- Missouri Soil Phosphorus Potential Report is used as a tool to improve water quality
- Changing dairy manure from a liability to a resource
- Establishing cover crops at time of corn silage planting
- Conservation practices to enhance wildlife habitat on Taro Farms in the Hawaiian Islands
- Implementing a composting/vegetative filter demonstration site at the ISU Dairy Teaching Farm
- On-farm evaluations of nitrogen fertilizer recommendations for corn
- On-farm evaluations of the effectiveness of nitrogen applied as manure
- Restoration of natural wetlands and remediation of contaminated groundwater using spray irrigation
- Paired watershed studies for nutrient reductions in the Minnesota River Basin

TOPIC 3
ASSESSING THE EFFECTIVENESS OF CONSERVATION AND ENVIRONMENTAL PROGRAMS

Symposia Sessions –

Is NRCS EQIPped to get the most from EQIP? Analysis of state allocation and ranking procedures

Environmental Defense began analyzing USDA implementation of the Environmental Quality Incentives Program (EQIP) in 2002, and has continued to analyze state procedures adopted in 2003 to implement the final EQIP rule. This symposium presents Environmental Defense's analyses of how well states incorporated rule requirements for allocating funds to resource concerns or areas and ranking applications for funding.

Assessment of the effectiveness of conservation practices, including watershed case studies

This will be the 5th joint symposium for SWCS and the Soil Science Society of America. The Conservation Effects Assessment Project (CEAP) is a U.S. national assessment of environmental benefits of conservation programs to support policy decision and program implementation. Historical watershed databases will be used to validate watershed models. Once validated, model simulations will be used to assess the impact of conservation practices on water quality, soil quality, air quality, and wildlife habitat. The symposium will include presentations on the current status of CEAP and other assessment projects and presentations on the future potential for measuring their effectiveness.

Conservation Effects Assessment Project (CEAP)— Status of the national assessment

The Natural Resources Conservation Service (NRCS) and the Agricultural Research Service (ARS) have joined together, in collaboration with other Federal agencies, to initiate the Conservation Effects Assessment Project (CEAP) to quantify the environmental benefits of conservation practices implemented under the 2002 Farm Bill. The national assessment component of this project will track the accumulation of benefits over time for annual reporting beginning in 2005. The purpose of this symposium is to provide an overview of the national assessment approach with examples of how the benefits will be measured for cropland, including CRP.

An overview of proposed economic analysis in the USDA Conservation Effects Assessment Project

The 2002 farm bill authorized greatly expanded funding for conservation programs, including the Environmental Quality Incentives Program (EQIP) and the Conservation Reserve Program (CRP), as well as creating the Conservation Security Program. Congress is requiring an assessment of the effect of conservation programs in preparation for the next farm bill. The evaluation is called the Conservation Effects Assessment Project (CEAP). CEAP will consist of both a national scale assessment based on many of the randomly selected points in the National Resources Inventory (NRI), as well as a more detailed look at 12 watersheds that are research areas for the USDA Agricultural Research Service. This session will present an overview of the initial approach to assessing the cost effectiveness of conservation programs at the 12 research watersheds and extension of the results to the national level using the NRI study.

Process-based watershed research to evaluate the effectiveness of conservation programs
Evaluation of the effectiveness of conservation programs at the watershed scale must include research into those processes that result in impairment of land and water resources. These processes operate over a range of spatial and temporal scales and may pertain to uplands/fields, riparian zones and channels. To appropriately address water-quality problems at some downstream location in the watershed, it is imperative to be able to identify those processes responsible for impairment and to link those processes and impacts from uplands and fields to the edge of fields, into the riparian zone, and ultimately through channels. Difficulty arises in that processes that dominate in a particular location or region may be insignificant in other regions.

Concurrent Paper Titles –
- The Missouri experience: State conservation programs 1984 to 2004
- Assessing and managing wetland quality using MnRAM and the Management Classification System
- A conceptual watershed model for understanding impared waters
- Getting a handle on water quality: Alternatives for limited-resource watershed managers
- Implementation of the Lake Okeechobee Protection Plan
- Environmental benefits of continuing the CRP
- Predicting bedload and suspended sediment export in low-order Lake Superior watersheds
- Large-scale evaluation of the Conservation Reserve Program and bird diversity using the NRI and BBS
- A process to report on basin wide water quality using data collected at multiple scales
- Estimating the effects of management actions on water quality at the regional level
- Landowner opinion in the Wild Rice River Watershed of Minnesota on flood management practices
- Archaeological sites, soils, and landforms: Friends or foes?
- Development of the Dakota County Farmland and Natural Area Program
- Assessing the effects of farmer cohort groups on the adoption and management of conservation
- Evaluating the results of watershed planning—the Missouri Watershed Initiative
- Farmland preservation: Innovative approaches in Ontario
- Monitoring nutrient and pesticide losses at field and watershed scales
- Economic and fisheries effects of select conservation programs of the 2002 Farm Act
- Soil quality and nutrient loading impacts of the Conservation Reserve Program
- Potential accuracy of water quality estimates based on non-calibrated SWAT simulations
- West Buttrick Creek Watershed Demonstration Project: Innovative measures of performance
- Sediment budget for the Whitewater River Watershed, southeastern Minnesota
- Evaluating water quality changes from BMPs: The National Nonpoint Source Monitoring Program
- A tale of two farms—how policy can change the landscape
- An economic model to match stewardship payments with what conservation really costs
- A methodology for evaluating the effectiveness of non-point source pollution abatement programs
- Documenting hydrologic changes in Seven Mile Creek Watershed using historic air photos and GIS
- Measuring success: The initiative for accelerating cooperative riparian restoration and management
- The Conservation Research Enhancement Program: Is it cost effective?
- Strengths and weaknesses of voluntary and regulatory program—Lessons learned and experiences of the Maryland nutrient management program

Poster Presentations –
- Local nitrate testing and outreach in Minnesota: 35,000 samples later...
- The potential impacts of anaerobic digestion technology on agriculture and the environment
- The Minnesota Citizen Stream Monitoring Program
- Assessing stream restoration based on natural stable stream form
- The Tule Gun Club and Yakama Tribal Nation join together and make an investment
- The relationship between the soil erosion control rate and sediment in the Liu River
- Conservation success stories in the Pacific Basin Islands
- Increasing and declining populations of northern bobwhite inhabit different types of landscapes
- Our community and the EPA Watershed Initiative—A unique partnership on a watershed basis
- Real-time water quality monitoring and web data display for the Saluda-Reedy Watershed
- Re-suspension of bottom sediments: An important reservoir for surface water fecal coliforms and E. coli for the Saluda-Reedy Watershed
- Soil erosion on chained and unchained slopes in the Garden Park Valley: A comparative analysis
- Focus group evaluation of manure management practice adoption and education needs
- Soil conservation and management of arid land in Kuwait
- Evaluation of conservation within agricultural landscapes using repetitive landscape units
- The Grazing Compliance Standard
- Economic and environmental implications of potential policies to address agricultural wetlands loss
- EQIP and prescribed grazing: The economic benefits for Minnesota's grass-based dairy producers
- Field-scale water and nitrate flux through an unconfined aquifer below a cropped Andosol
- Economic and biological effects no-till dryland field corn in a four-year no-till crop rotation in the Palouse area of Washington and Idaho
- Economic and environmental effects of no-till oilseed Brassica crops in a crop rotation on 15 farms in the Palouse area of Washington and Idaho

TOPIC 4
GEO-SPATIAL TECHNOLOGY FOR CONSERVATION—SOIL, WATER, AND LAND

Symposia Sessions –

New tools for measuring environmental outcomes
The Natural Resources Conservation Service (NRCS) has established a new Performance Results Management system that combined with conservation effects data in the agency's electonic field office technical guide allows the impacts of those practices to be assessed. This system is linked to the Conservation Toolkit, which is the agency's mandated electronic planning tool to reduce the burden of data entry and

improve data quality. The power of these new tools is not only in the ability to report the outcomes of conservation practices, but in targeting resources and in comprehensive natural resource planning. The data is geospatial and can be aggregated or disaggregated, depending on the conservation plan needs. It puts emphasis on doing the conservation work, not just reporting the work.

Remote sensing applications for conservation
The applications of geospatial technologies are playing an ever-increasing role in conservation and natural resources management. Advances in the science and technology behind remote sensing are making it more practical to conduct large-scale inventories and provide monitoring and evaluation of natural resources. Coupled with recent advances in GIS and spatial decision support systems, geospatial technology is taking resource conservation planning and management to a new level. This symposium will introduce remote sensing applications that have been used towards conservation planning and management.

Concurrent Paper Titles –
- An integrated approach to quantifying and mitigating pollution problems at the watershed level
- Minnesota's NRCS geo-spatial data analysis during the PL - 566 application process
- Geospatial modernization within USDA conservation programs
- Applying geo-spatial data in Kansas NRCS Environmental Quality Incentives Program (EQIP) decisions
- The Finger Lakes Decision Support System Project: Analytical tools for stakeholders
- EQIP application ranking using web-based GIS
- Environmental, regulatory and nutrient management issues related to site-specific management
- Getting conservation on the land using GIS
- Geospatial spring identification in southeast Minnesota
- Estimating mitigating effects of CRP-type grass buffer strips on regional sediment loading
- Landscape assessments: Addressing objectives across boundaries
- Use of an USDA-NRCS soil conditioning index to characterize carbon sequestration potential
- ArcView GIS Hydrologic Model Interface

Poster Presentations –
- Utilizing streamside management zones to predict macroinvertebrate indicators of water quality
- Spatial analysis of soil nitrate/grain N removal for phytoremediation of post-harvest soil nitrate
- Integrating across the landscape: Assessing watershed impacts of development in a classroom context
- The application of geospatial soil information within the MN/DNR County Aggregate Mapping Program
- Resource conservation by remote sensing: The Kentucky Landscape Snapshot Project
- The use of Global Positioning Systems (GPS) in grazing-land management
- Illinois Resource Management Mapping Service Web Site
- Using geospatial technology on the Glacial Ridge Project
- Comparison of pixel based and object oriented image analysis processes
- Sedimentation investigation using the hydraulic modeling tool FLO-2D, Delta Junction, Alaska
- Soils and ecological sites of the Santa Rita Experimental Range
- Carbon value maps: Using economics to encourage adoption of carbon conserving practices
- Evolution of riparian soil map units in southeastern Arizona
- Assessing crop residue cover and tillage intensity
- The earth grant geospatial extension program
- Guidelines for polyacrylamide application to control soil erosion in highly disturbed areas
- Watershed management and monitoring: A practical GIS application
- An evaluation of high intensity soil surveys prepared for a site using different methods and field procedures
- Physical and biological impacts of changing land-use on surface water quality
- Combining genotype, soil, and management to improve resource use efficiency
- Using detailed land cover information in a GIS for natural resource-based planning in Dakota County
- Limitation on use of variable-rate technology to improve nitrogen management for corn production
- Using GPS and GIS in on-farm research trials to assess crop yield responses to deep ripping in Iowa
- Using remote sensing, GPS, and yield monitors to evaluate nitrogen management for corn
- Geo-spatial modeling and field validation of sediment loading: Mississinewa Watershed, Indiana
- Geospatial and temporal trends in farmland protection efforts in four Kentucky counties
- Assessment of potential use of precision conservation for groundwater quality

Other Symposia Session Topics –

Technical service provider implementation
These two sessions will cover current issues and components for implementing Technical Service Provider Assistance. This includes certification, training, acquisition of technical services, delivery of technical services, payment rates, e-government, technical references, liability, progress reporting, quality assurance, funding and other related issues.

Exceptional leadership: The power of negotiation
Earth Care Connection presented a three-hour workshop at the 2003 SWCS conference on Intentional Leadership Based on Trust, Power and Wisdom. The primary focus of the session was on Trust; this year we would like to focus on Power, and specifically the Power of Negotiation.

Negotiation is a very powerful leadership tool, however, it is often times misunderstood and underestimated. Women in particular have a difficult time developing and using this skill, primarily because of the way they were socialized. This interactive session will allow you to learn some negotiation techniques, present a safe environment in which to practice those skills, and understand that negotiation is a key element in leadership, and can be a win-win for all involved.

Other Poster Presentation –
Online publication of soil conservation photos from the Verle Kaiser collection

WORKSHOPS

Workshops are designed to enhance professional skills through training and education in selected topics. Workshops will be offered on Saturday, Sunday, and Wednesday, July 24, 25, and 28. While registration for the SWCS annual conference is encouraged, those attending the following workshops need not be registered for the annual conference. Participation in the annual conference requires registration.

Register for all workshops on page 17.

WEPP training
Saturday, July 24; 8:00 a.m.–5:00 p.m.

The objective of the workshop is to train professional conservationists, erosion control workers, federal, state and private business employees, consultants, and specialists in the use of WEPP for application to various natural resource problems. The instructors will be J.M. Laflen, USDA-ARS (retired) and W.J. Elliott, U.S. Forest Service, Moscow, ID. Topics to be covered include an introduction to WEPP and GeoWEPP, WEPP windows interface, WEPP interfaces on the WWW, and GIS applications of WEPP. There will be considerable hands-on use of WEPP with Hillslope and Watershed Applications for cropland, rangeland, forestland, urban land and construction areas. At the conclusion of the workshop, attendees should be able to install and run WEPP, and build and modify input data files for various applications. They should also be able to select and interpret the available outputs, and be able to apply WEPP to their specific problem areas.

Attendees should bring a notebook computer running Windows 98 or newer. The hard drive should have a minimum of 250 mb of free space and 250 mb of RAM. A WEPP CD and a training manual will be provided. In order to run GeoWEPP for GIS applications on your own computer, you must have the commercially available ESRI GIS software ArcView 3.x and ArcView Spatial Analyst Extension installed. Please indicate on your registration if you have these ESRI software already installed.
Audience: Conservationists, researchers, foresters, DOT personnel, natural resource planners, land management planners/consultants
Presenters: John Laflen, USDA-ARS (retired); William Elliot, U.S. Forest Service
15 participants minimum, 25 maximum
Cost: SWCS Member – $50 early, $70 late
Non-member – $70 early, $90 late

ESRI authorized training
Saturday and Sunday, July 24 and 25; 8:15 a.m.–4:30 p.m.

Science Museum of Minnesota (three blocks from the Radisson Riverfront Hotel)

- Have you ever had the need to create site-specific maps in a quick and efficient way, using remote sensed images as a backdrop?
- Have you wondered how to digitize field boundaries and calculate acreages?
- Have you ever needed to spatially integrate conservation plans, hydrographic, soil and slope data to produce nutrient management plans?
- Have you ever wondered how to relate table (database) data to spatial features?

ArcView GIS 3.x is one of the most widely utilized desktop GIS software applications, with an easy-to-use, point-and-click graphical user interface that lets the user load spatial and tabular data, and easily display, query, analyze, summarize, and communicate cartographic, image and tabular data, and to produce presentation quality output.

This two-day, 14 contact hour course will enable participants to become familiar with the software, and basic techniques for the retrieval, storage, manipulation and analysis of geospatial information, and the utilization of Internet data sources. Students will receive the book "Introduction to ArcView GIS," which includes a CD with exercises and data. The instructor, Demetrio Zourarakis, PhD, is an ESRI authorized instructor for "Introduction to ArcView GIS". His everyday tasks are centered on utilizing GIS and remote sensed data for geospatial data analysis in natural resources, agricultural and environmental programs at the Kentucky Division of Conservation – Department of Natural Resources. His background in agronomy, soils and plant physiology adds an essential and relevant real world component to this ESRI's Introduction to ArcView GIS3.x, two-day course.

This workshop is limited to 10 participants, minimum and maximum. Those who wish to park a vehicle at the Science Museum will have a parking fee of $10 per day.
Audience: This course is a deal for those who use the USDA-NRCS's Customer Service Toolkit (CST) and Soil Data Viewer (SDV), which use ArcView as its geospatial interface. This course is especially recommended for those CST and SDV users with a need to intensify their knowledge of the ArcView interface and functionality. A basic to intermediate working knowledge of the MS Windows operating system is required.
Presenter: Demetrio Zourarakis, GIS and Remote Sensing Coordinator, Kentucky Division of Conservation
10 participants minimum and maximum
Cost: SWCS Member – $300 early, $350 late
Non-member – $350 early, $400 late
ESRI certificates will be awarded upon successful completion of the course. Additional continuing education units (CEUs) may be awarded to Certified Crop Advisors, landscape architects, etc.

ABCs of TMDLs
Sunday, July 25, 8:30 a.m.–4:00 p.m.

This workshop is intended to provide attendees with a fundamental understanding of TMDLs and how the TMDL program may influence water quality and agricultural and other land management activities in the U.S. A TMDL or Total Maximum Daily Load is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. TMDLs are mandated by the Clean Water Act and laws in many states. The TMDLs are requiring states to systematically assess and address water quality problems caused by non-point source pollution and particularly agriculture. This workshop will provide participants with a basic understanding of 1) the TMDL program history and requirements; 2) how TMDLs are developed; 3) challenges associated with TMDL development; and 4) recent regulatory changes to the TMDL program and how they may affect TMDL developers and stakeholders.
Audience: NRCS and SWCD personnel and other conservationists who are or may become involved in the TMDL process or who need to know more about the program to better advise their clientele.
Presenters: Theo Dillaha, Brian Benham, Kevin Brannan, and Gene Yagow, Virginia Tech; William Painter, U.S. EPA
20 participants minimum, 50 maximum
Cost: SWCS Member – $100 early, $120 late
Non-member – $120 early, $140 late

Wind Erosion Prediction System (WEPS)
Sunday, July 25; 1:00–5:00 p.m.

In response to customer requests for improved wind erosion prediction technology, USDA, cooperating with other agencies, developed the Wind Erosion Prediction System (WEPS).

WEPS is a process-based continuous daily time-step model. It represents the most current technology for predicting soil erosion by wind. As the USDA-NRCS nears implementation of WEPS, the purpose of this half-day workshop is to give participants an overview of WEPS and its utility for conservation planning and policy development. The workshop will include 1) soil, water, and air quality as influenced by wind erosion; 2) development of wind erosion technology; 3) overview and demonstration of WEPS; 4) use of WEPS for conservation planning; 5) soil erosion by wind and its control (video); and 6) discussion.
Audience: NRCS personnel, technical and administrative; ARS scientists; personnel from state and federal agencies; scientists and conservationists from the U.S. and other countries
Presenters: Ed Skidmore, Larry Wagner, and John Tatarko, USDA-ARS; Gary Tibke, USDA-NRCS
15 participants minimum, 30 maximum
Cost: SWCS Member – $45 early, $65 late
Non-member – $65 early, $85 late

Communicate your ideas visually: Presentation graphics for conservation planning
Sunday, July 25, 1:00–5:00 p.m.

In today's fast-paced world, it is critical to be able to communicate and market conservation strategies quickly and concisely. Many decision makers do not have the knowledge or experience to interpret technical jargon and engineering drawings used in planning and design. Effective graphics help people visualize and better understand technical proposals, which speeds up the planning process and encourages participation in planning.

Whether you are artistic or not, this workshop will give you some practical skills for communicating with clients. The first part of the workshop will focus on how to use illustrations to better communicate conservation plans. Demonstrations and simple exercises will be used to develop and improve your ability to draw plan views and sections that can be easily understood by clients. Techniques will range from quick freehand drawing to using Microsoft PowerPoint to create effective presentation graphics. The second part of the workshop will teach you how to alter photographs to illustrate proposed alternatives. A Microsoft Windows compatible image editing program will be handed out and used during the workshop. You will learn how to use this software to create accurate and realistic looking simulations.

To gain the most from the workshop, participants are encouraged to bring a laptop computer equipped with a CD reader, Microsoft Windows, Microsoft PowerPoint, mouse, and charged battery. If you do not have a laptop, the computer applications will be documented in the workshop notebook so you can use them when returning home. Photo image editing software, digital image library, and workshop notebook are included in the registration fee.
Audience: Natural resource planners and technicians
Presenters: Gary Wells, USDA-NRCS; Gary Bentrup, U.S. Forest Service
15 participants minimum, 50 maximum
Cost: SWCS Member – $40 early, $60 late
Non-member – $60 early, $80 late

Conservation planning field technology
Wednesday, July 28, 8:00 a.m. – 12:00 p.m.

This workshop will focus on new and innovative technology used by the Natural Resources Conservation Service (NRCS) to assist the agency in its assigned task of the conservation of natural resources. It will include demonstrations and discussions of the Agency's conservation and planning applications. The Customer Service Toolkit is the official conservation planning application of NRCS. It is a web-enabled application that utilizes several common platforms as a base and includes ArcGIS as a geospatial component. Program Contracts System, or ProTracts, is the web-based official contracting application of the Agency. It also uses ArcGIS as a geospatial component. Toolkit and ProTracts are electronically linked and are considered as logical components of each other. Both applications have the functionality of assimilating data gathered by the use of global positioning satellites.

In addition, several features of the Toolkit and ProTracts will be included in a Conservation Plug-In available without charge to commercial providers to incorporate in their software products. This will enable technical service providers to use commercial software with appropriate security to create and maintain conservation plans for their customers, as well as maintain their cost-share agreement records hosted in USDA databases. Producers also will be able to use commercial software containing the Plug-In to maintain some of their own records.

The applications are used by field conservationists and technical service providers to create and manage conservation plans and contracts containing practices and practice components. They will certify completed cost-shared practices and approve them for payment. Contracts are built utilizing information from Toolkit, cost lists maintained in the electronic Field Office Technical Guide (eFOTG), and in other databases. Cost-share contracts are geo-referenced for rapid and flexible reporting.

Information and demonstrations will be presented by both program developers and field users of the applications. In addition to GPS, linkage is being built to a Resource Data Gateway, Resource Data Marts and Viewer, conservation engineering applications, and the NRCS' eFOTG. Explanations and discussions will be used to address how the applications are linked to other pertinent data sources.
Audience: Professionals involved in delivering all types of natural resource planning to the public
Presenters: James "Chip" Ramsey, Chance Walker, James Gillespie, and Jack Carlson, USDA-NRCS
20 participants minimum, 50 maximum
Cost: SWCS Member – $45 early, $65 late
Non-member – $65 early, $85 late

Assessing the impacts of agricultural operations on ambient air quality
Wednesday, July 28, 8:00 a.m.–12:00 p.m.

New national ambient air quality standards (NAAQS) for tropospheric ozone and fine particles (those with a diameter less than 2.5 microns, PM-2.5) were implemented in 1996 and attainment designations for these pollutants will be made by EPA in 2005 and 2006. Tropospheric ozone and much of the fine particles found in ambient air are not emitted directly from sources but are formed in the atmosphere by various chemical processes. Agricultural operations had been identified as being a source of some of the emissions that contribute to the formation these tropospheric ozone and fine particles. Technical personnel who work directly with agricultural producers need to know the sources of these emissions, their effects on air quality, and the alternatives available to reduce them. This workshop will provide training in:

- Accessing and interpreting ambient air quality data.
- Identifying agricultural sources of air emissions and the transport and chemical processes that impact ambient air quality.
- Implementing management practices to reduce air emissions from agricultural operations.

Audience: Traditional public sector and private sector technical service providers, conservation district employees and others involved in natural resource planning and air quality management.
Presenters: Ron Heavner, Roel Vining, John Brenner, John Beyer, Jeff Schmidt, and other cooperators, USDA-NRCS
10 participants minimum, 30 maximum
Cost: SWCS Members – $45 early, $65 late
Non-member – $65 early, $85 late

RUSLE2 for conservation planning and erosion assessment
Wednesday, July 28, 8:00 a.m.–5:00 p.m.

This workshop will help participants become familiar with RUSLE2 science and technology. With hands-on instruction, participants will develop basic skills to operate the RUSLE program and manage databases. The model is land-use independent, and the extensive database will allow users to apply RUSLE2 to a wide variety of land uses in the U.S. RUSLE2 can operate in either U.S. customary units or SI units, making it much easier to use for those who work with metric units. RUSLE2 is a 2nd generation of RUSLE1, but with new features and capabilities, including a graphical user interface. It is being used as a guide for conservation planning with the USDA Farm Bill and has the most extensive supporting database ever assembled for users of an erosion prediction model. The instructors have experience in developing, implementing, and applying RUSLE and RUSLE2, building databases, and training RUSLE2 users. Participants must bring their own laptop computers. RUSLE2 runs on Win95, Win98, WinNT and XP.
Audience: Technical service providers, conservationists, university instructors, researchers, international users, natural resource planners, erosion control professionals, and consultants.
Presenters: Glenn Weesies, David Lightle, and John Pingry, USDA-NRCS
15 participants minimum, 30 maximum
Cost: SWCS Members – $75 early, $100 late
Non-members – $100 early, $125 late

New rules, tools, and techniques to ensure NPDES compliance
Wednesday, July 28; 9:00 a.m.–4:00 p.m.

Phase 2 of the National Pollutant Discharge Elimination System requires a fresh approach to stormwater management and construction site erosion control. BMPs are evolving to meet new resource protection goals and regulatory requirements. Traditional approaches are just the first step toward reaching our goals. Fortunately there are many innovative, cost-effective techniques to help ensure NPDES compliance.

This course will introduce you to the new phase 2 requirements and teach you how to deal with them during the design, product, and technique selection and field implementation of your projects.
Audience: Engineers, landscape architects, landscape designers, city and county engineers, planners and public works personnel, inspectors, and contractors.
Presenters: Jay Michels, Minnesota Erosion Control Association; Randy Neprash, Boonestroo, Rosene, Anderlik & Associates, Inc.; Jay Riggs, Dakota County Soil and Water Conservation District; Todd Smith, Minnesota Pollution Control Agency; Dwayne Stenlund, Minnesota Department of Transportation
40 participants minimum, 80 maximum
Cost: SWCS Member – $90 early, $110 late
Non-member – $110 early, $130 late

The use of risk assessment tools in Comprehensive Nutrient Management Plan (CNMP) development
Wednesday, July 28, 1:00–5:00 p.m.

This four-hour workshop is a continuation of a series of workshops educating professionals and producers about important emerging facets in nutrient management planning. It is jointly sponsored by the American Society of Agronomy (ASA), the Soil Science Society of America (SSSA), and the Soil and Water Conservation Society (SWCS).

The workshop will look at established and emerging risk assessment tools utilized for and during the development of comprehensive nutrient management plans (CNMPs). Risk assessment tools presented will include the Revised Universal Soil Loss Equation (RUSLE2), the Nitrogen Leaching Index (NLI), Phosphorus Index (PI), and an array of other decision making tools utilized during the nutrient management planning process. In addition, software will be presented to develop a complete Comprehensive Nutrient Management Plan (CNMP) output documents through the utilization of "smart document" procedures in the Manure Management Planner (MMP).
Audience: Traditional public sponsored practicing agronomists and soil scientists (NRCS, ARS, district conservationists, cooperative extension and field practitioners); technical service providers; public and private practitioners engaged in the areas of conservation who require training to become certified specialists or need continuing education units to retain certification.
Presenters: Chris Gross, Jerry Lemunyon, and Norman Widman, USDA-NRCS
10 participants minimum, 40 maximum
Cost: SWCS Member – $45 early, $65 late
Non-member – $65 early, $85 late

CPESC or CPSWQ

Phase II of the National Pollutant Discharge Elimination System (NPDES) now mandates local storm water management programs for thousands of municipalities throughout the United States. Local governments must incorporate information and education components as well as construction site erosion control and post-construction storm water management into their programs. The need for certified professionals in erosion and sediment control and storm water control continues to grow rapidly.

A Certified Professional in Erosion and Sediment Control (CPESC) or Certified Professional in Storm Water Quality (CPSWQ) designation establishes and expands your credibility in these specialties. Both designations are endorsed by the Soil and Water Conservation Society and the International Erosion Control Association.

Exam Review — Get a jump-start on your CPESC or CPSWQ exam with the review courses offered at the SWCS Annual Conference. Review the material and concepts on the CPESC and CPSWQ exams with professionals in the field. The course includes lunch and course materials. The review courses for each certification will be held on Sunday, July 25. The exams will take place on Wednesday, July 28.

Applications must be submitted to CPESC, Inc. no later than Friday, June 11, 2004 in order to be reviewed for approval to sit for the exam at this conference. Application forms can be found on the CPESC website at *www.cpesc.net*.

CPESC Cost, $185 early; $215 late
CPSWQ Cost, $185 early; $215 late

PERSONAL DEVELOPMENT SESSION

Monday, July 26, 10:00 a.m.–12:00 p.m.

When Seeing "Eye to Eye" Becomes "Eye for An Eye," – a workshop on better handling conflict
Conflict is a reality of life, how you handle it can make the difference. Do you want to better understand your personal style and approaches to conflict? Gain ideas about how others might experience conflict? Practice skills and add to yours? Increase your confidence and competence for building effective partnerships? This interactive workshop will help you learn these and more.

The presenter is Lisa Hinz, Regional Extension Educator with the University of Minnesota Extension Service. Lisa has several years experience working with staff, volunteers, and citizens in the public sector on how to work through conflict in helpful ways.
Cost: SWCS Member – $15 early, $20 late
Non-member – $20 early, $25 late

STUDENT ACTIVITIES

Register for student activities on page 17.

Leadership Seminar
Sunday, July 25, 10:00 a.m.–12:00 p.m.

A group of professionals will educate the audience on leadership building skills. Learn how to build confidence in personal abilities to be successful and how to work with others to accomplish a mission. Don't miss out on the opportunity to build leadership skills and take a step closer to being a successful leader in today's conservation world.

There is a $5 charge to attend this session and the Career Opportunities in Conservation session.

Career Opportunities in Conservation
Sunday, July 25, 1:30–3:30 p.m.

Representatives from governmental agencies, environmental engineering firms, universities, and various other soil and water conservation occupations will form a panel to discuss available career opportunities. Following the panel discussion, students will break up into smaller groups to discuss resume writing, cover letter writing, job search hints, and interviewing skills.

Recruitment Fair
Tuesday, July 27, 5:00–7:00 p.m.

First-time event! Representatives from universities and industry will provide information on graduate programs, internships and job opportunities. Explore the possibilities of continuing your education or finding the career that best matches your goals. There is no charge to students for this activity, but students must be registered for the annual conference to attend.

Poster Contest
Take advantage of this first-ever poster contest for both student chapters and individuals. Cash prizes and plaques will be presented to the winners in the different categories.

Group Poster Contest – Topic: Group research or activities related to implementing soil and water conservation.

Individual Poster Contest – Topics: Research or individual conservation work (volunteer, etc.).

The poster size is limited to 4' high x 8' wide or smaller.

The contest entry deadline is Friday, April 16, 2004.

Registration fee for a group poster is $25 and for the individual poster contest is $10. The registration fee is to ensure participation at the conference. After the presentation of the awards, all registration fees will be returned to those chapters and individuals that bring their poster to the conference in St. Paul.

Registration forms for the poster contest can be found on the Minnesota Chapter website at *www.minnesotaswcs.org*. Forms and poster registration fees should be mailed to: Shannon Bengtson, 201 Sherwood Avenue South, Thief River Falls, MN 56701 or emailed to *shannon.bengtson@mn.usda.gov*.

Don't miss this opportunity to showcase what you or your chapter are doing or have done to help the cause of conservation.

SOIL AND WATER CONSERVATION SOCIETY MEETINGS AND ACTIVITIES

The following groups are scheduled to meet during the 2004 annual conference.

Friday, July 23
SWCS Board of Directors 1:00–5:00 p.m.

Saturday, July 24
SWCS Board of Directors 8:00 a.m.–5:00 p.m.
Chapter Development Workshop 9:00 a.m.–5:00 p.m.

This is a workshop developed by chapter leaders for chapter leaders. Topics include: Review of Chapter Leader Guides; Communications within Chapters and with External Groups; Job/Position Descriptions for Chapter Leaders; Typical Calendar of Events for Chapter Leaders; Developing a Long Range/Strategic Plan. Register for this event on page 17. Cost is $35 per person early; $40 late; includes morning and afternoon breaks and a box lunch.

Sunday, July 25
House of Delegates Meeting 9:45 a.m.–12:00 p.m.
SWCS Committee Meetings TBD

Monday, July 26
Regional Breakfasts 7:00–8:15 a.m.

Tuesday, July 27
Regional Breakfasts 7:00–8:15 a.m.

2004 and 2005 Annual Conference Local Arrangements Committees Meeting 7:00–9:00 p.m.

ASSOCIATED MEETINGS

Saturday, July 24
CPESC, Inc. Council Meeting 8:00 a.m.–6:00 p.m.

Sunday, July 25
CPESC and CPSWQ Exam Review 8:00 a.m.–5:00 p.m.
See page 9 for details.

Tuesday, July 27
ARSCSE Board Meeting 8:00 a.m.–12:00 p.m.
Earth Care Connection Reception 5:15–6:15 p.m.
ARSCSE Social and Banquet 5:30–9:00 p.m.

Wednesday, July 28
CPESC and CPSWQ Exams 9:00 a.m.–4:00 p.m.

TECHNICAL TOURS

All conservation/technical tours will take place on **Wednesday, July 28** and will give exposure to interesting and informative conservation work happening in the area. Register for the tour(s) of choice on page 17.

Be sure to register early to secure a seat on a tour. The Minnesota Chapter reserves the right to cancel any tour that does not have the minimum number of participants and to change the maximum number based on registrations.

Campus, Compost and Conservation in the Beltway
7:30–11:45 a.m.

This half-day tour will highlight some unique urban issues with a stop at the University of Minnesota St. Paul campus to see the last working farmland in the Metro. Participants will have an opportunity to walk through the horticultural gardens, view variety trials on grains, flowers, and turf. A kiosk will explain soils, climate, and crop production in Minnesota. Guides will be available.

Cattle on campus create an interesting concern – manure production. Visit the University of Minnesota composting facility. Learn about handling manure in an urban setting. Participants will also learn about manure management in the state.

Urban runoff and urban "Rain Gardens" will be the next tour stop. Handling storm runoff in parking lots, businesses, and homes will be discussed. Innovative ways to hide storm water catchment basins by planting flowers and plants will be demonstrated.
25 persons minimum, 45 maximum
Cost: $30 early, $35 late
Includes transportation, guide, and box lunch.

River Ecology via Riverboat
12:45–4:30 p.m.

Take a ride on the historic Jonathon Padelford up the Mississippi River to the confluence of the Minnesota River. While heading upriver, look at the geology of the region with beautiful limestone and sandstone bluffs. At the confluence of the Minnesota River, a presentation of the successful Conservation Reserve Enhancement Program (CREP) efforts in the Minnesota River Basin will be discussed. Nearly 100,000 acres of perpetual easements were secured. Further upriver we will see Fort Snelling overlooking the valley. We will next stop at Lock and Dam #1 to discuss management issues of the Lock and Dam system on the river. The return trip will highlight a presentation of local fauna, fish and plants found in the area. Water quality and river ecology will be discussed. Presenters will be available for each stop.
100 persons minimum, 250 maximum
Cost: $40 early, $45 late
Includes transportation and guide.

National Refuge, Arboretum and Minnehaha Falls
7:30 a.m.–4:30 p.m.

This tour highlights locations within the metro area. The Minnesota River Valley National Wildlife Refuge in Bloomington is the first stop. This unique refuge is one of the largest refuges located in an urban environment. A short film presentation at the interpretive center will give an overview of this extensive refuge system. A short hiking tour, as well as indoor exhibits, will also be available. Facilities are handicap accessible.

The University of Minnesota Landscape Arboretum in Chanhassen is the next stop. This facility features one of the top ten places in America to "smell the flowers." Locals come here to learn gardening and see locally developed varieties. One thousand acres of rolling landscape, formal gardens and wetlands are available. Take a tram, bus or walking tour of the grounds with an experienced guide. A picnic lunch will be served on the grounds, weather permitting.

After leaving the Arboretum, we will travel to Lake Minnetonka. The Dakota Indians inhabited its shores, leaving burial mounds that are still visible today. The lake is now faced with development and water quality issues. In addition, recent invasive species have further limited recreation in parts of the lake.

The return trip will include a stop at beautiful Minnehaha Falls. The New England poet, Henry Wadsworth Longfellow, gave the falls its national fame but he never visited the falls of which he wrote in 1853. Upon leaving the falls, the tour will conclude with a drive through St. Paul along Summit Avenue to view a variety of architecture in the historic homes.
25 persons minimum, 45 maximum
Cost: $45 early, $50 late
Includes transportation, guide, and lunch.

Whitewater Watershed Tour
7:30 a.m.–5:00 p.m.

This rural tour first stops at the University of Minnesota Research and Outreach Center in Rosemount, Minnesota. Limited resource minority farmers are growing garden crops here to market at local farmers markets. The goal of the Outreach Center is to develop independent farmers within three years. The project started with 20 farmers and now has over 50.

We travel south to the Whitewater Watershed where specialty crops present unique water quality concerns. This watershed is located in the Karst topography of southeast Minnesota. A local farmer will talk about raising specialty crops in the watershed and how he is working with the local canning company to protect his resource. A company representative will be present to discuss efforts to use cover crops in canning contracts. Demonstration plots will be on site.

Lunch will be served at the Whitewater State Park and Interpretive Center. A presentation of the Whitewater Project will be given, as well as a tour through Whitewater. This area is noted for its wooded slopes, contour strips, and contouring. Trout streams are abundant and saving them is one of the objectives of the project. This area is noted for several historic features and was home to one of the many CCC camps. The return trip will go through much of this scenic area.
25 persons minimum, 45 maximum
Cost: $45 early, $50 late
Includes transportation, guide, and lunch.

FAMILY AND SOCIAL EVENTS AND ACTIVITIES

Sunday, July 25

Optional Sightseeing Tours –

Chanhassen Dinner Theatre
3:30–10:30 p.m.

Enjoy "Annie," one of the most captivating and delightful musicals of all time on the main stage of the famous Chanhassen Dinner Theatre. Set in Manhattan in the era of the Great Depression, "Annie" follows the rags to riches

story of an 11-year old orphan without a friend in the world, except for her faithful dog, Sandy. Annie's only hope is to escape the orphanage where the tyrannical Miss Hannigan makes life miserable. With the arrival of Daddy Warbucks, Annie's dreams finally come true.
Price includes deluxe motor coach transportation, dinner, tax, gratuity and show. The bus will return to the hotel by 10:30 p.m.
25 participants minimum, 44 maximum
Cost: $70 early, $80 late

Gangster Tour of St. Paul
4:00–6:00 p.m.

Your very own Gangster Guide will tell you all about St. Paul's infamous gangster history. See where the gangsters of St. Paul, such as Dillinger, Babyface Nelson and the Barker/Karpis Gang, lived it up and also planned and executed some of the most notorious crimes ever perpetrated in the upper Midwest. Your guide takes you past gangster hideouts and some famous nightclubs where many gangsters spent their time socializing with the public. This two-hour tour by motor coach with costumed guides will be fun for all!
25 participants minimum, 44 maximum
Cost: $20 early, $25 late

Teen and Youth Activity –

Camp Snoopy at the Mall of America
4:00–8:30 p.m.

Off to the Mall of America for unlimited rides at the nation's largest indoor themed amusement park complete with roller coasters, Skyscraper Ferris Wheel, and many more! Each participant will receive a meal voucher for a hamburger, chips and a drink.
Minimum 15, maximum 45 participants
Cost: $25 early, $30 late
Included are transportation, admission, chaperones, and meal.

Monday, July 26

Optional Sightseeing Tours –

Cannon River Canoe Trip
8:30 a.m.–4:00 p.m.

Canoe down the beautiful Cannon River with a local guide and host. Enjoy a shore lunch and learn about many natural features in the region. Transportation from the hotel, canoes, life jackets, paddles, lunch, snacks and water provided. Bring your own hat, sunglasses, and sun tan lotion for a fantastic Minnesota summer day!
25 participants minimum, 44 maximum
Cost: $55 early, $65 late

Twin City Tour
9:00 a.m.–4:00 p.m.

Explore Minneapolis and St. Paul on a daylong tour that looks at the rich history, modern attractions and many lakes and parks. Tour St. Paul's architecturally rich downtown, view historic mansions on Summit Avenue in Minnesota's Capitol city. In Minneapolis see the historic St. Anthony Falls, Nicollet Mall and Minneapolis Sculpture Garden. Lunch is included with several opportunities to get off the bus and enjoy the summer day.
25 participants minimum, 44 maximum
Cost: $60 early, $70 late

Teen and Youth Activities –

Minnesota Zoo and IMAX
10:00 a.m.–4:00 p.m.

Spend Monday on an adventure that includes the Minnesota Zoo and IMAX Theater. Dress for the weather so you will enjoy both the outdoor and indoor experience.

At the Minnesota Zoo, discover puma, wolverines, and otters on the Minnesota Trail or majestic Amur tigers on the Northern Trail. Venture into the world of the Southeast Asian rain forest along the Tropics Trail. Inquisitive gibbons, playful Malayan sun bears, agile tree kangaroos and Komodo dragons are just a few of the animals waiting to be discovered as you stroll the winding path. Over 1.1 million gallons of water provide a home for sharks, rays and other marine life in Discovery Bay. Guests can actually touch sharks, sea stars, and sea anemones in an interactive estuary and tide pool. Learn about dolphins' natural behaviors during the Comcast Dolphin Show held daily in the 800-seat Dolphin Stadium. Your senses will be treated to the most powerful and involving movie experience yet created when visiting the Imation IMAX Theater. Academy award-winning IMAX technology brings images to life on a screen six stories high. The Imation IMAX Theater puts you in the heart of the action with crystal clear images and 12,000 watts of sound.
Minimum 20, maximum 90 participants
Cost: 12 and under is $24 early, $29 late
13 and over – $30 early, $35 late
Includes transportation, guides, and admission into zoo and theater. Lunch and optional monorail are at your own expense.

Social Night Activity –

Harriet Island
6:00–9:30 p.m.

Begin the evening with a scenic stroll across St. Paul's downtown Wabasha Street Bridge, crossing over to historic Harriet Island. Located on the banks of the "Mighty Mississippi," this century old and newly renovated gathering place offers a great view of the capitol city.

Enjoy a down-home dinner of barbecue chicken, smoked pork, beans, potato salad, dessert, and a variety of beverages. Following dinner, get ready for the celebrated music of the "Ya, Sure, Ya Betcha Band." From polkas to waltzes to good ol' rock n' roll river songs, these local boys will get your toes tappin' and your hands clappin'. With over 30 years in the music business they've put together some great Minnesota-flavored tunes like "Skaters Waltz" and "The Strip Polka" that are sure to please.

In addition to the band, Al Batt, a professional ornithologist and former dairy farmer hailing from the wilds of southern Minnesota, will share a gaggle of stories about some of his most humorous natural experiences. Al has taken his conservation message all the way from Alaska to Florida and his gift for story telling will undoubtedly be memorable.
Cost: Adults – $25 early, $30 late
12 and under – $15 early, $20 late
Transportation will be available for those not able to make the walk to Harriet Island.

Tuesday, July 27

Optional Sightseeing Tour –

Historic Stillwater or Bust!
9:00 a.m.–4:00 p.m.

Travel by motor coach the short distance to historic Stillwater along the scenic St. Croix River. Explore Stillwater with a costumed tour guide who will share the facts and legends of the area. Historic sites, architecture of Victorian homes and the famous Main Street will be emphasized. Enjoy lunch (included) at the historic Lowell Inn and then spend the afternoon visiting hundreds of antique and specialty shops in the downtown area or meandering along the riverfront. This is sure to be a very relaxing day filled with new friends, fun and food!
25 participants minimum; 44 maximum
Cost: $47 early, $57 late

Teen and Youth Activities –

Minnesota Valley Wildlife Refuge and Historic Fort Snelling
9:00 a.m.–4:00 p.m.

The Minnesota Valley Wildlife Refuge staff will present a program geared for 4th graders and older entitled "Wetland Safari." Conduct macro-invertebrate sampling tests and learn the role water quality plays in the health of wetland communities. A picnic lunch is followed by a guided tour of Historic Fort Snelling, a restored stone fortress on the Mississippi River featuring the sights and sounds of 1827. Dress for outdoor weather.
Minimum 10, maximum 30 participants
Cost: $25 early, $30 late
Includes transportation, guides, admissions and lunch.

Wild Mountain Water Slides
9:00 a.m.–4:00 p.m.

Travel to scenic Wild Mountain Resort at Taylors Falls for a day at one of the premier water parks in the area. In addition to unlimited rides on the Hydrotube, the Super Chute, the Lazy River and more, a catered lunch is planned, along with volleyball and horseshoes. Wear a swimsuit and bring plenty of sunscreen for this fun day in the outdoors.
Minimum 20, maximum 45 participants
Cost: $30 early, $35 late
Includes transportation, chaperones, admission, and lunch.

Teen Nightclub – Maplewood Community Center
7:00–9:00 p.m.

Travel to nearby Maplewood Community Center for an evening of swimming, basketball, and other activities. Snacks and drinks are available for purchase. Bring your own towels. The fee covers transportation and the group rate at the community center.
Minimum 10, maximum 30 participants, ages 13–18
Cost: $15 early, $20 late

Wednesday, July 28

Optional Sightseeing Tours –

Enjoy the day on your own in St. Paul by visiting any of the many activities within walking distance of the hotel.

Science Museum of Minnesota – "Forces of Nature" will be showing in the Omni Theatre where you can experience and get a better understanding of tornadoes, floods, and earthquakes. On display will be "Robots and Us" and the new "Big Backyard" with an environmental themed mini golf course. The Mississippi River Visitor Center is located within the museum.

Minnesota Children's Museum – Visit the museum where kids can touch, climb, splash, push, pull and press it all! Kids up to 10 years of age and their adult guests can burrow through an anthill, take the stage in a TV and music studio, create a thunderstorm, operate a crane, and more!

Landmark Center – This 100-year old building was the site of the infamous gangster trails and now houses an art museum and several non-profit organizations. The restored Federal Courts Building showcases a beautiful courtroom and a breathtaking atrium that shouldn't be missed!

Shopping – Visitors to downtown St. Paul have several shopping opportunities awaiting them. Whether it is familiar name brands or one-of-a-kind items you seek, St. Paul has a store to suit your needs. Most stores are connected to the conference hotel by the skyway system. So, shop 'til you drop. The state of Minnesota does not charge sales tax on clothing purchases.

Mall of America – Though not within walking distance of the hotel, it is only a short bus ride away. For a round-trip fare of $3.00, you can ride the city bus from the hotel doorstep to the Mall and back. Several trips are made throughout the day and each day of the conference. Fit in a few hours or a whole day of shopping and entertainment options galore!

Biking/Hiking/Running – St. Paul has an extensive network of hiking/biking/running trails easily accessible from the conference hotel. Bring your bike or just enjoy a leisurely walk or morning run. Trails run along the Mississippi River and through nearby parks.

Teen and Youth Activity –

St. Paul Science Museum
9:30 a.m.–12:00 p.m.

Spend Wednesday morning exploring the Science museum, located a short walk from the conference hotel. The exhibit hall contains a wide variety of things to see and do. In the Collections Gallery discover Emily, the two-headed turtle, an Egyptian mummy, and a collection of Questionable Medical Devices that includes a phrenology machine. In the Dinosaurs and Fossils Gallery you will find the mounted skeleton of the 82-foot-long Diplodocus, Triceratops, Stegosaurus and many other dinosaurs. What happened in North America after the dinosaurs died out? In the Primeval Swamp area of the gallery, travel back 60 million years to find out. Become a scientist at the Cell Lab in the Human Body Gallery. Feel the pulse and examine the pumping mechanism of the Bloodstream Superhighway, an area encircled by a 100-foot-long tube filled with a flowing blood-like fluid. The Experiment Gallery will allow you to explore the worlds of physical science and mathematics with a variety of hands-on exhibits. Create your own weather system, operate a steam engine, and don't leave without seeing a tornado form from a roiling cloud at your feet. Test your skills as a riverboat pilot in the Mississippi River Gallery. Learn about some aspects of Native American cultures in our locale. Fly down the Mississippi from its start at Lake Itasca to the Gulf of Mexico.
Cost: $6 early, $10 late for 4–12 year olds
$8 early, $12 late for 13+
Includes chaperones and admission. Participants will walk the three blocks to the location.

REGISTRATION INFORMATION

Awards Luncheon tickets are not included in the registration fee. These tickets may be purchased separately on the registration form or on-site, if available.

Tours, special meal functions, and teen and youth activities will be handled on a reserved ticket basis only and must accompany a conference registration. Fees for these functions should be added to the conference registration. Tickets will be sold at the conference based on availability but to guarantee participation, it is best to purchase as early as possible. Tours and special activities may be cancelled without sufficient participation. Refunds for sold out or cancelled activities will be given after the conclusion of the annual conference.

Payments for conference fees, tours, meal functions, and activities must accompany registration and will be accepted in U.S. funds only – credit card or check. We accept MasterCard, VISA, or American Express.

Cancellation of conference registration, tours, meal functions, or activities must be received in writing no later than Friday, June 25, 2004 to receive a full refund. Cancellations received in writing June 26 through July 16 are subject to a processing fee of $50 per registration and $2 per ticket purchased. No refunds will be made for conference registrations, workshops, tours, meal functions, or activities after July 16, 2004. This policy will be followed due to commitments made to service providers. Tour Policy: All tours organized by the Minnesota Chapter are subject to minimum and maximum capacity controls. The chapter reserves the right to cancel if minimum registrations are not reached or for other reasons beyond their control. Maximums may also be adjusted, so reserve your space early. If a tour is sold out or tour minimums are not met, the options will be to exchange the ticket(s) for another tour or take a full refund.

Special Needs
Please indicate on the registration form any physical or dietary special needs. The Soil and Water Conservation Society is committed to meeting the needs of persons covered by the Americans With Disabilities Act.

RESERVATION AND HOTEL INFORMATION

Hotel Reservations – Facilities for any annual conference are contracted two or more years in advance. As part of each contract, SWCS must commit to a block of guest rooms. This block is based on past hotel reservation numbers. It is important to fill the guest rooms that are blocked in order to keep the cost of the conference as reasonable as possible.

Facility – There is one hotel contracted for the 2004 annual conference, the Radisson Riverfront Hotel, 11 East Kellogg Boulevard, St. Paul, Minnesota 55101. Reservations must be made by Tuesday, June 22, 2004 to guarantee receiving the group rate. To make a reservation, call (651) 292-1900 or (800) 333-3333. Be sure to let them know you are part of the Soil and Water Conservation Society annual conference or you may be charged a higher rate.

The guaranteed group rate is $132 (single) plus 13% tax. If additional people occupy a guest room, the charge will be $10 per night per person. The hotel is also providing 20% of the group block at the prevailing government rate.

All room reservations will be held until 4:00 p.m. on the day of scheduled arrival unless guaranteed for late arrival. The hotel requires room reservations must be guaranteed for late arrival to either a credit card or with an advance deposit equal to the first night's room and tax. Purchase orders are accepted as payment if a copy of the purchase order is faxed to the hotel's accounting department prior to arrival.

The hotel's check-in time is after 3:00 p.m., and check out is by 12:00 p.m. Guests arriving prior to 3:00 p.m. will be accommodated as rooms become available.

PLEASE NOTE: All guests are responsible for their own room, tax, and incidental charges. In the event it becomes necessary to check out prior to the reserved check out date, be sure to indicate this to the hotel prior to or at check-in. This must be done to avoid an early departure fee.

Also, if you are not able to arrive on the date of your reservation, be sure to contact the hotel no later than 4:00 p.m. that day. Failure to do so can result in your reservation being cancelled without your knowledge as well as forfeiture of any deposit made.

A drawing for two complimentary hotel room upgrades for the 2005 annual conference in Rochester, NY will take place after the annual conference. The names will be drawn from those who are staying in the Radisson Riverfront Hotel.

The hotel amenities include a fitness center; heated indoor swimming pool and whirlpool; Port of Call lounge serving beverages and snacks; Plaza Java offering gourmet coffee, breakfast options, and sandwiches; and Carousel, a revolving restaurant on the 22nd floor with a panoramic view of the Mississippi River.

Located in the heart of downtown St. Paul overlooking the Mississippi River, the Radisson Riverfront Hotel is just minutes away from the Minneapolis/St. Paul International Airport, the Mall of America, and downtown Minneapolis. It is within walking distance of the River Centre Convention Center, Xcel Energy Center (Home of the Minnesota Wild), Minnesota Science Museum, Minnesota Children's Museum, World Trade Center, Ordway Theatre for the Performing Arts, upscale shopping, Financial District, and the State Capitol.

There are many restaurants within a short walking distance of the hotel.

Leeann Chin – Elegantly appointed Chinese buffet

Kincaids – Famous for salmon and prime rib, also features salads, sandwiches, and pastas

PazzaLuna – Restaurant and bar specializing in Italian food

Sakura Restaurant and Sushi Bar – All types of Japanese cuisine in a traditional Japanese setting

Wild Tymes – Burger, soups and salads; game room, big screen TVs, two bars, and Karaoke

Fhimas – Fine dining, top shelf cocktails, and outstanding entertainment with French Mediterranean flair

Only five blocks west of the hotel –

Cosseta Italian Market and Pizzeria – Buffet and fresh made pizzas, just one block west of the River Center

Downtowner Woodfire Grill – "Comfort" menu offering many American and Midwestern favorites

Mickey's Dining Car – Authentic 1930's art deco "quintessential diner" featuring stick-to-your-ribs fare and great breakfasts; a local institution and a 24-hour restaurant

Patrick McGoverns – Homemade specialties include fresh roasted turkey, blackened pork chops, and BBQ ribs; full service bar boasts 20 draft selections

Ruam Mit Thai Café – This award-winning restaurant is famous for Pad Thai; entrees are spiced according to the taste of the customer

Tom Reids – Great place to meet and watch your favorite sporting events while enjoying all your favorite pub food and drink

Ground Transportation
Super Shuttle offers transportation to and from the Minneapolis/St. Paul Airport. A coupon is available from the SWCS office and from the SWCS web site by entering the 2004 conference area and going into General Information or Hotel Information and Reservations. Using the coupon, the charge will be $11 per person one-way or $19 round trip. To make reservations with Super Shuttle, call 800-258-3826 or visit *www.supershuttle.com*. Reservations at least 24 hours in advance of your departure time are encouraged.

Taxi fare is approximately $14 each way. Trips from the airport also include a $2.25 trip fee, which allows drivers to recoup airport permit fees.

MetroTransit, city buses, run "Route 54" about every half hour, seven days a week. The trip between the airport and downtown St. Paul takes about 20 minutes. The route stops within two blocks of the Radisson Riverfront Hotel. The fare is $1.75 during rush hour and $1.25 during non-rush hour and on weekends.

Parking
The Radisson Riverfront Hotel offers parking in an attached, enclosed, 900 space parking facility. The cost for hotel guests to park in the ramp is $8 per day. Those who are not guests of the hotel will be charged $12–$14 per day for parking in this and other ramps in the downtown area.

Registration
The registration area will be located on the lower level of the Radisson Riverfront Hotel. Registration hours are subject to change.

Saturday, 12:00 – 6:00 p.m.
Sunday, 7:00 a.m. – 7:00 p.m.
Monday, 8:00 a.m. – 5:00 p.m.
Tuesday, 8:00 a.m. – 3:00 p.m.
Wednesday, 7:00 a.m. – 12:00 p.m.

Return the completed registration form along with the appropriate fees to:

945 SW Ankeny Rd.
Ankeny, IA 50021
or fax to 515-289-1227

Extra copies may be printed from the Soil and Water Conservation Society web page: *www.swcs.org*.

The conference registration fee covers a participant and immediate family. Early registration fees are $265 for Society members and $345 for non-members. If you are a non-member who would like to join the Soil and Water Conservation Society, you may do so by completing the membership information on the registration form, including the membership fee in your payment, and then pay the member registration fee on the same form. Early registration fees apply through Friday, June 25; late fees ($290 member and $375 non-member) apply to registrations received June 26 through July 16. After July 16, only on-site registrations will be accepted.

SWCS members who have reached the age of 65 qualify for the senior rate. The fee entitles members and spouse/guest to attend functions and purchase tickets for tours.

Information on St. Paul
St. Paul is a modern metro area of more than one million people and is the capital city of Minnesota. As an integral part of the Twin Cities metro area, it is the commercial, cultural and educational hub of the upper Midwest.

This capital city of Minnesota is a dynamic blend of urban sophistication, traditional style and eclectic appeal. Located on the Mississippi River, St. Paul draws its unique charm from its riverfront setting and European-style downtown area.

More than eight million visitors come to St. Paul each year to experience its history, museums, galleries, festivals, professional sports, theatre, heritage and ethnic celebrations. In addition to cultural activities, the area offers an abundance of outdoor activities for all ages and interests. St. Paul is a four-season celebration of things to see and do for everyone from the discriminating world traveler to the down-home family vacationer.

ADDED SAVINGS FOR MEMBERS

Enjoy the benefits of membership and save on your registration fee!

- Professional networking opportunities
- *Journal of Soil and Water Conservation*
- Discounts on books and conferences
- Effective representation in policy circles on environmental, agricultural, and conservation issues

Register for the annual conference and become a member, all at the same time! See page 16 for details.

JOIN TODAY!

2004 SOIL AND WATER CONSERVATION SOCIETY ANNUAL CONFERENCE

REGISTRATION FORM

Name Badges: (Please Print)

Registrant_____ Spouse/Guest_____

Teen Name(s) and age(s)_____

Youth Name(s) and age(s)_____

Employer_____ Position/Title_____

Address_____ City_____

State/Province_____ Zip/Postal Code_____ Country_____

Daytime phone (_____)_____ Fax (_____)_____ Email_____

SWCS Member: ❑ Yes Membership Number_____

❑ No

❑ New!

Do you have any physical or dietary restrictions? ❑ Yes ❑ No If yes, please indicate:_____

Become a member of the Soil and Water Conservation Society now and take advantage of the lower member registration fees.

Conservationist	$75 USD	_____
Leader	$125 USD	_____
President's Club	$188 USD	_____
Student	$25 USD	_____
International Postage	$15 USD	_____ (For members outside U.S., Canada, and Mexico)
Total Membership Payment		$_____

Payment Information:

Payment must accompany this form **Total fees $**_____

❑ Check (made payable to SWCS and in U.S. dollars)

Charge my: ❑ American Express ❑ MasterCard ❑ Visa

Account number_____ Expiration date_____ Cardholder's name_____

Signature_____

SWCS is a tax-exempt educational and scientific organization under 501(c)(3) of the U.S. Internal Revenue Code.

Mail to: Annual Conference Registration
SWCS
945 SW Ankeny Road
Ankeny, IA 50021 USA

Or Fax to: (515) 289-1227

To avoid duplication when a credit card payment is faxed, please do not mail original registration form.

For office use only
Received_____
Check #_____
CC APP #_____

Registration Confirmation

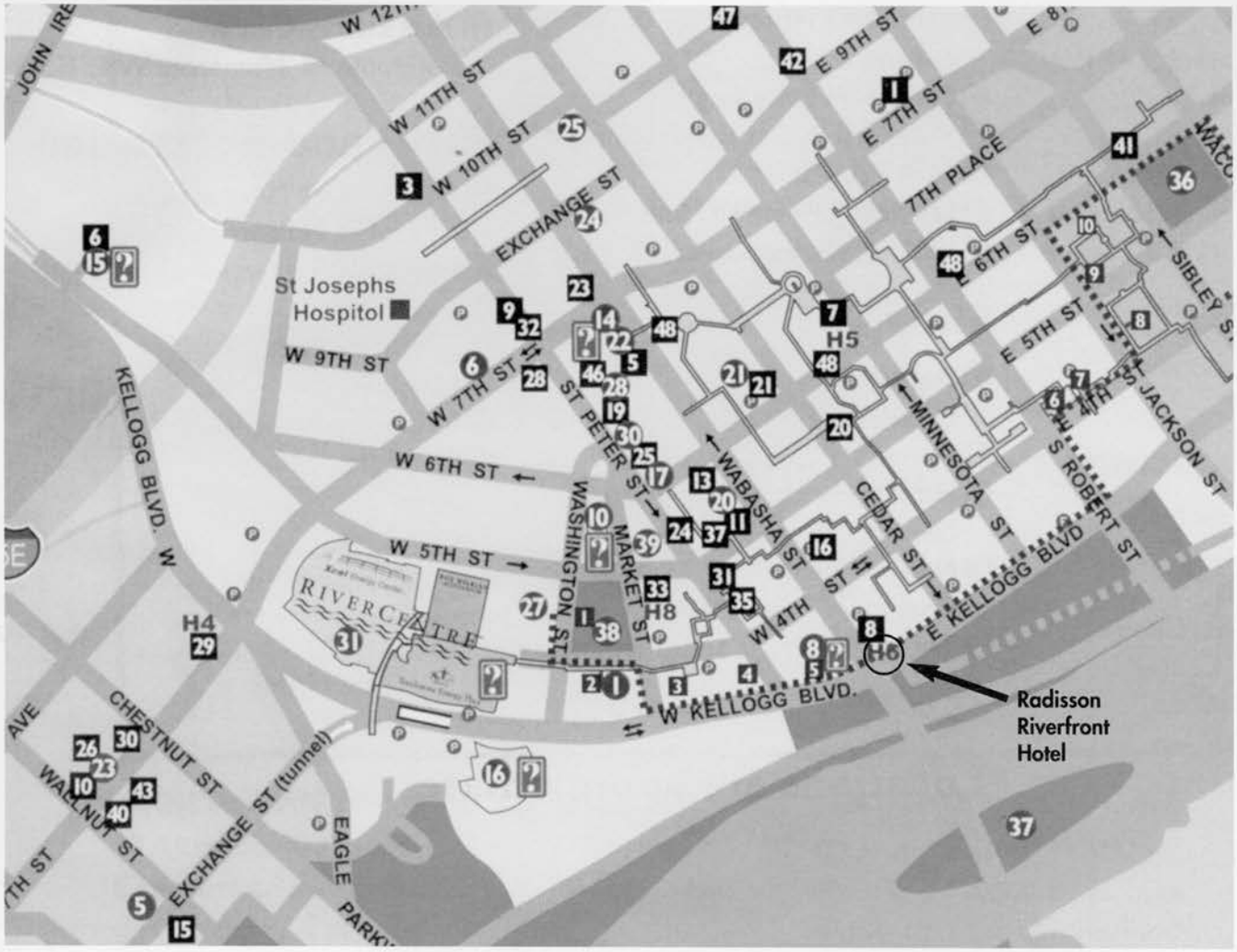
Each registrant will receive a confirmation listing the events/activities registered for. Upon receipt of this, please check for accuracy. If you believe there are errors, contact Donna Groff at 515-289-2331, extension 18, or *memberservices@swcs.org*. Allow 10 days from submitting your registration to receive the confirmation. If you do not receive a confirmation, please contact Donna Groff to verify receipt of your registration. If registering after July 16, your confirmation will be at the SWCS registration desk in the Radisson Riverfront Hotel.

CONFERENCE REGISTRATION

		On or before June 25	June 26 – July 16	After July 16 & on-site
01	Member	$265_____	$290_____	$325_____
02	Non-member	$345_____	$375_____	$400_____
03	Senior	$170_____	$190_____	$200_____
04	Student Member	$95_____	$130_____	$155_____
05	Student Non-member	$125_____	$165_____	$190_____
	Monday, July 26			
06	South Central & Southeastern Region Breakfast	$19_____	$22_____	$24_____
07	East North Central Region Breakfast	$19_____	$22_____	$24_____
08	Northern Plains Region Breakfast	$19_____	$22_____	$24_____
09	Western Regional Breakfast	$19_____	$22_____	$24_____
	Tuesday, July 27			
10	Northeastern Region Breakfast	$19_____	$22_____	$24_____
11	West North Central Region Breakfast	$19_____	$22_____	$24_____
12	Southwestern Region Breakfast	$19_____	$22_____	$24_____
13	Canadian Region Breakfast	$19_____	$22_____	$24_____
14	**Awards Luncheon**	$28_____	$31_____	$33_____
15	Chapter Development Workshop	$35_____	$40_____	
16	CPESC Exam	$185_____	$215_____	
17	CPSWQ Exam	$185_____	$215_____	

		On or before June 25 Member / Non-member	After June 25 & on-site Member / Non-member
	Workshops		
20	WEPP	$50 _____ / $70 _____	$70 _____ / $90 _____
21	ESRI Certification Training	$300_____ / $350_____	$350_____ / $400_____
22	ABCs of TMDLs	$100_____ / $120_____	$120_____ / $140_____
23	WEPS	$45 _____ / $65 _____	$65 _____ / $85 _____
24	Presentation Graphics	$40 _____ / $60 _____	$60 _____ / $80 _____
25	Field Technology	$45 _____ / $65 _____	$65 _____ / $85 _____
26	Air Quality	$45 _____ / $65 _____	$65 _____ / $85 _____
27	RUSLE2	$75 _____ / $100_____	$100_____ / $125_____
28	NPDES Compliance	$90 _____ / $110_____	$110_____ / $130_____
29	CNMP Development	$45 _____ / $65 _____	$65 _____ / $85 _____
	Personal Development Session	$15 _____ / $20 _____	$20 _____ / $25 _____
30	Conflict Resolution		
	Student Activities		
31	Leadership Seminar/Career Opportunities	$5_____	
32	Recruitment Fair (must be registered for the conference)	NC_____	
	Technical Tours – Wednesday, July 28		
40	Campus, Compost and Conservation, Beltway	$30 _____	$35 _____
41	River Ecology via Riverboat	$40 _____	$45 _____
41	National Refuge, Arboretum, Minnehaha Falls	$45 _____	$50 _____
43	Whitewater Watershed Tour	$45 _____	$50 _____
	Family, Social and Special Events		
44	Chanhassen Dinner Theatre	$70 _____	$80 _____
45	Gangster Tour of St. Paul	$20 _____	$25 _____
46	Camp Snoopy at the Mall of America	$25 _____	$30 _____
47	Cannon River Canoe Trip	$55 _____	$65 _____
48	Twin City Tour	$60 _____	$70 _____
	Minnesota Zoo and IMAX		
49	12 and under	$24 _____	$29 _____
50	13 and over	$30 _____	$35 _____
51	Historic Stillwater or Bust!	$47 _____	$57 _____
52	Minnesota Valley Wildlife Refuge	$25 _____	$30 _____
53	Wild Mountain Water Slides	$30 _____	$35 _____
54	Teen Nightclub	$15 _____	$20 _____
	St. Paul Science Museum		
55	4 – 12 year olds	$6 _____	$10 _____
56	13 and older	$8 _____	$12 _____
	Social Night at Harriet Island		
57	Adults	$25 _____	$30 _____
58	12 and under	$15 _____	$20 _____

TOTAL $_____



DOWNTOWN ST. PAUL MAP KEY

■ = Restaurants

1 Alary's Bar
3 Babani's Kurdish Restaurant
5 Bruegger's Bagel Bakery
6 Café Minnesota by Bon Appetit
7 Capital City Market Café & Bar
8 Carousel Restaurant
9 Domino's Pizza, Inc.
10 Downtowner Woodfire Grill
11 Dunn Brothers Coffee
12 Fabulous Fern's Bar & Grill
13 Fhima's
14 Foodsmart
15 Forepaugh's Restaurant
16 Gullivans-on-Wabasha
17 Glockenspiel
18 Golden's Deli
19 Great Waters Brewing Company
20 Hunan Garden
23 Katsu Sushi
24 Kincaid's
25 Landmark Café
26 Mama's Market
27 Mancini's Char House
48 McDonald's (3 locations)
28 Mickey's Dining Car
29 Mississippi Mud Rivertown Grill
30 Patrick McGovern's
31 Pazzaluna Urban Trattoria & Bar
21 River Room
32 Ruam Mit Thai Café
33 The St. Paul Grill
34 Saji-Ya
37 Starbucks Coffee Company
38 Sweetwater Grille
39 Tavern on Grand
40 Tim Reid's Hockey City Pub
41 Trattoria da Vinci
42 Trikkx
30 Upstairs at McGovern's
43 Vine Park Brewing Company
44 Vintage Restaurant & Wine Bar
45 W.A. Frost
46 Wild Tymes Bar & Grill
47 Woolley's Restaurant & Cork's Pub

H = Accommodations

H6 Radisson Riverfront Hotel

● = Attractions

5 Alexander Ramsey House
6 Assumption Church
7 Cathedral of Saint Paul
8 City Hall and Courthouse
9 James J. Hill House
1 James J. Hill Library
10 Landmark Center
14 Minnesota Children's Museum
15 Minnesota History Center
10 Minnesota Museum of American Art
1 Saint Paul Public Library
16 Science Museum of Minnesota

● = Shopping

17 Bockstruck's
18 El Burrito Mercado
2 Farmers' Market
20 Lee's Books
21 Marshall Fields
22 Rivertown Super Market
23 Twin Citiels Magic and Costume

● = Theaters and Entertainment

24 Fitzgerald Theater
25 Great American History Theatre
27 Ordway Center for the Performing Arts
28 Park Square Theatre Company
29 Penumbra Theatre
28 Saint Paul Palace Theater
30 Saint Paul Chamber Orchestra
31 Xcel Energy Center (Home of Minnesota Wild Hockey)

● = Parks and Recreation

33 Cherokee Heights Park
35 Irvine Park
39 Landmark Plaza
36 Mears Park
37 Raspberry Island
38 Rice Park

* Locations are approximate

Make plans to join us in Rochester, NY
for the 2005 annual conference
July 30 – August 4

Visit the conference website at *www.swcs.org*

SOIL AND WATER CONSERVATION SOCIETY

Soil and Water Conservation society
945 SW Ankeny Rd.
Ankeny, IA 50021
Phone: 515-289-2331
Fax: 515-289-1227
www.swcs.org

Minnesota Board of Water & Soil Resources

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

DATE: May 18, 2004

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: May 26th Board Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, May 26, 2004, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room, lower level, at One West Water Street, St. Paul. Parking is available across the street from the building. Please display the enclosed "temporary parking permit" on your vehicle's dashboard.

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Cost-Share Committee

1. **Unused Well Sealing State Cost Share Program Policy.** The BWSR has received a request from Stearns SWCD to add Unused Well Sealing to the State Cost Share Program Approved Practice List. The Cost Share Committee supports this request and recommends Board approval. See attached. ***DECISION ITEM***.

NEW BUSINESS

1. **2005 Natural Resources Block Grants.** The Natural Resources Block Grant is an annual grant formulated to assist LGUs in implementing state mandated programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, DNR Shoreland Management, the MPCA County Feedlot, and the MPCA County Individual Sewage Treatment Systems. This grant is allocated to counties. The staffs of BWSR, MPCA, and DNR request that the Board authorize BWSR staff to allocate the 2005 Natural Resources Block Grants. ***DECISION ITEM.***

2. **Alteration of Conservation Easement 34-02-94-01, Parker & Poss Farms** – See attached information. ***DECISION ITEM***

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

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

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

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

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

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

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

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

3. **Storm Water Management** - The South Zumbro Watershed Storm Water and Capital Improvement Plan (SZWSCIP) will be presented by Mike Sheehan, Olmsted County Engineer and Tony Hill Olmsted County Environmental Analyst; and Ismael Martínez-Ortíz and Ivo López, Bonestroo & Associates. This Plan was the result of a partnership between Dodge and Olmsted Counties and other local governments and stakeholders in the watershed. Funding was provided by BWSR's Local Water Planning Challenge Grant Program as well as the local partners. This Plan introduces a paradigm shift from designing individual bridges to a watershed-based approach that integrates storm water and transportation management objectives to guide bridge replacements. The study helped identify numerous bridge downsizing opportunities using temporary ponding associated with wetland enhancement/restoration, wildlife habitat enhancement, and/or farm pond creation. Stakeholders in the region are very interested in implementing this approach because of the resulting economic and environmental benefits: increased road safety, reduced bridge replacement and maintenance costs, enhanced fish and wildlife habitat, reduced in-stream erosion and nutrient loading, improved water quality...enhanced stream corridors. In addition, the Plan highlights the value of additional BMPs, such as rural rain gardens along the county roadways. The Plan has been presented to several regional groups since the concepts are applicable to the entire southeast region and to other areas of Minnesota. The entire plan is available at: http://www.olmstedpublicworks.com/stormwater/szwscip.htm
INFORMATION/DISCUSSION

4. **Legislation and Budget Update** – ***INFORMATION ITEM***

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The meeting will adjourn about noon. I look forward to seeing you on May 26th!

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
WEDNESDAY, MAY 26, 2004

PRELIMINARY AGENDA

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

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF APRIL 28, 2004

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

REPORTS

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

COMMITTEE RECOMMENDATIONS

Cost-Share Committee

1. **Unused Well Sealing State Cost Share Program Policy** – Wayne Zellmer – *DECISION ITEM*

NEW BUSINESS

1. **2005 Natural Resources Block Grant** – Wayne Zellmer – *DECISION ITEM*

2. **Alteration of Conservation Easement 34-02-94-01, Parker & Poss Farms** – Tim Fredbo – *DECISION ITEM*

3. **Storm Water Management** - The South Zumbro Watershed Storm Water and Capital Improvement Plan (SZWSCIP) will be presented by Mike Sheehan, Olmsted County Engineer and Tony Hill Olmsted County Environmental Analyst; and Ismael Martínez-Ortíz and Ivo López, Bonestroo & Associates. *INFORMATION/DISCUSSION*

4. **Legislation and Budget Update** – Ron Harnack - *INFORMATION ITEM*

AGENCY REPORTS

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- MEI's Wetlands Forum, June 15
- Next Board Meeting, June 23, 2004, St. Paul
- MAWD Summer Meeting and Tour, June 24-26, Moorhead
- MACDE Summer Conference, June 28-30, Brainerd

ADJOURN

TEMPORARY PARKING PERMIT

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
Lower Level Conference Room

DATE: Wednesday, May 26, 2004

QUESTIONS, PLEASE CALL 651-296-3767.

Parking is available across the street from the building in the first two rows of the northwest corner of the Wabasha Deli parking lot. Display this "temporary parking permit" on your vehicle's dashboard. Thank you.

Dispute Resolution Report
May 13, 2004
by Jim Haertel

There are presently 15 appeals pending. All of the appeals involve WCA. There have been six new appeals filed since the last report dated April 8.

There is a new appeal of an exemption decision in the City of Prior Lake in Scott County. At issue is the proposed placement of fill in a wetland. The landowner contends a portion of the wetland was enlarged as a result of a dam backing up water. No decision has been made on accepting the appeal.

There is a new appeal of a restoration order in the City of North Branch in Chisago County. The project involves excavation in a Type 3 wetland and sidecasting material into a wetland.

There is a new appeal of a restoration order in Douglas County. Previously the landowner filed an appeal of a replacement plan denial. The project involves the placement of fill in a wetland adjacent to Lake Darling.

There is a new appeal of an exemption decision in Kanabec County. The project involves excavation of a ditch in agricultural land. A restoration order was issued for the work that was done and the landowner applied for an exemption. The exemption request was denied. No decision has been made on accepting the appeal.

Two new appeals involve the same restoration order in Olmsted County. The project involves the placement of drainage tile in agricultural land that has resulted in drainage of wetlands.

- - - - - - - - - - - - - -

Three appeals involve the same project, which is the proposed construction of a new bridge over the St. Francis River in Big Lake Township of Sherburne County. A replacement plan was approved. The appeals were filed by the Minnesota Center for Environmental Advocacy, the DNR, and the Audubon Society in conjunction with the St. Cloud Area Environmental Council. All three appeals were accepted. A pre-hearing conference was held on April 14th. There are many concerns with the record that need to be addressed before a briefing and hearing schedule can be set.

There are two appeals of a restoration order in McLeod County. At issue is the cleaning of a three-party, private agricultural ditch. The situation is complicated by the fact that the person served with the restoration order is not one of the two appellants. Adding to the complications is the heated relationship the three parties share. A court ordered

settlement agreement should be finalized in the near future. The appeals have been placed in abeyance until the agreement is signed.

There is an appeal of an exemption decision in Morrison County. The appeal regards a road that was upgraded and the denial of a forestry exemption. A cease and desist order and a restoration order were issued. The appeal was remanded for a hearing, the LGU denied the exemption again, and that decision has now been appealed. The appeal has been accepted. No pre-hearing conference has been set since the landowner, after negotiations, has consented to submitting a replacement plan application upon completion of a wetland delineation this spring.

There is an appeal of a restoration order in Stevens County. The violation involves the excavation of a ditch in a DNR protected water and the sidecasting of dredge spoil into wetland bordering agricultural land. Work was also done on a neighboring property without permission. The appeal is in abeyance pending a DNR survey this spring.

There is an appeal of a no-loss decision in the City of Hermantown near Duluth in St. Louis County. The site is an old refinery where Superfund cleanup has been done and is continuing. There are questions about the extent of wetlands on the property and whether a consent decree applied to the whole site. A meeting was held with representatives of the agencies that entered into the consent decree. The results of the meeting were conveyed to the landowner. The appeal has been accepted and a meeting was held with the landowner, the city, the Corps, a local legislator and the TEP to try to resolve the appeal. Resolution was achieved at the meeting and a stipulated agreement needs to be finalized to close the appeal. The agreement has been signed by all of the parties except the Corps of Engineers, however the Corps issued a letter agreeing to some of the stipulations. Under the terms of the agreement the appeal will continue in abeyance until late June and then the appeal will either be withdrawn or heard.

There is an appeal of a no-loss decision in Meeker County. At issue is the wetland delineation. The project involves wetland fill for a garage. The appeal is being held in abeyance pending further technical evaluation work, however, it appears a settlement agreement may be reached between the county attorney and the landowner.

Memorandum

To: Board Members

From: Dwain Otte, Cost Share Committee Chair

Date: 5/17/2004

Re: **Including Unused Well-Sealing as a State Cost Share Practice**

Minnesota Board of Water & Soil Resources

Background on this initiative:

SWCDs have long been interested in the eligibility of well sealing as a practice for state cost-share funds. There have been a variety of proposals to this effect over the past 15 years. In 2000, Stearns SWCD submitted a formal proposal through their BC, Dan Steward, to add the practice of well sealing to the approved practice list of the state cost share program. He supported the district's proposal, and it was discussed at the October 2002 BWSR north region meeting. The north region supported the proposal and recommended moving it on to the grants team for consideration. The region also recommended working to develop criteria for SWCD boards to use in deciding which wells are appropriate for cost share.

More recently, MASWCD Area 1 developed a resolution to add well sealing to the list of available cost-share practices.

Background on well sealing:

An **unused well** is a well no longer used on a regular basis, or in such a state of disrepair that continued use is impractical or a health hazard. Unused wells may be disconnected from a power source, buried, or forgotten.

Unused wells are potential sources of ground-water degradation, and can pose safety hazards. They may act as conduits for contamination to reach ground water. Water from a contaminated aquifer may move through an unused well to contaminate another aquifer that is normally protected by an impermeable layer. MDH has estimated that there are around one million unsealed wells present throughout the state. Some counties are estimated to have as few as 1000 unused wells, while others may have many tens of thousands.

In the early 1990s BWSR administered well-sealing cost-share programs through local governments, using state or federal money to make grants to counties, who in turn set up programs to share the cost with landowners of sealing high-priority unused wells. BWSR, together with MDH and others, developed priorities for well sealing (attached), as well as criteria for awarding grants to counties. 1995 was the last year that this funding was available.

Since then some counties have continued very limited well-sealing cost-share programs using local water management grants or other local funding. Well sealing is eligible for cost-share under the federal EQIP program (for agricultural producers only) at the rate of 50%, up to a maximum cost-share payment of $500. Limited financial assistance for well sealing, mostly in the form of loans, is available through the Rural Housing Loan and Grant Program (USDA), the "Fix-up fund" (MHFA), and the AgBMP loan program (MDA).

While progress is being made through the well-disclosure process, there are still hundreds of thousands of unused wells in need of sealing to prevent ground water contamination. Cost-share grants have proven to be an effective mechanism, but available funding is able to address only a tiny fraction of the problem.

Supporting factors for including well-sealing as a cost-share practice:

State money first became available for well-sealing cost-share programs in 1991 and the programs have been successful. The projects are manageable and fully documented by licensed contractors. Technical aspects of well sealing are complex enough to warrant involvement by local government but understandable enough to be monitored at the local level.

There is much collective experience at the state and local government level in administering well-sealing cost-share projects using state, federal, and some local funding.

The state cost-share program is a good fit for delivering well-sealing cost-share. Connections and trust already exist between SWCDs and landowners, and administrative details have been worked out over the years.

Most BMPs benefit surface water. Well sealing is one of the few BMPs that directly benefit ground water by preventing surface contaminants from entering ground water.

An ounce of prevention can be worth tons of cure in regard to ground water contamination.

State agencies, particularly MDH, strongly support adding well sealing as a cost-share practice.

Locals see it as important. During 2002:

61 of Minnesota's counties had countywide well sealing cost assistance.

Of the remaining 26 counties, 8 of them had some form of cost assistance grant program

Only 18 of Minnesota's counties (21%) had no cost assistance (grant) program for well sealing in the county that we knew about. We contacted those 18 counties and the main reason they did not have cost assistance (grant) programs was that they were waiting for "the state to provide a program to them".

29 (33%) were managed through SWCDs.

25 (29%) were provided and managed by various county departments (including 13 environmental services departments, 8 planning & zoning offices, 3 water plan offices, and 1 land management office)

7 (10%) were managed through the NRCS EQIP program,

4 (6%) were managed and provide by watershed districts,

3 (4%) were managed by local utilities companies for their cities/districts, and

1 (1%) was managed by a delegated well program.

CLWP funding has been greatly reduced, undermining existing local support.

At the beginning of 2003 there were 72 local government units offering limited cost-share for well sealing programs. Many of these LGUs have developed criteria for funding on their own and built successful programs over the years. But most of the funding base for these programs has been eroded due to cuts in local water management funding.

Concerns:

A concern is that the magnitude of the unused unsealed well problem could overwhelm available state cost-share funding. There are several workable options for addressing this concern. These can be used individually or in combination:

Require that wells sealed using state cost-share funds be identified as "high-priority" (See attachment).

Set a maximum percentage of a district's cost-share allocation that may be used for well sealing.

Set cost-share limits (e.g. up to 50% of the total cost, not to exceed $2000 per well.)

Further restrict the eligibility to wells within WHPAs or DWMSAs.

Restrict funds based on household income.

Potential that funding could be dispersed without setting priorities and that limited funding could be squandered on sealing low-priority wells.

The well-sealing priorities have proven to be an effective mechanism to address this concern.

Many LGUs have further refined the prioritization scheme to better reflect local conditions, and have devised scoring systems to insure that cost-share funds are only used to seal high-priority wells.

Since state law requires sealing of unused wells anyway, why subsidize?

The law requires that an unused well must either: 1) be sealed; 2) be put back into service; or 3) the property owner must get a maintenance permit. very month the MDH sends out up to 1000 letters to property owners throughout the state regarding wells that were disclosed as not used or sealed without documentation that they were properly sealed. The cost-share programs established by LGUs have helped take the edge out these contacts with property owners. It has helped agencies determine the location of unused wells as property owners are more apt to disclose their existence if money is available to help seal them. Most important, locally administered cost-share for well sealing has helped seal unused wells.

Options:

Option 1: Include sealing of unused wells as an eligible cost-share practice for high priority wells and encourage targeting of high-priority areas.

Option 2: Include sealing of unused wells as an eligible cost-share practice but limit it to no more than 30 percent of the funds appropriated to the SWCD for installing practices (i.e., 30 percent of funds not including those grant dollars used for technical and administrative services.)

Option 3: Include sealing of unused wells as an eligible cost-share practice where another cost-share practice is being installed by a landowner.

Committee Recommendations

The Committee supports option #1. The potential water quality benefits outweigh the problems.

There is a need to establish some constraints on how money is used:

Target well-sealing cost-share funds to high-priority wells only. Use the following priority system put in place for well-sealing programs in the 1990s.

Well construction, depth, and condition:

Priority given to wells responsible for providing pathways for contamination to travel downward substantially faster than natural hydrogeologic conditions.

Construction:	-	improper grouting provides conduit through confining layer.
	-	open hole multi-aquifer
Depth:	-	depends on depth of confining layers, etc.
Condition:	-	ruptured casings can have same effect as improper construction and grouting.

Importance of aquifer as water supply source:

Priority given to wells threatening aquifers which are important public and private water supplies, and especially where there are limited alternative supplies. Special priority given to wells in contribution areas of public water supply wells or in delineated wellhead protection areas.

Proximity to known point or non-point contamination sources:

Priority given to wells near known contamination sources.

Current contamination of well or aquifer:

- Priority given to wells capable of transferring contamination from a currently contaminated aquifer to deeper aquifers that are important water supply sources.
- Simply showing contamination does not necessarily make a well a priority for sealing (e.g. high nitrate levels in a shallow sand plain well).

Susceptibility to flooding:
Priority given to wells in areas subject to flooding.

Susceptibility of an aquifer to contamination by unsealed wells:
Priority given to wells in aquifers for which unused wells provide the main pathways for contamination to reach the aquifer (pathways not otherwise present).

Limited availability of alternative sources of drinking water:
Priority given to wells threatening aquifers for which there are limited alternative supplies.

Anticipated changes in land or water use:
Priority given to wells meeting construction criteria and located in areas which will undergo development or other changes in land use that have the potential to increase contaminant load or water use.

Potential use of well as a monitoring well
If a well has potential use as a monitoring well or water level observation well, if it does not pose a contamination risk, and if an organization is willing to "adopt" it and meet all provisions in the well code, then it should not be sealed.

Danger of humans and animals falling into well
Wells which pose this kind of risk are a high priority for capping to make sure no humans or animals can fall in, but may not be a sealing priority for ground-water protection.

Further encourage the sealing of wells in the contribution zone of a public water supply well or in a designated wellhead protection area (WHPA) or drinking water supply management area (DWSMA).

"Fill in gaps" in funding for well sealing which may be available through other sources. Encourage well-sealing funding in areas where other sources of funding are not available, such as in incorporated areas.

Take maximum advantage of training, education, and demonstration opportunities afforded by the well-sealing work.

The maximum cost share rate should be 50% of the eligible costs. Districts may set lower rates.

The Committee recommends adoption of the resolution, *Unused Well Sealing*, which will authorize cost share policies and the attached priorities as follows:

H:UWSCSBM

WELL-SEALING PRIORITY CHECKLIST

PRIORITY WELL CHARACTERISTICS FOR WELL-SEALING COST-SHARE FUNDS
(More conditions met → higher priority for sealing)

Construction, depth, condition (provides pathway for contamination migration substantially faster than provided by natural hydrogeologic conditions):

[ ] Well serves to channel surface or near surface contaminants into an aquifer (drainage or waste disposal wells reaching water table, wells in pits with surface water drainage to the well.)

[ ] Well penetrates confining layer(s).

[ ] Well has sand-packed or ungrouted casing(s) penetrating confining layer(s).

[ ] Multi-aquifer well.

[ ] Multiple screened well >100 ft deep.

[ ] Well poses hazard of people and animals falling into well.

Location, aquifer characteristics:

[ ] Within ½ mile of public water supply well and in same aquifer.

[ ] Within the zone of contribution of a public water supply well or within a designated Drinking Water Supply Management Area (DWSMA).

[ ] Well in area subject to flooding.

[ ] Well provides connection to water supply aquifer for which there are limited alternative supplies.

[ ] Well in or near a confirmed or suspected zone of contamination and capable of transferring contamination to water supply aquifer(s) faster than natural flowpaths.

[ ] Well in an area and aquifer where unsealed unused wells provide the main pathways for contamination to reach the aquifer.

[ ] Well in area which will undergo development or other changes in land and water use which have the potential to increase the contaminant load.

REASONS FOR <u>NOT</u> USING COST-SHARE FUNDS TO SEAL AN UNUSED WELL

[ ] Well does not meet any of above criteria.

[ ] Well has potential use as a monitoring or water level observation well and an organization is willing to "adopt" it and meet all provisions of the well code.

[ ] Well-sealing cost-share funds available through other sources.

D. 12 Unused Well Sealing



Conservation Practice

Well Decommissioning (310): The sealing and permanent closure of a water well no longer in use. Minnesota Rules Chapter 4725 specifies the requirements for sealing unused wells in Minnesota.

Eligible Component: N/A

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

Policies

Cost sharing is authorized for the materials and activities required to seal unused wells in accordance with Minnesota Rules Chapter 4725 (Minnesota Dept. of Health).

- Maximum cost-share rates are 50 percent of the eligible costs. Districts may set lower rates.
- Cost sharing can be authorized only for unused wells identified as "high priority," using the priority system put in place for State Cost-Share Programs in the 1990s (Attachment).
- Districts should develop either a list of identified high-priority unused wells for sealing or a well-designed method for selecting unused wells to be sealed. (Maintain list in cooperator file.)
- Unused wells in the contribution zone of a public water supply well, a designated wellhead protection area (WHPA), or a drinking water supply management area (DMSMA) should be given special priority for cost sharing.
- Use cost-share funds to fill in gaps in funding for well sealing that may be available through other sources.
- Take maximum advantage of training, education, and demonstration opportunities afforded by the well-sealing work.

Board Resolution #_____
Unused Well Sealing
State Cost Share Program Policy

WHEREAS, according to State Cost Share Program Rule, only conservation practices on the Approved Practice List, may be cost shared; and,

WHEREAS, the Board has received a request from Stearns SWCD to add Unused Well Sealing to the Approved Practice List; and,

WHEREAS, the Cost Share Committee supports adding Unused Well Sealing to the Approved Practice List.

NOW THEREFORE, the BWSR hereby authorizes the addition of Unused Well Sealing to the Approved practice List; and,

FURTHERMORE, authorizes the use of State Cost Share Program funds on unused wells according to the State Cost Share Program policies for this practice beginning in FY 05 (July 1, 2004).

_____ Date: _____

Jerome Deal, Chair
Board of Water and Soil Resources

H:UWSCSR

PROPOSED 2005 NATURAL RESOURCES BLOCK GRANT

Background
The Natural Resources Block Grant (NRBG) provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Individual Sewage Treatment Systems (ISTS).

The NRBG is a composite base grant generally formulated to reflect need/activity of these programs in all counties. This grant is not competitive and all counties are eligible to apply. A county may apply for any or all of the five grant program components.

At their May 2003 Meeting, the BWSR authorized the implementation of eLINK as the sole format for BWSR NRBG application and reporting, and, the BWSR authorized the transition to administering the NRBG on a fiscal year basis.

2005 NRBG Schedule

May 26, 2004	BWSR Requested to authorize the 2005 NRBG Counties may Begin to Apply
July 2004	Grant Agreements Sent to Counties
August 2004	Grant Agreements Executed and Payments Transferred
February 1, 2005	CY 2004 eLINK Reports Due

Selected Program Highlights of the 2004 NRBG:
Comprehensive Local Water Management - $1,500,000
This component is for implementing comprehensive local water plans. A statutory local levy match is required that will generate $1.5 M on a statewide basis. This individual county amount is determined from a county's equalized taxable net tax capacity, as determined by the Dept. of Revenue.

Wetland Conservation Act - $2,172,000
This component is for the local administration of the WCA. A local 1:1 cash and/or in-kind match is required. The grant amount is formula derived from a base amount of county WCA activity. This formula was approved by BWSR at their April 2003 Meeting. Of this amount, SWCDs are entitled to receive at least 15% or $5,000, whichever is greater, for performing mandated WCA activities.

DNR Shoreland - $430,000
This component is for the administration of state approved Shoreland management programs. It is administered at the state level by the DNR. A local 1:1 cash and/or in-kind match is required. The grant amount is derived from a base estimated amount of county Shoreland activity.

MPCA County Feedlot Program - $2,095,080
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 1:1 cash and/or in-kind match is required.

MPCA County Individual Sewage Treatment Systems Program - $130,500
All counties are required to pass ordinances regulating ISTS countywide. All counties that have enacted countywide ordinances are eligible to receive this grant. No local match is required.

Proposed base grants for the 2005 NRBG are itemized on the enclosed spreadsheet.

Recommendation
On behalf of the BWSR, DNR, and MPCA staffs, the Board is requested to adopt the attached resolution authorizing the BWSR staff to allocate these grants to counties meeting the NRBG Program requirements.

PROPOSED 2005 BWSR NATURAL RESOURCES BLOCK GRANT
BASE GRANT BREAKDOWN BY PROGRAM

5/26/04

	$1.5 M	$2.172 M		$.43 M	$2.095 M	$.13 M	
	LOCAL WATER MANAGEMENT	WCA CONSERVATION ACT		DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	MPCA COUNTY ISTS PROGRAM	
COUNTY	CLWM BASE GRANT	WCA BASE GRANT	MINIMUM SWCD TRANSFER	SHORELAND BASE GRANT	FEEDLOT BASE GRANT *	MPCA BASE GRANT	GRANT AMOUNT
AITKIN	$18,285	$37,870	$5,681	$12,288		$1,500	**$69,943**
ANOKA	$10,657	$71,992	$10,799	$2,979		$1,500	**$87,128**
BECKER	$17,210	$27,613	$5,000	$12,234		$1,500	**$58,557**
BELTRAMI	$18,022	$69,034	$8,679	$6,272		$1,500	**$94,828**
BENTON	$17,473	$36,000	$5,400	$3,744		$1,500	**$58,717**
BIG STONE	$20,685	$10,000	$5,000	$3,065	$7,500	$1,500	**$42,750**
BLUE EARTH	$13,197	$20,710	$5,000	$3,695	$36,640	$1,500	**$75,742**
BROWN	$17,949	$10,000	$5,000	$3,048	$45,360	$1,500	**$77,857**
CARLTON	$17,575	$25,641	$5,000	$4,474		$1,500	**$49,190**
CARVER	$10,657	$36,000	$5,400	$2,979	$33,360	$1,500	**$84,496**
CASS	$13,827	$51,000	$7,650	$12,189		$1,500	**$78,516**
CHIPPEWA	$19,592	$10,000	$5,000	$2,990		$1,500	**$34,082**
CHISAGO	$14,803	$31,558	$5,000	$5,631		$1,500	**$53,492**
CLAY	$16,685	$18,737	$5,000	$3,354		$1,500	**$40,276**
CLEARWATER	$20,086	$22,682	$5,000	$3,604		$1,500	**$47,872**
COOK	$19,528	$14,793	$5,000	$4,780		$1,500	**$40,601**
COTTONWOOD	$19,544	$10,000	$5,000	$3,158	$21,760	$1,500	**$55,962**
CROW WING	$10,657	$43,392	$6,509	$21,792		$1,500	**$77,341**
DAKOTA	$10,657	$60,158	$9,024	$2,979	$30,560	$1,500	**$105,854**
DODGE	$19,070	$18,734	$5,000	$3,047	$35,840	$1,500	**$78,191**
DOUGLAS	$15,901	$24,655	$5,000	$9,734	$45,760	$1,500	**$97,550**
FARIBAULT	$19,157	$10,000	$5,000	$3,116	$41,920	$1,500	**$75,693**
FILLMORE	$18,799	$10,000	$5,000	$3,067	$100,400	$1,500	**$133,766**
FREEBORN	$17,274	$10,000	$5,000	$3,576	$40,640	$1,500	**$72,990**
GOODHUE	$12,419	$18,737	$5,000	$3,158	$82,240	$1,500	**$118,054**
GRANT	$20,411	$15,779	$5,000	$3,482		$1,500	**$41,172**
HENNEPIN	$10,657	$65,089	$9,763	$0		$1,500	**$77,246**
HOUSTON	$19,353	$14,793	$5,000	$3,105	$43,200	$1,500	**$81,951**
HUBBARD	$17,438	$28,599	$5,000	$9,609		$1,500	**$57,146**
ISANTI	$17,447	$28,599	$5,000	$4,562		$1,500	**$52,108**
ITASCA	$13,754	$50,296	$7,544	$11,514		$1,500	**$77,064**
JACKSON	$19,376	$10,000	$5,000	$3,430	$42,880	$1,500	**$77,186**
KANABEC	$19,843	$28,599	$5,000	$4,660		$1,500	**$54,602**
KANDIYOHI	$15,829	$24,655	$5,000	$7,693	$42,800	$1,500	**$92,477**
KITTSON	$20,116	$18,737	$5,000	$3,016	$7,500	$1,500	**$50,869**
KOOCHICHING	$19,782	$32,939	$5,010	$3,101		$1,500	**$57,322**
LAC QUI PARLE	$20,346	$10,000	$5,000	$2,995	$7,500	$1,500	**$42,341**
LAKE	$19,401	$18,737	$5,000	$5,257		$1,500	**$44,895**
LAKE OF THE WOODS	$20,814	$38,461	$5,769	$3,978	$7,500	$1,500	**$72,253**
LE SUEUR	$17,776	$18,737	$5,000	$5,603	$29,040	$1,500	**$72,656**
LINCOLN	$20,391	$10,000	$5,000	$3,153	$38,560	$1,500	**$73,604**
LYON	$18,023	$10,000	$5,000	$3,119		$1,500	**$32,642**
MCLEOD	$16,645	$18,737	$5,000	$3,404	$39,040	$1,500	**$79,326**
MAHNOMEN	$20,853	$14,793	$5,000	$3,828		$1,500	**$40,974**
MARSHALL	$19,740	$21,696	$5,000	$2,979	$7,500	$1,500	**$53,415**
MARTIN	$18,033	$10,000	$5,000	$3,445	$54,000	$1,500	**$86,978**
MEEKER	$18,419	$21,696	$5,000	$5,394	$21,360	$1,500	**$68,369**
MILLE LACS	$18,908	$25,641	$5,000	$5,478	$8,320	$1,500	**$59,847**

PROPOSED 2005 BWSR NATURAL RESOURCES BLOCK GRANT
BASE GRANT BREAKDOWN BY PROGRAM

5/26/04

	$1.5 M	$2.172 M		$.43 M	$2.095 M	$.13 M	
	LOCAL WATER MANAGEMENT	WCA CONSERVATION ACT		DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	MPCA COUNTY ISTS PROGRAM	
COUNTY	CLWM BASE GRANT	WCA BASE GRANT	MINIMUM SWCD TRANSFER	SHORELAND BASE GRANT	FEEDLOT BASE GRANT *	MPCA BASE GRANT	GRANT AMOUNT
MORRISON	$17,918	$34,517	$5,178	$4,494	$49,680	$1,500	**$108,109**
MOWER	$17,178	$14,793	$5,000	$3,719	$66,880	$1,500	**$104,070**
MURRAY	$19,815	$10,000	$5,000	$3,670	$26,960	$1,500	**$61,945**
NICOLLET	$17,321	$18,737	$5,000	$3,055	$43,680	$1,500	**$84,293**
NOBLES	$18,962	$10,000	$5,000	$3,032	$52,080	$1,500	**$85,574**
NORMAN	$20,461	$14,793	$5,000	$2,989	$7,500	$1,500	**$47,243**
OLMSTED	$10,657	$28,599	$5,000	$3,588		$1,500	**$44,344**
OTTER TAIL	$12,934	$68,047	$13,807	$20,219		$1,500	**$102,700**
PENNINGTON	$20,198	$18,737	$5,000	$3,228	$7,500	$1,500	**$51,163**
PINE	$18,241	$39,448	$5,917	$6,720		$1,500	**$65,909**
PIPESTONE	$20,075	$10,000	$5,000	$2,979	$46,640	$1,500	**$81,194**
POLK	$17,732	$24,655	$10,000	$3,939	$7,500	$1,500	**$55,326**
POPE	$19,874	$17,751	$5,000	$4,842	$30,480	$1,500	**$74,447**
RAMSEY	$10,657	$19,000	$5,000	$0		$1,500	**$31,157**
RED LAKE	$20,877	$14,793	$5,000	$3,273	$7,500	$1,500	**$47,943**
REDWOOD	$19,054	$11,834	$5,000	$2,979		$1,500	**$35,367**
RENVILLE	$18,495	$10,000	$5,000	$3,033	$33,680	$1,500	**$66,708**
RICE	$13,768	$27,613	$5,000	$4,772	$93,840	$1,500	**$141,493**
ROCK	$19,980	$10,000	$5,000	$2,979	$47,280	$1,500	**$81,739**
ROSEAU	$19,922	$27,613	$5,000	$3,073		$1,500	**$52,108**
ST. LOUIS	$10,657	$86,193	$20,474	$22,712		$1,500	**$121,062**
SCOTT	$10,657	$47,337	$7,101	$2,979	$12,560	$1,500	**$75,033**
SHERBURNE	$10,657	$36,000	$5,400	$5,551		$1,500	**$53,708**
SIBLEY	$19,242	$15,325	$5,000	$3,076	$66,560	$1,500	**$105,703**
STEARNS	$10,657	$52,268	$7,840	$10,257	$201,920	$1,500	**$276,602**
STEELE	$16,405	$13,806	$5,000	$3,266	$46,320	$1,500	**$81,297**
STEVENS	$20,151	$10,000	$5,000	$3,108	$13,520	$1,500	**$48,279**
SWIFT	$19,816	$13,806	$5,000	$3,126	$18,080	$1,500	**$56,328**
TODD	$19,323	$24,655	$5,000	$5,620	$79,520	$1,500	**$130,618**
TRAVERSE	$20,520	$10,000	$5,000	$3,195	$7,500	$1,500	**$42,715**
WABASHA	$18,665	$13,806	$5,000	$4,008	$54,400	$1,500	**$92,379**
WADENA	$20,262	$22,682	$5,000	$3,514	$23,440	$1,500	**$71,398**
WASECA	$18,790	$13,806	$5,000	$3,425	$27,360	$1,500	**$64,881**
WASHINGTON	$10,657	$47,337	$7,101	$2,979		$1,500	**$62,473**
WATONWAN	$19,892	$10,000	$5,000	$3,114	$19,920	$1,500	**$54,426**
WILKIN	$20,055	$10,000	$5,000	$2,999		$1,500	**$34,554**
WINONA	$15,598	$13,806	$5,000	$3,021	$64,000	$1,500	**$97,925**
WRIGHT	$10,657	$48,323	$7,249	$10,640	$37,040	$1,500	**$108,160**
YELLOW MEDICINE	$19,980	$10,000	$5,000	$2,995	$30,560	$1,500	**$65,035**
MARSHALL-BELTRAMI SWCD	$0	$6,004	NA	$0			**$6,004**
TOTALS	**$1,499,824**	**$2,171,973**		**$429,926**	**$2,095,080**	**$130,500**	**$6,327,303**

NOTE: THE LOCAL WATER PLANNING BASE GRANT REQUIRES A LOCAL LEVY MATCH. THE WETLAND CONSERVATION ACT, DNR SHORELAND, AND MPCA FEEDLOT BASE GRANTS REQUIRE A 1:1 CASH/IN-KIND MATCH. THE MPCA COUNTY ISTS PROGRAM BASE GRANT DOES NOT REQUIRE A MATCH.

* THE MPCA FEEDLOT BASE GRANTS ARE PENDING ADDITIONAL DATA COLLECTION AND VERIFICATION BY THE COUNTIES AND MPCA OF ELIGIBLE FEEDLOTS.

H:05NRBGT

Board Resolution #_____

FY 05 Natural Resources Block Grant Authorization

WHEREAS, the Natural Resources Block Grant (NRBG), administered by the Board of Water and Soil Resources (BWSR), provides assistance to local governments to implement the state natural resource programs of Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Individual Sewage Treatment Systems (ISTS); and,

WHEREAS, the Laws of Minnesota for 2003, Ch. 128, Art. 1, Sec. 7, has appropriated Natural Resources Block Grant funds to BWSR, and Sec 2 has appropriated funds to MPCA for MPCA's County Feedlot and ISTS allocations; and,

WHEREAS, the BWSR has authorized the implementation of eLINK as the sole format for NRBG application and reporting; and,

WHEREAS, the BWSR has authorized administering the NRBG on a fiscal year basis.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate these individual grant amounts to counties meeting the NRBG Program requirements, as determined by the BWSR, MPCA, and DNR.

_____ Date: _____

Jerome Deal, Chair
Board of Water and Soil Resources

H:05NRBGBR

H:05NRBGBM

May 11, 2004

TO: Board Members

THRU: Kevin Lines, Easement Section Administrator

FR: Tim Fredbo, Conservation Easement Specialist

RE: Alteration of Conservation Easement 34-02-94-01, Parker & Poss Farms

BACKGROUND:

Parker and Poss Farms has requested the BWSR to remove 2.6 acres of land currently in a perpetual RIM Reserve conservation easement. The land is part of a 98.3 acre wetland restoration easement located in the W ½ of Section 26, T119N, R35W, in Kandiyohi County. This easement is part of the 771 acre Grass Lake restoration project near Willmar. Parker and Poss are proposing to replace the 2.6 acres they wish to release with 6.2 acres of cropland in the same Section and contiguous to their present easement area. Both the release area and the replacement area are adjacent upland buffer acres above and outside the restored wetland basin area on the easement. The original easement on the Parker and Poss property was recorded on September 26, 1997.

Hennen Furniture Inc. is seeking to purchase the 2.6 acres proposed for release to use it for expansion of their business, which is adjacent to the west boundary of the current easement. Parker and Poss have a purchase agreement pending with Hennen on this proposed release. There are numerous commercial properties along Highway 71 just to the west of the easement boundary. The SWCD received letters of support for the proposed release from the Willmar Lakes Area Camber of Commerce, the Willmar- Kandiyohi County Economic Development Partnership, and the Heritage Bank of Willmar. All three of these entities sited the economic benefits to the area that would be realized if Hennen is allowed to expand. I will have these letters available for your review at the Board meeting.

Parker and Poss are not requesting any practice establishment dollars for the replacement acres. They will plant the site to native grasses with species and rates specified by the Kandiyohi SWCD and be responsible for all costs incurred.

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

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

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

SUMMARY OF INFORMATION PROVIDED TO SUPPORT REQUEST:

Parker and Poss Farms submitted a letter dated March 15, 2004 to the SWCD Board in support of their request to alter their existing easement area, it is attached for your review. They feel that this proposal will provide improved wildlife habitat due to the increased upland acres, and allowing Hennen to expand will benefit the local economy.

The Kandiyohi SWCD Board approved of the Parker and Poss easement alteration at their March 16, 2004 meeting. A copy of the letter that was sent to Parker and Poss from the SWCD dated March 22, 2004 indicating this approval is attached.

Mr. Jeff Miller, DNR area wildlife manager from Willmar, has also reviewed this proposal. Mr. Miller concludes that the trade, if native grasses and forbs are established on the replacement acres, would increase the wildlife value of the current RIM easement due to the net gain of 3.6 acres. Mr. Miller's letter of 4-20-04 is attached along with a copy of a subsequent e-mail dated 5/7/04 to Wayne Edgerton, DNR Ag. Policy Director, that helps clarify his approval of the proposal.

FINDINGS:

This alteration request, as proposed, would release 2.6 acres and replace it with 6.2 acres, a net gain of 3.6 acres in wildlife habitat and riparian buffer for the State. Both the release area and replacement acres are upland acres along the wetland fringe. If this proposal were approved there would still be 75 feet of buffer along the wetland to the east of the new easement boundary. The new development that may take place on the property is directly adjacent to the area that was already commercial when we originally secured the easement so additional impacts to wildlife populations should be minimal.

Parker and Poss have agreed to seed down the 6.2 acre replacement area with no RIM cost-share assistance.

OPTIONS AND STAFF RECOMMENDATION:

1. Approve of the exchange on the easement. **RECOMMENDED**. This proposed exchange will improve the wildlife habitat values of the easement area and the entire Grass Lake wetland restoration project area. An increase of 3.6 acres of upland cover at no cost to the State is an exchange that should be made. This exchange has the approval of both the Kandiyohi SWCD, and the DNR wildlife manager. It also has the support of the local business community. As a condition of approving this request, should the Board so decide, I would suggest making it a requirement that the replacement acres be seeded to a native grass and forb mix prescribed by the Kandiyohi SWCD, with all costs being Parker and Poss' responsibility.

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

March 15, 2004

FROM: Parker and Poss Farms
412 SW 19th Avenue
Willmar, MN 5621
320-235-0234

TO: Ryan Peterson
Rim Coordinator
Kandiyohi Soil & Water Conservation District
1005 High Avenue N.E.
Willmar, MN 56201
320-235-3906

RE: ***REVISED"** Request to release a portion of a conservation easement.

Description:

The area we would like released is a rectangular parcel of land measuring 359 by 316 feet containing approximately 2.6 acres, which is located in Section 26, Willmar Township, and Kandiyohi County. The parcel is adjacent to and directly east of the Hennen Furniture property on South Hwy 71, Willmar. The parcel is entirely within the 98.3 acre RIM Conservation easement that we entered into in 1997 - I.D. 34-02-94-01.

Reason for the request:

Hennen Furniture wishes to purchase the land for use in the expansion of their business.

Proposal to exchange and replace the land area lost:

We propose exchanging land within the same section. See attached "REVISED Sketch."
***This Revised request proposal is to increase the acreage** we will exchange so that the net effect will be an increase in the total RIM leased acres. We propose to exchange the remaining balance of our non-RIM land on the north end of the property exclusive of the platted area. The north border is our east/west property line and the west border is the platted area. The other two sides are the current RIM eased area. We estimate the replacement area to be between 5.9 and 6.2 acres, which can be determined by RIM officials from existing survey.

Justification for release of easement:

- We will trade land of similar type and elevation above the Grass Lake pool that is within the same section. The parcel to be release is bounded on two sides by RIM land and the proposed replacement parcel is similarly bounded on two sides by RIM land and therefore contiguous with RIM land and appropriate for replacement.
- Hennen Furniture is a well-established and successful business in Willmar and the continued operation and expansion of their business is of significant value to the community. They provide jobs, utilize services and add to the economic and tax base of the area. Expansion is important to them to continue and will increase their economic value to the community.
- This Revised proposal will increase the total acres in our RIM lease and provide for a larger wildlife area.

Contingencies:

We understand our responsibility for seeding and conservation practices and that we may be liable for administrative and legal costs involved in the exchange of these properties.

Thank you for your consideration of our request. We are anxious for your approval.

Sincerely,

Parker & Poss Farms

Minnesota Department of Natural Resources
Division of Wildlife
4566 Hwy. 71 NE
Willmar, MN 56201
PHONE: (320) 231-5163
FAX: (320) 231-5485

4-20-04

Ryan Peterson
RIM Coordinator
Kandiyohi County SWCD
1005 High Av. NE
Willmar, MN 56201

RE: "Revised" Request of Poss and Parker for partial release of CREP contract

Dear Mr. Peterson:

I have reviewed this "revised" proposal as presented to me by Peter Poss. The map and written information given me, shows and describes the two parcels involved in the exchange. As noted by Mr. Poss, the exchange would give the State 6.2 acres for the 2.6 acres or a net gain of 3.6 acres. As noted, the new site is in close proximity to the proposed release site and is of similar elevation. It also lies adjacent to the edge of the Grass Lake basin.

The new site should be seeded to a mix of native grass/forbs. When mature, the new site will provide additional nesting cover for wildlife in the area and also provide a buffer area for runoff entering the basin at this point.

Sincerely,

Jeff Miller
DNR Wildlife

Tim-FYI-

Wayne A. Edgerton
DNR Agricultural Policy Director
500 Lafayette Road
St. Paul, MN 55155-4013
Phone: (651)297-8341
FAX: (651)296-4799
Internet: wayne.edgerton@dnr.state.mn.us
Visit the DNR website @ www.dnr.state.mn.us

>>> Wayne Edgerton 5/7/2004 8:32:24 AM >>>
FYI-This is a May BWSR meeting agenda item. Jeff Miller is the Area Wildlife Manager.

Wayne A. Edgerton
DNR Agricultural Policy Director
500 Lafayette Road
St. Paul, MN 55155-4013
Phone: (651)297-8341
FAX: (651)296-4799
Internet: wayne.edgerton@dnr.state.mn.us
Visit the DNR website @ www.dnr.state.mn.us

>>> Jeff Miller 5/7/2004 8:22:18 AM >>>
As per my letter to Ryan Peterson of the Kandiyohi County dated 4-20-04, the State of Minnesota would have a net gain of 3.6 acres following the exchange, providing additional acreage of wildlife habitat and wetland buffer area. With that in mind, I would approve of this exchange. Please advise if more is needed. Jeff

KANDIYOHI SOIL AND WATER
CONSERVATION DISTRICT
1005 High Avenue
Willmar, Minnesota 56201
Telephone (320) 235-3906, ext. 3
FAX (320) 235-0984

MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

March 22, 2004

Parker and Poss Farms
412 SW 19th Avenue
Willmar, MN 56201

RE: RIM amendment request

Parker and Poss Farms,

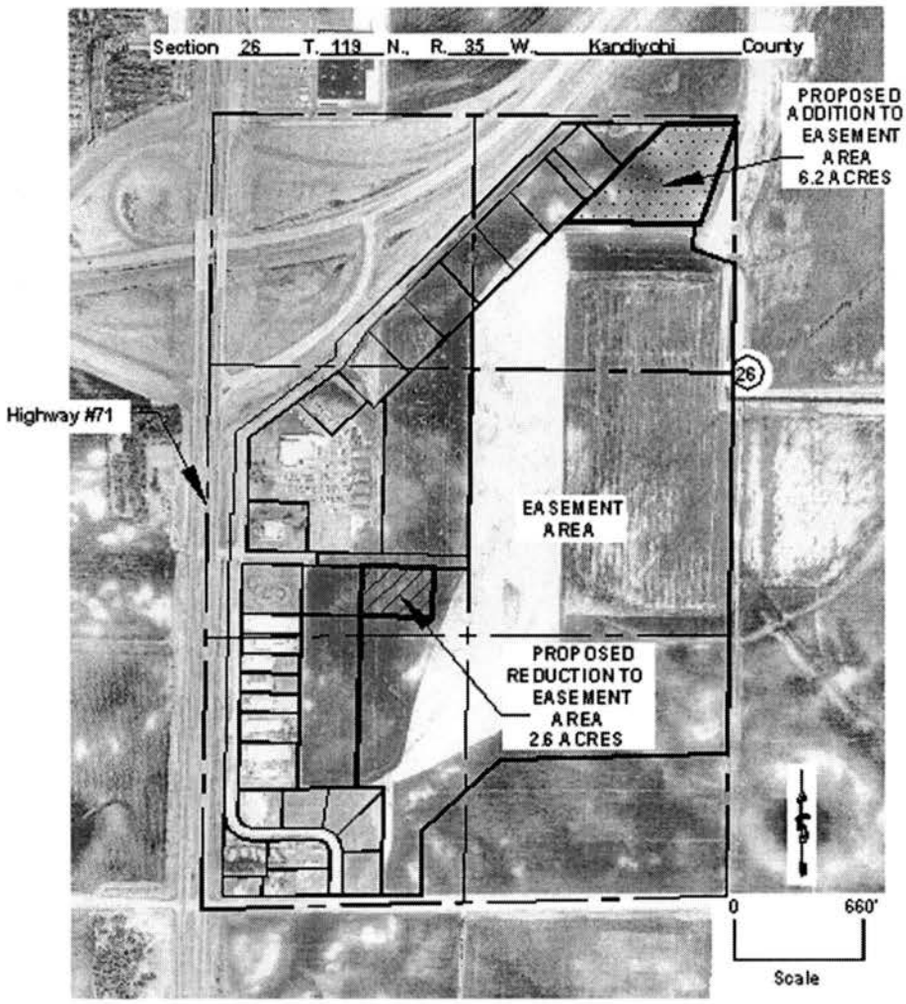
Your revised amendment request presented to the Soil and Water Conservation District Board on March 16th, 2004 has been approved by the local board members. As per the proposal, the SWCD board has voted to support the release of 2.6ac of RIM easement land (behind Hennons) in exchange for the addition of 6.4 "new" RIM acres as measured by FSA.
The SWCD supports the proposal to amend the RIM easement with the stipulation that all associated costs are incurred by Parker and Poss Farms (legal fees, practice establishment etc.). The SWCD Board is forwarding the proposal along with comments to the Board of Water and Soil Resources for final review. The BWSR Board will consider the request and recommendations of the SWCD board as well as Department of Natural Resources and act accordingly.

I will be your contact for questions regarding the amendment process. Feel free to contact me any time. I will keep you abreast of the proceedings.

Sincerely;

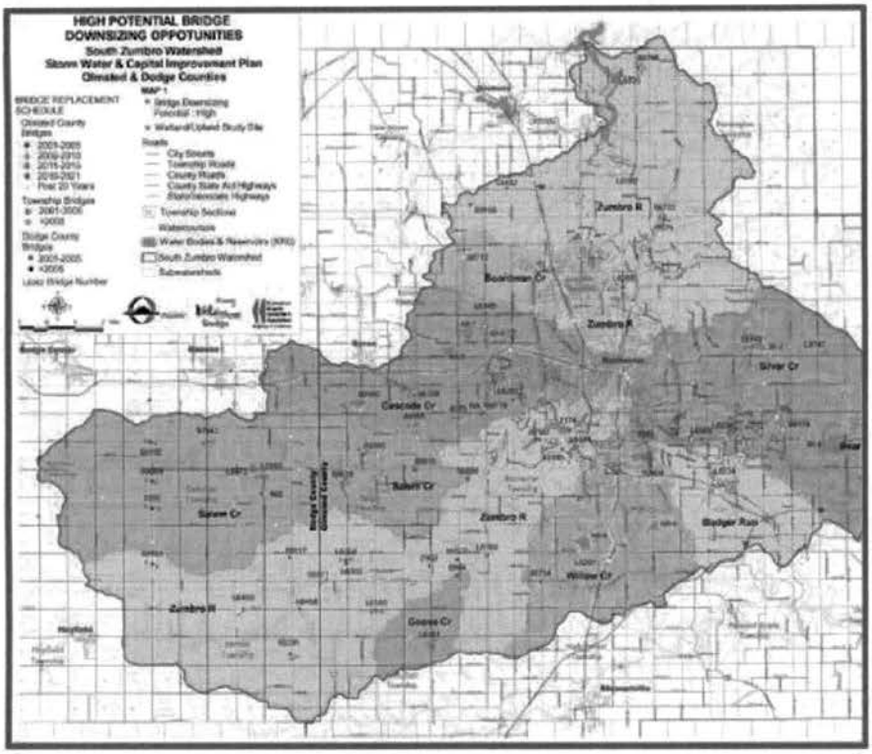
Ryan Peterson
Kandiyohi SWCD
RIM Coordinator

AN EQUAL OPPORTUNITY EMPLOYER


Section 26 T. 119 N., R. 35 W. Kandiyohi County
PROPOSED ADDITION TO EASEMENT AREA 6.2 ACRES
26
Highway #71
EASEMENT AREA
PROPOSED REDUCTION TO EASEMENT AREA 2.6 ACRES
0
660'
Scale

Storm Water and Capital Improvement Plan

South Zumbro Watershed, MN





Riparian areas provide opportunities to attenuate peak flows by temporarily storing storm water.



Constructing upland flow control improvements helps prevent downstream flooding.

Integrating Storm Water Management With Transportation Planning Reduces Bridge Costs

In a collaborative effort with Olmsted and Dodge Counties, the City of Rochester, and several townships, Bonestroo developed a storm water and capital improvement plan to guide bridge replacement efforts in the South Zumbro Watershed.

In characterizing the watershed's hydrologic flow regime, we found that bridges designed to pass flows quickly had created a cascading effect that forced downstream bridges to be built increasingly larger.

Bridges often contribute to channel instability, accelerating streambank erosion. This also impacts riparian wetlands and natural floodplains, reducing their capacity to attenuate peak flows and temporarily store storm water.

In examining the entire watershed as an interrelated system, numerous high-potential opportunities were identified to build flow control structures. The big picture approach used in this plan offers the following benefits:

- Farm pond creation and wetland restoration/ enhancements
- Decreased peak flows and reduced streambank erosion
- Improved water and environmental quality as ponds and riparian lands filter sediments and nutrients
- Improved safety by increasing flood protection to roads and downstream infrastructure
- Reduced costs to build and maintain bridges

The plan illustrates how a watershed-wide approach to bridge replacement and design is more cost effective than performing traditional individual bridge replacements.

Integrating storm water management with transportation planning saves money. Funds from bridge replacement programs can be used to build less costly, less maintenance-intensive culverts, berms and ponds, which enable smaller, less expensive stream crossings.

Bonestroo
Rosene
Anderlik &
Associates
Engineers & Architects

FOR YOUR INFORMATION

May 26, 2004

- "BWSR Update"
- BWSR By Laws – updated version
- Article by Patrick Sweeney, Pioneer Press, "Special legislative session on table"
- News Release: "Governor Pawlenty Eliminates Budget Deficit by Himself"
- USDA Release: "USDA Announces $3.75 Million for New Source Water Protection Program"
- Conservation Security Program (CSP) Watersheds – FY 2004
  - Blue Earth River in Minnesota
- Interesting information from the past, things to think about…..

Minnesota Board of Water & Soil Resources

Board of Water and Soil Resources UPDATE

A publication of the Minnesota Board of Water and Soil Resources May 2004

SOUTH

The groundbreaking ceremony for the long-awaited Lazarus Creek Floodwater Control Project was held on Saturday, April 24, at the project site located near Canby.

Lac qui Parle-Yellow Bank Watershed District President Willis Beecher welcomed the group of attendees. Beecher recapped the 25+ year history of the project including the two vetoes received from Gov. Jesse Ventura. He also recalled when Gov. Tim Pawlenty signed the 2003 bonding bill in Marshall, granting $1.4 million to the project.

Ron Harnack, BWSR executive director presented a ceremonial check for $1.4 million to the watershed district during the groundbreaking along with congratulations and recognition of the district's unending support and pursuit of the project.

Attendees of the groundbreaking ceremony included: Sen. Dennis Fredericksen and Sen. Gary Kubly; Rep. Aaron Peterson; Maynard Pick, aide to Congressman Colin Peterson; Ron Harnack, BWSR executive director, BWSR staff members Greg Larson, Doug Thomas, and Jeff Nielsen; LQP-YB Watershed District board members and staff; Area II Minnesota River Basin Projects, Inc. staff and board members; Houston Engineering, Inc. representatives; Schmidt Construction representatives; Yellow Medicine, Lac qui Parle, and Lincoln County SWCD and NRCS members and staff; Ray Bohn, MAWD; and neighboring landowners and project supporters.

Schmidt Construction of Redwood Falls was the successful bidder of the project at $1,076,078; that was 38 percent under engineer's estimate. Due to unusually dry spring conditions, the DNR granted special permission to begin construction prior to the June 1 permit start date. Construction began May 4 with project completion expected mid-November 2004.

-Submitted by Kerry Netzke, Area II coordinator

ENGINEERING

A joint engineers meeting was held in St. Cloud on May 5 and 6, sponsored by NRCS in conjunction with an irrigation water management workshop on May 4 regarding the new EQIP practice. The meeting was attended by engineers and technicians from NRCS state and area offices, most of the SWCD Nonpoint Engineering Assistance (NPEA) program offices, as well as Al Kean from BWSR. These joint meetings have been held periodically over about the past 10 years to share information and technology among federal, state, and local conservation engineering staff. It had been about two years since the previous meeting, due to tight budgets and high workloads. The topics of discussion included recent case study experience and innovations, updates on current technologies, policies and procedures for a variety of erosion control, feedlot pollution abatement, wetland restoration and flood damage reduction practices, as well as for the federal Technical Service Provider (TSP) program.

The new service delivery model proposal by the Conservation Technical Assistance Committee for shared SWCD technical assistance was a topic of discussion between Al Kean and many of NPEA Program staff who attended the joint engineers meeting mentioned above on May 5. As we should expect, NPEA program staff are concerned about continued funding for their work and their positions. This discussion gave renewed testimony that NPEA engineers and technicians enjoy, and believe in, what they do to help SWCDs and landowners put conservation on the land in Minnesota. However, they doubt that many SWCDs will contribute cash toward maintaining their shared positions. Therefore, SWCD Technical Service Areas are expected to have to implement more fees for service, and look for other federal and state grants for shared conservation technical assistance to supplement state NPEA Program funds. Due to limited federal funding, the TSP program is expected to be a limited source of funding for SWCD shared technical assistance.

Drainage system petitions for CREP wetland restoration projects are a substantial focus these days for many BWSR engineering staff and SWCD technicians in the Minnesota River Basin. Many of the wetland restoration projects to be constructed this year involve public drainage system modifications. Tom Wenzel and Tim McNaboe, BWSR wetland restoration engineers, are lead staff for the associated hearings with drainage authorities in a number of the Minnesota River Basin counties. BWSR engineering technicians are key players in developing what can be quite complex plans and specifications for these wetland restoration projects, which are often quite large.

The substantial Minnesota River CREP experience has led to some evolution of how we work with drainage authorities and drainage law to restore wetlands on public drainage systems, while protecting drainage rights of landowners in the system. Not surprisingly, the attitudes of landowners and drainage authorities regarding drainage system modifications for wetland restoration vary substantially. A joint Chippewa-Swift County drainage authority recently disapproved a petition to modify the upstream end of an open ditch lateral to facilitate a CREP wetland restoration, apparently due to fears of potential impacts on adjacent assessed lands including reduction of future drainage potential. Unfortunately, a key adjacent landowner was not willing to accept flowage easement or filling alternatives for a small parcel of land and the drainage authority was not convinced that the state or wetland restoration landowner would allow potential future enhanced drainage onto the project lands.

On the other side of the Minnesota River Basin in Faribault County, the county drainage authority recently approved modifications for several wetland restoration projects on public drainage systems enabling increased storage of runoff and reduction of peak flows downstream. Faribault County is interested in working with the state and wetland restoration project landowners to have authority to operate and maintain wetland restoration water control structures for runoff control. Although it can take significant time and effort, BWSR and other CREP participants have generally had good luck working with drainage authorities for wetland restorations on drainage systems.

On May 24, Marc Hershfield begins employment with BWSR in a temporary, full-time position in Duluth. This project specialist position is funded by an interagency agreement with MPCA for BWSR to work with MPCA, DNR, and Lake Superior LGUs to obtain full approval by NOAA and EPA for Minnesota's Coastal Nonpoint Pollution Control Program by October 2005 (or else be subject to up to 30 percent reduction of EPA 319 funding for Minnesota). Marc replaces Gene Clark, former BWSR coastal engineer, on this project. Marc has natural resource management education from UW-Stevens Point, and substantial experience in the public and private sectors. His most recent former employer was the Wisconsin DOT in Superior, Wis., where he served for 12 years as environmental coordinator. If or when you have a chance, please welcome Marc to BWSR and to public service for protecting Lake Superior.
-Submitted by Al Kean

METRO

We continue settling in new BCs Les Lemm and Brad Wozney. Marybeth Block is adjusting to the nuances of Metro Water Planning after having been immersed in the non-metro program for years.

A number of plans have been kicked off since the begining of the year. Minnehaha Creek WD, Marine-on-St-Croix WMO, Lower St. Croix WMO, Middle St. Croix, Chisago County, and of course the reinvigorated Vermillion River WMO under the capable direction of the departed John Jaschke.

Les spent a solid week helping the EPA, DNR, NRCS, and Lake of the Woods County (his previous stomping grounds) prepare their case with the large "Bailey" violation. Frequent turnover in local staff has been a problem so Les' willingness to help represent BWSR up there helps propel this case closer to federal prosecution. The snow flurries of mid-May were just a bonus.

Metro watersheds are assembling summer tours now. If you are interested, the Prior Lake-Spring Lake tour is the first week of June. Ramsey-Washington-Metro has a large water fest planned for the Lake Phalen area, and Rice Creek is still planing theirs.

Metro water planning rule revision process was halted when the integration with county water planning rules was explored. We had intended to resume their streamlining for efficiencies and integration with other programs this winter. It did not happen due to staff turnover and insufficient time relative to higher priority work. These revisions were seen as improvements, but not

critical ones. Realistically, I cannot see us restarting this initiative until after the summer construction season and hiring of replacement staff for the Land and Water section.

-Submitted by Steve Woods

BRIEFS

A team of students from the School of Environmental Studies (Apple Valley) took first place out of 28 teams competing at the 2004 Minnesota State Envirothon held Wednesday, May 19, at the Prairie Woods Environmental Learning Center, near Spicer, Minn.



Students representing the School of Environmental Studies (pictured above with BWSR board members Kay Cook and Jerome Deal) include Bradley Bobbitt (grade 12); Kaylee Steffel (grade 11); Maggie Mesarchik (grade 12); Philip Harris (grade 11); and Reed Perkins (grade 11). Advisor is Roger Everhart. The team had a final score of 114.33.



Second place went to a team from Benilde-St. Margaret's (St. Louis Park), (pictured above) with a score of 113.67. Team members include Bennett Lang (grade 11); Catherine Kedzuf (grade 12); Chris LaBounty (grade 12); Pehr Hovey (grade 12); and Shannon Martin (grade 12). Advisors are Patty and Keith Leiseth. The team was also recognized for taking first place in the oral presentation category.



Third place went to a team from Lincoln High School (Thief River Falls) (pictured above), with a score of 111.50. Team members include Ben Willis (grade 10); Derek Dalen (grade 10); Erik Brenna (grade 10); Matt Wold (grade 10); and Vanessa Tieman (grade 12). Advisor is Patti Johnson.

The 2004 Minnesota State Envirothon was sponsored by the Minnesota Board of Water and Soil Resources, the Minnesota Association of Soil and Water Conservation Districts Auxiliary, Great River Energy, Minnesota Pollution Control Agency, the USDA Natural Resources Conservation Service, Mille Lacs Band of Ojibwe, Minnesota Association of Conservation Districts Employees, and Canon Envirothon. The State Envirothon is also supported by SWCD employees and federal and state agency staff who volunteer at the event.

The School of Environmental Studies will represent Minnesota in the international Canon Envirothon, which will be held July 26-Aug. 1, at Wesleyan College, Buckhannon, W.V.

Deadline for next edition: June 16

April, 2004

BOARD OF WATER AND SOIL RESOURCES
BYLAWS

ARTICLE I. Introduction

1. Purpose
The Board of Water and Soil Resources (BWSR) desires to conduct its business and perform all of its responsibilities and duties in an orderly, efficient, fair and lawful manner. These Bylaws are established for that purpose.

2. Application of Bylaws
Unless otherwise specifically indicated, these Bylaws shall apply to the transaction of all BWSR business and the conduct of all BWSR meetings and hearings.

3. Compliance with Applicable Law
It is the specific intent of the BWSR to perform all of its responsibilities and conduct all of its hearings and meetings in accordance with all applicable federal law and state statutes and regulations. The provisions of all such applicable law shall have control over anything to the contrary in these Bylaws.

ARTICLE II. Membership, Officers and Duties

1. Membership
The Board of Water and Soil Resources shall be composed of 17 voting members appointed by the Governor according to MN Statute 103B.101.

Individual members shall not act to represent the Board on any given subject unless specific Board action/position has been determined/ruled and the individual action thus represents the Board as a whole.

MN Statute 15.0575, subd. 4, provides that "[t]he chair of the board shall inform the appointing authority [i.e., the Governor] of a member missing three consecutive meetings. After the second consecutive missed meeting and before the next meeting, the chair of the board shall notify the member in writing that the member may be removed for missing the next meeting."

2. Officers Designated

The officers of the BWSR shall be the Chair and the Vice-Chair. The Chair is appointed by the Governor from the voting members of the Board. The Vice-Chair shall be elected to a two-year term from the regular membership of the BWSR. The Vice-Chair shall be elected by majority vote at the first regularly scheduled meeting of every EVEN calendar year.

The Board shall employ an Executive Director, a salaried officer, who is the administrative and general manager of the BWSR. All additional staff shall report to the Executive Director.

3. Duties of Officers

a) Chair

The Chair shall have the following responsibilities:

1) Supervise the affairs of the Board and communicate such affairs to all board members.
2) Preside at all Board meetings.
3) Appoint committees and subcommittees as may be necessary and shall be ex-officio member of all committees.
4) May vote on all issues.
5) May schedule special meetings.

b) Vice-Chair

The Vice-Chair shall have the following responsibilities:

1) Perform those duties delegated by the Chair.
2) Act as Chair in the event of the Chair's illness, disability, absence from meeting or not being readily able to function as Chair.

c) Executive Director

The Executive Director shall be responsible to the Board and communicate/report regularly to the Chair. The Executive Director or designee shall attend all Board meetings but shall not vote. The Executive Director shall have the following responsibilities:

1) To see that all resolutions, rules, regulations and orders of the Board are carried out.
2) To present to the Board program plans, studies and reports prepared for Board purposes and action and recommend to the Board for adoption those measures deemed necessary to carry out the programs and duties of the Board or for the efficient administration of the affairs of the Board. Executive Director shall have the authority to execute or officially sign on behalf of the Board on all actions approved/ruled by the Board.

3) To communicate and interact with the Governor's office, state agencies and local government special districts legislature and to participate in relevant meetings as well as provide such meeting knowledge to Board.
4) To keep the Board fully advised as to its financial condition and to prepare and submit an annual Board budget.
5) To represent the Board's determined/ruled policy positions only.
6) To record and maintain a record and minutes of the meetings and process and maintain all information relating to Board business.
7) To set the original agenda for the Board, provide for meeting notices and handle all other administrative affairs.
8) To sign documents as designated by the Board.
9) To participate in an annual Personnel Review as directed by the Chair.

4. Vacancies of Officers
   a) Chair: In the absence of the Chair, the Vice-Chair shall preside.

   b) Vice-Chair: If a vacancy occurs in the office of Vice-Chair, the regular members shall elect an individual to fill the remaining term time.

   c) Chair, Vice-Chair: If at a Board meeting, neither the Chair nor Vice-Chair are present but a quorum exists, the members shall elect from within the membership an acting Chair to run the meeting.

ARTICLE III. Meetings and Hearings

1. Notice
   Notices of all meetings and hearings of the BWSR shall be made in a manner in accordance with MN Statute 471.705 (Open Meeting Law). Notice shall be posted at the BWSR main office and reasonable effort shall be made to inform BWSR clientele by mail or message. Board meetings will be scheduled according to the current Board policy.

2. Open Meetings and Records
   All meetings of the BWSR shall be open to the public. The votes of the members shall be recorded by voice vote or by roll call if so called. The minutes shall be available to the public during all normal business hours at the BWSR central office. Minutes of the BWSR Board meetings shall be permanently preserved.

3. Closed Meetings

Meetings having data classified as not public, in accordance with MN Statute 103D.05. The Chair may call a closed meeting if the closure is expressly authorized by statute or permitted by the attorney-client privilege. Specific applicable statutes found in the Open Meeting Laws in Minnesota Statute Chapter 13D:

a) If non-public data is being discussed per the requirements in Chapter 13D.05, Subdivision 2; or

b) If the Board is meeting to evaluate the performance of the Executive Director, per requirement in Chapter 13D.05, Subdivision 3, or

c) If the Board is meeting to exercise quasi-judicial functions involving disciplinary proceedings per Chapter 13D.01, Subdivision 2.

In all cases where a closed meeting is called, the Board shall abide by the requirements for closed meetings in Chapter 13.D.

4. Hearing Records

All information submitted to BWSR for hearing purposes becomes the property of the BWSR.

The BWSR shall be required to maintain all records gathered during public hearings. The Executive Director shall not be required to maintain the records for more than three years after the close of a hearing.

5. Quorum

A majority of the voting Board members is a quorum.

6. Voting

Each voting member shall have one (1) vote in the transaction of business of the Board. In order to vote, the member must be in attendance at the meeting. A vote will be recorded by voice vote unless a roll call vote is requested. A roll call vote may be requested by any member.

7. Meeting Arrangements

The BWSR shall normally meet the fourth Wednesday of the month so designated by action of the Board at 9:00 AM until agenda business is complete. The Chair may call for recess for appropriate breaks or for purposes of furthering the agenda orders of business.

A majority of BWSR members shall select a meeting location which shall be convenient and suitable for the members, staff and general public.

8. General Order of Business
The general order of business of BWSR Board meetings:

a) Approval of agenda

b) Approval of minutes of previous meeting

c) Open Mike

d) Chair's, Executive Director's and Committee Reports

e) Committee Recommendations

f) Old Business

g) New Business

h) Board issues and information

i) Agency Reports

j) Advisory Member Reports

k) Upcoming Meetings

l) Adjournment

9. Parliamentary Procedure
Robert's Rules of Order, Revised, shall govern the conduct of the meeting except when state statute, policies and these bylaws state otherwise.

The Chair shall make all parliamentary rulings. The Executive Director or meeting designee shall serve as the parliamentarian advisor to BWSR.

10. Agenda Application
All matters for agenda consideration with pertinent information included shall be submitted to the Executive Director two weeks prior to the Board meeting. Placement of items on the agenda will be at the discretion of the Chair and the Executive Director. The proposed agenda must have the approval of the Chair.

11. Adoption Amendments
Adoption
These Bylaws shall become effective immediately after approved by a majority vote of the Board.

Amendments

These Bylaws may be amended by a 2/3 vote of the members. All proposed amendments shall be presented in writing. The Board shall review the proposed changes at least one meeting prior to adoption.

Special legislative session on table

BY PATRICK SWEENEY

Pioneer Press

As lawmakers and Gov. Tim Pawlenty discuss a special legislative session, a property tax break for a Medtronic Inc. expansion emerged Monday as a key issue.

Gov. Tim Pawlenty sent legislative leaders a letter Monday outlining topics he would have lawmakers tackle in a special session. But Pawlenty wants lawmakers to resolve the Medtronic tax break and several other proposals before they moved on to a borrowing bill.

Both the House and Senate passed tax bills allowing New Brighton to use future property taxes from a proposed Medtronic factory to help the company buy a site and pay for sewers and streets to serve it.

But neither tax bill became law because legislators adjourned May 16 after failing to agree on most major issues.

Now, all three sides in the Capitol power structure — the Republican House, the Democratic-Farmer-Labor majority in the Senate and Pawlenty, a Republican — say they are open to a special session. But all are calling for terms.

Pawlenty met privately Monday with Republican House and Senate leaders. He is scheduled to meet Wednesday with Senate Majority Leader Dean Johnson, of Willmar.

In his letter, he said he would consider calling a special session if House and Senate leaders agreed in advance what bills to consider and their content, as well as the session's duration.

Pawlenty listed five priorities he said lawmakers should tackle before they move on to the borrowing bill. They are:

Tougher sentences for sexual predators and methamphetamine dealers.

Progress toward fixing a projected $441 million long-term deficit.

Educational reforms.

The Medtronic tax break.

Other issues that might include constitutional amendments.

If those issues were settled, lawmakers could move on to a borrowing bill, Pawlenty said. But he sought a promise that his top construction priorities — left out of the House Republican bill — would be included, and that the bill would meet spending limits he unsuccessfully tried to impose on the Senate.

On May 11, when he listed 10 priorities for the regular session, Pawlenty did not include the Medtronic tax break.

Medtronic has not made a commitment to the New Brighton site, but city officials are wooing the Fridley-based medical device manufacturer. The expansion would put 2,000 jobs in a new plant to be built atop an old landfill at the northwest corner of Interstates 694 and 35W.

Johnson, the DFL leader, called Pawlenty's priorities a "wish list," that should be pared down to the borrowing bill and the public safety initiatives. "Constitutional amendments, I think, are off the table," Johnson said.

Throughout the regular session, Senate Democrats fought against a proposed constitutional ban on gay marriages.

House Majority Leader Erik Paulsen, R-Eden Prairie, said House Republicans would support a special session only with the pre-agreements that Pawlenty outlined. "Right now, I don't see the prospects for a special session as being very good," he said.

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GOVERNOR PAWLENTY ELIMINATES BUDGET DEFICIT BY HIMSELF -- May 17, 2004

~For second time in two years, legislative inaction forces gubernatorial action~

Saint Paul -- Just a day after the Legislature adjourned without acting on the State's projected $160 million budget deficit, Governor Tim Pawlenty took executive action to eliminate the deficit on his own. It is the second time in two years that the Governor has been forced to take such an action in the face of legislative inaction.

"Senate Democrats have said their caucus didn't need anything from this legislative session, but the people of Minnesota deserve something. It's called leadership," said Governor Pawlenty. "That leadership starts with a balanced budget, which is what I've done today."

Last week, Governor Pawlenty eliminated approximately sixty percent of the deficit, by ordering three percent reductions in executive agency budgets and withholding the transfer of General Fund dollars to the Health Care Access Fund which has a surplus, as part of a plan he and legislative Republicans offered to end the stalemate. Senate Democrats rejected the offer.

The executive action today uses an additional $30 million from the Health Care Access Fund, increases tax compliance efforts at the Department of Revenue, and saves $18 million by delaying or freezing the sale of bonds for previously authorized capital projects.

"The long-term fiscal health of our state is too important to simply sit back and hope that Senate Democrats will want to fix it, which is why I acted today," the Governor said. "There are better ways to balance the budget. I would have preferred another way and I know Speaker Sviggum and Senator Dick Day would have as well. If legislative leaders can come together with a better alternative, I'll consider a special session. But, I'm willing to carry the load alone."

Governor Pawlenty added that he was "very disappointed" with the results of the legislative session, outlining several key areas in which there was strong consensus, but no legislative action:

• More Jobs -- The bonding bill was projected to have created as many as 10,000 short-term construction jobs. A package to support the expansion of Medtronic would help create 2,000 high-paying jobs.

• Fighting Sexual Predators -- A bipartisan agreement that increases prison sentences and strengthens Minnesota's law regarding sexual predators.

• Ending Chronic Homelessness -- Funding for an aggressive plan to end chronic homelessness in Minnesota.

• Clean Water -- One of the largest environmental initiatives in state history, the second generation of the Conservation Reserve Enhancement Program, which takes environmentally sensitive agricultural lands out of production to protect water quality.

• Better Transportation -- New funding for rural road and bridge projects. Relieving congestion in the some of the fastest-growing corridors in Minnesota by supporting the Northstar commuter rail line and the Cedar Avenue busway.

• Drugs, Gangs and Meth -- Needed funding for the Gang Strike Force, an effective interagency team designed to combat drugs and gangs. New laws to toughen Minnesota's fight against methamphetamines, especially in Greater Minnesota.

• Election Reform -- $38 million in federal dollars for state and local use, including assisting disabled voters, will go unused because Minnesota failed to comply with pieces of the Help America Vote Act.

Governor Pawlenty added, "Some in the Legislature may not need any of this politically, but I believe the people of Minnesota need it -- and deserve it."

Before calling a special session, the Governor said, legislative leaders would need to reach agreements with him on key issues first.

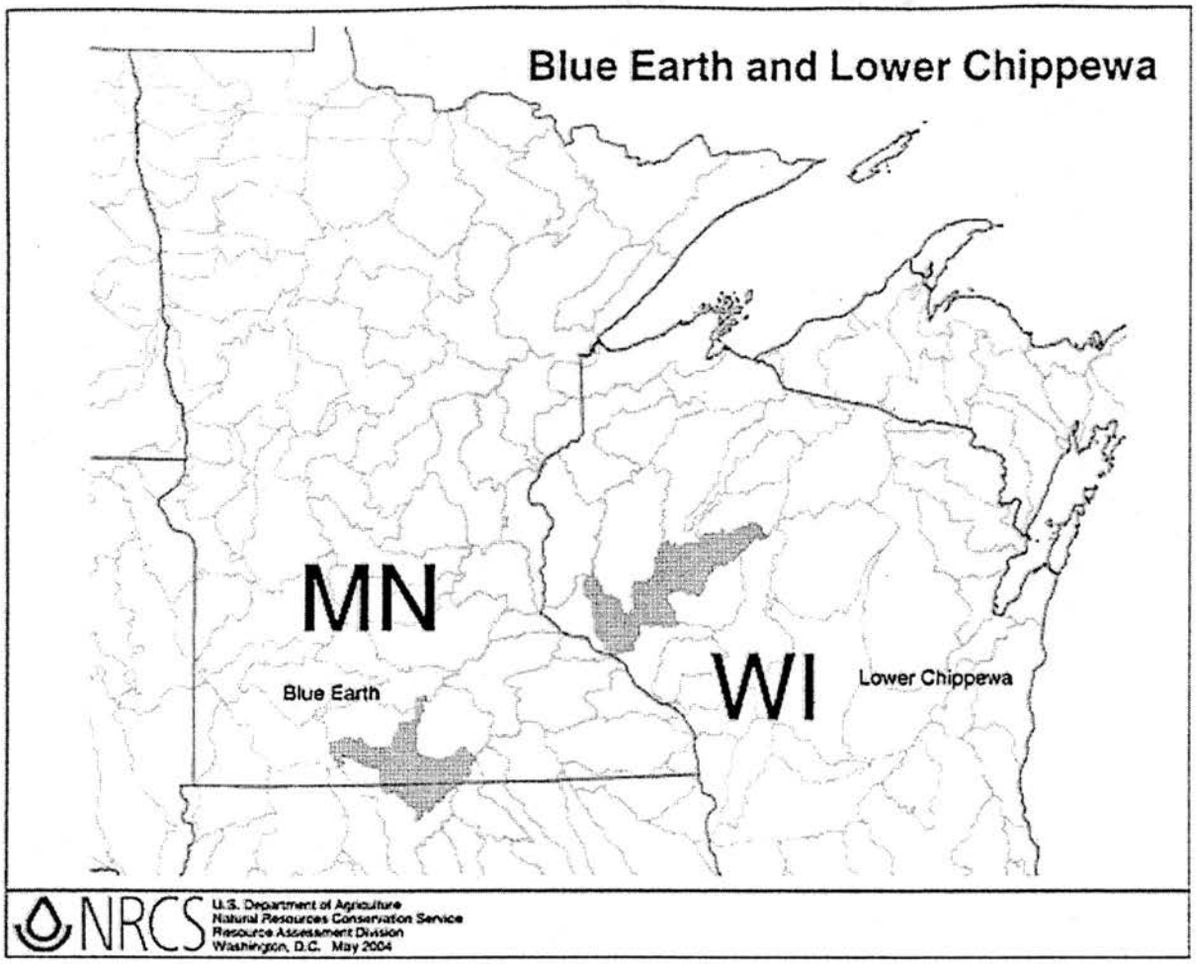
"Those of us elected to public office get a rare and brief opportunity to make a difference in the lives of the people who elected us. The Legislature should put that ideal ahead of partisan objectives," the Governor concluded.

Board Packet
FYI

From: Jim Cox <jwcox@crosslink.net>
To: <brad_s@ldaf.state.la.us>, <dave.jelinski@datcp.state.wi.us>, <David.Vogel@ncmail.net>, <gmartin@rankinchamber.com>, <wenkg@michigan.gov>, <gliles@gaswcc.org>, <gstumb@missc.state.wy.us>, <hnikides@dnr.state.in.us>, <jfrye@dcr.state.va.us>, <JakeJacobson@utah.gov>, <jnicoles@agri.state.id.us>, <james.nance@state.tn.us>, <jjpscc@ttlc.net>, <jwa@agr.state.vt.us>, <kbrown@state.pa.us>, <lawrenl@mda.state.md.us>, <miket@okcc.state.ok.us>, <peter.mosher@state.me.us>, <randy.young@mail.state.ar.us>, <RBeck@state.mt.us>, <ray.sowers@state.sd.us>, <ron.harnack@bwsr.state.mn.us>, <sarah.fast@dnr.mo.gov>, <shochhal@ndsuext.nodak.edu>, <Steve.Coleman@ky.gov>, <scauthen@swcc.state.al.us>, <theodore.gordon@dc.gov>, <thomas.anderson@state.ma.us>, <tstreeter@scc.state.ks.us>, <snelgrove@water.dnr.state.sc.us>, <sen-sosnowski@RILIN.state.ri.us>, <lojua@oda.state.or.us>, <hooksc@doacs.state.fl.us>, <Robert.Baldwin@state.de.us>, <pontzv@michigan.gov>, <vang@water.dnr.state.sc.us>, <gstarr@dnr.state.ne.us>, <robert.zebroski@ag.state.co.us>, <Lynn.Sprague@ncmail.net>, <ken.tow@idals.state.ia.us>, <arush@consrv.ca.gov>, <lauren.hoeffner@agmkt.state.ny.us>, <william.ehm@idals.state.ia.us>, <david.hanselmann@dnr.state.oh.us>, <doug.thomas@bwsr.state.mn.us>, <macl461@ecy.wa.gov>, <s.kozeymccuin@att.net>, <twolfe@wvca.us>, <tekoon@mail.dep.state.wv.us>, <LGVance@iwaynet.net>, <kmcgowan@dcd.nv.gov>, <DRaines@wvca.us>, <folger@southwindsor.org>, <dunderwood@mswcc.state.ms.us>, <james.sadley@ag.state.nj.us>, <stfrank@agr.state.il.us>, <Nancy_Welch@dnr.state.ak.us>, <dbennett@gaswcc.org>, <sgotta@dcd.nv.gov>, <Michael.Brown@state.de.us>, <dobryant@consrv.ca.gov>, <risom@tsswcb.state.tx.us>, <rbgnasca@crosslink.net>, <brad.ross@dnr.state.oh.us>
Date: 5/20/04 9:13PM
Subject: FYI - USDA Release: USDA ANNOUNCES $3.75 MILLION FOR NEWSOURCE WATER PROTECTION PROGRAM

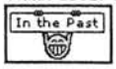
>Full story link: http://www.usda.gov/Newsroom/0203.04.html
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>Release No. 0203.04
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>Alisa Harrison (202) 720-4623
>Stevin Westcott (202) 720-4178
>
>USDA ANNOUNCES $3.75 MILLION FOR NEW SOURCE WATER PROTECTION PROGRAM
>
>WASHINGTON, May 20, 2004 - The U.S. Department of Agriculture today announced it is granting $3.75 million to the nonprofit National Rural Water Association (NRWA) for the implementation of a new initiative that will help prevent source water pollution in 33 states.
>
>"The Bush Administration is committed to providing programs that promote environmental stewardship," Veneman said. ""This program will help producers install voluntary measures to promote safe drinking water."
>
>To commemorate the event, Farm Service Agency Administrator James R. Little presented a check to NRWA representatives to kick off the new initiative known as the Source Water Protection Program. The Source Water Protection Program is authorized the 2002 Farm Bill.
>
>Through the two-year program, NRWA will hire for each selected state full-time Rural Source Water technicians, knowledgeable and experienced in rural issues. The technicians will work with FSA county executive directors and state conservation specialists with USDA's Natural Resources Conservation Service to identify priority areas where local pollution prevention efforts are needed most. In addition, the technicians will

facilitate the creation of local teams comprised of citizens with diverse backgrounds who will collaborate in the development of Rural Source Water Protection plans to promote clean ground water.
>
>Rural Source Water Protection plans will outline voluntary measures that farmers, ranchers and other producers can administer on their lands to prevent source water pollution. Voluntary measures may range from producers storing pesticides or other substances in more secure containers to relocating waste lagoons. Working at the grassroots level, local team members will be able to inform and educate producers about source water protection measures that benefit landowners and their communities. State rural water associations will provide resources and other assistance to local teams when help is needed. Additionally, the plans will establish steering committees to evaluate voluntary practices implemented by local producers.
>
>The Source Water Protection Program will be implemented in the following states: Alabama, Alaska, Arizona, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington and Wisconsin. The selected states were chosen based on objective technical criteria relating to water quality and population.
>
>According to the NRWA, ground water is the primary source of drinking water for some 44,000 communities in the United States.
>
>#
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>



FYI - The cited NRCS website lists the 22 states and 18 watersheds determined to be eligible for CSP funds in 2004.
http://www.nrcs.usda.gov/programs/csp/watersheds04.html

Think about how things used to be. Here are some facts about the1500s:



These are interesting...

Most people got married in June because they took their yearly bath in May, and still smelled pretty good by June. However, they were starting to smell, so brides carried a bouquet of flowers to hide the body odor. Hence the custom today of carrying a bouquet when getting married.

Baths consisted of a big tub filled with hot water. The man of the house had the privilege of the nice clean water, then all the other sons and men, then the women and finally the children Last of all the babies. By then the water was so dirty you could actually lose someone in it. Hence the saying, "Don't throw the baby out with the bath water."

Houses had thatched roofs-thick straw-piled high, with no wood underneath. It was the only place for animals to get warm, so all the cats and other small animals (mice, bugs) lived in the roof. When it rained it became slippery and sometimes the animals would slip off the roof. Hence the saying "It's raining cats and dogs."

There was nothing to stop things from falling into the house. This posed a real problem in the bedroom where bugs and other droppings could mess up your nice clean bed. Hence, a bed with big posts and a sheet hung over the top afforded some protection. That's how canopy beds came into existence.

The floor was dirt. Only the wealthy had something other than dirt. Hence the saying "dirt poor." The wealthy had slate floors that would get slippery in the winter when wet, so they spread the fresh straw on floor to help keep their footing. As the winter wore on, they adding more thresh until when you opened the door it would all start slipping outside. A piece of wood was placed in the entranceway. Hence the saying a "thresh hold."

(Getting quite an education, aren't you?)

In those old days, they cooked in the kitchen with a big kettle that always hung over the fire. Every day they lit the fire and added things to the pot. They ate mostly vegetables and did not get much meat. They would eat the stew for dinner, leaving leftovers in the pot to get cold overnight and then start over the next day. Sometimes stew had food in it that had been there for quite a while. Hence the rhyme, "Peas porridge hot, peas porridge cold, peas porridge in the pot nine days old."

Sometimes they could obtain pork, which made them feel quite special. When visitors came over, they would hang up their bacon to show off. It was a sign of wealth that a man could "bring home the bacon." They would cut off a little to share with guests and would all sit around and "chew the fat."

Those with money had plates made of pewter. Food with high acid content caused some of the lead to leach onto the food, causing lead poisoning death. This happened most often with tomatoes, so for the next 400 years or so, tomatoes were considered poisonous.

Bread was divided according to status. Workers got the burnt bottom of the loaf, the family got the middle, and guests got the top, or "upper crust."

Lead cups were used to drink ale or whisky. The combination would sometimes knock the imbibers out for a couple of days. Someone walking along the road would take them for dead and prepare them for burial. They were laid out on the kitchen table for a couple of days and the family would gather around and eat and drink and wait and see if they would wake up. Hence the custom of holding a "wake."

England is old and small and the local folks started running out of places to bury people. So they would dig up coffins and would take the bones to a "bone-house" and reuse the grave. When reopening these coffins, 1 out of 25 coffins were found to have scratch marks on the inside and they realized they had been burying people alive. So they would tie a string on the wrist of the corpse, lead it through the coffin and up through the ground and tie it to a bell. Someone would have to sit out in the graveyard all night (the "graveyard shift") to listen for the bell; thus, someone could be "saved by the bell" or was considered a "dead ringer."

And that's the truth... Now , whoever said that History was boring ! ! !

Educate someone...Share these facts with a friend

Minnesota Board of Water & Soil Resources

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

DATE: June 14, 2004

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: June 23rd Board Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, June 23, 2004, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room, lower level, at One West Water Street, St. Paul. Parking is available across the street from the building. Please display the enclosed "temporary parking permit" on your vehicle's dashboard.

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Cost-Share Committee

1. **FY06 Non-Point Engineering Assistance Program Delivery Model and Performance Criteria.** Background: A Conservation Technical Assistance Committee (CTAC) was assembled in January, 2004 to address the financial and service delivery challenges in the present delivery system for the Nonpoint Engineering Assistance Program. The stated purpose of this effort was to ensure the long-term viability and relevance of the NPEA program, on a statewide basis, through the negotiation of an agreement that will address:
   - maintaining statewide coverage for engineering technical assistance to and through SWCDs;
   - the standard or baseline of services and technology necessary to be judged as successful;
   - what will be done if an existing technical service area fails

   The CTAC included a broad range of representatives from all eleven JPB's, MASWCD, and BWSR, MACDE. An agreement was reached on April 22, 2004, which was presented to the BWSR Cost-Share Committee at its May 26, 2004, meeting. The Cost-Share Committee recommends approval. ***DECISION ITEM***

Bemidji
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Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
217 S. 7th Street
Suite 202
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fax (218) 828-6036

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

Fergus Falls
413 W. Stanton Avenue
Fergus Falls, MN 56537
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Marshall
1400 E. Lyon Street
Box 267
Marshall, MN 56258
phone (507) 537-6060
fax (507) 537-6368

New Ulm
261 Highway 15 S.
New Ulm, MN 56073
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Rochester
40 16th Street S.E.
Suite A
Rochester, MN 55904
phone (507) 285-7458
fax (507) 280-2875

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

2. **Non-Invasive Species Cost Share Policy** - The Cost Share Committee is forwarding their recommendation to the Board for adoption of State Cost Share Policy limiting the use of invasive non-native plant species. ***DECISION ITEM***

Northern Water Planning Committee

1. **Two Rivers Watershed District Revised Watershed Management Plan** – The revised watershed management plan for the Two Rivers Watershed District was filed with the Board in January. The planning process, highlights of the plan, and the review process are further described in the attached Overview. Notice of Filing of the plan was published in local newspapers and mailed to several entities. No hearing was requested or held. Minor comments on the final draft resulted in some minor revisions to the plan. In addition to meeting the requirements of Minnesota Statutes and BWSR plan guidelines, the plan meets the intent of the Red River Basin Flood Damage Reduction Work Group Mediation Agreement of December 1998. The Northern Water Planning Committee unanimously recommends the plan be approved per the attached draft order. ***DECISION ITEM***

2. **Douglas County Local Water Management Plan** - The Douglas County Local Water Management Plan has been completed using the new process with a Priority Concerns Scoping Document guiding the development of the issues the County will focus implementation. The final plan was drafted, the required public hearing was held and the plan was submitted for state review. The Northern Water Planning Committee reviewed the Plan on June 1, 2004, and recommends approval by the full Board. ***DECISION ITEM***

3. **Ottertail County Local Water Management Plan** -The Ottertail County Local Water Management Plan has been completed using the new process with a Priority Concerns Scoping Document guiding the development of the issues the County will focus implementation. The final plan was drafted, the required public hearing was held and the plan was submitted for state review. The Northern Water Planning Committee reviewed the Plan on June 1, 2004, and recommends approval by the full Board. ***DECISION ITEM***

4. **Traverse County Priority Concerns Scoping Document** -Traverse County, as part of Updating their Comprehensive Local Water Management Plan for the second time, submitted the Priority Concerns Scoping Document for state review and comment. The Northern Water Planning Committee of the Board met on June 1, after the state agencies comment period ended. The Committee's recommendations or requirements for the content of the final plan are drafted for the full Board to review and take action on. The state's expectations for the final plan must be sent to Traverse County. ***DECISION ITEM***

Wetlands Committee

1. **WCA Forest Road Exemption Guidance** - BWSR staff and an interagency work group have developed draft guidance for the Wetland Conservation Act forest

road exemption at the request from several local government units. The draft guidance is in response to some abuses of the forestry exemption that have occurred in Minnesota. This guidance recognizes that persons utilizing the forestry exemption are not required to obtain an exemption certificate from the LGU. In 1991, when the Wetland Conservation Act was enacted, the legislature recognized the importance of the forest products industry in Minnesota. The statute and rule provide for an exemption from the requirement to obtain an approved replacement plan for wetland impacts for certain silvicultural activities (see Minnesota Rule 8420.0122, Subpart 7). This guidance is intended to protect the legitimate use of the forestry exemption, while providing guidance to LGUs for determining when the exemption is not properly being implemented. ***DECISION ITEM***

NEW BUSINESS

1. **FY 05 SWCD Grants** - The annual allocations to SWCDs for Cost Share Base Grants, Feedlot Water Quality Management Grants, General Services Grants, and Easement Services Grants are recommended by the Cost Share Committee for approval. The enclosed information provides selected detail of recommended allocations by grant program. ***DECISION ITEM***

2. **Area II Minnesota River Basins Project Inc. FY 2005 Annual Work Plan**: In FY 2005 Area II will receive a $105,000 annual grant from BWSR as per legislative appropriation. They have submitted a work plan outlining the activities that will be completed during FY 2005. This grant amount is equal to last years grant, but a significant reduction from previous years. Area II has adjusted to this budget reduction and continues to provide a high level of service for flood control in southwestern Minnesota. For FY 2005, the $105,000 grant will be split out by $67,770.66 for administration and $37,229.34 for projects, all matched with 25% local funds. This grant will leverage an additional $580,008.15 in projects ready to be constructed. There is also $500,000 for Area II project work in the tentative bonding bill. Staff recommends this plan be approved. ***DECISION ITEM***

3. **Alteration of CREP Conservation Easement 42-18-02-01, Joe VanOverbeke** – see attached – ***DECISION ITEM***

4. **Ramsey SWCD Request to Change Name** – Minnesota Statutes 103C.215 allows the name of an SWCD to be changed with the approval of the state board after the adoption of a resolution by a majority of the supervisors stating the new name. The new name proposed for the Ramsey Soil and Water Conservation District is the Ramsey Conservation District. See attached. ***DECISION ITEM***

5. **Legislation and Budget Update** – ***INFORMATION ITEM***

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The meeting will adjourn about 12:30 – 1:00 p.m. I look forward to seeing you on June 23rd!

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
WEDNESDAY, JUNE 23, 2004

PRELIMINARY AGENDA

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

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF MAY 26, 2004

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

REPORTS

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

COMMITTEE RECOMMENDATIONS

Cost-Share Committee

1. FY06 Non-Point Engineering Assistance Program Delivery Model and Performance Criteria – Doug Thomas – ***DECISION ITEM***
2. Non-Native Invasive Species Cost-Share Policy – Wayne Zellmer – ***DECISION ITEM***

Northern Water Planning Committee

1. Two Rivers Watershed District Revised Watershed Management Plan - ***DECISION ITEM***
2. Douglas County Local Water Management Plan – ***DECISION ITEM***
3. Ottertail County Local Water Management Plan – ***DECISION ITEM***
4. Traverse County Priority Concerns Scoping Document – Pete Waller – ***DECISION ITEM***

Wetlands Committee

1. **WCA Forest Road Exemption Guidance** – Ron Harnack and Dale Krystosek – ***DECISION ITEM***

NEW BUSINESS

1. FY 05 SWCD Grants – Wayne Zellmer – ***DECISION ITEM***

2. Area II Minnesota River Basins Project Inc. FY 2005 Annual Work Plan – Tabor Hoek, BWSR, and Kerry Netzke, Area II Coordinator – ***DECISION ITEM***

3. Alteration of CREP Conservation Easement 42-18-02-01, Joe VanOverbeke – Tim Fredbo – ***DECISION ITEM***

4. Ramsey SWCD Request to Change Name – Steve Woods – ***DECISION ITEM***

5. Legislation and Budget Update – Ron Harnack - ***INFORMATION ITEM***

AGENCY REPORTS

- Minnesota Department of Agriculture – Mark Dittrich
- Minnesota Department of Health – Doug Mandy
- Minnesota Department of Natural Resources – Gene Merriam
- Minnesota Extension Service – Jim Anderson
- Minnesota Pollution Control Agency – Lisa Thorvig

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next Board Meeting, August 25, 2004, St. Paul

ADJOURN

TEMPORARY PARKING PERMIT

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
Lower Level Conference Room

DATE: Wednesday, June 23, 2004

QUESTIONS, PLEASE CALL 651-296-3767.

Parking is available across the street from the building in the first two rows of the northwest corner of the Wabasha Deli parking lot. Display this "temporary parking permit" on your vehicle's dashboard. Thank you.

Dispute Resolution Report
June 10, 2004
by Jim Haertel

There are presently 12 appeals pending. All of the appeals involve WCA. There have been two new appeals filed since the last report dated May 13.

There is a new appeal of a restoration order in Cass County. The violation involves the placement of fill in a wetland and the construction of a cabin on the fill. There was wetland fill placed approximately two years ago at the site, a restoration order was issued and much of the fill was removed, but full compliance with the restoration order was not achieved. A year and a half later the landowners obtained a permit from the county to build the cabin, filled the wetland again, and built the cabin. At issue is the landowners contention that they had all the necessary approvals when they received the building permit.

There is a new appeal of a wetland boundary and type decision in Anoka County. At issue is the decision by the Rice Creek Watershed District to classify a site as effectively drained. Last summer a wetland delineation report identified most of the site as wetland. No decision has been made on accepting the appeal.

There is an appeal of a restoration order in the City of North Branch in Chisago County. The project involves excavation in a Type 3 wetland and sidecasting material into a wetland.

There is an appeal of a restoration order in Douglas County. Previously the landowner filed an appeal of a replacement plan denial. The project involves the placement of fill in a wetland adjacent to Lake Darling.

Two appeals involve the same restoration order in Olmsted County. The project involves the placement of drainage tile in agricultural land that has resulted in drainage of wetlands.

There are two appeals of a restoration order in McLeod County. At issue is the cleaning of a three-party, private agricultural ditch. The situation is complicated by the fact that the person served with the restoration order is not one of the two appellants. Adding to the complications is the heated relationship the three parties share. A court ordered settlement agreement should be finalized in the near future. The appeals have been placed in abeyance until the agreement is signed.

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

been accepted. No pre-hearing conference has been set since the landowner, after negotiations, has consented to submitting a replacement plan application upon completion of a wetland delineation this spring.

There is an appeal of a restoration order in Stevens County. The violation involves the excavation of a ditch in a DNR protected water and the sidecasting of dredge spoil into wetland bordering agricultural land. Work was also done on a neighboring property without permission. The appeal is in abeyance pending a DNR survey this spring.

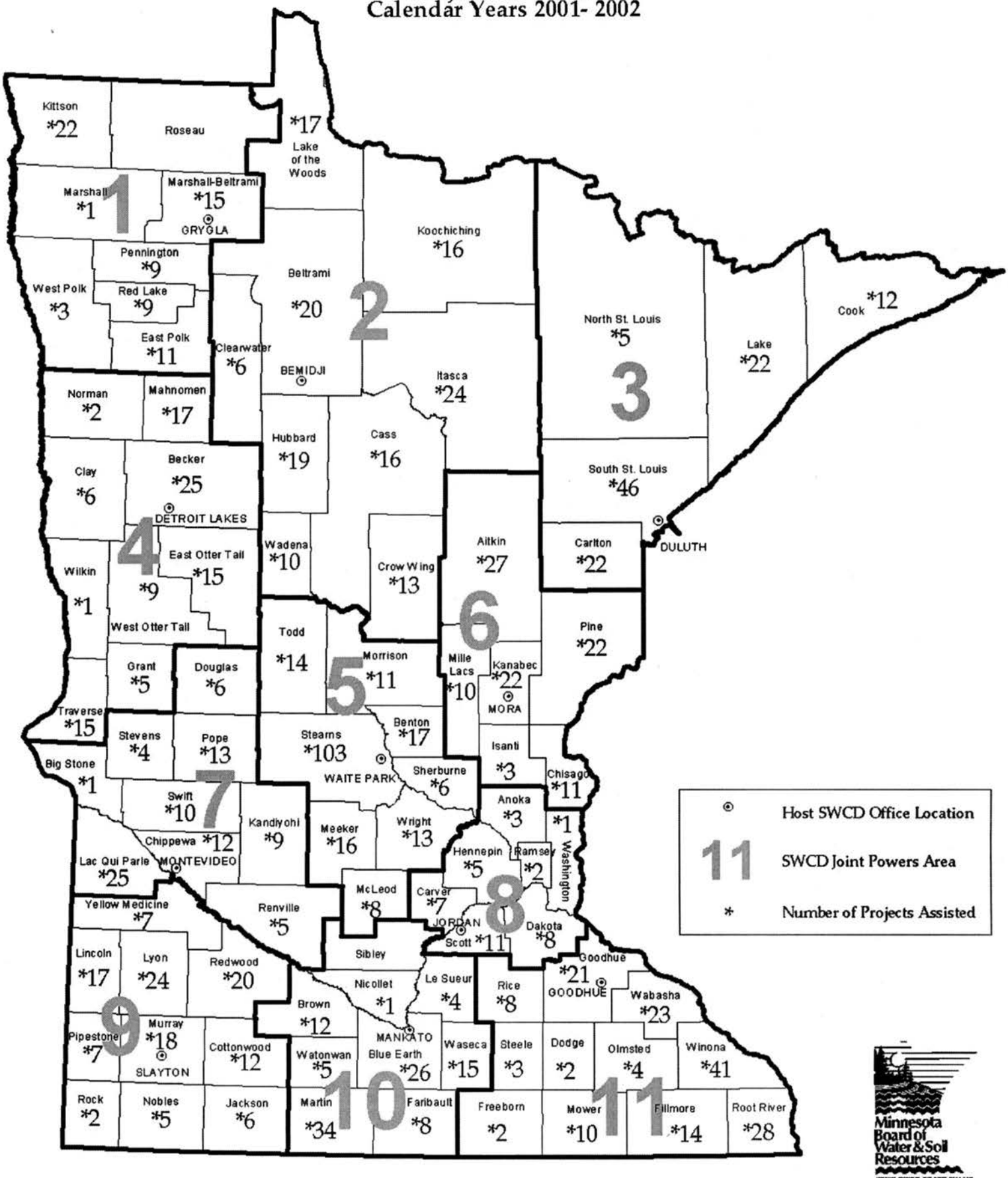
There is an appeal of a no-loss decision in the City of Hermantown near Duluth in St. Louis County. The site is an old refinery where Superfund cleanup has been done and is continuing. There are questions about the extent of wetlands on the property and whether a consent decree applied to the whole site. A meeting was held with representatives of the agencies that entered into the consent decree. The results of the meeting were conveyed to the landowner. The appeal has been accepted and a meeting was held with the landowner, the city, the Corps, a local legislator and the TEP to try to resolve the appeal. Resolution was achieved at the meeting and a stipulated agreement needs to be finalized to close the appeal. The agreement has been signed by all of the parties except the Corps of Engineers, however the Corps issued a letter agreeing to some of the stipulations. Under the terms of the agreement the appeal will continue in abeyance until late June and then the appeal will either be withdrawn or heard.

There is an appeal of a no-loss decision in Meeker County. At issue is the wetland delineation. The project involves wetland fill for a garage. The appeal is being held in abeyance pending further technical evaluation work, however, it appears a settlement agreement may be reached between the county attorney and the landowner.

Nonpoint Engineering Assistance Program

Implemented via Soil and Water Conservation Districts

Projects Assisted
Calendar Years 2001- 2002



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

January 2003

Proposed Service Delivery Model for the BWSR Non-point Engineering Assistance Program

Delivery Model.

- The system will start with the 11 existing technical service areas (TSAs) and SWCD Joint Powers Board structures.
- The legal structure of each Technical Service Area will be locally determinied.
- Each TSA will be offered, on a yearly basis, a grant to deliver engineering technical services. The grant shall contain agreed upon performance measures and a required local share.
- The TSA has broad discretion over the way it provides for engineering assistance and local share requirements.
- The first year grant amount offered to each TSA will be the same, as will the local share requirements. TSA's have the discretion to request a smaller grant amount, which may affect the base amount in future years.
- Individual SWCD's can choose, once a year, to stay with their existing TSA, or to seek to become a part of another TSA. In either case, each TSA will retain their state-allocated grant amount.
- TSA's shall retain the right to determine whether a new SWCD can become part of their TSA or not.
- BWSR will accept a limited number of SWCD's that choose not to be part of a TSA (about 5 total); more than that, BWSR will convene the CTAC to address the issue.
- In the event that a TSA shall fail to sign a grant with BWSR, then BWSR will convene a meeting of representatives of the failed TSA and surrounding TSA's to negotiate a new delivery system and boundaries in those areas. In this case, the failed TSA grant amount will be distributed to those TSA's that agree to service all or part of the failed TSA area.
- The existing CTAC shall become a sub-committee of BWSR that meets at least once a year to provide program, evaluation, guidance and recommendations.

Performance Measures for Each Technical Service Area (TSA):

1) At a minimum, each TSA shall provide adequate engineering technical services, including sign-off, to TSA customers for NPEA program functions

2) At a minimum, each TSA shall have access to the following technology:
   a) Total Station surveying equipment and laser level
   b) AutoCAD and Eagle Point versions that are supported by these companies
   c) The following for each NPEA staff person:
      1) a computer current enough to run AutoCAD and Eagle Point with reasonable speed
      2) reasonably current word processing, spreadsheet and presentation software
      3) Internet and email access
      4) access to an 11x17 printer and 24x36 plotter
   d) Appropriate transportation and supplies for engineering assistance

3) Each TSA shall participate in a planning, assessment and accountability process including:
   a) Annual work program and budget development, including local share
   b) At least an annual documentation of accomplishments
   c) At least an annual evaluation of the work quantity and quality

   The CTAC shall be involved in developing the evaluation protocols.

4) Each TSA must deliver adequate engineering services for the Ag BMP program and cited feedlots in its area.

Local Share

In the first year, the local share will be equivalent to 25% of the agreed upon state financial share (or, 20% of the total contract amount. Both amounts are the same).

In subsequent years, should there be more funding available from the state legislature, the local dollar amount shall remain the same as the first year, unless an alternate local share is set by the BWSR in consultation with the CTAC.

Given the existing level of funding, and assuming that each TSA requests the maximum in state resources, then the state and local shares for the first year shall be as follows:

State = $96,727 per TSA (i.e. equal state funding) TSA = $24,182

Local share does not include in-kind services, but can include local, other state, and federal funding for shared technical assistance to and through the TSA SWCDs, such as:

- fees for services (from landowners, or other sources)
- member SWCD cash contributions
- federal TSP funding
- federal grant funds
- other state programs
- gifts and donations

All state NPEA program grant dollars must be used within a two year grant period.

Excess annual local share can be carried over for use by the TSA for shared technical assistance, but can't be used as local share again.

Cost Share Committee Recommendation
On
Invasive Non-Native Species Cost Share Policy

Background

The majority of current species used for conservation practices are invasive and non-native. In January of '02, BWSR adopted policy prohibiting planting of invasive and non-natives on WCA replacement sites and conservation easements.

The Anoka CD sponsored a resolution adopted at the '02 MASWCD convention citing that species included to be prohibited include SWCD staples such as: Amur Maple, Siberian Peashrub (Caragana), Russian Olive, Crown Vetch, Birdsfoot Trefoil, Sweet Clover, and Smooth Brome.

Issue

There are substitutes for these species, but the Committee feels that certain species have a proven record for their conservation practice values, which may offset their other negative values. However, it is also recognized that some species like Reed Canary can have substantial negative characteristics.

An Invasive Non-Native Species List (Exhibit A) has been provided by the DNR – Ecological Services.

Exhibit A

GRASSES & WILDFLOWERS

Alliaria petiolata - Garlic mustard
Berteroa incana - Hoary alyssum
Bromus inermis - Smooth brome grass
Butomus umbellatus - Flowering rush
Carduus nutans - Musk thistle
Centaurea maculosa - Spotted knapweed
Chrysanthemum leucanthemum - Ox-eye daisy
Cirsium arvense - Canada thistle
Cirsium vulgare - Bull thistle
Coronilla varia - Crown vetch
Daucus carota - Queen Anne's lace
Digitalis lanata - Grecian foxglove
Euphorbia esula - Leafy spurge
Glechoma hederacea - Creeping Charlie
Iris pseudacorus - Yellow iris
Linaria vulgaris - Butter and eggs
Lotus corniculatus - Bird's-foot trefoil
Lythrum salicaria - Purple loosestrife
Melilotus alba & M. officinalis - White & yellow sweetclover
Miscanthus sacchariflorus - Amur silver grass
Nymphaea spp. - Non-native waterlilies
Pastinaca sativa - Wild parsnip
Phalaris arundinacea - Reed canary grass
Polygonum cuspidatum - Japanese knotweed
Sonchus arvensis - Sow thistle
Vicia villosa - Hairy vetch

TREES & SHRUBS

Acer ginnala - Amur maple

Acer platanoides - Norway maple
Berberis thunbergii - Japanese barberry
Caragana arborescens - Siberian peashrub
Elaeagnus angustifolia - Russian olive
Lonicera tartarica & hybrids - Non-native honeysuckles
Rhamnus cathartica - Common buckthorn
Rhamnus frangula - Glossy buckthorn
Robinia pseudocacia - Black locust
Ulmus pumila - Siberian elm

NOTE: The planting of any noxious weeds is prohibited by state law.

Recommendation
The Committee recommends the following language be approved State Cost Share Program policy:

> *The seeding/planting of invasive non-native species is prohibited where they are likely to colonize existing more desirable stable plant communities.*
>
> *If site conditions necessitate the use of invasive non-native species, prior to planting the SWCD must include a copy of the justification to plant invasive non-native species in the project file.*

Examples of seeding recommendations will be provided to SWCDs that do not contain invasive non-native species.

2002 MASWCD Resolution No. 10
NON-INVASIVE PLANTS USED FOR CONSERVATION

THEREFORE, BE IT RESOLVED, that the Minnesota Association of Soil and Water Conservation Districts (MASWCD) will encourage the use of non-invasive plant material in tree sales and conservation plans with emphasis on using native species and support legislation to that effect.

BE IT FURTHER RESOLVED, that the MASWCD will encourage NRCS through the National Association of Conservation Districts (NACD) to discontinue efforts to develop hardier varieties of invasive species such as Reed Canary Grass and to remove them as recommended species in their Technical Guides.

Submitted By: Anoka CD
Status: MASWCD Annual Convention Action: Passed, December 10, 2002
Forward To: BWSR, NRCS and NACD. MASWCD staff included article in April/June Tidbits

BWSR Response: This subject matter has been assigned to the BWSR Cost-Share Committee which will be making recommendations to the full BWSR Board, early in 2004, on how this matter can be addressed in the Cost-Share program practice standards and policies.

NRCS Response: The Natural Resources Conservation Service is extremely supportive of the ecologically based direction state in the resolution. However, we have some real concerns about implementing such a policy that we would like to bring to your attention.

Before discussing the merits of the resolution I would like to point out that almost all NRCS standards have working to encourage the use of native species. I think you'll find that those conservation practice standards, which specifically address wildlife habitat, only recommend the use of native species. Likewise, those conservation programs, which are specifically aimed at promoting restoration of wildlife habitat, such as WHIP and WRP, have intentionally removed or limited the use of non-=native species. In addition NRSC has pioneered the development of technical standards for the restoration of rare and declining habitats specifically geared toward re-establishing ecological diversity. Al things being equal, I feel confident that every natural resource manager utilizing the NRCS standards will be able to find multiple options to promote wildlife habitat and ecological diversity through the sue of native species.

The NRCS currently follow a policy of encouraging the use of appropriate plant materials for all of our conservation planning purposes. The conservation planning process is the means through which natural resource managers communicate identified resource needs to private landowners. The is process is multi-faceted taking into account the soil, water, air, plant and animal (SWAPA) resource concerns as well as the human needs of the landowner. NRCS like SWCDs are driven by a natural resource protection mission. However, this resolution appears to be biased in favor of wildlife habitat and ecological diversity. Does this resolution overlook the single most resource we're attempting to protect, which are our landowners? Our clients live in a work where economics, the bottom line, must be considered. Acknowledging this fact, the NRCS conservation

practice standards attempt to strike a balance between the need for resource protection and producer profitability. Limited scope conservation planning which only looks at what's best for wildlife habitat or plant diversity, as proposed in this resolution, without consideration of the other resources including the human resource could greatly reduce both our effectiveness and the number of producers, our clients.

Many of the conservation practices in the Field Office Technical Guide (FOTG) have been written to serve multiple purposed, including income production. Conservation practices such as: Forage Harvest Management; Pasture and Hayland Planting; Tree Planting; Conservation Crop Rotation; and Contour Stripcropping are examples where the technical assistance being provided needs to consider the potential for profitability just a strongly as resource protection or ecological diversity.

To date, NRCS has stayed away from creating a hit list of "invasive species". It's interesting to note that the species listed in the resolution are mainly non-native. There are just as many examples of native species such as switchgrass, big bluestem, prairie cordgrass, sweetgrass, buffalograss, aspen, box elder, willow, and cottonwood that could also be considered invasive. If the issue being raised in the resolution is a concern over a lack of plant diversity or the development of monoculture plantings these native species should also be considered as potentially adverse.

The very nature of our work is soil erosion control and water quality improvement leads to recommendations for seeding and planting of vegetation to establish a protective conservation cover as fast and as cost effective as possible. In many cases the recommendation and use of invasive species greatly help to accomplish this mission. Even without the intervention of man, nature, by itself did not and does not always create a diverse plant species, with little diversity, which could aggressively invade sites best suited to their growth requirements.

I hope this message helps convey a basis for maintaining the ability to recommend a variety of species in our conservation practice standards. At the same time NRCS is very concerned with the potential inclusion and recommendation for sue in conservation practices of those known, aggressive or invasive, non-native species. NRCS has been actively purging non-native invasive species, such as buckthorn, tartarian honeysuckle, and russian olive, from FOTG standards for some time.

Another extremely important consideration when recommending species for vegetative establishment in conservation practices is management. We do not advocate walk away conservation. In other words any species being recommended in a conservation practice should always have required maintenance and management actions necessary to sustain the practice and the resulting environmental benefits. In many cases lack of proper practice management has accelerated concerns with invasive species.

As always, we look forward to working with the MASWCD and Conservation Districts employees to revise and update the Minnesota conservation practices in the FOTG. These standards are not perfect. They are developed through a technical consensus process for use by the entire conservation partnership, not just NRCS. To the best of our ability we will continue to recommend the sue of appropriate species of grass, trees and shrubs that are suited for the planting site conditions, based on the purpose of the practice being planned; based on the purpose of the conservation program the practice is receiving financial assistance through; and the availability and other related factors.

As always, we will gladly continue to seek ways to make our partnership more effective. This includes ensuring that the conservation practices in the FOTG includes adequate options for the use of native species and meet the needs of our partnership. I have established a FOT subcommittee to the State Technical Committee. This is the appropriate body to discuss technical issues related to conservation practice standards. This letter is being referred to Paul Flynn, State Resource Conservationist, for consideration by the NRCS technical specialist leading the development of conservation practice standards. Please contact him for additional information about this concern. William Hunt, NRCS State Conservationist.

H:NISRNRCS

Board Resolution #_____
Invasive Non-Native Species
State Cost Share Program Policy

WHEREAS, Soil and Water Conservation Districts include significant amounts of invasive non-native plant species in seeding/planting recommendations on State Cost Share Program conservation practices; and,

WHEREAS, invasive non-native tree, shrub, and herbaceous species can compromise new or existing biological communities; and,

WHEREAS, there are species native to Minnesota that can be used as a substitute for species known to be invasive, and that provide conservation values.

NOW THEREFORE, The seeding/planting of invasive non-native species is prohibited on State Cost Share Program conservation practices where they are likely to colonize existing more desirable stable plant communities, except where site conditions necessitate the use of invasive non-native species. Prior to planting the SWCD must include a copy of the justification to plant invasive non-native species in the project file. This policy is effective beginning in FY 05 (July 1, 2004).

_____ Date: _____

Jerome Deal, Chair
Board of Water and Soil Resources

H:BNISCS

Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, Minnesota 55107
(651) 297-1629

News Release

FOR IMMEDIATE RELEASE: June 7, 2004

CONTACTS: Geir Friisoe, Plant Protection Section Manager, 651-297-7174
Jay Rendall, DNR Invasive Species Program Coordinator, 651-297-1464

DRAFT

Governor Pawlenty proclaims June invasive species month

ST. PAUL, Minn. – To highlight the importance of fighting invasive pests such as gypsy moths, purple loosestrife and zebra mussels, Governor Tim Pawlenty has proclaimed June 2004 as Invasive Species Month in Minnesota. The announcement is designed to draw public attention to the increasing risk invasive pests pose to Minnesota's landscape and waters, and steps citizens can take to prevent the spread in their own neighborhoods.

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 gypsy moth, zebra mussels, Eurasian watermilfoil, purple loosestrife, and garlic mustard. There are also many new invasive species that could arrive and damage our forests, lakes and rivers. The list of potential invaders includes Asian longhorned beetle, emerald ash borer, bighead carp, silver carp, hydrilla and kudzu.

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. In declaring June as Invasive Species Month, Governor Pawlenty said public awareness is a key to preventing the spread of invasive species.

"Our state is blessed with beautiful waterways, prairies, forests, and agricultural areas that contribute to our quality of life," Governor Pawlenty said. "Unfortunately, these resources face a growing threat from invasive pests. These pests are often introduced accidentally by people, and that's why we all have a role to play in protecting our state."

Experts offer six tips for citizens looking to join the fight against invasive pests:

1. Ask nursery staff to verify that plants you buy for your yard or garden are not invasive;
2. Stop Aquatic Hitchhikers! When boating or participating in other water recreation, remove aquatic plants and animals from boats, trailers and equipment, and drain water before moving it to other waters;
3. Remove seeds, plants, and mud from clothing, footwear, and equipment before hiking in a new area;
4. Don't pack a pest when returning to Minnesota after visiting other states or countries - fruits, vegetables, plants and animals can carry invasive pests;

-more-

MINNESOTA GROWN

In accordance with the Americans With Disabilities Act, an alternative form of communication is available upon request. TTY 1-800-627-3529

5. Don't release aquarium fish and plants, water garden plants, live bait or other exotic animals into lakes, rivers or storm drains; and
6. Volunteer at a local park or wildlife area to remove invasive species. Inform others about the threat.

To learn more about invasive pests and the fight against them, consider attending the one of many events being held by members of the Minnesota Invasive Species Advisory Council in June (see list below). For details please visit the MDA website at www.mda.state.mn.us or DNR website at www.dnr.state.mn.us.

MN INVASIVE SPECIES EVENTS FOR SUMMER 2004

Public Television Documentary - "Invaders At Our Doorstep: Exotic Pests of the Upper Midwest"
Documentary developed by Twin Cities Public Television in partnership with the Minnesota Department of Agriculture and U.S. Forest Service. Focus is on invasive tree pests threatening Minnesota forests.

- Tuesday, June 22, 7 p.m. Channel 17 (KTCI)
- Sunday, August 22, 7 p.m. Channel 17 (KTCI)

The Nature Conservancy Volunteer Opportunities

- Saturday, June 12, 11 a.m. – 3 p.m. - Weaver Dunes open house, field trip and invasive species removal.
- Saturday, June 12, 10 a.m. - 3 p.m. - Ottawa Bluffs: girdle aspen and other invasive trees tour.
- Saturday, July 17, 10 a.m. – 3 p.m. - Weaver Dunes seed collection and/or invasive species control.
- Saturday, July 17, 10 a.m.-3 p.m. - Ottawa Bluffs: buckthorn removal and preserve tour.
- Saturday, August 7, 10 a.m. - 3 p.m. - Weaver Dunes seed collection and/or invasive species control.
- Saturday, August 14, 10 a.m. - 3 p.m. - Ottawa Bluffs: buckthorn removal and preserve tour.
- September 11, 10 a.m. - 3 p.m. - Weaver Dunes: seed collection and/or buckthorn control.

University of Minnesota Sea Grant Program - "Aliens A to Z: A History of Non-Native Species Introductions in Lake Superior." From alewife to zebra mussels, non-native species have a long history of accidental and intentional introductions and impacts on the fishery in the "Big Lake." Come learn how we got to where we are, what these species look like, and how to stop the alien invasion.

- June 8 - Duluth, EPA Gitchee Gumee Conference Facility, 6201 Congdon Blvd.
- June 9 - Grand Marais, North House Folk School, 500 W Highway 61.

2004 Invasive Woody Species Training – Identification, Survey Techniques and Community Organizing

- Saturday, June 12. 11 a.m. - 5 p.m., St. Anthony Park Library, 2245 Como Avenue, St. Paul.

Department of Natural Resources Volunteer Opportunities – Contact Ellen Fuge at 651-297-3288.

- Saturday, June 19, St. Croix Savanna Scientific and Natural Area: pull spotted knapweed
- Saturday, June 26, Pine Bend Bluffs Scientific and Natural Area: pull spotted knapweed
- Saturday, July 10, Grey Cloud Dunes Scientific and Natural Area: pull spotted knapweed
- Saturday, August 14, St. Croix Savanna Scientific and Natural Area: buckthorn removal

Related opportunities for the media – Summer 2004

- *Broadcast quality video on invasive aquatic plants and water gardens, which includes interviews, will be available from the Minnesota DNR. Contact Jason Ziemer at 651- 205-4676 for more information.*
- *The USFWS and National Park Service will conduct dives to monitor zebra mussels on the St. Croix River beginning June14. Contact Byron Karns, St. Croix National Scenic Riverway .National Park Service, St. Croix Falls, WI, 715-483-3284 ext. 616 or Nick Rouse, USFWS at 612-725-3548 x210, Nick_Rowse@fws.gov.*

-30-

This release is available on the MDA website at www.mda.state.mn.us

Final Copy

The State of Minnesota

Proclamation

WHEREAS: The State of Minnesota is graced with a diverse landscape of prairies, forests, waters, agricultural areas, and managed landscapes that have high social, economic, and ecological value, as well as, a long tradition of resource-related recreational activities such as fishing and hunting, and commercial activities such as agriculture, the forest industry, and tourism; and

WHEREAS: Invasive species, not native to Minnesota, harm our valuable state resources, threaten outdoor recreation opportunities, increase costs for industry, diminish the natural heritage of significant sites in the state such as national parks, state parks, and public and private natural areas and by some estimates, cause damages throughout the nation exceeding $100 billion per year; and

WHEREAS: Invasive plants and animals such as the zebra mussel, gypsy moth, Eurasian watermilfoil, garlic mustard, European buckthorn, and purple loosestrife are displacing native species, harming habitats, and degrading natural, managed and agricultural landscapes; and

WHEREAS: There are also numerous new invasive species that could arrive and cause more harm, such as bighead and silver carp, Asian longhorn beetle, emerald ash borer, hydrilla, sudden oak death disease, and kudzu; and

WHEREAS: Public awareness and action is a key component of state prevention and control of invasive species and the Minnesota Invasive Species Advisory Council is seeking to increase public awareness of this issue.

NOW, THEREFORE, I, TIM PAWLENTY, Governor of Minnesota, do hereby proclaim the month of June 2004, to be:

INVASIVE SPECIES AWARENESS MONTH

in the State of Minnesota.

State Seal
Secretary of State's Signature
Governor's Signature

OVERVIEW
Two Rivers Watershed District Overall Plan

Background

The Two Rivers Watershed District was established as the second watershed district in the State of Minnesota on October 30, 1957 by order of the Minnesota Water Resources Board. Thereafter, in accordance with Minnesota Statutes, Chapter 112, the Minnesota Watershed Act, the Board of Managers adopted an Overall Plan for projects and improvements for reclamation, drainage, erosion and flood control, and improvement of lands, soils, waters, forest, wildlife, and projects therein. The Minnesota Water Resources Board prescribed the Overall Plan on November 14, 1958, and was the first Overall Plan of a watershed district in the State of Minnesota prescribed under Minnesota Statute. This Overall Plan was subsequently revised on November 27, 1970 and this current revision is the second revision to the original plan.

District Description

Location & Size

The Two Rivers Watershed District encompasses an area approximately 1,462 square miles in portions of Roseau, Kittson, and Marshall Counties in extreme northwest Minnesota. The western boundary of the Two Rivers Watershed District is the Red River of the North, which also serves as the North Dakota – Minnesota boundary. The Two Rivers Watershed District begins just south of the Kittson and Marshall county line and follows the Red River to a point about ten miles from the international border with Canada. The District extends sixty-two miles east from the Red River to a point located four miles west of the City of Roseau, Minnesota. From here the border extends twenty-one miles south to a point near the Roseau and Marshall county line. It then makes its way westward back to the Red River.

The District is bordered to the northwest by the Joe River Watershed District, to the north by the province of Manitoba, Canada, and to the northeast, east, and southeast by the Roseau River Watershed District. To the south is the Middle-Snake-Tamarac River Watershed, located in Marshall County and a small portion of Kittson County. The Two Rivers Watershed District is about thirty-three miles wide from north to south at its widest point and sixty-five miles in length from east to west

Land Use

Agriculture is the predominant land use within the District, comprising the majority of the area that makes up the District. The District can be divided into three very distinct areas.

The eastern 1/3 of the District is a mixture of agriculture, open grassland, forested areas, and grassland – shrub mix. The soils are sandy but not so sandy that they cannot support agriculture.

The middle 1/3 of the District is comprised of large blocks of forest, wetland and grassland. Soils are either too sandy or too wet to produce consistently high quality crops. Vast areas of land in this region have been acquired by the DNR and by The Nature Conservancy for the purposes of managing for native prairie, forest, and wildlife. Much of the area that was cropland is now either pasture/hayland or has been enrolled into the CRP program.

The western 1/3 of the District is predominantly agriculture. This is the area of thick lake laid clays that comprise some of the richest soil in the world. Therefore, the land use is to grow cash crops. The only areas of forest or grassland occur along the river systems or other watercourses and road ditches.

Summary of the planning process and review

This planning effort followed the planning guidelines identified as part of the "Red River Basin Flood Damage Reduction Work Group Agreement of December 1998" (Mediation Agreement). BWSR staff worked closely with Watershed District staff, consultants, and the meeting facilitator to assure that the intent of the Mediation Agreement was incorporated into the Plan.

The Following is a partial list of the planning process strengths:

- Formation of a "citizens advisory committee" (CA) and a "technical advisory committee"(TAC).
- Aggressive public/agency - issue/solution alternative identification process.
- Comprehensive resource inventory/assessment.
- Development of a hydrologic model.
- Balanced flood damage reduction (FDR) and natural resources enhancement (NRE) goals.

The Plan is intended to be a guide to implementation of watershed projects and policies. The plan identifies and prioritizes both FDR and NRE issues on a sub-watershed level as well as on an overall watershed basis. The TAC and CAC developed solution alternatives on a sub-watershed basis that are environmentally, economically, and socially sound.

Issues identified can be categorized as follows:

- Flooding of agricultural land;
- Flood damages to public and private property;
- Erosion and sedimentation;
- Water quality impairment;
- Maintaining and enhancing existing fish and wildlife habitat; and
- Limited recreational opportunities.

Due to the utilization of the CAC and TAC throughout all phases of the planning process, (issue identification, prioritizing, goal setting, and solution development) the final review process didn't uncover any major concerns.

Review comments were received from the DNR, the MPCA, the BWSR, The Nature Conservancy, and the Roseau Soil and Water Conservation District. The majority of the comments received were either editorial or "further clarifying" in nature.

As a result of this planning process BWSR finds the final document to meet the requirements identified in 103D.405, the guidelines and intent of the "mediation agreement". This process has also resulted in a better understanding of the FDR and NRE issues facing the Two Rivers Watershed District and has developed a greater level of trust amongst those participating in the planning process.

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

In the Matter of prescribing a Revised Watershed Management Plan for the **Two Rivers Watershed District** pursuant to Minnesota Statutes Section 103D.405

ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Two Rivers Watershed District (TRWD) filed a proposed Revised Watershed Management Plan (Plan) dated January 6, 2004 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 TRWD was established by the Minnesota Water Resources Board on October 30, 1957.

2. **Requirement to Plan.** The TRWD Plan includes an introductory summary, a physical description of the District, identifies the flood damage reduction (FDR) and natural resource enhancement (NRE) issues within the District, prioritizes those issues, sets overall watershed and sub-watershed goals for FDR and NRE, identifies alternative solutions which include specific projects and programs, and discusses the utilization of project work teams to accomplish these goals, identifies the need to coordinate efforts, and states the rules and policies of the District. Challenges facing the District are: flooding of agricultural land, flood damages to public and private property, erosion and sedimentation, water quality impairments, maintaining and enhancing fish and wildlife habitat, and limited recreational opportunities. To assist in the planning process a hydrologic model of the watershed was developed, the DNR preformed a stream/fish survey, and a natural resource assessment/inventory was conducted. The TRWD Plan was developed and will be implemented following the principals and process identified in the " Red River Basin Flood Damage Reduction Work Group Mediation Agreement of December 1998". The District's mission is: "To carry out all facets of the Minnesota Watershed Act as set forth in Minnesota Statute, Chapter 103D. It is the District's further mission to carry forth all activities and powers given under the Minnesota Drainage Code in Minnesota Statute, Chapter

103E. In carrying out its mission, the District will encourage the wise use of the water natural resources within its boundaries and promote the general health and welfare of the citizens residing there". 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).

3. **Nature of the Watershed.** The TRWD encompasses an area of approximately 1,462 square miles in portions of Roseau, Kittson, and Marshall Counties in extreme northwest Minnesota. The western boundary of the Two Rivers Watershed District is the Red River of the North, which also serves as the North Dakota – Minnesota boundary. The TRWD begins just south of the Kittson and Marshall county line and follows the Red River to a point about ten miles from the international border with Canada. The District extends sixty-two miles east from the Red River to a point located four miles west of the City of Roseau, Minnesota. From here the border extends twenty-one miles south to a point near the Roseau and Marshall county line. It then makes its way westward back to the Red River. Although the countryside appears flat in the watershed, there is a considerable difference in elevation between the headwaters and the mouth of the Two Rivers. In the eastern portion of the watershed the fall is toward the west. The fall is quite rapid and as much as twelve to fifteen feet per mile. Some portions of the District, associated with beach ridges, experience 20 to 30 feet per mile drop. In the westerly twelve to fifteen miles of the watershed the lands are flat and the drop is not more than one or two feet to the mile. Agriculture is the predominant land use within the District, comprising the majority of the area that makes up the District. The District can be divided into three very distinct areas. The eastern 1/3 of the District is a mixture of agriculture, open grassland, forested areas, and grassland – shrub mix. The soils are sandy but not so sandy that they cannot support agriculture. The middle 1/3 of the District is comprised of large blocks of forest, wetland and grassland. Soils are either too sandy or too wet to produce consistently high quality crops. The western 1/3 of the District is predominantly agriculture. This is the area of thick lake laid clays that comprise some of the richest soil in the world.

4. **Local Review.** Pursuant to Minnesota Statutes Section 103D.405, the TRWD was required to send a copy of the revised Plan to specific local government units and state agencies for their review. On January 7, 2004 the TRWD distributed a copy of the draft Plan to those required by statute. In addition, copies were sent to the Red River Basin Commission, Flood Damage Reduction Work Group, The Nature Conservancy, and members of the Citizens and Technical Advisory committees.

5. **Department of Natural Resources Review.** The TRWD received three review responses from the DNR. On March 8, 2004 a review letter was received from the Division of Waters. They commended the TRWD on an "impressive job of developing this plan". The one comment they had was the need to further explain the complexity and potential environmental impacts relating to "maintenance" in public waters that serve as an outlet for public drainage systems and agreed this is an issue that needs further discussion. On January 13 and March 9, 2004, two comments where received from the Division of Wildlife. They pointed out additional

recreational opportunities that needed mentioning that exists on Wildlife Management Areas and a couple of editorial comments.

6. **Pollution Control Agency Review.** On February 18, 2004 the TRWD received comments from the MPCA. They stated the Plan is consistent with the goals of the MPCA Red River Basin Plan, where sufficient data exists the Plan targets strategies to areas of surface water quality concerns, where data is insufficient the Plan identifies strategies to enhance monitoring efforts, coordinates it's monitoring with other monitoring efforts taking place within the watershed, and incorporates acceptable natural resource enhancement efforts and water quality monitoring activities into project plans. They thanked the TRWD for the opportunity to participate in the planning process and comment on the final draft Plan.

7. **The Nature Conservancy Review**. On January 20, 2004 The Nature Conservancy commented that they would like the Plan to mention the flood damage reduction value of the natural systems such as wetlands and prairies. They also thanked the TRWD for the opportunity to review the Plan.

8. **Roseau Soil and Water Conservation District Review.** Comments from the Roseau SWCD were hand delivered. They commented on how the goals of the Plan will tie in with the priority concerns of the Roseau County Comprehensive Local Water Plan. They commended the District on the planning process.

9. **Board of Water and Soil Resources Review.** Board field staff worked with TRWD staff, consulting engineer and the planning facilitator throughout the process to assure the final document met the requirements identified in Minnesota Statutes Section 103D.405, as well as incorporating the intent of the " Red River Basin Flood Damage Workgroup Agreement of December 1998". Being very active in the planning process, BWSR staff provided direction and input into all phases of the planning effort. On March 10, 2004 BWSR submitted comments to the TRWD on the final draft Plan. These comments where suggestive in nature and can be summarized as editorial, further clarification needed in the areas of relationships with other authorities and the Districts desired outcomes, and some minor re-arrangement of goals and related strategies.

10. **Highlights of the Plan.** Critical elements in the Plan and planning process include:
    a. Incorporates the principles of the "Red River Flood Damage Reduction Work Group Mediation Agreement of December 1998".
    b. Aggressive citizen and agency input process.
    c. Utilization of a citizens advisory committee for identification and prioritizations of issues.
    d. Utilization of a technical advisory committee for alternative solutions development.
    e. Comprehensive natural resource inventory/assessment.
    f. Development of a hydrologic model of the watershed.

g. Flood Damage Reduction (FDR) and Natural Resource Enhancement (NRE) goals on an overall watershed basis with strategies that are further refined in14 sub-watershed basin plans.

FDR goals:

1. Coordinate with other Boards the delivery of flow to the Red River.
2. Maintain, modify, construct, or improve properly functioning watercourses to provide protection to agricultural land for a 10 - year event, while ensuring that there are no resulting downstream adverse impacts.
3. Reduce the duration, peak, and frequency of overland flooding.
4. Reduce damages to, and loss of, residential areas from flooding for a 100-year event (minimum).
5. Minimize effects of drought relative to land use practices.
6. Enhance and protect ground water supplies.

NRE goals:

1. Improve and sustain surface water quality.
2. Reduce erosion & sedimentation.
3. Participate in efforts to enhance, establish, and protect stream corridors and riparian areas.
4. Participate in efforts to enhance, provide and protect habitats.
5. Support the expansion of water based recreation.
6. Provide educational and outreach opportunities

11. **Publish Notice of Filing.** Legal Notice of Filing of the Plan was published in the North Star News on March 25, 2004, the Kittson County Enterprise on March 24, 2004, The Greenbush Tribune on March 24, 2004, and the Stephen Messenger on March 25, 2004. The Legal Notice of Filing was also mailed in a letter from Board staff Jim Haertel dated March 16, 2004, to several addressees including the affected county auditors and county boards, Soil and Water Conservation Districts, cities, and the Department of Natural Resources.

12. **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 submitted to 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.

13. **Northern Water Planning Committee Meeting.** On June 1, 2004, the Board's Northern Water Planning Committee and staff met with representatives from the TRWD in Fergus Falls to review and discuss the Plan. The Plan dated July 2004 had minor revisions to the January 6, 2004 version based on comments received after filing the Plan with the Board. Those in attendance from the Board's Committee were Jerome Deal, Kay Cook, Wayne Edgerton, and Quentin Fairbanks. Board staff in attendance was northern region supervisor Ron Shelito and board conservationist Brian Dwight. The representative from the TRWD was administrator Dan Money. Board staff recommended approval of the Plan. After discussion, the committee

unanimously voted to recommend approval of the Two Rivers Watershed District 2004 – 2013 Overall Plan to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Revised Watershed Management Plan for the Two Rivers Watershed District pursuant to Minnesota Statutes Section 103D.405.

3. The Two Rivers Watershed District 2004 – 2013 Overall Plan dated July 2004 attached to this Order defines water-related problems within the Two Rivers Watershed District 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 dated July 2004 as the 2004 – 2013 Overall Plan for the Two Rivers Watershed District.

Dated at Saint Paul, Minnesota this 23rd day of June 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Executive Summary

Water-rich Douglas County is located in west-central Minnesota, approximately one hundred thirty miles northwest of Minneapolis. Douglas County's population is 32,821 as of the year 2000. The City of Alexandria serves as the county seat nestled within the Chain of Lakes area. Home to nearly two hundred lakes over forty acres in size and a projected growth rate of forty-one percent by 2030, Douglas County experiences the common struggle of working to accommodate growth and development while protecting valuable water resources.

Purpose of the Local Water Management Plan

The purpose of this updated Local Water Management Plan for Douglas County is:

1. To focus efforts on identified existing and potential priority concerns and/or opportunities for protection, management, and development of water resources and related land resources in the county.
2. To continue to develop, update, and implement a plan of action to promote sound management of water and related land resources in the county through the use of Best Management Practices.
3. To intensify work aimed at effective environmental protection and management in the county by addressing existing and potential priority concerns on a watershed basis.

Through the Water Plan update process, three priority concerns were identified to focus water management efforts in 2004-2008; development impacts, stormwater management, and failing septic systems. The process through which these priority concerns were identified is further detailed in the Priority Concerns Scoping Document contained in Appendix A. These concerns and their objectives are summarized in the following paragraphs.

Priority Concern 1: Development Pressures and Impacts

Douglas County is under strong development pressures due to current and projected population growth. Concerns include existing and potential impacts of intense development on water quality, maintaining a safe and adequate drinking water supply, and availability of fish and wildlife habitat. Development impacts include land use changes due to population growth, shifting population densities and associated management behaviors that affect natural resources. Development pressures and impacts are a concern due to high growth rates and the cumulative effects of development on surface and groundwater resources. Plan objectives for this priority area are to:

- Guide new development with thorough planning, appropriate consideration for natural resources, continued education, and accurate information.
- Implement and promote land use practices that will reduce and/or mitigate negative human impacts on natural resources.
- Educate County residents about 1) distribution of naturally occurring and human caused contaminants in groundwater and 2) well construction and geologic factors that affect contaminant distributions.

- Reduce loss of natural habitat due to development by promoting lakeshore stewardship, wetland restoration, and conservation of critical habitat areas.

Potential Total Cost: $284,650

Priority Concern 2: Stormwater Management

Stormwater management includes activities within a watershed and/or region done to remedy existing stormwater problems or prevent occurrence of new problems. Stormwater management applies to agricultural and urbanized land uses and includes quality and quantity considerations. Plan objectives include:

- Improve stormwater runoff quality and reduce quantity by increased utilization of stormwater management practices throughout the County.
- Encourage compliance with stormwater rules and ordinances by continuing public education, promotion of BMP's, and further data collection and management.

Potential Total Cost: $246,000

Priority Concern 3: Failing Individual Sewage Treatment Systems (ISTS)

Douglas County identifies failure of individual sewage treatment systems as a significant problem due to the potential for surfacing effluent-related health threats, drinking water contamination and water quality degradation. Plan objectives include:

- Work to prevent premature ISTS failure and related sewage pollution in Douglas County.
- Identify and ensure the upgrade of failing septic systems.

Potential Total Cost: $840,000

Consistency with Other Plans

In the process of the LWM plan update, Douglas County examined several water resource plans from watershed organizations, other counties, and State Agencies to ensure consistency with other water resource management efforts.

The Douglas County LWM plan fits well as a customized application of the Pollution Control Agency's (PCA) recently completely Upper Mississippi Basin Water Quality Plan. In the Crow Wing/ Long Prairie/ Red Eye River Watershed Planning Unit, the major issue identified for ground water, rivers and lakes is the need for more monitoring, inventories, and water quality data for making management decisions. The second major issue is growth and development impacts, and the related issues of individual sewage treatment systems (including septage and non-domestic wastewater systems) and storm water.

The Sauk River Watershed District (SWRD) revised their overall plan in 2002. Major needs or issues of concern from the plan focus on: 1) nutrient management and phosphorus reduction in the Sauk River and its tributaries; 2) sediment reduction in the Sauk River and its tributaries; 3) implementation of ag-related best management practices; 4) implementation of appropriate wastewater treatment technologies; and 5) nutrient management (phosphorus and nitrogen) and sediment reduction in identified lakes within the watershed district boundaries. These issues are addressed in the areas of stormwater management and ISTS action items. Additional cooperation between the

County and the SRWD is expected due to the proposed 2004 listing of Lake Osakis as an impaired water. Efforts to reduce excess nutrient levels will likely involve many existing and new partnerships among the SRWD, County, local communities, and watershed residents.

The Chippewa River Watershed Project Diagnostic Study Report and Implementation Plan was created in 2000 and was intended to span five years. This plan highlights the need for best management practices and planning to address priority areas, community and agency cooperation and partnerships, and providing education and information on conservation programs. Douglas County's LWM Plan uses several approaches in specific action items to achieve these goals in each of the priority areas. The LWM Plan also incorporates implementation activities that will assist in addressing the recently identified problem of fecal coliform contamination in this watershed. Fecal coliform concerns in the Upper Chippewa Subbasin elevated the target years for implementation strategies from 2006-2009 to 2004.

The Pomme de Terre River Association and Joint Powers Board focus their efforts on education of watershed residents, continued monitoring, and improving water quality and fish and wildlife habitat. These goals are reflected in the County's plan in the areas of reducing natural habitat loss, improving stormwater management, upgrading failing septic systems, and continuing education and monitoring activities.

Recommendations to Other Plans and Official Controls

Shoreland Management Rule - Douglas County, at the time of this plan's update, is in the process of re-examining and revising the Zoning Ordinance regarding the development of Natural Environmental Shoreland Lakes. These small, shallow lakes pose a distinct management challenge due to their environmental sensitivity, wide range of physical characteristics, and typically rural nature. This problem is no way unique in Minnesota and is not limited to this area. Additional State examination of this area of the Shoreland Management Rule may be warranted to provide adequate protection to small lakes and the rural character of these areas in other parts of Minnesota.

Wetland Conservation Act - One suggested revision of the Wetland Conservation Act would be to include an opportunity for fines for violations. The current restoration order procedure does not allow for financial penalties until the restoration order is violated. This procedure is inadequate in deterring other violations.

Ditch Law - The State of Minnesota has long valued its water resources and has found great financial resources of tourism and development. Many land use changes from agricultural to residential and a higher priority for water quality indicate that Minnesota laws may need to reflect those changes. The importance of drainage for many agricultural areas needs to be protected but refined to include the value of high quality water resources. Updating the Ditch Law is necessary to reflect Minnesota's investment in protecting surface water resources while maintaining needed agricultural drainage.

Impaired Waters Policy - Current PCA efforts to address the listing and de-listing of impaired waters should continue to recognize the value of local resources and partnerships in implementation activities. Other waters of high or marginal quality should not be overlooked or left out of water protection and restoration policies. Prevention and local partnerships will continue to be the most effective and low-cost water resource management strategy.

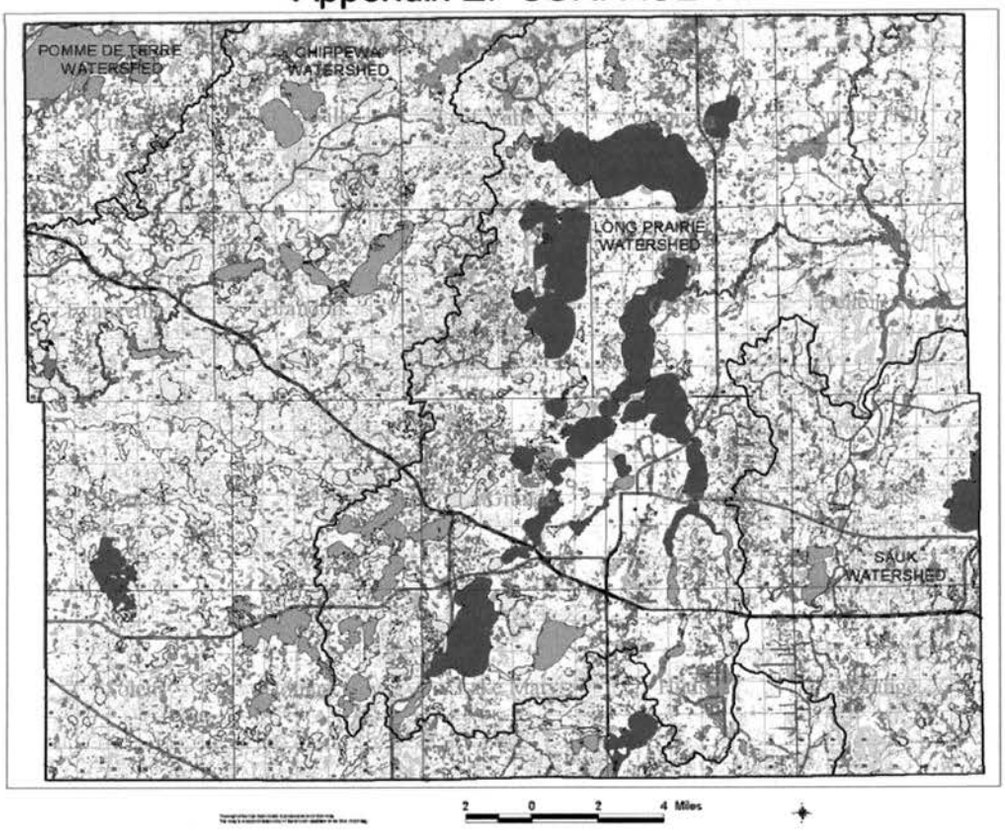
What Can Water Planning Do?

Douglas County has been implementing the original Comprehensive Local Water Plan since 1990. Since 1998, local units of government within Douglas County have completed a number of successful implementation projects, including but not limited to:

- Educational materials in local print, television, radio, and newsletters.
- The annual KID'S GROUNDWATER FESTIVAL with nearly 500 4th-5th graders/year.
- Liaison with DCLA to coordinate activities between lake associations and governmental agencies.
- Lakescaping Committee formed with focus on revegetation of shorelines with species native to the lakeshore.
- Free nitrate testing for residents held in Alexandria, Evansville, Forada, and Miltona. This was a cooperative effort between Land and Resource Management, Pope Douglas Solid Waste, MN Dept of Ag., and local lake associations.
- Established buffer strips along joint ditches 3 & 4 through redetermination of benefits.
- Were involved with the implementation of "traditional" conservation practices too numerous to count.
- Thirty-five cost-share Lakescaping sites were installed for a total of forty-four example sites in the county.
- Construction of a sedimentation pond on County Ditch #23.
- Monitored County Ditch #23 for TSS, turbidity, flow, TP, DO, and temperature.
- Construction of a sedimentation pond system on Judicial Ditch #2 (SRWD).
- Lakescaping Open House with 120 interested citizens.
- Assisted with the completion of the Alexandria Wellhead Protection Plan.
- Sustainable Lakes Challenge Grant – Alexandria Lakes Area Lake Management Plan.
- Mapping of Sensitive Areas around area lakes.
- Newsletter distribution twice a year to over 14,000 residents.
- Assisted with the formation of the Smith Lake Association
- Served as member of Sauk River Watershed District, Chippewa River Watershed Project, Pomme de Terre Watershed Project, and Upper Mississippi River Basin Planning Process of the MPCA.
- Adoption of the Douglas County Feedlot Ordinance.
- Completed a feedlot inventory.
- Made several improvements on individual feedlots: cattle fencing out of lake, expanded manure pit, and properly abandoned three earthen basins.
- Adoption of a new Subdivision Ordinance (that included the formation of a development review team).
- Updated and revised the Douglas County Zoning Ordinance.
- Coordinated and facilitated COLA monitoring activities on area lakes.
- Informed public about water planning activities via variety of media announcements.
- *Construction of storm water detention ponds to improve water quality on Lakes Agnes, Henry, and Winona.*
- Envirothon held annually (SWCD).
- Adoption of Erosion Control and Stormwater Management Standards in the Douglas County Zoning Ordinance.

These actions represent an increase in the local capability and knowledge of water resources management and protection needs of priority areas. They have also set the stage for future local implementation to protect and improve the water resources of Douglas County.

Appendix E. SURFACE WATER RESOURCES





Surface Water Resources

- Rivers
- Floodplain
- Water Courses & Streams
- County Ditch

Classified Lakes
- General Development
- Recreational Development
- Natural Environment

Wetlands
- Wetland
- DNR Protected Wetland
- Restorable Wetlands/Drained Basins

DNR Protected Waters Inventory - MN DNR.
Restorable Wetlands/Drained Basin Inventory - U.S.F.W.S. & Ducks Unlimited.
Other wetlands - National Wetland Inventory.
Other information from Douglas Co. Database.

Douglas County
Land & Resource Management
and GIS Departments
305 Eighth Avenue West
Alexandria, Minnesota 56308

March 4, 2004

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 **Douglas County** (Minnesota Statutes, 2003, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Douglas** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **May 5, 2004**, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On October 30, 2003, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Douglas** County, pursuant to M.S. Section 103B.312.

2) On January 28, 2004, the Board of Water and Soil Resources approved official comments on the **Douglas** County Priority Concerns Scoping Document, which were mailed to the county on January 28, 2004.

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

   A) Development Pressures/Impacts: Lack of Enforcement, Lack of Environmental Education, and Natural Habitat Destruction;
   B) Storm Water/Drainage Management: Contaminated Runoff, Over Application of Fertilizers, Declining Water Clarity, and Erosion; and
   C) Failing Septic Systems: Groundwater Contamination

4) On May 5, 2004, the BWSR received the **Douglas** 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 1, 2004, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Douglas County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: no recommendation received;
   B) Minnesota Department of Health: no recommendation received;
   C) Minnesota Department of Natural Resources: 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 **December 31, 2008.**

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

2. The **Douglas** 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 **Douglas County** Local Water Management Plan.

Dated at St. Paul , Minnesota, this **twenty-third day of June, 2004.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

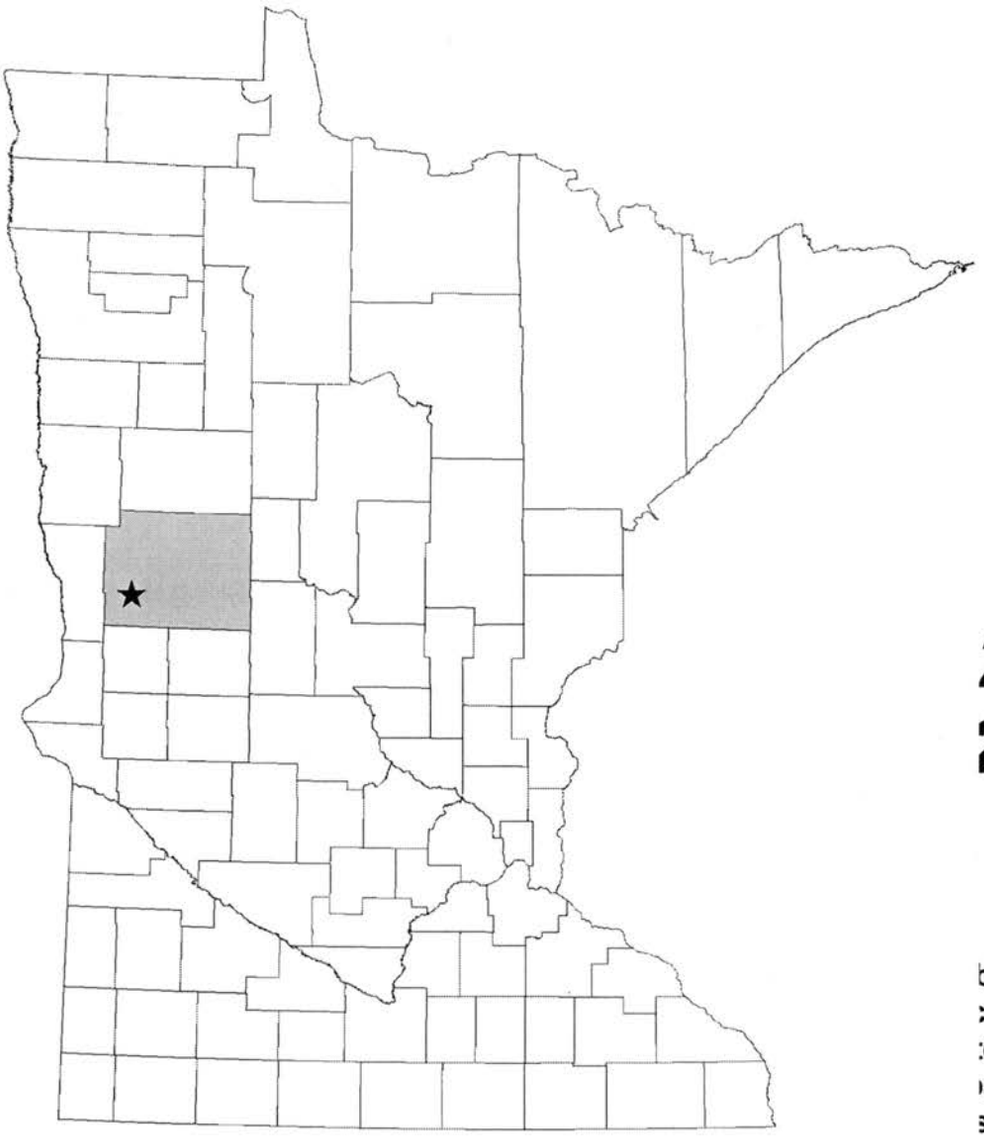
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BY: Jerome Deal, Chair

Otter Tail County

Local Water Management Plan

DRAFT



2004 – 2009

by Bayerl Water
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LWMP task force

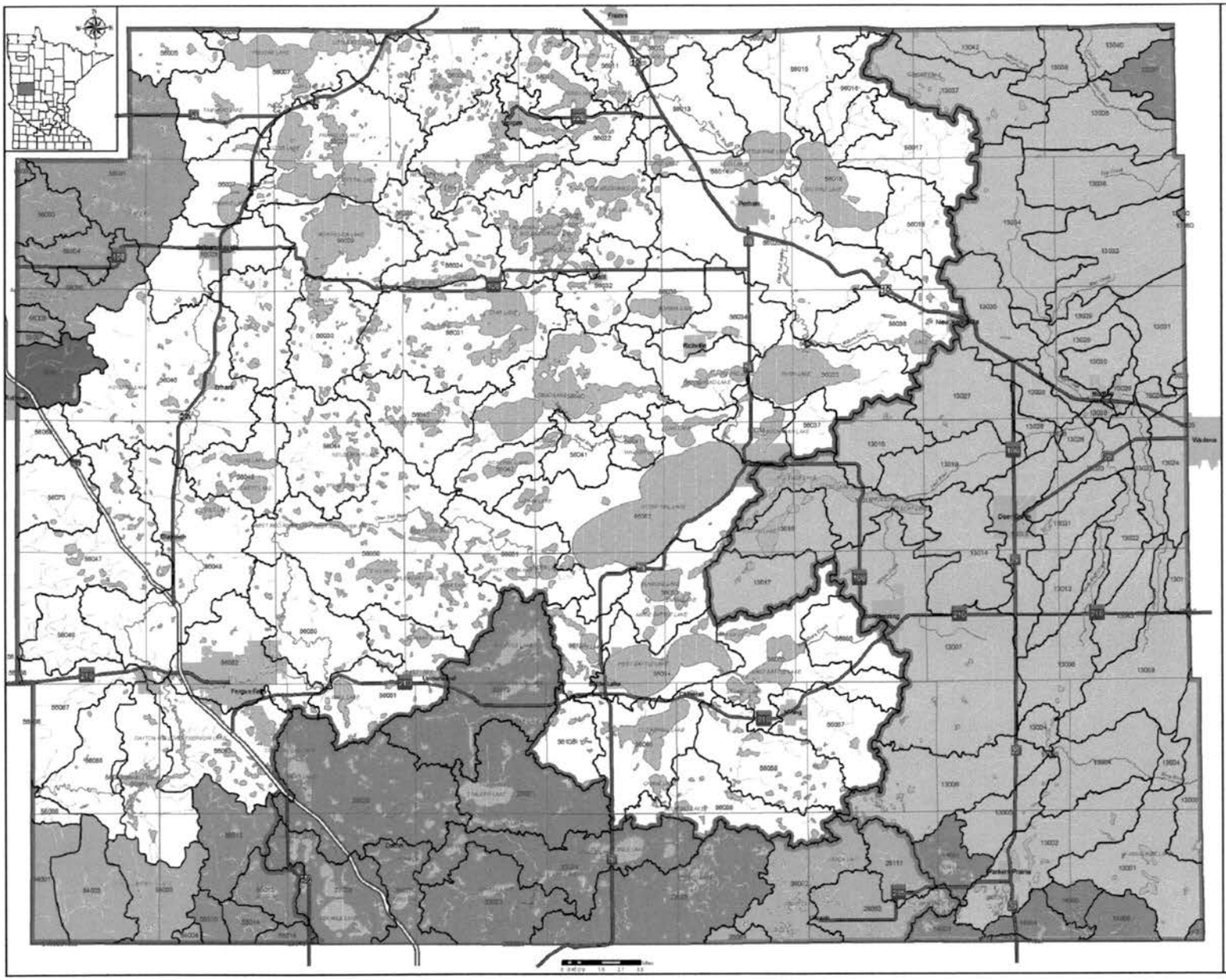


Figure II-A

Otter Tail County

Watershed Base Map

Explanation of Features

Major Watersheds

- Red River
- Crow Wing River
- Chippewa River
- Bois De Sioux River
- Buffalo River
- Mustinka River
- Long Prairie River
- Pomme De Terre River
- Redeye River
- Otter Tail River

Major River Basins

- Minnesota River Basin
- Mississippi River Basin
- Red River Basin
- Minor Watersheds
- Lakes
- Township Boundary
- Cities
- Interstate
- MN Highways
- US Highways
- Undefined Stream
- River or Creek

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THIS MAP WAS COMPILED FROM MULTIPLE DATA SOURCES AND IS INTENDED FOR REFERENCE USE ONLY. OTTER TAIL COUNTY DOES NOT ASSUME LIABILITY FOR ERRORS, INACCURACIES OR OMISSIONS FROM THIS MAP.
HTTP://WWW.CO.OTTER-TAIL.MN.US

I. Executive Summary

Introduction

Otter Tail County is located in west-central Minnesota amid the sandy glacial outwash plain with gently rolling hills. Along the northwestern and southeastern edges lie steeper hills and bluffs. The majority of the county's 1,048 lakes are formed in the sandy areas. The Pelican and Otter Tail Rivers flow to the west in the Red River Watershed, then north to Hudson Bay. The Leaf River starts north of Henning and flows to the Red Eye River and out the eastern edge to the Upper Mississippi River, while the Pomme de Terre and Chippewa Rivers headwater in the southwest corner and flow to the Minnesota River. Both the Upper Mississippi and the Minnesota Rivers end up in the Gulf of Mexico. The continental divide runs along the major basin boundaries. The City of Fergus Falls is the county seat. The population in Otter Tail County between 1990 and 2000 has increased by 12.7%. The number of households has risen 16.2%, from 19,510 in 1990 to 22,671 in 2000. Development is occurring mainly around the lakes that exist in the county.

Agriculture, in the form of cultivated land is the dominant land use within the county. Of the 1,427,075 acres of land in Otter Tail County, 669, 411 acres (47%) is classified as cultivated land. The county acreage includes 12% water and 4.7% wetlands classification.

Otter Tail County's Local Water Management Plan (LWMP) is implemented by the Soil and Water Conservation Districts. Due to the size of the county, it is split into the East and West Otter Tail SWCD. Currently, the administration of the LWMP is the responsibility of East Otter Tail Office Manager, with support form the West Otter Tail District Manager. The original LWMP was formally adopted on October 10, 1990. The responsible government unit for implementation of the original plan was the Land and Resource Management Department. One plan revision was implemented July 1, 1997. That revision expired on June 30, 2002, however a 2-year extension was granted. This 5-year plan will be effective on or before June 30, 2004 and will be effective through June 30, 2009.

Purpose

The purpose of this LWMP is to identify existing and potential problems and opportunities for protection, management and development of water resources and related land resources in Otter Tail County. Pursuant to the requirements of Minn. Stat. 103B.311subd., the five requirements of this plan are as follows:

1. The plan must cover the entire county.
2. The plan must address problems in the context of watershed units and groundwater systems.
3. The plan must be based upon principals of sound hydrologic management of water, effective environmental protection, and efficient management.
4. The plan must be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or ground water system.
5. The plan must cover a five year period (2004 – 2009).

Changing development patterns and economic growth will eventually create more pressure on natural resources and impact agricultural, water resources and recreational needs of Otter Tail County residents.

Description of Priority Concerns

Following a series of four public participation meetings in Otter Tail County, priority concerns were established. These meetings were facilitated with both a survey of perceived threatened resources and problems within the county and an active participation process to address these problems. From this process, the following priority concerns were identified:

1. Development Pressures: Land Use, Sensitive Areas, Habitat Destruction, and Agriculture Preservation.
2. Groundwater Contamination: Precipitation, Geology and Soils, Hydrogeology, and Wellhead / Sourcewater Protection.
3. Failing Septic Systems: Septic System Conditions.
4. Environmental Education: Surface Water Quality, Lake Management Planning, Surface Water Quantity, Ordinary High Water Levels, and TMDLs.
5. Stormwater Management: Topography and Erosion, Drainage, NPDES permitting, Agriculture – pasture / hay conversions to cropland (RUSLE).

These five issues will be the focus in establishment of goals, objectives and a plan for implementation.

Summary of Goals and Actions

During the public input process, pressure on the lakes created by development was the number one concern of residents of Otter Tail County. Greater than 95% of the plats in the past five years occurred within the shoreland area.

Development Goal: Develop regulations, education, and incentives to ensure orderly development with minimal impacts to sensitive areas to preserve Otter Tail County's natural resources. Actions focus on implementation of the following objectives:

- Promote shoreland development practices that minimize degradation of water resources. (Staff and volunteer time)
- Develop model to identify areas sensitive to intensive development throughout the county. (Staff and volunteer time)
- Educate residents and decision makers regarding the impacts of over-development. ($8,000 per year plus staff and volunteer time)
- Work with county and LGUs to develop a county Environmental Advisory Committee. ($2,500 - $5,000 plus staff time)
- Identify and protect wetland and wildlife habitat areas. ($35,000 plus staff time)

Groundwater Goal: Protect Groundwater Quality in Otter Tail County. Actions focus on implementation of the following objectives:

- Determine areas of groundwater sensitivity within Otter Tail County. (Staff time plus existing programs)
- Encourage land use decisions based on groundwater sensitivity. ($2,000 - $3,000 per year plus staff time)

ISTS Goal: Compliance of Sewage Treatments Systems (ISTS) county-wide. Actions focus on implementation of the following objectives:

- Work with Otter Tail County Land and Resource Management on development of priority areas for compliance inspections, such as Wellhead Protection, high water table and/or shoreland areas. ($13,000 - $14,000 annually)
- Promote county-wide Individual Sewage Treatment System compliance program. ($500 per year plus Staff and Volunteer time)

Environmental Education Goal: Educate citizens in Otter Tail County regarding sustainable use of natural resources. Actions focus on implementation of the following objectives:

- Continue monitoring and gathering data to support education efforts factually and help in better decision making. (Staff, volunteer time, and printing costs)
- Target land use issues for education of public and local decision makers. (Staff and Volunteer Time)

Stormwater Management Goal: Improve stormwater runoff management in Otter Tail County. Actions focus on implementation of the following objectives:

- Work with Otter Tail County to develop and implement standards for stormwater runoff management during development. (Staff time and existing programs)
- Develop education and incentive program aimed at effects of stormwater and runoff on both surface and groundwater county-wide. (Staff time and existing programs)
- Develop better information on county ditch system to facilitate better decisions regarding drainage. (Staff and volunteer time)

Consistency of plan with other pertinent local, state, and regional plans

Numerous plans were considered in the completion of this document. Major basin plans include the Minnesota Red River Basin Water Quality Plan, Upper Mississippi Basin Plan and the Minnesota River Basin Plan. Watershed District Plans include the Buffalo-Red and Bois de Sioux. Watershed joint-powers and associations with plans include the Otter Tail River, the Pomme de Terre River, and the Chippewa River Watersheds. Wellhead protection plans from the cities of Perham and Parkers Prairie were reviewed for appropriate strategies; as well as plans from the Pelican Group of Lakes Improvement District, Long Range Planning Task Force report and recommendations, "Building Local Partnerships for Managing Water Resources in Otter Tail County", and US Fish and Wildlife Service Comprehensive Conservation Plan and Environmental Assessment. These plans were reviewed for compatibility and collaboration. Otter Tail County Local Water Management Plan update has utilized appropriate action items to support these plans, and is consistent with the data and goals presented therein.

Summary of recommended amendments of other plans and official controls

The Otter Tail County Local Water Management task force recommends statewide revision of the Shoreland Regulations. It was the feeling of the general public, supported by the task force, that the existing regulations do not adequately preserve the sensitive shorelines that are still undeveloped.

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 **Otter Tail County** (Minnesota Statutes, 2003, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Otter Tail** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **May 5, 2004**, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On August 7, 2003, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Otter Tail** County, pursuant to M.S. Section 103B.312.

2) On October 8, 2003, the Board of Water and Soil Resources approved official comments on the **Otter Tail** County Priority Concerns Scoping Document, which were mailed to the county on October 8, 2003.

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

   A) Development Pressures: Lack of Enforcement, Natural Habitat Destruction, Land Use Planning;
   B) Groundwater Contamination: Fertilizer over-application, Arsenic;
   C) Failing Septic Systems;
   D) Environmental Education; and
   E) Stormwater Management: Contaminated Runoff, Declining Water Clarity, Fertilizer over-application, High Water Levels, Erosion.

4) On April 27, 2004, the BWSR received the **Otter Tail** 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 1, 2004, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Otter Tail County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: no recommendation received;
   B) Minnesota Department of Health: no recommendation received;
   C) Minnesota Department of Natural Resources: 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 June 30, 2009.

CONCLUSIONS

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

2. The **Otter Tail** 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 **Otter Tail County** Local Water Management Plan.

Dated at St. Paul, Minnesota, this **twenty-third day of June, 2004**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

TRAVERSE SOIL AND WATER CONSERVATION DISTRICT

1700 Third Avenue South * Room 205 * Wheaton, MN 56296
Phone: 320-563-8218 * Fax: 320-563-8219

March 30, 2004

RE: Review of Priority Concerns Scoping Document – Traverse County

TO: John Fax, DNR Waters; Art Persons, MDH; David Johnson, MPCA; Becky Balk; MDA; John Wells, EQB

CC: Terry Lejcher, DNR Waters; Pete Waller, BWSR; Jack Frederick, MPCA; Mike Howe, MDH; Ron Shelito, BWSR; Jon Roeschlein, BdSWD; Robert Marts, DNR Conservation Officer; William Gibson, Traverse County Commissioner

Traverse County is presently involved in the update of our Local Water Management Plan. We would like to thank you for your participation in this process including your agency's input at one of the two public hearings held in Traverse County and in the review of the attached Priority Concerns Scoping Document.

Issues presented at these meetings are included in the attached document. In order to comply with the Board of Water and Soil Resources (BWSR) changes in Minnesota Statutes, section 103B, this Priority Concerns Scoping Document must be sent to the above listed state review agencies for review and comment.

Please review the enclosed document and return your comments within 30 days to:

Minnesota Board of Water and Soil Resources,
Ron Shelito, BWSR Northern Regional Supervisor
217 North Seventh Street
Brainerd, MN 56425

Email: Ron.Shelito@bwsr.state.mn.us

Thank you for your participation in planning Traverse County's future. We look forward to working together with you during the implementation phase. Comments received by Friday, April 30, 2004 will be considered in the revision of this document.

Sincerely,

Sara Gronfeld
District Manager
Traverse SWCD

Enclosure (2)

PRIORITY CONCERNS SCOPING DOCUMENT

FOR

TRAVERSE COUNTY

LOCAL WATER MANAGEMENT PLAN

State of Minnesota



Introduction

The population of Traverse County is listed at 4,134 (2000 Census). The trend of population change shows a decline in population since the 1940s with a decrease of more than 50% in population since then (population 8,283 from 1940 census). Traverse County has a forecasted decline rate of 9.5% by the year 2030 according to the State Demographers Office. The land use in the county continues to remain primarily in agriculture. One source (the 1990s census of the land) reveals that out of a total of 375,282 acres in Traverse County, 335,935 (89.5%) is cultivated land. Hay/pasture/grassland makes up 15,585 acres (4.2%) of the total. The remaining balance is divided between urban and rural development, brush land, forested, water, bog/marsh/fen, and mining.

The Traverse Soil and Water Conservation District is the LGU delegated to administer the Local Water Plan and to oversee completion of the update. A task force called the Environmental Activities Council (EAC) has been formed to guide the LGU and water plan update. The original local water plan was adopted in 1990 and it has been updated once since its adoption. An update occurred in 1996 and a two year extension was granted in 2001 in order to allow for the completion of the Bois de Sioux Watershed District's Overall Plan. A majority of the information collected and priorities determined for the Watershed District's overall plan will apply to the local water plan and is expected to be used for the current update.

Timeline of Actions

Priority Concerns of Traverse County were identified through the following process:

December 2003

December 16, 2003 the Traverse County Board of Commissioners signed a resolution to update the Comprehensive Local Water Plan.

A meeting was held via a telephone conversation with Pete Waller of BWSR to discuss the update process and to receive BWSR input.

A mailing with written notice was sent to all 15 townships; mayors of Wheaton, Dumont, Browns Valley, and Tintah; all five Traverse County Commissioners; all members of the CLWP Environmental Activities Council/task force committee including representatives from the Bois de Sioux Watershed District, BWSR, Traverse County Planning and Zoning, The Upper MN River WD, MDH, MPCA, DNR, Traverse County Extension, US Army Corps of Engineers, City of Wheaton, and interested parties. The notice explained the intent to update the water plan, offered an invitation to attend the January 13th meeting and comment on any issues or concerning water resources and water related natural resources in Traverse County. An invitation was also offered to join the CLWP Environmental Activities Council to participate in water planning decisions. Public surveys were also included in the mailing and parties were requested to reply by the meeting date or within 60 days.

January 2004

An LGU meeting was held January 13, 2004 to discuss the timeline and needs for the update. Notification of the meeting was sent to all township committees along with local and state agencies and LGUs from surrounding areas. The meeting was attended by six agency and township representatives who had a chance to comment on any priority resource concerns and to offer ideas for the procedure of collecting information. The representatives were from the Traverse County Board of Commissioners and Planning and Zoning office, NRCS, the MN BWSR, Lake Valley Township, and Windsor Township. Items of discussion at the LGU meeting were focused on the priority concerns of the problems of erosion with Traverse County Ditch 52, the need for more education about protecting our water resources and natural resources, a discussion about goose predation of crops near the south half of Lake Traverse, and the expanded need for filter strips and promotion of the program.

A newsletter was mailed to approximately 500 citizens involved with USDA farm programs to explain the purpose of the Local Water Plan and the need for public input for the update. A survey was included in the newsletter and a request was posted for return to the SWCD office. Twelve citizens returned the general survey.

February 2004

Two public meetings were advertised in the newsletter as well as the Wheaton Gazette, the Browns Valley News, and by posters distributed throughout town. The first meeting was held on February 17, 2004 in Wheaton and was attended by seven people. A PowerPoint presentation was given on the

background and accomplishments of the current Local Water Plan and the need for public input for the update was explained. Water resources were reviewed and a summary of concerns were announced. An anonymous survey was distributed and was accompanied by a discussion of the problems and opportunities concerning water quality and resources in Traverse County. Representatives from the following organizations were present and had the opportunity to comment: Traverse SWCD, NRCS, Lake Valley Township, Monson Township, Tintah Township, and Taylor Township. The surveys were collected and the information compiled in the table below.

The second public meeting was held on February 27, 2004 in Browns Valley. Five people attended the meeting including Jon Roeschlein from the Bois de Sioux Watershed District, two Traverse County Commissioners, and officers from Windsor and Arthur Townships. The identical PowerPoint presentation was given along with a similar prompt for discussion among the participants of the meeting. Information from surveys collected at this meeting was added to the collection of data listed in the table below.

Results

Special Meetings and Agency Feedback

Agency Meeting January 12: Priority concerns gathered during the discussion of the meeting included concerns of the problems of erosion with Traverse County Ditch 52, the need for more education about protecting our water resources and natural resources, a discussion about goose predation of crops near the south half of Lake Traverse, and the expanded need for filter strips and promotion of the program.

Public Meeting February 17: Some of the issues and concerns brought up at the meeting discussion included; one of the top concerns was about erosion related to drainage, too much water moving too fast. Drainage quantity improvements in the 1950's have increased soil erosion resulting in increased sedimentation into streams and lakes. Damage due to flooding is also of great concern and is linked somewhat to the way drainage systems throughout the county were constructed.

Public Meeting February 24: Some of the relevant topics and concerns that arose during the discussion were; the fact that there are an abundance of wildlife acres set aside specifically in Arthur Township (through DNR and US Fish and Wildlife) and that the township board members feel that they are at a loss for tax income due to the fact that they do not collect any taxes for the wildlife acres. The filter strip/buffer initiative has produced measurable results in CRP contracts being signed. Everyone agreed that the initiative should be continued and that promotion of filter strips will have multiple level benefits; such as flood and erosion control and water clarity/quality benefits. Feedlot numbers in Traverse County are dwindling and feedlot runoff issues are not a high priority at this time. The erosion of Traverse County Ditch 52 has been an issue of concern for some time now and Jon Roeschlein (BdSWD Administrator) mentioned some possible solutions such as wetland restorations of basins designed to slow down the flow of the water to reduce erosion of the ditch channel as it approaches Lake Traverse. The problem is to solicit landowners to participate in the restorations by the cessation of farming of those restorable acres; many landowners contacted were not willing to give up farmed land. Jon Roeschlein also

mentioned the increasing need to address lakes or rivers included on MPCA's list of impaired waters.

Written responses were received from the following:

- Minnesota Department of Natural Resources, Division of Waters: Top three priority concerns listed were 1. Buffer strips along water courses and ditches; 2. Channelization/re-alignment of water courses; 3. Flooding. Reasons for importance that the water plan focus on these concerns: Soil lost due to inadequate erosion control is costing local farmers productivity losses and cleanout expenses, sedimentation of Lake Traverse is documented. Actions needed: Programs that compensate landowners to establish buffer strips need to be actively pursued and promoted by LGU. Resources available to accomplish actions: Land set-aside programs. Areas of the county that are high priority: Especially these areas where the change of slope results in channel velocities exceeding 1.5-2.0 fps. In my estimation, soil erosion adjacent to and within your watercourses and ditches are significant issues in Traverse County that can properly be addressed with existing programs.

- Minnesota Department of Natural Resources, Division of Forestry: Forestry's long term goals for Traverse County would be to cooperate with other agencies' and DNR Divisions' goals for vegetation management in your part of the State. Consistent with this is our agreement not to promote tree planting on private lands in natural grassland areas. However, we do encourage maintaining or establishing woody vegetation along riparian corridors of permanent stream and river systems to minimize erosion. We would also discourage the development and subdividing of current forested areas into home sites or other intensive human use. These areas are unique communities in your county and are more valuable to your water quality in their wild state. Use of uneven aged management techniques would allow management while maintaining the characteristics needed to protect your water quality.

- Minnesota Department of Health: Top three priority concerns listed were 1. Recognizing and supporting needs of public water suppliers in their wellhead protection planning programs: plan development, and plan implementation; 2. Recognizing non-community public water supply systems and the inner well management zone (a 200 foot radius around the public water supply well also known as IWMZ) protection needs; 3. Supporting the establishment of monitoring and testing of private wells. Conducting testing clinics for nitrate testing and possible testing for arsenic where that is considered a risk potential. Developing a county wide program to accurately locate wells that have a construction log to better understand the geology of the area. Importance of plan focus on these concerns is because drinking water is important to everyone and is a vital necessity for community health and economic well being. Action needed is to add language in the county water plan to reflect above statements. Local resources are the best way to address local issues. However, the MDH provides a high level of technical assistance support on most drinking water issues. Areas of highest priority

will be approved wellhead protection areas (when identified) and a 200 foot radius around all public water supply wells (also know as IWMZ).

- Minnesota Department of Natural Resources, Fisheries Division: Verbal response was given suggesting that DNR Fisheries had spent much time on similar requests for the Bois de Sioux Watershed District's Overall Plan. Suggestion was made that items be taken from the Overall plan that relate directly to the needs and concerns for the water plan update. The priority goals for fish wildlife and other natural resources from the Watershed District's plan are as follows:

  Goal 1: Restore drained basins above the beach ridge.
  Goal 2: Protect existing wetlands where practical.
  Goal 3: Restore grassland and enroll it in perpetual protection programs.
  Goal 4: Manage impoundments to attenuate flows in the Bois de Sioux River and tributaries, whenever possible, to provide additional fisheries habitat.
  Goal 5: Manage water levels and vegetation (wetland and upland) within impoundments to provide maximum wildlife habitat value and related public use opportunities within the constraints of flood protection goals and management requirements.
  Goal 6: Establish riparian corridor areas along all waterways including ditches.
  Goal 7: Develop natural resource enhancement monitoring and assessment programs that define the following data and monitoring needs:
  Goal 8: Preserve and protect unique natural resource communities and features in the watershed.
  Goal 9: Protect, restore, enhance, and manage lakes and streams in the Bois de Sioux Watershed to support sustainable aquatic communities.

- BWSR: Verbal response was given by Pete Waller suggesting that a great deal of public input was collected and agency input was utilized in the creation of the Bois de Sioux Watershed District's Overall Plan. It is rational to use the relevant information collected for and compiled in the Overall Plan, specifically the appendices ranking Flood Damage Reduction (FDR) and Natural Resource Enhancement (NRE) issues of the sub watersheds in Traverse County. See attached **Appendices 1 and 2** for a breakdown of FDR and NRE issues taken from the Bois de Sioux Watershed District's Overall Plan.

- US Fish and Wildlife Service: Verbal response was given. The top priority concerns of the Fish and Wildlife Service (FWS) are the loss of wetland area and permanent upland vegetation. Restoration of wetlands and grass uplands through any program is very important to restore hydrologic function, slow runoff, and increase evapotranspiration. The FWS recognizes that blocks of restored grass upland vegetation are most beneficial to migratory waterfowl and other birds. Priority areas include the pothole region in southwestern Traverse County where there is still not sufficient areas of

grassland habitat even though sizeable tracts of wetland have been restored and established. Mud Lake is also a priority area for migratory waterfowl and there is still need for the development of grassland on the eastern shore. The FWS has participated in a program to replenish the population of prairie chickens in Minnesota and has released birds in regions north and south of Traverse County. The FWS has goals to establish a link to connect the two areas of population to benefit the species. The FWS mentioned that a study of restorable and restored wetlands has very recently been completed for Traverse County and will be delivered to the LGU upon release.

- MPCA: Verbal response was given. MPCA's priority concerns for Traverse County have been presented and discussed at length in preparation of the final Bois de Sioux Watershed District's Overall Plan. Utilizing the information in the plan would reflect upon MPCA's priority goals and objectives for the county.

Plans were collected and reviewed from the following:

- Traverse SWCD Annual Work plan 2002 and 2003
- Bois de Sioux Watershed District's Overall Plan – which includes overviews of Local County Water Management Plans and SWCD Plans for Big Stone County, Grant County, Ottertail County, Stevens County, and Wilkin County.
- Pope County Draft Comprehensive Local Water Plan

Public Meeting and Surveys Results

Results of the public surveys from the newsletter and meetings expressed that the most threatened resources (in order from highest to lowest concern) were: streams or rivers, lakes, groundwater, and lastly wetlands. Other threatened resources were named including: farming over regulation and the loss of permanent cover – trees, pastures, and idle lands. Public comments are as follows:

Erosion:

- We need to have a sediment pond on every artery entering the lakes- creeks, ravines, ditches, etc.
- Erosion is a concern but I believe farming [practices] has changed to help this.
- Ditching done in the 1950s has led to a lot of sediment into lakes and streams. There has been an improvement in farming [practices] since the 1970s but there are still problems with erosion.

Flood Damage:

- It would be nice to channel the 12 mile creek to Lake Traverse more directly for flood control down stream.
- Overland flooding can move a lot of dirt!
- Farm land drains faster than main waterways can handle.
- We need to work towards continued support for flood control through the Watershed District's projects.
- Has caused extensive damage in the last fifteen years throughout the county.

Contaminated Runoff:

- A few cows standing in the lake looks bad but it doesn't hold a candle to the runoff we get from the pastures.

Storm Water and Drainage Management:

- Excess drainage from adjoining counties is a problem.
- Farm land drains faster than main waterways can handle.
- Ag drainage flow control is a major concern.

Water Clarity:

- With ditching of land being extensive, water moves faster to the lakes and rivers.
- I think a lot of water quality problems can be addressed along with flood control projects.
- Filter strips along ditches and streams are very important. There should be a focus of promoting filter strips along 12 mile creek.

Over Application of Fertilizers:

- I would applaud and support any programs to encourage organic farming in our area.
- Trying to maximize yields with extra fertilizer causes excess runoff into our waters.
- I believe farmers are doing better.

Groundwater Contamination:

- Rural water system needed. The water is full of sulfate, rust from iron, and very hard.
- Towns should not use more than they can recharge from the local water table, surface water, or purchase or rent of wetland areas that are proven to percolate to water table recharging.
- We know there was a well on every homestead. People know where these wells are but are not willing to say anything because it will cost them to seal it. We need to have 100% cost-paid on these wells – with no restriction or penalty to people who come forward.
- Being an ag based county we are going to have fertilizer and chemical [contamination] runoff!

Lakeshore Development:

- Too much building around lakes.

Failing Septic Systems:

- Waste from towns is threatening streams and rivers.

TABLE "A"		
Rank	Resource Problem	Votes
1	Erosion	17
2	Flood Damage	15
3	Contaminated Runoff	10
4	Stormwater/Drainage Management	9
5	Water Clarity	7
6	Over Application of Fertilizers	6
7	Groundwater Contamination	5
8	Lakeshore Development	5
9	Failing Septics	2

Results of public and meeting surveys questioning important resource concerns are shown in Table A.

Priority Concerns and Rationale

Suggestions and ideas about water related priority concerns were collected and discussed at public and collaborative agency meetings. The information was analyzed and arranged into three main categories of priority concern:

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

The Traverse County water plan has been focused to work closely with the priorities and goals set by the Bois de Sioux Watershed District. Agency cooperation and participation in local water planning is necessary for maximum utilization of program funding towards the focus of common goals. The results of the District's Overall Plan have been used for purposes of direction for public meetings and development of the scoping document.

The five overall watershed objectives are listed as follows:

1. Water Quantity – goals set to protect land and property from flooding damage.

2. Water Quality – goals set to protect and work towards improvement of water quality through monitoring and coordination with other partners' programs.
3. Erosion and Sedimentation – goals set to reduce sedimentation from erosion by the promotion of buffer strips, BMPs, restoration of wetlands, and windbreaks.
4. Fish, Wildlife and Other Natural Resources – goals set to protect and improve fish and wildlife habitat and unique natural resource features.
5. Water Based Recreational Activities – collective goals set to protect wildlife habitat and improve water quality for recreational purposes.

Other items important to the selection of priorities for Traverse County include:

- Land use in the county is almost exclusively based in agricultural production. Flood damage reduction and practices to reduce soil erosion have multi-faceted benefits.
- Lake Traverse is a major water resource for habitat and recreation. All goals of erosion and contaminated runoff reduction will have a positive effect on water quality and clarity of the lake.
- Drainage into Lake Traverse from Traverse County Ditch 52 has been a cause of major concern in the last decade. Sedimentation from erosion in the Traverse County Ditch 52 watershed is a problem.
- Lake Eutrophication related to excess nutrients and contaminated runoff into Lake Traverse is also a problem. The Traverse Soil and Water Conservation District has received funding to carry out a filter strip initiative program throughout the county and continues to promote filter strip practices to improve water quality.
- Eight permits were issued for construction or substantial improvements in shore land in 2003. The shore land permits were estimated at 100% of construction permits in the county since no permits are required for rural construction except for new houses. Numbers of lakeshore developments are not projected to increase sharply in the next five years.
- Individual septic treatment systems are required to be updated at the point of sale in Traverse County. Best management practice/low interest loans are available for replacement and updating of any individual septic system.
- Through public and committee discussion it was agreed that over application of fertilizers is becoming less of an issue due to the rising cost of products and more frequent soil testing by producers.
- Due to the formation of a generally uniform and thick layer of glacial till with a high clay content deposited across a majority of Traverse County, groundwater contamination by infiltration is limited. Abandoned and unsealed wells are a direct route of contamination. Water plan project allocations have

been the only program to offer cost share for well sealing practices in Traverse County.

It is not possible to address all existing water management issues in the updated plan. Due to program budget cuts the focus of the work plan has been narrowed. The cooperation of the Bois de Sioux Watershed District is essential to maximize funding and progression towards the goals of the work plan. Remaining concerns will be re-examined for higher prioritization during the next plan update or addressed as unforeseen opportunities arise.

Minnesota Board of Water & Soil Resources

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

DRAFT

June 23, 2004

Traverse County Commissioners
C/O Sara Gronfeld, Traverse Soil and Water Conservation District
Traverse County
1700 Third Ave S Rm 205
Wheaton, MN 56296

RE: Official Comments pertaining to the State Review of the Traverse County Priority Concerns Scoping Document.

Dear Traverse County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Traverse 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 Traverse County Priority Concerns Scoping Document (PSCD) on March 26, 2004.

The Minnesota Department of Natural Resources is satisfied the priority concerns submitted by their divisions of Waters, Fisheries and Forestry are contained in the document and support the PCSD as drafted. The Pollution Control Agency offered some comments for consideration while developing the plan: 1) continued involvement with TMDL/Impaired Waters; 2) consistency with the Red River Basin Document, Basin Plan and the county's Feedlot Work Plan; and 3) maintaining an active ISTS program. PCA looks forward to working with the County as the plan moves forward.

The Northern Regional Water Management Subcommittee (hereinafter referred to as the subcommittee) met on June 1, 2004 to discuss the state review agencies comments, the content of the PCSD and recommendations for the content of the final plan.

The subcommittee commends the county for the process they used to select the concerns, specifically the coordination and collaboration of the PCSD and the Bois de Sioux Watershed District (BDSWD) Overall Plan, which covers most of Traverse County. The priority concerns of Traverse County address goals of the BDSWD and should strengthen the roles and responsibilities of resource management within Traverse County. The priority concerns to be addressed in the plan are deemed to be appropriate, the subcommittee does not recommend or require ant changes to the PCSD as drafted.

The subcommittee does request that implementation of the Traverse County Feedlot and ISTS programs be included in the plan under the required section ***Other [Ongoing] water management***

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responsibilities and activities coordinated by the plan (M.S. section 103B.314, subd. 5.) The subcommittee also requests permitting authorities provide greater coordination related to shoreland development on Lake Traverse be considered in the development of the final plan.

Sincerely,

Jerome Deal
Chair, Board of Water and Soil Resources

C: Pete Waller, BWSR
Marybeth Block, BWSR
Ron Shelito, BWSR
John Fax, DNR
Patricia Bloomgren, MDH
Becky Balk, MDA
Paul Swenson, DNR
Lisa Thorvig, MPCA

Wetland Com. Draft 5/26/04

Minnesota Wetland Conservation Act
Guidance Paper 2004 – 01
May 2004

SUBJECT: Forestry Exemption Guidance for Local Government Units

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 and several Local Units of Government

1. **Purpose and applicability.**
   a. **Purpose.** The purpose of this guidance paper is to provide Local Government Units (LGUs) with guidance for determining landowner qualification for the forestry exemption (8420.0122 Subpart 7) under the Wetland Conservation Act.
   b. **Applicability.** LGUs are encouraged to use this guidance to help determine whether the forestry exemption is being properly implemented by a landowner for a temporary or permanent forest road.

2. **General Considerations.** This guidance recognizes that persons utilizing the forestry exemption are not required to obtain an exemption certificate from the LGU. In 1991, when the Wetland Conservation Act was enacted, the legislature recognized the importance of the forest products industry in Minnesota. The statute and rule provide for an exemption from the requirement to obtain an approved replacement plan for wetland impacts for certain silvicultural activities (see Minnesota Rule 8420.0122, Subpart 7.) This guidance is intended to protect the legitimate use of the forestry exemption, while providing guidance to LGUs for determining when the exemption is not properly being implemented. Some abuses of the forestry exemption have occurred in Minnesota. The following examples are clear misuse of the forestry exemption when a road is constructed resulting in:

   - **Conversion of forested land to residential development**
   - **Conversion of forested land to agricultural use**
   - **Conversion of forested land to commercial development**
   - **Conversion of forested land to industrial development**
   - **Clearing and grubbing of forested land**
   - **Construction of forest roads that have NOT limited impacts to the hydrologic and biologic characteristics of the wetland**

   For less obvious determinations, LGUs may use the attached Forestry Exemption Guidance Worksheet to help determine whether an activity is eligible for the forestry exemption.

Legitimate silvicultural activities that meet the provisions of the Wetland Conservation Act forestry exemption as stated in Minnesota Rules 8420.0122 Subpart 7. are eligible for the forestry exemption.

When a road is legitimately constructed using the forestry exemption, but later the primary purpose of the road is converted to another use (for example providing access for residential development), this guidance recommends that wetland impacts be dealt with in the following manner:

- **If the forest road has been in place for less than 10 years when the primary purpose of the road changes from silviculture to another use, the entire wetland impacts, including the footprint of the forest road should be replaced in compliance with Minnesota Rules 8420.**

- **If the forest road has been in place for more than 10 years when the primary purpose of the road changes from silviculture to another use, the wetland impacts in excess of the original footprint of the forestry road should be replaced in compliance with Minnesota Rules 8420.**

LGUs are encouraged to document use of the exemption (as is practical) to help determine future wetland mitigation needs if the primary purpose of the road changes.

The Minnesota Board of Water and Soil Resources (BWSR) has developed this guidance in cooperation with Minnesota Department of Natural Resources Division of Forestry and Ecological Services and the U.S. Army Corps of Engineers, St. Paul District, in addition to several LGUs. The BWSR has developed this guidance to help determine the applicability of the forestry exemption when a landowner applies for the exemption, or when a wetland impact is inspected after the fact and the landowner claims the forestry exemption. This guidance is intended to help LGUs determine when the forestry exemption has been properly applied or has been misused which may initiate an enforcement action. LGUs should inform landowners that they should contact the U.S. Army Corps of Engineers for a determination of compliance with the federal Clean Water Act.

Minnesota Rules 8420.0290 Subpart3.C. states, in part, ***"The soil and water conservation district shall incorporate its plan into a restoration order or replacement order and send it to the enforcement authority for service in person or by certified mail to the landowner or responsible party."*** The rule definitions, 8420.0110, Subpart40a states ***"Responsible party means an individual, business, or other organization causing the draining, excavation, or filling of wetlands on the property of another, with or without landowner's permission or approval."*** This rule language provides that the logger or contractor, in addition to the landowner, may be held liable for restoration or replacement of the wetland impacts if the LGU determines that a road is not eligible for the forestry

exemption. Loggers and contractors are encouraged to use the Minnesota Wetland Conservation Act **Contractor Responsibility and Landowner Statement Form** which can be found at the Minnesota Board of Water and Soil Resources web site www.bwsr.state.mn.us/wetlands/wcamanual/BWSR_Form_Enforcement.

The forest road exemption also covers skid trails (trails used for logging equipment to drag logs to the landing) provided the skid trails limit the impact on the hydrologic and biologic characteristics of the wetland and meet all other conditions of Minnesota Rules 8420.0122 Subpart 7. Landings (areas used to stockpile logs before loading onto trucks) are not considered to be eligible for the forest road exemption. Landings should be sited on uplands, or if the entire forest harvest area is in wetlands, harvesting in winter on frozen ground is recommended. Landings on frozen ground in wetlands are acceptable provided slash and woody debris from trees growing in uplands is not deposited in wetlands.

3. **Guidance –** LGUs are encouraged to review the reference **"Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines"** for information regarding best management practices for forest roads. This document can be found at the web site www.frc.state.mn.us/Fmgdline/Guidebook.html. LGUs may use the **Forestry Exemption Guidance Worksheet** below and the questions as evidence to determine applicability of Minnesota Rules 8420.0122 Subpart 7, the forestry exemption. **Questions A, B and C below should all be answered yes in order for landowner to be eligible for the forestry exemption.** If this evaluation has occurred after the road construction activity has occurred and the LGU determines that the road is not an exempt activity, then the enforcement procedures under Minnesota Rule 8420.0290 should be followed and restoration or replacement may be required.

Forestry Exemption Guidance Worksheet

A. Is silvicultural activity occurring on the landowner's property?	YES	NO	Staff Comments

The following questions may be used by LGUs to help determine whether silvicultural activity is occurring.

Question	Staff Comments
1.Does the landowner have a written forest management plan? (For example, a Forest Stewardship Plan)	
2.Does the landowner have receipts for reforestation planting stock or other evidence that reforestation is occurring?	
3. Does the landowner have evidence of a logging	

contract?	
4. Does landowner plan to do site preparation on the property?	
5. Does the logger have a "Contractor Responsibility and Landowner Statement Form"?	
6.Other evidence of silvicultural activity? (explain)	

B. Is Silviculture the primary purpose for the road?	**YES**	**NO**	**Staff Comments**

The following questions may be used by LGUs to help determine whether silviculture is the primary purpose for the road.

Question	**Staff Comments**
1.Is the road providing access for buildings or other structures? (*Most silvicultural operations do not require buildings or other structures. If the road is providing access to homes, cabins or other structures, it raises questions whether silviculture is the primary purpose of the road.)*	
2.What is the intended use for the road after the logging or reforestation or timber stand improvement activity occurs?	
3. Will the road be built to the appropriate standard for the number of acres the road will service? *(A road built to a standard out of proportion to the resource being managed should be questioned. A major, all season road may be appropriate for silvicultural purposes if it provides access to several hundred acres. A road built to the same standard would be excessive for a 40-acre parcel under the silvicultural exemption).*	
4.Other than for silvicultural purposes, does the landowner have another proposed use for the road?	
5.How is land currently being accessed? (Why is new route needed?)	
6. What is the zoning status of the property and adjoining property?	
7. Is, or will access to the road be controlled?	
8. Other evidence? (please explain)	

C. Will (or has) the road construction activity limit(ed) impacts to hydrologic and biological characteristics of the wetland?	**YES**	**NO**	**Staff Comments**

The following questions may be used by LGUs to help determine whether the road has limited impacts to the hydrology and biology of the wetland.

Question	Staff Comments
1.Do plans for the proposed road incorporate the appropriate best management practices (BMPs), as outlined in the roads section of the guidebook Sustaining Minnesota Forest Resources: Voluntary Site level Forest Management Guidelines for Landowners, Loggers, and Resource Managers, so that impacts to the hydrologic and biologic functions of wetlands are avoided where practical and minimized when not?	
2.Can the proposed road location be modified to avoid or minimize wetland impacts? Are there practical alternate routes that could provide access to the forested land? Do these alternatives impact fewer wetlands?	
3.Where roads have already been constructed, have the above referenced BMPs been properly utilized to minimize hydrologic and biologic impacts to wetlands?	
4.Can the timber harvesting be done without road building, such as on frozen ground during winter while still meeting management objectives?	
5. Do the silvicultural objectives require activity during non-frozen conditions?	
6. Can the road be cost effectively located to avoid crossing a wetland?	
7. Is a temporary crossing that avoids the placement of fill in a wetland a practical option for the planned silvicultural activities?	
8. Will the type of crossing to be constructed provide adequate cross drainage to avoid blocking normal surface and subsurface water movement? Will properly sized culverts be installed?	
9. Where wetland impacts are unavoidable, will impact be minimized?	
10. If ditches are part of the road construction, will they drain wetlands?	
11. Will the upland approaches to a crossing, and any associated roadside ditches, avoid directing surface flow from adjoining upland into wetlands?	
12. Other evidence? *(Please explain)*	

PROPOSED FY 05 SOIL and WATER CONSERVATION DISTRICT GRANTS

The BWSR is requested to approve the Cost Share Committee's recommendation to approve FY 05 SWCD allocations for four BWSR grant programs. These grant programs are:

A) Regular Statewide Cost Share Base Grants
B) Feedlot Water Quality Management Grants
C) General Services
D) Easement Services

A brief summary of each of these programs follows with highlights and topics of concern for this year.

A) Regular Statewide Cost Share Base Grants - $1,942,065 These base grants are for the installation of conservation practices. The FY 05 legislative appropriation is $1,820,000. These allocations utilize the Performance Standards allocation policy adopted by the Board in February 2001:

* *Beginning in FY 03, performance standards should be implemented to increase the efficiency of allocated funds. SWCDs with a "high" level of productivity will receive a $1,000 annual increase. Grants to SWCDs with a "medium" level of productivity will remain the same. SWCDs with a "low" level of productivity will receive a 5% grant decrease. Funds for increases will come from the Special Projects fund. Funds from decreases will go to the Special Projects fund. "High", "medium", and "low", will be defined by BWSR staff. Over time, these Performance Standards will "fine tune" allocations to where they are utilized most.*

At their June 2002 Meeting, the Board defined "high" as spending 80% or more; "medium", 60% - 79%; and "low", as < 60% of their grant, on projects.

Recommendation
For FY 05, these definitions would indicate that the following SWCDs (45) will receive a $1,000 high level of performance increase for spending 80% or more of their base grant on projects:

Faribault	Le Sueur	Waseca	Watonwan	Fillmore	Yellow Medicine
Root River	Anoka	Dakota	Ramsey	Washington	East Ottertail
Koochiching	Lake	Lincoln	Crow Wing	Morrison	North St. Louis
Todd	Wadena	Becker	Clay	Grant	Lac Qui Parle
Olmsted	Cook	Wilkin	Hennepin	Clearwater	West Ottertail
Hubbard	Kittson	Mower	Steele	Mahnomen	Lake of the Woods
Nicollet	Benton	Kanabec	Pine	Cottonwood	Pipestone
Redwood	Rock	Brown			

The following SWCDs (4) will receive a 5% decrease for spending less than 60% of their base grant on projects: Aitkin Red Lake Marshall South St. Louis

Performance Range: Best - Yellow Medicine 100%, Worst – South St. Louis 46%,

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 $122,065. There is sufficient rollover to the to cover this amount.

B) Feedlot Water Quality Management Grants - $1,350,000 - Eighty applications were received requesting

$2,340,370. Nineteen of these are enrolled in a stewardship plan. Grant funds must be used for waste management systems for small feedlots (less than 500 animal units) to benefit water quality. Grant funds may not be used for new or expansion feedlot projects. The State Cost Share Program is used to administer and implement this Program. Funding priorities established at the April Board meeting for this Program are ranked as follows:

Priority

1. Feedlots in riparian locations enrolled in a recognized stewardship plan and high FLEVAL pollution potential.
2. Feedlots in riparian locations and high FLEVAL pollution potential.
3. Feedlot operations where a high FLEVAL indicates a greater pollution potential.
4. Practices that will be applied in 2004.
5. Feedlot operators who have received a notice of violation.
6. Feedlots in counties that are conducting or have completed a level 2 or level 3 feedlot inventory.

SWCDs may request an amount for their technical and administrative costs up to ten percent of individual project funds requested.

The proposed funding recommendation, as indicated on attached spreadsheet would fund 42 projects (through the Samuelson project) with partial funding available to Koester.

C) General Services Grant - $2,155,511 - This base grant is for expenditures necessary to the operations of the district. It is noncompetitive. These grant amounts are unchanged from FY 04.

Recommendation

Proposed allocations are listed on the enclosed composite spreadsheet.

D) Easement Services Grant - $345,000 - 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 in May 2003. It reflects the relative amount of easement activity in the SWCD.

Proposed individual SWCD grant calculations are listed on the enclosed spreadsheet titled *FY 05 RIM Service Grants*.

Recommendation

The Cost Share Committee supports the BWSR adoption of the enclosed resolution allocating the FY 05 grants to SWCDs.

FISCAL YEAR 2005 FWQM GRANT APPLICATIONS

DRAFT DRAFT

	APPLICANT	STEWARDSHIP PLAN	LANDOWNER	RIPARIAN	FLEVAL RATING	PRACTICE STATE DATE	ANIMAL UNITS	ANIMAL SPECIES	TOTAL PROJECT COST	EQIP REQUESTED	EQIP AMOUNT	FWQM FUNDS REQUESTED	T/A FUNDS REQUESTED	TOTAL FUNDS REQUESTED	CUMULATIVE
1	Brown SWCD	Yes	MIKE SELLNER	B	56	8/1/2004	112	DAIRY	$125,000.00	Yes	$61,898.00	$23,476.00	$2,000.00	$25,476.00	$25,476.00
2	Brown SWCD	Yes	STEVE HOFFMAN	B	53	7/15/2004	63	DAIRY	$75,000.00	Yes	$35,000.00	$20,393.00	$2,000.00	$22,393.00	$47,869.00
3	Faribault SWCD	Yes	DOUG MILBRANDT	B	51	9/1/2004	212	DAIRY	$116,320.00	Yes	$58,160.00	$29,080.00	$2,908.00	$31,988.00	$79,857.00
4	Faribault SWCD	Yes	DAVID ROSENAU	B	50	10/1/2004	326	BEEF	$20,000.00	Yes	$10,000.00	$5,000.00	$500.00	$5,500.00	$85,357.00
5	Winona SWCD	Yes	JAMES OLSEN	B	50	7/5/2004	96	DAIRY	$30,000.00	No	$0.00	$22,500.00	$2,250.00	$24,750.00	$110,107.00
6	Stearns SWCD	Yes	DALE SCHROEDER	A	41	9/1/2004	103	DAIRY	$40,000.00	Yes	$20,000.00	$10,000.00	$1,000.00	$11,000.00	$121,107.00
7	Stearns SWCD	Yes	ROGER HAMMESCH	B	40	9/1/2004	124	DAIRY	$67,000.00	No	$0.00	$45,455.00	$4,545.00	$50,000.00	$171,107.00
8	Morrison SWCD	Yes	ANDREW PAWLY	B	40	7/15/2004	105	DAIRY	$100,000.00	Yes	$36,064.00	$46,000.00	$4,000.00	$50,000.00	$221,107.00
9	Rice SWCD	Yes	MARK TRCKA	A	39	4/1/2005	141	DAIRY	$169,000.00	Yes	$65,000.00	$45,500.00	$4,500.00	$50,000.00	$271,107.00
10	Morrison SWCD	Yes	BILL ANDRES	B	39	7/15/2004	107	BEEF	$8,200.00	No	$0.00	$6,150.00	$615.00	$6,765.00	$277,872.00
11	Stearns SWCD	Yes	PETER & LISA WUERTZ	B	33	9/1/2004	63	DAIRY	$24,000.00	No	$0.00	$18,000.00	$1,800.00	$19,800.00	$297,672.00
12	Morrison SWCD	Yes	BERNARD GEISE	B	32	7/15/2004	120	DAIRY	$60,000.00	Yes	$12,000.00	$36,000.00	$3,600.00	$39,600.00	$337,272.00
13	Stearns SWCD	Yes	THOMAS DOUVIER	A	27	9/1/2004	110	DAIRY	$67,000.00	No	$0.00	$45,455.00	$4,545.00	$50,000.00	$387,272.00
14	Ottertail, East SWCD	Yes	DAN BUCHOLZ	A	3	7/1/2004	140	DAIRY	$75,000.00	Yes	$30,000.00	$45,455.00	$4,545.00	$50,000.00	$437,272.00
15	Fillmore SWCD		VIRGIL DEMPEWOLF	B	83	7/30/2004	100	BEEF	$67,000.00	No	$0.00	$45,500.00	$4,500.00	$50,000.00	$487,272.00
16	Fillmore SWCD		ROSS GOLDSMITH	B	71	7/30/2004	273	BEEF	$64,600.00	Yes	$30,000.00	$18,450.00	$1,845.00	$20,295.00	$507,567.00
17	Winona SWCD		BILL SELKE	B	67	7/5/2004	105	DAIRY	$196,000.00	Yes	$98,000.00	$48,000.00	$2,000.00	$50,000.00	$557,567.00
18	Fillmore SWCD		CLAIR TIESKOTTER	B	64	7/30/2004	175	BEEF	$62,000.00	No	$0.00	$45,500.00	$4,500.00	$50,000.00	$607,567.00
19	Goodhue SWCD		MARVIN GOPLEN	B	61	8/1/2004	100	BEEF	$15,906.00	No	$0.00	$11,930.00	$1,193.00	$13,122.00	$620,689.00
20	Wabasha SWCD		MARK LEHNERTZ	B	59	7/12/2004	241	DAIRY	$47,000.00	No	$0.00	$35,000.00	$3,500.00	$38,500.00	$659,189.00
21	Mahnomen SWCD		PETER REVIER	B	59	7/15/2004	273	BEEF	$48,312.00	No	$0.00	$36,234.00	$3,623.00	$39,857.00	$699,046.00
22	Washington SWCD		RYDEEN DAIRY	A	53	9/1/2004	100	DAIRY	$100,000.00	Yes	$40,000.00	$35,000.00	$3,500.00	$38,500.00	$737,546.00
23	Lyon SWCD		MARK MEULEBROECK	B	50	7/1/2004	200	BEEF	$60,000.00	No	$0.00	$45,000.00	$2,250.00	$47,250.00	$784,796.00
24	Dakota SWCD		LAWRENCE PEINE	B	47	8/1/2004	200	BEEF	$32,735.00	No	$0.00	$24,551.00	$2,455.00	$27,006.00	$811,802.00
25	Lyon SWCD		STEVE BUSH	A	46	7/1/2004	290	BEEF	$100,000.00	Yes	$29,000.00	$25,000.00	$1,250.00	$26,250.00	$838,052.00
26	Todd SWCD		KRAIG KRUSE	B	46	7/1/2005	123	DAIRY	$70,400.00	Yes	$35,200.00	$17,600.00	$1,700.00	$19,300.00	$857,352.00
27	Steele SWCD		DAVID DIETZ	B	44	8/1/2004	90	BEEF	$65,000.00	No	$0.00	$45,500.00	$4,500.00	$50,000.00	$907,352.00
28	Wabasha SWCD		KEN HOLST	B	44	7/12/2004	125	DAIRY	$66,000.00	No	$0.00	$45,500.00	$4,500.00	$50,000.00	$957,352.00
29	Stearns SWCD		ROGER YARKE	B	44	9/1/2004	112	DAIRY	$16,000.00	No	$0.00	$12,000.00	$1,200.00	$13,200.00	$970,552.00
30	Washington SWCD		SILVER CREEK STABLES	A	44	7/12/2004	40	HOGS	$40,000.00	No	$0.00	$30,000.00	$3,000.00	$33,000.00	$1,003,552.00
31	McLeod SWCD		BRUCE ANDERSON	B	42	8/1/2004	162	DAIRY	$30,000.00	No	$0.00	$22,500.00	$2,250.00	$24,750.00	$1,028,302.00
32	Winona SWCD		GARY KEIFER	E	42	7/5/2004	450	DAIRY	$111,911.00	Yes	$55,956.00	$27,977.00	$2,797.00	$30,774.00	$1,059,076.00
33	Rock SWCD		GREG LEENDERTS	B	40	8/20/2004	295	BEEF	$25,000.00	No	$0.00	$18,750.00	$1,875.00	$20,625.00	$1,079,701.00
34	Carver SWCD		DAN STENDER	B	39	8/1/2004	183	DAIRY	$60,000.00	Yes	$30,000.00	$15,000.00	$1,500.00	$16,500.00	$1,096,201.00
35	Stearns SWCD		CHARLES KLAPHAKE	A	37	9/1/2004	136	DAIRY	$50,000.00	Yes	$25,000.00	$12,500.00	$1,250.00	$13,750.00	$1,109,951.00
36	Kanabec SWCD		GARY CASWELL	B	33	9/1/2004	75	BEEF	$7,742.00	No	$0.00	$5,807.00	$581.00	$6,388.00	$1,116,339.00
37	Ottertail, East SWCD		GREG MALONE	B	33	7/1/2004	130	DAIRY	$75,000.00	No	$0.00	$45,455.00	$4,545.00	$50,000.00	$1,166,339.00
38	Stearns SWCD		JASON BAUER	E	33	9/1/2004	132	BEEF	$70,000.00	Yes	$22,500.00	$30,000.00	$3,000.00	$33,000.00	$1,199,339.00
39	Stearns SWCD		FAWNLAND FARMS	B	31	9/1/2004	269	DAIRY	$40,500.00	Yes	$18,380.00	$12,000.00	$1,200.00	$13,200.00	$1,212,539.00
40	Carver SWCD		MIKE TELLERS	B	31	9/1/2004	145	DAIRY	$60,000.00	No	$0.00	$15,000.00	$1,500.00	$16,500.00	$1,229,039.00
41	Stearns SWCD		RANDY LAUER	B	31	9/1/2004	105	DAIRY	$67,000.00	No	$0.00	$45,455.00	$4,545.00	$50,000.00	$1,279,039.00
42	Goodhue SWCD		DENNIS SAMUELSON	B	30	5/1/2006	133	DAIRY	$171,000.00	No	$0.00	$50,000.00	$0.00	$50,000.00	$1,329,039.00
															Available Funding Ends

FISCAL YEAR 2005 FWQM GRANT APPLICATIONS

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	APPLICANT	STEWARDSHIP PLAN	LANDOWNER	RIPARIAN	FLEVAL RATING	PRACTICE STATE DATE	ANIMAL UNITS	ANIMAL SPECIES	TOTAL PROJECT COST	EQIP REQUESTED	EQIP AMOUNT	FWQM FUNDS REQUESTED	T/A FUNDS REQUESTED	TOTAL FUNDS REQUESTED	CUMULATIVE
43	Goodhue SWCD		DAVID KOESTER	B	29	5/1/2005	100	BEEF	$39,500.00	No	$0.00	$29,625.00	$2,963.00	$32,588.00	$1,361,627.00
44	Todd SWCD		MARK PRIMUS	A	26	9/1/2004	72	BEEF	$8,000.00	No	$0.00	$6,000.00	$600.00	$6,600.00	$1,368,227.00
45	Lyon SWCD		MICHAEL SANDERS	B	24	7/1/2004	110	BEEF	$25,000.00	Yes	$12,500.00	$6,250.00	$313.00	$6,563.00	$1,374,790.00
46	Carver SWCD		JON MELLGREN	B	24	7/1/2004	65	BEEF	$8,000.00	No	$0.00	$6,000.00	$600.00	$6,600.00	$1,381,390.00
47	Carver SWCD		AL WICKENHAUSER	B	23	9/1/2004	112	DAIRY	$50,000.00	No	$0.00	$37,500.00	$3,750.00	$41,250.00	$1,422,640.00
48	Fillmore SWCD		DOUG LIND	B	21	7/30/2004	100	HOGS	$44,998.00	Yes	$22,499.00	$11,250.00	$1,125.00	$12,375.00	$1,435,015.00
49	Rock SWCD		HARLEY FRANSMAN	B	19	8/20/2004	152	BEEF	$38,000.00	No	$0.00	$28,500.00	$2,850.00	$31,350.00	$1,466,365.00
50	Stearns SWCD		CHARLES SCHAEFER	B	17	9/1/2004	108	DAIRY	$30,000.00	No	$0.00	$22,500.00	$2,250.00	$24,750.00	$1,491,115.00
51	Root River SWCD		MIKE & PETER JETSON	D	17	9/1/2004	162	DAIRY	$67,000.00	No	$0.00	$45,500.00	$4,500.00	$50,000.00	$1,541,115.00
52	Todd SWCD		CHARLES KOOPMEINERS	C	15	9/1/2004	66	DAIRY	$40,000.00	No	$0.00	$30,000.00	$3,000.00	$33,000.00	$1,574,115.00
53	Stearns SWCD		DONNAY KEVIN	A	13	9/1/2004	106	DAIRY	$30,000.00	Yes	$15,000.00	$7,500.00	$750.00	$8,250.00	$1,582,365.00
54	Ottertail, East SWCD		DAVID FIEDLER	B	0	7/1/2004	60	DAIRY	$16,000.00	No	$0.00	$12,000.00	$1,200.00	$13,200.00	$1,595,565.00
55	Brown SWCD	Yes	STEVE SEIFERT	0	56	8/1/2004	112	DAIRY	$120,000.00	Yes	$59,784.00	$23,651.00	$2,000.00	$25,651.00	$1,621,216.00
56	Rice SWCD	Yes	GERALD KELM	0	55	9/1/2004	156	DAIRY	$185,000.00	Yes	$92,500.00	$45,500.00	$4,500.00	$50,000.00	$1,671,216.00
57	Brown SWCD	Yes	DIAMOND VIEW DAIRY	0	21	8/1/2004	125	DAIRY	$76,000.00	Yes	$37,875.00	$18,938.00	$1,500.00	$20,438.00	$1,691,654.00
58	Winona SWCD	Yes	JIM WOODARD	0	0	9/4/2004	50	DAIRY	$13,000.00	Yes	$6,500.00	$3,250.00	$320.00	$3,570.00	$1,695,224.00
59	Faribault SWCD	Yes	DARRELL LUTTEKE	0	0	10/1/2004	122	DAIRY	$111,000.00	Yes	$55,500.00	$27,750.00	$2,775.00	$30,525.00	$1,725,749.00
60	Goodhue SWCD		DAVID MATTHEES	0	60	7/1/2005	250	BEEF	$91,025.00	No	$0.00	$50,000.00	$0.00	$50,000.00	$1,775,749.00
61	Fillmore SWCD		PHIL KAHOUN	0	56	7/30/2004	285	BEEF	$80,000.00	No	$0.00	$45,500.00	$4,500.00	$50,000.00	$1,825,749.00
62	Lyon SWCD		DEAN VROMAN	0	53	7/1/2004	499	BEEF	$125,000.00	Yes	$62,500.00	$31,250.00	$0.00	$31,250.00	$1,856,999.00
63	Fillmore SWCD		JOHN ABRAHAMSON	0	52	5/1/2005	250	BEEF	$70,000.00	No	$0.00	$45,500.00	$4,500.00	$50,000.00	$1,906,999.00
64	Goodhue SWCD		HERNKE INC	0	44	8/1/2004	200	DAIRY	$169,068.00	Yes	$84,309.00	$42,492.00	$4,249.00	$46,741.00	$1,953,740.00
65	Winona SWCD		LAVERN NELSON	0	42	8/4/2004	124	DAIRY	$130,000.00	Yes	$60,174.00	$37,543.00	$3,754.00	$41,297.00	$1,995,037.00
66	Fillmore SWCD		JON JOHNSON	0	40	7/30/2004	314	DAIRY	$476,604.00	Yes	$238,302.00	$45,500.00	$4,500.00	$50,000.00	$2,045,037.00
67	Todd SWCD		PAT MIDDENDORF	0	40	9/1/2004	165	DAIRY	$106,860.00	Yes	$52,600.00	$27,545.00	$2,700.00	$30,245.00	$2,075,282.00
68	Lyon SWCD		LARRY EVENS	0	39	7/1/2004	310	BEEF	$77,600.00	Yes	$38,800.00	$19,000.00	$950.00	$19,950.00	$2,095,232.00
69	Winona SWCD		DONALD KJOS	0	38	7/5/2004	300	DAIRY	$185,000.00	Yes	$92,675.00	$46,075.00	$3,925.00	$50,000.00	$2,145,232.00
70	Carver SWCD		DOUG HILSTROM	0	37	7/1/2004	110	DAIRY	$20,000.00	No	$0.00	$15,000.00	$1,500.00	$16,500.00	$2,161,732.00
71	Kanabec SWCD		GORDAN LOBDELL	0	36	9/1/2004	178	DAIRY	$14,200.00	No	$0.00	$10,650.00	$1,065.00	$11,715.00	$2,173,447.00
72	Lyon SWCD		DENNIS KESTELOOT	0	35	7/1/2004	499	BEEF	$125,000.00	Yes	$62,500.00	$31,250.00	$0.00	$31,250.00	$2,204,697.00
73	Carver SWCD		JEFF VINKEMEIER	0	34	9/1/2004	140	DAIRY	$80,000.00	Yes	$40,000.00	$20,000.00	$2,000.00	$22,000.00	$2,226,697.00
74	Carver SWCD		GERALD MUELLENERS	0	33	7/1/2004	175	BEEF	$12,000.00	No	$0.00	$9,000.00	$900.00	$9,900.00	$2,236,597.00
75	Murray SWCD		PAUL SCHREIER	0	26	7/1/2004	470	BEEF	$83,200.00	Yes	$41,600.00	$20,800.00	$2,080.00	$22,880.00	$2,259,477.00
76	Carver SWCD		LEON KELZER	0	23	7/1/2004	23	SWINE	$10,000.00	No	$0.00	$7,500.00	$750.00	$8,250.00	$2,267,727.00
77	Todd SWCD		BRAD STRELOW	0	23	9/1/2004	240	DAIRY	$39,600.00	No	$0.00	$14,700.00	$1,400.00	$16,100.00	$2,283,827.00
78	Lyon SWCD		MICHAEL WILLIAMS	0	20	9/1/2004	190	BEEF	$47,600.00	Yes	$23,800.00	$11,900.00	$595.00	$12,495.00	$2,296,322.00
79	Lyon SWCD		STEVE WILLIAMS	0	5	7/1/2004	315	BEEF	$79,600.00	Yes	$39,800.00	$19,900.00	$995.00	$20,895.00	$2,317,217.00
80	Lyon SWCD		CHAD LOUWAGIE	0	3	7/1/2004	98	DAIRY	$29,400.00	No	$0.00	$22,050.00	$1,103.00	$23,153.00	$2,340,370.00

APPLICATION SUMMARY

TOTAL PROJECT COST	**$5,748,881.00**
TOTAL EQIP FUNDS	**$1,851,376.00**
TOTAL FWQMG FUNDS REQUESTED	**$2,154,542.00**
TOTAL T/A REQUESTED	**$185,829.00**
TOTAL APPLICATIONS RECEIVED	**80**
TOTAL STEWARDSHIP PLANS	**19**

RIPARIAN SUMMARY

A= within 1,000 feet of a lake
B=within 300 feet of a stream
C=within 100 year floodplain
D=sinkhole catchment area
E=Drinking Water Supply Management Area
0=Not Riparian

H:05FWQMG

Conservation Easement Service Grants – FY 05

Service grants were computed using the service grant formula that was adopted by the Board in 1994. The only change to the allocation formula is that each SWCD no longer receives the $1,000 base grant amount. This change was made to the formula and adopted by the Board last year (2003). Past easement activity (last three calendar years, 2003, 2002, 2001) and the number of site inspections for 2004 in each county are used to determine the service grant amount for each SWCD. The conservation easement database is programmed to run this formula. Past easement activity equates to the number of funded applications for all easement types in each SWCD, over the past three years. Statewide total funded applications have gone from 1,121 in 2001, 548 in 2002, to 14 in 2003. These three years are weighted 20%, 30% and 50% in the formula. The site inspection amount of the formula is based on the number of easements slated for inspection in the current year. The formula uses $60 per site inspection. Conservation easement service grants are for the implementation activities associated with all conservation easement programs; CREP, RIM Reserve and PWP.

The total general fund, RIM service grant, dollars available due to the agency's permanent budget reductions in FY 04 is $345,000. The amount for each SWCD is listed in the FY05 column on the attached FY05 RIM SERVICE GRANTS document. The FY03 and 04 columns show the amount that each SWCD received in prior years. FY 03 and 04 grants were raised for MN River CREP counties with MN River CREP implementation bond funds. This source of funding has been exhausted.

FY05 RIM SERVICE GRANTS

SWCD	# of Easements	site insps. this yr.	FY03	FY04	FY05
Aitkin	2	2	1,250	0	120
Anoka	0		1,250	0	0
Becker	5	2	1,250	120	120
Beltrami	10	6	1,250	180	360
Benton	24	9	4,250	824	540
Big Stone	33	26	4,250	4,045	2,807
Blue Earth	200	184	34,400	32,967	20,920
Brown	162	137	23,500	22,595	14,817
Carlton	0		1,000	0	0
Carver	40	16	4,250	3,971	1,091
Cass	2	1	1,000	60	60
Chippewa	160	146	34,400	32,360	14,570
Chisago	5	2	1,250	120	120
Clay	53	30	13,000	3,489	2,456
Clearwater	7	6	4,250	120	360
Cook	0		1,000	0	0
Cottonwood	169	138	23,500	22,401	13,433
Crow Wing	0		1,000	0	0
Dakota	7	5	1,250	60	300
Dodge	2	1	1,250	60	60
Douglas	82	58	13,000	12,276	6,007
Faribault	184	164	34,400	32,707	18,932
Fillmore	10	7	4,250	480	420
Freeborn	74	56	23,500	21,462	4,706
Goodhue	54	27	8,000	1,620	1,620
Grant	23	16	4,250	3,970	1,420
Hennepin	32	24	13,000	1,244	1,440
Hubbard	1	0	1,250	0	0
Isanti	10	10	1,000	0	600
Itasca	0		1,000	0	0
Jackson	75	51	13,000	12,063	3,848
Kanabec	7	2	1,250	180	120
Kandiyohi	131	109	23,500	21,968	10,085
Kittson	7	4	1,250	300	240
Koochiching	0		1,000	0	0
Lac Qui Parle	174	169	34,400	32,483	15,490
Lake	0		1,000	0	0
Lake of Woods	0		1,000	0	0
LeSueur	96	74	23,500	21,684	5,589
Lincoln	94	88	23,500	21,936	8,661
Lyon	139	123	23,500	22,259	12,205
Mahnomen	0		1,000	0	0
Marshall	17	16	4,250	720	960
Marshall-Beltrami	4	2	1,250	60	120
Martin	177	153	34,400	32,572	19,027
McLeod	55	29	4,250	4,067	2,823
Meeker	72	36	13,000	2,007	2,160

CREP counties in bold

SWCD	# of Easements	site insps. this yr.	FY03	FY04	FY05
Mille Lacs	16	4	1,250	540	240
Morrison	31	16	4,250	960	960
Mower	49	29	23,500	2,421	1,740
Murray	74	62	13,000	12,278	7,330
Nicollet	71	53	13,000	12,142	4,526
Nobles	13	7	4,250	704	420
Norman	32	22	8,000	1,634	1,911
Olmsted	10	6	4,250	567	360
Otter Tail, East	11	9	4,250	507	540
Otter Tail, West	44	33	8,000	7,465	2,899
Pennington	1	1	1,250	60	60
Pine	1	0	1,250	60	0
Pipestone	20	15	4,250	3,937	966
Polk, East	6	5	1,250	120	300
Polk, West	1	0	1,250	0	0
Pope	156	117	23,500	22,226	11,024
Ramsey	0		0	0	0
Red Lake	4	1	1,250	60	60
Redwood	301	259	34,400	33,529	25,617
Renville	380	298	34,400	33,904	29,138
Rice	45	30	8,000	1,320	1,800
Rock	13	8	4,250	464	480
Root River	45	20	4,250	1,080	1,200
Roseau	1	1	1,000	0	60
Scott	47	24	4,250	4,005	1,768
Sherburne	0		1,000	0	0
Sibley	99	63	8,000	7,669	5,585
St. Louis, North	0		1,000	0	0
St. Louis, South	0		1,000	0	0
Stearns	19	13	8,000	551	780
Steele	48	35	23,500	21,279	2,494
Stevens	60	36	8,000	7,582	3,801
Swift	162	134	23,500	22,576	14,211
Todd	4	2	1,250	120	120
Traverse	21	16	8,000	7,291	1,157
Wabasha	25	11	4,250	720	660
Wadena	11	3	1,250	360	180
Waseca	102	84	13,000	12,604	9,011
Washington	2	1	1,250	120	60
Watonwan	101	80	23,500	21,791	7,918
Wilkin	25	19	13,000	1,211	1,140
Winona	18	12	4,250	944	720
Wright	42	19	4,250	1,771	1,632
Yellow Medicine	169	145	34,400	32,288	13,525
COUNTY TOTAL	4,677	3,230	856,700	648,290	345,000

CREP counties in bold

PROPOSED FY 2005 GRANTS TO SOIL AND WATER CONSERVATION DISTRICTS

COMPOSITE

	COST SHARE		SERVICE GRANTS		
SWCD	BASE GRANTS	FEEDLOT	GENERAL SERVICES	EASEMENT SERVICES	GRANT TOTALS
AITKIN	$8,574		$24,649	120	**$33,343**
ANOKA *	$15,013		$24,039		**$39,052**
BECKER	$42,711		$23,245	$120	**$66,076**
BELTRAMI	$12,801		$23,105	$360	**$36,266**
BENTON	$17,869		$23,479	$540	**$41,888**
BIG STONE	$12,239		$22,075	$2,807	**$37,121**
BLUE EARTH	$31,340		$23,058	$20,920	**$75,318**
BROWN	$21,624	$47,869	$23,152	$14,817	**$107,462**
CARLTON	$12,000		$22,824		**$34,824**
CARVER	$29,202	$33,000	$24,041	$1,091	**$87,334**
CASS	$10,648		$22,356	$60	**$33,064**
CHIPPEWA	$16,001		$23,152	$14,570	**$53,723**
CHISAGO	$16,524		$24,087	$120	**$40,731**
CLAY	$24,821		$23,526	$2,456	**$50,803**
CLEARWATER	$10,025		$22,918	$360	**$33,303**
COOK	$13,000		$22,263		**$35,263**
COTTONWOOD	$26,328		$23,152	$13,433	**$62,913**
CROW WING	$12,000		$22,450		**$34,450**
DAKOTA	$37,207	$27,006	$25,866	$300	**$90,379**
DODGE	$18,513		$23,620	$60	**$42,193**
DOUGLAS	$27,712		$24,602	$6,007	**$58,321**
FARIBAULT	$23,637	$37,488	$23,620	$18,932	**$103,677**
FILLMORE	$39,432	$120,295	$24,555	$420	**$184,702**
FREEBORN	$26,846		$23,386	$4,706	**$54,938**
GOODHUE	$42,358	$84,083	$24,462	$1,620	**$152,523**
GRANT	$18,173		$23,245	$1,420	**$42,838**
HENNEPIN	$21,072		$33,071	$1,440	**$55,583**
HUBBARD	$11,500		$22,216		**$33,716**
ISANTI	$11,303		$24,602	$600	**$36,505**
ITASCA	$10,000		$23,011		**$33,011**
JACKSON	$20,990		$22,403	$3,848	**$47,241**
KANABEC	$13,000	$6,388	$22,871	$120	**$42,379**
KANDIYOHI	$21,759		$23,807	$10,085	**$55,651**
KITTSON	$12,000		$23,432	$240	**$35,672**
KOOCHICHING	$13,000		$22,590		**$35,590**
LAC QUI PARLE	$36,341		$22,918	$15,490	**$74,749**
LAKE	$13,000		$22,403		**$35,403**
LAKE OF THE WOODS	$13,000		$22,075		**$35,075**
LE SUEUR	$30,447		$23,947	$5,589	**$59,983**
LINCOLN	$23,062		$24,275	$8,661	**$55,998**
LYON	$22,472	$73,500	$23,479	$12,205	**$131,656**
MAHNOMEN	$15,229	$39,857	$22,169		**$77,255**
MARSHALL	$13,699		$22,497	$960	**$37,156**
MARSHALL-BELTRAMI	$9,025		$22,824	$120	**$31,969**
MARTIN	$33,528		$23,105	$19,027	**$75,660**

SWCD	COST SHARE BASE GRANTS	COST SHARE FEEDLOT	SERVICE GRANTS GENERAL SERVICES	SERVICE GRANTS EASEMENT SERVICES	GRANT TOTALS
MC LEOD	$23,944	$24,750	$22,965	$2,823	**$74,482**
MEEKER	$27,983		$22,684	$2,160	**$52,827**
MILLE LACS	$9,025		$23,058	$240	**$32,323**
MORRISON	$36,665	$96,365	$24,696	$960	**$158,686**
MOWER	$17,214		$25,351	$1,740	**$44,305**
MURRAY	$20,336		$22,309	$7,330	**$49,975**
NICOLLET	$18,082		$23,479	$4,526	**$46,087**
NOBLES	$32,479		$22,637	$420	**$55,536**
NORMAN	$17,947		$23,198	$1,911	**$43,056**
OLMSTED	$54,252		$26,474	$360	**$81,086**
OTTER TAIL EAST	$25,809	$100,000	$23,198	$540	**$149,547**
OTTER TAIL WEST	$35,159		$23,198	$2,899	**$61,256**
PENNINGTON	$17,674		$22,871	$60	**$40,605**
PINE	$18,424		$23,198		**$41,622**
PIPESTONE	$24,707		$22,824	$966	**$48,497**
POLK EAST	$15,282		$23,011	$300	**$38,593**
POLK WEST	$23,063		$23,011		**$46,074**
POPE	$32,283		$22,731	$11,024	**$66,038**
RAMSEY	$16,988		$23,620		**$40,608**
RED LAKE	$8,574		$22,122	$60	**$30,756**
REDWOOD	$19,418		$23,620	$25,617	**$68,655**
RENVILLE	$14,594		$23,807	$29,138	**$67,539**
RICE	$23,873	$50,000	$27,878	$1,800	**$103,551**
ROCK	$25,802	$20,625	$23,620	$480	**$70,527**
ROOT RIVER	$32,104		$27,363	$1,200	**$60,667**
ROSEAU	$16,716		$22,918	$60	**$39,694**
SCOTT	$28,366		$24,321	$1,768	**$54,455**
SHERBURNE	$10,000		$26,333		**$36,333**
SIBLEY	$16,825		$23,058	$5,585	**$45,468**
ST. LOUIS NORTH	$10,025		$22,965		**$32,990**
ST. LOUIS SOUTH	$10,363		$22,965		**$33,328**
STEARNS	$64,834	$253,950	$26,801	$780	**$346,365**
STEELE	$17,874	$50,000	$24,415	$2,494	**$94,783**
STEVENS	$28,603		$23,432	$3,801	**$55,836**
SWIFT	$12,839		$22,731	$14,211	**$49,781**
TODD	$27,056	$19,300	$24,462	$120	**$70,938**
TRAVERSE	$10,044		$23,386	$1,157	**$34,587**
WABASHA	$28,775	$88,500	$23,947	$660	**$141,882**
WADENA	$13,000		$22,871	$180	**$36,051**
WASECA #	$16,488		$23,198	$9,011	**$48,697**
WASHINGTON	$21,081	$71,500	$25,070	$60	**$117,711**
WATONWAN	$15,113		$22,497	$7,918	**$45,528**
WILKIN	$19,139		$23,526	$1,140	**$43,805**
WINONA	$21,728	$105,524	$25,538	$720	**$153,510**
WRIGHT	$23,565		$26,006	$1,632	**$51,203**
YELLOW MEDICINE	$26,926		$23,526	$13,525	**$63,977**
ALLOCATED TOTALS	**$1,942,065**	**$1,350,000**	**$2,155,511**	**$345,000**	**$5,792,576**

NOTES:

*THESE SWCDs SUBMITTED A LATE 2003 FINANCIAL REPORT AND ARE SUBJECT TO A 5% REDUCTION TO THEIR BASE GRANTS.

#COST SHARE BASE GRANT PENALTY OF $1,279 FOR RULE VIOLATION.

H:FY05SWCD

Board Resolution #_____

FISCAL YEAR 05 SOIL AND WATER CONSERVATION DISTRICT GRANT ALLOCATIONS

WHEREAS, Fiscal Year 05 Soil and Water Conservation District (SWCD) grants, administered by the Board of Water and Soil Resources (BWSR), provide cost share and service grants allocations to SWCDs through its State Cost Share Base Grants, Feedlot Water Quality Management Grants, General Services Grants, and Easement Services Grants Programs; and,

WHEREAS, the Laws of Minnesota for 2003, Ch. 128, Art. 1, Sec. 6, has appropriated cost share and service grant funds to BWSR; and,

WHEREAS, all SWCDs have BWSR approved plans and reports to comply with statutory allocation requirements; and,

NOW THEREFORE, the BWSR hereby authorizes staff to allocate these individual grant amounts to SWCDs.

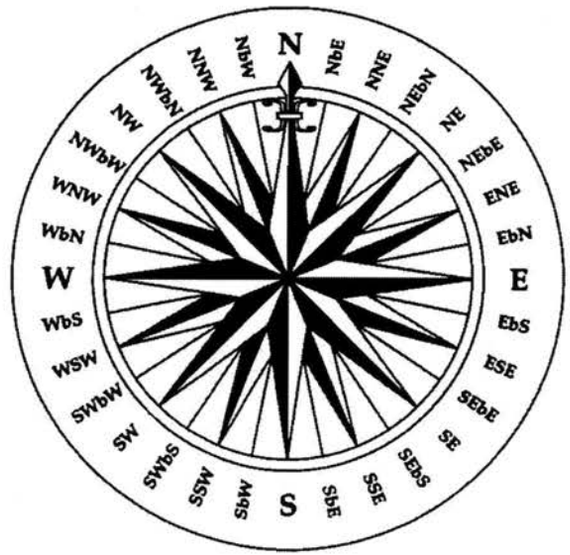
_____ Date: _____

Jerome Deal, Chair
Board of Water and Soil Resources

H:05SWCDBR

ANNUAL PLAN – FISCAL 2005

JULY 1, 2004 – JUNE 30, 2005



AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

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FISCAL 2005 TECHNICAL OFFICE BUDGET

PAST FUNDING SCENARIOS

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

2004 BOARD OF DIRECTORS

BROWN COUNTY
ANDREW LOCHNER - CHAIR
CHARLES GUGGISBERG

COTTONWOOD COUNTY
GARY SORENSON
NORMAN HOLMEN

LAC QUI PARLE COUNTY
ALBERT HOFFMAN - SECRETARY
HAROLD SOLEM

LINCOLN COUNTY
LARRY HANSEN
CURT BLUMEYER

LYON COUNTY
CLARENCE BUYSSE - TREASURER
PHILIP NELSON

MURRAY COUNTY
KEVIN ANDERSON
STEVE JOHNSON

PIPESTONE COUNTY
JAMIE DUBBELDE
MARVIN TINKLENBERG

REDWOOD COUNTY
JOSEPH SCHOUVIELLER - 1ST VICE CHAIR
JOHN SCHUELLER

YELLOW MEDICINE COUNTY
LOUIS SHERLIN - 2ND VICE CHAIR
RON ANTONY

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

ANNUAL PLAN – FISCAL 2005
ADMINISTRATIVE WORK PLAN

AREA II STAFF: Kerry Netzke, Coordinator Joe DeSchepper, Engineering Technician Duane Hansel, P.E. ~ Consultant Engineer
Bolton & Menk, Inc.

NARRATIVE:

Area II's goal from the Fiscal 2004 Annual Plan was "to seek more efficient ways of *'doing more with less'* while maintaining the high level of service to the member counties and the State of Minnesota". We feel strongly that we have successfully met this challenge as this plan illustrates.

In addition to reductions in the operating budget, staff, engineering consultant hours and board member attendance (directors only), revenue sources to offset administrative costs were also sought. Engineering and construction inspection services for the City of Minneota's Recreational Trail have been a beneficial source of revenue whereby Area II continues to serve in its technical capacities while benefitting a nearby local government. Despite severe local budget cuts, the member counties voluntarily maintained levies at the same level as previous years, providing $46,850 in excess to the required local match. By combining all of these approaches, the $105,000 appropriation was split 67% for administration and 33% for project construction in Fiscal 2004. We have improved that ratio to 64/36 for Fiscal 2005 as shown in Attachment 1.

Looking onward to Fiscal 2005 is exciting, yet disappointing. $1,000,000 in bonding funds was sought from the 2004 Legislature, of which $500,000 was included in the Senate's version of the bonding bill. With the uncertainty of a special session, we find ourselves funding projects differently and depleting coffers to spur construction. There is concern about the lack of construction funding for Summer 2005. Area II's $1.4 million LCMR proposal made the first round of cuts and a presentation is scheduled for June 21, 2004. A long list of projects which are designed and ready to go has been compiled and provided to the legislature to justify the amount of our request. Several projects have been removed as we were able to successfully secure funding from other sources, such as the Redwood-Cottonwood Rivers Control Area (RCRCA) Clean Water Partnership and federally-funded Environmental Quality Incentives Program (EQIP). We are already experiencing a busy construction season in 2004 and anticipate the majority of the construction projects taking place during the later part of summer and early fall due to the recent wet weather we have experienced in southwestern Minnesota.

With much anticipation, the Lazarus Creek Floodwater Control Project is finally under construction. After several frustrating attempts to secure State funding for the project, Governor Pawlenty signed the 2003 legislation into law in Marshall with the project supporters present to watch history being made. New Corps of Engineers permit requirements slowed the progress by requiring a new permit application to be submitted, followed by a public comment period, and mitigation of 2.12 wetland acres. Despite these setbacks, bids were let December 2003 and a Ground Breaking Ceremony was held on April 24, 2004 *(see photos on page 6)*. Financial administration and construction inspection duties by Area II for the Lazarus Creek project will continue to provide revenue to offset Area II's administrative expenses this fiscal year.

Area II greatly appreciates the long-term support and trust given to them from the Minnesota Board of Water & Soil Resources. We hope to continue our good work and make BWSR proud of the conservation practices that only we can do in southwestern Minnesota!

FISCAL 2004 COMPLETED PROJECTS

χ **Alta Vista 16 Small Dam Repair - Lincoln County** ($16,504.50)
Survey, design and construction inspection are were provided by Area II while 75% cost-share funding through the Yellow Medicine River Clean Water Partnership and the Yellow Medicine River Watershed District covered construction costs. Construction was completed November 2003 with some remedial seeding finished this spring. The project provides flow reductions of 41% to 81% over the range of storm events creating a 7.4 acre flood pool storing 39 acre-feet of floodwaters.

χ **Minneota Recreational Trail - City of Minneota, Lyon County**
Area II was asked to assist in the survey, engineering design and construction staking associated with a proposed recreational trail around the City of Minneota. The project was complicated by two crossings of the Yellow Medicine River and trail location upon an existing flood dike built by the Army Corps of Engineers. Area II was able to establish bridge deck elevations corresponding to historic flood levels and address concerns of the DNR and Corps within the permit applications. Bids were let March 29th with construction to be completed by June 30th. Area II provided construction staking, inspection duties and final inspection. All fees were reimbursed by the Yellow Medicine River Watershed District through a grant with DNR for trail development.

χ **Lynd 9 Road Retention - Lyon County**
Lyon County State Aid Highway 5 is in the planning stages for a federal aid project for 2005. With the Lynd 16 Road Retention located just upstream of this crossing, the County requested Area II to evaluate this site and determine whether one of the two lines of concrete pipe culvert could be removed. Design options were prepared, and not only could one of the lines of pipe be removed, but this site can function as another road retention providing additional temporary storage of floodwaters.

χ **Wellner-Hageman Shoreline Erosion Repair - Brown County** ($48,036.00)
Approximately 1,200 linear feet of shoreline on the northeastern shore of the Wellner-Hageman Dam has experienced severe erosion due to heavy winds over the past few years. The erosion has become severe enough to warrant intervention. The section of shoreline has been resloped and riprapped to provide protection against the prevailing winds and wave action. Cost of the project was shared by Area II (50%), Redwood-Cottonwood Rivers Control Area (25%) and Brown County (25%).

ANNUAL PLAN – FISCAL 2004 PENDING PROJECTS

χ **Drammen 5 Small Dam Repair - Lincoln County** ($26,827.00 Estimate)
Survey and design has been provided by Area II. The landowner has been noncommital and cost-share through the Yellow Medicine River watershed will not become available until 2005.

χ **Lake Marshall 28 Small Dam Repair - Lyon County** ($8,004.00 Estimate)
The landowner failed to meet the submission deadline for EQIP funding. Other cost-share arrangements are being made.

χ **Alta Vista 36 Road Retention (Fier Project) - Lincoln County** ($669,000 Estimate)
This project consists of downsizing a failing county bridge utilizing MNDOT Bridge Bonding or State-Aid Funds as the site is located on the Lincoln/Lyon County line. Area II is providing engineering design which has been expanded to include the raising the of a nearby township road intersection involving Lyon County. Design options have been developed and are being considered by both counties. Should a Special Session be called and Bridge Bonding provided, construction could begin Fall 2004.

PENDING PROJECTS TOTAL
$703,831.00

FISCAL 2005 PLANNED PROJECTS

χ **Lake Marshall 32 Small Dam - Lyon County** ($93,738.65 Estimate)
This project was previously investigated and designed by Area II, however the lack of cost-share funding postponed its construction. Recently, the landowner has entered into agreement with the Marshall Municipal Utilities (MMU) to construct two wind generators on this property. The wind generator contractor will require an adequate crossing of this ravine and MMU has committed $12,000 to jointly construct a dam to serve as their access to the wind generator sites. Environmental Quality Incentive Program (EQIP) funding is approved which will fund 50% of the project. The remaining 50% is being cooperatively pooled from State of MN cost-share funds, MMU, Lyon County, Area II, and the landowner. Soil borings will be drilled in June, to be followed by the finalization of plans, review by NRCS, and permitting. We anticipate summer construction for this project.

χ **Custer 13 Small Dam Construction - Lyon County** ($142,246.50 Estimate)
This is another project previously investigated and designed by Area II but was placed on hold due to lack of construction funding. The federal EQIP program has successfully awarded 50% funding to this project. The remaining funds are being sought from various sources: State of MN cost-share, Area II, Wild Turkey Federation, and others. Plans are finalized but require review from NRCS. We anticipate summer construction for this project.

χ **Monroe 25 Small Dam Repair - Lyon County** ($17,091.00 Estimate)
Funding has been secured through the Redwood-Cottonwood River Control Area providing 75% for construction. The remaining local match of 25% is being collected from the landowner, Area II, and potentially the Tracy Golf Club who will benefit directly from reduced flood flows stemming from this unnamed tributary to the Cottonwood River. Summer construction is expected.

χ **Holly 9 Small Dam Repair - Murray County** ($10,600.00 Estimate)
State of MN cost-share will provide 75% of the funding with the landowner picking up the local match of 25%. Construction is scheduled for Fall 2004.

χ **Monroe 20 Small Dam Repair - Lyon County ($**15,377.00 Estimate)
Survey, design and construction inspection are being provided by Area II. 75% cost-share from RCRCA is being matched by the landowner.

χ **Germantown 4 Road Retention - Cottonwood County** ($272,881 Phase One)
This project designed by Area II is being completed in two phases: Phase One – replace the deteriorated culvert and raise the roadway part-way; Phase Two – install riser section to create the retention capabilities and finish raising the road grade to the design elevation. The project is to be funded largely by MNDOT Town Bridge funds with Cottonwood County and Germantown Township providing additional funds. Bids were let November 24, 2003 with the low bid being 21.1% under Engineer's Estimate. Construction scheduled to begin summer 2004.

χ **Rock Lake 32 Small Dam Repair - Lyon County** ($28,074 Estimate)
Area II is providing survey, design and construction inspection services while 75% funding has been secured through RCRCA cost-share funding. The landowner is providing the local match.

PLANNED PROJECTS TOTAL
$580,008.15

LAZARUS CREEK FLOODWATER CONTROL PROJECT UPDATE

Project Description -

- An earthen embankment, 62' in height and 1350' in length – Section 9, Fortier Township, Yellow Medicine County.
- Designed as "dry dam", only to impound water during significant rainfall/runoff events.
- The 86-acre floodpool will lie within undisturbed pasture land, with a maximum depth of 50.2'.
- 100-yr stormflow of 1,207 cfs will be reduced to 385 cfs, a 68% reduction. Floodwaters will be stored 12 days.

Project Status -

- $1.4 Million received from the 2003 Legislature; Representative Marty Seifert and Senator Gary Kubly chief authored the bills.
- Bids were let December 2003. Schmidt Construction, Inc. of Redwood Falls was ***38% under*** Engineer's Estimate ($1,486,000 … $1,076,078). Excess funds will be used for Operation & Maintenance until the end of grant period (2007).
- Preconstruction meeting and Ground Breaking Ceremony held April 24, 2004. Construction began May 5, 2004.



Ron Harnack presenting a $1.4 million check to the LQP-YB Watershed District. Senators Gary Kubly & Dennis Frederickson and Representative Aaron Peterson joining in.

ATTACHMENTS

ANNUAL PLAN – FISCAL 2005

ATTACHMENT I –
FISCAL 2005 TECHNICAL OFFICE BUDGET

ATTACHMENT II –
PAST FUNDING SCENARIOS FOR COST-SHARED ROAD RETENTION PROJECTS

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

ATTACHMENT 1

FY'05 Technical Office Budget

OFFICE OPERATIONS

Personal Services:	
*Directors' Compensation	$ *5,600.00**
*Directors' FICA	*430.00**
Employees' Salaries	73,708.58
Employees' FICA	5,640.00
Employees' Medical Insurance	9,207.00
Employees' Retirement	4,076.08
Employee' FlexPlan	300.00
Total Personal Services	**$ 98,961.66**

Supplies:	
Office	$ 2,000.00
Field	500.00
Capital Outlay	0.00
Total Supplies	**$ 2,500.00**

Other Services and Costs:	
*Directors' Expenses	$ *3,500.00**
Employees' Expenses	1,400.00
Continuing Education	0.00
Professional Services	25,000.00
Maintenance & Repairs	1,750.00
Telephone	1,000.00
Postage	1,000.00
Vehicle Expense	3,500.00
*Director's Insurance	*1,368.00**
Other Insurance	13,714.00
Rent	6,675.00
Miscellaneous & Other Expenses	2,500.00
*Miscellaneous Expenses - Directors	*0.00**
Total Other Services and Costs	**$ 61,407.00**

TOTAL OFFICE OPERATIONS	$ 162,868.66
Total Ineligible for Cost-Share by the State	*10,898.00**
Total Eligible for Cost-Share by the State	$ 151,970.66
STATE SHARE OF ELIGIBLE OFFICE COSTS	$ 67,770.66 (41.6%)
Local Share of Eligible Office Costs	84,200.00 (58.3%)

**** These items not cost-shared by the State***

SUMMARY: Previous Annual Allocation from the State of Minnesota $ 140,000.00
Less Reduction from state deficit (25%) 35,000.00
Reduced Annual Allocation from the State of Minnesota $ 105,000.00
Less: Technical Office Grant 67,770.66 (64.5%)
Less: Project Grants 37,229.34 (35.5%)

Balance $ 0.00

ATTACHMENT II
PAST 5-YEAR FUNDING SCENARIOS FOR RETENTION PROJECTS

PROJECT	COMPLETION DATE & LOCATION	TOTAL ELIGIBLE COSTS	BWSR AMOUNT (% of Total)	OTHER STATE FUNDING	AREA II AMOUNT (% of Total)	OTHER LOCAL MATCH (% of Total)
Wellner-Hageman Dam Erosion Repair	Fall 2003/Spring 2004 Brown County	$48,036.00	0.00	$12,009.00[6] (25%)	$24,018.00 (50%)	$12,009.00 (25%)
Alta Vista 16 Small Dam Repair	Fall 2003/Spring 2004 Lincoln County	16,504.40	0.00	$12,378.38[6] (75%)	$0.00	$4,126.12 (25%)
Normania 32 Bank Stabilization	Summer 2002 Yellow Medicine Co.	$46,682.00	0.00	$33,225.00[6] (71.2%)	0.00	$13,457.00 (28.8%)
North Hero 3 Small Dam Repair	Summer 2002 Redwood County	$11,706.00	0.00	$ 8,779.50[6] (75.0%)	0.00	$ 2,926.50 (25.0%)
Mud Creek Small Dam Repair	Summer 2002 Deuel County, SD	$ 8,625.55	0.00	0.00	$ 1,000.00 (11.6%)	$ 7,625.55 (88.4%)
Lynd 16 Road Retention	Summer 2002 Lyon County	$207,102.34	0.00	$186,940.94[2] (90.3%)	0.00	$20,161.40 (9.7%)
Lake Marshall 29 Small Dam	Summer 2002 Lyon County	$87,271.38	$27,735.46 (31.8%)	$9,367.95 LCMR (10.7%)	$ 9,245.15 (10.6%)	$ 40,922.82 (46.9%)
SW Sportsmens Club Dam Repair	Spring 2002 Lincoln County	$15,160.07	6,000.00 (39.6%)	$ 1,000.00[1] (6.6%)	$ 2,000.00 (13.2%)	$ 6,160.07 (40.6%)
Sodus 5 Small Dam #3	Fall 2001 Lyon County	$29,929.55	0.00	$ 22,447.16 LCMR (75%)	0.00	$7,482.39 (25%)
Amiret 17 Small Dam Repair	Fall 2001 Lyon County	$14,942.18	$11,206.63 (75%)	0.00	$ 2,735.55 (18.3%)	$1,000.00 (6.7%)
Monroe 36 Road Retention	Fall 2001 Lyon County	$6,026.00	$ 4,519.50 (75%)	0.00	$ 1,506.50 (25%)	0.00
Monroe 14 Road Retention	Summer 2001 Lyon County	$95,257.19	$54,642.74 (57.7%)	0.00	$17,116.25 (17.5%)	$23,498.20 (24.8%)
Norman 16 Small Dam Construction	Summer 2001 Yellow Medicine Co.	$112,762.06	$81,036.15 (71.9%)	0.00	0.00	$31,725.91 (28.1%)
Sodus 5 Small Dams Construction	Fall 2000 Lyon County	$99,548.78	$73,685.47 (74.0%)	0.00	$ 1,101.54 (1.10%)	$24,761.77 (24.9%)

ATTACHMENT II
PAST 5-YEAR FUNDING SCENARIOS FOR RETENTION PROJECTS

PROJECT	COMPLETION DATE & LOCATION	TOTAL ELIGIBLE COSTS	BWSR AMOUNT (% of Total)	OTHER STATE FUNDING	AREA II AMOUNT (% of Total)	OTHER LOCAL MATCH (% of Total)
Sodus 4 Small Dam Restoration	Fall 2000 Lyon County	$24,546.00	$14,727.60 (60.0%)	$ 3,681.00[1] (15.0%)	$ 3,068.25 (12.5%)	$3,069.15 (12.5%)
Citterman Small Dam Restoration	Spring 2000 Lincoln County	$5,468.75	$3,281.25 (76.0%)	0.00	0.00	$2,187.50 (40.0%)
North Hero 35 Road Retention	Fall 2000 Redwood County	$88,059.32	$43,295.65 (49.2%)	$12,000.00 (13.6%)	$17,984.26 (20.4%)	$14,779.41 (16.8%)
Pankonin Small Dam Restoration	Summer 2001 Brown County	$94,660.00	$70,995.00 (75%)	0.00	0.00	$23,665.00 (25%)
Amiret 33W Road Retention	Fall 1999 Lyon County	$56,726.65	$39,871.08 (70.3%)	0.00	0.00	$16,855.57 (29.7%)
Amiret 33E Retention	Fall 1999 Lyon County	$54,741.66	$39,355.94 (71.9%)	0.00	0.00	$15,385.72 (28.1%)
Lake Marshall 19 Road Retention	Fall 1999 Lyon County	$78,068.55	0.00	$58,284.00[5] (74.6%)	0.00	$19,784.55 (25.3%)
Coon Creek 28 Dam	Fall 1999 Lyon County	$146,202.78	$99,633.78 (68.1%)	$4,466.00 (3.1%)	0.00	$42,103.00 (28.8%)
Anderson Wetland Restoration	Summer 1999 Lincoln County	$6,599.25	$2,500.00 (37.9%)	0.00	0.00	$4,099.25 (62.1%)
Fairchild Small Dam Repair	Summer 1999 Yellow Med. Co.	$8,580.00	$6,435.00 (75.0%)	0.00	$145.00 (1.7%)	$2,000.00 (23.3%)
Steffes Small Dam Repair	Summer 1999 Lincoln County	$8,920.00	$1,970.00 (22.1%)	$2,000.00[1] (22.4)	0.00	$4,950.00 (55.5%)
Black Rush Lake Wetland Restoration	Summer 1999 Lyon County	$263,362.00	$51,000.00 (19.4%)	$105,547.00[3] (40.0%)	0.00	$106,815.00 (40.6%)
Banks Small Dam Repair	Fall 1999 Lyon County	$13,727.60	$1,500.00 (10.9%)	$7,202.60[1] (52.5%)	0.00	$5,025.00 (36.6%)
TOTALS		$1,649,216.16	$1,112,719.78 (67.5%)		$536,496.38 (32.5%)	

NOTE: [1] Water Plan Base Grant funds; [2] MNDOT funds; [3] DNR FDR Grants funds; [4] BWSR Challenge Grant Funds; [5] Road Retention Bonding Funds; [6] State Cost-Share

As of June 2004

June 8, 2004

TO: Board Members

THRU: Kevin Lines, Easement Section Administrator

FR: Tim Fredbo, Conservation Easement Specialist

RE: Alteration of CREP Conservation Easement 42-18-02-01, Joe VanOverbeke

BACKGROUND:

Joe VanOverbeke, the landowner, has requested the State to remove .1 acre of land currently in a 35 year CREP/ RIM Reserve conservation easement. The land is part of a 13.3 acre riparian easement located in the NE 1/4 of Section 32, T111N, R41W, in Lyon County. This easement is riparian to an unnamed tributary to Meadow Creek. Mr. VanOverbeke is proposing to replace the 1/10 acre he would like released with 2/10 acres of cropland in the same location and contiguous to the present easement area. The CREP easement on this property was recorded on July 1, 2003.

The landowner has been working with the Area II River Basins Project to construct floodwater retention structures on his property. The first structure was completed two years ago. The second structure has also been planned to go just to the north of our easement area in the ravine where the unnamed stream is located, see attached photo 1 for location.

Marshall Municipal Utilities (MMU) contacted the landowner in November 2003 about their wish to erect two wind generators on his farm to provide electricity to the City of Marshall. These towers are proposed to be about 1000 feet south of our easement area. MMU needs an access road to their towers. The access road would have to cross the ravine. Mr. VanOverbeke approached Area II staff about the possibility of using the floodwater retention structure as the access road crossing for MMU. This is agreeable to Area II and MMU. Once this access road crosses the ravine on top of the dam, it would need to continue through approximately 300 feet of our easement. The easement runs right to the edge of the ravine so the access road cannot be routed around the perimeter of our easement boundary line, as the slope is too steep.

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

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

All these items have been received and are attached for your review. There are also two photos attached which show the site. Photo 1 is a view of the entire section and shows the dam location

proposed just north of our easement. Photo 2 is a more close up view that shows the release area proposed for the access road and the replacement acres.

SUMMARY OF INFORMATION PROVIDED TO SUPPORT REQUEST:

Mr. VanOverbeke submitted a letter dated April 22, 2004 to the SWCD Board in support of his request to alter the existing easement area it is attached for your review (letter 1).

The Lyon SWCD Board approved of the easement alteration at their April 27, 2004 meeting. A copy of the letter from the SWCD dated May 27, 2004 indicating this approval is attached (SWCD approval).

Robert Meyer, DNR area wildlife manager from Marshall, has also reviewed this proposal. Mr. Meyer supports the proposal to alter the CREP easement as proposed by Mr. VanOverbeke. Mr. Meyer's letter of April 21, 2004 is attached (DNR approval).

Mr. VanOverbeke also submitted a letter dated May 21,2004 (letter 2), attached, which outlines how this easement alteration request has progressed with all the players involved. It does a good job of explaining how things have progressed to this point.

FINDINGS:

This alteration request, as proposed, would release .1 acres and replace it with .2 acres, a net gain of easement acres for the State. Both the release area and replacement acres are riparian buffer acres along the stream ravine. The area proposed for release would be about 16 feet wide and used as both an access for the MMU wind towers and by the landowner for farm operations.

Other locations, away from the easement and not across the top of the structure, for crossing the ravine do exist on this property that the MMU could use to access its proposed wind generators. However, the creation of the road would entail wetland impacts that would be prohibited or require mitigation. Mr. VanOverbeke has worked with MMU and Area II to get those two entities in agreement with using the top of the floodwater retention structure as the access road for the wind towers. MMU has even agreed to help pay for the overall cost of the structure if they can utilize it as their access. The estimated construction cost of this Area II structure is $94,000. Along with the City of Marshall (MMU), Area II, Lyon County, the landowner, and the USDA EQUIP program will be providing funding for the project.

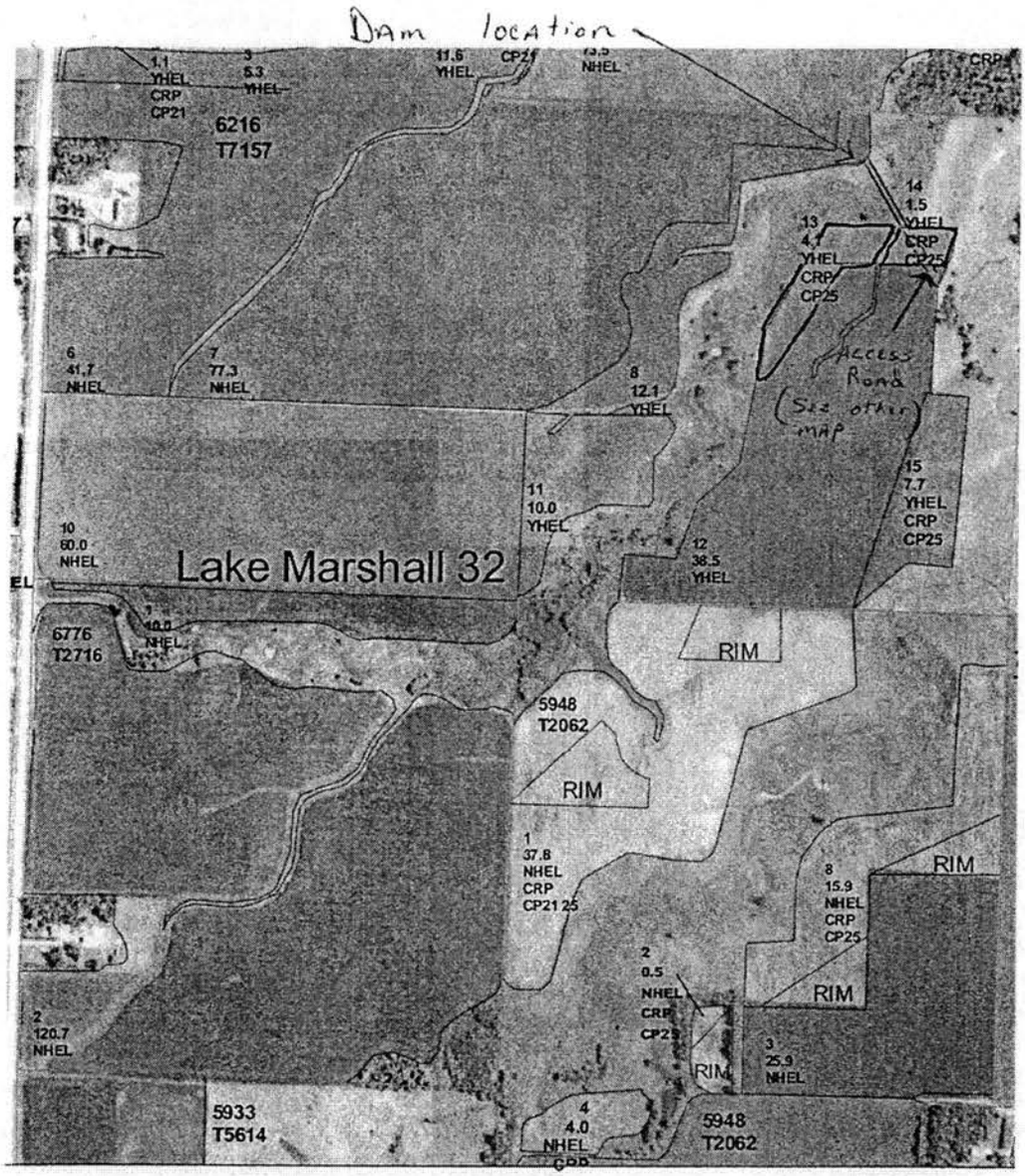
Since this is a CREP easement, the land is currently under a CRP contract with the USDA Farm Service Agency (FSA). This proposal will also need approval from USDA. Under CRP rules contract holders cannot terminate part of their contract acreage until the CRP contract has been in place for at least 2 years. On Mr. VanOverbeke's contract the 2 - year effective date will be December 2, 2004. This is the earliest date that he can get official USDA- FSA approval to release .1 acre needed for the access road. Lyon Co. FSA has verbally indicated that they will approve of this proposal in December, when CRP rules allow.

Mr. VanOverbeke is requesting approval from the BWSR for this easement alteration at this time, ahead of the FSA CRP decision, so Area II can get started on construction of the flood control structure this summer with MMU funds for the project assured.

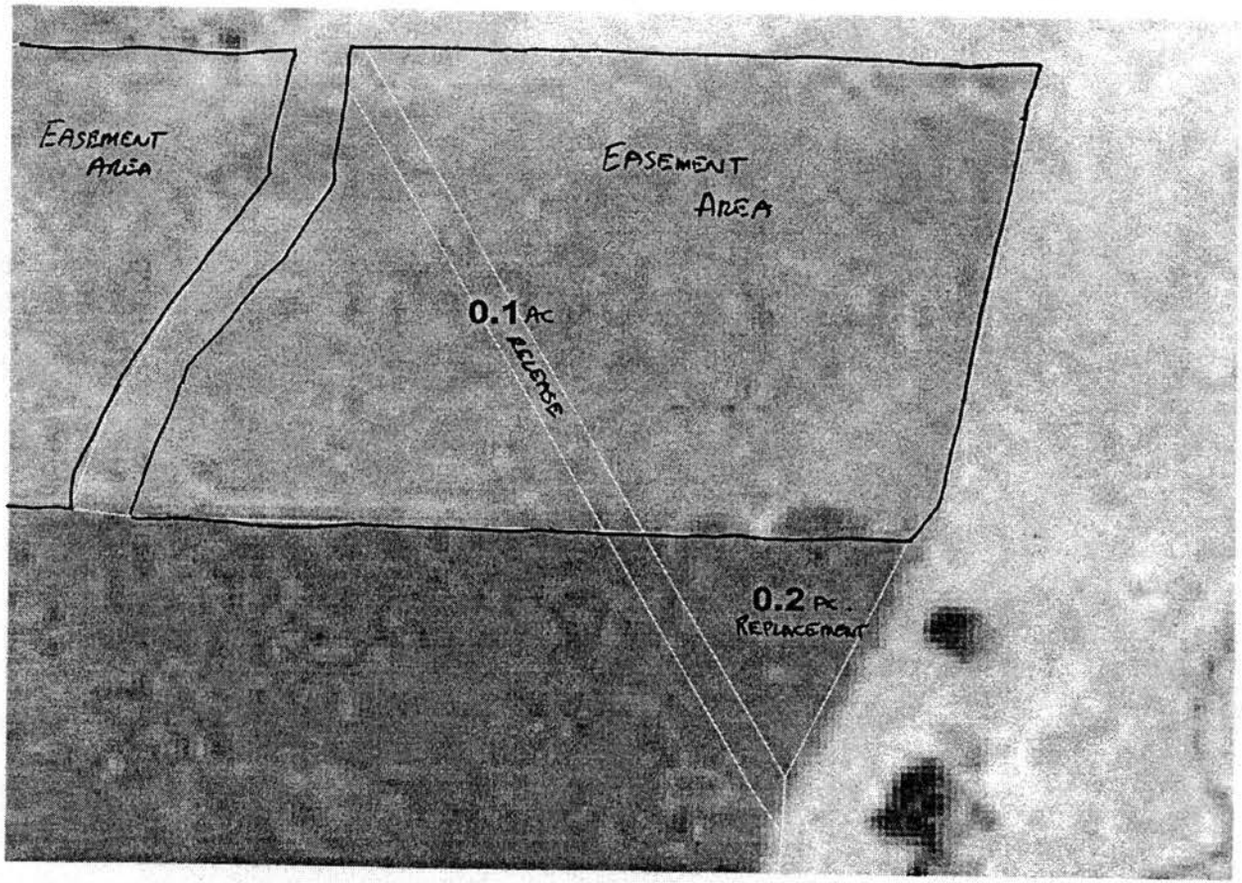
OPTIONS AND STAFF RECOMMENDATION:

1. Approve of the exchange on the easement. **RECOMMENDED**. This proposed exchange will involve a net gain of easement acres for the State while also assisting in getting a floodwater retention structure built that will enable development of a renewable energy project for the City of Marshall. This exchange has the approval of the Lyon SWCD, and the DNR wildlife manager, as well as support from Area II and MMU. As a condition of approving this request, should the Board so decide, I would suggest making it a requirement that the replacement acres be seeded to a native grass and forb mix prescribed by the Lyon SWCD, with all costs being the responsibility of Mr. VanOverbeke. All local (SWCD) cost associated with this alteration, (title insurance, recording and other staff time) will also be paid by Mr. VanOverbeke.

2. Deny the request to exchange. NOT RECOMMENDED. This is a very reasonable request proposed by the landowner. Mr. VanOverbeke has worked with DNR, Area II Riverbasins, City of Marshall, and the SWCD to make this proposal a good trade for the State to make on this easement.


Dam location
Lake Marshall 32
6216
T7157
6776
T2716
5948
T2062
5933
T5614
RIM
Access Road
(See other map)
1.1 YHEL CRP CP21
3 5.3 YHEL
11.5 YHEL CP21
13.5 NHEL
CRP
14 1.5 YHEL CRP CP25
13 4.1 YHEL CRP CP25
6 41.7 NHEL
7 77.3 NHEL
8 12.1 YHEL
11 10.0 YHEL
12 38.5 YHEL
15 7.7 YHEL CRP CP25
10 60.0 NHEL
1 10.0 NHEL
1 37.8 NHEL CRP CP21 25
8 15.9 NHEL CRP CP25
2 0.5 NHEL CRP CP25
2 120.7 NHEL
3 25.9 NHEL
4 4.0 NHEL
N
United States Department of Agriculture
Farm Service Agency
February 06, 2004
LYON County
2003 Digital Orthophotography - Not To Scale
Wetland Points
Tract Lines
Field Lines
WARNING: Contact NRCS PRIOR to conducting any land clearing, draining, dredging, filling or leveling. PRIOR to improving, modifying or maintaining an existing drainage system or PRIOR to bringing land into production that does not have an HEL/NHEL determination.

Van Overbeke in NE ¼ Lake Marshall 32



MAP WAS MADE, And MEASUREMENTS done At the Lyon County FSA office.

April 22, 2004

To: SWCD Board

From: Joe C. VanOverbeke, Landowner and Farmer.

Subject: Release of CREP Easement, or 2 for 1 swap of CREP acres. Easement #42-18-02-01.

The reason I would like to swap acres for the CREP easement land is as follows.

1. I am working with the Area II Watershed District Office to construct a second dam on my property. This dam would flood the access to my field that I presently use. After the dam is built, I would use that as an access to farm. As you can see I would have to cross the CREP land to get to my field.

2. The city of Marshall is proposing two wind turbines on the south edge of my property. They also need an access to their towers. I would like to make it very clear no towers will be constructed on any CREP land.

3. With the efforts and funding by AREA II Watershed District, the Marshall Municipal Utilities (they would also be contributing to the cost of the Dam) and county funds a dam could be built to hold back water and give myself, and MMU a good access.

I realize that when I sign the easement contract that the land would be undisturbed for the life of the contract. To compensate for taking the CREP land I would give twice the amount back to CREP. All in all I feel this entire project to be a win- win situation for conservation , and for all parties involved .

Thank -you for your time.

Joe VanOverbeke

Joe C. VanOverbeke

Enclosures: Map of the land to be swapped., A for B.
Map of the dam location.

Lyon Soil & Water Conservation District

1424 East College Drive - Suite 600
Market Street Office Complex
Marshall Minnesota 56258

phone (507) 537-0396 ext. 3
fax (507) 532-7479

JUN 01 2004

DATE: May 27, 2004

TO: Tom Fredbo, BWSR Easement Program Manager

FROM: Rose Anderson, Administrator, Lyon SWCD

SUBJECT: Request to amend CREP Easement

Please find enclosed a request from landowner Joseph VanOverbeke to be allowed to remove .1 acres of CREP and replace with .2 acres.

The Lyon SWCD Board of Supervisors voted to support the request at their April Board meeting. The motion carried the stipulation that the Farm Service Agency will do the official measuring and that the request is contingent on the FSA approval of the partial release of the CRP contract area.

The landowner will also have to wait to continue any disturbance or construction of the road on this area until the proposed and accepted release in December of 2004, according to FSA rules and guidelines.

Mr. VanOverbeke is requesting the approval of the BWSR Board at this time in order to start a project that will tie into the road, a dam that Area II is assisting with and that is receiving additional funding through EQIP and the City of Marshall.

If you require additional information, please let us know.

CC: via mail with supporting documents

An Equal Opportunity Employer/Agency

Minnesota Department of Natural Resources

P.O. Box 111, Marshall, MN 56258
507-537-6250

April 21, 2004

Rose Anderson
Lyon SWCD
1424 E. College Drive
Suite 600
Marshall, MN 56258

Dear Rose:

I am writing concerning Joe VanOverbeke's proposal to utilize approximately 0.11 acre of CREP land in the NE1/4 of the NE1/4 of section 32 in Lake Marshall Township for an access road. Joe stated in a conversation with me that he was willing to trade some land that is now being farmed and which is adjacent to the existing CREP acres in return for being able to use the 0.11 acre for said access road. The acres to be gained are more than the acres to be lost and therefore I am in support of this proposal. There may be alternative routes which would not impact the CREP acres; however, they would have wetland impacts.

Sincerely,

Robert W. Meyer
Area Wildlife Manager

Date: May 21, 2004

To: Tim Fredbow, BWSR

From: Joe VanOverbeke

Subject: Release and replacement of CREP; acres: 42-18-02-01 a limited easement.

Project Outline

It started three and a half years ago when I was talking with Area II Watershed about a possible dam or two on my farm. Two years ago the first dam was built thru the cooperation of Area II, Lyon County and Equip Funding. At the same time survey work was started on the second dam, the dam we are working to get built now. During the summer and fall of '03 Marshall Municipal Utilities (MMU) was looking for land south of Marshall for the construction of wind towers for the generation of electricity for the city of Marshall. I was contacted in November '03 about towers on my farm. After inspecting the area MMU was interested in putting up two towers, I agreed to proceed with them. During conversations with MMU I was told they would need an access road to the towers. In order to do so the road would have to cross the deep ravine on my farm. Then one day in January '04 while talking to Area II staff about funding for the second dam, I thought that if MMU was going to have to build some sort of crossing thru the ravine why not work together to build the dam and use it as a crossing. I approached MMU with this, they thought it would work great and would commit a sizeable amount towards the dams' cost.

That brings us to where we are today. With the location of the dam at the site Area II picked and surveyed two years ago, the only feasible and correct route for the road

would be to cross the CREP land. As you can see on the maps it will amount to about .1 of an acre that I would replace with .2 of an acre.

I will be requesting a partial release of the CRP in December '04, which is the earliest effective date to meet partial release guidelines. The FSA office assured me this would not be a problem. I have also been assured by MMU that the towers will be built or construction started within the next 18 months.

In conclusion this is the sequence of the total project.

1. Approval by the state board to exchange CREP acres.
2. Construction of the dam late summer early fall.
3. Put in road to the dam after crops are removed.
4. After December 1st continue road to where the first tower will be located.

If all of these things happen, and they will with state approval, thru the cooperation of a number of different agencies and people we will have helped the renewable energy cause, built a water retention structure to help reduce down stream flooding, and provided more and improved habitat for the wildlife in the area. I feel this is an all around good project.

Sincerely,

Joe VanOverbeke

June 11, 2004

Mr. Steve Woods
Regional Supervisor
MN BWSR
One West Water Street, Suite 250
St. Paul, MN 55107

RE: Request for BWSR action at the June 23rd meeting

Dear Mr. Woods:

Per our June 10, 2004 telephone conversation, please see the attached resolution of the Ramsey Soil and Water Conservation District Board of Supervisors where-by they changed their name from the Ramsey Soil and Water Conservation District to the Ramsey Conservation District.

This governing board action was taken at the District's May 25, 2004 meeting. The potential Board action was published as an agenda item in accordance with our standard operating procedures to comply with the MN Open Meeting Law requirements.

The District Board choose to make the change for the following reasons:

1. The extreme length of the District's former corporate name has long been a subject of concern by Ramsey SWCD Boards. It is felt that having such a long name can confuse the public.

2. Several other SWCDs' in the Metro area have previously changed their names to "_____ Conservation District". For example, Anoka Conservation District.

3. Our mission and programs transcends soil and water conservation. It is felt that our name needs to represent the broader scope of natural resource conservation.

Please contact me ASAP if you have any questions about this request for BWSR action.

Sincerely,

Tom P. Petersen
District Manager

cc. Joe Fox, RCD Board Chair

Resolution

Board of Supervisors

RAMSEY SOIL AND WATER CONSERVATION DISTRICT

Moved by: Elizabeth Cowie **Date: 05-25-04** **No.: 04-05-07**

Seconded by: Marjorie Ebensteiner

Resolved the board approves changing the name of the district from the Ramsey Soil and Water Conservation District to the Ramsey Conservation District.

Voting in favor of the resolution: Bjorklund, Cowie, Ebensteiner, Fox and Reagan
Voting against the resolution: none
Abstaining from the vote: none

I, Joseph Fox, certify that the above resolution is accurate and was duly approved by the board of supervisors on the date shown.

By: _____
Joseph Fox, Chair

I, Tom Petersen, certify that the above resolution is accuracte and was duly approved by the board of supervisors on the date shown.

By: _____
Tom Petersen, District Manager

FOR YOUR INFORMATION

June 23, 2004

- BWSR "Update"
- DNR Contacts for Local Water Management Planning Process

Minnesota Board of Water & Soil Resources

Board of Water and Soil Resources UPDATE

A publication of the Minnesota Board of Water and Soil Resources June 2004

NORTH

Forestry

Jim Lemmerman and Dale Krystosek helped write guidance for use of the forestry exemptions in the Wetland Conservation Act. They worked with the DNR Division of Forestry, forest industry representatives, LGUs, the EPA, and the Corps of Engineers to develop guidance that protects legitimate use of the forestry exemption and helps define when the exemption is being improperly applied. The group has finished the guidance and hopefully it will assist LGUs with more consistent application of the forestry exemptions.

Ron Shelito and Jim Lemmerman met with Doug Anderson from the DNR Division of Forestry to finalize the MOU between the DNR Division of Forestry and BWSR. This MOU has not been revised since the early '90s. They made some changes to the MOU and we will move ahead with getting the MOU approved by their respective agencies.

NRCS and BWSR are planning a weeklong windbreak technology session this year. The session will be held in Willmar July 19–23. The main purpose is to instruct newer NRCS and SWCD field office personnel in windbreak technology.

Jim is working with a group that is planning to present 4 or 5 sessions on Light on the Land Logging in September 2005. The main audience for these sessions will be private landowners, SWCD personnel, other resource managers, and interested loggers.

Wetlands

Dale Krystosek is assisting the Lake County land commissioner and LGU staff with a white cedar wetland restoration project that will help provide local wetland banking credits for the county.

Dale assisted new Lake of the Woods County wetlands staff in reviewing and implementing recommendations of the WCA audit of Lake of the Woods County. The audit identified concerns regarding several major wetland violations in the county. Dale has been coordinating the follow-up efforts with Traci Hanson, wetland enforcement officer, and Bill Best, board conservationist for that county.

Dale participated in an interagency site inspection of Bailey violation, believed to be one of the largest wetland violations in the United States.

Dale continues to provide ongoing assistance (with Mark Nelson) to the city of Hermantown in development of a wetland plan. The Hermantown plan is being coordinated with the Corps of Engineers to develop a "Special Area Management Plan." This interagency coordinated plan would be the first of its kind in Minnesota and would utilize some elements of a plan developed in Superior, Wis.

Miscellaneous

Keith Grow led a BWSR staff effort to revise the *State Cost-Share Program Manual.* Keith participated with Wayne Zellmer in doing two training sessions for SWCDs on the new manual in the north region. The sessions also included presentations by Michelle Lewis and Conor Donnelly, who provided the latest eLINK information. Thanks to Keith, Wayne, Michelle, and Conor for two productive and informative sessions.

Pete Waller brought four plans to the June 1 Water Management Review Committee meeting in Fergus Falls. Each plan had a different twist to it and required good review work by Pete and strong presentations by the local governments. Brian Dwight also had a watershed district plan to review at this meeting. Five plans to review in one day–a new north region record!

Mark Nelson is in the middle of his soils course that he has made available to agency staff and local staff in northeastern Minnesota. Mark applied for and received coastal funds to put on this training free of charge for participants. The class will run throughout the summer.

and combines classroom and field sessions. NRCS, BWSR, and Corps wetland specialists are providing most of the expertise.
-Submitted by Ron Shelito

ENGINEERING

Construction of CREP and other wetland restorations has been challenging during the past month or so. The pendulum of weather swung from insufficient moisture for good dike compaction in some areas in early May to very wet conditions in most areas and flooded conditions in some areas in June. Construction contractors are reportedly bidding and working on projects, but many have not been able to complete much work. While we're not hoping for drought, we are hoping for some good construction weather. This is an important construction season for CREP wetland restorations!

BWSR recently received approval for an EPA wetland management grant to update the *Minnesota Wetland Restoration Guide*, which was first published by BWSR in 1993. (Tom Wenzel was the principal author.) The need for updating this guide involves the following factors:

- BWSR and others have gained substantial experience since the guide was first published.
- Associated conservation practice standards were revised in 2003.
- Knowledge related to wetland vegetation planting and management for biodiversity has advanced much in recent years.
- Wetland management for runoff control and flood damage reduction is becoming a more important design factor for which updated design and management guidance should be helpful.
- BWSR led the development of a number of standard AutoCAD design and specification templates for wetland restorations during the Minnesota River Basin CREP. An updated Wetland Restoration Guide can improve access to these design tools.
- There's nothing like putting information in print to clarify how it all fits together.

We recently submitted a work plan to the MPCA for this project and expect to receive authorization to proceed in the coming months.

BWSR recently submitted a Conservation Innovation Grant application to the NRCS. This is a new program under the 2002 Farm Bill. The focus of this grant application is to demonstrate current methods to manage invasive species in wetlands and prairie uplands and to develop an associated draft conservation practice and standard that might be included in the Environmental Quality Incentives Program (EQIP) cost-share docket.

The failure of the Legislature to pass a bonding bill with funding for CREP 2 and local road replacement wetland banking has BWSR's wetland restoration engineering staff concerned about our future. We have a great amount of accumulated experience and expertise for wetland restoration, working in partnership with local, federal and other state governments, as well as nonprofit organizations and drainage authorities. Wetland restoration continues to evolve into a better and better tool for improvement of biodiversity, wildlife habitat, runoff management, and flood damage reduction. We continue to hope that the Legislature and Governor Pawlenty will help keep this expertise working on wetland restorations in Minnesota.

On June 7 and 8, representatives of the Technical and Scientific Advisory Committee (TSAC) of the Red River Basin FDR Work Group conducted two workshops with Red River watershed district Project Teams and Managers – one in Thief River Falls and one in Moorhead. The objective was to provide an overview of recent TSAC technical papers and studies and to have associated dialogue between the TSAC and Project Team members about front line application of these technical papers, including:

- Project Monitoring Guidelines
- Wetland Hydrology and Biodiversity in the Red River Basin
- Red River Basin Flood Damage Reduction Framework
- On-Channel Storage Assessment

The workshops also provided an opportunity to discuss the intended role of watershed district Project Teams in the prioritization of CREP 2 conservation practices and acres in Red River watersheds. Attendance at the workshops was about 40-50 in Thief River Falls and 70-80 in Moorhead. Some good dialogue occurred. Al Kean represents BWSR on the TSAC.

The TSAC and others are working with the Red River Basin Institute to put all TSAC technical papers on the Red River Basin Decision Information Network (RRBDIN) web site. This will greatly assist access to these technical papers, which include 12 completed

papers since 1998 and one in progress. BWSR's web site will include a link to the associated RRBDIN web page when it is up and running.
-Submitted by Al Kean

BRIEFS

A shoreline re-vegetation project along State Highway 197 in Bemidji recently received media coverage in the *Bemidji Pioneer*. The Beltrami Soil and Water Conservation District (SWCD) was a key partner in the effort.

Highway 197, which stretches past Lake Bemidji, had been realigned, making way for the re-vegetation project.

In an article published in May, Chris Parthun, district manager, said that the district had been involved with the project since it was first reviewed for DNR waters permits. The project's original proposal called for several hundred feet of sea wall, along with rock riprap and grass sod. In reviewing the proposal, Parthun saw opportunities to change the plan so that it would not only be less expensive, but more aesthetically pleasing and environmentally sound.

Parthun noted that the SWCD had been encouraging private lakeshore owners for years to naturalize their shoreline areas. The Highway 197 project seemed like a great way for local and state agencies to demonstrate leadership by incorporating a more natural approach into the project, he said.

Deadline for next edition: August 18
No July board meeting

Board Packet
FYI

From: "Wayne Edgerton" <wayne.edgerton@dnr.state.mn.us>
To: <Marybeth.Block@bwsr.state.mn.us>
Date: 6/3/04 2:56PM
Subject: DNR Contacts for Local Water Management Planning Process

** High Priority **

Marybeth-Effective immediately, Local Water Management Planning correspondence related to priority concern requests (Phase 1), priority concerns scoping document review (Phase 2), and final plan review (Phase 3), should be sent to the following DNR Regional contacts for the respective county:

NW REGION:
Paul Swenson, DNR Regional Director
2115 Birchmont Beach Rd. NE
Bemidji, MN 56601
Phone: 218-755-3623

NORTHEAST REGION:
Jim Weseloh, DNR Regional Planner
1201 East Highway 2
Grand Rapids, MN 55744
Phone: 218-327-4127

CENTRAL REGION:
Dennis Asmussen, DNR Regional Planner
1200 Warner Road
St. Paul, MN 55106
Phone: 651-772-7994

SOUTH REGION:
Cheryl Heide, DNR Regional Director
261 Highway 15 South
New Ulm, MN 56073
Phone: 507-6010

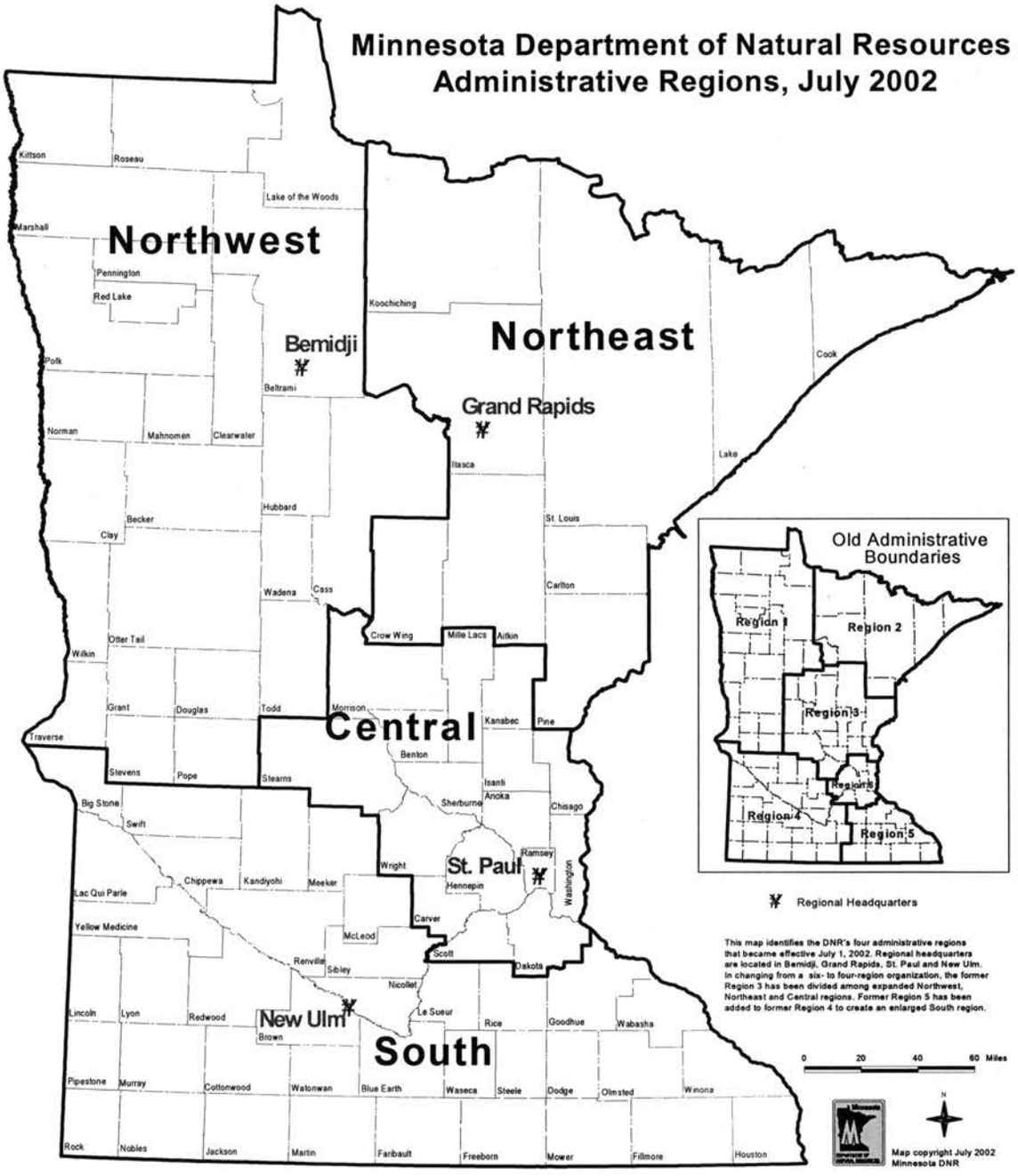
You will note that documents will be sent directly to the Regional Director in two of the Regions (NW & South) due to Regional Planner position openings. This may change in the future depending on what happens with these Regional Planner positions. You will be notified of any changes.

I will be the DNR's primary contact on the state level, so please keep me in the loop for general correspondence (U.S. mail & e-mail) concerning this process. However, I do not need a copy of the review documents. You should no longer send the above referenced documents/correspondence to John Fax in our Division of Waters.

I've attached the most recent map of the DNR Regional boundaries for your reference. Call or drop me line if you have any questions.

Thanks much.

Wayne A. Edgerton
DNR Agricultural Policy Director


Minnesota Department of Natural Resources
Administrative Regions, July 2002
Northwest
Northeast
Central
South
Bemidji
Grand Rapids
St. Paul
New Ulm
Kittson
Roseau
Lake of the Woods
Marshall
Pennington
Red Lake
Koochiching
Polk
Beltrami
Cook
Norman
Mahnomen
Clearwater
Itasca
Lake
Hubbard
Becker
Clay
St. Louis
Wadena
Cass
Carlton
Crow Wing
Mille Lacs
Aitkin
Otter Tail
Wilkin
Grant
Douglas
Todd
Morrison
Kanabec
Pine
Traverse
Benton
Stevens
Pope
Stearns
Isanti
Big Stone
Swift
Sherburne
Anoka
Chisago
Ramsey
Wright
Chippewa
Kandiyohi
Meeker
Hennepin
Washington
Lac Qui Parle
Carver
Yellow Medicine
McLeod
Scott
Renville
Sibley
Dakota
Nicollet
Lincoln
Lyon
Redwood
Le Sueur
Rice
Goodhue
Wabasha
Brown
Pipestone
Murray
Cottonwood
Watonwan
Blue Earth
Waseca
Steele
Dodge
Olmsted
Winona
Rock
Nobles
Jackson
Martin
Faribault
Freeborn
Mower
Fillmore
Houston
Old Administrative Boundaries
Region 1
Region 2
Region 3
Region 4
Region 5
Regional Headquarters
This map identifies the DNR's four administrative regions that became effective July 1, 2002. Regional headquarters are located in Bemidji, Grand Rapids, St. Paul and New Ulm. In changing from a six- to four-region organization, the former Region 3 has been divided among expanded Northwest, Northeast and Central regions. Former Region 5 has been added to former Region 4 to create an enlarged South region.
0 20 40 60 Miles
N
Map copyright July 2002
Minnesota DNR

Minnesota Board of Water & Soil Resources

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

DATE: August 17, 2004

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: August 25th Board Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, August 25, 2004, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room, lower level, at One West Water Street, St. Paul. Parking is available across the street from the building. Please display the enclosed "temporary parking permit" on your vehicle's dashboard.

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Initiatives Committee

1. **BWSR Initiative Committee Report**: The purpose of the Initiative Committee was to collaborate with our partners to focus on what the needs and opportunities are for BWSR and local governments in relation to:
   - The evolving impaired water strategy and role of local government
   - Addressing the budget cuts that occurred to our local water planning program
   - Identify gaps and/or barriers to the full implementation of the conservation provisions in the Farmbill
   - Implications to local government from the emerging federal requirements for stormwater and construction site erosion
   - The expectations of local governments envisioned by the Governor's Clean Water Vision

   The final report and strategies of the Committee will be presented and discussed by Committee Chair Karen Harder. A resolution will be presented accepting the report and recommendations for consideration as part of the biennial budget development. ***Decision Item***

Bemidji
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Bemidji, MN 56601
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Fergus Falls
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Marshall
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New Ulm
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Rochester
40 16th Street S.E.
Suite A
Rochester, MN 55904
phone (507) 285-7458
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Saint Paul
One West Water Street
Suite 250
Saint Paul, MN 55107
phone (651) 282-9969
fax (651) 284-0000

Metro Water Planning Committee

1. **Bassett Creek Watershed Management Commission Revised Watershed Management Plan** – The revised watershed management plan for the Bassett Creek Watershed Management Commission was filed with the Board in July. The planning process, highlights of the plan, and the review process are further described in the attached Overview. Several comments were received during the planning process that resulted in revisions to the draft plan, as summarized in the attached Overview. The Metro Water Planning Committee unanimously recommends the plan be approved per the attached draft order. ***Decision Item***

2. **Carnelian-Marine Watershed District, Amendment to Watershed Management Plan** – The German Lake plan amendment to the watershed management plan for the Carnelian-Marine Watershed District was filed with the Board in April. The planning process, highlights of the amendment, and the review process are further described in the attached Overview. Relatively few comments were received during the review process, resulting in only minor revisions to the draft amendment as summarized in the attached Overview. The Metro Water Planning Committee unanimously recommends the amendment be approved per the attached draft order. ***Decision Item***

Northern Water Planning Committee

1. **Joe River Watershed District Revised Watershed Management Plan** – The revised watershed management plan for the Joe River Watershed District was filed with the Board in March. The planning process, highlights of the plan, and the review process are further described in the attached Overview. Notice of Filing of the plan was published in the local newspaper and mailed to several entities. No hearing was requested or held. Minor comments on the final draft resulted in some minor revisions to the plan. In addition to meeting the requirements of Minnesota Statutes and BWSR plan guidelines, the plan meets the intent of the Red River Basin Flood Damage Reduction Work Group Mediation Agreement of December 1998. The Northern Water Planning Committee unanimously recommends the plan be approved per the attached draft order. ***Decision Item***

2. **Otter Tail River Watershed Basin Plan** - Becker County, Becker SWCD, Otter Tail County, East Otter Tail SWCD, West Otter Tail SWCD, Wilkin County and Wilkin SWCD (LGUs) developed the Otter Tail River Watershed Basin Plan using the guidelines and procedures of the Red River Basin Flood Damage Reduction Work Group Agreement. Being the only major watershed within the Minnesota portion of the Red River Basin, watershed management organizational structure options were explored by the LGUs and they developed and entered into a Mutual Agreement for the Otter Tail River Watershed. The LGUs asked for BWSR endorsement of the Plan to increase the Plan's creditability as the means to target CREP acres within the Otter Tail River watershed. On June 1, 2004, and August 2, 2004, the Northern Water Planning Committee reviewed and recommends endorsement of the Plan by the full Board. ***Decision Item***

Southern Water Planning Committee

1. **High Island Creek Watershed District Management Plan** – The High Island Creek Watershed District (District) began the Plan revision process in early 2003. On March 1, 2004, the final draft Plan was submitted to BWSR, state agencies and local government units for the required 60-day review. The planning process, highlights of the plan, and the review process are further described in the attached Overview. On May 12, 2004, the BWSR provided the required notice for filing of revised watershed management Plan for the District. 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. No requests for hearing and no comments were received during the specified period of time, and no hearing was held. On July 28, 2004, the Southern Water Planning Committee met with BWSR staff and representatives from the District to review and discuss the Plan. BWSR staff recommends approval of the Plan. The Southern Water Planning Committee unanimously recommends the Plan be approved per the attached draft Order. ***Decision Item***

2. **Pipestone County Local Water Management Plan (LWMP)** – Pipestone County has elected to update their LWMP in advance of the 2006 expiration so it could be incorporated into their county Land Use Plan update. The Pipestone County Land Use Plan brings the force and effect of law and zoning under which many ordinances are put in place to protect natural resources. The two plans contain many similarities and merging them together has strengthened both planning processes and the final product. The implementation of this combined plan is also enhanced by the co-location of the SWCD and Planning & Zoning office and sharing of staff via formal agreement. The Southern Water Planning Committee reviewed the Plan on July 28, 2004, and recommends approval by the full Board. ***Decision Item***

3. **Stevens County Priority Concerns Scoping Document** – Stevens County, as part of updating their Local Water Management Plan (third generation), submitted the Priority Concerns Scoping Document for State review and comment. The Southern Water Planning Committee of the Board met on July 28, 2004 after the State agencies comment period ended. The committee's recommendations or requirements for the content of the final plan are drafted for the full Board to review and take action on. The State's expectations for the final plan must be sent to Stevens County. ***Decision Item***

OLD BUSINESS

1. **Biennial Budget Update** – ***Information Item***

NEW BUSINESS

1. **FY 05 Non Point Engineering Assistance Base Grant** - This is a non-competitive annual grant allocated to the 11 SWCD Joint Powers Boards (JPBs). It is to be used by each JPB to provide engineering/technical services to help

landowners to implement erosion control and water quality improvement practices. This allocation procedure was adopted by the BWSR at their August 2003, meeting. ***Decision Item***

2. **Feedlot Assessment Update – Feedlot Financial and Technical Assistance Needs –** Feedlot runoff continues to be a concern related to impaired waters and TMDLs. State financial and technical assistance for feedlot pollution abatement are provided by the BWSR and SWCDs through the Feedlot Water Quality Management (FWQM) Cost-Share and Nonpoint Engineering Assistance (NPEA) Programs, and by the Minnesota Department of Agriculture (MDA) through the Ag BMP Loan Program and other loan programs. In 2000, the Legislature directed the MDA to work with BWSR and others to assess feedlot financial and technical assistance needs to bring all feedlots in Minnesota into compliance with the updated Feedlot Rule that became effective in October 2000. The MDA published a Feedlot Financial Needs Assessment Report on February 1, 2001. An updated version of this report dated February 1, 2004 is available at: http://www.mda.state.mn.us/feedlots/assessmentrevised.pdf Dwight Wilcox, Ag BMP Loan Program Manager, MDA, will provide an overview of the updated Feedlot Financial Needs Assessment Report. Al Kean, BWSR Chief Engineer, will provide an update regarding state and federal feedlot cost-share and technical assistance, including partnering and the local delivery system. ***Information Item***

3. **Presentation on Detailed Assessment of Phosphorus Sources to Minnesota Watersheds** - Mark Tomasek, MPCA – ***Information Item***

4. **Hypoxia and the Mississippi River** – Wayne Anderson, MPCA – ***Information Item***

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The meeting will adjourn about 2:00 p.m.; lunch will be provided. I look forward to seeing you on August 25th!

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
WEDNESDAY, AUGUST 25, 2004

PRELIMINARY AGENDA

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

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF JUNE 23, 2004

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

ELECTION OF VICE-CHAIR

REPORTS

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

COMMITTEE RECOMMENDATIONS

Initiatives Committee

1. Initiatives Committee Report and Recommendations

Metro Water Planning Committee

1. Bassett Creek Watershed Management Commission Revised Watershed Management Plan – *Decision Item*

2. Carnelian-Marine Watershed District, Amendment to Watershed Management Plan – *Decision Item*

Northern Water Planning Committee

1. Joe River Watershed District Revised Watershed Management Plan – *Decision Item*

2. Otter Tail River Watershed Basin Plan – *Decision Item*

Southern Water Planning Committee

1. High Island Creek Watershed District Management Plan – *Decision Item*

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

3. Stevens County Priority Concerns Scoping Document – *Decision Item*

OLD BUSINESS

1. Biennial Budget Update – Ron Harnack - *Information Item*

NEW BUSINESS

1. FY 05 Non Point Engineering Assistance Base Grant – Wayne Zellmer – *Decision Item*

2. Feedlot Assessment Update – Feedlot Financial and Technical Assistance Needs – Al Kean, BWSR, and Dwight Wilcox, MDA – *Information Item*

3. Presentation on Detailed Assessment of Phosphorus Sources to Minnesota Watersheds – Mark Tomasek, MPCA – *Information Item*

4. Hypoxia and the Mississippi River – Wayne Anderson, MPCA – *Information Item*

AGENCY REPORTS

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- BWSR Tour and Meeting, September 22-23, 2004, Metro Area

ADJOURN

TEMPORARY PARKING PERMIT

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
Lower Level Conference Room

DATE: Wednesday, August 25, 2004

QUESTIONS, PLEASE CALL 651-296-3767.

Parking is available across the street from the building in the first two rows of the northwest corner of the Wabasha Deli parking lot. Display this "temporary parking permit" on your vehicle's dashboard. Thank you.

DRAFT DRAFT DRAFT

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
WEDNESDAY, JUNE 23, 2004

BOARD MEMBERS PRESENT: Kevin Anderson, Kay Cook, Jerome Deal, Mark Dittrich, Department of Agriculture; Quentin Fairbanks, Jack Frost, Char Kahler, Paul Krabbenhoft, Randy Kramer, Gene Merriam, Department of Natural Resources; Clair Nelson, Victor Ormsby, Dwain Otte, Wayne Anderson, Pollution Control Agency; Doug Mandy, Department of Health

BOARD MEMBERS ABSENT: Jim Anderson, Minnesota Extension Service; Karen Harder

STAFF PRESENT: Ron Harnack, Doug Thomas, Steve Woods, Ron Shelito, Jim Haertel, Pete Waller, Wayne Zellmer, Tabor Hoek, Dale Krystosek, Doug Norris, Mary Jo Anderson

ADVISORS PRESENT:
Scott Hoese and LeAnn Buck, Minnesota Association of Soil and Water Conservation Districts (MASWCD)
Ray Bohn, Minnesota Association of Watershed Districts (MAWD)

OTHERS PRESENT:
Wayne Edgerton, Department of Natural Resources
John Dooley, Minnesota Association of Townships (MAT)
Kerry Netzke, Joseph Schouvieller, Andrew Lochner, Area II

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

PLEDGE OF ALLEGIANCE

** 04-36 **ADOPT AGENDA** – Moved by Clair Nelson, seconded by Victor Ormsby, to adopt the agenda as presented. Motion passed on a voice vote.

** 04-37 **MINUTES OF MAY 26, 2004** – Moved by Jack Frost, seconded by Quentin Fairbanks, to approve the minutes of May 26, 2004, as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Jerome Deal reported that he attended the EQB meeting on June 17; Bruce Bomier was elected as vice-chair. Discussions at the EQB meeting included an EAW threshold study regarding environmental review process in Minnesota; gravel pits, and energy wind towers. A special meeting was held regarding the Xcel Energy Blue Lake Project and the Faribault Energy Park request to transfer permits.

Executive Director – Ron Harnack reported that a special session has not yet been scheduled; thus CREP II is still on hold due to no bonding bill, staff are assessing the impacts.

Ron attended the Red River Basin Commission meeting and tour in Crookston on June 9. Ron attended the Minnesota Environmental Initiatives (MEI) wetlands forum on June 15. A good session, generally folks were pleased with the regulatory progress, although there was some concern over gaps caused by exemptions. More interest focused on restoration and enhancements through some greater targeting to achieve measurable gains in wetland quality and biological diversity. It was also acknowledged that Minnesota does not have a good tracking system for determining gains and losses; however, that effort is underway.

Ron attended the Clean Water Cabinet (CWC) meeting on June 16. A sub-group of the agencies reviewed drainage law issues. Hypoxia, wetlands, and budgets were discussed. The CWC will work towards a water resources budget recommendation for the Governor.

Ron asked board members to submit their expense claims by June 30, 2004.

Dispute Resolution Committee (DRC) – Jim Haertel gave an updated DRC report.

Wetlands Committee – Clair Nelson reported that the Committee met and reviewed the WCA Forestry Guidance which will be discussed later in the meeting today.

Cost-Share/Soil Conservation Committee – Dwain Otte reported that the Cost-Share Committee met after the Board meeting on May 26. The Cost-Share/Soil Conservation Committee recommendations are on the agenda later today.

Education and Public Relations Committee – Kay Cook reported that the Education Committee will meet in August.

Ron Harnack stated that the Administrative Advisory Committee will assist in the biennial budget process.

COMMITTEE RECOMMENDATIONS

Cost-Share Committee

FY06 Non-Point Engineering Assistance Program Delivery Model and Performance Criteria – Doug Thomas explained that a Conservation Technical Assistance Committee (CTAC) was established in January 2004 to address the financial and service delivery challenges in the present delivery system for the Non-Point Engineering Assistance Program. Doug presented background information and provided a summary of the new delivery model and set of performance measures. An agreement was reached by the eleven JPB's, MASWCD, MACDE, and BWSR on April 22, 2004, which was presented to the BWSR Cost-Share Committee at its May 26, 2004, meeting. The Cost-Share Committee recommends approval of the CTAC's delivery model and performance criteria. Moved by Dwain Otte, seconded by Mark Dittrich, to accept the Cost-Share Committee's recommendation for approval of the FY06 Non-Point Engineering Assistance Program Delivery Model and Performance Criteria. Ron stated that this program can be a successful partnership. Discussion followed. Motion passed on a voice vote. Chair Deal thanked the Cost-Share Committee for their hard work on this effort.

** 04-38

Commissioner Gene Merriam arrived at 9:30 a.m.

Non-Native Invasive Species Cost-Share Policy – Wayne Zellmer explained that the majority of current species used for conservation practices are invasive and non-native. In January 2002, BWSR adopted policy prohibiting planting of

invasive and non-natives on WCA replacement sites and conservation easements. Wayne stated that the Cost-Share Committee recommended adoption of the State Cost-Share Policy limiting the use of invasive non-native plant species. The following language is recommended for the State Cost-Share Program Policy: *"The seeding/planting of invasive non-native species is prohibited on State Cost-Share Program conservation practices where they are likely to colonize existing more desirable stable plant communities, except where site conditions necessitate the use of invasive non-native species. Prior to planting, the SWCD must include a copy of the justification to plant invasive non-native species in the project file. This policy is effective beginning in FY 05 (July 1, 2004)."* Discussion followed. BWSR will provide a list of alternatives for use under this policy. Moved by Dwain Otte, seconded by Jack Frost, to approve the Non-Native Invasive Species Cost-Share Policy. Motion passed on a voice vote.

** 04-39

Northern Water Planning Committee

Two Rivers Watershed District Revised Watershed Management Plan – Jim Haertel reported that the Northern Water Planning Committee reviewed the Two Rivers Watershed District Revised Watershed Management Plan and recommends approval. Moved by Clair Nelson, seconded by Dwain Otte, to approve the Two Rivers Watershed District Revised Watershed Management Plan. Motion passed on a voice vote.

** 04-40

Douglas County Local Water Management Plan – Pete Waller reported that the Northern Water Planning Committee reviewed the Douglas County Local Water Management Plan and recommends approval. Moved by Quentin Fairbanks, seconded by Clair Nelson, to approve the Douglas County Local Water Management Plan. Motion passed on a voice vote.

** 04-41

Ottertail County Local Water Management Plan – Pete Waller reported that the Northern Water Planning Committee reviewed the Ottertail County Local Water Management Plan and recommends approval. Discussion followed. Moved by Quentin Fairbanks, seconded by Gene Merriam, to approve the Ottertail County Local Water Management Plan. Motion passed on a voice vote.

** 04-42

Traverse County Priority Concerns Scoping Document (PCSD) – Pete Waller reported that the Northern Water Planning Committee reviewed the Traverse County Priority Concerns Scoping Document and recommend approval of the PCSD, and request that implementation of the Traverse County Feedlot and ISTS programs be included in the Plan. The Committee also requested that the permitting authorities related to shoreland development on Lake Traverse be

** 04-43 considered in the development of the final Plan. Moved by Clair Nelson, seconded by Randy Kramer, to accept the Northern Water Planning Committee's recommendation to approve the Traverse County Priority Concerns Scoping Document. Motion passed on a voice vote.

Chair Deal presented letters of recognition to outgoing board members Jack Frost, Char Kahler, and Dwain Otte. Chair Deal thanked them for their time, efforts, and excellent work on natural resources issues. Ron Harnack expressed his appreciation for their leadership, pro-active role of BWSR, and protection of BWSR's integrity and strong advocacy for conservation. Char, Dwain and Jack acknowledged their pleasure in serving on the Board.

Chair Deal called for a break in the meeting at 10:50 a.m. The meeting reconvened at 11:10 a.m.

Wetlands Committee

WCA Forest Road Exemption Guidance – Ron Harnack and Dale Krystosek presented the Draft Minnesota Wetland Conservation Act Guidance Paper 2004-01. Dale distributed examples of need for WCA forestry exemption guidance and the development process. A work group involving state, wetland LGU's, county forestry, and private forest interests met to put this recommendation together. This guidance is intended to protect the legitimate use of forestry exemption, while providing guidance to LGUs for determining when the exemption is not properly being implemented. Discussion followed. Ron stated that he would like the Board to endorse this guidance paper, see how it works, if needed, possible rule amendments at a later date. The Wetlands Committee discussed the

** 04-44 guidance and recommends Board approval. Moved by Clair Nelson, seconded by Kay Cook, to accept and approve the WCA Forest Road Exemption Guidance paper. Motion passed on a voice vote. Ron commended the Wetlands Committee on their hard work and efforts in drafting this guidance paper.

NEW BUSINESS

FY05 SWCD Grants – Wayne Zellmer presented the annual allocations to SWCDs for Cost-Share Base Grants, Feedlot Water Quality Management Grants, General Services Grants, and Easement Services Grants as

** 04-45 recommended by the Cost-Share Committee for approval. Moved by Victor Ormsby, seconded by Dwain Otte, to authorize staff to allocate the individual grant amounts to SWCDs as presented. Discussion followed. Motion passed on a voice vote. Dwain thanked Wayne Zellmer for his great work and efforts on the grant allocation process.

Area II Minnesota River Basin Projects Inc. FY 2005 Annual Work Plan – Tabor Hoek introduced Kerry Netzke, Area II Coordinator; Joe Schouvieller, Redwood County Vice-Chair; and Andy Lochner, Brown County Chair. Tabor explained that Area II will receive a $105,000 annual grant from BWSR as per legislative appropriation. The $105,000 grant for FY 2005 will be split -- $67,770.66 for administration and $37,229.34 for projects, all matched with 25% local funds. This grant will leverage an additional $580,009 in projects ready to be constructed. Staff recommends this annual work plan be approved. Kerry reported that Lazarus Creek Floodwater Control Project began construction on May 5, 2004. Kerry expressed thanks to Ron Harnack, Doug Thomas, Jeff Nielsen for their attendance at the dedication of the Lazarus Creek project.

** 04-46 Moved by Jack Frost, seconded by Kevin Anderson, to approve the annual work plan for Area II. Motion passed on a voice vote. Chair Deal commended the representatives from Area II for their persistence on the Lazarus Creek project.

Alteration of CREP Conservation Easement 42-18-02-01, Joe VanOverbeke - Tim Fredbo presented information and explained that this proposed exchange will involve a net gain of easement acres for the State while also assisting in getting a floodwater retention structure built that will enable development of a renewable energy project for the City of Marshall. This exchange has the approval of the Lyon SWCD, the DNR wildlife manager, as well as support from Area II and the Marshall Municipal Utilities (MMU). As a condition of approving this request, staff suggest making it a requirement that the replacement acres be seeded to a native grass and forb mix prescribed by the Lyon SWCD, with all costs the responsibility of Mr. VanOverbeke. All local (SWCD) costs associated with this alteration (title insurance, recording and other staff time) will also be paid by Mr. VanOverbeke. Staff recommends approval of the exchange on the easement. Ron Harnack suggested that the RIM Reserve Advisory Committee meet again to review policies and procedures.

** 04-47 Moved by Kevin Anderson, seconded by Jack Frost, to approve the alteration of this CREP Conservation Easement. Motion passed on a voice vote.

Ramsey SWCD Request to Change Name – Steve Woods presented the request from Ramsey SWCD to change their name to Ramsey Conservation District. Steve stated that Minnesota Statutes 103C.215 allows the name of an SWCD to be changed with the approval of the State Board after the adoption of a resolution by a majority of the supervisors stating the new name. Staff recommend approval of the name change.

** 04-48 Moved by Jack Frost, seconded by Kevin Anderson, to approve the name change to Ramsey Conservation District. Motion passed on a voice vote.

Legislation and Budget Update – Ron Harnack is hopeful that a special session will be held in the near future. Ron suggested that the Administrative Advisory Committee meet via conference call to discuss the biennial budget process.

Ron Harnack and Chair Deal will have committee appointments ready for the August Board meeting. Ron asked that board members let him know if they have a particular interest in a specific committee.

AGENCY REPORTS

Mark Dittrich, Department of Agriculture (MDA), reported that MDA is sponsoring statewide training sessions for small grains and organic farming. Mark reported that the Big Woods State Park dairy farm tour was a great day. Mark stated that the farm grazes for ten years and then converts back into prairie.

Doug Mandy, Department of Health (MDH), stated that without the bonding bill, construction projects for MDH are impacted. Doug reported that a Memorandum of Agreement (MOA) with MDH, DNR, MPCA, MDA and BWSR has been signed. The MOA is for source water protection. Doug distributed copies of "Minnesota Water: Charting the Course to Safety, a summary of Drinking Water Protection Activities in Minnesota for 2003."

Gene Merriam, Department of Natural Resources (DNR), stated that DNR is concerned with the long-term outlook of the Conservation Reserve Program (CRP). Wayne Edgerton commented on the Big Woods State Park legislative tour, and the public tour the next day. Wayne attended a CRP conference in Fort Collins, June 6-8. Wayne stated that there are lots of acres coming out in 2007. Wayne stated that if CRP will be enhanced in the future, cooperation in farm groups is much needed nationwide.

Wayne commented on the local water management planning process. DNR has been working with staff on priority concerns and scoping documents for local water management plans; Wayne will be the new DNR lead on this.

Wayne Anderson, Minnesota Pollution Control Agency (MPCA) announced that Bob Finley will be the new regional manager in Willmar. Wayne reported that Larry Landers in Rochester is retiring; this regional manager position will be posted. Wayne reported that MPCA is working on an approach for a new funding formula for the county feedlot program.

ADVISORY COMMENTS

LeAnn Buck, Minnesota Association of Soil and Water Conservation Districts (MASWCD) commented on the feedlot cost-share issue; SWCDs looked at priorities on a public policy forum and are addressing this. LeAnn commented on technical assistance for landowners to incur program funds – how do we go forward with the Federal Farm Bill. LeAnn thanked Jack Frost, Char Kahler, and Dwain Otte for their leadership in practical assistance to LGUs.

Ray Bohn, Minnesota Association of Watershed Districts (MAWD), reported that the MAWD summer tour will be held June 24-26 in Moorhead, hosted by the Buffalo-Red River Watershed District. Ray stated that legislatively, MAWD is very disappointed that there is no bonding bill. Ray stated that no progress has been made on impaired waters, other than awareness – MPCA called the group back together to meet, Dan McElroy will attend their next meeting. Ray stated that the drainage law issue needs clarification on where we're going with this. Ray thanked Char Kahler, Jack Frost and Dwain Otte for their hard work over the years. Ray stated that MAWD misses John Jaschke and truly appreciated his hard work and efforts. Ray reported that MAWD is working with citizens in the Spicer area for support of a watershed district. Ray attended the Lazarus Creek dedication. Ray stated that MAWD really appreciated Ron Harnack and staff's efforts during the legislative session.

Ron Harnack and Chair Deal recognized Jack Frost, Char Kahler, and Dwain Otte by presenting each of them with a print, acknowledging them for their great work and leadership efforts during their terms on the Board.

Ron announced that the Initiatives Committee will meet at 1:45 p.m. today, following the Board meeting.

UPCOMING MEETINGS

- Next Board Meeting, August 25, St. Paul

** 04-49 Moved by Clair Nelson, seconded by Randy Kramer, to adjourn the meeting at 1:00 p.m. Motion passed on a voice vote.

Respectfully submitted,

Jerome Deal
Chair

Dispute Resolution Report
August 12, 2004
by Jim Haertel

There are presently ten appeals pending. All of the appeals involve WCA. There have been five new appeals filed since the last report dated June 10.

There is a new appeal of a no-loss decision in Traverse County. At issue is the proposed placement of fill in a Type 3 wetland for a lawn and mosquito control. No decision has been made on accepting the appeal.

There is a new appeal in the City of Blaine, Anoka County. The appeal concerns a wetland delineation and a replacement plan decision made by the Rice Creek Watershed District under their Comprehensive Wetland Management Plan. The appeal has been remanded for an expanded technical evaluation panel to meet onsite and for a complete replacement plan application to be distributed. The appeal remains in abeyance under the remand.

There is a new appeal of a restoration order in Cass County. At issue is the placement of fill and a concrete slab for a garage in a Type 7 wetland. There are other violations not involving the wetland conservation act including insufficient building setbacks, construction of a boat ramp, and no permits for a garage, the addition of a room to a cabin, and the septic system. The appeal has been denied and the restoration order was affirmed.

There is a new appeal of an exemption related decision in Pine County. A decision was made by the Pine SWCD relating to an exemption that had been granted two years prior. At issue are the possible increased water levels in a wetland upstream of a driveway that was improved under the exemption. No decision has been made on accepting the appeal.

There is a new appeal of a restoration order in Hubbard County. At issue is the placement of fill in a wetland for a lawn. The lot borders Wolf Lake. No decision has been made on the appeal.

There is an appeal of a wetland boundary and type decision in Anoka County. At issue is the decision by the Rice Creek Watershed District to classify a site as effectively drained. Last summer a wetland delineation report identified most of the site as wetland. The appeal has been remanded for a technical evaluation panel to meet onsite. The appeal remains in abeyance under the remand.

There are two appeals of a restoration order in McLeod County. At issue is the cleaning of a three-party, private agricultural ditch. The situation is complicated by the fact that the person served with the restoration order is not one of the two appellants. Adding to

the complications is the heated relationship the three parties share. A court ordered settlement agreement should be finalized in the near future. The appeals have been placed in abeyance until the agreement is signed.

There is an appeal of an exemption decision in Morrison County. The appeal regards a road that was upgraded and the denial of a forestry exemption. A cease and desist order and a restoration order were issued. The appeal was remanded for a hearing, the LGU denied the exemption again, and that decision has now been appealed. The appeal has been accepted. No pre-hearing conference has been set since the landowner, after negotiations, has consented to submitting a replacement plan application upon completion of a wetland delineation this spring. The wetland delineation was completed and a replacement plan application should be submitted promptly.

There is an appeal of a restoration order in Stevens County. The violation involves the excavation of a ditch in a DNR protected water and the sidecasting of dredge spoil into wetland bordering agricultural land. Work was also done on a neighboring property without permission. The appeal is in abeyance pending a DNR survey.

There is an appeal of a no-loss decision in Meeker County. At issue is the wetland delineation. The project involves wetland fill for a garage. The appeal is being held in abeyance pending further technical evaluation work, however, it appears a settlement agreement may be reached between the county attorney and the landowner.

BWSR Initiatives Committee Report and Recommendations (8/2/04)

The purpose of the Initiatives Committee was to collaborate with our partners to focus on what the needs and opportunities are for BWSR and local governments in relation to:

- The evolving impaired water strategy and role of local government
- Addressing the budget cuts that occurred to our local water planning program
- Identify gaps and/or barriers to the full implementation of the conservation provisions in the Farmbill
- Implications to local government from the emerging federal requirements for stormwater and construction site erosion
- The expectations of local governments envisioned by the Governor's Clean Water Vision

Committee members included Karen Harder (Chair), Randy Kramer, Clair Nelson, Vic Ormsby, and Lisa Thorvig, BWSR members; Dennis Fink and Dave Weirens, Association of Minnesota Counties; LeAnn Buck and Scott Hoese, Minnesota Association of Soil and Water Conservation Districts; Ray Bohn and Tom Ebnet, Minnesota Association of Watershed Districts; Jerome Deal, BWSR Chair and Doug Thomas, BWSR staff.

The first meeting focused on brainstorming issues that members felt existed under the categories listed above. A matrix of those issues is attached, see Exhibit A. Themes that emerged from the discussion that may or may not help shape the selection of priority issues and recommendations, included:

- There seems to be an increasing expectation of LGU's to do the work of the State including things that start in Washington. Is this appropriate or not?
- The comprehensive local water management framework that we have in the State through our counties, watershed districts, and metropolitan watershed management organizations is a good one and should be built upon, not bypassed.
- Additional State resources (both financial and technical) are necessary to support the programs and responsibilities that the State expects of local counties, soil and water conservation districts, and watershed districts.
- Education is critical and enough is not being done.
- Flexibility is necessary so that local government can maximize the use of resources towards the most pressing water resource concerns in their locality.

The next step in the process involved the chair of the committee Karen Harder, and Doug Thomas, meeting with Ron Harnack, BWSR Executive Director, to develop a group of BWSR programs and authorities that the committee then used as a starting point for the identification and development of priority needs and recommendations. This exercise resulted in the identification of the following functional areas that the committee would use to continue its discussion. They included:

- Local Water Planning
- Land and Water Treatment
    - Marketing and Promotion
    - Financial Incentives

        - State Cost-Share
        - RIM Reserve
        - Lakeshore Protection Program
    - Technical Assistance
        - General Technical Assistance to drive Cost-Share Programs
        - Non-Point Engineering Assistance Program
        - Training
    - Drainage Assistance Team
- Adequate Base Capacity To Support Existing and Emerging State and Federal Directives
- Policy Initiatives

The second and third meetings of the committee were used to discuss needs within the programmatic/functional areas listed above, identify possible initiative ideas, and agree on a list of priority needs. The selection of priority needs was driven by the perspective of defining a problem or consequence (i.e. what will happen if something is not done, what has been done to address the problem, and what needs to be done to fix the problem). The committee agreed upon three problems or consequences; which were:

- The State needs to be an equal partner with local government as it grows its expectation of local government to manage water resources through the existing comprehensive local water management framework.
- Avoid the loss of environmental benefits and opportunities to target federal and State soil and water conservation incentive programs for private landowners.
- Avoid increased regulation of public drainage systems.

Recommended Strategies

Local Water Planning

Problem: The State of Minnesota and its agencies continue to place expectations for addressing a multitude of water resource management issues on local governments. This devolution began in the 1970's and continues today. Currently, the State is looking once again to local governments to be a part of implementing the Federal Clean Water Act requirements for impaired water and drinking water protection. This is happening at the same time that the State cut its funding of local water management in 2003.

Addressing the problem: In the early 1980's, the State passed a number of Water Management Acts including the Metropolitan Surface Water Management Act, the Metropolitan Groundwater Planning Act, and the Comprehensive Local Water Management Act (for counties outside the seven-county metropolitan area). These laws began a new relationship between the State and local government and created an expectation that local governments are to play a principal role in managing water resources. In 1989, the State passed the Local Water Resources Protection and Management Program, which created financial assistance programs to help local

governments implement high priority actions identified in plans. This created a fundamental shift from planning to one of implementation.

These comprehensive local water management plans are unique in their ability to involve local citizens, assess water resource management issues, recognize regional differences in water issues, prioritize those issues, balance the needs between water related prevention and restoration efforts, develop meaningful implementation plans, and coordinate the actions of other local governments. They should continue to be used as the starting point for most, if not all, State initiatives.

Fixing the Problem: Restoring funding cuts to the local water management programs via the Natural Resources Block Grant will continue to assure a minimum level of base capacity for counties to help them address not only their priority water resource management concerns, but to also assure that local governments are prepared to address the emerging challenges that are being placed on the State, such as the Federal Clean Water Act and the Federal Safe Water Drinking Act.

Technical Assistance

Problem: In order for the State to achieve its goals for clean water, clean air, and abundant fish and wildlife, it will require the involvement of the private landowners who own and manage roughly 78% of the land in the State. Many of the programs that are available to local landowners are voluntary and incentive based. One aspect of these incentives is the ability of soil and water conservation districts and watershed districts to provide skilled engineering and technical assistance to participating landowners. If engineering and technical assistance is not readily available to a landowner, they may simply not do the project, or, wait for the technical assistance to become available in the future.

The ability to provide this skilled engineering and technical assistance in a timely basis no longer exists. The Federal Farmbill, which has brought unprecedented levels of funding for conservation projects, does not bring with it adequate resources to fully support the technical assistance needs of participating landowners. Other programs such as the PCA Clean Water Partnerships, Federal Section 319 funds, and Ag BMP Loans have also created additional demands for skilled engineering and technical assistance. The consequence of not having adequate skilled engineering and technical assistance may result in projects not being done, losing federal program dollars, not being able to target the right practices in the right locations, and not being able to achieve the water quality and natural resource goals and objectives of the State, particularly where they involve identified impaired waters by the PCA.

Addressing the Problem: In 1993, the State recognized insufficient engineering and technical assistance as a limitation to fully utilizing new money, from EPA Section 319 grants, Ag BMP loans, and Feedlot Water Quality Management Grants. In response to the anticipated demand for engineering assistance, the State created the Non-Point Engineering Assistance Program. This program provides grants to soil and water

conservation districts to provide engineering and technical services to landowners on a multi-SWCD level. This has been a very cost effective way to provide this skilled engineering and technical assistance. Funding for this program has not increased since its inception.

Fixing the Problem: Increase funding for the Non-Point Engineering Assistance Program. New funding should be targeted to address the major land use activities or problems that contribute to water quality impairments.

Drainage Assistance Teams

Problem: Increasing demands are being placed on public drainage authorities (counties and watershed districts) to build water quality improvements and natural resource enhancements into ditch projects. The Drainage Law (103E) governs how public drainage authorities are to manage either open ditches or tile drainage systems. Public drainage systems are, in fact, private in that all costs associated with the construction, improvement, repair, and inspection must be borne by the benefited landowners in an amount based on the drainage benefit their land receives. Therefore, the role of the public drainage authority can be thought of as fiduciary with the primary responsibility of maintaining the drainage benefits established at the time the system was constructed.

Addressing the Problem: The issues of addressing water quality and natural resources when public drainage systems projects are undertaken has been partially addressed by the legislature. Starting in 1987, public drainage authorities are required to acquire and establish a one rod (16.5 feet) buffer strip on new ditches and ditch improvements. In 2000, the law was amended to allow the use of external sources of funding for purposes of wetland preservation, wetland restoration, or creation of water quality improvements or flood control. In 2002, the law was again amended to create a procedure for the transfer of ditch systems to a local water management authority. This was done to help address those areas where the ditch area has gone from agricultural to predominantly urban.

Even with these changes, one of the biggest challenges facing a public drainage authority is how to find and fund the technical assistance that is needed to evaluate and design alternatives that incorporate water quality benefits or natural resource enhancements into projects. As stated earlier, they can only expend funds from the ditch accounts for the purpose of maintaining or improving the established drainage benefits.

Fixing the Problem: Seek an initiative to create and fund a State level drainage assistance team. This team could provide, on a voluntary request basis, the necessary technical assistance to a public drainage authority to help them in addressing water quality impairments, identifying the opportunity to develop natural resource enhancements and flood damage reductions in projects. Because of the broader public benefits of clean water, wildlife habitat, and flood damage reduction that can be gained by this approach it is felt that it is an appropriate role for the State to play.

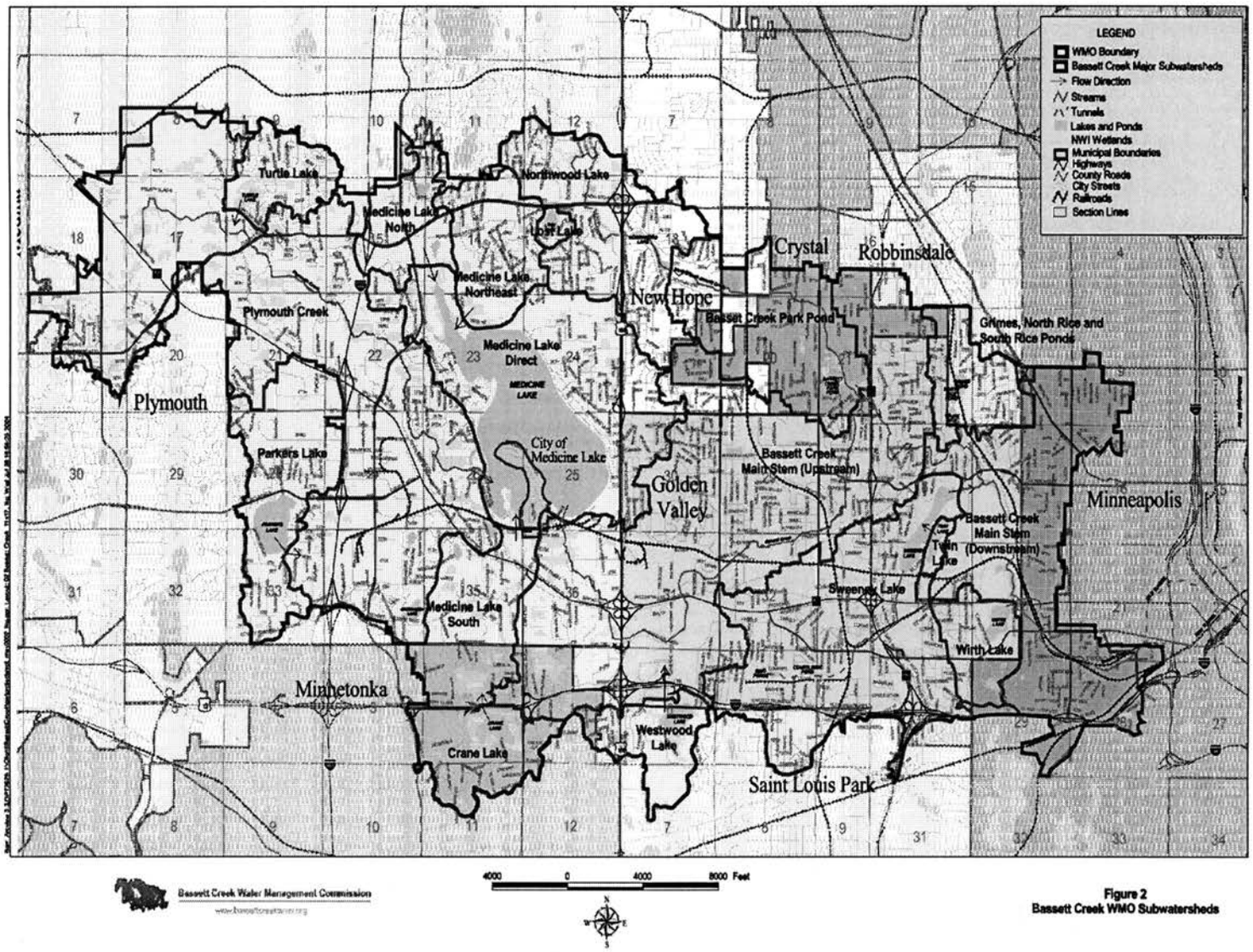

Joe River
WD
Stevens
County
Bassett Creek
WMO
Carnelian Marine
WD
High Island Creek
Watershed District
Pipestone
County

Minnesota Board of Water and Soil Resources
August 2004 Metro Subcommittee Meeting

OVERVIEW
Bassett Creek Watershed Management Organization Plan 2005 – 2014

Watershed Description

The Bassett Creek Water Management Commission (BCWMC) is located in the heart of Hennepin County. It is bound by the Mississippi River WMO to the east, on the south and west by the Minnehaha Creek Watershed District, on the northwest by the Elm Creek WMO, and on the north by Shingle Creek WMO. The watershed encompasses all or part of the following nine cities: Plymouth, Medicine Lake, Golden Valley, Robbinsdale, Crystal, New Hope, Minnetonka, St. Louis Park, and Minneapolis. Bassett Creek discharges into the Mississippi River in downtown Minneapolis below St. Anthony Falls. The watershed contains five major lakes and three creek branches. The Bassett Creek watershed covers 39.6 square miles and is predominantly fully developed (>90%). Scattered areas of redevelopment throughout the watershed are proposed.



Bassett Creek Water Management Commission
www.bassettcreekmn.org

Figure 2
Bassett Creek WMO Subwatersheds

Summary of Plan Review Process

The Bassett Creek Flood Control Commission was formed in 1968, primarily to study to flooding issues in the watershed, and later adopted a watershed management plan in 1972. In 1984, the BCWMC was created after revising the Flood Control Commission's joint powers agreement. The Commission prepared its first generation watershed management plan that BWSR approved in July 1989. During the development process of the Second Generation Plan, the draft plan was submitted to BWSR, other state agencies, and local governments for the required 60-day review on November 19, 2003. The reasons for the delay in submitting the second generation plan were in part due to their extensive citizen process, lengthy budget discussions, and comprehensive technical advisory group meetings, a group which met numerous times throughout a ten month period. The Commission received 60-day review comments from the BWSR, MN Department of Natural Resources (DNR), MN Pollution Control Agency (MPCA), MN Department of Health (MDH) (after deadline), Metropolitan (Met) Council, City of Golden Valley, City of Medicine Lake, City of Minneapolis, City of Minnetonka, City of New Hope, City of Plymouth, City of St. Louis Park, Hennepin County Department of Environmental Services, Three Rivers Park District, Shingle Creek WMC, several lake associations, and several citizens. On April 27, 2004, all review agencies had received the revised draft plan for the required 45-day review period. The Commissioners received comments from the DNR, BWSR, Met Council, MDH, MPCA, and the City of St. Louis Park. The Joint Powers Agreement, revised in 1993, is both compliant and executed and will remain in effect until 2015.

The final draft plan was submitted to BWSR on July 15, 2004, for the 90-day review period. BWSR staff was notified by BCWMC in April 2004 that it would appreciate plan approval as soon as possible. In a letter accompanying the final draft plan dated July 15,2004, the BCWMC stated it understands "*that the BWSR is aware that the BCWMC needs prompt approval of the Plan to proceed with several water quality projects in 2005. If BWSR approves the Plan later than its August 25, 2004 Board meeting, then the BCWMC's implementation of these projects could be delayed another year, to 2006 due to timing constraints on funding. For example, one of the member cities, New Hope, must start construction on one of the projects shortly after the September BCWMC meeting. The Plan calls for that project to be funded with a county tax levy. If the Plan is not approved in time for the BCWMC to adopt the Plan at their September meeting, the project will not be eligible for this funding. This would be a significant hardship for New Hope.*"

Fiscal Context and Implementation

The BCWMC proposes to fund the capital projects in accordance with the joint powers agreement. In particular, the BCWMC proposes to finance all of the capital water quality improvement projects through an ad valorem tax levied by Hennepin County (per Minnesota Statutes 103B.251). The only other capital project is a flood control (floodproofing) project, which will be funded from remaining funds from the Bassett Creek Flood Control Project. The non-structural activities will be financed through the BCWMC general fund, in accordance with the joint powers agreement.

New annual assessments to the member cities include: $10,000 for inspection and short term maintenance of the BCWMC flood control project system, $10,000 for long term maintenance and emergency maintenance of the flood control project system, and $50,000 for erosion control and sediment removal along the BCWMC trunk system.

Fiscal Context and Implementation (cont.)

The table below reveals financial information for adjacent WMOs.

WMO	Area (sq mi)	Year				Exp/Area
		00	01	02	03	
Bassett Creek WMO	40	413,205	433,208	390,653	318,823	$7,971
Elm Creek WMO	127	139,607	160,360	156,370.13	121,561.90	$957
Mississippi River (formerly Middle Mississippi)	30	NA	NA	239,658.00	NA	$7,989
Pioneer-Sarah Creek WMO	72	106,385	91,150	103,625	75,501	$1,049
Shingle Creek WMO	44	134,203	238,813	353,581	NA	$8,036
West Mississippi WMO	24	67,834	83,385	125,104	NA	$5,213
9-Mile WD	50	1,532,955	1,021,981	950,905	NA	$20,440
Riley Purgatory-Bluff Cr. WD	47	523,052	480,471	772,593	NA	$10,223
Minnehaha Creek WD	184	2,963,471	6,086,030	5,270,636	3,343,963	$18,174

Fiscal activities are an approximate barometer of influence within a watershed only. The table above reveals a relatively stable trend with regards to expenditures of BCWMC. BCWMC appears to be in the upper bracket of expenditures per area in comparison with adjacent WMOs. The projected budget for administration, engineering and legal services will remain constant, however, the annual TMDL budget will likely increase from $35,000 to $60-75,000.

Reviewing Agencies'/ LGUs' Comments and WMO Responses

BWSR's primary concerns were related to impaired waters/TMDL processes, joint powers agreement details, the continued use of citizen and technical advisory committees or some derivative thereof, and the recommendation for the WCA LGUs to involve the TEP early on in the wetland functional assessment and comprehensive wetland management planning processes. The **Commission** responded by clarifying their cooperative role with municipalities in the TMDL process, and acknowledged the remaining BWSR recommendations.

DNR submitted the following comments for consideration: Include MLCCS information to better define existing watershed conditions; List and describe habitat of rare wildlife species in watershed; Devote more resources into installing low impact development, runoff volume reduction, and infiltration practices; Consider the effects and mitigating measures for allowing such a high percentage (50-95%) of impervious surface in the watershed; Consider more emphasis on restoring the stream's natural functions as opposed to its "natural beauty" (a comment from the DNR's 45-day review). The **Commission** largely supported or incorporated all DNR recommendations into the Plan, but indicated that 80% of the stream channel has been inventoried for erosion by three municipalities therefore MLCCS is not entirely needed – in addition, the watershed is >90% developed.

MPCA offered comments related primarily to TMDL activities, storm water runoff rate and volume control, the BCWMC water body classification system, and the use of STORET for all water quality data. In response, the **Commission** either concurred with the comments or amended the Plan as recommended.

MDH submitted comments well after the 60-day deadline. Their comments addressed stormwater management within vulnerable groundwater recharge areas and water/wellhead protection planning support for all the public water suppliers. The **Commission** amended the Plan as recommended but noted that they will not provide technical and financial support for wellhead protection measures since it appears that the city water supplies are not vulnerable to surficial contamination.

Met Council relayed comments regarding low impact development, timing of wetland management planning, a suggested map of areas in the watershed that do not meet NURP standards for stormwater, and a listing of minimum buffer widths. The **Commission** elected not to 1) create a schedule for completing wetland management plans, 2) create a map showing areas not meeting NURP standards because the Commission felt it would be addressed under future TMDL studies, and 3) require minimum buffer widths – the Commission decided to allow each municipality to develop their own buffer requirements. The Plan however requires that municipalities have a buffer policy. The Commission will be researching buffer issues within the next year.

Hennepin County Department of Env. Services had one primary concern regarding proposed, large scale capital improvement projects. The Department recommended and the **Commission** amended their Plan to state that the BCWMC will require all projects with costs greater than $500,000 to proceed through a minor amendment process with a County review period of 75 days.

Three Rivers Park District had the following comments for consideration: Reduce the size of developments requiring compliance with the BMP checklist and other stormwater standards; Develop guidelines to assist municipalities in establishing consistent buffer zone regulations across the watershed; Correct several noted erosion/sedimentation sites. The **Commission** responded by stating smaller developments will be covered by NPDES requirements and that individual city requirements could be more restrictive than those of BCWMC; Buffer requirements were discussed within the Met Council paragraph above; The erosion sites are outside of the BCWMC trunk system and thus will not be funded or corrected by BCWMC – it is the municipalities' responsibility.

The **Shingle Creek Watershed Management Commission** expressed these considerations to improve consistency between WMOs since portions of 5 cities are within both watersheds: Consider establishing the infiltration requirement Shingle Creek adopted in 2003 – infiltration of ½ inch of impervious surface runoff within 72 hours; Consider buffer requirements adopted by Shingle Creek in 2003 (since portions of 5 cities are within both watersheds) – a minimum buffer of 20 feet and average width of 30 feet; Partner with Shingle Creek and West Mississippi on education and outreach programs; Cooperate on a drainage issue. The **Commission** addressed their recommendations: Policies state that infiltration is required where practical; A Buffer Policy is required in each municipality but each one determines its requirements; The Commission agreed with future educational partnerships and the drainage issue.

Summary of Plan Strengths and Weaknesses

The main goals of the Bassett Creek Watershed Management Commission for 2005-2014 are:

- Manage the water resources of the watershed, with input from the public, so that the beneficial uses of wetlands, lakes and streams remain available to the community.
- Improve the quality of stormwater runoff reaching the Mississippi River by reducing the nonpoint source pollution (including sediment) carried as stormwater runoff.
- Protect and enhance fish and wildlife habitat and maintain shoreland integrity.
- Reduce flooding along the Bassett Creek trunk system.

Summary of Plan Strengths and Weaknesses (cont.)

- Protect human life, property, and surface water systems that could be damaged by flood events.
- Regulate stormwater runoff discharges and volumes to minimize flood problems, flood damages, and the future costs of stormwater management systems.
- Provide leadership and assist member cities with coordination of intercommunity stormwater runoff planning and design.
- Prevent erosion and sedimentation to the greatest extent possible to protect the BCWMC's water resources from increased sediment loading and associated water quality problems.
- Implement soil protection and sedimentation controls whenever necessary to maintain health, safety, and welfare.
- Implement stream restoration measures whenever necessary to maintain health, safety, and welfare.
- Maintain or enhance the natural beauty and wildlife habitat value of Bassett Creek.
- Achieve no net loss of wetlands in the BCWMC, in conformance with the Minnesota Wetland Conservation Act and associated rules.
- Protect the quantity and quality of groundwater resources.
- Manage public ditches in a manner that recognizes their current use as urban drainage systems.
- Raise awareness of the watershed's existence and the role that the BCWMC plays in protecting water quality and preserving the watershed's health and aesthetics.
- Enable the target audiences to have confidence in the BCWMC's expertise and participate in a meaningful way in the planning process and ongoing projects conducted by the BCWMC.
- Raise awareness of the impact that individuals, businesses and organizations have upon water quality and motivate these audiences to change personal/corporate behavior that has a negative impact on water quality and the watershed.

The highlights of the Plan include:

1) The "non-degradation" policy (i.e. no increase in phosphorus load) for redevelopments that result in increased impervious surface, Level 1 Standards for stormwater runoff from various sized new and redeveloping areas throughout watershed, and a policy requiring the application of stormwater volume reduction methods, to the maximum practical extent.
2) Aggressive CIP and future CIP table. As part of the annual budget process, there will be an annual review of the 10-year CIP.
3) The Creek & Streambank Trunk System Maintenance, Repair, & Sediment Removal Fund has a proposed annual budget that includes $50,000 assessment.
4) Extensive Public Information Plan aimed at changing behaviors that affect water quality through a variety of educational related activities.

Issues not fully addressed in the Plan include:

1) Commission is taking a cooperative role in preparing TMDL studies in the watershed, rather than taking complete responsibility. The
2) There exists some residual disagreement between the municipalities and the Commission on how CIPs are funded, particularly with the ad valorem tax.

BWSR Board Conservationist Brad Wozney recommends approval of the Bassett Creek Water Management Commission Second Generation Plan.

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

In the Matter of the review of the Watershed Management Plan for the **Bassett Creek Watershed Management Commission** pursuant to Minn. Stat. Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Bassett Creek Water Management Commission (BCWMC) serving as the board of the Bassett Creek Watershed Management Organization submitted a Second Generation Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes 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. **WMO Establishment.** The Bassett Creek Flood Control Commission was formed in 1968, primarily to study to flooding issues in the watershed, and later adopted a watershed management plan in 1972. In 1984, the BCWMC was created after revising the Flood Control Commission's joint powers agreement. The Commission prepared its first generation watershed management plan that BWSR approved in July 1989. The BCWMC's Second Generation Watershed Management Plan (Plan) development process began in early 2001 with a series of organizational meetings and kickoff technical meetings with agency representatives. A Steering Committee consisting of city representatives and staff from supporting agencies was established and began meeting formally in mid 2001.

   During the development process of the Plan, the draft plan was submitted to BWSR, other state review agencies, and local governments for the required 60-day review on November 19, 2003. The reasons for the delay in submitting the draft plan were in part due to the extensive citizen process that was utilized, lengthy budget discussions, and comprehensive technical advisory group meetings which met numerous times throughout a ten month period. The Commission received 60-day review comments from the BWSR, MN Department of Natural Resources (DNR), MN Pollution Control Agency (MPCA), MN Department of Health (MDH), Metropolitan (Met) Council, City of Golden Valley, City of Medicine Lake, City of Minneapolis, City of Minnetonka, City of New

Hope, City of Plymouth, City of St. Louis Park, Hennepin County Department of Environmental Services, Three Rivers Park District, Shingle Creek WMC, several lake associations, and several citizens. On April 27, 2004, all review agencies had received the revised draft plan for the required 45-day review period. The Commissioners received comments from the DNR, BWSR, Met Council, MDH, MPCA, and the City of St. Louis Park. The final draft Plan was submitted to BWSR on July 15, 2004, for the 90-day review period. The Joint Powers Agreement, revised in 1993, is both compliant and executed and will remain in effect until 2015.

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 BCWMC is located in the heart of Hennepin County. It is bound by the Mississippi River WMO to the east, on the south and west by the Minnehaha Creek Watershed District, on the northwest by the Elm Creek WMO, and on the north by Shingle Creek WMC. The watershed encompasses all or part of the following nine cities: Plymouth, Medicine Lake, Golden Valley, Robbinsdale, Crystal, New Hope, Minnetonka, St. Louis Park, and Minneapolis. Bassett Creek discharges into the Mississippi River in downtown Minneapolis below St. Anthony Falls. The watershed contains five major lakes and three creek branches. The Bassett Creek watershed covers 39.6 square miles and is predominantly fully developed (>90%). Scattered areas of redevelopment throughout the watershed are proposed.

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

5. **Metropolitan Council Review.** The Council relayed comments regarding low impact development, timing of wetland management planning, a suggested map of areas in the watershed that do not meet NURP standards for stormwater, and a listing of minimum buffer widths. The Commission elected <u>not</u> to: 1) create a schedule for completing wetland management plans, 2) create a map showing areas not meeting NURP standards because the Commission felt it would be addressed under future TMDL studies, and 3) require minimum buffer widths since the Commission decided to allow each municipality to develop their own buffer requirements. The Plan, however, requires that municipalities have a buffer policy. The Commission will be researching buffer issues within the next year.

6. **Department of Agriculture Review.** The MDA did not provide comments on the BCWMC Plan.

7. **Department of Health Review.** MDH submitted comments well after the 60-day deadline. Their comments addressed stormwater management within vulnerable groundwater recharge areas and water/wellhead protection planning support for all the public water suppliers. The Commission amended the Plan as recommended but noted that they will not provide technical and financial support for wellhead protection measures since it appears that the city water supplies are not vulnerable to surficial contamination.

8. **Department of Natural Resources Review.** DNR submitted the following comments for consideration: Include MLCCS information to better define existing watershed conditions; List and describe habitat of rare wildlife species in watershed; Devote more resources into installing low impact development, runoff volume reduction, and infiltration practices; Consider the effects and mitigating measures for allowing such a high percentage (50-95%) of impervious surface in the watershed; Consider more emphasis on restoring the stream's natural functions as opposed to its "natural beauty", which was a comment from the DNR's 45-day review. The Commission largely supported or incorporated all DNR recommendations into the Plan, but indicated that 80% of the stream channel has been inventoried for erosion by three municipalities therefore MLCCS is not entirely needed, and in addition, the watershed is over 90% developed.

9. **Pollution Control Agency Review.** MPCA offered comments related primarily to TMDL activities, storm water runoff rate and volume control, the BCWMC water body classification system, and the use of STORET for all water quality data. In response, the Commission either concurred with the comments or amended the Plan as recommended.

10. **Board Review.** BWSR's primary concerns were related to impaired waters/TMDL processes, joint powers agreement details, the continued use of citizen and technical advisory committees or some derivative thereof, and the recommendation for the WCA LGUs to involve the TEP early on in the wetland functional assessment and comprehensive wetland management planning processes. The Commission responded by clarifying their cooperative role with municipalities in the TMDL process, and acknowledged the remaining BWSR recommendations.

11. **Highlights of the Plan.** The critical elements included in the Plan are:

    - The "non-degradation" policy (i.e. no increase in phosphorus load) for redevelopments that result in increased impervious surface, Level 1 Standards for stormwater runoff from various sized new and redeveloping areas throughout the watershed, and a policy requiring the application of stormwater volume reduction methods, to the maximum practical extent.

- Aggressive CIP and future CIP table. As part of the annual budget process, there will be an annual review of the 10-year CIP.

- The Creek & Streambank Trunk System Maintenance, Repair, & Sediment Removal Fund has a proposed annual budget that includes $50,000 assessment.

- An extensive Public Information Plan aimed at changing behaviors that affect water quality through a variety of educational related activities.

12. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on August 9, 2004, with representatives of the BCWMC to review and discuss the Plan. Board staff recommended approval of the Plan. After discussion, the Committee unanimously decided to recommend approval of the Bassett Creek Watershed Management Second Generation 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 Bassett Creek Watershed Management Organization pursuant to Minnesota Statutes Sections 103B.231, Subd. 9.

3. The Bassett Creek Watershed Management Commission Second Generation Plan attached to this Order defines water and water-related problems within the BCWMC 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 July 2004 as the Watershed Management Plan for the Bassett Creek Watershed Management Organization.

Dated at Saint Paul, Minnesota this 25th day of August, 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Minnesota Board of Water and Soil Resources
August 2004 Metro Subcommittee Meeting

OVERVIEW
Carnelian Marine Watershed District, German Lake Plan Amendment 2004-2009

Watershed Description

The Carnelian Marine Watershed District (CMWD) is located exclusively in Washington County in the northeast portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the Forest Lake Watershed Management Organization (WMO) to the north, the Marine on St. Croix WMO to the east, the St. Croix River to the southeast, the Browns Creek WMO to the south and east, and the Rice Creek Watershed District to the northwest. The German Lake subwatershed is located in the far northwest corner of the CMWD, encompassing 967 acres entirely within New Scandia Township. The lake is a 58 acre landlocked basin with a maximum depth of 12 feet.

Summary of Review Process

The German Lake subwatershed, which previously had not been assigned to a water management agency, became a part of the CMWD in 2002. In order to effectively manage German Lake and to be consistent with the approach taken for lakes within the district, a Lake Management Plan was developed with public participation consisting of community meetings.

On November 17, 2003, the draft amendment was submitted to BWSR, state agencies, and local governments for the required 60-day review period. A public hearing on the amendment was held on March 1, 2004. The District received comments from BWSR, Metropolitan Council, and the Minnesota Department of Natural Resources. On April 6, 2004, the District submitted the final draft of the German Lake Plan Amendment for the 45-day review. Comments were received from Met Council.

Reviewing Agencies' Comments and WD Responses

BWSR had no significant comments on the amendment and found it in conformance with MS 103B and Minnesota Rules Chapter 8410. The amendment was found to be in compliance with the Board Order which assigned the German Lake sub-watershed to CMWD. The decision to add the amendment as an appendix to the existing plan was acceptable.

In general, **DNR** felt that the management plan for the addition of German Lake to the CMWD overall management plan looks good and includes a great deal of useful information. Additional comments included: DNR recommended that the amendment be revised to include management goals for the other natural communities in addition to German Lake, and information about rare wildlife species. CMWD indicated that the overall plan will be amended to include this information. DNR indicated that the description of water quantity modeling appears to be based on existing conditions and not the predicted fully developed condition. CMWD clarified that the modeling for existing conditions was done to predict the 100-year flood elevation resulting from

a 10-day snowmelt on frozen ground conditions, which would be similar for any future conditions analysis. DNR stated that German Lake could be considered for use as a walleye rearing pond. The CMWD response indicated that three similar lakes within the District are being used as rearing ponds, and other lakes exist within the watershed that would be more suitable.

In response to other DNR comments, CMWD made several other changes to the amendment, including establishing "rooted" aquatic vegetation in order to meet shoreline vegetation goals, adding purple loosestrife to the goal statement regarding the management of invasive and exotic species, adding a short term goal to avoid hydrologic alterations that would raise or lower water levels or increase stormwater bounce, and adding additional discussion describing future land use conversion assumptions.

The **Metropolitan Council** found that the amendment met the requirements of Minnesota Rules Chapter 8410 and recommended approval of the plan amendment.

Summary of Plan Strengths and Weaknesses

The short term goals of the CMWD German Lake Management Plan to year 2010 are:

1. Maintain water quality at at least a B rating.
2. Assure no net increase in phosphorus loading to the lake.
3. Implement Best Management Practices along 90% of the shoreline.
4. Establish rooted aquatic vegetation along 90% of the shoreline.
5. Reduce frequency of winter fish kill.
6. Manage invasive/exotic species within lake and subwatershed.
7. Avoid hydrologic alterations that would raise or lower water levels in German Lake or would increase stormwater bounce.
8. Manage upland areas to prevent lake degradation.
9. Protect lakeshore property and lake access through management of floating bogs.

The long range goals of the plan amendment to year 2020 are:

1. Maintain water quality at at least a B rating.
2. Mitigate predicted increases in phosphorus loading to the lake.
3. Implement Best Management Practices along 100% of the shoreline.
4. Establish rooted aquatic vegetation along 100% of the shoreline.
5. Develop a Fisheries Management Plan with the Minnesota DNR.

BWSR Board Conservationist Les Lemm recommends approval of the Carnelian Marine Watershed District German Lake Plan Amendment.

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

In the Matter of the review of the Amendment to the Watershed Management Plan for the Carnelian Marine Watershed District, German Lake sub-watershed, Pursuant to Minnesota Statutes Section 103B.231, Subdivision 11

ORDER APPROVING AMENDMENT TO WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Carnelian-Marine Watershed District (CMWD) submitted a Watershed Management Plan Amendment (Amendment) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, 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. **WD Establishment.** The CMWD was established by the Minnesota Water Resources Board in 1981. The original mission of the District was to find a solution to high water problems on Carnelian Lake.

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. The land draining into German Lake in New Scandia Township had not been assigned to a water management organization until becoming a part of the CMWD in 2002. The enlargement of the CMWD with this area became official with an Order from the Board. The order required that the CMWD Watershed Management Plan be amended to reflect the additional German Lake area.

3. **Nature of the Watershed.** The CMWD is located exclusively in Washington County in the northeast portion of the Minneapolis – St. Paul seven county metropolitan area. It is approximately 45 square miles in size and includes parts of Stillwater, May, and New Scandia Townships, and the cities of Grant and Hugo. It is bound by the Comfort Lake-Forest Lake Watershed District to the north, the Marine on St. Croix WMO to the east,

the St. Croix River to the southeast, the Browns Creek WMO to the south and east, and the Rice Creek Watershed District to the northwest.

The German Lake sub-watershed is located at the northern boundary of the CMWD, encompassing 967 acres entirely within New Scandia Township. The sub-watershed is relatively undeveloped and contains high quality wetland and upland communities. German Lake is located just north of State Highway 97, and is a shallow, high quality water resource. The lake is a 58 acre landlocked basin with a maximum depth of 12 feet.

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

5. **Metropolitan Council Review.** The Council found that the amendment met the requirements of Minnesota Rules Chapter 8410 and recommended approval of the Amendment.

6. **Department of Agriculture Review.** The MDA did not provide comments on the CMWD Amendment.

7. **Department of Health Review.** The MDH did not provide comments on the CMWD Amendment.

8. **Department of Natural Resources Review.** The DNR commented that, in general, the Amendment looked good and included a great deal of useful information. More specific comments included: Recommending that the Amendment be revised to include management goals for the other natural communities in addition to German Lake, and information about rare wildlife species. CMWD indicated that the overall plan will be amended to include this information. The DNR indicated that the description of water quantity modeling appeared to be based on existing conditions and not the predicted fully developed condition. CMWD clarified that the modeling for existing conditions was done to predict the 100-year flood elevation resulting from a 10-day snowmelt on frozen ground conditions, which would be similar for any future conditions analysis. The DNR stated that German Lake could be considered for use as a walleye rearing pond. The CMWD response indicated that three similar lakes within the District are being used as rearing ponds, and other lakes exist within the watershed that would be more suitable.

   In response to other DNR comments, CMWD made several other changes to the Amendment, including establishing rooted aquatic vegetation in order to meet shoreline vegetation goals, adding purple loosestrife to the goal statement regarding the management of invasive and exotic species, adding a short term goal to avoid hydrologic alterations that would raise or lower water levels or increase stormwater bounce, and adding additional discussion describing future land use conversion assumptions.

9. **Pollution Control Agency Review.** The MPCA did not provide comments on the CMWD Amendment.

10. **Board Review.** Board staff had no significant comments on the Amendment and found it in conformance with MS 103B.201 to .251 and Minnesota Rules Chapter 8410. The

Amendment was found to be in compliance with the Board Order, which enlarged the CMWD with the German Lake sub-watershed. The decision to add the Amendment as an appendix to the existing plan was acceptable.

11. **Highlights of the Plan Amendment.** The critical elements included in the Amendment are:

- Maintain water quality of German Lake to at least a B rating.
- Assure no net increase in phosphorus loading to the lake in the short term, and provide for mitigation of predicted long term increases in phosphorus loading.
- Implement Best Management Practices and establish rooted vegetation on 100% of the shoreline in the long term.
- Reduce frequency of winter fish kill and develop a Fisheries Management Plan with the DNR.
- Management of exotic species.
- Avoid hydrologic alterations that would alter water levels or increase stormwater bounce in German Lake.

12. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on August 9, 2004 with representatives of the CMWD to review and discuss the Amendment. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously decided to recommend approval of the Carnelian-Marine Watershed District German Lake 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 an Amendment to the Watershed Management Plan for the Carnelian-Marine Watershed District pursuant to Minnesota Statutes Sections 103B.231, Subd. 11.

3. The Carnelian-Marine Watershed District German Lake Plan Amendment attached to this Order defines water and water-related problems within the German Lake sub-watershed boundaries, possible solutions thereto, and an implementation program.

4. The attached Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached German Lake Plan Amendment, dated March 2004, to the Carnelian-Marine Watershed District Watershed Management Plan as the Watershed Management Plan for the German Lake sub-watershed.

Dated at Saint Paul, Minnesota this 25th day of August, 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

OVERVIEW

Joe River Watershed District Overall Plan

Background

The JRWD was organized on January 31, 1958, the third watershed district established in the State of Minnesota. A 5 member Board of Managers has governed it since its inception. The first Watershed District Overall Plan was prescribed by the Minnesota Water Resources Board on December 16, 1958. This first Overall Plan was terminated on December 15, 1986 and on the same day the first Revised Overall Plan was prescribed. The first Revised Overall Plan was replaced by this current 2nd Revision of the Overall Plan.

The Rules of the Joe River Watershed District were adopted on September 21, 1988 and became effective on November 16, 1988. These Rules were updated and revised on February 14, 2000. The Rules govern the manipulation of the water based natural resources of the District. Under these Rules, permits are required from the Board of Managers for such activities as ditching, diking, installation of culverts, road construction, water appropriation, and other activities that affect water management.

To date, the JRWD has focused its activities primarily on flood control. The land area of the District is not only affected by flooding on the main channel of the Joe River and its tributaries, but also by the flooding from the Red River of the North. The JRWD, being the furthest land area north and west in the State of Minnesota, is the last area to be affected by the Red River before it enters the Province of Manitoba, Canada. At this point the Red River is several miles wide during a major flood event.

District Description

Location & Size

The land area of the Joe River Watershed district is located in the extreme northwest corner of Kittson County, which is the northwestern most county in the State of Minnesota. The District comprises 79,360 acres of land (124 square miles) in all or parts of the Townships of St. Vincent, Clow, Richardville, Hill, and Hampden. The JRWD is bordered to the west by the Red River of the North (also the MN - ND border), to the north by the Province of Manitoba, Canada, and to the east and south by the Two rivers Watershed District.

Beginning in the southwest corner of the District, the boundary line runs 9.5 miles north following the Red River. The boundary then travels 19 miles east along the Canadian border, where it turns south - south west for a distance of 9.5 miles. The border then travels westerly about 10 miles back to the point of origin

Topography

The District and the watershed is within the area once covered by prehistoric glacial Lake Agassiz. The land in the District is very flat. A small portion of the land in the northeast corner from the Canadian border south for 4 to 5 miles has slightly over a 2% slope to the west and northwest. The balance of the watershed from the Canadian border to south of the City of Humboldt has a 0-1% slope to the northwest. Along the Red River the slope is to the northwest. At the Canadian border the elevation of the Red River is 785 feet, the elevation in Section 12 of Hill Township is 798 feet, and at the eastern boundary in Richardville Township the elevation is 953 feet.

Land Use / Public & Private Land Ownership

The present land use for the watershed according to 1989 inventory information is 89% cultivated, 4.73% open shrub grassland, 3.51% deciduous forest, 0.51% Farmstead & Rural Residences, 0.42% water, 0.27% wetlands, 0.26% urban and industrial, 0.28% transitional or idle cultivated land, 0.20% other rural developments, and 0.16% closed shrub grasslands.

Ownership of the land is as follows. The City of St. Vincent comprises 80 acres as does the City of Humboldt. The State of Minnesota - DNR manages 80 acres as part of the Joe River Wildlife Management Area and 80 acres as tax forfeited land. Gas transmission utility companies own approximately 75 acres, and the remainder is in private ownership, mostly as farming operations or residential.

Summary of the planning process and review

Due to the size, similarity of issues, technical advisory committee membership, and it's proximity to the Two Rivers Watershed District all phases of this planning effort where done in concert with the Two River Watershed District's planning efforts. This planning process followed the planning guidelines identified as part of the "Red River Basin Flood Damage Reduction Work Group Agreement of December 1998" (Mediation Agreement). BWSR staff worked closely with Watershed District consultants, and the meeting facilitator to assure that the intent of the Mediation Agreement was incorporated into the Plan.

The Following is a partial list of the planning process strengths:

- Formation of a "citizens advisory committee" (CAC) and a "technical advisory committee"(TAC).
- Aggressive public/agency - issue/solution alternative identification process.
- Comprehensive resource inventory/assessment.
- Development of a hydrologic model.
- Balanced flood damage reduction (FDR) and natural resources enhancement (NRE) goals.

The Plan is intended to be a guide to implementation of watershed projects and policies. The plan identifies and prioritizes both FDR and NRE issues facing the Joe River Watershed District. The TAC and CAC developed solution alternatives that are environmentally, economically, and socially sound.

Issues identified can be categorized as follows:

- Drainage system maintenance and adequacy
- Flooding damages: public infrastructure and private property from spring snow melt, crop damages from summer rain events;
- Erosion and sedimentation;
- Water quality impairment;
- Limited wildlife habitat and recreational opportunities;

Due to the utilization of the CAC and TAC throughout all phases of the planning process, (issue identification, prioritizing, goal setting, and solution development) the final review process didn't uncover any major concerns.

Review comments were received from the DNR, the MPCA, and the BWSR,. The majority of the comments received were either editorial or "further clarifying" in nature.

As a result of this planning process BWSR finds the final document to meet the requirements identified in 103D.405, and the guidelines and intent of the "mediation agreement". This process has also resulted in a better understanding of the FDR and NRE issues facing the Joe River Watershed District and has developed a greater level of trust amongst those participating in the planning process.

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

In the Matter of prescribing a Revised Watershed Management Plan for the **Joe River Watershed District** pursuant to Minnesota Statutes Section 103D.405

ORDER PRESCRIBING WATERSHED ANAGEMENT PLAN

Whereas, the Board of Managers of the Joe River Watershed District (JRWD) filed a proposed Revised Watershed Management Plan (Plan) dated May 2004 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 JRWD was established by the Minnesota Water Resources Board on January 31, 1958.

2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The Plan includes an introductory summary, a physical description of the District, identifies the flood damage reduction (FDR) and natural resource enhancement (NRE) issues within the District, prioritizes those issues, sets overall watershed goals for FDR and NRE, identifies alternative solutions, discusses the utilization of project work teams to accomplish these goals, identifies the need to coordinate efforts, and states the rules and policies of the District. Challenges facing the District are: drainage system maintenance and adequacy, flood damages, public infrastructure and private property damages from spring snow melt, crop damages from summer rain events, erosion and sedimentation, water quality impairments, limited wildlife habitat and recreational opportunities. To assist in the planning process, a hydrologic model of the watershed was developed, the DNR preformed a stream/fish survey, and a natural resource assessment/inventory was conducted. The Plan was developed and will be implemented following the principals and process identified in the " Red River Basin Flood Damage Reduction Work Group Mediation Agreement of December 1998". The District's mission is:

"Utilize and carry out the intended duties of Watershed Districts as directed under Minnesota Statute, Chapter 103D. In doing so, the Board of Managers will apply sound technical, scientific, and practical methods to carry out projects relating to flood control, water quality, water quantity, natural resources, and other water management issues. The

District will cooperate and work with other local, state, and federal units of government, private organizations, and individuals to the best of its ability".

3. **Nature of the Watershed.** The land area of the Joe River Watershed district is located in the extreme northwest corner of Kittson County, which is the northwestern most county in the State of Minnesota. The District comprises 79,360 acres of land (124 square miles) in all or parts of the Townships of St. Vincent, Clow, Richardville, Hill, and Hampden. The JRWD is bordered to the west by the Red River of the North (also the MN - ND border), to the north by the Province of Manitoba, Canada, and to the east and south by the Two Rivers Watershed District. Beginning in the southwest corner of the District, the boundary line runs 9.5 miles north following the Red River. The boundary then travels 19 miles east along the Canadian border, where it turns south - south west for a distance of 9.5 miles. The border then travels westerly about 10 miles back to the point of origin. The District and the watershed is within the area once covered by prehistoric glacial Lake Agassiz. The land in the District is very flat. A small portion of the land in the northeast corner from the Canadian border south for 4 to 5 miles has slightly over a 2% slope to the west and northwest. The balance of the watershed from the Canadian border to south of the City of Humboldt has a 0-1% slope to the northwest. The present land use for the watershed according to 1989 inventory information is 89% cultivated, 4.73% open shrub grassland, 3.51% deciduous forest, 0.51% Farmstead & Rural Residences, 0.42% water, 0.27% wetlands, 0.26% urban and industrial, 0.28% transitional or idle cultivated land, 0.20% other rural developments, and 0.16% closed shrub grasslands.

4. **Local Review.** Pursuant to Minnesota Statutes Section 103D.405, the JRWD was required to send a copy of the revised Plan to specific local government units and state agencies for their review. On March 10, 2004 the JRWD distributed a copy of the draft Plan to those required by statute for review. In addition, copies were sent to the Red River Basin Commission, Flood Damage Reduction Work Group, The Nature Conservancy, and members of the Citizens and Technical Advisory committees.

5. **Department of Natural Resources Review.** The JRWD received two review responses from the DNR. On May 11, 2004 a response from DNR-Fisheries was received stating that they had no further comments. On May 12, 2004 a response was received from DNR-Wildlife" which provided details on the only wildlife management area (WMA) within the JRWD.

6. **Pollution Control Agency Review.** On May 10, 2004 the JRWD received comments from the MPCA. They stated the plan is consistent with the goals of the MPCA Red River Basin Plan and suggested that the JRWD coordinates its monitoring with other monitoring efforts taking place within the watershed to identify impaired waters and initiate TMDL studies and implementation plans. They thanked the JRWD for the opportunity to participate in the planning process and comment on the final draft.

7. **Board of Water and Soil Resources Review.** Board field staff worked with JRWD staff, consulting engineer and the planning facilitator throughout the process to assure the final document met the requirements identified in MS 103D.405 as well as incorporating the intent of the " Red River Basin Flood Damage Workgroup Agreement of December 1998". Being very active in this planning process, BWSR staff provided direction and input into all phases of the planning effort. On May 13, 2004, BWSR submitted comments to the JRWD on the final draft. These comments where suggestive in nature and can be summarized as editorial, and some minor re-arrangement of goals and related strategies.

8. **Highlights of the Plan.** Critical elements in the Plan and planning process include:
    a. Incorporates the principles of the "Red River Flood Damage Reduction Work Group Mediation Agreement of December 1998".
    b. Aggressive citizen and agency input process.
    c. Utilization of a citizens advisory committee for identification and prioritizations of issues.
    d. Utilization of a technical advisory committee for alternative solutions development.
    e. Comprehensive natural resource inventory/assessment.
    f. Development of a hydrologic model for the watershed.
    g. FDR and NRE goals:

        FDR goals:

        1. Maintain existing road ditches, legal ditches, natural watercourses, and other waterways, and control runoff resulting from a 10-year storm event.
        2. Reduce the frequency, duration, and peak of flood events.
        3. Reduce damages to infrastructure and residential areas in the floodplain.
        4. Work with legislators to maintain and improve needed funding mechanisms.

        NRE goals:

        1. Sustain and Improve Surface Water Quality
        2. Reduce Erosion and Sedimentation
        3. Participate in Efforts to Enhance, Establish and Protect Stream Corridors and Riparian Areas
        4. Participate in Efforts to Enhance, Provide and Protect Habitats
        5. Support the Expansion of Water Based Recreation

9. **Publish Notice of Filing.** Legal Notice of Filing was published in the Kittson County Enterprise on June 23, 2004. The Legal Notice of Filing was also mailed in a letter from Board staff Jim Haertel dated June 16, 2004 to several addressees including the Kittson county auditor and county board, the Kittson Soil and Water Conservation District, cities with land in the JRWD, and the Department of Natural Resources.

10. **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.

11. **Northern Water Planning Committee Meeting.** On August 2, 2004, the Board's Northern Water Planning Committee and staff met with representatives from the JRWD in Fergus Falls to review and discuss the Plan. Those in attendance from the Board's Committee were Jerome Deal, Kay Cook, Quentin Fairbanks, and Wayne Edgerton. Board staff in attendance were northern region supervisor Ron Shelito and board conservationist Brian Dwight. Representing the JRWD was Dan Money, planning consultant. Board staff recommended approval of the Plan. After discussion, the subcommittee unanimously voted to recommend approval of the Joe River Watershed District 2004 – 2013 Overall Plan to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a revised watershed management Plan for the Joe River Watershed District pursuant to Minnesota Statutes Section 103D.405.

3. The Joe River Watershed District 2004 – 2013 Overall Plan attached to this Order defines water-related problems within the JRWD 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 2004 – 2013 Overall Plan for the Joe River Watershed District.

Dated at Saint Paul, Minnesota this 25th day of August 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Executive Summary - Otter Tail River Watershed Basin Plan

The Purpose of this document is to describe the physical characteristics of the Otter Tail River Watershed, to identify the problems related to water management in the watershed, and to propose solutions in the form of goals, objectives, and actions to address the identified problems. This planning effort involved active participation of the public, and local, state and federal environmental and natural resource agencies.

Structure

In the Spring of 1999, a group of Soil and Water Conservation District's and County Water Planners from Wilkin, Otter Tail, and Becker Counties, agreed to form a watershed planning team to formally start working together to address water and related land resource needs in the Otter Tail River Watershed.

One of the first actions of the watershed planning team was to work with the Minnesota Board of Water and Soil Resources (BWSR) to apply for a Local Water Planning Challenge Grant. The grant outlined the watershed planning team's project purpose as follows. "Explore watershed management organizational structure options for the Otter Tail River Watershed, address conservation and natural resource concerns outlined in the Red River mediation agreement and install Best Management Practices (BMP's) to reduce flooding and enhance natural resources."

The grant further outlined the following desired outcomes:

- Establish a comprehensive management team to coordinate watershed management activities in the Otter Tail River Watershed and explore watershed management options.
- Develop a watershed planning database to monitor grant project progress, accomplishments, document existing inventories, the need for new inventories and to highlight critical impact sites within the watershed that need to be addressed.
- Improve the overall water quality of high priority lakes and streams in the watershed.
- Develop a watershed basin plan for the Otter Tail River Watershed following BWSR's Administrative Guidelines for Red River Basin Watershed Districts.

The watershed planning team believes that this project will:

- Accelerate installation of BMPs to correct land and water related resource problems at critical impact sites.
- Result in the adoption of a watershed management structure which will:
    1. Serve as a fiscal agent for funds received for local land and water planning activities in the watershed.
    2. Enhance cooperation, dialogue and integrated land and water planning efforts in the watershed.
    3. Establish a clearinghouse for land and water related resource information to be located.
    4. Propose policy where and when the need exists relative to land and water issues in the watershed.

- Identify watershed resource concerns and needs to support the need for future watershed based funding.
- Build and strengthen partnerships with local, state and federal water and land resource agencies.

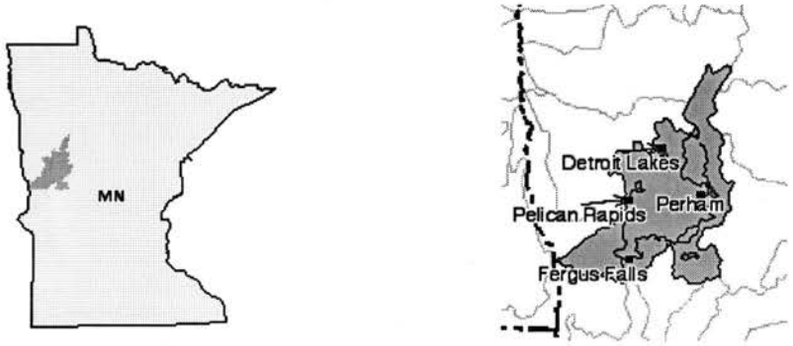
Mission Statement

To provide local leadership in the conservation of soil, water, and related natural resources through programs and partnerships with individuals, businesses, organizations, and government.

Description of the watershed

Watershed Setting

The Otter Tail River Watershed covers approximately 1,983 square miles and is located in West Central Minnesota. The watershed is a drainage basin of the Red River and the major tributaries of the watershed are the Ottertail and Pelican Rivers. The watershed lies within six counties Otter Tail (63%), Becker (28%), Wilkin (8%), Clearwater (1%), Clay (<1%), and Mahnomen (<1%) Counties. A portion of the continental divide between the Red River Watershed and the Mississippi River Watershed is located along the eastern border of the Otter Tail River Watershed. Within the Red River Watershed, the Otter Tail River Watershed is bordered on the south by the Mustinka River and Bois de Sioux River Watersheds. The Red River of the North (Headwaters), Buffalo River, and Wild Rice River Watersheds are located long its western border. The Otter Tail River Watershed's outlet is the Otter Tail River where it discharges into the Red River of the North in Breckenridge, Minnesota.



Map #1: Otter Tail River Watershed

Board Resolution #_____

Endorsement of Otter Tail River Watershed Basin Plan

WHEREAS, Becker County, Becker SWCD, Otter Tail County, East Otter Tail SWCD, West Otter Tail SWCD, Wilkin County and Wilkin SWCD (LGUs) agreed to form a watershed planning team to formally start working together to address water and related land resource needs in the Otter Tail River Watershed, and

WHEREAS, watershed management organizational structure options were explored by the LGUs, and;

WHEREAS, the LGUs entered into a Mutual Agreement for the Otter Tail River Watershed; and,

WHEREAS, the Red River Basin Flood Damage Reduction Work Group Agreement and BWSR Administrative Guidelines for Red River Basin Watershed District Revised Watershed Management Plan Content, December 1998, provided the guidelines and structure used for the Otter Tail River Watershed Basin Plan, and;

WHEREAS, the counties have adopted, will begin implementation of the Otter Tail River Watershed Basin Plan and will amend existing water and land related resources plans and official controls as necessary, and;

WHEREAS, the participating SWCD's have adopted their respective county Local Water Management Plan as their SWCD comprehensive plan, and;

WHEREAS, the Conservation Reserve Enhancement Program acres will be targeted by watershed management organizations within the Red River Basin, and;

WHEREAS, the LGUs requested BWSR to review the Plan and endorse it to increase the plan's creditability as the means to target CREP acres within the Otter Tail River Watershed, and;

WHEREAS, on June 1 and August 2, 2004, the regional Water Planning Committee of the Board reviewed the Plan, and staff recommendations, and;

WHEREAS, M.S. 103B.101, Subd 9. empowers BWSR to endorse the Otter Tail River Watershed Basin Plan.

NOW THEREFORE, the BWSR recognizes the Plan was developed using the procedures adopted by the Flood Damage Reduction Mediation Workgroup, and;

FURTHERMORE, recognizes the Plan has a implementation plan through 2007 based on priorities developed during the planning process, and;

FURTHERMORE, recognizes the Plan is adequate for the targeting of CREP acres within the Otter Tail River Watershed Basin, and;

THEREFORE BE IT FURTHER RESOLVED, BWSR endorses the Plan through December 31, 2007 and requests a report be provided in two years to provide feedback as to the effectiveness of the Plan.

_____ Date: _____

Jerome Deal, Chair
Board of Water and Soil Resources

Minnesota Board of Water and Soil Resources

August 25, 2004 Board Meeting

OVERVIEW

High Island Creek Watershed District Management Plan 2004-2013

Background

The High Island Creek Watershed District (District) was established in 1957, by order of the Minnesota Water Resources Board, now known as the Minnesota Board of Water and Soil Resources (BWSR). This was the first watershed district established in Minnesota. In August 1966, the District formally adopted its first Overall Plan (Plan). The Plan was officially prescribed by order of the Minnesota Water Resources Board in November 1966. In 1988, the District revised and updated its Plan. In July 2000, the District submitted a written correspondence to the BWSR requesting an extension of their existing Plan so that an assessment project underway could be completed before Plan revision was initiated. The extension request was approved by the BWSR on September 28, 2000.

District Description

The District is located in south-central Minnesota, spans approximately 37 miles from west to east, is anywhere from 3 to 13 miles wide from north to south, and is approximately 245 square miles in size. Traveling from west to east, there are portions of three counties within the District: Renville—11% of the watershed; McLeod—23% of the watershed; and Sibley—66% of the watershed. There are only three cities within the District: a portion of Stewart, and all of New Auburn and Arlington. There is no one major roadway that is considered the main corridor of travel, but there are numerous county and state roads crisscrossing the District. The High Island Creek begins in eastern Renville County and outlets to the Minnesota River several miles north of Henderson, Minnesota in eastern Sibley County. The western portion of the District has an elevation of 1,090 feet above sea level; the mid-portion elevation is 1,015 feet above sea level; and the lowest point is found near the mouth of High Island Creek at the Minnesota River with an elevation of 720 feet above sea level. The last 7.5 miles of the creek from the City of Arlington to the mouth of the creek at the Minnesota River drops 259 feet in elevation. Major surface water resources within the District include High Island Creek and a number of lakes: Bakers, Duff, Hahn, High Island, Kings, Kirby, Kujas, Mud, Round, Schauer, Severance, Silver, and Wiemann. The two largest lakes are High Island Lake and Silver Lake. High Island Lake is classified as Recreational Development; all of the others are classified as Natural Environment. The High Island Creek watershed has over 200 miles of public open ditches. The District has 12 formal drainage projects, the first originated in 1968 and the most recent originated in 2000. Of the approximately 153,222 acres within the District, 85 % is used for agricultural purposes. Primary crops are those of a cash grain operation—corn, soybeans, small grain, and forage. Sugar beets have become a relatively new crop in the western portion of the watershed. Almost all of land in the District (99.9 percent) is privately owned.

Plan Update

In January 2003, the District contracted with an individual (consultant) for the purpose of preparing the District's Plan. The consultant met with BWSR staff to discuss the format of the plan and to establish a timeline to keep the process on track. A public information meeting was held on May 15, 2003, at which a number of issues and concerns were brought forward. A plan revision committee was established consisting of the District managers and their ditch inspector, as well as a few individuals

representing local government units and state agencies. This committee met numerous times following the public information meeting to discuss issues and review segments of the plan developed by the consultant. On August 5, 2004, the consultant developed a Plan outline and submitted it to the BWSR for review and approval. BWSR provided comments and recommendations, which the District incorporated. The outline was approved by the BWSR on August 14, 2003.

On March 1, 2004, the final draft Plan was submitted to BWSR, state agencies and local government units for the required 60-day review. The only comments received were from the Minnesota Department of Natural Resources (submitted after the deadline) and BWSR.

On May 12, 2004, the BWSR provided the notice for filing of revised watershed management plan for the District. 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 to the BWSR by June 19, 2004; no comments/requests were received, no hearing was held.

Plan Update Review

The District's original Plan adopted in August 1966 was developed to serve as a basis for future development, control, and conservation of natural resources within the District. The Plan updated in 1988 continued that same theme. Both Plans had a strong focus on drainage. The 2004 – 2013 Plan contains three main sections: drainage, water quality, and conservation-recreation-education. The main goals of the 2004 - 2013 Plan are:

- To oversee, facilitate, implement and advise best drainage practices, in accordance with state guidelines, in the interest of private land owners, natural resource conservation, and the public across traditional governing bodies.
- To monitor, improve, and protect the quality of the water within the watershed as well as the larger Minnesota River Basin.
- To protect and enhance the water, soils, and habitat areas through conservation; to provide safe and adequate recreation opportunities; and to keep the public informed of water resource management issues.

BWSR staff has participated throughout the Plan revision process by attending several plan revision committee meetings and some monthly District meetings. BWSR staff also participated directly with the consultant through one-on-one meetings, as well as other on-going communications. BWSR Board Conservationist Thomas Fischer has completed the final review of the Plan and recommends approval of the High Island Creek Watershed District Management Plan 2004 - 2013.

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

In the Matter of prescribing a Revised Watershed Management Plan for the **High Island Creek Watershed District** pursuant to Minnesota Statutes Section 103D.405

ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the High Island Creek Watershed District (HICWD) filed a proposed Revised Watershed Management Plan (Plan) dated March 2004 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.** On June 14, 1957, the HICWD was established by the Minnesota Water Resources Board.

2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The revised Plan defines a framework to allow the HICWD to implement the Plan toward goals addressing priority issues pertaining to: drainage; water quality; and conservation-recreation-education. The HICWD's mission is "for the management of water within the watershed; to improve drainage, to reduce water related health risks and to enhance water quality with minimal impact on the residents or environment under the guidance of legal statutes."

3. **Nature of the Watershed.** The HICWD is located in south-central Minnesota, approximately forty-miles west of the Minneapolis-St. Paul metropolitan area. Traveling from east to west, HICWD occupies parts of Sibley, McLeod and Renville counties. It is approximately 245 square miles in size and contains approximately 153,222 acres, of which 85 percent is agricultural land. It spans approximately thirty-seven miles in length and from three to thirteen miles in width. There are three cities in the watershed: Arlington and New Auburn, and a small, southern part of Stewart. Major surface water resources within the watershed include High Island Creek and a number of lakes (Bakers, Duff, Hahn, High Island, Kings, Kirby, Kujas, Mud, Round, Schauer, Severance, Silver and Wiemann). High Island Creek flows from west to east through the center of the watershed emptying into the Minnesota River several miles north of the City of Henderson, Minnesota. The western end of the watershed has an elevation of 1,090 feet above mean sea level; the eastern end at the mouth of the creek has an elevation of 720 feet above mean sea level. The last eight-miles of the creek drops 259 feet in elevation. There are 12 formal drainage projects within the HICWD. The watershed has over 200 miles of public open ditches.

4. **Local Review.** Pursuant to Minnesota Statutes Section 103D.405, the HICWD was required to send a copy of the revised Plan to specific local government units and state agencies for their review. On March 1, 2004, the HICWD distributed a copy of the draft Plan to those required by Statute.

5. **Department of Natural Resources Review.** In a letter dated May 12, 2004, the DNR apologized for missing the comment period deadline. They appreciated the opportunity to work with and provide input to the HICWD during the development of the Plan. They believe that most of the agency's concerns have been addressed. Specific comments provided by the DNR: concerned that the first listed focus of the HICWD's mission statement is to improve drainage; noticed that some sections of the Plan include discussions that suggest the HICWD is attempting to better manage drainage rather than simply improve drainage as discussed in the previous Plan; noticed that some of the Plan objectives reflect times past of getting water off the landscape as efficiently and effectively as possible while some objectives are consistent with a conservation philosophy that the DNR supports and encourages; appreciate the direction in some of the Plan objectives to address some of the cumulative drainage problems; commend the goal statement and many measures to address water quality problems; appreciate the excellent goal statement and objectives identified in the conservation-recreation-education section. In closing, the DNR stated that: the Plan identifies important issues that require attention; it would be beneficial for HICWD to have an annual work plan to identify key action areas to work on in a given year; and if an annual work plan is prepared, the DNR would appreciate the opportunity to review and provide comment.

6. **Local Review.** No comments on the HICWD Plan were received from any of the other entities that received the Plan as required by Statute: county auditors, Soil and Water Conservation Districts, or municipalities within the watershed.

7. **Board Review.** Board staff from the region met early in the revision process with HICWD's consultant to provide Plan format recommendations and guidance as well as discuss establishing a process timeline. Consultant and Board staff communicated often and as necessary during the revision process. Board staff attended some of the plan revision committee meetings and HICWD monthly managers' meetings. Board staff also provided periodic review and comment of draft materials during the revision process. On December 9, 2003, Board staff provided written comments on the initial draft Plan. Comments offered a number of editorial suggestions, needed clarifications, omissions, and recommended additions. Follow-up discussions with the consultant were provided as the Plan neared completion. On February 4, 2004, Board staff provided written comments on the final draft Plan prior to distribution of the Plan for the required local review. Comments offered pertained to further clarification needs, minor re-arrangement suggestions, and recommendations.

8. **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 Plan revision committee to prioritize issues and concerns and provide input in the development of the Plan,

c. Development of goals, objectives and actions that provide a framework for the HICWD to base their decisions upon,
d. An implementation section of the Plan that contains specific actions to address three main goals of the HICWD:

Goal 1) Drainage: The *goal* of the HICWD is to oversee, facilitate, implement and advise best drainage practices, in accordance with State guidelines, in the interest of private landowners, natural resource conservation, and the public across traditional governing bodies.

Goal 2) Water Quality: The *goal* of the HICWD is to monitor, improve, and protect the quality of the water within the watershed as well as the larger Minnesota River Basin.

Goal 3) Conservation-Recreation-Education: The *goal* of the HICWD is to protect and enhance the water, soils, and habitat areas through conservation; to provide safe and adequate recreation opportunities; and to keep the public informed of water resource management issues.

9. **Publish Notice of Filing.** Legal Notice of Filing was published in the Arlington Enterprise on May 19, 2004, the Brownton Bulletin on May 19, 20004, the Hector News-Mirror on May 19, 2004, the Henderson Independent on May 19, 2004, the Gaylord Hub on May 20, 2004, and the Glencoe Enterprise on May 20, 2004. The Legal Notice of Filing was also mailed in a letter from Board staff Jim Haertel dated May 12, 2004, to several addressees including the affected county auditors, cities, Soil and Water Conservation Districts and water planners within the watershed.

10. **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.

11. **Southern Water Planning Committee Meeting.** On July 28, 2004, the Board's Southern Water Planning Committee and staff met with representatives from the HICWD in Olivia, Minnesota, to review and discuss the Plan. Those in attendance from the Board Committee were Randy Kramer and Victor Ormsby. Board staff in attendance were southern region supervisor Jeff Nielsen and board conservationist Thomas Fischer. Representatives from the HICWD were managers Leonard Eibs, Orville Polzin, Verne Schlueter and Dwight Swanson, plan revision committee members Lowell Brelje, Calvin Schrupp, Lyle Winterfeldt and Scott Kudelka, and consultant Lori Schlueter. Board staff recommended approval of the Plan. After discussion, the Board Committee unanimously voted to recommend approval of the High Island Creek Watershed District Management Plan 2004 – 2013 to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a revised watershed management Plan for the High Island Creek Watershed District pursuant to Minnesota Statutes Section 103D.405.

3. The High Island Creek Watershed District Management Plan 2004 – 2013 attached to this Order defines water-related problems within the HICWD 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 High Island Creek Watershed District Management Plan 2004 – 2013.

Dated at Saint Paul, Minnesota this 25th day of August 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

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

August 2004 BWSR Board Meeting

OVERVIEW – PIPESTONE COUNTY COMPREHENSIVE LOCAL WATER PLAN

Background

Pipestone County has a Comprehensive Local Water Plan, which was approved by the BWSR on January 22, 1997. Pipestone County submitted its third generation Plan to the BWSR on May 24, 2004. The third generation plan has been combined with the County Land Use plan to reduce overlap and strengthen both documents by making them one. The ninety-day final state review process began on May 24, 2004, and ended on August 22, 2004.

On July 28, 2004, the BWSR Water Plan Review Committee met in the City of Olivia with BWSR staff and representatives from Pipestone County to review and discuss the third generation Comprehensive Local Water Plan.

For the August 25, 2004 BWSR Board meeting, two items in addition to this Overview have been provided for board member information. The first item is a copy of the County Profile and Executive Summary (Chapter One) of the Pipestone County Water Plan/Land Use Plan. This briefly provides an introduction to the County and the planning process, and describes some major accomplishments in the past ten years. The second item is a board order for the Pipestone County Water Plan, which provides additional background information.

Outcomes

The focus of the planning process for Pipestone County's third generation plan was on implementation as well as merging the Comprehensive Local Water Plan with the County Land Use Plan. The two plans have historically be on parallel tracks and this merger eliminates the overlap found in these two important county plan document. This update was accomplished through seeking the involvement of local and state agencies early in the update process, with an emphasis on identifying a reduced number of priority issues. The collection of data in Pipestone's Plan was reduced, with a significantly greater emphasis placed on the resource issues and their assessment. The specific issues identified were then addressed through goals, objectives and measurable actions. As a result, this Plan has a "bias to action", with a clear implementation focus!

Pipestone's Plan identifies six priority issues in the following categories:

- **Groundwater Protection** – Actions to protect and enhance groundwater supplies are identified.
- **Reducing Priority Pollutants** – The Plan identifies action steps to minimize or eliminate priority pollutants (nutrients, sediments, etc.). Priority sub-watershed management areas identified through the Pipestone TMDL listing..
- Feedlot compliance-Permitting and corrective measures taken on feedlots found not in compliance.
- ISTS upgrades-upon land transfers ISTS must be brought up to code.
- Household Hazardous Waste-Construction of a new facility.
- **Public Education & Outreach** – Most of the issues identified throughout the water planning process would be greatly improved by simply raising public awareness. The plan lays out steps (actions) to do this.

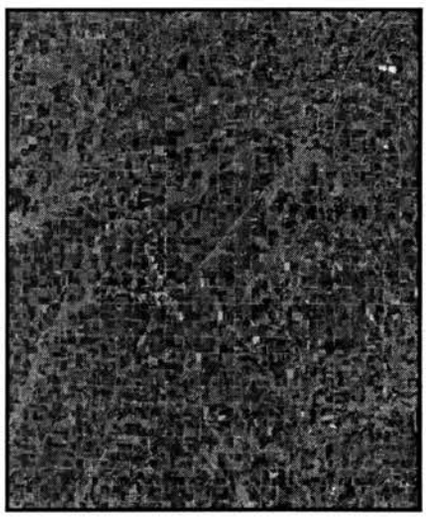
BWSR staff reviewed the Pipestone County Water Plan and found that all relevant requirements of law and rule have been fulfilled and it is in conformance with the requirements of Minnesota Statutes 1990, 103B and Minnesota Rules Chapter 9300. BWSR staff recommends approval of the Pipestone County 2004 – 2014 ten year Comprehensive Local Water Plan. *(The Implementation Section covers a five-year period 2004 – 2009.)*

The BWSR Water Plan Review Committee will make its approval recommendation to the full BWSR Board at the August 25, 2004 meeting.

Pipestone County Comprehensive Plan
Executive Summary

Background

The Pipestone County Comprehensive Plan represents the product of an 18-month planning process that began in January 2003. The Pipestone County Board of Commissioners initiated the process by contracting with Midwest Community Planning and the Southwest Regional Development Commission. They assisted with facilitating the various meetings and working with the County's Planning Task Force to develop the specific contents of the Comprehensive Plan. The Task Force consisted mainly of the County's Planning Commission with assistance from the County Board and County Staff. Finally, the Task Force met regularly (approximately once every other month) at publicly advertised meetings at the Pipestone County Courthouse. Members from the public and other local units of governments also frequently attended the meetings.



Pipestone County Aerial Photo ~ 2003

Location and Demographics

Pipestone County is located in Southwestern Minnesota along the South Dakota border, approximately 200 miles Southwest of Minnesota's Capital, St. Paul, and 45 miles Northeast of Sioux Falls, South Dakota. According to the 2000 U.S. Census, Pipestone County had approximately 9,895 people living in its nine cities and twelve townships (see Map 1A: Pipestone County). The County is predominately rural in character, although the numerous wind turbines found along Buffalo Ridge (the State's windiest area) gives the County a progressive appearance.

Authority to Plan

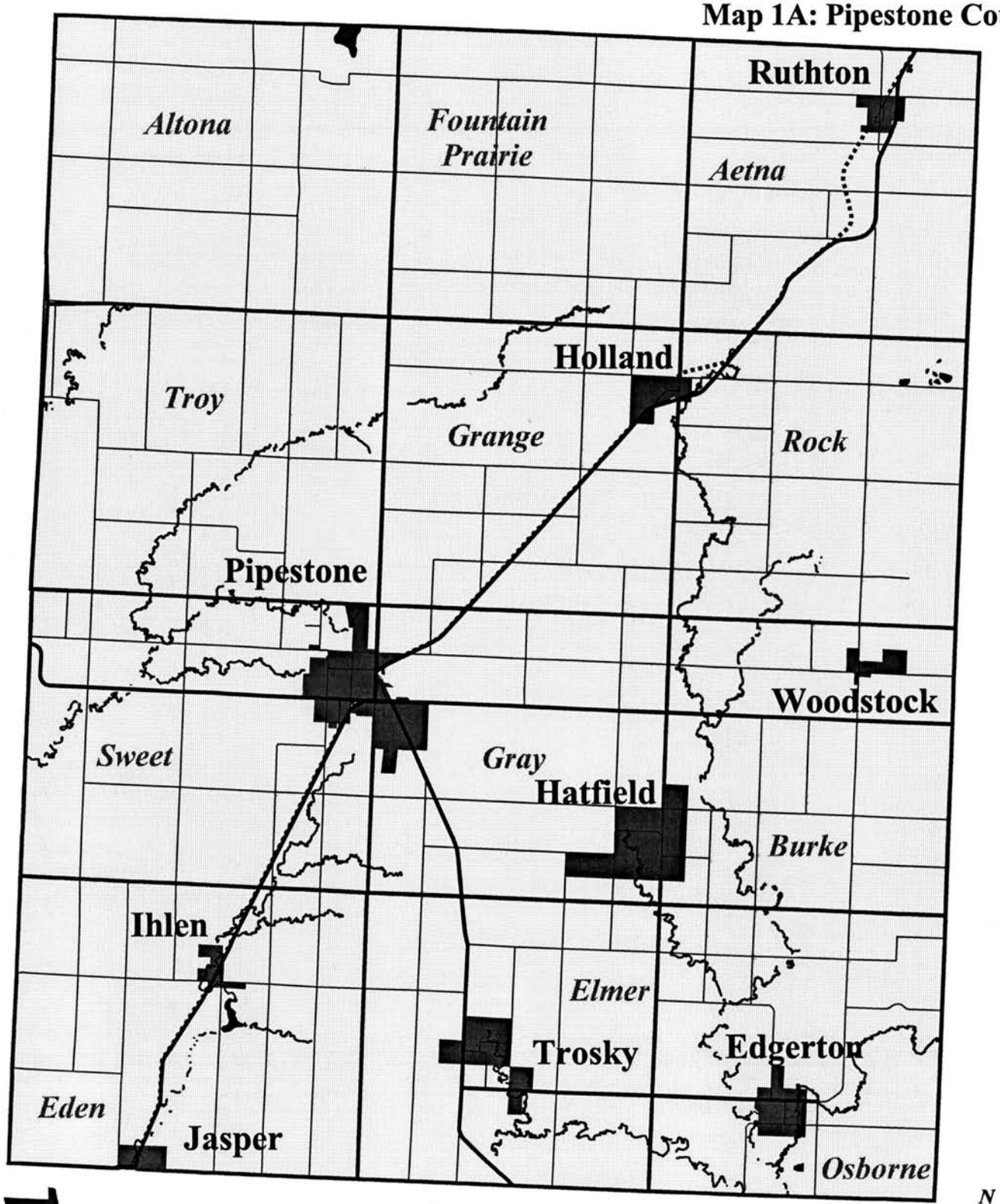
Under Minnesota Statutes Chapter 394, counties are given the authority to formally engage in planning and zoning activities. Chapter 394.21 states:

> *"For the purpose of promoting the health, safety, morals, and general welfare of the community any county in the state...is authorized to carry on county planning and zoning activities."*

In addition, Chapter 394.23 states:

> *"The board [County Board] has the power and authority to prepare and adopt by ordinance, a comprehensive plan."*

Map 1A: Pipestone County



Comprehensive Water Plan

The Comprehensive Local Water Management Act (Minnesota Statutes Sections 103B.301 to 103B.355) encourages counties to develop and implement a comprehensive water plan. ***One of the goals of the comprehensive planning process was to incorporate the County's water planning requirements into this Comprehensive Plan.*** Pursuant to the requirements of this Statute, this Plan:

- Covers the entire area of the county;
- Addresses water problems in the context of watershed units and groundwater systems;
- Is based upon principles of sound hydrologic management of water, effective environmental protection and efficient management;
- Is consistent with comprehensive water plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system; and
- This Water Plan covers a ten-year period (2004–2014), with the Goals, Objectives, Policies and Action Steps covering a five-year period (2004–2009). In 2009, these will need to be simply adjusted to reflect the County's accomplishments and identify any additional water planning priorities.

To ensure that these objectives are realized, the Comprehensive Local Water Management Act further specifies the basic contents of the comprehensive water plan to contain:

- A description of the existing and expected changes to the physical environment, land use and development in the county;
- Available information about the surface water, groundwater and related land resources in the county, including existing and potential distribution, availability, quality and use;
- Objectives for future development, use and conservation of water and related land resources, including objectives that concern water quality and quantity, and sensitive areas, wellhead protection areas, high priority areas for wetland preservation, enhancement, restoration, and establishment, storm water management for developing areas, and related land use conditions, and a description of actions that will be taken.
- A description of potential changes in State programs, policies, and requirements considered important by the county to management of water resources in the county;
- A program for implementation of the plan that is consistent with the plan's management objectives and includes schedules for amending official controls and water and related land resources plans of local units of government to conform with the comprehensive water plan, and the schedule, components, and expected State and local costs of any projects to implement the comprehensive water plan that may be proposed, although this does not mean that projects are required by this section.

Comprehensive Plan Contents

The Pipestone County Comprehensive Plan is divided into seven chapters. Each chapter is briefly summarized below:

- **Chapter One: County Profile**. This Chapter establishes a County Profile for Pipestone County, including information on the County's history, population, households and population projections. Similar information for each of the County's nine cities is provided in Chapters Four (cities) and Five (townships).

- **Chapter Two: Natural Resources**. This Chapter provides a profile of Pipestone County's natural resources. As previously stated, one of the goals of planning process was to incorporate the County's Water Plan into this Comprehensive Plan. Chapter Two is were one would normally find information on the County's 55 data items (a traditional water plan requirement). In addition, the Planning Task Force identified the following five high priority water planning issues for the County:

  Priority Issue #1: Creating Reasonable Environmental Standards
  Priority Issue #2: Protect and Enhance the County's Surface Water Resources
  Priority Issue #3: Protect and Enhance the County's Groundwater Resources
  Priority Issue #4: Reduce Priority Pollutants
  Priority Issue #5: Raise Public Awareness on the County's Key Environmental Issues

- **Chapter Three: Land Use**. This Chapter profiles Pipestone County's Land Use, with information on the County's Zoning, Parks and Trails, Housing, Economic Development, Agriculture and Transportation.

- **Chapter Four: Community Profiles**. This Chapter provides detailed information on each of Pipestone County's nine cities, including historic population, households, population projections, housings projections and a current land use map.

- **Chapter Five: Township Profiles**. Similar to Chapter Four, this Chapter provides detailed information on each of Pipestone County's twelve townships, including historic population, households, population projections, housings projections and a current land use map.

- **Chapter Six: Goals, Objectives, Policies and Action Steps**. Often referred to as the heart of comprehensive plans, Pipestone County's Goals, Objectives, Policies and Action Steps can be found in Chapter Six. This is normally the main reason why Counties develop comprehensive plans. These items specifically outline how the County should make land use decisions regarding future growth and development and which steps will be needed in order to achieve the County's Goals.

- **Chapter Seven: Implementation.** Chapter Seven establishes a five-year focus plan (i.e., work plan) for the County to use while implementing this Comprehensive Plan. In addition, this Chapter contains information on the Plan's coordination, review and amendments procedures.

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

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

ORDER APPROVING COMPREHENSIVE WATER PLAN

Whereas, the Pipestone County Board of Commissioners adopted a Comprehensive Local Water Plan (Plan) on March 25, 1997, under authority of Minnesota Statutes (M.S.) 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board) on January 22, 1997, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

Whereas, the Plan provided for updating in 2006 pursuant to M.S. 1990, Section 103B.311, Subd. 4, and

Whereas, the Pipestone County Board of Commissioners submitted a Comprehensive Local Water Plan Update (Plan Update) to the Board on May 24, 2004, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. M.S. 1990, Section 103B.311, Subd. 4, requires adopted Comprehensive Water Plans to be updated on a recurring basis.

2. On May 13, 2003, Pipestone County Board of Commissioners passed a resolution to develop a Comprehensive Water Plan Update to meet the plan update requirements.

3. Pipestone County held a public information meeting on May 14, 2003, for purposes of gaining public input into the Plan Update.

4. On December 20, 2003, Pipestone County completed a draft Plan Update and submitted it to affected local units of government for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 1.

5. On December 20, 2003, Pipestone County submitted a draft Plan Update to the Minnesota Departments of Agriculture, Health, and Natural Resources, Pollution Control, Minnesota Geological Survey, and Minnesota Environmental Quality Board for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 5.

6. On February 24, 2004, Pipestone County held a public hearing on the Plan Update pursuant to M.S. 1990, Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.

7. On May 24, 2004, Pipestone County submitted its Plan Update along with all written comments received on the Plan Update and a record of the public hearing to the Board for final State review pursuant to M.S. 1990, Section 103B.315, Subd. 5.

8. On May 24, 2004, the Board distributed notification of the official 90-day state review and a copy of the Pipestone County Plan Update to the Minnesota Departments of Agriculture, Health, Natural Resources, Pollution Control, Environmental Quality Board, and Geological Survey for their review and comment pursuant to Minnesota Rules, Chapter 9300.0170. The notification stated that each agency had 45 days from receipt of the notification to submit written comments to the Board.

9. On July 28, 2004 the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Pipestone County Plan Update . Recommendations of the state review agencies were:
   A. Minnesota Department of Agriculture no recommendation received.
   B. Minnesota Department of Health no recommendation received.
   C. Minnesota Department of Natural Resources recommends approval.
   D. Minnesota Pollution Control Agency recommends approval.
   E. Minnesota Environmental Quality Board no recommendation received.
   F. Minnesota Board of Water and Soil Resources regional staff recommends approval.
   G. BWSR Water Plan Review Committee Meeting recommends approval.

10. This update will be in effect until August 25, 2014.

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

2. The Pipestone 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 Pipestone Local Water Management Plan August 25, 2004-2014. The Implementation plan will be effective for 5 years and amended by August 25, 2009.

Dated at St. Paul , Minnesota, this 25th day of August, 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

STEVENS COUNTY ENVIRONMENTAL SERVICES OFFICE
5th & Colorado, PO Box 530
Morris, MN 56267
PH: 320-589-7420
Fax: 320-589-2036

June 8, 2004

MEMORANDUM

TO: Becky Balk, MDA
John Wells, MN EQB
Art Persons, MDH
John Fax, DNR
David L. Johnson, MPCA
Jeff Neilsen, BWSR

FROM: Bill Kleindl, Stevens County Environmental Services Coordinator

RE: **Priority Concerns Scoping Document**

Enclosed is the Priority Concerns Scoping Document for the update of the Steven County Local Water Management Plan. Stevens County has a population of 10,053 and is located in west-central Minnesota. The city of Morris is the county seat.

The Local Water Management Plan is administered through the Stevens County Environmental Services Office. The original plan was adopted in 1990 with an update in 1996. A two-year extension was granted in 2001 extending the expiration date of the 1996 plan to December of 2003.

Please review the Priority Concerns Scoping Document and submit all comments to Jeff Nielsen (jeff.nielsen@bwsr.state.mn.us) by July 8, 2004.

Cc: Marybeth Block, BWSR
Dave Sill, BWSR
Neil Hofland, County Commissioner
Dave Jungst, SWCD
Jim Thoreen, County Coordinator

STEVENS COUNTY LOCAL WATER MANAGEMENT PLAN

PRIORITY CONCERNS SCOPING DOCUMENT

JUNE 2004

PRIORITY CONCERNS SCOPING DOCUMENT

The priority concerns scoping document for the Stevens County Local Water Management Plan was developed in accordance with the changes to the Comprehensive Local Water Management

Act; Statutes: 103B.304 – 103B.355. This scoping document lists the priority concerns the Stevens County Water Management Task Force has chosen along with a detailed account of how the concerns were identified and selected.

INTRODUCTION

Stevens County is located in west central Minnesota, approximately 150 miles west of the Twin Cities Metropolitan Area. The County has a land area of approximately 570 square miles, or 364,000 acres, which includes 5 cities and 16 townships. About 95 percent of the land area is farmed or used for rotational pasture. The largest population settlement is the city of Morris, which is also the county seat. The population trend is declining. In 1980 the population was 11,322, 10,634 in 1990 and 10,053 in 2000.

The Stevens County Environmental Services Coordinator is responsible for the Local Water Management Plan (LWMP). The original LWMP was adopted in 1990 with an update in 1996. A two-year extension was granted in 2001 extending the expiration date of the 1996 plan to December of 2003.

LIST OF PRIORITY CONCERNS

1) County Administration/Enforcement of Individual Sewage Treatment Systems - adopt Minnesota Rules Chapter 7080.
2) Groundwater/Rural Water/Wellhead Protection focusing on the City of Morris supplying rural water for the cities of Alberta and Chokio.
3) Erosion and Sediment Control concentrating on identified areas of agricultural land for gully erosion and concentrated flows.
4) Stormwater and Drainage Management focusing on wetland restorations and flood control.
5) Landuse/Development Issues - develop a Comprehensive Plan including updating the County Zoning Ordinance and Shoreland Standards.

PRIORITY CONCERN IDENTIFICATION

The Stevens County Local Water Management planning process of addressing priority concerns has included the following steps/actions:

- **January 6, 2003**: The Stevens County Board of Commissioners signed a resolution to update the Local Water Management Plan.
- **January 30, 2003**: Written notice was sent to all surrounding counties, all 16 county townships, five county cities, the Bois de Sioux Watershed, the Chippewa River Watershed Project and the Stevens Soil and Water Conservation District requesting copies of local plans and official controls. The notice further requested identification of any conflicts, problems, or opportunities they would like examined in the process.
- **January 12, 2004**: Meeting with Pete Waller of BWSR to discuss the revised updating process.
- **January 28, 2004:** Written notice sent to state agencies requesting priority concerns input on the Local Water Management Plan update.
- **March 25, 2004:** Written notice of a public input meeting was sent to all townships, cities, Bois de Sioux Watershed, Chippewa River Watershed Project, Perkins Lake Association, Alberta Wildlife Federation, Donnelly Rod and Gun Club, Hancock Sportsman Club,

Chokio Sportsman Club, County Commissioners, and Local Water Plan Task Force. Each notice included a survey (Attachment 1) informing the party to complete and return if they could not make the input meeting. Notice of the meeting was also advertised in all county newspapers and the local radio station.

- **April 5, 2004**: Public input meeting was held at 7:00 p.m. at the West Central Research and Outreach Center in Morris. Twelve people were in attendance. A presentation was presented explaining the background of water planning, an overview of the update process, what is in the current plan, accomplishments of the water plan and input from the audience. The survey form shown as Attachment 1 was utilized to facilitate input. A summary (minutes) from the public input meeting are found as Attachment 2.
- **May 18, 2004:** Meeting with Dave Sill of BWSR, Dave Jungst of SWCD and Bill Kleindl, Environmental Services to review comments and concerns received. Selected five suggested priority concerns for the Task Force to consider.
- **June 2, 2004:** Task Force met to discuss the water plan update and select the five priority concerns listed above.

PRIORITY CONCERN SELECTION

Following is a list of priority concerns received from state and local governments, and the public input meeting. To summarize the concerns they felt were threats to Stevens County, a table was developed (Attachment 3) for ranking concerns of each agency responding. Dave Sill (BWSR), Dave Jungst (SWCD), and Bill Kleindl (ESC) meet to review and discuss these priority concerns. It was decided to select five concerns for the LWMP Task Force to consider the plan update focus on. Those concerns were: Groundwater/Rural Water/Wellhead Protection, Erosion/Sediment Control, Stormwater/Drainage Management, Adopt Septic System Ordinance/Update Shoreland Standards and Reduce Priority Pollutants.

The Task Force meet on June 2 and reviewed the suggested five priorities. It was decided to select four of these concerns and create a fifth one for developing a Comprehensive Plan that includes updates to the zoning ordinance and shoreland standards. It was felt that reducing priority pollutants could be addressed through implementation under erosion and sediment control.

State Agencies Priority Concerns:

MDH – Mike Howe

1) Drinking water is important to everyone and is a vital necessity for community health and economic well being.
2) Add language in the county water plan to reflect the above statement.
3) Local resources are the best way to address local issues. However, the MDH provides a high level of technical assistance support on most drinking water issues.
4) Areas of high priority will be approved wellhead protection areas (when identified) and a 200-foot radius around all public water supply wells (also known as IWMZ).

BWSR – David Sill

1) Erosion and sediment control; nutrient management on agricultural land.
   - Increase adoption of soil erosion practices and nutrient management on all land uses.

- Identify measurable actions for selected best management practices. Establish a five-year action for increasing riparian filter or buffer strip enrollment.
- Market conservation best management practices and incentive programs available through the Stevens County SWCD/NRCS.
- Implement best management practices program within the context of the major watersheds (Pomme de Terre, Chippewa and Mustinka). Utilize expertise of Bois de Sioux Watershed District, Chippewa River Watershed Project and Pomme de Terre River Association.

2) Because of anticipated growth and potential development around the City of Morris and several priority lakes consider local ordinance updates.
   - Consider zoning ordinance update, including shoreland and countywide zoning for septic systems. Provide education.
   - Consider update or development of the County's Comprehensive Plan.
   - County Local Water Management base grant funding and BWSR Local Water Management Challenge Grant are potential funding sources for ordinance updates.

MPCA – Lisa Thorvig

1) Minn R. ch. 7080 – Individual Sewage Treatment Systems
   - Concerned that the County has not adopted Minn. R. ch. 7080 as required in Minn. R. 7080.0305, subp. 1.
   - MPCA will be unable to recommend approval of the LWMP without adoption of Minn. R. ch. 7080.
2) Total Maximum Daily Loads (TMDL)/Impaired Waters
   - Identify the priority the County places on addressing impaired waters, and how the County plans to participate in the development or implementation of TMDL projects.
   - Include a map of impaired waters as part of LWMP update.
   - Identify the pollutants(s) causing the impairment.
   - Address the commitment of the County to submit any data it collects to MPCA for use in identifying impaired waters. Plans, if any, for monitoring as yet unmonitored waters to provide a more comprehensive assessment of waters in the county.
   - Describe actions and timing the County intends to take to reduce the pollutant(s) causing the impairment, including those actions that are part of an approved implementation plan for TMDLs.
3) Priority Resource Protection and Planning
   - Priority concerns related to water quality issues, sensitive areas planning, or shoreline protection should be consistent with other local, regional, and statewide resource management documents, activities, goals, and objectives. This would include the Red River and the Minnesota River Basin Information Documents and current Basin Plans, Stevens County Feedlot Workplan, and the Bois de Sioux Watershed District Plan. Tributaries and main-stem of the Pomme de Terre River, lakes, wetlands, riparian areas, and impaired waters are recommended as high priority areas.

4) Storm Water Management
   - Insure provisions of the General Stormwater Permit for construction activity are met by permittees within the County.

- Educate contractors and ensure appropriate best management practices are installed to protect surface water resources within the County from sediment during rain events.
- All areas of the County, but specifically shoreland areas and highly erodible areas, are high priority.

DNR – Paul Swenson

1) Habitat Corridor Protection
   - Improved habitat corridors
2) Nonpoint Pollution
   - Reduced nutrient loading in water systems
   - Reduced siltation
3) Shoreland Development
   - Update statewide rules concerning shore land development
   - Provide information to lakeshore property owners regarding the impacts of shore land development.
   - Restore shorelines to native vegetation.
4) Stormwater Runoff
   - Manage stormwater runoff from municipalities and agricultural lands to reduce siltation and nutrient load in public waterways.
5) Stream Restoration/ Stream Flow
   - Streams are returned to a natural condition where their channel dimensions, pattern and profile are matched with the water and sediment provided by its watershed.
   - Adequate water flow in rivers and streams to keep fish populations safe, keep oxbows full for wildlife needs, and to provide for season-long recreational boating.
6) Stream Connectivity
   - Free movement of fish populations throughout the watershed for seasonal migration, breeding, and uninhibited gene flow.
   - Maintain basin isolation when threatened by exotic species
7) Water Quality
   - Maintain and improve surface water quality
   - Improve water quality in shallow aquifers.
8) Water Supply
   - Maintain necessary water supply to meet demands for recreation, public water supply, natural resources and agriculture.
   - Improved Water Use Efficiencies
9) Wetland Protection/Restoration
   - Achieve no net loss in the quantity, quality, and biological diversity of existing wetlands, and increase the quantity, quality, and biological diversity of wetlands by restoring or enhancing diminished or drained wetlands.

<u>Local Government Priority Concerns</u>:

Bois de Sioux Watershed – Jon Roeschlein

The Bois de Sioux Watershed submitted a copy of what they call Ordinal Rankings for Flood Damage Reduction and Natural Resource Enhancement from their Overall Plan. These are the issues that have been identified in public meetings as high, moderate and low priority issues to

address. The Watershed recommends these as the high priority issues to be identified in the local water management plan update.

1) Flood damage reduction and natural resource enhancement in the East Branch of Twelve Mile Creek.
   - Flood Rankings
     - Overland flooding-steep slopes (beach ridge area) and depressional areas (high)
     - Ice and snow blockage (high)
     - Major contributor to downstream flooding (high)
   - Flood Damages Rankings
     - Road washouts and inundation (high)
     - Crop losses (high)
     - Flood damage to personal property/farmsteads (moderate)
   - Drainage Rankings
     - County line dispute (high)
     - Natural streams sedimentation problems, widening naturally (moderate)
     - Pumping stations needed for drainage (low)
     - Drainage has drained many basins/game lakes (high)
   - Streamflow Rankings
     - Flows exceeding capacity during runoff events (high)
   - Lake Levels Rankings
     - Lake levels, high water levels are above OHW (low to moderate)
   - Erosion and Sedimentation Rankings
     - Natural stream sedimentation and aggradation (high)
     - Ag land and channel erosion (moderate to high)
     - Mud Lake/Lake Traverse Sedimentation (high)
   - Water Quality Ranking
     - Septic system design and inundation (low)
     - Nutrient and sediment loading (high)
     - Turbidity (high)
     - Potential for feedlot problems (moderate)
   - Fish and Wildlife Habitat Rankings
     - Loss of wetlands and upland cover (moderate)
     - Diminished use by fish (moderate)
     - Lack of functional riparian areas (moderate)
   - Unique Water/Land Related Resources Rankings
     - Goose predation of crops (high)
   - Other Natural Resource Issues Rankings
     - Loss of grass and water habitat (low)
     - Lack of buffer strips (moderate)
   - Other Comment – Lack of regard for current regulations

Chippewa River Watershed Project

1) Storm Water Management
   - Raise public awareness on storm water pollution and ways to prevent/minimize it.
   - In cooperation with the cities and neighboring counties, address common storm water issues and assess the need to be more proactive promoting storm water management.

- Develop an educational program on the installation and removal of construction Best Management Practices (i.e., for temporary erosion control structures).

2) Reducing Priority Pollutants
   - Work with the MPCA to get waters off the Clean Water Act's Total Maximum Daily Load (TMDL) 303d list of impaired waters.
   - Establish a strategy to promote the use of phosphorous free fertilizer on lawns. Encourage municipalities to adopt ordinances that limits or prevents the use of phosphorous-based fertilizers
   - Assist with developing conservation plans to promote farming and recognize alternative farming methods.
   - Through nutrient and pesticide management planning, such as precision agriculture, promote the timing, rate, and placement of synthetic and/or organic fertilizers and pesticides using incentives (such as EQUIP and others).
   - Promote practices to reduce streambank and ditch-channel erosion.
   - Promote filter/buffer strips along ditches and streams to capture sediment as it leaves the field. Enforce the minimum one-rod grassed areas as it applies to drainage policy.
   - Support upgrading Individual Sewage Treatment Systems (ISTS) with the use of state revolving fund low interest loans.
3) Water/Drainage Management
   - Drainage needs to be viewed as an integral part of water management. Its importance to water quality and water quantity as well as the economic importance needs to be considered. The drainage infrastructure needs to be maintained and managed for sustaining agricultural productivity as well as understanding that it is part to the tributary system.
4) Flooding
   - Emphasize the need to protect non-farm wetlands (types 3, 4, and 5) and support the no-net-loss of wetlands. Promote voluntary restoration of drained wetlands.
   - Identify and evaluate water storage areas.
5) Education and Outreach
   - Focus education and outreach efforts on two to three water planning issues a year. Integrate those efforts with watershed projects.

Everglade Township

1) Four top problems in Stevens County
   - Failing septic systems (mound systems)
   - Declining water clarity (high iron & sulfur)
   - Erosion
   - Stormwater/Drainage management
2) Groundwater and wetlands are the most threatened resource
   - Rural water system could use more discussion

Alberta Wildlife Federation

1) Five top problems in Stevens County
   - Development pressures/impacts
   - Failing septic systems
   - Stormwater/drainage management

- Contaminated runoff
- County ditches

2) County ditches, groundwater, streams/rivers, lakes and wetlands (in this order) are the most threatened resources.
3) Other Comment – The lack of common sense from beginning to end of projects just floors me!

Public Input Meeting & Survey

The meeting attendees were asked to complete a survey identifying the four top problems and the most threatened resources in Stevens County. The most threatened resources were lakes, followed by streams, wetlands and groundwater. The survey results for identified problems shown in Table 1, were listed on a flip chart for discussion. Following are comments for each problem area.

1) Erosion
   - Need to install more grass waterways, sediment dams and buffer strips
2) Failing Septic Systems
   - No comments were made
3) Stormwater/Drainage Management
   - Fertilizer management by farmers is better
   - Focus should be on homeowners using lawn fertilizer
4) Over Application of Fertilizer
   - Manure management plans are now required for feedlot operators
   - Focus on lawn fertilizers
5) Natural Habitat Destruction
   - Agricultural drainage increasing
   - Not as many hunting areas as in the past
   - Old farmsteads where wildlife could live are now being farmed
   - Everybody tiling and draining
6) Development Pressures
   - Occurring near highways and paved roads now
   - With more rural residential, encourage cluster developments
7) Groundwater Contamination
   - Continue well sealing program
   - Rural water has potential especially for rural developments
8) Lack of Environmental Education
   - Continue SWELL Coordinator position to promote environmental education to schools and other groups
9) Other Comments
   - We are really in pretty good shape – are taking care of problems as they show up.
   - Jumpstart the Pomme de Terre River Watershed Association if possible
   - I feel we have a pretty good balance right now.
   - Did they ever consider making methanol from the city sewer?

Table 1: Survey Results

Rank	Problem	Votes
1.	Erosion	6
2.	Failing Septic Systems	4
3.	Stormwater/Drainage Management	3
4.	Contaminated Runoff	2
5.	Natural Habitat Destruction	2
6.	Over-Application of Fertilizer	2
7.	Development Pressures	1
8.	Groundwater Contamination	1
9.	Declining Water Clarity	1
10.	Lack of Environmental Education	1

Plans were collected from the following:

- City of Chokio – all city ordinances
- Bois de Sioux Watershed Plan
- City of Hancock – Wellhead protection plan
- Swift County Local Water Management Plan
- Chippewa County Local Water Management Plan

PRIORITY CONCERNS NOT ADDRESSED BY THE PLAN

Due to staff limitations and water planning budget cuts some water management issues will not be addressed . The Task Force feels with these limited resources, the five priority concerns listed in this document are the most important and doable at this time. Other concerns will be re-examined in the next plan update.

Attachment 1

Stevens County Citizen Survey

1) Which watershed is you home/land located in? (X)

___ Pomme de Terre

___ Mustinka (Bois de Sioux)

___ Chippewa

___ Upper Minnesota

2) What are the top four problems in Stevens County?

(_X_ check 4)

___ Failing septic systems

___ Development pressure/impacts

___ Lack of environmental education

___ Natural habitat destruction

___ Declining water clarity

___ Erosion

___ Over-application of fertilizers

___ Stormwater/Drainage management

___ Contaminated runoff

___ Lack of regulations

___ Groundwater contamination

___ Other _____

3) Which resource is the most threatened?

Rank 1-5, with 1 being the most threatened.

___ Groundwater

___ Wetlands

___ Lakes

___ Streams/Rivers

___ Other _____

Additional Comments/Suggestions:

Attachment 2

LWMP UPDATE PUBLIC INFORMATION MEETING
7:00 PM, APRIL 5, 2004
WEST CENTRAL RESEARCH & OUTREACH CENTER

County Commissioner/LWMP Chairman Neal Hofland called the meeting to order at 7:00 p.m. There were 12 people present. Hofland introduced and turned the meeting over to Bill Kleindl, Environmental Services Coordinator.

Kleindl introduced Dave Sill, BWSR Board Conservationist. He explained that Sill is new in working with Stevens County since BWSR changed their regional work areas. Kleindl continued with an overview on the background of water planning, the plan update process, what's the current water plan purpose and goals, accomplishments in the last 5- 10 years and asked for public input from the audience. A survey form was handed out asking what watershed you live, a list of problems in the county (check 4) and which resource is the most threatened.

Results of the surveys indicated that 8 residents live in the Pomme de Terre River watershed and one in the Chippewa Watershed. Lakes are the most threatened followed by streams, wetlands and groundwater. Erosion, failing septic systems, stormwater/drainage management, natural habitat destruction and contaminated runoff were the top five problems listed. The top problems were listed on a flip chart and public input was taken.

<u>Erosion</u>
- Need to install more grass waterways, sediment damns and buffer strips

<u>Failing Septic Systems</u>
- No comments were made

<u>Stormwater/Drainage Management</u>
- Fertilizer management by farmers is better
- Focus should be on homeowners using lawn fertilizer

<u>Over Application of Fertilizer</u>
- Manure management plans are now required for feedlot operators
- Focus on lawn fertilizers

<u>Natural Habitat Destruction</u>
- Agricultural drainage increasing
- Not as many hunting areas as in the past
- Old farmsteads where wildlife could live are now being farmed
- Everybody tiling and draining

<u>Development Pressures</u>
- Occuring near highways and pave roads now
- With more rural residential, encourage cluster developments

<u>Groundwater Contamination</u>
- Continue well sealing program
- Rural water has potential especially for rural developments

<u>Lack of Environmental Education</u>
- Continue SWELL Coordinator position to promote environmental education to schools and other groups

Other comments from the survey were:
- Need to jump start the Pomme de Terre River Watershed Association if possible.
- We are really in pretty good shape and are taking care of problems as they show up.
- I feel we have a pretty good balance right now.
- Did they ever consider making methanol from the city sewer?

The meeting adjourned at 8:35 p.m.

Minutes submitted by Bill Kleindl

Attachment 3

PRIORITY CONCERNS /ISSUES COLLECTED FROM LOCAL/STATE AGENCIES & PUBLIC INPUT	1	2	3	4	5	6	7	8	9	Total
Groundwater – possible need rural water system	X			X		X	X	X		5
Wellhead Protection Areas and 200 foot radius around all public water supplies	X									1
Maintain water supply for recreation, public water supply, natural resources and ag.	X		X	X						2
Erosion and sediment control		X	X	X	X	X		X	X	7
Stormwater/drainage management		X	X	X	X	X	X	X	X	8
Nutrient management on agricultural land; sediment loading		X	X	X	X				X	5
Implement BMP's within a watershed context – jumpstart Pomme de Terre River Assoc.		X	X		X				X	4
Nonpoint source pollution - over-application of fertilizer & contaminated runoff		X	X	X			X	X		5
Maintain & improve surface water quality		X	X	X	X	X			X	6
Total Maximum Daily Loads (TMDL)/Impaired Waters			X						X	2
Shoreland/Stream restoration				X	X				X	3
Improve habitat corridor protection				X				X		2
Stream connectivity to allow free movement of fish for migration & breeding				X						1
Reduce flooding					X				X	2
Wetland Protection/Restoration				X	X				X	3
Failing septic systems			X		X	X	X	X	X	6
Develop a comprehensive plan and update zoning, shoreland and septic system ordinance		X	X	X						3
Development pressures/impact		X					X	X		3
County ditches					X		X			2
Education & outreach (stormwater, lakeshore, feedlots, septic, erosion, buffer strips)			X	X					X	3

A X in a column represents a priority concern for the local/state agencies or public input meeting listed below.

1 – Minnesota Department of Health
2 – Minnesota Board of Water & Soil Resources
3 – Minnesota Pollution Control Agency
4 – Minnesota Department of Natural Resources
5 – Bois de Sioux Watershed
6 – Everglade Township
7 – Alberta Wildlife Federation
8 – Public Input Meeting
9 - Chippewa River Watershed Project

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Minnesota Board of Water & Soil Resources

August 25, 2004

Stevens County Commissioners
C/O Bill Kleindl, Stevens County Environmental Services
Stevens County
5th & Colorado, P.O. Box 530
Morris, MN 56267

RE: Official Comments pertaining to the State Review of the Stevens County Priority Concerns Scoping Document.

Dear Stevens County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Stevens County has chosen to address in the update of their Comprehensive Local Water Management Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Stevens County Priority Concerns Scoping Document (PSCD) on June 8, 2004.

The Southern Water Planning Committee (hereinafter referred to as the Committee) met on July 28, 2004 to discuss any state review agencies comments, the content of the PCSD and recommendations for the content of the final plan.

The Board of Water and Soil Resources did not receive any comments from other state agencies. Review of the PCSD by BWSR staff noted that the priority issues identified and established in the document are reasonable and appropriate.

The Committee commends the county for the process they used to select the concerns - input from state agencies, local government and citizens was incorporated into the five priority concerns. It was noted that close coordination with the recently completed Bois de Sioux Watershed District (BDSWD) Overall Plan, which covers the northwest quarter of Stevens County will benefit the Plan update. The priority concerns to be addressed in the Plan are deemed to be appropriate with one request. The Committee does request the County's Local Water Management Plan include a map of impaired waters *(2004 Impaired Waters List, MPCA)*, identify the pollutants(s) causing the impairment, and discuss how it will address impaired waters.

In summary, the Board encourages the county to continue to engage in a process that includes citizens, local government officials, and state and federal resource managers as you develop goals, objectives and an implementation plan. We look forward to the completion of your plan and its implementation!

Sincerely,

Jerome Deal
Chair, Board of Water and Soil Resources

C: David Sill, BWSR
Marybeth Block, BWSR
Jeff Nielsen, BWSR
Art Persons, MDH
Becky Balk, MDA
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PROPOSED FY 05 NPEA BASE GRANTS

BACKGROUND

The Non Point Engineering Assistance (NPEA) Grants are allocated annually to the eleven NPEA Joint Powers Boards for the purpose of providing technical assistance to landowners to apply conservation practices. For FY 05, the legislature again has appropriated $1.064 M for this Program.

At their June 2004 Meeting, the Board approved a new delivery model and set of performance standards that will go into effect in July, 2005 for FY 06. Those changes do not affect this grant.

ISSUE

These base grants are proposed to be allocated according to policy adopted by the BWSR at their August 2003 Meeting, as follows:

A) The entire FY 05 legislative appropriation will be allocated equally, (currently $96,727 per JPB) up to the total requested amount.

B) JPBs will be responsible for their budget shortfalls.

C) JPBs will be required, to submit a Board Conservationist approved budget and plan detailing how they will resolve their budget shortfalls, and provide adequate engineering assistance in their JPB area.

NOTE: Other funding sources to balance JPB budgets include the following:

Charging fees for services
SWCD contributions
Grants from other sources
Spending down JPB fund balances

RECOMMENDATION

The Board is requested to adopt the enclosed resolution authorizing BWSR staff to allocate these grants according to policies, to JPBs meeting program requirements.

H:05NPEABGBM

Nonpoint Engineering Assistance Program



Board Resolution #_____

FY 05 Non Point Engineering Assistance Base Grant Authorization

WHEREAS, the Non Point Engineering Assistance (NPEA) Base Grant, administered by the Board of Water and Soil Resources (BWSR), provides financial assistance to SWCD Joint Powers Boards for providing technical assistance to landowners to apply conservation practices; and,

WHEREAS, the Laws of Minnesota for 2003, Ch. 128, Art. 1, Sec. 7, has appropriated NPEA Base Grant funds to BWSR; and,

WHEREAS, the BWSR has adopted the following NPEA Base Grant allocation policies;

A) The entire FY 05 legislative appropriation will be allocated equally, (currently $96,727 per JPB) up to the total requested amount.

B) JPBs will be responsible for their budget shortfalls.

C) JPBs will be required, to submit a Board Conservationist approved budget and plan detailing how they will resolve their budget shortfalls, and provide adequate engineering assistance in their JPB area.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate the FY 05 NPEA Base Grants according to these policies, to JPBs meeting Program requirements.

_____ Date: _____

Jerome Deal, Chair
Board of Water and Soil Resources

H:05NPEABGR

FOR YOUR INFORMATION

August 25, 2004

- BWSR "Update"
- State Envirothon in the News – article from Star Tribune
- "Canon Envirothon" News Release
- "The Protector"

Minnesota Board of Water & Soil Resources

Board of Water and Soil Resources UPDATE

A publication of the Minnesota Board of Water and Soil Resources August 2004

METRO

Planning for the September (Wednesday, Sept. 22) metro board tour is well underway. We are planning to visit a number of sites in Dakota and Scott counties with an emphasis on low impact development processes. We'll likely view both retrofit situations and a new development. A short afternoon forum is planned that examines how the metro SWCDs are faring. The metro has mandatory watershed organizations and fairly active county environmental departments. This can lead to crowded niches.

Metro staff members continue to spend a lot of time with the recently approved Rice Creek Watershed District wetland comprehensive plan. It is being used, but there are a few growing pains as procedures get ironed out. Recall this plan went quite a bit further than other plans in its high degree of up-front analysis and a subsequent desire to advance more quickly through the avoid-minimize-mitigate continuum. There have been some misunderstandings, a couple of appeals, and a continuing effort by all parties to make this thing work.
-Submitted by Steve Woods

ENGINEERING

In the June BWSR Update, it was mentioned that we were concerned about the effect of no bonding bill and, therefore, no CREP-2 funding on our wetland restoration staffing capacity. Because the probability of a special session and CREP-2 funding in the near term wasn't looking good, we made the decision to let two of our CREP engineering technicians go. Tom Schmidt's last day was Aug. 6 and Dave Olson's was Aug. 10. Their remaining projects have been redistributed, and we continue to work diligently at assisting the completion of CREP-1 wetland restorations.

Tom Wenzel recently represented BWSR at a news conference held by NRCS and Ducks Unlimited at a Straight River RIM/WRP project site near Owatonna. The purpose of the news conference was to announce a signing of a new Memorandum of Understanding for cooperation between NRCS and DU. NRCS Chief Bruce Knight and DU Executive Vice President Don Young came to Minnesota to sign the MOU, presumably because Minnesota is a hotbed of partnerships for wetland restoration. BWSR was a key player in the Straight River RIM/WRP, which involves 30-year WRP easements and perpetual RIM Reserve easements. BWSR engineering staff were the principal technical assistance providers for these wetland restoration easements, and Steele County SWCD and NRCS field office staff were major local players. Look for more information about this event elsewhere in this edition of the BWSR Update.

In late June, Jeff Hedtke, BWSR engineering technician, participated in a Brown County conservation tour, where he helped explain the implementation and outcomes of two CREP wetland restoration projects. Jeff and other BWSR engineering staff assisted the SWCD staff, landowners, and others to investigate, design, and construct these relatively large, high quality wetland restorations. Conservation tours are rewarding demonstrations of conservation partnerships on private lands–opportunities to share the outcomes of good information, education, technical and administrative assistance, and landowner commitment for conservation that improves the quality of the environment and quality of life in Minnesota.

Marc Hershfield, BWSR project specialist, is making good progress leading the efforts of BWSR, MPCA, and DNR to resolve NOAA and EPA conditional approval of Minnesota's Coastal Nonpoint Program. This is an important interagency partnership for the Lake Superior basin and North Shore in Minnesota. Al Kean and Mark Nelson are also contributing to this partnership on behalf of BWSR and our clientele. When full approval of the Coastal Nonpoint Program is achieved, Minnesota will receive additional federal funding for implementation of the Coastal Nonpoint Program. To date, this effort has enhanced coordination with Mn/DOT and the U of M Center for Transportation Studies, which have developed

Continued on next page

new construction erosion control certification programs for inspectors, designers, and contractors, as well as a circuit training program and new computer-based erosion control design tools.

Al Kean continues to work with the Red River Basin Technical and Scientific Advisory Committee to develop an On-Channel Storage guidance document. This technical paper will help enable more environmentally compatible flood storage siting, design, and operation on man-made, natural, and altered channels. The TSAC also recently participated via invitation in a workshop sponsored by the Red River Basin Institute to develop a prioritized research agenda for the Red River Basin. Although the objective may not have been fully realized, there was good dialogue about research, monitoring, and interpretation needs to enhance water management in the Red River Basin.

Eleven of the 13 TSAC technical papers are now available electronically on the Red River Basin Decision Information Network at www.rrbdin.org. Once on the home page, go to "Filebank" under "More Information" in the top line, and then put "tsac" in the search box at the lower left of the Filebank screen. This is a beta version that is being reviewed by TSAC members. Technical Paper #12, "Wetland Hydrology and Biodiversity in the Red River Basin," will be added soon.

The MPCA recently published the draft of a new General NPDES/SDS Feedlot Permit for CAFOs. On behalf of BWSR, Al Kean reviewed and commented on the draft, which is quite comprehensive. Feedlots that qualify for this permit will have a lower application cost and more certain permit conditions than for an individual permit.
-Submitted by Al Kean

LAND & WATER

The final version of the upgraded MnRAM 3.0 is now available on BWSR's web site at www.bwsr.state.mn.us/wetlands/mnram/index.html. A standard procedure for evaluating wetland functions and values, MnRAM is available without charge to local governments, consultants, and others with a role in implementing the Wetland Conservation Act.

The Board of Water and Soil Resources has approved MnRAM 3.0 as an official wetland assessment method. The database version in Access 2000 includes the changes made after last summer's field sessions. The Comprehensive Guidance includes background information about wetland assessment in general, Minnesota wetlands in particular, as well as formulas used to calculate functional ratings.

This summer, the MnRAM Workgroup trained over 40 people in three sessions (south metro, north metro, and north regional). Over 300 people attended training sessions last summer; their feedback contributed to the modifications made to this final version. A PowerPoint training slideshow is also available on the web site.

Updates include scientifically referenced parameters, numeric ranking, integrated GIS capability, comprehensive data management, added amphibian function evaluation, and improved landscape-level evaluation (including buffer, upland soils, and upland land use). Every question was evaluated to incorporate recent scientific knowledge as well as practicality for use in a regulatory environment.

Management Classification, a draft companion to the assessment method, is used to assist local planners interpret and use MnRAM results. The two protection level templates must be used manually (via the flowcharts) at this time. This policy-implementation procedure was pulled out to make a clear distinction between site conditions and potential management strategies.

In addition to contributions of time and expertise by private, local, state, tribal, and federal employees, this work was made possible by a grant from the U.S. EPA, Region 5.
-Submitted by Natasha DeVoe

BRIEFS

Governor Tim Pawlenty announced the appointment of Paul Brutlag, Louise Smallidge, and LuAnn Tolliver to the Board of Water and Soil Resources.

Paul Brutlag, of Wendell, is an attorney at the Fluegel, Helseth, McLaughlin, Anderson & Brutlag law firm in Elbow Lake. He farms in Grant and Otter Tail counties. Brutlag is appointed to a Board position for a public member and will serve a four-year term that ends Jan. 7, 2008. He replaces Char Kahler on the Board.

Continued on next page

Louise Smallidge, of Hastings, farms in southern Washington County. She is an elected member and chair of the Board of Supervisors of the Washington Conservation District. Smallidge is appointed to a Board position for a Soil and Water Conservation District supervisor and will serve a four-year term that ends Jan. 7, 2008. She replaces Dwain Otte on the Board.

Tolliver, of Minnetonka, is an analyst/programmer senior specialist at the Nash Finch Company. Since 1991, she has been a member of the Nine Mile Creek Watershed District Board. She currently serves as Chair of her watershed district board. Tolliver is appointed to a Board position for a representative of a watershed district or watershed management organization. She will serve a four-year term that ends Jan. 7, 2008. Tolliver replaces Jack Frost on the Board.

✦

The Straight River Marsh restoration project, located in southern Steele County, served as a backdrop in late July for the signing of an agreement between the Natural Resources Conservation Service and Ducks Unlimited.



A view of the project site.

Efforts to restore the 1,200-acre wetland complex and surrounding uplands in the Straight River Marsh project have been underway since 1995. The project involved many conservation programs, groups, and agencies including the NRCS and its Wetland Reserve Program (WRP), and BWSR and the local SWCD through the Reinvest in Minnesota (RIM) Reserve Program. Approximately 2,220 acres of drained wetlands and surrounding uplands have either been purchased or enrolled under permanent easements within the marsh, with RIM Reserve and WRP serving as primary funding sources for the project.

RIM Reserve has been involved in almost half of the easement purchases made in the project, thanks to a unique partnership with the NRCS and its WRP. Tom Wenzel, BWSR design engineer, explains that through this partnership, the state could leverage federal money through WRP, similar to how the state leverages money through CREP. In this case, the split was 75 percent federal and 25 percent state. State easement payments for the 12 RIM easements in the project totaled $271,625.79.

BWSR staff members have provided a wide range of assistance on the project, including with easement processing and project survey, design, and construction.

Statewide, 118 easements are enrolled through the RIM/WRP partnership, for a total of 6,700 acres. Of the total acres, 2,900 acres are wetlands.

The agreement signed between NRCS and DU at the site established a framework of cooperation relative to the conservation and productivity of wetlands, uplands, grasslands, and other waterfowl and wildlife habitats on private and public lands.

✦

What happens to the landscape when a proposed development might draw crowds of up to 200,000 people to a previously undisturbed area? Can a NASCAR racetrack be built in a region of West Virginia with minimal environmental stresses?

More than 250 teenage challengers from high schools and other organizations across the U.S. and Canada examined that mock scenario as part of the Canon Envirothon, held July 26-Aug. 1, at Wesleyan College, Buckhannon, W.V. The annual competition tests students' knowledge of environmental issues and resource conservation.



Students representing the School of Environmental Studies included Philip Harris (grade 11), Maggie Mesarchik (grade 12), Bradley Bobbitt (grade 12); Kaylee Steffel (grade 11), and Reed Perkins (grade 11). Advisor is Roger Everhart.

Minnesota's team, from the School of Environmental Studies, Apple Valley, took ninth place overall at the competition. Fifty-two teams, 44 from the U.S. and eight from Canada, competed.

Continued on next page

The Canon Envirothon is comprised of five training stations, five testing stations, and an oral presentation component. This year, student presentations centered around natural resource management in an urban environment.

In the presentation phase of the competition, teams stood before a mock grant committee and gave their recommendations on the construction of a proposed NASCAR track, with its complex infrastructure and an accompanying and sizeable area of impervious pavement and rooftops. In their presentations, teams proposed ways to offset the potential environmental stresses that such an urban development might bring.

✦

Metro WaterShed Partners has joined with the U.S. Forest Service, StormCenter Communications, and KARE-11 to create a yearlong "Water for Life" public education campaign focused on our area watersheds.

With support from their partners, KARE-11 has committed to broadcast one water quality story per week over the coming year. Supporting the on-air segments is an extensive web site (see http://kare.iewatershed.com/).

Because of the partnership with StormCenter Communications, KARE-11 has access to satellite maps, computer-generated graphics, and 3-D images to convey watershed and water quality information. Many of those tools are integrated into the web site.

The U.S. Forest Service has developed similar partnerships with StormCenter and TV stations on the East Coast. Theresa Heyer, local conservation education coordinator with the U.S. Forest Service, and Ron Struss, U of M Extension, were instrumental in establishing the relationship with KARE-11. Both Heyer and Struss are members of Metro WaterShed Partners, a collaboration of water resource educators in the Twins Cities metro area.

✦

Dianne Hubbell joined BWSR on July 21 as account clerk senior. Dianne came to BWSR from the Department of Military Affairs. She will be the main contract for payroll, expense claims, and purchases. Her number is (651) 296-0873. Welcome, Dianne!

✦

The Legislative Commission on Minnesota Resources (LCMR) has recommended $1.8 million in funding for three projects submitted by BWSR.

The projects and funding recommendations are:
Effects of Land Retirement on the Minnesota River – $300,000. This project will evaluate the effects of long-term set aside programs like Reinvest in Minnesota Reserve, the Conservation Reserve Enhancement Program, and Conservation Reserve Program on water quality and aquatic biology in the Minnesota River basin. The project will investigate a number of smaller watersheds with varying rates of adoption of practices. Project partner is the United States Geological Services, which will match LCMR's funding dollar for dollar. Eric Mohring is the BWSR lead.

Local Water Management Challenge Grants – $1,000,000. This project will allow BWSR to offer competitive local water management challenge grants in fiscal year 2006 to eligible counties, watershed districts, and watershed management organizations. Local governments throughout the state use these grants to implement priority activities identified in state-approved, locally adopted comprehensive local water management plans. Marybeth Block is the BWSR lead.

Internet Delivery of Digital Soils Data and Crow Wing County and Pine County Soil Surveys – $500,000. Three projects were combined into one proposal. The first, "Internet Delivery of Digital Soils Data," will complete the development of a web-based application that provides customizable digital soils data. The second two projects are for soil surveys in Crow Wing and Pine counties. The LCMR requires that at least $300,000 be spent on the soil surveys. Greg Larson is the BWSR lead.

The next step will be for the LCMR to put all projects recommended for funding into bill form and have it go through the legislative process next year.

Deadline for next edition: Sept. 15

From: Peter Raeker
To: #-Executive Team
Date: 7/21/04 8:38AM
Subject: Envirothon in the news

FYI: (from Star Tribune)

Top Envirothon team is a well-oiled green machine
Tom Ford Star Tribune Staff Writer
July 21, 2004

Bradley Bobbitt, 18, of Apple Valley, knows the value of mulch.

Spread an inch or two of it around a home that's being built and you can cut the amount of soil lost during the construction by 96 percent, said the graduate of the School of Environmental Studies in Apple Valley.

Explain that to a set of Minnesota natural resource experts and you could become a state champion.

In May, Bobbitt and four of his former classmates did just that en route to winning the state Envirothon, which qualified them for the national Envirothon next week in West Virginia.

The Enviro-what?

"We used to call it knowledge bowl for tree-huggers," said Roger Everhart, coach of the environmental school's team.

It's an academic competition for high school students in several states and Canada. It's sponsored by natural resource organizations to promote environmental awareness.

At the competitions, teams answer 100 questions about soils or forestry or wildlife.

They also make a presentation before judges in which they discuss how to solve environmental problems that occur in a real-life situation.

This year at the state finals in Willmar, teams described methods to limit erosion and runoff at a home construction site.

Points are awarded for the presentation and number of correct answers. Teams with the highest point total win.

By a margin of two-thirds of a point, Everhart's team bested a squad from Benilde-St. Margaret's. It was the environmental school's first state title.

While unexpected, the victory was not too surprising.

Many of the topics covered at the competition are "stuff built into our curriculum already," Bobbitt said.

Students at the school -- for juniors and seniors -- routinely get outdoors and are taught how to identify trees or spot wildlife.

An assignment for all juniors is to profile a pond, describing everything from its water quality to the creatures that live in it.

So when the team was asked how to use a Secchi disk -- a water clarity tool consisting of a black and white disk that's lowered into water until it's not visible -- they were quite familiar with the answer.

"It was like, 'Who doesn't know how to use a Secchi disk?' " said Maggie Mesarchik, 18, a team member who graduated in June.

Competing in the Envirothon, and the many hours of research it requires, adds to the practical knowledge team members develop at the school, Everhart said.

"They become much better informed citizens," he said.

For Bobbitt, the awareness that a little bit of mulch can help prevent the loss of a few tons of soil at a construction site is sort of empowering.

"When kids study this, it helps them realize how much of a difference they can make," he said.

As the team looks ahead to the marathon five-day national event, members have varied expectations.

Philip Harris, 17, who will be a senior this fall, hopes that they will finish sixth or better. No Minnesota school has ever placed higher.

Mesarchik's main goal is to have fun. "I just have every intention to have a good time," she said.

Regardless, members know that they will probably always raise eyebrows when they say they were state -- or even national -- Envirothon champs.

But Bobbit doesn't mind giving the explanation.

"It's fun to educate people about it," he said. "They say, 'Oh, that's cool.' "



Canon Envirothon Media Center

2004 Press Room - August 2, 2004

FOR IMMEDIATE RELEASE

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Lake Success, NY
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NEWS AND PHOTO EDITOR ADVISORY

Envirothon press room: www.envirothon.org . Click on 2004 press room for **WINNING TEAM PHOTOS** and student names that will be posted and can be downloaded beginning Monday, August 2, 2004. See also **STUDENTS IN ACTION** for other team photos.

FLORIDA TEENS TAKE TOP HONORS IN CANON ENVIROTHON

Teams From 52 U.S. States And Canadian Provinces Competed At Environmental Science Competition

LAKE SUCCESS, NEW YORK, August 2, 2004 --Afive-member team of high school students from Miami, Florida, is the winner of the 17th annual *Canon Envirothon*. The winning team was announced Saturday, July 31, during closing ceremonies of the weeklong North American environmental education competition held at Wesleyan College in Buckhannon, West Virginia.

More than 250 teenage challengers from high schools and other organizations across the U.S. and Canada came together in Buckhannon to study and compete on environmental issues and resource conservation, and receive Canon scholarships and prizes that exceeded US $30,000 in value. The first place Florida team received $15,000 in Canon scholarships and

photographic equipment. Virginia and New Jersey placed second and third, respectively. The list of schools/organizations receiving 2004 awards appears at the end of this announcement.

Fifty-two teams, 44 from the U.S. and eight from Canada, competed in the *2004 Canon Envirothon*, North America's largest high school environmental competition. Organized through the National Association of Conservation Districts in the U.S. and The Canadian Forestry Associations, the *Canon Envirothon* is the final competition in a series of contests beginning each spring that involves more than 500,000 teenagers throughout North America.

The 2004 North American competition, under the supervision of The West Virginia Association of Soil Conservation Districts and the West Virginia Conservation Agency, was the first hosted by West Virginia. The 2005 competition will be held in Missouri, 2006 in Canada (Manitoba) and 2007 in New York.

In written and field tests, and oral presentations, five member teams from schools or organizations compete in these preliminary rounds for the distinction of representing their state or province at the *Canon Envirothon*. Key knowledge areas include: soils/land use, forestry, aquatic ecology, wildlife and this year's current issue of conservation management in urban areas.

Each team's knowledge was tested under the supervision of foresters, soil scientists and wildlife specialists. Teamwork, problem solving and oral presentation skills also are evaluated as each team offers a panel of judges an oral presentation containing recommendations for solving an environmental challenge.

This is the eighth year the competition has been sponsored by Canon U.S.A., Inc., a subsidiary of Canon Inc. (NYSE: CAJ). Canon delivers consumer, business-to-business and industrial imaging solutions. Canon works to protect the environment through its award-winning Clean Earth Campaign that encompasses development of energy-efficient office products, equipment remanufacturing and materials reuse, as well as the protection of endangered species and environmental education through its corporate philanthropy and employee volunteerism.

# # #

All referenced product names are trademarks of their respective owners.

First Place: Palmetto High School, Miami, Florida

Second Place: Augusta County 4H, Augusta, Virginia

Third Place: Hopewell Valley High School, Hopewell, New Jersey

Fourth Place: Fayette County 4H, Lexington, Kentucky

Fifth Place: Conservation Shameleons Home School, Orange County, North Carolina

Sixth Place: Pencrest High School, Media, Pennsylvania

Seventh Place: West Hill Secondary School, Owen Sound, Ontario, Canada

Eighth Place: St. Marys FFA (Future Farmers of America), St. Marys, West Virginia

Ninth Place: School of Environmental Studies, Apple Valley, Minnesota

Tenth Place: Kenmare High School, Kenmare, North Dakota

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SWP source water protection

The Protector

Newsletter for Minnesota's Source Water Protection Program

Volume 12 , Summer 2004

Special Issue:
Implementing Wellhead Protection Strategies

This issue of the Protector focuses on examples of wellhead protection strategies that are being implemented by Minnesota communities. These examples may give you ideas of actions you can take as: 1) a formal part of implementing your wellhead protection plan or 2) to protect your water source even if you haven't yet completed a plan. Only a few strategies are discussed here – more will be covered in future issues. If you have any questions about these examples, please contact your Minnesota Department of Health (MDH) source water protection planner, the contact person listed in the article, or the MDH Source Water Protection Unit at 651/215-0800.

Addressing Sources of Nitrate

Nitrate in drinking water is a health concern because elevated nitrate levels can cause an acute illness in infants known as "blue baby syndrome." Sources of nitrate contamination include fertilizers used on crop lands, animal waste from feedlots, and human sewage from wastewater systems.



A number of Minnesota communities are currently taking action to reduce nitrate sources that may impact the quality of their water supplies.

Examples

The city of **Edgerton** has responded to an exceedance of the nitrate maximum contaminant level by installing treatment and implementing land-use strategies to reduce sources of nitrate. The primary land management strategy employed has been to take crop land out of production in the recharge areas near the city's well using the Conservation Reserve Program (CRP).

The city worked with a nearby land owner to place 50 acres into CRP. Not only did this take land out of production, it also resulted in the movement of manure spreading away from the well. The city chose to subsidize the CRP payment to facilitate the process. An additional 10 acres near the well – owned by a different individual – was placed into CRP in a similar manner.

Subsequently, the city's testing of untreated water indicates that nitrate levels have been cut approximately in half to about 9 milligrams per liter (mg/l). Although the city has incurred costs associated with placing land in CRP, these investments have paid off in lower nitrate levels and have also reduced treatment costs.

Other actions taken, along with completing a wellhead protection plan, have included:

- Working with local farmers and county officials to implement best practices in land management.
- Installing signs to mark the wellhead protection area (WHPA).

For more information on these efforts contact Bill Vanderby of the city of Edgerton at 507/442-4361.

The city of **Perham** faced nitrate levels in some wells which were periodically above the standard of 10 milligrams per liter. In response to this, and as part of wellhead protection planning, a variety of strategies to reduce nitrate are being implemented, including:

- Installing signs to identify boundaries of the WHPA.



Sign Marking a Wellhead Protection Area

- Distribution of information to local residents regarding best practices for land use.
- Sampling about 100 privately owned wells for the last 10 years to monitor nitrate levels and trends.
- Studying nutrient management on nearby crop lands.
- A new potato variety, which requires lower nitrogen input, being grown within the WHPA. A slow-release nitrogen fertilizer is also being used in this area.
- Livestock owners developing nutrient management plans and taking nitrogen credits for applications.
- Encouraging the removal of crop land from production in sensitive areas (using CRP).

Continued on Page 2

Inside: ■More Examples of Wellhead Protection Strategies (Pages 2 and 3) ■WHP Status (Page 3) ■SWP Policy Update (page 4)

Continued From Page 1

• Encouraging homeowners to manage nitrogen fertilizer applications and maintain/upgrade onsite waste water systems.

• Additionally, the city is currently finalizing the purchase of an 80-acre parcel of land near one of its well fields, with the intent of removing it from production.

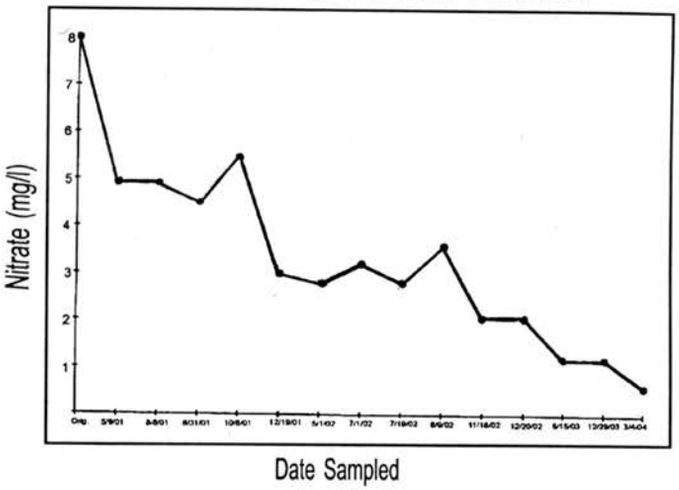
For more information, contact Bob Louiseau of the city of Perham at 218/346-4455 or view an online case study developed by the Minnesota Department of Agriculture at: http://www.mda.state.mn.us/appd/waterperham.pdf

Rock County Rural Water worked with local land owners to use CRP and agricultural best management practices to help reduce nitrate concentrations in one of its wells (Well No. 10). Specifically, 27 acres were put into CRP and fertilizer application modified in the surrounding farmland.

Field testing done by the utility has shown that nitrate levels in the raw water from Well No. 10 have declined from approximately 8 mg/l in 2000 to less than 2 mg/l in 2004.

This is an important accomplishment for the utility, as water from this well is needed to blend with higher iron and manganese water from other sources – allowing water to be filtered more readily – resulting in a safe and aesthetically pleasing product for the customer. For more information about these efforts, contact Dan Cook of Rock County Rural Water at 507/283-8886.

Raw Water Nitrate Results
for Rock County Rural Water Well No. 10



Storm Water Management



Storm water runoff can carry sediments and contaminants into both surface and groundwater. Polluted runoff containing oil, grease, chemicals, nutrients, and pathogens can adversely impact water quality. In wellhead protection areas, careful consideration is needed regarding storm water management to protect drinking water quality.

Example

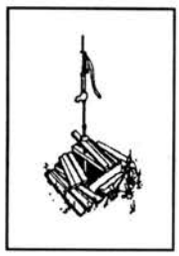
The city of **Park Rapids** worked with a school located near one of its well fields to manage storm water and minimize potential impacts on groundwater.

The school district planned to use infiltration basins (ponds) for the removal of storm water from the school grounds. The city's wellhead protection planning team – which included a school representative – recommended that an oil separation system be installed before the water is sent to the infiltration ponds. This system removes and sends oil (which is washed from parking lots) to a separate tank to be periodically pumped out and hauled away. As a result, oil is kept out of the infiltration ponds and, in turn, out of the groundwater.

The school implemented the team's recommendation and installed these systems at the time of construction.

For more information on this project, contact Scott Burlingame of the city of Park Rapids at 218/237-2713.

Eliminating Unused, Unsealed Wells



Unused wells that have not been properly sealed (sometimes referred to as "abandoned" wells) can be a source of groundwater contamination – potentially acting as a drain to allow surface water runoff, contaminated water, or improperly disposed wastes to reach the aquifer supplying drinking water.

Unused, unsealed wells are a concern whether they are former city water wells, former residential, or other types of wells. Several cities have made efforts to seal these wells, particularly in areas contributing water to their drinking water supply.

Example

The city of **Wrenshall** targeted the sealing of unused, unsealed wells in the wellhead protection area (WHPA) established as part of its wellhead protection plan As a result, three unused, unsealed wells located in or near the WHPA have been scheduled for sealing this summer – including a former municipal supply well. To facilitate the process, the city has chosen to pay for the costs of well sealing (an estimated cost of $300 to $400 per well). For more information, contact Harold Ruhnke of the city of Wrenshall at 218/384-3680.

Minnesota Board of Water & Soil Resources

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

DATE: September 13, 2004

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

FROM: Ronald D. Harnack, Executive Director RDH

SUBJECT: September 22-23 Board Tour and Meeting

The Board of Water and Soil Resources (BWSR) will tour the metro area (Dakota, Ramsey, and Scott Counties) on Wednesday, September 22, 2004. Welcome and introductions will begin at 8:00 a.m. at the Como Park Pavilion, 1360 North Lexington Parkway, in St. Paul. Click on this link for directions to the Como Park Pavilion. http://www.mapquest.com/maps/map.adp?country=US&countryid=US&addtohistory=&searchtype=address&cat=&address=1360%20Lexington%20Pkwy%20N&city=Saint%20Paul&state=MN&zipcode=55103%2d1059&search=%20%20Search%20%20&searchtab=address

There is ample free parking available in the parking lots just north and south of the Pavilion.

The coach bus will promptly depart from the Como Park Pavilion at 8:15 a.m. for a tour of the metro area. See the attached tour itinerary. The coach bus will return to the Como Park Pavilion at 12:30 p.m. Lunch will be provided. An issues forum will be held after lunch in the Banquet Room, third floor of the Como Park Pavilion, from 2:00 p.m. – 4:00 p.m.

The Board of Water and Soil Resources (BWSR) will meet on Thursday, September 23, 2004, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room, lower level, at One West Water Street, St. Paul. Parking is available across the street from the building. Please display the enclosed "temporary parking permit" on your vehicle's dashboard.

The following information pertains to agenda items:

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

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

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

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

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

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

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

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

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. City of Coon Rapids Comprehensive Wetland Protection and Management Plan – The Comprehensive Wetland Protection and Management Plan was filed with the Board on June 25, 2004. The planning process, highlights of the plan, and the review process are further described in the attached Overview. Agency input was obtained during development of the plan. Few comments were received during the review process, resulting in only minor revisions to the Plan. The Metro Water Planning Committee unanimously recommends the amendment be approved per the attached draft order. ***DECISION ITEM***

Northern Water Planning Committee

1. Roseau River Watershed District Revised Watershed Management Plan – The revised watershed management plan for the Roseau River Watershed District was filed with the Board in March. The planning process, highlights of the plan, and the review process are further described in the attached Overview. Extensive coordination was done in drafting the plan. Some comments were received during the planning process that resulted in revisions to the draft plan. The Northern Water Planning Committee unanimously recommends the plan be approved per the attached draft order. ***DECISION ITEM***

Southern Water Planning Committee

1. Lincoln County Local Water Management Plan Update – Lincoln County submitted their Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the update to the Board for final State review on June 18, 2004. On August 25, 2004 the Southern Water Planning Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Lincoln County plan Update. The Southern Water Planning Committee recommends approval as per the attached Findings of Fact, Conclusions and Order. ***DECISION ITEM***

NEW BUSINESS

1. SWCD Farm Bill Assistance Grants – BWSR has partnered with SWCDs, Pheasants Forever (PF) and DNR on grants to SWCDs to accelerate implementation of farm bill programs. The success of this over the past year has been an additional 26,000+ acres of lands enrolled in the various farm programs. There is a strong desire on the part of the SWCDs, PF, DNR and BWSR to continue this partnership for another year, at a BWSR cost of up to $150,000. We again, would use funds received from USFWS reimbursements that is not obligated to any specific project. SWCDs make a 25% match to the grant. The Administrative Advisory Committee recommendation is that this is a very worthwhile effort that keeps SWCDs in the forefront of conservation efforts and continues to help build local capacity and commitment to outcomes in conservation. ***DECISION ITEM***

ADMINISTRATIVE ADVISORY COMMITTEE RECOMMENDATION

1. Biennial Budget and Legislative Policy Issues for Consideration – See attached.
   DECISION ITEM

If you have any questions regarding the agenda, please feel free to give Doug Thomas a call at 651-297-561. I will be on vacation September 12-25, and will not be available for the tour or the meeting. The meeting will adjourn about noon. Staff look forward to seeing you on September 22-23!

September 22, 2004 BWSR Tour Itinerary

The Board takes it's show on the road at least once a year in order to see first hand, what's going on and make themselves available to our clientele. For the first time in a long time, the show does not have to travel far because we are staying in the Metro area. The tour is split into two parts – a morning examination of low impact development (LID) and an afternoon forum to discuss how numerous overlapping governments find niches and funding.

The Morning

LID has evolved beyond being merely an interesting idea. Dozens of retrofit projects are in place across the Metropolitan area and new developments are beginning to incorporate alternative stormwater management practices in spite of institutional and climate related hurdles. LID strives to accommodate economic development *and* maintain hydrologic integrity by first minimizing runoff, then infiltrating that runoff which does occur. As the incremental costs decrease, the benefits become more apparent; we're eliminating runoff which we no longer have to convey, to treat, or to store in ever increasing volumes downstream. Jay Riggs (Dakota SWCD), Leslie Yetka (City of Burnsville), Shannon Lotthammer (Prior Lake-Spring Lake WD), and Pete Beckius (Scott SWCD) will be our practical guides who are grounded in real-world experience.

Resources for getting more information: Dakota has several pages dedicated to low impact development that provide a good overview and lots of pictures. In addition, the city of Seattle, Washington (a national leader in this field) has devoted web space to exploring their thought process and relative costs of facilities. You can check these resources out at http://www.dakotacountyswcd.org/liddemo.htm

http://www.seattle.gov/util/About_SPU/Drainage_&_Sewer_System/Natural_Drainage_Systems/index.asp

The Afternoon

It can get crowded in the Metropolitan area. Never mind the 2.7 million people; we've got the Metropolitan council, seven SWCDs, seven *active* county environmental departments and 37 Watershed Management Organizations (WMOs) trying to influence 189 cities and townships – and those 2.7 million people. If we factor in the City Stormwater Plans and Stormwater Utilities we can get either a textbook example of Federalism or an uncoordinated patchwork of authorities. We've asked a handful of people to come and talk with the Board in a mostly unstructured setting about how they pull it off. The issue of who does what role is an issue that plays out statewide. In the Metro, we are seeing a variety of approaches playout with some choosing to play less of a role, and some struggling to maintain their role.

Board Resources: you may wish to talk with several of your local government units to see how they carve out roles and how these occasional rivals for resources make things work.

General Itinerary for the Day

We will park, meet, and board the tour coach bus at the Lake Como Pavilion in St. Paul. http://www.mapquest.com/maps/map.adp?country=US&countryid=US&addtohistory=&searchtype=address&cat=&address=1360%20Lexington%20Pkwy%20N&city=Saint%20Paul&state=MN&zipcode=55103%2d1059&search=%20%20Search%20%20&searchtab=address

We will then head south to Dakota SWCD for LID sites and a trout stream restoration. We will then migrate west to Burnsville for the largest retrofit completed in the Metro. From there we conclude the morning with the Prior Lake-Spring Lake WD and Scott SWCD at a wetland restoration project, chemical injection system for treating runoff, and a shoreline restoration. We will then head back to the Como Park Pavilion for a late lunch, and (possibly) a walking distance to a rain garden, and then the forum. We should conclude by 4:00 p.m. at the latest. There are no official evening events planned, though we are open to dining with Board Members looking for an evening activity….

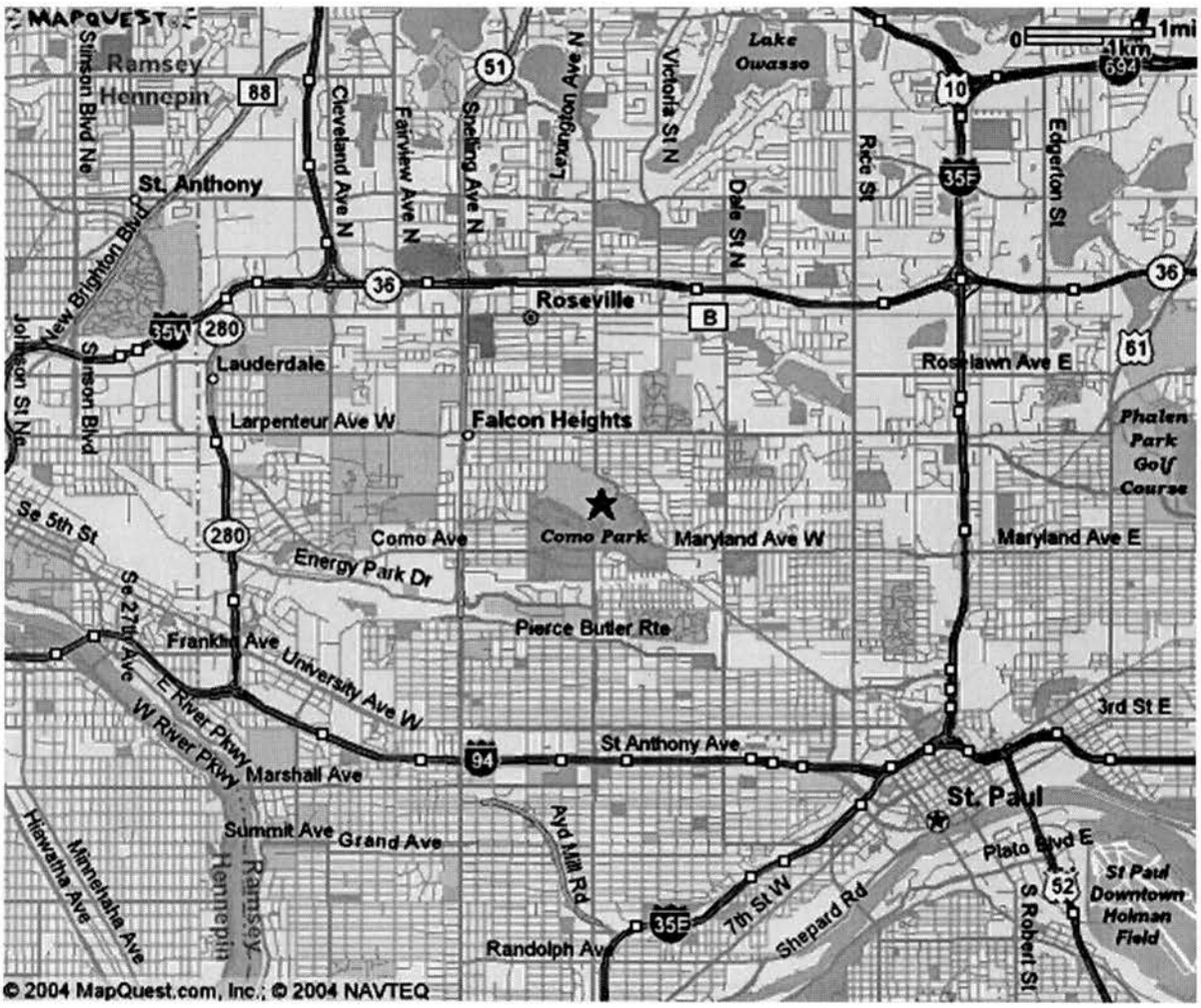
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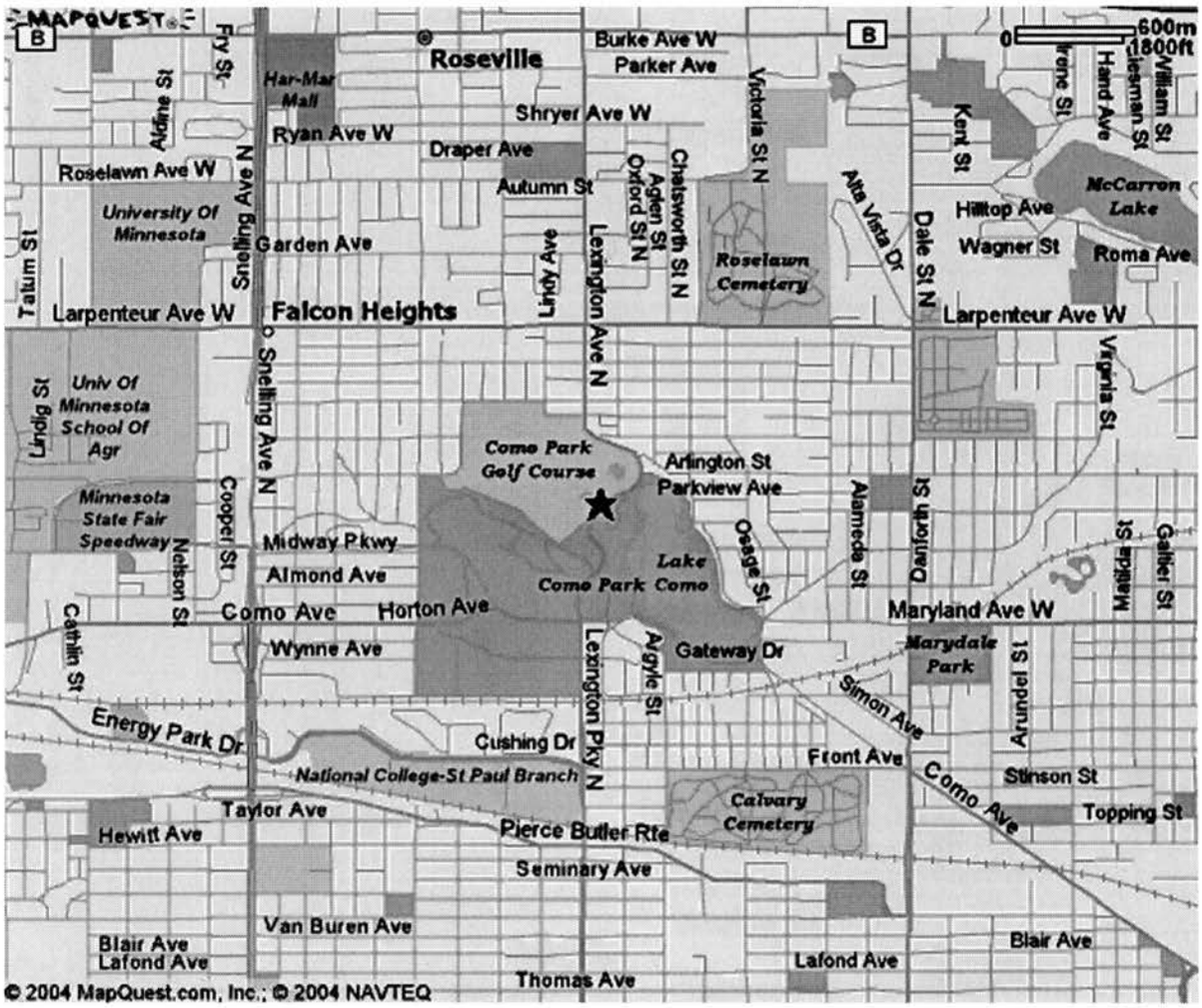
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BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
THURSDAY, SEPTEMBER 23, 2004

PRELIMINARY AGENDA

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

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF AUGUST 25, 2004

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

REPORTS

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

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. City of Coon Rapids Comprehensive Wetland Protection and Management Plan – *Decision Item*

Northern Water Planning Committee

1. Roseau River Watershed District Revised Watershed Management Plan – *Decision Item*

Southern Water Planning Committee

1. Lincoln County Local Water Management Plan Update – *Decision Item*

NEW BUSINESS

1. SWCD Farm Bill Assistance Grants – Kevin Lines – *Decision Item*

ADMINISTRATIVE ADVISORY COMMITTEE RECOMMENDATION

1. Biennial Budget and Legislative Policy Issues for Consideration – *Decision Item*

AGENCY REPORTS

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- All Staff Meeting, October 11-12, 2004, Brained
- Next BWSR Meeting, October 27, 2004, St. Paul

ADJOURN

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BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
WEDNESDAY, AUGUST 25, 2004

BOARD MEMBERS PRESENT: Jim Anderson-MES; Kevin Anderson, Paul Brutlag, Kay Cook, Jerome Deal, Mark Dittrich-MDA; Wayne Edgerton, DNR; Quentin Fairbanks, Karen Harder, Paul Krabbenhoft, Randy Kramer, Clair Nelson, Dan Wilson-MDH; Louise Smallidge, Victor Ormsby, Lisa Thorvig-MPCA

STAFF PRESENT: Ron Harnack, Doug Thomas, Mary Jo Anderson, Jim Haertel, Al Kean, Jeff Nielsen, Pete Waller, Steve Woods

ADVISORS PRESENT:
Sandy Hooker, Minnesota Association of Townships
Rick Reimer, Minnesota Association of Conservation District Employees

OTHERS PRESENT:
Dwight Wilcox, Minnesota Department of Agriculture
John Velin and Susan Thornton, LCMR

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

PLEDGE OF ALLIGENCE

INTRODUCTION OF NEW BOARD MEMBERS – Louise Smallidge, soil and water conservation district representative from Washington County; and Paul Brutlag, citizen member from Grant County were introduced. Chair Deal welcomed the new members.

Ron Harnack announced that the Governor's office made the appointment of LuAnn Tolliver, watershed district representative, effective August 27, 2004.

** 04-50 **ADOPT AGENDA** – Chair Deal stated that the presentations listed on the agenda will be changed to accommodate the presenters schedules. Moved by Victor Ormsby, seconded by Randy Kramer, to approve the agenda as presented. Motion passed on a voice vote.

** 04-51 **MINUTES OF JUNE 23, 2004** – Moved by Clair Nelson, seconded by Victor Ormsby, to approve the minutes of June 23, 2004, as circulated. Motion passed on a voice vote.

** 04-52 **Election of Vice-Chair**. Jerome Deal nominated Randy Kramer as vice-chair, seconded by Mark Dittrich. Randy Kramer was elected as vice-chair. Motion passed on a voice vote.

REPORTS

Chair's Report – Jerome Deal reported that the EQB meeting was cancelled due to the lack of a quorum. Chair Deal and Ron Harnack have been in contact with the Legislative Auditor regarding BWSR's legislative audit. Chair Deal announced that the North Ottawa groundbreaking ceremony will be held September 20th, southeast of Tintah, in Grant County.

Chair Deal announced the Board's new committee membership assignments.

Executive Director – Ron Harnack stated that the Administrative Advisory Committee will meet today immediately following the Board meeting. Ron gave a brief update on the Conservation Reserve Enhancement Program (CREP). Ron stated that things are moving forward with CREP, getting closer to a signature, possibly next month. Ron stated FSA updating the soil rental rates, which will affect CREP and FSA finalizing a CREP environmental assessment document.

However, Ron felt that these items need not delay signing an agreement. The NASDA national conference will be held in Minnesota in late September. MDA Commissioner Gene Hugoson is Chair of NASDA. A unique opportunity for a CREP signing.

Ron stated that John Dooley, attorney for the Minnesota Association of Townships, was killed in a motorcycle accident earlier this month, a big loss for conservation. Our sympathies to John's family.

Dispute Resolution Committee – Jim Haertel reported that two additional appeals have been received since board members received the DRC Report. Jim stated that two other appeals are pending in the Rice Creek Watershed District that are part of the Comprehensive Wetland Plan that the Board approved. Staff are working with the Watershed District to resolve the issues.

Wetlands Committee – Clair Nelson stated that the Wetlands Committee does not have a report at this time. The Committee should tentatively plan to meet after the October Board meeting.

Cost-Share/Soil Conservation Committee – Paul Krabbenhoft stated that the Cost-Share/Soil Conservation Committee does not have a report at this time.

Education and Public Relations Committee – Kay Cook reported that the Education and Public Relations Committee will meet this afternoon.

Administrative Advisory Committee – Chair Deal stated that the Administrative Advisory Committee met on August 16; information will be presented later in the meeting today.

Feedlot Assessment Update – Feedlot Financial and Technical Assistance Needs – Al Kean, BWSR Chief Engineer, and Dwight Wilcox, Minnesota Department of Agriculture (MDA) Ag BMP Loan Program Manager, presented a power point presentation. Al provided an update regarding state and federal feedlot cost-share and technical assistance, including partnering and the local delivery system. Dwight explained that feedlot runoff continues to be a concern related to impaired waters and TMDLs. State financial and technical assistance for feedlot pollution abatement are provided by the BWSR and SWCDs through the Feedlot Water Quality Management (FWQM) Cost-Share and Nonpoint Engineering Assistance (NPEA) Programs, and by the Minnesota Department of Agriculture (MDA) through the Ag BMP Loan Program and other loan programs. In 2000, the Legislature directed the MDA to work with BWSR and others to

assess feedlot financial and technical assistance needs to bring all feedlots in Minnesota into compliance with the updated Feedlot Rule that became effective in October 2000. Dwight distributed copies of the Feedlot Financial Needs Assessment Report published by MDA on February 1, 2001. An updated version of this report dated February 1, 2004 is available at: http://www.mda.state.mn.us/feedlots/assessmentrevised.pdf Discussion followed. Chair Deal thanked Al and Dwight for their presentation.

Metro Water Planning Committee

Bassett Creek Watershed Management Commission Revised Watershed Management Plan – Karen Harder abstained from voting on this Plan. Steve Woods reported that the Metro Water Planning Committee reviewed the revised watershed management plan and unanimously recommend approval of the Plan.

** 04-53 Moved by Clair Nelson, seconded by Louise Smallidge, to approve the Bassett Creek Watershed Management Commission Revised Watershed Management Plan. Motion passed on a voice vote.

Detailed Assessment of Phosphorus Sources to Minnesota Watersheds – Mark Tomasek, MPCA, explained the background problem with phosphorus – concerns about the phosphorus content of automatic dishwashing detergents, from the Minnesota State Legislature and other interested stakeholders, resulted in legislation requiring a study of all of the sources and amounts of phosphorus entering publicly-owned treatment works (POTWs) and Minnesota surface waters. Mark explained that the assessment was conducted to provide MPCA with the information necessary to comply with newly enacted legislation surrounding phosphorus sources. Mark distributed copies of the detailed assessment and presented a power point presentation that showed sources of phosphorus, point and non-point sources to surface waters quantified –statewide by basin; wet, normal and dry precipitation phosphorus loading; relationships between sources vary by basin; and phosphorus management strategies. Discussion followed. This information may aid in the prioritization and allocation of resources. Chair Deal thanked Mark for his informational presentation.

Chair Deal called for a break in the meeting at 11:00 a.m. The meeting reconvened at 11:17 a.m.

Initiatives Committee

Initiatives Committee Report and Recommendations – Karen Harder, chair of the Initiatives Committee, thanked Doug Thomas for his great work and assistance with the Initiatives Committee. The Committee members included: Karen Harder, Randy Kramer, Clair Nelson, Victor Ormsby, and Lisa Thorvig,

BWSR members; Dennis Fink and Dave Weirens, AMC; LeAnn Buck and Scott Hoese, MASWCD; Ray Bohn and Tom Ebnet, MAWD; Jerome Deal, BWSR chair, and Doug Thomas, BWSR staff. Karen explained the purpose of the Initiatives Committee was to collaborate with our partners to focus on what the needs and opportunities are for BWSR and local governments in relation to:

- The evolving impaired water strategy and role of local government
- Addressing the budget cuts that occurred to our local water planning program
- Identify gaps and/or barriers to the full implementation of the conservation provisions in the Farmbill
- Implications to local government from the emerging federal requirements for stormwater and construction site erosion
- The expectations of local governments envisioned by the Governor's Clean Water Vision

Karen presented the final report and three recommended strategies: 1) local water planning; 2) technical assistance; and 3) drainage assistance team.
** Discussion followed. Moved by Karen Harder, seconded by Victor Ormsby, to
04-54 accept the Initiatives Committee report and recommendations for consideration by the Board as part of its biennial budget development. Motion passed on a voice vote.

Chair Deal called for a lunch break at 12:00 p.m. The meeting reconvened at 12:30 p.m.

Carnelian-Marine Watershed District, Amendment to Watershed Management Plan – Karen Harder and Steve Woods explained that the Metro Water Planning Committee reviewed the German Lake Plan amendment to the Watershed Management Plan for the Carnelian-Marine Watershed District was filed with the Board in April. Relatively few comments were received during the review process, resulting in only minor revisions to the draft amendment. The Metro Water Planning Committee unanimously recommends the amendment be
** approved. Moved by Karen Harder, seconded by Lisa Thorvig, to approve the
04-55 Carnelian-Marine Watershed District amendment to the Watershed Management Plan. Motion passed on a voice vote.

Northern Water Planning Committee
Joe River Watershed District Revised Watershed Management Plan – Chair Deal stated that minor comments on the final draft resulted in some minor revisions to the plan. In addition to meeting the requirements of Minnesota

Statutes and BWSR plan guidelines, the plan meets the intent of the Red River Basin Flood Damage Reduction Work Group Mediation Agreement of December 1998. The Northern Water Planning Committee unanimously recommends approval of the Plan.

Otter Tail River Watershed Basin Plan – Pete Waller explained that Becker County, Becker SWCD, Otter Tail County, East Otter Tail SWCD, West Otter Tail SWCD, Wilkin County and Wilkin SWCD (LGUs) developed the Otter Tail River Watershed Basin Plan using the guidelines and procedures of the Red River Basin Flood Damage Reduction Work Group Agreement. The only major watershed within the Minnesota portion of the Red River Basin, watershed management organizational structure options were explored by the LGUs and they developed and entered into a Mutual Agreement for the Otter Tail River Watershed. The LGUs asked for BWSR endorsement of the Plan to increase the Plan's creditability as the means to target CREP acres within the Otter Tail River watershed. On June 1, 2004, and August 2, 2004, the Northern Water Planning Committee reviewed and recommends endorsement of the Plan.

** 04-56 Moved by Jerome Deal (as chair of the Northern Water Planning Committee), seconded by Quentin Fairbanks, to approve the Joe River Watershed District Revised Watershed Management Plan, and to approve the Otter Tail River Watershed Basin Plan. Motion passed on a voice vote.

Southern Water Planning Committee

High Island Creek Watershed District Management Plan – Victor Ormsby stated that on July 28, 2004, the Southern Water Planning Committee met with BWSR staff and representatives from the District to review and discuss the Plan. BWSR staff recommends approval of the Plan. The Southern Water Planning Committee unanimously recommends approval of the Plan.

Pipestone County Local Water Management Plan (LWMP) – Victor Ormsby reported that Pipestone County has elected to update their LWMP in advance of the 2006 expiration date so it could be incorporated into their county Land Use Plan update. The Pipestone County Land Use Plan brings the force and effect of law and zoning under which many ordinances are put in place to protect natural resources. The two plans contain many similarities and merging them together has strengthened both planning processes and the final product. The implementation of this combined plan is also enhanced by the co-location of the SWCD and Planning and Zoning Office and sharing of staff via formal agreement. The Southern Water Planning Committee reviewed the Plan on July 28, 2004, and recommends approval of the Plan.

Stevens County Priority Concerns Scoping Document – Victor Ormsby reported that Stevens County, as part of updating their Local Water Management Plan (third generation), submitted the Priority Concerns Scoping Document for State review and comment. The Southern Water Planning Committee met on July 28, 2004, to review the Stevens County Priority Concerns Scoping Document. The committee's recommendations or requirements for the content of the final plan are drafted for the full Board to review and take action on. The State's expectations for the final plan must be sent to Stevens County.

** 04-57 Moved by Victor Ormsby, seconded by Randy Kramer, to approve the High Island Creek Watershed District Management Plan; the Pipestone County Local Water Management Plan; and the Stevens County Priority Concerns Scoping Document. Motion passed on a voice vote.

Biennial Budget Update – Ron Harnack stated that the Administrative Advisory Committee will view specifics of the biennial budget at their meeting this afternoon. Ron explained that the Clean Water Cabinet has had discussions on agency biennial budgets and prioritizing programs. BWSR's Initiatives Committee has recommendations for consideration in the biennial budget development. We need to look at efficiencies, priorities, and outcomes in the delivery of programs. Ideas included establishment of a drainage design team; authority for SWCDs to increase their technical assistance through the cost-share program where they could demonstrate greater outcomes through leveraging of other resources; modification or repeal of some programs. The past three years of reductions have brought programs and staffing to an absolute minimum. With new reductions, programs will be eliminated. All remaining programs and related support was considered base efforts and should be excluded from further reducations. However, if reductions are necessary, the Committee is focusing on the Wetland Conservation Act. The Wetland Conservation Act was reviewed – as well as WCA fees, appeals, should WCA be repealed? There are also some non-budget policy issues that will be considered as well, including: LGU delegation authority for some NPDES permitting; enhancing SWCD and WD authorities for soil and water resources activities and programs. Ron anticipates this coming before the full Board in September. Discussion followed.

FY 05 Non-Point Engineering Assistance Base Grant – Wayne Zellmer explained that this is a non-competitive annual grant allocated to the 11 SWCD Joint Powers Boards (JPBs). It is to be used by each JPB to provide engineering/technical services to help landowners implement erosion control and

water quality improvement practices. This allocation procedure was adopted by the BWSR at their August 2003, meeting. Wayne presented the proposed FY05 NPEA base grant allocations and recommends approval. Moved by Kevin Anderson, seconded by Paul Krabbenhoft, to adopt the resolution authorizing BWSR staff to allocate these grants according to policies to JPBs meeting program requirements of the FY05 Non-Point Engineering Assistance Base Grant. Motion passed on a voice vote.

** 04-58

Hypoxia and the Mississippi River – Wayne Anderson, MPCA, distributed an "Action Plan for Reducing, Mitigating, and Controlling Hypoxia in the Northern Gulf of Mexico. Wayne stated that a Task Force comprised of nine federal agencies, nine states, and two tribes was initiated in 1997 and established the Action Plan of 2001. The Task Force will meet on September 1st at the Science Museum. If board members are interested in attending, contact Ron Harnack. Wayne stated that based on this assessment, the Task Force will determine appropriate actions to continue to implement this strategy or, if necessary revise the strategy. The purpose of the Task Force is to reduce the size of the hypoxia zone in the Northern Gulf of Mexico, while restoring and protecting the waters and improving the communities and economic conditions throughout the Basin. Wayne stated that Minnesota continues to participate in the Task Force; continues refinement of the Minnesota River management goals and implementation of 2004 CREP. Wayne distributed a fact sheet on the Governor's Upper Mississippi River Basin Initiative. The Clean Water Cabinet has begun to incorporate goals into the water initiatives framework. Chair Deal thanked Wayne for his report.

AGENCY REPORTS

Mark Dittrich, Minnesota Department of Agriculture (MDA), distributed "Agricultural Drainage" and an initial assessment fact sheet on "Evaluating Rock Intakes". Mark distributed a brochure on a "Drainage Forum" to be held September 16th at Cabella's in Owatonna.

Wayne Edgerton, Department of Natural Resources (DNR) gave an update on the partnership with DNR, MASWCD, BWSR, and Pheasants Forever, to hire staff for 30 SWCD offices, funded through the Heritage stamp and Pheasant stamp, to focus on CRP, RIM, CREP. Wayne stated that the new CRP general sign-up will begin August 30. Hunting season is approaching; good pheasant population, lots of deer around. DNR is working with MDA on a venison donation program for the food shelf. Wayne distributed hunting and trapping regulations. Mourning dove hunting starts this season. Wayne stated on a sad note that Dan Retka passed away earlier this month from cancer.

Jim Anderson, Minnesota Extension Service (MES), reported that MES is coordinating with various agencies on a series of four workshops on ISTS issues. These sessions will help define the technical evaluation approach in mediating disputes in site and design issues. Board members should contact Jim if interested in attending. Jim stated that MES has a new handbook available for the volunteer monitoring of streams.

UPCOMING MEETINGS

- BWSR Tour and Meeting, September 22-23, 2004, Metro Area
- October 27th BWSR Meeting, St. Paul
- December 15th BWSR Meeting, St. Paul

Chair Deal thanked board members for staying longer today. The Administrative Advisory Committee will meet immediately following the Board meeting. The Education Committee, and the Southern Water Planning Committee will also meet this afternoon.

** 04-59 Moved by Clair Nelson, seconded by Kevin Anderson, to adjourn the meeting at 2:15 p.m. Motion passed on a voice vote.

Respectfully submitted,

Jerome Deal
Chair

Dispute Resolution Report
September 10, 2004
by Jim Haertel

There are presently seven appeals pending. All of the appeals involve WCA. There have been two new appeals filed since the last report dated August 12.

There is a new appeal of a Restoration Order in Otter Tail County. At issue is the placement of fill in a wetland for a secondary driveway. The appeal has been denied and the Restoration Order has been affirmed.

There is a new 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. The landowner applied for an exemption that was first denied, then approved. Additional filling has recently occurred in violation of the CDO. The appeal has been accepted.

There is a new appeal of a no-loss decision in Traverse County. At issue is the proposed placement of fill in a Type 3 wetland for a lawn and mosquito control. The appeal has been accepted.

There is an appeal in the City of Blaine, Anoka County. The appeal concerns a wetland delineation and a replacement plan decision made by the Rice Creek Watershed District under their Comprehensive Wetland Management Plan. The appeal has been remanded for an expanded technical evaluation panel to meet onsite and for a complete replacement plan application to be distributed. The appeal remains in abeyance under the remand.

There is an appeal of a wetland boundary and type decision in Anoka County. At issue is the decision by the Rice Creek Watershed District to classify a site as effectively drained. Last summer a wetland delineation report identified most of the site as wetland. The appeal has been remanded for a technical evaluation panel to meet onsite. The appeal remains in abeyance under the remand.

There is an appeal of an exemption decision in Morrison County. The appeal regards a road that was upgraded and the denial of a forestry exemption. A cease and desist order and a restoration order were issued. The appeal was remanded for a hearing, the LGU denied the exemption again, and that decision has now been appealed. The appeal has been accepted. No pre-hearing conference has been set since the landowner, after negotiations, has consented to submitting a replacement plan application upon completion of a wetland delineation this spring. The wetland delineation was completed and a replacement plan application has been submitted.

There is an appeal of a restoration order in Stevens County. The violation involves the excavation of a ditch in a DNR protected water and the sidecasting of dredge spoil into

wetland bordering agricultural land. Work was also done on a neighboring property without permission. The appeal is in abeyance pending a DNR survey.

There is an appeal of a no-loss decision in Meeker County. At issue is the wetland delineation. The project involves wetland fill for a garage. The appeal is being held in abeyance pending further technical evaluation work, however, it appears a settlement agreement may be reached between the county attorney and the landowner.

Memorandum

DATE: August 3, 2004

TO: BWSR Metro Subcommittee

FROM: Les Lemm, BWSR Board Conservationist

SUBJECT: Coon Rapids Comprehensive Wetland Management Plan Review

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BACKGROUND

The City of Coon Rapids is approximately 23 square miles in size and is located in southwestern Anoka County. The Mississippi River borders the City on the southwest. Based on 2000 census data, Coon Rapids is the fifth largest suburb in the Twin Cities Metropolitan area with a population of 61,607 and is nearly fully developed. The City of Coon Rapids is located within the region known as the Anoka Sand Plain.

GOAL OF THE PLAN

In 2002, the City of Coon Rapids began development of a Comprehensive Wetland Protection and Management Plan (CWPMP) and ordinance as part of the development of a Comprehensive Stormwater Management Plan (CSMP) for the City. WSB & Associates assisted the City in facilitating the planning effort and developing the plan.

It is estimated that the City is currently 13.4% wetland. Historically, the area was 35% wetland prior to settlement. The development of Coon Rapids has resulted in a decrease in the number of pre-settlement wetlands and has caused degradation of many of the remaining wetlands. The intent of this plan is to provide management strategies for different types of wetlands in order to minimize the impact to wetlands from redevelopment and new development, identify potential restoration sites and higher quality wetlands, and create an inventory of existing wetland resources. The objectives of this plan are to:

- Identify, classify, and create an inventory of wetlands within the City
- Identify wetland functions and resources important to the City
- Identify potential wetland restoration sites
- Maintain wetland functions and values data for use by City, residents, and developers
- Manage wetland resources towards improvement of their functions and values and allow sequencing flexibility to be implemented when appropriate

- Develop a long-term wetland management strategy
- Focus limited resources in the most effective direction
- Determine the degree to which wetland avoidance must be practiced
- Provide technical information and baseline data regarding the functions and values of wetlands within the City
- Provide advance information for developers and the City about the quality of wetlands within the site
- Achieve no net loss in the quantity and quality of Coon Rapids' wetlands
- Provide identification of wetland priorities
- Provide public input into wetland management
- Serve as an educational tool

HOW THE PLAN MEETS, EXCEEDS, OR VARIES FROM WCA RULE 8420

The approximately 260 wetlands within the City were evaluated using the Minnesota Routine Assessment Method (MnRAM) 2.0 as a basis for the functional assessment of wetlands in the City. Wetlands were numbered based on which section they were located in and their location with approximate boundaries identified on a map. Based on the MnRAM 2.0 wetland functional assessment conducted during 2003, six different management categories were developed as follows:

Preserve: Wetlands that were placed into the Preserve category generally provided the highest functions for vegetative diversity and wildlife habitat.

Manage 1: Wetlands that were placed into the Manage 1 category generally provided high functions for vegetative diversity and wildlife habitat with some functions for water quality protection and flood attenuation.

Manage 2: Wetlands that were placed into the Manage 2 category generally provided some functions for vegetative diversity and wildlife habitat with high functions for water quality protection and flood attenuation.

Manage 3: Wetlands that were placed into the Manage 3 category generally provided the highest functions for water quality protection and flood attenuation. Many of these wetlands serve storm water storage and treatment functions. Portions of these wetlands may have been created from upland areas. If appropriate, exemption status for the previously upland portion of the wetland could be pursued by the applicant.

Restore: Restore wetlands generally received low scores for vegetation and habitat but due to their location, past disturbance, and/or hydrology are anticipated to be good candidates for restoration. The City will work to obtain easements or ownership on Restore wetlands for future restoration projects.

Storm Pond: Water bodies that were created in upland areas for the purpose of treating and/or storing storm water runoff were put into the Storm Pond category. These water bodies are not within the jurisdiction of the Wetland Conservation Act.

Each management category has a different management strategy based on the wetland functions and values.

Replacement Policy: Anoka County is a 50% to 80% presettlement wetland county with a 2:1 wetland replacement ratio typically required under WCA rule. The Coon Rapids plan increases the mitigation ratio for Preserve wetlands to 3:1. Increasing the replacement ratio for Preserve wetlands may act as a disincentive for impacting highly functioning wetlands.

MN Rule 8420.0650, subp. 2C allows for the variation of replacement standards, with a minimum 1:1 ratio required for 50% to 80% counties. The City encourages the use of wetlands for passive recreation, including walking trails, scenic overlooks, and benches. A 1 to 1 mitigation ratio for passive recreation projects that impact wetlands is required, with a minimum of half being New Wetland Credit. The Coon Rapids plan maintains a 2:1 replacement ratio for all other wetland impacts. Increasing the ratio for Preserve wetlands while maintaining the 2:1 ratio for all impacts other than passive recreation projects will ensure that no net loss of wetlands will occur within the plan area.

In addition, the City will proposes to maintain an overall 2:1 mitigation ratio through City restoration projects, use of the City's wetland bank, and/or through the credit balance from mitigation projects resulting from impacts to Preserve wetlands. The City will review its overall achieved wetland mitigation ratio every 5 years to ensure a 2:1 ratio of wetland mitigation is met.

Sequencing: MN Rule 8420.0650 subp. 2B allows for the variation of sequencing standards based on the classification and criteria set forth in the CWPMP. The Coon Rapids plan does not require sequencing for impacts to Manage 3 wetlands (see attached Appendix C). These wetlands have been greatly impacted by disturbance such as grading, vegetation removal, storm water inputs, draining, etc. Due to the low functionality of these wetlands, the plan anticipates that replacement wetlands will have higher functions and values.

Sequencing consistent with current WCA rules is required for all other wetland categories, with avoidance strongly recommended for Preserve wetlands.

Wetland Buffers: WCA rules do not require maintenance of an upland buffer around wetlands. As part of the Coon Rapids plan, buffer zones around existing wetlands will be required for all new or redevelopment as follows:

Preserve: 40 feet

Manage 1: 25 feet for wetlands less than 2 acres
35 feet for wetlands larger than 2 acres

Manage 2: 15 feet for wetlands less than 2 acres
25 feet for wetlands larger than 2 acres

Manage 3: 15 feet

Restore: 25 feet

Storm Ponds: 15 feet

Buffer monumentation will be required at the edge of these buffer areas and the wetland and buffer will be within an easement. A buffer of any width will be encouraged around existing wetlands that are not experiencing development or redevelopment. Additionally, the City will maintain these buffer widths within City-owned property. Storm water ponds will be allowed within the designated buffer. If a City project is requested by the landowner to do improvements on an adjacent wetland or storm pond, the buffer requirements outlined above will be required to be maintained by the landowner. Additionally, an easement around the water body and buffer will be required if none exists at the time of work. A buffer commensurate with the width required for the wetland impacted is also required around newly created wetland mitigation sites. The City will consider variances to these standards if hardship or extenuating circumstances are presented by the applicant.

Stormwater Management: Generally, WCA rules do not require pretreatment of stormwater before entering wetlands. The Coon Rapids plan regulates stormwater inputs and bounce within wetlands as follows:

Preserve: Pretreatment of sediment and nutrients will be required. The existing bounce from a 10-year storm event will be maintained, if feasible.

Manage 1: Pretreatment of sediment and nutrients will be required. The bounce within the wetland will be limited to the existing level plus 0.5 feet for a 10-year storm event, if feasible.

Manage 2: Pretreatment of sediment and nutrients will be required. The bounce within the wetland will be limited to the existing level plus 1 foot for a 10-year storm event, if feasible.

Manage 3: These wetlands can be used for storm water management and treatment. There is no requirement on the bounce within these wetlands.

Restore: Pretreatment of sediment and nutrients will be required. The bounce within the wetland will be limited to the existing level plus 1 foot for a 10-year storm event, if feasible.

Storm Ponds: Use for storm water management.

Flexibility in these standards can be employed if necessary to address flood control projects or other emergency situations as deemed necessary by the City.

CITIZEN PARTICIPATION

The Coon Rapids planning effort included considerable opportunity for public input. Three public meetings were held to obtain citizen input on plan development. In addition, the City Council reviewed the progress and results of planning efforts. The attached memo of March 31, 2004 from Andi Moffatt, WSB & Associates, provides a chronology of plan development, including the public input process.

AGENCY PARTICIPATION

Agency participation in plan development consisted of an agency meeting to "kick-off" the development of the CWPMP, a second meeting to discuss comments on the draft plan, and a third meeting to review the results of the functional assessment and discuss additional comments. In addition to those listed below, several other agencies were represented at various stages of the planning effort, including Coon Creek Watershed District, Met Council, Anoka County, and numerous City staff. See the attached WSB memo for additional information on agency involvement.

DEPARTMENT OF NATURAL RESOURCES

The DNR was represented at the agency kick-off meeting and has received draft copies of the plan for review. Tom Hovey, Area Hydrologist, represented the DNR in this regard.

MINNESOTA POLLUTION CONTROL AGENCY

The MPCA was invited to participate, but was not an active participant in the planning process.

ARMY CORPS OF ENGINEERS

The Corps was notified of the agency kick-off meeting but did not participate in the beginning stages of plan development. However, Corps staff Tim Fell has attended the final 2 agency meetings and has received draft copies of the plan for review.

ANOKA CONSERVATION DISTRICT

ACD participated actively in plan development. Becky Wozney, Wetland Specialist, attended all agency meetings, provided comments and suggestions, and reviewed draft copies of the plan.

BWSR STAFF RECOMMENDATION

The BWSR Staff recommends approval of the City of Coon Rapids Wetland Plan contingent on City Council approval of the plan and attached Coon Rapids City Wetland Management Ordinance.

The plan complies with Minnesota Rules 8420.0650 and the flexibility allowed for counties with 50% to 80% presettlement wetlands. The plan is expected to meet the no net loss provisions of WCA.

The MPCA is currently reviewing the plan for consistency with the rules administered by that agency, particularly those relating to stormwater in wetlands. If any comments are forthcoming, they are expected before the August 9 subcommittee meeting. BWSR staff is also currently performing additional review on certain aspects of the plan. Any additional recommendations would likely be minor and will be discussed at the meeting.

The Coon Rapids Plan includes many positive aspects, and represents an improvement in the management of the City's wetland resources over present conditions. City and WSB staff have been very cooperative in addressing issues raised by BWSR staff during the planning effort, providing information when necessary and making modifications to the plan to ensure the goal of no net loss of wetland functions and values within the city was achieved.

cc: Jim Haertel, BWSR (file copy)
Tim Fell, Army Corps of Engineers
Tom Hovey, MDNR
Doug Norris, DNR/BWSR
David Johnson, MPCA
Dave Full, City of Coon Rapids
Andi Moffatt, WSB & Associates
Becky Wozney, ACD

Enclosed:
Executive Summary
Section V
Section VI
Appendix C
Ordinance
WSB Memo

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

In the Matter of the review of the Comprehensive Wetland Protection and Management Plan for the City of Coon Rapids, Pursuant to Minnesota Statutes Section 103G.2242, Subdivision 1 (c)

ORDER APPROVING WETLAND MANAGEMENT PLAN

Whereas, the City of Coon Rapids submitted a Comprehensive Wetland Protection and Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103G.2242, Subd. 1 (c), and;

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

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

FINDINGS OF FACT

1. **Requirement to Plan.** Minnesota Statutes Section 103G.2242, Subd. 1 (c) and Minnesota Rules Chapter 8420.650 allow the Board to approve a comprehensive wetland protection and management plan developed by a city, provided it is implemented by an ordinance adopted under Minnesota Statues Chapter 462. The City of Coon Rapids intends to implement the Plan through a Wetland Management section of the City ordinance.

   The intent of the plan is to provide the means for the City of Coon Rapids to protect and manage its wetlands by utilizing the flexibility within the Wetland Conservation Act (WCA). The plan provides guidelines for wetland protection and management, assistance with WCA, and acts as a reference guide to developers to use when working near wetlands. The development of protection and management strategies for wetlands within the City stems from the function and values assessment completed as part of the Plan. These management strategies allow the City to protect and manage wetland resources by implementing flexibility in WCA.

2. **Nature of the Plan Area.** The City of Coon Rapids is located in southwestern Anoka County, in the northern portion of the Minneapolis – St. Paul seven county metropolitan area. The Mississippi River borders the City on its southwestern side. Based on 2000

census data, Coon Rapids is the fifth largest suburb in the Twin Cities Metropolitan area with a population of 61,607, and is nearly fully developed. The City is approximately 23 square miles in size, and is located within the Coon Creek Watershed District and the Six Cities Watershed Management Organization. The City is located within the region known as the Anoka Sand Plain.

3. **Local Review.** The Plan was developed, reviewed, and revised in consultation with the state agencies, technical evaluation panel, landowners, and local governments. In addition to those listed below, several other agencies were represented at various stages of the planning effort, including Coon Creek Watershed District, Met Council, Anoka County, and numerous City staff. The plan has an attached Wetland Management Ordinance that will be adopted by the City.

4. **Anoka Conservation District Review.** ACD staff participated in development of the plan as a member of the technical evaluation panel. ACD input was incorporated into the Plan during the development process. ACD did not provide comments during the review period.

5. **Department of Agriculture Review.** The MDA did not provide comments on the Plan.

6. **Minnesota Environmental Quality Board Review.** The EQB did not provide comments on the Plan

7. **Department of Health Review.** The MDH did not provide comments on the Plan.

8. **Department of Natural Resources Review.** The DNR was represented during the initial discussions of the Plan. DNR did not provide comments during the review period.

9. **Pollution Control Agency Review.** The MPCA did not participate in development of the plan. The MPCA did provide comments during the review period. MPCA's comments related to the agency's responsibilities in implementing Minnesota Rule 7050 regarding wetland impacts, and included language to be added to the plan regarding the authorities and responsibilities of the MPCA. The City added this language to the plan as requested.

10. **Board Review.** Board staff participated in development of the plan as a member of the technical evaluation panel. Input from Board staff was incorporated into the Plan during the development process. In addition, during the review period, Board staff recommended adding a provision for review by the technical evaluation panel every 5 years, and changing the wording in the plan to allow for flexibility in sequencing rather than no sequencing requirements for impacts to Manage 3 wetlands. These recommendations were incorporated into the plan. In a staff report dated August 3, 2004, approval of the Plan was recommended contingent on City Council approval of the Plan and City Wetland Management Ordinance.

10. **Highlights of the Plan.** The critical elements included in the Plan are:

- A functional assessment of all wetlands in the plan area.
- Development of management categories based on the functional assessment and comments from agencies and the public.
- A 3:1 replacement ratio is required for the highest ranked wetlands, a 1:1 ratio is allowed for passive recreation projects, and a 2:1 ratio is required for all other wetland impacts.
- Flexibility in sequencing is allowed for the lowest ranked wetlands.
- Upland buffers are required around all wetlands, varying by management category.
- Varying levels of bounce are allowed, varying by management category.

12. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on August 9, 2004 with representatives of the City to review and discuss the Plan. Board staff recommended approval of the Plan. After discussion, the Committee unanimously decided to recommend approval of the City of Coon Rapids Comprehensive Wetland Protection and Management Plan and Ordinance to the full Board, contingent upon the City addressing MPCA and Board comments. Subsequent to the Committee meeting the City of Coon Rapids revised the Plan to adequately address the contingencies.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving an Comprehensive Wetland Protection and Management Plan for the City of Coon Rapids pursuant to Minnesota Statutes Sections 103G.2242, Subd. 1 (c).

3. The City of Coon Rapids Comprehensive Wetland Protection and Management Plan attached to this Order provides a function and value assessment framework for all wetlands within the City of Coon Rapids, management strategies based on this assessment, and an implementation program.

4. The attached Amendment is in conformance with the requirements of Minnesota Statutes Sections 103G.221 to 103G.2373 and Minnesota Rules Chapter 8420.

ORDER

The Board hereby approves the attached Comprehensive Wetland Protection and Management Plan, dated June 2004, for the City of Coon Rapids, Anoka County, Minnesota.

Dated at Saint Paul, Minnesota this 23rd day of September, 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

OVERVIEW
Roseau River Watershed District Overall Plan
Background

The RRWD was first established as the Roseau River Drainage and Conservancy District (RRDCD) by order of the District Court, Roseau County, dated August 13, 1920, under provisions of Chapter 13, Laws of 1919, Special Session.

In 1963, the governing body of the RRDCD petitioned the District Court, Roseau County, for the right to operate under sections 112.34 - 112.84 of Minnesota Statutes (Currently MN Statutes 103D) and the Court did order on June 17, 1963 that the RRDCD shall operate under and exercise all the rights and authority contained in Minnesota Statutes, sections 112.34 - 112.84, known as the "Minnesota Watershed Act".

Roseau and Kittson Counties petitioned the Minnesota Water Resources Board on November 20, 1963 asking for a change in boundary and change in name of said District to Roseau River Watershed District and to designate a place of business for the Watershed District, pursuant to the provisions of Minnesota Laws of 1955, Chapter 799 as amended, and the Minnesota Water Resources Board did order on March 18, 1964 the change in name of the RRDCD to the RRWD and the City of Roseau to be the place of business and did define the District's boundary.

District Description

Location and Size

The Roseau River Basin encompasses an area of about 2,057 square miles. This drainage system is located in Northwestern Minnesota and South Central Manitoba, Canada, and is part of the Red River Basin and the Hudson Bay drainage system. The outlet of the Roseau River is into the Red River of the North, approximately 9 miles north of the International Border. Of the lands drained by the Roseau River watershed, 52% are in the United States and 48% in the Province of Manitoba Canada

The United States portion of the RRWD is approximately 1,063 square miles or 680,320 acres (Approximately, 598,681 acres (88%) of the watershed's land is located in Roseau County with the remaining 81,638 acres located in the counties of; Kittson (2%), Lake of the Woods (5%), Beltrami (4%), and Marshall (1%). The overall length of the basin is about 110 miles and the maximum width is 30 miles. The RRWD is bounded on the east by the Warroad River Watershed, on the southeast by the Rapid River Watershed, on the south by the Red Lake River Watershed, and on the southwest and west by the Two Rivers Watershed. The International Border defines the northern boundary of the District.

Land use & ownership

Land Use	Acres	Percent
Agricultural Cropland	285,469	45.7
Forestry	101,982	16.3
Trees/shrubs	69,950	11.2
Wetlands	57,988	9.3
Grasslands	47,953	7.7
Roads, Ditches, Towns	46,550	7.4
Other	14,497	2.4
TOTAL	624,389	100%

Due to the limited land use 40% of the land in the District is under some form of public ownership.

Summary of the planning process and review

This planning effort followed the planning guidelines identified as part of the "Red River Basin Flood Damage Reduction Work Group Agreement of December 1998" (Mediation Agreement). BWSR staff worked closely with Watershed District staff, Board on managers, engineering consultants, and the plan writer to assure that the intent of the Mediation Agreement was incorporated into the Plan.

The Following is a partial list of the planning process strengths:

- Formation of a "citizens advisory committee" (CA) and a "technical advisory committee"(TAC).
- Aggressive public/agency - issue/solution alternative identification process.
- Comprehensive natural resource inventory/assessment.
- Development of a hydrologic model.
- Overall watershed flood damage reduction (FDR) and natural resources enhancement (NRE) goals.
- 6 sub-watershed water management plans with FDR and NRE strategies.

The Plan is intended to be a guide to implementation of watershed projects and policies. The plan identifies and prioritizes both FDR and NRE issues on a sub-watershed level as well as on an overall watershed basis. The TAC and CAC developed solution alternatives on a sub-watershed basis that are environmentally, economically, and socially sound.

Issues identified can be categorized as follows:

FDR	NRE
- Flooding in the city of Roseau	- Low flows in streams and rivers
- Flooding of crop land	- Lack of stream channel diversity
- Flashy hydrographs	- Water quality (low DO)
- Water entering from Canada	- Sedimentation in channels
- Runoff from public land	- Flashy hydrographs

Due to the utilization of the CAC and TAC throughout all phases of the planning process, (issue identification, prioritizing, goal setting, and solution development) the final review process didn't uncover any major concerns.

Review comments were received from the DNR, the MPCA, the BWSR, and the Roseau Soil and Water Conservation District. The majority of the comments received were either editorial or "further clarifying" in nature.

As a result of this planning process BWSR finds the final document to meet the requirements identified in 103D.405 and the guidelines and intent of the "mediation agreement". This process has also resulted in a better understanding of the FDR and NRE issues facing the Two Rivers Watershed District and has developed a greater level of trust amongst those participating in the planning process.

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

In the Matter of prescribing a Revised Watershed Management Plan for the **Roseau River Watershed District** pursuant to Minnesota Statutes Section 103D.405

ORDER PRESCRIBING WATERSHED MANAGMENT PLAN

Whereas, the Board of Managers of the Roseau River Watershed District (RRWD) filed a proposed Revised Watershed Management Plan (Plan) dated June 2004 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 RRWD was first established as the Roseau River Drainage and Conservancy District (RRDCD) by order of the District Court, Roseau County, dated August 13, 1920. In 1963, the governing body of the RRDCD petitioned the District Court, Roseau County, for the right to operate under sections 112.34 - 112.84 of Minnesota Statutes (Currently MN Statutes 103D) and the Court ordered it on June 17, 1963. Roseau and Kittson Counties petitioned the Minnesota Water Resources Board on November 20, 1963 asking for a change in boundary and change in name of said District to Roseau River Watershed District. The Minnesota Water Resources Board did order on March 18, 1964 the change in name of the RRDCD to the RRWD.

2. **Requirement to Plan.** The RRWD Plan includes an introductory summary, a physical description of the District, identifies the flood damage reduction (FDR) and natural resource enhancement (NRE) issues within the District, prioritizes those issues, sets overall watershed and sub-watershed goals for FDR and NRE, identifies alternative solutions which include specific projects and programs, discusses the utilization of a project work team to assist the RRWD in accomplishing these goals, and states the rules and policies of the District. Challenges facing the District are: (FDR) flooding in the city of Roseau, flooding of agricultural land, water entering from Canada and runoff from public lands, (NRE) sedimentation in channels, water quality impairments, lack of channel diversity, low flows in streams and rivers.

To assist in the planning process a hydrologic model of the watershed was developed, The DNR preformed a stream/fish survey, and a natural resource assessment/inventory was conducted. The RRWD Plan was developed and will be implemented following the principals and process identified in the " Red River Basin Flood Damage Reduction Work Group Mediation Agreement of December 1998".

The District's mission:
"It is the intention of the Board to manage the waters and related resources within the Watershed District in a reasonable and orderly manner to improve the general welfare and public health of the residents of the Watershed District.
The Managers of the RRWD accept the responsibilities with which they are charged as a governing body by Minnesota Statutes. Said Board of Managers, in the conduct, duties and responsibilities conferred upon them, do not intend to usurp the authority or responsibilities of other agencies or governing bodies; however, said Board of Managers will not avoid their responsibilities and obligations.
It is the stated intent of the Managers herein that no person shall be deprived or divested of any previously established beneficial use or right, by any rules of the District, without due process of law. All rules of this District shall be construed according to this intention."
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).

3. **Nature of the Watershed.** The Roseau River Basin encompasses an area of about 2,057 square miles. This drainage system is located in Northwestern Minnesota and South Central Manitoba, Canada, and is part of the Red River Basin and the Hudson Bay drainage system. The outlet of the Roseau River is into the Red River of the North, approximately 9 miles north of the International Border. Of the lands drained by the Roseau River watershed, 52% are in the United States and 48% in the Province of Manitoba Canada. The United States portion of the RRWD is approximately 1,063 square miles or 680,320 acres (Approximately, 598,681 acres (88%) of the watershed's land is located in Roseau County with the remaining 81,638 acres located in the counties of; Kittson (2%), Lake of the Woods (5%), Beltrami (4%), and Marshall (1%). The overall length of the basin is about 110 miles and the maximum width is 30 miles. The RRWD is bounded on the east by the Warroad River Watershed, on the southeast by the Rapid River Watershed, on the south by the Thief River Watershed, and on the southwest and west by the Two Rivers Watershed. The International Border defines the northern boundary of the District. Within the U.S. portion of the watershed approximately 46% of the land use is agriculture, primarily in the central portion of the watershed, 16% is forested mostly in the southeast potion of the watershed, shrub/grasslands cover 20% throughout the watershed, and 9% is

wetlands with the majority of the wetlands being in the northern portion of the watershed. Approximately 39% of the watershed is in public ownership, which is primarily state forests and wildlife management areas. The Red Lake Nation owns 1% of the watershed.

4. **Local Review.** Pursuant to Minnesota Statutes Section 103D.405, the RRWD was required to send a copy of the revised Plan to specific local government units and state agencies for their review. On March 23, 2004 the RRWD distributed a copy of the draft Plan to those required by Statute. In addition, copies were sent to the Red River Basin Commission, Flood Damage Reduction Work Group, and members of the Citizens and Technical Advisory committees.

5. **Department of Natural Resources (DNR) Review**. Comments from the DNR where hand delivered and where only editorial in nature. The DNR was very active in the planning process and their comments and concerns where incorporated during plan development.

6. **Pollution Control Agency (PCA) Review.** On April 30, 2004 the RRWD received comments from the PCA. They stated they find the plans contents to largely be consistent with the NRE process of the mediation agreement. They also requested that the water quality goals and objectives of the MPCA's Red River Basin Information Document be referenced in the plans section that discussed other water management plans within the Watershed District. MPCA stated the water quality discussion was accurate but encouraged the RRWD to also reference the water quality data gathered by the Roseau SWCD and The Red River Watershed Management Board personnel. MPCA also had editorial comments of Section V: Overall Watershed Goals. The PCA was very active in the planning process.

7. **Roseau Soil and Water Conservation District Review.** Comments from the Roseau SWCD where hand delivered. They commented on how the goals of this plan will tie in with the priority concerns of the Roseau County Comprehensive Local Water Plan.

8. **Board of Water and Soil Resources Review.** Board field staff worked with RRWD staff, the consulting engineer and the plan writer throughout the process to assure the final document met the requirements identified in 103D.405 as well as incorporating the intent of the " Red River Basin Flood Damage Workgroup Agreement of December 1998". Being very active in this planning process BWSR staff provided direction and input into all phases of this planning effort. On May 26, 2004 BWSR submitted comments to the RRWD on the final document. BWSR comments where editorial and further clarifying in nature. Section V: Overall Watershed Goals; was the section of the plan that generated the major comments.

9. **Highlights of the Plan.** Critical elements in the Plan and planning process include:
    a. Incorporates the principles of the "Red River Flood Damage Reduction Work Group Mediation Agreement of December 1998".
    b. Aggressive citizen and agency input process.
    c. Utilization of a citizens advisory committee for identification and prioritizations of issues.
    d. Utilization of a technical advisory committee for alternative solutions development.
    e. Comprehensive natural resource inventory/assessment.
    f. Development of a Hydrologic model of the watershed including the portion that is in Canada.
    g. FDR and NRE goals on an overall watershed basis with strategies that are further refined in 6 sub-watershed basin plans.

        FDR goals:

        1. Provide 100-year flood protection for the City of Roseau and rural homesteads in the district.
        2. The 100-year flood height below the no damage elevation.
        3. Reduce flood damage to Roads and Crossings.
        4. Reduce Drought Damages.
        5. Preserve ground water supply and recharge areas.

        NRE goals:

        1. Protect, restore, enhance and manage lakes and aquatic streams in the Roseau River watershed to support sustainable communities.
        2. Manage wetland and upland habitats in the Roseau River watershed to support sustainable wildlife communities.
        3. Preserve, protect and restore unique natural resource communities and other features in the watershed.
        4. Increase and promote outdoor recreational activities related to fish, wildlife and other natural resources in the watershed.
        5. Improve water quality in the Roseau River Watershed.

10. **Publish Notice of Filing.** Legal Notice of Filing was published in the Roseau Times – Region on June 26, 2004.The Legal Notice of Filing was also mailed in a letter from Board staff Jim Haertel dated August 9, 2004 to several addressees including the affected county auditors, county boards, Soil and Water Conservation Districts, Cities, and the Department of Natural Resources.

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 August 2, 2004, the Board's Northern Water Planning Committee and staff met with representatives from the RRWD in Bemidji to review and discuss the Plan. Those in attendance from the Board's Committee were Jerome Deal, Kay Cook, Quentin Fairbanks, and Wayne Edgerton. Board staff in attendance was northern region supervisor Ron Shelito and board conservationist Brian Dwight. Representative from the RRWD was administrator Rob Sandbo. Board staff recommended approval of the Plan. After discussion, the committee unanimously voted to recommend approval of the Roseau River Watershed District 2004 – 2013 Overall Plan to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a revised watershed management Plan for the Roseau River Watershed District pursuant to Minnesota Statutes Section 103D.405.

3. The Roseau River Watershed District 2004 – 2013 Overall Plan attached to this Order defines water-related problems within the RRWD 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 2004 – 2013 Overall Plan for the Two Rivers Watershed District.

Dated at Saint Paul, Minnesota this 23 day of September 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Executive Summary

The Lincoln County Local Water Management Plan will be in effect for 10 years, with a five-year implementation plan.

This section addresses the following items:
- Version and purpose of the plan;
- Description of the priority concerns that will be addressed;
- A summary of the goals and actions to be taken along with the projected total cost of the implementation program for each of the priority concerns;
- A summary of the consistency of the plan with other pertinent local, state, and regional plans and controls, and where inconsistencies are noted; and
- A summary of recommended amendments to other plans and official controls.

Version and Purpose:

This is the third version of the Lincoln County Water Management Plan, dated September, 2004.

The Lincoln County Comprehensive Local Water Plan has two purposes:

> ***1) To identify existing and potential problems and opportunities for the protection, management and development of water and related land resources; and***
>
> ***2) To develop objectives and carry out a plan of action to promote sound hydrologic management of water and related land resources and effective environmental protection.***

This Water Management Plan focuses on priority concerns as identified in coordination with other local governments and state agencies (2003 Statutory M.S. 103B.301) and an implementation plan that addresses the priority concerns.

Description of Priority Concerns:

The priority concerns in which the Lincoln County Water Management Task Force will focus on are as follows:

- ***Ground Water Protection for the Verdi Well Field*** – The Verdi Well Field is the main source of water supply for: all of Lincoln County and Pipestone County and parts of 7 other counties: 3,400 rural customers, 29 cities, and 120 rural customers using more than one million gallons per year per customer.
- ***Surface Water Quality Deterioration priorities being Nutrients and Bacteria focusing on two identified TMDL sites: Lake Shaokatan and the South Branch of the Yellow Medicine River.*** – Our primary focus will be on Nutrients and Bacteria in

the TMDL sites listed. Other sites when added to the TMDL list, will be considered in this section of the priority concerns.

- ***Erosion and Sediment Control on agricultural land primarily gully erosion and concentrated flow with several priority areas being the South Branch of the Yellow Medicine River Watershed, Norwegian Creek, Coon Creek, Lake Benton Lake and Dead Coon Lake.*** – Reducing the volume of sedimentation, potential attached pollutants and nutrients reaching County lakes, streams, rivers and wetlands, will improve surface and ground water quality, through implementing Best Management Practices particularly in listed priority areas.
- ***Lake Management Improvement (water quality) and Recreational Opportunities targeting Lake Benton, Lake Shaokatan and Lake Hendricks.*** – Lincoln County has six major lakes having a total water surface area of about 6,480 acres with an average depth ranging from three to twelve feet and many smaller lakes. We will focus on three major Recreational Lakes in Lincoln County, as they represent the greatest potential for additional recreational development including Lake Benton, Lake Shaokatan and Lake Hendricks.
- ***Surface water runoff and Drainage addressing runoff volume and water quality through drainage management*** – In this section, we will focus on the Wetland Conservation Act, Wetland Banking and the Lincoln County Public Drainage Ditch Systems.

Education and outreach are a part of each of the priority concerns.

With the decrease in funding for Water Management Implementation, we will address issues that are doable with the funds we receive. Other implementation items accomplished through other funding sources.

Summary of Goals and Actions and Projected Total Cost:

Summary of goals and actions along with the projected total cost of the implementation program for each priority concern include:

Priority Concern: ***Groundwater Protection for the Verdi Well Field.***

The goal summary of this priority concern is to protect the public water supply from potential contaminants.

Summary of the actions and costs include:

- Bring feedlots and septic systems into compliance;
- Educate landowners/operators and citizens about the importance of protecting our well fields and the wellhead protection area; and
- Promote and enroll landowners in easement programs (CREP, CRP, CCRP) and implement conservation practices.

Approximate cost: $200,000 (majority for CRP/CREP); and $330,000-ISTS Loan Program

Priority Concern: ***Surface Water Quality Deterioration being Nutrients and Bacteria focusing on two identified TMDL sites: Lake Shaokatan and the South Branch of the Yellow Medicine River.***

The goal summary of this priority concern is to protect restore, protect and improve the deterioration of surface water quality of the lakes, rivers and streams.

Summary of the actions include:

- Bring into compliance existing septic systems and feedlots and develop nutrient management plans to help regulate nutrients and minimize pollution;
- Work on the TMDL study and implement BMP's for the Lake Shaokatan Project and the South Branch of the Yellow Medicine River;
- Pursue funding for special projects in the four major river watersheds;
- Educate landowners/operators on feedlot pollution, manure management, ISTS's, and BMP's; and
- Educate landowners/operators in the TMDL sites about the impaired water study and the need for implementation of conservation practices.

Approximate cost: $1,117,500; and $375,000-ISTS Loan Program

Priority Concern: ***Erosion and Sediment Control on agricultural land primarily gully erosion and concentrated flow with several priority areas being the South Branch of the Yellow Medicine River Watershed, Norwegian Creek, Coon Creek, Lake Benton Lake and Dead Coon Lake.***

The goal of this priority concern is to protect and preserve Lincoln County's long-term valuable soil resources.

Summary of the actions include:

- Implement filter strips and BMP's on the three branches of the Yellow Medicine River;
- Reduce wind and water erosion and sediment by implementing conservation practices in the various watersheds. Practices include water and sediment control basins, terraces, waterways, conservation tillage, CRP, CCRP, CREP, critical area plantings, filter strips, field windbreaks, farmstead shelterbelts, wildlife tree plantings, etc.;
- Provide conserving use acre contracts to individuals planting small grain for earthwork construction from August 10-September 30;
- Provide cost-share dollars for sealing abandoned wells;
- Promote conservation tillage and prevent soil erosion by implementing buffer strips;
- In the Redwood River Watershed Area, bring non-conforming ISTS's into compliance along with feedlots, implement CRP, CCRP, waterways, terraces, sediment control basins and establish base flow monitoring sties to evaluate progress;
- Increase wildlife habitat, restored wetlands, restoration of wetlands and wildlife tree plantings;
- Monitor water quality sites; and

- Educate landowners/operators about implementing BMP's; conservation tillage; buffer programs-CRP, CCRP, CREP; protecting wildlife habitat areas, restored wetlands, tree plantings; etc.

Approximate costs: $2,449,000; 1,350,000-CREP; and $1,010,000- ISTS Loan Program-Redwood River Watershed area

Priority Concern: ***Lake Management Improvement (water quality) and Recreational Opportunities targeting Lake Benton, Lake Shaokatan and Lake Hendricks.***

The goal summary of this priority concern is increase recreational opportunities of Lincoln counties lakes.

Summary of the actions and costs include:

- Reduce curly-leaf pondweed in Lake Benton by working with the Lake Improvement District, seek LCMR funding, and work with DNR on fluridone herbicide treatments;
- Implement BMP's for water quality in Lake Shaokatan and the watershed;
- Construction of a new Waste Water Treatment Facility in the City of Hendricks for the water quality of Lake Hendricks; and
- Educate the residents, owners and operators in these three lakes on the importance of protecting the recreational benefits of the lakes in Lincoln County.

Approximate cost: $850,000 and $1.9 Million-Hendricks Waste Water Treatment Facility

Priority Concern: ***Surface Water Runoff and Drainage addressing runoff volume and water quality through drainage management.***

The goal summary of this priority concern is improve surface water management by decreasing runoff and flooding and maintaining the drainage systems in the county.

Summary of the actions and costs include:

- Reduce flooding by restoring wetlands and increase filter strips;
- Repair an existing dam every three years;
- Administer the WCA Program;
- Develop a wetland banking program;
- Enroll landowners in the CCRP;
- Apply for grant dollars to inventory buffers along our public drainage system; and
- Educate landowners/operators on buffers and the WCA.

Approximate cost: $721,250

Summary of Consistency/Inconsistency of the Plan with other Plans:

Summary of the consistency of the Lincoln County Water Management Plan with other pertinent local, state, and regional plans and controls include:

- The Water Management Plan is also the plan in which the Lincoln Soil and Water Conservation District uses as their Comprehensive Plan.

- It is the intent of the Environmental Office to incorporate this plan within the Overall Lincoln County Comprehensive Sustainability Development Plan, which includes the Land Use Plan, Recreation and Natural Resources, etc.

Parts of the following plans are incorporated in the Water Management Plan:

- Lincoln-Pipestone Rural Water System-Verdi Wellhead Protection Plan;
- The Yellow Medicine River Watershed District Plan and/or products of the Yellow Medicine River Watershed District;
- The Lac qui Parle-Yellow Bank Watershed District Plan (erosion control section and implementation actions) and other sources of information for sections pertaining to Lake Hendricks and the Lac qui Parle Watershed;
- Products prepared by the Redwood-Cottonwood Rivers Control Area (RCRCA); and
- Other state and local reports, information, etc.

There are no inconsistencies that we are aware of with other plans.

Summary of Recommended Amendments to other Plans/Controls:

The Lincoln County Water Management Plan does not have any recommended amendments to other plans/controls.

Implementation Program

This section establishes the implementation program for the priority concerns. The implementation program identifies the following:

- Actions to be implemented
- When the action will be accomplished
- Who the responsible agency is to implement the action
- If capital improvement projects are listed, they will include the following:
  -physical components of the project-size, configuration, location
  -purposes of the project and relationship to the objectives
  -proposed schedule for project construction
  -expected federal, state and local costs
  -types of financing proposed-special assessments, valorem taxes, grants
  -sources of local financing proposed

Abbreviations:

The following abbreviations represent the responsible local unit of government and/or the possible funding source for each action item.

- TF-Lincoln County Water Management Task Force
- WM-Water Management Funds
- SWCD-Soil and Water Conservation District
- NRCS-Natural Resources Conservation Service
- FSA-Farm Service Agency
- EO-Lincoln County Environmental Office
- HD-Lincoln County Highway Department
- Ext.-Lincoln County Extension
- YMRWD-Yellow Medicine River Watershed District
- LPRW-Lincoln-Pipestone Rural Water
- LQP-YBWD-Lac qui Parle-Yellow Bank Watershed District
- RCRCA-Redwood-Cottonwood Rivers Control Area
- SWPJPO-Southwest Prairie Joint Powers Organization
- BWSR-Board of Water and Soil Resources
- DNR-Department of Natural Resources
- MDH-Minnesota Department of Health
- MDA-Minnesota Department of Agriculture
- MPCA-Minnesota Pollution Control Agency
- PF-Pheasants Forever
- USFWS-U.S. Fish and Wildlife Service
- SWROC-Southwest Regional Outreach Center
- LID-Lake Improvement District
- CWP-Clean Water Partnership
- EQIP-Environmental Quality Incentive Program
- State C-S-State Cost-Share
- CRP-Conservation Reserve Program
- Watersheds-includes one or more of the following: Yellow Medicine River Watershed District, LqP-Yellow Bank Watershed District and/or the Redwood-Cottonwood Rivers Control Area
- Ag BMP-Ag Best Management Practices Loan Program

Abbreviations:

The abbreviations in **BOLD** illustrate the lead agency under the specific actions.

Priority Concern: *Groundwater Protection for the Verdi Well Field.*

GOAL: ***Protect the public water supply from potential contaminant sources due to land use activities; and Establish and maintain a Wellhead Protection Plan (WHP) continuing public education and information program.***

Objective 1: *Encourage property owners to adopt tillage, chemical and nutrient BMP's for cropland within the Drinking Water Supply Management Area (DWSMA).*

Actions:

Contact one feedlot owner per year in the DWSMA area to personally discuss feedlot operations, tillage, chemical/nutrient management, develop an understanding of local drinking water issues/benefits of implementing a wellhead protection plan and the BMP's best suited for them in the DWSMA.

Who: EO, LPRW, SWCD **When:** 2004-2009 **Cost:** $-0-

Objective 2: *Develop educational programs for property owners regarding the need for having complying onsite-sewage treatment systems in the DWSMA.*

Actions:

Develop educational material pertaining to the construction, operation and maintenance of onsite-sewage treatment systems in the DWSMA, creating an awareness of how improper operation and maintenance of onsite-sewage treatment systems can affect the DWSMA.

Who: EO, LPRW, Ext., SWCD, **When:** 2006 **Cost:** $250 printing costs

Conduct inspections of septic systems in the DWSMA and implement full compliance with state and county ISTS requirements within the DWSMA to prevent the contamination of the water supply in the DWSMA by non-complying septic systems. Dollars include $220,000 for 44 systems brought into compliance from 2002 – 2006, and $110,000 continuation for 22 systems to be brought into compliance 2007 – 2009.

Who: EO, LPRW **When:** 2004-2009 **Cost:** $330,000 in CWP Loans

Consult with the MPCA to reduce the risk of groundwater contamination associated with development in sensitive areas.

Who: LPRW **When:** 2004-2009 **Cost:** $-0-

Communicate with and seek guidance from the DNR when considering how to plan for significant water using developments, if they should occur.

Who: LPRW **When:** 2004-2009 **Cost:** $-0-

Objective 3: ***Inventory and prioritize areas within the DWSMA for adoption of set-a-side and buffer easement programs.***

Actions:

Contact property owners in the WHP area to encourage enrollment in easement programs (such as CRP, CREP) and adoption of buffer strips. Increase acres of easement programs by 25 acres per year. Contact all landowners in this area for the CREP initiative.

Who: SWCD, FSA, LPRW **When:** 2004-2009 **Cost:** CRP/CREP Funding

Increase conservation tillage practices in the DWSMA, reducing sedimentation in the surface waters recharging the ground water. Promote Ag BMP Loans for upgrading conservation tillage equipment to reduce erosion and runoff by targeting one landowner per year.

Who: NRCS, SWCD **When:** 2004-ongoing **Cost:** Ag BMP Loan Program

Priority Concern: ***Surface Water Quality Deterioration being Nutrients and Bacteria focusing on two identified TMDL sites: Lake Shaokatan and the South Branch of the Yellow Medicine River.***

GOAL: ***To restore, protect and improve the deterioration of surface water quality of Lincoln County's lakes, rivers and streams.***

Objective 1: ***Protect surface water quality from contamination caused by point and non-point source pollution and properly treat both human and animal waste.***

Actions:

Bring into compliance approximately 25 septic systems/year (75-total). $375,000 in CWP-Revolving Loan Program in the Yellow Medicine River Watershed (the Redwood River and the Verdi DWSMA are under other sections of the Implementation Plan).

Who: EO **When:** 2004 - 2007 **Cost:** $375,000/year CWP-Revolving Loan Program

Work with 4-5 producers per year with high priority feedlots. Priority based on the size of the operation and their proximity to water. Work with engineers to survey problem feedlots and supply the producer with 2-3 options to fix the pollution problem (cost-estimate included). Work with the SWCD/NRCS on possible cost-share availability.

Who: EO, SWPJPO, SWCD, NRCS **When:** 2004 - 2009 **Cost:** EQIP, State C-S Feedlot Dollars - $50,000-$150,000/yr

Reduce feedlot pollution by working with 3-feedlot producers on developing nutrient management plans on 750 acres. Priority given to feedlot producers with 300+ animal units and producers in spreading manure in sensitive areas.

Who: EO, NRCS, SWCD **When:** 2004 - 2009 **Cost:** $3,000/yr-EQIP

Work with and seek guidance from the MPCA to reduce the risk of groundwater contamination associated with development in sensitive areas.
Who: LPRW, EO, SWCD **When:** 2004 - 2009 **Cost:** $-0-

Objective 2: ***Protect and improve existing surface water quality by addressing nutrient and bacteria issues.***

Actions:
Pursue funds for watershed based activities and practices for the Yellow Medicine River Watershed, Lac qui Parle-Yellow Bank Watershed, Redwood Cottonwood Rivers Control Area and the Big Sioux Watershed, by addressing the nutrient and bacteria issues.
Who: YMRWD, LQP-YBWD, RCRCA, SWCD, NRCS **When:** 2004 - 2009 **Cost:** CWP, EQIP, BWSR, Ag BMP-$50,000-$250,000/yr

Work with the MPCA on a Total Maximum Daily Load (TMDL) Study in the Lake Shaokatan Watershed. Through the MPCA, Lake Shaokatan has been declared impaired by the nutrient Phosphorus. This study will determine the loads in which are going into the Lake and the TMDL strategy to meet the classification of an eco-region lake to sustain lake water quality.
Who: YMRWD, SWCD, NRCS, EO **When:** 2004 - 2006 **Cost:** MPCA Funding

Identify and implement BMP's in the Lake Shaokatan Watershed and the South Branch of the Yellow Medicine Rive to help reduce Phosphorus.
Who: YMRWD, SWCD, NRCS, EO **When:** 2006- 2009 **Cost:** Apply for funding; EQIP State C-S

Objective 3: ***Educate property owners, land owners/operators on the importance of protecting our surface waters from deterioration.***

Actions:
Educate land owners/operators on feedlot pollution and the importance of proper manure management, ISTS's and on the need for BMP's in order to reduce the nutrients and bacteria in surface water quality, accomplished through newsletters and one-on-one contacts.
Who: SWCD, NRCS, EO **When:** 2004 - 2009 **Cost:** $250/yr
YMRWD, RCRCA, LQP-YBWD

Educate land owners/operators in the Lake Shaokatan Watershed and the South Branch of the Yellow Medicine River on the TMDL Study and the need for implementation of conservation practices, accomplished through newsletters and one on one contacts.
Who: YMRWD, SWCD, NRCS **When:** 2004 - 2009 **Cost:** $250/yr

Priority Concern: ***Erosion and Sediment Control on agricultural land primarily gully erosion and concentrated flow with several priority areas being the South Branch of the Yellow Medicine River Watershed, Norwegian Creek, Coon Creek, Lake Benton Lake and Dead Coon Lake.***

Goal: ***To protect and preserve Lincoln County's long-term valuable soil resources.***

Objective 1: ***Protect and improve existing surface and ground water quality, by addressing and reducing soil erosion, sedimentation and potential attached pollutants.***

Actions:

In the Yellow Medicine River Watershed, accelerate the implementation of filter strips, sediment basins and waterways through the Clean Water Partnership Program.

Who: YMRWD, SWCD, NRCS **When:** 2004 - 2009 **Cost:** $10,000–$15,000/yr in CWP & EQIP; State C-S

Reduce water erosion to 5-ton or less soil loss per acre on cropland. Implement BMP's such as but not limited to (approximate footage – per year when listed):

- Terraces-2,000 feet,
- Water & Sediment Control Basin's-70 each,
- Waterways-8 acres,
- Conservation Tillage, and,
- Increase the number of acres for buffers, filter strips and Critical Area Plantings by 25 new sites (125 acres) per year through CRP and CCRP. The entire county is a concern with priority given to areas deemed necessary by the Technical Groups in each of the watersheds

Who: SWCD, NRCS, FSA **When:** 2004 - 2009 **Cost:** $100,000–$250,000/yr EQIP, St C-S

Reduce wind erosion to 5-ton or less soil loss per acre on cropland selling 50,000 trees per year by implementing the following (approximately footage – per year when listed): 3 miles-Field Windbreaks/Living Snow Fences, 10 acres-Farmstead Shelterbelts, and 40 acres-Wildlife Tree Plantings, depending on programs available.

Who: SWCD, NRCS, FSA **When:** 2004 - 2009 **Cost:** $100,000–$150,000/yr
DNR, PF CRP, BWSR, DNR, PF

Provide a Conserving Use Acres Contract to landowners where the Water Management Task Force pays $599.00 for planting 10 acres or more of small grain in order to do earthwork construction from August 10 to September 30.

Who: SWCD, TF **When:** 2004-2009 **Cost:** $3,600/yr-WM Funds

Provide cost-share dollars (75% not to exceed $250/well) to 30-40 landowners per year for sealing their abandoned well(s).

Who: SWCD, TF **When:** 2004-2009 **Cost:** WM Funds-$7,500-$10,000/yr.

Objective 2: ***Reduce the volume of sedimentation reaching County lakes, streams, rivers and wetlands.***

Actions:

Increase conservation tillage on 5,000 acres with high residue. Dollars for conservation tillage equipment will be through the Ag BMP Loan Program

Who: SWCD, NRCS **When:** 2004 - 2009 **Cost:** Ag BMP Revolving $'s

Implement CREP in the Big Sioux River Basin, primarily in the Verdi DWSMA. Contact every landowner through direct mailings. Establish a goal of 750 acres enrolled.

Who: SWCD, NRCS **When:** 2004 - 2009 **Cost:** CREP/CRP Programs

Objective 3: ***Implement Best Management Practices in the Redwood River Watershed-Clean Water Partnership Project area. Implementation will be dependant on the success of the Extension of the CWP for the Redwood River Watershed, from 2005 through 2007.***

Actions:

There are 115 suspected residences with non-conforming septic systems on and around Lake Benton and 162 residences that have suspected non-conforming septic systems that generate a portion of their income from agriculture. The objective in this section is to bring 146 of these non-conforming septic systems into compliance; along with reducing the amount of fecal coliform bacteria in Lake Benton and Coon Creek to achieve TMDL levels; and, to monitor/evaluate the projects progress on Lake Benton, Coon Creek and its effect on the Redwood River. The septic system upgrades started in 2001. Bring into compliance 146 non-conforming septic systems[1] (designated eminent health threats) of residences in the project area. Lincoln County estimates suggest that 50% of the suspected septic systems listed above, discharge to surface water via tile. By targeting 146 systems that have a direct discharge to surface water, a reduction of 2,398,050 lbs. of aquatic plants could be realized annually. Loading reductions of these direct pollutant sources will have a significant effect on improving the water quality of Lake Benton and upper Coon Creek. Over 30 years, a reduction of 71,941,500 lbs. of aquatic plant production could be realized.

Who: EO, RCRCA **When:** 2004 - 2007 **Cost:** $880,000 for 6-yrs in CWP-Revolving Loan Program

Bring into compliance an additional 21 non-conforming septic systems through the 319 Program-Loan Dollars.

Who: EO, RCRCA **When:** 2004 - 2007 **Cost:** $130,000-319 Funds

Implement 10-grassed waterways, 10-terraces, 17-sediment control basins, 6-livestock exclusions and CRP/CCRP to reduce external loading from surface runoff.

Who: RCRCA, EO, NRCS, SWCD **When:** 2004 - 2009 **Cost:** $200,000-319 Grant, EQIP; CRP/CCRP; Feedlot $'s Possible CWP Extension $'s

[1]Eminent Health Threat designation refers to a direct surface water discharge or an above ground discharge.

Bring into compliance 4-non-permitted feedlots through BWSR and EQIP feedlot grants.
Who: RCRCA, EO **When:** 2005 - 2007 **Cost:** EQIP; Possible CWP-Extension; Feedlot Grant $'s

Establish 6-base flow monitoring sites to evaluate progress on Lake Benton, Coon Creek and its effect on the Redwood River, by RCRCA.
Who: RCRCA, EO **When:** 2004 - 2009 **Cost:** RCRCA

Objective 4: ***Increase and protect wildlife habitat.***

Actions:
Increase the number of wildlife-habitat management areas, wildlife plantings and restore 18 acres of wetland restorations per year making the opportunity for wildlife enhancement and hunting opportunities greater.
Who: SWCD, NRCS, DNR **When:** 2004 - 2009 **Cost:** DNR, PF, BWSR C-S
USFWS

Objective 5: ***Compile information regarding surface water quality and quantity.***

Actions:
Monitor the water quality sites throughout Lincoln County once over the next five-years to continue with the bench mark on sites previously tested.
Who: SWCD, TF **When:** 2004 - 2009 **Cost:** $5,500-WM Funds

Objective 6: ***Educate landowners/operators about erosion and sediment control, the importance of installing conservation practices and encourage conservation programs that help protect wildlife and recreational benefits in Lincoln County.***

Actions:
Provide information and options about BMP's to reduce sediment and nutrients to land users experiencing the most severe soil erosion through newsletters, news releases and individual contacts.
Who: SWCD, NRCS, YMRWD, **When:** 2004 - 2009 **Cost:** $250/yr
LQP-YBWD, RCRCA

Increase the awareness of buffer programs: CRP, CCRP, RIM, CREP, critical area plantings, filter strips, etc. through newsletters, news releases and individual contacts.
Who: SWCD, NRCS, FSA **When:** 2004 - 2009 **Cost:** $250/yr
YMRWD, LQP-YBWD, RCRCA

Promote implementation of field windbreaks, living snow fences, farmstead shelterbelts, and wildlife tree plantings through newsletters, news releases and individual contacts.
Who: SWCD, NRCS **When:** 2004 - 2009 **Cost:** $100/yr

Educate landowners/operators on an individual basis and through newsletters about protecting the wildlife-habitat management areas, restored wetlands, and wildlife tree plantings for better wildlife enhancement and recreation opportunities.
Who: SWCD, NRCS, DNR **When:** 2004 - 2009 **Cost:** $100/yr
USFWS, PF

Priority Concern: ***Lake Management Improvement (water quality) and Recreational Opportunities targeting Lake Benton, Lake Shaokatan and Lake Hendricks.***

Goal: ***Increase recreational opportunities by improving the water quality and quantity of Lincoln County's lakes.***

Objective 1: ***Reduce the curly-leaf pondweed in Lake Benton, which has been detrimental to the use and enjoyment of Lake Benton. Work to improve tourism, economic growth and revive the recreational activities that were once abundant in Lake Benton.***

Actions:

The Lake Improvement District formed in 2004, will provide a means by which property owners can meet and deal with specific needs relating to the quality/management of Lake Benton and seeking an LCMR grant estimated at $750,000. The grant would help pay for fluridone treatments and help restore native plants.

Who: LID, RCRCA, EO **When:** 2004 - 2009 **Cost:** $-0- to apply for grant

DNR will initiate a multi-year series of fluridone herbicide treatments into Lake Benton, beginning the spring of 2005 with a whole-lake treatment and follow up with another in 2006, depending on the success of the 2005 application. DNR will propose a three- to five-year control program to reduce the curly-leaf pondweed and develop a treatment plan to guide treatments in future years.

Who: DNR, LID, EO **When:** 2005 - 2009 **Cost:** $100,000-$150,000/yr-LCMR/Taxing Authority

DNR will work to ensure the "presence of a more diverse plant community" to reduce the adverse effects of Lake Benton.

Who: DNR, LID, EO **When:** 2005 - 2009 **Cost:** $100,000 over 5-yrs LCMR Grant

Objective 2: ***Reduce the blue-green algae in Lake Shaokatan to improve the economic and recreational activities in the lake.***

Actions:

Implement BMPs for water quality in Lake Shaokatan in the watershed above the lake.

Who: YMRWD, SWCD, NRCS, EO **When:** 2004 - 2009 **Cost:** Cost shown under Erosion Control Section

Objective 3: ***Work with the MPCA to construct a new Waste Water Treatment Facility to improve Lake Hendricks water quality.***

Actions:

The City of Hendricks will construct a new Waste Water Treatment Facility including the construction of a new primary lagoon cell, and an addition to the sewer collection system.

There are 35 homes in the North Shore (NS) area of Lake Hendricks, which will be served by a portion of the proposed new sewer collection system (have room for 44 hookups on the North Shore and 22 hookups on Camara Beach (CB)-South Dakota).
Who: City of Hendricks **When:** 2004 - 2006 **Cost:** $1.9 Million-Total
Lake Hendricks (CB) Sanitary Sewer in South Dakota,
Lake Hendricks (NS) Sanitary Sewer District in MN, EO

Objective 4: ***Educate the residents, owners and operators of the three main lakes on the importance of protecting the recreational benefits of the lakes in Lincoln County.***

Actions:
Educate lake/city residents and landowners/operators around their priority lakes, on protecting the lake water quality, through the various watershed districts, Environmental Office, SWCD, NRCS, Cities, by meetings, one-on-one contacts, and newsletters.
Who: EO, LID, Cities, RCRCA, YMRWD, LQP-YBWD, SWCD, NRCS, DNR **When:** 2004 - 2009 **Cost:** See specific ed. actions throughout implementation plan

Priority Concern: *Surface Water Runoff and Drainage addressing runoff volume and water quality through drainage management.*

Goal: ***Improve surface water management by decreasing runoff, flooding and erosion while maintaining the drainage systems already in place to sustain agricultural productivity.***

Objective 1: ***Apply watershed-based principles in properly managing drainage systems and wetlands and repair small dams in the county.***

Actions:
Reduce flooding potential by restoring wetlands by 90 acres over five years and increasing the number of filter strips through CRP, etc.
Who: SWCD, NRCS, DNR USFWS, EO **When:** 2004 - 2009 **Cost:** $200,000–$500,000 USFWS; BWSR, CRP

Repair an existing small dam used for flood control and water storage that are located in the county (repair one dam every three years-or as funds are available).
Who: Area II, SWCD, NRCS **When:** 2004 - 2009 **Cost:** $10,000–$20,000

Administer the Wetland Conservation Act (WCA). Administration will come from the Local Governmental Unit-Lincoln Soil and Water Conservation District.
Who: SWCD, BWSR, EO, HD **When:** 2004 - 2009 **Cost:** $10,000/yr–BWSR; $10,000/yr-SWCD In-kind

Objective 2: ***Incorporate flood control benefits into future road and bridge replacements.***

Actions:
Seek assistance from Area II-Minnesota River Basin for assessment and engineering in incorporating flood control benefits in road and bridge projects.
Who: HD **When:** 2004 - 2009 **Cost:** $40,000

Develop a Wetland Banking Program that will provide "Replacement Acres" for wetlands lost in County Highway Improvement projects and Lincoln County Enterprise Development Projects
Who: HD, SWCD, NRCS **When:** 2004 - 2009 **Cost:** $40,000

Objective 3: ***Improve the Drainage Ditch systems in Lincoln County through proper management and implementation of buffers.***

Actions:
Enroll landowners in the CCRP in which the landowner would receive a CRP payment for the one-rod buffer required and the additional buffer required for the CRP. Approximately 5,500 acres of cropland are enrolled in various conservation land programs. Increase the number of cropland acres into CCRP by 1% per year.
Who: EO, SWCD, NRCS **When:** 2004 - 2009 **Cost:** CRP Dollars

Apply for grant dollars to inventory the buffers along our public drainage system to identify the area where non-point pollution is occurring, assess the history to identify erodible areas, flooding problem areas and storage potential, by gathering history of each system such as: watershed size, outlets to date established, flow data, demonstrate capacity and monitoring data available. Record the progress of the reduction of the non-point pollution through the GIS system. One time grant.
Who: EO, SWCD **When:** 2005 - 2009 **Cost:** $25,000-Grant; 25,000 Cash/In-kind-EO; SWCD

Objective 4: ***Educate landowners/operators in Lincoln County on the Drainage programs/issues.***

Actions:
Educate landowners/operators of the importance of keeping the buffers in place to protect the drainage ditch systems and concerns about farming right next to the ditch systems in Lincoln County.
Who: EO, SWCD, NRCS **When:** 2004 - 2009 **Cost:** CRP Dollars

Educate land users on the Wetland Conservation Act (WCA) regulations, USDA Swampbuster and Army Corp. of Engineers wetland regulations. Accomplish this through newsletters and one-on-one contacts.
Who: SWCD, NRCS **When:** 2004 - 2009 **Cost:** $250/yr

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 **Lincoln County** (Minnesota Statutes, 2003, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Lincoln** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **June 18, 2004**, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On **October 15, 2003,** the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Lincoln** County, pursuant to M.S. Section 103B.312.

2) On **January 28, 2004,** the Board of Water and Soil Resources approved official comments on the **Lincoln** County Priority Concerns Scoping Document, which were mailed to the county on **January 28, 2004.**

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

   A) Groundwater Protection for the Verdi Well Field;
   B) Surface Water Quality Deterioration priorities being Nutrients and Bacteria focusing on two identified TMDL sites: Lake Shaokatan and the South Branch of the Yellow Medicine River;
   C) Erosion and Sediment Control on agricultural land primarily gully erosion and concentrated flow with several priority areas being the South Branch of Yellow Medicine River Watershed, Norwegian Creek, Coon Creek, Lake Benton Lake, and Dead Coon Lake;
   D) Lake Management Improvement (water quality) and Recreational Opportunities targeting Lake Benton, Lake Shaokatan, and Lake Hendricks; and
   E) Surface Water Runoff and Drainage addressing runoff volume and water quality through drainage management.

4) On **June 22, 2004,** the BWSR received the **Lincoln** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On **August 25, 2004,** the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Lincoln County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: no recommendation received;

B) Minnesota Department of Health: no recommendation received;
C) Minnesota Department of Natural Resources: recommends approval;
D) Minnesota Pollution Control Agency: recommends approval;
E) Minnesota Environmental Quality Board: submitted comments late, neutral position on recommendation;
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 **August 31, 2014.**

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

2) The **Lincoln** 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 **Lincoln County** Local Water Management Plan with a required update to the Implementation section (Goals, Objectives and Action) by August 31, 2009.

Dated at St. Paul , Minnesota, this **twenty-third day of September, 2004**.

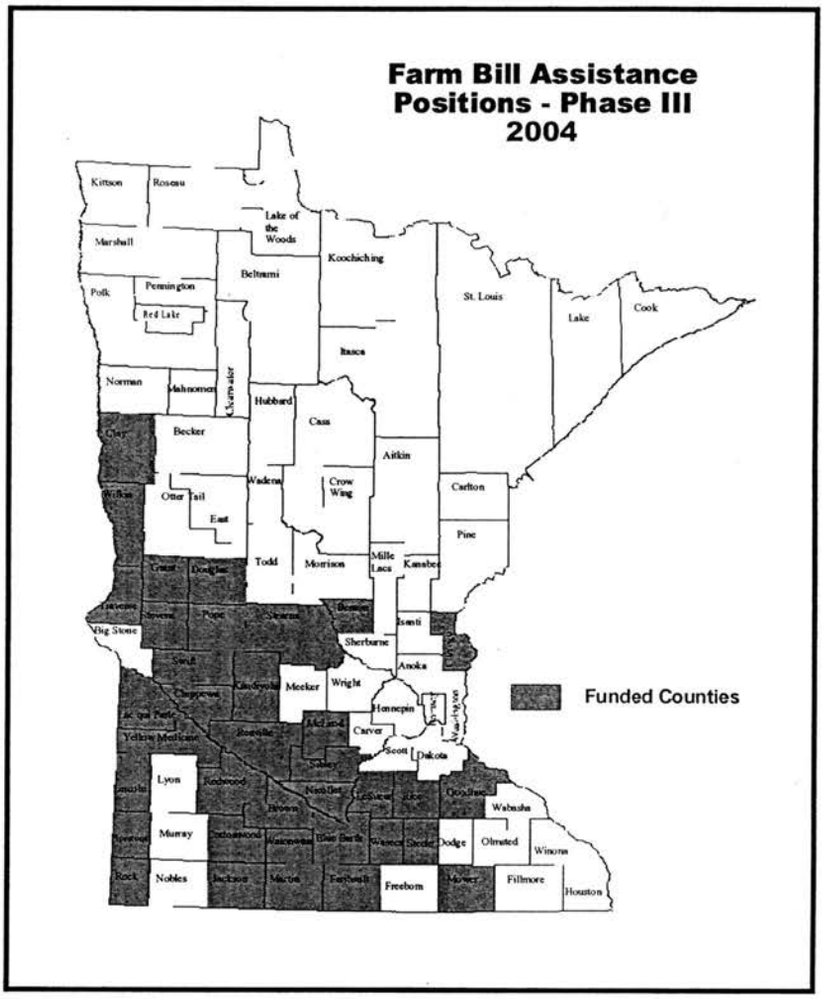
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Jerome Deal, Chair

2004 Partnership to Accelerate Farm Bill Assistance to Landowners

When it comes to establishing conservation practices and wildlife habitat, Minnesota landowners have numerous options from which to choose. Understanding those options and making the best choice is the primary objective of the Farm Bill Assistance Project.



This program, started in 2002 by DNR, BWSR, Pheasants Forever, and SWCDs, provides a critical link between landowners and available conservation programs.

DNR, BWSR, and PF provide matching grant funds to SWCDs for staffing costs. Staff make contacts and work with individual landowners to review various conservation options for their land.

The primary focus of this effort has been in fully utilizing the Continuous CRP program along with other conservation provisions of the Federal Farm Bill. Practices like grass filter strips and wetland restorations have become very popular. These programs are administered and implemented by FSA and NRCS. This outreach effort helps make the connection between eligible landowners and the agency or program that best fits a landowner's operation.

To date, $1.5 million of state, local, and non-profit funding has been committed to this effort. In 2002, 26 counties participated and helped enroll 7,000 acres over 6 months. In 2003, 28 counties participated and helped enroll 23,000 acres. In 2004 we have 35 counties and have set a goal of 30,000 acres. For more information, contact Tabor Hoek at 507-537-7260 or tabor.hoek@bwsr.state.mn.us.

STATE OF MINNESOTA DEPARTMENT OF NATURAL RESOURCES

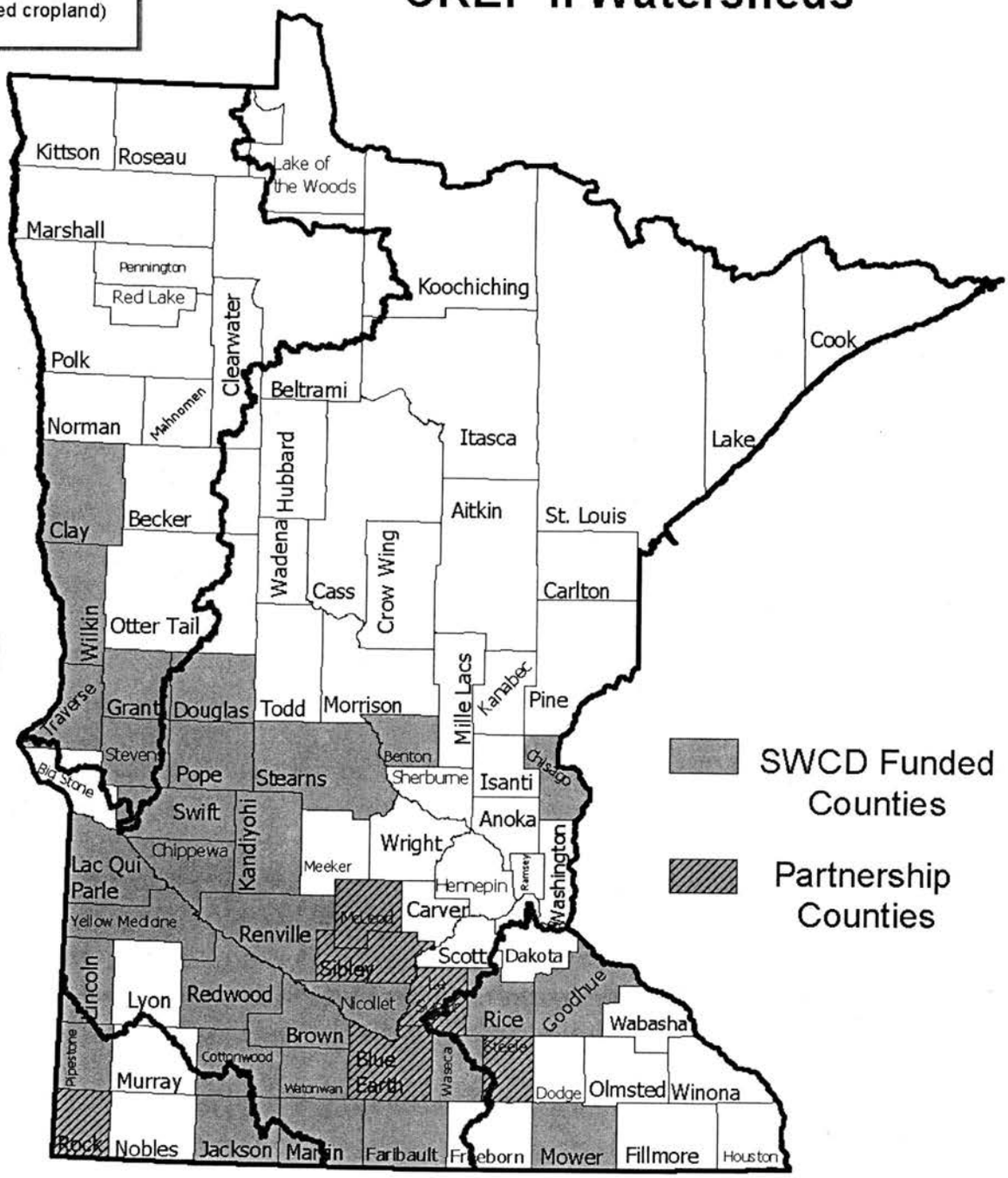
PHEASANTS forever

Minnesota Board of Water & Soil Resources

Farm Bill Assistance Positions
PHASE III - 2004 and
CREP II Watersheds

Red River CREP

All or part of 21 counties
12,000,000 acres of land
7,900,000 acres cultivated
CREP Goal : 51,000 acres
(0.6%of cultivated cropland)



SWCD Funded Counties

Partnership Counties

SW Minnesota CREP

All or part of 9 counties
1,800,000 acres of cultivated cropland
CREP Goal : 18,000 acres
(1.0% of cultivated cropland)

SE Minnesota CREP

All or part of 17 counties
4,650,100 acres of land
3,000,000 acres of cultivated cropland
CREP Goal : 51,000 acres
(1.7% of cultivated cropland)

FARM BILL IMPLEMENTATION FUNDING

PARTNERS	2002	2003	2004	Proposed 2005	TOTAL
DNR	$50,000	$286,400	$337,500	$337,500	$1,011,400
BWSR	$50,000	$150,000	$150,000	$150,000	$500,000
Pheasants Forever	$29,000	$50,000	Local Chapt.	$65,000	$144,000
NRCS	$9,000	$0	$0	$0	$9,000
Carry-Over				$180,641	$180,641
Total Cash	**$138,000**	**$486,400**	**$487,500**	**$733,141**	**$1,845,041**
MATCH					
Other	$11,200				$11,200
SWCD Match	$58,400	$145,000	$174,107	$252,908	$630,415
Local Chapter			$34,821	$50,581	$85,402
TOTAL	**$207,600**	**$631,400**	**$696,428**	**$1,036,630**	**$2,572,058**

Proposed Budget for 2005

Timeframe: Oct. 1, 2004 through Sept. 30, 2005

Existing Staff-30 x $28,800 (.8FTE Avg.) = $845,938
New Positions-4x $36,000 = $144,000

Total Cost	**= $989,938**
State 70%	= $704,960
Local SWCD 25%	= $247,484
Local Chapter 5%	= $49,496

S:\2Farmbill\Partners Farmbill Contribution.xls8/25/2004

DRAFT CLEAN WATER CABINET 2005 BUDGET PROCESS
AGENCY INITIATIVE FORM

Revised August 12, 2004; August 23, 2004; September 9, 2004

Title:	Enhancing technical assistance and leveraging non-state dollars for "on the ground" conservation
Description of initiative, including desired outcomes:	Legislative authorization to use cost-share dollars for technical assistance beyond the current 20% authorized, up to 100%. A two-year authorization focused on leveraging more federal dollars and effectively and efficiently putting those dollars "on the ground" towards priority outcomes.
Alignment of initiative with budget principles:	Commitment to mission – building local capacity and greater conservation outcome realized over the biennium; providing customers (farmers, ranchers, landowners) with the resources necessary to make conservation decisions that will reduce their risk to regulation as well as meeting water quality needs of the watershed.
Cost of initiative, and funding sources being considered (including reallocation of resources within existing 'foundation' water program areas):	There is no new cost associated with this initiative. It's providing flexibility in utilization of existing resources to enhance water quality (surface and ground water), enhance fish and wildlife habitat, assisting producers to more effectively and efficiently meet regulatory requirements for water quality, soil conservation, nutrient management, and habitat outcomes for the 2006-2007 biennium. Strong potential for SWCDs to leverage additional technical resources in cooperation with NRCS. Initiative is a short-term allocation for 2006-07 biennium.
Impacts/consequences of not undertaking initiative:	**Minnesota will not be able to make full and effective use of federal dollars for conservation in a timely manner. It would be a missed opportunity for the State and we will not leverage the most conservation dollars available. Technical assistance has been defined by the feds; farm organizations; conservation groups; and state and local agencies as the one key conservation outcomes shortcoming over the next two – five years.**
Key initiative partners and stakeholders:	We have had some discussion with farm organizations, SWCD's, federal partners and there is an acknowledgement of the technical assistance needs. This could be a significant help in realizing accelerated water quality benefits in some watersheds. If we are about performance rather than process we should be able to get stakeholders to endorse this concept. SWCDs would be supportive. BWSR staff will work with NRCS and MASWCD to formalize partnering agreements necessary for implementation.
Major barriers foreseen in moving initiative forward:	Some SWCD's will not want to lose their cost-share program dollars for their local priority needs. However, individual SWCDs would set their priorities for use for this option. This could impact the availability of dollars to producers to reduce their share of the bricks and mortar feedlot facility construction potentially making it harder for some to meet the state's water quality standards.
AAC Recommendation to the Board	The AAC recommends that the Board endorse this effort for inclusion in the BWSR 2006-07 budget initiative. It is also recommended that the Cost-Share Committee be directed to develop appropriate guidelines for implementation.

DRAFT CLEAN WATER CABINET 2005 BUDGET PROCESS
AGENCY INITIATIVE FORM

Revised August 12, 2004; August 23, 2004; September 9, 2004

Title:	State Design Team for Drainage
Description of initiative, including desired outcomes:	Provide an inter disciplinary team (biology, hydrology, soils, agronomy, economics, legal) to assist drainage authorities in realizing water quality, water quantity and fish and wildlife benefits in addition to enhancing soil productivity as part of drainage system maintenance, repair, improvement and establishment.
Alignment of initiative with budget principles:	This will focus on balancing natural resources and agricultural outcomes - a win-win partnership. Simplify government. Helps optimize the authority of drainage authorities without having to change the drainage law as some have suggested.
Cost of initiative, and funding sources being considered (including reallocation of resources within existing 'foundation' water program areas):	Cost estimate at $750K per year. Drainage and wetlands tends to go hand-in-hand with the potential for significant losses as well as a significant potential for wetland enhancements benefiting wildlife and fish, water quality, agricultural productivity while protecting the ditch authority and the ditch landowners from future regulatory obligations.
Impacts/consequences of not undertaking initiative:	Continue with the current conflicts over drainage and flooding and wetland drainage, water quality impacts, and efforts to repeal or amend public drainage law. Legislation, regulation, and litigation, rather than a win-win partnership. Greater resources will be expended with less conservation outcomes.
Key initiative partners and stakeholders:	Watershed Districts and Counties are the ditch authorities and the farmers and other landowners that are part of the ditch system are the stakeholders. The partners would be BWSR, U of M, MDA, DNR and PCA.
Major barriers foreseen in moving initiative forward:	This would be a sensitive issue if agriculture producers and Counties and Watershed Districts felt that this was the beginning of an effort to open up or overhaul the drainage law.
AAC Recommendation to the Board	The AAC recommends that the Board endorse this initiative as part of the BWSR 2006-07 budget. The Committee, in its recommendation, strongly believes that the current drainage law provides significant opportunities for addressing natural resources, water quality and water quantity concerns, while maintaining and improving agricultural productivity. What is needed is education and technical support to realize these opportunities.

WCA Issues – Budget Options for Consideration
Revised August 24, 2004; August 25, 2004; September 9, 2004

The Administrative Advisory Committee (AAC) met for review and discussion of the budget and policy issues and to develop recommendations for 2006-07. In recognition of the budget reductions the past three years and the related reductions in capacity of BWSR and LGU's, the AAC takes the position that BWSR **cannot** absorb or implement any more budget reductions without repealing core programs. After careful assessment the AAC assigns a HIGH priority to all the remaining core BWSR programs. The AAC also considered where there could be significant enhancements of service delivery and regulatory simplification that would reduce delays without sacrificing natural resources. The committee looked at WCA as having the greatest opportunity for achieving regulatory simplification on one side of the spectrum and on the budget reduction side WCA provides the greatest opportunity to achieve the range of reductions that are being asked for.

The principles guiding the WCA focus were that the federal government through the COE (404), the NRCS (swamp buster), and DNR (public waters and wetlands and Shoreland programs) provided some safety net of regulation for wetlands in Minnesota. It was acknowledged that without WCA there are significant gaps; however, if BWSR is required to reduce funding something has to give and this seemed to be the least impacting considering the budget guidelines and the Governor's Water Vision.

After careful assessment and consideration, the AAC recommends the following for Board endorsement in order of priority:

1) **404 Assumption or Equivalent General Permit (GPs) -** Seek necessary policy and statute changes to the WCA to facilitate state assumption or equivalent capacity through the General Permit – GP authority of federal 404 wetlands program. This would acknowledge the state and local technical and administrative capacity that already exists, eliminate delays in permitting of economic growth activities by the feds, and enhance current state/local capacity to achieve efficient and effective wetlands protection and economic growth. Cost of this initiative is $750,000 to $1,400,000 based on an assessment of 404 assumption in 1991. We are reviewing those numbers and expect the upper end of that estimate to come down some.

   The GP equivalent would achieve many of the same efficiencies as delegation assumption without many of the administrative headaches and at lower end cost. Greater simplification for less cost increases. Getting the MOU with the CoE to address banking, mitigation ratios, and local

wetland plans, as part of the GPs would be more efficient and effective than assumption.

Assume 404

Pros	**Cons**
- faster permit	- more costly short-run for fed bureaucracy
- economic benefits	- more federal bureaucracy for LGUs
- acceptance of LGU plans	- fewer CoE project managers
- same workload	- extra paperwork
- stream-lined permitting	- requires statutory changes to WCA
- consistency of regulation	

2) Repeal all of WCA

– federal agencies are doing it (CoE/NRCS)

a) Modified WCA only has jurisdiction for isolated wetlands

Pros	**Cons**
- Saves $ ~ $3,000,000/ yr	- loss of wetland protection
-Feds have authority (theoretically, but not in practice)	- loss of resource
- Saving could be used for other priority initiatives	-reduction in overall staff >100 LGU FT
	- shift in reg. authority from local to feds
	- significant increase in timeline (landowners, developers, LGUs)
	- Increased cost for trans. authorities
	- Loss of GP-2
	- Undermines regulatory simplification
	- Local Wetland Plans are lost
	- Potential loss of wetland banking (no federal authority for banking)
	- increase water quality impacts to lakes, rivers, streams, may off-set dollar savings

To do irrespective of above:

General WCA Efficiencies

a) limit appeals on:

- *restoration orders*
- *delineations*

Pros	**Cons**
- gets workload within capacity	- no $ savings

(acknowledging last three year cuts)
- don't need "super TEP"
- no real benefit to WCA with these appeals
- wetland delineators certification would solve "super TEP" needs
- LGUs would support this
- streamline local permitting
- increased landowner accountability

The AAC recommends Board endorse:

1) **404 Assumption or equivalent simplification through the General Permit (GP) process and proposing appropriate legislative policy changes and necessary funding to achieve this outcome.**
2) **If BWSR is required to reduce budget, repeal WCA and reallocate some of the funds to the drainage design team initiative and to cost-share and technical assistance programs.**
3) **Amend WCA appeals to eliminate appeals for restoration orders and wetland delineations.**
4) **Reduce the grant to the Red River Basin Commission (RRBC) if North Dakota and Manitoba are unable to meet their commitment to the RRBC.**
5) **Reduce the Area II grant for administration of the joint powers board (JPB), while maintaining the grant portion for projects.**

September 9, 2004

Legislative Policy Issues for Consideration

Place holders for legislative policy issues need to be in by September 17. Doug Thomas and Bill Eisele will coordinate getting the proposals into the system in the appropriate format. The Senior Management Team (SMT) met on September 7th ; and the Administrative Advisory Committee (AAC) met on September 9th and discussed various policy options. The following policy initiatives proposal is recommended for Board endorsement:

1) Restore the exemption from levy limits for implementation of water management plan and provide appropriate taxing district authority under MS 275. Local water management statute originally had an exemption to levy limits for implementation of priority elements of the water management plan. However, in the early 90's when levy limits were eliminated and this special provision was also deleted as being redundant. Subsequently, levy limits were reinstated and local water managements exemption got lost in process. Although currently levy limits for this year are gone the legislative discussion will continue. If limits are likely to return the Board would seek appropriate restoration of exceptions or related authority for local water management. Restoring this exemption will significantly enhance local governments to leverage and match other resources and greatly increase local capacity to address impaired waters in cooperation with the state and federal governments.

AAC Recommendation: The Board endorse appropriate statutory language that would ensure that priority activities through the local water management program would not be subject to levy limits should levy limits be reconsidered during this legislative session.

FOR YOUR INFORMATION

September 23, 2004

- "BWSR Update"
- Updated List of Board Members
- Updated List of BWSR Staff
- Updated List of BWSR Committees
- Letter from AMC to Governor Pawlenty regarding Minnesota drainage law

Minnesota Board of Water & Soil Resources

Board of Water and Soil Resources

U·P·D·A·T·E

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ENGINEERING

The recent heavy rains in southern Minnesota put many wetland restorations to the test, in terms of their ability to pass lots of water without damage. Tim McNaboe, Karen Bonde, and Jim Luniewski, BWSR engineering staff, inspected a number of restorations shortly after the heavy rains to see how our designs fared and to learn what we could from a big precipitation and runoff event. I'm happy to report that all of the wetland restorations they inspected held up well, save for a bit of riprap movement adjacent to one weir spillway, which will need a bit of riprap adjustment when the high water recedes.

While many areas in southern Minnesota were on the dry side before the recent rains, we didn't need so much at this time. Now that final crops are coming off some wetland restoration sites, contractors have been increasing construction of wetland restorations. The heavy rains will set back construction schedules in some areas. Fall typically is the busiest part of the wetland restoration construction season. Hopefully, fall this year will be long, warm, and not too wet!

Al Kean and Board Conservationist Chris Hughes attended the 5th Annual Minnesota-Iowa Drainage Forum on Sept. 16. The agenda had substantial focus on controlled drainage in tile systems, which is getting much more attention in the Midwest in recent years. This practice has been used for a number of years in Eastern states and Canada. The objective is to reduce annual runoff and nutrient transport from tile drainage systems by maintaining higher groundwater levels during parts of the year. USDA has an Ag Drainage Management Task Force that is promoting research and development of this runoff control practice. The task force includes federal and state agriculture agencies, as well as research organizations, drainage product manufacturers, and ag drainage system designers and installers. MDA recently obtained a Conservation Innovation Grant from the NRCS to demonstrate this practice at field scale. This practice is most applicable where land and tile system slopes are relatively mild and tile systems normally run during the winter. Because the latter is generally not the case in Minnesota and most of Iowa, this practice may have less applicability here than in areas with more moderate winters. Agri-Drain, Inc. has an in-line structure for controlling water levels in tile systems. We've used it successfully for a few wetland restoration projects.

The National Oceanic and Atmospheric Administration (NOAA) will have representatives in Minnesota next week to review the Minnesota Coastal Program in the Lake Superior Basin. BWSR and SWCD representatives will attend a meeting with NOAA representatives on Sept. 28, along with involved DNR and MPCA staff. The objective is to review intergovernmental programs and efforts in Minnesota to implement coastal nonpoint pollution control education, restoration, and protection measures in the Lake Superior Basin. The DNR administers the Coastal Program, which includes grants to LGUs, other agencies, etc. to protect and restore coastal natural resources. Grants for conservation practices are limited to public lands. Recall that Marc Hershfield, BWSR project specialist, is leading an interagency initiative to resolve conditional approval of Minnesota's Coastal Nonpoint Pollution Control Program. Full approval will increase federal funding for this program.

The Red Lake Watershed District is planning to take advantage of a provision added to drainage law a few years ago that allows drainage projects to accept outside funding for wetland restoration, water quality improvement, or flood control purposes. A public drainage system is being designed that will resolve a substantial erosion problem at the outlet of a private drainage system and recurring public road damage, while providing improved drainage to already intensively farmed lands near Red Lake Falls, Minn. State Cost-Share and EQIP will partner on the project for the stabilized outlet and

Continued on next page

controlled side inlets to the ditch, both of which will provide substantial erosion control and water quality improvement. Jim Hest, SWCD Technical Service Area 1 engineer, is providing engineering assistance for the project; Al Kean is providing advisory consultation.

A ceremony was held on Sept. 16 at the MDA to announce two NRCS Conservation Innovation Grants in Minnesota (see article in this month's Update). BWSR will receive a grant to demonstrate methods to eradicate non-native, invasive species in wetland and upland restoration areas, and the MDA will receive a grant to demonstrate controlled (conservation) drainage systems at field scale. These grants are new under the 2002 Farm Bill and are intended to promote new practices that could be added to the EQIP cost-share docket. This first year, all grant applications were ranked and funded at the national level. The program includes provision for state level grants in the future.

"Wetland Hydrology and Biodiversity in the Red River Basin," Technical Paper No. 12 by the Technical and Scientific Advisory Committee (TSAC), is now available in electronic format at ftp://ftp.dnr.state.mn.us/pub/outgoing/Solstad/. This technical paper soon will also be available on the Red River Basin Decision Information Network web site.
-Submitted by Al Kean

BRIEFS

The Minnesota Board of Water and Soil Resources has named Dave Weirens, policy analyst with the Association of Minnesota Counties, as the land and water section manager at BWSR. He begins at BWSR Sept. 22.

"We're pleased to have Dave join the senior management team at BWSR," says Ron Harnack, BWSR executive director. "He's got a strong background in natural resource issues and has worked closely with local governments in his position at AMC."



Dave Weirens

At AMC since 1988, Weirens was the lead staff person for the Environment and Natural Resources Policy Committee and other committees of county officials to develop legislative policy, draft legislation, and advocate for counties before the Minnesota Legislature and administrative agencies. His issue areas at AMC included environment, natural resources, waste management and recycling, water and watershed management, drainage, wetland protection, land use management, energy, and telecommunications.

Prior to AMC, Weirens worked as a physical resource planner with the Region 5 Development Commission in Staples, Minn.

Weirens received his bachelor of science degree in geography, with a concentration in regional and land use planning, from Bemidji State University.

In his role at BWSR, Weirens will lead the agency's section that administers soil and water conservation programs, comprehensive local water management, wetland regulations, wetland banking, dispute resolution, grants, and local government reporting.

◆

The Minnesota Board of Water and Soil Resources has received a $93,750 grant from the U.S. Department of Agriculture Natural Resources Conservation Service for a project that will demonstrate ongoing research and development for the management of invasive, non-native vegetation in degraded and restored wetlands and prairie uplands.

The grant was awarded under the federal Conservation Innovation Grant (CIG) program, which is intended to stimulate the development and adoption of innovative conservation approaches and technologies. BWSR's grant was one of three announced Thursday, Sept. 16. This is the first time grants under CIG have been awarded in Minnesota.

BWSR's project will establish between three to eight demonstration sites that will integrate several new and established management practices to control invasive species in restored wetlands and prairie uplands. Invasive, non-native vegetation has been identified as a limiting factor for biodiversity and wildlife habitat quality in degraded and restored wetlands and uplands. As part of the project, standards will be recommended for a new conservation practice for invasive species management for wetland and upland restorations.

"A significant investment of time and money has been made by federal, state, and local governments in restor-

Continued on next page

ing approximately 40,000 acres of wetlands in Minnesota," said Steve Woods, assistant director of operations at BWSR. "BWSR is interested in maximizing the return on this investment. Controlling invasive non-native species will help maintain the water quality benefits of restored wetlands and optimize the vegetative community for habitat," he said.

The CIG program requires that at least 50 percent of the total cost of the project must come from non-federal matching funds provided by the grantee. Total project cost is expected to be $187,500.

Project collaborators include NRCS-St. Paul, Minnesota Department of Agriculture, Minnesota Department of Natural Resources, U.S. Fish and Wildlife Service, Ducks Unlimited, the Minnesota Department of Transportation, the University of Minnesota, the U.S. Army Corps of Engineers, Minnesota Waterfowl Association, Pheasants Forever, and Soil and Water Conservation Districts.

Other projects funded included "Minnesota Conservation Drainage Demonstrations: Improving Impaired Watersheds," with project director Mark Dittrich, Minnesota Department of Agriculture; and "Guaranteed BMP Performance: Demonstrating a New Adoption Tool for Conservation Measures in Corn Production" (a project collaborator is Brian Williams, Minnesota Department of Agriculture).

◆

The North Ottawa Impoundment Project groundbreaking ceremony was held Monday, Sept. 20, on site approximately 3 miles south of Tintah, Minn.

"The North Ottawa Project is the type of project that holds the most promise for the future of water management in the Red River Basin," said Lance Yohe, executive director, Red River Basin Commission.

The project will be located in North Ottawa Township in Grant County, Minn., approximately 25 miles southeast of Breckenridge, Minn. When completed, the project will provide 16,160 acre-feet of gate controlled floodwater storage and 2,150 acre-feet of ungated storage for spring runoff and summer rainfall events, and the stored water would be managed to provide a variety of environmental benefits.

"The North Ottawa Impoundment Project is a significant step forward for the Bois de Sioux Watershed District to help alleviate flood damage both public and private in the downstream areas of the Rabbit River and Red River," said Jerome Deal, chairman, Bois de Sioux Watershed District. "This project will also enhance natural resource benefits while retaining flood waters; a win-win for everyone involved."

Construction will begin late September and will involve constructing dikes around the perimeter of the impoundment area and building a collection system to divert the water into the impoundment. The external dikes will create a 3-square-mile impoundment area. Collection channels will collect runoff from a contributing area of 71 square miles within the Rabbit River watershed. The Rabbit River is a tributary of the Bois de Sioux River, which drains to the Red River.

Along with the flood control benefits, the project will provide wildlife habitat and recreational opportunities, control sediment, and improve water quality. The greatest expected environmental benefits would come from the creation of feeding and resting areas for migrating shorebirds and waterfowl. The pools would be managed to continually provide newly exposed mud flats and shallow flooded areas in which shorebirds feed. Waterfowl would be attracted to the newly flooded shallow areas to rest and feed on annual plants.

"The project further proves the benefits of cooperation between local, state, and federal governments," said John Finney, chair, Red River Watershed Management Board. "It is one of the first projects to be built since the mediation agreement, signed December 1998, between the member watershed districts of the Red River Watershed Management Board, and the state and federal agencies involved."

◆

Around 1,300 metropolitan area fifth-grade students will attend the Seventh Annual Metro Children's Water Festival on Wednesday, Sept. 29, at the Minnesota State Fair. The event raises students' awareness of water as a vital resource that must be protected and used wisely. One of the major objectives of the Metro Children's Water Festival is to provide hands-on learning for students in water science in an outdoor classroom setting.

Continued on next page

Sessions for the event run from around 9:30 a.m. to 2 p.m. Students will come from all across the seven-county metro area to participate in more than 25 fun and interactive learning stations and presentations. Around 150 volunteers and presenters staff the event, including several staff members from BWSR.

NORTH

Wetlands

Dan Steward recently completed two WCA spot checks in Wadena and Todd SWCDs. Dan reports that both districts are doing a good job of implementing WCA, but the spot check revealed the need for better documentation of local decisions in both SWCDs.

Dale Krystosek facilitated a meeting to discuss mitigation options for northeastern Minnesota. The Corps 1.5 to 1 mitigation ratio is causing concern about mitigation costs in northeastern Minnesota because few good mitigation sites exist in that part of the state. Members of the mining industry are especially concerned about increased mitigation costs. Those attending the first meeting included representatives from the mining industry; Lake, Carlton, and St. Louis counties; DNR, BWSR; Minnesota Power; Fond du Lac Reservation; and Barr Engineering. The group discussed the possibility of creating a regional Northeast Minnesota Wetland Management Plan. The group agreed to continue the process and scheduled a second meeting for Oct. 13.

Dale Krystosek and John Overland are planning a Forest Exemption Guidance training for LGUs and BWSR staff. BWSR approved the new guidance at the June 2004 board meeting. The guidance clarifies how the forestry exemption is to be applied on a project-by-project basis. The training will help LGUs and BWSR staff better determine if silvicultural activities are occurring on the property and if silviculure is the primary purpose of the project. The session will also document misuses of the forestry exemption and contrast them with proper uses of the exemption. The session is scheduled for Sept. 30 at the Forest History Center in Grand Rapids.

Forestry

NRCS and BWSR sponsored a weeklong Windbreak Technology training session in Wilmar the week of July 19. Jim Lemmerman, BWSR forester, coordinated the session and served as an instructor. Thirty-four people participated in the class.

Jim recently helped coordinate a Forest Stream Crossing workshop that was funded with Forest Stewardship funds. Jim helped write the original proposal. The course was held on Aug. 3 at the Cloquet Forestry Center. Twenty-six people attended. This represents most of the SWCDs that have forest stewardship planners on their staff.

Easements

Dan Steward, Ron Shelito, and Kevin Lines have been involved in several meetings with Camp Ripley near Little Falls regarding their ACUB program (Army Compatible Use Buffers). The Camp proposes to acquire permanent easements on property within a 3-mile zone encompassing the Camp. Officials hope to enroll 25,000 in the next 20 years. The purpose of the easements is to limit development that is not compatible with military training activities. Throughout the country many training bases are running into similar situations as residential developments move in adjacent to the military bases. Camp Ripley hopes that by acquiring easements in a 3-mile buffer they can reduce the conflicts. The first easements will be acquired this fall in cooperation with the DNR and Nature Conservancy. The Camp is interested in modeling the program more along the lines of BWSR's RIM Reserve Program. They are also interested in working with the three SWCDs (Cass, Morrison, and Crow Wing) to promote the program, process the easements, and do long term follow-up. Camp officials are expected to make a presentation to the BWSR board at the October meeting. Dan, Kevin, and Ron will continue to pursue options for BWSR and SWCDs to partner with Camp Ripley on this long-term program.



Clair Nelson, BWSR board member, met with EPA Administrator Mike Leavitt (left) at a meeting Aug. 12 at the St. Louis County board room annex. Nelson was one of several stakeholders to meet with Leavitt to discuss the new Great Lakes Executive Order.

Deadline for next edition: Oct. 20

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Sept. 1, 2004

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BOARD OF WATER AND SOIL RESOURCES
COMMITTEES
August, 2004

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	Randy Kramer, vice-chair	citizen
	Clair Nelson	county commissioner
	Paul Krabbenhoft	soil and water conservation district
	Kay Cook	watershed district
	Ron Harnack	staff support
	Mary Jo Anderson	staff support

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.

Meetings: The committee will meet at the call of the chair.

COST-SHARE/SOIL CONSERVATION COMMITTEE

Membership:	Paul Krabbenhoft, chair	soil and water conservation district
	Randy Kramer	citizen
	Kevin Anderson	county commissioner
	Victor Ormsby	soil and water conservation district
	Louise Smallidge	soil and water conservation district
	Perry Aasness	Department of Agriculture
	Lisa Thorvig	Pollution Control Agency
	Wayne Zellmer	staff support

Advisors: Farm Service Agency
Minnesota Association of Conservation District Employees
Minnesota Association of Soil and Water Conservation Districts
Natural Resources Conservation Service

Responsibility:

The committee is responsible for reviewing cost-share, non-point engineering and general services allocation policies and rules and making recommendations to the Board.

Meetings:

The committee will meet two times a year, once prior to the June allocation of cost-share (feedlots, general and special projects); non-point engineering; RIM Reserve and general services grants.

DISPUTE RESOLUTION COMMITTEE (DRC)

Membership:	Jerome Deal, chair	watershed district
	Karen Harder	citizen
	Paul Brutlag	citizen
	Clair Nelson	county commissioner
	Victor Ormsby	soil and water conservation district
	Jim Haertel	staff support

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.

EDUCATION AND PUBLIC RELATIONS COMMITTEE

Membership:	Kay Cook, chair	watershed district
	Quentin Fairbanks	county commissioner
	Victor Ormsby	soil and water conservation district
	LuAnn Tolliver	watershed district
	Wayne Edgerton	Department of Natural Resources
	Jim Anderson	Minnesota Extension Service
	Peter Raeker	staff support

Responsibility:

The education committee is responsible for the development of an overall education strategy for the Board including,; biennial outcomes, and updating the education strategy biennially.

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 administrative regions - metro, north, and south.
Chairs: north – Quentin Fairbanks
south – Kevin Anderson
metro – Karen Harder

North (4)	**South (4)**	**Metro (3)**
Quentin Fairbanks - CC, Chair	Kevin Anderson - CC, Chair	Karen Harder - CIT, Chair
Paul Krabbenhoft - SWCD	Randy Kramer - CIT	Louise Smallidge - SWCD
Clair Nelson – CC	Victor Ormsby - SWCD	LuAnn Tolliver - WD
Jerome Deal – WD	Perry Aasness - MDA	Lisa Thorvig - PCA
Kay Cook - WD	Dan Wilson - MDH	Jim Anderson – MES
Paul Brutlag – CIT	Jeff Nielsen, staff support	Steve Woods, staff support
Wayne Edgerton – DNR		
Ron Shelito, staff support		

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:	Clair Nelson, chair	county commissioner
	Karen Harder	citizen
	Paul Brutlag	citizen
	Victor Ormsby	soil and water conservation district
	Kay Cook	watershed district
	LuAnn Tolliver	watershed district
	Lisa Thorvig	Pollution Control Agency
	Wayne Edgerton	Department of Natural Resources
	Dave Weirens	staff support

Advisors: Association of Minnesota Counties
Minnesota Association of Watershed Districts
Minnesota Association of Soil and Water Conservation Districts
Natural Resources Conservation Service
U.S. Army Corps of Engineers

Responsibility:

The Wetlands Committee is responsible for reviewing Wetland Conservation Act (WCA) rules, policies and guidelines 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 Mohring, staff support

Responsibility:

Interest and availability with regard to Advisory Council on Wells and Borings and Pesticide Advisory Committee. Policy issues will be brought before the Board 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 MaryJo 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:

- *Association of Minnesota Counties (AMC) – vacant*
- *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*
- *USDA Farm Services Agency (FSA) – John Monson*
- *USDA Natural Resources Conservation Service (NRCS) – Tim Koehler*
- *U.S. Army Corps of Engineers (USCoE)*

Board Packet - FYI

ASSOCIATION OF
AMC
MINNESOTA COUNTIES

RH
AUG 26 2004

August 24, 2004

The Honorable Tim Pawlenty
Governor
State of Minnesota
Room 130
State Capitol
St. Paul, MN 55155

Dear Governor Pawlenty:

On June 8, 2004 the Association of Minnesota Counties, Minnesota Association of Watershed Districts, and numerous agricultural organizations collectively organized as the Minnesota Drainage Alliance wrote to you regarding concerns we have regarding the discussions the Department of Natural Resources (DNR) has been leading regarding the Minnesota drainage law.

Mr. Mike Bull, of your staff, contacted Deputy Commissioner Mark Holsten about this issue. It is our understanding that Commissioner Holsten told Mr. Bull the following regarding the drainage issue:

(1) The Pawlenty Administration will not propose changes to the drainage law in the 2005 Legislative Session; and
(2) To the extent this initiative continues in the future, it will be conducted "hand in hand" with the Minnesota Department of Agriculture, Association of Minnesota Counties, Minnesota Association of Watershed Districts and agricultural interests.

With these understandings, the request for a meeting with you is withdrawn. The members of the Minnesota Drainage Alliance are prepared to meet with the DNR to discuss specific issues and potential solutions to these issues in the future.

In addition, the Board of Water and Soil Resources (BWSR) should be involved in any discussions involving drainage. The perspectives of the citizen's board that governs BWSR can provide vital input into this process.

125 Charles Avenue, St. Paul, MN 55103-2108
(651) 224-3344, fax (651) 224-6540
www.mncounties.org

Thank you for your attention to this matter.

Sincerely,

Dennis Fink
AMC President

Thomas Ebnet
MAWD President

cc: Gene Merriam, Commissioner, Department of Natural Resources
Ron Harnack, Executive Director, Board of Water and Soil Resources

Supporting organizations:

Minnesota Farm Bureau
Minnesota Farmers Union
Minnesota Agri-Growth Council
Minnesota Corn Growers Association
Minnesota Soybean Growers Association
Minnesota Association of Wheat Growers
Minnesota Association of Cooperatives
Minnesota Barley Growers Association
Minnesota Sugarbeet Growers
Northern Plains Potato Growers Association
Minnesota Pork Producers Association
Minnesota Turkey Growers Association
Minnesota State Cattlemens Association
Broiler and Egg Association of Minnesota
Minnesota Viewers Association
Minnesota Association of Drainage Inspectors
Association of Minnesota Counties
Minnesota Association of Watershed Districts
Minnesota Rural Counties Caucus

Minnesota Board of Water & Soil Resources

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

DATE: October 15, 2004

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: October 27th Board Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, October 27, 2004, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room, lower level, at One West Water Street, St. Paul. Parking is available across the street from the building. Please display the enclosed "temporary parking permit" on your vehicle's dashboard.

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Coon Creek Watershed District Plan – The Metro Water Planning Committee met on October 8 and unanimously recommends the Plan be approved per the attached draft Order. Coon Creek covers 94 square miles of sandplain in central Anoka County. The attached Overview of the Plan describes the process used to build on the previous plan of the District and comply with the requirements of statute and rule for Metropolitan watershed plans. *Decision Item*

2. Elm Creek Watershed Management Organization Second Generation Plan - The Second Generation Watershed Management Plan was filed with the Board on August 20, 2004. The planning process, a summary of reviewing agencies' comments, and highlights of the plan are further described in the attached Overview. Agency input was obtained during development of the plan. Numerous comments were received during the review process resulting in revisions to the Plan. The Metro Water Planning Committee unanimously recommends the Plan be approved per the attached draft order. *Decision Item*

3. Pioneer-Sarah Creek Watershed Management Organization Second Generation Plan – The Second Generation Watershed Management Plan was filed with the Board on September 2, 2004. The planning process, a summary of reviewing

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

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

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

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

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

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

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

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

agencies' comments, and highlights of the plan are further described in the attached Overview. Agency input was obtained during development of the plan. Numerous comments were received during the review process resulting in revisions to the Plan. The Metro Water Planning Committee unanimously recommends the Plan be approved per the attached draft Order. *Decision Item*

Northern Water Planning Committee

1. Aitkin County Comprehensive Wetland Protection and Management Plan - Aitkin County has completed their Comprehensive Wetland Protection and Management Plan and Ordinance. On October 4, 2004, Aitkin County Commissioner Darrell Bruggman, Aitkin County Assistant Zoning Administrator Richard Courtemanche, and Aitkin Soil and Water Conservation District Manager Steve Hughes, met with the BWSR Northern Water Planning Committee to review the plan and provide a recommendation to the full board. Enclosed is an Executive Summary and copy of the Order. *Decision Item*

2. Becker County Priority Concerns Scoping Document – Becker County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document for state review and comment. The Northern Water Planning Committee of the Board met October 4th after the state agencies comment period ended. The Committee's recommendations or requirements for the content of the final plan are drafted for the full Board to review and take action on. The state's expectations for the final plan must be sent to Becker County. *Decision Item*

3. Cook County Priority Concerns Scoping Document – Cook County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document for state review and comment. The Northern Water Planning Committee of the Board met October 4th after the state agencies comment period ended. The Committee's recommendations or requirements for the content of the final plan are drafted for the full Board to review and take action on. The state's expectations for the final plan must be sent to Cook County. *Decision Item*

4. Cook County Request for Comprehensive Local Water Plan Extension – Cook County is requesting a time extension for their local water management plan update until December 30, 2005. The extension request is to ensure that they have an approved water plan in place to qualify for next year's NRBG. Cook County intends to complete their water plan update in time for the grant. Unforeseen events could prevent their water plan from being approved on time. A previous extension was approved for one year (Dec. 30, 2004). Cook County is now requesting the full two-year extension allowed by the board (Dec. 30, 2005). The BWSR Northern Water Planning Committee approved the extension request for board submittal on October 4, 2004. *Decision Item*

NEW BUSINESS

1. Beltrami County Report – The Beltrami Soil and Water Conservation District (SWCD) passed a resolution at their April 29, 2004 meeting that requests the Board of Water and Soil Resources (BWSR) review the change in the fiscal relationship between Beltrami County and the SWCD. (This resolution is included in the appendix to this report.) The resolution references appropriation language contained in Chapter 128, Section 7 of Minnesota Laws of 2003. This section of law contains appropriation language for the Natural Resources Block Grants (NRBG). The appropriation states: "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."

   The Beltrami SWCD supervisors decided it was in the SWCD's best interest to request a fiscal review and potential application of this authority by BWSR. The Beltrami SWCD resolution asks BWSR to document "whether or not there has, in fact, been a disproportionate decrease to the SWCD, and if so, to inform Beltrami County…(of) the potential ramifications to the county's Natural Resources Block Grant funding levels in the upcoming funding cycles."

   BWSR staff conducted an analysis using data available from annual SWCD financial reports, interviews of County and SWCD personnel, and statewide funding trends. The report provides information on County/SWCD relationships in general and Beltrami County in particular. The Administrative Advisory Committee will be meeting to develop recommendations to the Board regarding this issue. *Information & Discussion Item*

2. Conservation Security Program (CSP) – Doug Thomas will present information on the Conservation Security Program. Attached is a letter sent jointly by four Minnesota state agencies (BWSR, Department of Agriculture, Department of Natural Resources, and the Pollution Control Agency) commenting on the Conservation Security Program (CSP) interim final rule. *Information Item*

3. E-Link (LARS Assessment) – The year 2003 marked the last use by local governments in Minnesota of the Local Government Annual Reporting System (LARS) to report on 2002 activities. LARS was put in place in the mid-1990s to improve the efficiency of reporting required of local governments receiving state funding for natural resource management through BWSR. LARS was a pioneering effort, one for which no road map or blueprint existed. It was put in place before the large-scale proliferation of communication avenues (such as the internet and the world wide web) we now take for granted. There was a wide range in computing capacity across the various local government offices. The challenges involved in crafting a usable, automated reporting system and putting it in place across the state were great. In spite of stumbling blocks, mistakes, and many frustrations, the LARS effort produced a useful body of data of the type that

never existed beforehand. It was a start, and it paved the way for future efforts. With the retirement of LARS and the advent of its more powerful successor, eLink, it is fitting to reflect on the entire LARS effort, the body of data collected, and the lessons learned. The report is on the BWSR web site. You are encouraged to check out this web site before the meeting: http://www.bwsr.state.mn.us/misc/larsfinalreport.pdf *Information Item*

4. Drainage Law – John Kolb, Rinke-Noonan. Ltd. – Drainage continues to be an issue of much debate. Is the law antiquated? Should it be significantly changed? Is the law adequately framed to address today's environmental and natural resources issues in concert with agronomic issues?? Mr. Kolb will suggest and lay a foundation supporting the perspective that the drainage law is really "timeless" and is capable of addressing the necessary natural resources, water quality, water quantity needs of the drainage area, both upstream and downstream, while effectively providing for the enhanced agricultural productivity interests of the system. *Information Item*

OLD BUSINESS

1. Biennial Budget Update – *Information Item*

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The meeting will adjourn about 12:30 p.m. I look forward to seeing you on October 27!

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
WEDNESDAY, OCTOBER 27, 2004

PRELIMINARY AGENDA

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

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF SEPTEMBER 23, 2004

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

REPORTS

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

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Coon Creek Watershed District Plan – *Decision Item*

2. Elm Creek Watershed Management Organization Second Generation Plan – *Decision Item*

3. Pioneer-Sarah Creek Watershed Management Organization Second Generation Plan – *Decision Item*

Northern Water Planning Committee

1. Aitkin County Comprehensive Wetland Protection and Management Plan – *Decision Item*

2. Becker County Priority Concerns Scoping Document – *Decision Item*

3. Cook County Priority Concerns Scoping Document – *Decision Item*

4. Cook County Request for Comprehensive Local Water Plan Extension – *Decision Item*

NEW BUSINESS

1. Beltrami County Report – Steve Woods – *Information & Discussion Item*

2. Conservation Security Program – Doug Thomas – *Information Item*

3. E-Link (LARS Assessment) – Eric Mohring – *Information Item*

4. Drainage Law – John Kolb, Rinke-Noonan, Ltd. – *Information Item*

OLD BUSINESS

1. Biennial Budget Update – Ron Harnack - *Information Item*

AGENCY REPORTS

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- MAWD Annual Meeting, December 2-4, Alexandria
- MASWCD Annual Meeting, December 5-7, Duluth
- AMC Annual Meeting, December 6-8, St. Cloud
- Next BWSR Meeting, December 15, St. Paul

ADJOURN

TEMPORARY PARKING PERMIT

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
Lower Level Conference Room

DATE: Wednesday, October 27, 2004

QUESTIONS, PLEASE CALL 651-296-3767.

Parking is available across the street from the building in the first two rows of the northwest corner of the Wabasha Deli parking lot. Display this "temporary parking permit" on your vehicle's dashboard. Thank you.

Dispute Resolution Report
October 13, 2004
by Jim Haertel

There are presently seven appeals pending. All of the appeals involve WCA. There have been no new appeals filed since the last report dated September 10.

There 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. The landowner applied for an exemption that was first denied, then approved. Additional filling has recently occurred in violation of the CDO. The appeal has been accepted.

There is an appeal of a no-loss decision in Traverse County. At issue is the proposed placement of fill in a Type 3 wetland for a lawn and mosquito control. The appeal has been accepted and a pre-hearing conference is scheduled for October 20.

There is an appeal in the City of Blaine, Anoka County. The appeal concerns a wetland delineation and a replacement plan decision made by the Rice Creek Watershed District under their Comprehensive Wetland Management Plan. The appeal has been remanded for an expanded technical evaluation panel to meet onsite and for a complete replacement plan application to be distributed. The appeal remains in abeyance under the remand.

There is an appeal of a wetland boundary and type decision in Anoka County. At issue is the decision by the Rice Creek Watershed District to classify a site as effectively drained. Last summer a wetland delineation report identified most of the site as wetland. The appeal has been remanded for a technical evaluation panel to meet onsite. The appeal remains in abeyance under the remand.

There is an appeal of an exemption decision in Morrison County. The appeal regards a road that was upgraded and the denial of a forestry exemption. A cease and desist order and a restoration order were issued. The appeal was remanded for a hearing, the LGU denied the exemption again, and that decision has now been appealed. The appeal has been accepted. No pre-hearing conference has been set since the landowner, after negotiations, has consented to submitting a replacement plan application upon completion of a wetland delineation this spring. The wetland delineation was completed and a replacement plan application has been submitted. An expanded TEP is scheduled to meet on October 27.

There is an appeal of a restoration order in Stevens County. The violation involves the excavation of a ditch in a DNR protected water and the sidecasting of dredge spoil into wetland bordering agricultural land. Work was also done on a neighboring property without permission. The appeal is in abeyance pending a DNR survey.

There is an appeal of a no-loss decision in Meeker County. At issue is the wetland delineation. The project involves wetland fill for a garage. The appeal is being held in abeyance pending further technical evaluation work, however, it appears a settlement agreement may be reached between the county attorney and the landowner.

Minnesota Board of Water and Soil Resources
October 2004 Metro Subcommittee Meeting

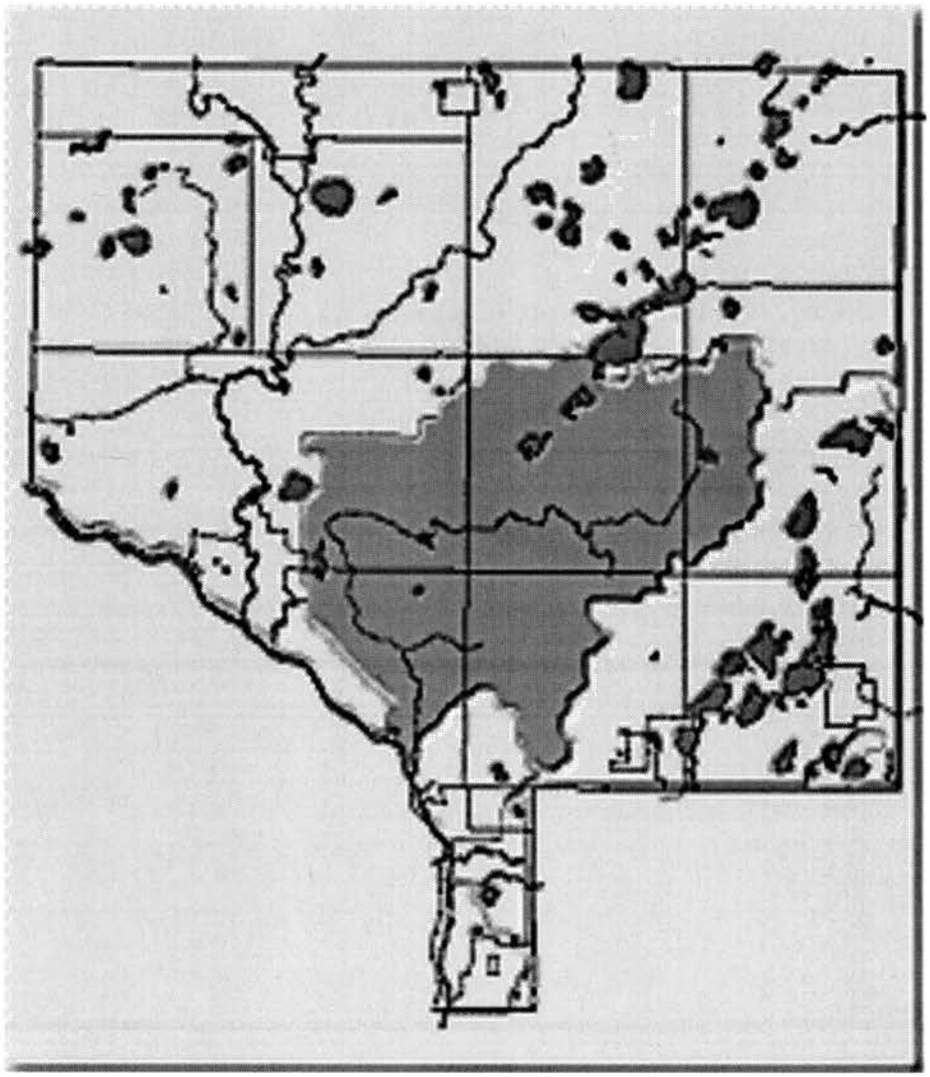
OVERVIEW

Coon Creek Watershed District Plan 2000 – 2010

Watershed Description

The Coon Creek Watershed District (CCWD) is located exclusively in Anoka County in the north-central portion of the Minneapolis – St. Paul seven county metropolitan area. The Sunrise, Upper Rum, and Lower Rum River Watershed Management Organizations (WMO) border it to the north and west, the Six Cities WMO to the South, and the Rice Creek Watershed District to the east. It includes portions of the cities of Andover, Coon Rapids, Ham Lake, Blaine, and Columbus Township. The watershed lies within one of the fastest developing areas in the metropolitan area. Approximately 35% of its land is urbanized, an increase from 25% in 1987.

The Coon Creek watershed covers approximately 94 square miles. It lies within the Anoka Lake Plain portion of the Anoka Sand Plain. The soils are primarily fine sands and the regional water table is very shallow. Notable water resources in the watershed include Coon Creek, Crooked Lake, Ham Lake, and Lake Netta.



Summary of Plan Review Process

The CCWD was established on May 28, 1959. This comprehensive plan is the second developed under Minnesota Statute 103B. The draft plan was submitted to BWSR, other state agencies, and local governments for the required 60-day review on November 13, 2001. In response to the 60-day review, CCWD received 221 separate comments from BWSR, MN Department of Natural Resources (DNR), MN Pollution Control Agency (MPCA), Met Council, the City of Blaine, Anoka County, and Anoka Conservation District (ACD). On February 25, 2002, the CCWD Board of Managers reviewed agency comments. On March 11, 2002, a public hearing was held and the Board of Managers approved responses to agency comments.

On March 26, 2004, all review agencies had received the revised draft plan for the required 45-day review period. The District received 52 comments from the DNR, Met Council, MDH, City of Andover, City of Blaine, City of Ham Lake, and Anoka County. At the August 9, 2004 CCWD meeting, the CCWD Board of Managers reviewed responses and discussed in detail issues relating to buffer strips, infiltration, and volume control. The final draft plan was submitted to BWSR on August 18, 2004.

Fiscal Context and Implementation

Watershed Organizations Operating Parameters for select adjacent and 2nd ring suburban areas

Watershed	Type	Counties	Size (M^2)	Actual Expenditures			Exp./ Sq. Mile
				2001	2002	2003	
Bassett Creek	WMO	Hennepin	40	$433,208	$390,653	$318,823	7,971
Browns Creek	WD	Washington	28	$1,035,814	$536,531	$403,906	14,425
Capitol Region	WD	Ramsey	37	$397,354	$386,503	$577,504	15,608
Carnelian-Marine	WD	Washington	43	$404,561	$447,838	na	10,415
Coon Creek	WD	Anoka	96	$467,285	$601,544	$660,523	6,880
Gun Club Lake	WMO	Dakota	33	$42,900	$28,125	$18,451	559
Lower Mississippi River	WMO	Dakota, Ramsey	56	$43,324	$50,727	$57,383	1,025
Minnehaha Creek	WD	Hennepin	184	$6,086,030	$5,270,636	$3,343,963	18,174
Prior Lake-Spring Lake	WD	Scott	42	$410,171	$610,534	na	14,537
Ramsey-Washington Metro	WD	Ramsey, Washington	53	$3,048,986	$3,329,310	$3,370,862	63,601
Rice Creek	WD	Ramsey, Anoka, Washington	201	$1,319,055	$1,692,567	na	8,421
Shingle Creek	WMO	Hennepin	44	$238,813	$353,581	na	8,036
Vadnais Lake Area	WMO	Ramsey	24	$63,192	$66,409	$78,431	3,268
Valley Branch	WD	Washington	64	$443,537	$526,532	$730,992	11,422
West Mississippi	WMO	Hennepin	24	$83,385	$125,104	na	5,213

The table above reveals an increasing trend with regards to expenditures of CCWD over the past three years. CCWD expenditures appear to be comparable to other Metro Watershed Districts in the lower funding bracket. The annual budget for all CCWD programs are expected to increase, with total annual expenditures projected to reach $765,314 by 2010. The Administration, Regulation, and Maintenance programs account for a slightly higher proportional increase than other CCWD programs.

Reviewing Agencies'/ LGUs' Comments and WMO Responses

BWSR's comments focused on ways to structure the plan to make a useful implementation tool and to allow clarity and focus for partnering cities, agencies, and the general public. CCWD responded by making numerous clarifications and restructuring the plan to some extent. BWSR also recommended including additional education components, which were added to the plan.

DNR, in both comment letters, strongly encouraged programs for the enhancement of habitat, including a greater emphasis on stream restoration and the enhancement or restoration of other lost resources. CCWD responded by stating that they already do encourage such initiatives where appropriate, but will consider a greater emphasis on stream restoration in future plan updates. Other DNR comments pertained to runoff control, with the agency recommending stronger promotion of infiltration techniques and on-site storage, and adding provisions for volume control. CCWD responded that the plan does encourage infiltration, however, specific volume control requirements were not added. Numerous DNR comments related to corrections, clarifications, and minor additions of information. CCWD amended the plan where necessary in accordance with these comments.

In the 45-day comment letter, the DNR recommended taking a stronger approach to wetland protection through buffers, and supported wider buffer strip requirements than the 15 to 50 feet required by that version of the plan. CCWD reviewed the proposed setback requirements, but did not increase requirements due to conflicting comments from member communities (see comments from Cities of Blaine and Andover).

MPCA did not provide comments specific to the Coon Creek plan, but included a general list of goals the agency would like watershed districts to promote in response to the 60-day review. CCWD amended the plan where necessary in accordance with these goals.

MDH provided comments for the 45-day review. The Department recommended adding additional goals and objectives related to groundwater and public water supplies. CCWD noted the comment, but will consider in a future plan update. The District also pointed out areas where the plan currently does address other stated MDH concerns.

MDA did not provide comments on the CCWD plan.

Met Council recommended clarifying or modifying certain areas of the plan to make it easier to understand after the 60-day review. CCWD made several clarifications in response to Met Council concerns. The Council also recommended CCWD include a policy that addresses runoff volume control in addition to rate control for new developments, and establish specific wetland evaluation and protection criteria. CCWD did not add volume control requirements to the plan, but clarified runoff control requirements and established management strategies corresponding to three wetland classifications (Urban or Farmed, Natural, and Primitive). Finally, the Council believes a five-year Capital Improvement Program (CIP) must to be included in the final plan. A specific CIP was not included in the final draft plan.

For the 45-day review, the Council recommended adopting a clear definition of the width and vegetative requirements for wetland buffers depending on the functional wetland class and requiring signage for buffers adjacent to wetlands. CCWD responded by clarifying buffer requirements and encouraging signage of easements, including buffer strips.

Anoka Conservation District commented during the 60-day review that volume control should strongly be considered, and that groundwater recharge should be strongly encouraged throughout the plan. CCWD responded that volume control is addressed in the CCWD's drainage sensitive uses policy and that infiltration is encouraged. ACD had several comments relating to drainage system management, encouraging the development of approved as-built profiles, consideration of ditch abandonment for portions of the drainage system not directly benefiting from drainage, and establishing policies, procedures, and criteria for conducting ditch maintenance and improvement projects. CCWD noted these suggestions, but did not include them specifically in the final draft plan.

ACD commented that 16.5-foot vegetative buffers are too narrow to meet performance goals, and recommended a minimum 35-foot buffer. CCWD responded that MS 103.021 authorizes 16.5 feet for drainage systems, but added buffer requirements for wetlands in the final draft plan. ACD also recommended a more specific and expanded implementation plan and incorporation of specific education projects.

Other notable ACD comments addressed wetland protection and avoidance, erosion control compliance, and a recommendation for increased utilization of grant opportunities and partnerships. CCWD responded by increasing avoidance requirements for primitive wetlands, stating the current requirements relating to erosion control compliance, and noting that CCWD currently does attempt to utilize grant opportunities and partnerships.

Anoka County suggested several clarifications and corrections in both comment letters. Specifically, comments from the 60-day review included suggested implementation of a joint or combined permitting process, to which CCWD was open to future discussion.

City of Blaine offered relatively few minor suggestions from the 60-day review, all addressed by CCWD in final draft plan. During the 45-day review, the City indicated mixed City Council support of wetland buffer requirements, and suggested a public education component and flexibility in the buffer policy. CCWD modified buffer requirements allowing a negotiated buffer width within identified ranges (0-15 for Urban or Farmed, 15-25 for Natural, and 25-50 for Primitive wetlands).

City of Ham Lake comments generally related to grammar, plan structure, and clarification of information and requirements contained in the plan. The City specifically requested that the jurisdictional watershed boundaries be revised to match the hydrologic boundaries, incorporating 40 acres currently in Rice Creek Watershed District (section 36 of Ham Lake) into CCWD. The City also noted needed boundary revisions between CCWD and the Upper Rum River and Sunrise River Watershed Management Organizations. CCWD replied that boundary changes would be considered separate from the plan.

City of Andover agreed with the need for a wetland buffer strip requirement, but felt it should be the same for all wetlands and supported only a 16.5-foot strip. The City also was not in support of infiltration requirements due to concerns over maintenance requirements and responsibilities.

Summary of Plan Strengths and Weaknesses

The primary goals of the Coon Creek Watershed District through 2010 are:

1. To protect, preserve, and use natural surface and ground water storage and retention systems

2. To minimize public capital expenditures needed to correct flooding and water quality problems
3. To identify and plan for means to effectively protect and improve surface and ground water quality
4. To establish uniform local policies and controls for surface and ground water management
5. To prevent soil erosion into surface water systems
6. To promote ground water recharge
7. To protect and enhance fish and wildlife habitat and water recreational facilities
8. To secure the other benefits associated with the proper management of surface and ground water
9. To conserve natural resources through land use planning, flood control, and conservation projects
10. To use sound scientific principles for the protection of public health and welfare and the provident use of natural resources
11. To ensure that the continued planning and management of the Coon Creek watershed is responsive to the needs and concerns of an informed public

The highlights of the plan include:

1) The plan is performance oriented and dynamic.
2) The plan is an exhaustive documentation of the management framework of the District and outlines a comprehensive list of policies and standards for each management priority. It also includes a significant amount of resource related information.
3) A vegetated buffer around many wetlands is required, varying from 0 to 50 feet by wetland classification.

Issues not fully addressed / possible shortcomings in the plan include:

1) The plan does not include a Capital Improvement Program.
2) There exists some disagreement between review agencies and member communities over wetland buffer requirements, and buffer widths are negotiable within each wetland class.
3) Additional infiltration is only encouraged, and volume control is only required indirectly for drainage sensitive use areas.
4) Understanding the requirements of member communities requires a sophisticated and detailed knowledge of the plan. The plan can be difficult to follow, and plan objectives and requirements could be clearer and more specific.
5) Success in implementation depends on annual review of direction and course.

BWSR Board Conservationist Les Lemm recommends approval of the Coon Creek Watershed District Second Generation Plan.

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

In the Matter of the review of the Watershed Management Plan For the **Coon Creek Watershed District** pursuant to Minnesota Statues Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHED MANAGEMENT PLAN

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

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

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

FINDINGS OF FACT

1. **CCWD Establishment.** The CCWD was established in 1959, prior to the establishment of the Metropolitan Surface Water Management Act. This plan represents the second overall plan for water management assembled under the Act. The draft plan was submitted to BWSR, other state agencies, and local governments for 60-day review on November 13, 2001. On March 11, 2002, a public hearing was held and the Board of Managers approved responses to agency comments. On March 26, 2004, all review agencies had received the revised draft plan for the required 45-day review period. At the August 9, 2004 CCWD meeting, the CCWD Board of Managers reviewed responses. The final draft plan was submitted to BWSR on August 18, 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 Coon Creek watershed covers approximately 94 square miles. It lies within the Anoka Lake Plain portion of the Anoka Sand Plain. The soils are primarily fine sands and the regional water table is very shallow. Notable water resources in the watershed include Coon Creek, Crooked Lake, Ham Lake, and Lake Netta. It includes portions of the cities of Andover, Coon Rapids, Ham Lake, Blaine, and Columbus Township. The watershed is a rapidly developing area and approximately 35% of its land is urbanized.

4. **Local Review.** The CCWD circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. **Anoka Conservation District** commented during the 60-day review that volume control should strongly be considered, and that groundwater recharge should be strongly encouraged throughout the plan. CCWD responded volume control is addressed in the CCWD's drainage sensitive uses policy and that infiltration is encouraged. ACD commented that 16.5-foot vegetative buffers are too narrow to meet performance goals, and recommended a minimum 35-foot buffer. CCWD responded MS 103E.021 authorizes 16.5 feet for drainage systems, but added buffer requirements for wetlands in the final draft plan. Other comments addressed wetland avoidance, erosion control compliance, and increased utilization of grant opportunities and partnerships. CCWD responded by increasing avoidance requirements for primitive wetlands, stating the current requirements relating to erosion control compliance, and noting that CCWD currently does utilize grant opportunities and partnerships.

   Anoka County suggested several clarifications and corrections in both comment letters. Specifically, comments from the 60-day review included suggested implementation of a joint or combined permitting process, to which CCWD was open to future discussion.

   City of Blaine offered a few minor suggestions from the 60-day review, all addressed by CCWD in final draft plan. During the 45-day review, the City indicated mixed City Council support of wetland buffer requirements, and suggested public education and flexibility in the buffer policy. CCWD modified buffer requirements allow negotiated widths within identified ranges (0-15 for Urban or Farmed, 15-25 for Natural, and 25-50 for Primitive wetlands).

   City of Ham Lake comments related to plan structure and clarification of requirements. The City specifically requested that the jurisdictional watershed boundaries be revised to match the hydrologic boundaries. The City noted needed CCWD boundary revisions with Rice Creek WD and the Upper Rum River and Sunrise River WMOs. CCWD replied that boundary changes would be considered separate from the plan.

   City of Andover agreed with the need for a wetland buffer strip requirement, but felt it should be the same for all wetlands and supported only a 16.5-foot strip. The City was not in support of infiltration requirements due to concerns over maintenance requirements and responsibilities.

5. **Metropolitan Council Review.** The Council recommended clarifying or modifying the plan to make it easier to understand. The Council also recommended a policy to address volume control in addition to rate control for new developments, and establish wetland evaluation and protection criteria. CCWD did not add volume control requirements to the plan, but clarified runoff control requirements and established management strategies corresponding to three wetland classifications (Urban or Farmed, Natural, and Primitive). The Council wanted to see a CIP in the final draft plan. For the 45-day review, the Council recommended clear definition of the width and vegetative requirements for wetland buffers and signage for buffers adjacent to wetlands. CCWD responded by clarifying buffer requirements and encouraging signage of easements, including buffer strips. The Council concluded that Plan largely met the requirements of MR Ch. 8410.

6. **Department of Agriculture Review.** MDA did not provide comments on the CCWD plan.

7. **Department of Health Review.** MDH provided comments for the 45-day review. The Department recommended adding additional goals and objectives related to groundwater and public water supplies. CCWD noted the comment, but will consider in a future plan update. The District also pointed out areas where the plan currently does address other stated MDH concerns.

8. **Department of Natural Resources Review.** The DNR strongly encouraged programs for the enhancement of habitat, including a greater emphasis on stream restoration and the enhancement or restoration of lost resources. CCWD responded by stating that they already encourage such initiatives where appropriate, and will consider a greater emphasis on stream restoration in future plan updates. Other DNR comments pertained to runoff control, with the agency recommending stronger promotion of infiltration techniques and on-site storage, and adding provisions for volume control. CCWD responded that the plan does encourage infiltration, however, specific volume control requirements were not added. CCWD amended the plan where necessary in accordance with numerous corrections and clarification comments.

   The 45-day comment letter recommended a stronger approach to wetland protection through buffers, and supported wider buffer strip requirements than the 15 to 50 feet required by that version of the plan. CCWD reviewed the proposed setback requirements, but did not increase requirements due to conflicting comments from stakeholder communities (see comments from Cities of Blaine and Andover).

9. **Pollution Control Agency Review.** MPCA did not provide comments specific to the Coon Creek plan, but included a general list of goals the agency would like watershed districts to promote in response to the 60-day review. CCWD amended the plan where necessary in accordance with these goals. There are no listed impaired waters in the watershed.

10. **Board Review.** BWSR comments focused on ways to structure the plan to make a useful implementation tool and to allow clarity and focus for partnering cities, agencies, and the general public. CCWD responded by making numerous clarifications and restructuring the plan. BWSR also recommended additional education components that were added to the plan.

11. **Highlights of the Plan.**

- The plan is performance oriented and linked to the day-to-day systems of the CCWD.
- The plan is an exhaustive documentation of the management framework of the District and a comprehensive list of policies and standards for each management priority. It also includes a significant amount of resource related information, including the beginnings of an investigation of changing water regimes in the sandplain area.
- A vegetated buffer along ditches and around many wetlands is required, varying from 0 to 50 feet by wetland classification.

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 Coon Creek Watershed District pursuant to Minnesota Statutes Sections 103B.201, Subd. 9.

3. The Coon Creek Watershed District plan attached to this Order defines water and water-related problems within the CCWD boundaries, possible solutions thereto, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Plan dated August 2004 as the Watershed Management Plan for the Coon Creek Watershed District.

Dated at Saint Paul, Minnesota this 27th day of October 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

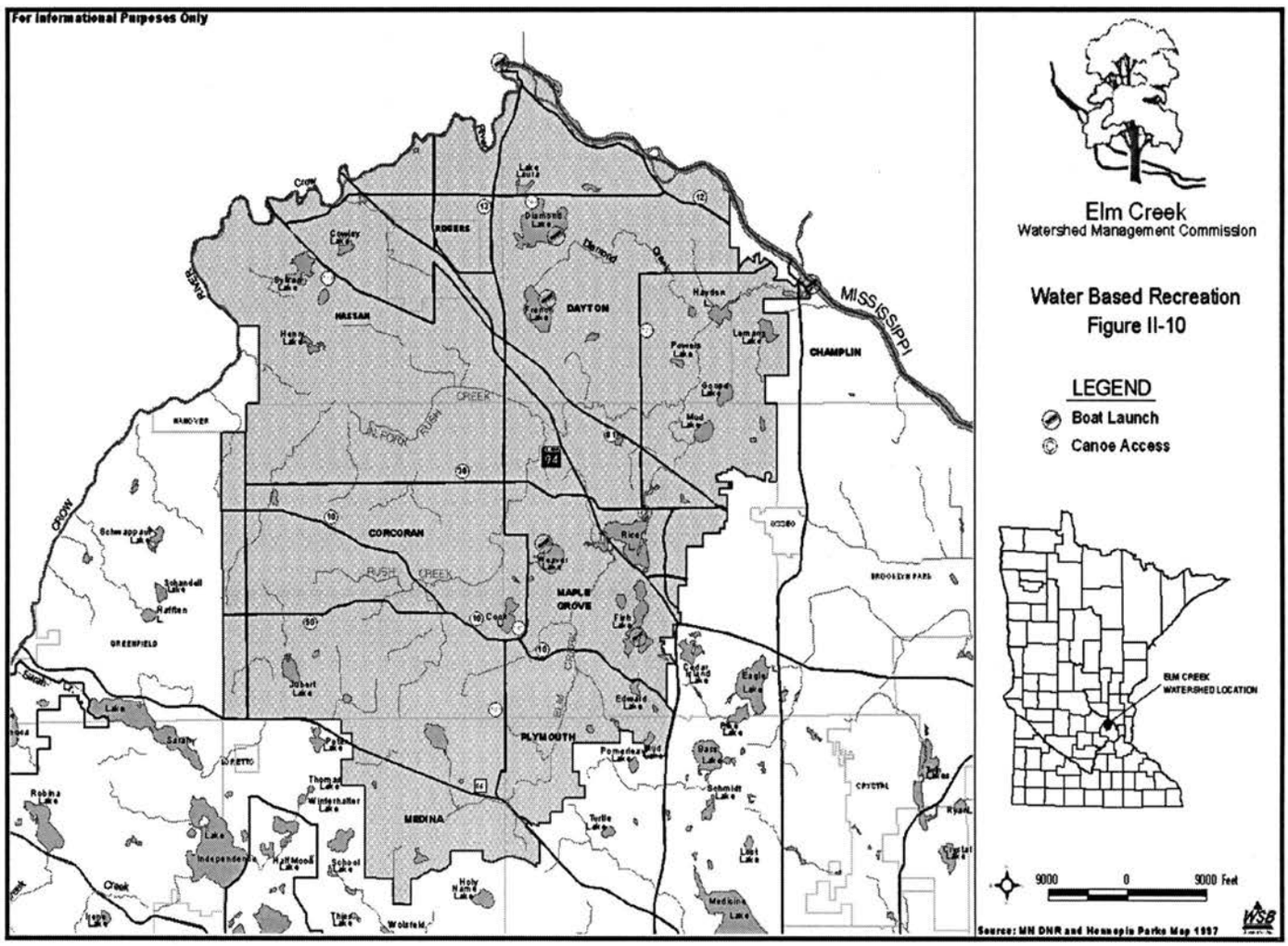
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Minnesota Board of Water and Soil Resources
October 2004 Metro Subcommittee Meeting

OVERVIEW
Elm Creek Watershed Management Organization Plan 2005 – 2014

Watershed Description

The Elm Creek Watershed Management Commission (ECWMC/Commission) is located exclusively in Hennepin County in the west/northwest portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the Mississippi and Crow Rivers to the north, on the east by the West Mississippi and Shingle Creek Watershed Management Organizations, on the south by Bassett Creek WMO and Minnehaha Creek Watershed District, and on the west by the Pioneer – Sarah Creek WMO. ECWMC encompasses all or part of the following eight municipalities: Champlin, Corcoran, Dayton, Hassan, Maple Grove, Medina, Plymouth, and Rogers. The Elm Creek watershed covers approximately 130.5 square miles. There are twenty-one lakes and four major streams in the Elm Creek watershed. Based on estimates from the Metropolitan Council from 1997, 46 percent of the land is vacant or in agricultural production, 30 percent is used for public, recreational, wetlands, or lakes, 20 percent is residential, and 4 percent is commercial/industrial. Development pressure is occurring throughout the watershed but is most prominent in Maple Grove and Plymouth along the Highway 10 and 101 corridors.



Summary of Plan Review Process

The ECWMC was formed on February 1, 1973, through a Joint Powers Agreement (JPA). The Commission adopted their first Watershed Plan in 1983.

The draft plan was submitted to BWSR, other state agencies, and local governments for the required 60-day review on June 19, 2002. The Commission received 60-day review comments from MN Department of Natural Resources (DNR) and the Cities of Maple Grove and Plymouth. The Commission held a public hearing on October 9, 2002, which did not have any citizens in attendance. The Commission made a second request to the member communities to review the Plan and provide comments. Additional comments were then received from the City of Corcoran and the Three Rivers Park District. On December 27, 2002, all review agencies had received the revised draft plan for the required 45-day review period. The Commissioners received comments from the DNR, BWSR, Met Council, MDH, and MDA.

The final draft plan was submitted to BWSR on April 22, 2003. However, the BWSR informed ECWMC that in order for the 90-day review period to begin, they needed to be compliant with MS103B.277, Subd. 2 ("Commissioner Rule"), and all member communities must adopt the revised Joint Powers Agreement (JPA). The city of Rogers was the last municipality to sign the JPA, effective May 25, 2004. Therefore, given the Commission's extensive citizen input process and lengthy budget discussions in addition to the aforementioned BWSR imposed requirements, these items account for the delay in submitting the second generation final draft plan. The Joint Powers Agreement, revised in 2004, is both compliant and executed.

Fiscal Context and Implementation

The ECWMC's primary source of funding to implement capital improvement projects (CIPs) is via member communities' dues ($150,000 annually), the general fund, grants, and the use of an ad valorem tax levied and approved by member communities (per Minnesota Statutes 426-435) or by Hennepin County pursuant to MS 103B.251. The non-structural activities will be financed through the ECWMC general fund, member community dues in accordance with the joint powers agreement, and grants. Due to the funding constraints of the Commission, rather than attempting to spread its resources over many projects, the Commission has determined it will primarily focus on a few projects at a time and consider doing other projects as funding becomes available. Therefore, the Commission intends to focus on working to stabilize Elm Creek (CIP-1).

The table below reveals financial information for adjacent WMOs.

WMO	Area (sq mi)	Year				Exp/Area
		00	01	02	03	
Bassett Creek WMO	40	413,205	433,208	390,653	318,823	$7,971
Elm Creek WMO	127	139,607	160,360	156,370.13	121,561.90	$957
Mississippi River (formerly Middle Mississippi)	30	NA	NA	239,658.00	NA	$7,989
Pioneer-Sarah Creek WMO	72	106,385	91,150	103,625	75,501	$1,049
Shingle Creek WMO	44	134,203	238,813	353,581	NA	$8,036
West Mississippi WMO	24	67,834	83,385	125,104	NA	$5,213
9-Mile WD	50	1,532,955	1,021,981	950,905	NA	$20,440
Riley Purgatory-Bluff Cr. WD	47	523,052	480,471	772,593	NA	$10,223
Minnehaha Creek WD	184	2,963,471	6,086,030	5,270,636	3,343,963	$18,174

Fiscal Context and Implementation (cont.)

Fiscal activities are an approximate barometer of influence within a watershed only. The table above reveals a relatively stable trend with regards to expenditures of ECWMC. ECWMC appears to be in the lower bracket of expenditures per area in comparison with adjacent WMOs. The projected budget for administration, engineering and legal services is projected to remain constant. The Commission has added a budget line item earmarked for capital improvement projects and will build that fund. For 2005, $40,000 was approved.

Reviewing Agencies'/ LGUs' Comments and WMO Responses

BWSR's primary concerns related to 1) the effectiveness of proposed funding sources for CIPs and 2) developing a sufficient contingency plan for technical services given the dismantling of the Hennepin Conservation District. The Commission responded by explaining their primary source of funding is the member communities' dues (total $150,000). To cover the difference between the proposed expenses/project cost estimates (Table V-4) and the current funding level the Commission will greatly be dependent on securing grant dollars. Other BWSR comments were regarding annual review of the CIP and the layout/content of several tables within the Plan. These comments were supported or sufficiently justified by the Commission.

DNR, in both comment letters, emphasized the need to protect the significant natural areas, i.e. Crow-Hassan Park Reserve, Elm Creek Park Reserve, Diamond Lake, French Lake, Fish Lake, by recognizing these sites in the Plan and working cooperatively with the local communities and Park District to ensure protection and proper management. DNR also strongly encouraged the Commission to work with local communities in developing protection strategies to protect the watercourses. The Commission stated that they will work to educate the local communities about the importance of significant natural areas, buffers, and setbacks from watercourses. Other comments by the DNR were largely supported or incorporated by the Commission, except that the Commission chose merely to encourage member communities to utilize the Minnesota Land Cover Classification System to go beyond the inventory stage in establishing/protecting wildlife corridors and greenspace. DNR recommended the Commission work towards resolving issues surrounding the lack of management of public ditch systems, which the Commission added as a policy since they feel they do not have the resources to assume Ditch Authority role.

MPCA did not provide comments on the ECWMC Plan.

MDH provided comments addressing stormwater management within vulnerable groundwater recharge areas and water/wellhead protection planning support for all of the public water suppliers. The Commission amended the Plan in accordance with MDH's comments.

MDA asked the Commission to consider the following: promote improved pasture management, recognize the State's phosphorus fertilizer regulations, consider water sampling for pesticide analysis, and utilize MDA publications on feedlot issues. The Commission essentially incorporated those comments.

Met Council had substantial concerns specifically regarding the lack of commitment to provide funding for the projects, programs, and studies identified in the implementation section. The

Commission stressed that since they have limited resources they chose to focus on the highest priority and do it well. Further, the Commission stated the Plan allows for member communities to undertake projects at their discretion. The Commission amended the Plan to include the recommendation of establishing water quality goals for judging adequacy of its programs. Regarding wetlands, Met Council insisted that the ECWMC complete wetland management goals and plan for the watershed with member communities' input. The Commission's response indicated that funding was the limiting factor for them to undertake this project. Met Council insisted that the Commission take on a more aggressive approach on oversight to member communities to ensure adoption of Commission-approved ordinances, policies, and programs. The Commission responded by re-emphasizing their commitment to ensuring ordinance and policy adoption by member communities.

Three Rivers Park District complemented the Commission on adopting non-degradation policies and the buffer requirements. The Park District opposed the removal of the standards addressing flow rates and recommended a high priority level for water quality improvements to Fish Lake and Lemans Lake. The Commission amended the Plan accordingly.

Summary of Plan Strengths and Weaknesses

The primary goals of the Elm Creek Watershed Management Commission for 2005-2014 are:

1. Protect, preserve, and manage surface water and groundwater resources
2. Minimize property damages and economic losses through water resource management
3. Manage public expenditures needed to study, control, and/or correct flooding and water quality problems
4. Educate and inform the public on pertinent water resource management issues and increase public participation in water management activities
5. Identify and plan for means to effectively protect and improve surface and groundwater quality
6. Establish more uniform local policies and official controls for surface and groundwater management
7. Reduce erosion of soil into surface water systems
8. Promote groundwater recharge
9. Protect and enhance fish and wildlife habitat and water recreational facilities
10. Reduce and control/prevent stream degradation through land protection measures, runoff restrictions, and pollutant restrictions.

The highlights of the Plan include:

1) The "non-degradation" policy (i.e. no increase in phosphorus/pollutant load) for new developments using pre-determined land use rates, including a 60% phosphorus removal requirement for each pre-treatment stormwater system; A policy encouraging infiltration where practical and reasonable; Flow rates for Elm, Rush, and Diamond Creek channels maintained to pre-development conditions; A stormwater system maintenance plan requirement.
2) Approved wetland management plans required for each member community including functions and values assessments.

3) A 50-foot native vegetative buffer requirement for new developments along Elm Creek, Rush Creek, North Fork Rush Creek, and Diamond Creek; Plus a buffer requirement averaging 20 feet wide around wetlands, lakes, and streams for new developments where the WMC is the Local Government Unit for the Wetland Conservation Act.

Issues not fully addressed / Possible shortcomings in the Plan include:

1) The Commission is taking a cooperative/coordinator role in preparing TMDL studies in the watershed, rather than taking complete responsibility.
2) Impacts from small livestock operations were not required to be addressed by member communities as a part of the Plan, however, a task force will be formed and recommended standards will be developed in addition to working with the U of M Extension Service on developing a manure composting program.
3) There exists some residual disagreement between the municipalities and the Commission on how CIPs and studies will be funded. Reliance on municipalities for project implementation dollars may be a potential shortcoming.
4) It could be a point of discussion whether the Commission developed a sufficient contingency plan for technical services given the dismantling of the Hennepin Conservation District during plan development (Section V).

BWSR Board Conservationist Brad Wozney recommends approval of the Elm Creek Watershed Management Commission Second Generation Plan.

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

In the Matter of the review of the Watershed Management Plan for the **Elm Creek Watershed Management Organization** pursuant to Minnesota Statues Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Elm Creek Watershed Management Commission (ECWMC) serving as the Board of the Elm Creek Watershed Management Organization submitted a second generation Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes 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. **WMO Establishment.** The ECWMC was formed on February 1, 1973, through a Joint Powers Agreement (JPA). The Commission adopted their first Watershed Plan in 1983. The draft plan was submitted to the Board, other state agencies, and local governments for the required 60-day review on June 19, 2002. The Commission received 60-day review comments from MN Department of Natural Resources (DNR) and the Cities of Maple Grove and Plymouth. The Commission held a public hearing on October 9, 2002, which did not have any citizens in attendance. The Commission made a second request to the member communities to review the Plan and provide comments. Additional comments were then received from the City of Corcoran and the Three Rivers Park District. On December 27, 2002, all review agencies had received the revised draft plan for the required 45-day review period. The Commissioners received comments from the DNR, Board, Met Council, MDH, and MDA. The final draft Plan was submitted to the Board on April 22, 2003. However, the Board informed ECWMC that in order for the 90-day review period to begin, they needed to be compliant with MS 103B.277, Subd. 2 ("Commissioner Rule"), and all member communities must adopt the revised Joint Powers Agreement (JPA). The City of Rogers was the last municipality to sign the JPA, effective May 25, 2004. Therefore, given the Commission's extensive citizen input process and lengthy budget discussions, in addition to the aforementioned Board imposed requirements, these items account for the delay in submitting the second generation final draft plan. The Joint Powers Agreement, revised in 2004, is both compliant and executed.

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 Elm Creek Watershed Management Commission (ECWMC/Commission) is located exclusively in Hennepin County in the west/northwest portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the Mississippi and Crow Rivers to the north, on the east by the West Mississippi and Shingle Creek Watershed Management Organizations, on the south by Bassett Creek WMO and Minnehaha Creek Watershed District, and on the west by the Pioneer – Sarah Creek WMO. ECWMC encompasses all or part of the following eight municipalities: Champlin, Corcoran, Dayton, Hassan, Maple Grove, Medina, Plymouth, and Rogers. The Elm Creek watershed covers approximately 130.5 square miles. There are twenty-one lakes and four major streams in the Elm Creek watershed. Based on estimates from the Metropolitan Council from 1997, 46 percent of the land is vacant or in agricultural production, 30 percent is public, recreational, wetlands, or lakes, 20 percent is residential, and 4 percent is commercial/industrial. Development pressure is occurring throughout the watershed but is most prominent in Maple Grove and Plymouth along the Highway 10 and 101 corridors.

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

5. **Metropolitan Council Review.** The Council had substantial concerns specifically regarding the lack of commitment to provide funding for the projects, programs, and studies identified in the implementation section. The Commission stressed that since they have limited resources they chose to focus on the highest priority and do it well. Further, the Commission stated the Plan allows for member communities to undertake projects at their discretion. The Commission amended the Plan to include the recommendation of establishing water quality goals for judging the adequacy of its programs. Regarding wetlands, the Council insisted that the ECWMC complete wetland management goals and plan for the watershed with member communities' input. The Commission's response indicated that funding was the limiting factor for them to undertake this project. The Council insisted that the Commission take a more aggressive approach on oversight to member communities to ensure adoption of Commission-approved ordinances, policies, and programs. The Commission responded by re-emphasizing their commitment to ensuring ordinance and policy adoption by member communities.

6. **Department of Agriculture Review.** The MDA asked the Commission to consider the following: promote improved pasture management, recognize the State's phosphorus fertilizer regulations, consider water sampling for pesticide analysis, and utilize MDA publications on feedlot issues. The Commission essentially incorporated those comments into the Plan.

7. **Department of Health Review.** The MDH provided comments addressing stormwater management within vulnerable groundwater recharge areas and water/wellhead

protection planning support for all of the public water suppliers. The Commission amended the Plan in accordance with MDH's comments.

8. **Department of Natural Resources Review.** The DNR, in both comment letters, emphasized the need to protect the significant natural areas, i.e. Crow-Hassan Park Reserve, Elm Creek Park Reserve, Diamond Lake, French Lake, Fish Lake, by recognizing these sites in the Plan and working cooperatively with the local communities and Park District to ensure protection and proper management. DNR also strongly encouraged the Commission to work with local communities in developing protection strategies to protect the watercourses. The Commission stated that they will work to educate the local communities about the importance of significant natural areas, buffers, and setbacks from watercourses. Other comments by the DNR were largely supported or incorporated into the Plan by the Commission, except that the Commission chose merely to encourage member communities to utilize the Minnesota Land Cover Classification System to go beyond the inventory stage in establishing/protecting wildlife corridors and greenspace. DNR recommended the Commission work towards resolving issues surrounding the lack of management of public ditch systems, which the Commission added as a policy since they feel they do not have the resources to assume a role in ditch issues.

9. **Pollution Control Agency Review.** The MPCA did not provide comments on the ECWMC Plan.

10. **Board Review.** The Board's primary concerns related to 1) the effectiveness of proposed funding sources for CIPs and 2) developing a sufficient contingency plan for technical services given the dismantling of the Hennepin Conservation District. The Commission responded by explaining their primary source of funding is the member communities' dues (total $150,000). To cover the difference between the proposed expenses/project cost estimates (Table V-4) and the current funding level, the Commission will largely be dependent on securing grant dollars. Other Board comments regarded annual review of the CIP and the layout/content of several tables within the Plan. These comments were supported or sufficiently justified by the Commission.

11. **Highlights of the Plan.** The critical elements included in the Plan are:

- The "non-degradation" policy (i.e. no increase in phosphorus/pollutant load) for new developments using pre-determined land use rates, including a 60% phosphorus removal requirement for each pre-treatment stormwater system. A policy encouraging infiltration where practical and reasonable. Flow rates for Elm, Rush, and Diamond Creek channels maintained to pre-development conditions. A stormwater system maintenance plan requirement.

- Approved wetland management plans required for each member community including functions and values assessments.

- A 50-foot native vegetative buffer requirement for new developments along Elm Creek, Rush Creek, North Fork Rush Creek, and Diamond Creek; plus a buffer

requirement averaging 20 feet wide around wetlands, lakes, and streams for new developments where the ECWMC is the Local Government Unit for the Wetland Conservation Act.

12. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on October 8, 2004, with representatives of the ECWMC to review and discuss the Plan. Board staff recommended approval of the Plan. After discussion, the Committee unanimously decided to recommend approval of the Elm Creek Watershed Management Organization 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 Elm Creek Watershed Management Organization pursuant to Minnesota Statutes Sections 103B.231, Subd. 9.

3. The Elm Creek Watershed Management Organization Plan attached to this Order defines water and water-related problems within the ECWMC 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 2003 as the Watershed Management Plan for the Elm Creek Watershed Management Organization.

Dated at Saint Paul, Minnesota this 27th day of October, 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

Minnesota Board of Water and Soil Resources
October 2004 Metro Subcommittee Meeting

OVERVIEW
Pioneer - Sarah Creek Watershed Management Organization Plan 2005 – 2014

Watershed Description

The Pioneer - Sarah Creek Watershed Management Commission (PSCWMC/Commission) is located exclusively in Hennepin County in the west/northwest portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the Crow River to the north, on the northeast by the Elm Creek Watershed Management Organization, on the south and southeast by Minnehaha Creek Watershed District, and on the far west by Wright and Carver Counties. PSCWMC includes all or parts of the following six municipalities: Greenfield, Independence, Loretto, Maple Plain, Medina, and Minnetrista. The Pioneer - Sarah Creek watershed covers approximately 70.5 square miles. There are seventeen lakes in the Pioneer - Sarah Creek watershed and six major streams. The watershed continues to be heavily influenced by agriculture and rural residential development, with some high density housing, commercial, and townhouse developments in the cities of Greenfield, Loretto and Maple Plain.

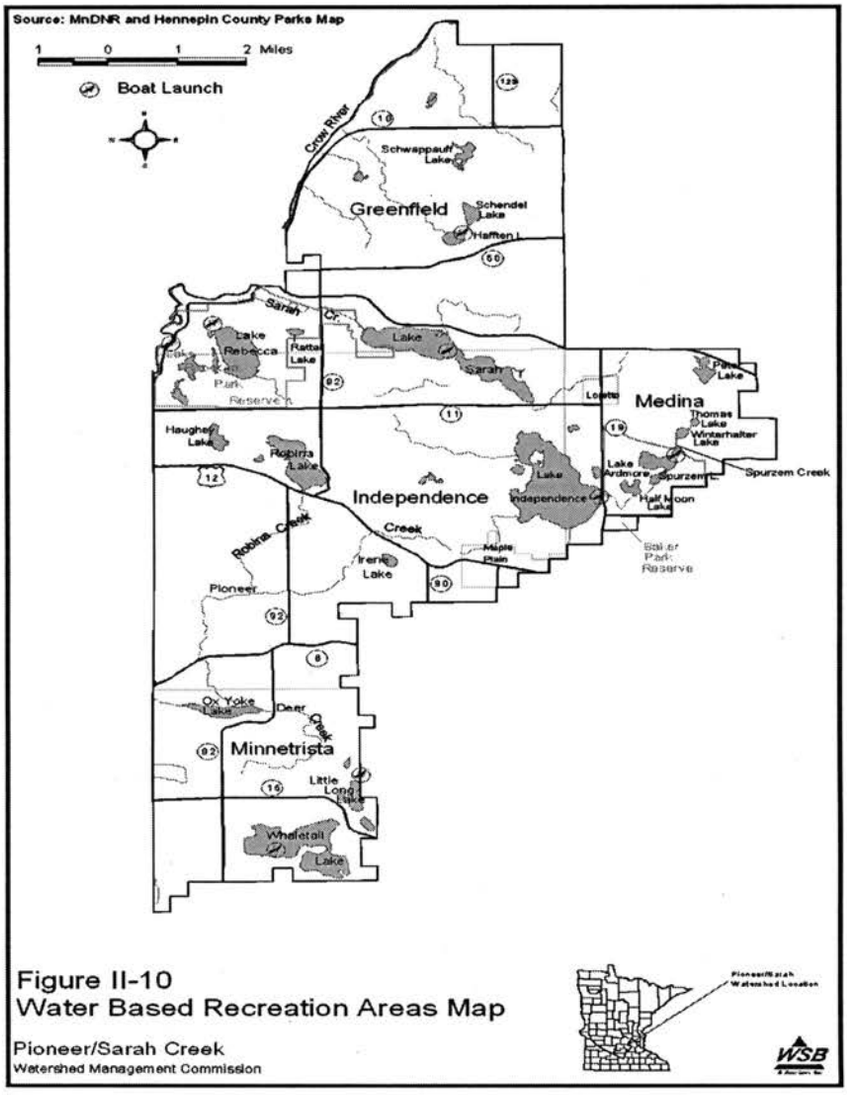


Figure II-10
Water Based Recreation Areas Map

Pioneer/Sarah Creek
Watershed Management Commission

Summary of Plan Review Process

The cities of Independence, Minnetrista, Medina and the Hennepin Conservation District created the Pioneer Creek Watershed Management Commission on January 13, 1978. On June 7, 1983, the City of Greenfield offered a resolution to the Pioneer Creek Commission requesting a merger of the Sarah Creek and Pioneer Creek Watersheds. This merger combined administrative services and avoided the creation of numerous small watershed organizations. In December 1984, the Pioneer-Sarah Creek Watershed Management Commission was officially established through a Joint Powers Agreement.

The draft plan was submitted to BWSR, other state agencies, and local governments for the required 60-day review on July 31, 2002. The Commission received 60-day review comments from MN Department of Natural Resources (DNR), Metropolitan (Met) Council (after deadline), City of Greenfield and Lake Independence Citizens Association. On December 30, 2002, all review agencies had received the revised draft plan for the required 45-day review period. The Commissioners received comments from the DNR, BWSR, Met Council, MDH, MDA, MPCA, Three Rivers Park District, and the Cities of Independence and Greenfield.

The final draft plan was submitted to BWSR on June 10, 2003. However, the BWSR informed PSCWMC that in order for the 90-day review period to begin, they needed to be compliant with MS103B.277, Subd. 2 ("Commissioner Rule"), and all member communities must adopt the revised Joint Powers Agreement (JPA). The city of Greenfield was the last municipality to sign the JPA, effective August 17, 2004. Therefore, given the Commission's extensive citizen input process and lengthy budget discussions in addition to the aforementioned BWSR imposed requirements, these items account for the delay in submitting the second generation final draft plan. The Joint Powers Agreement, revised in 2004, is both compliant and executed.

Fiscal Context and Implementation

The PSCWMC's primary source of funding to implement capital improvements is via dues from member communities ($56,000 annually), the general fund, and grants. The non-structural activities will be financed through the PSCWMC general fund, in accordance with the joint powers agreement.

The table below reveals financial information for adjacent WMOs.

WMO	Area (sq mi)	Year				Exp/Area
		00	01	02	03	
Bassett Creek WMO	40	413,205	433,208	390,653	318,823	$7,971
Elm Creek WMO	127	139,607	160,360	156,370.13	121,561.90	$957
Mississippi River (formerly Middle Mississippi)	30	NA	NA	239,658.00	NA	$7,989
Pioneer-Sarah Creek WMO	72	106,385	91,150	103,625	75,501	$1,049
Shingle Creek WMO	44	134,203	238,813	353,581	NA	$8,036
West Mississippi WMO	24	67,834	83,385	125,104	NA	$5,213
9-Mile WD	50	1,532,955	1,021,981	950,905	NA	$20,440
Riley Purgatory-Bluff Cr. WD	47	523,052	480,471	772,593	NA	$10,223
Minnehaha Creek WD	184	2,963,471	6,086,030	5,270,636	3,343,963	$18,174

Fiscal Context and Implementation (cont.)

Fiscal activities are an approximate barometer of influence within a watershed only. The table above reveals a slightly negative trend with regards to expenditures of PSCWMC. PSCWMC appears to be in the lower bracket of expenditures per area in comparison with adjacent WMOs. The projected budget for administration, engineering and legal services will remain constant, however, the annual budget will likely increase due to the TMDL studies. PSCWMC has set aside $4,500 (one-time item, to be revisited annually) for "water quality goals and technical services." Some of that money will in all probability be used to fund part of the Independence TMDL.

Reviewing Agencies'/ LGUs' Comments and WMO Responses

BWSR's primary concerns related to: 1) the effectiveness of proposed funding sources for capital improvement projects (CIPs) and 2) developing a sufficient contingency plan for technical services given the dismantling of the Hennepin Conservation District. The Commission responded by explaining their primary source of funding is the member communities' dues (total $56,000 annually). To cover the difference between the proposed expenses/project cost estimates (Table V-4) and the current funding level the Commission will greatly be dependent on securing grant dollars. Other BWSR comments were regarding annual review of the CIP and the layout/content of several tables within the Plan. These comments were supported or sufficiently justified by the Commission.

DNR, in both comment letters, emphasized the need to protect the significant natural areas, i.e. Lake Rebecca and Baker Park Reserves, Camp Iduhapi, Camp Kingswood, by recognizing these sites in the Plan and working cooperatively with the local communities and Park District to ensure protection and proper management. DNR also strongly encouraged the Commission to work with local communities in developing protection strategies to protect the watercourses. The Commission stated that they will work to educate the local communities about the importance of significant natural areas, buffers, and setbacks from watercourses. Other comments by the DNR were largely supported or incorporated by the Commission, except that the Commission chose merely to encourage member communities to utilize the Minnesota Land Cover Classification System to aid in establishing/protecting wildlife corridors and greenspace.

MPCA submitted recommendations on stormwater ordinances, manure management standards, and TMDLs. The Commission accepted the recommendations.

MDH provided comments addressing stormwater management within vulnerable groundwater recharge areas and water/wellhead protection planning support for all of the public water suppliers. The Commission amended the Plan in accordance with MDH's comments.

MDA asked the Commission to consider the following: promote improved pasture management, recognize the State's phosphorus fertilizer regulations, consider water sampling for pesticide analysis, and utilize MDA publications on feedlot issues. The Commission essentially incorporated those comments.

Met Council had substantial concerns in both review letters specifically regarding the uncertainty of funding sources for the projects, programs, and studies identified in the implementation section. The Commission deferred to the soliciting of grant funds and the JPA that directs local funding mechanisms to address their concerns. The Commission stated they cannot require member communities to use funding mechanisms such as stormwater utility fees. Met Council also pointed out that various proposed projects are supported by studies undertaken or yet to be undertaken, without any reference to them in the Plan. The Commission indicated that completed study results are available in the Water Resource Library developed by the Commission, and in numerous cases projects cannot proceed without further study. The Commission amended the Plan to include the

recommendation of classifying the joint flooding problems with the City of Delano as high priority and proactively work with the Crow River Organization of Water Joint Powers Organization on improving river water quality. Met Council insisted that the Commission take on a more aggressive stance on three fronts: 1) on improving relations between lakeshore residents and livestock owners in the watershed, 2) on strict oversight to member communities to ensure adoption of Commission-approved ordinances, policies, and programs, and 3) requiring member communities to adopt the Commission's small livestock operations recommendations. The Commission subsequently responded: by indicating the future development of a Task Force to address livestock/hobby farm issues, and by re-emphasizing their commitment to ensuring ordinance and policy adoption by member communities.

Three Rivers Park District complemented the Commission on adopting non-degradation policies and the buffer requirements.

Summary of Plan Strengths and Weaknesses

The primary goals of the Pioneer - Sarah Creek Watershed Management Commission for 2005-2014 are:

1. Protect, preserve, and manage surface water resources
2. Manage public expenditures needed to study and control and/or correct flooding and water quality problems
3. Educate and inform the key audiences on pertinent water resources management issues and increase public participation in water management activities
4. Establish more uniform local policies and official controls for surface water management

The highlights of the Plan include:

1) The "non-degradation" policy (i.e. no increase in phosphorus/pollutant load) for new developments; A policy encouraging infiltration where practical and reasonable; Flow rates for Pioneer and Sarah Creek channels maintained to pre-development conditions; A stormwater system maintenance plan requirement for each member community.
2) Approved wetland management plans required for each member community including functions and values assessments.
3) Buffer requirement averaging minimum 20 feet wide around wetlands, lakes, and streams for new developments.

Issues not fully addressed / Possible shortcomings in the Plan include:

1) The Commission is taking a cooperative/coordinator role in preparing TMDL studies in the watershed, rather than taking complete responsibility.
2) Member communities were not required to address impacts from small livestock operations within the Plan, however, a task force will be formed and recommended standards will be developed.
3) There exists some residual disagreement between the municipalities and the Commission on how CIPs and studies will be funded. Reliance on municipalities for project implementation dollars may be a potential shortcoming.
4) It could be a point of discussion whether the Commission developed a sufficient contingency plan for technical services given the dismantling of the Hennepin Conservation District during plan development.

BWSR Board Conservationist Brad Wozney recommends approval of the Pioneer - Sarah Creek Watershed Management Commission Second Generation Plan.

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

In the Matter of the review of the Watershed Management Plan for the **Pioneer - Sarah Creek Watershed Management Organization** pursuant to Minnesota Statues Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Pioneer - Sarah Creek Watershed Management Commission (PSCWMC) serving as the Board of the Pioneer - Sarah Creek Watershed Management Organization submitted a second generation Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes 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. **WMO Establishment.** The cities of Independence, Minnetrista, Medina and the Hennepin Conservation District created the Pioneer Creek Watershed Management Commission on January 13, 1978. On June 7, 1983, the City of Greenfield offered a resolution to the Pioneer Creek Commission requesting a merger of the Sarah Creek and Pioneer Creek Watersheds. This merger combined administrative services and avoided the creation of numerous small watershed organizations. In December 1984, the Pioneer-Sarah Creek Watershed Management Commission was officially established through a Joint Powers Agreement. The draft plan was submitted to the Board, other state agencies, and local governments for the required 60-day review on July 31, 2002. The Commission received 60-day review comments from the MN Department of Natural Resources (DNR), Metropolitan (Met) Council (after deadline), City of Greenfield and Lake Independence Citizens Association. On December 30, 2002, all review agencies had received the revised draft plan for the required 45-day review period. The Commissioners received comments from the DNR, Board, Met Council, MDH, MDA, MPCA, Three Rivers Park District, and the Cities of Independence and Greenfield. The final draft Plan was submitted to the Board on June 10, 2003. However, the Board informed PSCWMC that in order for the 90-day review period to begin, they needed to be compliant with MS103B.277, Subd. 2 ("Commissioner Rule"), and all member communities must adopt the revised Joint Powers Agreement (JPA). The City of Greenfield was the last municipality to sign the JPA, effective August 17, 2004. Therefore, given the Commission's extensive citizen input process and lengthy budget discussions, in addition to the aforementioned BWSR imposed requirements, these items

account for the delay in submitting the second generation final draft plan. The Joint Powers Agreement, revised in 2004, is both compliant and executed.

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 Pioneer - Sarah Creek Watershed Management Commission (PSCWMC/Commission) is located exclusively in Hennepin County in the west/northwest portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the Crow River to the north, on the northeast by the Elm Creek Watershed Management Organization, on the south and southeast by Minnehaha Creek Watershed District, and on the far west by Wright and Carver Counties. PSCWMC includes all or parts of the following six municipalities: Greenfield, Independence, Loretto, Maple Plain, Medina, and Minnetrista. The Pioneer - Sarah Creek watershed covers approximately 70.5 square miles. There are seventeen lakes in the Pioneer - Sarah Creek watershed and six major streams. The watershed continues to be heavily influenced by agriculture and rural residential development, with some high density housing, commercial, and townhouse developments in the Cities of Greenfield, Loretto and Maple Plain.

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

5. **Metropolitan Council Review.** The Council had substantial concerns in both review letters specifically regarding the uncertainty of funding sources for the projects, programs, and studies identified in the implementation section. The Commission deferred to the soliciting of grant funds and the JPA that directs local funding mechanisms to address their concerns. The Commission stated they cannot require member communities to use funding mechanisms such as stormwater utility fees. Met Council also pointed out that various proposed projects are supported by studies undertaken or yet to be undertaken, without any reference to them in the Plan. The Commission indicated that completed study results are available in the Water Resource Library developed by the Commission, and in numerous cases projects cannot proceed without further study. The Commission amended the Plan to include the recommendation of classifying the joint flooding problems with the City of Delano as high priority and proactively work with the Crow River Organization of Water Joint Powers Organization on improving river water quality. The Council insisted that the Commission take on a more aggressive stance on three fronts: 1) on improving relations between lakeshore residents and livestock owners in the watershed, 2) on strict oversight to member communities to ensure adoption of Commission-approved ordinances, policies, and programs, and 3) requiring member communities to adopt the Commission's small livestock operations recommendations. The Commission subsequently responded: by indicating the future development of a Task Force to address livestock/hobby farm issues, and by re-emphasizing their commitment to ensuring ordinance and policy adoption by member communities.

6. **Department of Agriculture Review.** The MDA asked the Commission to consider the following: promote improved pasture management, recognize the State's phosphorus fertilizer regulations, consider water sampling for pesticide analysis, and utilize MDA publications on feedlot issues. The Commission essentially incorporated those comments into the Plan.

7. **Department of Health Review.** The MDH provided comments addressing stormwater management within vulnerable groundwater recharge areas and water/wellhead protection planning support for all of the public water suppliers. The Commission amended the Plan in accordance with MDH's comments.

8. **Department of Natural Resources Review.** The DNR, in both comment letters, emphasized the need to protect the significant natural areas, i.e. Lake Rebecca and Baker Park Reserves, Camp Iduhapi, Camp Kingswood, by recognizing these sites in the Plan and working cooperatively with the local communities and Park District to ensure protection and proper management. The DNR also strongly encouraged the Commission to work with local communities in developing protection strategies to protect the watercourses. The Commission stated that they will work to educate the local communities about the importance of significant natural areas, buffers, and setbacks from watercourses. Other comments by the DNR were largely supported or incorporated into the Plan by the Commission, except that the Commission chose merely to encourage member communities to utilize the Minnesota Land Cover Classification System to aid in establishing/protecting wildlife corridors and greenspace.

9. **Pollution Control Agency Review.** The MPCA submitted recommendations on stormwater ordinances, manure management standards, and TMDLs. The Commission accepted the recommendations.

10. **Board Review.** The Board's primary concerns related to: 1) the effectiveness of proposed funding sources for capital improvement projects (CIPs) and 2) developing a sufficient contingency plan for technical services given the dismantling of the Hennepin Conservation District. The Commission responded by explaining their primary source of funding is the member communities' dues (total $56,000 annually). To cover the difference between the proposed expenses/project cost estimates (Table V-4) and the current funding level the Commission will greatly be dependent on securing grant dollars. Other Board comments were regarding annual review of the CIP and the layout/content of several tables within the Plan. These comments were supported or sufficiently justified by the Commission.

11. **Highlights of the Plan.** The critical elements included in the Plan are:

    - The "non-degradation" policy (i.e. no increase in phosphorus/pollutant load) for new developments. A policy encouraging infiltration where practical and reasonable. Flow rates for Pioneer and Sarah Creek channels maintained to pre-development conditions. A stormwater system maintenance plan requirement for each member community.

- Approved wetland management plans required for each member community including functions and values assessments.

- Buffer requirement averaging minimum 20 feet wide around wetlands, lakes, and streams for new developments.

12. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on October 8, 2004, with representatives of the PSCWMC to review and discuss the Plan. Board staff recommended approval of the Plan. After discussion, the Committee unanimously decided to recommend approval of the Pioneer - Sarah Creek Watershed Management Organization 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 Pioneer - Sarah Creek Watershed Management Organization pursuant to Minnesota Statutes Sections 103B.231, Subd. 9.

3. The Pioneer - Sarah Creek Watershed Management Organization Plan attached to this Order defines water and water-related problems within the PSCWMC 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 June 2003 as the Watershed Management Plan for the Pioneer - Sarah Creek Watershed Management Organization.

Dated at Saint Paul, Minnesota this 27th day of October, 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Executive Summary

Comprehensive Wetland Protection and Management Plan

Background

On December 12, 2000, Aitkin County passed a resolution to develop a Comprehensive Wetland Management Plan and ordinance, in accordance with the 1991 Wetland Conservation Act (Mn.8420.0650 Subpart 1.A(1). After a series of 18 Wetland Advisory Committee meetings, attended by 25 citizens and 13 agency personnel, the plan and ordinance was completed. On May 17, 2004, the Aitkin County Planning Commission conducted a public hearing. Upon completion of the public hearing the Planning Commission recommended approval of the plan and ordinance to the Aitkin County Commissioners. On June 15, 2004, the Aitkin County Commissioners approved the plan and ordinance to be implemented upon BWSR approval of the comprehensive wetland management plan.

County Description

Aitkin County is located in the northwestern part of central Minnesota. The county seat, Aitkin, is approximately 126 miles north of the Twin Cities and 87 miles west of Duluth. Aitkin County is 1,275,882 acres in size. National Wetland Inventory maps indicate 51% or 553,154 acres are considered jurisdictional wetlands. It has been estimated that Aitkin County has maintained 95% of its pre-settlement wetlands. Land ownership in the county is approximately 46 percent private, 34 percent state, 19 percent county and 1 percent federal. The County's population is about 15,300.

Wetland Plan/Ordinance Review

Aitkin County officials recognized a growing awareness of wetland benefits. The stage was set for the wetland management plan with the adoption of the county's comprehensive land use plan (April 2000) which states, "the County shall protect and enhance the wetland resources through management policies that maximize the functions and benefits this resource provides." The county wetland plan and ordinance uses a predefined assessment of wetland functions related to public values in order to establish a baseline for creating management policies for the county's plan and to adopt those policies into this ordinance. The purpose of this effort is to:

- Adopt alternative standards that are flexible and meet the needs of Aitkin County, yet still achieve the overall goal of no-net loss of wetlands.
- Adopt the state Wetland Conservation Act program by reference as part of Aitkin County's official controls to provide an additional means for enforcement of the requirements of the State Wetland Act.
- Adopt, as part of Aitkin County's official controls, additional local requirements for the conservation of wetlands that are more restrictive than the requirements of the state Wetland Conservation Act.
- Adopt administrative procedures for the performance of Aitkin County's responsibilities as the local government unit (LGU) for the state Wetland Conservation Act program that shall apply in addition to the administrative procedure set forth in the Wetland Conservation Act.

Utilizing the Management Plan Summary Worksheet and Additional Local Requirements Worksheets, staff completed final review of the Aitkin County Wetland Management Plan. Findings show requirements under Minnesota Statutes Sections 103G.2242, Subd. 1 (c) and Minnesota Rules Chapter 8420.0650 have been met.

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

In the Matter of the review of the Comprehensive Wetland Protection and Management Plan for Aitkin County, pursuant to Minnesota Statutes Section 103G.2242, Subdivision 1 (c).	**ORDER APPROVING WETLAND MANAGEMENT PLAN**

Whereas, Aitkin County initiated the development of a Comprehensive Wetland Protection and Management Plan (Plan), in a December 2000 notice to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103G.2242, Subd. 1 (c), and;

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

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

FINDINGS OF FACT

1. **Requirement to Plan.** Minnesota Statutes Section 103G.2242, Subd. 1 (c) and Minnesota Rules Chapter 8420.0650 allow the Board to approve a comprehensive wetland protection and management plan developed by a county, provided it is implemented by an ordinance adopted under Minnesota Statues Chapter 462. Aitkin County will implement the Plan through the Aitkin County Wetland Management Plan and Ordinance.

   Aitkin County chose to develop the Plan to address the following concerns:
   - The Wetland Conservation Plan (WCA) is set up to treat all wetlands equally;
   - The WCA does not address the disproportionate nature of wetland impacts;
   - To clarify Aitkin County's interpretation of the WCA; and
   - To meld Aitkin County's higher standards with the WCA (additional local controls).

   The primary goals of the Plan are to provide increased protection for high priority wetlands and areas, clarify WCA language and interpretation, and increase the diversity of Aitkin County wetlands by guiding wetland replacement and banking opportunities.

2. **Nature of the Plan Area.** Aitkin County is located in the eastern portion of north-central Minnesota and encompasses 1,275,882 acres. Aitkin County is part of seven (7) major watersheds, the most significant being the Mississippi River (between Grand Rapids and

Brainerd). Approximately 51 percent of Aitkin County is mapped by the National Wetland Inventory (NWI) as wetland, and it is estimated that more than 95 percent of Aitkin County's pre-settlement wetlands still exist. Based on 2000 census data, Aitkin County has a population of 15,300, and grew approximately 23 percent from 1990 to 2000. Land ownership in Aitkin County is approximately 46 percent private and 54 percent public (State, County, and Federal).

3. **Plan Participants and Reviewers.** The Plan was conceived, developed, reviewed, and revised through a cooperative effort by Aitkin County Planning and Zoning office, Aitkin County Soil and Water Conservation District staff, Aitkin County Board members, BWSR and DNR staff, Aitkin County's Water Planning Task Force, Army Corps of Engineers, lake association representatives, citizens groups, agricultural producers, contractors, city staff, the Aitkin County Tax Payers Union, and others. The results of numerous public meetings, input from the Plan participants, and comments from agency personnel have resulted in the completion of the Plan.

4. **BWSR Review.** BWSR staff participated in the development and revisions of the Plan as a member of the technical evaluation panel, through the public meeting process, through independent review of the draft plans, and through direct communication with Aitkin County staff. All significant BWSR staff recommendations were incorporated into the final Plan and ordinance. The Aitkin County Commissioners approved the Plan at their June 15, 2004 meeting, contingent upon BWSR Board approval.

5. **Highlights of the Plan.** The critical elements included in the Plan are:

   - A function and value assessment of all wetlands in the Plan area has been completed;
   - High priority wetland areas have been identified;
   - Sequencing standards will not be varied; however, a lower standard is implied for very low ranking wetlands;
   - Replacement standards will be varied to require increased replacement ratios for high and very high ranking wetlands (3:1 and 5:1, respectively), and lowered for low and very low ranking wetlands (1/3:1 and 1/5:1, respectively);
   - A Wetland Value Replacement Fund for preservation, conservation easements, erosion control measures, exotic species control, and other projects that directly, or indirectly, benefit wetlands in Aitkin County will be established for replacement required above 1.5:1;
   - No WCA exemptions will be expanded;
   - To qualify for a forestry exemption, an applicant must provide some form of silvicultural plan to show qualification for the exemption;
   - Aitkin County has defined a new residential plat as a "single project", this includes the initial infrastructure and subsequent lots;
   - No wetland impact will be allowed within the Shore Impact Zone or in wetlands that have a surficial connection to a protected water;

- A site review to conduct a value assessment will be required for all wetland replacement plan applications;
- Wetland replacement occurring outside of the impact watershed will be at twice the normal ratio; and
- Wetland preservation areas may receive partial credit when M.R. 8420.0400 is satisfied.

6. **Water Management Review Committee Meeting.** The Board's Northern Water Planning Committee met on October 4, 2004 with representatives of Aitkin County to review and discuss the Plan. Committee members present at the meeting were Kay Cook, Wayne Edgerton, Paul Krabbenhoft, Quentin Fairbanks, and Clair Nelson. Board staff recommended approval of the Plan. After discussion, the Committee unanimously decided to recommend approval of the Plan to the full Board. Neither BWSR staff nor the Committee requested revisions or contingencies.

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 Comprehensive Wetland Protection and Management Plan for Aitkin County pursuant to Minnesota Statutes Sections 103G.2242, Subd. 1 (c).

3. The Aitkin County Wetland Management Plan and Ordinance attached to this Order provides a function and value assessment framework for all wetlands within the County, management strategies based on this assessment, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103G.221 to 103G.2373 and Minnesota Rules Chapter 8420.

ORDER

The Board hereby approves the attached Aitkin County Wetland Management Plan and Ordinance, dated June 15, 2004.

Dated at Saint Paul, Minnesota this 27th day of October, 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

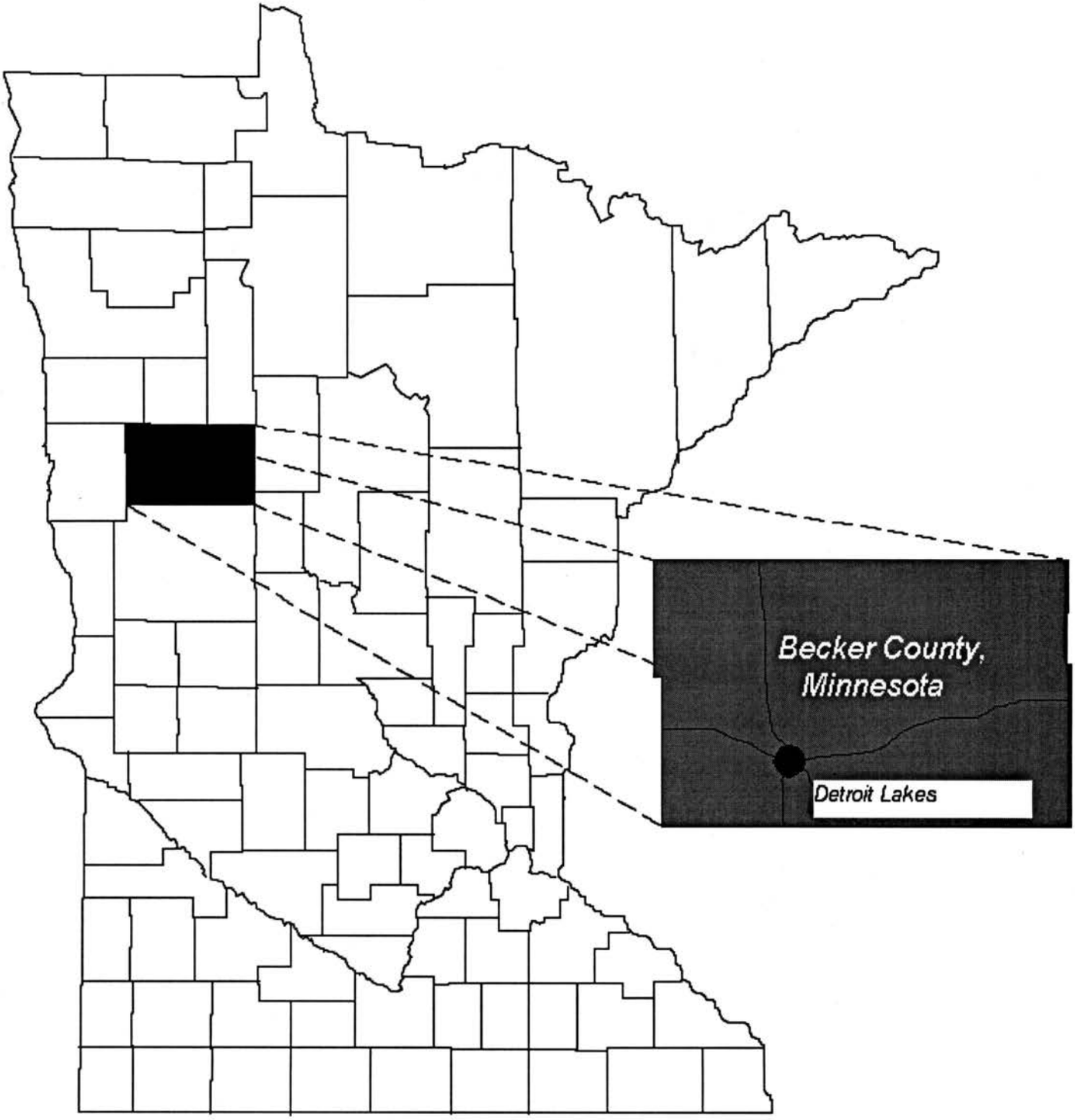
BY: Jerome Deal, Chair

PRIORITY SCOPING DOCUMENT

BECKER COUNTY

LOCAL WATER MANAGEMENT PLAN

2004


Becker County,
Minnesota
Detroit Lakes

Introduction:

Population: The population of Becker County listed from the 2000 census was 30,000 people.

Population Trends: During the ten year period 1990 to 2000 Becker County experienced steady growth in its population. Detroit Lakes, the county seat, comprised approximately 26% (or 7,800) of the County's total population. The other six incorporated areas in the County make up an additional 9% (2,800) of the population. The remaining 19,400 residents live in unincorporated areas over which the County exercises land use authority. In reviewing the Minnesota State Demographers census projections it is expected that Becker County's population will increase to 32,700 by 2010, and to 35,400 by 2020.

Dominant Land Use and Trends: Of the 921,000 acres that make up Becker County the two dominant land uses are forest land (361,191 ac. 39%) and cultivated land (302,058 ac. 33%). With an additional 10% of hay/pastureland/grassland designation. The dominant land use in the Becker county remains agriculturally based, with forestry uses not far behind.

In addition it should be noted that 9% (85,220 ac.) are water, and 5% (48,078 ac.) are listed as bog/marsh/fen.

Land use trends in the county are experiencing some changes primarily due to development pressures. The southwest and south central areas of the county are the primary areas for these new developments in the rural area. It does not appear that this will have a significant impact on the traditional agricultural areas of the county. With expected population growth in the county it is likely that this trend will continue for the foreseeable future.

Plan Responsibility and Updates: The responsibility of administrating ant coordinating implementation of the Becker County Local Water Management Plan (LWMP) is assigned to the Becker Soil and Water Conservation District.

Guidance and direction for implementation is provided by an Environmental Advisory Council whose members are appointed by the Becker County Board of Commissioners. Input and direction is also sought and provided by other local, state and federal units of government.

The original local water management plan was adopted on December 20, 1990 with the second generation plan being approved on September 9, 1997.

The current plan was scheduled to end on December 31, 2002, however an extension was granted by the Board of Water and Soil Resources until December 31, 2003. Due to budget cuts and program uncertainties in 2003 the updating process was delayed. With funding restoration for 2004 the updating process was renewed.

List of Priority Concerns: The following priority concerns were identified through public meetings, newspaper survey, and solicitation from the forty townships in Becker County, presentation to the Becker County Lakes Association and agency contacts. The priority concerns identified in order of concern were.

1. Groundwater quality or contamination
2. Development pressures
3. Surface water quality
4. Environmental Education
5. Soil Erosion
6. Failing septic systems
7. Contaminated runoff
8. Over application of fertilizers (near lakes)
9. Stormwater runoff management
10. Natural habitat destruction
11. Lack of regulations

The following resources were deemed to be the most threatened.

1. Lakes
2. Groundwater
3. Streams and rivers
4. Wetlands

Priority Concern Identification: The listed priority concerns for the Becker County Local Water Management Plan were developed using information gathered from the following:

- The Becker County Comprehensive Plan which was adopted in 2003. A forty-four member steering committee met nine times over an eighteen month period beginning November 14, 2000 and concluding on April 4, 2002 to review data collected on a variety of concerns including natural resource issues. Committee members included representatives from Becker County Board of Commissioners, Planning and Zoning, representatives from each city council in Becker County communities, DNR, SWCD, NRCS and the Pelican River Watershed District. In addition 3 public meetings were held at various locations in the County to gather input from public stakeholders. These public meetings were held on October 4th, October 5th and November 1st. Eighty people attended these meeting and gave input into the natural resource issue.

- The Otter Tail River Watershed Basin Plan completed in the fall of 2002 and supported by County Board resolutions in 2004 were used to identify priority concerns in the Otter Tail River Watershed. This watershed covers 350,636 acres of Becker County's 921,000 total acres, and contains the majority of the over 400 lakes in the county. This plan was prepared in cooperation of Becker, Wilkin, Otter Tail Counties along with Becker SWCD, Wilkin SWCD, and East and West Otter Tail SWCD's. The priority items in the Otter Tail Watershed Basin Plan were reviewed and considered in selecting the priority concerns in this scoping document.

- The Buffalo Red River Watershed District Management Plan was reviewed for like resource concerns that are found in the area of the watershed that is in Becker County. The watershed takes in 173,139 acres in Becker County. Common priority issues of concern were reviewed and were considered in developing the priority concerns. These include proper maintenance of drainage systems, sustain high quality surface and groundwater for public and private use, support and deliver programs that reduce sediment and erosion in the County.

- The Sand Lake Watershed Project is a small watershed in Southwest Becker County that has been approved for a 319 grant to address water quality issues that have been identified over a number of years of data collection by MPCA. A citizen committee has been working with several agencies and has secured a 319 grant to address these water quality and land use issues.

- Cotton Lake Management Plan Committee in cooperation with the Pelican River Watershed District completed and published the Cotton Lake Management Plan. Issues and concerns raised in the development of this plan were reviewed for priority concerns that are similar to many of the lakes in Becker County and therefore were considered in this scoping document.

- On June 14, 2004 a request for priority concerns was sent out to the following agencies: Mn. Department of Agriculture, Mn. Environmental Quality Board, Mn. Department of Health, Mn. Department of Natural Resources, Mn. Pollution Control Agency and the Mn. Board of Water and Soil Resources.

- A priority concerns survey was sent out to all forty townships in Becker County in March of 2004 seeking their input in establishing priority concerns for the water plan update. A news article informing the public of the water plan update was published in the March 31, 2004 issue of the Becker County Record newspaper along with the priority concerns survey.

Survey Results

1	Groundwater quality (contamination)	18
2	Development pressures	16
3	Surface water quality	15
4	Environmental education	11
5	Soil erosion	10
6	Failing septic systems	9
7	Contaminated runoff	9
8	Over application of fertilizers	8
9	Stormwater runoff management	7
10	Natural habitat destruction	6
11	Lack of regulations	2

Issues Identified by stakeholders:

Board of Water and Soil Resources (BWSR) – Peter Waller

- Priority Concern 1: Surface Water (specifically lakes) Quality Protection and Improvement
- Priority Concern 2: Flood Damage Reduction and Natural Resource Enhancement (specifically sedimentation) within the Buffalo-Red River Watershed District and Wild Rice Watershed District.
- Priority Concern 3: Ground Water Quality and Quantity Protection.

Minnesota Department of Health – Beth Kluthe

- Priority Concern 1: Protect ground water-based drinking water sources within Becker County.
- Priority Concern 2: Sealing unused, unsealed wells.
- Priority Concern 3: Develop a local ground-water quality data base.

Pelican River Watershed District – Tera Guetter

- Reduce nutrient loading of surface waters from upstream sources.
- Reduce torphic index of Big Detroit Lake by 5%.
- Complete the Upper Pelican River Watershed Campbell/Rice Lake Project Plan through the Small Watershed Protection Act (PL-566).
- Water quality monitoring
- Stormwater & runoff management.
- Environmental education.

Becker County Comprehensive Plan Natural Resource Issues

- Lake and watershed carrying capacity.
- Shoreland septic monitoring and inventorying.
- Fund an expansion of the County's targeted monitoring of shoreland septic systems and prioritize additional monitoring programs.
- Develop materials to encourage upgrading and repair of failing systems to accompany monitoring.
- Performance standards for gravel and mining on county managed land
- Designate agricultural conservation areas
- Identify Best Management Practices (BMPs) for the particular conditions of the Ponsford Prairie area
- Promote or provide incentives for the use of BMPs to limit risk to ground water supplies of the Ponsford Prairie, the Straight River and nearby lakes and wetland areas.
- Improve enforcement procedures for enforcing rules, ordinances, and County policies that protect habitat, fish and wildlife populations, and natural resources valuable to the County economy.
- Prohibit lawn chemical use in selected watersheds.
- Continue to expand lake water quality monitoring.
- Encourage development patterns that protect resources.
- Educate public and public officials on non-point pollution.
- Incentives for private shoreland restoration.
- Create watershed zoning or watershed overlay districts.
- Encourage sustainable use of the County's natural resources.
- Limit through zoning or subdivision ordinance, the amount of impervious surface within sensitive watersheds and protect existing shoreland buffers.
- Shoreland protection.

Becker Soil and Water Conservation District

- Sediment and erosion control in agricultural and lake areas of the County.
- Surface water quality.
- Establish buffer strips in areas adjacent to lakes, rivers and streams.
- Sand Lake Watershed Project
- Pelican River Watershed District – Upper Pelican River Watershed project for Campbell/Rice Lake.
- No-till and crop residue management.
- No net loss of wetlands.
- Stormwater runoff control on development sites and shoreland areas
- Groundwater contamination via abandoned wells or abandoned manure storage ponds.
- Land use conflicts.
- Drainage system maintenance.
- Water quality/quantity monitoring.
- Failing septic systems.

- Environmental education.
- Development pressures on small environmental lakes.
- Shoreline erosion.

Priority Concern Selection:

The Becker Soil and Water Conservation District and the Becker County Water Planning Task Force has reviewed the identified concerns raised during the data collection process and have selected the following priority concerns for inclusion in the water plan update. These selections were based on priorities identified in the plans reviewed and input from the public meetings of the Becker County Comprehensive Plan and the public surveys that were returned.

Priority Concerns:

For the purpose of the Scoping Document the identified priority concerns have been categorized into similar areas of concern. The priority concerns are, in no particular order of importance are:

- Surface water quality, nutrient loading in the Pelican River Watershed, water quality monitoring, Sand Lake Watershed 319 Project concerning surface water impacts, drainage system maintenance and buffer strips
- stormwater runoff and management, erosion and sedimentation in the Buffalo and Wild Rice Watershed Districts,
- Groundwater contamination, failing septic systems, Environmental education, abandoned wells, abandoned manure holding facilities
- Development pressures, shoreline alterations,

Priority Concerns Not Addressed by the Plan:

The similarities in many of the identified priorities allow for considerable flexibility and opportunities to address the majority of identified concerns. However some areas are better off addressed through other measures or agencies, such as the Becker County Planning and Zoning, Pelican River Watershed District, etc. Some of these would include: designation of agricultural conservation areas, creation of watershed zoning and overlay districts, impervious surface areas, land use conflicts, are some of the items not included in the priority concerns but may well be addressed by others.

Minnesota Board of Water & Soil Resources

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

October 27, 2004

Becker County Commissioners
C/O Brad Grant, Becker Soil and Water Conservation District
809-8Th St SE
Detroit Lakes, MN 56501

RE: Official Comments pertaining to the State Review of the Becker County Priority Concerns Scoping Document.

Dear Becker County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Becker 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 Becker County Priority Concerns Scoping Document (PSCD) on August 5, 2004.

The Becker SWCD and the Becker County Water Planning Task Force has reviewed the identified concerns raised during the data collection process and selected the following priority concerns for inclusion in the water plan update (in no particular order of importance):

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

The Environmental Quality Board urged the county to link its water plan with its land use plan. Doing so should strengthen both. Thinking the following resources would be useful as goals are pursues the following was provided to the county: Ground water contamination susceptibility map, TMDL-Impaired Waters map, Ground water availability information and a Population extrapolations spreadsheet from State Demographic Center. The Pollution Control Agency concurs with the priority concerns identified and recommends the County continue the collaborative approach that it has taken involving a broad range of stakeholders. The Department of Natural Resources provided the following priority water concerns: Nonpoint

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

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

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

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

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

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

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

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

Pollution, Shoreline Development, Stream Connectivity, Stream Restoration, Water Supply, and Wetland Protection/Restoration. Bob Merritt, DNR Hydrologist in Detroit Lakes was named the local contact.

The Northern Regional Water Management Subcommittee (hereinafter referred to as the subcommittee) met on October 4, 2004 to discuss the state review agencies comments, the content of the PCSD and recommendations for the content of the final plan.

The subcommittee commends the county for the process they used to select the concerns. The priority concerns to be addressed in the plan were deemed to be appropriate, although the subcommittee did ask that shoreland development issues stand out more in the final plan. The subcommittee does not recommend or require any changes to the PCSD as drafted.

Sincerely,

Jerome Deal
Chair, Board of Water and Soil Resources

C: Pete Waller, BWSR
Marybeth Block, BWSR
Ron Shelito, BWSR
John Fax, DNR
Patricia Bloomgren, MDH
Becky Balk, MDA
Paul Swenson, DNR
Lisa Thorvig, MPCA
John Wells, EQB

Cook County Water Management Plan

Priority Scoping Document

July 2004

Draft

Priority Scoping Document

The following priority scoping document for the Cook County Water Management Plan was developed in accordance with the changes to the Comprehensive Local Water Management Act; Statutes: 103B.304 – 103B.355. This scoping document lists the priority concerns the Cook County Water Management Task Force has chosen along with a detailed account of how these concerns were identified and chosen.

Cook County is located in northeastern Minnesota, sharing one boundary with Lake Superior and another with Canada. The small lakeshore community of Grand Marais is the county seat.

Population and Development Trends (excerpted from June 2004 North Shore Management Plan Update)

The population has seen a significant increase since the 1990 Census.
Cook County experienced significant change in housing units. Almost two thirds of the new units being built along the north shore of Lake Superior are located in Cook County. Tables below show comparisons for Cook County with Lake and St. Louis County.

Table 1.1: Change in Housing Units St. Louis County

Area	1990	2000	Change actual	Change Percentage
Duluth Twsp	705	714	9	1.3%
Lakewood Twsp	650	735	85	13.1%
Total Change	1355	1449	94	7%

Source: Census 1990 and 2000

Table 1.2: Change in Housing Units Lake County

Area	1990	2000	Change actual	Change Percentage
Beaver Bay	115	139	24	21%
Beaver Bay Twsp	371	403	32	8.6%
Crystal Bay Twsp	312	350	38	12.2%
Lake UT 1	198	183	-15	-7.6%
Lake UT 2	1,069	1,096	27	2.5%
Silver Bay	947	933	-14	-1.5%
Silver Creek Twsp	904	984	80	8.9%
Two Harbors	1,660	1,631	-29	1.75%
Total Change	5576	5719	143	2.6%

Source: Census 1990 and 2000

Table 1.3: Change in Housing Units Cook County:

Area	1990	2000	Change actual	Change Percentage
East Cook UT	987	1,128	141	14.3%
West Cook UT	1,380	1,526	146	10.6%
Grand Portage	202	286	84	41.6%
Grand Marais	680	722	42	6.2%
Lutsen Twsp	549	611	62	11.3%
Schroeder Twsp	228	210	-18	-7.9%
Tofte Twsp	286	225	-61	-21.3%
Total Change	4312	4708	396	9.2%

Source: Census 1990 and 2000

Dominant land use and Projected trends

The dominant land use is public forested management by federal, tribal or state managers. Approximately 9% of the land base is in private ownership. The long term population projections for Cook County suggest a stable to slightly declining resident population. Continued population increases are expected, however, for seasonal or part-time residents, especially along the North Shore. The growth of the tourist and recreation industries are also expected to increase. Together, these trends may lead to a net increase in the number of people using the natural resources of Cook County. This may also lead to a more dispersed population in rural area which in turn will add to the numbers of private wells and on-site sewage treatment systems.

Other trends and changes that will impact the physical environment include:

1. Increased development around Grand Marais, Lutsen and Tofte. The West End is developing various sewage treatment systems and may need additional public water supplies if accelerated growth occurs. Solving a sewage disposal problem and a centralized drinking water service however, may open up more opportunity for increased density growth --- which leads to other non-point pollution impacts.
2. Development and re-development of older lots is continuing to increase. Second tier growth in watersheds is occurring along with replatting and rezoning requests for increased density.
3. Recreation is increasing, especially on lakes. The U.S. Forest Service has issued the maximum number of permits allowed during many high use times for the BWCA Wilderness Area. Development may also increase adjacent to recreation facilities such as snowmobile trails, cross-country ski trails and marinas. Off-road recreation vehicle pressure is expected to increase, which may lead to erosion "hot spots".
4. Under the current economic and social scenario, mining has a low potential to increase.
5. Land used for agriculture is expected to remain the same.
6. Forest harvesting of public lands may decrease due to more efficient use and re-use of wood fiber (Most of the wood harvested in Cook County is used for paper products). Management objectives are changing because societal values are changing. Previously, harvest decisions were based largely on economics. Today's harvesting is based on integrated resource management. Timber harvesting on private lands needs a better educational emphasis targeting landowners and contract loggers.
7. The transportation system will continue to be upgraded by bridge and road reconstruction, realignments, resurfacing and right-of-way expansion, etc. More private roads may become part of the system. Roads originally designed for very light use will be stressed by increasing development.

Cook County Zoning Districts and Estimated Level of Development (1995 data)
(acres rounded to nearest hundred)

District	Description	Minimum Lot Size	Private Land Total	Private Land Vacant
FAR 1	Forest management, agriculture, recreation, dwellings permitted	20 acres	56,400 acres	39,000 acres
FAR 2	Identical to FAR 1 with greater emphasis on low density residential generally along remote public roads	10	12,600	8,700
FAR 3	Identical to FAR 2 with development at medium rural density level	5	19,400	13,400
R 1	Single family residential, higher density adjacent to Hwy 61 or Lake Superior	2	8,900	6,200
LSR	Lakeshore residential , governed by shoreland regulations for lands within 300 feet of certain lakes	1	2,300	300
RC/R	Resort commercial/residential for specific commercial activity of resorts, lodges, outfitters. Limited residential and service businesses.	5	2,800	800
GC	General commercial located in community centers of Schroeder, Tofte, Lutsen, Grand Marais, Hovalnd and Grand Portage	NA	500	100
LI	Light Industrial in areas with good road access, available utilities and compatible uses	2	200	0
HI	Heavy Industrial for mineral processing and power generation	40	400	300
BDA	Business Development Area – areas suitable for manufacturing, warehousing and other low intrusion industrial activities	1 No sewer	100	100

Note: Table is excerpted from 1997 Land Use Guide Plan for Cook County

The table above estimated 31% of residentially zoned land was developed. A large sale of lumber company property transferred approximately 20,000 acres to private ownership in the 1990's. More recently, Minnesota Power rezoned for intended private development approximately 3,000 acres. A large rezoning of Resort Commercial in Lutsen Township, approximately 300 acres, placed all acreage in an exclusively residential category. The table above does not reflect the more recent changes in acreages available for residential development . It is anticipated the next revision of the water management plan will be more synchronous with a revised land use plan and zoning ordinance.

Current concern over development design has also led to additional specialized ordinances, for example a countywide sign ordinance and an architectural design ordinance within the Tofte commercial district.

Water Management Program in Cook County

Cook County is the local government unit responsible for the county water management plan with staff from the county planning department as the primary organizational and technical staff assigned to the work. The county adopted a water management program on January 1, 1994, revised the plan in 1998 and adopted the revision on July 13, 1999 which is currently scheduled to expire on December 31, 2004.

Water Issues - Priority Concern Identification

Listed below are all public and internal forums held to gather input including dates, list of participants, organizations and a summary of proceedings.

- **October 28, 2003** - Cook County Board of Commissioners authorizes update and revision process. Notices and request for responses mailed to 44 groups, agencies, government and lake association contacts. Due date for responses was January 9, 2004.

- **November 3-7, 2003:** Request for priority concerns and plans/official controls was sent to the following: city of Grand Marais, townships of Lutsen, Tofte, Schroeder, Grand Portage tribal government, Arrowhead Regional Development Commission, Lake Superior SWCD Joint Powers Authority, Lake County commissioners, Cook County Economic Development Authority, Cook County SWCD, county coalition of lake associations and individual lake associations (West Bearskin, Leo Lake, Gunflint Lake, Tait Lake, Poplar Lake, Hungry Jack Lake, Seagull/Saganaga, Pike Lake, Clearwater Lake, Devil Track Lake, Caribou Lake, East Bearskin Lake, DeerYard Lake, Clara Lake, Iron Lake, Trout Lake) , state agencies – MN AG, MDH, MN DNR Waters, MN PCA, Environmental Quality Board, and community organizations – Gunflint Trail Association, Lutsen-Tofte Tourism Association, Grand Marais Chamber of Commerce.

- **January 20, 2004:** Meeting with Grand Portage environment and water staff to discuss water program issues
- **January 23, 2004:** Meeting with Lutsen planning committee to discuss water utility issues for township.
- **January 26, 2004**: Cook County water plan advisory committee meeting – review scoping process, review timeline
- **February 2, 2004**: Water plan advisory committee meeting – review issues received to date from various stakeholders, produce a list to begin ranking process
- **March 22, 2004**: Water plan advisory committee meeting - issues list reviewed, item by item, discussion regarding hi, medium, lo rank
- **April 19, 2004**: Water plan advisory committee meeting - issues reviewed again for importance of ranking, mailed to local govts., agencies, stakeholders for review. Comments received, prepared for May committee meeting.
- **May 24, 2004:** Water plan advisory committee meeting to plan public information meetings.

- **May 29, 2004** Public information meetings were held at Caribou and Tait Lake Association meetings
- **June 3, 2004** Cook County Soil and Water Conservation board meeting (info mtg)
- **June 11, 2004** Cook County Coalition of Lake Associations (board info mtg)
- **June 14, 2004** WTIP radio interview on plan and issues
- **June 21, 2004** Countywide Public Information meeting
- **Note**: Water mgmt staff has continued to share issues selection with groups at various July events, second meeting of COLA board, Mid-Trail Property Association, Devil Track Lake Association and county website

Response to Notifications

Responses were received from the following groups and individuals:

Bob Omoth, Gunflint Lake Associaion, Phil Serrin, Cook County Coalition of Lake Associations, Paul Nelson, Lutsen Townhip Supervisor, Jerry Caple, Gunflint Lake Association, Phyllis Sherman, Hungry Jack Lake Association, Lee Radzak, Deeryard Forest Property Association, Beryl Bissell, Lake Superior shoreline landowner, Don Evenson, Caribou Lake Association, Gary Macjiewski, Tait Lake Association, Cook County Soil & Water District board and staff, Natural Resources Conservation Service EQUIP locall committee – submitted local priorities, Grant Portage water and environment offices staff, Minnesota Pollution Control Agency, MN Department of Health, MN Department of Natural Resources, MN Board of Water and Soil Resources

List of priority concerns chosen:

The priority concerns the Cook County Water Management Plan will address include the following general areas:

1) Water Quality Monitoring
2) Wetlands management
3) Water quality management (several categories listed)
4) Water Related Initiatives and New Resources

Education and Information/Outreach is a component of each of the priority concerns, therefore, it is not categorized as a priority concern on its own.

Summary of Issues (Note: A more detailed list of issues as received in responses follows the summary)

Water quality monitoring: County leadership in the area of water quality monitoring needs to continue and expand. There is a need for more lake monitoring and an easy to access database of local information. There is a need for continued partnering with Grand Portage to monitor county waters that form a boundary with reservation waters. There is a need to monitor near shore and lake surface use that can negatively impact water quality: e.g. trash from fisherman, snowmobilers, jet ski and boating activites, exotic species impacts.

Wetlands: There is a need to consider a comprehensive wetland management and protection plan with at least two specific items of focus: conservation of significant wetlands on private property, development of a local wetland bank program.

Water Quality Management - General land use and development: There is a need for assistance with community planning issues related to wastewater and drinking water as communities develop and in specific locations for improvements (ie Caribou Lake AUAR), There is a need to assess and document the impacts of cumulative developments at sub-watershed levels. There is a need to develop response to program and policy inadequacies and failures ie. variance, plats, conditional use requirements that are not completed by property owner.

Water Quality Management - Septic systems and sewage management: There is a need for a continued focus and improvement of private property individual sewage treatment systems. There is a need for long term and regional / larger countywide wastewater planning.

Water Quality Management - Stormwater and erosion control: There is a need for more vigilant inspection, and a response to program inadequacies ie. inadequate or poor construction site controls, vegetated buffers, etc. There is a need to complete several projects: Grand Marais stormwater plan and priority projects, various road, ditch and streamside erosion/protection projects, riparian buffer improvements. There is a need to improve or add to plat reviews using

RUSLE or RUSLE II or equally valid runoff models for purposes of calculating soil loss/stormwater impacts.

Water Quality Management – Roads/design, construction and long term impacts There is a need for improved road planning and construction strategies relative to water quality. State agencies reported all phases of road planning have impacted water by location, orientation, proliferation where not needed, and problems or issues with abandonment. Runoff treatment adjacent to roads have been described as inadequate, flow patterns of intermittent or perennial streams have been interrupted or overloaded with concentrated flow and erosion control intervention has been described as inadequate. There is a need for a better policy for long term stewardship of private roads.

Water Initiatives/New water resources: There is a need to stay current with improving methods of assessing, sampling and monitoring water, creation and management of data and models, and training to effectively use these emerging tools. There is a need for continued coordination and partnering with state, federal and tribal resources. There is a need to develop a county response to the total maximum daily load impaired waters of Poplar River. There is a need for better stormwater and erosion control management incorporating unique features of county landscape ie. bedrock, highly erodible soils, springs, perched aquifers, small surface water fed streams, extreme slopes etc.

Education: There is a need for enhanced outreach education via newsletters, workshops, newspaper articles, website and radio spots. There is a need for topic specific education in the areas of stormwater management for contractors and property owners. There is a need in educational messages to tie water quality issues to citizen health and the link between land use and water quality.

List of issues identified by the stakeholders and determined to have HIGH rank

Water Quality Monitoring

- Support individual water quality monitoring in area lakes. Create an associated database.
- Share monitoring efforts with Grand Portage in key areas – inland lakes along res/county border or shared watersheds, Hovland area/Lake Superior bays.
- Lake surface use and near shore use: user conflicts, user stewardship behaviors, exotic species introduction, equipment related pollution (general topic – stewardship)
- Continue county leadership with lake associations
- Support monitoring and non-point pollution mitigation: Flutereed River, Grand Marais stormwater, Caribou Lake, Poplar River

Education

- Focus on public water quality education via such things as a yearly newsletter, continued support to the CCC and lake associations, a second water quality workshop, short articles in local papers, web site and radio, etc.
- Tie citizen health and septic systems together as a water education message
- Tie land and water links together as a water message – ie. Changes on the land reflect changes to water quality. Focus on individual management choices in messages. Support coastal recreation waters monitoring (MPCA Beach Program)

- Topic specific needs like Contractor education: Stormwater issues – permits/BMPS on sites – Extension, SWCD, MPCA , Property owner education do's and don't for good water quality, and published list of CPESC certified contractors

Wetlands

- Research/investigate for completion and adoption a Comprehensive Wetland Protection and Management Plan – elements to include or consider: conservation strategies, local incentives, use of wetland banking credits for mitigation

General land use management

- Assist with community planning issues – drinking water and wastewater management in more densely populated proposed town center (Lutsen) Support appropriate components of Caribou Lake area mitigation plan for water quality improvement.
- Cumulative effects of development at sub-watershed level. ID concerns and approaches to address it
- Policy and program inadequacies/failures mentioned here – variance follow-up for correct completion of a project, platting follow-up –correct completion of a project, etc.

Water Quality Management - Septic system issues

- Continued focus on septic systems at various levels (inspection, maintenance and proper installation, community projects, loans, and user education). Proper enforcement of ISTS requirements. Eliminate failures and non-compliance Septage management Unsewered areas issues Several questions and comments here. Better recordkeeping, construction and contractor inspection problems, and better enforcement on implemented policies were all part of the septic system discussion
- Develop "operater" permit, countywide, requiring routine inspection at regular intervals.
- Require ISTS inspection for existing parcels undergoing a lot split
- Identify regional wastewater planning activities
- Identify long term wastewater planning (compare sewered to non- sewered)

Water Quality Management – specific to stormwater and erosion control

- Vigilant inspection of disturbance associated with development projects. Consistent enforcement of Cook County rules.
- Program inadequacies need to be addressed - Stormwater management inadequate. Vegetation buffer management inadequate. Construction site controls inadequate
- Roadside and streambank erosion control projects
- Grand Marais Storm Water Management Plan priority projects
- Improved ditch and cover management
- Plat review with improved methods, RUSLE and RUSLE II modeling, etc.
- Riparian Buffer Improvement Projects

Water Quality Management - specific to Road related issues

- Road planning problems – location, orientation, proliferation, abandonment
- Program inadequacies need to be addressed - Surface runoff treatment adjacent to roads inadequate, Erosion/sedimentation controls inadequate, more frequent and appropriate inspections are needed

- Flow patterns impacted – either interrupted or overly concentrated due to road design
- Long term stewardship of private roads

Water Initiatives/new resources

- Coordinate with adjacent counties plus state and federal agencies re water quality initiatives
- Assist with community planning issues – drinking water and wastewater management in more densely populated proposed town center (Lutsen) Support appropriate components of Caribou Lake area mitigation plan for water quality improvement.
- Continue acquisition/development and application of water management tools/methodologies. (monitoring tools, databases, mapping etc)
- Impaired water body – Identify mechanisms to implement restoration plans for TMDL or 303d listed waters. Identify county role or opportunities to participate in developing/implementing TMDL projects
- Develop stormwater management programs, geared specifically to special features of county (features that are limiting or sensitive i.e.– bedrock, highly erodible soils, springs, perched aquifers, small surface water fed streams

Summary of proceedings/information meetings/internal forums to determine and select issues of high priority

Issues from respondents were reviewed, discussed and summarized from all sources including meetings, previous water plan issues, and all written or digital comments received from agencies, local organizations, citizens or government staff. Issues were organized into major topic areas and reviewed for work in progress and requiring completion, a strong current or future county leadership element in a specific work area, or issues beyond the scope of county to effect change. Current and future budget concerns were also discussed.

Committee members independently ranked each issue high, moderate or low value, then compared their rankings with each other at two group meetings, and finalized a "high ranked" issues list. The draft list was submitted again to all commenters and shared via local radio interview, press releases to local newspapers, organizational meetings like lake associations and SWCD board and one public information meeting for feedback.

Some issues were not ranked high for specific reasons. For example, issues that dropped out included well sealing – which is currently managed by Natural Resource Conservation Service via EQUIP funding, forestry work – again ongoing through DNR, Extension and BWSR, and tourism issues managed by area business organizations and economic development board . Thus these topic areas are part of other routine agency or organizational programs.

Other issues, while important, are not within the county's ability to perform a lead role. For example, the county is committed to Poplar River water quality improvement, but must integrate work with guidance from MPCA TMDL program managers. Lastly, some issues were deemed important, but would be worked into other major topics. For example, trash left by recreationists could be part of an general stewardship and water appreciation campaign by lake associations or a county public education program. Specific elements of the wetland group of issues could be rolled into an overall wetland management plan; for example, delineation of sensitive wetlands could be one element of a larger comprehensive plan.

Organizational and public information meetings summary:

Caribou Lake Association: Approximately 30 people attended the Caribou Lake Association meeting. Evens attended and presented the scoping issues to the group. Extensive discussion regarding septic system management into the future, future management of undeveloped lots, and the completion of the AUAR document and future water quality improvement.

Tait Lake Association: Members were provided with scoping document. One member followed up by attending the public information meeting.

SWCD meeting June 4 2004: Attended by Jan Hall, Bonnie Maclean, Wayne Hensche, Jeanne Wright, Wayne Seidel, Rebecca Wiinanen, Don Sivertson, Jim Hall, Alton Berglund, Mark Nelson. Evens reviewed the high ranked issues list and discussion followed.

Education: There is a need to improve educational behavior at site locations like beaches, other water contact areas. Suggestions: improved/informative signs at locations

Wetlands: There is a need for watershed focus on wetland issues – impacts to the watershed health for example as wetlands are altered. There is a need for replacement banking within the county. There is a need for restorations at appropriate locations –cedar regeneration areas or wetland enhancements with enclosures for example. There is concern regarding "incentives" concept for wetland protection, since compliance should occur within already existing law without need of "incentives."

General land use management/development issues – also pertains to roads, erosion control, and stormwater - Question from supervisor – What are the full range of state rules/ordinances/guidances – and is the county fully following or enforcing what is part of state law? Reference to perhaps we have adequate guidance via state law and what is needed is county compliance.

Water quality – septic systems

There is a need to continue planning for better long term septage management . As the county grows and better management of on-site septic systems becomes the norm, septage pumping and disposal will expand and disposal procedures will need to expand. There is a need for a city/county cooperation on septage management, possibly DNR/USFS assistance with land for future field spreading.

Water Quality – stormwater and erosion control

There is a need for more and consistent follow-up review of development projects for compliance with erosion and sediment control plans. An ordinance that established suspended solids limits is needed if RUSLE and RUSLE II modeling is approved for subdivision plat reviews.

Public Information meeting: Attended by: Gary Macjewiski, Wayne Hensche, Janice Hall, Jean Marie Modl, Bonnie Maclean, Chel Anderson

Meeting commenced at 6:30 p.m. Issues ranked high and issues ranked moderate and low were reviewed for group. Comments from Mr. Mackjewiski: Enforcement of land use rules is a concern and a process needs to evolve that follows up on permits, variances, conditional uses, permit and plat requirements not completed. Suggestions were offered in the form of no future permits issued, public disclosure of violators, broader and better required training for board of adjustment and planning commission members. Septic system program improvement discussed. Suggestions offered included more inspectors, more required education for homeowners, and added budget for program. General land use management and lack of countywide lake associations also discussed as a major issue. Suggestion was made lake associations need to become more of a working "norm" in the county, with property owners automatically becoming members of lake associations when land is purchased. Some discussion of more one on one

meetings with landowners and year round homeowners, to discuss the importance and value of lake associations.

Priority concerns not addressed by the plan with brief comments in parentheses:

Water Quality --- Monitoring:

- Increase public water supply monitoring sites- groundwater/surface water sites on lakes and streams where public water is supplied via resorts, camps etc. (continue to work with MDH but they will remain lead)

Water resources - Recreational use of lakes:

- Manage trash from fisherman – assess, create educational messages (address in general education campaign)

Water Resources ---- Education:

- Publicize consequences of tourism and development trends on surface and groundwater resources of county. Identify consequences and develop outreach efforts. (request area business groups to consider this work)
- Develop and distribute do's and don'ts for both seasonal and year-round residents concerning things we drop, drip or spill into the water or onto the ice. – educate for summer and winter behavior or seasonal changes (address in general stewardship education campaign)
- Winter trash from fisherman – assess, create educational messages (address in general stewardship education)

Water quality: Management – several work areas

Septic systems:

- Septage management (to be revisited, strong comments on this topic by lake association, SWCD supervisor)
- Unsewered areas issues (rely on MPCA guidance, efforts of towns and town center planning boards)

Erosion:

- Lake Superior shoreline erosion control projects (well managed by SWCD program)

Well sealing:

- Cost shares/loans – priority sites in wellhead and surface water protection areas (NRCS program in place)

Forestry – Hovland/Flutereed R. watershed projects to improve water quality (DNR, BWSR, SWCD and coops can assist)

Continued water improvement projects:

- Examine significance of polluted sites and any discharges of toxic or hazardous substances to Lake Superior (i.e. the fuel pool beneath Grand Marais, old dump at Colvill , Highway 61 transportation corridor etc.) Colvill dump may be a possible work project, but currently well covered and well vegetated. Other issues are MPCA and DOT primary management

General land use management:

- Delineate sensitive shoreline areas (part of subwatershed cumulative assessment element under high priorities)

Wetland conservation

- Inventory shoreland wetlands and rank/assess importance (include in a wetland management plan)
- Develop a suite of conservation strategies for key wetlands (include in a wetland management plan)
- Create a local incentive program to limit wetland losses in coastal watersheds (SWCD supervisors did not feel this was appropriate pursuit)

Water Initiatives/new resources

- Assist public drinking water suppliers with wellhead protection plans and/or surface water protection plans. Towns like Grand Marais/ resorts and camps highest priorities (rely on MDH as lead)
- Develop trout stream protection strategies (rely on DNR as lead, may also be added to stewardship education messages and Flutereed/ Poplar River watershed projects)

Minnesota Board of Water & Soil Resources

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

October 27, 2004

Cook County Commissioners
C/O Karen Evens, Cook County P&Z
411 W. 2nd St.
Grand Marais, MN 55604

RE: Official Comments pertaining to the State Review of the Cook County Priority Concerns Scoping Document.

Dear Cook County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Cook 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 Cook County Priority Concerns Scoping Document (PSCD) on July 21, 2004.

The Cook County Water Management Task Force will address the following general areas:

- Water Quality Monitoring;
- Wetlands Management
- Water Quality Management (several categories listed); and
- Water Related Initiatives and New Resources.

The Minnesota Department of Health supports the Cook Co. PCSD. The Environmental Quality Board offered the county population projections and links to available water quality information. The Pollution Control Agency suggested using a watershed approach for the Update. The PCA, DNR, and BWSR suggested also that the County adopt the non-point standards of the Lake Superior Coastal Non-point Program. The DNR suggested that surface water use be included as a PC. BWSR also suggested that the Cook Co. Water Management Plan be specific when documenting actions to implement the PCSD.

The Northern Regional Water Management Subcommittee met on October 4, 2004 to discuss the state review agencies comments, the content of the PCSD and recommendations for the content of the final plan.

Cook County agreed to add all the suggestions except including "surface water use" as a priority concern. The county deems that regulations for surface water use follow a "separate" state

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fax (507) 359-6018

Rochester
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Suite A
Rochester, MN 55904
phone (507) 285-7458
fax (507) 280-2875

Saint Paul
One West Water Street
Suite 250
Saint Paul, MN 55107
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process which is outside the scope of the County Water Management Plan. The other agency comments will be woven into the four PSC's (above).

The priority concerns to be addressed in the plan were deemed to be appropriate with the additional items mentioned above to be included in the four PC's.

Sincerely,

Jerome Deal
Chair, Board of Water and Soil Resources

C: Mark Nelson, BWSR
Marybeth Block, BWSR
Ron Shelito, BWSR
John Fax, DNR
Patricia Bloomgren, MDH
Becky Balk, MDA
Paul Swenson, DNR
Lisa Thorvig, MPCA
John Wells, EQB

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

In the Matter of Extending the Local Water Management Plan for **Cook County** (Chapter 103B.401-408 authorizing BWSR to grant extensions)

ORDER EXTENDING LOCAL WATER MANAGEMENT PLAN

Whereas, the Cook County Board of Commissioners has a state approved Comprehensive Water Plan (Plan) that is effective until December 31, 2003 pursuant to M.S. 1990.301 and

Whereas, the Cook County Board of Commissioners requested and received an extension of the Plan on June 26th, 2002 by the Board pursuant to Minn. Session Law 1995, Chapter 184 Section 24 and

Whereas, the Board has authorization to grant extensions pursuant to Minn. Statute 103B 401-408.

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

FINDINGS OF FACT

1. On May 10, 2002, the Board received a resolution from Cook County requesting an extension of their Plan. Primary reason for the extension request was to synchronize the Plan with MPCA's Lake Superior Basin and Rainy River Basin Planning Processes; and the MDH's Source Water Assessment and possible protection plans.

2. The Board previously approved a one year extension until December 30, 2004.

3. On October 4, 2004, the Northern Region Water Management Review Committee reviewed and approved an extension request for an additional year (to December 31, 2005). This will allow Cook County the full two-year extension allowed by Board policy. The extension is necessary to ensure they will qualify for the 2005 block grant within the final plan approval timeline.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of extending the Plan Cook County pursuant to Minn. Statute 103B 401-408.

ORDER

The Board hereby approves the extension of the Cook County Plan until December 30, 2005. Dated at St. Paul, Minnesota, this 27th day of October, 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Minnesota Department of Agriculture

Minnesota Department of Natural Resources

Minnesota Pollution Control Agency

Minnesota Board of Water and Soil Resources

October 4, 2004

via mail and e-mail: FarmBillRules@usda.gov

Financial Assistance Programs Division
USDA Natural Resources Conservation Service
P.O. Box 2890
Washington, D.C. 20013

Attn: Conservation Security Program

We are writing to comment on the Conservation Security Program (CSP) interim final rule. As a leading agricultural state, Minnesota has an important stake in CSP. We view it as an innovative program that promises to offer agricultural producers meaningful financial incentives and rewards for environmental stewardship on working farms. Our comments reflect the perspectives of the Minnesota Department of Agriculture, the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and the Minnesota Board of Water and Soil Resources.

We commend NRCS for conducting a successful federal fiscal year (FY) 2004 pilot signup. Much can be learned from the pilot about what it will take to make CSP effective. As the results of the signup are still being analyzed, we appreciate NRCS's recent decision to extend the deadline for comments on the interim final rule by 15 days. We understand that CSP presents unprecedented rule-making challenges due to its innovative and comprehensive nature, and hope there will be opportunities to amend the final rule as needed over the next several years to fix potential flaws that may become apparent as more producers and more types of farms participate.

Below are the aspects of the interim final rule we believe are most important at this juncture.

- **Priority Watersheds**. *CSP should be available to all producers nationwide every year, as intended by the law; the "priority watershed" approach to implementation should be abandoned.* We agree that watersheds provide an excellent geographic basis for focused conservation efforts with measurable results related to surface water quality and erosion by water. However, we believe that goal can be accomplished by other means, including CSP enhancement payments for subwatershed projects involving multiple farms, Conservation Partnership Initiative grants, and coordination of other locally led projects. Furthermore, watershed boundaries may be irrelevant in places where groundwater quality concerns or wildlife habitat and biodiversity issues rival or prevail over surface water quality issues.

  If the watershed approach to CSP implementation continues, then NRCS should select the watersheds well in advance and post a schedule as soon as possible that states which watersheds have been selected to participate in each of the next several years.

Minnesota Department of Agriculture • 90 West Plato Boulevard • St. Paul, MN 55107 • Phone 651/296-4435 • Fax 651/297-5522
Minnesota Department of Natural Resources • 500 Lafayette Road North • St. Paul, MN 55155 • Phone 651/297-8341 • Fax 651/296-4799
Minnesota Pollution Control Agency • 520 Lafayette Road North • St. Paul, MN 55155 • Phone 651/296-7323 • Fax 651/296-6334
Minnesota Board of Water and Soil Resources • 1 West Water Street • St. Paul, MN 55107 • Phone 651/297-5617 • Fax 651/297-5615

- **FY04 Pilot Program Watersheds**. *The watersheds selected to participate in the FY04 pilot signup deserve another chance to participate in CSP in the next year or two, alongside the additional watersheds to be selected.* Many producers invested time in CSP information meetings and attempted the self-assessment process only to become frustrated with unanticipated restrictions (see below), an extremely short signup period, and a large paperwork burden, all with little advance notice.

- **Minimum Eligibility Requirements**. We agree that CSP must set high conservation standards, but believe NRCS has set the bar too high by requiring producers to have already met all soil and water resource quality criteria standards *before* enrolling. We believe the pre-condition requirement as defined in the interim final rule should be eliminated or changed: *CSP should promote high environmental standards by requiring producers to achieve those standards by the end of the second year of the contract, or by requiring one of the standards (either soil quality or water quality, but not both) to be met upon enrollment while allowing the other to be met within the first two years of the contract.*

- **Signup Periods**. *The opportunity to enroll in CSP should be ongoing year-round*, or at least five months long, especially considering the time producers need to assemble management records in the application process. A longer, ideally year-round signup would also facilitate state and local efforts to promote CSP in coordination with other conservation program promotion efforts and reduce the need for intensive special coordination of NRCS staffing, extra office hours, and the like, to fit short CSP time frames.

- **Enhancement Payments**. Enhancement payments hold the key to realizing CSP's promise of meaningful financial rewards. We commend NRCS for developing a list of specific agricultural management activities eligible for enhancement payments in the 2004 signup. *Eligibility for enhancement payments should be expanded, however, to include a fuller range of practices and activities. Adding cover crops and resource-conserving crop rotations to the list of eligible soil management enhancements is especially important in Minnesota*, as our emerging new statewide Clean Water Vision attempts to improve the quality of our sizeable water resources while maintaining soil productivity for agriculture. Adding resource conserving crop rotations to the list is also important relative to partnerships among several agencies in Minnesota, including Minnesota NRCS, to support organic agriculture. Finally, relative again to our statewide Clean Water Vision, we feel it is important to add on-farm research, demonstration, effectiveness monitoring, economic evaluation, and participation in collaborative multiple-farm projects to the list of activities eligible for enhancement payments.

- **Energy Incentives**. We commend NRCS for including forward-looking energy conservation and renewable energy production enhancement payments in the 2004 signup. However, we question whether CSP is the right program to provide incentives for those types of renewable energy production that are not land-based and already qualify for federal incentives such as tax credits and grant funding.

- **Contract Payments**. *The per-acre cap on overall contract payments should be eliminated.* CSP already includes payment caps by law. This additional new cap disadvantages smaller operations and those with lower rental rates regardless of their conservation effort. We heard from producers who looked forward to enhancing their stewardship efforts with the help of CSP, only to cap out quickly with a minimal conservation effort.

- **Conservation Practices**. CSP was intended to be available to all types of working farms. Limiting the set of practices eligible for cost-share runs counter to that intention as well as to the NRCS goal of encouraging progressive conservation planning. *If CSP is to be an agent of change, then all NRCS-approved practices should be eligible for CSP cost-share* (except animal waste transport and storage, as stated in the law), provided a given practice is appropriate to meet standards or enhance performance for designated resource concerns in a site-specific conservation plan.

- **Self-Assessment Workbook and Application Process**. We believe NRCS is on track in developing the CSP Self-Assessment Workbook, and are committed to promoting CSP readiness by helping producers complete the self-assessment process. An important observation is that NRCS and those of us who helped promote the 2004 CSP signup may have significantly underestimated the amount of time and assistance many producers needed to complete the application process.

  We appreciate that the workbook attempts to strike a balance between simplicity and detail—that is, if it were any longer or any more detailed, some might think it too complicated. However, while some producers told us they felt the workbook provided a good initial indication of eligibility, other producers felt it was of little value because the questions were not specific enough. Either way, we are concerned that the way the questions are asked may give some producers the impression they probably do not qualify when they actually do, or vice versa. This might be addressed by asking more specific questions that directly relate to the eligibility requirements—for example, a set of questions about the specific types of records actually required to be eligible, instead of general multi-part questions such as "Do you keep written records or documentation of your nutrient management activities for each field, such as yields, soil analysis, plant tissue analysis, and nutrients applied?"

  Some producers reported that the basis on which they did or did not qualify was unclear to them. We suspect this was due to the pilot nature of the 2004 signup and the compressed schedule NRCS staff had to adhere to. We hope the program will provide the time and resources necessary to communicate specific reasons for qualification or disqualification to each applicant in the future, to make the process more transparent.

  In addition to the above feedback, we think the CSP self-assessment process could be improved by encouraging the development of state-specific workbooks and correlating the self-assessment process with Environmental Quality Assurance self-assessments that commodity groups and others have developed.

We look forward to CSP evolving into the nationwide, comprehensive program described in the 2002 farm bill—open to all types of producers, in all watersheds, on an ongoing basis. Only then might CSP provide a non-regulatory avenue to reach national and state water quality and other conservation goals, as well as a WTO-compliant safety net for producers—a vision we hope to realize in Minnesota.

Thank you for the opportunity to comment on the CSP interim final rule. If you have any questions about our comments, please feel free to contact any of the following agency staff: Perry Aasness, Assistant Commissioner, Minnesota Department of Agriculture, (651) 296-4435; Wayne Anderson, Agricultural Policy Director, Minnesota Pollution Control Agency, (651) 296-7323; Wayne Edgerton, Agricultural Policy Director, Minnesota Department of Natural Resources, (651) 297-8341; or Doug Thomas, Assistant Director, Minnesota Board of Water and Soil Resources, (651) 297-5617.

Sincerely,

Gene Hugoson, Commissioner
Minnesota Department of Agriculture

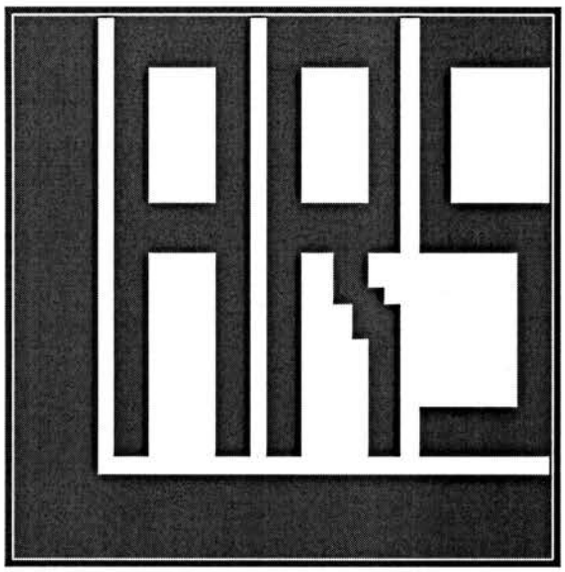
for Sheryl Corrigan, Commissioner
Minnesota Pollution Control Agency

Gene Merriam, Commissioner
Minnesota Department of Natural Resources

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

GH: MDA ARMDD: bw

cc: Minnesota Governor Tim Pawlenty
NRCS State Conservationist Bill Hunt and Assistant State Conservationist Paul Flynn
U.S. Senators Norm Coleman and Mark Dayton
U.S. Representatives Gil Gutknecht, Mark Kennedy, John Kline, Betty McCollum, James Oberstar, Collin Peterson, Jim Ramstad, and Martin Olav Sabo



WRAP-UP

Local Government Annual Reporting System

1997 – 2002

Minnesota Board of Water & Soil Rersources
One W. Water Street – suite 200
St. Paul, Minnesota 55107

Eric Mohring
651-297-7360
eric.mohring@bwsr.state.mn.us

Revised May 2004

Introduction

The year 2003 marked the last use by local governments in Minnesota of the Local Government Annual Reporting System (LARS) to report on 2002 activities. LARS was put in place in the mid-1990s to improve the efficiency of accomplishment reporting required of local governments receiving state funding for natural resource management through the Minnesota Board of Water and Soil Resources (BWSR).

LARS was a pioneering effort, one for which no road map or blueprint existed. It was put in place before the large-scale proliferation (outside of academia) of communication avenues, such as the internet and the world wide web, we now take for granted. There was a wide range in computing capacity across the various local government offices, from none all the way to sophistication far outstripping state government. The challenges involved in crafting a usable, automated reporting system and putting it in place across the state were great.

In spite of stumbling blocks, mistakes, and many frustrations, the LARS effort produced a useful body of data of the type that never existed beforehand. It was a start, and it paved the way for future efforts. With the retirement of LARS and the advent of its much more powerful successor, eLink, it seems fitting to reflect on the entire LARS effort, the body of data collected, and the lessons learned.

Background

BWSR works with local units of government, such as counties, soil and water conservation districts (SWCDs), and watershed districts, on natural resource management issues. BWSR directs funding to local units of government to accomplish a variety of management and planning functions. During the last two decades there has been a steadily increasing expectation that the resulting accomplishments and benefits be *measurable* and *measured*. This was especially true for projects in place on the ground, such as erosion control or water quality improvement practices.

With the political climate of the 1990s, words and phrases like "environmental outcomes," "milestones," "measurable benefits," "accountability," "indicators," "outcome measurement," and "accomplishment reporting" became increasingly common. A whole new vocabulary evolved in the public sector. It was no longer enough to measure accomplishments by number of permits processed or number of plans produced. Instead, it was what did these things produce? What were their benefits?

By the mid-1990s it was clear that the annual reams of paper reports received from local governments did not provide an efficient way to determine measurable benefits. In cooperation with MPCA and others, BWSR began work on a computerized reporting system. The system became known as *LARS* (Local Government Annual Reporting System).

There was much debate about the appropriate platform. The intention was to make the program usable across a wide range of computer platforms, even the "low-powered" computers in some local government offices of the day. Windows® was not universal at the time, nor was e-mail or internet access. With these constraints in mind, the goal was to construct LARS as a simple, user-friendly relational database application distributed to local governments. The idea was for local government staff to load it on their computers, use it to keep track of projects and financial data, and send a data disk in to BWSR every year.

LARS Database Structure

The system was designed to keep track of data from the following programs:

- Conservation Easements
- Land & Water Treatment
- Feedlots
- State Cost-Share
- Local Water Planning
- Wetland Conservation
- Clean Water Partnership
- Local Shoreland Administration
- County Feedlot Program

It was constructed as a Foxpro for DOS database. LARS data are stored in a series of linked database files or tables. Each file provides a template for storing data from a program or program element:

Database File	Description
EASEMENT.DBF	Conservation Easement (RIM) Information
FEEDINF.DBF	Feed Configuration Values
FEEDLOT.DBF	Feedlot Information
LANDOWN.DBF	Land Owner Information
LANDWATR.DBF	Land & Water Treatment Information
LGUADMIN.DBF	Annual Information for RIM & WCA
LGUINF.DBF	Lars Current Configuration Values
LOCATION.DBF	Monitoring Locations -Local Water Planning
LWPEDUC.DBF	Education & Information -Local Water Planning
LWPEXP.DBF	Financial Information & LWP Annual Information
LWPINVEN.DBF	Inventory Information -Local Water Planning
LWPMONIT.DBF	Monitoring Information -Local Water Planning
LWPPLAN.DBF	Planning & Environmental Info -LWP
PRACTICE.DBF	Conservation Practive Information
SITELOG.DBF	Application Sitekey & Year sets
WETLAND.DBF	Wetland Conservation Information

Figure 1: LARS database files.

The LARS program used a menu-driven system to input and access data for the various programs.

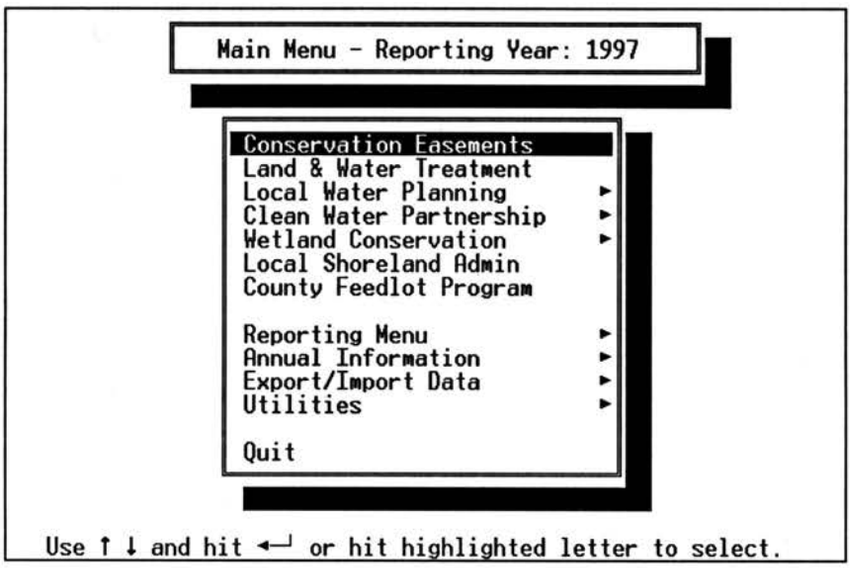


Figure 2: LARS main menu.

Pollution Reduction Estimates

Through cooperation with the MPCA, the LARS system was expanded to include pollution reduction estimates for projects involving erosion control or water quality improvement practices. The program has estimates of *soil erosion-based* pollution reduction for soil savings, sediment reduction, and phosphorus reduction for: 1) sheet and rill erosion, 2) gully stabilization, 3) stream bank/ditch stabilization, 4) filter strips, and 5) feedlot pollution.

The calculations use either the Revised Universal Soil Loss Equation (RUSLE) or a volume voided to estimate soil loss reduction. Sediment Delivery Ratios based on the distance to the receiving water body and the estimated soil loss reduction are used to estimate sediment reduction. Attached phosphorus reduction is derived from sediment delivery and a coefficient based on grain size. There are also 6) wind erosion and 7) "other" calculated pollution reduction, but these offer no calculations, just a place to enter the results of calculations done elsewhere.

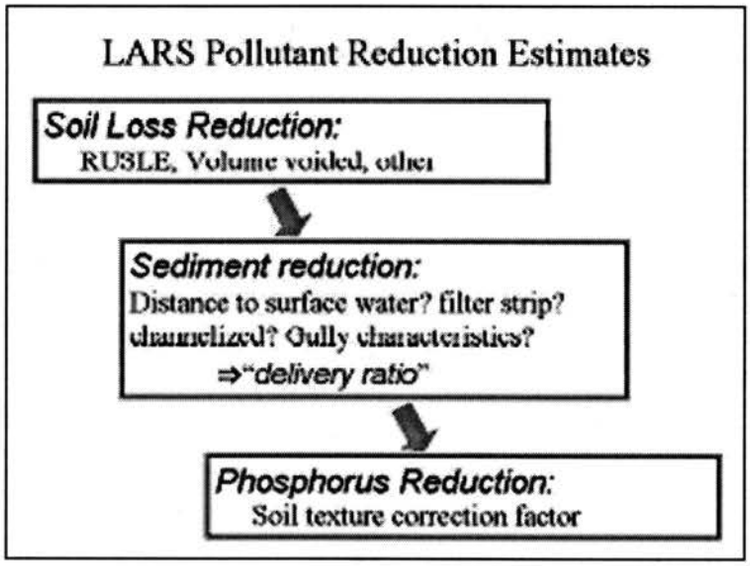


Figure 3: LARS pollution reduction estimates.

LARS Use and Data Collection

A testing program put LARS in place in a handful of counties and SWCDs for 1996 reporting.

For 1997 reporting, BWSR required that reporting for the programs it managed be done using the LARS system. LARS users across the state experienced many problems with installation, use, data management, and export. Serious bugs in the program compromised the value of the data. Though it was widely believed that the 1997 data were worthless, this turned out not to be the case. In spite of the problems experienced, useful data were collected for 1997, especially for land and water treatment practices and easements.

LARS code saw some major revisions in 1998. These revisions cleared up some, but not all of the problems with installation, data entry, and data export. Maintaining and troubleshooting over 300 installations of LARS across the state proved an almost overwhelming task for BWSR staff. The 1998 data required some manual fixing and cleaning up, but once this was accomplished the data quality showed a huge improvement. LARS was on its way to being functional.

In 1999, LARS code saw minor revisions, as well as some repair of the 1998 data. LARS use and the quality of data collected improved steadily from 1999 through 2002. Some lingering bugs existed, but these could be managed or worked around.

The emerging, and soon the biggest, problem was that technology was changing rapidly. While LARS remained a "vintage" mid-1990s computer application, BWSR clientele were adopting and becoming increasingly comfortable with the newer technology. Windows® operating systems, e-mail, internet, the web, and readily available geographic information systems all made LARS seem like, in the words of one SWCD staff person, a "cranky old dinosaur." Local government staff showed great patience as BWSR squeezed additional years out of the LARS system while its successor, eLink, was being designed, built, and put into place.

In spite of the difficulties, LARS enabled the collection of a large and very useful set of data on local government accomplishments. These include data on nearly 20,000 land and water treatment practices (also known as best management practices or BMPs), and 3,500 easements, of which over 2,100 are Minnesota River Conservation Reserve Enhancement Program (CREP) easements. Also included are data on projects accomplished through local water management, including over 3,400 education projects, over 2,200 monitoring projects, and over 500 inventory projects. If nothing else the data demonstrate the magnitude of local government accomplishments in natural resources management. This report includes a series of maps and charts that graphically represent data on local government accomplishments from 1997-2002.

Land and Water Treatment Projects

The LARS database contains information on the installation of 19,888 land and water treatment practices, or BMPs. Figure 4 shows locations by type of pollution reduction estimate used. These projects included 127 different practice types.

Figures 5-9 show the top 20 project types according to number, cost, and pollution reduction estimates for soil loss, sediment, and phosphorus. Figure 10 depicts pollution reduction estimates for the projects. Figure 11 is a cost-benefit summary.

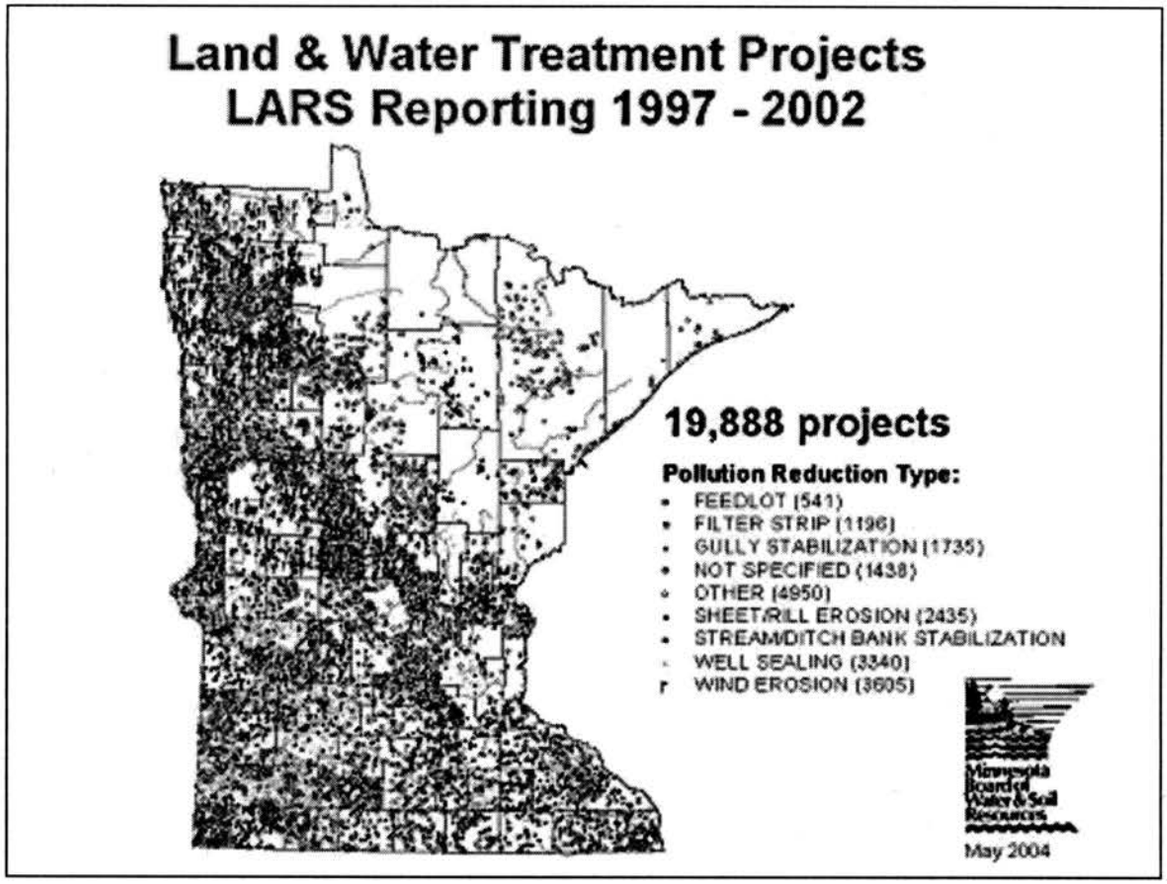


Figure 4: Land & water treatment projects (BMPs) reported via LARS.

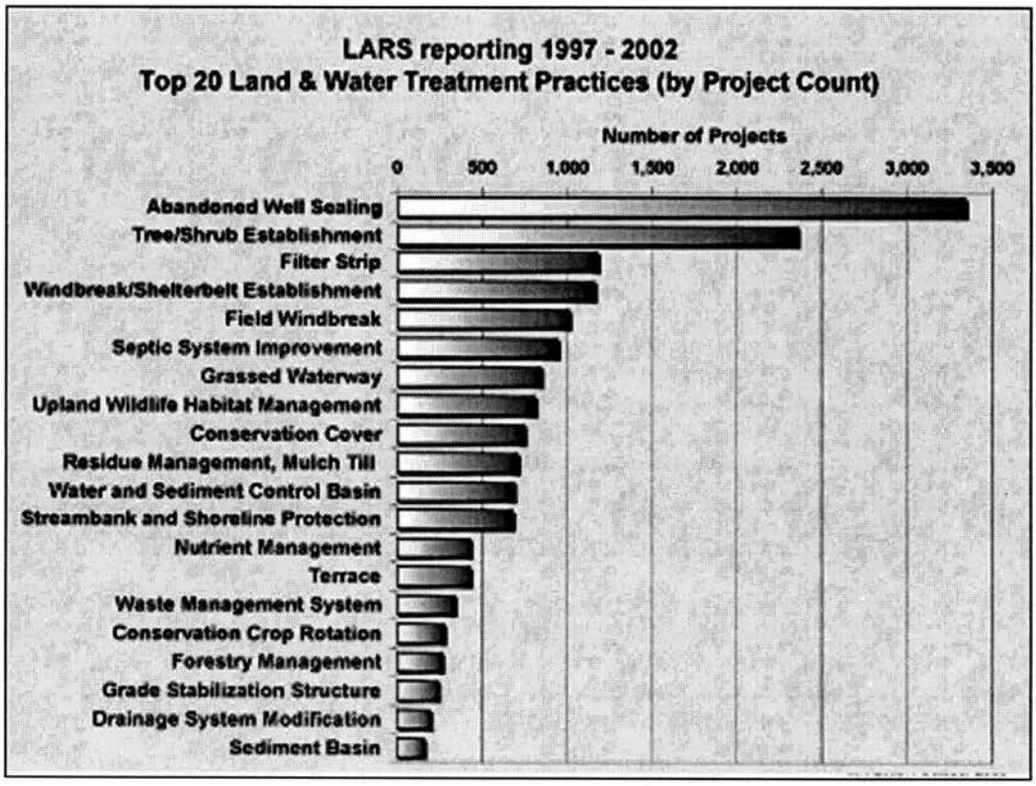


Figure 5: Top 20 land & water treatment projects (by project count).

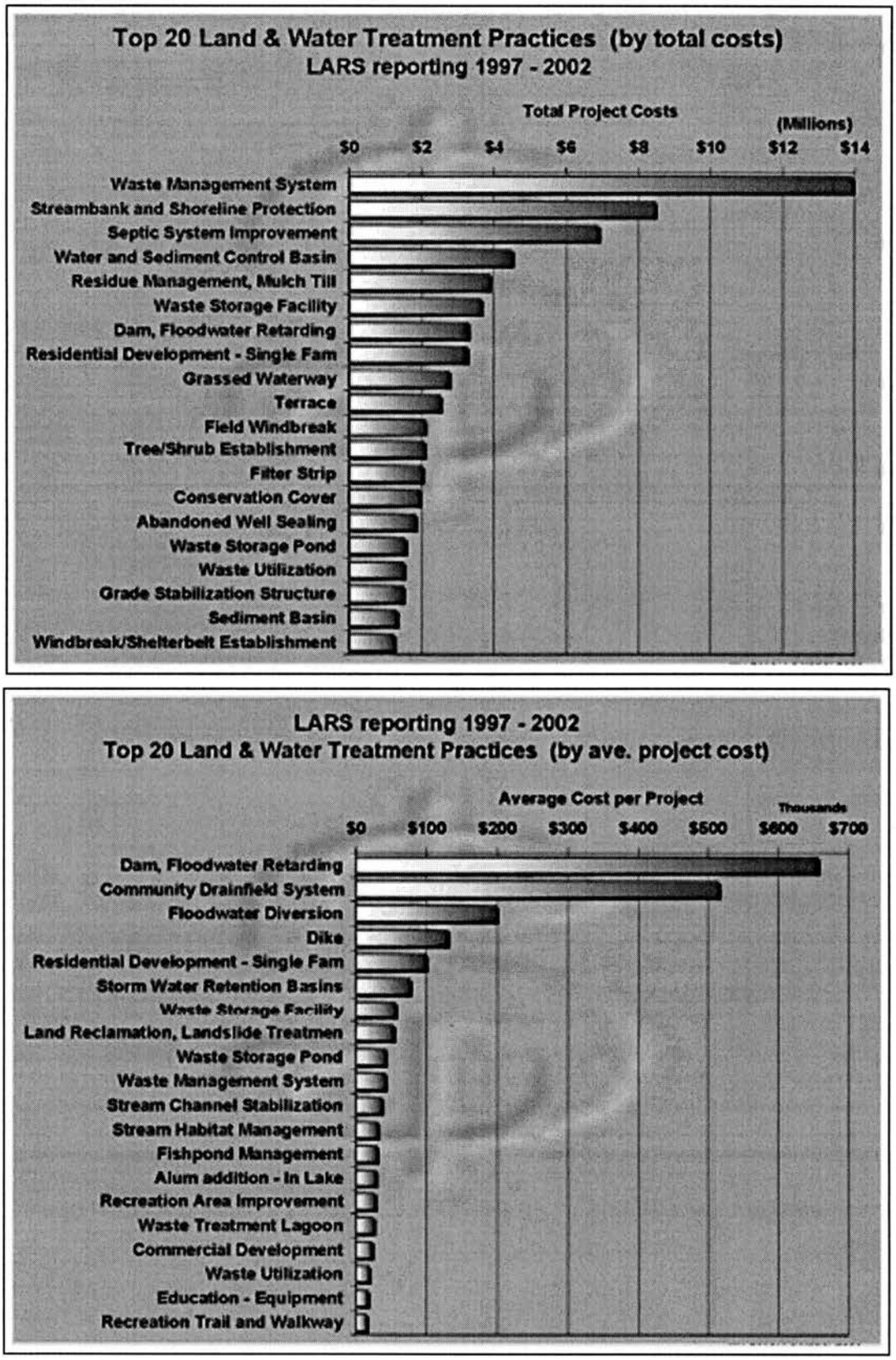


Figure 6: Top 20 land & water treatment practices (by total costs and average project cost).

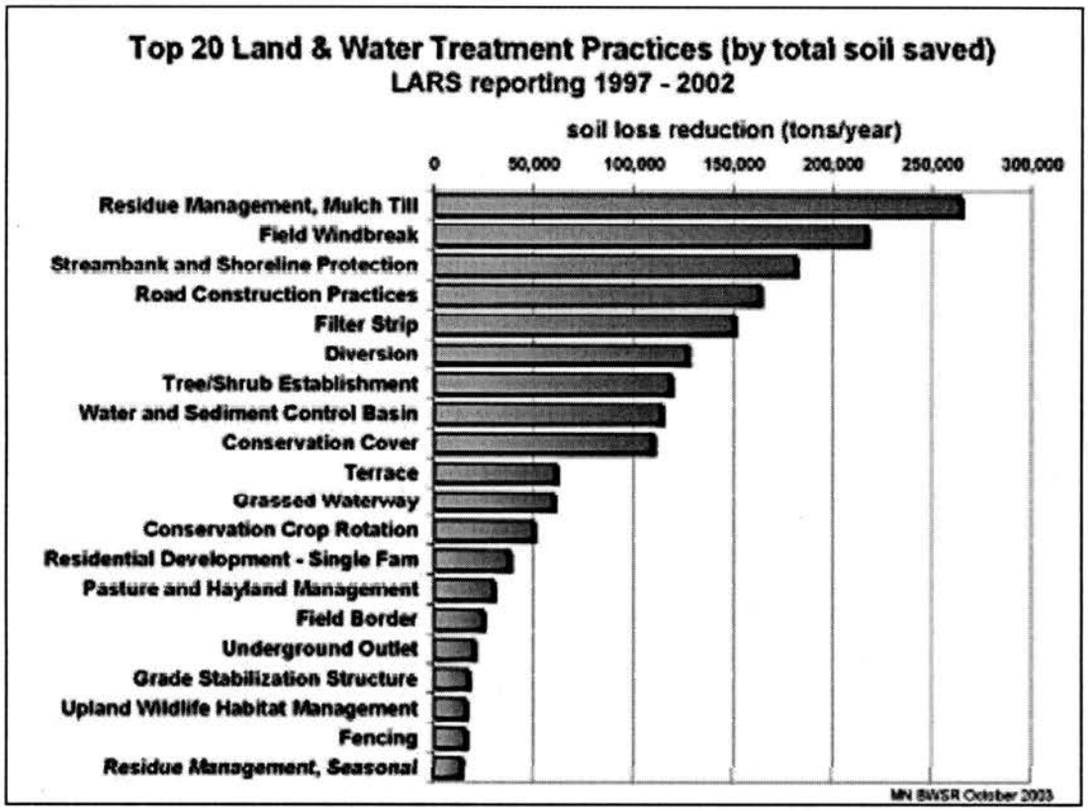


Figure 7: Top 20 land & water treatment practices (by total soil saved).

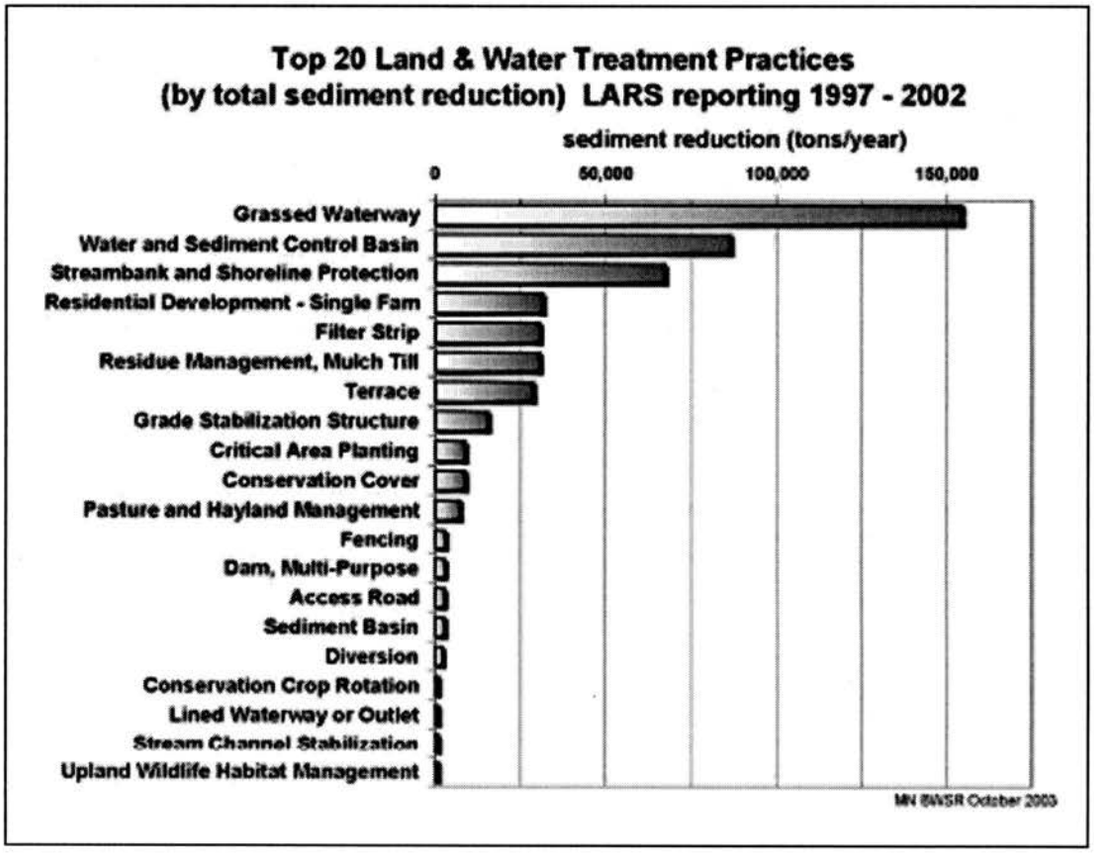


Figure 8: Top 20 land & water treatment practices (by total sediment reduction).

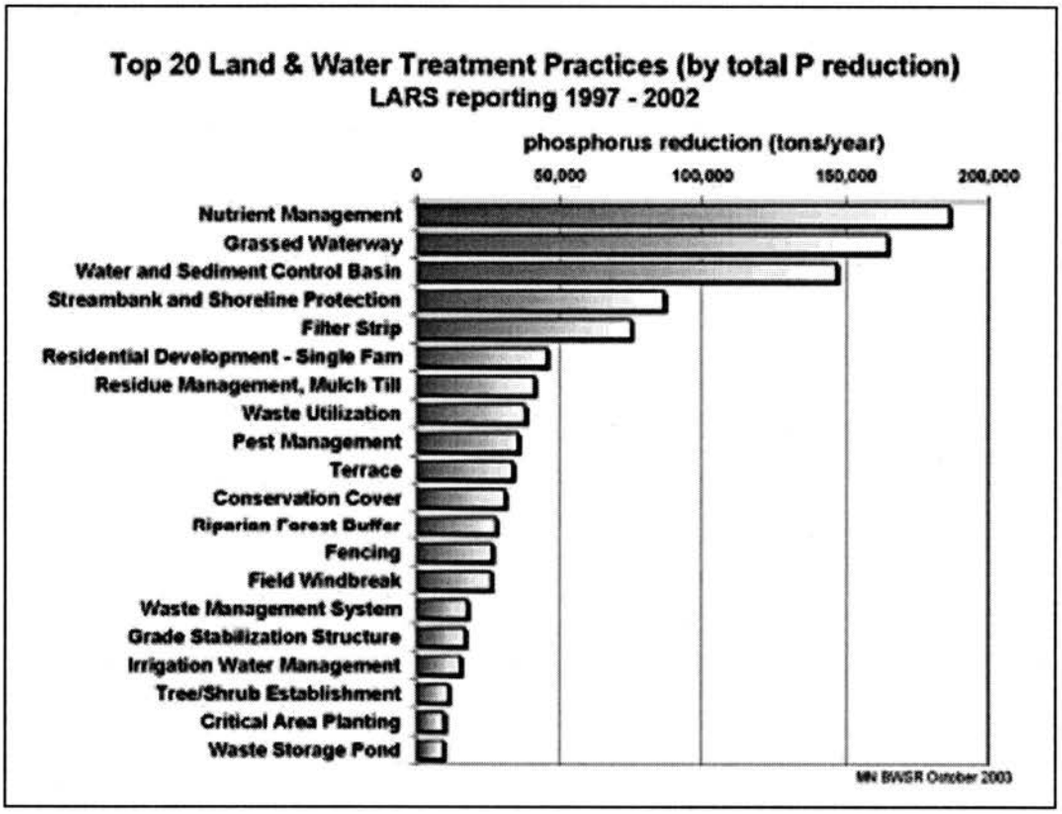


Figure 9: Top 20 land & water treatment practices (by total phosphorus reduction).

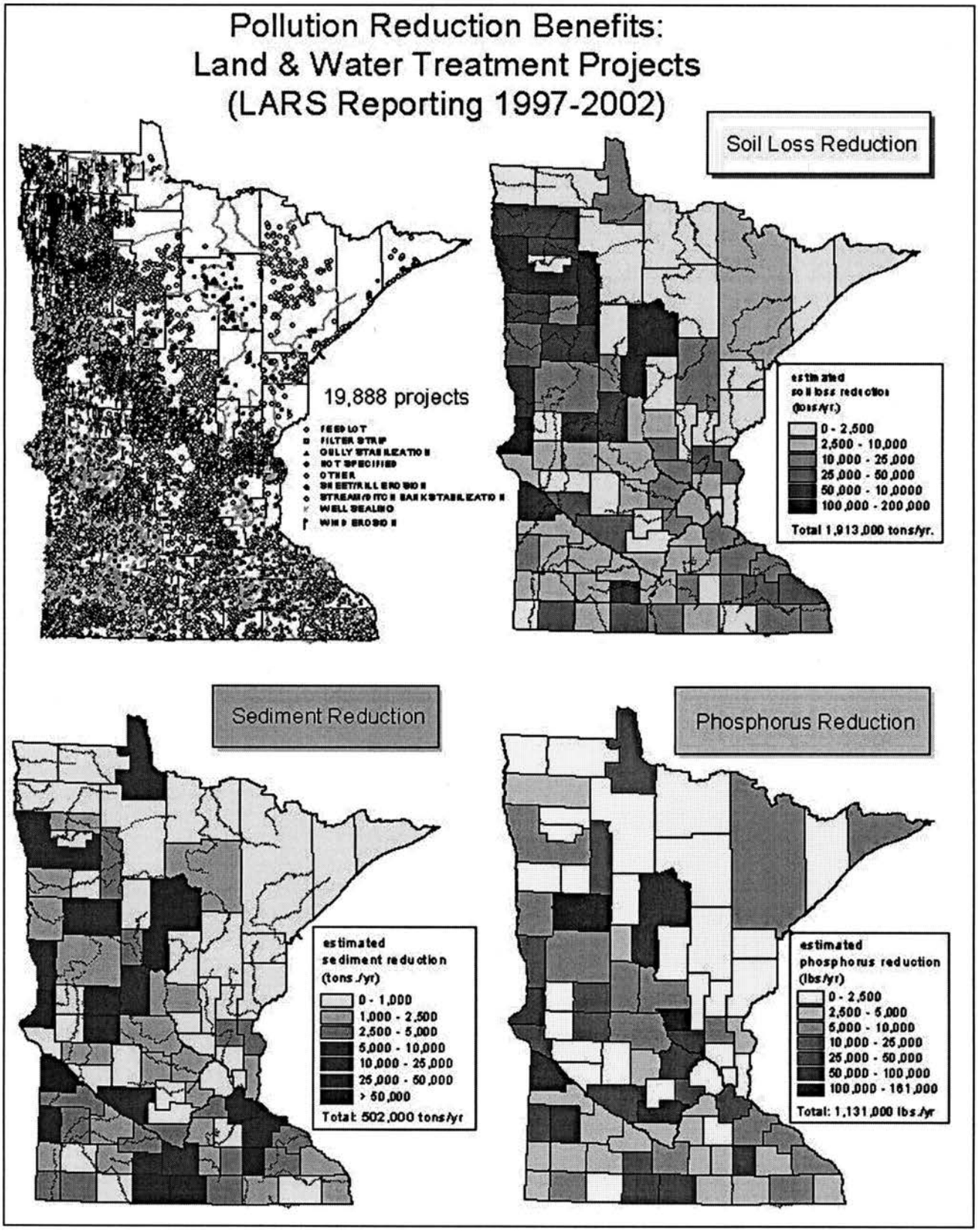


Figure 10: Pollution reduction estimates for land & water treatment projects reported via LARS.

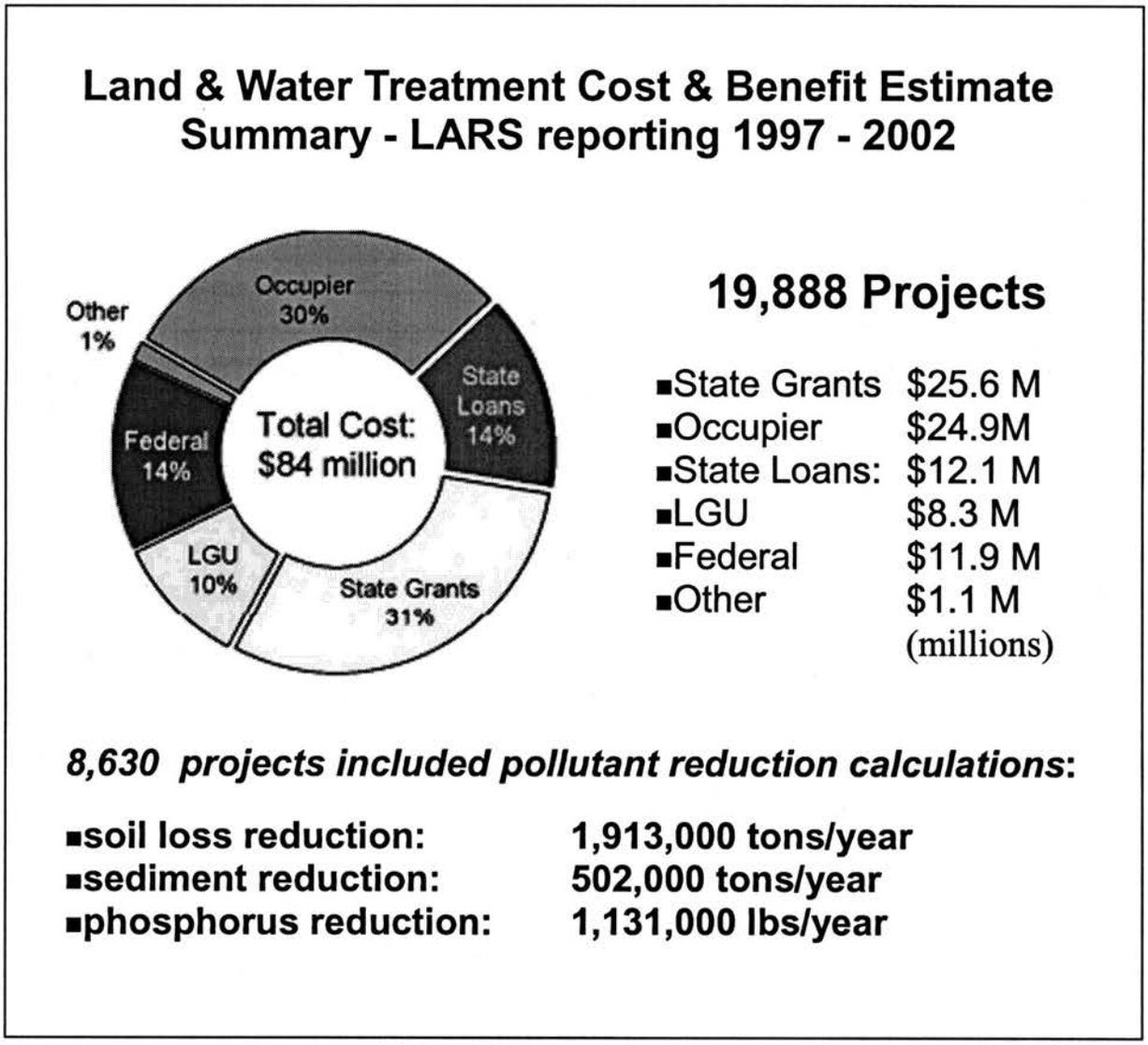


Figure 11: LARS land & water treatment project cost and benefit estimate summary.

Subsets of Land and Water Treatment Data

Data on land and water treatment projects in LARS come from a number of different programs. These include the state erosion control and water quality cost-share program, local water management, feedlot programs, Clean Water Partnership (CWP), section 319 projects, local water planning challenge grants, and others. The Land and Water Treatment dataset can be split apart and analyzed in different ways to assess the costs and benefits of various programs, categories, or subgroups. This has proven to be a very useful exercise and will continue to be under the new eLink system.

State Erosion Control and Water Quality Cost-Share Program

The state cost-share program encompasses the base state cost-share program, state cost-share special projects, feedlot water quality management grants, and the Minnesota River cost-share. These are the "bread and butter" of SWCD activities.

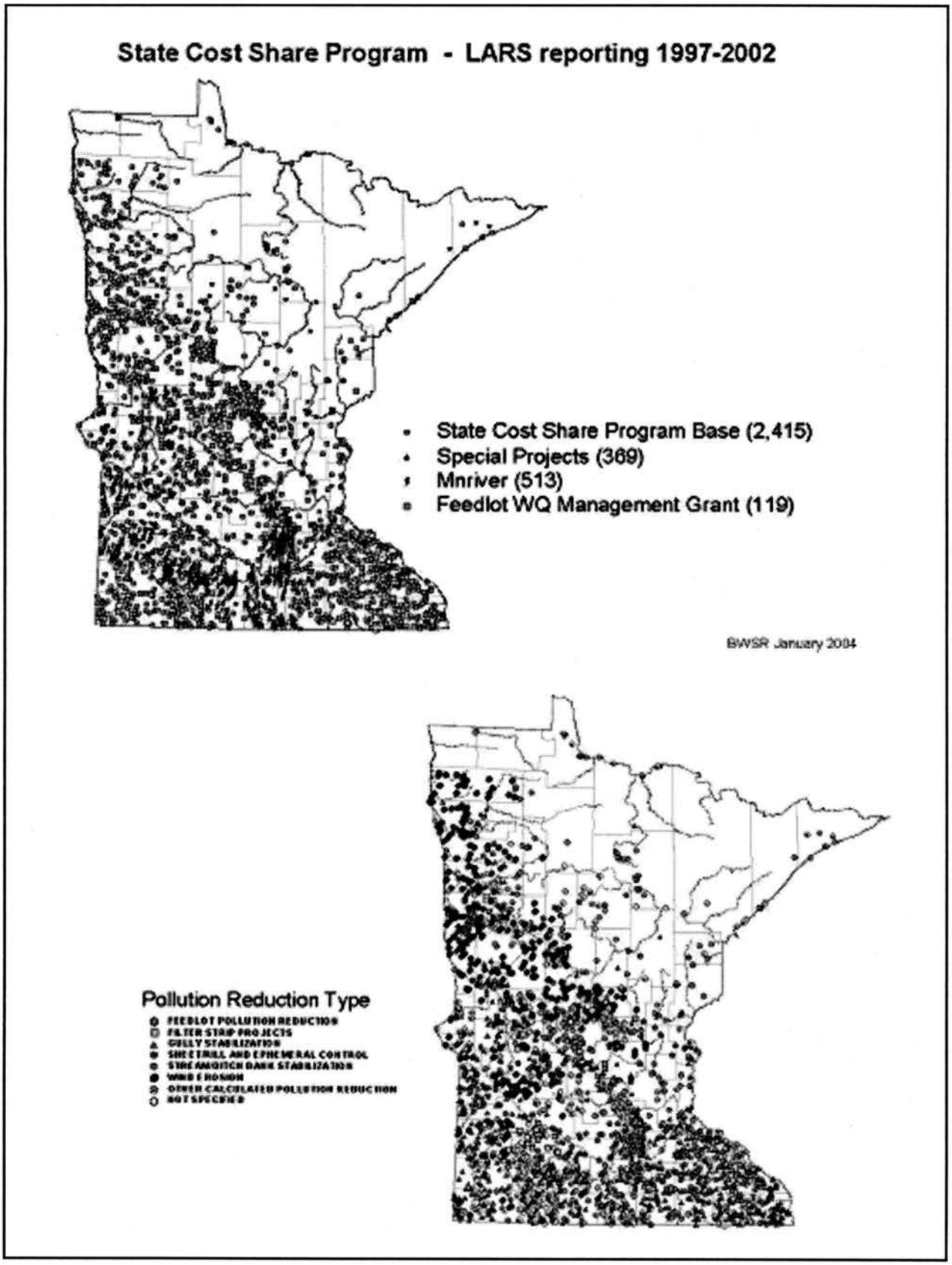


Figure 12: Location of state cost-share projects (by program and pollution reduction type).

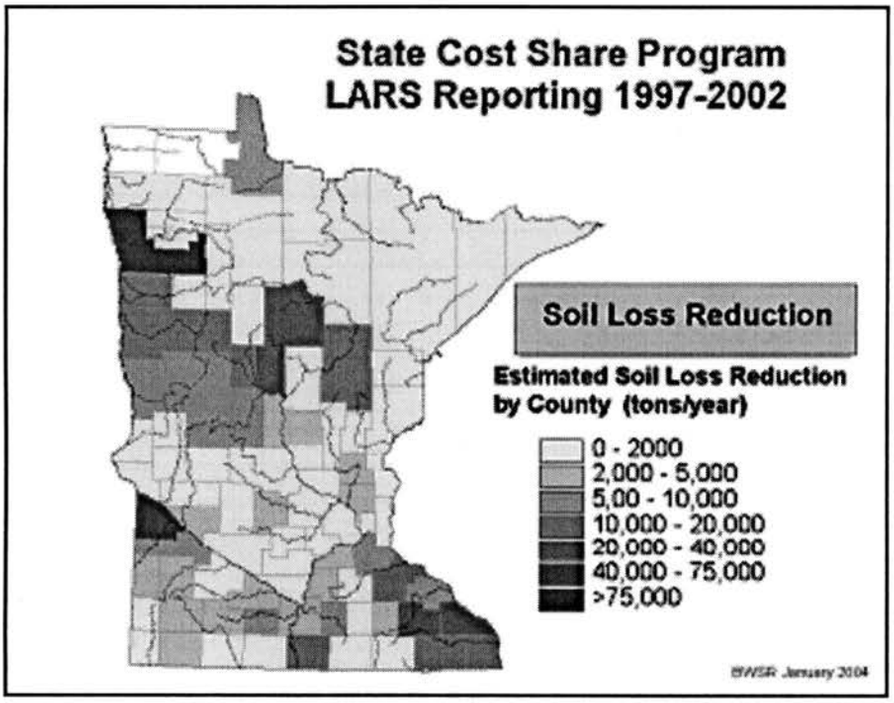


Figure 13: State cost-share program: estimated soil loss reduction by county. From LARS reporting 1997-2002.

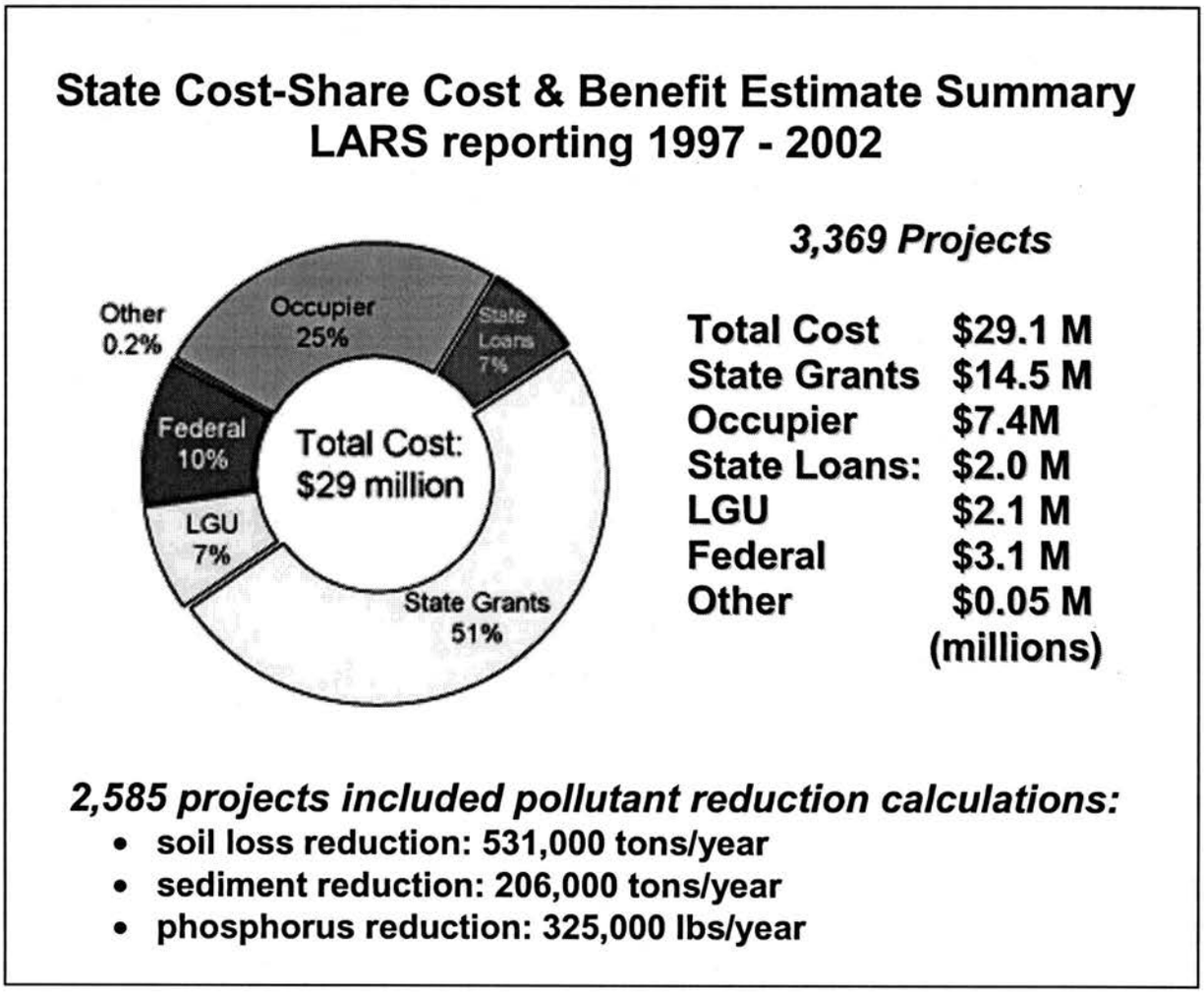


Figure 14: LARS state cost-share cost and benefit estimate summary.

Feedlot Programs

Feedlot programs are an example of a subset of the land and water data that has generated much interest. It is easy to select feedlot projects from the larger dataset using funding source as the selection criterion. Figure 15 shows the location of feedlot projects reported via LARS. It graphically demonstrates the resourcefulness of local government units in leveraging funding from different sources to accomplish the projects. Figure 16 shows the total funding picture for feedlot-related land and water treatment projects reported via LARS.

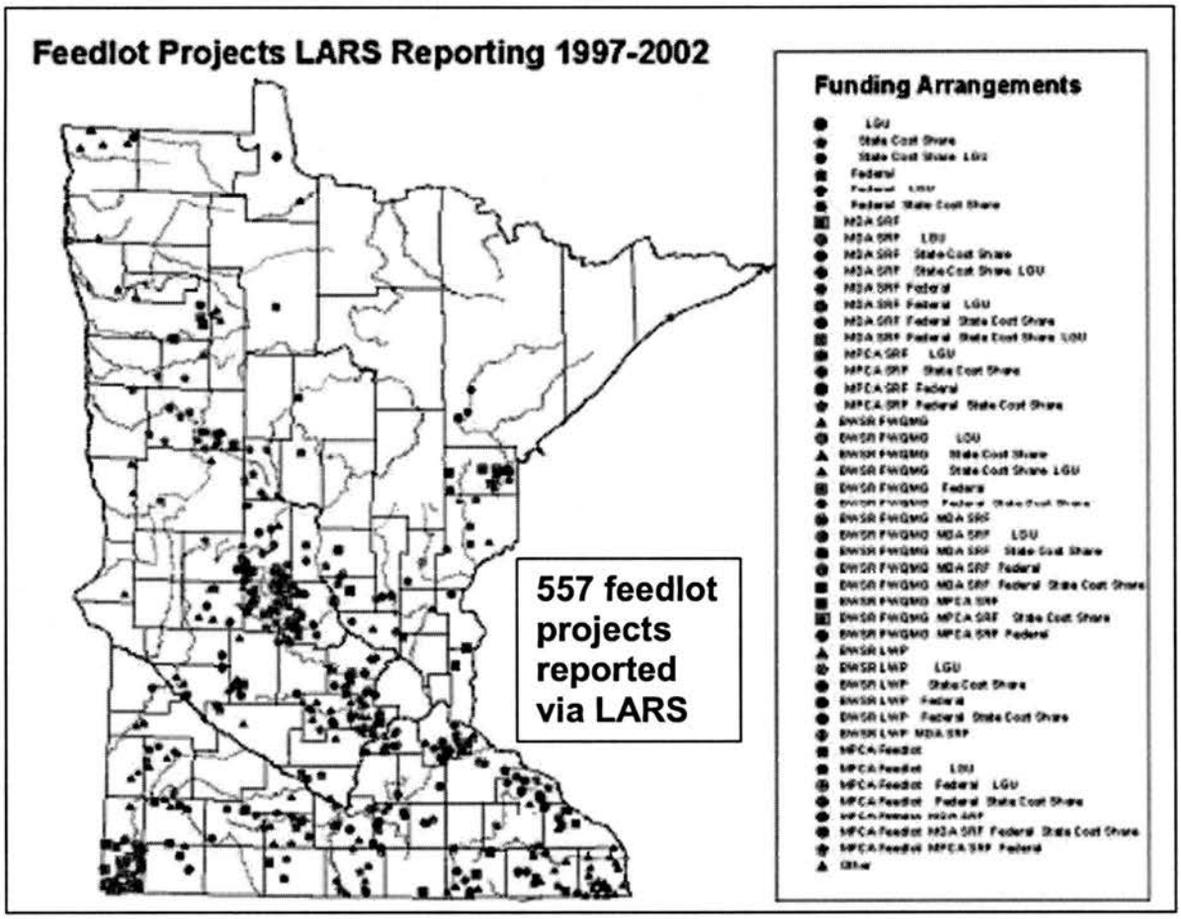
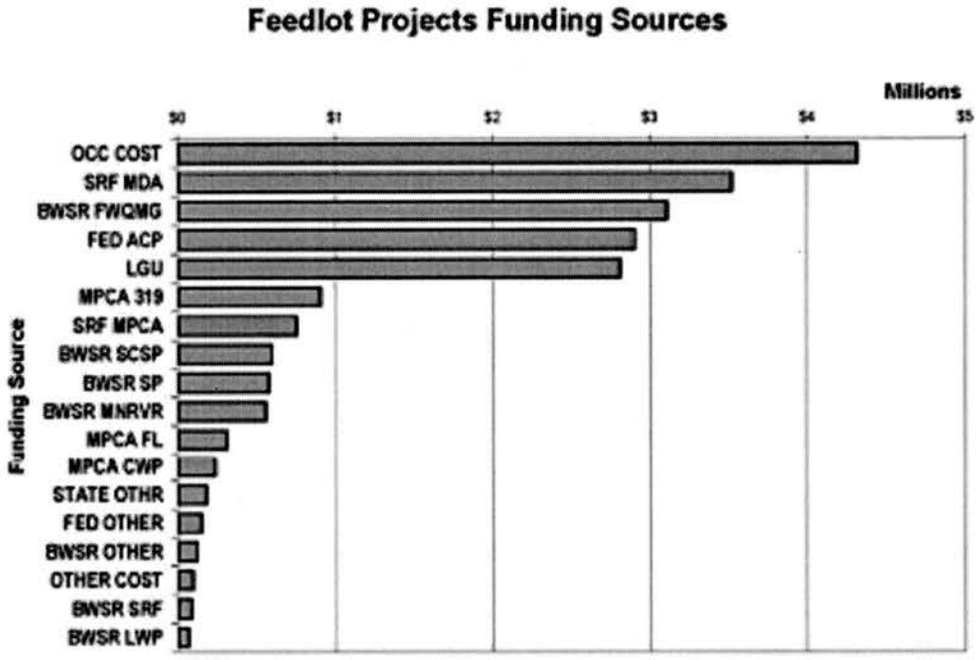


Figure 15: Location of feedlot projects reported in LARS. Each symbol represents a unique funding arrangement.



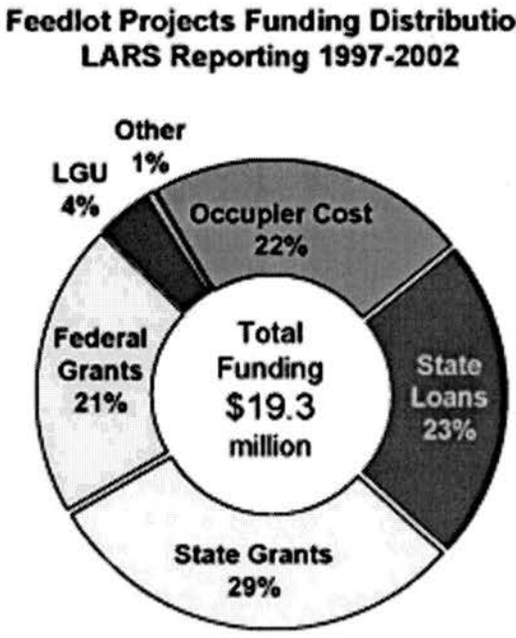


Figure 16: Funding for feedlot-related land & water treatment projects reported via LARS.

Easements

The Reinvest in Minnesota (RIM) program improves water quality, reduces soil erosion and sedimentation, and enhances wildlife habitat by retiring marginal lands from agricultural production and restoring wetlands. The program pays landowners a percentage of the value of their land to enroll it in a conservation easement. The following figures summarize all easements reported via LARS, including those from the Minnesota River Conservation Reserve Enhancement Program (CREP).

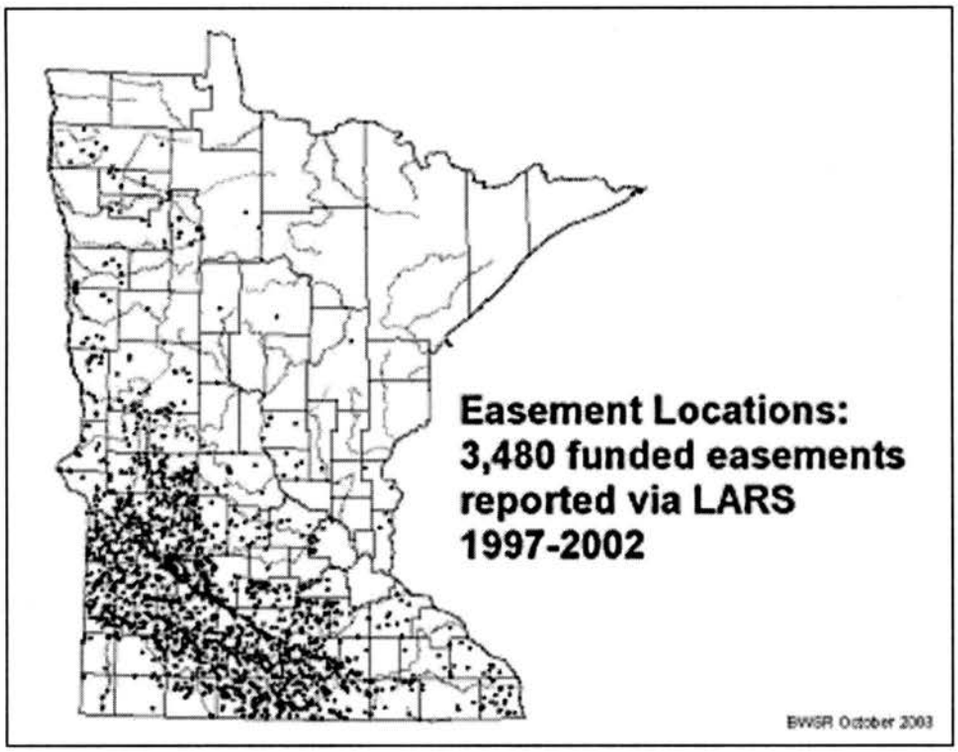


Figure 17: RIM easement locations.

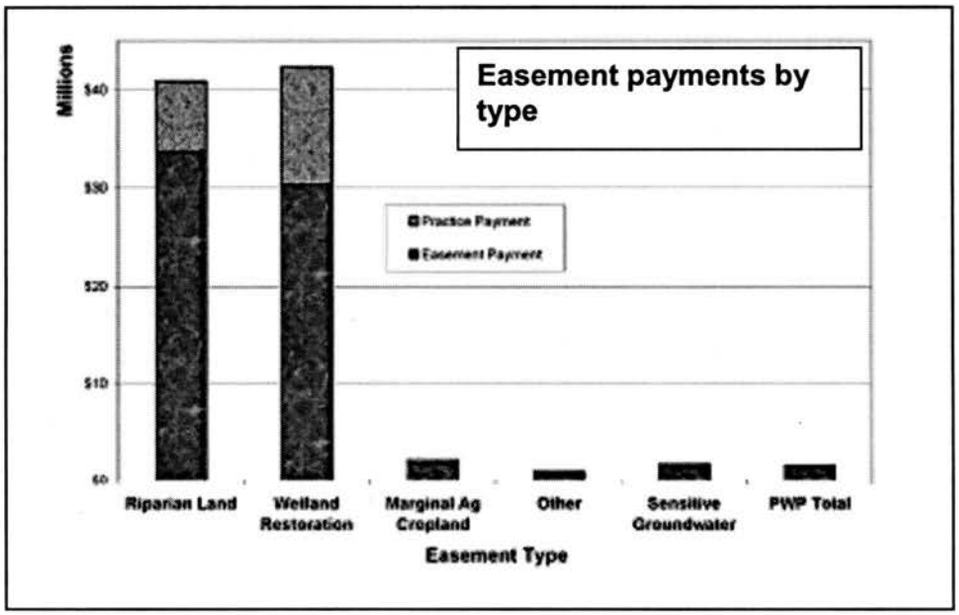


Figure 18: RIM easement payments by type.

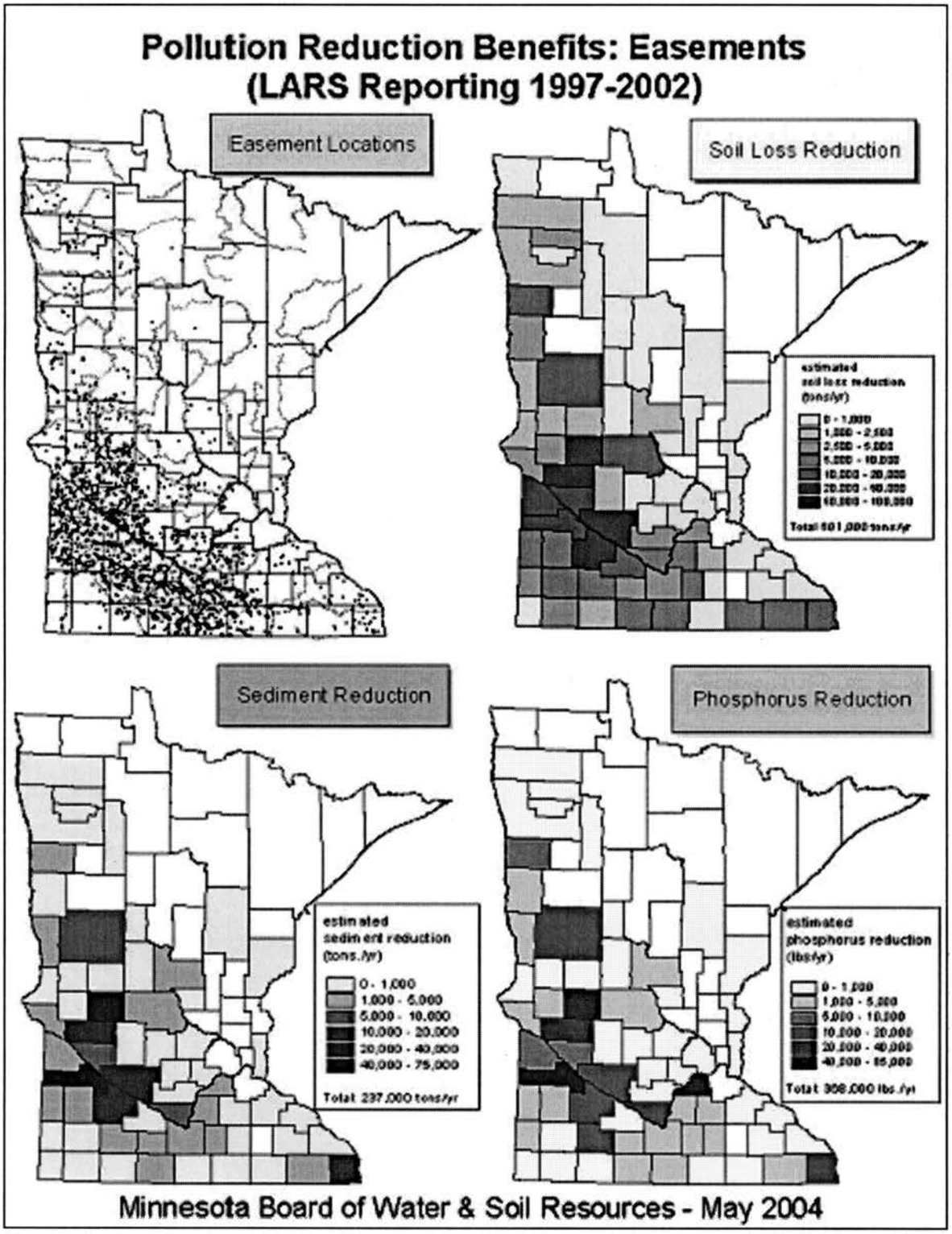


Figure 19: Pollution reduction benefits for RIM easements.

CREP Easements

Since 1988, much of the easement effort has gone into the Minnesota River CREP. CREP combines state and federal land set-aside programs, leveraging federal money for Minnesota.

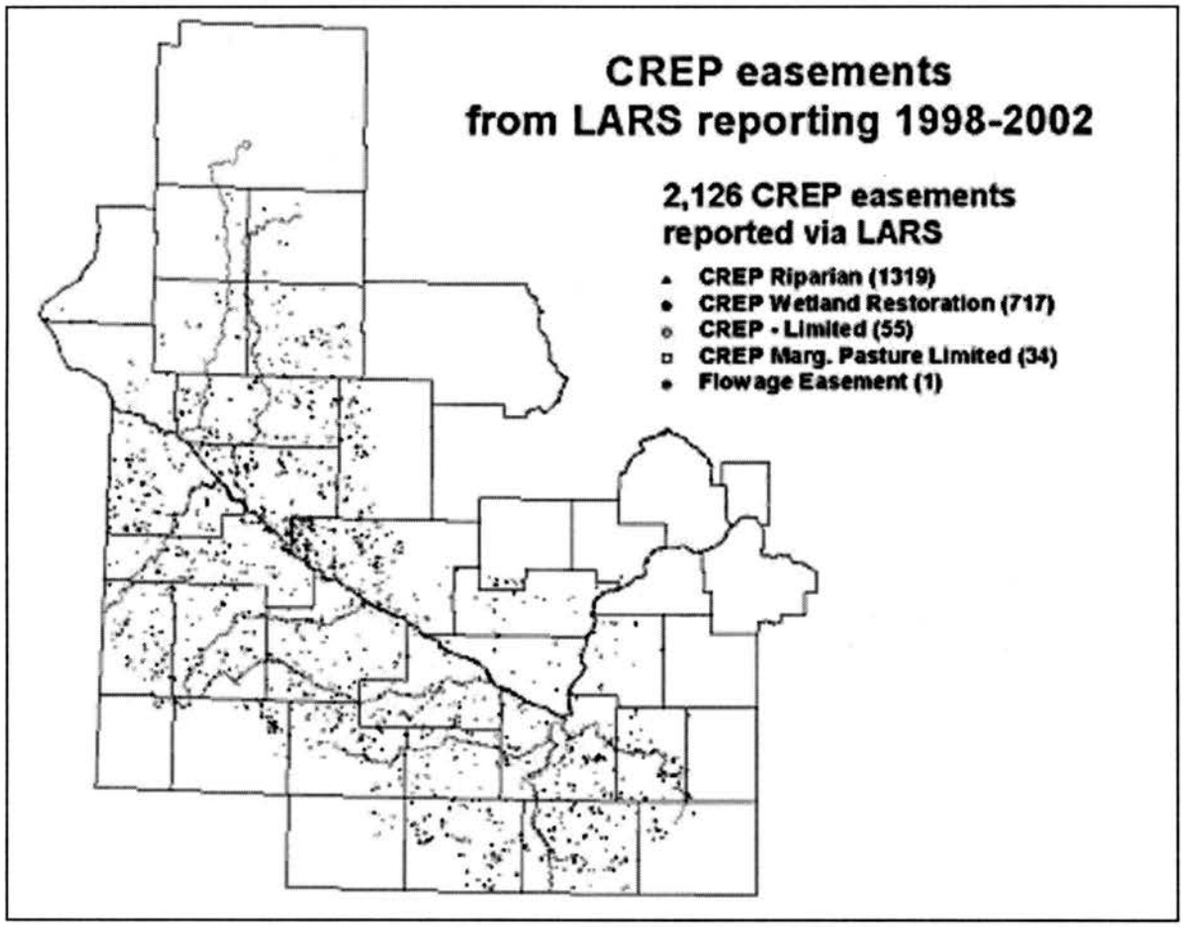


Figure 20: Minnesota River CREP easements (location and type).

The state's first CREP focused the efforts of federal and state programs on the Minnesota River basin. Its goals are to:

- reduce soil erosion;
- reduce sediment and phosphorus loading;
- establish riparian buffers to protect streams, rivers, and ditches;
- protect sensitive groundwater areas;
- restore wetlands to benefit water quality, wildlife, and water storage capacity; and
- create wildlife habitat.

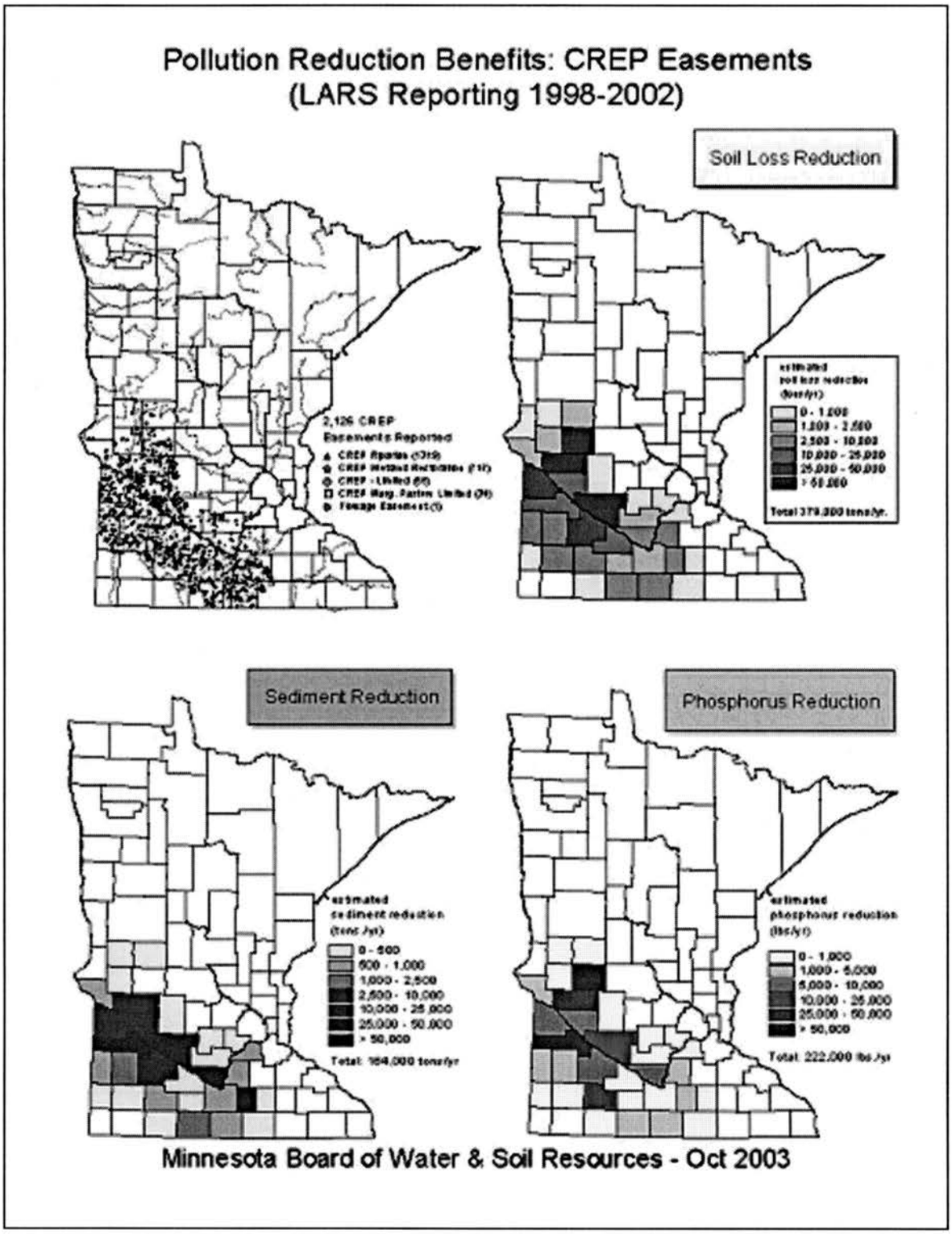


Figure 21: Pollution reduction benefits for Minnesota River CREP easements.

Local Water Management

In addition to projects put in place on the land, LARS captured information on the various accomplishments of local water planning and management, such as information and education, monitoring, inventory, and planning efforts.

Information and Education

Information and education activities included distributing newsletters, hosting environmental leadership forums, leading school activities focused on water protection and management, and conducting demonstration projects.

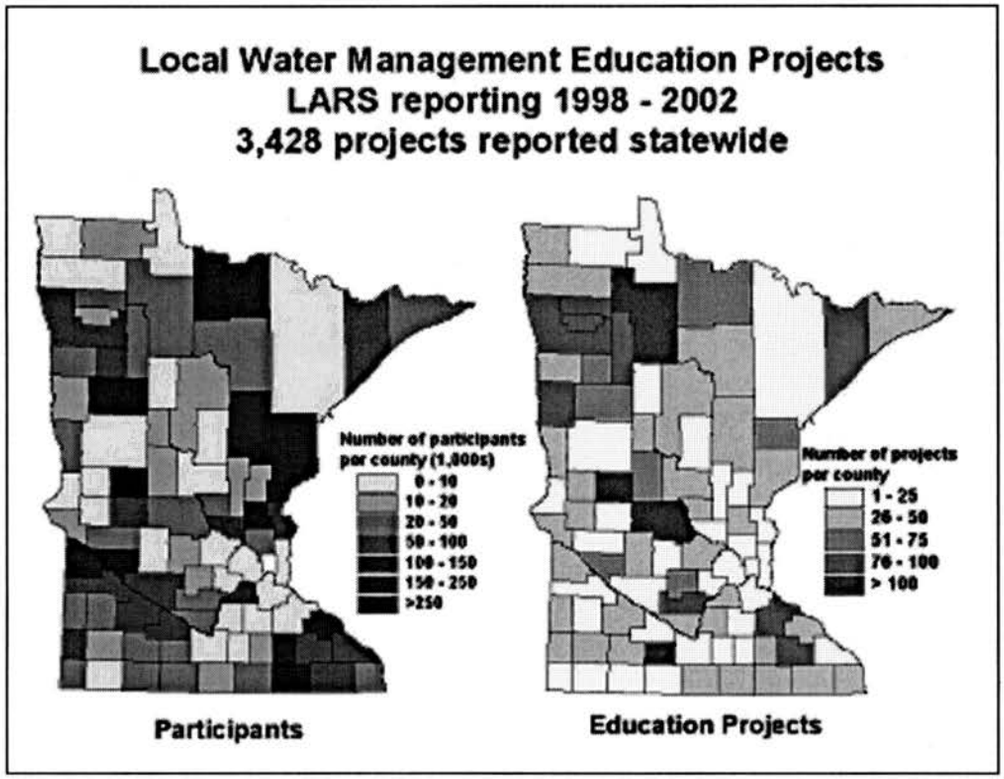
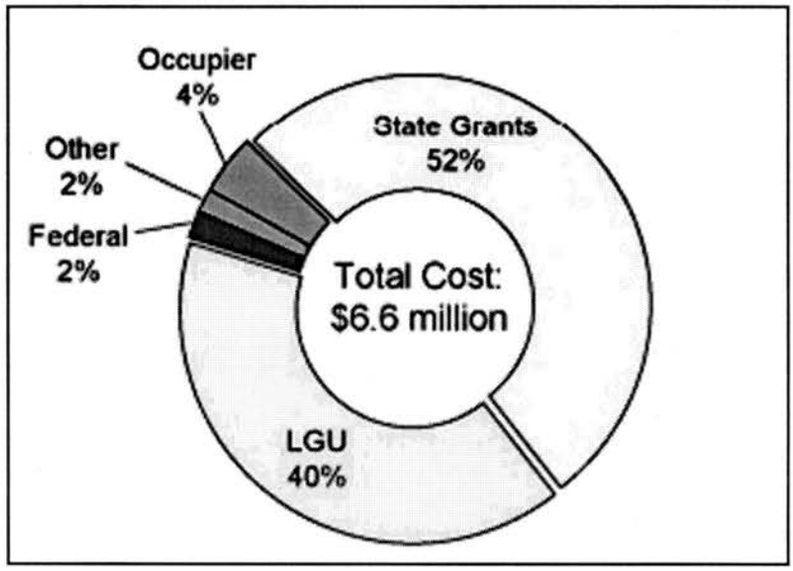


Figure 22: Local water planning education projects.

Figure 23: Cost distribution of local water planning and management information and education projects.



Monitoring

Monitoring efforts targeted surface and ground water to collect data such as nitrogen and phosphorus levels, transparency, macro-invertebrates, total dissolved solids, bacteria, or basic chemistry. The efforts usually included an assessment of the data.

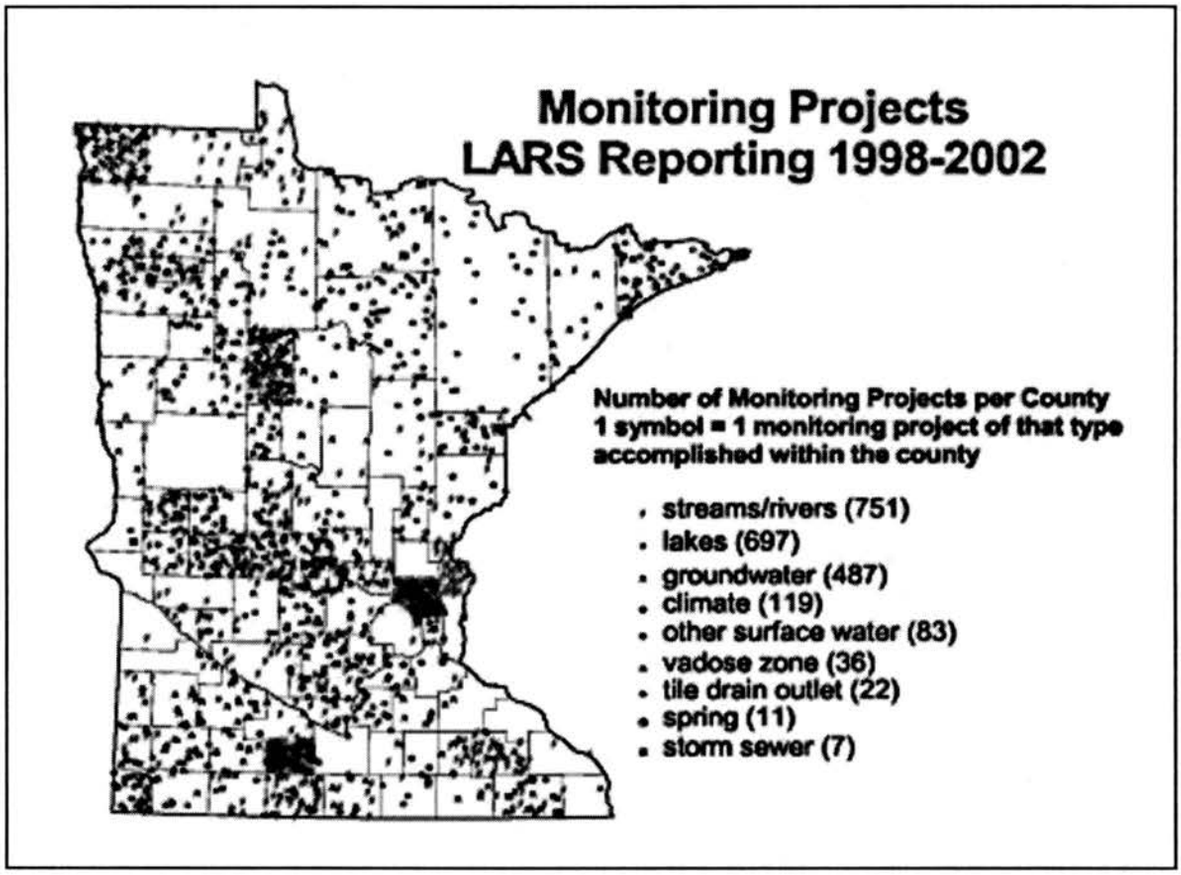


Figure 24:
Local water management monitoring projects.

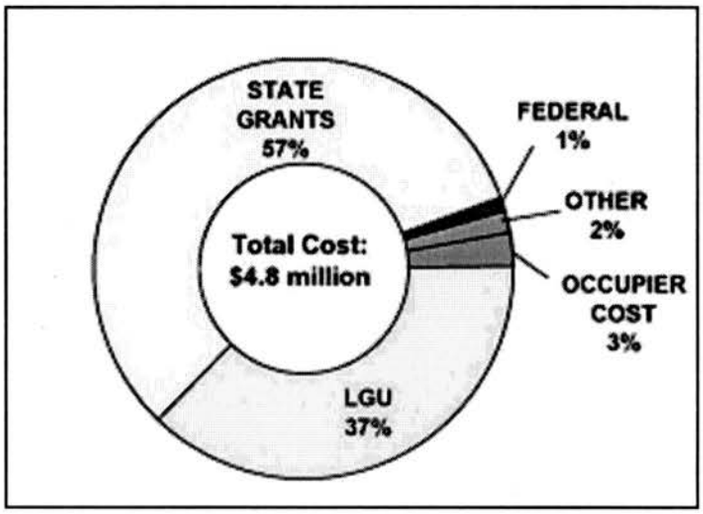


Figure 25: Cost distribution of local water planning and management monitoring projects.

Inventory

Local water planning and management efforts accomplished local inventories of septic systems, feedlots, unused wells, tillage practices, riparian erosion, highly erodable acres, and other information key to future natural resource management.

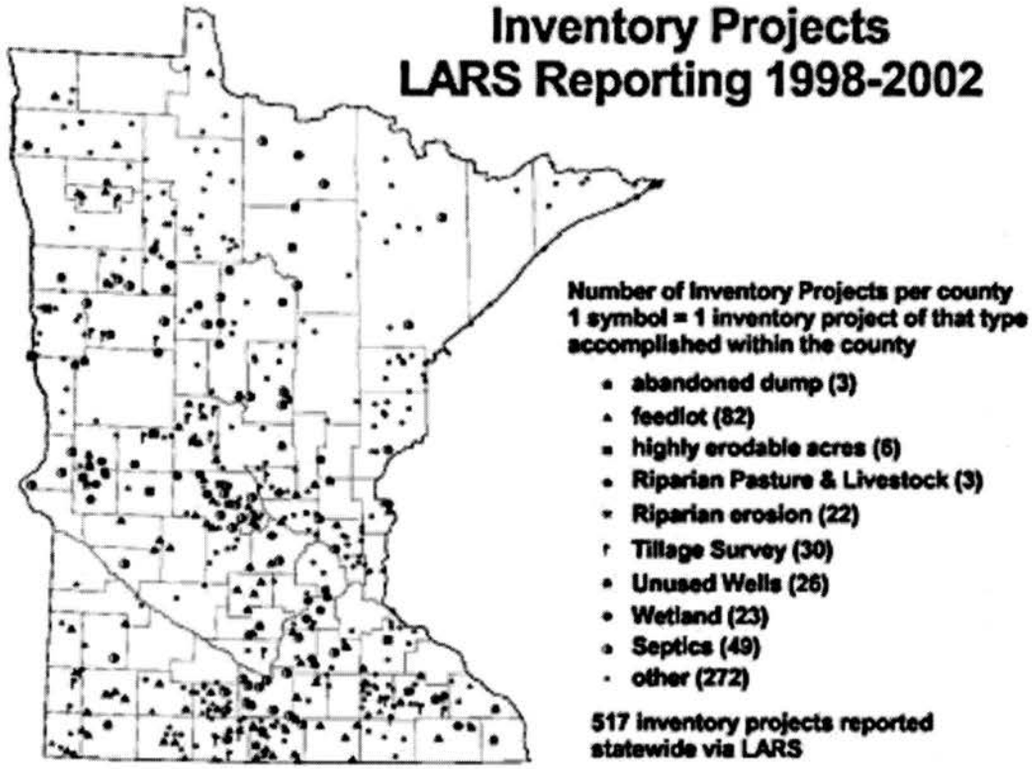


Figure 26:
Local water planning inventory projects.

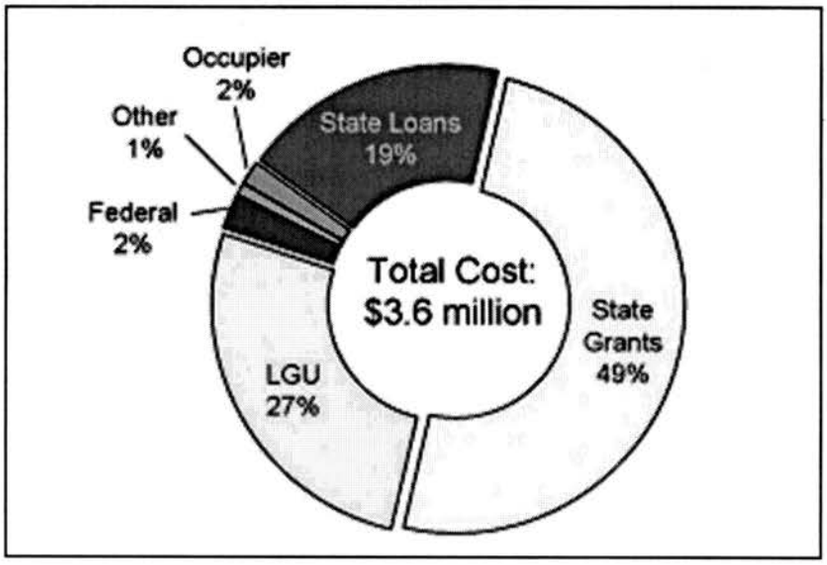


Figure 27:
Cost distribution of local water planning and management monitoring projects.

FOR YOUR INFORMATION

October 27, 2004

- "BWSR Update"

- News Release, dated September 21, 2004, "BWSR Receives $93,750 Federal Conservation Innovation Grant"

- News Release, dated October 25, 2004, "Governor Pawlenty and USDA Announce $16.2 Million Wetland Restoration Plan"

Minnesota Board of Water & Soil Resources

Board of Water and Soil Resources

U·P·D·A·T·E

A publication of the Minnesota Board of Water and Soil Resources October 2004

ENGINEERING

On Oct. 18, a meeting was held at the Minnesota Corn Growers Association offices in Shakopee regarding the results of **gravel tile inlet studies** at the Tilney farm in Watonwan County and Eilers farm in Le Seuer County. Mark Dittrich, MDA, called the meeting to discuss the results of studies conducted by Andry Rainavosan for his doctoral research project and Prof. John Moncrief, both of whom attended the meeting. Representatives of the MDA, MPCA, NRCS, Heron Lake WD, and producer groups also attended. Al Kean and Jeff Nielsen represented BWSR. The project was supported by a 319 grant, the Met Council, MPCA, and the Minnesota Corn Growers. The results indicated an average 22 percent trapping efficiency of the gravel inlets for total suspended solids above and below the inlet during the study period. Because approximately 80 percent of the total sediment entering the pond around the inlet settles out at the edge of the pond, or before it reaches the inlet, the total average increase in trapping efficiency of the gravel inlets was 22% x 20% = 4.4%. A few large runoff events were responsible for most of the sediment arriving at and filling the pore space in the gravel inlets. The length of time before the gravel inlets became, or are expected to become, filled with sediment depended substantially on whether or not they were tilled through. The inlet(s) tilled through essentially became a blind inlet within a few years (i.e. gravel covered by soil, or in this case soil and gravel). After the final research study is published, Al intends to add a summary of the results to a summary of research about alternative tile inlets that he compiled in 2001.

Although there is no separate EQIP or State Cost-Share practice for gravel inlets, or blind inlets, these types of inlets can be cost-shared as part of an underground outlet practice for terraces and water and sediment control basins. Local Water Management Challenge Grants, Met Council Grants, and 319 Grants have been used to install gravel inlets in a number of areas of Minnesota to date. Farmers often like gravel inlets as replacements for flush open inlets or perforated risers, which can be easily damaged by farming operations. The meeting on Oct. 18 included discussion of the need to better identify where gravel inlets could fill a niche in water quality improvement as an alternative tile inlet. Also discussed was the need for better design criteria for blind inlets in differing soils, topography, etc.

The MPCA recently provided public notice of the review period for the **new stormwater rules for construction site erosion control (i.e. NPDES Phase II rules)**. These rules include a conditional exclusion for conservation practices that follow certain BMPs and timing for erosion control during construction. On behalf of BWSR and our clientele, Al worked with the NRCS and MPCA staff to help draft this conditional exclusion. The intent is to avoid the disincentive of a required permit and fee for conservation practices that reduce erosion and sedimentation and improve water quality. The specifications used by NRCS, BWSR, and SWCDs for conservation practices generally already comply with the conditions places on the exclusion in the new rule, including project staging to minimize the area of bare soil at any time, and installing appropriate erosion control in a timely manner after the construction of earthen features. Some specific communication and training with SWCDs and other field offices may be appropriate after the public review and rule approval process is further along.

Many CREP wetland restorations this year have involved hearings for drainage system repairs and/or impoundments. These projects involve many players and substantial coordination. One of the associated challenges that participating landowners, SWCDs, and BWSR face is in regard to **future maintenance of rerouted public tiles**. The "impounding and diversion of drainage system waters" section of drainage law indicates that the petitioner for an impoundment on a drainage system must be responsible for operation and maintenance of the related drainage system modification. However,

Continued on next page

other sections of drainage law enable drainage authorities and systems to be involved in wetland restorations and flood control impoundments for which the system retains maintenance responsibility. Some drainage authorities and county attorneys view tile reroutes different than others. We believe future maintenance of a new, rerouted public tile should be the responsibility of the system, not the landowner of a wetland restoration. Using the drainage repair process instead of, or combination with, the impoundment process can enable this. Tom Wenzel, Al Kean, and other BWSR engineering staff are becoming increasingly knowledgeable about the complexities of drainage law and drainage authorities in this regard. As is often the case, early coordination, along with good, timely technical assistance are often keys to consensus and construction of affected wetland restorations.

State Representative Tom Huntley, DFL-Duluth, was recently elected chairman of the Great Lakes Commission. He is the first Minnesotan to serve as chairman in 12 years. As the recently completed Lake Superior Basin Plan moves into the implementation phase, we're hopeful that the GLC will continue to be a source of funding for erosion control and other water quality projects to protect Lake Superior. BWSR, Lake Superior area SWCDs, and others have been recipients of many GLC grants in past years. BWSR's previous coastal engineer position helped enable some of these grants. With our new project specialist Marc Hershfield, we're starting to look beyond his current role in resolving NOAA and EPA conditional approval of the Lake Superior Nonpoint Program, to how he might work with SWCDs and others to implement erosion control and water quality protection through GLC and/or Minnesota Coastal Program grants.
-Submitted by Al Kean

BRIEFS

Governor Tim Pawlenty announced Monday, Oct. 25, that Minnesota's application to become the second state in the nation to participate in the USDA's Wetlands Reserve Enhancement Program (WREP) has been approved. The Governor and Agriculture Deputy Undersecretary for Natural Resources and Environment R. Mack Gray made the announcement at the Minnesota State Capitol and highlighted the partnership that will accelerate the state's wetland restoration efforts.

"The pressure on Minnesota's water, wildlife and habitat requires our immediate action to defend this critical resource," said Governor Pawlenty. "The fact that the federal government has approved our plan shows that once again, Minnesota is leading the nation in wetland and habitat restoration."

Governor Pawlenty and the Minnesota Board of Water and Soil Resources (BWSR), in partnership with USDA's Natural Resources Conservation Service (NRCS) State Conservationist Bill Hunt, submitted an application to the USDA Natural Resources Conservation Service earlier this month.

Minnesota's WREP plan is a three-year, $16.2 million plan. Under the plan, the USDA will provide $2.8 million in 2004, and commits to a total of $15 million over three years from the federal agency. The state will provide $1.2 million toward the effort, allocated over three years." The state portion of funding will come from funds previously appropriated by the legislature to BWSR for the Reinvest in Minnesota (RIM) Reserve program, which focuses on habitat restoration and protection, water quality enhancement, and water retention and storage. Under the plan announced Monday, Minnesota will also develop a long-range wetland restoration strategic plan in coordination with USDA.

The targeted restoration funds will focus on approximately 7,250 acres. The regions and acreage include:

- 3,000 acres in the five Presidentially Declared Flood Disaster Counties of Dodge, Faribault, Freeborn, Mower, and Steele counties in southern Minnesota;
- 1,750 acres along the Red River of the North main stem;
- 1,500 acres in the Buffalo-Red River Watershed in northwestern Minnesota; and,
- 1,000 acres in the Grand Marais Creek Subwatershed in northwestern Minnesota.

"Southeastern Minnesota has been hit hard by recent flood damage," said Governor Pawlenty. "We have made it a priority to find ways to prevent flooding from

Continued on next page

occurring in the future and this is just one of the steps we will take to help prevent the problem."

In the disaster counties, the program will target sites within the watersheds to achieve strategic flood storage in conjunction with water quality and wildlife benefits. The heavy rains in this area have had a significant impact on agriculture, transportation, and the city of Austin. WREP will help alleviate recurring flooding issues.

WREP is administered through a partnership between NRCS and BWSR. The program provides a voluntary opportunity for landowners to receive both financial and technical assistance to restore wetlands and increase wildlife habitat. Wetlands provide fish and wildlife habitat, act as a water quality filter, reduce flooding, recharge groundwater, and provide educational or recreational opportunities. WREP was authorized by the 2002 Farm Bill.

Minnesota is off and running on its "Drive to Excellence," which will fundamentally change how state government operates. "This is not a project, this is a culture change," says Dan McElroy, Chief of Staff for Governor Tim Pawlenty.

The Drive to Excellence – a top priority of Governor Pawlenty – began in earnest Sept. 13 with a kickoff meeting involving 72 executive branch agencies, boards and commissions. Since that time, state agencies have been hard at work on an extensive survey that reviews all agency functions and technology – how it provides services. The answers will result in a list of priority projects to be known as the "Transformation Roadmap."

The goal of Drive to Excellence is faster, more reliable and cost-effective government services for Minnesota's 4.9 million citizens. The initiative will meet the growing and changing needs of citizens by:

- Providing modern, comprehensive and user-friendly access to state services;
- Ensuring a more secure operating environment that will safeguard information and citizen privacy;
- Facilitating statewide high-speed communications access for business development and educational opportunities;
- Decreasing the administrative cost of government while increasing the quality and efficiency of public services.

The Drive to Excellence Steering Committee, comprised of Commissioners, is coordinating the initiative.

The Drive to Excellence, unveiled in April 2004, establishes the vision for aligning the state's technology strategies with the Pawlenty Administration's business objectives. The Drive to Excellence team, representing all of state government, is now working on the development of a "Transformation Roadmap" that will identify opportunities for achieving the Drive to Excellence vision.

The first phase of the Transformation Roadmap, underway since Sept. 13, is an assessment of business processes and technologies throughout state government.

The second phase will involve categorizing transformation opportunities based on complexity and the time required for implementing the opportunity. This phase also includes an assessment of costs and benefits, which will determine opportunities that can actually cut costs and improve services.

The most promising opportunities for affecting change will be selected by the Drive to Excellence Steering Committee during the final phase, expected to run from December 2004 to early January 2005, in time for consideration for the 2006-07 budget cycle.

Current information about this initiative, including a detailed question and answer document, is posted on the Drive to Excellence Web site (www.state.mn.us. and click on the Drive to Excellence icon). The Web site will also include an opportunity for submitting ideas for innovation and improvement.

Deadline for next edition: Dec. 8

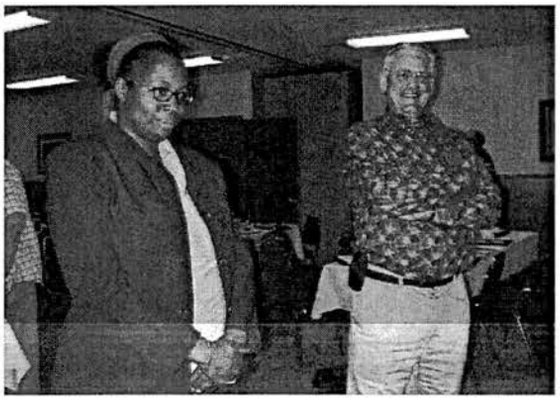




Photos from BWSR all-staff meeting

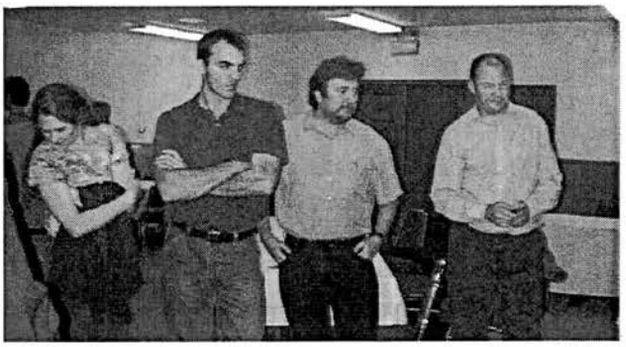
BWSR staff had a planning retreat Oct. 11-12 in Brainerd. Susan Senko from the Department of Administration was facilitator for the large group sessions. The two wall photos (at left) included accomplishments from the past two years that were identified by staff. The meeting gave staff a chance to think about and discuss current strengths and weaknesses, opportunities and threats, plus reconnect with staff members from other offices (as noted in the other photos on this page).











Board Packet
FYI

NEWS RELEASE

Minnesota Board of Water and Soil Resources • One West Water Street, #200 • St. Paul, MN 55107
Contact: Peter Raeker, Communications Office; 651-296-0884; fax: 651-297-5615 • www.bwsr.state.mn.us

For immediate release
September 21, 2004

Contact: Peter Raeker, 651-296-0884

BWSR RECEIVES $93,750 FEDERAL CONSERVATION INNOVATION GRANT

St. Paul, MN—The Minnesota Board of Water and Soil Resources (BWSR) has received a $93,750 grant from the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) for a project that will demonstrate ongoing research and development for the management of invasive, non-native vegetation in degraded and restored wetlands and prairie uplands.

The grant was awarded under the federal Conservation Innovation Grant (CGI) program, which is intended to stimulate the development and adoption of innovative conservation approaches and technologies. BWSR's grant was one of three announced Thursday, Sept. 16. This is the first time grants under CGI have been awarded in Minnesota.

BWSR's project will establish between three to eight demonstration sites that will integrate several new and established management practices to control invasive species in restored wetlands and prairie uplands. Invasive, non-native vegetation has been identified as a limiting factor for biodiversity and wildlife habitat quality in degraded and restored wetlands and uplands.

As part of the project, standards will be recommended for a new conservation practice for invasive species management for wetland and upland restorations.

"A significant investment of time and money has been made by federal, state, and local governments in restoring approximately 40,000 acres of wetlands in Minnesota," said Steve Woods, assistant director of operations at BWSR. "BWSR is interested in maximizing the return on this investment. Controlling invasive non-native species will help maintain the water quality benefits of restored wetlands and optimize the vegetative community for habitat," he said.

The CGI program requires that at least 50 percent of the total cost of the project must come from non-federal matching funds provided by the grantee. Total project cost is expected to be $187,500.

Project collaborators include NRCS-St. Paul, Minnesota Department of Agriculture, Minnesota Department of Natural Resources, U.S. Fish and Wildlife Service, Ducks Unlimited, the Minnesota Department of Transportation, the University of Minnesota, the U.S. Army Corps of Engineers, Minnesota Waterfowl Association, Pheasants Forever, and Soil and Water Conservation Districts.

###

OFFICE OF GOVERNOR TIM PAWLENTY

130 State Capitol ♦ Saint Paul, MN 55155 ♦ (651) 296-0001

NEWS RELEASE

FOR IMMEDIATE RELEASE:
October 25, 2004

Contact: Brian McClung
(651) 296-0001

Mary Cressel (USDA)
(202) 690-0547

GOVERNOR PAWLENTY AND USDA ANNOUNCE $16.2 MILLION WETLAND RESTORATION PLAN

~ Partnership will restore more than 7,000 acres of wetlands, some in Presidentially Declared Flood Disaster Counties in southeastern Minnesota ~

Saint Paul – Governor Tim Pawlenty today announced that Minnesota's application to become the second state in the nation to participate in the USDA's Wetlands Reserve Enhancement Program (WREP) has been approved. The Governor and Agriculture Deputy Undersecretary for Natural Resources and Environment R. Mack Gray made the announcement at the Minnesota State Capitol and highlighted the partnership that will accelerate the state's wetland restoration efforts.

"The pressure on Minnesota's water, wildlife and habitat requires our immediate action to defend this critical resource," said Governor Pawlenty. "The fact that the federal government has approved our plan shows that once again, Minnesota is leading the nation in wetland and habitat restoration."

"This partnership brings federal, state and local resources together to restore wetlands, provide habitat for wildlife and improve water quality," said Agriculture Secretary Ann M. Veneman. "This project supports President Bush's goal to restore, improve and protect an additional 3 million acres of environmentally sensitive wetlands."

Governor Pawlenty and the Minnesota Board of Water and Soil Resources (BWSR), in partnership with USDA's Natural Resources Conservation Service (NRCS) State Conservationist Bill Hunt, submitted an application to the USDA Natural Resources Conservation Service earlier this month.

-- more --

Minnesota's WREP plan is a three-year, $16.2 million plan. Under the plan, the USDA will provide $2.8 million in 2004, and commits to a total of $15 million over three years from the federal agency. The state will provide $1.2 million toward the effort, allocated over three years." The state portion of funding will come from funds previously appropriated by the legislature to BWSR for the Reinvest in Minnesota (RIM) Reserve program, which focuses on habitat restoration and protection, water quality enhancement, and water retention and storage. Under the plan announced today, Minnesota will also develop a long-range wetland restoration strategic plan in coordination with USDA.

The targeted restoration funds will focus on approximately 7,250 acres throughout Minnesota. The regions and acreage include:

- 3,000 acres in the five Presidentially Declared Flood Disaster Counties of Dodge, Faribault, Freeborn, Mower, and Steele counties in southern Minnesota;
- 1,750 acres along the Red River of the North main stem;
- 1,500 acres in the Buffalo-Red River Watershed in northwestern; and,
- 1,000 acres in the Grand Marais Creek Subwatershed in northwestern Minnesota.

"Southeastern Minnesota has been hit hard by recent flood damage," said Governor Pawlenty. "We have made it a priority to find ways to prevent flooding from occurring in the future and this is just one of the steps we will take to help prevent the problem."

In the disaster counties, the program will target sites within the watersheds to achieve strategic flood storage in conjunction with water quality and wildlife benefits. The heavy rains in this area have had a significant impact on agriculture, transportation, and the city of Austin. WREP will help alleviate recurring flooding issues.

WREP is administered through a partnership between NRCS and BWSR. The program provides a voluntary opportunity for landowners to receive both financial and technical assistance to restore wetlands and increase wildlife habitat. Wetlands provide fish and wildlife habitat, act as a water quality filter, reduce flooding, recharge groundwater, and provide educational or recreational opportunities. WREP was authorized by the 2002 Farm Bill.

This announcement demonstrates USDA's and Governor Pawlenty's commitment to improving water quality. Other efforts led by the Governor include a significant refocusing of clean water initiatives to maximize their value in watersheds with the most need, establishment of the State's first-ever "Clean Water Cabinet" to make clean water a top priority of state government, the historic Conservation Reserve Enhancement Program (CREP) bonding proposal for the program's second phase, and a successful effort to establish the Glacial Ridge National Wildlife Refuge. The Governor has also recently proposed an overhaul of natural resource funding by the state.

--30--

Minnesota Board of Water & Soil Resources

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

DATE: November 23, 2004

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

FROM: Ronald D. Harnack, Executive Director RDH

SUBJECT: December 15th Board Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, December 15, 2004, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room, lower level, at One West Water Street, St. Paul. Parking is available across the street from the building. Please display the enclosed "temporary parking permit" on your vehicle's dashboard.

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. **Lake County Priority Concerns Scoping Document (PCSD)** - Lake County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document for state review and comment. The Northern Water Planning Committee of the Board met November 10th after the state agencies comment period ended. The Committee's recommendations or requirements for the content of the final plan are drafted for the full Board to review and take action on. The state's expectations for the final plan must be sent to Lake County. See attached. *Decision Item*

2. **Polk County Priority Concerns Scoping Document (PCSD)** - The Northern Water Planning Committee met on November 10, 2004, in Bemidji to discuss the state review agencies comments, the content of the PCSD and recommendations for the content of the final plan for the Polk County Local Water Management Plan. A Board decision on the acceptance of this document is sought. See attached. *Decision Item*

NEW BUSINESS

1. **Hearing on Establishment Petition for Middle Fork Crow River Watershed District** – A citizen petition to establish the Middle Fork Crow River Watershed District was filed with the Board on November 16, 2004. The Kandiyohi County Auditor certified the establishment petition that had the minimum number of signatures of resident owners as required by statute. The proposed watershed district would encompass approximately 275 square miles of land in Kandiyohi, Meeker, Pope and Stearns Counties. The Petition states the establishment of a watershed district is necessary due to degradation of water quality since the 1950's and to address the issues of erosion, sedimentation and best management

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fax (218) 755-4201

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phone (218) 828-2383
fax (218) 828-6036

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fax (218) 723-4794

Fergus Falls
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fax (507) 359-6018

Rochester
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Rochester, MN 55904
phone (507) 285-7458
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Saint Paul
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Saint Paul, MN 55107
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fax (651) 284-0000

practices. Board staff have determined the establishment petition is sufficient such that the Board should order a public hearing to be held per the attached draft order. Note the date of the hearing and the hearing panel members are not in the draft order and will be provided at the Board meeting. *Decision Item*

2. **Camp Ripley Army Compatible Use Buffer Project** – See attached. *Information Item*

3. **E-Link (LARS Assessment)** - The year 2003 marked the last use by local governments in Minnesota of the Local Government Annual Reporting System (LARS) to report on 2002 activities. LARS was put in place in the mid-1990s to improve the efficiency of reporting required of local governments receiving state funding for natural resource management through BWSR. LARS was a pioneering effort, one for which no road map or blueprint existed. It was put in place before the large-scale proliferation of communication avenues (such as the internet and the world wide web) we now take for granted. There was a wide range in computing capacity across the various local government offices. The challenges involved in crafting a usable, automated reporting system and putting it in place across the state were great. In spite of stumbling blocks, mistakes, and many frustrations, the LARS effort produced a useful body of data of the type that never existed beforehand. It was a start, and it paved the way for future efforts. With the retirement of LARS and the advent of its more powerful successor, E-Link, it is fitting to reflect on the entire LARS effort, the body of data collected, and the lessons learned. The report is on the BWSR web site. You are encouraged to check out this web site before the meeting:
http://www.bwsr.state.mn.us/misc/larsfinalreport.pdf *Information Item*

OLD BUSINESS

1. **Minnesota Wetland Mitigation Guidelines and the Interagency Mitigation Memorandum of Understanding** - The Interagency Wetland Group (IWG) has been developing wetland mitigation guidelines intended to reconcile the requirements of the various state and federal wetland regulatory programs. The main goal of the guidelines is to identify for permit applicants the "bottom line" mitigation requirements that will help ensure that mitigation proposals are approved in a timely manner. The agreements included in the wetland mitigation guidelines will be formalized in a Memorandum of Understanding (MOU). The MOU cannot obligate the agencies to administer their programs in manner that conflicts with their respective statutes, rules, and regulations but it can serve as a vehicle to improved interagency cooperation. See attached. *Information Item*

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The meeting will adjourn about noon. I look forward to seeing you on December 15th!

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
WEDNESDAY, DECEMBER 15, 2004

PRELIMINARY AGENDA

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

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF OCTOBER 27, 2004

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

RECOGNITION
- Ron Struss

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

COMMITTEE RECOMMENDATIONS
Northern Water Planning Committee
1. Lake County Priority Concerns Scoping Document - *Decision Item*

2. Polk County Priority Concerns Scoping Document – *Decision Item*

NEW BUSINESS

1. Hearing on Establishment Petition for Middle Fork Crow River Watershed District – Jim Haertel - *Decision Item*

2. Camp Ripley Army Compatible Use Buffer Project – Kevin Lines – *Information Item*

3. E-Link (LARS Assessment) – Eric Mohring – *Information Item*

OLD BUSINESS

1. Minnesota Wetland Mitigation Guidelines and the Interagency Mitigation Memorandum of Understanding – Dave Weirens and Doug Norris - *Information Item*

AGENCY REPORTS

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next BWSR Meeting, January 26, 2005, St. Paul

Noon **ADJOURN**

1:00 p.m. **Education Committee Meeting**

TEMPORARY PARKING PERMIT

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
Lower Level Conference Room

DATE: Wednesday, December 15, 2004

QUESTIONS, PLEASE CALL 651-296-3767.

Parking is available across the street from the building in the first two rows of the northwest corner of the Wabasha Deli parking lot. Display this "temporary parking permit" on your vehicle's dashboard. Thank you.

Dispute Resolution Report
November 19, 2004
by Jim Haertel

There are presently eleven appeals pending. All of the appeals involve WCA. There have been four new appeals filed since the last report dated October 13.

There is a new appeal of a replacement plan decision in Hubbard County. At issue is the placement of fill on a shoreland lot for parking. No decision has been made on the appeal.

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

There is a new 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. No decision has been made on the appeal.

There is a new appeal is of an exemption decision in the City of Albertville, Wright County. The exemption was granted by default after the requirements under Minn. Stat. § 15.99 (the "60-day rule") were not met. At issue is the scope of wetland filling allowed under the "approved development" exemption and whether wetland filling can be avoided. The project involves commercial development. The appeal has been accepted and the record is being developed. A pre-hearing conference will be scheduled as soon as the record is ready.

There 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 settlement is being pursued.

There is an appeal of a no-loss decision in Traverse County. At issue is the proposed placement of fill in a Type 3 wetland for a lawn and mosquito control. The appeal has been accepted, written briefs are being exchanged and a DRC hearing is scheduled for January 7, 2005.

There is an appeal in the City of Blaine, Anoka County. The appeal concerns a wetland delineation and a replacement plan decision made by the Rice Creek Watershed District under their Comprehensive Wetland Management Plan. The appeal has been remanded for an expanded technical evaluation panel to meet onsite and for a complete replacement plan application to be distributed. The appeal remains in abeyance under the remand.

There is an appeal of a wetland boundary and type decision in Anoka County. At issue is the decision by the Rice Creek Watershed District to classify a site as effectively drained. Last summer a wetland delineation report identified most of the site as wetland. The appeal has been remanded for a technical evaluation panel to meet onsite. The appeal remains in abeyance under the remand.

There is an appeal of an exemption decision in Morrison County. The appeal regards a road that was upgraded and the denial of a forestry exemption. A cease and desist order and a restoration order were issued. The appeal was remanded for a hearing, the LGU denied the exemption again, and that decision has now been appealed. The appeal has been accepted. No pre-hearing conference has been set since the landowner, after negotiations, has consented to submitting a replacement plan application upon completion of a wetland delineation this spring. The wetland delineation was completed and a replacement plan application has been submitted. An expanded TEP met on October 27 to define the wetland impacts. The LGU should make a decision soon on the replacement plan application.

There is an appeal of a restoration order in Stevens County. The violation involves the excavation of a ditch in a DNR protected water and the sidecasting of dredge spoil into wetland bordering agricultural land. Work was also done on a neighboring property without permission. The appeal is in abeyance pending compliance with a DNR Commissioner's Order.

There is an appeal of a no-loss decision in Meeker County. At issue is the wetland delineation. The project involves wetland fill for a garage. The appeal is being held in abeyance pending further technical evaluation work, however, it appears a settlement agreement may be reached between the county attorney and the landowner.

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

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

Minnesota Board of Water & Soil Resources

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

December 15, 2004

Lake County Commissioners
C/O Wayne Seidel, Lake County SWCD
601 Third Avenue
Two Harbors, MN 55616

RE: Official Comments pertaining to the State Review of the Lake County Priority Concerns Scoping Document.

Dear Lake County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Lake 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 Lake County Priority Concerns Scoping Document (PSCD) on September 30, 2004.

The following priority water concerns will be addressed in the updated Lake County Local Water Management Plan:

- Increased Development Pressures – Erosion Control on Construction Sites, Road Management, Cumulative Impacts, Shoreline Erosion Control
- Enforcement of Existing Land Use Laws and Use of Best Management Practices
- Stormwater Management- Cumulative Impacts
- Non-Conforming Sewage Treatment Systems – Surface and Groundwater Contamination, Drinking Water Quality
- Natural Resources Education on Water/Land Issues
- Forest Management
- Supportive of TMDL Efforts

Final agency comments are as follows: The MDH suggests the County identify and protect impaired waters (TMDL). The EQB offered preliminary comments for the PCSD and supports approval. The MDH encourages integration of drinking water protection with water quality monitoring and future protection. The Pollution Control Agency provided suggestions for both the Rainy River and Lake Superior Basins. The Rainy includes a statement of support for the White Iron Chain of Lakes Associations. The Lake Superior comments are further institutionalizing and implementing activities using a watershed approach and adopting the Coastal Performance Standards (55 Management Measures). The DNR suggested that Water Surface Use be addressed in the PCSD. Finally, BWSR is in league with PCA in recommending adoption of the 55 Coastal Management Measures.

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Duluth
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fax (218) 723-4794

Fergus Falls
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fax (507) 359-6018

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phone (507) 285-7458
fax (507) 280-2875

Saint Paul
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Saint Paul, MN 55107
phone (651) 282-9969
fax (651) 284-0000

The Northern Regional Water Management Subcommittee met on November 10, 2004 to discuss the state review agencies comments, the content of the PCSD and recommendations for the content of the final plan.

Lake County agreed to add all the suggestions and agreed to examine "water surface use" issues during plan development and implementation. The other agency comments will be woven into the seven PSC's (above).

The priority concerns to be addressed in the plan were deemed to be appropriate with the additional items mentioned above to be included in the seven PC's.

Sincerely,

Jerome Deal
Chair, Board of Water and Soil Resources

CC: Mark Nelson, BWSR
Marybeth Block, BWSR
Ron Shelito, BWSR
John Fax, DNR
Patricia Bloomgren, MDH
Becky Balk, MDA
Paul Swenson, DNR
Lisa Thorvig, MPCA
John Wells, EQB

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

2. Polk County Priority Concerns Scoping Document (PCSD) – *Decision Item*

Polk County
Priority Concerns Scoping document
Background

With the East and West Polk Soil and Water Conservation Districts (SWCD) administration of the Local Water Management Plan (LWMP) for Polk County and guidance of the update process, on October 23, 2001, Polk County adopted by resolution to update the County's LWMP. The current plan was to expire on December 31, 2002, but the expiration date was extended to December 31, 2004. During this time extension BWSR amended the LWMP updating process. Having the option to proceed using the original updating process to completion or to retro fit what had been done into the new process Polk County elected to proceed with the new process. As a result of this decision the East and West Polk SWCDs, through a modified process developed a Priority Concerns Scoping document (PCSD) for review and approval.

Having reviewed the Polk County Priority Concerns Scoping Document (PCSD) and the process followed for its development, I am of the opinion that the process followed and the resulting document meets the requirements of the guidance material provide by BWSR and that of 103B.312 and 103B.313 subp.1 – subp.4.

The process that led up to the development of the PSCD before you today allowed ample opportunity for local, state, and federal agencies to provide input, prioritize, and review the water management issues identified for Polk County. On June 10, 2004, Polk County sent out for preliminary review the priority concern statements and supporting documentation developed from this input. Polk County's priority concern statements were:

1. "Polk County will focus on surface water quality; specifically as it pertains to the human-impacts on the lakes in the eastern part of the County and in regards to the impacts on surface water as a source water supply in the western part of the county."
2. "Polk County will focus on the quantity of water passing through Polk County by inventorying, assessing, and evaluating the drainage infrastructure of the county."
3. "Polk county is concerned with the preservation and enhancement of Polk County's natural resources within the Glacial Lake Agassiz Beach Ridge area because of the unique geographical features, wide diversity of natural resources, and the citizens that benefit from them.

From the comments received it was evident that the priority concerns identified by the County were very much in line with those of the reviewing state agencies and other members of the Local Water Management Task Force. Based on the responses received from this preliminary review the County made no changes to its priority concerns statements and supporting documentation and will incorporate the suggested action items it received during this review into the Plan .

On September 29, 2004, Polk County submitted its PCSD to BWSR for final review and approval. The Northern Region Ad Hoc Committee meet on November 10, 2004 to discuss with representatives from Polk County its PCSD. As a result of that meeting the Ad Hoc Committee recommended BWSR Board approval of the Polk County Priority Concerns Scoping Document.

December 15, 2004

Polk County Commissioners
c/o Paige Guetter West Polk Soil and Water Conservation District
Gary Lee East Polk Soil and Water Conservation District
West Polk SWCD
528 Strander Ave.
Crookston, MN. 56716

SUBJECT: **Official Comments pertaining to the State Review of the Polk County Priority Concerns Scoping Document.**

Dear Polk County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Polk 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 Polk County Priority Concerns Scoping Document (PSCD) on October 1, 2004.

Preliminary review of the priority concerns statements in June 2004 generated comments from the following: DNR, MPCA, MDH, EQB, BWSR, NRCS, and TNC. The majority of comments received stated that Polk County did a good job in identifying its primary areas of concern and encouraged the County to pay particular attention to the identified impaired waters listing for the county as well as capitalizing on natural resource enhancement opportunities that may exist. This was followed up with the final review of the PCSD in October 2004. Comments on the PCSD where received from MDA, MDH, PCA which concurred with the County on its identified areas of concern and again encouraged them to pay particular attention to the impaired waters listing identified in Polk County.

The Northern Water Planning Committee (hereinafter referred to as the Committee) met on November 10, 2004 to discuss the state review agencies comments, the content of the PCSD and recommendations for the content of the final plan.

The Committee commends the County for the process they used to select the concerns, specifically, the County's interest in water quality concerns relating to development in the lakes region of the County and areas of the County where surface waters are appropriated for domestic use, the County's concern of the water quantity (flooding) issue plaguing the County, and the County's interest in preserving and enhancing the glacial beach ridge area of the County. The priority concerns to be addressed in the plan are deemed to be appropriate, the Committee does not recommend or require any changes to the PCSD as drafted.

Sincerely,

Jerome Deal
Chair, Board of Water and Soil Resources

cc: John Fax, DNR
Paul Swenson, DNR
Patricia Bloomgren, MDH
Matt Drewitz, MDA
Lisa Thorvig, MPCA
Ron Shelito, BWSR
Brian Dwight, BWSR

NEW BUSINESS

1. **Hearing on Establishment Petition for Middle Fork Crow River Watershed District – *Decision Item***

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

In the Matter of the Establishment Petition for the Middle Fork Crow River Watershed District in Kandiyohi, Meeker, Pope and Stearns Counties pursuant to Minn. Stat. § 103D.221, Subd. 1.

ORDER ESTABLISHMENT HEARING

Whereas, more than fifty (50) resident owners in the proposed Middle Fork Crow River Watershed District in Kandiyohi, Meeker, Pope and Stearns Counties filed a Petition dated November 16, 2004, with the Board of Water and Soil Resources (Board) on November 16, 2004, to establish a watershed district pursuant to Minn. Stat. § 103D.205, and;

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

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

FINDINGS OF FACT

1. **Establishment Petition Signatures.** The establishment Petition dated November 16, 2004, was filed with the Board on November 16, 2004. On November 19, 2004, Sam Modderman, Kandiyohi County Auditor, pursuant to Minn. Stat. § 103D.211, certified that at least fifty (50) of the petitioners were resident owners within the proposed watershed district.

2. **Property Description.** The territory to be included in the proposed watershed district is depicted in Exhibit A of the Petition and is the area in the Middle Fork Crow River Watershed that is in Kandiyohi, Meeker, Pope and Stearns Counties, approximately 275.2 square miles in several communities, which includes land in the Cities of Atwater, Belgrade, New London and Spicer, and the Towns of Lake Johanna, Crow Lake, Crow River, Norway, Colfax, Burbank, Roseville, Lake Andrew, New London, Irving, Union Grove, Manannah, Green Lake, Harrison, Swede Grove, Harvey, Kandiyohi, Gennessee, and Acton.

3. **Necessity for Watershed District.** The Petition states the establishment of a watershed district is necessary due to degradation of water quality since the 1950's and to address the issues of erosion, sedimentation and best management practices.

4. **Contemplated Improvements.** The Petition lists the following:

   a. Establish buffer zones and best management practices along tile and tile outlets, ditches and streams in the watershed.

   b. Educational programs to improve water quality throughout the watershed area.

   c. Reducing or eliminating sources of pollution and nutrients, including nitrogen and phosphorus, which invade the Middle Fork Crow River and the water resources contiguous thereto.

   d. Possible restoration of aquatic vegetation.

   e. Possible lake level management practices that best serve the needs of watershed district lakes.

   f. Improved quality of shoreland practices and storm water management to ensure that development is done responsibly.

   g. Possible removal of sediment in areas that have lead to the degradation of a water body.

   h. Ongoing testing for water quality and water clarity to measure results of improvement.

   i. All other actions that have a positive impact on the many varied uses of the water resources within the Watershed District.

5. **District Name.** The Petition states the name of the proposed district shall be the Middle Fork Crow River Watershed District.

6. **Number of Managers.** The Petition specifies the proposed number of managers as five (5).

7. **Filing.** The Petition was filed with the Kandiyohi, Meeker, Pope and Stearns County Auditors, the Commissioner of the Department of Natural Resources, the Director of the Department of Natural Resources Division of Waters, and the Board as required by Minn. Stat. § 103D.205, Subd. 4.

8. **Hearing Location.** The hearing should be held at the Dethlefs Senior Center located at 317 Hillcrest Avenue in Spicer, Minnesota. The facility is located within the proposed watershed district and is handicap accessible.

9. **Hearing Panel.** Board members (names) should preside over the hearing and meet as necessary in order to bring a recommendation to the Board.

10. **Hearing Time.** The hearing should be held on (day), January (date), 2005, starting at 7:00 PM.

CONCLUSIONS

1. The Petition for establishment of the Middle Fork Crow River Watershed District is valid in accordance with Minn. Stat. § 103D.205.

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

3. The Board has proper jurisdiction in the matter of ordering a watershed district establishment hearing.

4. The establishment hearing on the Petition for establishment of the Middle Fork Crow River Watershed District should be heard by Board members (names) on (day), January (date), 2005, starting at 7:00 PM at the Dethlefs Senior Center located at 317 Hillcrest Avenue in Spicer, Minnesota.

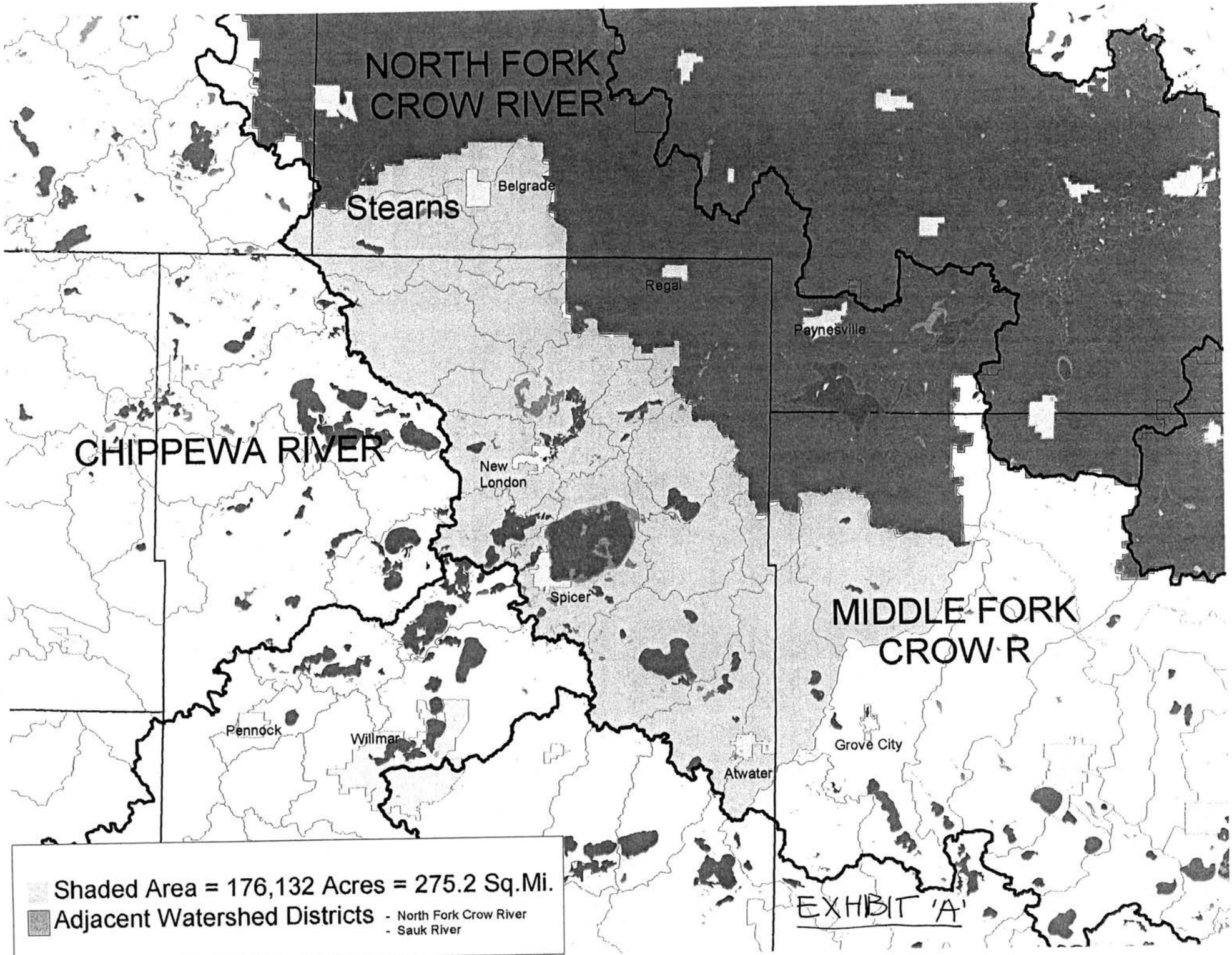
ORDER

The Board hereby orders that the hearing on the Establishment Petition for the Middle Fork Crow River Watershed District be heard by Board members (names) on (day), January (date), 2005, starting at 7:00 PM at the Dethlefs Senior Center located at 317 Hillcrest Avenue in Spicer, Minnesota.

Dated at Saint Paul, Minnesota this 15th day of December, 2004.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Jerome Deal, Chair


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

NEW BUSINESS

2. Camp Ripley Army Compatible Use Buffer Project – *Information Item*

Army Compatible Use Buffer Presentation

Presenters: Marty Skoglund, Environmental Supervisor,
Minnesota Army National Guard
Jay Brezinka, Environmental Services

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.

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.

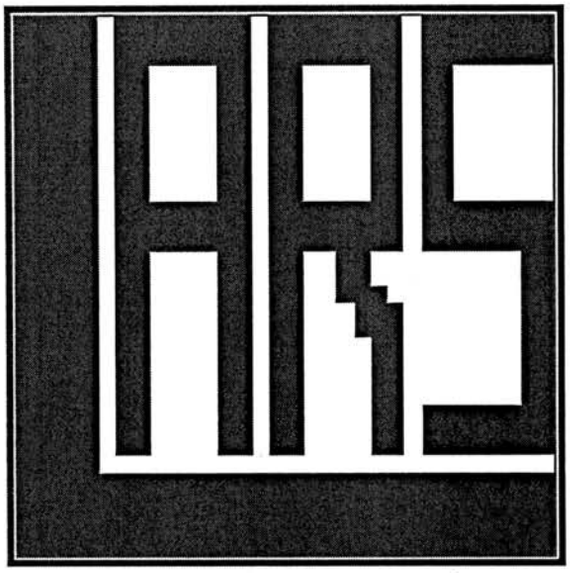
To help further limit encroachment at Camp Ripley, the Minnesota National Guard is proposing the development of an Army Compatible Use Buffer (ACUB) program. Landowners within the proposed buffer area can participate in a voluntary program to protect their lands from development. In most cases, this 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.

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.

NEW BUSINESS

3. E-Link (LARS Assessment) – *Information Item*



WRAP-UP

Local Government Annual Reporting System

1997 – 2002

Minnesota Board of Water & Soil Rersources
One W. Water Street – suite 200
St. Paul, Minnesota 55107

Eric Mohring
651-297-7360
eric.mohring@bwsr.state.mn.us

Revised May 2004

Introduction

The year 2003 marked the last use by local governments in Minnesota of the Local Government Annual Reporting System (LARS) to report on 2002 activities. LARS was put in place in the mid-1990s to improve the efficiency of accomplishment reporting required of local governments receiving state funding for natural resource management through the Minnesota Board of Water and Soil Resources (BWSR).

LARS was a pioneering effort, one for which no road map or blueprint existed. It was put in place before the large-scale proliferation (outside of academia) of communication avenues, such as the internet and the world wide web, we now take for granted. There was a wide range in computing capacity across the various local government offices, from none all the way to sophistication far outstripping state government. The challenges involved in crafting a usable, automated reporting system and putting it in place across the state were great.

In spite of stumbling blocks, mistakes, and many frustrations, the LARS effort produced a useful body of data of the type that never existed beforehand. It was a start, and it paved the way for future efforts. With the retirement of LARS and the advent of its much more powerful successor, eLink, it seems fitting to reflect on the entire LARS effort, the body of data collected, and the lessons learned.

Background

BWSR works with local units of government, such as counties, soil and water conservation districts (SWCDs), and watershed districts, on natural resource management issues. BWSR directs funding to local units of government to accomplish a variety of management and planning functions. During the last two decades there has been a steadily increasing expectation that the resulting accomplishments and benefits be *measurable* and *measured*. This was especially true for projects in place on the ground, such as erosion control or water quality improvement practices.

With the political climate of the 1990s, words and phrases like "environmental outcomes," "milestones," "measurable benefits," "accountability," "indicators," "outcome measurement," and "accomplishment reporting" became increasingly common. A whole new vocabulary evolved in the public sector. It was no longer enough to measure accomplishments by number of permits processed or number of plans produced. Instead, it was what did these things produce? What were their benefits?

By the mid-1990s it was clear that the annual reams of paper reports received from local governments did not provide an efficient way to determine measurable benefits. In cooperation with MPCA and others, BWSR began work on a computerized reporting system. The system became known as *LARS* (Local Government Annual Reporting System).

There was much debate about the appropriate platform. The intention was to make the program usable across a wide range of computer platforms, even the "low-powered" computers in some local government offices of the day. Windows® was not universal at the time, nor was e-mail or internet access. With these constraints in mind, the goal was to construct LARS as a simple, user-friendly relational database application distributed to local governments. The idea was for local government staff to load it on their computers, use it to keep track of projects and financial data, and send a data disk in to BWSR every year.

LARS Database Structure

The system was designed to keep track of data from the following programs:

- Conservation Easements
- Land & Water Treatment
- Feedlots
- State Cost-Share
- Local Water Planning
- Wetland Conservation
- Clean Water Partnership
- Local Shoreland Administration
- County Feedlot Program

It was constructed as a Foxpro for DOS database. LARS data are stored in a series of linked database files or tables. Each file provides a template for storing data from a program or program element:

Database File	Description
EASEMENT.DBF	Conservation Easement (RIM) Information
FEEDINF.DBF	Feed Configuration Values
FEEDLOT.DBF	Feedlot Information
LANDOWN.DBF	Land Owner Information
LANDWATR.DBF	Land & Water Treatment Information
LGUADMIN.DBF	Annual Information for RIM & WCA
LGUINF.DBF	Lars Current Configuration Values
LOCATION.DBF	Monitoring Locations -Local Water Planning
LWPEDUC.DBF	Education & Information -Local Water Planning
LWPEXP.DBF	Financial Information & LWP Annual Information
LWPINVEN.DBF	Inventory Information -Local Water Planning
LWPMONIT.DBF	Monitoring Information -Local Water Planning
LWPPLAN.DBF	Planning & Environmental Info -LWP
PRACTICE.DBF	Conservation Practive Information
SITELOG.DBF	Application Sitekey & Year sets
WETLAND.DBF	Wetland Conservation Information

Figure 1: LARS database files.

The LARS program used a menu-driven system to input and access data for the various programs.

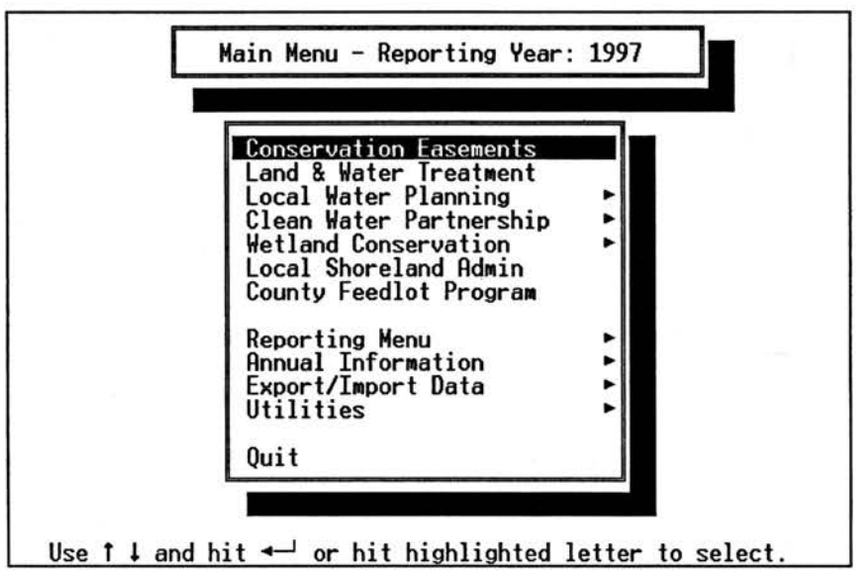


Figure 2: LARS main menu.

Pollution Reduction Estimates

Through cooperation with the MPCA, the LARS system was expanded to include pollution reduction estimates for projects involving erosion control or water quality improvement practices. The program has estimates of *soil erosion-based* pollution reduction for soil savings, sediment reduction, and phosphorus reduction for: 1) sheet and rill erosion, 2) gully stabilization, 3) stream bank/ditch stabilization, 4) filter strips, and 5) feedlot pollution.

The calculations use either the Revised Universal Soil Loss Equation (RUSLE) or a volume voided to estimate soil loss reduction. Sediment Delivery Ratios based on the distance to the receiving water body and the estimated soil loss reduction are used to estimate sediment reduction. Attached phosphorus reduction is derived from sediment delivery and a coefficient based on grain size. There are also 6) wind erosion and 7) "other" calculated pollution reduction, but these offer no calculations, just a place to enter the results of calculations done elsewhere.

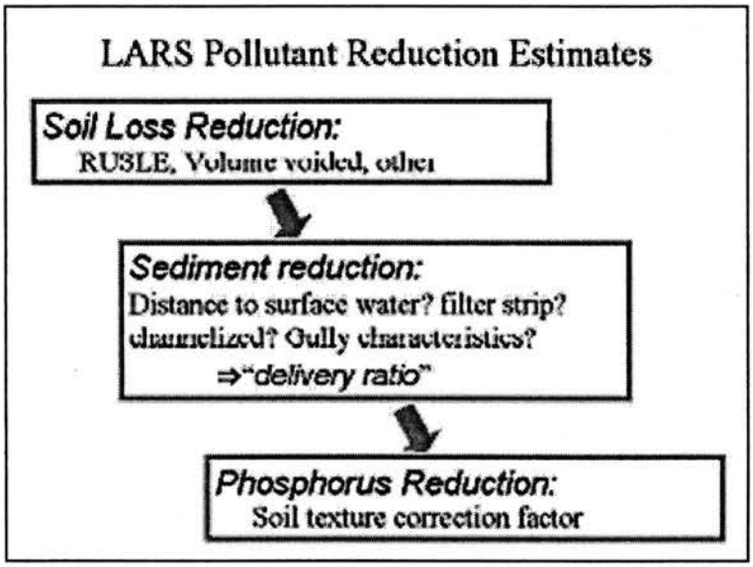


Figure 3: LARS pollution reduction estimates.

LARS Use and Data Collection

A testing program put LARS in place in a handful of counties and SWCDs for 1996 reporting.

For 1997 reporting, BWSR required that reporting for the programs it managed be done using the LARS system. LARS users across the state experienced many problems with installation, use, data management, and export. Serious bugs in the program compromised the value of the data. Though it was widely believed that the 1997 data were worthless, this turned out not to be the case. In spite of the problems experienced, useful data were collected for 1997, especially for land and water treatment practices and easements.

LARS code saw some major revisions in 1998. These revisions cleared up some, but not all of the problems with installation, data entry, and data export. Maintaining and troubleshooting over 300 installations of LARS across the state proved an almost overwhelming task for BWSR staff. The 1998 data required some manual fixing and cleaning up, but once this was accomplished the data quality showed a huge improvement. LARS was on its way to being functional.

In 1999, LARS code saw minor revisions, as well as some repair of the 1998 data. LARS use and the quality of data collected improved steadily from 1999 through 2002. Some lingering bugs existed, but these could be managed or worked around.

The emerging, and soon the biggest, problem was that technology was changing rapidly. While LARS remained a "vintage" mid-1990s computer application, BWSR clientele were adopting and becoming increasingly comfortable with the newer technology. Windows® operating systems, e-mail, internet, the web, and readily available geographic information systems all made LARS seem like, in the words of one SWCD staff person, a "cranky old dinosaur." Local government staff showed great patience as BWSR squeezed additional years out of the LARS system while its successor, eLink, was being designed, built, and put into place.

In spite of the difficulties, LARS enabled the collection of a large and very useful set of data on local government accomplishments. These include data on nearly 20,000 land and water treatment practices (also known as best management practices or BMPs), and 3,500 easements, of which over 2,100 are Minnesota River Conservation Reserve Enhancement Program (CREP) easements. Also included are data on projects accomplished through local water management, including over 3,400 education projects, over 2,200 monitoring projects, and over 500 inventory projects. If nothing else the data demonstrate the magnitude of local government accomplishments in natural resources management. This report includes a series of maps and charts that graphically represent data on local government accomplishments from 1997-2002.

Land and Water Treatment Projects

The LARS database contains information on the installation of 19,888 land and water treatment practices, or BMPs. Figure 4 shows locations by type of pollution reduction estimate used. These projects included 127 different practice types.

Figures 5-9 show the top 20 project types according to number, cost, and pollution reduction estimates for soil loss, sediment, and phosphorus. Figure 10 depicts pollution reduction estimates for the projects. Figure 11 is a cost-benefit summary.

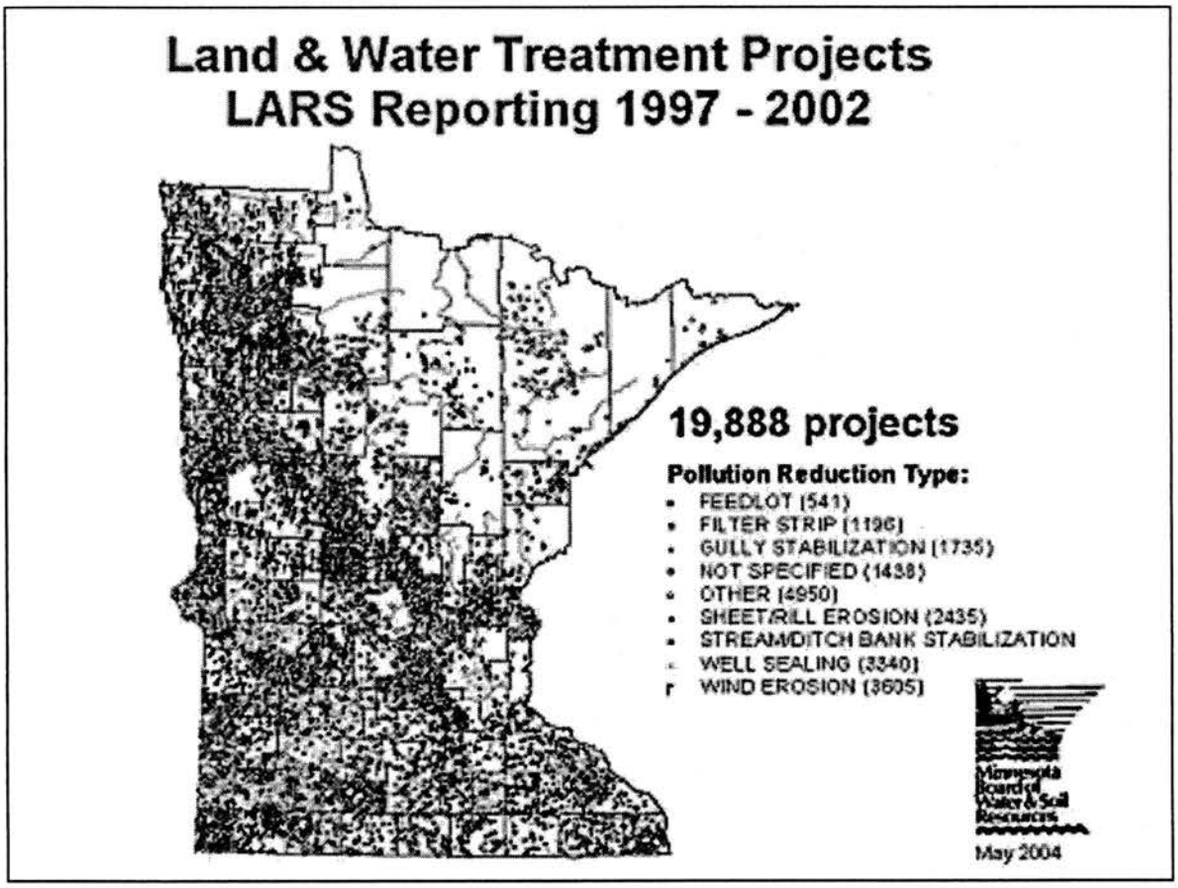


Figure 4: Land & water treatment projects (BMPs) reported via LARS.

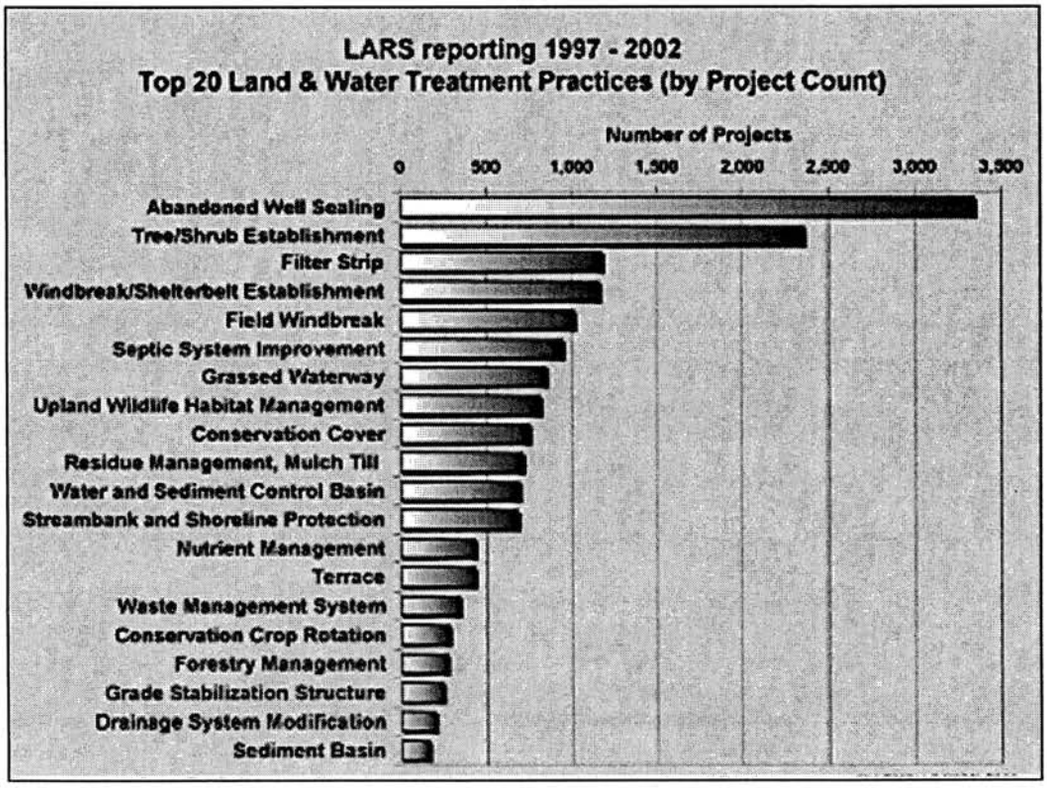


Figure 5: Top 20 land & water treatment projects (by project count).

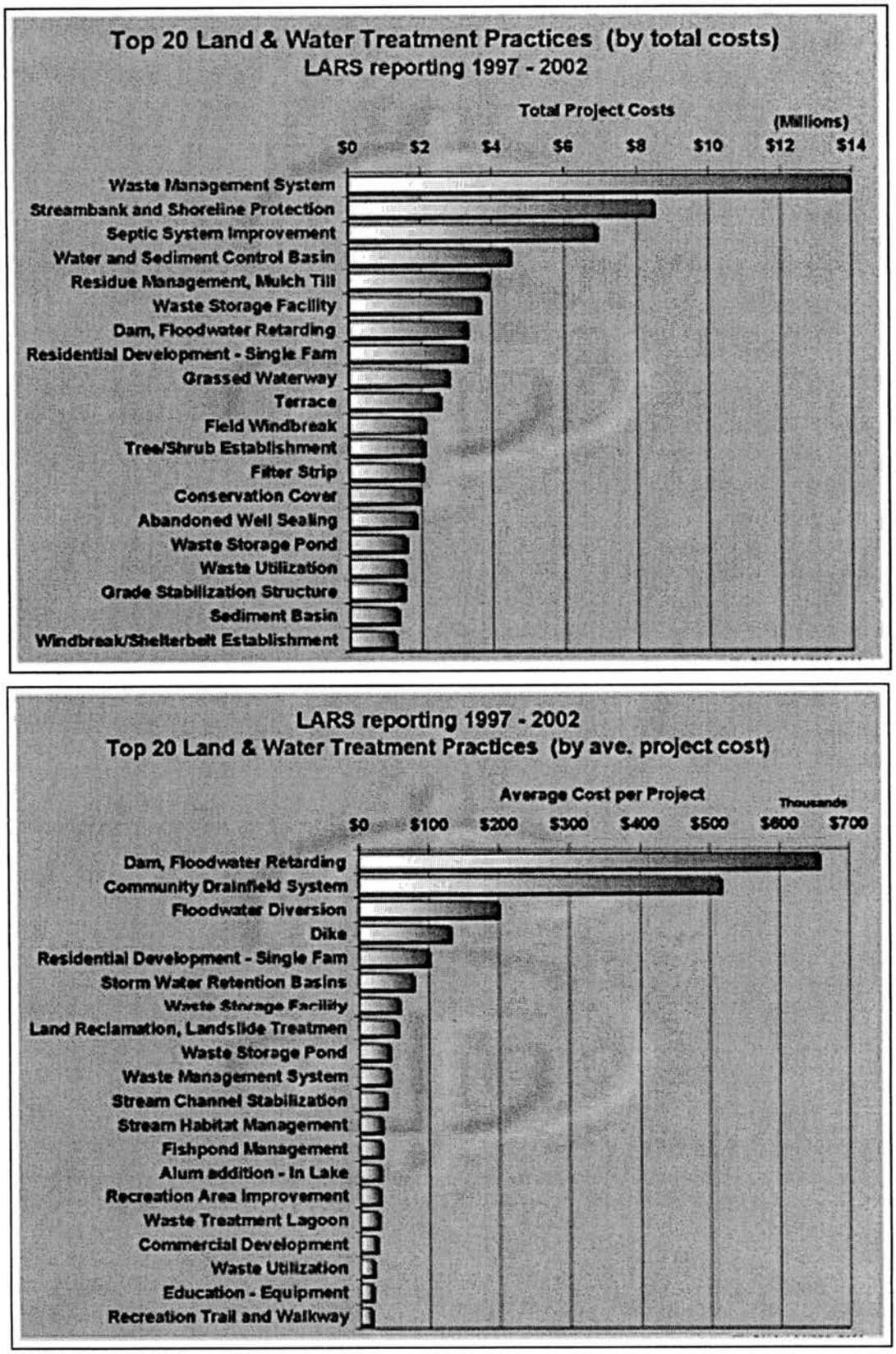


Figure 6: Top 20 land & water treatment practices (by total costs and average project cost).

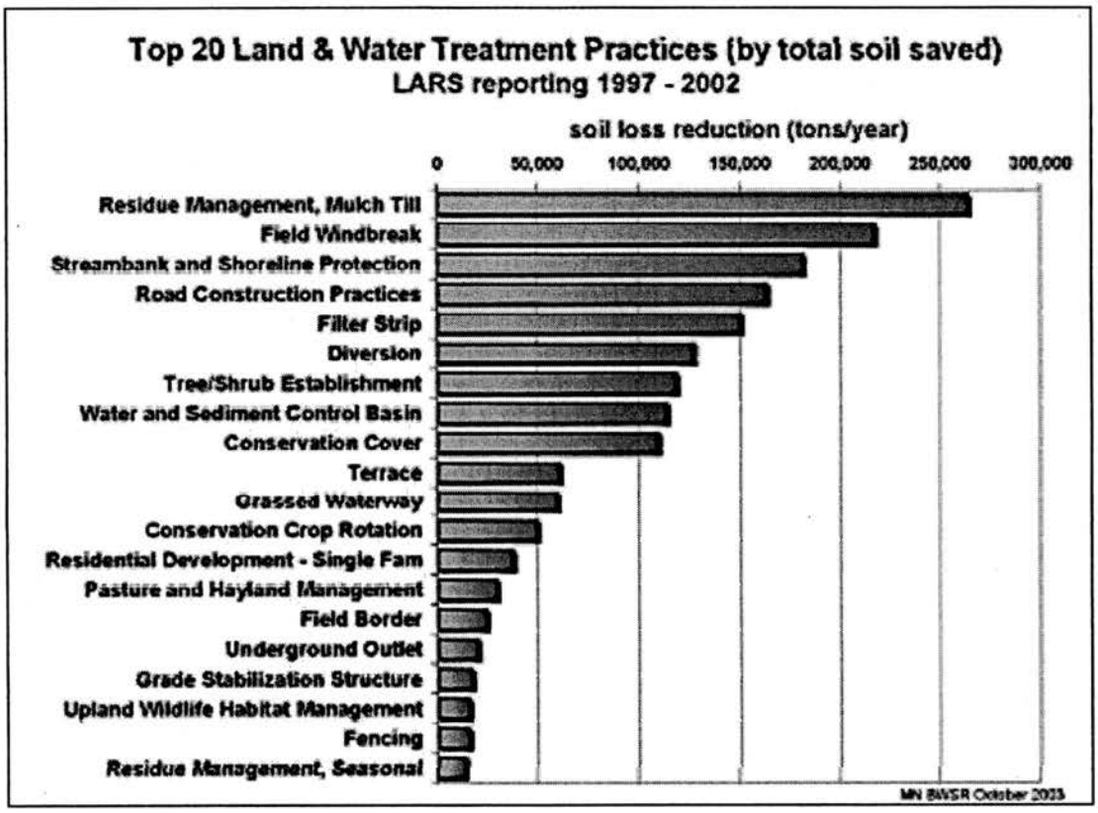


Figure 7: Top 20 land & water treatment practices (by total soil saved).

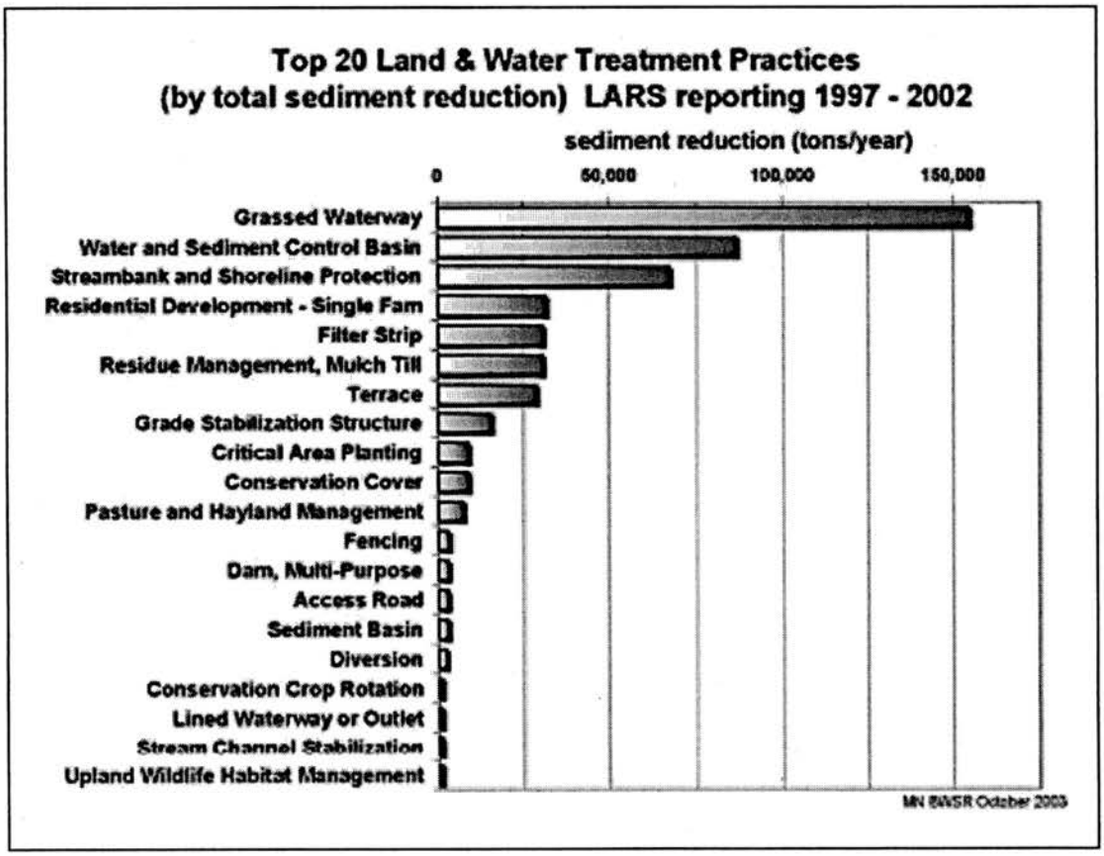


Figure 8: Top 20 land & water treatment practices (by total sediment reduction).

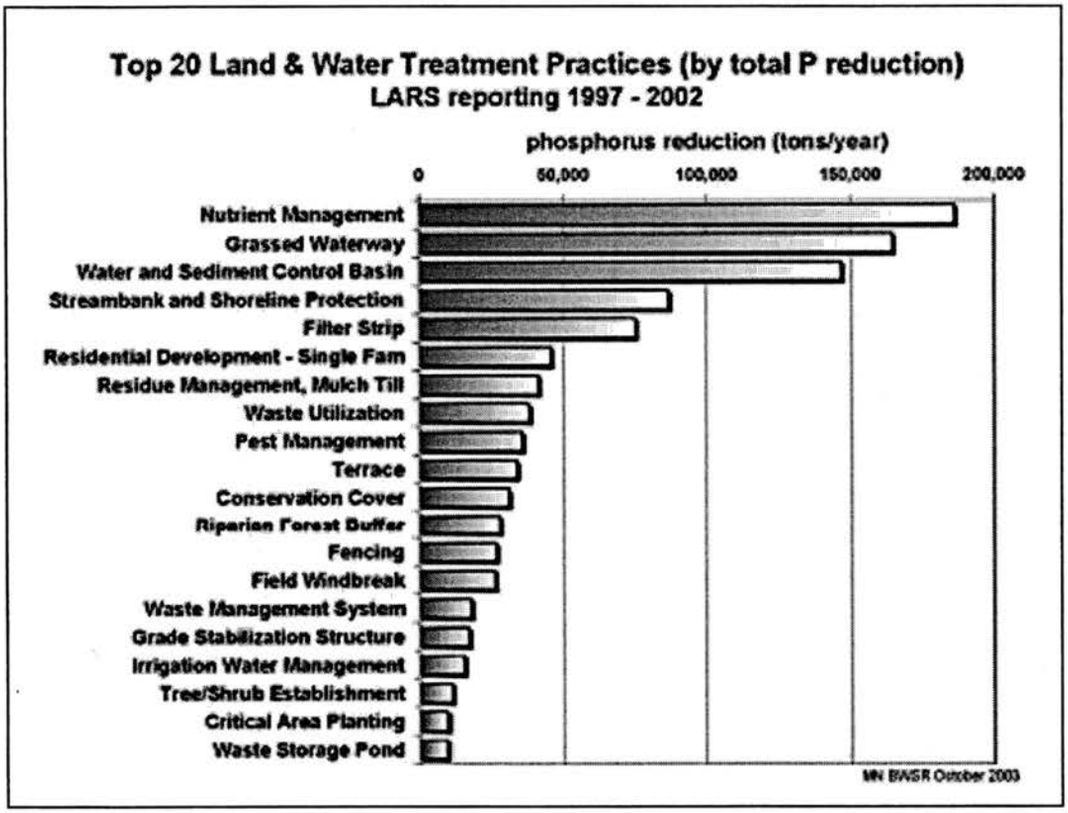


Figure 9: Top 20 land & water treatment practices (by total phosphorus reduction).

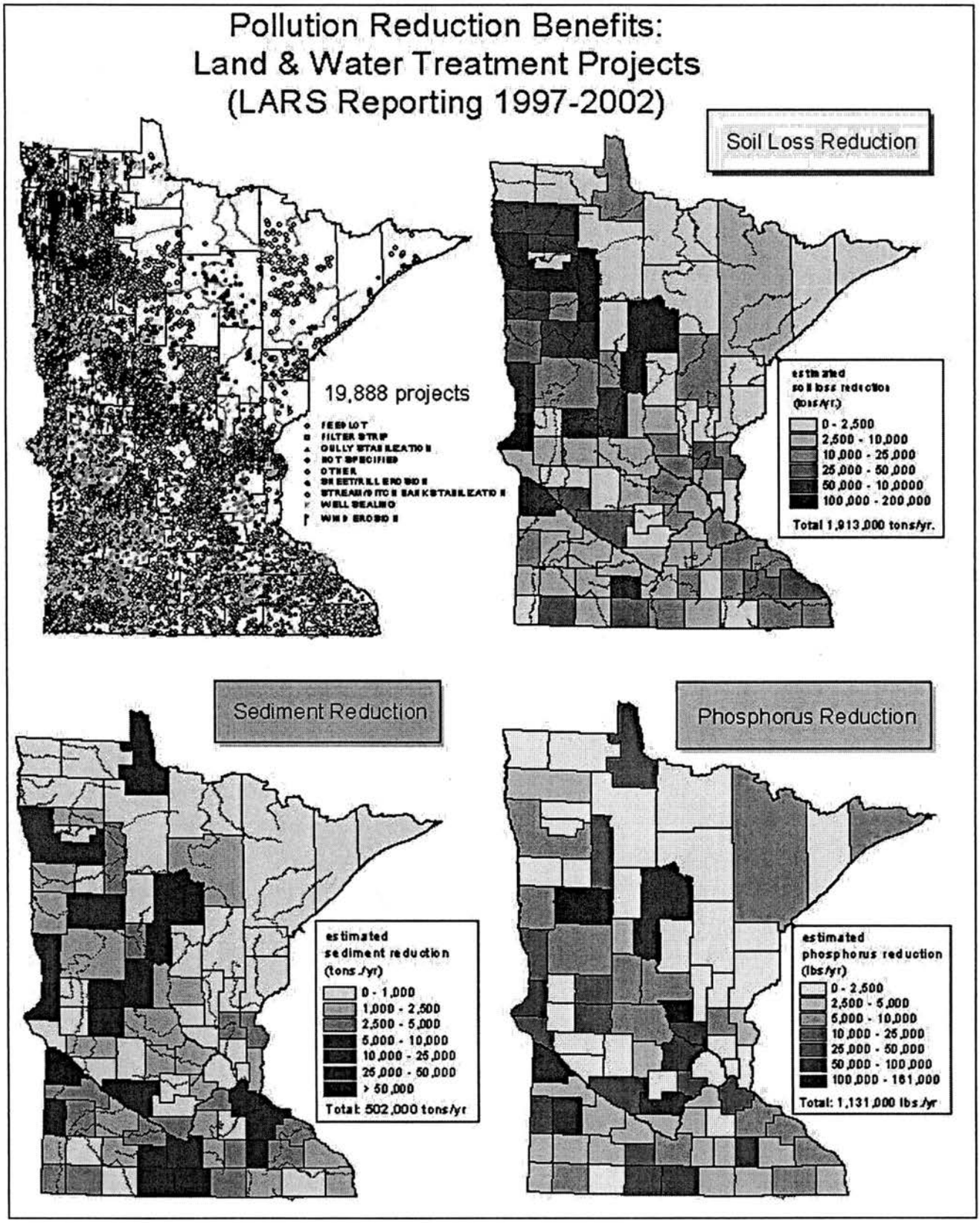


Figure 10: Pollution reduction estimates for land & water treatment projects reported via LARS.

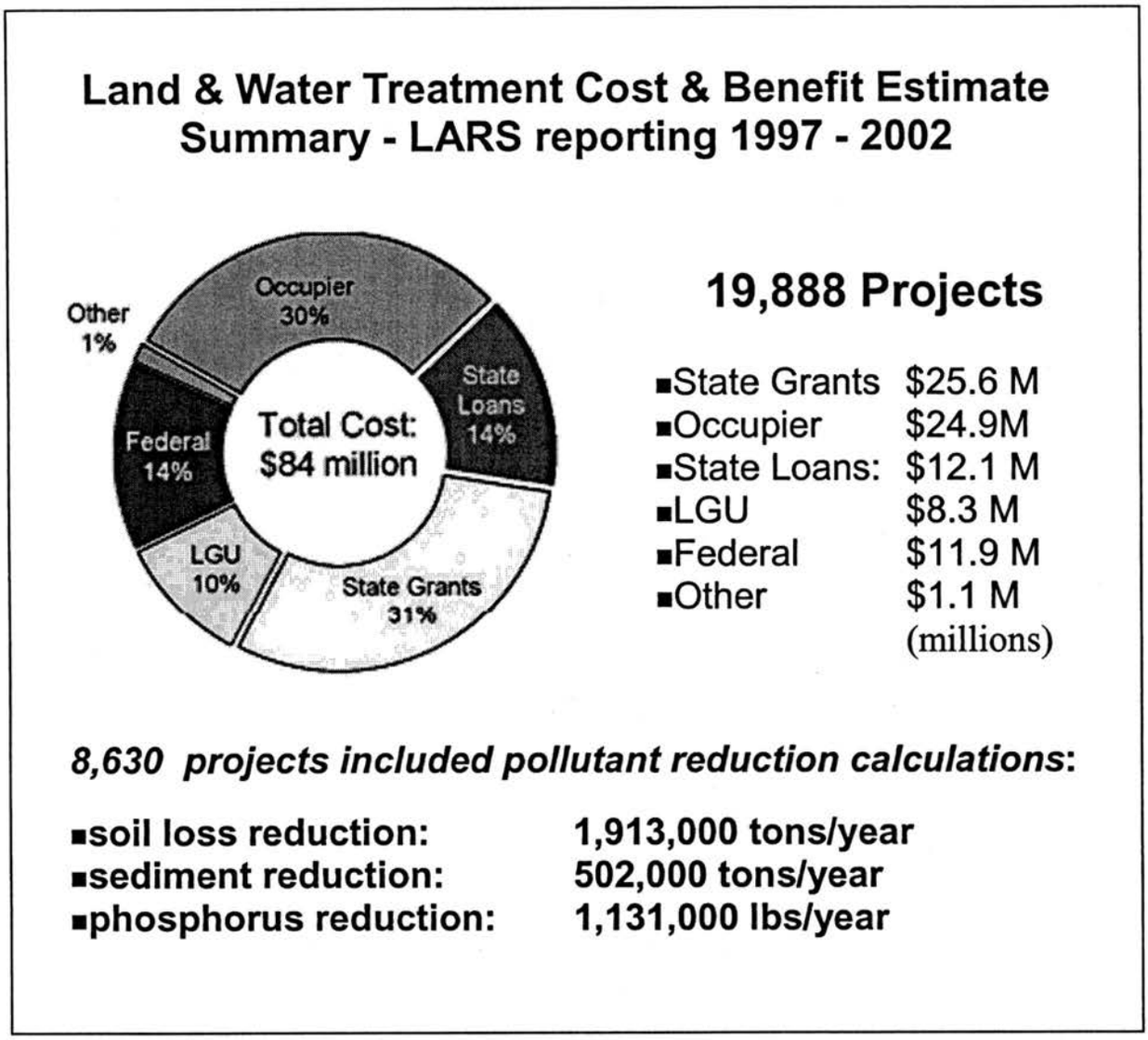


Figure 11: LARS land & water treatment project cost and benefit estimate summary.

Subsets of Land and Water Treatment Data

Data on land and water treatment projects in LARS come from a number of different programs. These include the state erosion control and water quality cost-share program, local water management, feedlot programs, Clean Water Partnership (CWP), section 319 projects, local water planning challenge grants, and others. The Land and Water Treatment dataset can be split apart and analyzed in different ways to assess the costs and benefits of various programs, categories, or subgroups. This has proven to be a very useful exercise and will continue to be under the new eLink system.

State Erosion Control and Water Quality Cost-Share Program

The state cost-share program encompasses the base state cost-share program, state cost-share special projects, feedlot water quality management grants, and the Minnesota River cost-share. These are the "bread and butter" of SWCD activities.

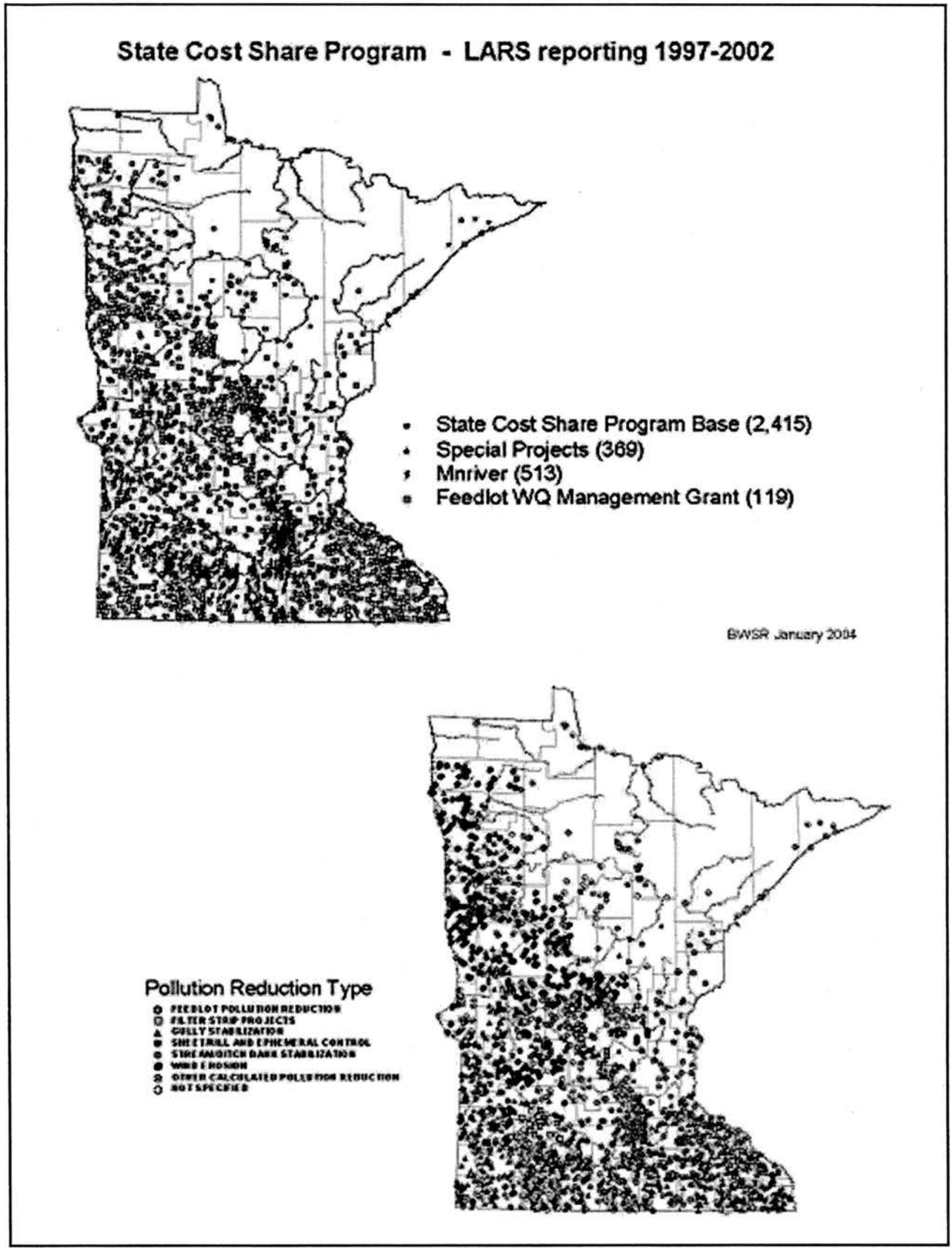


Figure 12: Location of state cost-share projects (by program and pollution reduction type).

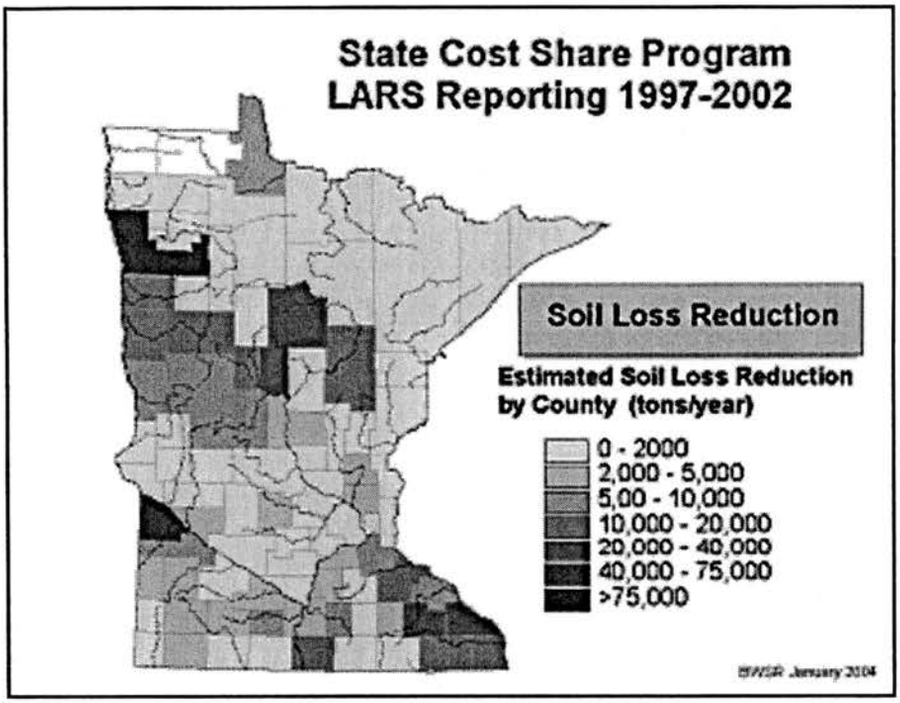


Figure 13: State cost-share program: estimated soil loss reduction by county. From LARS reporting 1997-2002.

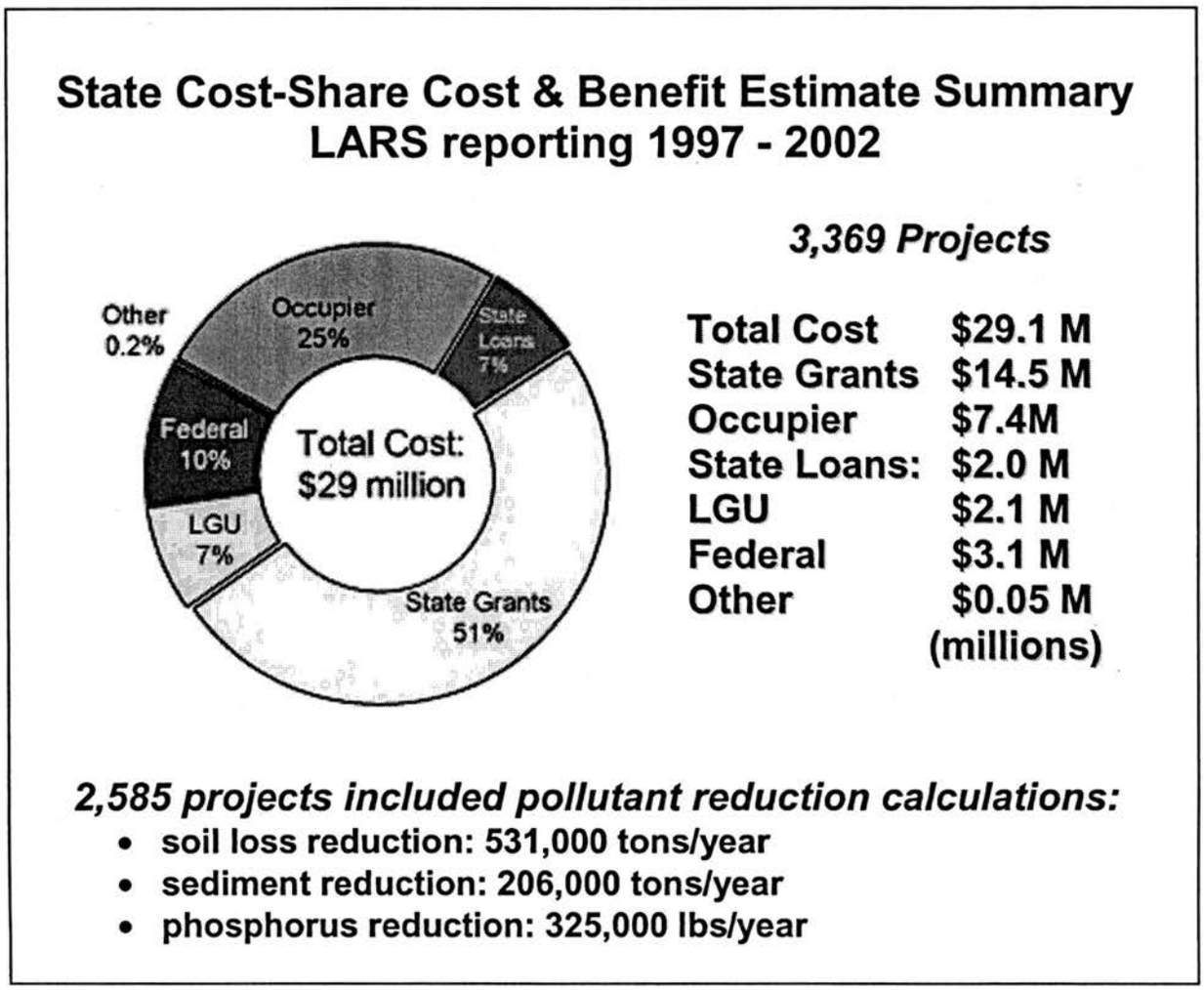


Figure 14: LARS state cost-share cost and benefit estimate summary.

Feedlot Programs

Feedlot programs are an example of a subset of the land and water data that has generated much interest. It is easy to select feedlot projects from the larger dataset using funding source as the selection criterion. Figure 15 shows the location of feedlot projects reported via LARS. It graphically demonstrates the resourcefulness of local government units in leveraging funding from different sources to accomplish the projects. Figure 16 shows the total funding picture for feedlot-related land and water treatment projects reported via LARS.

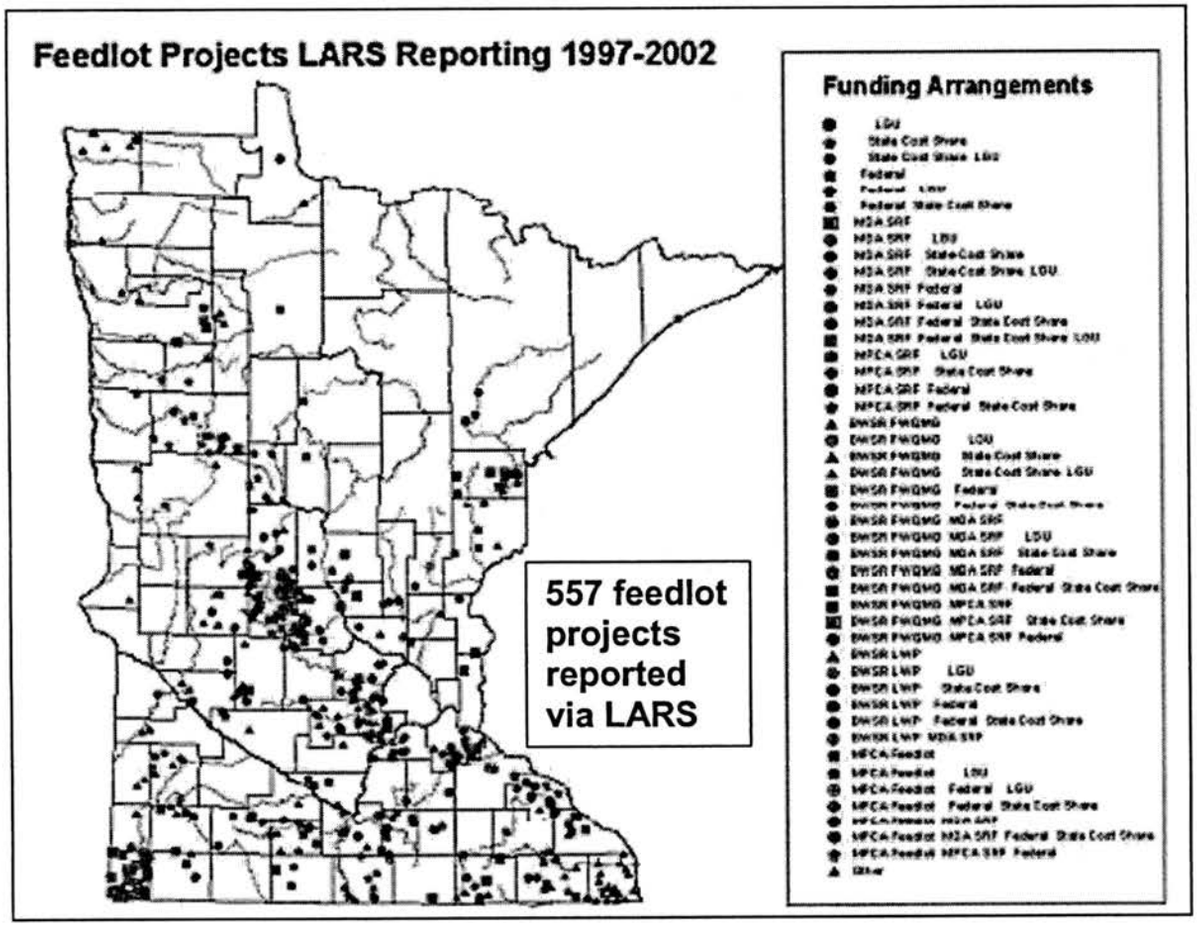
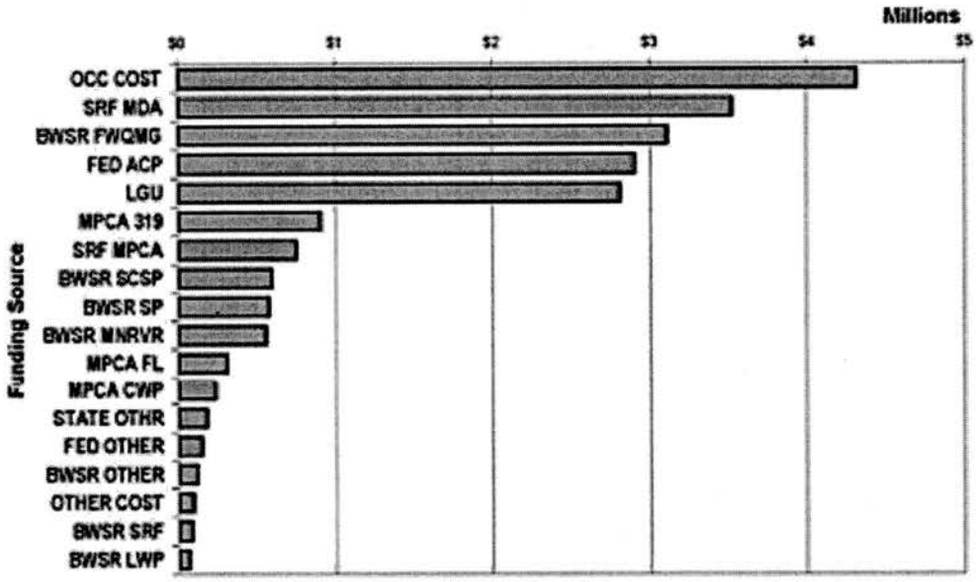


Figure 15: Location of feedlot projects reported in LARS. Each symbol represents a unique funding arrangement.



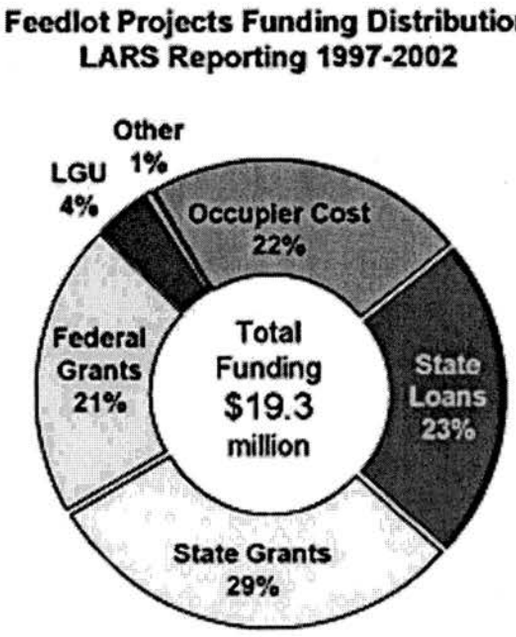


Figure 16: Funding for feedlot-related land & water treatment projects reported via LARS.

Easements

The Reinvest in Minnesota (RIM) program improves water quality, reduces soil erosion and sedimentation, and enhances wildlife habitat by retiring marginal lands from agricultural production and restoring wetlands. The program pays landowners a percentage of the value of their land to enroll it in a conservation easement. The following figures summarize all easements reported via LARS, including those from the Minnesota River Conservation Reserve Enhancement Program (CREP).

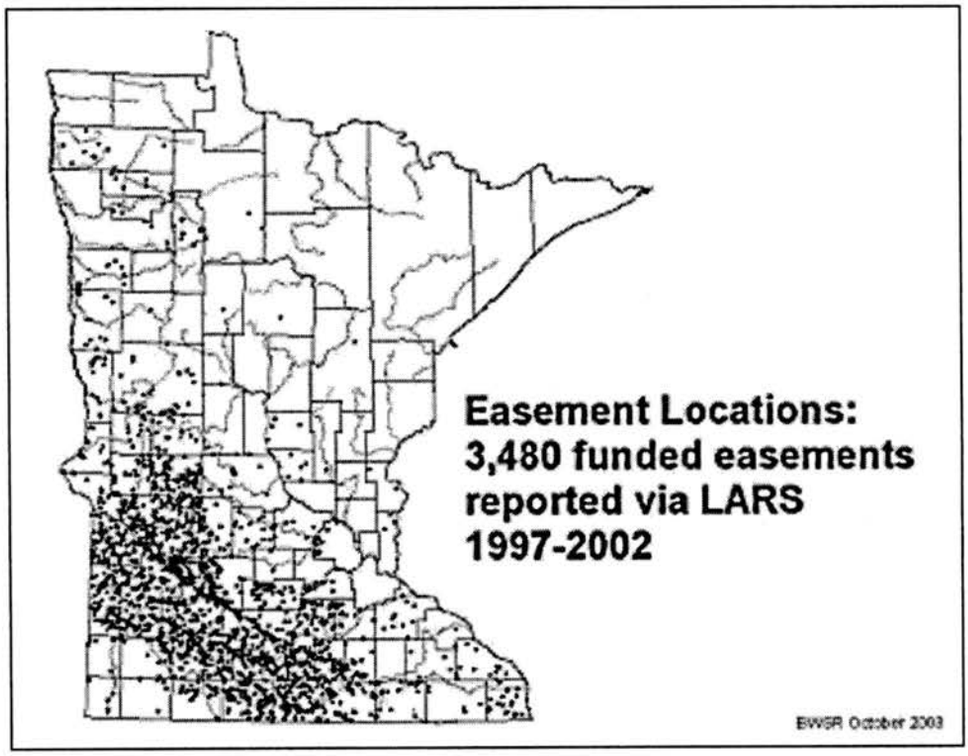


Figure 17: RIM easement locations.

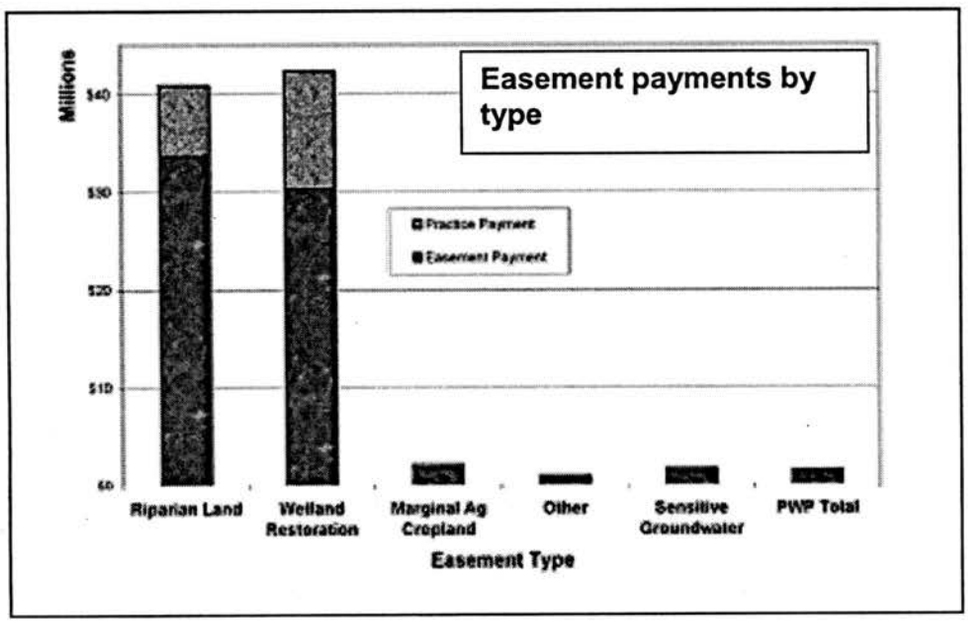


Figure 18: RIM easement payments by type.

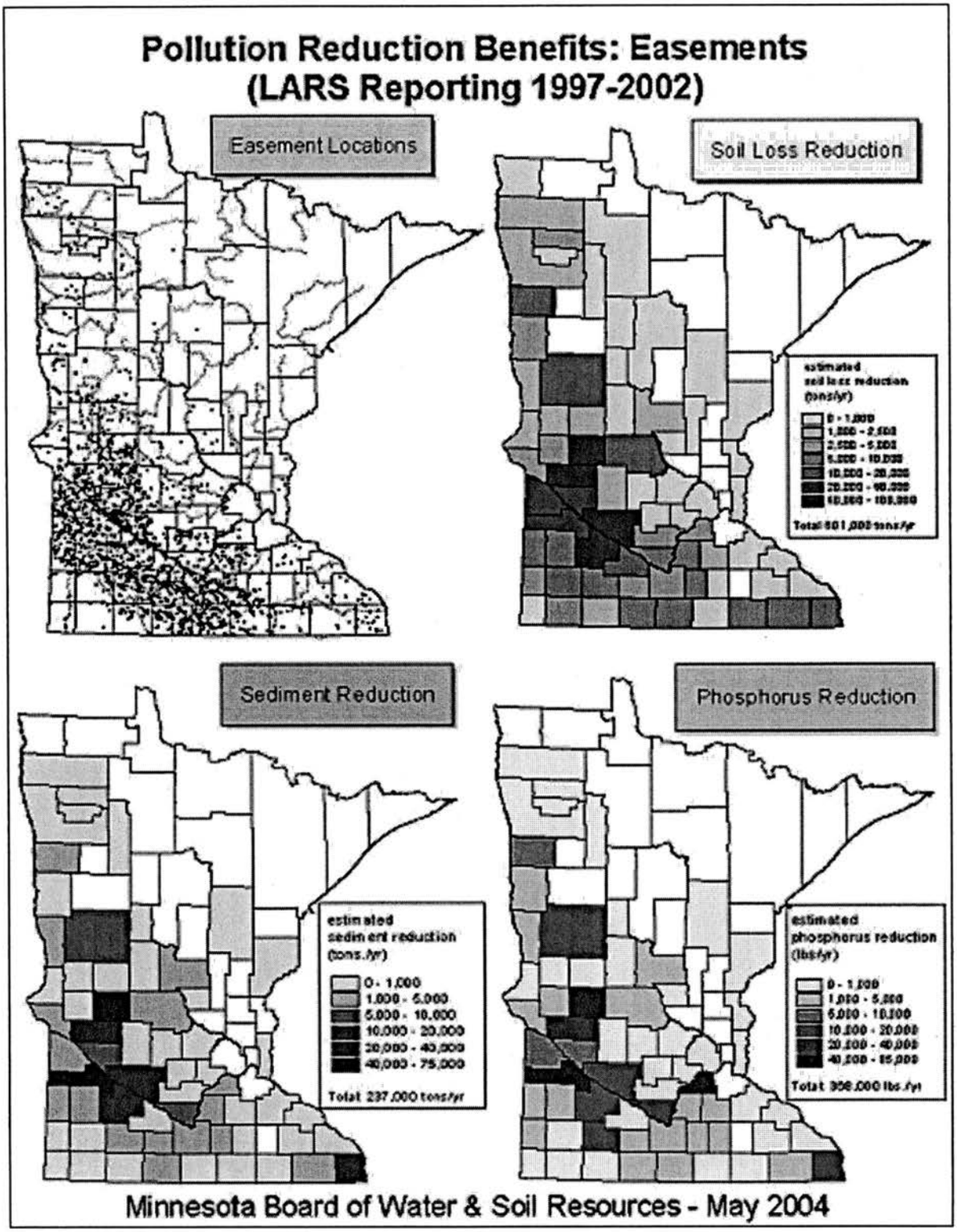


Figure 19: Pollution reduction benefits for RIM easements.

CREP Easements

Since 1988, much of the easement effort has gone into the Minnesota River CREP. CREP combines state and federal land set-aside programs, leveraging federal money for Minnesota.

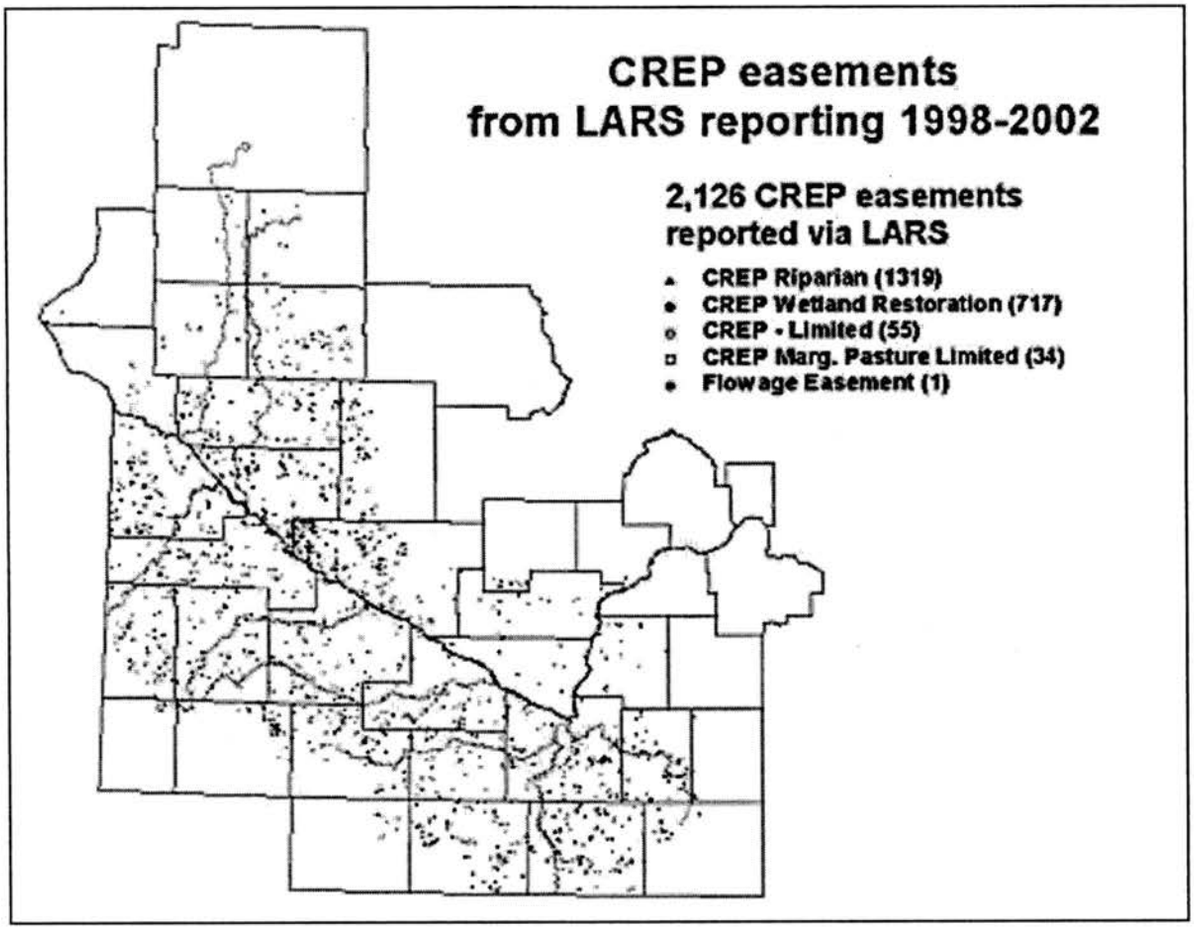


Figure 20: Minnesota River CREP easements (location and type).

The state's first CREP focused the efforts of federal and state programs on the Minnesota River basin. Its goals are to:

- reduce soil erosion;
- reduce sediment and phosphorus loading;
- establish riparian buffers to protect streams, rivers, and ditches;
- protect sensitive groundwater areas;
- restore wetlands to benefit water quality, wildlife, and water storage capacity; and
- create wildlife habitat.

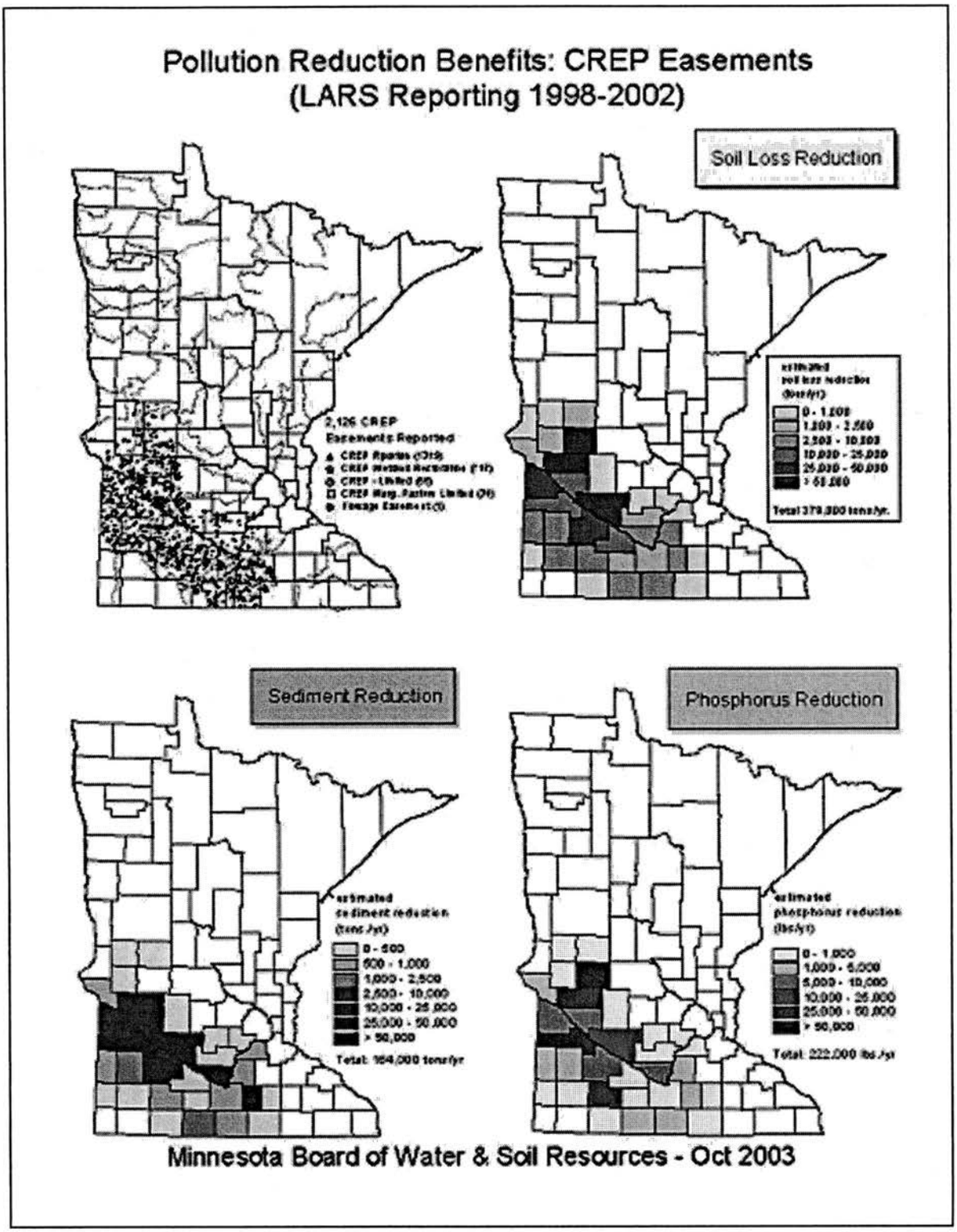


Figure 21: Pollution reduction benefits for Minnesota River CREP easements.

Local Water Management

In addition to projects put in place on the land, LARS captured information on the various accomplishments of local water planning and management, such as information and education, monitoring, inventory, and planning efforts.

Information and Education

Information and education activities included distributing newsletters, hosting environmental leadership forums, leading school activities focused on water protection and management, and conducting demonstration projects.

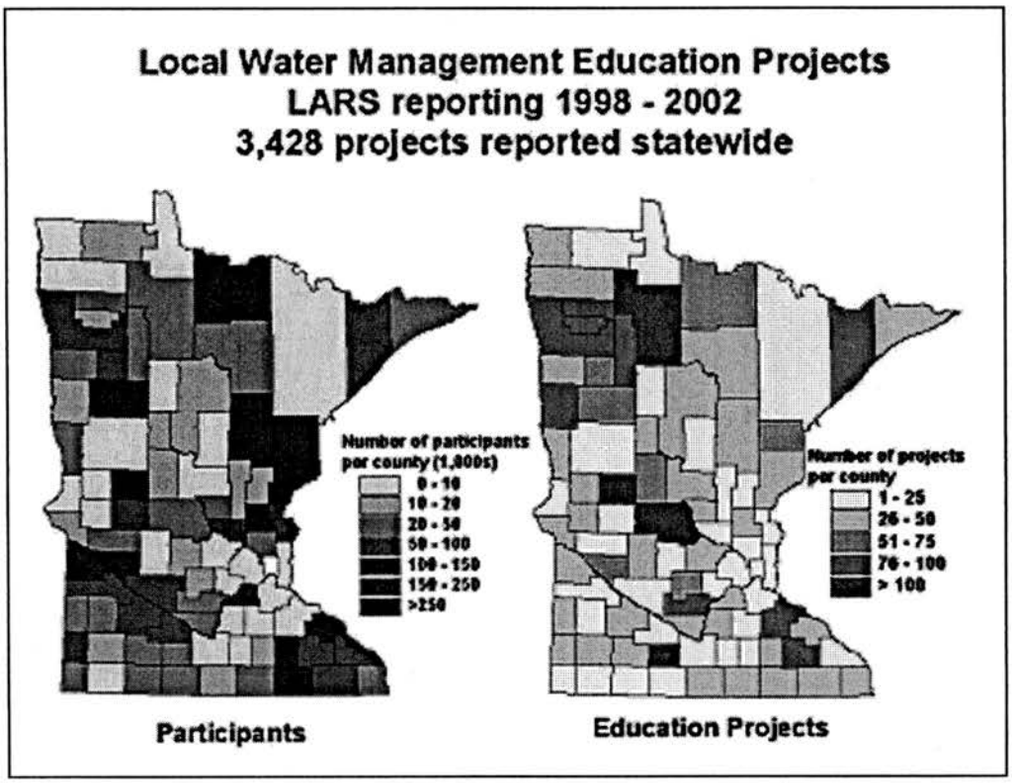


Figure 22: Local water planning education projects.

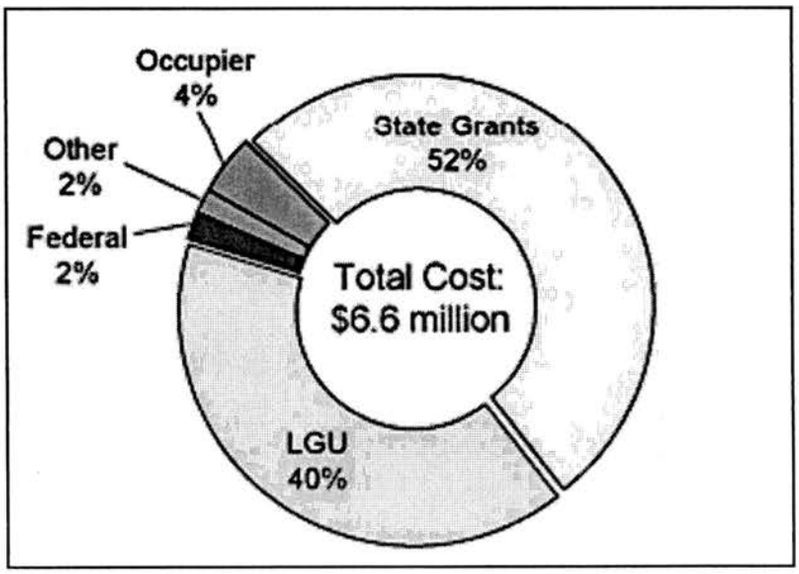


Figure 23: Cost distribution of local water planning and management information and education projects.

Monitoring

Monitoring efforts targeted surface and ground water to collect data such as nitrogen and phosphorus levels, transparency, macro-invertebrates, total dissolved solids, bacteria, or basic chemistry. The efforts usually included an assessment of the data.

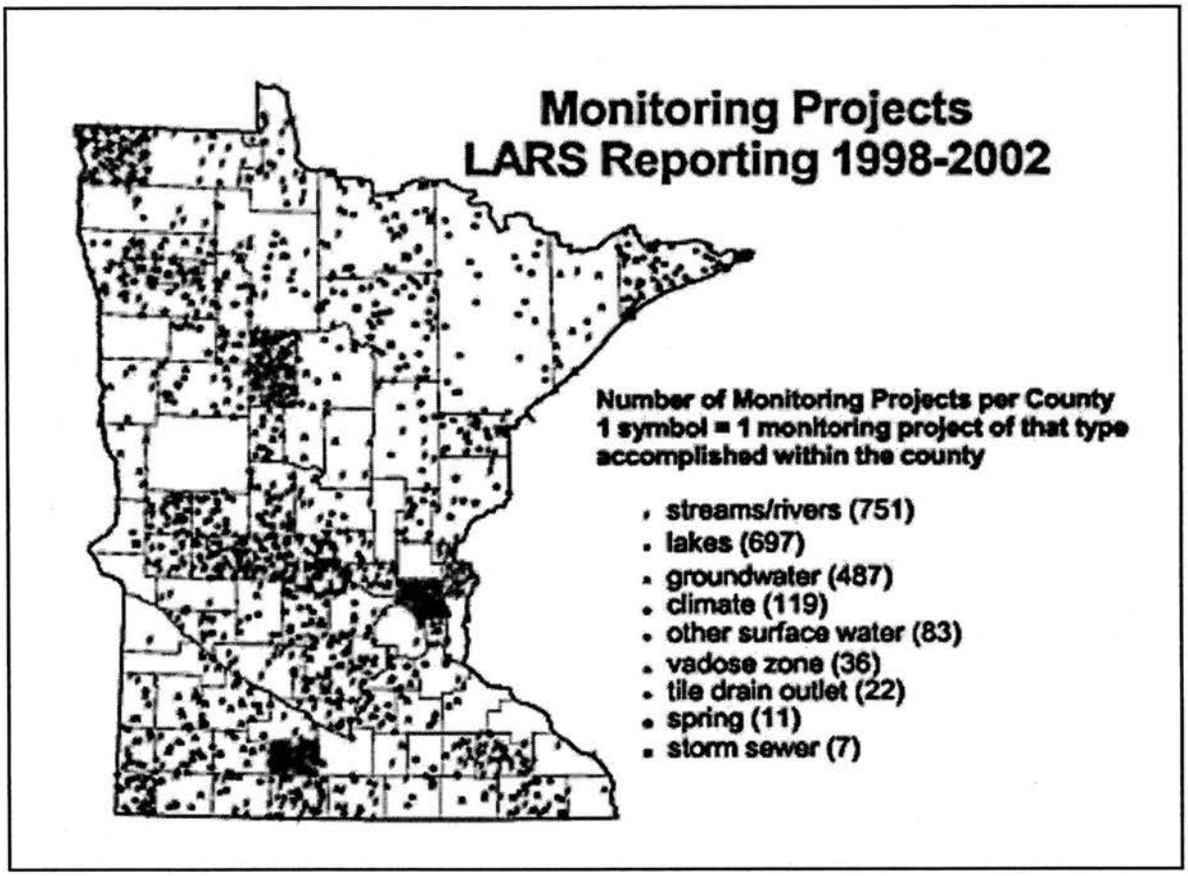


Figure 24:
Local water management monitoring projects.

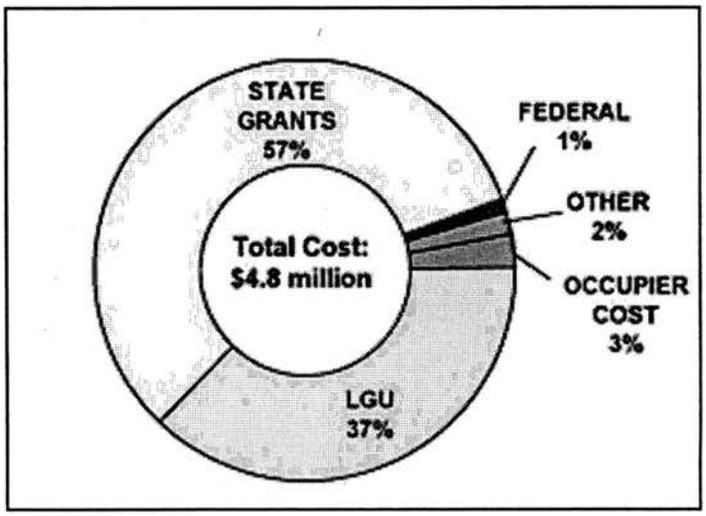


Figure 25: Cost distribution of local water planning and management monitoring projects.

Inventory

Local water planning and management efforts accomplished local inventories of septic systems, feedlots, unused wells, tillage practices, riparian erosion, highly erodable acres, and other information key to future natural resource management.

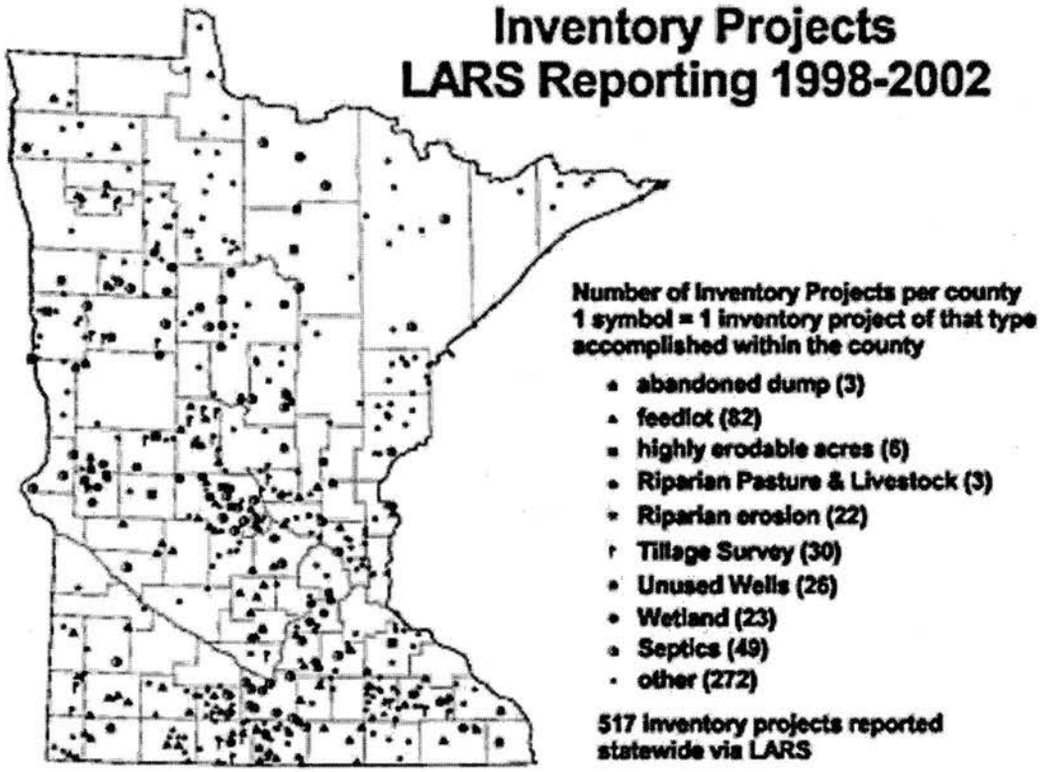


Figure 26:
Local water planning inventory projects.

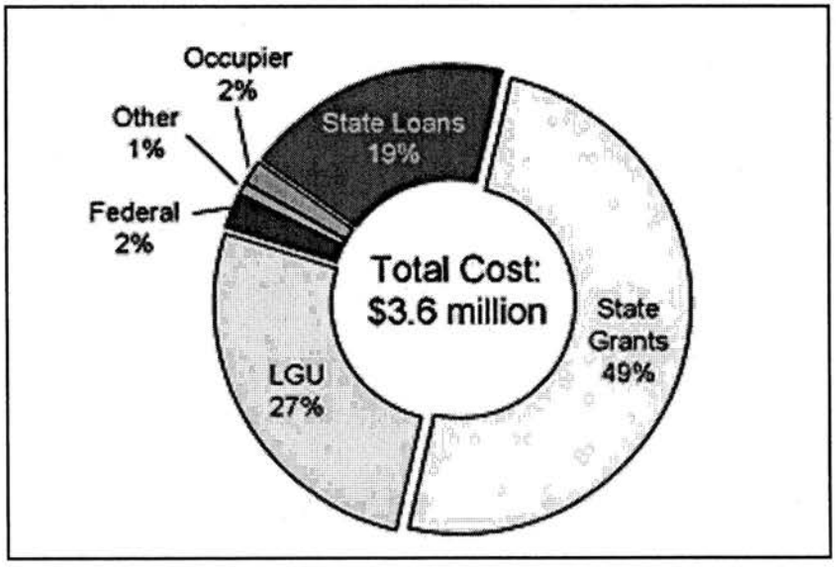


Figure 27:
Cost distribution of local water planning and management monitoring projects.

OLD BUSINESS

1. **Minnesota Wetland Mitigation Guidelines and the Interagency Mitigation Memorandum of Understanding – *Information Item***

Minnesota Wetland Mitigation Guidelines and Interagency Mitigation MOU

Issues for Resolution by Agency Leaders

Background: The Interagency Wetland Group (IWG) has been working for several months to develop a set of wetland mitigation guidelines aimed at reconciling the sometimes conflicting or inconsistent requirements of the various state and federal wetland regulatory programs.[1] The main goal of the guidelines is to identify for permit applicants the "bottom line" mitigation requirements that, if followed, will help ensure that mitigation proposals are approved in a timely manner by all of the applicable regulatory agencies.[2] The guidelines would be made available to the public in a published and on-line document. The underlying interagency agreements are proposed to be formalized in a Memorandum of Understanding similar to the MOU on Regulatory Simplification and Banking signed by all of the agencies in 1994. While the MOU cannot obligate the agencies to administer their programs in a manner that conflicts with their respective statutes, rules and regulations, it can serve as a vehicle to facilitate interagency cooperation in reviewing permit applications, leading to more efficient use of agency staff, more timely processing for permit applicants, and greater effectiveness in achieving program goals for wetland protection.

The IWG has made significant progress in developing the mitigation guidelines (Draft Version 1.7 attached). However, the group has identified several issues that involve larger policy considerations that they believe are more properly addressed by agency leaders.

1. Use of preservation as a wetland mitigation option below the 1:1 ratio. Corps of Engineers (COE) policies allow the preservation of at-risk wetlands as compensatory mitigation under certain, generally rare circumstances. Wetland Conservation Act (WCA) rules also allow preservation of Exceptional Natural Resource Value Wetlands, although there must be hydrologic or vegetative restoration over at least 25% of the preserved area to receive mitigation credit (Minn Rules 8420.0541, Subp. 4). However, under Minnesota Water Quality (WQ) Rules, only wetland restoration or creation may be used to compensate for authorized impacts – there is no provision for wetland preservation (M. R. 7050.0186, Subp 6.B). In implementing the WQ rules, the Pollution Control Agency (PCA) generally requires compensation at a 1:1 ratio. If other regulations require compensation at a greater than 1:1 ratio, PCA does not object to using preservation for any amount over the 1:1, but by rule requires that at least 1:1 be

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[1] Primarily – Federal Clean Water Act Section 404 (U.S. Army Corps of Engineers); Minnesota Wetland Conservation Act (Mn. Board of Water and Soil Resources); Public Waters Permit Program (Mn. Dept. Natural Resources) and Water Quality Certification and Stormwater Permits (Mn. Pollution Control Agency).

[2] It's important to note that the Mitigation Guidelines pertain only to the compensatory mitigation requirement of the various regulations, which is the last step of the mitigation sequence of avoid, minimize and replace. The Guidelines only come into play *after* the regulators have determined that an activity can be authorized and issuance of a permit is likely if appropriate compensatory mitigation will occur.

accomplished by restoration or creation. Because Corps policy and WCA rules allow preservation as a mitigation option when the required mitigation ratio is 1:1, there is a potential conflict with WQ rules.

2. **Mitigation credit for stream restoration projects.** An interagency group of resource specialists called the Northeast Regional Stream Team was formed fairly recently to investigate opportunities to conduct stream restorations to fulfill wetland mitigation requirements. They point out that streams and their associated riparian wetlands should be viewed as an integrated ecosystem, and that restoring degraded streams to their original dimension, pattern and profile often results in restoring more natural hydrology to their adjacent wetlands. A member of this group, Dr. Elon (Sandy) Verry, has developed a proposal for assessing stream restorations and assigning mitigation credit.[3] Dr. Verry presented his proposal to the IWG at our April 5, 2004 meeting. There are a couple of policy issues that the IWG cannot address:

- All of the state and federal regulatory programs will allow mitigation credit for restoring riparian wetlands, even if it is incidental to a stream restoration project. There are questions however, about how much and what type of credit (New Wetland Credit vs. Public Value Credit) is assigned and whether or not the actual acreage of *stream* area restored should be allowed as wetland mitigation.
- Whether or not these types of restoration projects should be required as mitigation for certain impacts to streams regulated by the DNR under the Public Waters Permit Program (e.g. installing box culverts).

3. In-Lieu Fee (ILF) mitigation. ILF mitigation is a process by which permittees pay a fee (based on amount of impact) to a third party, which then uses the accumulated funds to develop mitigation sites. It is distinct from mitigation banking in that the mitigation is accomplished after the impact, rather than before. The IWG has agreed in general that ILF should be considered as a mitigation option. However, there are several policy-related issues to be addressed:

- The structure and procedures for ILF mitigation need to be established. What agency or entity will collect funds and be responsible for developing mitigation projects?
- Are state statute or rule changes needed to accommodate this option?
- What will be the impacts on the existing wetland banking economy?
- Should ILF mitigation be restricted to the >80% portions of the state, where mitigation options are limited?
- Can ILF mitigation be used to fulfill a permittee's entire mitigation requirement? The IWG had previously agreed that ILF could be used in the >80% areas of the state for any portion of the mitigation requirement imposed by the Corps that exceeded the WCA replacement ratio.

4. Wetland bank service area in the >80% areas. The St. Paul District COE has established a policy of generally requiring a wetland replacement ratio of 1.5:1. Part of the rationale for requiring a greater than 1:1 ratio is the temporal loss of wetland

[3] Verry, E.S. 2004. Stream banking protocol: a proposal for Minnesota. *In* Self-Sustaining Solutions for Streams, Wetlands and Watersheds. Proceedings of the September 2004 Conference. pp. 91-98.

functions that results when mitigation is accomplished concurrent with, or after the wetland impact. Accordingly, the COE has indicated that replacement through debiting of existing, high quality wetland bank sites should generally qualify for a 1:1 ratio because there is no temporal loss of functions. There are questions, however, about how far from the wetland impact a bank can be and still qualify for a 1:1 ratio. In other words, how large can the bank service area be and what should the service area be based on? (This issue only pertains to the >80% areas of the state because other areas are restricted by the WCA in how far away the replacement can be.)

Previous discussions have focused on using watershed or ecological classification units as the basis for designating bank service areas. Federal policy favors a watershed-based approach. The Minnesota Wetlands Conservation Plan (1997) used the Ecological Classification System (ECS) as the basis for designating and developing management prescriptions for "Wetland Ecological Units." Figures 1 and 2 illustrate potential bank service areas based on watersheds and ECS units. The decision on which system to use and the geographic size of the bank service areas needs to be decided by the regulatory agency leaders.

5. Agency participation in developing Comprehensive Local Wetland Plans. The quality and effectiveness of local wetlands plans is enhanced when all regulatory agencies participate in their development. Any regulatory efficiencies gained by developing a local plan may not be realized if one or more regulatory agency does not approve the plan. As part of the Mitigation Guidelines and associated MOU, it would be desirable for the agencies to commit to collaborative participation in local wetland planning efforts. The level of commitment and how it's formalized in the Guidelines and MOU must be decided by the agency leaders.

Figure 1. Major watersheds that may serve as wetland bank service area boundaries.

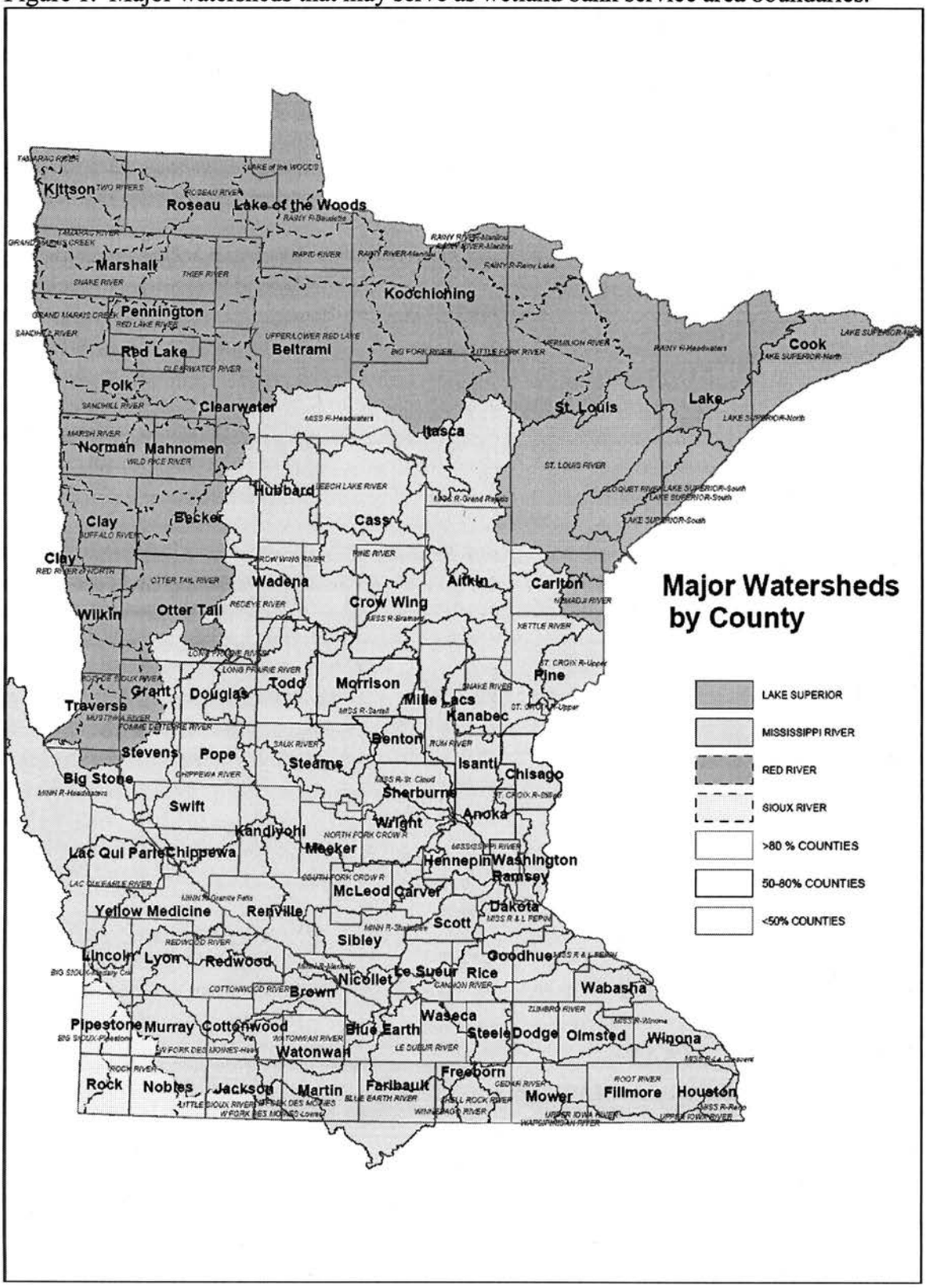
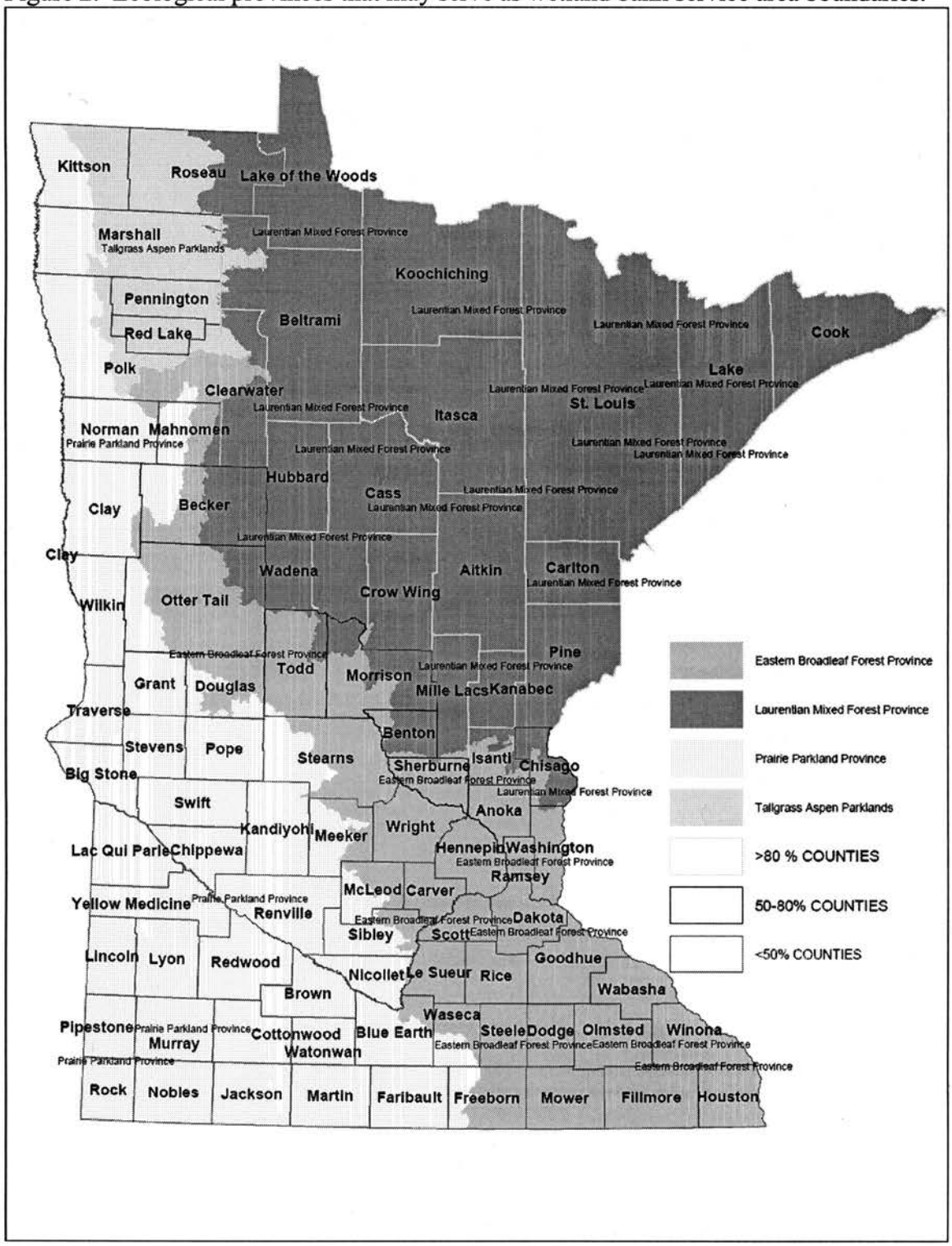
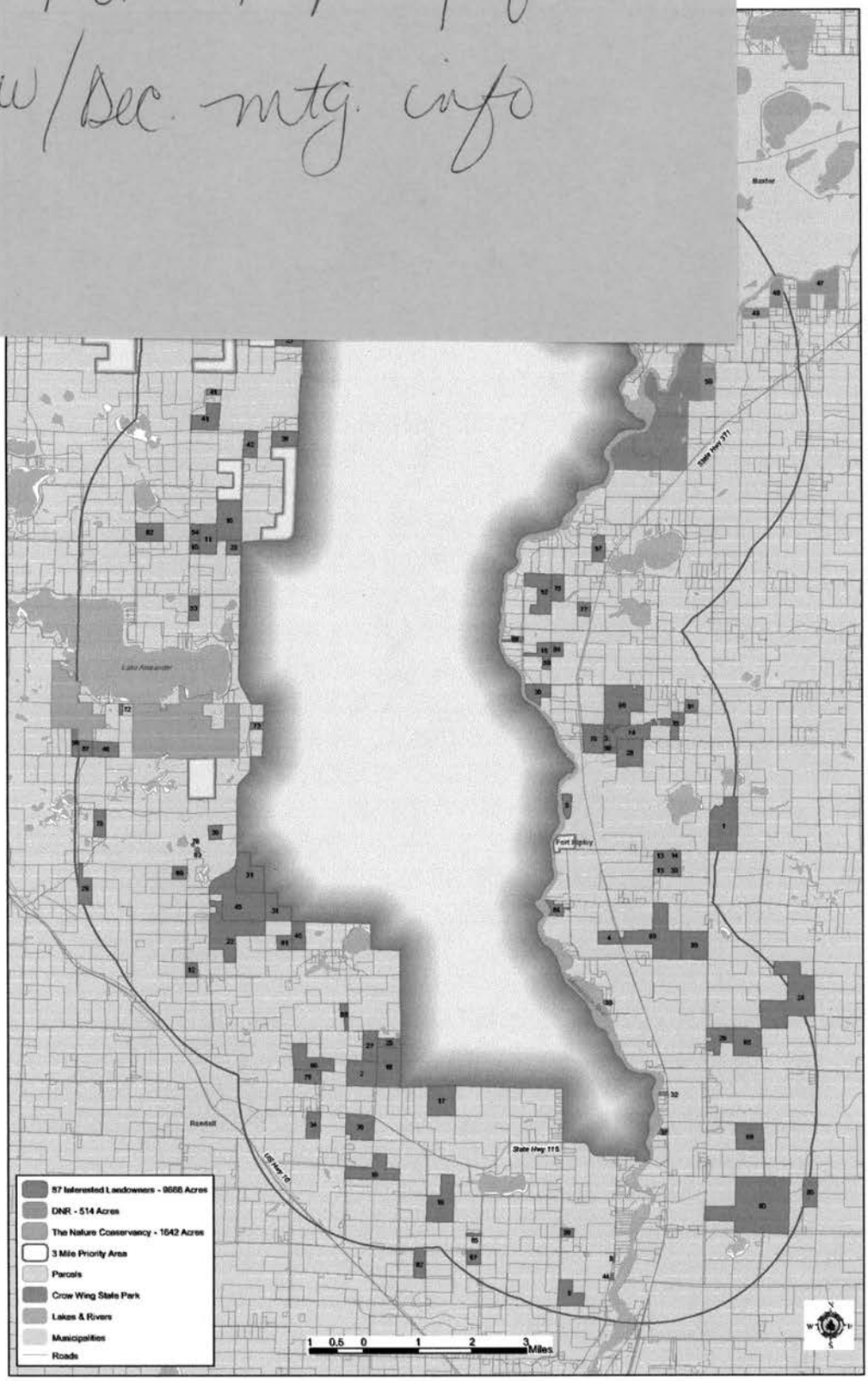


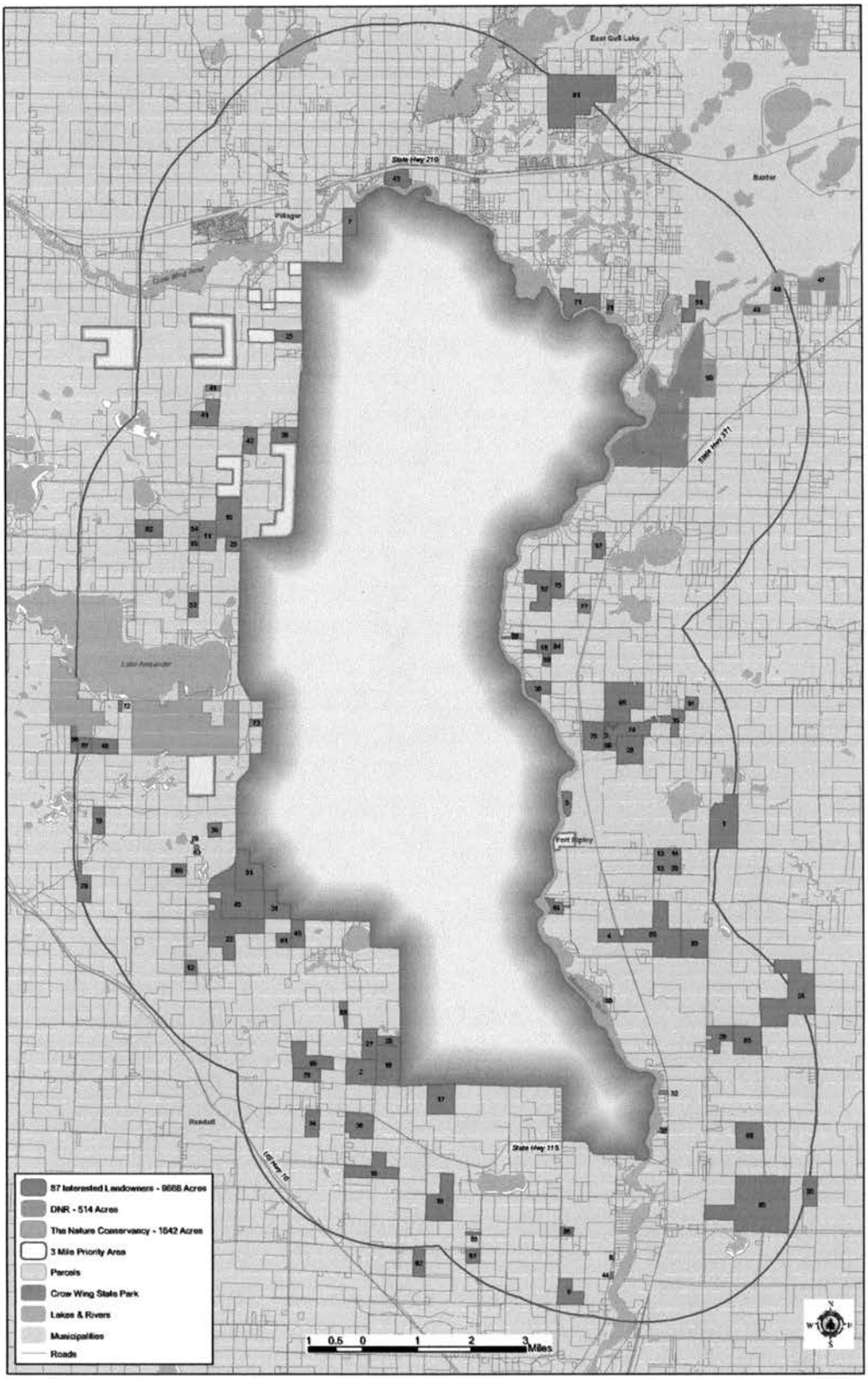
Figure 2. Ecological provinces that may serve as wetland bank service area boundaries.



Fort Ripley file
w/Dec. mtg. info



Prairie to Pines Partnership
Potential Real Estate Actions



FOR YOUR INFORMATION

December 15, 2004

- "BWSR Update"
- Board Member Listing Updated
- "Our Working Lands Legacy"
- News Release – "Governor Says Forecast Includes Good News and Also Identifies Remaining Challenges"
- Governor's Clean Water Initiative Project: North Central MN Lakes Pilot Project DRAFT Work Plan
- Letters from the Red River Basin Flood Damage Reduction Work Group to Congressmen regarding Funding for Corps of Engineers Projects in NW Minnesota
- Brochure – "Watershed Leadership Program"
- BWSR News Release – Seven named as finalists for State's 2004 Outstanding Conservationist Award
- *Outdoor News* – "BWSR, DNR prep for possible budget cuts"
- Letter from Minnesota Pollution Control Agency to interested parties regarding Request for MPCA Citizen Board Approval of Two General Livestock Production National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permits
- NRCS News Release – Five Minnesota Watersheds Included in Historic Expansion of the National Conservation Security Program

Minnesota Board of Water & Soil Resources

Board of Water and Soil Resources
U·P·D·A·T·E

A publication of the Minnesota Board of Water and Soil Resources December 2004

NORTH

Watershed Districts

Brian Dwight reports that the Red Lake Watershed District plan is progressing. The public input and the Natural Resource Enhancement inventory/assessments are complete and the goal setting phase has begun.
Pete Waller and Brian met with the Buffalo River Watershed district to discuss changes to their work plan and budget for the long-range plan update. Brian has been asked to meet with the RRWMB to develop a schedule and funding plan to start the hydrologic modeling for the Sand Hill and Middle Snake-Tamarac Watershed Districts. Brian has also been assisting with WCA issues on the west intercept project in the Roseau River Watershed District.

Brian is working with the U of M Extension Service to deliver a Watershed Leadership Program for water managers in the Red River Valley. Brian met with the RRWMB and requested some financial support for the program. They moved to support this effort in an amount needed to get registration cost down to $50 per participant. He is waiting for a response from MASWCD and AMC.

Forestry

Jim Lemmerman is on the planning committee for a joint meeting of the Minnesota Society of American Foresters and the Minnesota Association of Conservation District Employees to be held in Mankato on Feb. 15–16. The main focus of this joint meeting will be an educational effort to inform field personnel about tree and shrub insects and diseases.

Jim is working with Vermilion Community College and Itasca Community College in developing a curriculum for continuing education of stewardship plan writers. The two community colleges received a grant from the Blandin Foundation's - Vital Forest/Vital Communities to develop this curriculum. There are 17 SWCDs that have plan writers working for them to develop stewardship plans. There is a requirement for plan preparers to have at least 20 hours of continuing forestry education each year. This would make sure the opportunity is available for the plan preparers.

Wetlands

Dale Krystosek coordinated several interagency meetings in Duluth to address the concern over proposed Corps of Engineers move toward a 1.5:1 replacement ratio. The group is exploring wetland mitigation options including wetland bank service areas and in-lieu fee wetland mitigation program that could help resolve mitigation for Duluth Airport expansion and other northeastern Minnesota projects.

Dale and Bill Best met with Lake of the Woods County commissioners and LGU staff to review the county's progress in implementing the recommendations of the WCA audit of Lake of the Woods County. In coordination with DNR Enforcement and the Corps of Engineers, they discussed progress in resolving several major wetland violations in the county. They found that the county has made significant progress in correcting problem areas.

Jim Lemmerman and Dale Krystosek presented training on the Forest Road Exemption Guidance for BWSR and LGU staff. BWSR wetland specialists led an effort to develop this guidance in cooperation with DNR Division of Forestry, the forestry industry, LGUs, EPA, and the Corps of Engineers. The BWSR board approved this guidance; BWSR staff presented it to the LGUs at this session. There was a lot of discussion about how the WCA should address forest roads. Many LGUs from the forested part of the state sent representatives to the session. The main focus was to have a consistent application of the WCA forest road exemption.

Miscellaneous

Dan Steward recently attended the Wadena SWCD

Continued on next page

Board meeting. Dan met the supervisors and gave a BWSR update. The board commented on the need for a longer than five-year LWP framework and may submit a MASWCD resolution to extend the time frame to seven years.

Dan attended an Army Compatible Use Buffer meeting at Camp Ripley. Camp Ripley wants to acquire development easements in a 3-mile buffer around the camp. The idea is to reduce use conflicts between the Camp and residents and businesses near the camp. The group continues to work on Phase I, which requires the DNR to hold the easements. Much discussion centered on how to get the Phase I completed without causing problems for future phases. The Camp is interested in shifting Phase II work over to the SWCDs and BWSR.
-Submitted by Ron Shelito

ENGINEERING

On Nov. 8-9, Marc Hershfield and Mark Nelson attended a meeting in Ann Arbor, Mich., called by the Great Lakes Commission to revive the Great Lakes Pollution from Land Use Activities Reference Group. The associated purpose was to help provide input to the coordination of federal and state Great Lakes programs called for by a presidential executive order earlier this year. This reference group was started in the 1970s to help coordinate U.S. and Canadian efforts to restore and protect the Great Lakes. At that time, the group helped focus efforts on point source pollution reduction. The current focus is nonpoint pollution reduction — developing coordinated messages and targeting of efforts (defragmentation of government units) to achieve more funding and effective implementation on a watershed basis. The Minnesota Coastal Program, which is administered by the DNR and receives federal funding, offered to send Marc and Mark and pick up their travel costs.

The Technical and Scientific Advisory Committee (TSAC) for the Red River Basin FDR Work Group met in mid November in Crookston to review the current draft of its On-Channel Storage Technical Paper. This paper has been a substantial challenge for the TSAC for two primary reasons. The first is the complex interrelationships between on-channel storage and various natural resource characteristics and functions of streams and rivers. The second is the limited research available regarding the effects of "dry" dams (i.e. dams that don't maintain a permanent pool) on natural resource functions and how best to minimize various environmental effects while providing adequate temporary flood storage. The TSAC has developed a site assessment method to better enable early coordination by project teams to avoid high environmental sensitivity sites, find low sensitivity sites, and define environmental effects minimization or mitigation needs at medium or low sensitivity sites. The current challenge for the TSAC is to provide project teams with effective advice about how best to design and operate on-channel storage to minimize or mitigate various environmental effects and enhance natural resource functions, while providing effective flood damage reduction. Al Kean represents BWSR on the TSAC.

As the 2004 construction season comes to a close, Tom Wenzel and BWSR engineering technicians have been coordinating with SWCDs and other partners to assess the status of Minnesota River CREP wetland restorations. The construction certification and payment process for projects constructed in late 2004 is ongoing. The current numbers indicate that approximately 410–440 CREP wetland restoration projects have been constructed to date, with another 70 designed and awaiting construction and about 50 having designs yet to be completed. About half of the project designs yet to be completed involve public drainage systems, associated coordination with drainage authorities, and public hearings that are in process. Others involve yet unresolved issues with adjacent lands. Of the project designs completed to date, 36 involve approved public drainage system modifications. Proposed public drainage system modifications for two projects were not approved by drainage authorities.

Tim McNaboe, assistant wetland restoration engineer for BWSR since July 2001, recently took a job as the wetland restoration engineer for the Montana Department of Transportation. We were sad to lose Tim, who was a very capable and personable member of our wetland restoration team. However, we're happy that he could fulfill his desire (and his wife's) to live and work in Montana. Tim's hometown is Williston, N.D. Minnesota's wetland restoration experience will now be spread a bit farther!

For a number of years, the Minnesota Association of Watershed Districts has sponsored a Drainage Seminar the day before its annual meeting. This year the focus and title of the seminar included drainage and natural resource enhancement. Attorneys Kurt Deter and John

Continued on next page

Kolb presented information and experience about drainage law, including provisions that provide flexibility for drainage authorities to include various natural resource enhancement and flood control components in drainage systems. Al Kean provided an overview of examples, as well as pros and cons, of various drainage management options that can help integrate drainage, natural resource enhancement, and flood damage reduction. These presentations recognized the importance of drainage in Minnesota for agriculture, roads, and other infrastructure, while also addressing issues and opportunities regarding natural resources and flooding related to drainage. Paul Burns from MDA provided an update regarding assistance for drainage research in Minnesota, including a recent Conservation Innovation Grant from the NRCS for demonstrations of controlled drainage in subsurface tile systems. There were 86 people in attendance at the seminar.

The recent public review period for the draft Minnesota stormwater rules proposed by the MPCA for construction site erosion control did not generate comments that would require public hearings. However, the EPA commented on the proposed conditional exclusion for conservation practices included in the draft rules. This conditional exclusion would allow conservation projects with less than 5 acres of soil disturbance that participate in NRCS, FSA, and BWSR programs using NRCS practice standards, specified BMPs during construction and associated construction inspection processes to avoid having to get an NPDES permit. The primary EPA concern appears to be about requiring an equivalent permit rather than the proposed alternative process for ensuring adequate construction site erosion control for eligible conservation practices. Al was involved with MPCA, NRCS, and others in drafting the proposed conditional exclusion and will stay in touch with this issue.

-Submitted by Al Kean

BRIEFS

Here's a quick look at the awards announced at the 2004 MASWCD convention:

- Friend of Conservation Award
  BWSR
  NRCS
- DNR Division of Waters Appreciation Award
  Aitkin Soil and Water Conservation District
- MASWCD/DNR Outstanding Forest Steward Award
  Don and Bonnie Robley, Brownsville, Minn., nominated by the Root River SWCD
- MASWCD/MPCA Community Conservationist Award (new award this year)
  Scott Sparlin, nominated by the Brown SWCD
- Outstanding District Employee Award, sponsored by the Minnesota Board of Water and Soil Resources
  Michele Stindtman, Faribault SWCD district manager
- MASWCD Media Award
  Jerry Groskreutz, KDHL Radio, nominated by Rice and Dakota SWCDs
- MASWCD Environmental Education Award
  Ruth Murphy, Community Design Center of Minnesota, nominated by the Ramsey Conservation District
- MASWCD Outstanding Supervisor Award
  Danny Potter, Redwood SWCD
- MASWCD State Conservationist of the Year (with support from the Farmer Magazine)
  Robin and Karen Brekken, Crookston, nominated by West Polk SWCD
- SWCD of the Year (presented by MASWCD with support from the Farmer Magazine)
  Dakota SWCD

◆

After six years of co-location and collaboration with BWSR, Ron Struss has moved to a University of Minnesota Extension Service regional office in Farmington. In an e-mail to BWSR staff, Ron noted that the U of M Extension Service was "calling him home." He said that "much good work has been done with cities, counties, SWCDs, and WDs through the collaboration — work that I will continue to be involved in as I move to Farmington."

Ron's address is Farmington Regional Center, Suite 100; 4100 – 220th St. W., Farmington, MN 55024-8087; phone (651) 480-7708.

Deadline for next edition: January 21, 2005

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Gene Merriam — **Department of Natural Resources** 500 Lafayette Road, St. Paul, MN 55155 Gene.Merriam@state.mn.us		651-296-2549 651-296-4799	*Office* *Fax*
Jim Anderson — **U of M/Dept. of Soil, Water & Climate** 439 Borlaug Hall, 1991 Upper Buford Circle, St. Paul, MN 55108 Ander045@umn.edu		612-625-0279 612-625-2208	*Office* *Fax*
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Dec. 1, 2004

December, 2004

Our Working Lands Legacy

Special report from: Minnesota Association of Soil and Water Conservation Districts, Minnesota Board of Water and Soil Resources, Natural Resources Conservation Service


1.


2.


3.

Celebrating Minnesota's conservation commitment

Pick any area of Minnesota and one can easily witness a deep commitment to conservation. It is illustrated in southeastern Minnesota, where rolling hills of farmland are protected through terraces and strip-croppings. You can find it in south central Minnesota, where thousands of acres of marginal cropland are planted in native vegetation or are restored wetlands, improving water quality and providing critical wildlife habitat in the Minnesota River watershed.

In northern Minnesota, that commitment plays out through an elderly couple who had more than a half million trees planted on their land as part of a 560-acre forest conversion project. In central Minnesota, dairy farmers are doing their part to protect the environment by fixing potential problems with their feedlots. In urban communities, it's easy to notice the conservation mind-set near area lakes, where native vegetation has been planted to protect sensitive lakeshores.

While this list is no means exclusive, it serves as a reminder of our commitment to the stewardship of private lands in the state. It also reminds us that this commitment must not waiver. Nearly 70 percent of the United States, excluding Alaska, is held in private ownership. In Minnesota, 78 percent of the land is in private ownership. Fifty percent of the U.S. is cropland, pastureland, and rangeland owned and operated by farmers, ranchers, and their families.


4.


5.

What happens on these private lands remains critical. The working farms, ranches, and forests of the United States provide food and fiber resources that help fuel our economy and trade with other nations. In addition to that, through careful stewardship of these private lands, farmers and ranchers produce environmental goods such as clean air, clean water, and abundant fish and wildlife habitat. These are public benefits that often go unrecognized; you can't buy them at the local grocery store.

This publication celebrates Minnesota's conservation efforts on these private working lands. The key to this success is the efforts of Minnesota's 91 Soil and Water Conservation Districts, working in partnership with the Natural Resources Conservation Service, the Minnesota Board of Water and Soil Resources, and other conservation agencies and organizations. Together, they ensure that the nation's strong commitment to soil and water conservation dating back to the dust bowl days of the 1930s continues in Minnesota today and long into the future.


6.

Photo Descriptions:

1. Field windbreaks help farmers fight erosion.
2. Contour strip-cropping can reduce soil erosion and protect water quality.
3. Wetlands filter and absorb polluted surface water runoff.
4. Some conservation projects create pheasant habitat.
5. Minnesota's conservation efforts keep working lands working. Photo courtesy of USDA NRCS
6. Native vegetation helps stabilize eroding shoreline.



Doug Balow
Rotational grazing system

Two-thirds of the way through a rotational grazing project that received cost-share assistance through EQIP, Doug Balow says he already sees results in his beef cattle and forage crops.

"Calves look bigger than they have in the past," says Balow, who operates about 120 head of beef cattle 10 miles south of Red Wing.



* Doug Balow reviews supplies before installing his new watering system.

"As far as I'm concerned, it's the difference between night and day," he notes. "It's remarkable."
His land, he says, is in valley country and is well-suited for a pasture operation. Although the soil is rich, it is not considered prime cropland. He's been rotating the cattle over the years, but the pasture had been getting harmed. Thanks to his grazing project, cattle now rotate every three to five days.

In 2003, Balow installed 11,679 feet of fence and 4,112 of waterline with the help of EQIP cost-share assistance. The next year, he installed 17,191 feet of fence and 3,744 feet of waterline. Balow worked with the Goodhue NRCS and SWCD offices to set up his EQIP contract.

The conservation on the land is noticeable as well. "The project is easier on the land," he says. "We don't have the problems with erosion in loafing areas anymore. We don't have the typical cattle trail problem. The ground doesn't get beat up like it used to."

Tom Steger, district conservationist with the NRCS Goodhue office, says that Balow also does a good job by keeping his cattle out of his forested hills. He works with the Minnesota Department of Natural Resources on managing these areas to benefit the timber stand.

It's obvious that Balow is happy with the results of his project.

"It's easy to put this kind of thing off. Once you do it, you kick yourself for not trying to do it earlier."

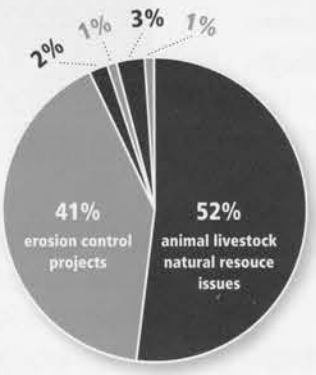
EQIP & State Cost-Share:
Powerful tools for Minnesota's working lands

If you've installed a conservation practice on your land through the federal Environmental Quality Incentives Program (also known as EQIP) or the State Cost-Share Program, pat yourself on the back.

Thanks to partnerships with voluntary federal and state programs and assistance from local Soil and Water Conservation Districts, Minnesota farmers and ranchers have made great strides toward better management of the state's soil and water resources. These efforts have resulted in enhanced water quality and a better quality of life for all Minnesotans.

EQIP, administered through the Natural Resources Conservation Service with help from SWCDs, provides technical assistance, cost-share payments, and incentive payments to assist producers with environmental and conservation improvements to their operations.

In 2003, more than $15 million in federal EQIP funds was obligated to Minnesota producers in 1,210 contracts, for an average contract value of $12,943. Of the total funds, 52 percent was dedicated to animal livestock natural resource issues; 41 percent to erosion control projects; 3 percent to non-livestock related water quality concerns; and 4 percent to forestry, wildlife, air, and other natural resource concerns.



Percent of 2003 EQIP Funding by Natural Resource Concern

The State Cost-Share Program, administered through the Minnesota Board of Water and Soil Resources in partnership with the state's SWCDs, focuses on projects throughout the state [see map]. The program helps farmers offset the costs of installing conservation practices that protect and improve water quality by controlling soil erosion and reducing sedimentation.

"This map is just one way to see that there's a lot of good conservation work getting done in the state," says Jerome Deal, chairperson of the Minnesota Board of Water and Soil Resources.

In 2002, more than $2.7 million in State Cost-Share funds was spent on completed projects reported by the state's SWCDs. Because of Minnesota's stewardship minded landowners, that resulted in more than 500 conservation projects on the land. What does this mean for water quality? According to estimates provided by BWSR, the conservation practices installed that year resulted in 64,000 tons per year of soil loss reduction, 33,000 tons per year of sediment reduction, and 70,000 pounds per year of phosphorus reduction.



State Cost-Share Program 2002 Reporting

State-Cost Share Program Type
- State-Cost Share Program Base **(501)**
- Special Projects **(70)**
- MN River **(70)**
- Feedlot Water Quality Management Grant **(32)**

BWSR September 2004

"The cooperation of federal and state agencies with local Soil and Water Conservation District to improve the working lands of our state is critical," notes Scott Hoese, president of the Minnesota Association of Soil and Water Conservation Districts. "Programs such as EQIP and State Cost-Share are necessary to maintain working lands for future generations."

Working in tandem, the two conservation programs can help farmers leave a powerful mark on Minnesota's working lands.

"Our ranchers and farmers should be proud of the work they've accomplished through cost-share programs," says Bill Hunt, state conservationist for the Natural Resources Conservation Service. "These conservation practices will have major impacts on water quality and wildlife habitat for years to come."

If you would like more information on EQIP or the State Cost-Share Program, contact your local SWCD or NRCS office.

Natural resource priorities identified through work-group process

Minnesota's conservation partnership stresses *locally led* conservation. The local work group process in Stearns County is just one example of how this phrase is put into action.

This process allows stakeholders to have input in a county's Environmental Quality Incentives Program (EQIP), a federal program that provides cost-share payments, incentive payments, and technical assistance to assist crop, livestock, and other agricultural producers with conservation improvements to their operations. The USDA Natural Resources Conservation Service (NRCS) administers EQIP in partnership with Soil and Water Conservation Districts (SWCDs).



* Community members assess natural resource priorities.

EQIP allocations are provided to SWCDs that develop a written EQIP plan, detailing their local priorities and how they will score and rank EQIP applications. Local work groups help identify priorities and local resource concerns. The goal of the SWCD and NRCS is to get the best environmental benefits.

"This process is key to our locally led conservation efforts," says Steve Sellnow, NRCS district conservationist in Stearns County.

Minnesota's state conservationist reviews and approves each local EQIP plan. Local plan descriptions and ranking worksheets for each SWCD are available on Minnesota NRCS's home page (www.mn.nrcs.usda.gov/programs/eqip/eqip2004.html).

Groups involved in stakeholders meetings across the state have included agricultural producers, watershed groups, county and local officials, lake associations, commodity groups, agricultural organizations, and private citizens.

In Stearns County, the process gives the NRCS and the SWCD a chance to take the pulse of their stakeholders. Stearns County uses a questionnaire to gather information from their local work group members before inviting citizens in for a meeting, says Dennis Fuchs, Stearns SWCD administrator.

"We use the opportunity to ask stakeholders what's important to them," Fuchs says. "We also report to them on what's happened in the county the last year. This process is an important part of our outreach efforts."

The SWCD's questionnaire asks respondents to provide ratings in a number of areas, including:

- The five most important natural resource issues or areas facing the county in the next decade;
- The five customer groups the conservation district should make the most intense effort to reach with information, products, or services; and
- The five most important products, programs, or services the conservation district can provide.

Additionally, the questionnaire allows respondents to note areas that are most in need of natural resource conservation assistance.

All this information is used to develop the local EQIP plan of action and identify concerns that can be addressed through federal or state conservation programs. EQIP applications are scored, ranked, and funded at the local level based on the local priorities and the local allocation. In fiscal year 2004, Stearns County identified water quality, nutrient management, animal waste, wetlands, and agricultural land conservation as the top five resource concerns that EQIP can address.

EQIP rules allow SWCDs to recommend changes in the docket that determines practices eligible for cost share and the cost share available for each. Using the local work group process, SWCDs can add or remove a practice from their list of eligible local practices. Last year, Stearns SWCD added the Minnesota Milk Producers Environmental Quality Assurance Program to its EQIP docket.

"Our track record shows that we do listen," notes Sellnow. "This program can change and adapt according to stakeholder input and resource protection needs."

Not only that, EQIP has the potential to bring in significant federal money to a county. In 2003, Stearns County received more than $775,000 in EQIP cost-share and incentive dollars. In 2004, approximately $1.2 million was approved in EQIP contracts.

Sellnow encourages citizens to be involved in this process. "If you are a stakeholder with natural resource concerns, come on in. We'll listen."

For information on your area's local work group meetings, contact your local SWCD or NRCS office.

Tom Meyer Wastewater and feedlot runoff control system

Stearns County is the largest dairy-producing county in Minnesota. With more than 900 operations, the county also promotes itself as the 11th most productive dairy county in the nation.

Stearns County NRCS and SWCD offices have been aggressive in helping farmers apply conservation improvements to their feedlots by using state and federal cost-share programs. Tom Meyer, who farms north of Spring Hill, Minn., is one such example.



* Before and after of Tom Meyer's wastewater and feedlot runoff control system.

He runs a 75-cow dairy operation and raises corn, oats, and alfalfa. He works with his dad Cletus on the family's century farm, which is visible from State Highway 4.

In 2001, a wastewater and feedlot runoff control system was designed for the farm. In 2002, the project was constructed. Stearns NRCS and SWCD offices helped Meyer with the project. Both State Cost-Share and EQIP were used to help finance it.

His previous system had been built about 25 years ago, Meyer says. "That one was way too small. We have twice as many cattle now."

The concrete walls on the system had started to crack as well. Meyer had a concern that the old system could present a water quality problem if the situation got worse. The feedlot is located in a riparian area.

"Everything went smooth," Meyer says about the project. "I knew it had to be done. I'm really happy I did it."



Minnesota SWCD Office Locations

Minnesota SWCDs are local units of government that utilize state, federal, and private resources to help solve today's conservation problems. Private landowners trust SWCDs to provide needed technical and financial assistance and educational services. SWCDs are established locally and governed by local leaders who are focused on conservation of local soil and water resources. SWCDs cover the entire state; their boundaries are based generally on county lines.

The Natural Resources Conservation Service is the U.S. Department of Agriculture agency that provides technical leadership, working in partnership with local, state, and other federal conservation agencies and organizations, to help people conserve, improve, and sustain our natural resources. NRCS has field offices in nearly every county; most offices are co-located with SWCDs.

The Board of Water and Soil Resources is a state agency that works closely with local units of government, including SWCDs, to help protect and enhance the state's soil and water resources. BWSR provides financial, technical, and administrative assistance for local implementation of soil and water conservation programs that get conservation projects on the ground. The agency has eight field offices; its central office is located in St. Paul. The field office staff members are the first points of contact for local units of government.

Minnesota's conservation partnership

Minnesota's Soil and Water Conservation Districts (SWCDs), along with their partners from the USDA Natural Resources Conservation Service (NRCS) and the Board of Water and Soil Resources (BWSR), work to provide voluntary, incentive-based conservation opportunities for Minnesota's landowners to help keep our working lands working.

This conservation partnership between SWCDs, NRCS, and BWSR is a long-standing relationship that started to develop back during the dust bowl era of the 1930s and has since continued to evolve and grow stronger. The joint efforts of these conservation agencies along with stewardship-oriented landowners have the goal of improving the quality of Minnesota's soil and water resources.

But there is still work yet to be done. If you would like to explore what conservation opportunities might exist for your land, please contact your local Soil and Water Conservation District office.

Visit us on the web at:

www.maswcd.org

www.bwsr.state.mn.us

www.mn.nrcs.usda.gov

MASWCD

Minnesota Board of Water & Soil Resources

NRCS

Equal opportunity employers

Design: Paul Lewis Design

Board Packet

From: Jeff Falk <Jeff.Falk@state.mn.us>
Date: 12/1/04 2:13PM
Subject: Governor Pawlenty says forecast includes good news and also identifies remaining challenges -- December 1, 2004

FOR IMMEDIATE RELEASE: Contact:
Brian McClung

December 1, 2004
(651) 296-0001

GOVERNOR SAYS FORECAST INCLUDES GOOD NEWS AND ALSO IDENTIFIES REMAINING CHALLENGES

~ Forecast shows the state's budget for the year will end with a surplus,

but projected future increases in government health programs are "out of control" ~

Saint Paul - In a State Capitol news conference today, Governor Tim Pawlenty said the latest budget forecast contained "good news" for the current budget cycle, but also identifies a projected future challenge which Pawlenty called "manageable." Today's forecast shows a significant surplus at the end of Fiscal Year 2005, but it also makes it clear that government health programs are growing at a rate that Pawlenty says is "out of control."

"We have already climbed a $4.5 billion mountain in terms of solving budget deficits and our economy continues to improve," said Governor Pawlenty. "Solving this $700 million foothill is doable if we simply slow down the explosive growth in our government health programs. Overall economic indicators are up, including tax revenues, and we have made a great deal of progress with our budget challenges. Compared to what we faced two years ago, today's forecast looks pretty good."

The Governor noted he has led the state budget efforts for two Fiscal Years and that the budget cycle will end with a surplus in both of these years, for a total of $495 million. The surplus funds are statutorily dedicated to increasing the state's reserve and cash flow accounts and to buy back school aid shifts.

"With this surplus, we will increase the state's fiscal safeguards to the all-time highest levels, putting reserves at $653 million and cash flow at $350 million," Governor Pawlenty said. "These are improving indicators of

the state's current fiscal health and will send a positive signal to the bond rating agencies."

The Governor said that there are some in Minnesota who will want to see the projected deficit in future years solved by raising taxes, but that this is not a good option. "Minnesota is already one of the nation's highest taxed states. Tax revenues in Minnesota are growing rapidly. In fact, in the upcoming budget cycle, income tax revenues will go up by 13.5 percent and overall tax revenues will go up by 7.9 percent."

"Our problem is not that our revenues are lagging," Governor Pawlenty continued. "Our problem is that government health care, a portion of the Health and Human Services budget, is scheduled to grow by 27 percent in the next budget cycle. At that rate, it will devour the rest of the budget in the not too distant future."

The Governor continued: "At the current growth rate, we would need to double our income tax revenues about every eight years to keep pace with the increases in human services costs we are facing. Right now, the Health and Human Services budget is scheduled to increase by 20 percent on average per budget cycle."

The Governor indicated that he will submit a balanced budget to the Legislature in January that slows down the growth in government health programs, while also addressing some areas where the state needs to make additional investments - primarily education.

"As the Legislature prepares for the coming session, I ask that they very carefully consider the looming government health program spending problem that threatens to consume our entire state budget," Governor Pawlenty added.

--30--

Jeff Falk

Office of Governor Tim Pawlenty

130 State Capitol

Saint Paul, MN 55155

651-296-0058 phone

651-296-0056 fax

Board Packet

Governor's Clean Water Initiative Project: North Central MN Lakes Pilot Project
DRAFT Work Plan
Education Team Work Plan: Land Use and Water Quality How Are They Connected?

Goals	Objectives	Activities	Measures	Lead and Contributors	Comments
What is the long-term desired outcome?	What and when?	What are you going to do, and when are you going to do it?	How will we know that we've made progress?	Who is responsible for activity and what others need to contribute effort	What clarification to information is needed --- including information about the certainty/uncertainty of the availability of resources?
Goal 1 – To increase local decision maker's understanding of the connection between land-use decisions and water quality					
Better land use decisions by local officials to protect water quality.	workshops targeted at local officials	Activity 1: Fall 2004 Spring 2005	Follow up survey to test effectiveness. Also, changes in ordinances within 12 month period.	Lead: MLA Contributors: DNR, MN Assoc. of Planning and Zoning Administrators, Northland NEMO	MPCA 319 Grant awarded, need to raise more money using 319 as match.
Better land use decisions by local officials to protect water quality.	presentations at regional professional meetings	Activity 2: Abbreviated presentations at regional association meetings in 2005		Lead: MLA Contributors: MN Assoc of townships, Assoc of MN Counties and MN Assoc of Small Cities	Working out scheduling with associations.
Goal 2 – Increasing understanding of housing industry professionals about building and development practices that are compatible with protection of water resources.					
Understanding of economic implications of protecting water quality	Workshops for housing industry professionals	Activity 1 – workshop for realtors (2004 pilot in Aitkin & Itasca Counties, and 2005 in Crow Wing, Cass & Hubbard Counties)	Survey Realtors using materials provided at workshops	Lead: Aitkin SWCD, MLA, & Extension, Contributors: Our committee members, Chambers of Commerce, and realtor associations (Brainerd and ___)	Have initial funding for pilot, need additional resources for 2005 workshop
Understanding of economic implications of protecting water quality. Better awareness of local ordinances & are proactive about compliance.	Workshop for developers/contractors	Activity 2 – develop workshops and deliver for contractors and developers (2004 – 2005 if funding is available)	Target audience practicing best management construction practices for lake protection.	Lead: MLA & Extension Contributors: Mid-MN Builders Assoc and area Chambers of Commerce	Need funding
Goal 3 – Increase the public's knowledge of best management practices for lake protection.					
Better	2005 Produce Video	Activity 1 – video and	Requests for use	Lead: MLA, DNR, Extension	MLA has 319 funds for this production

understanding of implications of human activity impact on water quality leading to greater use of BMP's	and DVD -distribute to lake association leaders, shoreland volunteers, Master Gardeners and others	DVD production of "Linking Land use to Lake Quality"	of the video/DVD		– need more money for broader distribution.
Better understanding of implications of human activity impact on water quality leading to greater use of BMP's	2004 Shoreland Education Programs offered through Extension	Activity 2 – In 2004, Shoreland Volunteer workshop, Wetland plant identification workshop, Shoreland Revegetation workshop, 2 workshops for curly leaf pondweed management, 2 workshops in shoreland revegetation maintenance. 2005 – workshops to be determined.	Increased citizen involvement in	Lead: Extension Contributors: area lake associations, LARA, Cass County COLA, County SWCD's, Water Planers, MLA, DNR	2004 Programs set. 2005 Programs (?)
More informed citizenry working together with government units on land and water issues.	Produce guidebook (2005?)	Activity 3 – Produce "Citizen's Guide to Working With Local Officials"	Increased Citizen involvement in local, regional and statewide land and water issues	MLA lead and CWI Ed committee	
BMP's in every household!	Multi Media communications of BMP's	Activity 4 - Open water seasons 2004 – 2006 Newspaper articles, Radio, Newsletters, etc.		Lead: CWI Ed committee	Need some funding, Will seek for pro bono consulting assistance

Governor's Clean Water Initiative Project: North Central MN Lakes Pilot Project
DRAFT Work Plan
Lakes Technical Team Work Plan

Goals	Objectives	Activities	Measures	Lead and Contributors	Comments
What is the long-term desired outcome?	What and when?	What are you going to do, and when are you going to do it?	How will we know that we've made progress?	Who is responsible for activity and what others need to contribute effort	What clarification to information is needed --- including information about the certainty/uncertainty of the availability of resources?
Goal 1 -					
Support the work of the 5 projects					
	Establish Technical Committee by 4/1/04	Activity 1 –Define the membership of the committee. Initiate process on 3/12/04	List of committee members is circulated. 4/1/04	Dan Steward Tim James	The committee membership will reflect a broad range of land use and aquatic resource expertise.
	Evaluate projects' technical needs by 6/1/04	Activity 2 –Assess the technical needs of the 5 projects	Solicit input from project committees, list technical needs	Committee Members to be assigned	Technical needs of projects will vary widely. A needs analysis will reflect priorities and gaps.
	Taylor technical assistance to individual projects	Activity 3 –Assign technical Liason to each project.	Tech. Comm. / project liason list is circulated by 6/1/04	Dan Steward Tim James	By assigning a technical liason to each project, continuous and clear communication will be established.
Goal 2 -					
Organize delivery of Technical. Services, define responsibilities					
	Make technical assistance available to the projects	Activity 1 –Compare project technical needs with available technical resources.	Communicate with project partners to review available technical information, expertise and	Dan Steward Tim James	Delivery needs will be advanced to the various Agencies and partners. They will need to assign resources and show where gaps exist.

			availability of assistance		
	Provide a mechanism to define flow of technical needs and available resources	Activity 2 –Develop matrix listing preferred / approved tech. assistance by project	Matrix circulated to standardize tech. Assis. / flow.by 7/1/04	Lead to be determined by the tech committee	The matrix will become a transferable model that will assist projects past the sunset of this pilot
	Assess progress of delivery	Activity 3 –Tech. Comm. Review of tech. Assistance delivered	Bi-annual review of tech. assistance to projects. 7/1/04	Dan Steward Tim James	Review the current period for success and failure of the technical committee. This will be reported to the pilot project (Hickman format?)
Goal 3 -					
Collect, Review & Forward Technical. Recommendations to members					
	Collect recommendations from local entities	Activity 1 –Interview LGU's / other members as to technical recommendations. What worked / what did not work	Meeting in each County to collect information for improved technical. assistance	Dan Steward/ Liaison Tim James/Liaison	The LGU should be able to provide an honest assessment of the successes and failures of the technical assistance provided during the pilot period and make appropriate recommendations for the post pilot period.
	Review and assess local recommendations	Activity 2 –Review and weigh recommendations. Prioritize results	Develop a list of recommendations and assign weighted priorities to each.	To be assigned	The most critical technical needs will be recommended. Delivery system of technical needs will be established for post pilot period.
	Deliver a final report	Activity 3 –Write a final report of the	Deliver a final report to the Pilot	To be assigned	Final report will consider all information learned during the

		work and findings of the technical committee	Project		pilot period. It will provide recommendation for the post pilot period.

Updating the Shoreland Management Rules Work Plan

Goals	Objectives	Activities	Measures	Lead and Contributors	Comi
What is the long-term desired outcome?	What and when?	What are you going to do, and when are you going to do it?	How will we know that we've made progress?	Who is responsible for activity and what others need to contribute effort	What clarification to information is needed --- including inf resou
Goal 1 – Increasing local governments lake management tools by providing more options and alternative approache					
To have a process that would allow local governments the ability to designate additional Shoreland Classifications on a single water body.	Develop a participatory process involving interested parties that would provide measures of protection for a single water body by Sept. 2006	Activity 1 – Engage a representative group to develop a procedure for a incorporating a multiple lake classification system within the next two years.	When rules are adopted by September, 2006	DNR as lead with the help of a number of resource agencies, stakeholders within the five county area, water organizations, local governments and commercial interests depending on lake resources.	A concerted effort is need for the five county a cooperativeness between organizations and economi concerns. A willingness t will prove important in the resource values of lakes
To have a uniform alternative set of Shoreland Management standards and procedures for the five county pilot lakes area.	Through a cooperative process develop a set of Shoreland standards that would be consistent within the five county pilot area by 2006.	Activity 2 – Through a five county cooperative effort develop a set of procedures for alternative shoreland controls within the next two years.	When rules are adopted by September, 2006	DNR as lead with the help of a number of resource agencies, stakeholders within the five county area, water organizations, local governments and commercial interests depending on lake resources.	A concerted effort is need for the five county a cooperativeness between organizations and economi concerns. A willingness t will prove important in the resource values of lakes
Improved water	Through a cooperative	Activity 3 – Through	When rules	DNR as lead with the help of	A concerted effort is need

quality measures in the state Shoreland rules.	process develop a set of water quality initiatives acceptable within the five county pilot area by 2006.	cooperative efforts involving stakeholders in water quality issues, develop an acceptable set of standards to protect economic and resource values of lakes within the next two years.	are adopted by September, 2006	a number of resource agencies, stakeholders within the five county area, water organizations, local governments and commercial interests depending on lake resources.	for the five county a cooperativeness between organizations and economi concerns. A willingness t will prove important in the resource values of lakes
PUD and lake access standards	Through a cooperative process develop a set of acceptable procedures to review and approve Planned Unit Developments and Lake Access conflicts within the five county pilot area by 2006.	Activity 4 –Identify, simplify and improve procedures for review and approval of Planned Unit Developments and Lake Access conflicts within the five county pilot area by 2006.	When rules are adopted by September, 2006	DNR as lead with the help of a number of resource agencies, stakeholders within the five county area, water organizations, local governments and commercial interests depending on lake resources.	A concerted effort is need for the five county a cooperativeness between organizations and economi concerns. A willingness t will prove important in the resource values of lakes
Goal 2 – Placing emphasis on the local economy by protecting property values through improving lake made to a Bemidji State University study that concludes there is a direct relationship between water					
Improving public awareness and education.	Provide a program of outreach for public education on the importance of lakes to the economy and its relationship to water quality	Activity 1 – Engage the public in participating in an education process on the importance on lakes and the economy within the next two years.	When rules are adopted by September, 2006	DNR as lead with the help of a number of resource agencies, stakeholders within the five county area, water organizations, local governments and commercial interests depending on lake resources.	A concerted effort is need for the five county a cooperativeness between organizations and economi concerns. A willingness t will prove important in the resource values of lakes
Incorporating research into Shoreland	Identify research studies and support information	Activity 2 –. Work with the public and resource experts with knowledge	When rules are adopted by	DNR as lead with the help of a number of resource agencies, stakeholders within	A concerted effort is need for the five county a cooperativeness between

standards	documenting the importance of water quality and property values on lakes.	of water quality issues to incorporate the importance of water quality and property values on lakes into a set of measurable standards for lakes within the next two years.	September, 2006	the five county area, water organizations, local governments and commercial interests depending on lake resources.	organizations and economi concerns. A willingness t will prove important in the resource values of lakes
Goal 3 Improving Shoreland program efficiency and administrative effectiveness. Provide better acces technology in local decisions. Emphasize the use of digital technology bringing in many different dat decision makers. One technology application example is using GIS mapping in the delineation of lak					
Improving administrative procedures and controls on Shoreland issues	Research ways to develop criteria for decisions	Activity 1 - Engage a representative group to develop standards and guidelines providing a tools or aids for local decision makers involved in variances, conditional uses and other shoreland procedures.	When rules are adopted by September, 2006	DNR as lead with the help of a number of resource agencies, stakeholders within the five county area, water organizations, local governments and commercial interests depending on lake resources.	A concerted effort is need for the five county a cooperativeness between organizations and economi concerns. A willingness t will prove important in the resource values of lakes
Assisting decision makers with data access and technology	Identify available resources from all levels and make them accessible to the local decision makers	Activity 2 – Actively engage representatives from all levels of government with sources of information and technology that would advance lake management at the local leve within the	When rules are adopted by September, 2006	DNR as lead with the help of a number of resource agencies, stakeholders within the five county area, water organizations, local governments and commercial interests depending on lake resources.	A concerted effort is need for the five county a cooperativeness between organizations and economi concerns. A willingness t will prove important in the resource values of lakes

		next two years.			
Providing technical support to local decision makers.	Provide a role for state level professionals and other lake management organizations in providing technical assistance and information sharing to local decision makers.	Activity 3 – Define the role of state level professionals as providing technical support to local government decision makers on lake management issues within the next two years	When rules are adopted by September, 2006	DNR as lead with the help of a number of resource agencies, stakeholders within the five county area, water organizations, local governments and commercial interests depending on lake resources.	A concerted effort is need for the five county a cooperativeness between organizations and economi concerns. A willingness t will prove important in the resource values of lakes

Healthy Lakes & Rivers Partnership Work Plan

Goals	Objectives	Measures	Lead and Contributors	Comments
What is the long-term desired outcome?	What and when?	How will we know that we've made progress?	Who is responsible for activity and what others need to contribute effort	What clarification to information is needed --- including information about the certainty/uncertainty of the availability of resources?
1. Build the capacity of citizen leadership to participate in local decisions and projects	See attached table for summary of completed participation by County. Crow Wing and Cass County are expected to send a total of eight new Lake Associations through the program in July '04; Itasca and Aitkin are seeking funding to support eight more groups after August '04.	Milestone grants (of $400 per group) are awarded to each organization that sends five or more citizens to both training sessions. At the completion of session two groups are expected to design and schedule a community vision/planning session. When these sessions are formally scheduled a second milestone grant of $400 is awarded to each group	Training is led by the Initiative Foundation, with grants administered by local Water Plan coordinators and/or Coalition of Lake Associations. Participants in technical assistance and training include the Minnesota Lakes Association, DNR, MPCA, SWCD, County Planning and Zoning Staff, Rivers Council of MN, UM Extension, and local COLAs/LARAs.	All rounds presented in attached table are fully-funded with confirmed dollars except for the Aitkin/Itasca round. Aitkin/Itasca will be submitting a grant inquiry to the McKnight Foundation on or by April 15, 2004, and will learn by August 15, 2004 if their grant proposal will be supported.
2. Each group completes a draft Lake Management Plan	Typically, LMPs are completed approximately 9-12 months after training is completed.	Lake Management Plans conform to the structure and content outlined in the "*Developing a Lake Management Plan*" publication developed by the Interagency Lakes Coordinating Committee,	Initial review is completed by the Environmental Specialist for the Initiative Foundation, then completed and distributed by the local host (County Water Planner or SWCD staff). A third milestone grant of $800 is awarded to grants	Lake Management Plans developed through this program are expected to emphasize the *citizen* role and responsibility with respect to each relevant section (water quality, fisheries, aquatic vegetation, wildlife, exotics, land use, surface water conflict, and public

		1996.	that complete draft Lake Management Plans	access). Agency studies or plans are typically referenced and included as appendices.
3. Implementation of high priority action steps	The third milestone grant of $800 supports specific action steps identified within the plan which lead to measurable outcomes. Typical projects include shoreland restoration, septic inspection, fisheries or wildlife improvement projects, and identification, mapping, or control of invasive exotic species.	In order to receive the $800 implementation grant each group must prepare a work plan and document the problem they are addressing, implementation steps, evaluation measures, budget, and final outcomes. A similar process is required for the $5,000 implementation grants, with a higher standard of leveraged funds expected.	Citizen groups are generally the lead "project managers" for implementation projects, but design and administration is usually provided by the County and/or state staff, depending on the nature of the implementation activity. For example, the Water Planner may help develop an RFP for a bulk purchase of septic compliance inspections, or DNR staff will assist and the preparation and review of any Vegetation Management Plan.	Additional grants of $5,000 are available to each group for implementation steps which treat "causes, not symptoms." The $5,000 grants are generally expected to leverage additional private, local, state, or federal funds, and must be completed or self-sustaining within a two-year period.

Conservation Easements for Lakeshore Work Plan (To be added)

Regional Wastewater Treatment Planning Work Plan (To be added)

Board Packet

RED RIVER BASIN FLOOD DAMAGE REDUCTION WORK GROUP

Reply to: 2115 Birchmont Beach Rd NE, Bemidji, MN 56601

December 8, 2004

RH
DEC 13 2004

Representative Collin C. Peterson
2159 Rayburn House Office Bldg
Washington D.C. 20515

RE: Funding for Corps of Engineers Projects in NW Minnesota

Dear Representative Peterson:

Red River Basin watershed managers need your help. Many worthy flood damage mitigation and natural resource enhancement projects are languishing on proposers' drawing boards for lack of federal funding through various Corps of Engineers programs. On behalf of the Minnesota Flood Damage Reduction Work Group we are appealing for your assistance in securing the funds needed to get these projects underway or to keep them moving forward.

Here is a partial list of the most pressing needs:

Project Name and (Location)	Project Purpose & (Program)
Hay Creek (Roseau River Watershed)	Habitat restoration/FDR (206)
North Ottawa (Bois de Sioux Watershed)	Habitat restoration (206)
Grand Marais (Red Lake River Watershed)	Habitat restoration (206)
Sand Hill River (Sand Hill Watershed)	Stream restoration (1135)
Wild Rice River (Wild Rice Watershed)	Stream restoration (1135)
Ruffy Brook-Clearwater River (Red Lake Watershed)	Stream restoration (1135)
Christine & Hickson Dams (Red River mainstem)	Stream restoration (206)
Breckenridge (Red River; Otter Tail Watershed)	Flood damage reduction

Even though federal funds are sought for primarily for restoration work, several of those projects, such as North Ottawa Impoundment, Hay Creek, and Grand Marais, also contain components with substantial flood damage reduction benefits. A number of other federally sponsored studies in the Minnesota portion of the Basin, such as the lower Wild Rice River feasibility study, may encounter funding deficiencies in the near future.

We have worked hard through the mediation agreement process to design balanced, multi-objective projects. We want to see those projects built. We know that money is tight everywhere for these kinds of projects. But we also know that concerted action from our federal legislators can be effective. We greatly appreciate your effort on behalf of the economy and resources of the Red River Basin.

Sincerely,

Jerome Deal

Jerome Deal, Co-chair
Red River Watershed Management Board

Paul Swenson

Paul Swenson, Co-chair
Minnesota Department of Natural Resources

RED RIVER BASIN FLOOD DAMAGE REDUCTION WORK GROUP

Reply to: 2115 Birchmont Beach Rd NE, Bemidji, MN 56601

December 8, 2004

Senator Mark Dayton
346 Russell Senate Office Bldg
Washington D.C. 20510

RE: Funding for Corps of Engineers Projects in NW Minnesota

Dear Senator Dayton:

Red River Basin watershed managers need your help. Many worthy flood damage mitigation and natural resource enhancement projects are languishing on proposers' drawing boards for lack of federal funding through various Corps of Engineers programs. On behalf of the Minnesota Flood Damage Reduction Work Group we are appealing for your assistance in securing the funds needed to get these projects underway or to keep them moving forward.

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Sincerely,

Jerome Deal

Jerome Deal, Co-chair
Red River Watershed Management Board

Paul Swenson

Paul Swenson, Co-chair
Minnesota Department of Natural Resources

RED RIVER BASIN FLOOD DAMAGE REDUCTION WORK GROUP

Reply to: 2115 Birchmont Beach Rd NE, Bemidji, MN 56601

December 8, 2004

Senator Norm Coleman
320 Senate Hart Office Building
Washington D.C. 20510

RE: Funding for Corps of Engineers Projects in NW Minnesota

Dear Senator Coleman:

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Sincerely,

Jerome Deal, Co-chair
Red River Watershed Management Board

Paul Swenson, Co-chair
Minnesota Department of Natural Resources

Red River Watershed Management Board

Minnesota Board of Water & Soil Resources

UNIVERSITY OF MINNESOTA
Extension SERVICE

The University of Minnesota Extension Service is committed to the policy that all persons shall have equal access to its programs, facilities and employment without regard to race, color, creed, religion, national origin, sex, age, marital status, or sexual orientation.

Bringing Partners Together:

FOR FURTHER INFORMATION CONTACT:
Jody Horntvedt
Extension Regional Educator
hornt001@umn.edu
218-463-0296
1-888-241-4546

Staff Session:

Conflict and Controversy

Discover the difference between conflict and controversy, what the five basic conflict handling modes are, and identify your conflict mode with it's strengths and weaknesses.

Roles

Focus on the role of the staff as it relates to "getting the work done as part of a team."

Partnerships

Panel of participants who will share the vision for the role of partners and understand the legal authority that allows them to be partners.

Putting Conflict in Perspective

Learn conflict mode viewpoints, apply understanding of conflict mode for problem-solving and develop skills for dealing with controversy around water management.

Locations for Staff Sessions:
Northern Session: Best Western Inn, Thief River Falls, MN

Staff Meeting—March 1-2
[1-8pm & 8am-1pm]

Southern Session: Holiday Inn, Lakeside, Detroit Lakes, MN

Staff Meeting—March 3-4
[1-8pm & 8am-1pm]

STAFF WORKSHOP IS FREE TO EACH ORGANIZATION PARTICIPATING IN THE BOTH SESSIONS AND CONFERENCE. THIS COVERS MEALS AND REFRESHMENTS (LODGING NOT INCLUDED).

NOTE: Registration details for these sessions will be mailed to participating boards at a later date.

Bringing Partners Together:

County Commissioners
Tribal Leaders
Watershed Managers
SWCD Supervisors

Watershed Leadership Program

THIS PROGRAM WILL STRENGTHEN APPRECIATION FOR THE NEEDED COOPERATION AND COORDINATION OF LOCAL EFFORTS TO DELIVER A WATERSHED-BASED WATER MANAGEMENT PROGRAM.

Northern Location: Best Western Inn, Thief River Falls, MN
Session 1— January 25-26 [1-8pm & 8am-1pm]
Session 2— February 22-23 [1-8pm & 8am-1pm]

Southern Location: Holiday Inn, Lakeside, Detroit Lakes, MN
Session 1—January 27-28 [1-8pm & 8am-1pm]
Session 2— February 24-25 [1-8pm & 8am-1pm]

Conference at Crookston, MN
March 30, 2005

Staff Sessions: March 1-4 [see details on back]

RED RIVER BASIN

Session 1:
Understanding Your Role

NORTHERN SESSION: JANUARY 25-26

SOUTHERN SESSION: JANUARY 27-28

Understanding Yourself As A Leader
Identify and define leadership while understanding differences, relationships, and the dynamic nature of leadership.

Role of Elected and Appointed Officials
Understand how officials relate to your constituency and getting the work done.

Working Effectively As A Leader
Gaining insight, and perspective on the follower role, types of leaders, identifying situations, and how to contribute to a group's success.

Communication and Cooperation
Understand, recognize, develop and reinforce components of effective communication and partnerships.

Session 2:
Partners in Water Management

NORTHERN SESSION: FEBRUARY 22-23

SOUTHERN SESSION: FEBRUARY 24-25

Conflict and Controversy
Understand, recognize and identify conflict handling modes.

Water in the Red River Basin
Understand, recognize and accept water management complexities

Role of Partners
Panel on the role for sharing the vision and understand the legal authorities.

Putting Conflict in Perspective
Assess conflict situations and develop skills to deal with them.

Right People ~ Right Place
Understand problems, accept responsibility and take action to fulfill responsibilities.

Conference: Working Toward Common Goals — March 30, 2005

Understanding Roles
Focus on sharing the vision for the role partners can and should play in the Red River Basin.

Understanding Group Dynamics
Identifying steps to effective problem-solving, understanding importance of clarifying modes for decision making, and using decision making tools for complex situations.

Value of Partnerships
Identifying our partners and developing an understanding of how to work together are key components to successful partnerships.

FOR FURTHER INFORMATION CONTACT:
Jody Horntvedt
Extension Regional Educator
hornt001@umn.edu
218-463-0296 o r 1-888-241-4546

Please phone, fax, email or mail your registration

Extension Regional Center, Roseau
1307 Third Street NE, Suite 102
Roseau, Minnesota 56751-2105
Phone: 218-463-0291
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Registration Fee includes Sessions 1,2, and Conference -$50.00/participant

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FYI
Board Packet

NEWS RELEASE

Minnesota Board of Water and Soil Resources • One West Water Street, #200 • St. Paul, MN 55107
Contact: Peter Raeker, Communications Office; 651-296-0884; fax: 651-297-5615 • www.bwsr.state.mn.us

November 15, 2004
For immediate release

Contacts: Peter Raeker, BWSR, 651-296-0884
Sheila Vanney, MASWCD, 651-690-9028

STORY TIP: Seven named as finalists for state's 2004 Outstanding Conservationist Award

ST. PAUL—The Minnesota Association of Soil and Water Conservation Districts (MASWCD) has named the finalists for the state's 2004 Outstanding Conservationist Award.

The winner will be announced at the 68th annual MASWCD Convention, set for Dec. 5-7 at the Duluth Entertainment Convention Center, Duluth. The awards program recognizes farm families, individuals, conservation organizations, and other groups for their accomplishments in implementing conservation practices and improving Minnesota's natural resources.

The program is sponsored by MASWCD, with support from The Farmer Magazine. Editors and news directors are encouraged to follow up with the Soil and Water Conservation District contacts listed for feature and interview opportunities. The information was gathered from the nomination forms submitted to MASWCD by individual conservation districts.

The finalists are:

1) Robin and Karen Brekken, Crookston, Area I Outstanding Conservationist (nominated by West Polk Soil and Water Conservation District). **SWCD contact:** Penny Doty, 218-281-6070.

Background on the Brekken family: they operate a 3,000-acre organic farm; raise soybeans, small grains, and alfalfa; plant soybeans directly into a rye field for weed control and other benefits; use many methods of biological farming to achieve high productivity, weed and pest control, as well as soil conservation and fertility. The Brekken's efforts to change their operation over the past six years to an organic farm reinforce their land stewardship convictions.

Quote from West Polk SWCD: "Learning about organic farming led Robin to biological farming methods. Now Robin's main goal is to produce equitable crops by managing the aerobic layer in his fields. These farming terms were all new to Robin a few short years ago, but after countless hours of reading and attending conferences, he is a source that others rely on. Robin is an island in a sea of conventional farms, with many neighbors wondering and watching these new farming methods very closely."

2) Spirit Lake Association, Menahga, Area II Outstanding Conservationist (nominated by Wadena Soil and Water Conservation District). **SWCD contact:** Malinda Dexter, 218-631-3195, ext. 3.

-More-

Background on the Spirit Lake Association: worked with the Wadena SWCD to establish buffer strips between high traffic areas and lakeshore along 450 feet of city shoreline property; sponsored a fall clean up day in November 2003 along the shores of the lake, including public and private shorelines; sponsored a storm drain awareness stenciling project; worked closely with the City of Menahga to support a DNR Shoreline Restoration grant; and is active in the Initiative Foundation's Healthy Lakes and Rivers Program.

Quote from Wadena SWCD: "The Lake Association is an organization that seriously wants to not only protect but improve the water quality of their lake. They are not afraid to take action on concerns and issues that they feel have a direct impact on the lake. The association can be described as forward looking in that they realize that although they have accomplished much of their lake management plan, they need to keep moving forward in updating a new plan and to keep implementing each new action item."

3) Grand Portage Band of Lake Superior Chippewa, Area III Outstanding Conservationist (nominated by Cook Soil and Water Conservation District). **SWCD contact:** Rebecca Wiinanen, 218-387-3647.

Background on the Grand Portage Band: the Reservation Tribal Council has led the management of the reservation's forests, developing a Forest Management Plan for the reservation's 45,000-acre forest; forestry staff follow principles of sustainable forest management with a goal of maintaining forest diversity; did extensive tree planting (25,000 in 2004 and 65,000 in 2003); completed slope stabilization on the edge of Little Lake (used NRCS technical assistance and financial assistance from the federal EQIP program); worked with NRCS and Cook County SWCD to stabilize and restore a gravel pit near Mount Josephine (sediment had been impacting a prime brook trout rearing area); restored two wild rice lakes; stocked nearly 2 million brook trout eggs and fingerlings into its Lake Superior water and corresponding tributaries since the 1950s; has reared walleye for stocking into the Pigeon River and Bay since the early 1990s; and completed fish passage improvement project, which means for the first time in more than 50 years, brook trout and steelhead from Lake Superior once again have access to more than three miles of prime spawning and nursery habitat in Grand Portage Creek.

Quote from Cook SWCD: "The Grand Portage Band of Lake Superior Chippewa has wisely led the 1,100 band members, investing in its people and resources on projects and activities that will benefit generations to come. All people living on the Grand Portage Reservation and those visiting this friendly place will be benefited by their stewardship."

4) Melanie Kern, Anoka, Area IV Outstanding Conservationist (nominated by Anoka Conservation District). **SWCD contact:** Chris Lord, 763-434-2030.

Background on Melanie Kern: planted 13.7 acres of riparian forest buffers (working with the SWCD and the federal Continuous Conservation Reserve Program); created 2.9 acres of living snow fence; and planted 19.6 acres of native grasses and wildflowers (with the assistance of the federal Wildlife Habitat Incentives Program and the DNR's Conservation Partners grant program); has donated a 65 acre permanent conservation easement to the Anoka Conservation District; and is planning a large-scale wetland restoration on her property as part of the natural resources management plan included with the conservation easement.

-More-

Quote from Anoka Conservation District: "Melanie Kern has made an overwhelming commitment to conservation at a time when many Anoka County landowners are converting their cropland into subdivisions. She has decided to return her land to its original condition. She has decided to not only restore this valuable property but to donate its market value in the name of conservation. The conservation easement will ensure that future generations will be able to appreciate this restored habitat in perpetuity."

5) Allen & Stephanie Simonson, Canby, Area V Outstanding Conservationist (nominated by Yellow Medicine Soil and Water Conservation District). **SWCD contact:** LouAnn Nagel, 320-669-4442.

Background on the Simonsons: they operate a 1,500-acre farm; have approximately 260 acres in the federal Conservation Reserve Program; experimented with no-till and minimum tillage practices for the past 10 years; converted their entire soybean and wheat to no-till; established tree stands for wildlife habitat; installed filter strips along DNR land and county ditches; and enlarged a wetland area to create a 10-acre wetland (with assistance from the Farmable Wetland Pilot Program).

Quote from the Yellow Medicine Soil and Water Conservation District: "Allen and Stephanie Simonson believe that everything is connected and that it is everyone's responsibility to protect our water resources. They work diligently to enhance habitat for wildlife by planting food plots and trees. The Simonsons have instilled in their daughters a love of nature and the importance of preserving our natural resources."

6) Alvis and Carol More (Mapleton), Steve and Noreen More, and Jeff and Julie More, Area VI Outstanding Conservationist (nominated by Blue Earth Soil and Water Conservation District). **SWCD contact:** Kari Christnagel, 507-345-4744, ext. 4.

Background on the Mores: they operate an 1,800-acre farm. Alvis More has enrolled 55 acres into the Conservation Reserve Enhancement Program in the wetland restoration practice on three sites. He encouraged a group of six landowners to enroll their land into CREP for a 350-acre contiguous wetland restoration near the Little Cobb River that was completed in the fall of 2003. The More family began using a conservation tillage system when it was first introduced. They also manage their cropland for erosion and have installed grass waterways and terraces. Alvis More participated in the State Cost-share Program by installing a stream bank stabilization project on his land that borders the Little Cobb River. The family planted windbreaks around all of their family farm sites. Alvis More has a riparian buffer planning of approximately 2.2 acres near the Little Cobb River.

Quote from Blue Earth Soil and Water Conservation District: "The Mores exemplify the definition of a "family farm" and understand the value conservation and agriculture has as a partnership. They practice conservation/minimum tillage, which reduces soil erosion and compaction. They are good neighbors, doing good things for others and lending advice and assistance when needed. They are active in the community, serving on boards and doing volunteer work for others."

7) Philip and Ruth Abrahamson, Lanesboro, Area VII Outstanding Conservationist (nominated by Fillmore Soil and Water Conservation District). **SWCD contact:** Jeremy Maul, 507-765-3878, ext. 3.

-More-

Outstanding Conservationist Finalists: Page 4

Background on the Abrahamsons: they farm nearly 400 acres south of Lanesboro; recently implemented a feedlot pollution abatement project; developed a nutrient management plan; updated their septic system; established grass waterways; run a 503 animal unit registered angus cattle farm (the oldest registered angus herd in Minnesota and the second oldest in the nation).

Quote from Fillmore Soil and Water Conservation District: "Phil and Ruth Abrahamson have worked with the Soil and Water Conservation District for more than 30 years to implement and develop conservation practices for their farm. Phil's family has a long history of conservation; his grandfather hated soil erosion and is quoted as saying: 'I would rather lose the crop than the soil.' These values have been passed on to Phil."

###

This tip sheet is available on BWSR's web site: www.bwsr.state.mn.us.

FY4

Outdoor News

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Oct 2

BWSR, DNR prep for possible budget cuts

CLICK SUBS

By Tim Spielman
Associate Editor

St. Paul — Economic forecasters aren't predicting the type of revenue shortcomings that faced the governor and state Legislature during the 2003 round of state budgeting, but state agencies — including the DNR and Board of Water and Soil Resources — may be asked to further penny pinch in 2005, when budgeting takes place for the 2006-07 biennium.

Agencies of Minnesota were requested by the state Department of Finance a couple months ago to determine the top 20 percent of programs in terms of priorities, the bottom 20 percent, and the 60 percent that fall in between, said Brad Moore, assistant commissioner of operations for the DNR. Some budget watchers say the state could face a budget deficit of about $450 million for the upcoming biennium, far less than the
$4 billion deficit two years ago.

Moore said it's too early to speculate on whether or not cuts could occur within the DNR; a November economic forecast released by the Department of Finance should give a more accurate picture of the state's financial situation.

"Until the November forecast comes out ... we don't know," Moore said. "Because of that, we don't have any instructions from Finance regarding budget cuts."

Ron Harnack, executive director for BWSR, said a draft budget request from state agencies has been submitted to Finance. Following the budget forecast in November and before the '05 legislative session, Gov. Tim Pawlenty will make his budget recommendation.

Agencies like BWSR that are highly reliant on state general funds could be the most affected by a state deficit.

"We're unique from the rest in that it's (a $15 million annual budget) almost all general funds," he said. "So there's not much flexibility."

BWSR administers the state's Wetland Conservation Act and directs private land soil and water conservation programs, including the Reinvest in Minnesota Reserve program.

By contrast, the DNR receives about $82 million of its $240 million total from the General Fund, according to Moore. Approximately $80 million comes from the Game and Fish Fund (hunting, angling licenses, etc.), about $50 million comes from the Natural Resources Fund (recreational fees for things like ATV registration), and about $30 million is from "open appropriations" for things like firefighting funding and treaty payments.

"That's a 'thumbnail' sketch," Moore said.

When the state faced a $4 billion deficit in 2003, Moore said the agency slashed about $29 million in general funds. However, the DNR received increased appropriations in other areas; more money was received for enforcement funding (which has led to resumed conservation officer academies) and state park fees were increased in some instances.

Instead of seeing cutbacks, the DNR experienced a "shifting of dollars in terms of priorities," Moore said.

BWSR's recent history of budget cuts paints a bleaker picture for that agency. Harnack said the agency has had to cut 23 percent of its budget in the past three years. The annual budget for BWSR currently is about $15 million.

In September, an advisory committee of BWSR proposed eliminating the WCA as a cost-saving measure. Pawlenty said eliminating the WCA was unacceptable.

Harnack said he hopes BWSR can improve its situation by securing more federal funding. He also hopes legislators come through in providing state funds, through a bonding bill, that will allow Minnesota to move forward with the next round of the Conservation Reserve Enhancement Program, which could result in 120,000 acres of "set-aside" marginal farmland. BWSR administers the state portion — RIM Reserve — of the program. Total state

funding of about $45 million could result in a federal match of about $180 million.
Whether BWSR's operating budget takes another hit remains to be seen.
"It looks like another challenging year," Harnack said. "But it's the reality of the times."

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Row H

OCT 19 2004 Board Packet

Minnesota Pollution Control Agency

October 15, 2004

Dear Interested Parties:

RE: Request for Minnesota Pollution Control Agency (MPCA) Citizen Board Approval of Two General Livestock Production National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permits.

On October 26, 2004, MPCA staff will request the MPCA's Citizens Board to approve issuance of the following two General Livestock Production NPDES/SDS Permits:

- **2004 General Livestock Production NPDES/SDS Permit MNG92000 for the period from December 1, 2004 through May 31, 2006.**

- **2006 General Livestock Production NPDES/SDS Permit MNG440000 for the period from June 1, 2006, through May 31, 2011.**

Enclosed with this letter you will find a summary of major changes made to the draft permits since they were placed on public notice on July 6, 2004. If you desire more information on the exact language changes, the revised draft permit, the Board item, Findings of Fact, and supplemental information go to the MPCA's Feedlot Webpage at (http://www.pca.state.mn.us/hot/feedlots.html (see the left-hand column). This information is also available by calling the Feedlot Helpline toll free at 1-877-333-3508 or for users of Telecommunications Device for the Hearing Impaired, call (651) 282-5532.

The draft General NPDES/SDS Permits, if approved, will provide coverage to feedlots in Minnesota meeting the eligibility requirements in the General NPDES/SDS permits. The permits are needed to address new Federal Concentrated Animal Feeding Operations (CAFO) regulations and to prepare a replacement for the 2001 General NPDES Feedlot Permit that expires May 31, 2006.

The MPCA will issue new facilities the 2004 General NPDES/SDS permit, and begin to issue coverage under this permit to feedlot owners that met the definition for a Large CAFO under 40 CFR § 122.23 regulations existing prior to adoption of the current federal regulations but did not exceed the capacity for 1,000 animal units under Minn. R. 7020.0300, subp. 5. The MPCA will issue the 2006 General NPDES/SDS Permit to replace the 2001 General NPDES/SDS Feedlot Permit and the 2004 General NPDES/SDS Feedlot Permit.

In response to the new federal regulations and a goal of providing greater clarity, several changes were made to the existing general feedlot permit. The main changes are in the area of land application where new CAFO regulations will result in additional information in manure management plans, additional requirements related to timing of manure application, and more

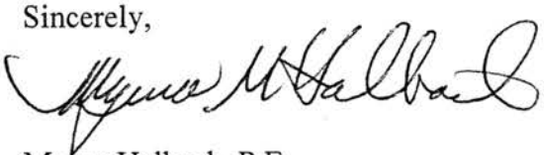
options for setbacks from waters new CAFO regulations also require producers to submit an annual report containing summary information on land application acreage and operation and maintenance of the facility.

The MPCA has conducted all administrative requirements for adoption of a General NPDES Permit. The draft General NPDES/SDS Permits were placed on public notice for the period July 6, 2004 to August 20, 2004. During the public notice period, the MPCA conducted ten (10) public meetings to provide information on the permit and the permitting process, and to solicit comments.

The MPCA received seven (7) comment letters during the public notice period. The MPCA made some changes to the General NPDES/SDS Permits based on these comments and has responded to all comments. The MPCA is bringing the proposed General NPDES/SDS Permits to the MPCA Board for approval to issue as requested by two commentors.

The MPCA appreciates the contribution and investments of the many individuals and groups throughout the state who assisted in the development of these General NPDES/SDS Permits. Please contact Kim Brynildson at (651) 296-7366 if you have questions regarding this matter.

Sincerely,



Myrna Halbach, P.E.
Assistant Division Director
Municipal Division

MH/DH:kb

cc: NPDES feedlot owners

Minnesota Pollution Control Agency (MPCA)

Summary of proposed changes made to two draft General Feedlot National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permits since they were placed on public notice on July 6, 2004

Permits MN No. G920000 and MN No. G440000

Please note MPCA staff will recommend the following changes listed below to the MPCA Citizen's Board (Board) at the Board's October 26 meeting for inclusion in the final issuance of the draft General Feedlot NPDES/SDS Permits (Permits). The MPCA Board will make the final decision on what revisions will be made to the Permits. This summary does not explain every change proposed by MPCA staff (e.g., it does not discuss citation revisions and minor changes for clarity purposes only), but rather those that may be of interest to parties to be regulated under the above Permits. You will find the entire draft Permits with highlighted changes at the MPCA's website www.pca.state.mn.us/hot/feedlots.

Phosphorus Management:

Part II.B., item 3.b.(2.a.ii.) – This part deals with manure application on fields with extremely high soil phosphorus levels, defined as over 150 parts per million (ppm) Bray P1 or 120 ppm Olsen on land away from waters, or over 75 ppm Bray P1 or 60 ppm Olsen on land within 300 feet from waters. Manure applied on such soils is only permitted if no further soil phosphorus build up is achieved and phosphorus transport is controlled by runoff and erosion prevention practices. In response to comments, the Permit language was modified slightly.

Where soil phosphorus is extremely high and manure is incorporated, the Permit language was changed to "Manure can not be re-applied until crops remove phosphorus from the previous Manure application." The previous draft required that by the end of any six-year period, the crop phosphorus removal must be equal or greater than all phosphorus additions. With the previous draft, a producer could, for example, apply manure two years in a row and then avoid manure applications during the next several years while the subsequent crops remove the phosphorus. With the change, manure can not be applied two years in a row onto these extremely high phosphorus soils unless applied at a rate equal to crop phosphorus removal.

Another minor change was made in **Part II.B.3.b.(2.b.ii.)** as recommended by the Environmental Protection Agency (EPA). The words "or most recent version" were deleted so the Manure Management Plan (MMP) and Permits are based on documents referenced during the public notice process, rather than based on documents that may be revised in the future.

Winter-time Manure Application:

Part II.B., item 4.b.(1.d.) pertains to slope restrictions when applying manure onto frozen or snow-covered soils. The last part of the sentence was modified in response to the EPA's request that the Permits be more specific regarding the meaning of "demonstrating how Manure-contaminated runoff will be prevented from leaving winter application sites and discharging into waters." The MPCA made changes to clarify that the slope restrictions do not apply if "snowmelt runoff from the field does not enter surface waters due to constructed berms, depressional areas, or other landscape features."

Part II.B., item 4.b.(1.g.) describes one of seven requirements when applying manure onto frozen or snow-covered soils. The EPA asked that the Permits include a requirement consistent with Minn. R.

7020.2225, subp. 1, item A(1). The additional requirement states that the rate of liquid manure application shall not exceed the soil's ability to hold manure on the field.

Part II.B., item 4.b.(2) pertains to requirements in the MMP when applying manure in the winter. In response to the EPA's comments on winter application, the MPCA included an additional item in the MMP to explain why alternatives to winter application are not feasible. The MPCA will evaluate the practice of winter spreading at NPDES-permitted facilities based on the MMPs and other pertinent information.

Spreading manure immediately prior to rainfall:

Part II.B., item 4.c. requires that broadcast manure be incorporated into the soil if a high probability of rainfall is predicted within 24 hours of spreading. The MPCA recognized that field runoff does not typically occur with small amounts of rain, and therefore established that a 50 percent or greater chance of rain exceeding *one inch* is the storm that should trigger the requirement. The EPA provided information showing that storm runoff is likely on many soil types receiving one-half inch or more of rain. Therefore, "one-inch" was changed to "one-half inch."

Options for land application setbacks near waters:

Part II.B., item 5.a.(2) – Several land application setback options are included in the proposed Permits. When a vegetated buffer is to be used along waters as the only special protection management measure, the vegetated buffer must be between 35 feet and 100 feet wide, depending on the type of adjacent water body. Another vegetated buffer option is using a 16 foot buffer when no manure is to be applied within 100 feet of the water. Other setback options are available.

A commentor requested that the 16 foot buffer be increased to one-rod (16.5 feet) to be consistent with drainage ditch buffer requirements in other laws. This change was made.

Land application setbacks near wells:

The Permits were modified to clarify that the 50 foot setback in **Part II., item B.5.** applies to active wells and unsealed, abandoned wells to be consistent with Minn. R. 7020.2225, subp. 8, item A. Minnesota Department of Health rules requires unused wells to be sealed unless a maintenance permit is obtained.

Manure storage areas:
Part III.B., item 4 – The MPCA inserted a condition, at the request of the EPA, to clarify that effluent limits in **Part VI.A**. also apply to stockpiles and manure composting areas located at the facility or on land application sites.

Reporting requirements:

Part V.B., item 4.a.(5) – In response to comment letters, the MPCA added an item in the annual report. The Permittee must indicate each year whether the manure management plan was updated or otherwise modified.

Part V.B., items 4.c. and 4.d. – These Parts were modified as requested by the EPA so that the annual report includes a reporting of all instances of noncompliance with the Permits as required by the Code of Federal Regulations.

Board Packet
FYI

United States Department of Agriculture

NRCS

Natural Resources Conservation Service
375 Jackson Street, Suite 600
St. Paul, MN 55101-1854

Phone: (651) 602-7900
FAX: (651) 602-7914

NEWS RELEASE

Julie MacSwain, Public Affairs Specialist, (651) 602-7859

FIVE MINNESOTA WATERSHEDS INCLUDED IN HISTORIC EXPANSION OF THE NATIONAL CONSERVATION SECURITY PROGRAM

SAINT PAUL, MINNESOTA, Nov 5, 2004 - Five Minnesota watersheds are among the *202 watersheds across the nation* eligible for participation in a historic new program designed to reward farmers for long-term stewardship. U. S. Secretary of Agriculture Ann M. Veneman announced the selected watersheds today (or recently) and said that sign-ups for the 2005 Conservation Security Program (CSP) would begin this winter.

CSP, part of the 2002 Farm Bill, was introduced last summer in 18 pilot watersheds. 2005 will offer the opportunity for farmers from each state to participate, about one eighth of the Nation's eligible farmers will be given the chance to apply each year over an eight-year period.

"As an agency, the mission of NRCS has been to help farmers and ranchers address conservation problems, such as soil erosion, and improve water conservation," said William Hunt, Minnesota State Conservationist for the Natural Resources Conservation Service (NRCS). "The CSP represents a whole new direction in conservation and agricultural policy and programs. CSP will make payments to approved participants for demonstrable long-term stewardship and will reward many of those who undertook conservation on their own initiative to care for the resources we all share."

Approved participants can be enrolled in one of three tiers in the program, depending on the extent of the conservation treatments in place on their farm or ranch. Payments will be based in part on this existing conservation treatment as well as their willingness to undertake additional environmental enhancements.

William Hunt, Minnesota State Conservationist said that, "One of the main concepts that make CSP different from other conservation programs is the opportunity for participants to receive payments for enhancement activities, such as improving wildlife habitat, participating in on-farm demonstrations and undertaking on-farm energy conservation."

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer

NRCS will offer local workshops in the selected watersheds to more fully explain the program to interested potential participants.

CSP will continue to be offered each year, on a rotational basis, in as many watersheds as funding allows. For more information on CSP and other NRCS programs see http://www.nrcs.usda.gov/programs or http://www.mn.nrcs.usda.gov/programs/csp/csp.html.

#

Minnesota's 2005 Conservation Security Program (CSP) Watersheds

