

Minnesota Board of Water and Soil Resources. Minutes.

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Version 3
August 20, 2018

Minnesota Board of Water & Soil Resources

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

DATE: January 20, 2005

TO: Board of Water and Soil Resources Members and Staff

FROM: Ronald D. Harnack, Executive Director

SUBJECT: Amendment to the January 26th Agenda

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

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

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

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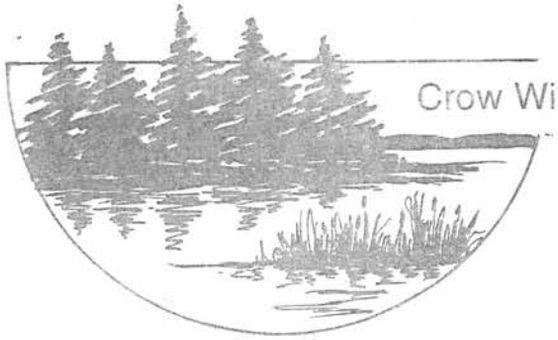
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DEC 2 9 2004

Crow Wing Soil and Water Conservation District

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

December 27, 2004

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

Dear Board Members:

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

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

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

Thank you for your cooperation in this matter.

Respectfully yours,

Keith A. Pohl
District Manager

Cc: Dan Steward- BWSR

RESOLUTION FOR CHANGE OF HEADQUARTERS

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

State of Minnesota)
)SS
County of Crow Wing)

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

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

Dated: December 21, ~~19~~ 2004

Minnesota Statutes 2004, 103C.221

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Minnesota Statutes 2004, Table of Chapters

Table of contents for Chapter 103C

103C.221 Change of location of principal office.

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

HIST: 1990 c 391 art 3 s 9

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

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

General questions or comments.

WATER & SOIL RESOURCES BOARD

Agency Overview

Dollars in Thousands

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

WATER & SOIL RESOURCES BOARD

Change Summary

Dollars in Thousands

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

WATER & SOIL RESOURCES BOARD

Change Item: Administrative Reallocations

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

Recommendation

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

Background

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

Relationship to Base Budget

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

Alternatives Considered

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

WATER & SOIL RESOURCES BOARD

Change Item: Area II

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

Recommendation

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

Background

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

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

Alternatives Considered

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

WATER & SOIL RESOURCES BOARD

Change Item: LCMR Projects

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

Recommendation

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

Background

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

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

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

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

Soil Survey - $500,000

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

Relationship to Base Budget

Project funding is available for FY 2006-07.

Key Measures

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

OFFICE OF GOVERNOR TIM PAWLENTY
130 State Capitol ♦ Saint Paul, MN 55155 ♦ (651) 296-0001

NEWS RELEASE

FOR IMMEDIATE RELEASE:
January 25, 2005

Contact: Brian McClung
(651) 296-0001

GOVERNOR PAWLENTY PROPOSES LARGEST BUDGET IN STATE HISTORY, 5.8% INCREASE OVER CURRENT BUDGET

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

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

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

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

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

**** figures in millions***

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

- more -

communities and concern for the environment. Highlights include:

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

The Governor's budget solution includes five parts:

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

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

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

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

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

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

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GOVERNOR'S 2005 CAPITAL BUDGET RECOMMENDATIONS

($ in Thousands)

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

GOVERNOR'S 2005 CAPITAL BUDGET RECOMMENDATIONS

($ in Thousands)

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

GOVERNOR'S 2005 CAPITAL BUDGET RECOMMENDATIONS

($ in Thousands)

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

GOVERNOR'S 2005 CAPITAL BUDGET RECOMMENDATIONS

($ in Thousands)

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

GOVERNOR'S 2005 CAPITAL BUDGET RECOMMENDATIONS

($ in Thousands)

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

GOVERNOR'S 2005 CAPITAL BUDGET RECOMMENDATIONS

($ in Thousands)

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

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

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

FOR YOUR INFORMATION

January 25, 2006

- BWSR "Update"
- Updated Board Member Listing
- BWSR Committees
- New IRS Mileage Rates for 2006
- Press Release dated January 17, 2006, "Pawlenty's Bonding Proposal Reflects Commitment to Building on Minnesota's Success"
- Press Release dated January 6, 2006, "Governor Pawlenty Funds Conservation Agenda with Aggressive Bonding Proposal"
- "Request for Public Comments to be Used in Developing USDA Recommendations for the 2007 Farm Bill- Conservation and Environmental Goals", December 23, 2005
- Article from the *Morris Sun Tribune,* December 21, 2005, "Farmers fire away on wetland rules"
- News Release dated December 1, 2005 from the Extension Service "How high can farmland values go?"

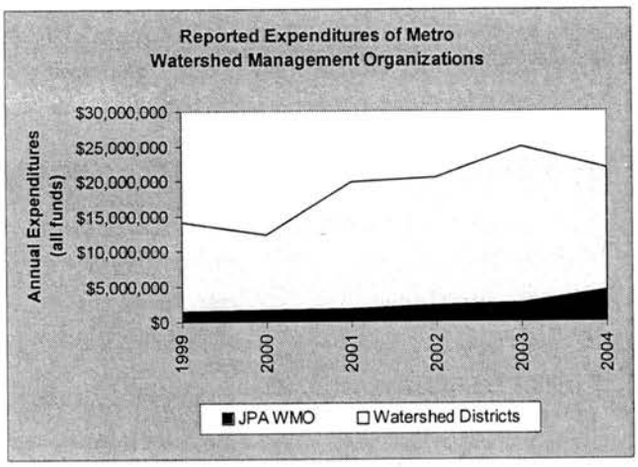
Minnesota Board of Water & Soil Resources

Board of Water and Soil Resources UPDATE

A publication of the Minnesota Board of Water and Soil Resources January 2006

METRO

Region staff have been scouring the watershed annual reports to fill in gaps of information. We've been able to assemble a thorough picture of how the region's watershed organizations expenditures have varied over the last handful of years. Data were compiled for Watershed Districts (MS 103D entities) and for the Watershed Management Organizations created under MS 103B. The results indicate a steady upward trend as expected, though the amount of Watershed District project activity makes for occasional dips in the trend. We expect to fill in a few of the remaining data gaps and begin receiving the 2005 reports by next April.
-Submitted by Steve Woods



ENGINEERING

Public Drainage Ditch Buffer Study

Recall that the 2005 Legislature directed BWSR to conduct an "implementation assessment of public drainage system buffers and their use, maintenance, and benefits" ... "in consultation with farm groups, watershed districts, soil and water conservation districts, counties and conservation organizations, as well as federal agencies implementing voluntary buffer programs." Doug Thomas and Al Kean are leading this special project.

A Work Group was established for consultation on the study and has met four times since early September 2005. The Work Group helped develop a survey questionnaire that BWSR sent to all Minnesota counties and watershed districts in October 2005. These 133 potential public drainage authorities were asked to complete the questionnaire and return it to the Water Resources Center at the Minnesota State University – Mankato, which was contracted to assist with the compilation and interpretation of the survey results. It has been a challenge to get the survey questionnaires returned. AMC, MAWD, MASWCD, the Minnesota River Board, and others have helped spread the word and promote participation. To date, approximately 110 drainage authorities have returned the questionnaire and/or are believed to not have any drainage ditches under their jurisdiction at this time. A number of the drainage authorities that have not yet returned the questionnaires are expected to have significant drainage ditches under their jurisdiction.

BWSR sought and received GIS data for CRP from the Farm Services Agency to help define the status of voluntary buffers along public drainage ditches in Minnesota. The MSU-Mankato Water Resources Center was also contracted to use the CRP data and BWSR's RIM and CREP data to develop GIS depictions of the locations of voluntary buffers along drainage ditches. The most challenging aspect of this component of the study is GIS definition of the locations of public drainage ditches. The survey questionnaires have identified 21 drainage authorities that report having GIS data for drainage systems under their jurisdictions. The WRC is working with these and other sources to develop statewide and/or regional GIS depictions of the status of voluntary buffers along public drainage ditches in Minnesota.

Another component of this study is a literature review regarding benefits of grass buffers along drainage ditches. The University of Minnesota Water Resources Center was hired to conduct this literature review. A draft, developed by a graduate student working on this project, is being reviewed and edited.

Continued on next page

One of the recommendations of the Work Group was to include general information about drainage ditches in Minnesota to help bring all Legislators and other readers of the report to a more common understanding of drainage ditches. Therefore, the first section of the draft report includes some background information about drainage ditches in Minnesota, including typical cross section drawings and photos.

The study Work Group has also identified a number of drainage topics that it is prioritizing and discussing to see if there are consensus recommendations regarding grass buffers along drainage ditches that could be included in the study report, and/or discussed further and reported later in a separate document.

The study report is scheduled to be complete by mid-February.

Conservation Engineering Practices and Stormwater

BWSR engineering staff are updating our standard drawings and specifications to better address the applicable requirements for Stormwater Pollution Prevention Plans under the Minnesota Stormwater Rule that was adopted in 2005. During the drafting of the Stormwater Rule, the NRCS, BWSR, and FSA had worked with the MPCA regarding an exclusion for conservation practices designed and constructed using NRCS and BWSR standards, specs, and oversight methods. However, the federal EPA would not allow the draft exclusion and apparently is looking to individual states to interpret and apply the agricultural exception in the federal rules. Al Kean, BWSR chief engineer, and John Brach, NRCS state conservation engineer, are coordinating with MPCA staff to define the best way to address conservation practice compliance with Stormwater Rules.

Lake Superior

Recall that BWSR assisted the University of Minnesota and S. St. Louis SWCD to implement a stormwater management and shoreline stabilization project at the Glensheen Mansion facility in Duluth during the past several years via three Great Lakes Commission grants. Phase two of the project was completed this past fall. This project has won a Governor's MnGREAT award for environmental protection and collaboration. The award will be presented on Feb. 15 at a luncheon during the Air, Water, Waste Environmental Conference sponsored by MPCA. Former BWSR staff members Gene Clark and Marc Hershfield, along with Al Kean, chief engineer, provided technical and project management assistance for this project.

Feedlots

The Minnesota Milk Producers Association has called a meeting Jan. 31 of the advisory committee for its Environmental Quality Assurance (EQA) Program to conduct a periodic review and potential update the program standards. Al plans to attend on behalf of BWSR. Producer participation in the MMPA's EQA stewardship program provides feedlots owners a higher priority for State Feedlot Water Quality Management Cost-Share grants. The MPCA, BWSR, and other state and federal agencies have helped promote this and other environmental stewardship programs sponsored by producer groups.

-Submitted by Al Kean

BRIEFS

The Farm Bill Assistance Partnership, a consortium of conservation organizations and government agencies, announced at the Pheasants Forever state convention in January that 16,000 acres of habitat were enrolled into farm conservation programs through partnership efforts in 2005. Made up of individual Soil and Water Conservation Districts, the Minnesota DNR, Minnesota Board of Water and Soil Resources, and PF, the partnership focuses on hiring staff to accelerate habitat restoration through federal Farm Bill conservation programs like the Conservation Reserve Program.

◆◆◆

Tom Kresko, board conservationist in Marshall, has joined the staff of the DNR Division of Waters. His last day with BWSR was Jan. 24. Best wishes, Tom!

Welcome to **Jennifer Scramstad**, the new office and administrative specialist at BWSR Bemidji. Prior to working at BWSR, Jennifer was a research information associate at the University of North Dakota Energy and Environmental Research Center.

Deadline for next edition: March 17

MINNESOTA BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155
Phone: 651-296-3767 Fax: 651-297-5615

Appointed Members	***Appointment Designation***	***Term Expires***	***Telephone/Fax***	
Jerome Deal, Chair 1501 Second Ave., S., Wheaton, MN 56296 bdswd@frontiernet.net	**Watershed**	01-02-06	320-563-8377 320-563-4194	*Home* *Fax*
Kay Cook 20783 Eastway Court, Richmond, MN 56368 neilkay@cloudnet.com	**Watershed**	01-01-07	320-597-2794	*Home*
LuAnn Tolliver 14801 Wychewood Road, Minnetonka, MN 55346	**Watershed**	01-07-08	952-938-6749 952-838-1571	*Home* *Office*
Dana Allen 11304 19th Street, SW, Eyota, MN 55934 dm.allen@myclearwave.net	**Citizen**	01-05-09	507-545-3969 507-951-5597	*Home* *Office*
Paul Brutlag 27113 County Road 11, Wendell, MN 56590 brutlagp@runestone.net	**Citizen**	01-07-08	218-458-2113 320-589-4151	*Home* *Office*
Randy Kramer 42808 County Road 11, Bird Island, MN 55310 randyk@willmar.com	**Citizen**	01-01-07	320-365-3094 320-365-4784	*Home* *Office*
Paul Krabbenhoft 1119 - 25th Ave., S., Moorhead, MN 56560 pkrabbenhoft@yahoo.com	**SWCD**	01-02-06	218-233-0313 701-281-3033 701-277-1570 701-799-0369	*Home* *Office* *Fax* *Cell*
Louise Smallidge 10992 Point Douglas, Hastings, MN 55033 Choregirl2@juno.com	**SWCD**	01-07-08	651-459-5600	*Home*
Robert Burandt 1340 Waconia Pkwy. S., Waconia, MN 55387 robertburandt@aol.com	**SWCD**	01-10-09	952-442-4216	*Home*
Quentin Fairbanks 16374 Stoner Memorial Dr., NE, Hines, MN 55647 quentin@paulbunyan.net	**Co. Commissioner**	01-01-07	218-835-4184 218-679-3378	*Home* *Fax*
Brian Kletscher 30427 County Hwy. 10, Vesta, MN 56292 bk3376@rconnect.com	**Co. Commissioner**	01-05-09	507-762-3376 507-828-1429	*Home* *Office*
Clair Nelson Lake County Courthouse, 601 Third Avenue, Two Harbors, MN 55616 Wilma.rahn@co.lake.mn.us	**Co. Commissioner**	01-02-06	218-353-7385 218-834-8320 218-834-8360	*Home* *Office* *Fax*

State Agency Members:			
Joe Martin Freeman Office Bldg., 625 Robert St. N., St. Paul, MN 55155 Joe.Martin@state.mn.us	**Department of Agriculture**	651-201-6551 651-297-5522	*Office* *Fax*
Dan Wilson Well Management Section, P.O. Box 64975, St. Paul, MN 55164-0975 Daniel.Wilson@health.state.mn.us	**Department of Health**	651-201-4598 651-201-4599	*Office* *Fax*
Gene Merriam 500 Lafayette Road, St. Paul, MN 55155 Gene.Merriam@state.mn.us	**Department of Natural Resources**	651-296-2549 651-296-4799	*Office* *Fax*
Jim Anderson 439 Borlaug Hall, 1991 Upper Buford Circle, St. Paul, MN 55108 Ander045@umn.edu	**U of M/Dept. of Soil, Water & Climate**	612-625-0279 612-625-2208	*Office* *Fax*
Lisa Thorvig 520 Lafayette Road, St. Paul, MN 55155 Lisa.Thorvig@pca.state.mn.us	**Pollution Control Agency**	651-296-8811 651-296-6334	*Office* *Fax*

January 2006

Board Packet - FYI

From: "Tom Erickson" <Tom.Erickson@state.mn.us>
To: "Tom Erickson" <Tom.Erickson@state.mn.us>
Date: 1/17/2006 12:59:19 PM
Subject: PAWLENTY'S BONDING PROPOSAL REFLECTS COMMITMENT TO BUILDING ON MINNESOTA'S SUCCESS -- January 17, 2006

FOR IMMEDIATE RELEASE: Contact:
Brian McClung

January 17, 2006
(651) 296-0001

PAWLENTY'S BONDING PROPOSAL REFLECTS COMMITMENT TO BUILDING ON MINNESOTA'S SUCCESS

~ Package includes $811 million in general obligation bonding; $897 million total ~

Saint Paul - Governor Tim Pawlenty today released his full bonding proposal for the 2006 legislative session, putting the focus on projects to enhance Minnesota's quality of life with statewide impact. The proposal is $811 million in general obligation bonding, with a total of $897 million when user-financed bonds, trunk highway bonds, and cash amounts are included.

"Enhancing Minnesota's future means preserving what we have and making strategic, smart decisions on what's going to most impact our great quality of life," said Governor Pawlenty. "We've worked to keep the proposal affordable and responsible while setting priorities."

The bonding package includes funding for five key quality-of-life areas:

Investments in Education - $289.3 million

"Investment in our education system is important to improving Minnesota's competitiveness," Governor Pawlenty said. Funding includes:

* $127.6 million for the University of Minnesota.

o $40 million for higher education asset preservation and replacement (HEAPR), to maintain university facilities throughout the state

o $26.6 million for new facilities for the Carlson School of Management

o $15.3 million for a new building for the Labovitz School of Business and Economics (Duluth campus)

o $41.3 million for a new Science Teaching and Student Services building

o $4.3 million for design of a new medical bioscience building

* $142.5 million for the Minnesota State Colleges and Universities system.

o $20 million for higher education asset preservation and replacement (HEAPR), to maintain MnSCU facilities across the state

o $32.9 million for a new science addition to Trafton Hall at Minnesota State Mankato

o $14 million for a new addition to the Wick Science Building at St. Cloud State University

o $19.9 million for a new science and library building at Century College

o $18.9 million to renovate a nursing and allied health training center and to create a science lab and classroom facility at the Minneapolis Community and Technical College

o $11.2 million for renovation of Winona State University's Maxwell Hall

* $19.2 million for K-12 Education projects

o $10 million for Red Lake school district facility improvements

o $8.1 million for Minnesota State Academies which includes funding for asset preservation and for renovation of Frechette Hall on the campus of the Academy for the Deaf

o $1.1 million for asset preservation for Perpich Center for Arts Education

Water, Agriculture, Environment and Natural Resources - $209.3 million

"Protecting and improving Minnesota's beautiful natural resources has been one of our top priorities since the beginning of my term," Governor Pawlenty said. "This package builds on the solid foundation our administration has built in the area of conservation and the environment." Funding includes:

* $54.1 million for loans and grants for drinking water and wastewater treatment facility improvements

* $11.2 million to deal with dangerous landfills for environmentally friendly methods of solid waste disposal through the Pollution Control Agency

* $35 million to DNR for funds to acquire, develop and protect fish, wildlife and plant habitats

* $30.2 million to continue our efforts to put 120,000 sensitive acres under the federal CREP program through the Board of Water and Soil Resources (BWSR)

* $4.2 million to replace lost wetlands due to road construction

* $21 million to the Minnesota Zoo

* $19.7 million to Met Council and DNR for state and regional park acquisition and facilities improvement

* $9 million for acquisition and construction of fisheries, fishing piers and water fowl habitat structures

* $2 for state trail acquisition, rehab and repair

* $11 million for flood mitigation and dam safety

* $1.5 million to upgrade Agriculture/Public Health laboratory to ensure that scientists can safely test for infectious diseases such as avian influenza

Jobs, Housing and Transportation - $203.8 million

Funding proposals from the Governor include:

* $60 million to complete funding for the Northstar Commuter rail line

* $8.3 million for construction of Park and Ride and passenger facilities on I-35W

* $5 million to continue work on the Cedar Avenue Transitway

* $2.5 million for the Central Corridor transitway

* $30 million for local bridge replacement and repair

* $10 million to assist cities, counties and townships with local road improvements

* $18 million in Trunk Highway bonding for construction of a new district headquarters in Mankato to improve highway construction and maintenance

* $6.9 million in Trunk Highway bonding for construction of a new truck station in Chaska

* $25 million for permanent supportive housing to help solve the problem of chronic homelessness

* $13 million for the redevelopment grant program that provides funds to local governments to help renew old commercial and industrial sites

* $10 million for the Bioscience Business Development program including $8 million for the Rochester bioscience development center

* $7.5 million for Greater Minnesota business development infrastructure grants

* $6.7 million for urgent repairs to state and locally owned historic sites

Safer and Healthier Communities - $150.7 million

"This package reflects our commitment to keeping Minnesotans safe," Pawlenty said. Funding includes:

* $44.6 million for design and construction of the first phase of an expansion of the Minnesota Sex Offender Program at Moose Lake, including a 400 bed residential structure and treatment space for civilly committed individuals

* $15 million for systemwide improvements to regional treatment centers, including security upgrades, asset preservation, maintenance and campus reuse and redevelopment efforts

* $6 million for systemwide asset preservation to ensure that Veterans Homes facilities are properly maintained

* $5.3 million for renovation and remodeling of the Minneapolis Veterans Home kitchen and dining room, to update facility and add capacity

* $28 million to continue expansion and renovation of the Faribault prison

* $19.6 million to provide a new, high security 150 bed segregation unit at Stillwater prison

* $10.3 million to build a fence and security system and add 92 beds for female offenders at Shakopee prison

* $10 million for systemwide asset preservation

Effective Government and Public Services - $41.3 million

Funding proposals from the Governor include:

* $8.6 million for improvements at armories and military facilities throughout the state

* $10.2 million in trunk highway bonding improvements to the exterior of the MnDOT building

* $6.2 million for seven projects to improve Capitol complex buildings

* $7 million for infrastructure design to support new energy and steel plants in Itasca County - this funding replaces local support that might otherwise have come from the 21st Century Mineral Fund

* $2 million for land acquisition at the St. Cloud regional airport

* $3 million for Bemidji Events Center design

* $1 million for a Renewable Energy Clean Air Project in Koochiching County

Governor Pawlenty noted the package as a whole distributes approximately 60 percent of the funds for projects in Greater Minnesota and 40 percent in the seven-county metro area.

For full details on the bill visit www.finance.state.mn.us.

--30--

Board Packet - FYI

From: "Jeff Falk" <Jeff.Falk@state.mn.us>
Date: 1/6/2006 10:11:31 AM
Subject: Governor Pawlenty funds conservation agenda with aggressive bonding proposal -- January 6, 2005

FOR IMMEDIATE RELEASE: Contact:
Brian McClung

January 6, 2005
(651) 296-0001

GOVERNOR PAWLENTY FUNDS CONSERVATION AGENDA WITH AGGRESSIVE BONDING PROPOSAL

~ Constitutional dedication of resources for the environment is also renewed ~

St. Cloud - In a speech today to the Department of Natural Resources Annual Roundtable in St. Cloud, Governor Tim Pawlenty announced his priorities for the 2006 capital bonding bill in the areas of conservation, water quality and the outdoors. His proposals in this area total nearly $187 million and are some of the most aggressive in recent years for conservation related projects.

Highlighting the list of projects is $54.1 million for clean water initiatives; $11.7 million for metro area parks; $73.5 million to the DNR for wildlife, habitat, and state parks; $11.1 million for pollution control projects and $34.3 million for wetland replacement and Conservation Reserve Enhancement Program (CREP) grants.

"Protecting and improving Minnesota's beautiful natural resources has been one of our top priorities since the beginning of my term," Governor Pawlenty said. "This package builds on the solid foundation our administration has built in the area of conservation and the environment."

Governor Pawlenty also renewed his call for dedicating 3/16ths of the state sales tax toward funding conservation projects. This proposal for a constitutional amendment was stalled in the legislature during the 2005 session.

"It's time to make a stronger commitment to conservation and the

outdoors by putting this amendment on the ballot this year to permanently dedicate resources to the environment for our children and grandchildren," Governor Pawlenty added.

Projects recommended for funding in today's proposal include:

* $18 million to permanently save large tracts of forest land, expand our state forests and plant trees

* $27 million in new spending for seven different fish and wildlife programs

* $16.5 million for parks, trails, water access and land acquisition to improve outdoor recreation

* $15 million for waste water infrastructure and $38.8 million for drinking water and waste water programs at the Department of Employment and Economic Development

* $11.7 million to expand metro area parks through the Met Council

* $11.1 million to deal with dangerous landfills for environmentally friendly methods of solid waste disposal through the Pollution Control Agency

* $30.1 million to continue our efforts to put 120,000 sensitive acres under the federal CREP program through the Board of Water and Soil Resources (BWSR)

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

-- 30 --

Jeff Falk

Deputy Press Secretary

Office of Governor Tim Pawlenty

130 State Capitol

Saint Paul, MN 55155

651-296-2427 - phone

651-357-7082 - cell

651-296-0056 - fax

www.governor.state.mn.us

From: Dianne Hubbell
To: # Everyone
Date: 12/14/2005 3:15:39 PM
Subject: New IRS Mileage rates for 2006

Starting January 1, 2006 the new mileage rates will be:
$0.445 for use of a personal vehicle if no state vehicle is available and
$0.375 for use of a personal vehicle if a state vehicle is available

Dianne Hubbell
Accounting Officer
Board of Water and Soil Resources
520 Lafeyette Road North
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(651) 296-0873
Fax (651) 297-5615

Board Packet - FYI

Minnesota Department of Agriculture

Minnesota Department of Natural Resources

Minnesota Pollution Control Agency

Minnesota Board of Water and Soil Resources

December 23, 2005

FarmBillRules@usda.gov (via email)

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

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

As a leading agricultural state with more surface waters than any of the 48 contiguous states and a $10 billion-a-year tourism industry based largely on abundant natural resources, Minnesota has major stake in the 2007 Farm Bill. "More so than any other state, the quality and quantity of water in Minnesota is central to our way of life," is how Governor Tim Pawlenty put it in June 2003, when he launched a statewide clean water initiative.

As part of Minnesota's clean water initiative, the Governor established a Clean Water Cabinet, comprised of the leaders of six state agencies whose missions involve water quality. The Cabinet has met regularly for more than two years to oversee progress on priorities such as impaired waters restoration, drinking water protection, and fish and wildlife habitat enhancement. These priorities fit well with Farm Bill conservation and environmental goals; in fact, the Conservation Title of the 2002 Farm Bill has provided more resources with which to address these priorities than any other source of funding.

That is why the Clean Water Cabinet plans to develop conservation policy recommendations for the 2007 Farm Bill, based on broad stakeholder input. The Minnesota Department of Agriculture and Board of Water & Soil Resources are leading the effort, which also involves the Minnesota Pollution Control Agency and Department of Natural Resources. The attached guiding principles (draft) and time line describe the Clean Water Cabinet's 2007 Farm Bill conservation policy effort. Both are working documents subject to change as the Cabinet gathers additional stakeholder input.

Another reason the Clean Water Cabinet is eager to develop conservation policy recommendations for the 2007 Farm Bill is the Clean Water Legacy Act – a plan to restore and maintain the quality of Minnesota's lakes, rivers and streams, developed by an unprecedented partnership of local governments, environmental organizations, business, agricultural interests, and state agencies. State investments to enhance Minnesota's ability to leverage Farm Bill conservation programs – such as funding for supplemental conservation planning and technical assistance to landowners – are important components of the Clean Water Legacy Act. Recent cuts in long-term Farm Bill conservation funding, however, could impact Minnesota's leveraging potential.

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Minnesota Pollution Control Agency • 520 Lafayette Road North, St. Paul, MN 55155 • 651-296-6300
Minnesota Department of Natural Resources • 500 Lafayette Road North, St. Paul, MN 55155 • 651-296-6157
Minnesota Board of Water and Soil Resources • 520 Lafayette Road North, St. Paul, MN 55155 • 651-296-3767

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

Sincerely,

Gene Hugoson, Commissioner
Minnesota Department of Agriculture

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

Sheryl Corrigan, Commissioner
Minnesota Pollution Control Agency

Gene Merriam, Commissioner
Minnesota Department of Natural Resources

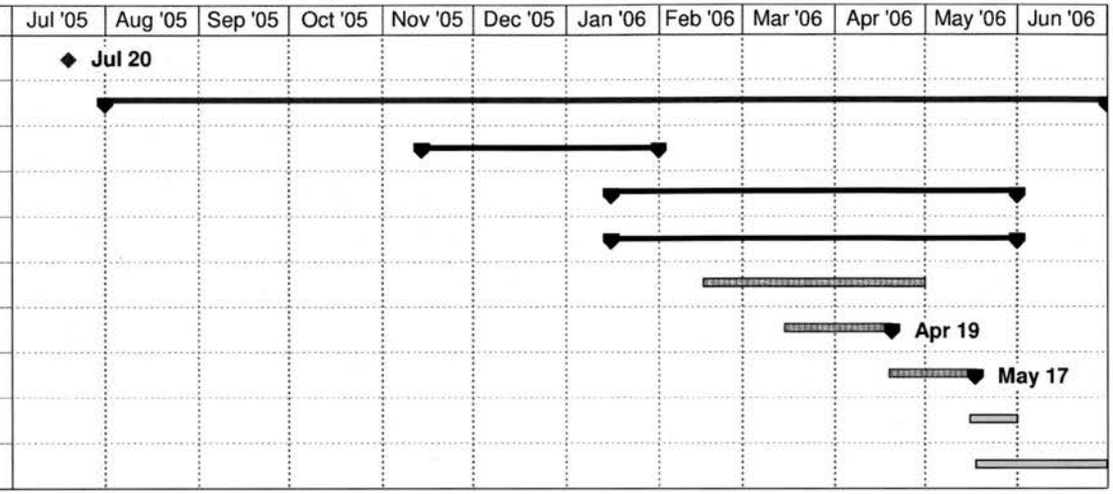
GH: MDA ARMDD: bw

email attachments (2): *Time Line and Process* document
Guiding Principles document

cc: Minnesota Governor Tim Pawlenty
USDA NRCS State Conservationist Bill Hunt
USDA FSA State Executive Director John Monson,
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

Process and timeline for developing Minnesota Clean Water Cabinet (CWC) conservation policy recommendations for the 2007 Farm Bill
A working document to be updated periodically -- last updated 12-23-05

ID	Task Name
1	**CWC adopt process & timeline**
2	**Stakeholder input process**
20	Identify Guiding Principles
21	Develop FB conservation policy recommendations
22	Develop recommendations
23	**Stakeholder review & comment**
24	**CWC review & approve draft recommendations**
25	**CWC review & approve final recommendations**
26	Submit recommendations to Congress & USDA
27	Disseminate recommendations to stakeholders



Prepared by MDA for the project's state agency work group (MDA, BWSR, MPCA, DNR)

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

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

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

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

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

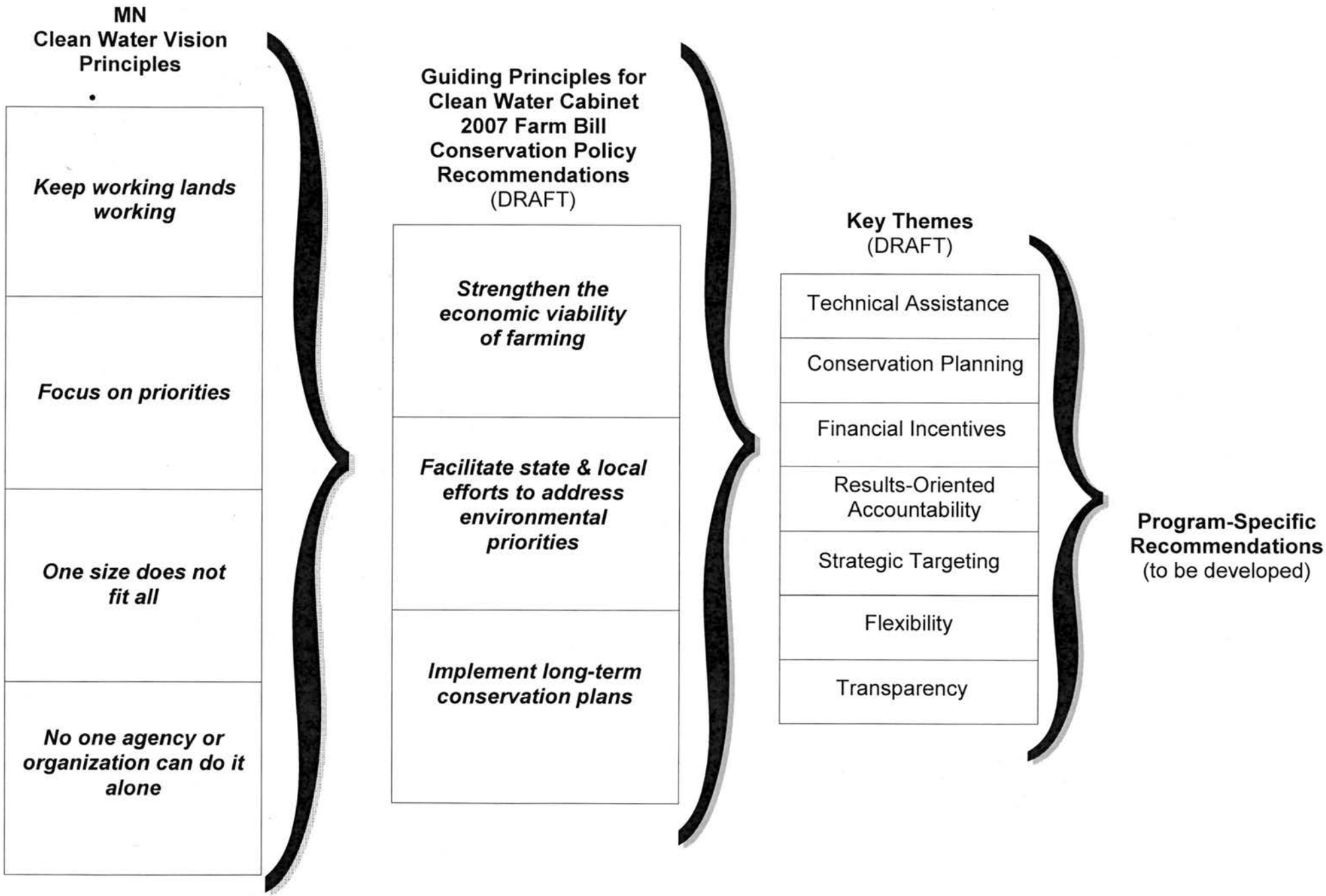
Facilitate state & local efforts to address environmental priorities, recognizing that different states have different priorities or face similar environmental challenges of different magnitude. This involves:

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

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

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

prepared by the Minnesota Dept. of Agriculture, 12/23/05



prepared by the Minnesota Dept. of Agriculture, 12/23/05

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, 2005

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: March 23rd Board Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, March 23, 2005, beginning at 9:00 a.m. The meeting will be held in the OEA conference room, 2nd floor, at 520 Lafayette Road North. Parking is available in the lot directly in front of the building (use hooded parking areas). Board Members, if you get here early, please see the Security Guard and tell him/her you are here to get your picture taken for your ID Badge – Remember to say "Cheese".

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. **Wadena County Priority Concerns Scoping Document -** Wadena County submitted the Priority Concerns Scoping Document for state review and comment, as part of updating their Comprehensive Local Water Management Plan. The Northern Regional Water Management Subcommittee of the Board met March 9th after the state agencies comment period ended. The Subcommittee'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 of the final plan must be sent to Wadena County. *Decision Item*

2. **Becker County Local Water Management Plan -** The Becker County Local Water Management Plan has been completed using the Priority Concerns Scoping Document (PCSD) BWSR acted on October 2004. The PCSD guided the development of the issues were the county will focus implementation. The final plan was drafted, the required public hearing was held and the plan was submitted for state review. March 9th, the Northern Regional Water Management Subcommittee reviewed and recommends approval by the full Board. *Decision Item*

3. **Clay County Priority Concerns Scoping Document** - Clay County submitted the Priority Concerns Scoping Document for state review and comment, as part of Updating their Comprehensive Local Water Management Plan. The Northern Regional Water

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Management Subcommittee of the Board met March 9th after the state agencies comment period ended. The Subcommittee's recommendations or requirements for the content of the final plan are drafted for the full Board to review and take action on. *Decision Item*

4. **Traverse County Local Water Management Plan -** The Traverse County Local Water Management Plan has been completed using the Priority Concerns Scoping Document (PCSD) BWSR acted on October 2004. The PCSD guided the development of the issues were the county will focus implementation. The final plan was drafted, the required public hearing was held and the plan was submitted for state review. March 9th, the Northern Regional Water Management Subcommittee reviewed and recommends approval by the full Board. *Decision Item*

5. **Clearwater County Local Water Management Plan -** Clearwater County Local Water Management Plan Update – Clearwater 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 October 27, 2004. On March 9, 2005 the North Region Water Management Review Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Clearwater County plan Update. The North Region Water Management Review Committee recommends approval of the plan. *Decision Item*

NEW BUSINESS

1. **Alteration of Easement 34-03-01-01, Randy Post, Kandiyohi County** - This proposed exchange will improve the water quality and wildlife habitat values of the easement area and the entire Hawk Creek Watershed project area. An increase of 2 acres of upland cover / filter strip at little cost to the State is an exchange that should be made. This exchange has the approval of both the Kandiyohi SWCD, and the DNR wildlife manager. They worked effectively with the landowner to reach a compromise that preserves the benefits of the current easement area and adds a valuable 66 foot buffer along the south side of Chetomba Creek. As a condition of approving this request, should the Board so decide, the replacement acres be seeded to a native grass and forb mix prescribed by the Kandiyohi SWCD, with all costs being borne by the landowner. *Approval of the exchange is Recommended.*

2. **Clean Water Legacy Initiative -**This initiative is gradually moving through the legislative process with success. PCA will provide a "big picture" perspective and Doug Thomas, BWSR and Jerry Heil, the Department of Agriculture will discuss the restoration and prevention elements and the leveraging elements. *Information and Discussion Item.*

3. **Camp Ripley's Army Compatible Use Buffer Program (ACUB)** - In January the Board heard a presentation from Camp Ripley officials regarding their plan to protect the integrity of the training facilitates through strategies defined in the plan. One of those strategies is the acquiring easements from willing landowners in cooperation with BWSR and SWCD's. It is the Camp's desire to use existing delivery systems to achieve the objectives of the plan. BWSR would enter into a cooperative agreement with the National

Guard Bureau to assist in implementation of the easement element of the plan. Specific authority for BWSR to receive and expend federal funds for this purpose would need to be incorporated in BWSR's funding authorizations. On behalf of Camp Ripley the House has begun that process. Therefore it is recommended that the Board endorse proceeding with a cooperative agreement with Camp Ripley and NGB and endorse obtaining the necessary legislative authority to partner with the Camp in implementation of the ACUB. *Decision Item.*

4. **Minnesota-area Volunteer Climate Observing Program** – Jim Zandlo, State Climato logist – The state climatology team has completed update of the rain gage monitoring and Jim will review the data and talk about the accessibility and use opportunities for the data. *Information and Discussion*

OLD BUSINESS

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

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

2. **Budget and Legislative Issues** – Ron Harnack – *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. 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 23rd!

DRAFT DRAFT DRAFT

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

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

BOARD MEMBERS ABSENT:
Louise Smallidge, Lisa Thorvig

STAFF PRESENT:
Ron Harnack, Dave Weirens, Lori Wilson

Approved

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

Pledge of Allegiance

Adopt Agenda

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

Minutes of January 26, 2005

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

REPORTS

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

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

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

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

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

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

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

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

** 05-03

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

** 05-04

Northern Water Planning Committee

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

** 05-05

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

** 05-06

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

** 05-07

Southern Water Planning Committee

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

** 05-08

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

** 05-09

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

** 05-10

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

** 05-11

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

** 05-12

NEW BUSINESS

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

** 05-13

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

** 05-14

15 Minute Break

Paul Burns had to leave for another meeting.

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

OLD BUSINESS

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

AGENCY REPORTS

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

ADVISORY COMMENTS

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

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

UPCOMING MEETING

- Next BWSR Meeting, March 23, 2005

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

Minutes Approved on March 23, 2005.

Respectfully submitted

Jerome Deal, Chair
BWSR

Dispute Resolution Report
March 4, 2005
by Jim Haertel

There are presently thirteen appeals pending. All of the appeals involve WCA. There have been four new appeals filed since the last report dated January 11.

File 05-5. This is a new appeal of an Exemption/No-Loss decision in Itasca County. The application was triggered by a cease and desist order and a restoration order. The project involves filling of wetland in the shoreland zone associated with a plat development. No decision has been made on the appeal.

File 05-4. This is a new appeal of a Restoration Order in Otter Tail County. The appeal involves the filling of Type 3/6 wetland adjacent to a building. No decision has been made on the appeal.

Files 05-3 and 04-2. File 05-3 is a new appeal of a Replacement Plan decision in Morrison County. At issue is the placement of fill in wetland for a road. There have been previous appeals regarding this project. File 04-2 is an appeal of an exemption decision for this project. The appeals regard a road that was upgraded and the denial of a forestry exemption. A cease and desist order and a restoration order were issued. The exemption appeal was remanded for a hearing, the LGU denied the exemption again, and that decision has been appealed. The exemption appeal has been accepted. No pre-hearing conference on the exemption appeal was set since the landowner, after negotiations, consented to submitting a replacement plan application upon completion of a wetland delineation. The replacement plan application was submitted, was denied and that is the subject of appeal File 05-3. The appeal has been accepted and combined with File 04-2. The extensive record is being compiled before a pre-hearing conference is held.

File 05-2. This is a new appeal of a Restoration Order in Chisago County. At issue is the excavation and filling of approximately 3 acres of wetland as part of a gravel mining operation. The appeal has been denied and the Restoration Order has been affirmed.

File 05-1. This is an appeal of a Replacement Plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Management Plan that BWSR approved. The appeal has been accepted and the extensive record is being compiled before a pre-hearing conference is held.

File 04-30. This is an appeal of a Restoration Order in Roseau County. The violation involves excavation in a Type 3-4 wetland along a lake. A decision on accepting the appeal has been placed in abeyance per request from legal counsel for the appellant.

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

File 04-26. This is an appeal of a Restoration Order in Spring Lake Township, Scott County. At issue is the placement of 4,300 feet of fill in a wetland for a driveway. The approved plat showed access to the lot without wetland impacts. The appeal is in abeyance pending a decision on a replacement plan application.

File 04-25. There is an appeal of an exemption decision in the City of Albertville, Wright County. The exemption was granted by default after the requirements under Minn. Stat. § 15.99 (the "60-day rule") were not met. At issue is the scope of wetland filling allowed under the "approved development" exemption and whether wetland filling can be avoided. The project involves commercial development. The appeal has been accepted, the record has been developed and a pre-hearing conference was held on January 20. The appeal briefing and hearing schedule is presently in abeyance pending the landowner considering Corps of Engineers requirements for the project.

File 04-23. This is an appeal of a forestry exemption decision in Kittson County. Unpermitted fill was placed in a Type 7 wetland for a road. A Cease and Desist Order was issued. Additional filling has recently occurred in violation of the CDO. Corps and DNR violations also exist. The appeal has been accepted and is in abeyance pending completion of a wetland delineation this spring and submittal of a replacement plan application.

File 04-15. This is an appeal of a wetland boundary and type decision in Anoka County. At issue is the decision by the Rice Creek Watershed District to classify a site as effectively drained. Last summer a wetland delineation report identified most of the site as wetland. The appeal has been remanded for a technical evaluation panel to meet onsite. The appeal remains in abeyance under the remand.

File 03-18. This is an appeal of a no-loss decision in Meeker County. At issue is the wetland delineation. The project involves wetland fill for a garage. The appeal is being held in abeyance pending further technical evaluation work, however, it appears a settlement agreement may be reached between the county attorney and the landowner with the landowner purchasing wetland bank credits.

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. **Wadena County Priority Concerns Scoping Document**
   Decision Item

Minnesota Board of Water & Soil Resources

217 South Seventh Street, Suite 202, Brainerd, Minnesota 56401

DATE: March 2, 2005

TO: BWSR Northern Plan Review Subcommittee

FROM: Dan Steward, Board Conservationist

SUBJECT: Review of Wadena County Priority Concerns Scoping Document (PCSD)

The original Wadena County Local Water Management Plan (LWMP) was approved in 1995. The first update to the original plan was completed in December 2000. The current or second generation LWMP will expire on December 31, 2005.

Since the inception of the LWMP Program in Wadena County, the County has delegated implementation to the Wadena SWCD.

On August 3, 2005, the Wadena County Board of Commissioners passed a resolution to update the Comprehensive Local Water Management Plan.

On February 1, 2005, Wadena SWCD submitted their Priority Concerns Scoping Document (PCSD) for review. The attached Wadena PCSD identifies the following priority concerns, and proposes the update be focused on these water management issues:

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

The SWCD used the following process to develop the PCSD:

- October 4, 2004, Water Plan Task Force meetings begin.
- October 15, 2004, Priority Concern Input forms are due from agencies.
- October 15, 2004, Priority Concern Input forms are due from the 15 townships, 7 cities, 4 lake associations, the county feedlot officer, the Menahga Conservation Club, and the 5 surrounding counties.
- November 16, 18, and 23, 2004, Public Input Meetings are held.
- November 29, 2004, EQUIP Work Group Meeting (more input on priorities).
- January 3, 2005, Water Plan Task Force meets, discusses, and selects top three concerns.
- January 4, 2005, Meeting with Planning and Zoning Administrator to discuss priority concerns.

The following priority concerns were submitted by the state review agencies:

- MDH: Protect groundwater-based drinking water sources, sealing unused, unsealed wells, develop a local ground-water quality data base.
- DNR: Storm water management, drainage (inventory existing drainage ditches), groundwater quality/quantity.
- BWSR: Protection of ground water quality, water quality impacts from development in riparian areas, conversion of marginal agricultural land.
- EQB: Groundwater contamination susceptibility and JOBZone locations, TMDL-impaired waters and JOBZone locations, groundwater availability and significant water using developments, MCD population extrapolations for Wadena County.
- MPCA: Impaired waters/total maximum daily loads, manure management, closing abandoned lagoons, erosion and sediment control in rivers, water quality monitoring of lakes and rivers.

On February 1, 2005, the PCSD was sent to the required state agencies for review. Agencies were asked to send comments to Ron Shelito. As of March 2, 2005 the following agency comments were received:

- February 22, 2005. The DNR offered two pages of comments relative to groundwater and nitrates, and the PCSD issues identified by Wadena County. The department also stated their major concerns center around storm water management, ditch inventory, and restoring channelized public water courses to their natural states.
- March 2, 2005. The MDH in their comments concurred with the priority concerns identified by Wadena County, and found the process used to identify the priority issues, commendable. The MDH also commented that, "Protecting the drinking water sources for the citizens of Wadena County is a wise and relatively inexpensive investment in the community's future."
- March 2, 2005. The EQB in their comments concurred with the priority concerns identified by Wadena County, and the process used to identify the priority issues. The EQB reminded the County to also keep in mind water quantity issues as they focus on water quality.

After reviewing the PCSD submitted by Wadena County, I concluded that the guidance requirements have been met. The County has identified a reasonable list of priority concerns that are supported by the public input process. I recommend the subcommittee approve the PCSD for Wadena County, as submitted.

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 24, 2005

Wadena County Commissioners
C/O Kari Tomperi, Wadena Soil and Water Conservation District
4 Alfred Street NE
Wadena, MN 56482-2303

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

Dear Wadena County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Wadena County has chosen to address in the update of their Comprehensive Local Water Management Plan. The Board of Water and Soil Resources, along with the state review agencies, were sent the Wadena County Priority Concerns Scoping Document (PCSD) on January 31, 2005, and asked comments be sent by March 2, 2005, to Ron Shelito, BWSR Regional Supervisor.

A number of water resource concerns were submitted to the Wadena County Water Resources Task Force. Many of these concerns had a common theme which allowed the Task Force to arrive at the following priority concerns that will be addressed in the Water Plan Revision.

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

The Minnesota Department of Health, Environmental Quality Board, Department of Agriculture, and Pollution Control Agency, all concurred with the priority concerns identified. The Minnesota Department of Natural Resources submitted comments related to groundwater and nitrates, and stated that storm water management, ditch system inventory, and returning channelized public water courses to their natural states are their major concerns.

On March 9, 2005, the Northern Regional Water Management Subcommittee (hereinafter referred to as the subcommittee) met with Wadena County/SWCD representatives to discuss Local Water Management activities within Wadena County, the process used to gather public input, the content of the PCSD, the state review agency comments and recommendations for the content of the final plan.

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.
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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

Based on the subcommittee's recommendations, the Board of Water and Soil Resources commends Wadena County for the process used to select the concerns. The priority concerns to be addressed in the plan were deemed to be appropriate, and do not require any changes to the PCSD as submitted. The BWSR encourages the Task Force to include language in the plan that is proactive in advocating a strong Individual Sewage Treatment System program for the county. The BWSR also supports the County's request for a ten year plan, with the implementation plan being updated in five years.

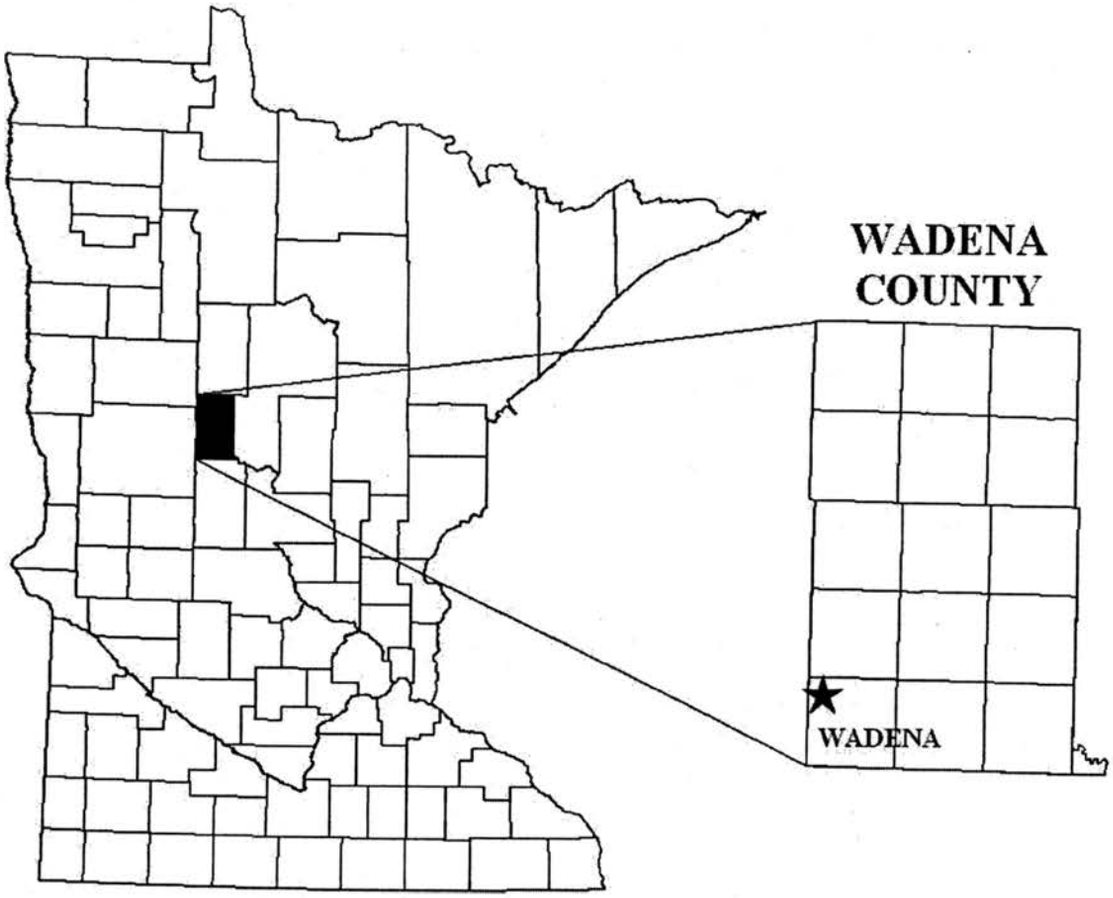
Sincerely,

Jerome Deal
Chair, Board of Water and Soil Resources

C: Dan Steward, BWSR
Ron Shelito, BWSR
Wayne Edgerton, DNR
Art Persons, MDH
Matt Drewitz, MDA
Paul Swenson, DNR
Lisa Thorvig, MPCA
John Wells, EQB

Priority Concerns Scoping Document- Wadena County

Wadena County submitted the Priority Concerns Scoping Document for state review and comment, as part of updating their Comprehensive Local Water Management Plan. The Northern Regional Water Management Subcommittee of the Board met March 9th after the state agencies comment period ended. The Subcommittee's recommendations or requirements for the content of the final plan are drafted for the full Board to review and take action on.


WADENA
COUNTY
WADENA

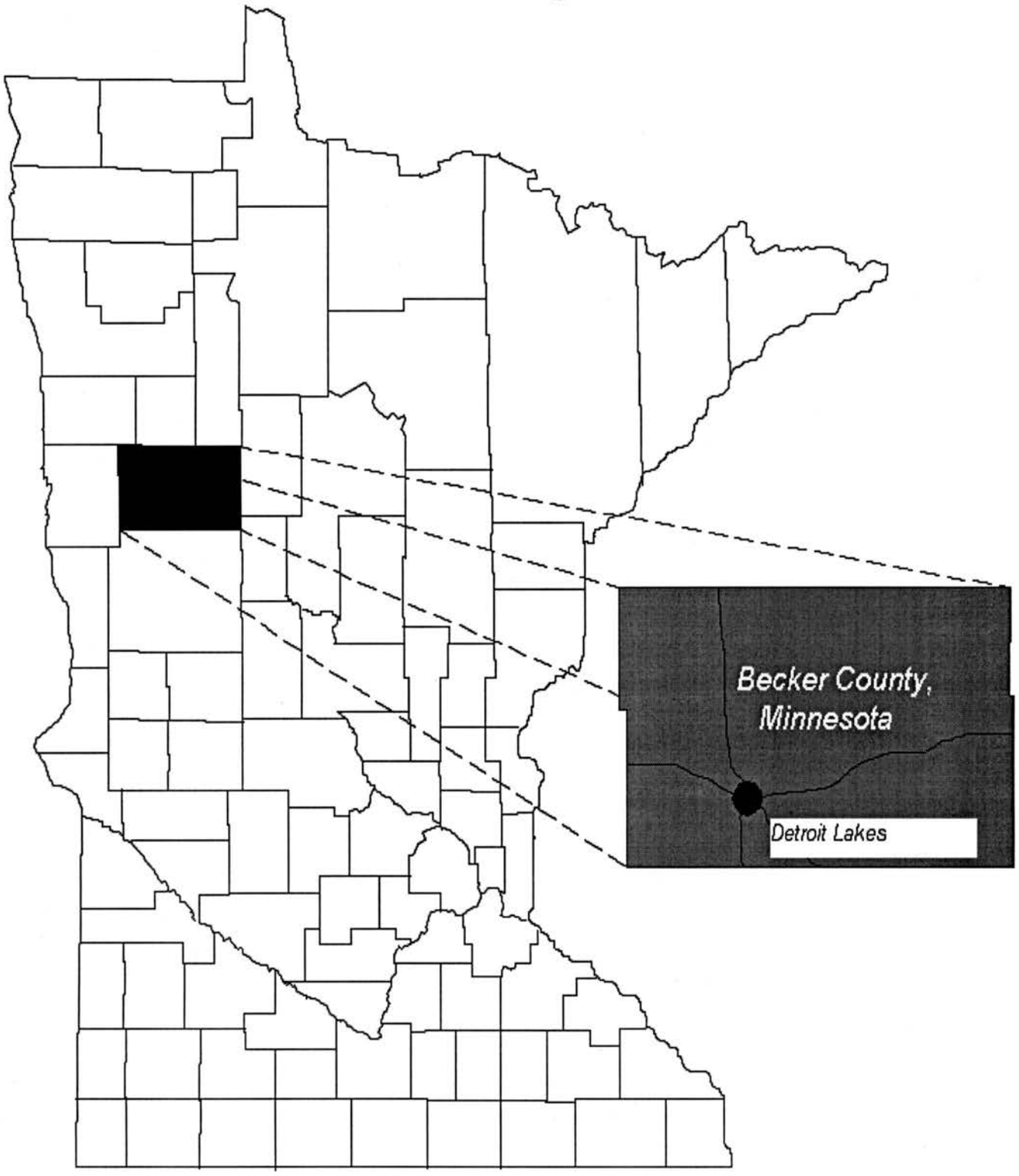
COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

2. Becker County Local Water Management Plan

Decision Item

Becker County
Local Water Management Plan



January 1, 2005 – December 31, 2014

An amendment to the plan and implementation schedule will be completed Dec. 31, 2009

Prepared by the Becker Soil and Water Conservation District

Becker County Local Water Planning Task Force

A. Executive Summary:

Introduction

Becker County is located in west-central Minnesota, 30 miles east of the Fargo/Moorhead metropolitan area, and encompasses an area of approximately 1,440 square miles. From 1990 to 2000 Becker County experienced steady growth in population with the number of residents listed at 30,000. 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. However current growth rates indicate these estimates could be easily surpassed.

Of the 921,000 acres that make up Becker County the two predominant land uses are forestland (361,191 ac. 39%) and cultivated land (302,058 ac. 33%). The dominant land use in the county remains agriculturally based, with forestry uses not far behind. Becker County is blessed with an abundance of water resources with 487 lakes located within its boundaries and is situated in a prime tourist area of Minnesota due to its natural beauty of lakes and forests.

Administration of the Local Water Management Plan has been the responsibility of the Becker Soil and Water Conservation District since 1990. A revision of the plan was completed in 1997 and expired December 31, 2003. This update will cover the ten year period from 2005 – 2014. The accomplishments of the Local Water Management Program in Becker County have been many. A summary can be found on page 27 of this document.

Purpose

The purpose of the Local Water Management Plan (LWMP) is to identify existing and potential problems and opportunities for protection, management and development of water resources and related land resources in Becker County. Pursuant to the requirements of Minn. Stat. 103B.311 subd., 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 principles 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. This revision of the Becker County Local Water Management Plan covers the period 2005-2015, with an amendment to the implementation schedule to be completed in 2010. In addition work plans and reports will be prepared annually.

Summary of Goals and Actions:

Description of Priority Concerns in no particular order of importance are:

Priority Concern: Surface Water Quality and Management

Becker County has an abundance of open water areas. From rivers, streams, lakes and marshes surface water accounts for 14% of Becker County's total surface area. Water quality concerns arise from a variety of areas such as existing and potential impacts of development, impacts of drainage on water level management, maintaining a safe drinking water supply, industrial and agricultural needs along with fish and

wildlife habitat. Areas of this concern to be addressed include the following.

- Nutrient reduction from the Upper Pelican River Watershed Area to Big Detroit Lake. Estimated cost (plan and implementation $1.5 million)
- Improve surface water quality in the Sand Lake Watershed through intense land use inventorying and establishment of conservation measures to achieve improved water quality within the watershed. Estimated cost. $242,500.
- Continue to assist with the Becker COLA lake water quality monitoring program and the Restore the Shore Tree Program to reestablish natural lake shore vegetation. Costs $65,000 over 10 years for trees and monitoring cost.
- Work with the Becker COLA to identify at risk lakes and assist in the development of lake management plans.
- Maintenance of existing drainage systems and establishment of additional buffer strips to reduce sedimentation impacts in the Buffalo and Wild Rice Watersheds.

Priority Concern: Stormwater Management

Assist with the implementation of the NPDES permit program that requires the development and implementation of approved erosion and sediment control measures on development and re-development projects.

- Promote the use of existing federal, state and local conservation programs that reduce soil erosion and sedimentation through the establishment of buffer strips, sediment control basins and grassed waterways. Priority will be given to lands in the Buffalo-Red Watershed and the Wild Rice Watershed.
- Work closely with the Pelican River Watershed Districts permit program for stormwater control and impervious surfaces in the shore impact zone.
- Educate contractors on the NPDES permitting program and its requirements for controlling stormwater runoff during construction.

Priority Concern: Groundwater Quality

Current water quality data reflects that the quality of the ground water in Becker County is generally good. However there are areas in the County such as the Pineland Sand Plains in eastern Becker County, and the Pelican River Sand Plains in south central Becker County, that are more susceptible to pollutants entering them due to their high permeability rates. From a planning perspective it is important to provide protection to the groundwater recharge areas. Priority concerns to be addressed in this plan include:

- Continue to inventory lake shore parcels for non-conforming ISTS systems and bring them into compliance. Enforce individual sewage treatment system ordinance countywide. Provide low interest SRF AgBMP loans to upgrade non-conforming systems. $350,000 over 10 years.
- Support and assist with the development of wellhead protection plan for communities in the county that have not completed them. Estimated cost is staff time.
- Continue to support and provide cost-share incentives to seal abandoned wells in Becker County. Estimated cost $50,000 over 10 years, plus staff time.
- Continue to conduct free well water testing clinics for county residents to determine the presence of elevated nitrates. Costs, staff time to conduct clinics.
- Assist irrigators in the Pelican River Sand Plains area and the Pineland Sand Plains in developing conservation plans on irrigated acres incorporating best management practices to reduce potential groundwater contamination.
- Encourage the proper closure of animal waste holding facilities where livestock is no longer present. Inform landowners of programs available for proper closure of these facilities.

Priority Concern: Development Pressures
As stated in the 2003 Becker County Comprehensive Plan increased development pressures have been placed on the County's agricultural and lake resources. Traditional agricultural areas have experienced an increase in the development of non-farm housing, along with increased development pressures being placed on many of the County's small remote lakes. For these reasons development pressures have been identified as a high priority item to be addressed in this Local Water Management Plan update. These priority development concerns will include:

- Advocate for changes to the Becker County Zoning ordinance to guide new development with thorough planning and appropriate consideration for natural resources. Costs $30,000
- Educate landowners on the importance of natural, native shoreline vegetation for maintaining water quality and lake habitat, and encourage maintenance and restoration of native vegetation along shorelines.
- Identify and protect sensitive areas around lakes from extensive inappropriate development.

Consistency with other plans:

In preparation of the Becker County Local Water Management Plan (LWMP) the most recent plans available from several entities were examined to ensure consistency with their concerns.

The Becker County Comprehensive Plan that was completed and adopted in 2003 raises many of the issues that are addressed in this LWMP update. They compliment each other in their concerns on water quality, shoreland protection, development pressures and septic system monitoring. It encourages cluster and community water and septic systems for lakeshore and cluster developments and seeks sustainable development and economic use of Becker counties natural resources.

The Pelican River Watershed District is currently in the process of updating their existing Management Plan with the revision due in 2005. Upon reviewing their preliminary concerns the LWMP will address several of the issues to be included in their updated plan. Some of which are, increased treatment of urban stormwater runoff, reduce the phosphorus loading into Big Detroit Lake, identify agricultural runoff sources, and promote educational opportunities to improve citizen knowledge and interest.

Despite not an official Watershed District, the Otter Tail River Watershed Basin Plan completed in 2002, reflects many of the concerns of the County's LWMP. The Otter Tail River plan has been recognized by the Board of Water and Soil Resources as an adequate plan for addressing conservation programs.

The 2002 White Earth Reservation Integrated Resource Management Plan that establishes goals, policies and strategies that guide the stewardship of the resources of the White Earth Indian Reservation's natural resources was reviewed for compatibility with the LWMP.

Other current plans reviewed for compatibility with the LWMP included the Buffalo-Red River Watershed District Management Plan, the Wild Rice Watershed District Management Plan, the Cotton Lake Management Plan, Bad Medicine Lake, Pickerel Lake, and the Sand Lake Watershed Project plan.

The Becker County Local Water Management Plan incorporates implementation activities that will assist in addressing the identified concerns of these plans.

Recommendations to Other Plans and Official Controls:

Becker County is currently revising the County Zoning and Shoreline Ordinances regarding development densities, shoreline impacts, resort conversion, etc. With increased development pressures being placed on our Natural Environmental lakes it seems appropriate that the State would re-examine the Shoreland Management Rule to provide adequate protection to our small sensitive lakes from over development.

C. Goals, Objectives and Action Item:

A goal's, objectives and implementation schedule has been developed for each priority concern area. Though primary responsibilities are listed they are not meant to be exclusive, as additional partners such as landowners, lake associations, townships, and others may become cooperators to accomplish various goals.

Priority Concern: Surface Water Quality

Objective A. Provide for protection of all surface waters in Becker County through enforcement of existing regulations, use of existing programs and development of new programs.

1. Install 100 acres of buffer strips adjacent to eligible surface waters over the next 5 years through the continuous CRP program.

2. Continue to support the efforts of the Pelican River Watershed District in their permitting program as it relates to land alterations in the shore impact and bluff impact zone.

3. Contact all landowners within the Sand Lake Watershed in western Becker County as part of a Clean Water Partnerhsip/319 Grant, and identify any resource protection needs on their properties.

4. Make landowners aware of forestation and reforestation programs, such as State Cost Share, and the Sustainable Forestry Incentives Program, available through the Minn. DNR.

5. Complete the nutrient reduction plan for the Upper Pelican River Watershed to reduce nutrient loading to Detroit Lake.

6. Construct and implement the nutrient reduction plan for the Upper Pelican River Watershed once approved.

7. Reduce nutrient loading to Detroit Lake from the Upper Pelican River Watershed by 50%.

8. Work with Becker County Planning and Zoning and other agencies to develop lake sustainability and carrying capacity criteria.

9. Identify at risk lakes in Becker County and assist in the preparation of lake management plans.

10. Control the distribution and spread of undesirable vegetation in county lakes.

Objective B. Protect our wetland resources from degradation.

1. Include in the revised Zoning Ordinance a minimum width for natural buffers on lakeshore development sites.

2. Maintain existing drainage systems and work with landowners to establish additional buffer strips to reduce sedimentation impacts in the Buffalo and Wild Rice Watersheds.

3. Continue to work with the Becker COLA on their lake monitoring program and lake management plan developments.

4. Work with appropriate agencies to inventory and create a GIS layer showing emergent vegetation areas on Becker County lakes for the purpose of reducing impacts from development, and other shoreline disturbances.

5. Carryout the provisions of the Minnesota Wetland Conservation Act throughout Becker County.

Priority Concern: Stormwater Management

Objective A. Improve stormwater runoff quality by increased utilization of stormwater management practices throughout the County.

1. Continue to conduct the crop residue survey inventory to monitor trends on reduced tillage farm operations in Becker County.

2. Work closely with the PRWD's permit program in regards to stormwater control and impervious surfaces in the shore impact zone.

3. Promote proper management of forestry lands to help prevent erosion and sedimentation due to logging operations.

4. Keep landowners informed of incentive programs such as EQIP that provide incentives for conducting conservation measures such as no-till farming, sediment basins, field windbreaks, residue and nutrient management, etc.

5. Identify critical erosion areas in the Buffalo, Ottertail and Wild Rice Watersheds and promote the use of erosion control measures, such as sediment control basins, to reduce sediment entering our ditches and watercourses. Priority will be given to those areas within 1000 feet of rivers, lakes and major ditch systems.

6. Give high priority consideration for EQIP program participation and funding to install a total of 1500 acres of conservation tillage, 3 sediment basins and 25 acres of buffer strips in the Sand Lake Watershed, the Upper Pelican River/Campbell Creek Watershed and the Redeye River Watershed.

7. Install 40 sediment and erosion control basins over the next 5 years through programs such as EQIP, State Cost-share, and others.

8. Seek funding from other agencies, such as the Buffalo-Red, Wild Rice, and Pelican River Watershed Districts to compliment other cost-share programs to assist in the installation of erosion control

measures.

Objective B. Promote compliance of stormwater rules and ordinances by continuing to educate landowners on the use of BMPs that reduce runoff.

1. Work with contractors on understanding and implementing the NPDES permitting program and its requirements for controlling stormwater runoff during construction causing land alterations.

2. Inform landowners and operators (on a watershed basis as they are selected) in Becker County of the financial benefits available through the Conservation Security Program for BMPs that they may be already carrying out on their lands.

3. Sponsor and carryout youth educational programs such as Ag-in-the-Classroom, Envirothon, Lakes Water Watch, Soil Stewardship Observance, 5th Grade Conservation Tour, and others that educate our youth on water management and other resource issues.

Priority Concern: Ground Water Quality

Objective A. Protect and preserve the ground water quality in Becker County.

1. Continue to make available well water testing opportunities to individuals in Becker County and provide free well water testing clinics annually in cooperation with Minnesota Department of Agriculture.

2. Educate landowners through news articles, brochures, etc. on the importance of properly sealing abandoned wells.

3. Assist landowners with the sealing of abandoned wells and provide cost-share assistance through existing programs.

4. Work with the City of Ogema in properly sealing wells located within the City once their new city water system is installed. Provide cost-share assistance to Ogema residents wishing to seal abandoned wells with funds provided by Becker County for sealing purposes.

5. Keep a record of locations of all abandoned wells sealed in Becker County with cost-share and other programs as the information becomes known.

6. Assist wellhead water protection teams with the development and implementation of their Wellhead Protection Plans.

7. Continue to monitor 7 well in the Pelican River Sand Plains area and 20 in the Pineland Sand Plains Area for static water levels and provide the information to the Minn. DNR Division of Waters.

8. Continue to assist landowners in the proper closure of unused animal waste facilities and inform them of funding assistance that may be available through the federal EQIP program or the State Cost-share program.

9. Continue to support solid waste programs and education efforts on the proper disposal of hazardous waste and recycling programs.

Objective B: Work with Becker County Planning and Zoning to increase ISTS compliance.

1. Identify and ensure the upgrade of failing septic systems throughout Becker County.

2. Continue to make low interest loans available for ISTS upgrades through the AgBMP Loan Program.

3. Continue to inventory and monitor ISTS systems around Becker County lakes to insure compliance with ISTS rules and regulations.

Priority Concern: Development Pressures

Objective A. Becker County will promote development patterns that protect agricultural land, forests, lakes and wetlands throughout the county.

1. Create an Environmental Review Committee to meet with developers prior to plat preparation to discuss all environmental and zoning concerns on proposed development sites.

2. Continue to enforce existing ordinances. Request assistance from appropriate agencies for ordinance revisions and updates.

3. Assist in the development of technical changes to the Becker County P&Z Ordinances for clarification enforcement and understanding.

4. Revise the Becker County Zoning Ordinance to require that 70% of lakeshore on new developments be left in its natural condition.

5. Assist the MPCA with the TMDL process for water bodies as they are determined.

6. Incorporate the LWMP into the Becker County Comprehensive Plan.

Objective B. Encourage development patterns and land use practices that protect, enhance, maintain or restore water quality.

1. Revise the Becker County Planning and Zoning Ordinances (P&Z) concerning Resort Conversions, Planned Unit Developments, Common Interest Communities, out lots, funnel development and un-suitable shorelines.

2. Work with Becker County to develop a stronger enforcement program of Becker County Ordinances.

3. Educate residents on restoring and preserving natural shoreline areas.

4. Create County cluster development standards that include substantial buffers for agricultural areas, and encourage such development in appropriate areas of the County.

5. Encourage the Minnesota legislature to develop and fund conservation easement programs that protect existing marginal shoreland areas from development.

Becker County Local Water Management Plan
Priority Concerns
Implementation Schedule
2005-2009

Implementation Schedule Priority- Surface Water Quality					
Objective A: Provide for protection of all surface waters in Becker County.					
Actions	**Primary Responsibility**	**Cost**	**Potential Funding Sources**	**Duration**	**Watershed**
1	NRCS, SWCD	$10,000	Federal & St. Cost-share	2005 - 2009	All
2	PRWD	N/A	Existing staff time	Ongoing	Ottertail
3	SWCD, MPCA, RRBC	$42,000	Grants, Existing staff time	2005 - 2006	Buffalo
4	DNR, Cty. NRM, SWCD	N/A	Existing staff time	Ongoing	All
5	NRCS, PRWD	$50,000 time	Federal staff, PRWD staff	2005	Ottertail
6	PRWD, NRCS	$500,000	Federal grant, PRWD	2005 - 2007	Ottertail
7	PRWD	Result of #5	N/A	Ongoing	Ottertail
8	P&Z, Becker Co, Mn. DNR	N/A	Existing staff time	Ongoing	All
9	PRWD, COLA, SWCD		Local, Existing staff time, Grants	Ongoing	All
10	WD, MPCA, COLA	N/A	Local, Existing staff time	Ongoing	All
Objective B: Protect our wetland resources form degradation.					
1	P&Z, Becker Cty.	N/A	Existing staff time	2005	All
2	Becker Cty, WD, NRCS,	N/A	Local, Existing staff time	Ongoing	Buffalo, Wild Rice
3	SWCD, COLA, WD	$30,000	SWCD, grants, COLA	Ongoing	All
4	SWCD, DNR, P&Z, COLA	$10,000	Grants,	2007 - 2008	All
5	SWCD, Becker County	$250,000	Existing local staff, grants	Ongoing	All
	Total Projected Cost	**$602,000**			

Implementation Schedule Priority – Stormwater Management					
Objective A: Improve stromwater runoff quality throughout the county.					
Actions	**Primary Responsibility**	**Cost**	**Potential Funding Sources**	**Duration**	**Watershed**
1	SWCD, NRCS	$4,000	Grants	Ongoing	All
2	PRWD, SWCD	$6,000	Local fees	Ongoing	PRWD
3	Cty. NRM, DNR	N/A	Existing staff time	Ongoing	Ottertail, Miss.
4	NRCS, SWCD	N/A	Existing staff time	Ongoing	All
5	SWCD, NRCS, WD	N/A	Local, Existing staff time		Ottertail, Buffalo, Redeye
6	NRCS, SWCD	$65,000	Federal & State Cost-share	2005 - 2009	Buffalo, Redeye, Ottertail
7	NRCS, SWCD	$200,000	Local, Existing staff time, grants	2005 - 2009	All
8	SWCD	$25,000	WD	Ongoing	Wild Rice, Buffalo,
Objective B: Promote compliance of stormwater rules and ordinances.					
1	MPCA, WD, P&Z	N/A	Existing staff time	Ongoing	All
2	NRCS, SWCD	N/A	Existing staff time	Ongoing	All
3	SWCD, WD	$6,000	Grants, SWCD, WD,	Ongoing	All

	Total Projected Cost	**$306,000**		

Implementation Schedule Continued

2005 - 2009

Implementation Schedule Priority – Ground Water Quality					
Objective A: Protect and Preserve the ground water quality in Becker County.					
Actions	**Primary Responsibility**	**Cost**	**Potential Funding Sources**	**Duration**	**Watershed**
1	SWCD, MDA	N/A	Existing staff time	Ongoing	All
2	SWCD	N/A	Existing staff time	Ongoing	All
3	SWCD	$20,000	NRBG, EQIP,	Ongoing	All
4	SWCD, Cty., MDH	$12,700	County	2005 - 2007	Wild Rice
5	SWCD	N/A	Existing staff time	Ongoing	All
6	SWCD	N/A	Existing staff time	Ongoing	All
7	SWCD, DNR	$15,000	Grants, Existing staff time	Ongoing	Mississippi, Ottertail
8	NRCS, SWCD	$10,000	EQIP, Cost-share	Ongoing	All
9	Cty. Environmental Ser.	N/A	Existing staff time	Ongoing	All
Objective B: Work with Becker County Planning and Zoning to increase ISTS compliance.					
1	Cty. P&Z	N/A	Existing staff time	Ongoing	All
2	SWCD, MnDA	N/A	Existing staff time	Ongoing	All
3	Cty. P&Z	$40,000	Grants	Ongoing	All
	Total Projected Cost	**$97,700**			

Implementation Schedule Priority – Development Pressures					
Objective A: Promote development patterns that protect agricultural land, forests, lakes, and wetlands.					
Actions	**Primary Responsibility**	**Cost**	**Potential Funding Sources**	**Duration**	**Watershed**
1	P&Z, Becker County	N/A	Local, Existing staff time	2005	All
2	P&Z	N/A	Existing staff time, Local	Ongoing	All
3	P&Z, PRWD, SWCD, Cty.	N/A	Existing staff time	2005	All
4	P&Z,	N/A	Existing staff time	2005	All
5	MPCA, SWCD, WD	N/A	Existing staff time	Ongoing	All
6	Becker Cty. LWMP Comm.	N/A	N/A	2005	All
Objective B: Encourage development patterns and land use practices that protect, enhance, maintain or restore water quality.					
1	P&Z, Becker Cty.	$20,000	Local, Existing staff time	2005	All
2	P&Z, Becker Cty.	N/A	Existing staff time		
3	P&Z, WD, SWCD				
	Total Projected Cost	**$20,000**			

Local Water Management Plan- Becker County ACTION ITEM

The Becker County Local Water Management Plan has been completed using the Priority Concerns Scoping Document (PCSD) BWSR acted on October 2004. The PCSD guided the development of the issues were the county will focus implementation. The final plan was drafted, the required public hearing was held and the plan was submitted for state review. March 9th, the Northern Regional Water Management Subcommittee reviewed and recommends approval by the full Board.

Board Conservationist Summary and Recommendation:

Douglas County completed the final draft of the LWMP, held the required public hearing April 27th and May 5th submitted the final draft for state agency review for the final time. Agency comments are to be sent to Ron Shelito, BWSR Regional Supervisor, by May 26th. This is the third generation of the Douglas County LWMP.

The development of the final plan utilized a Priority Concerns Scoping Document, which was submitted to BWSR on October 30, 2003. The priority concerns identified were:

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

Pursuant to M.S. section 103B.313, subdivision 5, a January 28, 2004 letter communicated the State's official comments pertaining to the priority concerns chosen by Douglas County. The Northern Regional Water Management Subcommittee met January 6, 2004 to discuss state agencies review comments, the content of the PCSD and recommendations for the content of the final plan.

BWSR in its comments commended Douglas County for the process used to select the concerns and did not recommend or require any changes to the PCSD. The BWSR requested a few suggestions/considerations for the final plan.

Douglas County completed the final draft of the LWMP, held the required public hearing and May 5th submitted the final draft for state agency review for the final time. Agency comments were to be sent to Ron Shelito by May 26th.

A summary of the Goals and Actions for each priority concern is in the enclosed Executive Summary.

BSWR staff reviewed the draft final plan and found to it contain all requirements of M.S. 103B.314 for content and recommends approval. MPCA's May 27, 2004 correspondence recommended approval. No other comments were received from state agencies.

The Northern Regional subcommittee of the Board met June 1st after the state agencies comment period ended. The subcommittee recommends approval of the final plan.

Presented by: Pete Waller

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 2, 2005

To: BWSR Northern Subcommittee

From: Pete Waller

RE: Review of Becker County Final Local Water Management Plan (LWMP)

August 5, 2004, BWSR and the other state review agencies received the Priority Concerns Scoping Document (PCSD). The Northern Subcommittee (Committee) met October 4, 2004 to discuss state agencies review comments, the content of the PCSD and recommendations for the content of the final plan. BWSR's October 27, 2004 letter, pursuant to M.S. section 103B.313, subdivision 5, communicated the State's official comments pertaining to the priority concerns chosen by Becker County.

BWSR commended Becker County for the process used to select the concerns and did not recommend or require any changes to the PCSD. The BWSR requested that shoreland development issues stand out in the final plan.

Becker County completed the final draft of the LWMP, held the required public hearing on February 22nd and submitted the final draft on January 28th for review by state agencies. Agency comments were to be sent to Ron Shelito by March 1st.

The duration of the LWMP is a ten-year period with a five-year implementation program pursuing a plan amendment prior to December 31, 1009 for the final five years of the ten-year plan. The Goals, Objectives, and Action Items (Implementation Schedule) will be amended as per statue and BWSR guidance. While this and Traverse's LWP are firsts within my work area, it is allowed by statue and follows BWSR Guidance.

I've reviewed the draft final plan and found to it contain all requirements of M.S. 103B.314 for content. I think they addressed the few suggestions/considerations of BWSR, dated October 27th.

The following agency provided these comments:
The Minnesota Department of Health recommends approval and commended the County for its recognition of the importance of protecting groundwater quality and quantity. They also look forward to working with the County in the future.

Being Becker County representatives made a presentation to the Committee on October 4, 2004, I don't anticipate the need for Becker County participation on March 9th. I provided the opportunity for them to attend if they wished and they respectfully declined.

March 9th, I plan to recommend approval of the Becker County Local Water Management Plan, 2005-2014 with the implementation schedule to be amended by December 31, 2009.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

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

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

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

FINDINGS OF FACT

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

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

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

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

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

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

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

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

CONCLUSIONS

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

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

ORDER

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

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

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Minnesota Board of Water & Soil Resources

Becker County Commissioners
P.O. Box 787
Detroit Lakes, MN 56501

March 23, 2005

Dear: Becker County Commissioners;

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you it approved Becker County's revised Comprehensive Local Water Plan at its regular meeting held on March 23, 2005. Attached is the signed Finding of Fact, Conclusion, and Order that documents approval of the plan and indicates it meets all relevant requirements of law and rule. This update of the Becker County Comprehensive Local Water Plan is effective for a ten-year period until December 31, 2014; with the Goals, Objectives and Action Items amended by December 31, 2009.

The county must adopt and begin implementing the plan within 120 days (1990, M.S. 103B.08 Subd. 6, Adoption and Implementation). An example of a resolution adopting the plan can be found on BWSR's website at http://www.bwsr.state.mn.us/watermgmt/guidance/Adoption.doc. Upon adoption, please forward the resolution to your Board Conservationist.

The Becker Soil and Water Conservation District staff and water plan advisory members are to be commended for writing a plan that clearly presents the water management goals, actions and priorities. With continued implementation of your water plan the protection and management of Becker County's water resources will be greatly enhanced. The BWSR looks forward to working with you as you implement this Plan and document its outcomes.

Sincerely,

Jerome Deal, Chair

Enclosures
cc: Brad Grant, County Water Plan Coordinator
File copy

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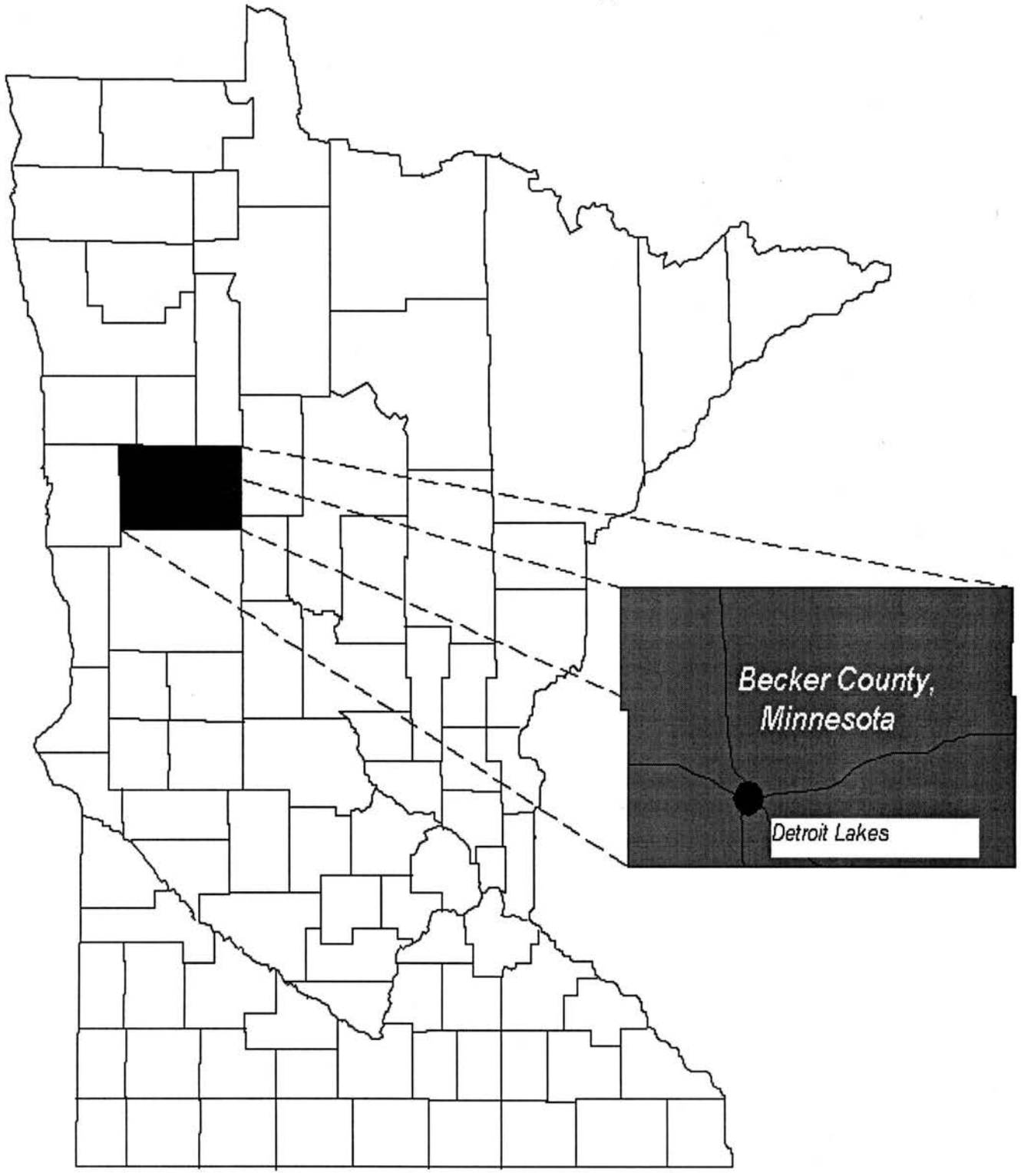
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Becker County
Location Map

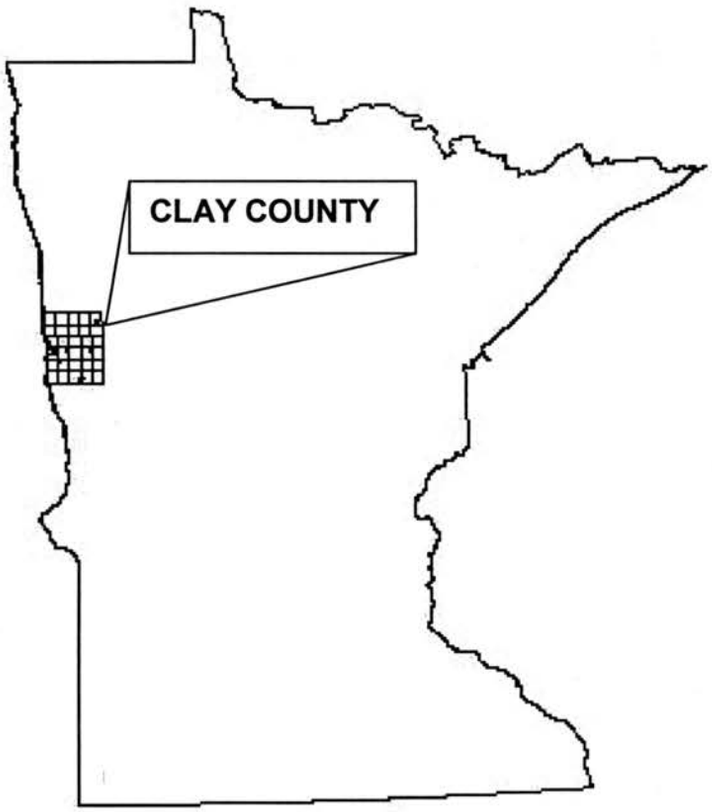


COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

3. **Clay County Priority Concerns Scoping Document**
   Decision Item

Map Locating
Clay County



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 2, 2005

To: BWSR Northern Subcommittee

From: Pete Waller

RE: Review of Clay County Priority Concerns Scoping Document (PCSD)

The original Clay County Local Water Management Plan (LWMP) was locally adopted June 12, 1990. The second generation LWMP was locally adopted December 17, 1997 with an end date of December 31, 2003. A two-year extension to December 31, 2005 of the second generation LWMP was requested and granted. A Clay County resolution initiated this updating process September 14, 2004.

The responsibility of administering and coordinating implementation of the LWMP is assigned to the Clay Soil and Water Conservation District with Steve Hofstad the lead staff for the LWMP. The following were used to develop the PCSD:

- Clay SWCD Annual Plan, March 15, 2004;
- The Clay County Comprehensive Plan, July 2, 2002;
- The Buffalo-Red River Watershed District Watershed Management Plan, April 22, 1998;
- Wild Rice Watershed District Watershed Management Plan, December 17, 2002;
- Citizen input was gathered through surveys in paper format and electronic (internet Based survey) format and sent to all thirty townships in Clay County;
- Input was also invited from municipalities, conservation interest groups; and
- October 8, 2004 a request for priority concerns from agencies was made requesting responses by November 24, 2004.

The following agencies responded prior to November 24, 2004 with priority concerns for possible incorporation into the PCSD: BWSR, DNR, MPCA, MDH, Moorhead Public Service, NRCS, The Nature Conservancy and Buffalo-Red River Watershed District.

The results of these surveys and comments from agencies and interest groups were reviewed and utilized by the Local Water Management Advisory Committee to derive four main priorities of concern. These four priorities, in order of priority, are:

1. **Water Quality Concerns** – Including, but not limited to; impaired waters (TMDLs), groundwater pollution, aquifer protection, nonpoint pollution, delineation of critical/sensitive groundwater areas, water supply, etc.

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2. **Natural Resource Enhancement & Protection Concerns** – Including, but not limited to; natural resource preservation in the beach ridge area, stream/river restoration and connectivity, native prairie conservation, wetland and grassland restoration and protection, etc.
3. **Erosion Concerns** – Including, but not limited to; soil erosion (wind and water), streambank erosion, sedimentation of streams and rivers, etc.
4. **Flood Damage Reduction** - Including, but not limited to; flooding, effects of tiling, drainage, etc.

January 28, 2005, the PCSD was e-mailed to the required state agencies for review and asked comments be sent to Ron Shelito no later than March 1, 2005.

Responses as of March 2, 2005:

- February 25, 2005; MPCA concurs with the priority concerns identified. A list of impaired waters is provided and recommended to be addressed in the final plan. Further stating, it is essential that efforts directed at dealing with issues of development, water quality and resource conservation be interfaced with the MPCA efforts regarding Impaired Waters and TMDL. To do so effectively, the efforts between the MPCA, County, SWCD and the Buffalo-Red River Watershed District must be coordinated at the highest level.
- February 22, 2005; DNR feels the county has done a good job in developing a priorities list. The department strongly supports native prairie conservation and wetland/grassland restoration in the beach ridges area. Larry Kramka, DNR Regional Hydrologist in Bemidji was named the local contact.
- March 1, 2005; MDA reviewed the PCSD and concurs with the priority concerns identified. TMDLs and impaired waters are a major concern for Minnesota and specifically Clay County and is glad the PCSD identified this within their number one concern.

After reviewing the PCSD, I concluded the guidance requirements are met. I found the scope and nature of Clay County's priority concerns to be what we are looking for. I will recommend the subcommittee commend the county for the process used to gather input, approve the PCSD and we look forward to the final plan being submitted within six months of the PCSD approval.

Priority Concerns Scoping Document- Clay County ACTION ITEM

Clay County submitted the Priority Concerns Scoping Document for state review and comment, as part of Updating their Comprehensive Local Water Management Plan. The Northern Regional Water Management Subcommittee of the Board met March 9th after the state agencies comment period ended. The Subcommittee'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 Clay County.

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 23, 2005

Clay County Commissioners
C/O Steve Hofstad, Clay Soil and Water Conservation District
1506 30th Avenue South, Ste B
Moorhead, MN 56560

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

Dear Clay County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Clay 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 Clay County Priority Concerns Scoping Document (PSCD) on January 28, 2005.

The Local Water Management Advisory Committee reviewed and utilized results of surveys and comments from agencies and interest groups to derive four main priorities of concern. These four priorities, in order of priority, are;

1. **Water Quality Concerns** – Including, but not limited to; impaired waters (TMDLs), groundwater pollution, aquifer protection, nonpoint pollution, delineation of critical/sensitive groundwater areas, water supply, etc.
2. **Natural Resource Enhancement & Protection Concerns** – Including, but not limited to; natural resource preservation in the beach ridge area, stream/river restoration and connectivity, native prairie conservation, wetland and grassland restoration and protection, etc.
3. **Erosion Concerns** – Including, but not limited to; soil erosion (wind and water), streambank erosion, sedimentation of streams and rivers, etc.
4. **Flood Damage Reduction** - Including, but not limited to; flooding, effects of tiling, drainage, etc.

The Minnesota Pollution Control Agency (MPCA) concurs with the priority concerns identified. A list of impaired waters was provided and recommended to be addressed in the final plan. Further stating, it is essential that efforts directed at dealing with issues of development, water quality and resource conservation be interfaced with the MPCA efforts regarding Impaired Waters and TMDL. To do so

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effectively, the efforts between the MPCA, County, SWCD and the Buffalo-Red River Watershed District must be coordinated at the highest level.

The Department of Natural Resources (DNR) feels the county has done a good job in developing a priorities list. The DNR strongly supports native prairie conservation and wetland/grassland restoration in the beach ridges area. Larry Kramka, DNR Regional Hydrologist in Bemidji was named the local contact.

The Northern Regional Water Management Subcommittee (hereinafter referred to as the subcommittee) met with county representatives on March 9, 2005 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. The subcommittee does not recommend or require any changes to the submitted PCSD.

Sincerely,

Jerome Deal
Chair, Board of Water and Soil Resources

C: Pete Waller, BWSR
Ron Shelito, BWSR
Paul Swenson, DNR
Art Persons, MDH
Matt Drewitz, MDA
Paul Swenson, DNR
David Johnson, MPCA
John Wells, EQB

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

4. **Traverse County Local Water Management Plan**
   Decision Item

Minnesota Board of Water & Soil Resources

Traverse County Commissioners
Traverse County Courthouse
P.O. Box 807
Wheaton, MN 56296

March 23, 2005

Dear: Traverse County Commissioners;

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you it approved Traverse County's revised Comprehensive Local Water Plan at its regular meeting held on March 23, 2005. Attached is the signed Finding of Fact, Conclusion, and Order that documents approval of the plan and indicates it meets all relevant requirements of law and rule. This update of the Traverse County Comprehensive Local Water Plan is effective for a ten-year period until December 31, 2014; with the Goals, Objectives and Action Items amended by December 31, 2009.

The county must adopt and begin implementing the plan within 120 days (1990, M.S. 103B.08 Subd. 6, Adoption and Implementation). An example of a resolution adopting the plan can be found on BWSR's website at http://www.bwsr.state.mn.us/watermgmt/guidance/Adoption.doc. Upon adoption, please forward the resolution to your Board Conservationist.

The Traverse Soil and Water Conservation District staff and water plan advisory members are to be commended for writing a plan that clearly presents the water management goals, actions and priorities. With continued implementation of your water plan the protection and management of Traverse County's water resources will be greatly enhanced. The BWSR looks forward to working with you as you implement this Plan and document its outcomes.

Sincerely,

Jerome Deal, Chair

Enclosures
cc: Sara Gronfeld, County Water Plan Coordinator
File copy

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

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

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

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

FINDINGS OF FACT

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

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

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

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

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

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

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

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

CONCLUSIONS

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

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

ORDER

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

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

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Minnesota Board of Water & Soil Resources

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

Date: March 2, 2005

To: BWSR Northern Subcommittee

From: Pete Waller

RE: Review of Final Traverse County Local Water Plan (LWP)

March 26, 2004, BWSR and the other state review agencies, received the Priority Concerns Scoping Document (PCSD). The Northern Subcommittee (Committee) met June 1, 2004 to discuss state agencies review comments, the content of the PCSD and recommendations for the content of the final plan. BWSR's June 23, 2004 letter, pursuant to M.S. section 103B.313, subdivision 5, communicated the State's official comments pertaining to the priority concerns chosen by Traverse County.

BWSR commended Traverse County for the process used to select the concerns and did not recommend or require any changes to the PCSD. The BWSR requested that ***Other [Ongoing] water management responsibilities and activities coordinated by the plan*** section include programs such as ISTS, Feedlot, WCA, etc.

Traverse County completed the final draft of the LWP, held the required public hearing on January 18th and submitted the final draft on January 31st for review by state agencies. Agency comments were to be sent to Ron Shelito by March 1st.

The duration of the LWP is a ten-year period with a five-year implementation program pursuing a plan amendment prior to December 31, 2009 for the final five years of the ten-year plan. The Goals, Objectives, and Action Items (Implementation Schedule) will be amended as per statue and BWSR guidance. While the ten-year duration of this and Becker's LWMP are firsts within my work area, it is allowed by statue and follows BWSR Guidance.

I've reviewed the draft final plan and found to it contain all requirements of M.S. 103B.314 for content. I think they addressed the few suggestions/considerations of BWSR, dated June 23, 2004.

The following agencies have provided these comments:
The Minnesota Pollution Agency recommends approval. The targeting of BMP implementation will aid in addressing the numerous impaired reaches within the county and go far protecting the valuable water resource of Lake Traverse. Coordination to address Flood Damage Reduction activities of the Bois de Sioux Watershed District will also serve to improve surface water quality.

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The Minnesota Department of Natural Resources acknowledged the following from the LWP a) Traverse and Mud Lakes as very important features and priority concerns, b) the recognition of wetland restoration as a potential for increased flood storage and c) the support and coordination given to the Bois de Sioux Watershed District Plan. Norm Haukos, Area Fisheries Supervisor in Ortonville, is named as the local DNR contact.

Being Traverse County representatives made a presentation to the Committee on June 1, 2004, I don't anticipate the need for Traverse County participation on March 9th. I provided the opportunity for them to attend if they wished and they respectfully declined.

March 9th, I plan to recommend approval of the Traverse County Local Water Management Plan, 2005-2014 with the implementation schedule to be amended by December 31, 2009.

TRAVERSE COUNTY
WATER PLAN UPDATE
January 1, 2005- December 31, 2014



Executive Summary

Traverse County is located in west central Minnesota directly adjacent to the junction of North and South Dakota. The population of the county is 4,134 determined by the 2000 census. Traverse County has incurred a 50% decrease in population since the 1940's and has a forecasted decline rate of 9% by the year 2030 according to the State Demographer's Office. The Traverse County seat is in Wheaton, the most populated town in the county. Lake Traverse, a US Army Corps of Engineers water retention project, spans the south west half of the County's border. The lake was designed to reduce flooding levels of the Red River and is widely used for fishing and recreation by local citizens and tourists. The 1990's Census of the Land reveals that over 89% of the land in Traverse County is cultivated. The soil type is primarily clay loam to silty clay loam. Over three quarters of Traverse County lies in the agriculturally productive glacial lake plain of the Red River Valley. Producers in Traverse County strive to maintain the delicate balance between agricultural viability and protecting the water resources of the County.

Purpose of the Local Water Management Plan

The purpose of this updated Local Water Management Plan (LWMP) is to identify existing and potential problems and opportunities for protection, management and development of water resources and related land resources in Traverse County. Pursuant to the requirements of Minn. Stat. 103B.311 subd.4, the five requirements of this plan are as follows:

1. The plan must cover the entire county.
2. The plan must address problems in the context of watershed units and groundwater systems.
3. The plan must be based upon principals of sound hydrologic management of water, effective environmental protection, and efficient management.
4. The plan must be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or ground water system.
5. The plan will cover a ten year period from January 1, 2005 to December 31, 2014. An implementation plan that will cover a five year period from January 1, 2005 to December 31, 2009 and will then be updated for the remaining five years; January 1, 2010 to December 31, 2014.

Information collected through public meetings and participation was analyzed and used to develop four priority concerns. The process used to collect this information and identify priority concerns is thoroughly described in the Priority Concerns Scoping Document in Appendix A. The four priority concerns identified to focus water management efforts in Traverse County are as follows: erosion, flood damage, contaminated runoff, and groundwater contamination. Due to the rural location of the county and decline of population, the resource goals are not expected to change significantly in the next ten years. Thus is the reason for the ten year plan with a five year implementation plan. The goals and objectives of each concern are listed in the following paragraphs.

Priority Concern 1: Erosion

The land in Traverse County has been extensively drained for improved agricultural production in the last century. Increased volume and velocity of cropland drainage has led to more soil erosion by water, resulting in degradation of the clarity and quality of waters throughout the county. Lake Traverse has been polluted with high levels of sedimentation and phosphorus especially from areas of tributary outlets. Lake Traverse is among one of the water bodies on the Minnesota Pollution Control Agency's (MPCA) list of impaired waters for mercury/heavy metals along with the Mustinka River - a tributary leading into the lake of which parts are impaired for turbidity and biota. A portion of the Twelvemile Creek is also on the list of impaired waters for turbidity and biota. The goals of the updated LMWP under this concern will be reduced soil erosion by water; reduced sedimentation into Lake Traverse and all hydrologic units; and reduced erosion around the County Ditch 52 area. Plan objectives for this priority are to:

- Promote continuous CRP practices to enroll filter strips and buffers along County Ditch 52, tributaries into Lake Traverse, and all eligible ditches and streams throughout the county.
- Educate producers about the benefits of CRP practices to reduce and prevent erosion; promote installation of them.
- Promote management of crop residues.

Estimated Potential Cost: $754,500.00

Priority Concern 2: Flood Damage

Four major flood events have occurred within Traverse county and parts of the Red River Valley region in the last 15 years. Spring flooding occurred in 1989, 1997, and 2001; summer flooding occurred in 1993. The most severe conditions were monitored in 1997 and were considered to be a 150-year flood. The flooding caused costly damage to infrastructure, homes, businesses, cropland, and at times, crops. It is of utmost importance to the citizens of the county that solutions to flood damage reduction be developed and implemented within a reasonable timeframe.

- Reduce county wide flood damage to agricultural land, rural or urban development, and infrastructure.
- Address stormwater and drainage management issues to effectively manage high volume runoff.

Estimated Potential Cost: $215,000.00

Priority Concern 3: Contaminated Runoff

Lake Traverse spans over one half of the western border of Traverse County. The lake is an important resource for recreation and habitat as well as providing local income through tourism. Lake eutrophication related to erosion, excess nutrients, and contaminated runoff has become more severe with the increase of land cultivation percentages within the subwatershed. The fact that nearly 90 percent of land in Traverse County is currently involved with agriculture is a major factor of contaminated runoff and its effects. The implementation of

environmentally sound farming practices combined with conservation practices to reduce erosion is essential to the resolution of this concern.

- Reduce sedimentation and nutrient runoff to waters of the state.
- Promote conservation tillage practices to reduce wind and water erosion of cropland.
- Begin development of TMDL's and compliance with MPCA's impaired waters program.

Estimated Potential Cost: $857,000.00

Priority Concern 4: Groundwater Contamination

The quality of groundwater is very important to the residents of Traverse County as all rural and urban residents rely on groundwater for a fresh water supply. Due to the nature of the primarily clay rich soil types throughout the county, the most common route of groundwater contamination is through abandoned and unsealed wells. The CLWP Environmental Activities Council has sponsored a well sealing program with LWP funding to provide cost share for the sealing of abandoned wells. The program has proven to be a great success in since its initiation.

- Reduce contamination to groundwater through abandoned wells.
- Continue to bring rural and community septic systems into compliance with MPCA standards.
- Reduce pollution of groundwater from manure and improper disposal of animal mortalities.

Estimated Potential Cost: $176,500.00

Consistency with Other Plans

Bois de Sioux Watershed District Overall Plan – The Watershed District revised their overall plan in 2003. Many hours of planning, research, and development shaped the extensive plan. The overall goals and objectives of the plan include: 1) Water Quantity – reduction of the damage caused by flooding throughout the entire watershed with emphasis on recently determined FEMA flood damage sites; 2) Water Quality – monitoring and reduction of nutrients and pollutants in waters of the state specifically those listed as impaired by the MPCA; 3) Erosion and Sedimentation – reduction of sedimentation due to soil erosion in all water bodies with the aid of local agencies and other partners; 4) Fish, Wildlife and Other Natural Resources – protection and restoration of wildlife habitat from downstream to upstream, preservation of unique natural resource communities and features; 5) Water Based Recreational Activities – Increased activities related to fish, wildlife, and other natural resources in the watershed with promotional programs with local agencies and partners.

Upper Minnesota River Watershed District Plan – The Upper MN River WD revised their plan in 2001. The goals and objectives of the District are as follows: 1) Water Quantity – reduction of damages caused by floodwaters, management of drainage systems, management of surface and groundwater, and

management of the level of Big Stone Lake; 2) Water Quality – protection and management of water resources in the Watershed; 3) Erosion and Sedimentation – reduction of erosion; erosion control and sedimentation management along all drainage systems; and promotion of riparian buffer strips along natural waterways.

Traverse County Comprehensive Plan – This plan was amended in 2002 and serves to provide a set of policies applied to specific areas or to specific land uses in Traverse County. The specific zoning areas that would pertain to the LWM plan would include the agricultural district, the shoreland district, and the floodplain district. Review of the policies set for these districts fit well with the updated goals and priority concerns included in the Traverse County LWM plan. Also, the feedlot ordinance of the County's comprehensive plan has similar goals as the updated LWM plan.

Traverse Soil and Water Conservation District Comprehensive Plan – The SWCD's comprehensive plan has not been recently updated. An update was not required for grant funding in 2005 and the SWCD has the option to use the updated LWM plan as the official comprehensive plan for the District. The current plan shares some similar goals and objectives as the LWM plan with a focus on aspects of conservation beyond water resource issues. In order to expand the focus of resource concerns beyond water resources in Traverse County, the SWCD will not adopt the LWM plan as a comprehensive plan.

MPCA's Red River Basin Water Quality Plan – This plan has been recently updated to revise and organize the goals, objectives, stressors, strategies, and funding priorities for 2005 – 2007. The long term goal of the plan is to manage Minnesota's surface water resources so that water quality of the Red River Basin of Minnesota contributes to and does not detract from the ecological health of Lake Winnipeg; using drinking water, aquatic life, and recreational use as key indicators. To summarize the objectives, first would be to monitor and assess conditions of twelve watersheds within the basin; develop and understand local approaches to conservation practice promotion; reduce sediment entering tributaries of the Red River; use existing regulatory tools to protect water quality; and to provide a forum for understanding the practice of water quality management for the basin by education, partnerships, and fundraising.

Recommendations to Other Plans and Official Controls

Shoreland Ordinance – Traverse County has seen an increase in the number of lake shore properties sold for development in the last few years. Some of these properties may not be suitable for the development of structures or access roads. It is suggested that the Traverse County Planning and Zoning Administrator strengthen the partnership between the Watershed District and the Wetland Conservation Act Local Government Unit. Improved planning in the initial stages of development will prevent problems arising in the future.

Wetland Conservation Act – A recommendation for the Wetland Conservation Act Local Government Unit (WCA LGU) would be to focus on the protection and restoration of shoreline wetlands along Lake Traverse. These wetlands are very important to the clarity and quality of the lake. The wetlands contain, store, or filter runoff of surrounding lands going into the lake. The wetlands also provide storage for flood waters associated with the Lake Traverse Impoundment Project. As development may negatively affect the quality of the lake due to the increased speed and volume of runoff directly into the lake, the protection and restoration of shoreline wetlands will help to maintain or improve the quality and clarity of Lake Traverse.

MPCA Feedlot Program – Current administration of MPCA's feedlot program stems from the County level in most cases. MPCA urges enforcement of feedlot rules to bring feedlots into compliance with water quality standards. A suggestion to the program would be the development of better state and/or federal assistance programs and opportunities for an easier and more cost efficient transition into compliance. The goals of the feedlot program are consistent with the updated LWM plan but the rules developed by the Minnesota Legislature are stringent and complex with many variations with the number of animal units permitted at each site.

MPCA Individual Sewage Treatment System (ISTS) Program – To protect groundwater quality, a suggestion to the ISTS program would be to provide more education regarding the impact of failing systems on our water resources and the importance of compliant systems. Funding for this program is provided through the Natural Resources Block Grant and is limited to a minimal annual amount. Additional funding could be provided by the county to assist in administration of the program.

Implementation Schedule

Acronyms for cooperators are as follows:
BWSR: MN Board of Water and Soil Resources
DNR: MN Department of Natural Resources
NRCS: Natural Resources Conservation Service
PF: Pheasants Forever
SWCD: Traverse Soil and Water Conservation District
TC: Traverse County
WD: Boise de Sioux Watershed District & MN River Watershed District
Potential Funding – **LWM** stands for projects/programs funded in part by Local Water Management program grants and funding.

Implementation Schedule				
Priority 1 - Erosion				
	Cooperators	Cost	Potential Funding	Duration
Objective A				
Actions 1	SWCD, NRCS, WD	$25,000	GRANTS, EXISTING STAFF TIME, **LWM**	ONGOING
2	SWCD, NRCS,WD	N/A	LOCAL, GRANTS, EXISTING STAFF TIME, **LWM**	2005
3	SWCD,NRCS	$10,000	GRANTS, EXISTING STAFF TIME	ONGOING
4	SWCD,WD,PF,DU	$30,000	EXISTING STAFF TIME, GRANTS, LOCAL	2005-2006
5	SWCD,NRCS,WD	N/A	EXISTING STAFF TIME	ONGOING
Objective B				
Actions 1	SWCD,NRCS,WD	$2,500	GRANTS, LOCAL, EXISTING STAFF TIME, **LWM**	ONGOING
2	SWCD, NRCS	N/A	EXISTING STAFF TIME, **LWM**	ONGOING
3	SWCD	N/A	EXISTING STAFF TIME	ONGOING
4	SWCD, NRCS, WD	$2,500	GRANTS, LOCAL, EXISTING STAFF TIME	ONGOING
5	SWCD	$50,000	GRANTS, EXISTING STAFF TIME	ONGOING
6	SWCD, NRCS, WD	N/A	EXISTING STAFF TIME	ONGOING
7	SWCD	$10,000	LOCAL, EXISTING STAFF TIME	ONGOING
8	SWCD, NRCS, WD, TC	$1,000	GRANTS, LOCAL, EXISTING STAFF TIME, **LWM**	2005
Objective C				
Actions 1	NRCS, SWCD, WD	$20,000	EXISTING STAFF TIME, LOCAL	ONGOING
2	NRCS	$600,000	EXISTING STAFF TIME	ONGOING
3	SWCD	$1,000	EXISTING STAFF TIME, LOCAL	ONGOING
4	SWCD, NRCS, WD	$2,500	GRANTS, LOCAL, EXISTING STAFF TIME, **LWM**	ONGOING

Total Cost: $754,500.00

Implementation Schedule				
Priority 2 – Flood Damage				
	Cooperators	Cost	Potential Funding	Duration
Objective A				
Actions 1	WD, SWCD, DNR, TC, NRCS	$5,000	LOCAL, EXISTING STAFF TIME	2005-2006
2	WD, SWCD, NRCS, DNR	N/A	EXISTING STAFF TIME, **LWM**	ONGOING
3	NRCS, SWCD	$200,000	GRANTS, LOCAL, EXISTING STAFF TIME	ONGOING
Objective B				
Actions 1	WD, SWCD	$2,500	LOCAL, EXISTING STAFF TIME, GRANTS, **LWM**	2005-2006
2	SWCD, NRCS	N/A	EXISTING STAFF TIME	ONGOING
3	WD, SWCD, DNR, TC, NRCS	$5,000	EXISTING STAFF TIME, GRANTS	2005-2006
4	SWCD, NRCS, TC	$2,500	EXISTING STAFF TIME, GRANTS, LOCAL, **LWM**	2005-2006
5	TC, WD, SWCD	N/A	EXISTING STAFF TIME, LOCAL	2005-2008

Total Cost: $215,000.00

Implementation Schedule				
Priority 3 – Contaminated Runoff				
	Cooperators	Cost	Potential Funding	Duration
Objective A				
Actions 1	SWCD	$7,500	EXISTING STAFF TIME, GRANTS, LOCAL	2005
2	SWCD, NRCS	$15,000	EXISTING STAFF TIME, GRANTS, LOCAL	ONGOING
3	NRCS, SWCD, PF	$100,000	EXISTING STAFF TIME, GRANTS	ONGOING
4	SWCD	$20,000	EXISTING STAFF TIME, LOCAL	ONGOING
5	WD, SWCD, NRCS	$3,500	EXISTING STAFF TIME, LOCAL, GRANTS, **LWM**	2005-2006
6	SWCD, NRCS	$15,000	EXISTING STAFF TIME, LOCAL	2005-2010
7	SWCD	$125,000	EXISTING STAFF TIME, LOCAL	ONGOING
Objective B				
Actions 1	NRCS, SWCD, WD	$20,000	EXISTING STAFF TIME	ONGOING
2	SWCD, NRCS	$1,500	EXISTING STAFF TIME, LOCAL	ONGOING
3	SWCD, WD, NRCS	$2,500	EXISTING STAFF TIME, GRANTS, LOCAL, **LWM**	ONGOING
4	SWCD	$2,500	EXISTING STAFF TIME, LOCAL	ONGOING
5	SWCD	$1,500	EXISTING STAFF TIME, LOCAL	ONGOING
6	SWCD, NRCS, WD	$2,500	EXISTING STAFF TIME, GRANTS, LOCAL, **LWM**	ONGOING
7	NRCS, SWCD	$500,000	EXISTING STAFF TIME	ONGOING
Objective C				
Actions 1	WD, SWCD, NRCS	$3,500	LOCAL, EXISTING STAFF TIME	2005-2010
2	SWCD, NRCS, WD	$5,000	EXISTING STAFF TIME, LOCAL, GRANTS	2005-2010
3	WD, SWCD, NRCS	$2,500	EXISTING STAFF TIME, LOCAL, GRANTS	2005-2010
4	WD, SWCD, NRCS	N/A	EXISTING STAFF TIME, LOCAL, **LWM**	2005-2010
5	WD, DNR, SWCD, NRCS	$30,000	EXISTING STAFF TIME, LOCAL, **LWM**	ONGOING

Total Cost: $857,000.00

Implementation Schedule				
Priority 4 – Groundwater Contamination				
	Cooperators	Cost	Potential Funding	Duration
Objective A				
Actions 1	SWCD, WD	$10,000	EXISTING STAFF TIME, LOCAL, GRANTS	2005-2010
2	SWCD, NRCS, WD	$3,500	EXISTING STAFF TIME, GRANTS, LOCAL, **LWM**	2005-2006
3	SWCD, NRCS, WD	$10,000	**LWM,** EXISTING STAFF TIME, GRANTS	ONGOING
4	SWCD	$1,500	EXISTING STAFF TIME, LOCAL, GRANTS, **LWM**	2005-2007
5	TC, SWCD, WD	$2,500	EXISTING STAFF TIME, LOCAL, GRANTS, **LWM**	ONGOING
6	SWCD	$1,500	EXISTING STAFF TIME, LOCAL	ONGOING
7	SWCD, NRCS, WD	$3,500	EXISTING STAFF TIME, LOCAL, **LWM**	ONGOING
8	SWCD, WD	$5,000	EXISTING STAFF TIME, LOCAL, GRANTS	ONGOING
Objective B				
Actions 1	TC, SWCD, NRCS, WD,	N/A	EXISTING STAFF TIME	ONGOING
2	TC	$25,000	LOCAL, EXISTING STAFF TIME, GRANTS	2005-2010
3	TC, SWCD, WD	$10,000	LOCAL, GRANTS, EXISTING STAFF TIME	ONGOING
4	TC	$15,000	LOCAL, GRANTS, EXISTING STAFF TIME	2005-2010
5	TC, SWCD, WD	$25,000	GRANTS, LOCAL, EXISTING STAFF TIME	2005-2010
6	TC, SWCD, WD	$5,000	LOCAL, GRANTS, EXISTING STAFF TIME	ONGOING
Objective C				
Actions 1	SWCD	$37,500	GRANTS, LOCAL, EXISTING STAFF TIME	ONGOING
2	SWCD	$7,500	GRANTS, LOCAL, EXISTING STAFF TIME	ONGOING
3	SWCD	$2,500	GRANTS, LOCAL, EXISTING STAFF TIME	2005-2010
4	SWCD, NRCS	$5,000	GRANTS, LOCAL, EXISTING STAFF TIME	ONGOING
5	SWCD, NRCS	$1,500	GRANTS, LOCAL, EXISTING STAFF TIME	ONGOING
6	SWCD, NRCS	$2,500	GRANTS, LOCAL, EXISTING STAFF TIME	ONGOING
7	SWCD	$2,500	GRANTS, LOCAL, EXISTING STAFF TIME	2005-2010
8	SWCD, NRCS	N/A	GRANTS, LOCAL, EXISTING STAFF TIME	ONGOING

Total Cost: $176,500.00

Implementation Schedule 2005-2010			
Ongoing Programs			
Programs	Cooperators	Cost $	Funding
CRP	NRCS, SWCD	$200,000	FEDERAL, EXISTING STAFF TIME
EQIP	NRCS, SWCD	$600,000	GRANTS, FEDERAL, EXISTING STAFF TIME
CREP	BDSWD, NRCS, SWCD	$50,000	EXISTING STAFF TIME, STATE, LOCAL
WCA	SWCD, BDSWD, BWSR	$200,000	GRANTS, LOCAL, EXISTING STAFF TIME
Shoreland Management	TC	$50,000	GRANTS, LOCAL, EXISTING STAFF TIME
Feedlot Program	SWCD	$75,000	GRANTS, LOCAL, EXISTING STAFF TIME
ISTS Program	TC	$50,000	GRANTS, LOCAL, EXISTING STAFF TIME
Local Water Planning	SWCD, TC, BDSWD,NRCS	$125,000	LWM GRANTS, LOCAL, EXISTING STAFF TIME
Planning and Zoning	TC, SWCD, BDSWD	$150,000	LOCAL, EXISTING STAFF TIME
State Cost Share	SWCD	$50,000	GRANTS, LOCAL, EXISTING STAFF TIME
Ag BMP Loan Program	SWCD	$350,000	LOCAL, EXISTING STAFF TIME, GRANTS
Farmbill Program *	SWCD, BWSR, PF	* $100,000	*GRANTS *, LOCAL, EXISTING STAFF TIME
Information and Education	ALL	$80,000	GRANTS, LOCAL, EXISTING STAFF TIME
TOTAL		$2,080,000	

* Note: Farmbill Program is dependent on the continuation of grant funding provided by BWSR and other partner and local sources. Additional funding is needed to continue the program beyond 2006.

Local Water Management Plan- Traverse County ACTION ITEM

The Traverse County Local Water Management Plan has been completed using the Priority Concerns Scoping Document (PCSD) BWSR acted on October 2004. The PCSD guided the development of the issues were the county will focus implementation. The final plan was drafted, the required public hearing was held and the plan was submitted for state review. March 9th, the Northern Regional Water Management Subcommittee reviewed and recommends approval by the full Board.

Board Conservationist Summary and Recommendation:

Douglas County completed the final draft of the LWMP, held the required public hearing April 27th and May 5th submitted the final draft for state agency review for the final time. Agency comments are to be sent to Ron Shelito, BWSR Regional Supervisor, by May 26th. This is the third generation of the Douglas County LWMP.

The development of the final plan utilized a Priority Concerns Scoping Document, which was submitted to BWSR on October 30, 2003. The priority concerns identified were:

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

Pursuant to M.S. section 103B.313, subdivision 5, a January 28, 2004 letter communicated the State's official comments pertaining to the priority concerns chosen by Douglas County. The Northern Regional Water Management Subcommittee met January 6, 2004 to discuss state agencies review comments, the content of the PCSD and recommendations for the content of the final plan.

BWSR in its comments commended Douglas County for the process used to select the concerns and did not recommend or require any changes to the PCSD. The BWSR requested a few suggestions/considerations for the final plan.

Douglas County completed the final draft of the LWMP, held the required public hearing and May 5th submitted the final draft for state agency review for the final time. Agency comments were to be sent to Ron Shelito by May 26th.

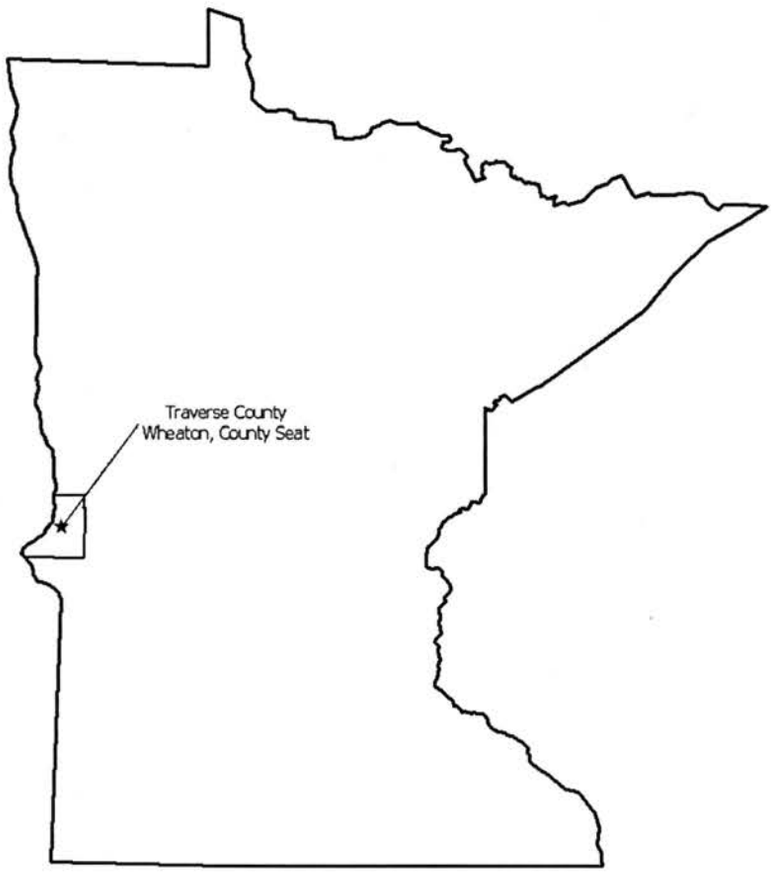
A summary of the Goals and Actions for each priority concern is in the enclosed Executive Summary.

BSWR staff reviewed the draft final plan and found to it contain all requirements of M.S. 103B.314 for content and recommends approval. MPCA's May 27, 2004 correspondence recommended approval. No other comments were received from state agencies.

The Northern Regional subcommittee of the Board met June 1st after the state agencies comment period ended. The subcommittee recommends approval of the final plan.

Presented by: Pete Waller

Location Map
Traverse County



COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

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

Northern Water Planning Committee

Clearwater County Local Water Management Plan Update – Clearwater 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 October 27, 2004. On March 9, 2005 the North Region Water Management Review Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Clearwater County plan Update. The North Region Water Management Review Committee will make its recommendation regarding this plan at the March 23 BWSR meeting. ***DECISION ITEM***

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

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

ORDER APPROVING COMPREHENSIVE WATER PLAN

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

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

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

FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSIONS

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

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

ORDER

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

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

NEW BUSINESS

1. **Alteration of Easement 34-03-01-01, Randy Post Kandiyoyi County**
   Approval of the exchange is Recommended

Minnesota Board of Water & Soil Resources

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

March 7, 2005

TO: Board Members

THRU: Kevin Lines, Easement Section Administrator

FR: Tim Fredbo, Conservation Easement Specialist

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

BACKGROUND:

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

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

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

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

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

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

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

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

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

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

Rochester
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

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

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

SUMMARY OF INFORMATION PROVIDED TO SUPPORT REQUEST:

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

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

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

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

FINDINGS:

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

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

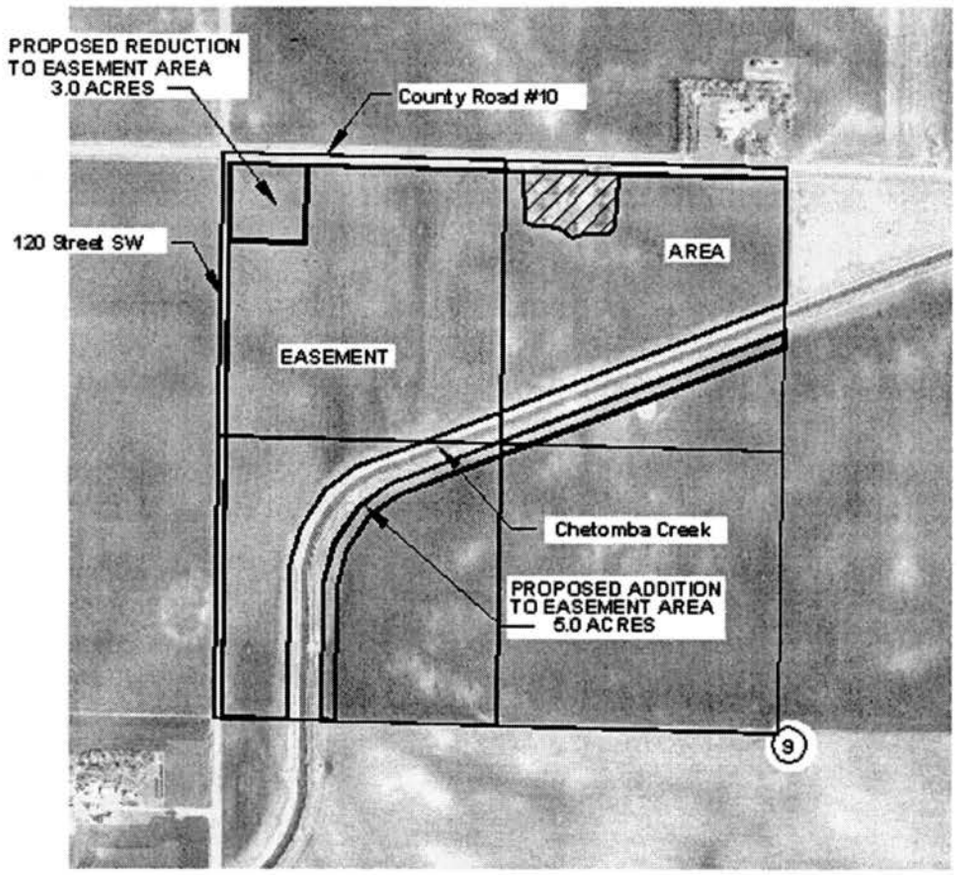
This site is in CREP so approval from the USDA Farm Service Agency (FSA) will also be necessary. Ryan Peterson has indicated that the FSA will approve of this CRP contract alteration after the State does.

OPTIONS AND STAFF RECOMMENDATION:

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

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

Section 9 T. 117 N., R. 36 W., Kandiyohi County



0 660'

Scale

3x 4

To SWCD Board 12/16/04

Ryan F. has informed me that I must initiate the amendment process on the CREP easement so here goes.

This project was a dream of mine since I bought this farm from my Father in 1975. I'm very proud and satisfied with the design and end result of Ryan's and his fellow workers. There has been a dramatic increase in pheasants and waterfowl in my backyard.

The only reason I would ever consider using some of this land for a homestead is because my son and his wife of two years are asking for 4 acres to start a home. He loves this CREP as much as I and can't seem to find a lot in the country for a price he can afford.

To me the public benefit and general welfare is quite obvious. When the Chetomba comes over its banks, or we get a 2 or 3 inch downpour there are 3 spots on the southside where water pours into the creek without being filtered. I have marked them on enclosed map. The eastern spot is a culvert droppipe the other two are spillways directly into the ditch. The grass strip proposed will greatly reduce sediment into the system and do more for cleaning the Creek than the 4 acres where my son plans to build. Another benefit will be a second wild life corridor along

over

The Chetomba,

I'm certainly not doing this for the money as my son can't afford it, nor would I charge him very much for the 4 acres. To have him & his wife and maybe someday grandkids that close and enjoying my dream makes the dream even better.

Hopefully this explains the reasoning and benefits of this exchange. I can assure you the benefits with the 4 acre strip of grass along the creek will far outweigh the loss of the 4 acres.

If you need to see what I've described or have a question don't hesitate to call

320-220-6513

Thanks for your time

Sincerely

Randy Post

treasurer. Voting in the affirmative were Hanson, Mankell and Schaefer. Abstain: Rasmussen. Chairman Schaefer declared Rasmussen the treasurer for 2005.

Nominations for public relations and information (PR&I) were opened. Rasmussen nominated Clough. Further nominations were called for; none were received. Nominations ceased. Motion by Hanson, second by Mankell to elect Clough PR&I. Voting in the affirmative were Hanson, Mankell, Rasmussen and Schaefer. Chairman Schaefer declared Clough PR&I member for 2005.

Chairman Schaefer appointed Rasmussen and Hanson to serve on the Personnel Committee for 2005.

Oslund presented contracts and agreements.

Motion by Rasmussen, second by Mankell to approve for payment state cost share contract 12FY02, Rick Dahline, sediment block in the amount of $2,381. Discussion was held. Voting in the affirmative were Hanson, Mankell, Rasmussen and Schaefer. Motion carried.

Motion by Hanson, second by Rasmussen to approve for payment state cost share contract 14FY04, Dean Quale, sediment block in the amount of $2,310. Discussion was held. Voting in the affirmative were Hanson, Mankell, Rasmussen and Schaefer. Motion carried.

Discussion was held on piggybacking state cost share with Environmental Quality Incentives Program (EQIP) cost share. Motion by Mankell, second by Hanson to approve the following state cost share contracts for sediment blocks:

3FY05	Todd Birkland	$1,550	T&A:	$388
4FY05	Bradley Gratz	$893		$223
5FY05	Dean Quale	$2,089		$522
6FY05	Robert Larson	$1,056		$266
	TOTAL	**$5,597**		**$1,399**

Discussion was held. Voting in the affirmative were Hanson, Mankell, Rasmussen and Schaefer. Motion carried.

Motion by Mankell, second by Hanson to approve state cost share contract 7FY05, Tom Plumley, farmstead windbreak in the amount of $750 and $188 T&A. Discussion was held. Voting in the affirmative were Hanson, Mankell, Rasmussen and Schaefer. Motion carried.



Randy Post presented information on a proposed amendment to his Conservation Reserve Enhancement Program (CREP) easement #34-03-01-01. Discussion was held on the environmental benefits of the proposed amendment.

Motion by Hanson, second by Rasmussen to recommend an amendment to RIM Easement #34-03-01-01, Randy Post, to release 3 acres in the northwest corner of the easement and replace it with 5 acres of filter strips along Chetomba Creek, with all costs to be paid by Post. Discussion was held. Voting in the affirmative were Hanson, Mankell, Rasmussen and Schaefer. Motion carried.

Bork reported he recently graduated from college and is working full time with NRCS as a Soil Conservationist.

Reed reported on the Conservation Security Program (CSP); thanked Taylor for a job well done in training; and presented a plaque to the SWCD for 50 years leadership in conservation in Kandiyohi County.

Taylor's NRCS report included: 2005 EQIP sign up; EQIP allocation for Kandiyohi County is $400,000; newsletter sent out in December promoting EQIP; and piggybacking EQIP with state cost share.

Oslund's SWCD Report included: Hawk Creek Watershed Project Annual Meeting is 1/26/05 in Willmar; Minnesota Association of Soil and Water Conservation Districts (MASWCD) information packet; Legislative Day at the Capitol is 2/22-23/05; MASWCD dues; 2003 final audit report; wage scale; MASWCD e-mail for

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

January 24, 2005

Jeff Miller
MN DNR, Division of Wildlife
4566 Hwy 71 NE
Willmar, MN 56201

Subject: Randy Post Easement Alteration

Dear Mr. Miller,

The Kandiyohi SWCD board of supervisors met January 18, 2005 to conduct their regularly scheduled business meeting. The board was presented with copies of Mr. Post's proposal for altering CREP easement # 34-03-01-01, as well as written comments as submitted by you (MN DNR) and myself (Kandiyohi SWCD). Mr. Post was present at the meeting and gave an oral presentation to the board, reiterating his reasons as well as the perceived benefits of altering the easement area.

Following Mr. Post's presentation, an open discussion was held between the board members and Mr. Post. Some of the items discussed were: potential future easement encroachment, soaring Holland twp land prices, Chetomba creek flooding, wind and water erosion, wildlife habitat, perpetual easements, CREP goals, and the mission of the Soil and Water Conservation District. In the end, a compromise was agreed upon unanimously by the board which:

1. Reduced the building site to 3 acres
2. Increased the "new" filter strip along the south boundary of the Chetomba Creek to 5 acres (66 feet wide x 3288 feet)
3. Requires Mr. Post to pay all associated costs (seeding, title, recording, etc.)

Considering the above mentioned changes to the Post proposal, would you please submit to me an additional comment letter (to be attached to this letter), either approving or disapproving of the compromise made by the Kandiyohi SWCD Board of supervisors and Mr. Post. Your comments will aid the BWSR board in their ultimate decision to either approve or reject the amendment. Thank you for your time.

Sincerely;

Ryan Peterson
Kandiyohi SWCD

AN EQUAL OPPORTUNITY EMPLOYER

Minnesota Department of Natural Resources
Division of Wildlife
4566 Hwy. 71 NE
Willmar, MN 56201
PHONE: (320) 231-5163
FAX: (320) 231-5485

1-25-2005

Ryan Peterson, Kandiyohi SWCD
1005 High Ave.
Willmar, MN 56201

Re: Randy Post CREP Easement Amendment

Dear Mr. Peterson:

I have reviewed the compromise proposal from the Kandiyohi County Soil and Water Board, as outlined in your letter of January 24, 2005. I believe the State of Minnesota will benefit from accepting this proposal in the form of additional "buffer" protection for Chetomba Creek and additional wildlife habitat in the form of native grass nesting cover.

With these changes in mind, I would recommend approving the alteration to the CREP contract.

For the Resource,

Jeff Miller
MN DNR, Wildlife

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

January 26, 2005

BWSR Board Members
One West Water St. Ste. 200
St Paul, MN 55107

Subject: Amendment of CREP Easement # 34-03-01-01; Randy Post

Dear BWSR Board Members,

The Kandiyohi SWCD recently received a proposal to alter/amend CREP easement number 34-03-01-01. According to Reinvest in Minnesota Reserve policy, the landowner Mr. Randy Post submitted a written proposal the Kandiyohi Soil and Water Conservation District Board of Supervisors.

Mr. Post was invited to the January SWCD board meeting to provide further information as well as clarify his intentions for amending the easement. Mr. Post emphasized that he never anticipated the possibility of his son and daughter-in-law returning to the area and wishing to make it their home. Had he known this prior to enrolling his land in to CREP, Mr. Post stated that he would have excluded the area initially.

Much discussion was held between the Kandiyohi SWCD Board and Mr. Post concerning perpetual easement alterations. Basing their decision on the criteria that public interest and general welfare be maintained or improved, the Kandiyohi SWCD Board members could not recommend approval of Mr. Post's original proposal which was essentially an acre for acre tradeoff.

However, the following compromise was agreed upon by Mr. Post and approved by the Kandiyohi SWCD Board:

1. Reduce the area to be excluded from 4 acres to 3 acres
2. Increase the area to be included from 4 acres to 5 acres
3. Mr. Post assumes all associated amendment costs; recording fees, title endorsement fees, seeding costs, etc.

AN EQUAL OPPORTUNITY EMPLOYER

It is the opinion of the Kandiyohi SWCD and the DNR Division of Wildlife that this compromise, which provides for a much needed buffer strip along the southern border of the Chetomba Creek, supports the mission of Soil and Water Conservation Districts as well as the goals of the Conservation Reserve Enhancement Program. We believe that the benefits of a five acre buffer strip along the Chetomba Creek far out-weigh the loss of 3 acres upland habitat, especially given the proximity of the upland to two roads. This proposed amendment also provides a net gain of 2 acres of environmentally sensitive land. We believe this proposed amendment clearly improves the public interest and general welfare, and soil and water quality. Therefore, please accept this request to amend CREP easement # 34-03-01-01 as submitted.

Sincerely;

Ryan Peterson
Kandiyohi SWCD
RIM Coordinator

Attachments:

- Original amendment proposal letter from Mr. Post to Kandiyohi SWCD
- Comment letter from Peterson to SWCD Board
- DNR Comment letter (original proposal)
- January 2005, SWCD Board meeting minutes
- DNR comment letter (revised proposal)
- Aerial photo of proposed amendment

NEW BUSINESS

2. Clean Water Legacy Initiative

Information and Decision Item

Minnesota Pollution Control Agency

Why impaired waters are a priority for Minnesota

February 6, 2004

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

The problem

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

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

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

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

Need for coordination

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

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

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

Why must impaired waters be addressed?

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

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

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

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

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

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

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

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

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

For more information

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

Impaired Waters Stakeholder Process

POLICY FRAMEWORK

Executive Summary

July 2003 – February 2004

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

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

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

Steve Morse
Chair, Impaired Waters Stakeholder Process
Minnesota Environmental Initiative

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

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

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

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

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

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

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

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

STAKEHOLDER RECOMMENDATIONS

Impaired Waters Program Structure

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

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

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

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

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

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

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

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

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

Funding

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

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

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

Assessment

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

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

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

TMDL

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

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

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

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

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

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

22. Develop a work plan for each TMDL project.

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

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

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

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

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

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

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

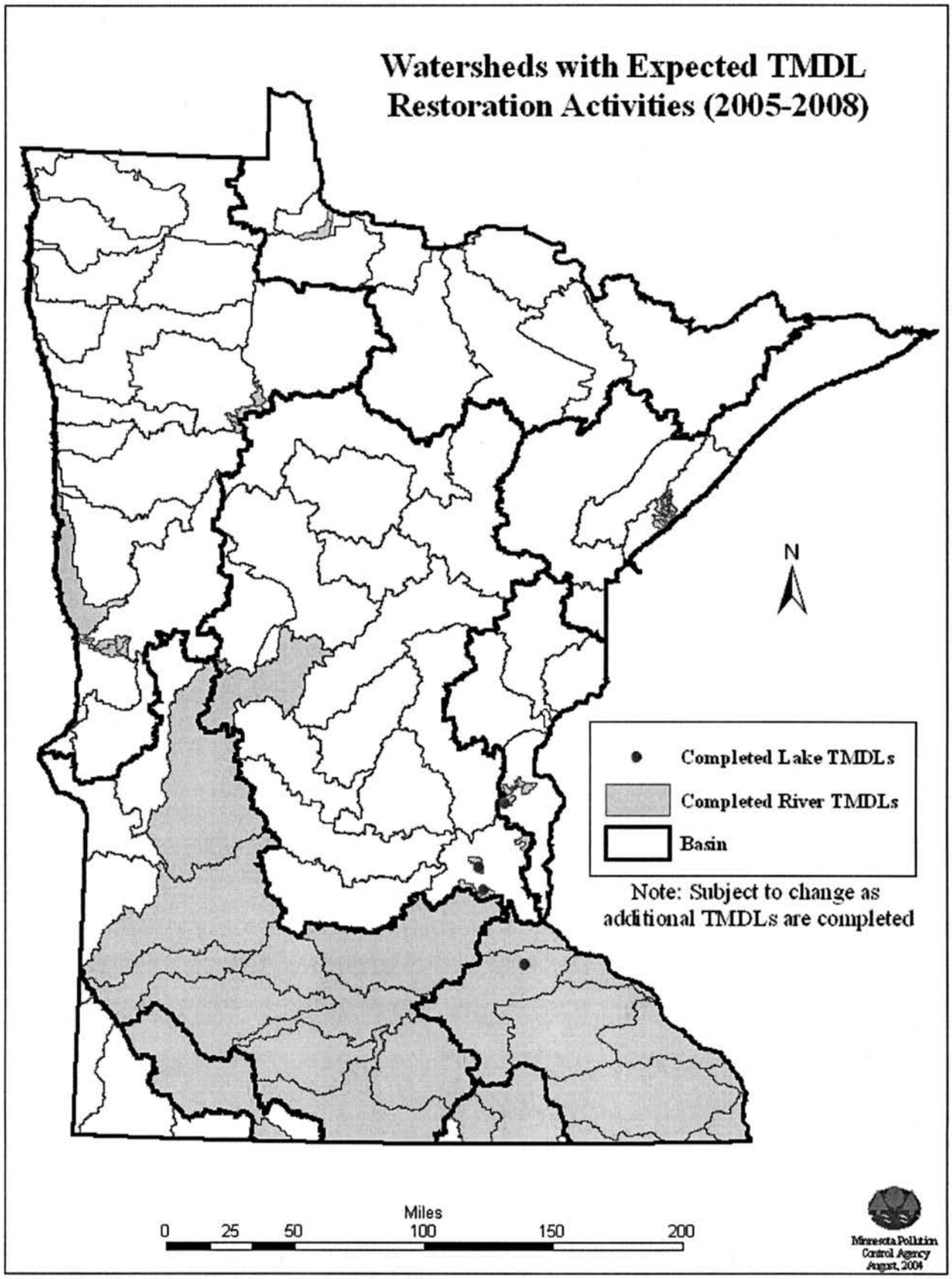
Restoration

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

29. Restoration must always include effectiveness monitoring.

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

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


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

NON-POINT RESTORATION AND PROTECTION STATEGY AND BUDGET

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

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

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

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

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

Table 1.

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

Table 2.

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

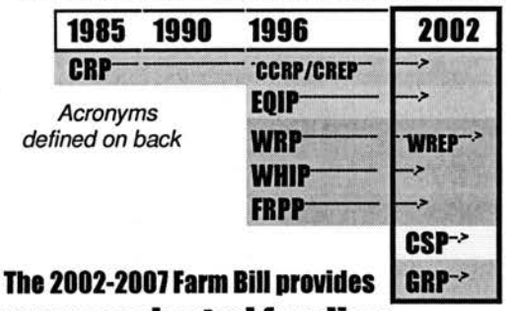
Leveraging Farm Bill Conservation Programs

In Support of Minnesota's Clean Water Legacy

Why leverage the farm bill?

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

Evolution of Farm Bill Conservation Programs



Acronyms defined on back

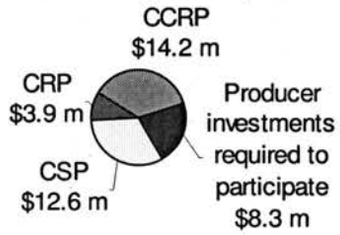
The 2002-2007 Farm Bill provides unprecedented funding for agricultural conservation practices that restore and prevent impaired waters and provide multiple environmental benefits.

How much can we potentially leverage?

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

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

Sources of the potential $40 million



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

Farm Bill Leveraging Strategies in the Clean Water Legacy proposal

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

How can we maximize the potential?

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

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

Farm Bill Conservation Programs & Leveraging Strategies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW BUSINESS

3. Camp Ripley's Army Compatible Use Buffer Program (ACUB)

Decision Item

Camp Ripley's Army Compatible Use Buffer Program (ACUB)

At the December 22, 2004 board meeting we heard a presentation from Lt. Colonel Rich Weaver, Camp Ripley's Post Commander and Marty Skoglund, Environmental Supervisor, regarding Camp Ripley's ACUB (see attached fact sheet).

One aspect of this project is for the Board of Water and Soil Resources (BWSR) to acquire easements on behalf of Camp Ripley's ACUB project. We would use a RIM-like process with our local soil and water conservation district partners in each of the three counties involved in the ACUB project area (Cass, Crow Wing and Morrison) to acquire easements.

The funding for this project would come from the Department of Defense over a ten year period. It would require the State of Minnesota, acting by and through the BWSR, and the National Guard Bureau (NGB) to enter in to a cooperative agreement (CA) to establish the terms and conditions applicable to the contribution of federal funds to assist BWSR's acquisition of easements with our local SWCD partners. Presently, the Minnesota Department of Natural Resources (MDNR) has a signed cooperative agreement with the NGB for ACUB.

BWSR does not have the statutory authority to acquire the type of easement required for accomplishing one of the primary objectives in Camp Ripley's ACUB project. We worked with Camp Ripley's staff to draft rider bill language (see below). This language was successfully introduced as a part of H.F. 1420 legislation via Hackbertth's Environment and Natural Resource Committee on March 8, 2005. We will be working towards getting this same language introduced in the senate in the near future.

Decision Required
The BWSR board must make a decision regarding the recommendation that conservation easement staff continue to develop the necessary cooperative agreement with the NGB and Camp Ripley staff so we can play a key role with our local partners in delivering easements in the ACUB project.

Rider Bill Language
"The Board has authority to receive and expend money to acquire conservation easements as defined in chapter 84C, on behalf of the state and federal government, consistent with the Camp Ripley's Army Compatible Use Buffer Project."

NEW BUSINESS

4. Minnesota-area Volunteeer Climate Observing Program

Information and Discussion

MNgage

Minnesota-area Volunteer Climate Observing Program

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

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

climate.umn.edu/mngage

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

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

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

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

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

Thanks, from the State Climatology team:
Pete, Greg, and Jim
651-296-4214
climate@umn.edu

To work on your daily climate data online:

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

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

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

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

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

April 1, 2005

Dear Observer,

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

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

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

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

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

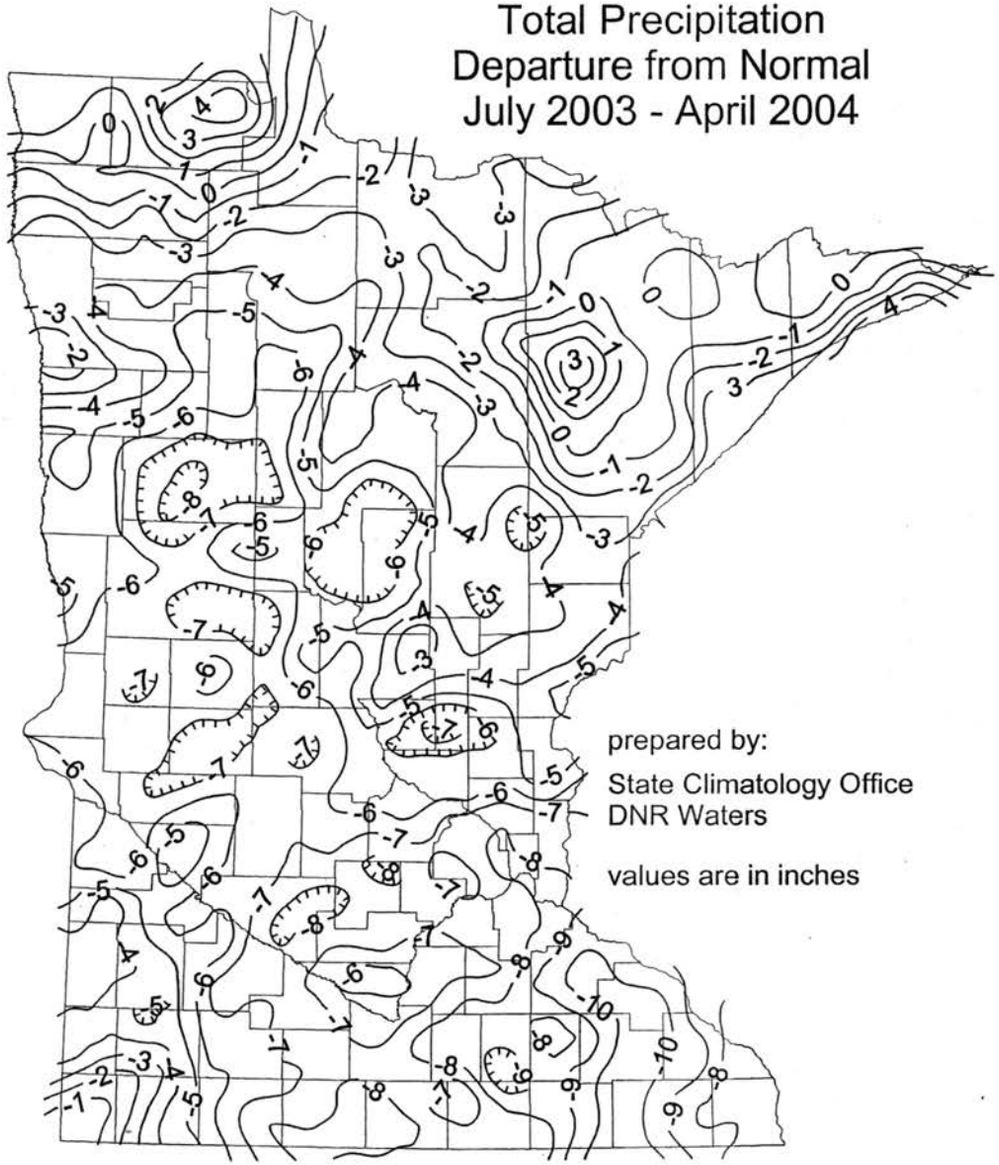
Sincerely,

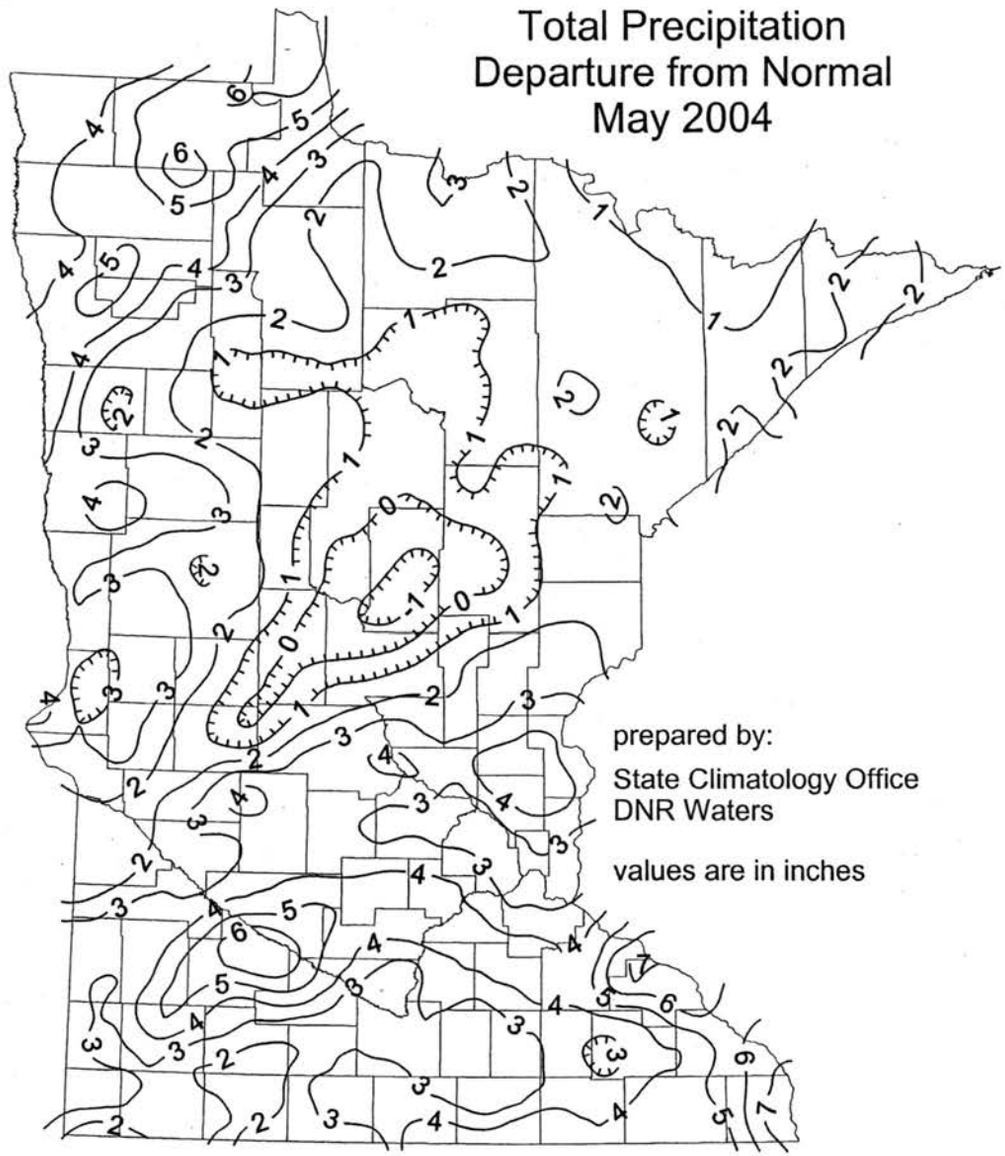
James Zandlo, State Climatologist
Department of Natural Resources

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

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

Donald Baker, Professor Emeritus of Soil Science
University of Minnesota


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


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

Minnesota Department of Natural Resources

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

March 7, 2005

Dear County SWCD Network Manager,

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

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

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

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

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

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

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

Jim Zandlo

Jim Zandlo, State Climatologist

OLD BUSINESS

1. **Middle Fork Crow River Watershed District Establishment Petition**
   Information and Decision Item

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

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

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

Board Packet - FYI

December 1, 2005

How high can farmland values go?

By David Bau, University of Minnesota Extension Service

A website titled "Minnesota Land Economics" can be very helpful in determining land value trends across Minnesota. The website can be found at http://www.cffm.umn.edu/landeconomics/landdata/LandValue. It was compiled by Steve Taff, economist with the University of Minnesota Extension Service.

Following a simple five-step plan, you can create and analyze your own region of Minnesota in many ways. You can look at Farmland Sales, Timberland Sales, Land Values, Land Productivity, RIM Easements and Property Taxes. You can sort data in many ways: by year, total value, per acre value; and by city, township or county.

Through the website, you have access to annual estimated market values by county assessors for nearly every Minnesota city and township since 1993.

For 33 counties in southern Minnesota, farmland continues to increase at an average rate of 10 percent a year from 1998 to 2004, and 13.5 percent from 2003 to 2004. You can find your individual county information, the change from 2003 to 2004, and the average yearly change by going to the website.

So what is making land prices increase? Farm income, interest rates, return on other investments and 1031 exchanges are often mentioned as reasons for the increase. Farm profits were at record levels in 2004, and 2005 should be another good year. This would add local demand for the land from farmers. Interest rates are at historically low levels and land rental income is comparable or larger than what an investor can earn from treasury bills or a certificate of deposit at financial institutions.

The bond market has provided a good return on investment as the rates fell, but this year has experienced several interest rate increases. With interest rates slowly rising, the bond return will fall and possibly turn negative. The stock market has generated negative or low returns since 9-11, and many people have not returned to investing in the stock market.

The 1031 property exchange is for farmers or landowners who have land in an area of increased value due to location to city or development. Rather then pay taxes on a large gain from the sale of the land, they purchase similar property or other farmland at a more reasonable price. This has the effect of increasing prices even in non-metro locations.

The reason for the increase in farmland sales prices is a combination of these factors.

How high can farmland values go? Supply and demand will determine this. The simple return on investment, which is determined by rental rates, will determine how competitive farm land is compared to other investments and this will determine a value for farmland. If interest rates continue to rise or farm rental rates fall, the value of land will be affected in a negative way, causing a decrease in land values. But barring these factors, the price of farmland will continue to climb.

(David Bau is an agricultural business management educator with the University of Minnesota Extension Service Regional Center, Worthington)

###

Web, regional contacts, statewide list

Writer: David Bau (507) 372-3906, bauxx003@umn.edu
Editor: Jack Sperbeck (612) 625-1794, sperb001@umn.edu

NOTE: News releases were current as of the date of issue. If you have a question on older releases, use the main Extension search (upper right of this page) to locate more recent information.

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Board Packet - FYI

Farmers fire away on wetlands rules

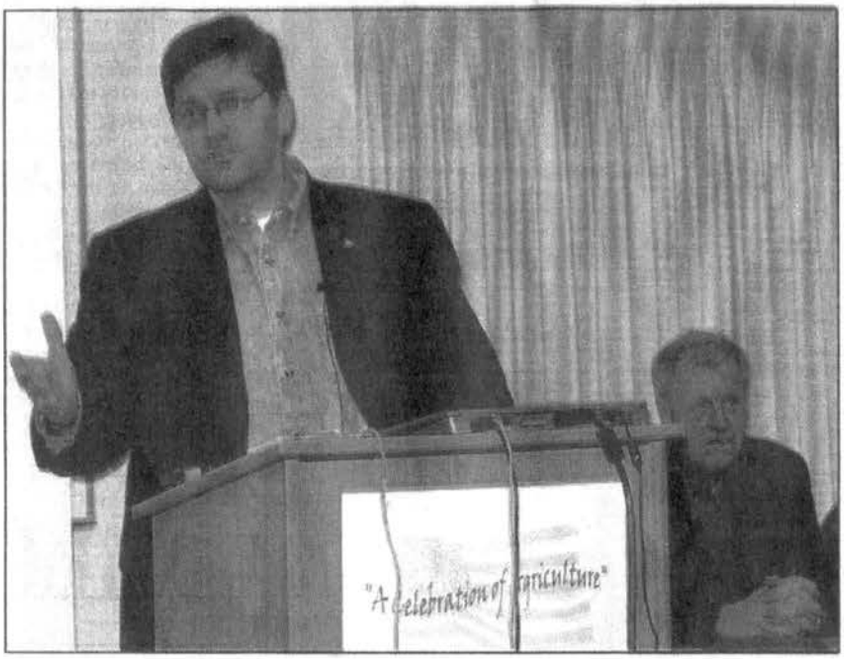
NRCS chief, Collin Peterson discuss changes in Morris

No one really let loose with both barrels, but many of the approximately 200 farmers and other people at the Soils Lab Monday let government officials know they were none too pleased with new wetlands compliance provisions.

And it was Congressman Collin Peterson, who invited Natural Resources Conservation Service officials to the meeting to take farmers' shots, who ended up throwing some of his own.

Peterson lit into environmentalists, President Bush, even former Minnesota Gov. Arne Carlson for pursuing no net-loss wetlands legislation that Peterson said complicated many wetlands issues for producers.

"That's how we got into this damn mess," Peterson said. "People got all zealous about saving wetlands and lot of the wetlands aren't worth a damn."



Natural Resources Conservation Services Chief Executive Bruce Knight (left) and Minnesota Congressman Collin Peterson discussed wetlands rules changes with about 200 people Monday during ameeting at the Soils Lab in Morris.

Peterson admitted to being a bit bleary-eyed after an all-night Congressional session Sunday and Monday in Washington DC, then a trip to Morris for the "listening session" with Bruce Knight, Chief of the Natural Resources Conservation Service, Minnesota State Conservationist Bill Hunt and several NRCS staffers.

Those in attendance took Knight and others at their word that the officials wanted feedback on the new wetlands rules.

The new provisions cover wetlands determinations, maintenance, drainage systems, improvements to existing systems and the installation of new drainage lines.

But, Hunt said, while the procedures have changed, the overall definitions have not.

As far as what is or was a wetlands Hunt said, "Nothing has changed."

For decades, wetlands determinations were made in local NRCS officers from slides and maps. However, the NRCS in late summer decided to change the procedure, requiring not only a review of slides but a on-site visit before a farmer's wetlands could be certified and the farmer eligible for United States Department of Agriculture programs.

The forms and maps for the new certification standards also have confused many farmers attempting to comply.

See NRCS page 2

Farmers frustrated by wetlands rules, appeals

NRCS

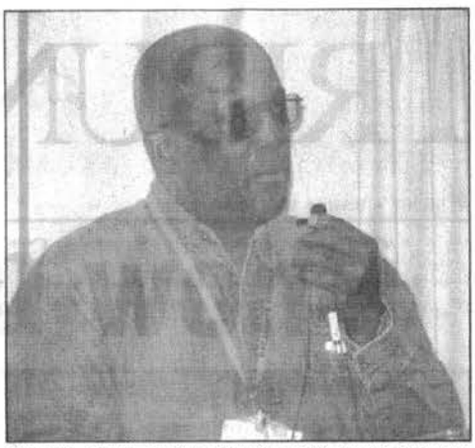
Continued from page 1

forms. He wanted to make the process more efficient and eliminate paperwork that was not needed.

"There's nobody to blame but me," Knight said. "We're trying to strip those (unnecessary) things away. Most of the changes, you didn't even notice. On this one, you're seeing it, and you're seeing a form that's a lot more complex. We will keep working to simplify it."

Knight noted that 1985 was a watershed year for wetlands conservation. CRP was initiated in that year's Farm Bill, and farm program benefits for the first time were linked to conservation efforts.

That also changed the focus of local NRCS offices, which were transformed from being agencies with a role of helping farmers with conservation plans to also making judgements about which farmers were good and bad stewards of the land, Knight said.



Bill Hunt, Minnesota State Conservationist for the Minnesota Natural Resources Conservation Service, spoke with farmers about wetlands determinations Monday during a meeting at the Soils Lab is Morris

The NRCS didn't enjoy its new role, Knight said, but "society was demanding it as an offset to the farm benefits we received."

At Monday's meeting, farmers complained that land that had been inventoried and approved for farm use for years now was subject to reevaluation under the new provisions. Some wondered when the changes would stop.

Others called on the national office to "grandfather" in previously inventoried land and that the provisions apply only to new land tracts or when significant changes are desired.

Farmers also complained that too many agencies are involved in the process. The NRCS, Fish and Wildlife, the U.S. Corps of Engineers and the Department of Natural Resources all have hands in the process, causing farmers to deal with conflicting rules interpretations.

Other farmers complained about a cumbersome appeals process if they disagreed with a determination.

Hunt noted that officials have to work under the provisions of the Clean Waters Act, the "swampbusters" provision of the Farm Bill and the Wetlands Conservation Act, which Hunt termed "triple jeopardy."

Peterson said he and others in Congress have tried for eight years to put wetlands determinations solely under the auspices of the NRCS, but those efforts have failed. The agencies involved "won't give up their turf," Peterson said.

"It's one of the things we want to do, but like a lot of things in Washington it's probably the last thing we'll do because it makes sense."

Knight, Hunt and their staffers stressed several times at the meeting that they want the NRCS to be "farmer friendly" and that the agency is open to suggestions about how to improve the process, both in the certification and appeals phases.

"We came here as friends and we'll leave here as friends," Hunt said. "But we also want to know how to better run the agency to meet your needs."

March 23, 2005 Board Meeting
Packet supplement

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- ❑ MN Wetland Mitigation Guidelines: Issues for Resolution by Agency Leaders
- ❑ 2001 – 2003 MN Wetland Report Outline
- ❑ Memorandum of Understanding/Summary of the Red River Basin Mediation Agreement
- ❑ Pheasants Forever Press Release
- ❑ Thank You letters from Clay Soil & Water Conservation District
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MINNESOTA WETLAND GAINS AND LOSSES 2001-2003				
Agency	**Program**	**Acres Gained**	**Acres Impacted**	**Program Totals**
BWSR	WCA	2,964[1]	3,554[2]	(590)
DNR	PWP	1.4	0.7	0.7
USACOE[3]	CWA-Sect. 404	2,322	2,137	185
USDA[4]				
BWSR	RIM/CREP I	49,956[5]		49,956
DNR	WMAs	741		741
USFWS	Partners for Fish and Wildlife	19,809[5]		19,809
	WPAs	16,773[5]		16,773
USDA – FSA	CRP	64,137[5]		64,137
USDA – NRCS	WRP	19,094[5]		19,094
	RIM/WRP	2,983[5]		2,983
Non-regulatory Totals		**173,493**		**173,493**

[1] Includes balances in the banking system deposited prior to 2001 (903 acres)
[2] Includes data on exemptions reported by LGUs
[3] Does not include exempt activities or projects over which the US ACOE does not have jurisdiction
[4] The USDA has a regulatory program, however data is not available for this program. Also, the National Resources Inventory, conducted by the USDA Natural Resources Conservation Service reports a net gain of wetlands, nationally, during the period 1997-2002.
[5] Data includes wetlands and associated upland habitat

WETLANDS AVOIDED, GAINS, AND LOSSES FROM WCA REGULATION 2001-2003				
WCA Activity	**2001**	**2002**	**2003**	**Totals**
Number of Landowner Contacts to LGUs	17,159	18,509	17,691	53,358
Avoided/Minimized (in acres)	3,023	3,045	5,388	11,456
Impacted (in acres)	442	530	616	1,588
Replacement (in acres	761	615	683	2,061[1]
Exempt (in acres)	610	711	645	1,966
Impact + Exempt	1,052	1,241	1,261	3,554
Impact + Exempt – Replacement = Net Loss	(289)	(626)	(578)	(1,493)

Source: BWSR

[1]Does not include a balance of 903 acres of wetlands in the wetland bank

Draft BWSR Wetland Report
Number of WCA Regulated Impacts by Size

	0-0.2 ac.	0.21-0.5 ac.	0.51-1.0 ac.	1.1-3.0 ac.	>3.0 ac.	Annual Totals
2001	1427 (60.7%)	364 (15.5%)	270 (11.5%)	142 (6.0%)	148 (6.3%)	2351
2002	1543 (58.7%)	514 (19.6%)	258 (9.8%)	170 (6.5%)	144 (5.5%)	2629
2003	1475 (50.5%)	767 (26.2%)	290 (9.9%)	239 (8.2%)	152 (5.2%)	2923
Totals	4445 (56.2%)	1645 (20.8)	818 (10.4%)	551 (7.0%)	444 (5.6%)	7903

Source: BWSR

State of Minnesota
Department of Finance

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FOR IMMEDIATE RELEASE
February 28, 2005

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2005 February Forecast

The budget gap facing Minnesota's Legislature has eased slightly according to a report issued today by Minnesota's Department of Finance. The Department's February forecast shows revenues up $234 million (0.8 percent) from November's estimates. Projected spending is unchanged, leaving a forecast budget deficit for the 2006-07 biennium of $466 million. In November, a budget shortfall of $700 million was forecast.

"Today's forecast is good news," said Finance Commissioner Peggy Ingison. "But even with this improved revenue outlook, there is still a shortfall. Difficult choices still need to be made so that we don't face a similar shortfall next year and the year after that."

The Finance Department's forecast also shows an improvement in the outlook for the current biennium, with revenues up $150 million from November's forecast and spending reductions and other changes adding another $25 million to the projected ending balance. As in November, that $175 million projected balance for this biennium goes automatically to replace the $25 million taken from the budget reserve to fund spending enacted in the current legislative session. The remaining $150 million goes to further reduce school aid payment shifts.

"The stronger economy and some tough budget work in the past two years have allowed us to begin to put our financial house back in order," noted Ingison. "We have started to put our risk management tools back into place. Reserves are up and spending shifts are being paid back. Of course, after the last few years we all learned that we need those reserves to cushion state finances against the uncertainties of the national economy."

(Upon request, the information in this news release is available in an alternative format such as Braille, large print, audiotape, or computer disk.)

Minnesota Budget Forecast

February 2005



Minnesota Department of Finance

February 28, 2005

$175 Million Balance Now Forecast for FY 2004-05

($ in millions)	Feb Fcst	Change
Beginning Balance	$369	$0
Revenues	28,829	157
Spending	28,045	6
Cash Flow Acct	350	0
Budget Reserve	628	(25)
Forecast Balance	*$ 175*	*$ 175*

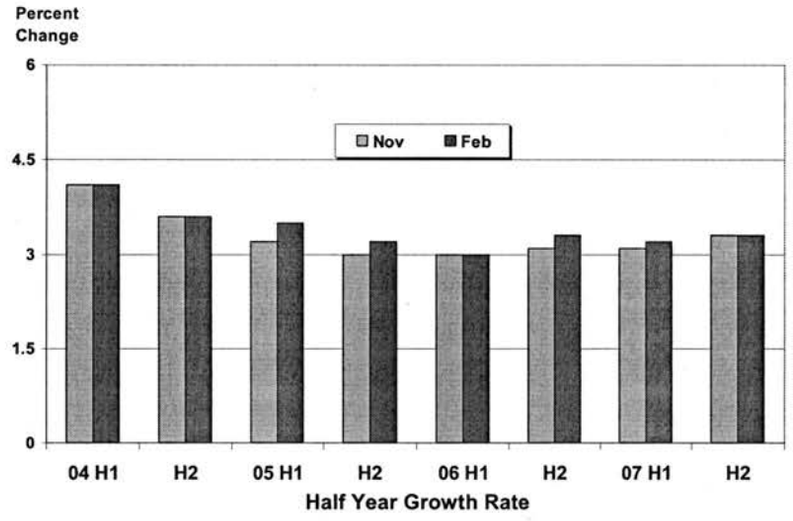
Current Law Allocates Entire $175 Million Forecast Balance for FY 2004-05

- ***$ 25 Million*** – **Restores budget reserve money used for FY 2005 deficiencies.**
- ***$150 Million*** – **Additional school shift buy-back. Payments now at 84.3 / 15.7 percent.**

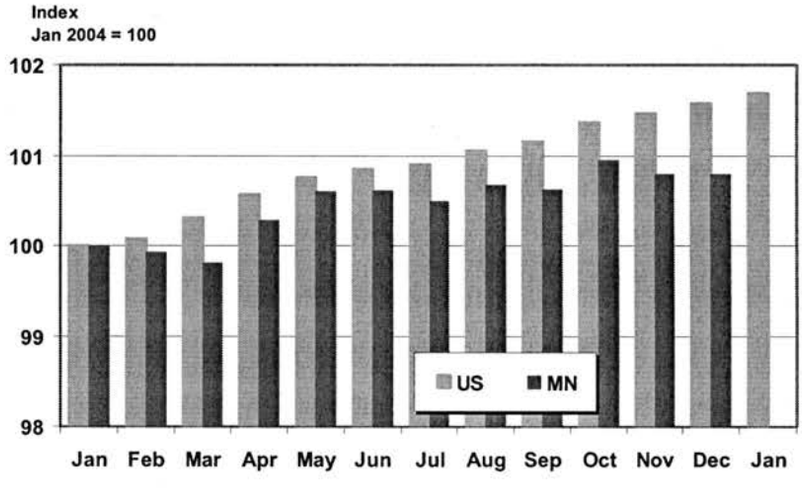
FY 2006-07 Budget Shortfall Reduced to $466 Million

General Fund ($ in millions)	Nov Fcst	Feb Fcst	Chg.
Revenues	$29,477	$29,711	$234
Spending	30,177	30,177	0
Balance	*$ (700)*	*$ (466)*	***$ 234***

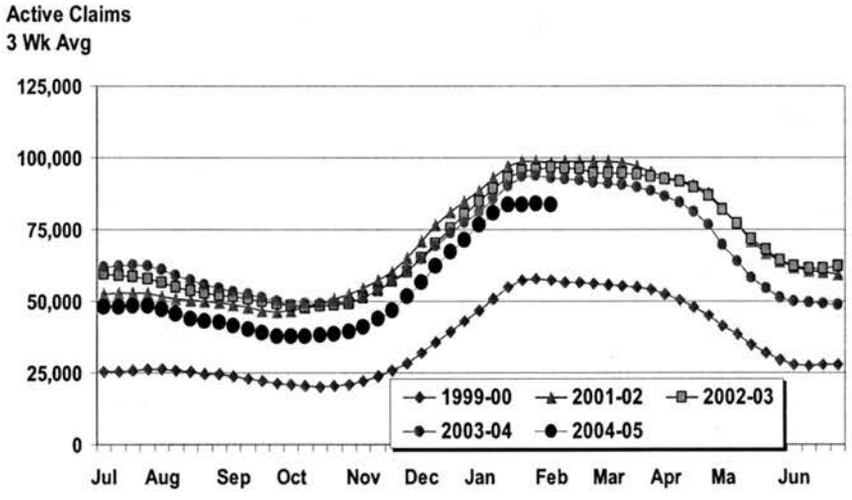
Steady Real GDP Growth Expected Through the End of 2007



In 2004 Minnesota Payroll Employment Grew More Slowly Than U.S. Average



Active Unemployment Claims Have Improved in Recent Weeks



Forecast Changes by Major Tax Source

($ in millions)	FY2005	FY2006-07
Income Tax	66	71
Sales Tax	27	115
Corporate Income Tax	64	89
Motor Vehicle Sales Tax	(3)	(19)
Other Revenues, Transfers	3	(22)
Total Revenue Change	*$157*	*$234*

Little Change in Forecast Spending

- FY 2004-05 Spending, *Up $6 million*
  - 2005 Deficiency bill increased current year spending $31 million
  - Human services savings, other changes offset most of the increase
- FY 2006-07 Spending, *No Net Change*
  - K-12 spending $44 million higher
  - Deficiency bill "tails" added $43 million
  - Increases were offset by savings in human services and reductions in other areas

Longer Term Outlook Improved From November

	November		*February*	
($ in millions)	FY 08	FY 09	FY 08	FY 09
Revenues	15,564	16,252	15,680	16,413
Spending*	15,524	15,802	15,546	15,843
Difference	*40*	*450*	*134*	*570*

*Spending not generally adjusted for inflation.

EMBARGOED UNTIL
12:00 NOON.
MONDAY, FEBRUARY 28, 2005

February 2005

Minnesota Department of Finance

Highlights

FY2005 Outlook Improves, Forecast Balance is $175 Million

The forecast for FY2005 revenues has increased by $157 million from November's estimate. When combined with changes in projected current law spending, a $175 million budget balance is projected for 2005. As in November, this balance is allocated by current law. The forecast balance first must replace $25 million taken from the budget reserve for FY2005 spending enacted in the current legislative session. The remaining $150 million must be used to further reduce school aid payment shifts.

Projected FY2006-07 Budget Gap Was $700 Million – Now $466 Million

General fund revenues for the 2006-07 biennium are now forecast to total $29.711 billion, $234 million (0.8 percent) more than November's estimate. Projected current law spending remains unchanged. The improved revenue outlook reduces the projected FY2006-07 budget shortfall from $700 million to $466 million.

Little Change in U.S. Economic Outlook

There were only small changes in Global Insight's baseline forecast for the U.S. economy. Real GDP growth rates for calendar 2005 through calendar 2007 remain just above 3 percent, the same as in November. There was no major change in the inflation outlook. The CPI is expected to increase at a 1.5 percent rate in FY2006 and a 1.8 percent rate in FY2007.

FY2008-09 Planning Estimates Improve Slightly

The small increase in revenues forecast for FY2006-07 carries forward into planning estimates for the following biennium. FY2008-09 biennial revenues are now projected to be $277 million more than November's estimate, while expenditures are expected to be $63 million higher. Revenues now are projected to exceed current law expenditures in FY2008 by $134 million and by $570 million in FY2009. The planning estimates do not include general inflation in FY2008-09 spending.

DEPARTMENT OF FINANCE • 400 CENTENNIAL BUILDING • 658 CEDAR STREET • ST. PAUL, MINNESOTA • 55155 (651) 296-5900

February Forecast

Budget Update and Outlook

Current Law Allocates $175 Million FY2005 Forecast Balance to Reserve and Shift Buy-Back

A balance of $175 million is now forecast for the end of FY2005. The revenue forecast is up $150 million. Net savings from forecast expenditure changes and action by the 2005 legislature add another $25 million.

FY2004-05 Forecast (Before Allocation)

($ in millions)

	November Forecast	Legislative Action	Forecast Changes	Revised Forecast
Beginning Balance	$ 369			$ 369
Revenues	28,673	6	150	28,829
Expenditures	28,039	31	(25)	28,045
Cash Flow Acct	350			350
Budget Reserve	653	(25)	---	628
Balance	**$ 0**	---	---	**$ 175**

The projected $175 million estimated balance is, as in November, allocated by current law to restore state reserves and buy back K-12 school payments shifts.

The $175 million projected balance is automatically distributed as follows:

- $25 million to restore the budget reserve to $653 million, replacing money used to fund FY2005 supplemental appropriations.
- $150 million to increase FY2005 education aid payments, changing the K-12 payment percentages to 84.3 and 15.7 percent.

After allocation, as in November, the ending balance now forecast for June 30, 2005 is zero.

FY2006-07 Budget Gap Reduced from $700 Million to $466 Million

The projected budget shortfall for FY2006-07 is now $466 million, down $234 million from November's estimate. Higher forecast revenues account for all of the change. Increases in current law spending resulting from legislative action in 2005 are almost completely offset by a corresponding decrease in forecast spending for FY2006-07.

FY2006-07 Forecast
Change from November 2004 Estimates
($ in millions)

	November	February	Difference
Revenues	$29,477	$29,711	$234
Expenditures	30,177	30,177	0
Projected Shortfall	**($700)**	**($466)**	**$234**

FY2006-07 forecast revenues are $234 million more than November's estimates. Modest increases in projected receipts from the individual income tax, the corporate income tax, and the sales tax account for all of the additional revenue.

Expenditure estimates for the next biennium are nearly identical to those forecast in November. The impacts of additional spending enacted for FY2005, along with a slight increase in the forecast for K-12, are largely offset by savings in health and human services programs and other spending reductions.

FY2006-07 spending includes provisions currently in law and is adjusted only for enrollment and caseload in K-12 education, higher education, human services and corrections. Expenditures do not include general inflation increases beyond those that are integrated in the health care components of the forecast.

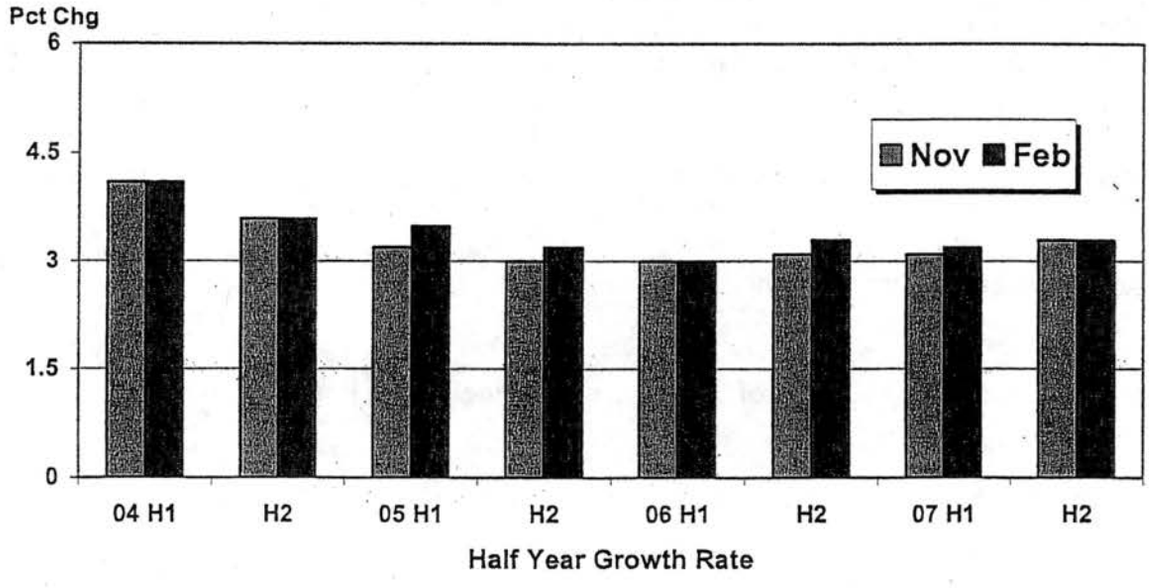
General inflation is expected to average just under 1.7 percent per year in FY2006-07. Adjusting spending for that level of inflation would add approximately $700 million to spending.

More of the Same in Forecast for 2005, 2006, and 2007

There has been little change in the consensus outlook for the U.S. economy. And, the economic growth rates currently projected for 2005, 2006, and 2007 continue to look remarkably similar to those observed in 2004. Real GDP is projected to continue growing at roughly the 2004 rates through the first half of 2005. Then, the gradual interest rate increases engineered by the Fed beginning late last spring start to slow the economy. The slowdown is brief and scarcely noticeable though, since the increased demand for U.S. exports brought on by a declining dollar replaces much of the domestic consumer and business spending lost to higher interest rates. Even with a weaker dollar, inflation remains under control as lower energy costs offset modest increases in the prices of other goods and services.

Forecasters agree on the most likely sources of potential problems, and the trade deficit and the federal budget deficit appear at the top of every list. Those problems are, if anything even more worrisome than in November. Everyone hopes for an orderly decline in the value of the dollar, but currency markets can be very volatile. The U.S. job market also continues to be lethargic adding an average of just over 150,000 jobs per month since May. That is sufficient to cover normal labor force growth, but it will not provide the income growth needed to support a strong, consumer-driven economic expansion.

Steady Real GDP Growth Expected Through End of 2007

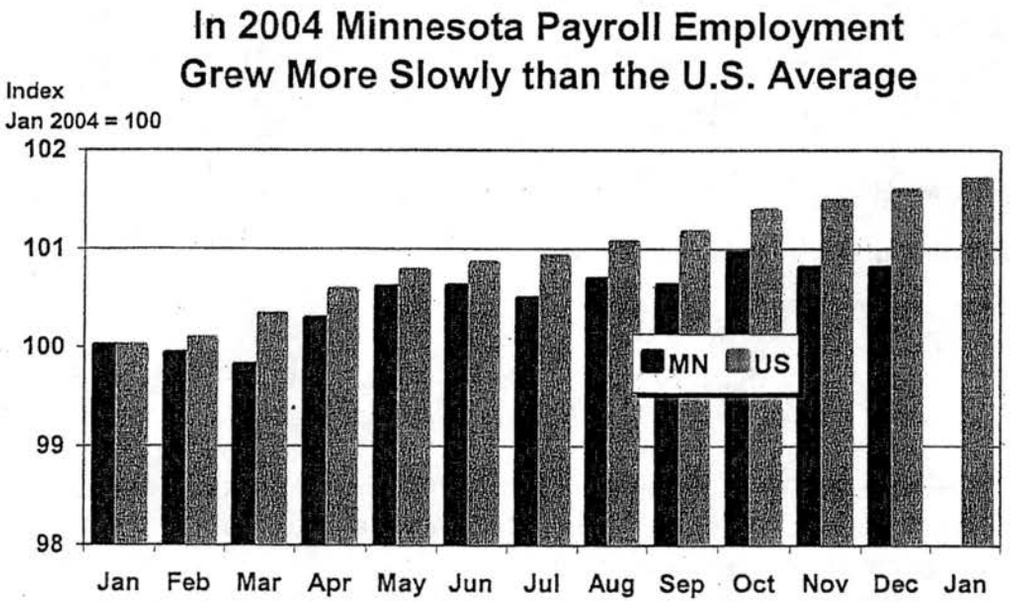


The February baseline forecast from Global Insight Inc. (GII), Minnesota's national economic consultant, remains very similar to the consensus forecasts for 2005, 2006 and 2007. Real GDP growth of 3.5 percent is expected in 2005, followed by 3.1 percent growth in 2006, and 3.2 percent in 2007. November's forecast anticipated slightly weaker real growth, but higher inflation. When nominal growth rates are compared, differences between the forecast almost disappear. GII currently believes the CPI will increase by 2.0 percent in calendar 2005, then by 1.6 percent in 2006 as oil prices begin to decline. In 2007 the CPI is projected to increase by 2.0 percent.

As in November GII assigns a 60 percent probability to their baseline forecast. A slightly more optimistic scenario in which oil prices are lower and productivity higher continues to be assigned a probability of 20 percent. A more pessimistic scenario, which includes an extended slowdown but no recession, is also assigned a probability of 20 percent.

Minnesota's Economy Softened in Late 2004

After closely tracking the national economy in 2001 and 2002, and outperforming it in 2003 Minnesota's economy added jobs more slowly than the national average during 2004. Payroll employment in 2004 grew by 23,000 jobs, but just 5000 of those jobs were added in the last 8 months of the year. Between May and December payroll employment in Minnesota grew by just 0.2 percent, while nationally employment grew by 0.8 percent. If Minnesota had grown as rapidly as the national average the state would have 20,000 more jobs at the start of 2005 than it does. During November and December employment actually declined in Minnesota. Nationally, it grew by 0.1 percent.



It is not clear what is holding back job growth in Minnesota, or where the weaknesses in the economy are. Manufacturing employment in the U.S. and in Minnesota has fallen since mid 2000, but when viewed on a percentage basis the decline was less in Minnesota than nationally. Minnesota added just over 3,000 manufacturing jobs in 2004 a growth rate of 0.9 percent. U.S. manufacturing employment grew by just 0.2 percent.

Strong employment growth is expected in Minnesota during 2005. More than 44,000 jobs are expected to be added between fourth quarter 2004 and fourth quarter 2005, an average of 11,000 new jobs per quarter. Manufacturing employment is expected to grow by 6,600 by the end of 2005 and 15,700 by the end of 2007. By the end of 2007 total employment in Minnesota is projected to reach 2.778 million, 103,000 more than at the end of 2004.

Revenue Outlook Up $157 Million in Current Biennium

Revenues for 2004-05 are now forecast to total $28.829 billion, up $157 million (0.5 percent) from November's estimates. The forecast for non-dedicated revenues increased $155 million (0.6 percent). The individual income tax, the corporate income tax, and the sales tax were the sources of almost all of the addition to the FY2005 revenue forecast.

2004-05 Revenue Forecast
($ in millions)

	November Forecast	February Forecast	$ Change	% Change
Revenues				
Income tax	$11,819	$11,885	$66	0.6
Sales Tax	8,300	8,327	27	0.3
Corporate Income	1,393	1,457	64	4.6
Motor Vehicle	540	537	(3)	(0.6)
Statewide Property	1,217	1,217	0	0.0
Major Taxes	23,269	23,423	154	0.6
Other Non-Dedicated	3,824	3,825	1	0.0
Non-Dedicated Revenues	**27,093**	**27,248**	**155**	**0.6**
Transfers, Other	1,579	1,581	2	0.0
Total	**$28,672**	**$28,829**	**$157**	**0.5**

Changes in most major taxes were small. The forecast for corporate income tax receipts increased more on a percentage basis, but even that increase was well within normal forecast variation for that highly volatile revenue source. The forecast for sales tax refunds in FY2005 was reduced by $33 million. In the absence of that change in projected refunds the sales tax forecast would have been below November's estimate.

Small Increase in Projected FY2006-07 Revenues

State revenues for the 2006-07 biennium are expected to reach $29.711 billion, $234 million (0.8 percent) more than forecast in November. Receipts from the five major taxes are now forecast to be $25.623 billion, $259 million more than November's estimate. A slight decline is projected for other tax and non-tax receipts.

2006-07 Revenue Forecast
($ in millions)

	November Forecast	February Forecast	$ Change	% Change
Revenues				
Income tax	$13,412	$13,483	$71	0.5
Sales Tax	8,733	8,849	115	1.3
Corporate Income	1,380	1,469	89	6.4
Motor Vehicle	550	531	(19)	(3.5)
Statewide Property	1,289	1,291	2	0.2
Major Taxes	25,364	25,623	259	1.0
Other Non-Dedicated	3,700	3,674	(26)	(0.7)
Non-Dedicated Revenues	**29,064**	**29,297**	**233**	**0.8**
Transfers, Other	413	414	1	0.0
Total	**$29,477**	**$29,711**	**$234**	**0.8**

There were only small changes in the economic outlook, so the changes in both the individual income and sales taxes for FY2006-07 were also small. The sales tax showed the largest increase, up $115 million. Lower projected sales tax refunds accounted for $51 million of that change. The corporate income tax showed the largest percentage increase as much of the FY2005 increase in revenues is projected to carry forward to the next biennium.

Little Change in Forecast Spending for FY2004-05 and FY2006-07

Forecast spending for FY2004-05 was $6 million above November's estimates. FY2005 deficiency appropriations increased spending $31 million primarily in human services and public safety areas. This increase, however, was largely offset by savings elsewhere including lower K-12 estimates, a reduction in tax refund interest payments, and an expected increase in year-end cancellations. The additional school shift buy-back triggered by the forecast will add $150 million to K-12 spending in fiscal 2005, increasing total spending by $150 million to $28.195 billion.

FY2004-05 Spending
($ in millions)

	Nov	Feb	Change
K-12 Education	$11,903	$11,898	$(5)
Health and Human Services	7,245	7,262	17
All Other Spending	8,891	8,885	(6)
*K-12 Shift Buy-Back	0	150	150
Total	**$28,039**	**$28,195**	**$156**

Estimates for FY2006-07 spending remain largely unchanged at $30.177 billion. Interim legislative action in 2005 increased estimated spending $42 million, the continuing impact of supplemental appropriations made for fiscal year 2005.

This increase and slightly higher spending for K-12 education were largely offset by other forecast changes. Savings in health and human services spending, tax refund interest payments, and debt service account for almost all of the forecast reductions.

FY2006-07 Spending
($ in millions)

	Nov	Feb	Change
K-12 Education	$11,969	$12,013	$44
Health and Human Services	8,684	8,632	(52)
All Other Spending	9,524	9,533	9
Total	**$30,177**	**$30,177**	**$0**

FY2008-09 Planning Outlook Improves Slightly

The budget outlook in FY2008 and FY2009 has also improved since November. General fund revenues for FY2008-09 are $277 million higher than November's projections, while projected spending is $63 million higher than previous estimates. The structural balance between ongoing revenues and spending has increased to $134 million for FY2008 and to $570 million for FY2009.

FY2008-09 Planning Estimates / Structural Balance

($ in millions)

	FY2008	FY2009
Projected Revenues	**$15,680**	**16,413**
Projected Spending	**15,546**	**15,843**
Difference	**$134**	**$570**

These planning estimates of current law revenues and expenditures are presented to identify longer term impacts of budget actions. Revenue planning estimates are based on an assumed long-term real GDP growth rate. Expenditure estimates assume current laws and policies adjusted for caseload, enrollment and other forecast variables in major program areas.

Since the impact of inflation is not generally reflected in the expenditure projections, it is important to recognize that increases in state spending could be significantly greater than that shown. Inflation for 2008-09 is expected to average 2.1 percent. Uniformly adjusting spending for inflation would add about $2 billion to the expenditure projections for FY2008-09.

The inflation estimate, however, could overstate FY2008-09 spending pressures since it compounds inflationary costs over four years. Nor does it make allowance for the fact that a budget will be set this year for 2006-07. Planning estimates become more meaningful when specific budget proposals for FY2006-07 are being considered and a starting point for the following biennium is being established.

Finally, the forecast is based on current law; the planning estimates do not reflect the Governor's budget recommendations, nor do they anticipate any future legislative changes. The impact of the February forecast may vary depending on the specific components of the Governor's budget or legislative proposals.

A complete version of the February 2005 forecast can be found at the Department of Finance's World Wide Web site at – www.finance.state.mn.us. This document is available in alternate format.

FY 2004-05 Biennium Forecast Comparison

February 2005 vs November 2004 (Before Statutory Allocations)

($ in thousands)

	11-04 Fcst FY 2004-05	2-05 Fcst FY 2004-05	Difference
Actual & Estimated Resources			
Balance Forward From Prior Year	368,922	368,922	0
Current Resources:			
Tax Revenues	25,627,138	25,769,493	142,355
Non-Tax Revenues	1,465,776	1,478,357	12,581
Dedicated Revenue	58,506	58,314	(192)
Transfers In	1,456,362	1,458,164	1,802
Prior Year Adjustments	64,897	64,897	0
Subtotal-Current Resources	28,672,679	28,829,225	156,546
Total Resources Available	**29,041,601**	**29,198,147**	**156,546**
Actual & Estimated Spending			
K-12 Education	12,231,855	12,224,059	(7,796)
Property Tax Recog/Payment Change	(329,538)	(326,303)	3,235
Subtotal K-12 Education	11,902,317	11,897,756	(4,561)
Property Tax Aids & Credits	2,809,593	2,803,818	(5,775)
Higher Education	2,541,702	2,541,702	0
Health & Human Services	7,245,112	7,261,559	16,447
Environment, Agriculture & Economic Dev	739,306	739,301	(5)
Transportation	158,721	158,721	0
Public Safety	1,436,740	1,449,676	12,936
State Government	580,229	584,802	4,573
Debt Service	589,027	589,052	25
Deficiencies/Other	5,491	5,491	0
Estimated Cancellations	(44,000)	(61,000)	(17,000)
Subtotal Expenditures & Transfers	**27,964,238**	**27,970,878**	**6,640**
Dedicated Expenditures	74,363	74,171	(192)
Total Expenditures & Transfers	**28,038,601**	**28,045,049**	**6,448**
Balance Before Reserves	**1,003,000**	**1,153,098**	**150,098**
Cash Flow Account	350,000	350,000	0
Budget Reserve	653,000	628,300	(24,700)
Budgetary Balance	**0**	**174,798**	**174,798**

FY 2006-07 Biennial Comparison

February 2005 Forecast vs November 2004 Forecast

($ in thousands)

	11-04 Fcst FY 2006-07	2-05 Fcst FY 2006-07	Feb vs Nov FY 2006-07
Actual & Estimated Resources			
Balance Forward From Prior Year	1,003,000	1,003,000	0
Current Resources:			
Tax Revenues	27,658,161	27,887,739	229,578
Non-Tax Revenues	1,405,540	1,409,018	3,478
Dedicated Revenue	74,685	74,065	(620)
Transfers In	289,151	290,394	1,243
Prior Year Adjustments	50,000	50,000	0
Subtotal-Current Resources	29,477,537	29,711,216	233,679
Total Resources Available	**30,480,537**	**30,714,216**	**233,679**
Actual & Estimated Spending			
K-12 Education	12,045,122	12,098,541	53,419
Property Tax Recog/Payment Change	(76,041)	(85,699)	(9,658)
Subtotal K-12 Education	11,969,081	12,012,842	43,761
Property Tax Aids & Credits	2,966,359	2,961,484	(4,875)
Higher Education	2,752,758	2,752,758	0
Health & Human Services	8,683,916	8,631,752	(52,164)
Environment, Agriculture & Economic Dev	735,014	736,784	1,770
Transportation	162,735	162,735	0
Public Safety	1,568,535	1,586,889	18,354
State Government	563,243	561,426	(1,817)
Debt Service	721,055	716,562	(4,493)
Deficiencies/Other	0	0	0
Estimated Cancellations	(20,000)	(20,000)	0
Subtotal Expenditures & Transfers	**30,102,696**	**30,103,232**	**536**
Dedicated Expenditures	74,685	74,065	(620)
Total Expenditures & Transfers	**30,177,381**	**30,177,297**	**(84)**
Balance Before Reserves	**303,156**	**536,919**	**233,763**
Cash Flow Account	350,000	350,000	0
Budget Reserve	653,000	653,000	0
Budgetary Balance	**(699,844)**	**(466,081)**	**233,763**

BOARD OF WATER AND SOIL RESOURCES
General Fund FTE reductions
(Information in response to House Envir. Finance Committee member questions)

FTE	Position	Location	Impact
1.00	ITS 3	St. Paul	Reduction in IT services to BWSR staff and reduction in support of local gov't staff
1.00	ITS 3	St. Paul	Reduction in system/application support and development. Workload on existing IT staff has been redistributed. This means that remaining staff are forced to be reactionary instead of proactive.
0.50	Accounting Clerk	St. Paul	Put more work on remaining staff. Have since switched to a less labor intensive payroll system to help compensate.
1.00	SWCD Accountant	New Ulm	Reduced direct contact with LGUs to assist and review their financials. Type of work we are criticized by legislative auditors for not doing enough of.
1.00	OAS Sr./HR Spec.	St. Paul	Professional staff are forced to spend more of their time doing OAS-type work. Agency has less internal HR knowledge.
0.50	Office Admin. Specialist	Rochester	Professional staff are forced to spend more of their time doing OAS-type work.
0.50	Office Admin. Specialist	Brainerd	Professional staff are forced to spend more of their time doing OAS-type work.
1.00	Area II Engineer	Marshall	No longer provide significant engineering assistance for floodwater detention, wetland restoration and water quality improvement work of an organized group of 9 counties in Southwest MN.
0.50	Training & Design Engineer	St. Paul	Very limited engineering training, design consultation and quality assurance review is now provided to Soil and Water Conservation District technicians and engineers for the wide variety of soil and water conservation practices they help implement on private working lands in Minnesota.
1.00	Deputy Director	St. Paul	Less assistance to SWCD's and WD's on legal and procedural matters relating to implementing their statutory authorities.
1.00	Water Resources Specialist	Duluth	Elimination of professional and technical support to SWCD's and counties in Northeast MN regarding ground and surface water education and information programs.

FTE	Position	Location	Impact
1.00	Water Resources Specialist	St. Paul	Elimination of professional and technical support to SWCD's, WD's, WMO's and counties in the Metro Region regarding ground and surface water education and information programs.
1.00	Wetland Specialist	New Ulm	Elimination of professional and technical assistance to local govt's in Southern MN. Workload has had to be shifted to other staff, with reduced efforts on TEPs and local gov't unit support.
0.50	Wetland Specialist	St. Paul	Elimination of professional and technical assistance to local govt's in Metro Region. Workload has had to be shifted to other staff, with reduced efforts on TEPS and local gov't unit support.
1.00	Conservation Agronomist	New Ulm	Elimination of the state's annual tillage transect survey and agency liaison of private sector agronomists.
1.00	Coastal Engineer	Duluth	Very limited capacity remains to provide this specialized engineering assistance to SWCDs, other LGUs and other agencies for lakeshore stabilization, other voluntary shoreland BMPs, and coastal structure permit reviews along the North Shore of Lake Superior and large lakes in Minnesota.
1.00	Water Mgmt Specialist	St. Paul	Elimination of statewide local water mgmt coordinator. Less program support to counties on plan development and coordination with other agencies.
0.50	Wetland Program Coord.	St. Paul	Currently share a position (1/2 BWSR, 1/2 DNR) rather than full time. Delays in completing wetland biennial reports; longer time in addressing issues with the federal wetlands programs.
15.00	**FTE**		
18	**Number of staff**		

BOARD OF WATER AND SOIL RESOURCES
EXECUTIVE DIRECTOR PERFORMANCE APPRAISAL

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

APPRAISAL PERIOD: FROM _____ TO _____

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

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

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

UA Unable to answer

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

   5 4 3 2 1 UA

   Comments:

   _____
   _____
   _____

2. **Coordinates appropriate staff activities and ... opment and promotion of BWSR programs and deleg... as appropriate to empower staff within their functi...**

   5 4 3 2 1 UA

   Comments:

   _____
   _____
   _____

BOARD OF WATER AND SOIL RESOURCES
EXECUTIVE DIRECTOR PERFORMANCE APPRAISAL

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

APPRAISAL PERIOD: FROM _____ TO _____

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

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

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

UA Unable to answer

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

   5 4 3 2 1 UA

   Comments:

   _____
   _____
   _____

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

   5 4 3 2 1 UA

   Comments:

   _____
   _____
   _____

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

5 4 3 2 1 UA

Comments:

_____

_____

_____

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

5 4 3 2 1 UA

Comments:

_____

_____

_____

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

5 4 3 2 1 UA

Comments:

_____

_____

_____

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

5 4 3 2 1 UA

Comments:

_____

_____

_____

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

5 4 3 2 1 UA

Comments:

_____

_____

_____

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

5 4 3 2 1 UA

Comments:

_____

_____

_____

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

5 4 3 2 1 UA

Comments:

_____

_____

_____

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

5 4 3 2 1 UA

Comments:

_____

_____

_____

DATE: _____

From: "Bob StPierre" <stpete@pheasantsforever.org>
Date: 3/15/05 5:32PM
Subject: The Land of 10,000 Lakes Plans to be the Land of 3 Million Ringnecks

Press Release

Pheasants addtnl 1.56 M acres

Ducks need to do the same for waterfowl

For Immediate Release

Matt Holland (320) 894-5391

Bob St.Pierre (651)773-2000

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

Minnesota DNR Establishes Long Range Plan for Increasing Pheasant Population

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

72M/yr.
22 | 1.600,000,000
154
60

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

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

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

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

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

-30-

For additional information about Pheasants Forever, please visit

www.pheasantsforever.org <http://www.pheasantsforever.org/>

PROTECTING MINNESOTA'S WATERS:

Priorities for the 2005 - 2007 Biennium



A BIENNIAL REPORT OF THE ENVIRONMENTAL QUALITY BOARD

February 2005

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

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

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

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

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

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

658 Cedar Street
Room 300
St. Paul, MN 55155

(651)297-1257
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February 2005



Minnesota Office of Tourism

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INTRODUCTION

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

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

The vision

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

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

The partners

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

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

State tasks

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

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

Challenges

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

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

Priorities

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

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

CORE WATER ACTIVITIES

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

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

What do the core activities do?

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

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

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

Questions for policy makers

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

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

How are core water activities funded?

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

Water Funding FY 2004

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

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

Budgetary challenges

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

Recommendations

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

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

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

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

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



Minnesota Office of Tourism

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

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

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

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

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

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

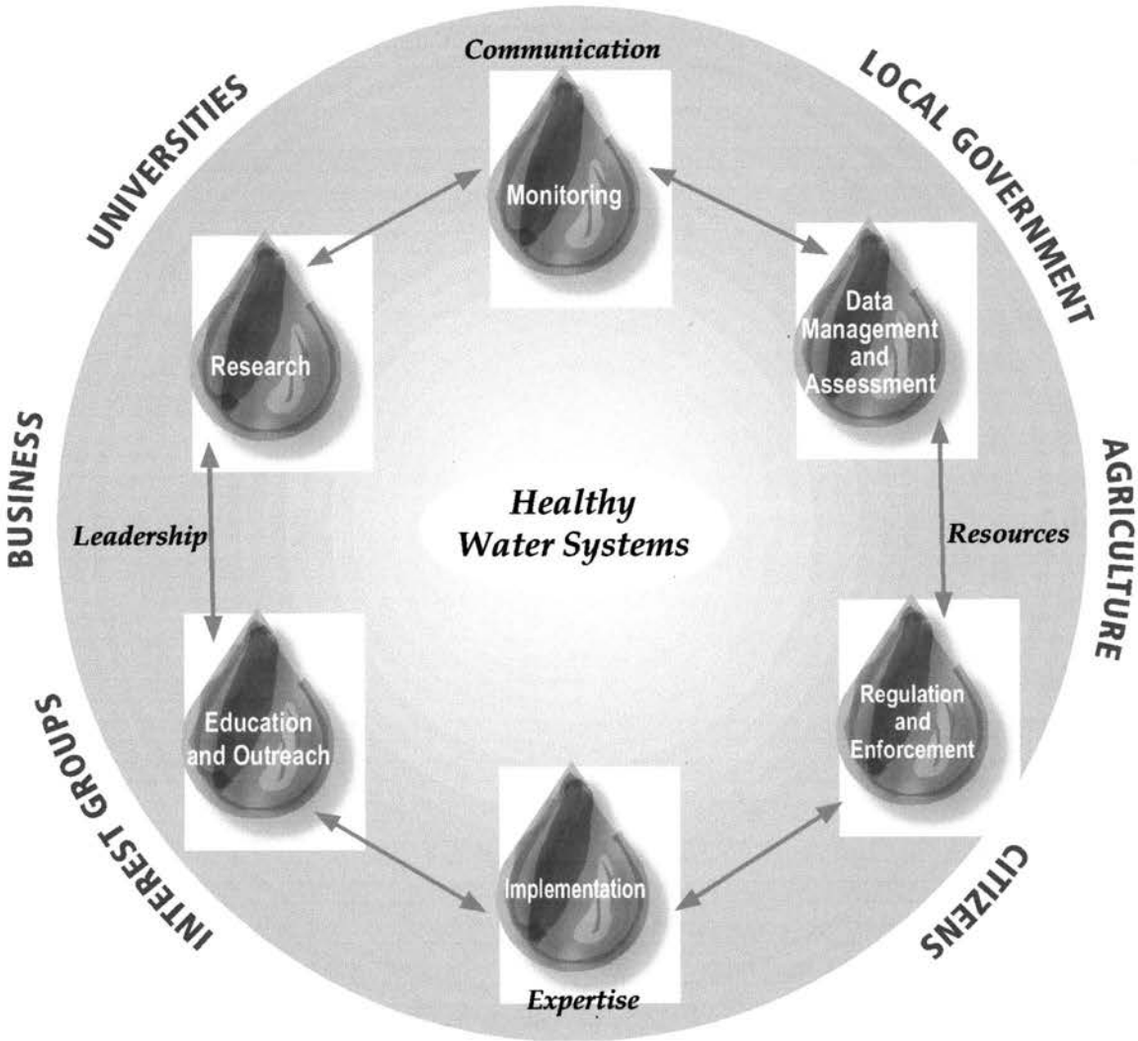
What is the benefit of protecting core water activities?

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

Agencies working together

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

THE WATER CYCLE OF SERVICES



GOVERNOR'S CLEAN WATER INITIATIVE – PILOT PROJECTS

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

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

The six pilot projects include:

North Central MN Lakes

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

Twin Cities Metro Area – Two Pilots

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

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

Red River Basin – Two Pilots

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

Southeast Minnesota

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

GOVERNOR'S CLEAN WATER INITIATIVE – MILESTONES

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

Wetland Reserve Enhancement Program

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

Glacial Ridge NWR

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

EPA Watershed Grants
Root River

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

Hawk Creek

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

Clearwater River

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

IMPAIRED WATERS

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

State of Minnesota's waters

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

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

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

Clean Water Act requirements

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

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

What is a TMDL?

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

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

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

2004 Impaired Waters*



* Pollution Control Agency, 2004

Why must impaired waters be addressed?

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

Recommendations

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

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

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

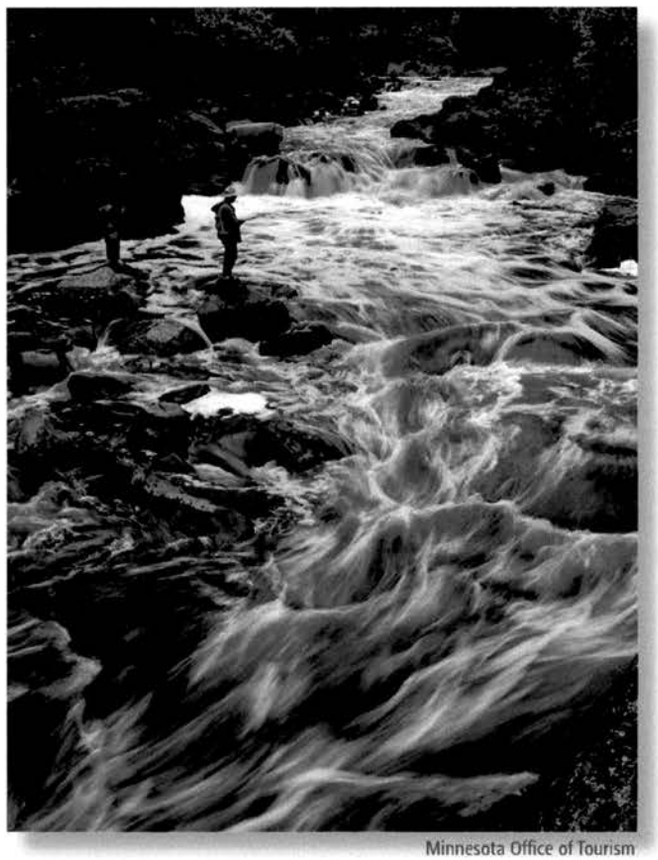
Funding Proposal

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

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

A threat of economic restrictions

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



Minnesota Office of Tourism

TWIN CITIES METROPOLITAN AREA WATER SUPPLY SUSTAINABILITY

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

Where does the water come from?

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

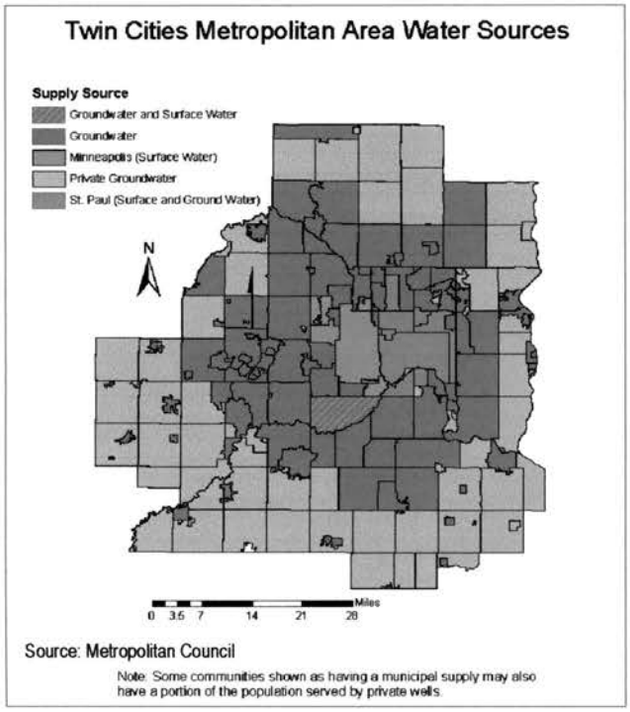
Demand and supply of high quality water

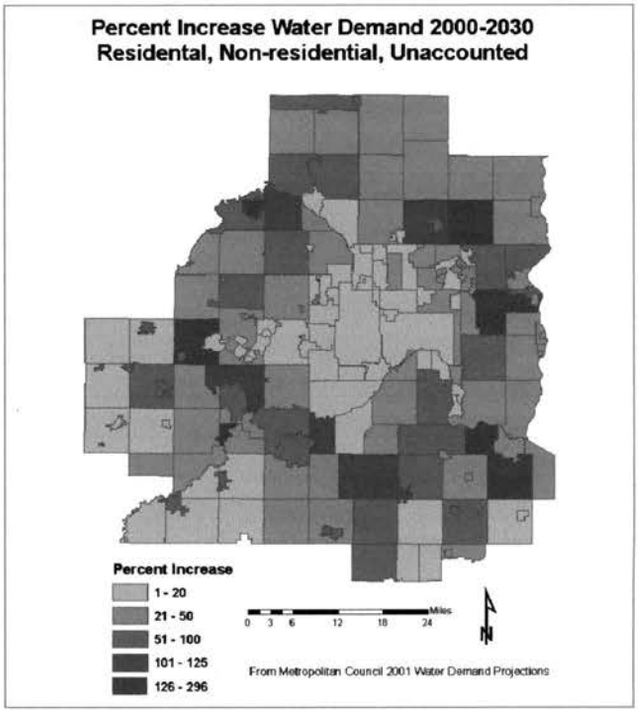
Minnesota Statutes, Section 473.156 directs the Metropolitan Council to prepare short- and long-term plans for existing and expected water use and supply. In 2000, residential, commercial, industrial and institutional sectors within the area used 384 million gallons of water each day. The Metropolitan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

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

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

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





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

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

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

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

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

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

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

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

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

Surface and ground water are connected

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

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

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

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

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

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

A water supply advisory committee would:

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

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

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

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

What is the benefit of this approach?

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

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

Will supplies meet the needs of growing populations?

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

RECOMMENDATIONS FOR THE 2005-2007 BIENNIUM

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

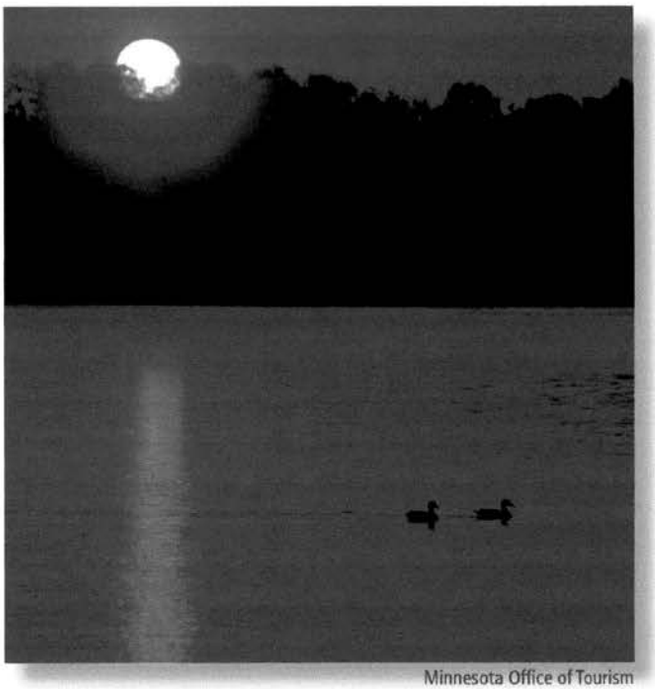
- Maintain the cycle of services provided by core water programs
- Overhaul the process for administering the Environment and Natural Resources Trust Fund
- Evaluate Minnesota's wetland conservation efforts to ensure that the state's no-net loss policy is working
- Increase water-related fees to keep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

2. Make the commitment to cleaning up impaired waters

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

3. Promote Twin Cities area water supply sustainability

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



Minnesota Office of Tourism

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

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

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

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

Minnesota Environmental Quality Board

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 20, 2005

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: April 27th Board Meeting Notice

Join us to celebrate "Seventy Years of Conservation" at 9:00 a.m., Wednesday, April 27, 2005, at the State Capitol Front Lawn/Upper Mall (in case of rain, the event will be held in the Capitol Rotunda). April 27, 2005, marks the 70th anniversary of the date Congress passed the Soil Conservation Act (Public Law 46), which declared that soil erosion was "a menace to the national welfare" and authorized broad powers to the Soil Conservation Service to attack the problem. The Soil Conservation Service is the predecessor to the USDA Natural Resources Conservation Service.

The NRCS, Minnesota's Association of Soil and Water Conservation Districts (MASWCD), and the Minnesota Board of Water and Soil Resources (BWSR) work to provide voluntary, incentive-based conservation programs for Minnesota landowners, which help to keep working lands working. The groups partner with other state agencies, conservation groups, federal agencies, tribes, and others on a variety of conservation projects and programs. Events planned in Minnesota on April 27 will celebrate the partnership that has developed since the early work in the state.

A proclamation will be read by Lieutenant Governor Carol Molnau, at the event in honor of the anniversary. Other speakers will include NRCS State Conservationist Bill Hunt, MASWCD President Carol Berg and BWSR Chair Jerome Deal. Sixth-graders from Sun Path Elementary of Shakopee will receive white pine seedlings for planting. Sponsors of the event are NRCS, MASWCD, BWSR, and DNR. Parking information see:
http://www.maswcd.org/celebration_with_governor_pawlenty.htm

NRCS invites you to attend an Open House on April 27th, from 9:00 a.m. to 4:00 p.m. The purpose of this Open House is to celebrate the 70 Years of Conservation Partnership. The Open House is being held on the 7th floor of the Farm Credit Building, located at 375 Jackson Street, St. Paul. See attached map. A program is planned for 1:00 p.m. with guest speaker NRCS Chief Bruce Knight to give the keynote address.

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
415 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

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, April 27, 2005, beginning at 10:00 a.m. The meeting will be held in the OEA conference room, 2nd floor, at 520 Lafayette Road North, in St. Paul. Parking is available in the lot directly in front of the building (use hooded parking areas).

The following information pertains to agenda items:

CONSENT AGENDA

1. **Memorandum of Understanding between the Minnesota Department of Natural Resources, Division of Forestry, and the Minnesota Board of Water and Soil Resources**. See attached MOU. *Decision Item*

2. **Memorandum of Understanding between the Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Board of Water and Soil Resources, and the Minnesota Department of Health**. See attached MOU. *Decision Item*

NEW BUSINESS

1. **Middle Fork Crow River Watershed District Establishment Petition** - A citizen establishment petition for the Middle Fork Crow River Watershed District was received and the board ordered a hearing. The hearing panel conducted a public hearing on the petition in Spicer. The hearing was attended by about 60 people. The record remained open for three weeks after the hearing. Over 100 items are in the hearing record. In support of the petition are the three main counties of Kandiyohi, Meeker and Stearns, two main cities, three townships and one SWCD, in addition to more than 350 petitioners. Opposed are three townships, one city, two SWCD's and several citizens. The citizen opposition is primarily centered around the Diamond Lake area, otherwise coming from agricultural interests.

   The committee met twice after the hearing and, in consideration of the record, decided with a majority vote to recommend to the full board that the watershed district be established. The committee further recommends with unanimous votes that the watershed district boundary be established according to the recently revised DNR watershed boundary, that the name be the "Middle Fork Crow River Watershed District", and that there be five board managers with three from Kandiyohi County and one each from Meeker and Stearns Counties. Lastly, the committee recommends with a majority vote the appointment of managers as listed in the attached draft order. *Decision Item*

2. **'05 Non Point Engineering Assistance (NPEA) Grant** - NPEA Challenge Grants provide additional engineering/technical assistance to SWCD NPEA Joint Powers Boards for landowners implementing high priority conservation practices. The Cost Share Committee is submitting their allocation recommendation. See attached. *Decision Item*

OLD BUSINESS

1. **Budget and Legislative Issues 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 1:00 p.m. I look forward to seeing you on April 27th!

** The Southern Water Planning Committee will meet immediately following the Board Meeting.

** Tentative Administrative Advisory Committee meeting immediately following the Board Meeting.

** A note from Chair Jerome Deal…please complete the executive director's performance appraisal prior to the meeting and submit to Mary Jo Anderson.

Join us to celebrate

SEVENTY YEARS OF *CONSERVATION*

9 a.m., Wednesday, April 27, 2005
State Capitol Front Lawn/Upper Mall

April 27, 2005, marks the 70th anniversary of the date Congress passed the Soil Conservation Act (Public Law 46), which declared that soil erosion was "a menace to the national welfare" and authorized broad powers to the Soil Conservation Service to attack the problem. The Soil Conservation Service is the predecessor to the USDA Natural Resources Conservation Service.

The NRCS, Minnesota's Soil and Water Conservation Districts, and the Minnesota Board of Water and Soil Resources (BWSR) work to provide voluntary, incentive-based conservation programs for Minnesota landowners, which help to keep working lands working. The groups partner with other state agencies, conservation groups, federal agencies, tribes, and others on a variety of conservation projects and programs. Events planned in Minnesota on April 27 will celebrate the partnership that has developed since the early work in the state.

A proclamation will be read by Lt. Governor Carol Molnau at the event in honor of the anniversary. Speakers will include NRCS State Conservationist Bill Hunt, MASWCD President Carol Berg and BWSR Chair Jerome Deal. Sixth-graders from Sun Path Elementary of Shakopee will receive white pine seedlings for planting.

Sponsors: NRCS, Minnesota Association of Soil and Water Conservation Districts, BWSR, DNR.

Questions: Call Julie MacSwain, 651-602-7859; Sheila Vanney, 651-690-9028, or Pete Raeker, 651-296-0884.
In case of rain, event will be held in Capitol Rotunda.

Parking info: see http://www.maswcd.org/Meetings_&_Events/capitol.pdf

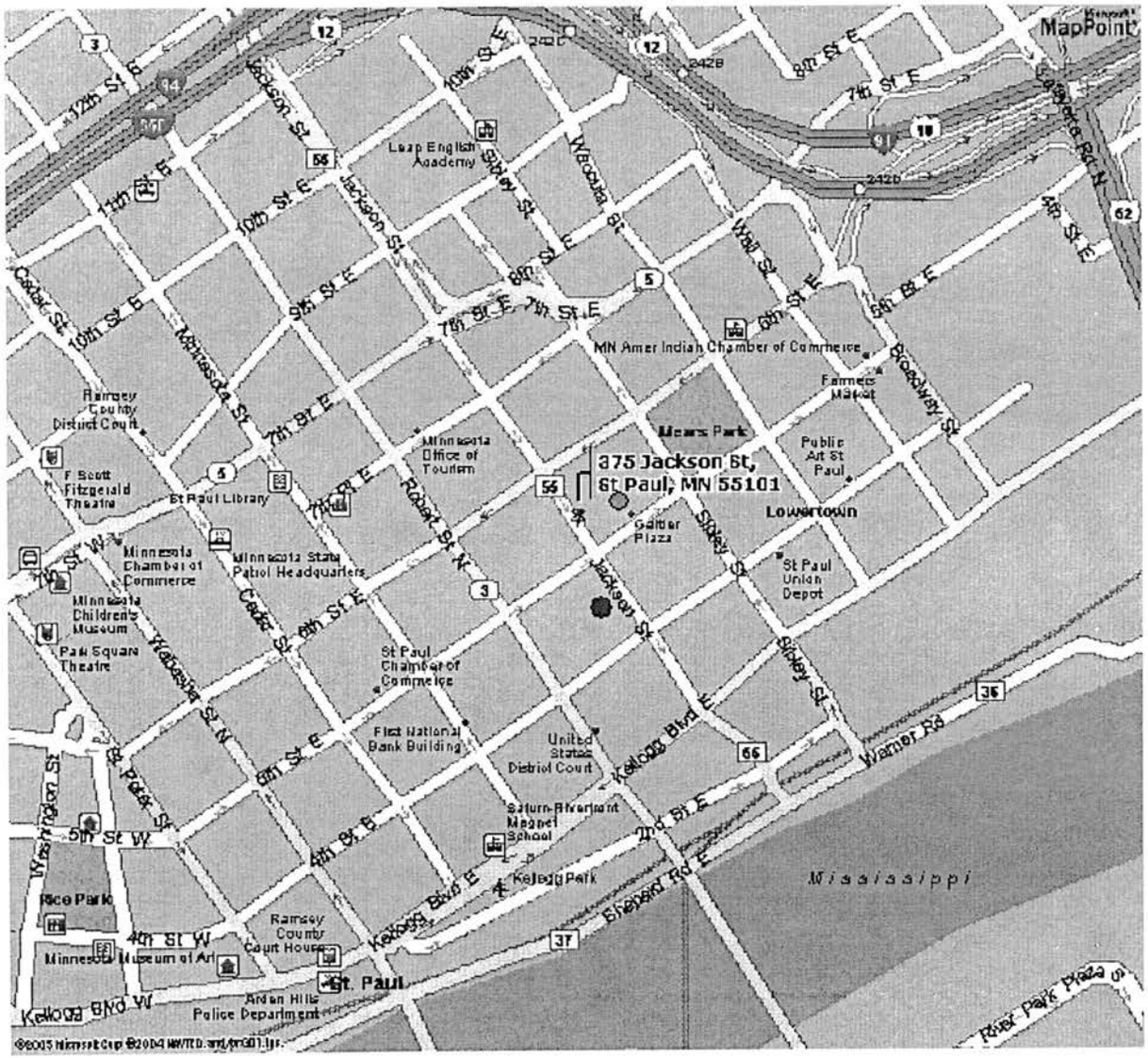
NRCS
Natural Resources Conservation Service
★ *A Partner in Conservation Since 1935* ★

70 Years of Conservation Partnership
"Back to the Future" Day
April 27, 2005, 9am to 4pm
375 Jackson St., 7th Floor
St. Paul, Minnesota

Agenda

Time	Events, Activities, Entertainment
9am to 4pm ongoing	***Timeline*** A timeline showing some of the notable events in the development of the conservation partnership.
	Photo Display People, places, events and more. A pictorial history of conservation activity going back to the 1930's.
	Posters A sampling of Works Progress Administration (WPA) Posters from the 1930' and 1940's.
	Desk of the Past See what a desk may have looked like in the way back when.
	Desk of Today We just don't do things the way we used to. See the modern way.
	Stewards of the Past See how the conservation partnership works together to protect and preserve places and objects that represent the cultural history of Minnesota.
	What's in Your Neighborhood? An interactive land use activity. Get there early before all the best land is gone!
	Trivia Game Try to extract trivial knowledge about Minnesota and conservation from your brain. Win prizes!
	Who's Calling? Identify bird calls for a chance to win fame and fortune (and prizes!).
	Name That Duck America's fastest growing duck quiz sensation. Identify ducks, win prizes!

Time	Events, Activities, Entertainment (cont.)
9am to 4pm ongoing	***Wooden You Like to Know?*** Knock on wood, or at least try, and find the wood products, win prizes!
	Antiques, Treasures and Trash Bits and pieces of our past. Try to guess what it is, how it was used and why have we saved it all these years?
	Refreshments Generously provided by the Minnesota Soil and Water Conservation Society
	Scheduled Activities and Special Events
9am – 10am	***Dustbowl Cinema Presents*** "Surviving the Dustbowl" A PBS production depicting the remarkable story of the determined people who clung to their homes and way of life, enduring drought, dust, disease--even death--for nearly a decade.
10am – 12noon	***Caricatures*** NRCS's own artist will be depicting real people in a unique way.
10:15am – 11:20am	***Dustbowl Cinema Presents*** "Under Western Stars" A 1938 production in which Roy Rogers is elected to Congress to bring the misery of the "dustbowl" of the 1930s to the attention of Washington politicians.
11:30am – 12:30pm	***Dustbowl Cinema Presents*** "Surviving the Dustbowl" A PBS production depicting the remarkable story of the determined people who clung to their homes and way of life, enduring drought, dust, disease--even death--for nearly a decade.
1:00pm – 2:00pm	***Guest Speakers*** NRCS Chief Bruce Knight will give the keynote address.
2:00pm – 2:30pm	***Book Signing*** Vic Ruhland, author of "Through these eyes: The First 70 Years of Soil and Water Conservation in Minnesota", will sign a limited number of books and will be available to answer questions.
2:00pm – 3:05pm	***Dustbowl Cinema Presents*** "Under Western Stars" A 1938 production in which Roy Rogers is elected to Congress to bring the misery of the "dustbowl" of the 1930s to the attention of Washington politicians.



NRCS State Office - Farm Credit Building
651.602.7900
375 Jackson St **Suite 600**

Jackson Street Ramp
612.341.8000
345 Jackson St
First Hour: $ 4.00
Hourly: $ 0.00
Daily: $ 0.00
Monthly: $ 139.10

Galtier Plaza Ramp
651.297.6733
175 E. 5th St
First Hour: $ 5.00
Monthly: $ 160.50

Metered parking is available on 5th and 6th Streets

9:00 a.m. **"70 YEARS OF CONSERVATION"**
STATE CAPITOL FRONT LAWN

Governor Pawlenty will read a proclamation at the event in honor of the anniversary. Other speakers will include NRCS State Conservationist Bill Hunt, MASWCD President Carol Berg and BWSR Chair Jerome Deal.

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

PRELIMINARY AGENDA

10:00 a.m. **CALL MEETING TO ORDER**

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF MARCH 23, 2005

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

REPORTS

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

CONSENT AGENDA

1. Memorandum of Understanding between the Minnesota Department of Natural Resources, Division of Forestry, and the Minnesota Board of Water and Soil Resources – Ron Harnack – *Decision Item*

2. Memorandum of Understanding between the Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Board of Water and Soil Resources, and the Minnesota Department of Health – Ron Harnack – *Decision Item*

NEW BUSINESS

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

2. '05 Non Point Engineering Assistance (NPEA) Grant – Wayne Zellmer - *Decision Item*

OLD BUSINESS

1. **Budget and Legislative Issues Update** – Ron Harnack – *Information Item*

AGENCY REPORTS

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next BWSR Meeting, May 25, 2005, St. Paul

1:00 p.m. **ADJOURN**

**** The Southern Water Planning Committee will meet immediately following the Board Meeting.**

**** Tentative Administrative Advisory Committee Meeting immediately following the Board Meeting.**

Dispute Resolution Report
April 7, 2005
by Jim Haertel

There are presently thirteen appeals pending. All of the appeals involve WCA. There have been two new appeals filed since the last report dated March 4.

File 05-7. This is a new appeal of a Restoration Order in Morrison County. The appeal involves the filling of wetland for a road. No decision has been made on the appeal.

File 05-6. This is a new appeal of a Restoration Order in Chisago County. The appeal involves the filling of wetlands to build a house. No decision has been made on the appeal.

File 05-4. This is an appeal of a Restoration Order in Otter Tail County. The appeal involves the filling of Type 3/6 wetland adjacent to a building. No decision has been made on the appeal.

Files 05-3 and 04-2. File 05-3 is an appeal of a Replacement Plan decision in Morrison County. At issue is the placement of fill in wetland for a road. There have been previous appeals regarding this project. File 04-2 is an appeal of an exemption decision for this project. The appeals regard a road that was upgraded and the denial of a forestry exemption. A cease and desist order and a restoration order were issued. The exemption appeal was remanded for a hearing, the LGU denied the exemption again, and that decision has been appealed. The exemption appeal has been accepted. No pre-hearing conference on the exemption appeal was set since the landowner, after negotiations, consented to submitting a replacement plan application upon completion of a wetland delineation. The replacement plan application was submitted, was denied and that is the subject of appeal File 05-3. The appeal has been accepted and combined with File 04-2. The extensive record is being compiled before a pre-hearing conference is held.

File 05-1. This is an appeal of a Replacement Plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Management Plan that BWSR approved. The appeal has been accepted and the extensive record is being compiled before a pre-hearing conference is held.

File 04-30. This is an appeal of a Restoration Order in Roseau County. The violation involves excavation in a Type 3-4 wetland along a lake. A decision on accepting the appeal has been placed in abeyance per request from legal counsel for the appellant.

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

File 04-26. This is an appeal of a Restoration Order in Spring Lake Township, Scott County. At issue is the placement of 4,300 feet of fill in a wetland for a driveway. The approved plat showed access to the lot without wetland impacts. The appeal is in abeyance pending a decision on a replacement plan application.

File 04-25. There is an appeal of an exemption decision in the City of Albertville, Wright County. The exemption was granted by default after the requirements under Minn. Stat. § 15.99 (the "60-day rule") were not met. At issue is the scope of wetland filling allowed under the "approved development" exemption and whether wetland filling can be avoided. The project involves commercial development. The appeal has been accepted, the record has been developed and a pre-hearing conference was held on January 20. The appeal briefing and hearing schedule is presently in abeyance pending the landowner considering Corps of Engineers requirements for the project.

File 04-23. This is an appeal of a forestry exemption decision in Kittson County. Unpermitted fill was placed in a Type 7 wetland for a road. A Cease and Desist Order was issued. Additional filling has recently occurred in violation of the CDO. Corps and DNR violations also exist. The appeal has been accepted and is in abeyance pending completion of a wetland delineation this spring and submittal of a replacement plan application.

File 04-15. This is an appeal of a wetland boundary and type decision in Anoka County. At issue is the decision by the Rice Creek Watershed District to classify a site as effectively drained. Last summer a wetland delineation report identified most of the site as wetland. The appeal has been remanded for a technical evaluation panel to meet onsite. The appeal remains in abeyance under the remand.

File 03-18. This is an appeal of a no-loss decision in Meeker County. At issue is the wetland delineation. The project involves wetland fill for a garage. The appeal is being held in abeyance pending further technical evaluation work, however, it appears a settlement agreement may be reached between the county attorney and the landowner with the landowner purchasing wetland bank credits.

Appeals Filed in 2004 (All WCA)

File No. 04-	LGU Action	County (City)	LGU	Status
1	Replacement Plan	Waseca	MNDOT	Denied as meritless and brought for purposes of delay NOTE: appealed to Court of Appeals-affirmed, appealed to MN Supreme Court-not accepted
2	Exemption	Morrison	SWCD	Accepted, replacement plan application submitted, LGU again denied, denial appealed as 05-3, appeal 05-3 accepted and combined with 04-2
3	Restoration Order	McLeod	County	Denied, Restoration Order Affirmed
4	Restoration Order	McLeod	County	Denied, Restoration Order Affirmed
5	Replacement Plan	Sherburne	County	Withdrawn
6	Replacement Plan	Sherburne	County	Withdrawn
7	Replacement Plan	Sherburne	County	Withdrawn
8	Restoration Order	Otter Tail	County	Denied, Restoration Order Affirmed
9	Restoration Order	Olmsted (Rochester)	City	Denied, Restoration Order Affirmed
10	Exemption	Kanabec	County	Denied as meritless
11	Restoration Order	Douglas	SWCD	Denied, Restoration Order Affirmed
12	Restoration Order	Chişago (North Branch)	County	Denied, Restoration Order Affirmed
13	Restoration Order	Olmsted (Rochester)	City	Denied, Restoration Order Affirmed
14	Exemption	Scott (Prior Lake)	City	Denied as meritless
15	Boundary and Type	Anoka (Blaine)	Rice Creek WD	Remanded
16	Restoration Order	Cass	SWCD	Denied, Restoration Order Affirmed
17	Replacement Plan	Anoka (Blaine)	Rice Creek WD	Remanded, LGU again approved, approval appealed as 05-1, appeal 05-1 accepted and combined with 04-17
18	Restoration Order	Cass	SWCD	Denied, Restoration Order Affirmed
19	Impoundment of water – cannot be appealed	Pine	SWCD	Denied
20	Restoration Order	Hubbard	SWCD	Denied, Restoration Order Affirmed
21	No-Loss	Traverse	SWCD	Resolved-stipulated agreement
22	Restoration Order	Hubbard	SWCD	Denied, Restoration Order Affirmed
23	Exemption	Kittson	SWCD	Abeyance
24	Restoration Order	Otter Tail	SWCD	Denied, Restoration Order Affirmed
25	Exemption	Wright (Albertville)	City	Accepted

26	Restoration Order	Scott County	SWCD	Pending
27	Exemption	Cass	County	Remanded
28	Replacement Plan	Hubbard	County	Denied
29	Restoration Order	Roseau	SWCD	Abeyance
30	Replacement Order	Wilken	SWCD	Denied, Replacement Order Affirmed
31	Restoration Order	Rice	SWCD	Denied, Restoration Order Affirmed
32	Replacement Plan	Hubbard	County	Denied
33	Restoration Order	Beltrami	SWCD	Denied, Restoration Order Affirmed

Updated 3/3/05

Appeals Filed in 2005 (All WCA)

File No. 05-	LGU Action	County (City)	LGU	Status
1	Replacement Plan	Anoka (Blaine)	Rice Creek WD	Appeal accepted, combined with 04-17, record ordered
2	Restoration Order	Chisago	County	Denied, Restoration Order Affirmed
3	Replacement Plan	Morrison	SWCD	Appeal accepted, combined with 04-2, record ordered
4	Restoration Order	Otter Tail	County	Denied, Restoration Order Affirmed
5	Exemption/No-Loss	Itasca	SWCD	Withdrawn
6	Restoration Order	Chisago	County	Pending
7	Restoration Order	Morrison	SWCD	Pending

CONSENT AGENDA

1. Memorandum of Understanding between the Minnesota Department of Natural Resources, Division of Forestry, and the Minnesota Board of Water and Soil Resources. *Decision Item*

2. Memorandum of Understanding between the Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Board of Water and Soil Resources, and the Minnesota Department of Health. *Decision Item*

NEW BUSINESS

1. Middle Fork Crow River watershed District Establishment Petition. *Decision Item*

2. '05 Non Point Engineering Assistance (NPEA) Grant. *Decision Item*

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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 Establishment Petition for the Middle Fork Crow River Watershed District in Kandiyohi, Meeker, Pope and Stearns Counties pursuant to Minnesota Statutes Sections 103D.205 to 103D.225.

ORDER TO ESTABLISH MIDDLE FORK CROW RIVER WATERSHED DISTRICT

Whereas, more than fifty (50) resident owners residing in the proposed Middle Fork Crow River Watershed District in Kandiyohi, Meeker, Pope and Stearns Counties filed an Amended Petition and a Petition of Support dated November 16, 2004, with the Board of Water and Soil Resources (Board) on November 16, 2004, to establish a watershed district pursuant to Minn. Stat. § 103D.205, and;

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

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

FINDINGS OF FACT

1. **Establishment Petition.** The Amended Petition (Petition) to establish the Middle Fork Crow River Watershed District (Exhibit 2) dated November 16, 2004, was filed with the Board on November 16, 2004. (Exhibit 1) The Petition was signed by more than fifty (50) resident owners in the proposed watershed district pursuant to Minn. Stat. § 103D.205, Subd. 3 (4). On November 19, 2004, Sam Modderman, Kandiyohi County Auditor/Treasurer, pursuant to Minn. Stat. § 103D.211, certified that more than fifty (50) petitioners were resident owners within the proposed watershed district. (Exhibit 17) The proposed watershed district lies within Kandiyohi, Meeker, Pope and Stearns Counties. Filed with the Petition were the required proofs of service on the Kandiyohi, Meeker, Pope and Stearns County Auditors, the Commissioner of the Department of Natural Resources, and the Director of the Division of Waters of the Department of Natural Resources. (Exhibit 15) A Petition of Support was submitted with the Petition. (Exhibit 3) The Petition of Support was signed by more than 350 citizens and differs from the Petition in the list of manager nominees.

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2. **Property Description.** The territory to be included in the watershed district is depicted in Exhibit A of the Petition and is the area in the Middle Fork Crow River Watershed that is in Kandiyohi, Meeker, Pope and Stearns Counties, approximately 275 square miles in several communities, which includes land in the Cities of Atwater, Belgrade, New London and Spicer, and the Towns of Lake Johanna, Crow Lake, Crow River, Norway Lake, Colfax, Burbank, Roseville, Lake Andrew, New London, Irving, Union Grove, Manannah, Green Lake, Harrison, Swede Grove, Harvey, Kandiyohi, Gennessee, and Acton.

3. **District Name.** The name of the proposed district is the Middle Fork Crow River Watershed District.

4. **Number of Managers.** The Petition specifies the proposed number of managers as five (5).

5. **Necessity for Watershed District.** The Petition lists degradation of water quality since the 1950's, erosion, sedimentation and best management practice issues as reasons establishment of the watershed district is necessary.

6. **Contemplated Improvements.** The Petition lists the following:

   a. Establish buffer zones and best management practices along drainage tile and stormwater tile outlets, lakeshore, ditches and streams in the watershed, and the maintenance of existing drainage ditches consistent with best management practices.

   b. Educational programs to improve water quality throughout the watershed area.

   c. Reducing or eliminating sources of pollution and nutrients, including nitrogen and phosphorus, which invade the Middle Fork Crow River and the water resources contiguous thereto.

   d. Possible restoration of aquatic vegetation.

   e. Possible lake level management practices that best serve the needs of watershed district lakes.

   f. Improved quality of shoreland practices and storm water management to ensure that development is done responsibly.

   g. Possible removal of sediment in areas that have lead to the degradation of a water body.

h. Ongoing testing for water quality and water clarity to measure results of improvement.

i. All other actions that have a positive impact on the many varied uses of the water resources within the Watershed District.

7. **Hearing Order.** At its regular meeting on December 15, 2004, the Board determined that the Petition met the requirements of Minn. Stat. § 103D.221, Subd. 1, and consequently ordered a public hearing to be held on the Petition. (Exhibit 19)

8. **Hearing Notice.** Legal notice of the public hearing on the proposed watershed district establishment, pursuant to Minn. Stat. § 103D.221, Subd. 2, was published in the West Central Tribune on December 22, 2004 (Exhibit 21), the Kandiyohi County Times on December 27, 2004 (Exhibit 22), the Independent Review on December 23, 2004 (Exhibit 23), the Paynesville Press on December 22, 2004 (Exhibit 24), the Observer on December 22, 2004 (Exhibit 25), the Bonanza Review News on December 23, 2004 (Exhibit 26), the Pope County Tribune on December 20, 2004 (Exhibit 27), and the Raymond Prinsburg News on December 22, 2004 (Exhibit 28). Further, a copy of the hearing notice and map were mailed to approximately 50 addressees including the affected county Boards of Commissioners, County Auditors, County Administrators, select petitioners, all of the cities in the proposed watershed district, all of the towns in the proposed watershed district, the SWCD, and the DNR. (Exhibit 20)

9. **Director's Report.** The Director of the Division of Waters of the Department of Natural Resources (DNR) filed a written report pursuant to Minn. Stat. §103D.215 on December 29, 2004 in support of the Petition. (Exhibit 29)

10. **Public Hearing.** A public hearing was held on the establishment of the Middle Fork Crow River Watershed District on January 6, 2005, at the Dethlefs Senior Center located at 317 Hillcrest Avenue in Spicer, Minnesota. The proceedings were tape recorded. The hearing panel consisted of Board members Randy Kramer, Clair Nelson, Paul Krabbenhoft and Jerome Deal as chair. After all people present at the public hearing were given an opportunity to speak and enter exhibits, the hearing record was left open for three weeks until 4:30 PM on January 27, 2004, for receipt of written comments.

The following list of exhibits comprise the hearing record. Jim Haertel, Board staff, entered Exhibits 1 through 29 into the hearing record by reading a brief description of each exhibit. All exhibits in the hearing record are one page unless otherwise noted. Double sided pages count as two pages.

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Exhibit 1. Letter dated November 16, 2004, with attached (a) Statement for the Petition, forwarding Exhibits 2 through 11, 7 pgs.

Exhibit 2. First Amended Petition (Petition) for the Establishment of the Middle Fork Crow River Watershed District (6 P., 2a-2f), 46 pgs.

Exhibit 3. Petition of Support for the Establishment of the Middle Fork Crow River Watershed District (27 P.), 172 pgs.

Exhibit 4. Resolution of Support for the Petition from the Kandiyohi County Board of Commissioners dated November 16, 2004.

Exhibit 5. Resolution of Support for the Petition from the New London City Council dated October 20, 2004.

Exhibit 6. Resolution of Support for the Petition from the Spicer City Council dated July 28, 2004.

Exhibit 7. Resolution of Support for the Petition from the Irving Town Board dated June 15, 2004.

Exhibit 8. Resolution of Support for the Petition from the Crow River Town Board dated June 7, 2004.

Exhibit 9. Resolution of Support for the Petition from the New London Town Board dated June 24, 2004.

Exhibit 10. Resolution of Support for the Petition from the Green Lake Property Owners Association dated June 25, 2004.

Exhibit 11. Resolution of Support for the Petition from the Nest Lake Improvement Association dated August 30, 2004.

Exhibit 12. Resolution of Support for the Petition from the Stearns County Board of Commissioners dated November 23, 2004.

Exhibit 13. Resolution of Support for the Petition from the Meeker County Board of Commissioners dated December 2, 2004.

Exhibit 14. Resolution of Opposition to the Petition from the Harrison Town Board dated August 11, 2004.

Exhibit 15. Proofs of Service of the Petition on the Auditors of: (a) Kandiyohi, (b) Stearns, (c) Meeker and (d) Pope Counties, and (e) the Department of Natural Resources Commissioner and

Director of the Division of Waters, 5 pgs.

Exhibit 16. Letter dated November 18, 2004 from Ronald Schneider regarding area in Pope County and the proposed boundary of the watershed district.

Exhibit 17. Letter dated November 19, 2004 from Sam Modderman, Kandiyohi County Auditor/Treasurer, certifying that at least 50 of the petitioners on the Petition are resident owners.

Exhibit 18. Letter of Recommendation and Support from the Harrison Town Board for Gordon Behm as manager of the proposed watershed district dated 12/15/04.

Exhibit 19. Order of the Board of Water and Soil Resources dated December 15, 2004, setting the date, time and location of the public hearing on the Petition, 5 pgs.

Exhibit 20. Letter dated December 20, 2004, from Jim Haertel to several addressees providing notification of the public hearing with attached (a) Legal Notice, (b) map and (c) list of addressees, 5 pgs.

Exhibit 21. Affidavit of Publication of Legal Notice in the West Central Tribune on December 22, 2004.

Exhibit 22. Affidavit of Publication of Legal Notice in the Kandiyohi County Times on December 27, 2004.

Exhibit 23. Affidavit of Publication of Legal Notice in the Independent Review on December 23, 2004.

Exhibit 24. Affidavit of Publication of Legal Notice in the Paynesville Press on December 22, 2004.

Exhibit 25. Affidavit of Publication of Legal Notice in the Observer on December 22, 2004.

Exhibit 26. Affidavit of Publication of Legal Notice in the Bonanza Review News on December 23, 2004.

Exhibit 27. Affidavit of Publication of Legal Notice in the Pope County Tribune on December 20, 2004.

Exhibit 28. Affidavit of Publication of Legal Notice in the Raymond Prinsburg News on December 22, 2004.

Exhibit 29. Director's Report in support of the Petition from Kent Lokkesmore, Director, Department of Natural Resources (DNR) Division of Waters, dated December 29, 2004.

Exhibits 30-58 were entered into the record by the petitioners during their presentation.

Exhibit 30. Memo dated December 13, 2003 from Steven Heiskary, MPCA to Howard Markus, MPCA regarding TMDL Nutrient-Impaired Lake List containing information on the Middle Fork Crow River showing three lakes being close to impaired threshold values, 14 pgs.

Exhibit 31. Watershed District Establishment Meeting agenda dated March 13, 2004, with attachments (a) "Lakeshore Property Values and Water Quality" by Krysel, et al., dated June 2003, Chapter 5, 6 pgs; (b) "Aren't We All Concerned about Clean Water?" by Latham, et al., undated, 4 pgs; (c) "What is a Watershed District?" from MAWD website, dated 3/4/04, 2 pgs; (d) printout of Minn. Stat. Section 103D.905 (2003), 3 pgs; (e) attendance list, 3 pgs, (f) invitation which was sent to 85 local government officials and various citizens, (g) "Petition to Establish a Watershed District for Middle Fork Crow River" information sheet distributed at various public meetings, township, city, county meetings, and with the establishment petitions, including (h) "What is a Watershed District?" from BWSR website dated 8/00, 2 pgs.

Exhibit 32. Statement of need for the proposed watershed district including chronology of meetings and news releases, dated 1/6/05, 2 pgs.

Exhibit 33. Highlighted portion of Exhibit 1a used during presentation.

Exhibit 34. "Future Challenges and Opportunities" from Section 11 of the Highway 23 Water Quality Advisory Committee Final Report and Recommendations, dated 11/25/02, pages 77 and 78.

Exhibit 35. Information from the Department of Environmental Services, Kandiyohi County, regarding lake sensitivity to changes, dated 1/6/05, 3pgs.

Exhibit 36. "Resource Investigation of the Middle Fork Crow River Watershed" summary, undated, 6 pgs.

Exhibit 37. Meeting minutes of 12/13/02 with representatives of the Green Lake Property Owners Association regarding deterioration of Green Lake water quality, 2 pgs.

Exhibit 38. Condensed summary of communication with various state, county, regional and local agencies and organizations regarding degradation of the water quality of Green Lake, dated 1/16/04, 7 pgs.

Exhibit 39. Meeting summary of 1/16/04 with Kandiyohi SWCD regarding water quality issues, 4 pgs.

Exhibit 40. Meeting summary of 1/28/04 with interested citizens, local government and organization officials, and attorney Kurt Deter regarding establishment of a watershed district, 7 pgs.

Exhibit 41. Information packet submitted to the New London City Council on 3/17/04 including (a) Watershed District information, 2 pgs; (b) "Middle Fork Crow River Watershed Resource Investigation" unknown author or date, pages 65, 73, 91-94 and one page entitled "Monongalia 1. Sulfide control"; (c) "Watered Down Promise", by Paul Demko, published in the City Pages 3/10/04 regarding Governor Pawlenty favoring clean water but not providing funding, 3 pgs.

Exhibit 42. Letter dated 4/6/04 from Ann Latham to Spicer City Council regarding sources for information on watershed districts, 2 pgs.

Exhibit 43. Meeting summary of 4/6/04 with Meeker County Board of Commissioners regarding establishment of the proposed watershed district, 2 pgs.

Exhibit 44. "Local citizens developing a watershed district", published in Kandiyohi County Times on 5/17/04.

Exhibit 45. Letter responding to questions from Harrison Town Board Meeting of 6/8/04 from Ann Latham and Joe Flanders, undated, 2 pgs, with attachments (a) Diamond Lake water quality summary information from MPCA website, dated 6/11/04, 2 pgs; (b) Swimmable use support classification from MPCA website, dated 6/11/04, 4 pgs; (c) Guidelines for Establishment of Middle Fork Crow River Watershed District; (d) Diamond Lake water quality summary information from MPCA website, dated 1/4/05; and (e) Diamond Lake Phase II Continuation Grant.

Exhibit 46. News releases published in various local newspapers and distributed otherwise regarding public informational meeting on the proposed watershed district on 6/23/04, 11 pgs.

Exhibit 47. Letter dated 7/17/04 to townships and cities in proposed watershed district and Green Lake Sanitary Sewer and Water district regarding nominations of candidates for manager positions, unknown author, 8 pgs.

Exhibit 48. Procedure for Amendment to Establishment Petition to BWSR, unknown author or date.

Exhibit 49. Letter dated 7/19/04 from Ann Latham to Dennis Peterson, Chair, Kandiyohi County Board of Commissioners, regarding manager nominees and the status of the establishment petition, 2 pgs.

Exhibit 50. Meeting summary of 8/17/04 regarding manager nominees and the status of the establishment petition.

Exhibit 51. Meeting summary of 8/19/04 public informational meeting including attendance list, 3 pgs.

Exhibit 52. Letter dated 8/30/04 from Ann Latham to Dennis Peterson, Chair, Kandiyohi County Board of Commissioners, regarding manager nominees and the amended establishment petition.

Exhibit 53. Letter dated 9/4/04 to manager nominees regarding the amended petition.

Exhibit 54. "Watershed District is an idea to be considered", staff editorial published in the West Central Tribune on 7/30/04.

Exhibit 55. Meeting agenda of 10/5/04 regarding the amended establishment petition including the attendance list, 2 pgs.

Exhibit 56. Attendance list from 11/4/04 meeting on amended establishment petition.

Exhibit 57. Information sheet on market values in proposed watershed district, undated.

Exhibit 58. Meeting agenda of 12/16/04 regarding the amended establishment petition including the attendance list, 2 pgs, with attached (a) "Volunteer Surface Monitoring Guide, 2003" from the MPCA, Appendices I and J, 8 pgs; (b) Stearns County Zoning Ordinance, undated, Sections 3.1-3.2.5, 4.1-4.7, 7.3.9-7.6.1, 7.20.5-7.22, 11.1-14.1, 14 pgs; (c) Glossary from Exhibit 34, 5 pgs; and (d) NRCS newsletter on EQIP.

Exhibit 59. Letter of Support for the Petition from Robert and Constance Hodapp dated 1/6/05.

Exhibit 60. Letter of Support for the Petition from the New London Town Board dated 1/4/05.

Exhibit 61. Letter of Opposition to the Petition from Don Hanson, Colfax Town Clerk, dated 1/6/05.

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After all people present at the public hearing were given an opportunity to speak, the hearing record was left open for three weeks until 4:30 PM on January 27, 2005, for receipt of written comments. The following exhibits were received while the record was open.

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Exhibit 62. Letter of Recommendation and Support from Jennifer Davenport, Diamond Lake area, for Gordon Behm as manager of the proposed watershed district and in general support of the proposed watershed district dated 1/6/05.

Exhibit 63. Letter of Opposition to the Petition from Joe Poll, Belgrade, dated 1/7/05.

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Exhibit 64. Letter of Opposition to the Petition from Ronald S. Peterson, Harrison Township, dated 1/7/05.

Exhibit 65. Letter of Opposition to the Petition from Bradley Gratz, Atwater, dated 1/7/05.

Exhibit 66. Letter of Support for the Petition from Susan Johnson, Spicer, dated 1/7/05.

Exhibit 67. Letter of Opposition to the Petition from David Bergstrom, Grove City, received 1/10/05.

Exhibit 68. Letter of Support for the Petition from Tom and Susan Lange, Spicer, dated 1/10/05.

Exhibit 69. Letter of Opposition to the Petition from Marion D. Celements, Spicer, dated 1/11/05.

Exhibit 70. Email of Opposition to the Petition from Phil Slinden, Atwater, dated 1/12/05.

Exhibit 71. Letter of Opposition to the Petition from the Meeker SWCD dated 1/12/05.

Exhibit 72. Letter of Opposition to the Petition from B. Charles Gratz received 1/13/05.

Exhibit 73. Letter of Opposition to the Petition from Ray Danielson, Gennessee Township, dated 1/14/05.

Exhibit 74. Letter of Opposition to the Petition from Franz and Deb Rosenquist and Jim Mohn received on 1/18/05.

Exhibit 75. Letter of Opposition to the Petition from the Kandiyohi SWCD dated 1/18/05.

Exhibit 76. Letter of Opposition to the Petition from Robert Meyerson, Diamond Lake area, dated 1/19/05.

Exhibit 77. Letter of Opposition to the Petition from Don Slinden, Sr., Acton Township, dated 1/20/05.

Exhibit 78. Letter from Diane Sander, C.R.O.W. Joint Powers Coordinator, dated 1/20/05 regarding their mission continuing whether a watershed district is formed or not.

Exhibit 79. Letter of Opposition to the Petition from LaVerne Johnson, Diamond Lake area, dated 1/20/05.

Exhibit 80. Letter of Opposition to the Petition from Daniel and Juanita Olson, Paynesville, dated 1/20/05.

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Exhibit 81. Letter of Opposition to the Petition from Guste Blad, Diamond Lake area, dated 1/20/05.

Exhibit 82. Letter of Opposition to the Petition from Gerald Gratz dated 1/21/05.

Exhibit 83. Letter of Opposition to the Petition from Brent Brekke, Diamond Lake area, received 1/21/05.

Exhibit 84. Letter of Opposition to the Petition from Walt and Bea Lowinske, Diamond Lake area, dated 1/21/05.

Exhibit 85. Letter of Opposition to the Petition from Don Slinden, Jr., Atwater, received 1/21/05.

Exhibit 86. Email of Support for the Petition from Roger Strand, New London Township, dated 1/21/05.

Exhibit 87. Letter of Opposition to the Petition from Judy Christensen, Diamond Lake area, dated 1/23/05.

Exhibit 88. Letter of Opposition to the Petition from Mary J. Anderstrom, Diamond Lake area, dated 1/24/05.

Exhibit 89. Letter of Opposition to the Petition from Richard Thorp, Acton Town Clerk, dated 1/24/05.

Exhibit 90. Letter of Opposition to the Petition from Robert and Phyllis Anderson, Diamond Lake area, dated 1/24/05.

Exhibit 91. Letter of Opposition to the Petition from the families of Ronald and Diane Pierce and Howard and Sharon Pierce, received 1/24/05.

Exhibit 92. Letter of Opposition to the Petition from William and Joan Schultz, Diamond Lake area, received 1/25/05.

Exhibit 93. Letter of Opposition to the Petition from Bill and Carol Simondet, Diamond Lake area, dated 1/25/05.

Exhibit 94. Letter of Opposition to the Petition from Gordon ad Laura Bloomquist, North Breeze Resort, Diamond Lake, dated 1/25/05.

Exhibit 95. Letter of Support for the Petition from Steven M. Erickson, Spicer, dated 1/25/05.

Exhibit 96. Letter of Opposition to the Petition from Bruce Baker, City of Atwater Mayor, dated 1/25/05.

Exhibit 97. Petition to exclude Diamond Lake watershed from the proposed watershed district, 52 signatures, received 1/26/05, 7 pgs. (Note: some signatories submitted individual exhibits)

Exhibit 98. Letter of Opposition to the Petition from Orlan Floata, Diamond Lake area, received 1/26/05.

Exhibit 99. Letter of Recommendation and Support from David Melbye and Marybeth Block, Diamond Lake area, for Gordon Behm as manager of the proposed watershed, dated 1/26/05.

Exhibit 100. Email of Opposition to the Petition from JoAnn Gratz dated 1/27/05.

Exhibit 101. "Revised Exhibit A" of the Petition, a map distributed at the hearing of the proposed watershed district boundary showing the recently revised DNR Division of Waters watershed boundary.

11. **Board Committee.** On February 8, 2005, a committee of the Board convened at the Sauk River Watershed District Office in Sauk Centre, Minnesota. Committee members in attendance were Paul Krabbenhoft, Randy Kramer, Lisa Thorvig, Paul Brutlag and Jerome Deal, Chair. Based on the entire record in the matter and after due consideration, the committee with a majority vote decided to recommend to the full Board the watershed district be established because the establishment would benefit the public welfare and public interest, and would advance the purpose of Minnesota Statutes Chapter 103D. The committee further decided with unanimous votes to recommend the watershed district boundary be established according to "Revised Exhibit A" (Exhibit 101) which shows the recently revised DNR Division of Waters watershed boundary; that the name be the "Middle Fork Crow River Watershed District"; and that the watershed district board of managers consist of five managers with the distribution being three managers from Kandiyohi County, one manager from Meeker County and one manager from Stearns County. Lastly, the committee decided with a unanimous vote to recommend five manager nominees from the Petition to the respective county Boards of Commissioners for consideration as the first board of managers of the watershed district.

On March 23, 2005, a committee of the Board convened at the Board's office in Saint Paul, Minnesota. Committee members in attendance were Paul Krabbenhoft, Randy Kramer, Lisa Thorvig, Paul Brutlag, Clair Nelson and Jerome Deal, Chair. The counties were in agreement with the recommended manager nominees, except for one nominee from Kandiyohi County. Consistent with the Kandiyohi County recommendation, the committee decided with a majority vote to recommend the first board of managers consist of Joe Flanders from Meeker County, Robert Zenner from Stearns County, and from Kandiyohi County Gordon Behm,

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County Gordon Behm, Robert Hodapp and Ruth Schaefer. Further, the committee decided with a unanimous vote that the terms of office for the first board of managers appointed by the respective county Boards of Commissioners should be as follows:

Kandiyohi County Managers

One manager position (Hodapp) – one year term
One manager position (Schaefer) – two year term
One manager position (Behm) – three year term

Meeker County Manager

One manager position (Flanders) – three year term

Stearns County Manager

One manager position (Zenner) – two year term

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CONCLUSIONS

1. The Petition for establishment of the Middle Fork Crow River Watershed District is valid in accordance with Minn. Stat. § 103D.205.

2. Proper notice of hearing was given and the public hearing was held in accordance with applicable laws.

3. The establishment of the Middle Fork Crow River Watershed District would benefit the public welfare and public interest, and would advance the purpose of Minnesota Statutes Chapter 103D.

4. The boundary of the Middle Fork Crow River Watershed District should be as set forth in "Revised Exhibit A" (Exhibit 101) of the Petition which shows the recently revised Department of Natural Resources Division of Waters watershed boundary.

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

6. The Board has proper jurisdiction in the matter of ordering a watershed district establishment.

ORDER

1. The proposed watershed district is hereby established and is named the "Middle Fork Crow River Watershed District" by which name it shall hereafter be known, and it shall have all the power, authority, and duties provided by law.

2. The principal place of business of the Middle Fork Crow River Watershed District is the New London Town Hall, 16151 County Road 9 NE, New London, Minnesota and the mailing address is the Middle Fork Crow River Watershed District, P.O. Box 1, Spicer, MN 56288.

3. The territory to be included in the Middle Fork Crow River Watershed District encompasses a total area of approximately 271 square miles in the Cities of Atwater, Belgrade, New London and Spicer, and the Towns of Lake Johanna, Crow Lake, Crow River, Norway Lake, Colfax, Burbank, Roseville, Lake Andrew, New London, Irving, Union Grove, Manannah, Green Lake, Harrison, Swede Grove, Harvey, Kandiyohi, Gennessee, and Acton.

4. The boundary of the Middle Fork Crow River Watershed District shall be as set forth in "Revised Exhibit A" of the Petition, a map which shows the watershed district boundary based on the recently revised Department of Natural Resources Division of Waters watershed boundary, attached herewith to this Order and fully incorporated herein, together with the data set "Revised Exhibit A" was produced from.

5. The Board of Managers for the Middle Fork Crow River Watershed District shall consist of five (5) managers with three managers from Kandiyohi County, one manager from Meeker County and one manager from Stearns County.

6. The first board of managers of voting residents within the Middle Fork Crow River Watershed District shall be as follows:

Gordon Behm
13851 Diamond Shores Road
Atwater, MN 56209

Joe Flanders
50609 CSAH 3
Grove City, MN 56243

Robert Hodapp
13919 Skyline Drive
Spicer, MN 56288

Ruth Schaefer
14950 East Calhoun Road
Spicer, MN 56288

Robert Zenner
21521 Farmcrest Road
Belgrade, MN 56312

7. The term for the first Board of Managers appointed by the Board of Water and Soil Resources is one year and until the successors can be appointed and qualified, and the terms of office for the first board of managers appointed by the respective county Boards of Commissioners are as follows:

Kandiyohi County Managers

One manager position (Hodapp) – one year term
One manager position (Schaefer) – two year term
One manager position (Behm) – three year term

Meeker County Manager

One manager position (Flanders) – three year term

Stearns County Manager

One manager position (Zenner) – two year term

Thereafter, upon completion of the terms for the first board of managers appointed by the county Boards of Commissioners, manager terms are three years and until the successors can be appointed and qualified.

Dated at Saint Paul, Minnesota this 27th day of April, 2005.

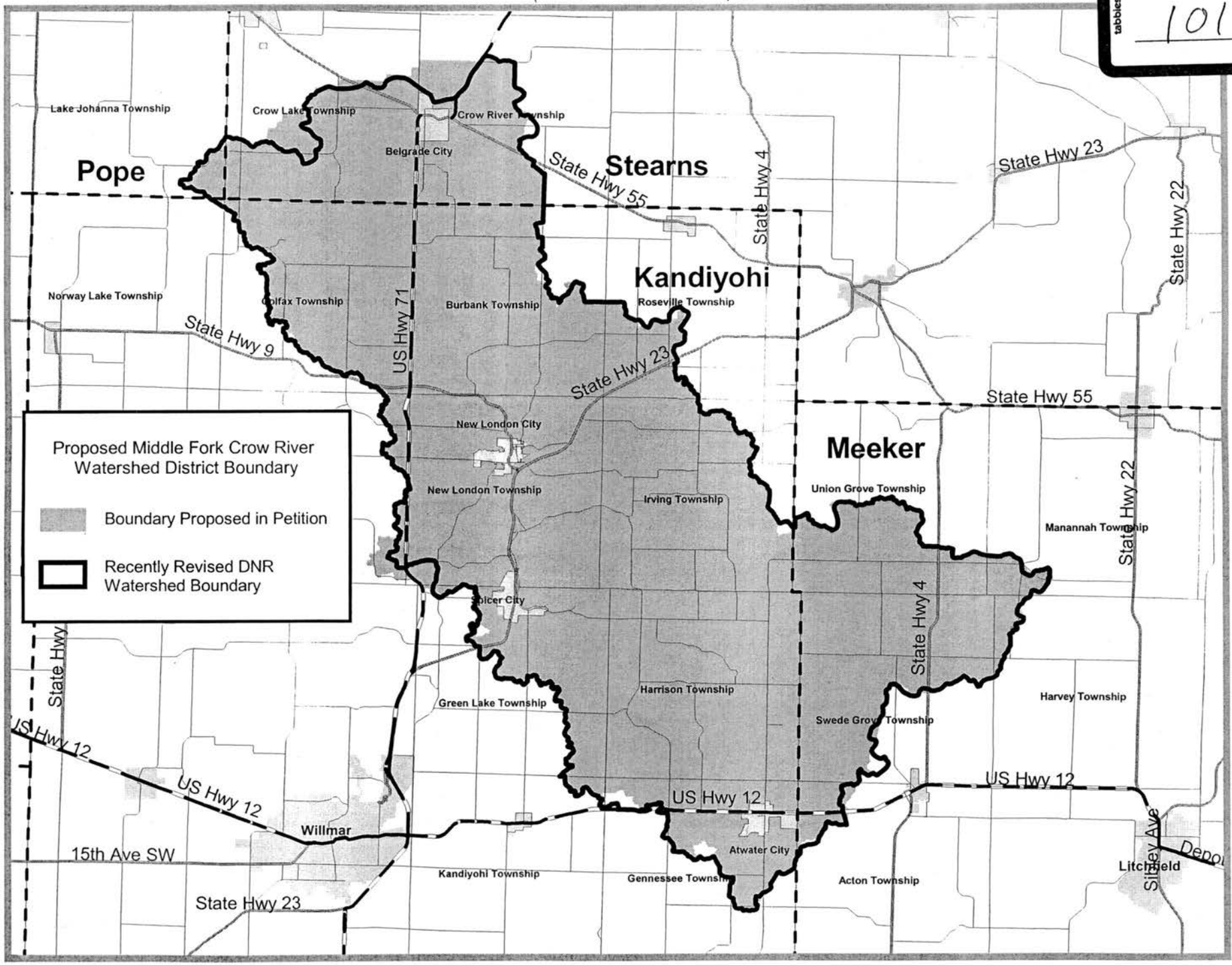
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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By: _____
Jerome Deal, Chair

Revised Exhibit A of Establishment Petition

EXHIBIT
101



FY 05 NON POINT ENGINEERING ASSISTANCE CHALLENGE GRANT

BACKGROUND

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

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

SUMMARY

Amount Available - $300,000

Eligible Applicants - All NPEA JPBs

First Funding Priority - JPBs whose SWCDs received FY 05 Feedlot Water Quality Management Grants, who plan on adding or retaining staff to provide technical assistance in addition to NPEA Base Grant funded technical assistance (specifically, JPBs 4 - 11).

RECOMMENDATION

Nine applications were received from eight JPBs requesting $496,236. All applications were reviewed and approved by their Board Conservationists. The Cost Share Committee is forwarding their funding recommendation as indicated on the attached spreadsheet:

General Funding Strategy

Staff - Apply BWSR's First Funding Priority to add or retain staff. Amount should not exceed base grant. Recommendation to cap at 75% on inflated requests.

Auto Cad and Eagle Point Requests - Denied, Al Kean, BWSR Chief Engineer, will pursue cost savings via statewide upgrade in the next biennium for uniformity and upgrade capability.

State-of-the-Art Equipment - Denied, deemed a "luxury", not a necessity.

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

Basic Survey Equipment - Recommended

Basic IT Equipment - Recommended

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

2005 NPEA Challenge Grant Applications
Total Amount Available $300,000
Total Funding Request $496,236.00

		AMOUNT REQUESTED	FUNDING RECOMMENDATION
TSA 1	**NW MN NPEA**		
	Total	**$10,325**	**$3,400**
	Initiatives		
1	Auto Cad	$800	
2	Eagle Point	$1,000	
3	Eagle Point Technical Support	$2,625	
4	Laser	$2,500	$2,500
5	Power Point Projector	$1,500	
6	Prism Pole	$200	$200
7	Survey Equipment	$700	$700
8	Training	$1,000	

TSA 2	**North Central MN NPEA**	**Objective: Improve delivery of technical assistance to landowners by increasing technical capacity of NPEA program through technological improvements in hardware, software, field equipment and training**	
	Total	**$29,900**	**$18,000**
	Initiatives		
1	AutoCadd Upgrade	$1,700	
2	Vehicle Upgrade	$25,000	$15,000
3	Lazer Level (Trimble ZR600)	$2,500	$2,500
4	Digital Camera	$700	$500

TSA 2	**North Central MN NPEA**		
	Total	**$90,400**	**$8,600**
	Note: This application is a joint request for TSA 1,2, and 4		
	Initiatives		
1	1 Trimble R8 Base Station	$30,400	
2	2 Rovers - $46,000 ($23,000)	$46,000	
3	GPS Total Station Survey Training $4000 (4 individuals @ $1000)	$4,000	
4	enclosed trailer	$3,500	YES
5	4 wheel ATV	$6,000	YES
6	ATV field accessories	$500	YES

THIS FUNDING RECOMMENDATION IS $8,600 FOR ITEMS 4 - 6 ONLY.

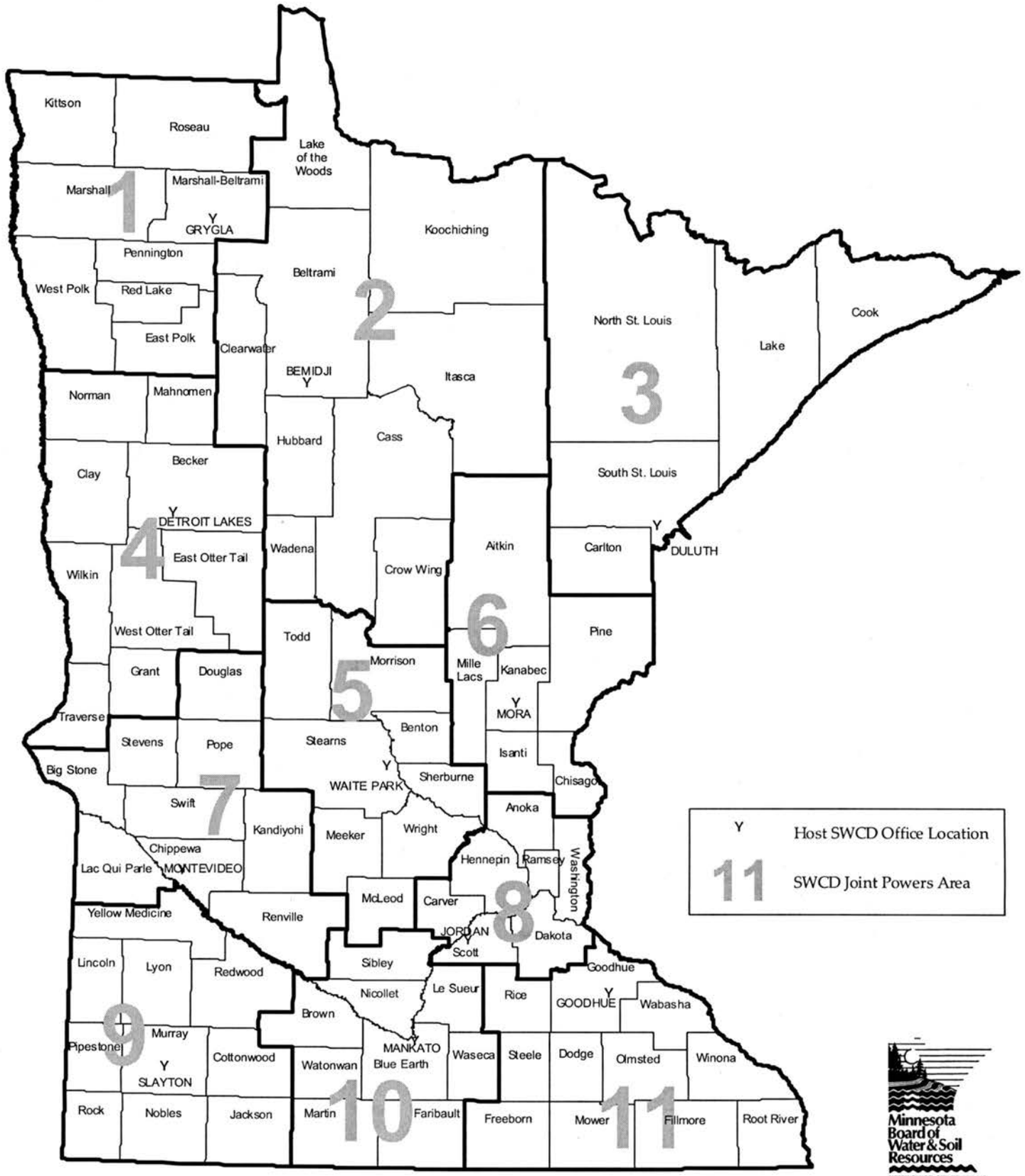
TSA 3	**CCLNS**	**Objective: The CCLNS Joint Powers Board #3 requests 2005 NPEA Challenge Grant funds to replace outdated equipment and provide training to enhance conservation engineering assistance delivery in our Techical Service Area**	
	Total	**$31,000**	**$20,000**
	Initiatives		
1	Replaced one outdated computer	$1,000	$1,000
2	Replace plotter	$3,500	$3,500
3	Replace Vehicle	$25,000	$15,000
4	Staff Training and development	$1,000	
5	Upgrade computer Operating System	$500	$500

2005 NPEA Challenge Grant Applications
Total Amount Available $300,000
Total Funding Request $496,236.00

TSA 5	**Central MN SWCD**		
	Total	**$53,000**	**$53,000**
	Initiatives		
	1 Technician	$40,000	$40,000
	2 Car	$13,000	$13,000
TSA 8	**Association of Metro**	**Crosby Farm Park Bluff Stabilization/Restoration Feasibility Study - St Paul**	
	Total	**$52,680**	**$24,000**
	Initiatives		
	1 Feasibility Report	$8,100	
	2 Inventory and Data Gathering	$10,340	
	3 Site Survey	$4,830	
	4 Stormwater Model	$4,360	
	5 Synthesis and Analysis	$25,050	
	NOTE: THIS RECOMMENDATION IS FOR INITIATIVES 1 - 3 ONLY.		
TSA 9	**Southwest Prairie NPEA**		
	Total	**$95,931**	**$65,000**
	Initiatives		
	1 Engineer-in-training Salary	$85,931	$65,000
	2 Equipment	$10,000	N0
TSA 10	**Zone 10**	**Objective: To obtain funds to purchase a new Geodimeter total station to replace the original total station that is causing us problems. We would also like to replace outdated computers.**	
	Total	**$33,000**	**$33,000**
	Initiatives		
	1 Computers	$3,000	$3,000
	2 Geodimeter Total Station	$30,000	$30,000
TSA 11	**Southeast SWCD Technicians**		
	Total	**$100,000**	**$75,000**
	Initiatives		
	1 Enhanced Feedlot Engineering	$100,000	$75,000
	TOTALS	**$496,236**	**$300,000**

H:05NPEACGA

Nonpoint Engineering Assistance Program



January 2003

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

FOR YOUR INFORMATION

April 27, 2005

- "Seventy Years of Conservation"
- Proclamation "Soil and Water Conservation Day"
- Open House at NRCS, April 27, 2005, 9:00 a.m. – 4:00 p.m.
- BWSR News Release
- Press Release "President Bush's Wetlands Initiative on Track"
- Press Release "Governor Pawlenty Signs Agreement to Set Aside 120,000 Acres to Protect Water Quality"
- Press Release "Earth Day Proves to be a Great Day for Minnesota's Pheasants"
- Summary of the Red River Basin Mediation Agreement

Join us to celebrate

SEVENTY YEARS OF *CONSERVATION*

9 a.m., Wednesday, April 27, 2005
State Capitol Front Lawn/Upper Mall

April 27, 2005, marks the 70th anniversary of the date Congress passed the Soil Conservation Act (Public Law 46), which declared that soil erosion was "a menace to the national welfare" and authorized broad powers to the Soil Conservation Service to attack the problem. The Soil Conservation Service is the predecessor to the USDA Natural Resources Conservation Service.

The NRCS, Minnesota's Soil and Water Conservation Districts, and the Minnesota Board of Water and Soil Resources (BWSR) work to provide voluntary, incentive-based conservation programs for Minnesota landowners, which help to keep working lands working. The groups partner with other state agencies, conservation groups, federal agencies, tribes, and others on a variety of conservation projects and programs. Events planned in Minnesota on April 27 will celebrate the partnership that has developed since the early work in the state.

A proclamation will be read by Lt. Governor Carol Molnau at the event in honor of the anniversary. Speakers will include NRCS Chief Bruce Knight, NRCS Minnesota State Conservationist Bill Hunt, MASWCD President Carol Berg and BWSR Chair Jerome Deal. Sixth-graders from Sun Path Elementary of Shakopee will receive white pine seedlings for planting.

Sponsors: NRCS, Minnesota Association of Soil and Water Conservation Districts, BWSR, DNR.

Questions: Call Julie MacSwain, 651-602-7859; Sheila Vanney, 651-690-9028, or Pete Raeker, 651-296-0884.
In case of rain, event will be held in Capitol Rotunda.

Parking info: see http://www.maswcd.org/Meetings_&_Events/capitol.pdf

STATE of MINNESOTA

Proclamation

WHEREAS: The people of Minnesota wish to live in harmony with our natural resources and leave a better earth for our children and grandchildren; and

WHEREAS: Conservation departments across our beautiful state work hand in hand with the citizens of Minnesota to conserve natural resources and to produce the clean water, clean air, and abundant fish and wildlife that contribute to our quality of life; and

WHEREAS: Leadership for conservation of natural resources on private lands is provided by a partnership that includes Soil and Water Conservation Districts, state conservation agencies, federal agencies, tribes, and the Natural Resources Conservation Service in the U.S. Department of Agriculture; and

WHEREAS: The Natural Resources Conservation Service and its predecessor, the Soil Conservation Service, along with the state's 91 Soil and Water Conservation Districts, have been helping agricultural, forestry, and urban landowners across Minnesota meet their conservation goals through a system of voluntary, locally led, incentive-based programs; and

WHEREAS: The contributions and accomplishments of the local, state, and federal agencies laid the ground work for Minnesota's Clean Water Legacy; and

WHEREAS: Now, on the 70th anniversary of the soil and water conservation movement in Minnesota, let us recognize the contributions of the Natural Resources Conservation Service and its partners to increase awareness among the citizens of Minnesota of the importance of natural resources.

NOW, THEREFORE, I, TIM PAWLENTY, Governor of Minnesota, do hereby proclaim, Wednesday, April 27, 2005, as:

SOIL AND WATER CONSERVATION DAY

in the State of Minnesota.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol this 15th day of April in the year of our Lord two thousand and five, and of the State the one hundred forty-sixth.

GOVERNOR

Mary Kiffmeyer
SECRETARY OF STATE

APR 1 2 2005

United States Department of Agriculture

NRCS

Natural Resources Conservation Service
375 Jackson Street, Suite 600
St. Paul, MN 55101-1854

70 Years
"A Partner in Conservation Since 1935"

Phone: (651) 602-7900
FAX: (651) 602-7914

April 1, 2005

Mr. Ronald Harnack
Executive Director
Board of Water and Soil Resources
One West Water Street
Suite 200
Saint Paul, Minnesota 55107

Dear Ron:

On behalf of the Natural Resources Conservation Service in Minnesota you are invited to attend an Open house on **Wednesday, April 27, 2005 from 9 a.m. to 4 p.m.** The purpose of this open House is to celebrate the 70 years of the Conservation Partnership. **The Open House is being held on the 7th Floor of the Farm Credit Building, located on 375 Jackson Street, Saint Paul, Minnesota. A program is planned for 1:00 p.m.**

Through the day of the Open House, participants will have the opportunity to view conservation timelines, photo displays, posters, the desk of the past, the desk of today, participate in various conservation games, view conservation antiques of the past, view videos of the Dust Bowl Era, participate in a book signing and see an artist draw conservation caricatures.

A booklet of letters for the 70th Anniversary of Soil and Water Conservation is being compiled. If you wish to contribute a letter, please mail to: Julie MacSwain, Public Affairs Specialist, 375 Jackson, Suite 600 Saint Paul, MN 55101 or send via e-mail to: julie.macswain@mn.usda.gov by **April 20, 2005.**

I look forward to seeing you at the Open House event on April 27, 2005.

Yours in Conservation,

Bill

WILLIAM HUNT

Enclosure: Agenda

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

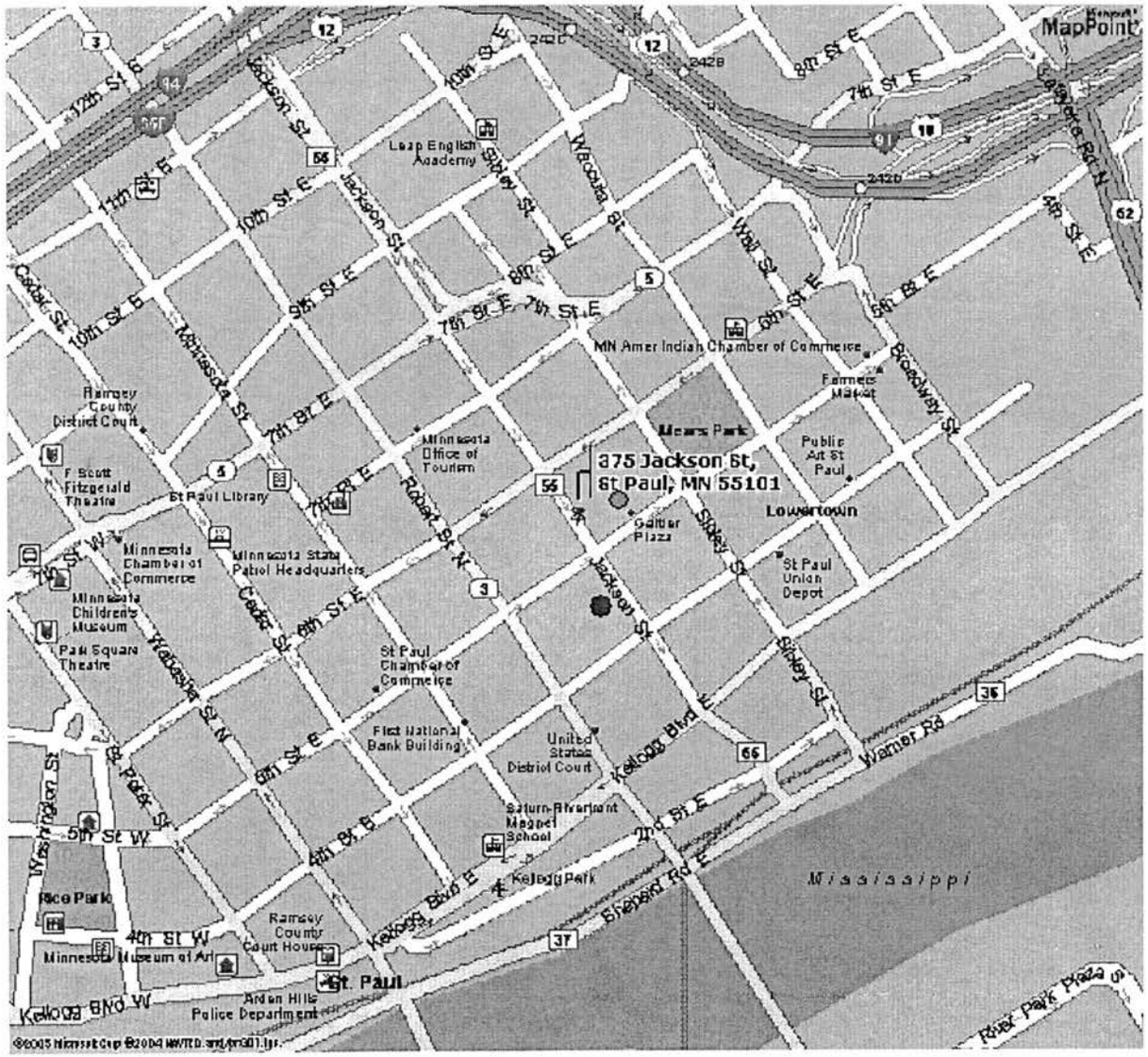
NRCS
Natural Resources Conservation Service
★ *A Partner in Conservation Since 1935* ★

70 Years of Conservation Partnership
"Back to the Future" Day
April 27, 2005, 9am to 4pm
375 Jackson St., 7th Floor
St. Paul, Minnesota

Agenda

Time	Events, Activities, Entertainment
9am to 4pm ongoing	***Timeline*** A timeline showing some of the notable events in the development of the conservation partnership.
	Photo Display People, places, events and more. A pictorial history of conservation activity going back to the 1930's.
	Posters A sampling of Works Progress Administration (WPA) Posters from the 1930' and 1940's.
	Desk of the Past See what a desk may have looked like in the way back when.
	Desk of Today We just don't do things the way we used to. See the modern way.
	Stewards of the Past See how the conservation partnership works together to protect and preserve places and objects that represent the cultural history of Minnesota.
	What's in Your Neighborhood? An interactive land use activity. Get there early before all the best land is gone!
	Trivia Game Try to extract trivial knowledge about Minnesota and conservation from your brain. Win prizes!
	Who's Calling? Identify bird calls for a chance to win fame and fortune (and prizes!).
	Name That Duck America's fastest growing duck quiz sensation. Identify ducks, win prizes!

Time	Events, Activities, Entertainment (cont.)
9am to 4pm ongoing	***Wooden You Like to Know?*** Knock on wood, or at least try, and find the wood products, win prizes!
	Antiques, Treasures and Trash Bits and pieces of our past. Try to guess what it is, how it was used and why have we saved it all these years?
	Refreshments Generously provided by the Minnesota Soil and Water Conservation Society
	Scheduled Activities and Special Events
9am – 10am	***Dustbowl Cinema Presents*** "Surviving the Dustbowl" A PBS production depicting the remarkable story of the determined people who clung to their homes and way of life, enduring drought, dust, disease--even death--for nearly a decade.
10am – 12noon	***Caricatures*** NRCS's own artist will be depicting real people in a unique way.
10:15am – 11:20am	***Dustbowl Cinema Presents*** "Under Western Stars" A 1938 production in which Roy Rogers is elected to Congress to bring the misery of the "dustbowl" of the 1930s to the attention of Washington politicians.
11:30am – 12:30pm	***Dustbowl Cinema Presents*** "Surviving the Dustbowl" A PBS production depicting the remarkable story of the determined people who clung to their homes and way of life, enduring drought, dust, disease--even death--for nearly a decade.
1:00pm – 2:00pm	***Guest Speakers*** NRCS Chief Bruce Knight will give the keynote address.
2:00pm – 2:30pm	***Book Signing*** Vic Ruhland, author of "Through these eyes: The First 70 Years of Soil and Water Conservation in Minnesota", will sign a limited number of books and will be available to answer questions.
2:00pm – 3:05pm	***Dustbowl Cinema Presents*** "Under Western Stars" A 1938 production in which Roy Rogers is elected to Congress to bring the misery of the "dustbowl" of the 1930s to the attention of Washington politicians.



NRCS State Office - Farm Credit Building
651.602.7900
375 Jackson St **Suite 600**

Jackson Street Ramp
612.341.8000
345 Jackson St
First Hour: $ 4.00
Hourly: $ 0.00
Daily: $ 0.00
Monthly: $ 139.10

Galtier Plaza Ramp
651.297.6733
175 E. 5th St
First Hour: $ 5.00
Monthly: $ 160.50

Metered parking is available on 5th and 6th Streets

NEWS RELEASE

Minnesota Board of Water and Soil Resources • 520 Lafayette Road North • St. Paul, MN 55155
Contact: Peter Raeker, Communications Office; 651-296-0884; fax: 651-297-5615 • www.bwsr.state.mn.us

Media Story Tip Sheet
April 15, 2005

For immediate release
Contacts: Peter Raeker, BWSR, 651-296-0884
Sheila Vanney, MASWCD, 651-690-9028
Julie MacSwain, NRCS, 651-602-7859

Story possibilities about the 70th anniversary of the soil and water conservation movement
April 27, 2005, marks the 70th anniversary of the date Congress passed the Soil Conservation Act (Public Law 46), which declared that soil erosion was "a menace to the national welfare" and authorized broad powers to the Soil Conservation Service to attack the problem. The Soil Conservation Service is the predecessor to the USDA Natural Resources Conservation Service.

The NRCS, Minnesota's Soil and Water Conservation Districts, and the Minnesota Board of Water and Soil Resources work to provide voluntary, incentive-based conservation programs for Minnesota landowners, which help to keep working lands working. The groups partner with other state agencies (including the DNR, Department of Agriculture, the Pollution Control Agency, Department of Health, the University of Minnesota Extension Service), conservation groups, federal agencies, tribes, and others on a variety of conservation projects and programs. Events planned in Minnesota on April 27* will celebrate the partnership that has developed since the early work in the state.

Minnesota's Conservation Partnership
The conservation partnership among the SWCDs, NRCS, and BWSR is a long-standing relationship that started to develop during the Dust Bowl era of the 1930s and continues to evolve and grow stronger. The benefits of the work can be seen in healthier soils, improved water quality, and more fish and wildlife habitat. In addition, the partnership improves the state's abilities to leverage federal money for conservation programs. To get some perspective on future challenges and opportunities facing the partnership, call LeAnn Buck, executive director of the Minnesota Association of Soil and Water Conservation Districts, (651) 690-9028; Bill Hunt, NRCS state conservationist for Minnesota, (651) 602-7856; or Ron Harnack, BWSR executive director, (651) 296-0878.

-More-

The First 70 Years of Soil and Water Conservation in Minnesota

"Through These Eyes: The First 70 Years of Soil and Water Conservation in Minnesota" is the title of a new book authored by Vic Ruhland, a retired resource conservationist with the NRCS in Minnesota. Vic worked over 46 years with the agency, all in Minnesota. He witnessed many of the events he wrote about his book. The book traces the history of the conservation movement in Minnesota. He covers major events and the people involved from 1933 to 2003.

Through his work in the state, Vic had a chance to meet many of the early soil conservationists in Minnesota. The Minnesota State Office of the NRCS published the book. For interview opportunities, contact Vic at (651) 602-7885.

The oldest SWCD, the youngest SWCD

Legislation authorizing the formation of Soil and Water Conservation Districts as special purpose subdivisions of state government was approved in response to the Dust Bowl of the 1930s. The Burns-Homer-Pleasant Soil and Water Conservation District, later consolidated into Winona Soil and Water Conservation District, became Minnesota's first Soil and Water Conservation District in 1938. The Ramsey Conservation District, which was formed in 1973, is the youngest of the state's SWCDs. Originally, districts worked primarily with farmers to help fight soil erosion. Today, SWCDs work with agricultural, urban, and forestry landowners across the state.

For some perspective on today's SWCDs, contact LeAnn Buck, Minnesota Association of Soil and Water Conservation Districts, (651) 690-9028. For information on the Homer-Pleasant Soil and Water Conservation District, contact John Micheel, (507) 523-3327; for information on the Ramsey Conservation District, contact Tom Petersen, (651) 266-7270.

###

**Capitol lawn event at 9 a.m., Wednesday, April 27, including Governor Pawlenty, NRCS State Conservationist Bill Hunt, MASWCD President Carol Berg, and BWSR Chair Jerome Deal.*

**NRCS open house from 9 a.m. to 4 p.m., Wednesday, April 27, 375 Jackson Street, St. Paul (7th floor). Program planned for 1 p.m.*

FOR IMMEDIATE RELEASE – April 20, 2005

COASTAL AMERICA
WASHINGTON, D.C.

Contact: Virginia K. Tippie (202-401-9928)

PRESIDENT BUSH'S WETLANDS INITIATIVE ON TRACK

On the first anniversary of the President's wetlands initiative, the Bush Administration today released Conserving America's Wetlands: Implementing the President's Goal. The new report highlights first-year progress pursuant to the President's goal of restoring, improving, and protecting the quality and quantity of 3 million acres of wetlands by 2009.

The President's 5-year goal calls for restoring at least one million acres of additional wetlands; improving the condition of at least one million acres of existing degraded wetlands; and extending protection to at least one million additional acres of imperiled wetlands. The President also committed federal agencies to make better use of the array of federal programs that can contribute to the wetland goal.

According to the report, specific achievements between Earth Day 2004 and Earth Day 2005 include:

- 328,000 acres restored or created;
- 154,000 acres improved; and
- 350,000 acres protected.

The report also includes a description of the key federal programs contributing to the goal and their planned accomplishments for FY 2006. The President's 2006 budget requests continued funding for the programs *to support an additional 1.6 million acres to be restored or created, improved, and protected by September 30, 2006.*

In releasing the report, Council on Environmental Quality Chairman James Connaughton said, "President Bush strongly supports using innovative programs and incentives to encourage private stewardship and cooperative conservation partnerships. As this report demonstrates, working collaboratively with private landowners and local officials has proven remarkably effective in improving and sustaining America's wetlands."

Coastal America is a partnership among federal, state and local governments and private alliances to protect, preserve and restore our Nation's coastal ecosystems. Federal partners include: Departments of Agriculture, the Air Force, the Army, Commerce, Defense, Housing and Urban Development, the Interior, the Navy, State, Transportation; the Environmental Protection Agency; and the Executive Office of the President.

For more information and copies of the report, visit www.coastalamerica.gov

From: "Jeff Falk" <Jeff.Falk@state.mn.us>
Date: 4/22/05 1:37PM
Subject: Governor Pawlenty signs agreement to set aside 120,000 acres to protect water quality -- April 22, 2005

FOR IMMEDIATE RELEASE: Contact:
Brian McClung

April 22, 2005
(651) 296-0001

GOVERNOR PAWLENTY SIGNS AGREEMENT TO SET ASIDE 120,000 ACRES TO PROTECT WATER QUALITY

~ $250 million initiative will support Minnesota's "crown jewel," clean water ~

Ellendale, MN - Saying clean water is the "crown jewel" of Minnesota's great outdoors, Governor Tim Pawlenty today signed the largest Conservation Reserve Enhancement Program (CREP) agreement ever, setting aside 120,000 acres of land near environmentally sensitive waterways. The CREP agreement will dramatically reduce runoff into the state's rivers, streams, wetlands and groundwater.

U.S. Secretary of Agriculture Mike Johanns today joined Governor Pawlenty for the signing of the CREP II agreement at the Straight River Marsh in Ellendale, south of Owatonna. The CREP II agreement will benefit the Red River watershed in northwest Minnesota, the Lower Mississippi watershed in southeast Minnesota and the Missouri River and Des Moines River watersheds in southwest Minnesota.

"Minnesota is the land of lakes and the region of rivers - water is our way of life," Governor Pawlenty said. "We have more fresh water than any other state in the continental United States. Protecting and restoring this crown jewel of our quality of life should be our number one environmental priority."

In total, the CREP II agreement seeks to secure approximately 4,500 conservation easements covering 120,000 acres by the end of 2007.

The CREP II program provides significant water quality, water storage

and soil erosion and wildlife benefits through partnerships with the federal, state, and local governments as well as private landowners. When fully implemented, CREP II protects lakes and waterways and substantially reduces field runoff of sediment, agricultural chemicals, and nutrients.

CREP II uses unique state and federal partnerships that allow landowners to receive incentive payments for installing specific conservation practices. Through CREP II, producers can receive annual rental payments and cost-share assistance to establish long-term, resource-conserving covers on eligible land. Sign up for enrollment in CREP II begins June 6 and continues until enrollment goals are reached, or through Dec. 31, 2007, whichever comes first.

The Governor included $23 million for CREP II in his 2005 bonding bill and will work with the legislature next year to seek the second phase financial commitment of $27.7 million to receive the full leverage of $200 million in federal funding for CREP II.

In 1998, Minnesota began its first CREP, which focused on the Minnesota River watershed. In that CREP, the state set aside 100,000 acres of marginal land; nearly 55,000 of those acres were restored to wetlands and adjacent uplands. The remaining acres were devoted to riparian buffers. Minnesota's first CREP ended in 2002.

CREP II has specific environmental goals in the watershed regions:

* Reduce sediment loading by 420,000 tons per year;

* Reduce phosphorus loading by 530,000 pounds per year;

* Reduce nitrogen levels by 3 million pounds per year;

* Protect drinking water supplies of 250,000 people by enrolling up to 8,195 acres of land in sensitive groundwater areas

* Enhance long-term fish and wildlife habitat in the watersheds for the preservation of natural diversity of Minnesota's biological resources;

* Protect 2,500 linear miles of streams, rivers, and ditches by enrolling up to 61,897 acres of riparian buffers

* Enroll and restore up to 24,000 acres of wetland and adjacent upland acres (the wetland restoration measures will help reduce future flood damage by increasing water storage capacity by 10,000 to 20,000 acre feet per year).

* Enroll and restore up to 5,000 acres of flood-damaged land;

* Enroll up to 18,058 acres of excessively erodible cropland to reduce soil erosion and Achieve high priority natural resource benefits;

* Enroll up to 2,850 acres of highly erodible cropland to help reduce soil erosion through the use of contour buffer strips.

The target goals for the watersheds are:

* 51,000 acres in the Red River Watershed in northwestern Minnesota

* 51,000 acres in the Lower Mississippi Watershed in southeastern Minnesota

* 18,000 acres in the Missouri and Des Moines River Watersheds in Southwestern Minnesota

The success of CREP reflects the partnership between the USDA, the State of Minnesota, local governments, conservation groups and farm organizations. These partnerships, along with landowner stewardship efforts and state and federal program incentives will help sustain both the agricultural economy and the State's natural resources.

--30--

Jeff Falk

Deputy Press Secretary

Office of Governor Tim Pawlenty

130 State Capitol

Saint Paul, MN 55155

651-296-2427 - phone

651-296-0056 - fax

www.governor.state.mn.us

Press Release

For Immediate Release
Contact: Dave Nomsen, (320)491-9163
Bob St.Pierre, (651)334-1473

Earth Day Proves to be a Great Day for Minnesota's Pheasants

Pheasants Forever Helps Announce New Minnesota CREP & Encourages Land Stewardship and Volunteerism



Owatonna, Minn. - April 22, 2005 - Minnesota's second Conservation Reserve Enhancement Program (CREP II) was signed during an Earth Day ceremony held near Owatonna. Pheasants Forever (PF) President and CEO Howard Vincent joined U.S. Department of Agriculture Secretary Mike Johanns and Minnesota Governor Tim Pawlenty to make the announcement.

"Minnesota's pheasants, ducks, otters, beavers, and brook trout scored a major victory today," explained Vincent. "All Minnesotans come out winners today. CREP will clean our water, give habitat homes to the wildlife we love, and help make Minnesota the outdoor wonderland we call home. On behalf of the 24,000 Minnesota Pheasants Forever members, I would like to thank Governor Pawlenty and Secretary Johanns for making this Earth Day a true celebration for all Minnesotans."

CREP is a targeted method for retiring a state's most environmentally sensitive farmlands. As a result, CREP acres provide extremely high natural resource benefits; including improvements to water quality, prevention of soil erosion, and the creation of wildlife habitat. Minnesota's CREP II targets 120,000 acres in three regions of the state. The Red River Watershed in northwestern Minnesota will be allocated 51,000 acres. Southeastern Minnesota has been targeted with another 51,000 acres, while southwestern Minnesota will receive the remaining 18,000 acres. The first Minnesota CREP enrolled 100,000 acres in the Minnesota River Watershed in the south-central part of the state.

After much debate, up to 29,000 acres of the 120,000 total will be targeted at wetlands and enrolled using permanent easements. During the first Minnesota CREP, 99 percent of all the acres were retired through permanent easements. PF and other conservation groups had worked hard to increase the number of acres available for permanent easements in CREP II. In the final agreement, the vast majority of CREP II's acres will be enrolled in contracts covering 45 years.

"There is no question that we support permanent easement options for farmers and landowners who want to deliver the highest possible natural resource benefits," explains Vincent. "However, we also recognize that to effectively manage an agricultural landscape as broad and diverse as Minnesota's that we need a wide array of conservation tools available; including short-term, long-term, and perpetual options. Today, we gained a valuable new tool through CREP II. In the end, Minnesota's wildlife and environment come out a winner."

Vincent also took the opportunity to encourage land stewardship and conservation volunteerism as part of his Earth Day message. "Earth Day celebrates something that we intrinsically know - we must take care of the land that sustains us. I challenge all Minnesotans to get involved in the outdoors. It's time to re-connect to the land. Volunteer to help restore a native prairie, reclaim a wetland, or plant a tree. Make a difference and volunteer for a cause that means abundant wildlife, beautiful scenery, and clean water for our children."

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

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SUMMARY OF THE RED RIVER BASIN MEDIATION AGREEMENT

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

Background

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

Summary of Agreements

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

The mediated agreement has five major components.

1) Flood damage reduction goals

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

2) Natural resource goals

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

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

3) Comprehensive watershed planning

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

4) Project review and permitting coordination

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

5) Implementation and conflict resolution

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

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

<u>Current Work Group Membership</u>

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

Minnesota Board of Water & Soil Resources

DATE: May 16, 2005

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: May 25th Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, May 25, 2005, beginning at 9:00 a.m. The meeting will be held in the OEA conference room, 2nd floor, at 520 Lafayette Road North, in St. Paul. Parking is available in the lot directly in front of the building (use hooded parking areas).

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. **Lower St. Croix Watershed Management Organization, Amendment to Watershed Management Plan** – The amended watershed management plan for the Lower St. Croix Watershed Management Organization 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. Numerous comments were received during the review process, resulting in several revisions to the draft plan. Comments are summarized in the attached Overview. The Metro Water Planning Committee unanimously recommends approval of the plan per the attached draft Order. ***DECISION ITEM***

2. **Isanti County Priority Concerns Scoping Document** - The Metro Water Planning Committee met on May 2, 2005, to consider the Isanti County Priority Concerns Scoping Document (PCSD) following the state agencies' comment period. Following discussion, the Committee recommended approval of the revised PCSD to the full Board as outlined in the attached draft state letter. ***DECISION ITEM***

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Southern Water Planning Committee

1. **Goodhue County Local Water Management Plan Update** – Goodhue 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 February, 22, 2005. On April 27, 2005, the Southern Water Planning Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Goodhue County Local Water Management Plan Update. The Southern Water Planning Committee recommends approval. The Findings of Fact, Conclusions and Order are drafted for Board review and action. See attached. ***DECISION ITEM***

2. **Stevens County Local Water Management Plan Update** – Stevens 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 January, 20, 2005. On April 27, 2005, the Southern Water Planning Committee reviewed the recommendation of the state review agencies regarding final approval of the Stevens County Local Water Management Plan Update. The Southern Water Planning Committee recommends approval. The Findings of Fact, Conclusions and Order are drafted for Board review and action. See attached. ***DECISION ITEM***

3. **Yellow Medicine County Local Water Management Plan Update** – Yellow Medicine 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 January, 20, 2005. On April 27, 2005, the Southern Water Planning Committee reviewed the recommendation of the state review agencies regarding final approval of the Yellow Medicine County Local Water Management Plan Update. The Southern Water Planning Committee recommends approval. The Findings of Fact, Conclusions and Order are drafted for Board review and action. See attached. ***DECISION ITEM***

NEW BUSINESS

1. **2006 Conservation Easement Services Grants Recommendations** – See attached. ***DECISION ITEM***

OLD BUSINESS

1. **LCMR Local Water Management Challenge Grants -** BWSR has been recommended to receive $1 million from the Legislative Commission on Minnesota Resources (LCMR) for grants to local governments to implement

priority activities identified in their BWSR approved comprehensive water management plans. While the funds will be appropriated as part of the biennial budget legislative process, BWSR has traditionally selected projects prior to the beginning of the fiscal year when funds become available. The project application period was from February 10 to March 11 and projects were reviewed and ranked in April and early May, based on the criteria approved by the Board in January. A total of 78 project proposals were received, and 35 of these are recommended for funding. See attached. ***DECISION ITEM***

2. **Budget and Legislative Issues Update** – See attached. ***INFORMATION ITEM***

The Cost-Share Committee will meet immediately following the Board meeting. The Wetland Committee will meet immediately following the Cost-Share Committee.

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 25th!

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
OEA CONFRENCE ROOM – 2ND FLOOR
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 25, 2005

PRELIMINARY AGENDA

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

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF APRIL 27, 2005

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

REPORTS

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

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Lower St. Croix Watershed Management Organization, Amendment to Watershed Management Plan – *DECISION ITEM*

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

Southern Water Planning Committee

1. Goodhue County Local Water Management Plan Update - *DECISION ITEM*

2. Stevens County Local Water Management Plan Update – *DECISION ITEM*

3. Yellow Medicine County Local Water Management Plan Update – *DECISION ITEM*

NEW BUSINESS

1. 2006 Conservation Easement Services Grants Recommendations – Kevin Lines – *DECISION ITEM*

OLD BUSINESS

1. LCMR Local Water Management Challenge Grants – Dave Weirens – *DECISION ITEM*

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

AGENCY REPORTS

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next BWSR Meeting, June 22, 2005, St. Paul

Noon **ADJOURN**

**** The Cost-Share Committee will meet immediately following the Board meeting.**

**** The Wetland Committee will meet immediately following the Cost-Share Committee meeting.**

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

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

BOARD MEMBERS ABSENT:
Randy Kramer
Kay Cook

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

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

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

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

OPEN MIKE

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

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

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

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

REPORTS

Chair's Report - Chair Deal reported that NRCS celebrates "70 Years of Conservation Partnership" today. On behalf of Governor Pawlenty, a proclamation was read by Lieutenant Governor Carol Molnau this morning at the Captiol Rotunda. NRCS Chief Bruce Knight, NRCS State Conservationist Bill Hunt, MASWCD President Carol Berg, and Chair Deal spoke at the event.

Chair Deal reported that U.S. Secretary of Agriculture Mike Johanns joined Governor Pawlenty for the signing of the CREP-2 agreement at the Straight River Marsh in Ellendale on April 22, Earth Day. The CREP-2 agreement will benefit the Red River watershed in northwest Minnesota, the Lower Mississippi watershed in southeast Minnesota and the Missouri River and Des Moines River watersheds in southwest Minnesota.

Executive Director's Report – Ron Harnack reported that Randy Kramer called and will not make the meeting. Ron stated that it was a good day on April 22 – it was Earth Day, Governor Pawlenty and U.S. Secretary Mike Johanns signed the CREP-2 agreement, and it was the first anniversary of President Bush's Wetlands Initiative, the Bush Administration released Conserving America's

Wetlands: Implementing the President's Goal. Ron reported that training for CREP-2 will be held in May, things are going well thus far.

Ron gave an update on the bonding bill; included is road replacement for local wetland impacts for county roads, and Area II joint powers group received $500,000 for flood storage projects.

Ron stated that Board appointments have not yet been finalized. The Governor's Appointments Office is still going through the review process; hopeful to have board members appointed by our next board meeting.

Ron reported that the Clean Water Cabinet met on April 20. Discussion included how do we judge gains and losses of wetlands in the State.

Ron stated that the Southern Water Planning Committee will meet today immediately following the board meeting. The Administrative Advisory Committee will meet immediately following the board meeting today in Ron's office.

Dispute Resolution Committee – Jim Haertel reported that one new appeal has been filed in Roseau County.

Wetlands Committee – Clair Nelson reported that the Wetlands Committee continues to work on various issues. The Wetlands Committee will meet in May.

Cost-Share Committee – Ron Harnack stated that the Cost-Share Committee will meet next month to review grants to SWCDs.

Administrative Advisory Committee – Chair Deal reported that the Administrative Advisory Committee has been meeting via conference calls as the budget moves through the legislative process.

CONSENT AGENDA

Memorandum of Understanding between the Minnesota Department of Natural Resources, Division of Forestry, and the Minnesota Board of Water and Soil Resources – Ron Harnack asked for the Board's support in furthering this document, which reaffirms DNR's and BWSR's commitment to SWCDs forestry efforts. Moved by Clair Nelson, seconded by Louise Smallidge, to endorse the Memorandum of Understanding between the Minnesota Department of Natural Resources, Division of Forestry, and the Board of Water and Soil Resources, as presented. Motion passed on a voice vote.

** 05-29

Memorandum of Understanding between the Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Board of Water and Soil Resources, the Minnesota Department of Health, and the Minnesota Department of Agriculture – Ron Harnack reported that this is a new document involving the Red River Basin coordination of flood damage reduction and natural resources enhancements relating to the Red River Mediation Agreement. Chair Deal will sign on behalf of the Board. Moved by Paul Krabbenhoft, seconded by Dan Wilson, to approve the Memorandum of Understanding between, DNR, PCA, MDH, MDA, and BWSR. Motion passed on a voice vote.

** 05-30

NEW BUSINESS

Middle Fork Crow River Watershed District Establishment Petition – Jim Haertel explained that the committee met twice after the hearing and, in consideration of the record, decided with a majority vote to recommend to the full Board that the watershed district be established. The committee further recommends with unanimous votes that the watershed district boundary be established according to the recently revised DNR watershed boundary, that the name be the "Middle Fork Crow River Watershed District", and that there be five board managers with three from Kandiyohi County and one each from Meeker and Stearns Counties. Lastly, the committee recommends with a majority vote the appointment of managers as listed in the draft order. Moved by Quentin Fairbanks, seconded by Paul Krabbenhoft, to approve the committee's recommendation for establishment of the Middle Fork Crow River Watershed District. Discussion followed. Ron Harnack stated that he spoke with Randy Kramer this morning, and Randy will support the committee recommendation for establishment of the watershed district.

** 05-31

Motion made by Paul Brutlag, to amend the previous motion to have two separate motions: 1) to approve the establishment of the watershed district; and 2) another motion on the appointment of the board of managers. Discussion followed. There was not a second to the amendment; the amendment to the motion did not pass. Paul Brutlag commented that he is in general support of watershed districts; however, he felt that there needed to be more public participation in the process, therefore he could not support the recommendation.

Discussion followed. Paul Brutlag requested a roll call vote. Chair Deal called for a roll call vote. Affirmative: Jim Anderson, Paul Burns, Sheryl Corrigan, Quentin Fairbanks, Karen Harder, Paul Krabbenhoft, Gene Merriam, Clair Nelson, Victor Ormsby, Louise Smallidge, LuAnn Tolliver, Dan Wilson, Jerome Deal. Opposed: Paul Brutlag. Motion passed 13 ayes, one nay.

'05 Non-Point Engineering Assistance (NPEA) Grant – Wayne Zellmer reported that the NPEA Challenge Grant provides additional engineering/technical assistance to SWCD NPEA Joint Powers Boards (JPBs) for landowners implementing high priority conservation practices. Wayne reported that the Cost-Share Committee has reviewed the grants and recommends approval of the '05 Non-Point Engineering Assistance Grant.

** 05-32 Moved by Victor Ormsby, seconded by Paul Krabbenhoft, to approve the '05 Non-Point Engineering Assistance Grants as presented. Motion passed on a voice vote.

OLD BUSINESS

Budget and Legislative Issues Update – Ron Harnack presented an update of the House, Senate, and Governor's budget recommendations. The House's budget recommendation has an "Option A" which assumes no gambling deal, resulting in an additional reduction to BWSR that eliminates funding of Area II and $600,000 per year to programs. Ron stated that if Option A is adopted, the Administrative Advisory Committee would meet to address the reduction with a recommendation to the full Board in June. Ron stated that we need to look at outcomes, and where other agencies are making their reductions. Senate funding for BWSR include additional funding for Area II; beaver damage control grants; and public drainage system buffer study.

Ron reported that policy issues include a legislative bill regarding the City of Cologne trail construction wetland replacement requirement exemption; SWCD levy authority; claim against BWSR by Green Isle involving mitigation. Ron stated that the Clean Water Legacy legislation is also moving forward, the policy is supported, but there is struggling over funding options.

AGENCY REPORTS

Department of Natural Resources (DNR) – Commissioner Gene Merriam briefly commented on DNR's budget issues. He commented on the Clean Water Rally at the Capitol on April 2nd. Commissioner Merriam announced an event to be held on April 28, regarding wildlife issues; waterfowl habitat and management. Commissioner Merriam stated that DNR is partnering with BWSR and the U.S. Fish and Wildlife Service on ongoing efforts to address habitat needs.

Department of Health (MDH) – Dan Wilson reported that the building code program will be consolidated with other similar programs at the Department of Labor and Industry. MDH will lose about 20 positions in the transfer.

Chair Deal needed to leave the meeting to speak at the NRCS's "70 Years of Conservation." Paul Krabbenhoft will chair the meeting.

Department of Agriculture (MDA) – Paul Burns reported that MDA will be moving in October to their new building. Paul commented on MDA's legislative issues. MDA is working with the Minnesota Extension Service on expansion of conservation drainage technologies. Paul reported that Elton Redalen is retiring from the FSA Committee.

Minnesota Extension Service (MES) – Jim Anderson reported that MES will be participating in "Cabin Days" to be held this weekend at the Minneapolis Convention Center. Jim reported that MES is working on three programs with other agencies: the shoreland restoration program with DNR and MPCA; the on-site sewage program with PCA; and private forestland issues with DNR. Jim reported that MES is also working on establishment of a regional education position to be located in Mankato. Jim reported that the State is determining a TMDL for Lake Pepin, and MES is in the first stages of working on that process.

Pollution Control Agency (MPCA) – Commissioner Sheryl Corrigan stated that MPCA and MES have started the process of TMDL in Lake Pepin. Commissioner Corrigan encouraged board members to participate in "Celebrate Lake Pepin" on May 15 in Lake City. Commissioner Corrigan reported that the Administration in Washington, D.C. has cut the State Resolving Fund (SRF) dollars from the budget. Commissioner Corrigan sent a letter to Washington, D.C., and asked board members to write their congressmen as well, requesting dollars for the State Revolving Fund. Commissioner Corrigan reported that Governor Pawlenty kicked off an event in June 2004, relating nutrient management in the Upper Mississippi River Basin. A policy framework has been developed working with the Upper Mississippi River Basin states.

ADVISORY COMMENTS

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn reported that MAWD has been working on the bonding bill and CREP is a major part of this legislation. Ray commended Ron Harnack, SWCDs and MAWD for their efforts on CREP-2. Ray praised Ron Harnack and Doug Thomas for their leadership, which was so critical to the CREP-2 effort. Ray stated that the Sauk River Watershed District increased levy bill is in the Senate and House bill, waiting to see what happens there. Ray stated that the managers compensation bill is moving slowly. Ray stated that the Clean Water Legacy policy is good, but how to fund the Clean Water Legacy bill is in debate. Ray is hopeful but not real

optimistic. The MAWD summer tour will be held June 23-25, hosted by the Thirty Lakes Watershed District. Governor Pawlenty has been invited to attend.

The next Board Meeting will be held May 25, 2005, in St. Paul.

Paul Krabbenhoft announced that the Cost-Share Committee will meet immediately following the May board meeting.

Victor Ormsby distributed a publication.

Paul Krabbenhoft adjourned the meeting at 12:15 p.m.

Respectfully submitted,

Jerome Deal
Chair

Dispute Resolution Report
May 12, 2005
by Jim Haertel

There are presently twelve appeals pending. All of the appeals involve WCA. There have been two new appeals filed since the last report dated April 7.

File 05-9. This is a new appeal of a Restoration Order in St. Louis County. The appeal involves the excavation of a ditch, and the placement of fill, in wetland. Also, the ditch drains into DNR protected waters designated as "Forested River" in the shoreland management ordinance. The project is associated with gravel mining. No decision has been made on the appeal.

File 05-8. This is a new appeal of a Restoration Order in Roseau County. The appeal involves the excavation of ditches, and the placement of fill, in wetland. The project is associated with commercial development of the site. No decision has been made on the appeal.

Files 05-3 and 04-2. File 05-3 is an appeal of a Replacement Plan decision in Morrison County. At issue is the placement of fill in wetland for a road. There have been previous appeals regarding this project. File 04-2 is an appeal of an exemption decision for this project. The appeals regard a road that was upgraded and the denial of a forestry exemption. A cease and desist order and a restoration order were issued. The exemption appeal was remanded for a hearing, the LGU denied the exemption again, and that decision has been appealed. The exemption appeal has been accepted. No pre-hearing conference on the exemption appeal was set since the landowner, after negotiations, consented to submitting a replacement plan application upon completion of a wetland delineation. The replacement plan application was submitted proposing 2:1 replacement. The application was denied and that is the subject of appeal File 05-3. The appeal has been accepted and combined with File 04-2. The extensive record was being compiled before a pre-hearing conference would be held, however, now it appears the situation may be headed towards resolution with the purchase of wetland banking credits at a 4:1 replacement ratio.

File 05-1. This is an appeal of a Replacement Plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Management Plan that BWSR approved. The appeal has been accepted and the extensive record is being compiled before a pre-hearing conference is held.

File 04-30. This is an appeal of a Restoration Order in Roseau County. The violation involves excavation in a Type 3-4 wetland along a lake. A decision on accepting the appeal has been placed in abeyance per request from legal counsel for the appellant.

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

File 04-26. This is an appeal of a Restoration Order in Spring Lake Township, Scott County. At issue is the placement of 4,300 feet of fill in a wetland for a driveway. The approved plat showed access to the lot without wetland impacts. The appeal is in abeyance pending a decision on a replacement plan application.

File 04-25. There is an appeal of an exemption decision in the City of Albertville, Wright County. The exemption was granted by default after the requirements under Minn. Stat. § 15.99 (the "60-day rule") were not met. At issue is the scope of wetland filling allowed under the "approved development" exemption and whether wetland filling can be avoided. The project involves commercial development. The appeal has been accepted, the record has been developed and a pre-hearing conference was held on January 20. The appeal briefing and hearing schedule is presently in abeyance pending the landowner considering Corps of Engineers requirements for the project.

File 04-23. This is an appeal of a forestry exemption decision in Kittson County. Unpermitted fill was placed in a Type 7 wetland for a road. A Cease and Desist Order was issued. Additional filling has recently occurred in violation of the CDO. Corps and DNR violations also exist. The appeal has been accepted and is in abeyance pending completion of a wetland delineation this spring and submittal of a replacement plan application.

File 04-15. This is an appeal of a wetland boundary and type decision in Anoka County. At issue is the decision by the Rice Creek Watershed District to classify a site as effectively drained. Last summer a wetland delineation report identified most of the site as wetland. The appeal has been remanded for a technical evaluation panel to meet onsite. The appeal remains in abeyance under the remand.

File 03-18. This is an appeal of a no-loss decision in Meeker County. At issue is the wetland delineation. The project involves wetland fill for a garage. The appeal is being held in abeyance pending further technical evaluation work, however, it appears a settlement agreement may be reached between the county attorney and the landowner with the landowner purchasing wetland bank credits.

COMMITTEE RECOMMENDATIONS

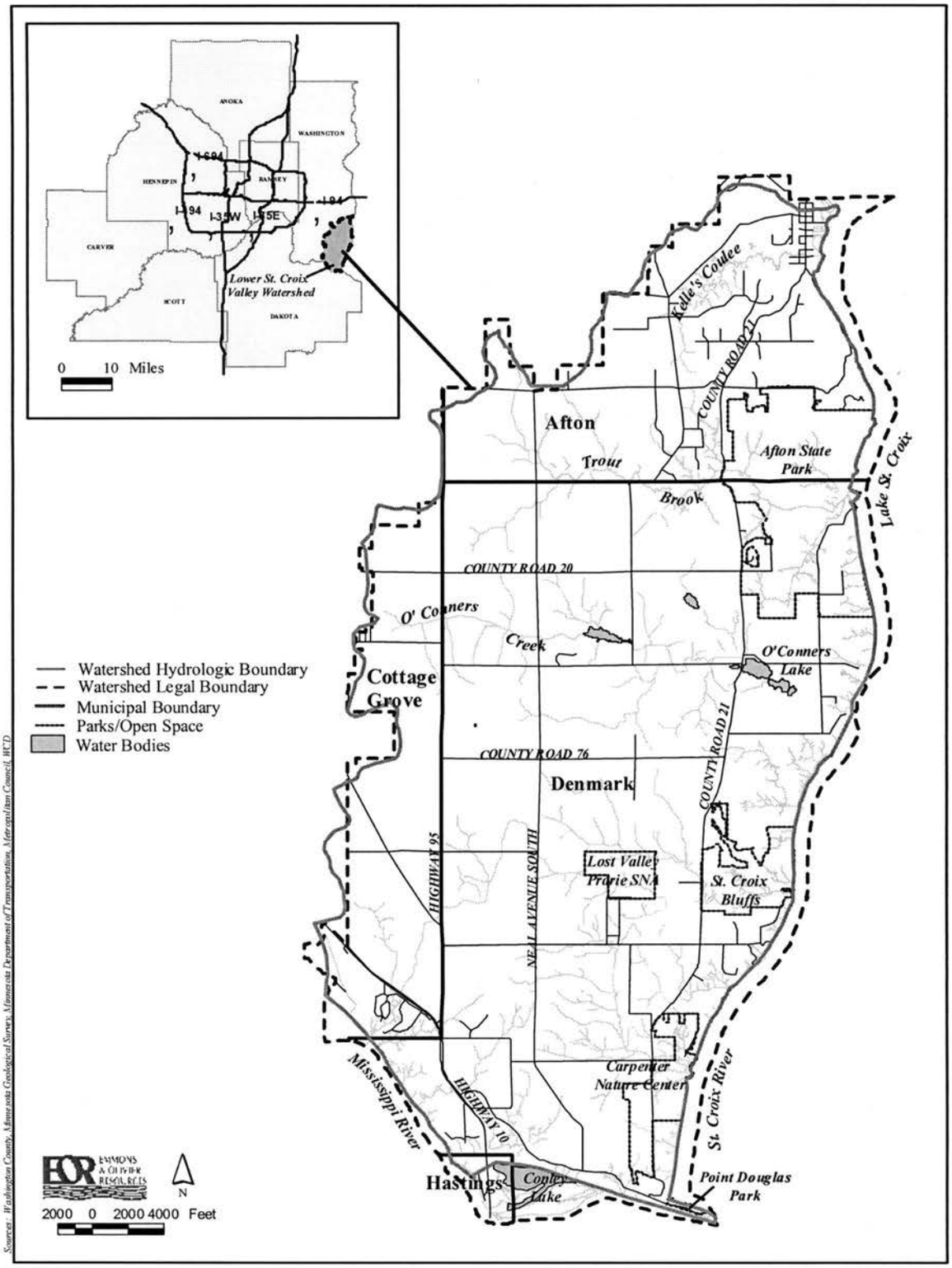
Metro Water Planning Committee

1. Lower St. Croix Watershed Management Organization, Amendment to Watershed Management Plan - ***DECISION ITEM***

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

Minnesota Board of Water and Soil Resources
May 2005 Metro Subcommittee Meeting

OVERVIEW
Lower St. Croix Watershed Management Organization Plan 2005 – 2009



Watershed Description. The Lower St. Croix Watershed Management Organization (LSCWMO) is located exclusively in Washington County in the east-central portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the Valley Branch Watershed District to the north, the South Washington Watershed District to the west, the Vermillion River Watershed Management Organization (Dakota County) to the south, and the St. Croix river to the east. The LSCWMO encompasses portions of the Cities of Afton, Cottage Grove, and Hastings; and Denmark Township in its entirety. The entire Lower St. Croix watershed is approximately 45.85 square miles in size. The watershed includes a major surface and groundwater hydrologic divide for the Mississippi River and St. Croix River basins. The main hydrologic features of this watershed are Trout Brook, Kelle's Coulee, O'Conners Creek and Lake, and numerous tributaries to the Mississippi and St. Croix Rivers. The current land uses within the watershed are predominantly agricultural and undeveloped. The watershed is unique in that it is located adjacent to a developing watershed and contains a number of valuable natural resources. Development pressure and changes in land uses within the watershed will likely increase over the next five to ten years.

Summary of Plan Review Process. The LSCWMO was organized on June 21, 1985 and is organized under a Joint Powers Agreement between Denmark Township and the Cities of Afton, Cottage Grove, and Hastings. The first generation Watershed Management Plan was written and adopted in 1991. The Washington County Water Governance Study (Washington County, 1999) has recommended the enlargement of the Valley Branch Watershed District to include the LSCWMO, but the timing of this enlargement is dependent on the LSCWMO's ability and willingness to take on an active water management role. This Watershed Management Plan (Plan) outlines the steps the LSCWMO is taking to achieve the goals of the County Water Governance Study while maintaining the status of a Water Management Organization.

The draft plan was submitted to BWSR, other state agencies, and local governments for the required 60-day review on June 23, 2004. The LSCWMO received 60-day review comments from BWSR, MN Department of Natural Resources (DNR), MN Pollution Control Agency (PCA), Metropolitan (Met) Council, City of Cottage Grove, Denmark Township, Washington Conservation District, Washington County, and Valley Branch Watershed District. On December 2, 2004, all review agencies had received the revised draft plan for the required 45-day review period. Comments were received from BWSR and the DNR. The final draft plan was submitted to BWSR on March 14, 2005. The LSCWMO updated the Joint Powers Agreement between Denmark Township and the Cities of Afton, Cottage Grove, and Hastings in 2005. Denmark Township has agreed to take on the City of Hastings' responsibility to manage and provide funding for the 0.4 square mile portion of Hastings within the LSCWMO.

Fiscal Context and Implementation. The LSCWMO's primary source of funding for administration and implementation activities is via dues from member communities in accordance with the joint powers agreement. LSCWMO annual expenditures for administration and implementation of the Plan have been increased to approximately $100,000 for each year covered by the Plan.

Fiscal activities are an approximate barometer of influence within a watershed only. LSCWMO's proposed budget appears to be approximately in the middle of total annual expenditures in comparison with other WMOs, and significantly less than area watershed districts. The following table provides contextual financial information for other Metro area watersheds.

Watershed Organization Operating Parameters for Select Developing and Adjacent Areas

Watershed	Type	Counties	Size (Mi^2)	Actual Expenditures			Exp./ Sq Mile
				2001	2002	2003	
Bassett Creek	WMO	Hennepin	40	$433,208	$390,653	$318,823	$7,9
Browns Creek	WD	Washington	28	$1,035,814	$536,531	$403,906	$14,4
Carnelian-Marine	WD	Washington	43	$404,561	$447,838	na	$10,4
Coon Creek	WD	Anoka	96	$467,285	$601,544	$660,523	$6,8
Elm Creek	WMO	Hennepin	131	$160,360	$156,370	$121,562	$9
Lower Minnesota River	WD	Hennepin, Carver, Scott, Dakota	64	$427,058	$292,621	$204,346	$3,1
Lower Mississippi River	WMO	Dakota, Ramsey	56	$43,324	$50,727	$57,383	$1,0
Middle St. Croix	WMO	Washington	20	$14,044	$10,819	$36,998	$1,8
Minnehaha Creek	WD	Hennepin	184	$6,086,030	$5,270,636	$3,343,963	$18,1
Pioneer-Sarah Creek	WMO	Hennepin	71	$91,149.54	$103,625	$75,501	$1,0
Prior Lake-Spring Lake	WD	Scott	42	$410,171	$610,534	$732,799	$17,4
Ramsey-Washington Metro	WD	Ramsey, Washington	53	$3,048,986	$3,329,310	$3,370,862	$63,6
Rice Creek	WD	Ramsey, Anoka, Washington	201	$1,319,055	$1,692,567	$2,589,521	$12,8
Shingle Creek	WMO	Hennepin	44	$238,813	$353,581	na	$8,0
South Washington	WD	Washington	54	$2,356,478	$2,323,327	$5,771,911	$106,8
Vadnais Lake Area	WMO	Ramsey	24	$63,192	$66,409	$78,431	$3,2
Valley Branch	WD	Washington	64	$443,537	$526,532	$730,992	$11,4
West Mississippi	WMO	Hennepin	24	$83,385	$125,104	na	$5,2

Reviewing Agency/ LGU Comments and LSCWMO Responses. The following is an agency specific summary of comments submitted and LSCWMO responses:

BWSR comments related to: 1) clarification and consolidation of policies, 2) inclusion of a revised and updated JPA with final submittal of plan, 3) inclusion of a more detailed gap analysis of the current regulatory structure within the LSCWMO boundaries, 4) recommendations on the process for wetland planning and rule development, 5) clearly stating the need to comply with NPDES, 6) consideration of requiring a cash surety for erosion control requirements, and 7) recommendations for more detail and specific language in numerous areas. All BWSR suggestions were satisfactorily incorporated into the Plan.

DNR, in both comment letters, recommended the Plan include a list of state-listed rare plant and animal communities occurring in the watershed. The LSCWMO first proposed providing general information rather than specific, but then included the specific list as an appendix after the 45-day review comments. The DNR recommended incorporating information and policies for stream restoration, which resulted in the addition of two new policy statements and expanded implementation activities to specifically indicate the identification of restoration activities. The DNR suggested the LSCWMO analyze the contribution of the watershed as a whole to St. Croix River flooding to determine what the WMO could accomplish within the watershed to reduce the watershed's contributions. The LSCWMO responded that, given the watershed's relatively undeveloped nature and setting within the St. Croix River watershed, it is unlikely to play even a minor role in the flooding within the river, and that the Plan does address local flooding issues. DNR comments also included clarifications and corrections, which were incorporated into the Plan.

MPCA comments included suggestions for dealing with future impairments, and water quality data collection requirements. MPCA recommended the rate control requirements further emphasize managing and limiting flows associated with 1.5 to 2-year storm events. The LSCWMO made the suggested changes to the Plan. MPCA also recommended no net increase in runoff volume from the 1, 2, and 10 year storm events in those portions of the basin it is achievable. The LSCWMO proposed a standard for no-net increase for storms less than and including the 2-year event, with consideration of requirements up to the 10-year event during the rule development process or as outcomes of subwatershed or resource based implementation activities.

MDH did not comment on the draft plan

MDA did not comment on the draft plan.

Met Council found the Plan to be consistent with the Council's Water Resources Management Plan and stated no significant concerns.

Washington County found the plan generally consistent with County activities, such as the 2003-2013 Groundwater Plan and land Management and Transportation Department responsibilities. The County encouraged consideration of groundwater protection in their rule development process. LSCWMO added groundwater protection to the list of potential rule areas. The County also recommended removal of the reference to the County funding option in the Plan and to use the minor amendment process to gain approval of the financing strategy for each project at the time of implementation; the specific language supplied was inserted into the Plan. The County also recommended several grammatical changes and clarifications, which were made by the LSCWMO.

Washington Conservation District comments recommended addressing Prime Farmland separately from Parks and Open Spaces and relating it to other issues such as development pressure, and included several clarifications. The Prime Farmland issue was identified as separate from Parks and Open Spaces, and clarifications were made as recommended.

Valley Branch Watershed District comments pertained to the LSCWMO's legal boundary, including clarification of process for making adjustments to the legal boundary, adding language on dealing with issues outside the legal boundary but within the hydrologic boundary, and coordinating with neighboring watersheds on permit reviews. The LSCWMO made the recommended clarifications to the Plan.

Denmark Township requested the Plan clarify their relationship and responsibilities relevant to that portion of the watershed that is within the City of Hastings, specifically that the Township has agreed to assume Hastings' share of administrative expenses but any capital improvement projects within that area must be funded by the City of Hastings. Clarification was added to the Plan. The Denmark Town Board also urged the LSCWMO to pursue *ad valorem* taxing authority diligently.

City of Cottage Grove commented that the funding section was unclear for the funding of subwatershed implementation activities. The LSCWMO added clarification that subwatershed implementation activities will be funded based on 100% of land area within the subwatershed.

Summary of Plan Strengths and Weaknesses. The plan presents 10 goals developed by the Board of Managers and Advisory Committee. Three of these goals deal with surface water, three with groundwater, and one each with recreation, fish and wildlife habitat, wetlands, and education. The LSCWMO identified 57 different policies that correspond to the watershed goals, to be used as a comprehensive list of possible actions that could be taken to achieve those goals. The LSCWMO understands that not all of the policies will be addressed within the Plan's timeframe, but included them for future planning efforts in the event outside funding is obtained for those projects.

The LSCWMO's goals are:

Goal 1. Maintain or improve the surface water quality of water resources within the watershed with a specific emphasis on Kelle's Coulee, Trout Brook, O'Conners Creek and Lake and the St. Croix and Mississippi Rivers

Goal 2. Prevent the degradation of water resources as a result of excess runoff volume and high peak flow rates.

Goal 3. Prevent the degradation of resources and the loss or damage of property due to erosion and sedimentation.

Goal 4. Maximize groundwater recharge as a means of maintaining drinking water supplies, preserving base flows in streams, and limiting discharges of stormwater to downstream receiving waters.

Goal 5. Protect existing groundwater supplies to private wells and groundwater dependent natural resources.

Goal 6. Maintain or improve groundwater quality within the watershed.

Goal 7. Encourage and enhance natural resource based, passive use recreational opportunities within the watershed consistent with overall water management goals.

Goal 8. Protect and improve key natural resources within the watershed to prevent the loss or degradation of fish and wildlife habitat.

Goal 9. Maintain, enhance, and restore, where possible, the functions and values of existing areas and wetlands within the watershed.

Goal 10. Provide information, knowledge and skills to those who live, work and/or recreate in the watershed to foster the protection of local land and water resources.

The Plan's implementation activities generally focus on conducting more in-depth, issue specific analysis and management plans. While there are no capital improvement projects being proposed in this Plan, the intent of the LSCWMO is that the more detailed management plans will include

recommendations for these types of projects. The LSCWMO feels this approach is necessary due to the current lack of knowledge regarding specific improvements.

Highlights of the Plan include:

1. Development of watershed rules and permit program.
2. Relatively short timeframe, extending through 2009.
3. Focus on resource assessment and planning, with Plan update to include results and identified projects.
4. The Plan outlines the steps the LSCWMO has or will take to comply with the recommendations of the Washington County Water Governance Study.
5. Runoff rate and volume control requirements established.
6. Required 30-foot naturally vegetated buffer adjacent to all natural surface waters, including wetlands, lakes, and stream channels.

BWSR Board Conservationist Les Lemm recommends sub-committee approval of the Lower St. Croix Watershed Management Organization Second Generation Plan.

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

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

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Lower St. Croix Watershed Management Organization (LSCWMO) submitted a Watershed Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **LSCWMO Establishment.** The LSCWMO was organized on June 21, 1985 and is organized under a Joint Powers Agreement between Denmark Township and the Cities of Afton, Cottage Grove, and Hastings. The first generation Watershed Management Plan was written and adopted in 1991. The draft second generation plan was submitted to BWSR, other state agencies, and local governments for the 60-day review on June 23, 2004. On December 2, 2004, all review agencies had received the revised draft plan for the required 45-day review period. The final draft plan was submitted to BWSR on March 14, 2005. The LSCWMO updated the Joint Powers Agreement between Denmark Township and the Cities of Afton, Cottage Grove, and Hastings in 2005.

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

3. **Nature of the Watershed. .** The LSCWMO is located exclusively in Washington County in the east-central portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the Valley Branch Watershed District to the north, the South Washington Watershed District to the west, the Vermillion River Watershed Management Organization (Dakota County) to the south, and the St. Croix river to the east. The LSCWMO encompasses portions of the Cities of Afton, Cottage Grove, and Hastings; and Denmark Township in its entirety. The entire Lower St. Croix watershed is approximately 45.85 square miles in size. The watershed includes a major surface and groundwater hydrologic divide for the Mississippi River and St. Croix River basins. The

main hydrologic features of this watershed are Trout Brook, Kelle's Coulee, O'Conners Creek and Lake, and numerous tributaries to the Mississippi and St. Croix Rivers. The current land uses within the watershed are predominantly agricultural and undeveloped. The watershed is unique in that it is located adjacent to a developing watershed and contains a number of valuable natural resources. Development pressure and changes in land uses within the watershed will likely increase over the next five to ten years.

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

- Washington County found the plan generally consistent with County activities, such as the 2003-2013 Groundwater Plan and land Management and Transportation Department responsibilities. The County encouraged consideration of groundwater protection in their rule development process. LSCWMO added groundwater protection to the list of potential rule areas. The County also recommended removal of the reference to the County funding option in the Plan and to use the minor amendment process to gain approval of the financing strategy for each project at the time of implementation; the specific language supplied was inserted into the Plan. The County also recommended several grammatical changes and clarifications, which were made by the LSCWMO.

- Washington Conservation District comments recommended addressing Prime Farmland separately from Parks and Open Spaces and relating it to other issues such as development pressure, and included several clarifications. The Prime Farmland issue was identified as separate from Parks and Open Spaces, and clarifications were made as recommended.

- Valley Branch Watershed District comments pertained to the LSCWMO's legal boundary, including clarification of process for making adjustments to the legal boundary, adding language on dealing with issues outside the legal boundary but within the hydrologic boundary, and coordinating with neighboring watersheds on permit reviews. The LSCWMO made the recommended clarifications to the Plan.

- Denmark Township requested the Plan clarify their relationship and responsibilities relevant to that portion of the watershed that is within the City of Hastings, specifically that the Township has agreed to assume Hastings' share of administrative expenses but any capital improvement projects within that area must be funded by the City of Hastings. Clarification was added to the Plan. The Denmark Town Board also urged the LSCWMO to pursue *ad valorem* taxing authority diligently.

- City of Cottage Grove commented that the funding section was unclear for the funding of subwatershed implementation activities. The LSCWMO added clarification that subwatershed implementation activities will be funded based on 100% of land area within the subwatershed.

5. **Metropolitan Council Review.** The Council found the Plan to be consistent with the Council's Water Resources Management Plan and stated no significant concerns.

6. **Department of Agriculture Review.** MDA did not provide comments on the LSCWMO plan.

7. **Department of Health Review.** MDH did not provide comments on the LSCWMO plan.

8. **Department of Natural Resources Review.** The DNR, in both comment letters, recommended the Plan include a list of state-listed rare plant and animal communities occurring in the watershed. The LSCWMO first proposed providing general information rather than specific, but then included the specific list as an appendix after the 45-day review comments. The DNR recommended incorporating information and policies for stream restoration, which resulted in the addition of two new policy statements and expanded implementation activities to specifically indicate the identification of restoration activities. The DNR suggested the LSCWMO analyze the contribution of the watershed as a whole to St. Croix River flooding to determine what the WMO could accomplish within the watershed to reduce the watershed's contributions. The LSCWMO responded that, given the watershed's relatively undeveloped nature and setting within the St. Croix River watershed, it is unlikely to play even a minor role in the flooding within the river, and that the Plan does address local flooding issues. DNR comments also included clarifications and corrections, which were incorporated into the Plan.

9. **Pollution Control Agency Review.** PCA comments included suggestions for dealing with future impairments, and water quality data collection requirements. MPCA recommended the rate control requirements further emphasize managing and limiting flows associated with 1.5 to 2-year storm events. The LSCWMO made the suggested changes to the Plan. MPCA also recommended no net increase in runoff volume from the 1, 2, and 10 year storm events in those portions of the basin it is achievable. The LSCWMO proposed a standard for no-net increase for storms less than and including the 2-year event, with consideration of requirements up to the 10-year event during the rule development process or as outcomes of subwatershed or resource based implementation activities.

10. **Board Review.** BWSR comments related to: 1) clarification and consolidation of policies, 2) inclusion of a revised and updated JPA with final submittal of plan, 3) inclusion of a more detailed gap analysis of the current regulatory structure within the LSCWMO boundaries, 4) recommendations on the process for wetland planning and rule development, 5) clearly stating the need to comply with NPDES, 6) consideration of requiring a cash surety for erosion control requirements, and 7) recommendations for more detail and specific language in numerous areas. All BWSR suggestions were satisfactorily incorporated into the Plan.

11. **Highlights of the Plan.**

- Development of watershed rules and permit program.
- Relatively short timeframe, extending through 2009.

- Focus on resource assessment and planning, with Plan update to include results and identified projects.
- The Plan outlines the steps the LSCWMO has or will take to comply with the recommendations of the Washington County Water Governance Study.
- Runoff rate and volume control requirements established.
- Required 30-foot naturally vegetated buffer adjacent to all natural surface waters, including wetlands, lakes, and stream channels.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Lower St. Croix Watershed Management Organization pursuant to Minnesota Statutes Sections 103B.201, Subd. 9.

3. The Lower St. Croix Watershed Management Organization plan attached to this Order defines water and water-related problems within the LSCWMO boundaries, possible solutions thereto, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Plan dated March 7, 2005 as the Watershed Management Plan for the Lower St. Croix Watershed Management Organization.

Dated at Saint Paul, Minnesota this 25th day of May 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

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Minnesota Board of Water & Soil Resources

May 25, 2005

Isanti County Commissioners
C/o Mark Demuth, Water Plan Coordinator
Isanti Soil and Water Conservation District
380 Garfield Street South
Cambridge, MN 55008

RE: Official State Comments Pertaining to the Review of Isanti County Priority Concerns Scoping Document for the Third Generation Water Management Plan Update.

Dear Isanti County Commissioners:

Pursuant to MS Section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns that Isanti County has chosen to eventually address in the update of their comprehensive local water management plan. Prior to the county's submittal of the priority concerns scoping document (PCSD), staff from the Board of Water Soil Resources (BWSR) attended an interagency meeting hosted by the Isanti Water Management Task Force on March 2, 2005, to advise on the priority concerns selection process, list BWSR staff concerns, and arrive at a cursory level of consensus with the draft priority concerns among the agencies. The State review agencies reviewed the priority concerns scoping document and submitted all comments by April 26, 2005. The Board of Water and Soil Resources' metro water planning sub-committee (the subcommittee) met on May 2, 2005, to discuss agency comments, the content of the PCSD, and recommendations for the content of the final plan.

The subcommittee commends the county for the process they used for collecting and reviewing issues raised by community stakeholders and ultimately selecting the priority concerns. The Task Force and consultant Marilyn Bayerl have done an effective job of condensing these down to the priority issues, which will be the focus of the water planner for the remainder of the process. None of the agencies have registered significant reservations regarding either the processes used or the priority concerns submitted. The Minnesota Pollution Control Agency did note an important additional subject area related to prioritizing listed Impaired Waters in Isanti County. As discussed with the Isanti County staff and consultant, Isanti County will address this issue during the development of goals and objectives for the Water Management Plan update. An education plan will also be incorporated into various, pertinent sections of the Plan update. Following the discussion of the priority concerns at the subcommittee meeting, it is mutually agreed that the priority concerns to be assessed and addressed in your final plan include:

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

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

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

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

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

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

Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

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- **THE CUMULATIVE EFFECTS OF DEVELOPMENT ON SURFACE WATERS.**
- **PROTECTION AND RESTORATION OF NATURAL HABITAT AND IMPAIRED WATERS IN ISANTI AND BORDERING COUNTIES.**
- **GROUNDWATER QUALITY AND QUANTITY.**

These priority concerns are somewhat different then those originally submitted for review.

In summary, the committee was satisfied with the extent of information assembled by the county and the willingness to run a very open process utilizing a large number of stakeholders. We look forward to participating in the completion of your plan and its ultimate implementation.

Sincerely,

Jerome Deal, Chair
Minnesota Board of Water and Soil Resources

Cc: Steve Woods
Doug Thomas
Dave Wierens
Becky Balk, MDA
Matt Drewitz, MDA
John Wells, EQB
Sara Bertelsen, EQB
Art Persons, MDH
Dennis Assmussen, DNR
Mike Mueller, DNR
David Johnson, MPCA

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COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Goodhue County Local Water Management Plan Update –
   DECISION ITEM

2. Stevens County Local Water Management Plan Update –
   DECISION ITEM

3. Yellow Medicine County Local Water Management Plan Update –
   DECISION ITEM

Executive Summary

Introduction:

Goodhue County is located in Southeastern Minnesota, approximately 40 miles southeast of the Twin Cites and 60 miles northwest of Winona. The county seat is located in Red Wing which is the largest city in the County of Goodhue with a population of 15,854. Surrounding counties include; Dakota County to the north, Wabasha County to the south and east, Dodge and Olmsted Counties to the south, and Rice County to the west. The county has an area of 438,454 acres of rural land with an average of 51 people per square mile.

The original Goodhue County Comprehensive Local Water Plan was originally adopted in 1990 after a three year planning process. In 1995 the first revision on the Water Plan started. The revisions were built off the original plan; learning from its successes and failures. Through informational public meetings with citizens of the county and local officials, a list of concerns was derived. The following concerns were addressed: wellhead protection plan development, nutrient management, erosion control, stormwater management, development of county land resources, groundwater protection through land use practices, and improving the GIS database and monitoring strategies. The first revision of the original water plan was then adopted in January of 1998. Several meetings with a "Technical" and "Policy" groups were held to organize the concerns of the public and attempt to act on them. These committees discuss water quality issues, give recommendations and revise goals and objectives when needed. The Priority Concerns Scoping Document contains a list of members on the committees and detailed information on the concerns and how they were derived (appendix).

Purpose:
The purpose of the Local Water Management Plan is to address potential and existing water resource related issues and how they can be protected, sustained and enhanced in Goodhue County. The LWMP follows the requirements of Minn. Stat. 103B.311subd. The following guidelines will be met in this document:

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 groundwater system.
5. The plan must cover a five or ten year period. We have decided to develop a plan which will address the concerns of the county for the next 5 years (2005 to 2010).

This update is intended to enhance the 1997 revision of the water plan to help protect both the surface water and groundwater of Goodhue County. On June 17th, 1997 Goodhue County delegated the Water Plan to the local Soil and Water Conservation District. Goodhue SWCD thought that their office could better handle the day-to-day operations of the water plan and

ultimately achieve more results. The SWCD was able to take on the responsibility of updating, creating and implementing the plan ever since.
A balance of our natural resources, environmental habits, and growth must be obtained to achieve long term economic and ecological sustainability in the county. Through the implementation of the 4 main priority concerns developed for the 2005-2010 water plan update, a strong effort will be made to achieve said balance. The gathering of both the Technical and Policy Committees will take place at least once a year. This will help the SWCD employees and the committee members to see what objectives were and will be achieved in the future.

Description of Priority Concerns and Summary of Goals

During the developmental process of the plan, the citizens and committee members of the LWMP agreed that erosion control and stormwater issues were of the greatest concerns. Growing cities, outdated structures, increasing impervious surfaces and unsustainable farming practices are just a number of issues that will be addressed.

Erosion Control and Stormwater Quality and Quantity

The geology of some areas in Goodhue County consists of many rolling, steep hills with a wide variety of streams and rivers. In these areas erosion does occur naturally, however with the addition of human influence on the land, i.e. crops, tilling, impervious surfaces, etc, the rate at which erosion occurs increases dramatically. The Policy and Technical Committees thought that this priority concern was worthy of 4 sub categories: General Principles, Urban Stormwater Management, Erosion Control from Rural Devolvement, and Erosion Control from Agriculture. Each addresses the water quality issues for their respected fields. Many agriculture practices prove to be unsuited for this area of the state. Changes are necessary for some farmers to achieve sustainability of land and profit. The concern of stormwater in towns as well as on the landscape can be a powerful force. Managing this issue in both urban and agricultural areas can be difficult but rewarding if retaining and/or treatment can be accomplished.

Goals:

- Provide leadership and staff time to work with cities; developers and landowners to implement environmentally sound storm water management practices during development planning, plat reviews, construction and post-construction activities
- Establish and maintain stream and field vegetative buffers in accordance with existing County Zoning Ordinance which improve water quality.
- Encourage long-term maintenance on detention basins in urban, suburban and highway settings.
- Increase permanent vegetation (native vegetation where possible).
- Provide information and technical or financial assistance to county landowners
- Preserve, enhance and increase wetland resources in the Cannon River and Zumbro River Watersheds.

Estimated Cost: $329,500

Nutrient and Pest Management

Nutrient management plans mainly assist farmers with their agriculture land to achieve the best sustainability between nutrient application and yields. These plans supply farmers with nutrient information on their cropland regarding application rates, residues, awareness of sensitive areas, and application overlapping. Over-applications of fertilizers and other chemicals, both in rural and urban settings, can have a negative effect on water quality. Also, practicing up-to-date plans are very helpful when eligibility for new federal programs become available (Conservation Security Program).

Goals:

- Assist rural and urban landowners in adopting comprehensive nutrient management practices on their lands.
- Provide data layers (nitrate probability, manure applications) in GIS format to local governmental units with jurisdiction over nutrient management.

Estimated Cost: $117,500

Landuse and Natural Areas

The Goodhue County Landuse Department manages the recently updated Comprehensive Landuse Plan. The Comprehensive Plan attempts to maintain the balance between non-agricultural growth and existing land uses. Due to the projected population growth of Goodhue County stringent land use changes will need to be implemented. Urban sprawl has become an issue as it relates to the topography of Goodhue County. New developments, housing units, subdivisions are having their way with the land. Many of these developments are being placed in/near water quality sensitive areas. The need to preserve open space through land use practices in this county is important and is one of Goodhue County's distinct features.

Goals:

- Protect/preserve blufflands and streams through ordinance enforcement and education.
- Develop ground water protection guidelines for areas vulnerable to pollution in order to ensure that surface water entering aquifers via sinkholes, infiltration, or subsurface streams is of high quality.
- Encourage open space/corridor management in development plans and improve water quality.

Estimated Cost: $74,500

Feedlots

Goodhue County identifies runoff from feedlots as a priority concern. Feedlots that are not in compliance are seen as a significant problem due to the potential risk of groundwater and surface water quality degradation. Feedlot concerns are typically watershed specific and should target priority areas such as; Karst areas, impaired watersheds, and riparian areas. Low-cost fixes are made available for small feedlots which do not meet state compliance standards along with education and training opportunities.

Goals:

- Provide financial assistance to landowners achieve feedlot compliance.
- Prevent/reduce feedlot runoff. This is watershed specific and should target priority areas such as; impaired watersheds, shoreland, karst and riparian areas.
- Provide adequate local staffing to assist in achieving feedlot compliance.
- Provide technical assistance to all farmers. (Not just those receiving financial assistance.)

Estimated Cost: $438,000

Consistency of Plan

The Water Plan made sure to examine several other water resource organization's documents, suggestions and plans during the updating process. The Plan accounts for the work of many agencies involved in the implementation of goals and objectives. The Goodhue County Comprehensive Plan update was completed 2004 by the Land Use Management Department. The Comprehensive Plan compliments the Comprehensive Local Water Plan directly. Water quality objectives located in the Comprehensive Plan mirror the overall goal of the Water Plan. Besides the local Soil and Water Conservation District and the Land Use Department, the Goodhue County Environmental Health Services, Public Works, GIS Department and Public Health Services are involved with the updating and implementation process of the Plan.

State agencies involved in the plan include the Department of Natural Resources, the Minnesota Pollution Control Agency and the Board of Water and Soil Resources.
As a regional effort, the Southeast Minnesota Water Resources Board undertakes the challenge of improving the overall water quality of the SE 10 counties. Lead by Bea Hoffman, the Board is made up of County Commissioners from each of the ten counties with water quality interests' in-mind. The Board exists to help sustain the quality of life in the ten counties of southeastern Minnesota by improving and protecting the water resources through coordination of local water planning efforts.

Ongoing Activities in Goodhue County

The Priority Concern Scoping Document contained a portion relating to the concerns that were not directly addressed in this update of the plan. This section contains concerns which are currently being addressed by a variety of programs and are ongoing. Thus, as a committee, we decided that including these concerns would be repetitive. However we feel that these concerns still need to be mentioned in this portion of the plan. This ongoing programs and practices section will inform the reader of current activities which relate to water resources in Goodhue County.

USDA Wetland Regulations (Swampbusters)

This wetland provision of the Farm Bill requires agricultural producers to protect and maintain wetlands on their property in order to be eligible for USDA Farm Program benefits.

WCA

The Wetland Conservation Act of 1991 states that a "no net loss" of drained, filled or excavated wetlands shall occur without a replaced/restored wetland to replace them. The replaced/restored wetland should be of equal or greater size and quality. Wetlands that are not covered by the DNR are the jurisdiction of WCA. The Local Government Unit (LGU) issues exemptions, no-loss or replacement plan determinations for drainage excavation or filling activities in wetlands.

DNR Waters Permits

The DNR can also administer WCA in certain instances. DNR does have public waters permits that cover a wide range of activities in when working with lakes, stream, and wetlands. During their permit process, the SWCD is often asked to review and comment on specific projects.

NPDES

The National Pollution Discharge Elimination System is a national program which is designed to reduce sediment and pollution that enters surface and groundwater during and after construction projects. Construction activities which disturb one or more acres of land, a NPDES permit is required. This permit requires proper erosion control practices to be installed. This is the same program which regulates amounts of pollution that wastewater treatment facilities and other industries can release into the atmosphere and water.

Feedlots

MN Rules 7020 were revised and adopted by the state in 2000. Goodhue County became a delegated county in the MPCA's feedlot program January 1, 2001. The delegation agreement between the County and MPCA provides Goodhue County with the authority to register all feedlot and manure storage areas within the county, distribute and review feedlot or manure storage permit applications, issue construction short form or interim permits, inspect all feedlot and manure storage areas, and review and process complaints. Goodhue County has over 1000 feedlot sites ten animal units or more registered. Of these 1000+ sites over 900 feedlot sites, qualify for Minnesota's open-lot agreement, which provides smaller farms, extended compliance schedules for water quality. With the use of open-lot agreements, on site farm inspections and permits the feedlot office is working towards better water quality.

MEPA

The Minnesota Environmental Policy Act is a state law passed in 1973 which aims to prevent and eliminate damage to the environment as a whole. Environmental Impact Statements (EIS) and Environmental Assessment Worksheets (EWA) may be requested by a petition from an interested group under this act.

RUSLE

The Revised Universal Soil Loss Equation is a tool developed by the USDA which is used as an estimate for soil loss. Variables such as cover and soil types are a function of its equation. Goodhue County currently has a soil loss ordinance being practiced.

CRP

Goodhue County as of January 1st 2005 has a total of 9313.9 acres enrolled in the Conservation Reserve Program and Continuous CRP (CCRP). New enrollment and resigning of this conservation program continue in Goodhue County.

Public/Private Wells

As a goal of the 1997 revised water plan, water test kits are currently being provided for pregnant women and newborns for a reduced rate. These test kits are sent to a certified lab to measure levels of nitrates and coliform bacteria in drinking water sources. These kits are available at Goodhue County Public Health Department and the SWCD office. Hospitals and Women with Infant Children (WIC) should direct pregnant women to either of these offices to purchase the kits at a reduced rate. Every year for the past 7 years a free nitrate testing station was held at the Goodhue County Fair. County citizens are able to bring samples of their drinking water in to get tested at the fair free of charge. The sample location is recorded along with the nitrate level. Samples can either come from private wells or community wells, which are generally regulated by a community provider.

Wellhead Protection

Communities that provide safe drinking water to the public should have some sort of wellhead protection plan established. Basically a wellhead protection area is an area surrounding a well where water is captured and recharges the drinking water supply. This area should be delineated and boundaries clearly labeled. Managing land use in this area can have a major influence on a communities drinking water supply in the future. Currently Cannon Falls, Pine Island and Red Wing have a plan or are currently going through the process of developing one. The process of developing a wellhead protection plan needs to be a coordinated effort between; the community where the plan is located, local unit of government, Goodhue County Public Health and the Minnesota Department of Health.

TMDL

The Minnesota Pollution Control Agency (MPCA), through the Clean Water Act, is the lead agency for conducting the Total Maximum Daily Load (TMDL) studies in the state of Minnesota. TMDL studies can show the source of a particular pollutant and how much a water body can handle of that pollutant (load) without having a negative effect on water quality. TMDL studies have been done and will continue in the future. For instance, Lake Pepin TMDL study is in its beginning stages as are portions of the Cannon River. A list of the MPCA timeline of TMDL studies is included in the appendix.

Sewage and Wastewater Treatment Plants

Goodhue County supports the Southeast Minnesota Wastewater Initiative (SEMNWI) in a regional effort to achieve septic tank compliance. SEMNWI received a 319 grant of $530,000 to educate local officials and the public about health and water quality effects of untreated sewage and septic systems. The Cannon River Watershed Partnership is heading a campaign to promote upkeep and replacement of failing septics that pose a health risk. The goal is a sustainable increase from the 2002 estimate of 300 repairs per year to 550 per year by the third year of the project. The Goodhue County Public Health Department has numerous brochures, pamphlets and folders on the operations and maintenance of septic systems. Once a year, the SWCD and the Public Health office will run a column in a newspaper to remind septic owners to check/maintain/pump their systems.

Solid Waste Management

The Goodhue County Solid Waste Management Department is taking actions to protect the surface and ground water resources of the County. This department is the driving force of the County's recycling efforts. Household Hazardous Waste Collection days are typically held in the spring and summer months throughout the County. On these collection days, people can bring their old, unused or unwanted paints, pesticides and anything from their homes with a hazard warning label. The Department also coordinates a series of Clean-up days where people can bring their old appliances, batteries, furniture, computers etc. in for proper disposal. The Solid Waste Department also regulates all waste management facilities in Goodhue County as well as licensing waste haulers, underground tanks conditions, and landfills. These restrictions help the overall quality of surface water and groundwater by managing soil contamination.

Floodplain and Shoreland Management

Floodplain and Shoreland Management is a program through the DNR and administered by the LGU. The overall goal of the program is to preserve and enhance the quality of surface waters, preserve the economic values of shoreland properties and ensure the sustainable use of water and related resources. Under this program restrictions and management guides are followed when a development is in the vicinity of surface water. These guidelines focus on the realization on the value of shoreland areas, and applying best management practices when construction work is needed.

Minnesota Board of Water & Soil Resources

DATE: April 18, 2005

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Mary Kells, Board Conservationist

SUBJECT: **Goodhue County Local Water Management Plan Final Review**

I have completed my final review of the Goodhue County Local Water Management Plan and recommend approval of this update.

The Goodhue County Local Water Management Plan meets all requirements including:

- focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- adequately assesses the priority concerns and sets forth appropriate goals and objectives;
- lays out a detailed implementation program with measurable actions, timeline, and budget; and
- includes all required sections.

State agency comments were received from the Minnesota Pollution Control Agency (MPCA), Minnesota Department of Natural Resources (DNR), and Minnesota Department of Agriculture (MDA). All agencies recommend approval of the Plan.

MPCA recommends that BWSR approve the Plan as submitted. MPCA also encouraged the addition of action items to the involvement of the watershed-based TMDLs. My review found that the Plan Update includes the TMDLs and Impaired Waters Program in their assessment of the priority concerns section of the plan. The impaired waters were referenced as a priority in the action items related to nutrient management and feedlots and inferred by the actions items identified for the erosion control and storm water quality and quantity and the landuse and natural areas priority concerns.

DNR commented that Goodhue County has written an excellent Local Water Management Plan and looks forward to assisting the County in implementing specific actions outlined in the Plan. MDA commends the County on the development of its plan, recommends approval, and looks forward to cooperating with the County on implementation.

Water Plan Coordinator, Beau Kennedy, should be commended for his leadership and dedication throughout the planning process. Mr. Kennedy was hired in the middle of the update process and took the initiative to become knowledgeable of the local issues, partners, and County priorities – taking this planning process through to development of the final product, a well-planned and written document. I look forward to assisting Goodhue County in the implementation of their plan.

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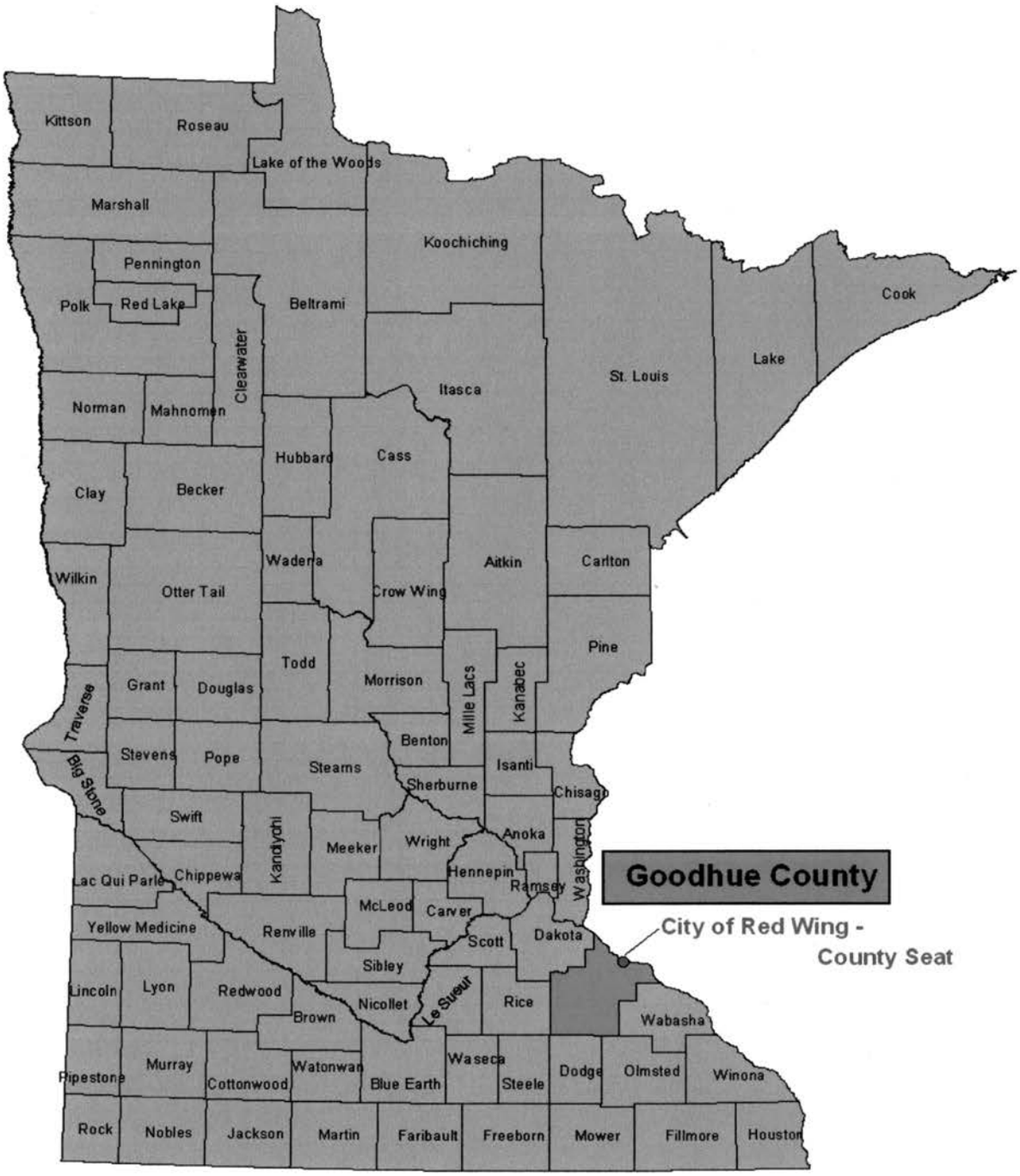
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Freeborn
Mower
Fillmore
Houston
Goodhue County
City of Red Wing -
County Seat

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Goodhue** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **February 22, 2005,** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On **September 9, 2004,** the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Goodhue** County, pursuant to M.S. Section 103B.312.

2) On **January 25, 2005** the Board of Water and Soil Resources approved official comments on the **Goodhue** County Priority Concerns Scoping Document, which were mailed to the county on **January 26, 2005**.

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

   A) Erosion Control and Storm Water Quality and Quantity – Growing cities, outdated structures, increasing impervious surfaces, and unsustainable farming practices.
   B) Nutrient Management – Over applications of fertilizers, manure and other chemicals, both in rural and urban settings.
   C) Landuse and Natural Areas – Maintain the balance between non-agricultural growth and existing land uses - preserve natural areas in sensitive areas.
   D) Runoff from feedlots in karst areas, impaired waters and riparian areas.

4) On **February 22, 2005** the BWSR received the **Goodhue** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On **April 27, 2005,** the regional Water Planning Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Goodhue County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommends approval;
   B) Minnesota Department of Health: no recommendation received;
   C) Minnesota Department of Natural Resources: recommends approval;
   D) Minnesota Pollution Control Agency: recommends approval;
   E) Minnesota Environmental Quality Board: no recommendation received
   F) Minnesota Board of Water and Soil Resources regional staff: recommends approval;
   G) Board Water Plan Review Committee recommends approval.

6) This update will be in effect until **May 31, 2010.**

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the **Goodhue County** Local Water Management Plan with a required update by May 31, 2010.

Dated at St. Paul, Minnesota, this **twenty-fifth day of May, 2005**.

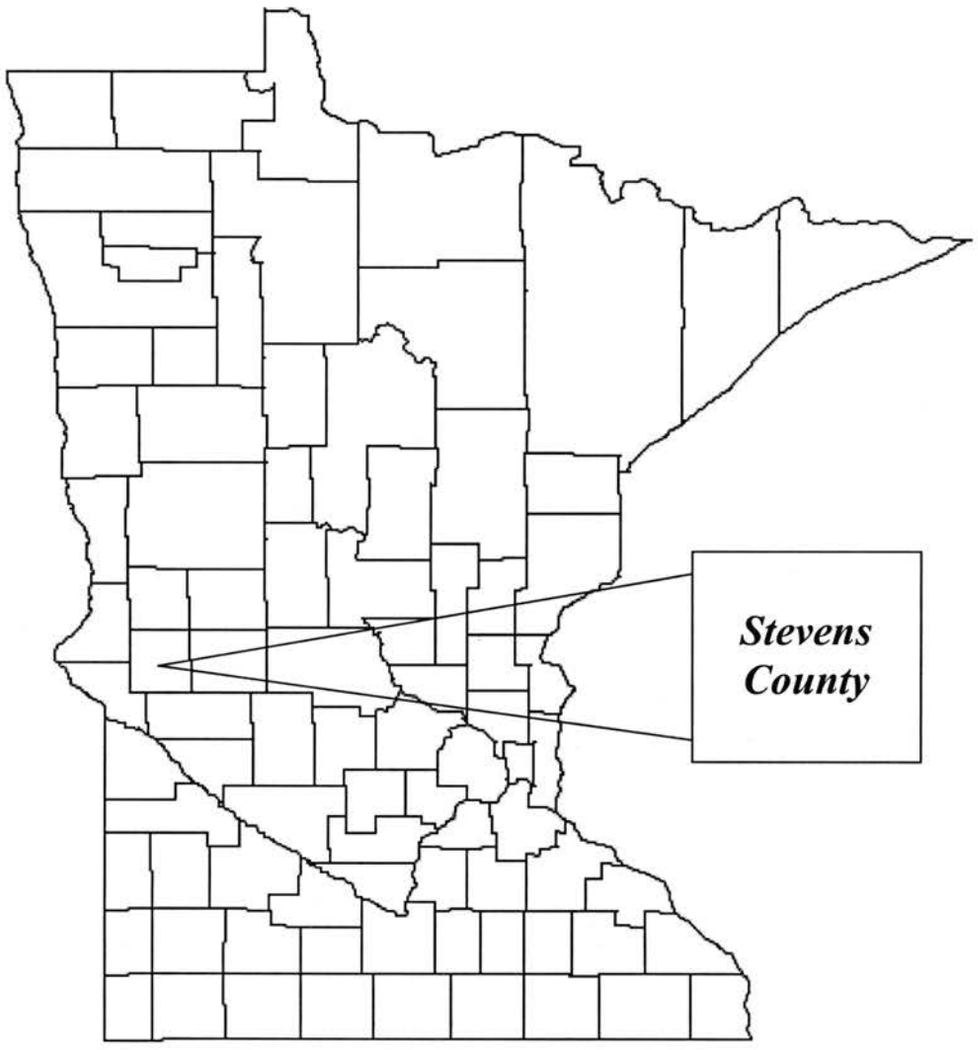
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Stevens County
Local Water Management Plan

10 – Year Water Management Plan: June, 2005 – June, 2015
5 – Year Implementation Program: June, 2005 – June, 2010



Prepared by the Stevens County Environmental Services and LWMP Task Force
P.O. Box 530, Morris, MN 56267 – Telephone: 320-589-7420

CHAPTER 1: EXECUTIVE SUMMARY

Stevens County is located in west central Minnesota, approximately 150 miles west of the Twin Cities Metropolitan Area. The County has a land area of approximately 570 square miles, or 364,000 acres, which includes 5 cities and 16 townships. The largest population settlement is the city of Morris, which is also the county seat. Map-1 illustrates an overall map of Stevens County.

There are portions of four major watersheds within the County. The Pomme de Terre, Chippewa, and Upper Minnesota Watersheds (approximately 75 percent of the County) are in the Minnesota River Watershed, and the Mustinka Watershed is in the Red River of the North Watershed. The County is unique with a continental divide of two major watersheds and drainage in different directions. About 95 percent of the land area is farmed or used for rotational pasture. The population trend is declining. In 1980 the population was 11,322, falling to 10,634 in 1990 and 10,053 in 2000.

The Stevens County Local Water Management Plan (LWMP) is administered by the Environmental Services Office. The Stevens Soil and Water Conservation District (SWCD) assist with planning and implementation by providing technical expertise for annual projects. Assistance for educational projects is sought from the regional or state Minnesota Extension Service. The LWMP Task Force has remained intact since the original plan, the 1996 plan revision, and was instrumental in developing the priority concerns, assessments, goals, objectives and actions of this plan update.

PURPOSE OF THE LOCAL WATER MANAGEMENT PLAN

The purpose of this updated Local Water Management Plan is:

- To identify existing and potential problems or opportunities for protection, management, and development of water resources and related land resources in the County.
- To develop and implement a plan of action to promote sound hydrologic management of water and land resources in the County.
- To work toward effective environmental protection and management in the County.

DESCRIPTION OF PRIORITY CONCERNS AND SUMMARY OF GOALS AND ACTIONS

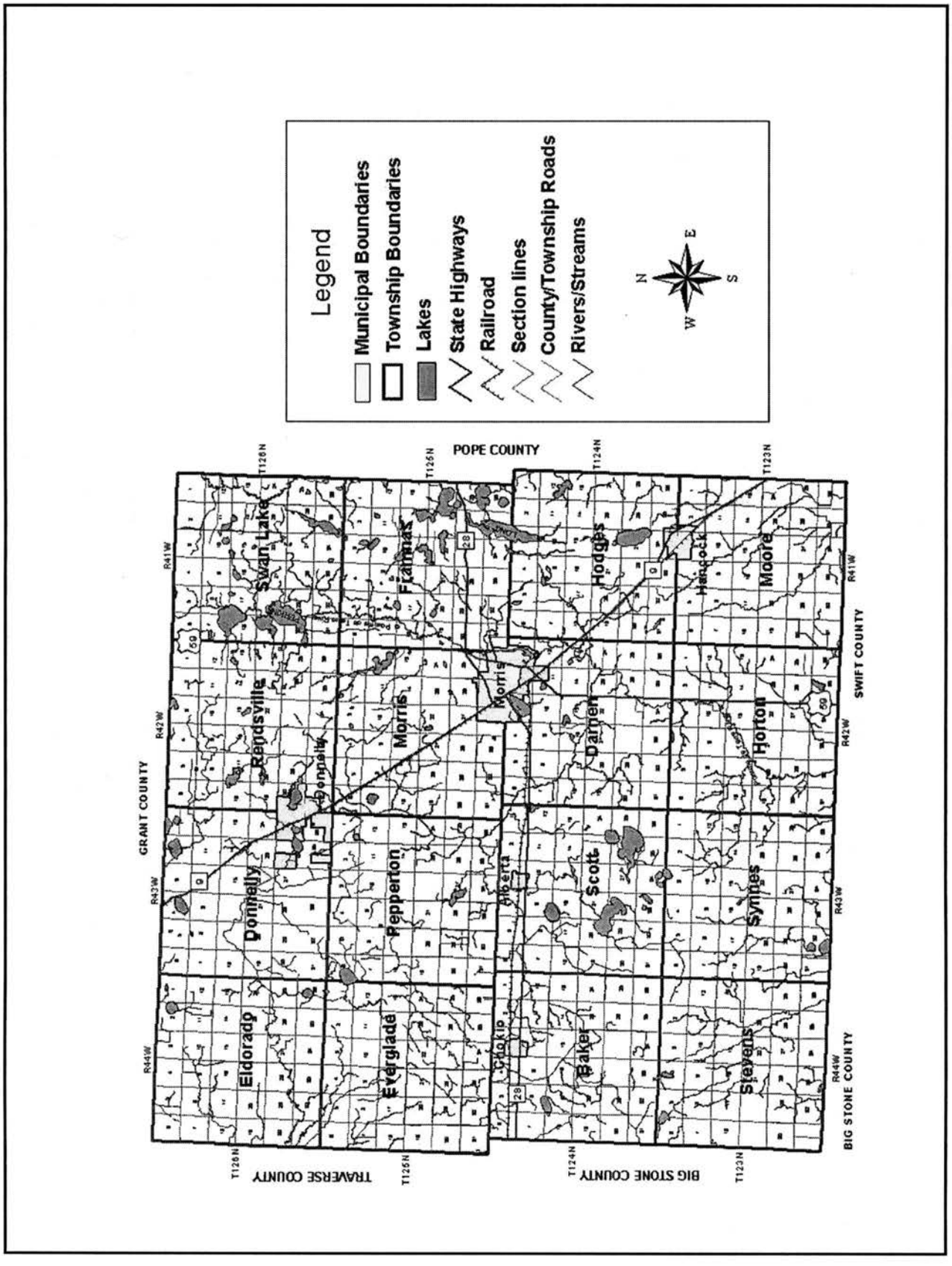
Through comments received from state and local agencies, a public input meeting, and a survey of perceived problems within the county, the following priority concerns were identified:

PRIORITY CONCERN: County Administration/Enforcement of Individual Sewage Treatment Systems - adopt Minnesota Rules Chapter 7080.

Stevens County has yet to formally adopt Minnesota Rules Chapter 7080. Local units of government are responsible for administering and enforcing a local septic system ordinance.

- **The goal of this priority concern is to protect surface and groundwater quality.**

MAP-1: Overall Map of Stevens County



- **Summary of actions include:**
  - Draft an individual sewage treatment system (ISTS) ordinance for County Board consideration;
  - Set a public hearing date, conduct the public hearing for draft ordinance and seek County Board adoption;
  - Administer and enforce ISTS ordinance;
  - Consider adding inspection triggers at property transfer;
  - Develop strategies to identify ISTS imminent public health threats and develop information/education program for the general public for proper operation/maintenance of ISTS;
  - Seek additional low interest loan funds; and
  - Provide an annual report for the Natural Resource Block Grant requirements.

Approximate cost: $6,000 – Program Adoption; and $250,000 – ISTS Loan Program

PRIORITY CONCERN: Groundwater/Rural Water/Wellhead Protection focusing on the City of Morris supplying rural water for the cities of Alberta and Chokio.

The city of Alberta has high levels of natural occurring arsenic in their water supply and the city of Chokio is in need of upgrading their current water treatment system. Both of these communities lie west of Morris. The possibility of supplying water from the city of Morris is currently being discussed.

- **The goal of this priority concern is to provide a good quality water supply to County cities and rural residents**.

- **Summary of the actions include:**
  - Complete rural water project with Morris and Alberta, develop an educational component on benefits of rural water for the entire county, conduct a survey on interest of rural water, and perform a feasibility study based on survey results;
  - Participate on wellhead protection teams of local water suppliers;
  - Create GIS maps identifying wellhead protection areas, target wellhead protection areas for best management practices, and provide educational components to city residents, farms and businesses regarding actions they can take to protect drinking water; and
  - Conduct countywide well testing, continue cost-share to seal unused wells and encourage water conservation through use of low-pressure irrigation systems to conserve water in the County.

Approximate Cost: $25,000

PRIORITY CONCERN: Erosion and Sediment Control concentrating on identified areas of agricultural lands for gully erosion and concentrated flows.

Since approximated 95 percent of the county land area is farmed or used for rotational grazing, soil erosion, sedimentation and surface water quality degradation are recognized issues.

- **The goal of this priority concern is to protect the County's soil resources and restore surface water quality.**

- **Summary of the actions include:**
  - Seek a 10% increase in crop residue based on tillage transect results and continue to conduct tillage transect survey annually;
  - Continue to fund a Continuous Conservation Reserve Program (CCRP) position to promote and establish additional filter strips and wetland restorations along ditches and streams to capture sediment;
  - Establish grass waterways, construct water and sediment control basins, establish field windbreaks and encourage use of rock inlet/french drains for field draintile;
  - Target acres for Conservation Reserve Enhancement Program (CREP) in the Mustinka River Watershed;
  - Work with the Minnesota Pollution Control Agency (MPCA) on the Total Maximum Daily Loads (TMDL) impaired reach of the Pomme de Terre River and seek Clean Water Partnership (CWP) 319 grant funding to focus on reduction of non-point source loading;
  - Promote nutrient management and target stream bank stabilization sites to reduce erosion;
  - Assist feedlot operators with permitting, manure management, livestock exclusion, and in seeking financial and technical assistance through Environment Quality Incentive Program (EQIP); and
  - Identify and encourage upgrades of failing septic systems and seek low interest loan funding annually.

Approximate cost: $1,311,400

PRIORITY CONCERN: Stormwater and Drainage Management focusing on wetland restorations and flood control.

Stormwater and drainage management applies to agricultural and urbanized land uses that include quality and quantity considerations. Management includes activities within a watershed or region done to remedy existing problems and/or prevent occurrence of new problems.

- **The goal summary of this priority concern is to improve surface water management by decreasing runoff, flooding and erosion while maintaining the drainage systems.**

- **Summary of the actions include:**
  - Assist the MPCA on identifying construction sites in need of a National Pollution Discharge Elimination System (NPDES) permit and promote the use of erosion and sediment control to reduce sediment and nutrients entering watercourses;
  - Coordinate with the Bois de Sioux Watershed District to seek water retention/storage in the East Branch Twelve Mile Creek, work to resolve the Traverse/Stevens County line dispute and participate on project team in Stevens County portion of the Bois de Sioux;
  - Work countywide in each watershed to implement best management practices to reduce flooding, erosion and sedimentation, and promote Wetland Reserve Program (WRP) and CCRP.
  - Gather data for each drainage system and create a geographic information system (GIS) database for components of each system; and
  - Provide education to landowners/operators on keeping buffer strips in place to protect the drainage ditch systems.

Approximate cost: $3,010,000

PRIORITY CONCERN: Land Use/Development Issues - develop a Comprehensive Plan including updating the County Zoning Ordinance and Shoreland Standards.

Stevens County needs a comprehensive plan to emphasize the importance of proper planning and ensure decisions are best for the citizens of the County as well as the environment. The County currently has a draft comprehensive plan dated in the early 1970's that was never adopted. The zoning ordinance was originally adopted in 1972 with a few minor amendments since that time. The zoning ordinance also contains outdated shoreland standards that need to be updated.

- **The goal of this priority concern is to prepare and adopt a county comprehensive plan.**

- **Summary of the actions include**:
  - Seek grant funding to assist in promotion and development of comprehensive plan;
  - Appoint a task force to undertake a strategy in developing the plan;
  - Develop a process to engage people to participate;
  - Establish an understanding of issues;
  - Identify needs and develop the vision, goals and policies;
  - Develop alternative strategies;
  - Account for strategy costs and benefits, and choose those that best fit;
  - Complete and adopt the plan;
  - Implement the plan; and
  - Incorporate revision of zoning ordinance and shoreland standards in the planning process.

Approximate cost: Unknown

CONSISTENCY WITH OTHER PLANS

Stevens County considered and examined several plans in the completion of this document. Plans reviewed include the Bois de Sioux Watershed District, Chippewa River Watershed, city ordinances for Chokio, neighboring county LWMP's and the wellhead protection plan for the city of Hancock. The LWMP update has utilized appropriate action items to support these plans, and is consistent with the data and goals presented therein.

SUMMARY OF RECOMMENDED AMENDMENTS OF OTHER PLANS AND OFFICAL CONTROLS

The Stevens County LWMP does not have any recommended amendments to other plans or official controls.

CHAPTER 4: IMPLEMENTATION OF ONGOING ACTIVITIES

This chapter identifies other activities and programs that make up the local water management program, but are not reflected in the priority concern section. There are many agencies in Minnesota at the local, regional, state and federal levels that are involved with water and land use issues either in a regulatory capacity, or through an education and information development role. Programs administered by local agencies such as the Environmental Services Office, the Planning and Zoning Office, and the Soil and Water Conservation District; state agencies such as the Board of Water and Soil Resources, the Minnesota Pollution Control Agency and the University of Minnesota Extension Service; and federal agencies such as the Natural Resource Conservation Service and Farm Service Agency, will continue to be used during this 10 year plan update. Table-7 indicates these ongoing programs and activities expected to be carried out annually. The following acronyms are used in the table:

BMP – Best Management Practices
BWSR – Board of Water and Soil Resources
CRP – Conservation Reserve Program
ES – Environmental Services
EQIP – Environment Quality Incentive Program
HHW – Household Hazardous Waste
MPCA – Minnesota Pollution Control Agency
NRCS – Natural Resource Conservation Service
P/Z – Planning and Zoning
SCORE – Select Committee on Recycling and the Environment
SWCD – Soil and Water Conservation District
USDA – United States Department of Agriculture
WCA – Wetland Conservation Act

Table-7

IMPLEMENTATION SCHEDULE: ONGOING ACTIVITIES

Programs	Cooperators	Annual Staff Cost	Funding	Watershed
WCA	ES, SWCD	$10,000	BWSR Grant	All
Feedlot Program	ES	$15,000	MPCA Grant	All
Shoreland Management	P/Z	$ 3,000	BWSR Grant	All
Zoning Administration	P/Z	$15,000	Local	All
CRP	SWCD/NRCS	$65,000	USDA	All
State Cost-share	SWCD	$ 6,000	BWSR	All
EQIP	NRCS	$10,500	USDA	All
Ag BMP Loans	ES	$ 3,000	Department of Ag	All
Recycling/HHW	ES	$15,000	SCORE Grant	All
Solid Waste	ES	$15,000	Local	All

Minnesota Board of Water & Soil Resources

DATE: April 18, 2005

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: David Sill, Board Conservationist

SUBJECT: **Stevens County Local Water Management Plan Final Review**

I have completed my final review of the Stevens County Local Water Management Plan and recommend approval of this update – contingent upon the submittal of satisfactory evidence that the County Board of Commissioners has instituted or completed proceedings to adopt Minn. R. ch. 7080 (county-wide individual septic tank system ordinance). This is a requirement from the Minnesota Pollution Control Agency. Stevens County is expecting to approve and adopt this ordinance on May 3, 2005.

Contingent upon adoption of Minn. R. ch. 7080, the Stevens County Local Water Management Plan meets all requirements including:

- focuses on the priority concerns identified in the priority Concerns Scoping Document;
- adequately assesses the priority concerns and sets forth appropriate goals and objectives;
- lays out a detailed implementation program with measurable actions, timeline and budget; and
- includes all required sections.

State agency comments were received from the Minnesota Pollution Control Agency (MPCA), Minnesota Department of Natural Resources and Minnesota Department of Agriculture. All agencies recommend approval of the Plan, again please note MPCA's contingent approval based on the discussion above.

I look forward to assisting Stevens County in the implementation of their plan. Water Plan Coordinator – Bill Kleindl should be commended for his leadership and dedication throughout the planning process.

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fax (651) 297-5615

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Stevens** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **January 20, 2005** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On **June 8, 2004** the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Stevens** County, pursuant to M.S. Section 103B.312.

2) On **August 25, 2004** the Board of Water and Soil Resources approved official comments on the **Stevens** County Priority Concerns Scoping Document, which were mailed to the county on **August 25, 2004**.

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

   A) County administration / enforcement of Individual Sewage Treatment Systems – adopt Minnesota Rules 7080;
   B) Groundwater / Rural Water / Wellhead Protection focusing on the City of Morris supplying rural water for the cities of Alberta and Chokio:
   C) Erosion and Sediment Control concentrating on identified areas of agricultural lands for gully erosion and concentrated flows;
   D) Stormwater and Drainage Management focusing on wetland restoration and flood control; and
   E) Land Use / development Issues – develop a Comprehensive Plan including updating the County Zoning Ordinance and Shoreland Standards.

4) On **January 21, 2005** the BWSR received the **Stevens** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On **April 27, 2005,** the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Stevens County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommends approval;
   B) Minnesota Department of Health: no recommendation received;
   C) Minnesota Department of Natural Resources: recommends approval;
   D) Minnesota Pollution Control Agency: recommends approval;
   E) Minnesota Environmental Quality Board: no recommendation received
   F) Minnesota Board of Water and Soil Resources regional staff: recommends approval;
   G) Board Water Plan Review Committee recommends approval.

6) This update will be in effect until **May 31, 2015.**

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the **Stevens County** Local Water Management Plan with a required update to the Implementation section (Goals, Objectives and Action) by May 31, 2010.

Dated at St. Paul, Minnesota, this **twenty-fifth day of May, 2005**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

YELLOW MEDICINE
COUNTY WATER PLAN
EXECUTIVE SUMMARY

Based upon the recently revised Board on Water and Soil Resource's Local Water Management Plan Guidelines, the Yellow Medicine 2005–2014 Water Plan is divided into the following four components:

- **Executive Summary.** This section includes the purpose of the local water management plan, description of the priority issues that are addressed in the plan, a summary of the Goals and Actions along with estimated total project costs. In addition, the executive summary contains a Yellow Medicine County general profile and a list of Yellow Medicine County's Water Plan Committee members.

- **Chapter One: Assessment of Priority Concerns**. This Chapter provides data regarding each of Yellow Medicine County's five priority concerns: Groundwater Protection; Erosion and Sediment Control; Reducing Priority Pollutants; Manage Flooding; and Surface Water and Drainage Management.

- **Chapter Two: Implementation Schedule**. This Chapter establishes Yellow Medicine County's Goals, Objectives and Action Steps. These are based on each of the high priority water planning issues identified in the County's Water Plan Scoping Document and assessed in Chapter One. Yellow Medicine County will implement the Goals and Objectives between 2005 and 2009. In addition, this Chapter contains a description of Yellow Medicine County's ongoing water plan-related activities.

- **Chapter Three: Plan Administration**. This Chapter contains information on plan administration, including plan coordination, implementation, schedule, the role of the County in implementation and the role of other agencies, resolving intergovernmental conflicts and amendments to the Water Plan.

Section A:
The Purpose of the Yellow Medicine County Water Plan

The Comprehensive Local Water Management Act (Minnesota Statutes Chapter 103B) encourages counties to develop and implement a comprehensive water plan. Pursuant to the requirements of the law, this Plan:

- Covers the entire area of the county;

- Addresses water problems in the context of watershed units and groundwater systems;

- Is based upon principles of sound hydrologic management of water, effective environmental protection and efficient management;

- Is consistent with comprehensive water plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system; and

- Must specify the duration of the plan not to be less than five years nor more than ten years. This Water Plan is a third generation plan that covers a ten-year period (2005–2014) with a five-year implementation plan (2005-2009).

Section B:
Yellow Medicine County's
Priority Water Plan Concerns

Yellow Medicine County's Water Plan Scoping Document (found in Appendix A) explains the process used to identify the County's priority concerns. The process began in November 2002, and ended nearly a year later with the official submittal of the County's Scoping Document. Within those 13 months, the County solicited comments from various local and state agencies, all of Yellow Medicine County's cities and townships, and a survey sent to every resident in the County. Finally, a number of public meetings were held to discuss water planning issues.

The Yellow Medicine County Water Plan Committee reviewed all of the comments received and grouped them into the following five categories:

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

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

3. **Reducing Priority Pollutants**, nutrients and bacteria, related to feedlots and non-conforming individual sewage treatment systems.

4. **Manage Flooding** and its' effects minimizing losses associated with the flooding of agricultural lands.

5. **Surface Water and Drainage Management** by addressing runoff volume and water quality deterioration due to excessive runoff.

Section C:
Summary of the Goals & Actions

The five priority issues identified in Section B served as the focus in the creation of the Goals, Objectives and Action Steps. Each of the five corresponding goals along with a number of sample action steps are summarized below. As Chapter Two explains, each action step includes information on who is responsible for implementation, when it should take place and how much it is

expected to cost (note that may State and Federal programs would need to be used in order to reach the estimated costs).

Groundwater Protection Goal:

"To Protect and Improve the Quality of Groundwater in the County"

Key Action Steps:

- ✓ Prioritize Wellhead Protection Areas for cost-share and other land use incentive programs
- ✓ Establish baseline groundwater quality by testing 20 private wells
- ✓ Cost-share the sealing of 20 abandoned wells each year
- **$** *The 14 groundwater actions steps identified in this Plan are estimated to cost nearly $50,000 over the next five years*

Erosion and Sediment Control Goal:

"To Protect and Improve the Soil Resources and Surface Water in the County"

Key Action Steps:

- ✓ Plan BMPs for 20,000 cropland acres
- ✓ Establish 800 new acres of filter strips / buffers along ditches and streams
- ✓ Enroll 500 acres of cropland subject to severe erosion into existing programs
- ✓ Enroll 200 acres of pasture into prescribed grazing systems
- ✓ Restore 50 acres of wetlands into conservation programs
- **$** *The 11 erosion and sediment control actions steps identified in this Plan are estimated to cost nearly $1.5 million over the next five years (State and Federal Programs will also be used)*

Reducing Priority Pollutants Goal:

"To Enhance the County's Water Resources"

Key Action Steps:

- ✓ Develop nutrient and pesticide management plans, targeting 12,000 acres countywide
- ✓ Upgrade 50 Individual Sewage Treatment Systems per year
- ✓ Create a GIS layer of all septic systems installed in the County
- **$** *The nine reducing priority pollutants actions steps identified in the Plan are estimated to cost nearly $1.75 million over the next five years (State and Federal Programs will also be used)*

Managing Flooding Goal:

"To Implement Sound Flood Management Strategies"

Key Action Steps:

- ✓ Address the smaller flood events (such as two- and five-year events) by restoring 75 acres of wetlands through various conservation programs
- ✓ Take flood prone land out of crop production by encouraging enrollment into land retirement programs
- ✓ Update the County's Floodplain Ordinance to reflect changes made to the program and the official maps
- **$** *The six manage flooding actions steps identified in this Plan are estimated to cost nearly $350,000 over the next five years*

Surface Water and Drainage Management Goal:

"To Implement Sound Surface Water and Drainage Management"

Key Action Steps:

- ✓ GPS all County and Judicial ditches and identify existing filter strips
- ✓ Gather data, create and maintain a database for each drainage system
- ✓ Seek funds to repair two or three small dams in the County
- ✓ A blind intake cost share program will be offered to landowners to replace 20 open intakes
- **$** *The seven surface water and drainage management actions steps identified in this Plan are estimated to cost nearly $200,000 over the next five years*

General County Profile

Yellow Medicine County is located in West Central Minnesota along the South Dakota border. The County has nine cities and twenty-one townships (see Map 1). According to the 2000 Census, the County had 11,080 residents. The County has an area of 752 square miles, which amounts to 485,120 acres of land. Hammer-shaped, the County is 54 miles long from east to west, and from 12 miles north and south at the west end to 21 miles at the eastern boundary. The eastern boundary follows the Minnesota River and extends into the hammer shape, narrowing down to a twelve-mile dimension north and south running westward for thirty miles to the South Dakota border. Outside of the County's nine communities, the countryside is primarily dominated by agricultural land uses.

The elevation is 1,714 feet in the southwest corner of the county, 1,380 feet in the northwest corner, 920 feet in the northeast tip of the county and 1,059 feet in the southeast corner. The highest point,

which is near the southwest corner, is 1,739 feet. The lowest point, which is where the Minnesota River flows out of the county, is about 860 feet. All of the county drains into the Minnesota River by way of the Yellow Medicine River, the Lac Qui Parle River, and small streams and ditches, which rise in the Coteau des Prairies, a long range of hills running from west of Lake Traverse in the north to the Iowa line in the south. The Lac Qui Parle River flows from southwest to northeast through the county, entering Lac Qui Parle County before discharging into the Minnesota River.

Yellow Medicine County
Water Plan Committee Members

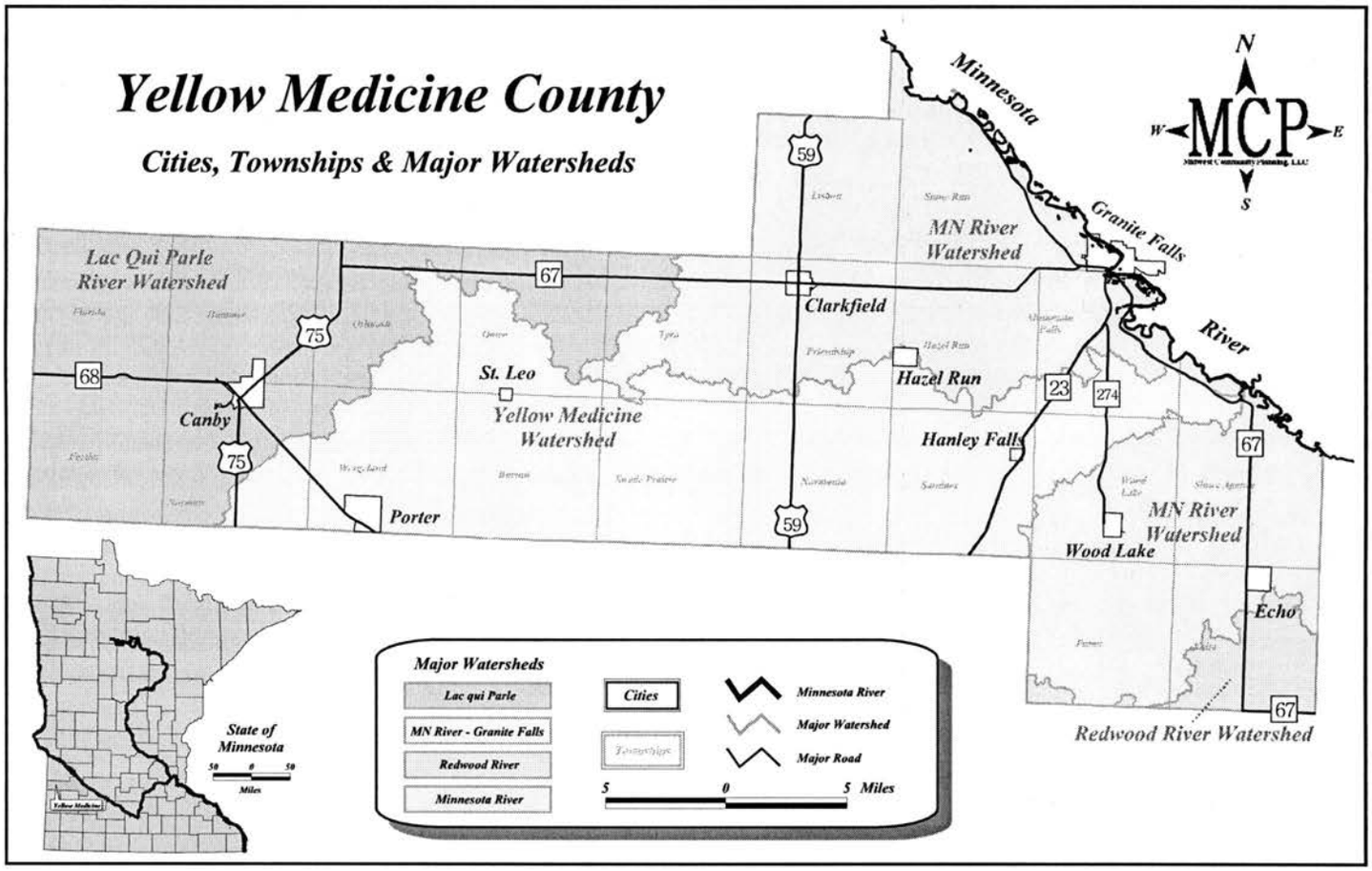
The following Yellow Medicine County Water Plan Committee members are recognized for their contributions to this Water Plan:

Lou Ann Nagel, Yellow Medicine SWCD
Willis Beecher, LQP - Yellow Bank Watershed District
Terry Renken, Yellow Medicine River Watershed District
Leonard Swenson, Lincoln Pipestone Rural Water System
Gene Eilers, Municipalities Representative
Alan Saltee, Township Representative
Gary Johnson, County Commissioner
Lewis Miller, Citizen
Delmar Mamer, Citizen
Randy Jacobson, Zoning Administrator
Jolene Johnson, Water Plan Coordinator

Ex-Officio Members

John Johnson, YMC Highway Department
David Sill, BWSR

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Yellow Medicine County
Cities, Townships & Major Watersheds
N
W
MCP
E
S
Minnesota
Granite Falls
River
MN River Watershed
Lac Qui Parle River Watershed
Yellow Medicine Watershed
MN River Watershed
Redwood River Watershed
Clarkfield
Hazel Run
St. Leo
Canby
Porter
Hanley Falls
Wood Lake
Echo
59
67
75
68
23
274
State of Minnesota
50 0 50
Miles
Major Watersheds
Lac qui Parle
MN River - Granite Falls
Redwood River
Minnesota River
Cities
Minnesota River
Major Watershed
Major Road
5 0 5 Miles

Chapter Two:
Goals, Objectives and Action Steps

This Chapter establishes Yellow Medicine County's Goals, Objectives and Action Steps for each of the County's high priority issues. In review, the County's five priority issues are:

✓ ***Groundwater Protection***
✓ ***Erosion and Sediment Control***
✓ ***Reducing Priority Pollutants***
✓ ***Managing Flooding***
✓ ***Surface Water and Drainage Management***

Chapter Definitions

Each of the action steps contained in this Chapter identifies who is responsible for its implementation, when the action step should occur, and an estimate on how much it will cost. For the purposes of this Chapter, the following abbreviations are used (**An *Asterisk, Underlined, and Bold means lead action step responsibility**):

CB = County Board
PC = County Planning Commission
PZ = County Planning & Zoning
DA = County Ditch Authority
HD = County Highway Department
YMR = Yellow Medicine River Watershed
LqP = Lac qui Parle Watershed
MGS = Minnesota Geological Survey
SWCD = Soil and Water Conservation District
WPC = Water Planning Coordinator
NRCS = Natural Resources Conservation Service
UMVRDC = Upper Minnesota Valley Regional Development Commission
USACE = U.S. Army Corps of Engineers
BWSR = Board of Water & Soil Resources
DNR = Department of Natural Resources
FWS = U.S. Fish & Wildlife Service
MDA = Minnesota Department of Agriculture
MDH = Minnesota Department of Health
MDOT = MN Department of Transportation
CPH = Countryside Public Health
MPCA = Minnesota Pollution Control Agency
UMES = University of MN Extension Service

Throughout the Comprehensive Water Plan, goals, objectives and action steps are defined in the following way:

Goal: A general, idealistic statement intended to be achieved at some undetermined future date.

Objective: Begin with an action verb and can be measurable if a date, dollar amount, etc. is included.

Action Step: Specific implementation steps that will be followed in order to achieve the County's Goals and Objectives.



PRIORITY ISSUE #1:
GROUNDWATER PROTECTION

Priority Concern:

"Aiding public water suppliers with the development of wellhead protection plans and by providing assistance to help manage vulnerable areas from potential contamination sources."

GROUNDWATER GOAL: ***PROTECT AND IMPROVE THE QUALITY OF GROUNDWATER IN THE COUNTY.***

Objective A: Assist with wellhead protection planning.

Actions:

1. Participate on wellhead/source water protection teams when invited by the local public water suppliers.

   Who: *__WPC__, SWCD ***When:*** 2005 – 2009 ***Cost:*** $1,000

2. Create GIS shape files identifying and showing wellhead protection areas.

   Who: *__MDH__ ***When:*** As Available ***Cost:*** $1,000

3. Contact cities and the rural water system with available assistance. Advise and assist public water suppliers with technical land use information and planning assistance when Wellhead Protections Plans are developed.

   Who: *__PZ__, SWCD ***When:*** As Available ***Cost:*** $1,000

4. Contact property owners in the Wellhead Protection Areas to encourage enrollment in easement programs (such as CRP, RIM) and to establish buffer strips.

   Who: *__SWCD__ ***When:*** 2005 – 2009 ***Cost:*** $1,000

5. If wellhead protection areas for public water suppliers have not been established yet - identify and prioritize a two mile radius around each public water well for BMP land use incentive programs.

   Who: *WPC, SWCD, PZ ***When:*** 2005 ***Cost:*** $1,000

Objective B: Support good land use decisions regarding groundwater resources and wellhead protection areas.

Actions:

1. Examine ways to incorporate groundwater information into the land use decision-making process. Invite state agencies to assist the County with learning how to interpret data and identify sensitive areas needing additional management and protection. Use the Upper Minnesota River Basin Regional Hydrogeologic Assessment and other groundwater information as informational sources.

   Who: ***PZ**, WPC ***When:*** 2005 ***Cost:*** $1,500

2. Establish baseline groundwater quality data by testing 20 private wells. Combine results with previous water testing data. Create a GIS map of the water testing data.

   Who: ***CPH**, WPC ***When:*** 2005 – 2009 ***Cost:*** $600

3. Continue to have Wellhead Protection Areas as priority areas for cost-share and other land use incentive programs (i.e., sealing abandoned wells, upgrading septic systems, feedlot management, nutrient management, CRP, RIM, etc.).

   Who: ***SWCD**, WPC, PZ, NRCS ***When:*** 2005 – 2009 ***Cost:*** $2,000

4. Provide a variety of education on both public wellhead protection areas and the protection and management of private wells (and well areas) to city residents, farms and businesses regarding specific actions they can take to protect drinking water.

   Who: ***WPC** ***When:*** 2005 – 2009 ***Cost:*** $600

5. Continue to cooperate with Lincoln-Pipestone Rural Water on the expansion of the rural water system and advise them about County programs that will help manage potential contamination sources.

   Who: ***WPC**, SWCD ***When:*** 2005 – 2009 ***Cost:*** $500

6. Educate landowners, both rural and urban, on the proper application and disposal of agriculture and lawn chemicals/fertilizers.

   Who: ***WPC**, PZ, MDA ***When:*** 2005 – 2009 ***Cost:*** $500

7. Promote water conservation by using existing materials and resources (i.e., Minnesota Rural Water Association's handouts).

   Who: ***WPC**, SWCD ***When:*** 2005 – 2009 ***Cost:*** $800

8. Through an education campaign, identify steps in the demolition of vacant building sites so that all wells are sealed, underground storage tanks are removed, and hazardous waste is disposed of properly before demolition occurs.

   Who: ***WPC**, PZ ***When:*** 2005 – 2009 ***Cost:*** $500

9. Continue to provide financial assistance as available to seal 20 abandoned wells per year.

   Who: ***WPC**, PZ ***When:*** 2005 – 2009 ***Cost:*** $5,000/yr.

PRIORITY ISSUE #2:
EROSION AND SEDIMENT CONTROL

Priority Concern:

"Erosion and sediment control on agricultural lands."

EROSION AND SEDIMENT GOAL: ***TO PROTECT AND IMPROVE THE SOIL RESOURCES AND SURFACE WATER QUALITY IN THE COUNTY.***

Objective A: Reduce erosion and sediment problems to sustainable levels by promoting the use of Best Management Practices (BMPs).

1. Plan BMPs for 20,000 cropland acres. Concentration will be on areas in the County that were designated as high priority areas. Such as:

   a. Yellow Medicine Watershed, in particular portions of Sandnes, Norman, Wergeland, and a portion of the Yellow Medicine River, from Hanley Falls to the Minnesota River.
   b. Lac qui Parle Watershed, in particular portions of Norman, Omro, Oshkosh, Tyro and Wergeland Townships.
   c. Canby Creek Watershed, in particular above Del Clark Lake.
   d. Above the structure on the Lazarus Creek Watershed.
   e. Public Wellhead Protection Areas.
   f. Main Channel of the Yellow Medicine River.
   g. Land adjacent to the Lake of Wood Lake.

   Who: ***SWCD**, PZ ***When:*** 2005 – 2009 ***Cost:*** $20,000

2. Reduce the amount of wind erosion on the most severely erodible acres by designing and planting 50,000 feet of field windbreaks and/or living snowfences, 50 acres of farmstead windbreaks and 25 acres of wildlife habitat. Continue to promote the installation of plastic mulch for better weed control and/or soil moisture.

   Who: ***SWCD**, MnDOT, HD ***When:*** 2005 – 2009 ***Cost:*** $150,000

3. Conduct a Conservation Tillage Transect Survey for the County. Take information from conservation tillage survey and establish priorities for educational purposes and analyze data on tillage systems and crop residue cover. Seek to achieve a 10% increase in fields meeting crop residue targets countywide based on tillage transect survey. Promote enrollment of 10,000 acres into the residue management practice incentive program offered through the Environmental Quality Incentive Program (EQIP).

   Who: ***SWCD**, NRCS ***When:*** 2005 – 2009 ***Cost:*** $300,000

4. Reduce the amount of water erosion on severely eroded acres by the installation of the following conservation practices. Continue to work with the Yellow Medicine River Watershed and the Lac qui Parle Watershed Clean Water Partnerships to accelerate the implementation of those practices in the high priority areas:

   a. Terraces and/or water & sediment control basins 25,000 feet
   b. Grass Waterways 50 acres

   Who: ***SWCD**, NRCS ***When:*** 2005 – 2009 ***Cost:*** $300,000

5. Continue to manage CREP, RIM and CRP easements, monitor sites to see that conservation practices are installed and conduct status reviews.

   Who: ***SWCD**, NRCS ***When:*** 2005 – 2009 ***Cost:*** $10,000

6. Establish 800 new acres of filter strips/buffers along ditches and streams to capture sediment as it leaves the fields. Maintain the minimum one-rod grassed areas as it applies to drainage policy. Continue to work with the Yellow Medicine River Watershed and the Lac qui Parle Watershed Clean Water Partnerships to accelerate the implementation of those practices in the high priority areas.

   Who: ***SWCD**, NRCS, DA, YMR, LqP ***When:*** 2005 – 2009 ***Cost:*** $300,000

7. Enroll 500 acres of cropland subject to severe erosion into existing programs (i.e., CRP, RIM, etc.).

   Who: *__**SWCD**__, NRCS ***When:*** 2005 – 2009 ***Cost:*** $150,000

8. Enroll 200 acres of pasture into prescribed grazing systems.

   Who: *__**SWCD**__, NRCS ***When:*** 2005 – 2009 ***Cost:*** $2,000

9. Conduct an annual meeting of stakeholders and/or Local Work Group to discuss resource concerns and set priority areas for the Environmental Quality Incentive Program (EQIP). Promote installation of best management practices utilizing the EQIP and/or the State Cost Share Program, and the Ag BMP Loan Program for financial support. Convene Local Work Group Meetings for EQIP to discuss priority practices and priority areas. Assist with taking applications and planning for EQIP contracts.

   Who: *__**SWCD**__, NRCS ***When:*** 2005 – 2009 ***Cost:*** $1,000

10. Educate landowners/operators about erosion and sediment control, the importance of installing conservation practices and encourage enrollment into conservation programs by providing information and options about BMP's through newsletters, news releases and individual contacts.

    Who: *__**SWCD**__ ***When:*** 2005 – 2009 ***Cost:*** $1,500

11. Restore 50 acres of wetlands into conservation programs.

    Who: *__**SWCD**__, NRCS ***When:*** 2005 – 2009 ***Cost:*** $200,000

PRIORITY ISSUE #3:
REDUCING PRIORITY POLLUTANTS

Priority Concern:

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

PRIORITY POLLUTANT GOAL: TO ENHANCE AND RESTORE THE COUNTY'S WATER QUALITY.

Objective A: Reduce priority pollutants to sustainable levels.

Actions:

1. Work with the Minnesota Pollution Control Agency to develop and action plan for removing the following Yellow Medicine's impaired waters off the TMDL 303d listing:

Reach	New or Previous Listing	Affected use	Pollutant or stressor
Del Clark Lake	New	Aquatic consumption	Mercury and Fecal Coliform
Yellow Medicine River	Previous Listing	Impaired River	Mercury and Turbidity
Lac qui Parle River	Previous Listing	Impaired River	Mercury
Minnesota River	Previous Listing	Impaired River	Mercury, PCBs, Turbidity, and Fecal Coliform
Spring Creek	Previous Listing	Impaired River	Biota

   a. Facilitation and scoping – MPCA lead with County and other local resource partner's assistance.
   b. Intense monitoring/problem investigation and verification – MPCA lead with County and other local resource partner's assistance.
   c. TMDL development (model development, allocation exercise and public notice/EPA approval – MPCA lead with County and other local resource partner's assistance.
   d. Implementation plan development – County and other local resource partner's lead with MPCA and other assistance.
   e. Post monitoring and accomplishment reporting – County and other local resource partner's lead.

   Who: ***MPCA**, WPC, SWCD ***When:*** 2005 – 2009 ***Cost:*** $Unknown

2. Promote the timing, rate, and placement of synthetic and/or organic fertilizers and pesticides using incentives (such as EQIP and others). Develop nutrient and pesticide management plans, targeting 12,000 acres countywide. Provide continual information and education to landowners regarding the need to follow the University of Minnesota's nutrient management recommendations.

   Who: ***SWCD**, NRCS ***When:*** 2005 – 2009 ***Cost:*** $120,000

3. Upgrade 50 Individual Sewage Treatment Systems per year. Continually seek funding, administer the Ag BMP Loan Program and Clean Water Partnership Low Interest Loan Program offering landowners a low interest loan for fixing their non-conforming ISTS.

   Who: ***PZ**, WPC, SWCD, Watersheds ***When:*** 2005 – 2009 ***Cost:*** $1,000,000

4. Seek funds to assist with TMDL or Clean Water Partnership based activities.

   Who: ***Watersheds** ***When:*** 2005 – 2009 ***Cost:*** $500

5. Protect Del Clark Lake by encouraging landowners to install Best Management Practices. Seal two abandoned wells, bring two non-conforming sewer systems, and one feedlot into compliance in the Canby Creek Watershed.

   Who: *PZ, SWCD, WPC, NRCS ***When:*** 2005 – 2009 ***Cost:*** $25,000

6. Implement the following strategies to address feedlot compliance:
   a. Continue to develop a GIS layer of feedlots registered under current MPCA registration guidelines.
   b. Incorporate the database with the feedlots permitted by MPCA.
   c. Develop an informational packet to mail to registered feedlot operators to assist them with contacts for technical questions (compliance, design, manure management) and financial incentives.
   d. Assist 10% of the noncompliant feedlots by 2008.
   e. Inspect 10% (approximately 37) of the County's feedlots annually.

   Who: ***PZ**, WPC ***When:*** 2005 – 2009 ***Cost:*** $15,000

7. Assist five feedlot operators per year with completing MPCA permits. Assist feedlot operators in seeking financial assistance through EQIP, State Cost-Share and the Ag BMP Low Interest Loan Program.

   Who: ***PZ**, SWCD, NRCS ***When:*** 2005 – 2009 ***Cost:*** $4,000

8. Create a GIS layer of all septic systems installed in the County.

   Who: ***PZ** ***When:*** 2006 ***Cost:*** $10,000

9. Map cropland fields that have been identified as needed for manure application through manure management plans. This will be done by watershed.

   Who: ***PZ** ***When:*** 2005 – 2009 ***Cost:*** $7,000

PRIORITY ISSUE #4: MANAGE FLOODING

Priority Concern:

"Manage flooding and its' effects minimizing losses associated with the flooding of agricultural lands."

FLOOD GOAL: TO IMPLEMENT SOUND FLOOD MANAGEMENT STRATEGIES

Objective A: Minimize losses associated with the flooding of agricultural lands.

Actions:

1. Address the smaller flood events such as 2 year and 5 year events by restoring 75 acres of wetlands through various conservation programs. Target sites within the watersheds to achieve strategic flood storage in conjunction with water quality and wildlife benefits.

   Who: ***SWCD**, NRCS, YMR, LqP ***When:*** 2005 – 2009 ***Cost:*** $300,000

2. Take flood prone land along rivers, streams and waterways out of crop production by encouraging enrollment into land retirement programs, such as CRP, RIM, WRP, etc., and applying best management practices to those areas (also see Priority Issue #2, Actions 6 and 7).

   Who: ***SWCD**, NRCS ***When:*** 2005 – 2009 ***Cost:*** $20,000

3. Work with Area II, RCRCA, watershed, and surrounding counties to assess, prioritize and pursue funding through various agencies for water storage opportunities.

   Who: ***WPC**, HD, YMR, LqP ***When:*** 2005 – 2009 ***Cost:*** $2,000

4. Use the FEMA Floodplain maps to assess agricultural flooding problems and promote local, state and federal BMP programs.

   Who: **PZ**, WPC ***When:*** 2005-2009 ***Cost:*** $5,000

5. Seek assistance from landowners in reviewing the draft floodplain maps for accuracy. Provide input to DNR, FEMA and the Corps of Engineers on proposed corrections to the maps.

   Who: **PZ**, WPC ***When:*** 2005 ***Cost:*** $3,000

6. Update the County Floodplain Ordinance to reflect changes made to the program and the official maps.

   Who: **PZ** ***When:*** 2005 ***Cost:*** $5,000

PRIORITY ISSUE #5:
SURFACE WATER AND DRAINAGE MANAGEMENT

Priority Concern:

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

SURFACE WATER AND DRAINAGE MANAGEMENT GOAL: TO IMPLEMENT SOUND SURFACE WATER AND DRAINAGE MANAGEMENT STRATEGIES

Objective A: Apply watershed-based principles in properly managing drainage systems.

Actions:

1. Transfer existing County and Judicial Ditch information to ArcView and develop a GIS layer consisting of that information. GPS all County and Judicial ditches and identify existing filter strips along the ditches.

   Who: ****UMVRDC***, DA, WPC ***When:*** 2005 ***Cost:*** $32,000

2. Using the newly created layer developed in Action #1, gather data, create and maintain a database for each drainage system including name, location, petition year, size, outlet and repair history.

   Who: **Ditch Inspector**, PZ ***When:*** 2005-2009 ***Cost:*** $20,000

3. Promote the use of alternative intakes, such as blind intakes, that promote efficient trapping of sediments and nutrients that enter drainage systems. A blind intake cost share program will be offered to landowners to replace 20 open intakes with blind intakes.

   Who: *******SWCD**, DA ***When:*** 2005 ***Cost:*** $2,000

4. Seek funds to repair two or three small dams in the county that were previously constructed by landowners (Area II, SWCD, NRCS).

   Who: *******SWCD**, NRCS, YMR LqP ***When:*** 2005 – 2009 ***Cost:*** $60,000

5. Promote upland treatment (encouraging landowners to install best management practices, seal abandoned wells and bringing non-conforming sewer systems and feedlots into compliance in the Lazarus Creek Watershed), protecting the Lazarus Creek Project.

   Who: *******LQP Watershed**, Area II, SWCD ***When:*** 2005 - 2009 ***Cost:*** $75,000

6. Utilize the US Fish and Wildlife Service Drained Wetland Basin Inventory, to help address current and future water quality and surface water management goals and issues.

   Who: *******SWCD**, NRCS, WPC ***When:*** 2005 – 2009 ***Cost:*** $5,000

7. Encourage the MPCA to include Wood Lake in their Lake Assessment Project.

Who: *<u>**WPC**</u>, CB ***When:*** 2006 ***Cost:*** $1,000

Chapter Three:
Ongoing Activities

This Chapter identifies other activities and programs that make up the Local Water Management Program, but are not necessarily reflected in the priority concerns section (or the County's Scoping Document).

There are many agencies in Minnesota at the local, regional, state and federal levels that are involved with water and land use issues either in a regulatory capacity, or through and education and information development role. Programs administered by various resource partners will continue to be used during this ten-year water plan: such as the local Environmental Office, the Planning and Zoning Office, and the Soil and Water Conservation District; state agencies, such as the Board of Water and Soil Resources, the Minnesota Pollution Control Agency, and the University of Minnesota extension Service; and federal agencies, such as the Natural Resource Conservation Service and Farm Service Agency.

The following is a list of ongoing activities in Yellow Medicine County:

- Publish newsletters, news articles, and news releases to address water quality, water quantity, and conservation issues and concerns.
- Promote recycling and solid waste management.
- Provide well testing kits for the public.
- Continue to promote and staff the Household Hazardous Waste drop off site located in Clarkfield.
- Continue to enforce the Yellow Medicine County Feedlot Ordinance and assist producers with feedlot questions.
- Provide low interest loans for septic system upgrades through the watersheds Clean Water Partnerships.
- Administer the Shoreland and Floodplain Management Program.
- Work with the Minnesota Department of Agriculture as a testing site for commercial pesticide applicators.
- Continue to require permits and inspections for all newly installed septic systems.
- Select a conservation farmer.
- Participate in the MASWCD poster and essay contest.
- Set up displays at the fair, banks, restaurants, family resource fairs, etc.
- Distribute educational material to each grade level (Pre-school-6) in the county and conduct a presentation in each classroom.

- Sponsor a student to attend Long Lake Conservation Camp.
- Work with the SWMACDE to sponsor an Environmental Fair for all 6th graders.
- Distribute an education newsletter twice a year to all teachers, scout leaders, 4H leaders, etc.
- Promote soil stewardship week.
- Hold conservation days for all 5th graders in the county.
- Hold a field day for all 2nd grade students at Bert Raney School.
- Assist and promote the SWMACDE Area Envirothon and the State Envirothon.
- Work with Pezuta Zizi Environmental and Cultural Learning and Resource Center to present the Rocky Creek Ecosystem for the 5th and 6th graders at Bert Raney and H. A. Hagg Schools. Continue to serve on the Pezuta Zizi Board.
- Hold a mini Envirothon for Junior High Students.
- Develop promotional presentation for local organizations.
- Offer a scholarship to a graduating student majoring in natural resources, age or a related field.
- Provide assistance in implementing the Federal Farm Program. (SWCD)
- Continue to Administer the 1991 Wetland Conservation Act. (SWCD)
- Continue to monitor groundwater observation wells designated by DNR. (SWCD)
- Continue to comment on DNR water permits. (SWCD)
- Participate in the state rainfall-monitoring program by selecting rainfall monitors to record daily precipitation. (SWCD)
- Yellow Medicine County has designated the entire county as a high priority wetland preservation area. The county will continue to accept and process eligible applications for wetland preservation on a countywide basis.
- The Yellow Medicine County Comprehensive Plan will be updated and is scheduled to be completed in 2006. The Yellow Medicine County Land Use and Related Resource Ordinance will also be updated.

For more information about Yellow Medicine County's Ongoing Activities, please contact the following:

Yellow Medicine County Zoning and Ag Office

1000 10th Avenue; P.O. Box 675

Clarkfield, MN 56223-0675

(320) 669-7524

Minnesota Board of Water & Soil Resources

DATE: April 13, 2005

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: David Sill, Board Conservationist

SUBJECT: Yellow Medicine County Local Water Management Plan Final Review

I have completed my final review of the Yellow Medicine County Local Water Management Plan and recommend approval of this update. The Yellow Medicine County Local Water Management Plan meets all requirements including:

- Focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- Adequately assesses the priority concerns and sets forth appropriate goals and objectives *(please note I have asked for minor additions to two assessments regarding Managing Flooding and Surface Water/Drainage Management - this will be completed before the May BWSR Board meeting)*;
- Lays out a detailed implementation program with measurable actions, timeline and budget; and
- Includes all required sections.

State agency comments were received from the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources and Minnesota Department of Agriculture. All agencies recommend approval of the Plan.

I look forward to assisting Yellow Medicine County in implementing their local water management plan. With teamwork and coordination between the County, Soil & Water Conservation District and watershed projects significant conservation activity is taking place!

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Yellow Medicine** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **January 20, 2005,** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On **December 4, 2003,** the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Yellow Medicine** County, pursuant to M.S. Section 103B.312.

2) On **January 28, 2004,** the Board of Water and Soil Resources approved official comments on the **Yellow Medicine** County Priority Concerns Scoping Document, which were mailed to the county on **January 28, 2004**.

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

   A) Groundwater Protection aiding public water suppliers with the development of wellhead protection plans and by providing assistance to help manage vulnerable areas from potential contamination sources;
   B) Erosion and Sediment Control on agricultural lands located in the Yellow Medicine and Lac qui Parle Watersheds;
   C) Reduce priority pollutants - nutrients and bacteria, related to feedlots and non-conforming individual sewage treatment systems;
   D) Manage flooding and its effects minimizing losses associated with the flooding of agricultural lands; and
   E) Surface water and drainage management by addressing runoff volume and water quality deterioration due to excessive runoff.

4) On **February 14, 2005,** the BWSR received the **Yellow Medicine** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On **April 27, 2005,** the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Stevens County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommends approval;
   B) Minnesota Department of Health: no recommendation received;
   C) Minnesota Department of Natural Resources: recommends approval;
   D) Minnesota Pollution Control Agency: recommends approval;
   E) Minnesota Environmental Quality Board: no recommendation received
   F) Minnesota Board of Water and Soil Resources regional staff: recommends approval;
   G) Board Water Plan Review Committee Meeting recommends approval.

6) This update will be in effect until **May 31, 2015.**

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the **Yellow Medicine County** Local Water Management Plan with a required update to the Implementation section (Goals, Objectives and Action) by May 31, 2010.

Dated at St. Paul, Minnesota, this **twenty-fifth day of May, 2005.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

NEW BUSINESS

1. 2006 Conservation Easement Services Grants Recommendations – ***DECISION ITEM***

Conservation Easement Service Grants –PROPOSAL May 25, 2005

Background
$750,000 from general fund, disbursed annually, 1988 to 2003. Reduced to $345,000 for 2004 and 2005 grants. Annual grants have been computed via a formula that looks at the past three years approved applications and the number of site inspections scheduled for the current year. Site inspection amount has been $60 per inspection scheduled. All SWCDs received a base grant of $1,000 each year until 2004.

Easement Numbers
The BWSR currently holds roughly 4,700 easements on 178,000 acres throughout the state. SWCDs range from a low of 0 easements, Carlton, to a high of 380 easements in Renville.

Proposal
Compute annual RIM Reserve service grants via a flat rate amount per recorded easement. This would be for all administrative and management activities associated with easements that are already in place. With BWSR's current holding of 4,700 easements, this would provide $73.40 per easement based on the current RIM Service Grant amount of $345,000. This amount would help cover all the inspections that are scheduled plus other easement management and administrative activities that SWCD staff may be involved with on their easements.

Benefits of proposal:

- Simple to compute and easy to understand
- SWCDs will know from year to year what their grant amount will be. This is advantageous for budgeting and program management.
- Since easement programs have become targeted (not statewide) SWCDs not in priority areas will not see their grant support fall off. They still have older easements to inspect and manage.

Potential problems with proposal:

- Grant amount needed for administration of these existing easements will increase from year to year depending on new easements recorded (CREP 2, WREP, etc.) This will necessitate adjustments to general fund appropriations. Example – CREP 2 may secure 4,000 more easements, this will necessitate an increase of $400,000 for RIM services grants.

Funds needed to implement new program initiatives would need to come from new bond appropriations. These grants could be based on staffing needs as was done for MN River CREP and CREP II.

FY05 RIM SERVICE GRANTS

SWCD	Total # of Easements	site insps. this yr.	FY03	FY04	FY05	FY06
Aitkin	2	2	1,250	0	120	147
Anoka	0		1,250	0	0	0
Becker	5	2	1,250	120	120	369
Beltrami	10	6	1,250	180	360	737
Benton	24	9	4,250	824	540	1,770
Big Stone	33	26	4,250	4,045	2,807	2,433
Blue Earth	200	184	34,400	32,967	20,920	14,747
Brown	162	137	23,500	22,595	14,817	11,945
Carlton	0		1,000	0	0	0
Carver	40	16	4,250	3,971	1,091	2,949
Cass	2	1	1,000	60	60	147
Chippewa	160	146	34,400	32,360	14,570	11,797
Chisago	5	2	1,250	120	120	369
Clay	53	30	13,000	3,489	2,456	3,908
Clearwater	7	6	4,250	120	360	516
Cook	0		1,000	0	0	0
Cottonwood	169	138	23,500	22,401	13,433	12,461
Crow Wing	0		1,000	0	0	0
Dakota	7	5	1,250	60	300	516
Dodge	2	1	1,250	60	60	147
Douglas	82	58	13,000	12,276	6,007	6,046
Faribault	184	164	34,400	32,707	18,932	13,567
Fillmore	10	7	4,250	480	420	737
Freeborn	74	56	23,500	21,462	4,706	5,456
Goodhue	54	27	8,000	1,620	1,620	3,982
Grant	23	16	4,250	3,970	1,420	1,696
Hennepin	32	24	13,000	1,244	1,440	2,359
Hubbard	1	0	1,250	0	0	74
Isanti	10	10	1,000	0	600	737
Itasca	0		1,000	0	0	0
Jackson	75	51	13,000	12,063	3,848	5,530
Kanabec	7	2	1,250	180	120	516
Kandiyohi	131	109	23,500	21,968	10,085	9,659
Kittson	7	4	1,250	300	240	516
Koochiching	0		1,000	0	0	0
Lac Qui Parle	174	169	34,400	32,483	15,490	12,830
Lake	0		1,000	0	0	0
Lake of Woods	0		1,000	0	0	0
LeSueur	96	74	23,500	21,684	5,589	7,078
Lincoln	94	88	23,500	21,936	8,661	6,931
Lyon	139	123	23,500	22,259	12,205	10,249
Mahnomen	0		1,000	0	0	0
Marshall	17	16	4,250	720	960	1,253
Marshall-Beltrami	4	2	1,250	60	120	295
Martin	177	153	34,400	32,572	19,027	13,051
McLeod	55	29	4,250	4,067	2,823	4,055
Meeker	72	36	13,000	2,007	2,160	5,309

CREP counties in bold

SWCD	Total # of Easements	site insps. this yr.	FY03	FY04	FY05	FY06
Mille Lacs	16	4	1,250	540	240	1,180
Morrison	31	16	4,250	960	960	2,286
Mower	49	29	23,500	2,421	1,740	3,613
Murray	74	62	13,000	12,278	7,330	5,456
Nicollet	71	53	13,000	12,142	4,526	5,235
Nobles	13	7	4,250	704	420	959
Norman	32	22	8,000	1,634	1,911	2,359
Olmsted	10	6	4,250	567	360	737
Otter Tail, East	11	9	4,250	507	540	811
Otter Tail, West	44	33	8,000	7,465	2,899	3,244
Pennington	1	1	1,250	60	60	74
Pine	1	0	1,250	60	0	74
Pipestone	20	15	4,250	3,937	966	1,475
Polk, East	6	5	1,250	120	300	442
Polk, West	1	0	1,250	0	0	74
Pope	156	117	23,500	22,226	11,024	11,503
Ramsey	0		0	0	0	0
Red Lake	4	1	1,250	60	60	295
Redwood	301	259	34,400	33,529	25,617	22,194
Renville	380	298	34,400	33,904	29,138	28,019
Rice	45	30	8,000	1,320	1,800	3,318
Rock	13	8	4,250	464	480	959
Root River	45	20	4,250	1,080	1,200	3,318
Roseau	1	1	1,000	0	60	74
Scott	47	24	4,250	4,005	1,768	3,465
Sherburne	0		1,000	0	0	0
Sibley	99	63	8,000	7,669	5,585	7,300
St. Louis, North	0		1,000	0	0	0
St. Louis, South	0		1,000	0	0	0
Stearns	19	13	8,000	551	780	1,401
Steele	48	35	23,500	21,279	2,494	3,539
Stevens	60	36	8,000	7,582	3,801	4,424
Swift	162	134	23,500	22,576	14,211	11,945
Todd	4	2	1,250	120	120	295
Traverse	21	16	8,000	7,291	1,157	1,548
Wabasha	25	11	4,250	720	660	1,843
Wadena	11	3	1,250	360	180	811
Waseca	102	84	13,000	12,604	9,011	7,521
Washington	2	1	1,250	120	60	147
Watonwan	101	80	23,500	21,791	7,918	7,447
Wilkin	25	19	13,000	1,211	1,140	1,843
Winona	18	12	4,250	944	720	1,327
Wright	42	19	4,250	1,771	1,632	3,097
Yellow Medicine	169	145	34,400	32,288	13,525	12,461
COUNTY TOTAL	4,677	3,230	856,700	648,290	345,000	345,001

CREP counties in bold

OLD BUSINESS

1. LCMR Local Water Management Challenge Grants – ***DECISION ITEM***

2. Budget and Legislative Issues Update – ***INFORMATION ITEM***

BWSR 2006-2007 Local Water Management Challenge Grant
RECOMMENDED PROJECTS
Page 1

Total Number of applications 78
Total Amount Requested $2,600,580.98
Amount Available $1,000,000

	Application Title	Local Unit of Govt	Requested Amount	Recommended Amount	Cummulative Total
1	2006-2007 LWM Challenge Grant - Critical Watershed Enhancement	Aitkin SWCD	$13,075.00	$13,075	$13,075
2	NMF Healthy Lakes and Rivers Initiative	Beltrami SWCD	$25,000.00	$25,000	$38,075
3	***Lake Boulevard Project***	***Beltrami SWCD***	***$25,000.00***	***$4,161***	**$42,236**
4	Detailed Drainage Infrastructure Mapping and Inventory Project	BNC Water Quality	$22,500.00	$22,500	$64,736
5	Long Lake Water Quality Improvement Project	Browns Creek WD	$75,000.00	$75,000	$139,736
6	***BCWD GIS-based inventory and comprehensive management plan for public drainage***	***Buffalo Creek WSD***	***$25,000.00***	***$20,000***	**$159,736**
7	Buffalo-Red River WSD Ditch Mapping Challenge Grant	Buffalo-Red River	$16,540.50	$16,540	$176,276
8	Arlington-Hamline Alternative Stormwater BMP	Capital Region WD	$75,000.00	$75,000	$251,276
9	Carlton County Geologic Atlas	Carlton County	$16,500.00	$16,500	$267,776
10	Carnelian Marine Challenge Grant	Carnelian Marine WSD	$25,000.00	$25,000	$292,776
11	Sky Blue Waters Surface Water Management	Cass County	$25,000.00	$25,000	$317,776
12	SW Leech Lake Wastewater Study	Cass County	$20,000.00	$20,000	$337,776
13	Clearwater SWCD City of Clearbrook & Clearbrook Watershed Pollution Reduction for Silver Creek	Clearwater SWCD	$19,200.00	$19,200	$356,976
14	Lake Features GIS - Staff training	Cook County	$8,500.00	$8,500	$365,476
15	Aitkin/Cass/Crow Wing Counties Conservation Easement and Intra-Lake Zoning	Crow Wing SWCD	$75,000.00	$75,000	$440,476
16	Restoration of Water Quality of the South Fork of the Root River	Fillmore SWCD	$25,000.00	$25,000	$465,476
17	2005 Goodhue County Drained Wetland Inventory Grant	Goodhue SWCD	$5,000.00	$5,000	$470,476
18	Itasca County Shoreland Revegetation Project	Itasca SWCD	$24,400.00	$24,400	$494,876
19	Historical and Projected Water Quality Trends in Itasca County Lakes	Itasca SWCD	$24,200.00	$24,200	$519,076
20	Lincoln County Public Drainage Ditch Inventory and Management Plan	Lincoln County	$25,000.00	$25,000	$544,076
21	Establish and maintain groundwater monitoring stations- Lower Minnesota River WD Challenge Grant	Lower Minnesota River WSD	$25,000.00	$25,000	$569,076
22	2006 LWM Rainwater Garden Challenge Grant	Mille Lacs SWCD	$3,000.00	$3,000	$572,076
23	Water Quality Improvements for Gleason Lake and County Ditch 15	Minnehaha Creek WD	$75,000.00	$75,000	$647,076
24	LWM Challenge Grant - Swan River Project	Morrison County	$8,000.00	$8,000	$655,076
25	Regional Surface Water Management in the Upper Cedar River Watershed	Mower SWCD	$75,000.00	$75,000	$730,076
26	Red Lake Watershed Flood Reduction Project 60 Challenge Grant	Red Lake WD	$50,000.00	$50,000	$780,076
27	Red Lake Watershed District Ditch System Inventory and Mapping Project	Red Lake WD	$25,000.00	$25,000	$805,076
28	Renville County GIS-based public drainage ditch systems inventory	Renville County	$25,000.00	$25,000	$830,076
29	Union Lake Sarah Erosion Challenge Grant	Sand Hill River WD	$50,000.00	$50,000	$880,076
30	No-till Drill Purchase	Stevens County	$20,000.00	$20,000	$900,076
31	Todd County Drainage Survey	Todd SWCD	$25,000.00	$25,000	$925,076
32	Clean Lakes Club Education Initiative	Waseca County	$2,500.00	$2,500	$927,576
33	Drainage System Inventory - Watonwan County Management Plan Challenge Grant	Watonwan County	$25,000.00	$25,000	$952,576
34	Wild Rice Watershed District GIS-based Public Drainage Ditch System Inventory	Wild Rice WD	$22,424.00	$22,424	$975,000
35	Lake Ann Education and Monitoring - Wright County Management Plan Challenge Grant	Wright SWCD	$25,000.00	$25,000	$1,000,000

Note: projects in bold received less funding than requested.

BWSR 2006-2007 Local Water Management Challenge Grant
RECOMMENDED PROJECTS
Page 2

Projects Not Funded

	Application Title	Local Unit of Govt	Requested Amount	Cummulative Total
36	Wirth Lake Improvement	Basset Creek WMO	$75,000.00	$75,000
37	Upper Mississippi River Basin Monitoring Sites Establishment	Beltrami SWCD	$25,000.00	$100,000
38	CRP/CREP Restored Wetland Monitoring Project	BNC Water Quality	$19,500.00	$119,500
39	Bois de Sioux Watershed Dist. Culvert Inventory	Bois de Sioux WSD	$25,000.00	$144,500
40	Foxford Road Rainwater Garden Retrofit Project	Carver County	$20,000.00	$164,500
41	Metropolitan growth and climate change effects on sustained yield and river base flow	Dakota County	$75,000.00	$239,500
42	Wetland and Watercourse Inventory and Assessment in the Vermillion and North Cannon River Watershed	Dakota SWCD	$40,000.00	$279,500
43	Empowering Lake Associations to protect their own resources	Douglas SWCD	$12,400.00	$291,900
44	Faribault County Septic Maintenance & Awareness Program (SMAP)	Faribault SWCD	$25,000.00	$316,900
45	Dual County Intercropping and intensive grazing using live mulches and perennials	Fillmore SWCD	$50,000.00	$366,900
46	Erosion Control Signage Grant	Goodhue SWCD	$1,500.00	$368,400
47	Ihduhapi stabilization project-Pioneer Sarah Creek Watershed Management Organization	Hennepin County	$75,000.00	$443,400
48	Fulda Lakes Education and Implementation Program	Heron Lake WD	$51,364.50	$494,765
49	Rock Inlet Replacement -Cost Share Program	Heron Lake WD	$36,000.00	$530,765
50	Increase recreational access to water resources - Houston County Watershed	Houston County	$45,000.00	$575,765
51	2006 Itasca County SWCD Shallow and Sand Lakes Inventory Challenge Grant	Itasca SWCD	$12,500.00	$588,265
52	LIDAR for Iowa Great Lakes Watershed in Jackson County, Minnesota	Jackson County	$11,500.00	$599,765
53	Kanabec County Drainage System Inventory 2006 Grant	Kanabec County	$25,000.00	$624,765
54	Percy Blake Streambank application	Kittson SWCD	$14,148.00	$638,913
55	Lake of the Woods Sediment Sampling and Paleolimnology	Lake of the Woods County	$25,000.00	$663,913
56	Friends of MN Valley - Refuge Parking Lot Retrofit/Rainwater Garden	Lower Minnesota River WSD	$25,000.00	$688,913
57	Somerset View Neighborhood Infiltration Treatment	Lower Mississippi WMO	$25,000.00	$713,913
58	Trout Brook Fisheries Assessment and Stream Management Plan	Lower St. Croix WMO	$25,000.00	$738,913
59	Lower St Crox WMO Watershed Pollutant Loading Study	Lower St. Croix WMO	$25,000.00	$763,913
60	CSAH 2 Kramer/Rick Erosion Control Project	Meeker County	$25,000.00	$788,913
61	2006 LWM Ogechie Water monitoring grant	Mille Lacs SWCD	$5,000.00	$793,913
62	BMP Cost-Share Program for Nobles County and Three Watershed Districts	Nobles County	$75,000.00	$868,913
63	Zumbro Watershed Riparian Zone Inventory	Olmsted County	$75,000.00	$943,913
64	Manure Pit Closures -Pine County Local Water Management Plan Challenge Grant	Pine SWCD	$16,500.00	$960,413
65	Lakeshore Stewardship Education Project	Pope County	$14,000.00	$974,413
66	2006-2007 Abandoned Well Sealing Cost-Share	Ramsey County	$25,000.00	$999,413
67	Monitoring BMPs effectiveness -Sauk River Watershed District	Sauk River WD	$75,000.00	$1,074,413
68	High Island Creek Watershed BMPs	Sibley SWCD	$25,000.00	$1,099,413
69	South Two Rivers WD for Pelican Lake Association in St. Anna	South Two Rivers WD	$25,000.00	$1,124,413
70	2006-2007 ISTS Assessment and Inventory Challenge Grant	Stearns County	$75,000.00	$1,199,413
71	Automated mass balance challeng3e grant 2006-2007	Thirty Lakes WD	$24,998.98	$1,224,411
72	Mass Balance 2006 Challenge Grant	Thirty Lakes WD	$25,000.00	$1,249,411
73	Long term citizen volunteer for private well monitoring	Wadena SWCD	$75,000.00	$1,324,411
74	Waseca County 2005 Well Sealing Initiative	Waseca County	$5,000.00	$1,329,411
75	Creation of web accessible water database used for education the public on water resources	Washington County	$20,000.00	$1,349,411
76	Expand on groundwater and surface water monitoring networks to protect drinking water resources	Washington County	$75,000.00	$1,424,411
77	Educate citizens and local government of the importance of groundwater and surface water protection	Washington County	$75,000.00	$1,499,411
78	Micro-flood storage initiative	Wild Rice WD	$75,000.00	$1,574,411

GUIDELINES FOR APPLICATIONS FOR FY 2006/07 LOCAL WATER MANAGEMENT PLANNING CHALLENGE GRANTS:

Application Period: February 10, 2005 – March 11, 2005

Eligible Local Units of Government includes counties, watershed districts and watershed management organizations. Soil and water conservation districts (SWCD) may apply if the county has delegated the local water management planning responsibilities to them per 103B.311, subd. 2. All applicants must have an approved, current local water management plan.

Grant maximums: Grants will not exceed $25,000 per local government unit (LGU) or $75,000 per project where 3 or more LGUs are involved in implementing a project. Successful projects will receive half of the funds requested in FY 2006 and half in FY 2007.

Required Match: All grants must be matched one-to-one with non-state cash or in kind contributions.

Eligible projects: Proposed projects must implement priority action items in an approved local water management plan. Eligible projects include:

1. land and water treatment (i.e., install erosion or water quality improvement practices);
2. inventories (e.g., inventory public and private drainage systems)
3. water quality monitoring; or
4. education activities.

Special consideration will be given to projects that:

1. develop, implement or complement plans for lakes, rivers or drainage management systems;
2. provide administrative and technical training to local government officials regarding water management, wetlands, drainage, and related topics;
3. further the Governor's Clean Water Initiatives (these are: (1) flood damage reduction in the Red River Valley; (2) enhancing Minnesota's shoreland rules in the North-Central Lakes Area; (3) Twin Cities drinking water protection; and (4) Southeast Minnesota impaired waters restoration.)

Ineligible projects include:

1. installation of individual sewage treatment systems;
2. updating local water plans;
3. Clean Water Partnership Phase 1 diagnostic studies;
4. federal and state combined cost-share that exceeds 75% of the cost of the project;
5. additional state money for BWSR easement payments (RIM, CREP, WRP, road replacement) or admin/tech services associated with the easement acquisition; and
6. digitizing soil surveys not done to USDA-NRCS standards.

Additional information on eligible/ineligible costs can be found on the LCMR website under LCMR Project Manager Information:

http://www.commissions.leg.state.mn.us/lcmr/manager/promanager.htm

Application period closes at 4:30 p.m. on Friday, March 11th, 2005.

All applications must be submitted using the BWSR eLINK program.

Board Resolution #_____

Approve Funding for FY 2006-07 Local Water Mgt. Challenge Grants

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

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

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

WHEREAS the Board of Water and Soil Resources has solicited eligible local units of government to submit projects to receive these funds;

WHEREAS a total of 78 project proposals were received and reviewed by a team consisting of representatives of BWSR, the Departments of Agriculture, Health, and Natural Resources and the Pollution Control Agency; and

WHEREAS this review team is recommending 35 of these projects be approved for funding.

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources approves projects 1–35 on the recommended project list be funded from the Environment and Natural Resources Trust Fund, contingent on legislative appropriation. These projects will receive half of project dollars requested immediately upon BWSR approval of a project workplan, and the remaining project dollars after the Legislative Commission on Minnesota Resources appropriates the Fiscal Year 2007 funds to the BWSR (anticipated to be early July 2007). Any approved project not submitting a project workplan by November 1, 2005 may have their funding revoked and the next highest-ranking project will be offered the available funds.

_____ _____

Jerome Deal — Date

Chair, Minnesota Board of Water and Soil Resources

FY06/07 Biennial Budget: Comparison of Governor's Recommendation, House Proposal, and Senate Proposal **5/16/2005**

All numbers -000

	Governor's Request			House Proposal			Senate Proposal		
	FY06	FY07	Total	FY06	FY07	Total	FY06	FY07	Total
NRBG	$4,102	$4,102	$8,204	$4,102	$4,102	$8,204	$4,102	$4,102	$8,204
Base grants	3,566	3,566	7,132	3,566	3,566	7,132	3,566	3,566	7,132
Cost-share	3,285	3,285	6,570	3,285	3,285	6,570	3,285	3,285	6,570
RRBC	100	100	200	100	100	200	100	100	200
Area II (existing)	0	0	0	105	105	210	105	105	210
Area II (additional)							35	35	70
Beaver Damage Control Grants							50	50	100
Drainage assessment **							109		109
Administration -300 *	3,973	3,973	7,946	3,973	3,973	7,946	3,973	3,973	7,946
Sub Total	15,026	15,026	30,052	15,131	15,131	30,262	15,325	15,216	30,541
House Option A (Area II)				(105)	(105)	(210)			
House Option A (general cuts)				(600)	(600)	(1,200)			
Grand Total	$15,026	$15,026	$30,052	$14,426	$14,426	$28,852	$15,325	$15,216	$30,541
Difference from Governor				**$ (600)**	**$ (600)**	**$ (1,200)**	**$ 299**	**$ 190**	**$ 489**
Language									
Technical Assistance Flexibility		No			Yes			No	
Camp Ripley authorization		No			Yes			Yes	
** Drainage assessment		No			Yes			Yes	
$15,000 to Mower County out of Cost Share rollover		No			Yes			No	
* All include Admin reduction:	(300)	(300)	(600)	(300)	(300)	(600)	(300)	(300)	(600)

Administrative Budget: Difference from FY05			
7% Governor's reduction	($600)	($600)	($600)
Inflation (primarily compensation costs)	(390)	(390)	(390)
Sub total reduction	(990)	(990)	(990)
House Option A	0	(1,200)	0
Grand Total Admin reduction	($1,980) -23%	($3,180) -36%	($1,980) -23%

FOR YOUR INFORMATION

May 25, 2005

- "BWSR Update"
- State Envirothon Highlights
- Memo to Representative Dennis Ozment, and House Agriculture, Environment and Natural Resources Finance Committee, dated April 24, 2005, regarding Committee request for agency assessment of Option A Budget reductions, from Ron Harnack
- Signed copy of Memorandum of Understanding between the Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Board of Water and Soil Resources, Minnesota Department of Health, and Minnesota Department of Agriculture, regarding the Red River Basin.
- Signed copy of the Agreement between the U.S. Department of Agriculture, the Commodity Credit Corporation, and the State of Minnesota, regarding CREP II.
- Press Release: "The first easements in Minnesota utilizing the Farm and Ranch Lands Protection Program (FRPP) have closed in Dakota County, Minnesota"
- *Agri News* articles, "CREP a reality for Minnesota" and "Nordby stayed with CREP"
- Article in the *New Ulm Journal* regarding Minnesota River mining at issue DNR officials upset with movement to allow mining

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 May 2005

ENGINEERING

Drainage

On April 15, the U of M sponsored an Emerging Issues in Soil and Water seminar for which BWSR was a sponsor. The topic of the main lecture was "Agricultural Drainage: Impacts on Hydrology, Crop Production, and Water Quality," presented by Dr. R. Wayne Skaggs, North Carolina State University. Dr. Skaggs is an internationally recognized agricultural engineer with expertise in drainage and subsurface water management. This presentation drew a large crowd from academia, government, and industry. Dr. Skaggs spoke about the hydrologic effects of subsurface drainage, as well as research and development to reduce off-site impacts of drainage, such as nitrogen transport. He showed that subsurface drainage of lands already converted for agricultural can reduce peak runoff for small to medium storms via increased storage potential in the soil profile. It appears that shallower and closer drain spacing reduces N loss. Controlled drainage helps modify drainage intensity during the year, by controlling the saturation level during different parts of the year. However, Dr. Skaggs noted that in Minnesota, March - June are high snowmelt and precipitation periods that also coincide with a high need for drainage for planting. To minimize N loss associated with subsurface drainage, a suggested guiding principle is only drain as much as is really needed for crop production.

The Red River Water Management Board recently approved some funding for a phase 1 study to be led by Dr. Gary Sands, U of M, to investigate the hydrologic effects of different subsurface drainage designs in representative Red River Basin soils at the field scale. Dr. Sands will work with a post-doctoral individual to use the computer model DRAINMOD (developed by Dr. Wayne Skaggs) to evaluate the hydrologic effects of different drainage coefficients, including different tile spacing and depth, using a long period of record of precipitation in the Red River Basin. Dr. Sands and Al Kean met with the Technical Advisory Committee for the RRWMB about a year ago to discuss current research on subsurface drainage, the increasing implementation of tiling in the Red River Basin, potential positive and negative effects on runoff and water quality, and information needs to help advise associated policies in the Red River Basin. Based on the fact that Red River Basin has a relatively lower average annual precipitation than other areas of Minnesota and the U.S. where tiling is prevalent, and the guiding principle defined by Dr. Skaggs (see paragraph above), different design guidance may be appropriate for the Red River Basin. Depending on the results of this first phase of study, additional work may be done to evaluate watershed scale effects of subsurface drainage.

Lake Superior

The response to the third of six NOAA/EPA conditions on the Minnesota Coastal Nonpoint Program was submitted by Marc Hershfield, BWSR project specialist, in late April. Recall that Marc is leading this interagency response effort via a grant from MPCA. The first two responses were approved by NOAA and EPA. We're working on the fourth of the six conditions and expect the response to be submitted by the end of May or very early June. The response period is until Oct. 1, 2005. Full approval of the program should result in some additional federal funding to Minnesota.

In April, Ron Shelito and Al Kean met with MPCA and DNR managers in the Lake Superior basin to initiate some strategic planning for Lake Superior Nonpoint Program implementation after the NOAA/EPA conditions are resolved and the program fully approved. A primary challenge for our agencies is how to coordinate roles and responsibilities in light of the tight economic times, particularly at the state level. NOAA has also reduced administrative funding for the program somewhat for the next fiscal year. Although there is some talk at the federal level about increased funding for Great Lakes water quality protection, funding is uncertain.

Continued on next page

The Minnesota Coastal Program recently approved grant funding to BWSR for a study of surface water conveyance retrofit opportunities along Hwy. 61 on the North Shore of Lake Superior. Marc Hershfield will be the project manager/investigator and will work with MnDOT and LGUs to identify potential water quality improvement opportunities (i.e. stormwater system retrofits) that could be implemented in conjunction with future road and urban stormwater system improvements and maintenance. This project helps address one of the "existing development" management measures of the Minnesota Coastal Nonpoint Program.

The Great Lakes Commission recently approved grant funding to the BWSR for Phase 2 of the Glensheen runoff management and shoreline stabilization project in Duluth. Gene Clark, former BWSR Lakeshore Engineer, had worked with the S. St. Louis SWCD and U of M (which manages the Glensheen mansion site) to install low-impact development parking lot runoff management practices several years ago. At that time, shoreline stabilization plans were also developed, but funding was inadequate to install. This aspect of the project became Phase 2, which will be completed under this grant. Marc Hershfield will manage this project in cooperation with the SWCD and U of M.

CREP and Public Road Wetland Restorations

Eric Lind, an ag engineering student at UW River Falls, joined the BWSR wetland restoration team on May 18 as an intern. He will work with us until September. Plans are also in place to rehire Tom Schmidt as an engineering technician for CREP 2 and road replacement wetland restoration investigation, design, and construction. Recall that Tom worked with us on CREP 1 wetland restorations. Tom will come to work in St. Paul on June 8. He is currently working with a private environmental consulting firm, but would like to work for BWSR on wetland restorations again. Please welcome Eric and Tom when you get the chance.

BWSR recently received topographic data from Earth Science Associates, Inc. for the Goertz wetland banking project near North Branch. This 200-acre project is being implemented for public road wetland mitigation. BWSR engineering plans to supplement the existing data with additional ditch cross section surveys to enable design of the wetland restoration features. In recent years, the site had corn, raddish, and other crops grown on it. We expect this to be a great public banking project.

A wetland restoration project on Murray County Ditch 65 involving 11 landowners recently received approval from the county drainage authority to abandon approximately 14 - 15 miles of public tile (plus lots of private tile of the involved landowners). This will be an excellent wetland restoration that will provide substantial runoff detention in addition to enhanced wildlife habitat and reduction of erosion and sedimentation. Although there is one project area that still needs drainage authority approval, we are confident this major wetland restoration project will get on the ground yet this year.

Restorable Wetlands Working Group

Rex Johnson, U.S. Fish and Wildlife Service, had organized this group a few years ago to help advance the definition of locations and priorities for restorable wetlands. There are subgroups for wildlife habitat, water quality, and flood damage reduction. Members of the working group met on April 28 to help advance methodologies to define priority wetland restoration locations for the different objectives. Al Kean, Tom Mings, and John Overland from BWSR attended. These efforts might lead to generally accepted methods to define restorable wetland priorities for different objectives (GIS-based?) and the associated overlaps.

-Submitted by Al Kean

BRIEFS

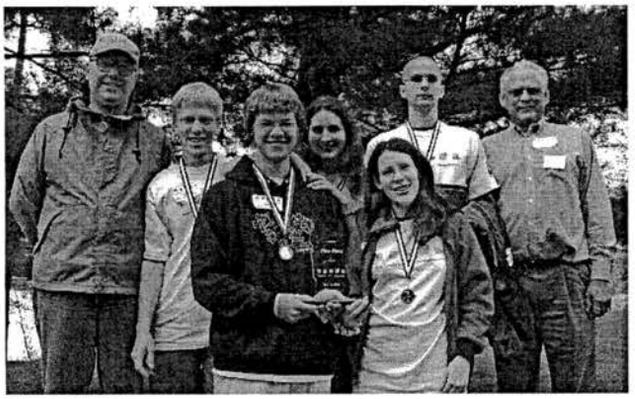
A team of students from the School of Environmental Studies (Apple Valley) took first place out of 27 teams competing at the 2005 Minnesota State Envirothon held Wednesday, May 18, at Camp Onomia, near Onamia, Minn.

Students representing the School of Environmental Studies include: Reed Perkins, grade 12; Philip Harris, grade 12; Kaylee Steffel, grade 12; Whitney Flohr, grade 12; and Brandon Boxler, grade 11. Advisor is Roger Everhart. The team had a final score of 106.17.

Second place went to a team from Benilde-St. Margaret's (St. Louis Park), with a score of 100.67. Team members include Nadia Aboussir, grade 12; Alex Hansen, grade 12; Nicholas Hittler, grade 12; Will Javellana, grade 11; and Elizabeth Lefebvre, grade 12. Advisors are Patty and Keith Leiseth.

Continued on next page

Third place went to a team from Mankato East High School, with a final score of 98.67. Team members include Nick Burkhart, grade 11; Will Van Duynhoven, grade 11; Brandon Reemer, grade 11; Aaron Marquette, grade 12; and John Zehnder, grade 9. Advisor is Sue Pickus.



The School of Environmental Studies team with Jerome Deal, BWSR board chair.

Top oral presentation award went to Lincoln High School, Thief River Falls (Team #12). Team members included Ben Willis, grade 11; Matt Wold, grade 11; Derek Mosloff, grade 11; Dane Jensen, grade 11; and Cole Bylander, grade 11. Advisor is Patti Johnson.

The 2005 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, the Department of Natural Resources Education Committee, and Canon Envirothon. The State Envirothon is also supported by SWCD employees and federal and state agency staff who volunteer at the event.

This year, the University of Minnesota College of Natural Resources is offering $500 scholarships to the U for each of the first-place team members.

The School of Environmental Studies will represent Minnesota in the Canon Envirothon, which will be held July 18-24, at Southwest Missouri State University, Springfield, Mo.

After more than 33 years working for the state of Minnesota, **Bruce Sandstrom**, BWSR's wetland banking coordinator, has retired. His last day at BWSR was May 17. Best wishes, Bruce.

Sheila Otte, BWSR network administrator, has accepted a position with Hennepin Technical College. Her last day at BWSR will be May 31. Keep in touch, Sheila!

Kristie Mack has been hired as an easement development specialist for BWSR. She began her job here May 18. She had been a soil conservationist aide for NRCS in their Stillwater office. Welcome, Kristie.

"Our Working Lands Legacy," a special insert in the December 2004 edition of The Farmer magazine, has won an award of excellence from the Minnesota Association of Government Communicators. The publication was entered in MAGC's Northern Lights Communications Awards program this spring and was judged by professionals working in government communications (in state, county, or city offices, for example) in Minnesota. BWSR and MASWCD were project managers. The project was made possible through a grant from the Natural Resources Conservation Service, St. Paul office.

With the 2005 legislative session scheduled for adjournment Monday, Gov. Pawlenty announced Monday afternoon that he would call legislators back for a special session one minute after the last house of the legislature adjourns its regular session that day.

Deadline for next edition: June 17

State Envirothon Highlights
(Board meeting)
5/19/05

-School of Environmental Studies won first place, score of 106.17
-Benilde-St. Margaret's won second place, score of 100.67
-Mankato East High School was third place, score of 98.67

-Oral presentation award went to Lincoln High School (Thief River Falls) Team #12

27 teams total competed
Two alternate teams

-Event held at Camp Onomia, which is near Mille Lacs Lake/Onamia area.

-The current topic of "Managing Cultural Landscapes" allowed us to integrate diversity (Native American culture), archaeology (at Mille Lacs Kathio State Park), cultural landscapes (Mille Lacs Kathio State Park), and natural resources. Students had to study these topics for their oral presentation and the current event station.

-Excellent support of volunteers from SWCD staff, including Area Envirothon coordinators.

-For the first time, the winning team members will each receive a $500 scholarship to the U of M College of Natural Resources. This was made possible by the good work of Wayne Seidel, who had also arranged it for the Area III Envirothon.

-The closeness to the Mille Lacs area allowed us to recruit several staff members from the Mille Lacs Band of Ojibwe (including Don Wedll, Perry Bunting, and Ryan Rupp). We also recruited Jodell Meyer, who works at the Mille Lacs Indian Museum, to be an oral presentation judge.

-We also appreciated the support of Jim Cummings (DNR park naturalist at Kathio State Park) and Aaron Wunrow (DNR park manager at Kathio). Jim wrote the exam for the current event station and Aaron presented at the station.

-Jim Cummings of the DNR led about 15 of the advisors on a two-hour tour of Kathio State Park when the students were taking their exams.

-2005 Canon Envirothon will be hosted at Southwest Missouri State University in Springfield, Missouri July 18 - 24, 2005. We expect that enough money was raised this year to cover all their travel expenses. We'll know how we stand on this after the bills come in for the State Envirothon.

-Thank board agencies (DNR Education Committee, PCA) for their financial contributions.

###

cc. MaryJo

STATE ENVIROTHON 2005 - CAMP ONOMIA - ONAMIA

Place	Team	School	TOTAL	Forestry	Soils	Water Quality	Wildlife	Cultural Landscape	Oral
1	5	School of Environmental Studies	106.17	17	13	12.5	15	15	33.66666667
2	23	Benilde-St. Margaret's (Red team)	100.67	17	11	13	12	14	33.66666667
3	11	Mankato East High School (White Tea	98.67	15.5	11	12	12	18.5	29.66666667
4	14	Benilde-St. Margaret's (White team)	96.83	14.5	15	12.5	9	12.5	33.33333333
5	21	Thief River Falls, Lincoln HS (Blue Tea	95.33	18	9	10	13	14	31.33333333
6	1	Rushford-Peterson H S	92.33	13	11	7.5	13	15.5	32.33333333
7	12	Thief River Falls, Lincoln HS (Red Tea	92.33	11.5	11	12	9	13.5	35.33333333
8	10	Northfield High School	87.17	10.5	11	11	13	9	32.66666667
9	24	Mahnomen High School	86.33	14.5	11	13.5	13	11	23.33333333
10	17	Pelican Rapids High School	86.17	15.5	14	8	15	11	22.66666667
11	22	Redwood Valley	84.50	14.5	10	12	15	7	26
12	26	Dilworth-Glyndon-Felton H S	84.00	10.5	10	10	8	12.5	33
13	4	Worthington H S (Red Team)	83.83	12	14	8.5	12	10	27.33333333
14	3	Thief River Falls, Lincoln HS (White T	81.17	11	9	6.5	14	13	27.66666667
15	7	Willow River H S	80.83	14	10	12.5	13	9	22.33333333
16	2	Mankato East High School (Blue Team	79.50	13	8	10.5	11	11	26
17	15	Nevis High School	79.00	11.5	10	7.5	13	8	29
18	19	Century H S, Rochester	75.00	12	8	8	13	14	20
19	25	Silver Bay High School	74.67	11.5	10	5.5	10	12	25.66666667
20	27	Climax-Shelly	74.50	11	10	13.5	10	13	17
21	8	Underwood High School	74.33	11	8	8.5	10	8.5	28.33333333
22	20	Mankato East High School (Red Team	72.33	11.5	7	7.5	10	11	25.33333333
23	13	Worthington (Blue Team)	70.67	10.5	11	6	9	10.5	23.66666667
24	16	Two Harbors H S	69.83	12	7	10.5	10	9	21.33333333
25	18	Crookston H S (Red Team)	64.67	9.5	7	7	10	12.5	18.66666667
26	6	Park Rapids High School	64.00	7	8	7.5	6	10.5	25
27	9	Crookston H S (White Team)	58.50	9.5	9	7	8	9	16
28	A2	Alternate Team 2	54.50	14.5	8	12	11	9	
29	A1	Alternate Team 1	50.50	11.5	8	7.5	12	11.5	

Minnesota Board of Water & Soil Resources

April 21, 2004

TO: Representative Dennis Ozment
Chair
House Agriculture, Environment & Natural Resources Finance Committee

FROM: Ron Harnack, Executive Director
BWSR

SUBJECT: Committee request for agency assessment of Option A Budget reductions

Chair Ozment, as I understand the Option A budget scenario the reductions to BWSR would be increased by $705,000 each year of the biennium above the reductions identified in Options B. It is proposed that the AREA II funding would be eliminated in Option A leaving BWSR an additional agency reduction of $600,000 each year of the biennium.

BWSR's approach to the budget is set within the following Principles:

1) On-the-ground soil conservation & water quality outcomes.
2) Preservation of the capacity of local governments to protect, enhance, restore and manage the state's soil and water resources.
3) Preservation of the incentives to promote and encourage private land stewardship and conservation.
4) Preservation of the core priority program operations of the agency.

To date we have been able to live up to these principles within the Governor's recommendations. No matter how you slice it with the Option A's additional reductions we will not be able to hold to these principles. If the committee adopts Option A I would ask that the committee allow BWSR as much flexibility as possible to manage the reductions within the agencies overall budget appropriations. Limiting the reductions to the agencies operations would require a 27-30% reduction of staffing. The capacity to administer the Local Water Management program, the Wetland Conservation Act, the Cost-Share and General Services programs and the RIM Reserve program would be so diminished that these programs would have to be changed dramatically to reduce BWSR's program obligations.

With flexibility BWSR will work with our state and local partners to manage the reduction

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fax (507) 537-6368

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(reductions having interagency impacts, i.e. feedlots, would need to be coordinated between PCA, MDA and BWSR). We would attempt to sustain the integrity of the Local Water Management Program, the Wetland Conservation Act, RIM Reserve program, as well as the Cost-Share and General & Technical Services programs to Soil & Water Conservation Districts. However, significant elements of individual programs will need to be modified or eliminated and program outcomes reduced in realizing these additional reductions. The impact is compounded by the fact that these programs leverage significant local resources and in other many instances leverage federal and local landowner resources resulting in a more significant lessoning of resource outcomes than the initial reduction would suggest. The bottom line is less resource protection, enhancement, restoration and management of Minnesota's soil and water resources. These reductions would severely hamper the state/local partnership that BWSR has established with our sister agencies, SWCD's, WD's and Counties in relationship to the goals and objectives of the Clean Water Legacy initiative to significantly increase efforts in water quality restoration, enhancement and protection.

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

I. PURPOSE

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

II. FINDINGS

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

F. The Minnesota Department of Agriculture (MDA) will help facilitate agriculture community input and producer participation in RRB watershed planning and project development activities.

III. OBJECTIVES

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

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

IV. RESPONSIBILITIES

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

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

V. LIMITATIONS

A. This Memorandum of Understanding (MOU) does not change the reportability of any position, nor does it affect other agency responsibilities that may be assigned to individuals on the team.

B. This document is not a legally enforceable, binding contract.

VI. EFFECTIVE DATE

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

VII. MODIFICATIONS

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

VIII. SIGNATORIES

Jerome Deal — Date 4/27/05

Jerome Deal
Chair
Minnesota Board of Water and Soil Resources

Diane Mandernach — Date 4/28/05

Diane Mandernach
Commissioner
Minnesota Department of Health

Gene Merriam — Date 4-29-05

Gene Merriam
Commissioner
Minnesota Department of Natural Resources

Sheryl Corrigan — Date 5/4/05

Sheryl Corrigan
Commissioner
Minnesota Pollution Control Agency

Gene Hugoson — Date 5-18-05

Gene Hugoson
Commissioner
Minnesota Department of Agriculture

AGREEMENT

BETWEEN

THE U.S. DEPARTMENT OF AGRICULTURE,
THE COMMODITY CREDIT CORPORATION,

AND

THE STATE OF MINNESOTA

I. INTRODUCTION

This Agreement is entered into by the U.S. Department of Agriculture (USDA), the Commodity Credit Corporation (CCC), and the State of Minnesota (the State), in order to implement a Conservation Reserve Enhancement Program (CREP) in three designated areas of the State. This Agreement is undertaken to address specific state environmental objectives and to protect environmentally sensitive land. The program established by this Agreement is Minnesota's second CREP (CREP II) and does not alter or impact Minnesota's first CREP in any way.

II. PURPOSE AND GOALS

The purpose and primary goal of this Agreement is to allow enrollments in CREP II up to 120,000 acres, where deemed desirable by USDA, CCC, and the State of Minnesota, of certain environmentally sensitive acreage in these three project watershed areas:

ota
Minnesota
thwestern Minnesota

, incentive-based program
ram (CRP) are, for certain
l through Minnesota's Reinvest
, of 47 counties. Refer to
d in this project.

nentally sensitive cropland and
s to help achieve the general

Paul Flynn
Greg Anderson
John Monson
Bill Hunt
Christopherson - Farm Bureau
Bill Wilson - NACD
Kevin

- Flood damage reduction
- Increased flood water storage
- Enhancement of fish and wildlife habitat.

AGREEMENT

BETWEEN

THE U.S. DEPARTMENT OF AGRICULTURE,
THE COMMODITY CREDIT CORPORATION,

AND

THE STATE OF MINNESOTA

I. INTRODUCTION

This Agreement is entered into by the U.S. Department of Agriculture (USDA), the Commodity Credit Corporation (CCC), and the State of Minnesota (the State), in order to implement a Conservation Reserve Enhancement Program (CREP) in three designated areas of the State. This Agreement is undertaken to address specific state environmental objectives and to protect environmentally sensitive land. The program established by this Agreement is Minnesota's second CREP (CREP II) and does not alter or impact Minnesota's first CREP in any way.

II. PURPOSE AND GOALS

The purpose and primary goal of this Agreement is to allow enrollments in CREP II up to 120,000 acres, where deemed desirable by USDA, CCC, and the State of Minnesota, of certain environmentally sensitive acreage in these three project watershed areas:

- The Red River Watershed in Northwestern Minnesota
- The Lower Mississippi Watershed in Southeastern Minnesota
- The Missouri/Des Moines River Watersheds in Southwestern Minnesota

Program goals are to be accomplished through a voluntary, incentive-based program whereby the benefits of CCC's Conservation Reserve Program (CRP) are, for certain practices, extended by a state conservation easement issued through Minnesota's Reinvest In Minnesota (RIM) Easement Program in all, or a portion, of 47 counties. Refer to Exhibit A for a map of the areas and counties to be included in this project.

Under CREP II, the parties seek to enroll eligible environmentally sensitive cropland and establish native vegetation and wetland restoration practices to help achieve the general natural resources goals:

- Water quality improvement
- Soil erosion reduction
- Flood damage reduction
- Increased flood water storage
- Enhancement of fish and wildlife habitat.

Establishment of certain CRP practices in native vegetation will greatly reduce runoff of sediments, nutrients, pesticides, and pathogens from agricultural sources. Restoring native vegetation will also increase natural diversity and the population of many species, primarily grassland birds. CREP II will also increase the water storage capacity of the applicable watersheds through wetland restoration measures, and decrease fragmentation of riparian corridors, grasslands, and forestlands.

Specific goals of CREP II, when enrollment targets are reached, include:

(1) Enhancement of surface water quality in the three project watershed areas from 2005 levels by reducing sediment loading by 420,000 tons per year, reducing phosphorus loading by 530,000 pounds per year, and reducing nitrogen levels by 3,000,000 pounds per year.

(2) Protection of the drinking water supplies of 250,000 people by enrolling up to 8,195 acres of land in sensitive groundwater areas.

(3) Enhancement of long-term fish and wildlife habitat in the targeted watersheds for the preservation of natural diversity of Minnesota's biological resources, including threatened and endangered species.

(4) Protection of 2,500 linear miles of streams, rivers and ditches by enrolling up to 61,897 acres of riparian buffers.

(5) Enrollment and restoration of up to 24,000 acres of wetlands and adjacent upland acres. These wetland restoration measures will also help reduce future flood damage by increasing water storage capacity by up to 10,000 to 20,000 acre feet per year.

(6) Enrollment and restoration of up to 5,000 acres of flood-damaged land.

(7) Enrollment of up to 18,058 acres of excessively erodible cropland with an Erodibility Index (EI) of 15 or greater to reduce soil erosion and achieve related high-priority natural resource benefits.

(8) Enrollment of up to 2,850 acres of highly erodible cropland with an EI of 8 or greater to help reduce soil erosion through the use of contour buffer strips.

Note: Erodibility Index (EI) will be determined based on the weighted average of the three most predominant soils for the area of enrollment, using Farm Service Agency (FSA) software in the same manner as for other CRP enrollments.

Re-allocations of acres between these project areas within the overall program limit of 120,000 acres may be made after program startup as agreed to in writing by CCC and the State of Minnesota.

III. AUTHORITY

A. Federal

The CCC has the authority under the provisions of the Food Security Act of 1985, as amended (1985 Act) (16 U.S.C. § 3830 et seq.), to perform all activities contemplated by this Agreement. Pursuant to the 1985 Act, CCC is authorized to enroll land in the CRP through December 31, 2007. Sections 1230, 1234, and 1242 of the 1985 Act and the regulations at 7 C.F.R. § 1410.50 authorize CCC to enter into Agreements with States to use the CRP in a cost-effective manner to further specific conservation and environmental objectives of a State and the Nation.

B. State

Minnesota has the authority to perform the activities contemplated by this Agreement pursuant to Minnesota Statutes Sections 103F.505 to 103F.531, Chapter 84C, and Minnesota Rules 8400.3000 to 8400.3930.

IV. GENERAL PROVISIONS

USDA, CCC, and the State of Minnesota agree that:

A. The CREP II will consist of a continuous sign-up CRP component and a state conservation easement program. This Agreement contemplates the enrollment of up to 120,000 acres of environmentally sensitive cropland located in one of the three approved watershed project areas.

B. Up to 120,000 new acres of environmentally sensitive land within the three designated areas will be targeted with the following enrollment goals. The enrollment goals for the three watershed projects are:

- 51,000 acres in the Red River Watershed in Northwestern Minnesota
- 51,000 acres in the Lower Mississippi Watershed in Southeastern Minnesota
- 18,000 acres in the Missouri and Des Moines River Watersheds in Southwestern Minnesota

Note: Specific acreage targets within each of the three CREP II areas will be published in a detailed State Supplement to FSA's National CRP Directives.

C. FSA has identified certain approved conservation practices (CP) by a numbers system set forth in FSA directives. The eligible CRP practices for each of the three watershed project areas are those practices identified as follows:

(1) Red River Watershed in Northwestern Minnesota:

- CP2 Establishment of Permanent Native Grasses 1/
- CP12 Wildlife Food Plot 6/
- CP21 Filter Strips 2/
- CP22 Riparian Buffer 3/ (Cropland only)
- CP23 Wetland Restoration, 100-Yr Flood Plain 4/
- CP23A Wetland Restoration, Non-Floodplain 4/
- CP34 Flood Control System 5/

1/ CP2 will be eligible in those areas within existing CRP Conservation Priority Areas for only scour related eligible cropland damaged by a catastrophic runoff event.

Note: Both the scour and the buffer area must meet the eligible CRP cropland provisions.

2/ For CP21, after the initial 120 feet of enrollment from the water source, up to 350 feet in total width may be allowed for water quality improvement, wildlife habitat, or flooding. After 350 feet, an extension up to 600 feet in total width may be allowed if the soil types on at least 51 percent of the land within the extension areas are mapped as "occasionally" or "frequently" flooded, as determined in accordance with the Natural Resources Conservation Service (NRCS) county soil survey. "Infeasible to farm" criteria apply as provided in FSA's National CRP Directives.

3/ CP22 will be applied on cropland only. After the initial 180 feet of width from the water source, up to 350 feet in total width may be allowed for water quality improvement, wildlife habitat, or flooding. After 350 feet, an extension up to 600 feet in total width may be allowed if the soil types on at least 51 percent of the land within the extension areas are mapped as "occasionally" or "frequently" flooded, as determined by the NRCS county soil survey. "Infeasible to farm" criteria apply as provided in FSA's National CRP Directives.

4/ CP23 & CP23A eligible sites are limited to only those wetlands that have had the wetland hydrology component removed through alteration by drainage or manipulation and where it is practical and feasible to restore the wetland. Cropping cessation in itself is not considered an eligible restoration option.

5/ CP34 will be eligible in those areas within existing CRP – Conservation Priority Areas where there is a need to temporarily impound or manage run-off water to reduce downstream flood damage and improve water quality.

6/ CP12 may be used in conjunction with all practices above. CP12 must meet NRCS Field Office Technical Guide Standards and must maximize environmental benefits.

(2) Lower Mississippi Watershed in Southeastern Minnesota:

- CP2 Establishment of Permanent Native Grasses 1/ 2/ 3/ 4/
- CP3A Hardwood Tree Planting 1/ 2/ 3/ 4/
- CP4D Permanent Wildlife Habitat 1/ 2/ 3/ 4/
- CP12 Wildlife Food Plot 9/
- CP15A Establishment of Permanent Vegetative Cover (Contour Grass Strips) 5/
- CP21 Filter Strips 3/ 6/
- CP22 Riparian Buffer (Cropland only) 3/ 7/
- CP23 Wetland Restoration 100-Yr Flood Plain 8/
- CP23A Wetland Restoration Non-Flood Plain 8/

1/ Eligible wellhead protection areas for CP2, CP3A, and CP4D will be defined as the 10 – year wellhead protection area as approved and defined by the Minnesota Department of Health.

2/ CP2, CP3A, and CP4D will be used for soils with an EI of 15 or greater.

3/ CP2, CP3A, CP4D, CP21 and CP22, will be used as vegetative buffers for sinkholes and karst areas up to a maximum average width of 200 feet.

4/ CP2, CP3A and CP4D will be eligible in those areas within existing CRP – Conservation Priority Areas to establish vegetative cover at the focused groundwater recharge areas where the Decorah Shale is the uppermost bedrock intercept. Adjacent acres 50 feet immediately upslope and down slope are also eligible. In addition, the buffer can extend to the end of the field. Whole fields can be enrolled when greater than 75 percent of the field is eligible, or when less than an acre remains.

5/ CP15A will be used for soils with an EI of 8 or greater. Newly established contour buffers will be from 15 to 60 feet wide and newly established field borders up to 60 feet in width will be allowed for soil erosion and access for maintenance.

6/ For CP21, after the initial 120 feet of enrollment from the water source, up to 350 feet in total width may be allowed for water quality improvement, wildlife habitat, or flooding. After 350 feet, an extension up to 600 feet in total width may be allowed if the soil types on at least 51 percent of the land within the extension areas are mapped as "occasionally" or "frequently" flooded, as determined by the NRCS county soil survey. "Infeasible to farm" criteria apply according to FSA's National CRP Directives.

7/ CP22 will be applied on cropland only. After the initial 180 feet of width from the water source, up to 350 feet in total width may be allowed for water quality improvement, wildlife habitat, or flooding. After 350 feet, an extension up to 600 feet in total width may be allowed if the soil types on at least 51 percent of the land within the extension areas are mapped as "occasionally" or "frequently" flooded, as determined by the NRCS county soil survey. "Infeasible to farm" criteria apply as provided in FSA's National CRP Directives.

8/ CP23 and CP23A eligible sites are limited to only those wetlands that have had the wetland hydrology component removed through alteration by drainage or manipulation and where it is practical and feasible to restore the wetland. Cropping cessation in itself is not considered an eligible restoration option.

9/ CP12 may be used in conjunction with all practices above, except for CP15A. CP12 must meet NRCS Field Office Technical Guide Standards and must maximize environmental benefits.

(3) Missouri and Des Moines River Watersheds in Southwestern Minnesota:

- CP2 Establishment of Permanent Native Grasses 1/
- CP4D Permanent Wildlife Habitat 1/
- CP12 Wildlife Food Plot 5/
- CP21 Filter Strips 2/
- CP22 Riparian Buffer (Cropland only) 3/
- CP23 Wetland Restoration 100-Yr Flood Plain 4/
- CP23A Wetland Restoration Non-Flood Plain 4/

1/ Eligible wellhead protection areas for CP2 and CP4D will be defined as the 10 – year wellhead protection area as approved and defined by the Minnesota Department of Health.

2/ For CP21, after the initial 120 feet of enrollment from the water source, up to 350 feet in total width may be allowed for water quality improvement, wildlife habitat, or flooding. After 350 feet, an extension up to 600 feet in total width may be allowed if the soil

types on at least 51 percent of the land within the extension areas are mapped as "occasionally" or "frequently" flooded, as determined by the NRCS county soil survey. "Infeasible to farm" criteria apply as provided in FSA's National CRP Directives.

3/ CP22 will be applied on cropland only. After the initial 180 feet of width from the water source, up to 350 feet in total width may be allowed for water quality improvement, wildlife habitat, or flooding. After 350 feet, an extension up to 600 feet in total width may be allowed if the soil types on at least 51 percent of the land within the extension areas are mapped as "occasionally" or "frequently" flooded, as determined by the NRCS county soil survey. "Infeasible to farm" criteria apply as provided in FSA's National CRP Directives.

4/ CP23 and CP23A eligible sites are limited to only those wetlands that have had the wetland hydrology component removed through alteration by drainage or manipulation and where it is practical and feasible to restore the wetland. Cropping cessation in itself is not considered an eligible restoration option.

5/ CP12 may be used in conjunction with all practices above. CP12 must meet NRCS Field Office Technical Guide Standards and must maximize environmental benefits.

D. In determining conservation practice requirements and reimbursable costs to be made by CCC, the FSA shall use the FSA State CRP cost-share rates established in the FSA's National CRP Directives, except as otherwise provided in this Agreement.

E. All CRP contracts for land enrolled in CREP II will be not less than 14 years or more than 15 years and will be subject to normal CRP provisions as provided for in the CRP regulations at 7 C.F.R. Part 1410.

F. Applicable program participants who participate in CREP II will also be required to enter into the Minnesota RIM Program and grant an easement on the enrolled acreage, which shall be recorded as soon as practicable after the CRP contract is approved and shall run concurrently with the CRP contract as follows:

1. 45-Year Duration RIM Easements up to 91,000 acres shall be required for all CREP II participants except for those subject to F.2. or F.3. below.

   Note: CP21 Filter Strips and CP22 Riparian Buffers are also eligible under the 45-Year Duration Rim Easements, when those enrollments are for non-flood damage reduction sites.

2. Under Minnesota law, easements for wetland restoration must be perpetual in duration. Permanent Duration (Perpetual) RIM Easements up to 29,000 acres shall be required for all acreage enrolled under practices:

   a. CP21 Filter Strips for flood damage reduction sites for all three project areas

   b. CP22 Riparian Buffers for flood damage reduction sites for all three project areas

   c. CP23 Wetland Restoration for all three project areas

   d. CP23A Wetland Restoration Non-Flood Plain for all three project areas

   e. CP34 Flood Control System for flood damage reduction sites only in the Red River Project.

3. RIM Easements are NOT required for acreage enrolled under practice CP15A Establishment of Permanent Vegetative Cover (Contour Grass Strips) offered under the Lower Mississippi Project.

G. The easement maximums set out in "F," shall likewise be CRP enrollment maximums under this CREP. For example: Maximum enrollment in the CRP under CREP II shall not exceed 91,000 acres for those practices to which F.1. applies.

H. CCC shall be solely responsible for enforcement of the CRP contract under this Agreement. During the CRP contract period the CRP regulations will apply and any State easement provisions shall be subordinate to the CRP regulations. State RIM easement provisions pertaining to conservation cover establishment, maintenance, management, commercial use, and related land uses, which conflict with CRP regulations shall not be enforced during the CRP contract period, and shall only become effective after the CRP contract ends.

I. If the State fails to secure a RIM easement within a reasonable length of time after the State MN RIM CREP II Agreement is signed and the CRP contract is approved, the CRP contract shall be allowed to continue at CCC's discretion if the failure to obtain an easement is due to circumstances beyond the participant's control, and which the CRP participant cannot remedy, as determined by CCC.

J. Eligible producers in the CREP II project areas may continue to offer eligible acreage for enrollment in CRP or any other conservation or easement program.

K. The State and the CCC will in good faith consult with each other and the program stakeholders on issues arising out of the implementation of the CREP on matters essential to the program's purpose. State surveys of CREP II participants may be conducted as part of the consultation process.

L. Before CCC approves any CRP offers for CREP II project totaling 80 acres or more, the offer must first be reviewed in consultation with the State FSA Office, State NRCS Office and the Minnesota Board of Water and Soil Resources (BWSR) to ensure the conservation practices applied for are technically needed and feasible to address the resource concern, and the offer meets all program and practice eligibility criteria.

M. It is the intent of Minnesota to maintain the integrity, duration, and conformity of the easements according to the conditions in this Agreement. All easements are subject to modification and termination in accordance with Minnesota Rule 8400.3610 and Minnesota Statute Section 84C.03. Pursuant to Minnesota Rule, each easement modification or termination are subject to compensation by the landowner to the State for all damages and loss of benefits related to the conservation easement, which will include all payments made by the State and CCC for the establishment of the conservation easement, and administrative expenses and costs incurred. To the extent practicable, allowable compensation will be sought upon such modification and termination and recovered compensation will be used by the State to the extent authorized by law for other qualified lands under the State's RIM program consistent with the goals of this Agreement.

V. FEDERAL COMMITMENTS

CCC will:

A. Determine applicant, practice, and land eligibility for participation in the CRP portion of this Agreement consistent with the regulations at 7 CFR Part 1410, FSA's National CRP Directives, and NRCS Field Office Technical Guide, and will administer those CRP contracts that are executed.

B. Make payments to participants for:

- 50 percent of the eligible reimbursable costs (cost-share) to establish the CRP conservation practices. Cost-share reimbursement to CREP II participants from all sources may not exceed 100 percent of the cost to install CRP conservation practices.

- A one-time Practice Incentive Payment (PIP) for all CRP practices currently eligible to receive a PIP payment according to FSA's National CRP Directives. This payment will be treated as a rental payment for payment limitation purposes.

- A one-time Signing Incentive Payment (SIP) for all CRP practices currently eligible to receive a PIP payment according to FSA's National CRP Directives. This payment will be treated as a rental payment for payment limitation purposes.

- A one-time incentive payment to restore wetland hydrology for practices CP23 and CP23A as provided in FSA's National CRP Directives. This payment will be treated as a rental payment for payment limitation purposes.

C. Calculate Maximum Payment Rates per acre for annual rental payments under CRP agreements under this CREP. The rate shall be the sum of:

(1) The otherwise applicable CRP soil rental rates for cropland multiplied by an incentive rate of 1.3 (to include an added 30 percent incentive, except for any acreage enrolled under "infeasible to farm" provisions which shall be multiplied by 1.0 instead of 1.3 so as not to provide the 30 percent incentive) and

(2) The otherwise maximum allowable per acre practice maintenance rate according to FSA's National CRP Directives for the acreage contracted by CCC.
Example: $100 weighted Soil Rental Rate x 1.3 incentive + $5.00 maintenance = $135 (maximum payment rate) (or $105 for acreage under the "infeasible to farm" provisions which would not receive the 30 percent incentive).

Note: The parties note that the "infeasible to farm" provisions involve adding cropland which otherwise would not be feasible to farm once its companion enrolled cropland is taken out of production.

D. Provide information to landowners and operators concerning this Agreement.

E. Permit successors-in-interest to contracts enrolled under this Agreement to continue enrollment in the same manner as allowed generally for other CRP contracts.

F. Conduct annual compliance reviews as provided in FSA's National CRP Directives to ensure CRP compliance with CRP contract provisions.

G. Approve CRP offers for this Agreement if all eligibility requirements are met. As part of the approval process, ensure that the conservation plan developed for CREP offers meets the objectives and goals of this Agreement by addressing the identified natural resource concern.

H. Permit, when and where determined appropriate by CCC, temporary storage of water on CRP for flood control and prevention purposes. Any conservation covers damaged due to water storage under these provisions must be reestablished by the participant as soon as practicable according to CRP conservation plan requirements.

I. Share appropriate data, in accordance with procedures and restrictions and exemptions established under the Federal Freedom of Information Act, Federal privacy laws, and other applicable laws, with Minnesota to facilitate State monitoring efforts and State cost-share and State easement payment processing.

J. CCC will not share information except as provided by law.

VI. STATE COMMITMENTS

The State of Minnesota agrees to:

A Develop and implement a monitoring program that will record:

- Enrollment numbers;
- Conservation practices installed;
- Estimates of the reduction of soil erosion, sedimentation and phosphorus loading; and
- Increases in water storage capacity.

B. Prepare an annual report for USDA which summarizes, but is not limited to:

- Levels of program participation;
- Results of the annual monitoring program;
- Non-federal CREP II expenditures; and
- Recommendations for program improvements.

C. Contribute, to the extent permitted by Minnesota law, not less than 20 percent of the overall in-kind and direct program costs of CREP II. To determine the overall costs, the following costs will be considered:

- The total land retirement costs, including the CRP payments made by CCC and the easement payments made by the State;
- The total reimbursement for conservation practices paid by CCC and the State; and
- The aggregate costs of technical assistance, including those expenses incurred by the State, Soil and Water Conservation Districts, and Watershed Districts for implementing conservation plans and easements.

The State's total costs will be compared to the value of all one-time payments and the stream of federal annual rental payments discounted to a present value using the required discount rate currently published by OMB in OMB Circular No. A-94 at: http://www.whitehouse.gov/omb/circulars/a094/a94_appx-c.html

D. Enroll applicable producers who participate in CREP II in either a 45-year or permanent easement with the State of Minnesota under the RIM Program as provided in this Agreement. The intent of the State in this Agreement is to keep this land in private ownership.

E. For applicable participants, to the extent permitted by Minnesota law, provide state RIM payments for the conservation easements. The amount of payment shall be based on a percentage of the county assessor's estimated township market value for tillable farmland in the township of enrollment and easement length, which are either 45-year or perpetual in duration.

F. For applicable participants, enforce and administer the easement provisions. When CRP contracts which have concurrent easements end, the State's responsibilities for land use and conservation practice requirements shall be administered as provided in Section IV(G). The State and its designees will be solely responsible for enforcement of the State's conservation easements under this Agreement. USDA, CCC, and FSA shall have no responsibilities with respect to any aspect of the easement.

G. Pay, to the extent permitted by Minnesota law, a one-time payment of up to 50 percent of the cost to install conservation practices. Cost-share from all payments as defined above shall not exceed 100 percent of the practice costs, less CRP cost share payments, Practice Incentive Payments (CP 15A, CP21, CP22, and CP34) and incentive payments to restore wetland hydrology (CP23 and CP23A).

H. Provide assistance to producers through Soil and Water Conservation Districts, Watershed Districts, and other local units of government in the enrollment process and development of conservation plans and implementation and management of conservation practices, including reassessing the effectiveness of conservation practices and whether the public interest and general welfare are best served.

I. Provide staffing support for a full-time CREP II Administrative Coordinator to facilitate and oversee program implementation, coordination, promotional, activities, technical assistance, and monitoring and evaluation activities.

J. Allow CCC, in response to national emergencies, to cancel and/or temporarily release the participant from any contractual easement restrictions on crop production during the CRP contract period if such release is determined necessary by CCC in order to address a national emergency.

VII. MISCELLANEOUS PROVISIONS

A. CRP contracts executed under CREP II will be administered in accordance with the CRP regulations at 7 C.F.R. Part 1410 and other program authorities.

B. The intended outcome is to allow, where deemed desirable by USDA, CCC, and the State, certain acreage to be enrolled under CREP II. This Agreement is not intended to supersede any rules or regulations, which have been, or may be, promulgated by either USDA or CCC.

C. Subject to change by the U.S. Secretary of Agriculture, the Deputy Administrator for Farm Programs, USDA FSA, is delegated authority to carry out this Agreement for the USDA and CCC. Subject to change by the Governor, the Chair of BWSR, or the Chair's designee, is delegated authority to carry out this Agreement.

D. This Agreement or any portion thereof, may only be modified by written Agreement between the parties and must be executed by the same parties who executed the original Agreement, their successors in office, or their delegatees.

E. Funding commitments by USDA, CCC and the State are subject to the availability of funds. In the event either party is subject to funding limitations, that party will notify the other party expeditiously and enrollment goals may be adjusted as agreed to by CCC and the State to reflect the funds available. If either party cannot fulfill its financial obligations under this Agreement, the other party may immediately cease accepting new contracts or easements and immediately notify the public of an end to the program as applicable.

F. CRP contracts entered into under this Agreement may not be assigned or transferred without approval of the landowners and producers, except to the extent allowed by CCC pursuant to regulations applicable to CRP.

G. The State, CCC and USDA agree that each party will be responsible for its own acts and omissions and results thereof to the extent authorized by law and shall not be responsible for the acts and omissions of any other and the results thereof.

H. The books, records, documents, and accounting procedures and practices of the CCC, USDA and the State relevant to this Agreement shall be subject to examination for audit by Federal and State authorities.

I. Enrollment will be accepted until December 31, 2007, or until CCC enrollment goals are reached, whichever comes first, unless this Agreement is terminated by USDA and CCC, or the State. Either USDA and CCC or the State by written notice may terminate this Agreement unilaterally. Such termination will not alter responsibilities regarding existing contractual obligations under this Agreement between CCC, USDA and the participants, or between participants and the State.

J. CCC and the State will make available information about CREP II to help the public understand the program and the rights and obligations of participants under state and federal law.

K. CREP II will be a community-based results-oriented conservation effort and will be a partnership between producers, governmental entities, and non-governmental organizations in addressing the environmental and conservation goals for each of the three CREP II areas. In doing so, the local efforts will include developing and maintaining public involvement through the establishment of interested stakeholder teams.

L. Contracts under this Agreement cannot be approved until a detailed State Supplement to the National FSA Handbook 2-CRP is approved by the National FSA CREP Program Manager.

IT IS SO AGREED:

FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE COMMODITY CREDIT CORPORATION

Michael Johanns
Secretary
United States Department of Agriculture and
Chairman of the Board
Commodity Credit Corporation

4/22/05
Date

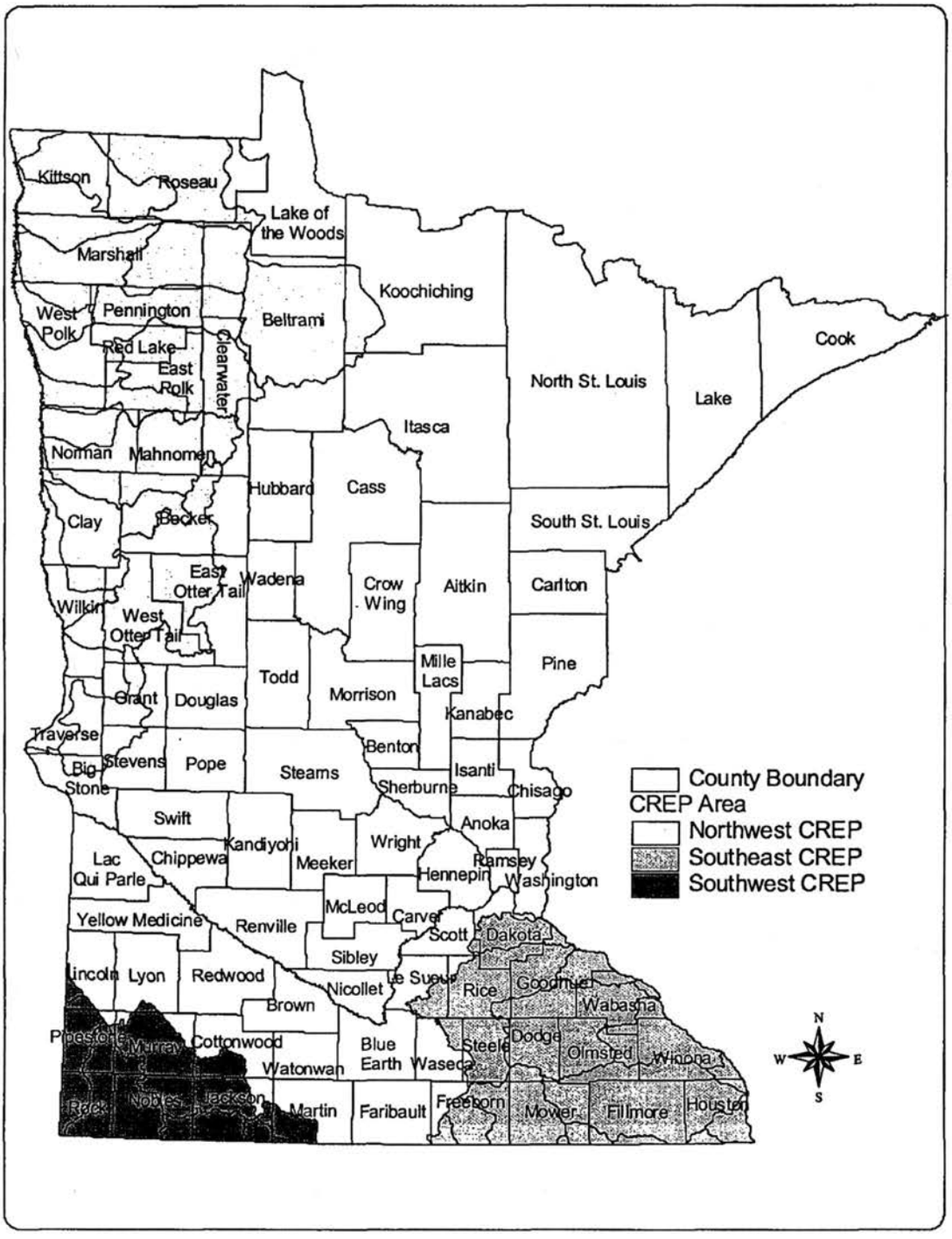
FOR THE STATE OF MINNESOTA

Tim Pawlenty
Governor
State of Minnesota

4/22/05
Date

Exhibit A

MINNESOTA CREP II



At the Allen and Donna Grosland Farm, Ellendale, Minnesota, the undersigned witnessed on April 22, 2005, the signing of this Agreement between the State of Minnesota and the U.S. Department of Agriculture.

Pheasants Forever

Bill Hunt NRCS-USDA

Bill Wilson Pres NWACD

Jerome Deal BWSR

Dennis Frederickson State Senator

Margaret Johnson FSA

Al Christopherson Farm Bureau

Ben Nordby, Mower SWCD
SE CREP Contact

Michael Yost FSA

Virginia Johnson

At the Allen and Donna Grosland Farm, Ellendale, Minnesota, the undersigned witnessed on April 22, 2005, the signing of this Agreement between the State of Minnesota and the U.S. Department of Agriculture.

Mark Holsten of the DNR

Terri J. Lewis, BWSR

Jim Moss FSA

Peggy A. Anderson, FSA

Lt MN 1st

FOR IMMEDIATE RELEASE

Julie MacSwain, Public Affairs Specialist (651)-602-7859

The first easements in Minnesota utilizing the Farm and Ranch Lands Protection Program (FRPP) have closed in Dakota county, Minnesota

ST. PAUL, MN April 27, 2005

The first easements in Minnesota utilizing the Farm and Ranch Lands Protection Program (FRPP) have been closed in Dakota County. A ceremony was held today at the Sciota Township Hall next to the Ray and Mary Taylor farm in Dakota county, Minnesota. The site for this FRPP event is the first farmland protection easement in the state utilizing FRPP funds.

The Farm and Ranch Land Protection Program (FRPP) provides matching funds to help purchase development rights to keep productive farm and ranchland in agricultural uses. Working through existing programs, USDA partners with State, tribal, or local governments and non-governmental organizations to acquire conservation easements or other interests in land from landowners. USDA provides up to 50 percent of the fair market easement value of the conservation easement.

NRCS Chief, Bruce Knight attended the event with Dakota County Commissioner and Chair Joseph Harris. Dakota County has received 100% of the FRPP funding from NRCS over the past three years. This has included a total of $3,370,853. Dakota County is the only county in the state that has a comprehensive farmland protection plan and policies. In March and April of 2005 the first 6 easements were closed utilizing FRPP funds, Dakota County funds through the Dakota County Farmland and Natural Area Protection (FNAP) program and landowner contributions. Total cost of these 6 easements is more than $2.4 million and will protect 637 acres of prime farmland. The FRPP share of these easements is approximately $1.2 million.

The FNAP/FRPP agricultural easement effort is totally voluntary and focused on working lands. It involves a number of partners including Dakota County, NRCS, the Dakota County Soil and Water Conservation District and other state and local agencies and conservation organizations.

In addition, NRCS Chief Bruce Knight announced that Dakota County has recently been awarded a 2005 FRPP grant in the amount of $993,925.

NRCS was created as the Soil Conservation Service (SCS) within USDA 70 years ago today on April 27, 1935 in response to the devastation of the Dust Bowl on the nation's agricultural land. The agency's primary mission then was to conserve soil on agricultural land. In 1994, SCS became NRCS to better reflect its expanded role of serving other natural resources such as soil, water, air, plants, and animals on private and tribal lands.

For more information about NRCS in Minnesota, please visit
http://www.mn.nrcs.usda.gov <mailto:Cutrina.moreland@mn.usda.gov>

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ENTRAL MINNESOTA

Regional market recap — Page B3

Agri News

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Thursday, April 28, 2005

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Country Living



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Page C1

CREP a reality for Minnesota

Pawlenty, Johanns attend ceremony

By Janet Kubat Willette

jkubat@agrinews.com

ELLENDALE, Minn. — CREP is a reality in southern and northern Minnesota.

Gov. Tim Pawlenty and Agriculture Secretary Mike Johanns inked the deal in an Earth Day celebration Friday at the Straight River Marsh near Ellendale.

The nation's largest-ever Conservation Reserve Enhancement Program will allow 120,000 acres to be set aside to protect and improve water quality and enhance wildlife habitat.

Landowners in the Lower Mississippi watershed in southeast Minnesota, Red River watershed in northwest Minnesota and the Missouri and Des Moines River watersheds in southwest Minnesota will be eligible.

Signup begins June 6 and runs through Dec. 31, 2007, or until 120,000 acres are enrolled. The goal is to secure 4,500 easements in just over 30 months.

CREP is a partnership of the federal Conservation Reserve Program and the state Reinvest In Minnesota program. It will allow marginal land to be enrolled in 45-year or permanent easements.

Program goals include reducing sediment and phosphorus loading, protecting ground water supplies, increasing water storage capacity in upland areas and restoring flood-damaged land.

The federal government will pay $200 million of the $250 million total cost. The state will contribute $50 million.

"We have more fresh water than any other state in the continental United States," Pawlenty said, standing in front of a pond surrounded by native grass and under a canopy of gnarled oak branches. "Protecting and restoring this crown jewel or our quality of life should be our No. 1 environmental priority."

Pawlenty was joined by Rep. Gil Gutknecht, R-Minn., Johanns and landowners Al and Donna Grosland. An estimated 200 people, including New Richland-Hartland-Ellendale-Geneva sixth graders, sat on the grass and on straw bales hauled from Farmington to watch the historic event.

The program was worth the wait, Gutknecht said. Young people will benefit from CREP, he added.

"For me, in all honesty, it's about the kids," Al Grosland said.

He and Donna enrolled the farm he and his nine siblings grew up on in the Wetland Reserve Program on Dec. 10, 2002, the same day they purchased it from his siblings. Enrolling it was a gift for their three children and five grandchildren.

They planted 2,000 trees and dug four ponds on the 189 acres. They seeded 115 acres of natural grasses and wildflowers.

"This is my field of dreams," Grosland said.

The couple's goal is to get the work done and start enjoying the property.

Pawlenty helped them move a little closer to their goal. The governor and sixth graders Emily Light, Sara Lorence and Kirsty Callahan dug a hole and planted a tree as cameras flashed.

As Pawlenty finished, Grosland complimented him, saying, "only 199 more to go." Pawlenty left, but the sixth graders stayed to help plant 199 more trees on the 35th anniversary of Earth Day.

"I can't think of a better place for us to celebrate Earth Day," Johanns said.



Janet Kubat Willette/Agri News

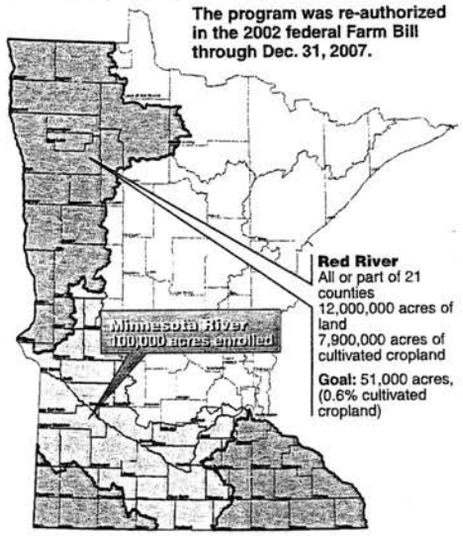
Strong winds and threat of rain didn't dampen the enthusiasm as Minnesota celebrated its second Conservation Reserve Enhancement Program in Steele County. Gov. Tim Pawlenty gets help planting a tree from NRHEG sixth graders Kirsty Callahan, (left) Emily Light and Sara Lorence.

Inside

• Bev Nordby never gave up on CREP — Page A2

Conservation Reserve Enhancement Program

Landowners can enroll environmentally sensitive land in the Conservation Reserve Enhancement Program to protect water quality, improve wildlife habitat and reduce flooding. The program is a federal-state partnership.



Source: Minnesota Board of Water & Soil Resources — Agri News graphic

Brown will lead FFA in Iowa

By Jean Caspers-Simmet

simmet@agrinews.com

AMES, Iowa — Shamus Brown of Graettinger is the new president of the Iowa FFA. Brown was elected to lead the 12,000 member



Iowa House OKs feedlot regulations

DNR in opposition

Associated Press

DES MOINES — The Iowa House last week approved a bill setting new state regulations for open air cattle feed-

Rep. Rod Roberts, R-Carroll, said the bill clarifies the rules under which cattle farms must operate.

"For some people, it has become almost oppressive to try to address the needs that are out there with regulations, but at the same time try to be viable," he said.

Agri News

Minnesota briefs

R offering CSP assistance

T. PAUL — The Department of Natural Resources' Divi- ı of Fish & Wildlife offers the assistance of its private ds specialists to work with landowners who want to qual- for Tier 2 or Tier 3 in Conservation Security Program.

key component of qualifying for the upper two tiers of ' is planning and implementation of conservation meas- s related to wildlife habitat.

andowners who want to develop a wildlife conservation ı for their lands, or assess work they have already imple- nted, are encouraged to contact the nearest Private ds specialist or contact your nearest DNR Wildlife office assistance.

estock facilities tour is May 11-12

/ILLMAR, Minn. — A livestock facilities tour is planned y 11-12 that will take participants to Iowa, South Dako- nd Nebraska. The bus tour will start in Willmar.

he Minnkota Agri-Builders and Equipment Association ponsoring the tour for builders, livestock equipment pliers, consultants, government personnel, regulators, ension educators and teachers.

egistration is $100 and includes an evening meal. To ister for the bus tour, call Vi Christensen at (605) 688- 7.

uth Dairy Show set June 18

T. CHARLES, Minn. — A youth dairy show for anyone s 8-20 will be held June 18 on the Winona County fair- unds in St. Charles. A novice class, for ages seven and ler, has been added this year.

he one-day event is an all-breeds show for grade or reg- ered cattle. Participants are welcome from Iowa, Wis- sin and Minnesota. There is no entry fee.

he entry deadline is June 1 and late entries will be epted with a $10 entry fee per exhibitor.

or more information, call your local Extension office 507) 523-2291.

NBIN contains financial information

T. PAUL — The 2004 financial results from the 2,385 ms that participated in Minnesota farm financial man- ment education programs are available online through FINBIN website.

'INBIN's purpose is to give users a tool to query the abase for benchmark farms that more closely resemble ir own operations.

'INBIN, at www.finbin.umn.edu, contains current and toric data for farms in Minnesota, Missouri, Nebraska, rth Dakota and Ohio.

everal whole farm financial reports are available, includ- income statements, balance sheets, yield and price sum- ries and general financial summaries.

DA will offer directory at Expo

T. PAUL — The Minnesota Department of Agriculture's nesota Grown Directory will be released and distrib- d to participants in the Living Green Expo scheduled ril 30-May 1 on the Minnesota state fairgrounds in the ndstand Building.

he 2005 directory includes a record 584 Minnesota viders of fresh food and ornamental products, from free- ge chickens and fresh produce, the hardiest local nurs- products for the home and garden.

he Living Green Expo features a new "Dine Fresh/Dine al" food court where attendees can enjoy local food ducts.

ne Rock Trail open to hikers

ROSEMOUNT, Minn. — The University of Minnesota has ened Lone Rock Trail to horse riding, hiking and the nmer season.

he trail is located within the U of M's Outreach, Research d Education Park near Rosemount and is opening for its ond year.

he area features gently rolling terrain, wooded areas, icultural land and two wetlands.

rail riders pay $5 for a daily pass and $25 for an annu-

Nordby stayed with CREP

There were lots of twists, turns

By Janet Kubat Willette

jkubat@agrinews.com

AUSTIN, Minn. — A supportive board and strongly held belief in the Conservation Reserve Enhancement Program kept Bev Nordby going for the past six years.

Since 1999, Nordby has campaigned to bring CREP to southeastern Minnesota. The conservation program is a federal-state partnership that seeks to take marginal land out of production while keeping working lands working.

Its goals are water quality protection and enhancement, flood mitigation and wildlife habitat enhancement.

Gov. Tim Pawlenty will be joined by other dignitaries to sign the CREP application that includes southeastern Minnesota Friday.

But like a rural gravel road in springtime, the road to approval of CREP was filled with potholes.

Back in 1999, Nordby and four others met and laid the groundwork for a regional group of conservation supporters now known as the Basin Alliance for the Lower Mississippi in Minnesota.

The group works together on a variety of projects and has been successful in securing grant funds to address water quality impairment issues in the southeast region, including a buffer initiative and a program to work with owners of failing septic systems.

One of the group's first projects was writing a CREP application, Nordby said.

The draft application was submitted in April 2002 and the final application in February 2003. In 2003, applications were also submitted from the Red River Valley and southwestern Minnesota.

Gov. Tim Pawlenty visited each of the three regions in August of that year, hearing presentations at each stop. On Oct. 15, 2003, he returned to announce that all three regions would be included in the state's second CREP application for a total of 100,000 acres.



Nathan Howard/Agri News

Bev Nordby of the Mower County Soil and Water Conservation District stands beside 70 acres of what was previously marginal farm land northwest of Austin, Minn.

The state's first CREP was in the Minnesota River Valley, where 100,000 acres were enrolled from 1998 to 2002.

In the second CREP application, the 100,000 acres would be split among the three regions of the state, down from the 225,730 asked for by the three regions in their initial applications.

Representatives from the three regions met and prepared to secure $23 million in bonding during the 2004 legislative session. Rep. Ray Cox, R-Northfield, and Sen. Rod Skoe, DFL-Clearbrook, were chief authors of the bills, Nordby said.

Then in November 2003, 15 farm groups united in opposition to the permanent easement option in CREP, stalling the plan. An agreement was struck in March 2004 that allowed 45-year easements on the majority of CREP practices. The exceptions are permanent easements on wetlands restorations, required by state law, and flood damage reduction.

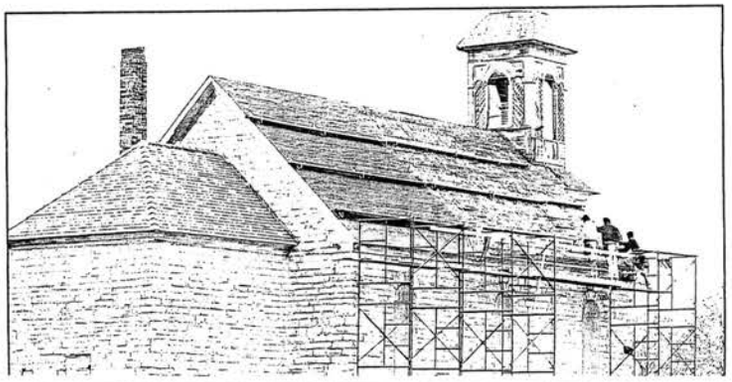
Rotation contour strips are for 15 years only. An expansion to 120,000 acres with 51,000 acres each in the southeast and the Red River Valley and 18,000 acres in southwestern Minnesota was also part of the agreement.

Nordby traveled to St. Paul at least weekly to testify in support of CREP. She was joined by Kay Clark of southwestern Minnesota and Kevin Scheidecker from the Red River Valley.

Everything looked to be on track and then the Legislature adjourned without passing a bonding bill. The program was on hold for another year.

"Fortunately they were able to take it up again this year and they were able to pass it," Nordby said. The bonding bill signed earlier this month by Pawlenty includes half the needed state contribution to the program. Another $23 million will be sought in the next bonding bill.

Nordby's next objective is to lend her support to the Clean Water Legacy Act in hopes of bringing programs to southeastern Minnesota to continue water quality improvement.



EQIP listening session May 5 in Washington

WASHINGTON — The U.S. Department of Agriculture's Natural Resources Conservation Service is seeking public comment on national priorities and emerging issues for the Environmental Quality Incentive Program.

A national public listening session will be held May 5 from 1 p.m.-3 p.m. in Room 107A of the Whitten Building in the USDA

Board Packet
For May 05

From: "LeAnn Buck" <leann.buck@maswcd.org>
To: "'Ron Harnack'" <Ron.Harnack@bwsr.state.mn.us>, "'Doug Thomas'" <Doug.Thomas@bwsr.state.mn.us>
Date: 5/5/2005 1:58:59 PM
Subject: FW: Mining

Ron and Doug,

Just a FYI -- from the New Ulm Journal
Thursday, May 5, 2005

Minnesota River mining at issue
DNR officials upset
with movement
to allow mining
By FRITZ BUSCH

Journal Staff Writer

NEW ULM -- Conservation advocates and Minnesota Department of Natural Resources (DNR) officials are upset with a number of counties along the upper Minnesota River regarding hard rocking mining issues in areas protected by the Minnesota Wild & Scenic Rivers Act.

The Minnesota River was added to the state's Wild & Scenic Rivers Program in 1977. The designated stretch extends from Lac Qui Parle Dam, northwest of Montevideo to Franklin.

To be eligible for the classification, rivers or their segments and adjacent lands must have outstanding scenic, recreational, natural, historical, scientific or similar values.

Rivers should be managed to preserve and protect the values that qualify for designation and classification as wild, scenic or recreational.

Community-based revision of the 1977 management plan is expected in the coming years, according to the DNR.

Meanwhile, Renville, Redwood, Yellow Medicine, Lac qui Parle and Chippewa county commissioners are debating the future status of mining permits in the protected area.

Mining permits along protected areas of the river are good through this year.

The ready-mix concrete industry contends that the state is running out of aggregate rock used to make roads and finding replacement material at reasonable cost is not available.

The industry prefers to continue mining granite along the Minnesota River, where it is relatively close to the ground surface.

Interpretation of the Wild & Scenic Rivers Act is at issue by the affected counties.

Redwood and Renville county boards recently passed resolutions asking for clarification of the law. Some county commissioners feel the DNR revised law language from what they feel was its original intent, making it impossible to do any mining in protected areas.

On Tuesday, Chippewa and Lac qui Parle county commissioners took no action on a resolution presented to them by the Aggregate and Ready Mix Association of Minnesota.

The resolution would have made it legal to establish granite outcrop mining operations within the currently protected Wild and Scenic River corridors of the Upper Minnesota River Valley.

The resolution in question was presented to five county boards by the Aggregate and Ready Mix Association in a letter dated April 4, 2005. Members of the Clean Up the River Environment (CURE) learned of the resolution only after the Yellow Medicine County Board unanimously endorsed it as a last-minute agenda item at the end of their April 12 meeting.

Last week, Renville County commissioners approved a request to clarify wording and language to determine if gravel and granite aggregate mining regulations are the same.

Renville County Commissioner Bob Fox said he felt it would be fair for gravel and granite mining regulations were alike.

Conservation advocates and the DNR want more of a voice in the issue.

"We believe it is important for there to be public discussion on the ramifications of this resolution," said Brian Wojtalewicz, President of the CURE (Clean Up the River Environment) Board of Directors.

"We want to be clear CURE is not against mining," he said. "No one is saying that we don't need mining or the aggregate that mining creates to build roads.

"We are requesting that county commissioners ask some tough questions before they pass a resolution that allows mining companies and road building operations to come into the Wild and Scenic River District and blast, crush and disrupt these ancient and scenic granite outcrops."

Robert Collett, DNR Area Hydrologist in Hutchinson commented on the issue.

"Very disappointing," said Collett.

These counties have little natural resources left and could leave the door wide open for a private entity to come in, exploit the resource for economic gain and leave, according to Collett.

He said it could be very difficult for counties to get restoration.

"How do you exit mining a bluff or outcrop?," asked Collett. "You certainly cannot recreate them. ... We view this as not a reasonable interpretation of mining. It is tailor-made to fit the outcome they

want. ... Most importantly, this process does not follow due process (rule or ordinance amendment) and does not allow for public participation."

Fritz Busch can be e-mailed at fbusch@nujournal.com

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Minnesota Board of Water & Soil Resources

DATE: June 13, 2005

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: June 22nd Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, June 22, 2005, beginning at 9:00 a.m. The meeting will be held in the OEA conference room, 2nd floor, at 520 Lafayette Road North, in St. Paul. Parking is available in the lot directly in front of the building (use hooded parking areas).

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. **Houston County Priority Concerns Scoping Document** - Houston County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document for state review and comment. The BWSR Southern Water Planning Committee met on June 2, 2005, after the state agency 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 Houston County. See attached. ***DECISION ITEM***

2. **Martin County Priority Concerns Scoping Document** - Martin County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document for state review and comment. The BWSR Southern Water Planning Committee met on June 2, 2005, after the state agency 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 Martin County. See attached. ***DECISION ITEM***

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phone (218) 828-2383
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Duluth
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fax (218) 723-4794

Fergus Falls
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fax (218) 736-7215

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

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New Ulm, MN 56073
phone (507) 359-6074
fax (507) 359-6018

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Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

Saint Paul
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Saint Paul, MN 55155
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fax (651) 297-5615

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Northern Water Planning Committee

1. **Norman County Priority Concerns Scoping Document (PCSD)** - The Northern Water Planning Committee met on June 8, 2005 in Bemidji to discuss the state review agencies comments, the content of the PCSD and recommendations for the content of the final plan for the Norman County Local Water Management Plan. A Board decision on the acceptance of this document is sought. See attached. ***DECISION ITEM***

2. **Polk County Local Water Management Plan** - The Northern Water Planning Committee met on June 8, 2005 in Bemidji to discuss the state review agencies comments and recommendations for the approval of the update of the Polk County Local Water Management Plan. A Board decision on the acceptance of this document is sought. See attached. ***DECISION ITEM***

3. **Todd County Priority Concerns Scoping Document** – Todd County submitted the Priority Concerns Scoping Document for state review and comment, as part of updating their Comprehensive Local Water Management Plan. The Northern Water Planning Committee of the Board met June 8th 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 of the final plan must be sent to Todd County. See attached. ***DECISION ITEM***

NEW BUSINESS

1. **FY 06 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 for approval by the Cost-Share Committee. The enclosed information provides selected detail of recommended allocations by grant program. ***DECISION ITEM***

2. **State Cost-Share Base Grants for Increased Technical Assistance** - BWSR is proposing legislative appropriation language for the FY06 - 07 biennium that would allow SWCDs to use all or part of their base grant for technical assistance. The Cost-Share Committee is requesting approval of administrative policy to implement this proposal. See attached. ***DECISION ITEM***

3. **FY06 Natural Resources Block Grant (NRBG)** — The Natural Resources Block Grant provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Individual Sewage Treatment

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Systems (ISTS). The Board is requested to authorize staff to allocate these grants. See attached. ***DECISION ITEM***

4. **Stormwater Planning Assistance Grant** – Staff are seeking approval from the Board to provide a grant in the amount of $25,000 to the Ramsey Washington Metro Watershed District to support the completion of an analysis/assessment that will measure the Minnesota Framework of local water management, including its associated laws and rules, against federal and state (PCA) requirements for watershed-based NPDES management and permitting, including an evaluation of gaps and barriers to its use to meet the requirements of NPDES stormwater permits. This project will support the work of the State Stormwater Steering Committee, of which BWSR is a member, and one of its objectives which is to address developing links or merging stormwater management requirements with other state or local water resource programs and the Impaired Waters Program. See attached. ***DECISION ITEM***

5. **Area II Minnesota River Basins Project Inc. FY 2006 Annual Work Plan -** This plan is for BWSR oversight of project and administrative funding related to the flood control efforts of the Area II project. Project funding for FY 2006 been established at $500,000 in bonding which BWSR will administer and $500,000 in an LCMR grant administered by DNR. These sources of funding along with other sources of federal and state cost-share matched with local funding will facilitate the implementation of 10 flood control projects totaling $2,292,195. A minimum 25% match is required of all funding sources. State administrative funding for Area II is anticipated to be at $140,000 (Senate version) or $105,000 (House version) requiring a 25% match as well. This plan is proposed at the higher level and will be adjusted down as necessary during the year. Staff recommends this plan for approval. See attached. ***DECISION ITEM***

6. **Bernt Hall RIM Easement Alteration –** Request to release .3 acres in exchange for addition of 1.12 acres. See attached. ***DECISION ITEM***

7. **Policy Establishing Payment Rates for Conservation Easements Acquired for Public Road Wetland Replacement Bank Sites -** The Board last updated the policy to establish payment rates for conservation easements acquired for public road wetland replacement bank sites in 2001. Passage of the bonding bill and planning for the development of additional road replacement wetland bank sites has identified the need for the Board to update this policy. The Wetland Committee has reviewed the proposed policy and recommends the Board approval. See attached. ***DECISION ITEM***

8. **Revised Policy - Sale of Wetland Credits to Public Transportation Authorities** - The Board established the current policy on the pricing of credits for sale to public transportation authorities in December 2003. To ensure the

intent of the legislation is met, to cover the cost of the Board to establish credits, this policy needs to be revised to reflect current and expected costs to develop wetland credits. The Wetland Committee has reviewed the proposed policy and recommends the Board approval. See attached. ***DECISION ITEM***

9. **Comprehensive Wetland Monitoring and Assessment Program** - The comprehensive wetland monitoring program is an interagency effort that is still under development. The program is aimed at developing and implementing a scientifically sound strategy for ongoing monitoring and assessment of the statewide status and trends in wetland quantity and quality. There are several components to the program, including: 1) periodic acquisition and interpretation of aerial photography on fixed, randomly located plots statewide; 2) periodic updates of National Wetland Inventory Maps; and 3) a comprehensive, geographically based programmatic database for tracking wetland gains and losses. See attached. ***INFORMATION ITEM***

OLD BUSINESS

1. **Budget and Legislative Issues Update** – ***INFORMATION ITEM***

REMINDER: *Board Members, please submit expense claims - the fiscal year ends June 30th.*

The Wetland Committee will meet immediately following the Board meeting.

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. I look forward to seeing you on June 22nd!

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
OEA CONFRENCE ROOM – 2ND FLOOR
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 22, 2005

PRELIMINARY AGENDA

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

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF MAY 25, 2005

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

REPORTS

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

COMMITTEE RECOMMENDATIONS
Southern Water Planning Committee

1. Houston County Priority Concerns Scoping Document (PCSD) – *DECISION ITEM*

2. Martin County Priority Concerns Scoping Document (PCSD) - *DECISION ITEM*

Northern Water Planning Committee

1. Norman County Priority Concerns Scoping Document (PCSD) – *DECISION ITEM*

2. Polk County Local Water Management Plan – *DECISION ITEM*

3. Todd County Priority Concerns Scoping Document (PCSD) – *DECISION ITEM*

NEW BUSINESS

1. FY 06 SWCD Grants – Wayne Zellmer – *DECISION ITEM*

2. State Cost-Share Base Grants for Increased Technical Assistance – Wayne Zellmer – *DECISION ITEM*

3. FY06 Natural Resources Block Grants (NRBG) – Wayne Zellmer – *DECISION ITEM*

4. Stormwater Planning Assistance Grant – Doug Thomas – *DECISION ITEM*

5. Area II Minnesota River Basins Project Inc. FY 2006 Annual Work Plan – Tabor Hoek, BWSR, and Kerry Netzke, Area II Coordinator - *DECISION ITEM*

6. Bernt Hall RIM Easement Alteration – Tim Fredbo – *DECISION ITEM*

7. Policy Establishing Payment Rates for Conservation Easements Acquired for Public Road Wetland Replacement Bank Sites – Dave Weirens – *DECISION ITEM*

8. Revised Policy - Sale of Wetland Credits to Public Transportation Authorities – Dave Weirens – *DECISION ITEM*

9. Comprehensive Wetland Monitoring and Assessment Program – Doug Norris, DNR/BWSR, or Mark Gernes, MPCA - *INFORMATION ITEM*

OLD BUSINESS

1. Budget and Legislative Issues Update – Ron Harnack – *INFORMATION ITEM*

AGENCY REPORTS

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next BWSR Meeting, August 24, 2005, St. Paul

2:00 p.m. ADJOURN

**** The Wetland Committee will meet immediately following the Board meeting.**

DRAFT DRAFT DRAFT

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
OEA CONFERENCE ROOM – 2ND FLOOR
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 25, 2005

BOARD MEMBERS PRESENT:
Jerome Deal, Randy Kramer, Perry Aasness-Department of Agriculture, Paul Brutlag, Kay Cook, Wayne Edgerton-Department of Natural Resources, Karen Harder, Paul Krabbenhoft, Quentin Fairbanks, Clair Nelson, Victor Ormsby, Louise Smallidge, Dan Wilson-Department of Health, Lisa Thorvig-Pollution Control Agency, LuAnn Tolliver.

BOARD MEMBERS ABSENT:
Jim Anderson, Minnesota Extension Service

STAFF PRESENT:
Ron Harnack, Doug Thomas, Dave Weirens, Jim Haertel, Les Lemm, Brad Wozney, Doug Norris, Mary Jo Anderson

OTHERS PRESENT:
Carol Berg and LeAnn Buck, Minnesota Association of Soil and Water Conservation Districts (MASWCD)
Jack Frost, Met Council
Paul Burns, Department of Agriculture
Sandy Hooker, Minnesota Association of Townships

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

PLEDGE OF ALLEGIANCE

** 05-33 **ADOPT AGENDA** – Moved by Clair Nelson, seconded by Louise Smallidge, to adopt the agenda as presented. Motion passed on a voice vote.

MINUTES OF APRIL 27, 2005 – Dan Wilson stated that a correction is needed on page five, under his Department of Health report, it should read, "Dan Wilson reported that the MDH plumbing program will be consolidated with other similar building code programs at the Department of Labor and Industry". Moved by LuAnn Tolliver, seconded by Clair Nelson, to approve the minutes of April 27, 2005, as amended. Motion passed on a voice vote.

** 05-34

REPORTS

Chair's Report – Jerome Deal participated in the NRCS 70th Anniversary program on April 27. Chair Deal attended the State Envirothon at Camp Onomia near Mille Lacs Kathio State Park in Onamia. He stated that it was a great day, good volunteers, very organized. The School of Environmental Studies in Apple Valley won first place. Benilde-St. Margaret's of St. Louis Park took second in the competition, with Mankato East High School taking third. Lincoln High School of Thief River Falls won the oral presentation award. Chair Deal encouraged board members to attend future Envirothons.

Executive Director's Report – Ron Harnack commented on the Envirothon. Ron commended Pete Raeker on his coordination of the event. Ron commended all the volunteers and participants in the event. Ron also encouraged board member attendance in the future. Ron stated that the University of Minnesota offered a $500 scholarship to each student of the first place team. The National Envirothon will be held July 18-24 in Springfield, Missouri. Ron appreciated DNR and PCA's financial contribution.

Ron stated that BWSR CREP-II training is underway in partnership with FSA and NRCS.

Ron reported on staffing issues. Bruce Sandstrom retired after 33 years with the State of Minnesota. Sheila Otte, network administrator, has taken a new job at the Hennepin Technical College. New employees Kristi Mack, Eric Lind, and Tom Schmidt have been hired to work on CREP. Ron reported that Steve Woods was hit by a truck while riding his bicycle; he's bruised and sore, but he

will be okay. Ron reported that Steve Miller, retired RIM staff, had heart surgery and is doing well.

Ron reported that he just received the Attorney General's Opinion regarding whether the county has authority to remove a manager of a local watershed district prior to the expiration of a manager's three-year term. It is the Attorney General's Opinion that the County Board of Commissioners may only remove an appointed manager of a watershed district for cause after due process. Since the county did not ask about "cause" or "process" there was not any clarification on those issues. Ron will provide copies of the Attorney General's Opinion to board members. BWSR may want to consider it's oversight role as it relates to this issue.

Ron stated that the Board generally has a spring tour and a fall tour but due to budget constraints, it is recommended that the Board only have one tour this year in the fall. Ron suggested visiting southeastern Minnesota. It was decided that the Board tour will be held on Wednesday, September 28, with the Board meeting on September 29 in the southeast.

Dispute Resolution Committee – Jim Haertel presented two additional appeals that were not included in his Dispute Resolution Committee report. One appeal is in St. Louis County; the second appeal is in the City of Eagan.

Wetlands Committee – Clair Nelson stated that the Wetlands Committee will meet this afternoon and again after the June Board meeting.

Cost-Share Committee – Paul Krabbenhoft stated that the Cost-Share Committee will also meet this afternoon.

Education and Public Relations Committee – Kay Cook reported that she missed the Envirothon this year because she had a new grandbaby; she appreciated the volunteers filling in for her.

COMMITTEE RECOMMENDATIONS
Metro Water Planning Committee
Lower St. Croix Watershed Management Organization, Amendment to Watershed Management Plan – Les Lemm reviewed the amended watershed management plan for the Lower St. Croix Watershed Management Organization. Numerous comments were received during the review process, resulting in several revisions to the draft plan. Karen Harder reported that the Metro Water

** 05-35 Planning Committee unanimously recommends approval of the plan. Moved by Karen Harder, seconded by Victor Ormsby, to approve the Watershed Management Plan for the Lower St. Croix Watershed Management Organization. Motion passed on a voice vote.

Isanti County Priority Concerns Scoping Document (PCSD)– Karen Harder reported that the Metro Water Planning Committee met on May 2, 2005, to review and consider the Isanti County Priority Concerns Scoping Document following the state agencies' comment period. It was agreed that the following priority concerns would be assessed and addressed in the Isanti County final plan: the cumulative effects of development on surface waters; protection and restoration of natural habitat and impaired waters in Isanti and bordering counties; and groundwater quality and quantity. Moved by Karen Harder, ** 05-36 seconded by Louise Smallidge, to approve the Isanti County Priority Concerns Scoping Document. Motion passed on a voice vote.

Southern Water Planning Committee

Goodhue County Local Water Management Plan Update – Victor Ormsby reported that the Southern Water Planning Committee met on April 27, 2005, to review the recommendation of the state review agencies regarding final approval for the Goodhue County Local Water Management Plan Update. The Southern ** Water Planning Committee recommends approval. Moved by Victor Ormsby, 05-37 seconded by Randy Kramer, to approve the update of the Goodhue County Local Water Management Plan with a required update by May 31, 2010. Motion passed on a voice vote.

Stevens County Local Water Management Plan Update – Victor Ormsby reported that the Southern Water Planning Committee met on April 27, 2005, to review the recommendation of the state review agencies regarding final approval for the Stevens County Local Water Management Plan Update. The Southern ** Water Planning Committee recommends approval. Moved by Victor Ormsby, 05-38 seconded Paul Krabbenhoft, to approve the update of the Stevens County Local Water Management Plan with a required update to the Implementation Section by May 31, 2015. Motion passed on a voice vote. Chair Deal commended Stevens County on their good working relationships and progress on their Plan.

Yellow Medicine County Local Water Management Plan Update – Victor Ormsby reported that the Southern Water Planning Committee met on April 27, 2005, to review the recommendation of the state review agencies regarding final approval for the Yellow Medicine County Local Water Management Plan Update.

** 05-39 The Southern Water Planning Committee recommends approval. Moved by Victor Ormsby, seconded by Dan Wilson, to approve the update of the Yellow Medicine County Local Water Management Plan with a required update to the Implementation Section by May 31, 2015. Motion passed on a voice vote.

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

NEW BUSINESS

2006 Conservation Easement Services Grants Recommendations – Kevin Lines explained the proposal to compute annual RIM Reserve Service Grants via a flat rate amount per recorded easement. This would be for all administrative and management activities associated with easements that are already in place. With BWSR's current holding of 4,700 easements, this would provide $73.40 per easement based on the current RIM Service Grant amount of $345,000. This amount would help cover all inspections that are scheduled plus other easement management and administrative activities that SWCD staff may be involved with on their easements. Ron stated that this is not a bondable activity that can be

** 05-40 supported by CREP funding. Moved by Louise Smallidge, seconded by Victor Ormsby, to approve the proposed policy for the 2006 Conservation Easement Services Grants. Discussion followed. Motion passed on a voice vote.

OLD BUSINESS

LCMR Local Water Management Challenge Grants – Dave Weirens explained that BWSR submitted a Request for a Proposal to the Legislative Commission on Minnesota Resources (LCMR) for funds to eligible local units of government to implement high priority actions identified in current, state-approved local water management plans through competitive grants known as Local Water Management Planning Challenge Grants. LCMR is recommending $500,000 in FY2006 and $500,000 in FY2007 from the Environment and Natural Resources Trust Fund for this proposal. The Legislature is expected to appropriate these funds as part of the biennial environment, natural resources, and agriculture finance bill. BWSR has solicited eligible local units of government to submit projects to receive these funds. A total of 78 project proposals were received; the ranking was done by a review team consisting of BWSR board conservationists from the north, south, and metro region, and representatives of the Departments of Agriculture, Health, Natural Resources, and the Pollution Control Agency. The review team is recommending 35 of these projects be approved for funding. Dave gave an overview of the applications and

recommended projects that will be funded from the Environment and Natural Resources Trust Fund, contingent on legislative appropriation. These projects will receive half of project dollars requested immediately upon BWSR approval of a project workplan, and the remaining project dollars after the Legislative Commission on Minnesota Resources appropriates the Fiscal Year 2007 funds to the BWSR (anticipated to be early July 2007). Any approved project not submitting a project workplan by November 1, 2005 may have their funding revoked and the next highest-ranking project will be offered the available funds.

** 05-41 Ron suggested adding a total obligation column on the project list. Moved by Randy Kramer, seconded by Victor Ormsby, to approve the LCMR Local Water Management Grants as recommended. Motion passed on a voice vote.

Budget and Legislative Issues Update – Ron Harnack reported that the Legislature adjourned at midnight on May 23 (the Constitutional deadline for adjournment) they waited one minute and went back into Special Session in accordance with the proclamation made by Governor Pawlenty earlier in the day. Ron presented an overview of budget and legislative issues. Ron anticipates that the Administrative Advisory Committee will meet via conference call in mid-June or a face-to-face meeting before the June 22nd board meeting.

Ron stated that the Governor's Appointments Office is still working on the appointments process; hopefully, we will have board member appointments by the June board meeting.

AGENCY REPORTS

Department of Natural Resources (DNR) - Wayne Edgerton reported that DNR completed work on Chronic Wasting Disease (CWD) -- Wayne is happy to report that there were no chronic wasting disease cases reported. Wayne stated that CREP II sign-up begins June 6; DNR is assisting with funding those new positions. CSP sign-up ends May 27; DNR's private land specialists will assist those that sign-up.

Department of Health (MDH) – Dan Wilson reported that 103I, the well program, has been terminology updated and technically amended, through both Houses, now on the Governor's desk. Dan stated that all environmental fees for alterations have been approved by the conference committees.

Department of Agriculture (MDA) – Perry Aasness reported that MDA is awaiting the funding bill. MDA's budget is status quo from the Governor, with fee increases in pesticides. MDA's accomplishment was in the E20 legislative bill,

ethanol requirement to raise the gasoline blend 20% by 2018. Governor Pawlenty signed the bill. Perry stated that all diesel will be biodiesel at the pump. Perry stated that Soybean Rust is a concern, major impact on soybeans. MDA is working hard to control this.

Pollution Control Agency – Lisa Thorvig gave an update on the stormwater program. Lisa stated that it's time to look at the rulemaking process on pre-treatment of wastewater. PCA is hoping that policymakers will come up with a funding source for the Clean Water Legacy Act. Lisa reported that a new wastewater treatment plant in the City of Princeton on the Rum River has been put on hold. There is no discharge to the Rum River with the existing system. The courts have requested that PCA re-examine the wastewater treatment plant.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – Carol Berg, MASWCD President, reported that MASWCD's priority concerns are four legislative initiatives: CREP, Clean Water Legacy, levy authority, and support for BWSR's budget. Carol stated that MASWCD highlights include a leadership group that will go to Washington, D.C. this fall to discuss federal issues, the farm bill, and the Clean Water Act. MASWCD Board of Directors' are discussing long-term management issues and needs on conservation easements. Carol, on behalf of MASWCD, thanked Lisa Thorvig for assistance on a restoration program for MASWCD. LeAnn Buck commented on prairie management burns, liability issues with SWCDs on easements. LeAnn stated that MASWCD went through a resolutions priorities process at their last board meeting. Priorities include: Clean Water Legacy, forest stewardship plan, and NPDES Phase 2. LeAnn thanked BWSR for their support during the legislative session.

Minnesota Association of Townships (MAT) – Sandy Hooker reported that MAT shares in the frustration of many that the Legislature not fund transportation needs.

UPCOMING MEETINGS

- MAWD Summer Tour, June 23-25 in Crow Wing County, Thirty Lakes WD
- Next BWSR Meeting, June 22, 2005, in St. Paul

Chair Deal thanked board members for submitting the performance review forms for the executive director. Chair Deal met with Ron Harnack this morning.

** 05-42 Moved by Clair Nelson, seconded by Kay Cook, to adjourn the meeting at 11:55 a.m. Motion passed on a voice vote.

Respectfully submitted,

Jerome Deal
Chair

Dispute Resolution Report
June 9, 2005
by Jim Haertel

There are presently thirteen appeals pending. All of the appeals involve WCA. There have been four new appeals filed since the last report dated May 12.

File 05-13. This is a new appeal of a Restoration Order in St. Louis County. At issue is the placement of fill in wetlands. The project is in relation to construction of storage buildings. No decision has been made on the appeal.

File 05-12. This is a new appeal of a Restoration Order in the City of Montgomery, Le Sueur County. The appeal involves the placement of fill in Type 3 wetlands associated with a car wash. No decision has been made on the appeal.

File 05-11. This is a new appeal of a Replacement Plan decision in the City of Eagan, Dakota County. The appeal involves the approval of a replacement plan for a subdivision. No decision has been made on the appeal.

File 05-10. This is a new appeal of a Restoration Order in the City of Proctor, St. Louis County. At issue is filling of two and three-fourths acres of Type 6/7 wetland in the vicinity of a house. Although a little over two acres of wetland was filled, over one-half acre of wetland has been filled by the deposition of sediment caused by erosion of the fill sideslopes. Also, some of the fill is located in the floodplain of a stream. No decision has been made on the appeal.

File 05-9. This is an appeal of a Restoration Order in St. Louis County. The appeal involves the excavation of a ditch, and the placement of fill, in wetland. Also, the ditch drains into DNR protected waters designated as "Forested River" in the shoreland management ordinance. The project is associated with gravel mining. No decision has been made on the appeal.

File 05-8. This is an appeal of a Restoration Order in Roseau County. The appeal involves the excavation of ditches, and the placement of fill, in wetland. The project is associated with commercial development of the site. No decision has been made on the appeal.

File 05-1. This is an appeal of a Replacement Plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Management Plan that BWSR approved. The appeal has been accepted and a pre-hearing conference was held. The appeal is presently is abeyance to allow additional field work to be completed.

File 04-30. This is an appeal of a Restoration Order in Roseau County. The violation involves excavation in a Type 3-4 wetland along a lake. A decision on accepting the appeal has been placed in abeyance per request from legal counsel for the appellant.

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

File 04-26. This is an appeal of a Restoration Order in Spring Lake Township, Scott County. At issue is the placement of 4,300 feet of fill in a wetland for a driveway. The approved plat showed access to the lot without wetland impacts. The appeal is in abeyance pending a decision on a replacement plan application.

File 04-25. There is an appeal of an exemption decision in the City of Albertville, Wright County. The exemption was granted by default after the requirements under Minn. Stat. § 15.99 (the "60-day rule") were not met. At issue is the scope of wetland filling allowed under the "approved development" exemption and whether wetland filling can be avoided. The project involves commercial development. The appeal has been accepted, the record has been developed and a pre-hearing conference was held on January 20. The appeal briefing and hearing schedule is presently in abeyance pending the landowner considering Corps of Engineers requirements for the project.

File 04-23. This is an appeal of a forestry exemption decision in Kittson County. Unpermitted fill was placed in a Type 7 wetland for a road. A Cease and Desist Order was issued. Additional filling has recently occurred in violation of the CDO. Corps and DNR violations also exist. The appeal has been accepted and is in abeyance pending completion of a wetland delineation this spring and submittal of a replacement plan application.

File 04-15. This is an appeal of a wetland boundary and type decision in Anoka County. At issue is the decision by the Rice Creek Watershed District to classify a site as effectively drained. Last summer a wetland delineation report identified most of the site as wetland. The appeal has been remanded for a technical evaluation panel to meet onsite. The appeal remains in abeyance under the remand.

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Houston County Priority Concerns Scoping Document (PCSD) – *DECISION ITEM*

2. Martin County Priority Concerns Scoping Document (PCSD) - *DECISION ITEM*

Minnesota Board of Water & Soil Resources

DATE: April 29, 2005

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Mary Kells, Board Conservationist

SUBJECT: **BWSR Staff Final Comments on Houston County's PCSD**

Houston County has submitted their Priority Concerns Scoping Document (PCSD) for the 2005 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on May 16, 2005. State agency comments were received from MPCA, MDNR and MDA. All agencies concurred with priority concerns identified. MPCA and MDNR offered comments for including more specific information in the final LWM Plan that addresses the suggestions and comments provided to the County in their Priority Concerns Input documentation.

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

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

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Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
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Brainerd, MN 56401
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Duluth
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June 29, 2005

DRAFT

Houston County Commissioners
c/o Ralph Tuck
Houston County Water Plan Coordinator
Agricultural Service Center
603 North Sprague, Suite 4
Caledonia, MN 55921

Dear Houston County Commissioners:

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

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Houston County has chosen to address in the update of their Comprehensive Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Houston County Priority Concerns Scoping Document (PCSD) on March 16, 2005.

Houston County has reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the update of the LWM Plan.

- Protect ground water in order to maintain an adequate supply of safe drinking water for current and future generations.
- Improve surface water quality in rivers and streams in Houston County
- Manage storm water runoff to minimize risk to human life, property, and the environment
- Optimize recreational uses of water resources
- Review of city and township ordinances for compliance

While these issues may vary in priority within the different watersheds, each is considered a priority concern within all the major watersheds.

DRAFT

The BWSR received comments from Minnesota Pollution Control Agency (MPCA), the Department of Natural Resources (DNR), and the Minnesota Department of Agriculture on the Houston County PCSD during the official review period. All agencies concurred with priority concerns identified. MPCA and DNR offered comments for including more specific information in the final LWP Plan that addresses the suggestions and comments provided to the County in their Priority Concerns Input documentation.

The BWSR southern region water planning review committee (hereinafter referred to as Committee) met on June 2, 2005, to discuss any state review agency comments, the content of the PCSD, and recommendations for the content of the final plan.

The Committee commends the County for the process they used to select the concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the five priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the Committee does not recommend or require any changes to the PCSD as drafted.

Sincerely,

Jerome Deal, Chair
Minnesota Board of Water and Soil Resources

c: Becky Balk, MDA
Sara Bertelsen, EQB
Art Persons, MDH
Cheryl Heide, DNR
Dave Johnson, MPCA
Dan Wilson, MDH
Victor Ormsby, BWSR Board
Randy Kramer, BWSR Board
Jeff Nielsen, BWSR Southern Region Supervisor
Mary Kells, Board Conservationist

May 6, 2005

Jeff Nielsen
Minnesota Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff:

Martin County has submitted their Priority Concerns Scoping Document (PCSD) for the 2005 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on April 6, 2005. State agency comments were received from MPCA and DNR. MPCA concurred with the priority concerns identified, offered their assistance with plan development and implementation and provided suggested actions to address the priority concerns that were identified. DNR concurred with the priority concerns identified, offered their assistance and suggested additional prioritization may be necessary depending on funding. No other state agency comments were received during this review period. In addition to PCSD comments the EQB, MPCA, BWSR, DNR and other local stakeholders provided comments early on in the process.

On behalf of the BWSR I have completed my review of the Martin County PCSD and recommend the BWSR concur with the priority concerns identified.

I look forward to working with Martin County elected officials, staff and residents as the plan update moves forward. If you have questions or need additional information, please contact me at 507-359-6076.

Sincerely,

Chris Hughes
Board Conservationist

June 29, 2005

DRAFT

Martin County Commissioners
c/o Linda Meschke
Martin County Interim Water Plan Coordinator
426 Winnebago Avenue, Suite 100
Fairmont, Minnesota 56031-3854

Dear Martin County Commissioners:

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

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Martin County has chosen to address in the update of their Comprehensive Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Martin County Priority Concerns Scoping Document (PCSD) on April 6, 2005.

Martin County has reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the update of the LWM Plan.

- Impaired Waters and Total Maximum Daily Loads (TMDLS)
- Drainage System Management
- Promote the Use of Best Management Practices
- Wetland Protection and Restoration
- Water Quality in Area Lakes
- Promote Low Impact Development in Impaired Watersheds

While these issues may vary in priority within the different watersheds, each is considered a priority concern within all the major watersheds.

DRAFT

The BWSR received comments from Minnesota Pollution Control Agency (MPCA) and the Department of Natural Resources (DNR) on the Martin County PCSD during the official review period. All agencies concurred with priority concerns identified. MPCA offered their assistance with plan development and implementation and provided suggested actions to address the priority concerns that were identified. DNR offered their assistance and suggested additional prioritization may be necessary depending on funding.

The BWSR southern region water planning review committee (hereinafter referred to as Committee) met on June 2, 2005, to discuss any state review agency comments, the content of the PCSD, and recommendations for the content of the final plan.

The Committee commends the County for the process they used to select the concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the six priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the Committee does not recommend or require any changes to the PCSD as drafted.

Sincerely,

Jerome Deal, Chair
Minnesota Board of Water and Soil Resources

c: Becky Balk, MDA
Sara Bertelsen, EQB
Art Persons, MDH
Cheryl Heide, DNR
Dave Johnson, MPCA
Dan Wilson, MDH
Victor Ormsby, BWSR Board
Randy Kramer, BWSR Board
Jeff Nielsen, BWSR Southern Region Supervisor
Chris Hughes, Board Conservationist
Jerry Voyles, Martin County SWCD

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Norman County Priority Concerns Scoping Document (PCSD) – *DECISION ITEM*

2. Polk County Local Water Management Plan – *DECISION ITEM*

3. Todd County Priority Concerns Scoping Document (PCSD) – *DECISION ITEM*

MEMORANDUM

DATE: May 31, 2005

TO: Northern Ad Hoc Review Committee

FROM: Brian Dwight

SUBJECT: Review of the Norman County PCSD

Having reviewed the Norman County Priority Concerns Scoping Document (PCSD) and the process followed for its development, I am of the opinion that the process followed and the resulting document meets the requirements of the guidance material provided by BWSR and that of 103B.312 and 103B.313 subp.1 – subp.4.

From the comments received in regards to the PCSD, it appears that the priority concerns identified by Norman County are in line with those of the reviewing state agencies and other members of the Local Water Management Task Force. In your review of the attached PCSD you will find a very complete accounting of the process followed, comments received, and responses to these comments.

Having reviewed the Norman PCSD and the process followed for its development, I am of the opinion that the process followed and the resulting document meets the requirements of the guidance material provide by BWSR and that of 103B.312 and 103B.313 subp.1 – subp.4. I recommend the acceptance of the Priority Concerns Scoping Document for Norman County.

The Development of the document may seem to have taken longer than what would be expected, this was/is due to family health issues experienced by the lead staff person (Curtis Borchert).

Norman County

Priority Concerns Scoping document

Background

In April 2002, Norman County adopted by resolution to update the County's LWMP. The Norman Soil and Water Conservation District, who is lead for the implementation of the LWMP, led the updating process. The current plan was to expire on December 31, 2002, but with the Wild Rice Watershed District (WRRWD) in the process of updating their Long Range Plan, and the desire to coordinate the LWMP with the WRRWD long range plan the expiration date was extended to December 31, 2004, by BWSR in October 2002. During this time extension BWSR amended the LWMP updating process. Having the option to proceed following the original updating process or to "retro fit" what had been done into the new process, Norman County elected to complete the updating process following the new process. As a result of this decision the Norman SWCD, through a modified process, developed a Priority Concerns Scoping document (PCSD) for review and approval.

The process that led up to the development of the PSCD before you today allowed ample opportunity for local, state, and federal agencies to provide input, prioritize, and review the water management issues identified for Norman County.

Written input comments received:

Dept. of Health: Drinking water issues
MPCA: Impaired waters/TMDL, Sedimentation, flooding/wetland loss/ lack of floodwater storage
BWSR: Flood damage reduction, Sedimentation, Natural resource enhancement (attached)
CCWRWD: (Concerned Citizens of the Wild Rice Watershed District): Flood damage reduction, natural resource enhancement

From this input Norman County developed the following priority concerns statements:

Priority Concern 1. Unwanted Soil Movement

Norman County will focus on wind and water erosion and the associated sedimentation that occurs within Norman County.

a. Wind Erosion. *(Map 4-wind erosion map in PCSD)*

- Wind erosion has been a long-term problem across all of Norman County.
- The United States Department of Agriculture (USDA) has identified Highly Erodible Soils based on production loss. The soils in the western half of the county are so productive that they can lose many tons per year and still remain very productive.

b. Water Erosion *(Map 5-water erosion map in PCSD)*

- Water erosion is a problem in the eastern half of the county where slopes are steep and soils are prone to erosion.

c. Sedimentation. *(MAP 6 GENERAL SLOPE in PCSD)*

- Sedimentation occurs in the western half of the county where the general slope has dropped to less then one foot per mile. In the eastern half of the county the slopes are steep enough for the water to carry a heavy sediment load.

Priority Concern 2. Water quality

Norman County will focus on surface and ground water quality.

a. Ground water quality

Ground water quality within Norman County could be affected by 3 main events;

1. Contamination by failing wells,
2. Contamination by abandoned wells and,
3. Surface contamination entering aquifers from the ground sensitive area in eastern Norman County. *(Map 7-ground sensitive area in PCSD http://files.dnr.state.mn.us/waters/groundwater_section/mapping/rha/r03_srrv/pdf_files/rha3p4.pdf)*

b. Surface Water quality

Surface water quality has been affected by natural and man-made events within the county.

- There are no identified impaired waters in Norman County at this time.
- Sedimentation is a visible problem within the Wild Rice River and its tributaries.

Priority Concern 3. Correct use of Natural Resources

Norman County will focus on the correct use of natural resources within Norman County.

a. Using the correct landuse

Correct landuse opinion varies greatly, depending on if you are talking to landowners, local agencies, state agencies, federal agencies or private organizations. The coordination of the meaning of correct, and the appropriate compensation for an alternative use of natural resources, will make the difference in whether many projects are completed in the county.

- The Flood Damage Reduction (FDR) work group has identified priority areas for both FDR and Natural Resource Enhancement (NRE) activities within Norman County.
    - Priority NRE areas have been identified for wetland restoration and creation within the beach ridge area of eastern Norman County.
    - Priority NRE areas have been identified for water storage with the main focus on timing of water delivered to the river system to reduce flooding.
    - Priority NRE areas have been identified for prairie restoration and establishment along the Wild Rice River and it tributaries.
- The SWCD, the Wild Rice Watershed District, and the Norman County Highway Department all have buffer programs.

Priority Concern 4. Water controls

Norman County will focus on water movement through the county.

a. The Flood Damage Reduction work group has identified priority areas for both FDR and NRE activities within Norman County.

- Priority FDR areas have been identified for wetland restoration and creation within the beach ridge area of eastern Norman County.
- Priority FDR areas have been identified in the South Branch of the Wild Rice River and the Coon Creek sub-watersheds and along the main stem of the Red River of the North and the Wild Rice River.
- Priority FDR areas for water movement have been identified in the lake plain of western Norman County.

- The Concerned Citizens of the Wild Rice Watershed have identified storage requirements to flood proof the watershed.
- Technology has improved and many maps can be improved using this new technology.
    - Concerns have been raised by FEMA on the quality of the flood plain maps.
    - Parcel mapping would improve project planning.
    - Digital soil maps would be used in project planning.
- BMP's need to be included in all projects.

In March of 2005 the Priority Concerns Scoping Document was sent out for state agency review (as well as to the local LWMP task force). Review comments of the PCSD were received from:

DNR: PCSD addresses their concerns and should be approved.
MDA: The PCSD appears to be adequate and addresses the major concerns of the county.
MDH: MDH's issues have been adequately addresses.
MPCA: The MPCA concurs with the priority concerns recommended, however **the PCSD should be amended to reflect that impaired waters exists in the county**. They did provide a list of these identified waters.
BWSR: The issues identified by BWSR are adequately addressed in the PCSD.

Based on the review comments received, I feel that if the recommend amendment by MPCA is incorporated that the Priority Concerns Scoping Document for Norman County is acceptable to all those who reviewed the document and is an excellent document for Norman County to use as a tool for the development of the updated Local Water Management Plan (LWMP).

Minnesota Board of Water & Soil Resources

June 22, 2005

Norman County Commissioners
c/o Curtis Borchert
Norman SWCD
PO Box 60
Twin Valley, MN 56584

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

Dear Norman County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Norman County has chosen to address in the update of their Comprehensive Local Water Management Plan (LWMP). The Board of Water and Soil Resources, along with the state review agencies, received the Norman County Priority Concerns Scoping Document (PSCD) on March 9, 2005.

Review of the priority concerns statements in March - April 2005 generated comments from the following state review agencies: MPCA, MDH, DNR, MDA, and BWSR. Comments received concurred with the County on its identified areas of concern. The MPCA requested one amendment to the PCSD. In the PCSD it is mentioned that there are no identified impaired waters in Norman county. This is not an accurate statement. There are several identified impaired river reaches in Norman County and MPCA provided a listing on these impaired reaches with their review letter.

The Northern Water Planning Committee (hereinafter referred to as the Committee) met on June 8, 2005 in Bemidji to discuss the state review agencies comments, the content of the PCSD and recommendations for the content of the final plan.

The Committee commends the County on the selection of the identified priority concerns and the process they used to select these areas of interest. The County's interest in coordinating efforts relating to water quality, quantity (flooding), sedimentation, and preserving and enhancing the natural resources of Norman County align well with the interests of other local, state and federal agencies.

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As a result of the review and discussion the Committee requests:

1) That the PCSD be amended to reflect that there are impaired waters as identified by the MPCA in Norman County and that these impaired waters are identified and addressed in the updated Local Water Management Plan.

2) The updated LWMP specifically address how the County plans to coordinate the efforts of other local and state agencies in the areas of concern identified in the PCSD. It is strongly suggested this coordination effort be identified as the highest priority in the updated LWMP.

3) The LWMP specifically describe coordination efforts in implementing programs/plans such as CREP, the Wild Rice Watershed District long-range plan, and the TMDL process.

Sincerely,

Jerome Deal
Chair, Board of Water and Soil Resources

cc: Roger Tietz, DNR
Art Persons, MDH
Beck Balk, MDA
Lisa Thorvig, MPCA
Ron Shelito, BWSR
Brian Dwight, BWSR

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MEMORANDUM

DATE: June 1, 2005

TO: Northern Ad Hoc Committee

FROM: Brian Dwight

SUBJECT: Final Approval of the Polk County Local Water Management Plan

In my review of the Polk County updated Local Water Management Plan (LWMP) and the process followed, I am of the opinion that the LWMP and its development process meets the guidelines provided by BWSR, as well as the requirements of 103B.313 – 103B.314. I recommend that BWSR approve the updated LWMP for Polk County.

The State agency review of the updated Polk LWMP indicated that the County did a good job of selecting, supporting, and developing action items to address the Priority Concerns of the updated LWMP.

Previously approved Priority concerns statements:

1) Polk County will focus on surface water quality, specifically as it pertains to the human-impacts on the lakes region in the eastern part of the County and in regards to the impacts on surface water as a source water supply in the western part of the county.

2) Polk County will focus on the quantity of water passing through Polk County by inventorying, assessing, and evaluating the drainage infrastructure of the County.

3) Polk County is concerned with the preservation and enhancement of Polk County's natural resources within the Glacial Lake Agassiz Beach Ridge area because of the unique geographical features, wide diversity of natural resources, and the citizens that benefit from them.

Agency Comments:

MDA: "We had no objections to this plan and recommended it be approved by BWSR."

MDH: The MDH recommends the approval of the entire plan as submitted. "The MDH would like to commend Polk County for its recognition of the importance of protecting surface waters serving as a drinking water source of the residents of their County."

DNR: "In viewing the submitted plan, it appears to be consistent with the above referenced (water quality monitoring and education, water quantity inventorying and assessments, protecting natural resources in the glacial beach ridges) DNR priorities and we suggest this plan update be approved as submitted."

MPCA: "The MPCA recommends the BWSR approve the LWM Plan as submitted."

I feel the County, through the East and West SWCDs (LWMP coordinators), has done a particularly good job of prioritizing the water related issues facing the County. These priority concern statements align themselves well with water quality concerns of the MPCA and the surface water quality concerns as a public water supply of MDH; the water quantity (flood damage reduction) concerns of the Sand Hill and Red Lake Watershed Districts; and the concern of the DNR for the need to manage land use issues threatening the very unique and fragile Lake Agassiz beach ridge area. The County, through the East and West SWCDs, has a long history of good working relationships with the above mentioned local and state agencies in addressing the identified priority concerns and now having them identified in the updated LWMP solidifies the County's interest in these water related issues.

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Polk County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on February 17, 2005, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On September 29, 2004, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Polk County, pursuant to M.S. Section 103B.312.

2) On December 15, 2004, the Board of Water and Soil Resources approved official comments on the Polk County Priority Concerns Scoping Document, which were mailed to the county on December 15, 2004.

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

- Polk County will focus of surface water quality; specifically as it pertains to the human-impacts on the lakes region in the eastern part of the County and in regards to the impacts on surface water as a source water supply in the western part of the County
- Polk County will focus on the quantity of the water passing through Polk County by inventorying, assessing, and evaluating the drainage infrastructure of the County
- Polk County is concerned with the preservation and enhancement of Polk County's natural resources within the Glacial Lake Agassiz Beach Ridge area because of the unique geographic features, wide diversity of natural resources, and the citizens that benefit from them.

4) On February 17, 2005, the BWSR received the Polk County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On June 8, 2005, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Becker County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommends approval;
   B) Minnesota Department of Health: recommends approval;
   C) Minnesota Department of Natural Resources: recommends approval;
   D) Minnesota Pollution Control Agency: recommends approval;
   E) Minnesota Environmental Quality Board: no recommendation received;
   F) Minnesota Board of Water and Soil Resources: regional staff recommends approval;
   G) Board Water Plan Review Committee: recommends approval.

6) This update will be in effect for a five-year period until December 31, 2009.

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the Polk County Local Water Management Plan – January 1, 2005 to December 31, 2009.

Dated at St Paul, Minnesota, this twenty-second day of June 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Minnesota Board of Water & Soil Resources

June 22, 2005

Polk County Commissioners
Polk County Courthouse
612 North Broadway
Crookston, MN 56716

Dear Polk County Commissioners:

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you it approved Polk County's revised Local Water Management Plan at its regular meeting held on June 22, 2005. Attached is the signed Finding of Fact, Conclusion, and Order that documents approval of the plan and indicates it meets all relevant requirements of law and rule. This update of the Polk County Local Water Management Plan, once locally adopted by resolution, is effective for a five-year period until December 31, 2009.

For Polk Counties Local Water Management Plan to be in effect the County must adopt and begin implementing the plan within 120 days (M.S. 103B.315 Subd. 6, Adoption and Implementation). Upon adoption, please forward the resolution to your Board Conservationist. An example of a resolution adopting the plan can be found on BWSR's website at:
http://www.bwsr.state.mn.us/watermgmt/guidance/Adoption.doc.

The East and West Polk Soil and Water Conservation District staff and water plan advisory members are to be commended for developing a Local Water Management Plan that identifies priority concerns and related actions needed that not only effect water issues facing Polk county but the Red River Basin. With the continued implementation of your updated Local Water Management Plan the protection, and management of Polk County's water and related resources will be greatly enhanced. The BWSR looks forward to working with you as you implement this Plan and document its outcomes.

Sincerely,

Jerome Deal
Chair

Enclosures
cc: Gary Lee, County Water Plan Coordinator
Paige Geutter,
File Copy

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DATE: May 31, 2005

TO: BWSR Northern Plan Review Subcommittee

FROM: Dan Steward, Board Conservationist

SUBJECT: Review of the Todd County Priority Concerns Scoping Document (PCSD)

The original Todd County Local Water Management Plan (LWMP) was approved in 1991. The first update to the original plan was completed in April 2000. The current or third generation LWMP will expire on December 31, 2005.

Since the inception of the LWMP in Todd County , the County has delegated implementation of the program to the Todd SWCD.

On September 13, 2004, the Todd County Board of Commissioners passed a resolution to update the Comprehensive Local Water Management Plan.

On April 28th, 2005, Todd County submitted their Priority Concerns Scoping Document (PCSD) for review. The attached Todd PCSD identifies the following priority concerns, and proposes the update be focused on these water management issues:

1. Protection of Ground Water Quality and Quantity
2. Protection of Surface Water Quality and Quantity
3. Land Uses that Lessen Impact on Water Resources

The County used the following process to develop the PCSD:

- September 29, 2004, Input survey and requests for local plans sent to state agencies, cities, townships, SRWD, and adjacent counties.
- January 11, January 25, March 23, and April 13, 2005, Task Force meetings are held.
- January 28, 2005, Request for input at Todd County Coalition of Lake Assoc. meeting.
- February 1, 2005, Request for input at SRWD meeting.
- February 4, 2005, Request for input at Lions Club meeting.
- March 2005, Full page ad in Todd County Couirer, includes survey form.
- March 2005, Request for input and survey posted on SWCD web page.
- March 15, 2005, Request for input on SWCD;s regular radio program.
- March 23, 2005, Pulic Informational Meeting held.
- March 2005, Second input survey sent to chair of each Township, also to ag and natural resource teachers in Todd County High Schools.
- April 1, 2005, Presentation made at Townships Annual Meeting.

The following priority concerns were submitted by the state review agencies:

- MDH: Protect groundwater-based drinking water sources, sealing unused, unsealed wells, and develop a local ground-water quality data base.
- PCA: Impaired waters / Total maximum daily loads, manure management, and storm water control for Long Prairie.
- BWSR: Impact of development on lake and stream water quality, conversion of ag land to rural residential, and groundwater quality.
- DNR: Development pressures / Impacts, declining water quality and clairity.
- EQB: Groundwater contamination susceptibility, TMDL / Impaired waters, and ground water availability.
- MDA: Pesticides in ground and surface water, Manure management and ISTS, Impaired waters and TMDL's, Groundwater and Irrigation.

On April 28, 2005 the PCSD was sent to the required state agencies for review. Agencies were asked to send comments to Ron Shelito by May 28. As of May 31, the following agency comments were received:

- May 18, 2005. The MDH offered comments relative to the importance of source water protection for drinking water, and commended Todd County for recognizing the value of protecting groundwater quality and quantity. The MDH specifically supported wellhead protection plans, and sealing unused wells.
- May 24, 2005. The MPCA in its comments on the PCSD concurred with the priority concerns listed. In noting the "quite broad" priority concerns, the agency suggested "at least some of the goals and action items should contain discreet components that can be used to measure the success of the LWM Plan."

After reviewing the PCSD submitted by Todd County, I conclude that the guidance requirements have been met in general. Although the county has identified a list of priority concerns, they are quite broad.. I suggest the subcommittee consider adding recommendations to its comments regarding specific goals and actions to be included in the plan to follow. I recommend the subcommittee approve the PCSD for Todd County.

Minnesota Board of Water & Soil Resources

June 22, 2005

Todd County Commissioners
C/O Kitty Tepley, Todd Soil and Water Conservation District
607 9th Street NE
Long Prairie, MN. 56347

RE: Official Comments Pertaining to the State Review of the Todd County Priority Scoping Document.

Dear Todd County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Todd County has chosen to address in the update of their Comprehensive Local Water Management Plan. The Board of Water and Soil Resources, along with the state review agencies, were sent the Todd County Priority Concerns Scoping Document (PCSD) on April 28, 2005, and asked comments be sent by May 28, 2005, to Ron Shelito, BWSR Regional Supervisor.

Several water resources concerns were submitted to the Todd County Water Management Advisory Committee. Many of these concerns had similar themes which allowed the Advisory Committee to arrange them into the following priority concerns that will be addressed in the Water Plan Revision.

1. Protect and Preserve Ground Water Quality and Quantity

2. Protect and Preserve Surface Water Quality and Quantity

3. Promote and Encourage Land Uses That Lessen the Impacts on Water Resources.

The Minnesota Pollution Control Agency concurred with the priority concerns identified. The Minnesota Department of Health commended the county for recognizing the value of protection and preserving groundwater quality and quantity.

On June 8, 2005, the Northern Water Planning Committee (hereinafter referred to as the Committee) met with the Todd County/SWCD representatives to discuss Local Water Management activities within Todd County, the process used to gather public input, the content

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of the PCSD, the state review agency comments and recommendations for the content of the final plan.

Based on the Committee's recommendations, the Board of Water and Soil Resources commends Todd County for the process used to select the concerns. The priority concerns to be addressed in the plan were deemed to be appropriate, and do not require any changes to the PCSD as submitted. The BWSR encourages Todd County to continue to take advantage of opportunities to play the coordination role that is often key to improved local water management. The Board recommends that the County include a paragraph in the final plan that discusses the County's role in coordinating local water management activities.

Sincerely,

Jerome Deal
Chair, Board of Water and Soil Resources

CC: Dan Steward, BWSR
Ron Shelito, BWSR
Wayne Edgerton, DNR
Lisa Thorvig, MPCA
Matt Drewitz, MDA
John Wells, EQB
Art Persons, MDA
Paul Swenson, DNR

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NEW BUSINESS

1. FY 06 SWCD Grants – Wayne Zellmer – *DECISION ITEM*

2. State Cost-Share Base Grants for Increased Technical Assistance – Wayne Zellmer – *DECISION ITEM*

3. FY06 Natural Resources Block Grants (NRBG) – Wayne Zellmer – *DECISION ITEM*

4. Stormwater Planning Assistance Grant – Doug Thomas – *DECISION ITEM*

5. Area II Minnesota River Basins Project Inc. FY 2006 Annual Work Plan – Tabor Hoek, BWSR, and Kerry Netzke, Area II Coordinator - *DECISION ITEM*

6. Bernt Hall RIM Easement Alteration – Tim Fredbo – *DECISION ITEM*

7. Policy Establishing Payment Rates for Conservation Easements Acquired for Public Road Wetland Replacement Bank Sites – Dave Weirens – *DECISION ITEM*

8. Revised Policy - Sale of Wetland Credits to Public Transportation Authorities – Dave Weirens – *DECISION ITEM*

9. Comprehensive Wetland Monitoring and Assessment Program – Doug Norris, DNR/BWSR, or Mark Gernes, MPCA - *INFORMATION ITEM*

Brief detail on time extension request for the Koochiching County Local Water Management Plan

Koochiching County is requesting a time extension for their local water management plan update until July 26, 2007. Reasons for the extension request is due to administrative oversights, changes in staff responsibilities for the update, and to allow adequate time to conform to the new CLWMP update process.

There has been no previous extension approved for this update. The Koochiching County Water Management Plan will expire on July 26th, 2005.

Review of this request by the BWSR Northern Water Planning Committee was not required. Staff recommends approval.

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

In the Matter of Extending the Local Water Management Plan for **Koochiching County** (Chapter 103B.401-408 authorizing BWSR to grant extensions)

ORDER EXTENDING LOCAL WATER MANAGEMENT PLAN

Whereas, the Koochiching County Board of Commissioners has a state approved Comprehensive Water Plan (Plan) that is effective until July 26, 2005 pursuant to M.S. 1990.301 and

Whereas, the Board has authorization to grant extensions pursuant to Minn. Statute 103B 401-408.

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

FINDINGS OF FACT

1. On April 27, 2005 the Board received a resolution from Koochiching County requesting an extension of their Plan for two years.

2. Reasons for the two- year extension request include the following:

   -The Environmental Services Department is responsible for revising and updating the Plan and, due to staff shortages has not been able to review the changes or initiate the update process.
   -The Koochiching SWCD has recently re-organized and has not had an opportunity to assist in the Plan update process.

3. According to BWSR guidance, Plan extension requests should be for two years.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of extending the Koochiching County Plan pursuant to Minn. Statute 103B 401-408.

ORDER

The Board hereby approves the extension of the Koochiching County Plan until July 26th, 2007. Dated at St. Paul, Minnesota, this 22nd day of June, 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

FY 2006 Farm Bill Assistance Project-CREP II Implementation

The Farm Bill Assistance Project was initiated in 2002 by BWSR, DNR and Pheasants Forever to continue staffing for conservation efforts started with the MN River CREP. Implementing provisions of the Federal Farm Bill that result in grass and wetland cover remain the focus of the project. During the development of CREP II it was decided to continue to utilize the structure of the FBA Project and merge financial resources of BWSR, DNR, Pheasants Forever, local sport groups and the SWCD's to implement the program. Presently we have 28.55 FTE's in 36 counties and are looking to maintain and expand this effort to 36.55 FTE's in 52 counties. The net result will be 11.3 FTE's covering 15 counties in the non-CREP area, and 25.25 FTE's in 37 CREP II counties. Funding for non-CREP and partial CREP counties would remain at a state/local split of 70/30. Due to increased workload demands on SWCD's to implement CREP II a reduced local contribution would be required with a state/local split of 95/5. The total budget for each FTE would be calculated from a total budget $40,000/FTE with the appropriate split being applied. Staff recommends this process for approval. Kevin Lines-DECISION ITEM

S:farmbill2/projectdesc605

Farm Bill Assistance Grant Formula

- **Annual Budget of $40,000/FTE**

- **Partial CREP Counties & Non-Crep Counties**
  - –Percent FTE Determined
  - –70% State
  - –25% SWCD
  - –5% Local Organization

- **CREP II Counties**
  - –Percent FTE Determined
  - –95% State
  - –5% Local Organization

s:farmbill2/phasevgrantformula

FARM BILL IMPLEMENTATION FUNDING

6/22/2005

FUNDING

PARTNERS	FY 2006
DNR	$337,500
BWSR	$607,000
Pheasants Forever	$0
NRCS	$0
Carry-Over	$100,000
Total Cash	**$1,044,500**

MATCH	
SWCD Match	$136,000
Local Chapter	$58,825
Other	
TOTAL FUNDING	**$1,239,325**

COSTS

NON CREP	$339,000
CREP II	$861,250
TOTAL COSTS	**$1,200,250**

BALANCE	$39,075

S:\2Farmbill\Partners Farmbill FY2006 Funding.xls6/21/2005

PROPOSED FY 06 SWCD GRANTS

The BWSR is requested to approve the Cost Share Committee's recommendations to approve FY 06 SWCD allocations for four BWSR grant programs. These grant programs are:

A) Regular Statewide Cost Share Base Grants
B) General Services
C) Easement Services
D) Feedlot Water Quality Management Grants

A brief summary of each of these programs follows with highlights and topics of concern for this year.

A) Regular Statewide Cost Share Base Grants - $1,985,243 These base grants are for the installation of conservation practices. The FY 06 legislative appropriation is anticipated as $1,820,000. These allocations utilize the Performance Standards allocation policy adopted by the Board in February 2001:

Beginning in FY 03, performance standards should be implemented to increase the efficiency of allocated funds. SWCDs with a "high" level of productivity will receive a $1,000 annual increase. Grants to SWCDs with a "medium" level of productivity will remain the same. SWCDs with a "low" level of productivity will receive a 5% grant decrease. Funds for increases will come from the Special Projects fund. Funds from decreases will go to the Special Projects fund. "High", "medium", and "low", will be defined by BWSR staff. Over time, these Performance Standards will "fine tune" allocations to where they are utilized most.

The Board has defined "high" as spending 80% or more; "medium", 60% - 79%; and "low", as < 60% of their grant, on projects.

Recommended Performance Adjustments

For FY 06, these definitions would indicate that the following SWCDs (49) will receive a $1,000 high level of performance increase for spending 80% or more of their base grant on projects:

Clearwater	Hubbard	Kittson	Mower	Lake of the Woods	Lake
Rice	Wright	Mahnomen	West Polk	Nicollet	North St. Louis
Benton	Kanabec	Pine	Pipestone	Redwood	Lac Qui Parle
Rock	Brown	Le Sueur	Waseca	Watonwan	Lincoln
Fillmore	Goodhue	Olmsted	Root River	Anoka	Swift
Dakota	Ramsey	Scott	Washington	Cook	Crow Wing
Koochiching	Morrison	Wadena	Becker	Clay	Grant
East Ottertail	West Ottertail	Wilkin	Hennepin	Sherburne	Steele*
Yellow Medicine					

The following SWCDs (5) will receive a 5% decrease for spending less than 60% of their base grant on projects: Beltrami Marshall McLeod Aitkin South St. Louis

* Steele's performance increase is not recommended because of State Cost Share Program Rule violations.

Cost Share Performance Range: Highest – Dakota 96%, Lowest – Aitkin 47%

Regular Statewide Cost Share Base Grant funding recommendations are listed on the composite spreadsheet.

NOTE: The difference between the amount proposed to be allocated and the legislative appropriation is $165,243. There is sufficient rollover to cover this amount.

B) General Services Grant - $2,156,776 - This base grant is for expenditures necessary to the operations of the district. It is noncompetitive. These grant amounts are unchanged from FY 05.

Recommendation
Proposed allocations are listed on the enclosed composite spreadsheet.

C) Easement Services Grant - $344,997 - This grant is allocated to SWCDs as compensation for local delivery of the RIM Reserve Program and the conveyance of easements. The grant amount is calculated by a strategy and formula approved by the Board on May 25, 2005. It reflects the relative amount of easement activity in the SWCD.

Recommendation
Proposed allocations are listed on the enclosed composite spreadsheet.

D) Feedlot Water Quality Management Grants - $1,350,000 - Eighty six applications were received requesting $2,454,815. Twelve of these are enrolled in a stewardship plan. Grant funds must be used for waste management systems for small feedlots (less than 500 animal units) to benefit water quality. Grant funds may not be used for new or expansion feedlot projects. The State Cost Share Program is used to administer and implement this Program. Funding priorities established by the Board for this Program are ranked as follows:

Priority

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

SWCDs may request an amount for their technical and administrative costs up to ten percent of individual project funds requested.

The proposed funding recommendation, as indicated on attached spreadsheet would fund 48 projects with partial funding available to the 49th. Total amounts proposed to be allocated to SWCDs are listed on the composite spreadsheet.

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FISCAL YEAR 2006 FWQM GRANT APPLICATIONS

DRAFT

		LANDOWNER	Stewardship Plan	RIPARIAN	FLEVAL RATING	PRACTICE STATE DATE	COMPLETE INVENTORY	LEVEL	ANIMAL UNITS	ANIMAN SPECIES	Viol.	Partial Systems	TOTAL PROJECT COST	EQIP FUNDING	EQIP AMOUNT	FWQM FUNDS REQUESTED	T/A FUNDS REQUESTED	TOTAL FUNDS REQUESTED	Cummulative	
1	Chisago SWCD	INC	Yes	B	60	7/1/2005	Yes	2	450	DAIRY			$122,500.00	Yes	$42,800	$45,500	$4,500	$50,000	$50,000	
2	Wabasha SWCD	DENNIS	Yes	B	55	7/12/2005	Yes	3	257	Dairy/Beef			$74,195.00	No	$0	$45,500	$4,500	$50,000	$100,000	
3	Rice SWCD	CHARLES	Yes	B	39	8/1/2005	Yes	3	82	BEEF			$39,355.00	No	$0	$29,516	$2,952	$32,468	$132,468	
4	Lyon SWCD	SCOTT	Yes	B	37	7/1/2005	Yes	0	190	SWINE			$118,280.00	Yes	$58,140	$29,070	$2,907	$31,977	$164,445	
5	Pine SWCD	NATHAN	Yes	C	30	8/1/2005	Yes	2	72	DAIRY			$43,960.00	Yes	$21,990	$10,995	$1,100	$12,095	$176,540	
6	Morrison SWCD	JIM		B	70	7/1/2005	Yes	3	300	DAIRY	YES		$30,000.00	No	$0	$22,500	$2,250	$24,750	$201,290	
7	Meeker SWCD	GENE		B	67	6/5/2005	Yes	1	207	DAIRY		YES	$152,300.00	Yes	$76,150	$38,075	$0	$38,075	$239,365	
8	Goodhue SWCD	DAVID		B	65	7/1/2006	No	3	252	DAIRY			$67,200.00	No	$0	$45,500	$4,500	$50,000	$289,365	
9	Fillmore SWCD	HARRY		B	63	7/1/2005	Yes	2	200	BEEF			$67,000.00	No	$0	$45,500	$4,500	$50,000	$339,365	
10	Lake of the Woods SWCD	ARLEN		B	63	7/11/2005	No	2	295	BEEF		YES	$16,000.00	No	$0	$12,000	$1,200	$13,200	$352,565	
11	Wabasha SWCD	KACKMAN		B	60	5/12/2006	Yes	3	184	Dairy/Beef			$76,319.00	No	$0	$45,500	$4,500	$50,000	$402,565	
12	Wabasha SWCD	MARVIN		B	54	7/11/2005	Yes	3	72	BEEF			$68,330.00	No	$0	$45,500	$4,500	$50,000	$452,565	
13	Mille Lacs SWCD	TOM		C	52	7/1/2005	Yes	2	323		YES		$10,300.00	No	$0	$7,725	$773	$8,498	$461,063	
14	Dakota SWCD	GARRY		B	52	8/1/2005	Yes	2	70	DAIRY			$55,557.00	No	$0	$41,668	$4,169	$45,837	$506,900	
15	Fillmore SWCD	CRAIG		B	52	9/1/2005	Yes	2	150	BEEF	YES		$30,000.00	No	$0	$22,500	$2,250	$24,750	$531,650	
16	Wabasha SWCD	GARY		B	51	8/23/2005	Yes	3	191	DAIRY			$58,947.00	No	$0	$44,210	$4,421	$48,631	$580,281	
17	Ottertail, East SWCD	JESSE		A	51	7/1/2005	No	0	51	DAIRY			$100,000.00	Yes	$24,000	$45,455	$4,545	$50,000	$630,281	
18	Dakota SWCD	ROBERT		B	49	8/1/2005	Yes	2	119	DAIRY			$57,112.00	No	$27,500	$15,334	$1,533	$16,867	$647,148	
19	Fillmore SWCD	EUGENE		B	48	9/1/2005	Yes	2	134	BEEF			$56,000.00	No	$0	$42,000	$4,200	$46,200	$693,348	
20	Fillmore SWCD	DEAN		B	48	9/1/2005	Yes	2	138	BEEF			$32,000.00	No	$0	$24,000	$2,400	$26,400	$719,748	
21	Fillmore SWCD	DAVE		B	47	9/1/2005	Yes	2	433	BEEF			$46,000.00	No	$0	$34,500	$3,450	$37,950	$757,698	
22	Goodhue SWCD	PAUL		B	45	7/1/2006	No	3	67	DAIRY			$75,000.00	No	$0	$45,500	$4,500	$50,000	$807,698	
23	Lyon SWCD	DENNIS		B	43	7/1/2005	Yes	0	250	BEEF			$50,000.00	Yes	$25,000	$12,500	$1,250	$13,750	$821,448	
24	Morrison SWCD	TOM		B	43	7/1/2005	Yes	3	120	DAIRY	YES		$70,000.00	No	$0	$45,000	$4,000	$49,000	$870,448	
25	Kanabec SWCD	GORDON		B	43	9/1/2005	No	0	200	DAIRY			$10,000.00	No	$0	$5,000	$500	$5,500	$875,948	
26	Todd SWCD	MARK		A	43	7/1/2006	Yes	3	105	DAIRY			$80,000.00	Yes	$35,000	$25,000	$2,500	$27,500	$903,448	
27	Winona SWCD	EARL		C	42	10/5/2005	Yes	3	25	BEEF			$12,000.00	No	$0	$9,000	$900	$9,900	$913,348	
28	Morrison SWCD	DAVID		B	41	7/1/2005	Yes	3	125	DAIRY	YES		$80,000.00	No	$0	$46,000	$4,000	$50,000	$963,348	
29	Mille Lacs SWCD	MIKE		B	40	7/1/2005	Yes	2	207				$10,000.00	No	$0	$7,500	$750	$8,250	$971,598	
30	Lake of the Woods SWCD	JEAN		B	40	7/11/2005	No	2	62	BEEF		YES	$5,000.00	No	$0	$3,750	$375	$4,125	$975,723	
31	Clearwater SWCD	BRYON		B	40	6/15/2006	No	3	171	DAIRY	YES	YES	$28,000.00	No	$0	$14,000	$1,400	$15,400	$991,123	
32	Watonwan SWCD	CLIFFORD		C	38	8/1/2005	No	3	180	BEEF			$36,000.00	No	$0	$27,000	$2,700	$29,700	$1,020,823	
33	Dakota SWCD	KEVIN		B	38	8/1/2005	Yes	2	204	DAIRY			$11,960.00	No	$4,540	$4,430	$443	$4,873	$1,025,696	
34	Yellow Medicine SWCD	MARTIN		C	37	8/1/2005	Yes	2	185	BEEF			$117,120.00	Yes	$68,750	$22,375	$2,240	$24,615	$1,050,311	
35	Morrison SWCD	CEL		B	35	7/1/2005	Yes	3	290	DAIRY	YES		$53,100.00	No	$0	$22,325	$2,232	$24,557	$1,074,868	
36	Wabasha SWCD	MARK		B	35	8/24/2005	Yes	3	66	DAIRY			$64,000.00	No	$0	$25,695	$2,569	$28,264	$1,103,132	
37	Root River SWCD	TOM		B	34	9/1/2005	Yes	2	98	DAIRY			$30,000.00	No	$0	$22,500	$2,250	$24,750	$1,127,882	
38	Todd SWCD	JOE		B	34	7/1/2006	Yes	3	274	DAIRY			$58,000.00	Yes	$28,000	$15,500	$1,550	$17,050	$1,144,932	
39	Root River SWCD	JIM		B	32	9/1/2005	Yes	2	180	BEEF		YES	$17,600.00	No	$0	$13,200	$1,320	$14,520	$1,159,452	
40	Watonwan SWCD	MARK		C	31	8/1/2005	No	3	200	BEEF			$30,000.00	No	$0	$6,900	$690	$7,590	$1,167,042	
41	Dakota SWCD	JACK		B	28	8/1/2005	Yes	2	303	DAIRY	YES	YES	$10,684.00	No	$0	$8,013	$801	$8,814	$1,175,856	
42	Carver SWCD	HARLAN		B	28	5/1/2006	Yes	3	165	DAIRY			$60,000.00	No	$0	$15,000	$1,500	$16,500	$1,192,356	
43	Meeker SWCD	JIM		A	24	7/1/2005	Yes	1	78	DAIRY			$146,350.00	Yes	$73,175	$36,588	$0	$36,588	$1,228,944	
44	***Meeker SWCD***	***TODD***		***A***	***24***	***7/1/2005***	***Yes***	***1***	***136***	***Beef/Hog***		***YES***	***$30,800.00***	***Yes***	***$15,400***	***$7,700***	***$0***	***$7,700***	***$1,228,944***	***District withdrews project 5/25/05***
45	Carver SWCD	RALPH		B	22	9/1/2006	Yes	3	138	DAIRY	YES		$40,000.00	No	$0	$30,000	$3,000	$33,000	$1,261,944	
46	Morrison SWCD	DALE		A	22	7/1/2005	Yes	3	84	BEEF	YES		$20,000.00	No	$0	$15,000	$1,500	$16,500	$1,278,444	
47	Clearwater SWCD	BRIAN		B	20	8/15/2005	No	3	78	BEEF		YES	$12,000.00	No	$0	$9,000	$900	$9,900	$1,288,344	
48	Ottertail, East SWCD	STEVE		A	18	7/1/2005	No	0	40	BEEF			$45,000.00	Yes	$10,000	$20,000	$2,000	$22,000	$1,310,344	
49	Rice SWCD	GERALD	Yes		55	8/1/2005	Yes	3	156	DAIRY			$185,000.00	Yes	$92,500	$45,500	$4,500	$50,000	$1,360,344	***Proposed Funding Ends***
50	Wabasha SWCD	MARK	Yes		51	7/11/2005	Yes	3	174	DAIRY			$76,808.00	No	$0	$45,500	$4,500	$50,000	$1,410,344	
51	Todd SWCD	JEFF	Yes		37	7/1/2006	Yes	3	160	DAIRY			$121,380.00	Yes	$54,445	$31,580	$3,150	$34,730	$1,445,074	

APPLICATION SUMMARY	
TOTAL PROJECT COST	$5,854,528.00
TOTAL EQIP FUNDS	$1,352,390.00
TOTAL FWQM FUND REQUESTED	$2,462,515.00
TOTAL T/A REQUESTED	$199,837.00
TOTAL APPLICATIONS RECEIVED	86
TOTAL STEWARDSHIP PLANS	12

RIPARIAN SUMMARY	
A= within 1,000 feet of a lake	5
B=within 300 feet of a stream	37
C=within 100 year floodplain	6
D=sinkhole catchment area	0
E=Drinking Water Supply Management A	0
0=Not Riparian	38

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FISCAL YEAR 2006 FWQM GRANT APPLICATIONS

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		LANDOWNER	Stewardship Plan	RIPARIAN	FLEVAL RATING	PRACTICE STATE DATE	COMPLETE INVENTORY	LEVEL	ANIMAL UNITS	ANIMAL SPECIES	Vol.	Partial Systems	TOTAL PROJECT COST	EQIP FUNDING	EQIP AMOUNT	FWQM FUNDS REQUESTED	TIA FUNDS REQUESTED	TOTAL FUNDS REQUESTED	Cummulative
52	Todd SWCD	PAUL	Yes		35	7/1/2005	Yes	3	207	DAIRY			$108,650.00	Yes	$50,845	$10,700	$1,700	$12,400	$1,457,474
53	Nicollett SWCD	GLENN	Yes		32	10/1/2005	Yes	3	151	DAIRY			$140,000.00	Yes	$71,156	$10,000	$0	$10,000	$1,467,474
54	Todd SWCD	VINCE	Yes		26	7/1/2006	Yes	3	135	DAIRY			$70,000.00	Yes	$35,000	$17,500	$1,750	$19,250	$1,486,724
55	Todd SWCD	DALE	Yes		19	7/1/2005	Yes	3	217	DAIRY			$107,000.00	Yes	$55,500	$24,700	$2,470	$27,170	$1,513,894
56	Mower SWCD	RICHARD			79	8/1/2005	Yes	3	75	BEEF	YES		$13,000.00	No	$0	$9,750	$975	$10,725	$1,524,619
57	Nobles SWCD	TOM			77	10/1/2005	Yes	3	72	BEEF			$67,000.00	No	$0	$50,000	$0	$50,000	$1,574,619
58	Winona SWCD	JIM			73	9/5/2005	Yes	3	60	DAIRY			$98,000.00	Yes	$48,993	$24,507	$2,450	$26,957	$1,601,576
59	Clearwater SWCD	GUY			65	8/15/2005	No	3	476	BEEF		YES	$36,000.00	No	$0	$27,000	$2,700	$29,700	$1,631,276
60	Goodhue SWCD	DAVID			60	7/1/2006	No	3	250	BEEF			$100,150.00	No	$0	$45,500	$4,500	$50,000	$1,681,276
61	Fillmore SWCD	PHIL			59	10/1/2006	Yes	2	215	BEEF			$32,000.00	No	$0	$24,000	$2,400	$26,400	$1,707,676
62	Mower SWCD	RONN			56	8/1/2005	Yes	3	184	Beef/Hog		YES	$47,000.00	No	$0	$24,677	$2,467	$27,144	$1,734,820
63	Winona SWCD	JOHN			55	10/5/2005	Yes	3	79	DAIRY			$170,000.00	Yes	$84,630	$42,870	$4,287	$47,157	$1,781,977
64	Winona SWCD	DALE			54	5/5/2006	Yes	3	70	DAIRY			$100,000.00	No	$0	$45,000	$4,500	$49,500	$1,831,477
65	Fillmore SWCD	JOHN			52	10/1/2006	Yes	2	250	BEEF	YES		$66,000.00	No	$0	$45,500	$4,500	$50,000	$1,881,477
66	Nobles SWCD	KEVIN			49	7/1/2005	Yes	3	291	DAIRY			$87,728.00	No	$0	$50,000	$0	$50,000	$1,931,477
67	Olmsted SWCD	JOHN			49	8/1/2005	Yes	3	243	DAIRY			$89,089.00	No	$0	$49,000	$1,000	$50,000	$1,981,477
68	Winona SWCD	WAYNE			43	7/7/2006	Yes	3	100	DAIRY			$45,000.00	No	$0	$33,750	$3,750	$37,500	$2,018,977
69	Faribault SWCD	DUANE			40	10/1/2005	Yes	3	400	BEEF	YES		$128,661.00	No	$62,661	$31,330	$3,133	$34,463	$2,053,440
70	Rock SWCD	DAVE			39	8/15/2005	Yes	3	120	BEEF	YES		$79,117.00	Yes	$27,400	$31,900	$3,190	$35,090	$2,088,530
71	Lyon SWCD	GENE			37	7/1/2005	Yes	0	450	BEEF			$80,000.00	Yes	$45,000	$22,500	$2,250	$24,750	$2,113,280
72	Clearwater SWCD	MIKE			37	6/15/2006	No	3	230	BEEF		YES	$12,000.00	No	$0	$9,000	$900	$9,900	$2,123,180
73	Carver SWCD	DOUG			36	5/1/2006	Yes	3	114	DAIRY	YES		$20,000.00	No	$0	$15,000	$1,500	$16,500	$2,139,680
74	Steele SWCD	BRUCE			33	8/5/2005	Yes	3	110	DAIRY			$50,000.00	No	$0	$45,500	$4,500	$50,000	$2,189,680
75	Clearwater SWCD	HAROLD			33	6/15/2006	No	3	97	DAIRY		YES	$8,000.00	No	$0	$4,000	$400	$4,400	$2,194,080
76	Murray SWCD	ANTHONY			31	7/1/2005	Yes	2	400	BEEF			$100,000.00	Yes	$50,000	$25,000	$2,500	$27,500	$2,221,580
77	Carver SWCD	RALPH			31	5/1/2006	Yes	3	285	DAIRY			$60,000.00	No	$0	$15,000	$1,500	$16,500	$2,238,080
78	Nicollett SWCD	JOHN			29	8/5/2005	Yes	3	131	DAIRY			$85,000.00	Yes	$51,000	$10,000	$0	$10,000	$2,248,080
79	Murray SWCD	MARVIN			27	8/1/2005	Yes	2	295	BEEF			$75,000.00	Yes	$37,500	$18,750	$1,875	$20,625	$2,268,705
80	Clearwater SWCD	PAUL			26	8/15/2005	No	3	240	BEEF		YES	$16,000.00	No	$0	$8,000	$800	$8,800	$2,277,505
81	Todd SWCD	TONY			25	7/1/2006	Yes	3	185	DAIRY			$90,000.00	Yes	$45,000	$22,500	$2,250	$24,750	$2,302,255
82	Root River SWCD	MIKE			17	9/1/2005	Yes	2	140	DAIRY			$67,500.00	No	$0	$45,500	$4,500	$50,000	$2,352,255
83	Polk, West SWCD	MARK			15	8/1/2005	Yes	3	86	DAIRY		YES	$61,000.00	Yes	$30,315	$15,435	$0	$15,435	$2,367,690
84	Steele SWCD	JAMES			7	8/5/2005	Yes	3	100	DAIRY			$25,000.00	No	$0	$18,750	$1,875	$20,625	$2,388,315
85	Steele SWCD	TIM			0	8/5/2005	Yes	3	50	BEEF			$20,000.00	No	$0	$15,000	$1,500	$16,500	$2,404,815
86	Ottertail, East SWCD	DAN			0	9/1/2005	No	0	297	DAIRY			$593,456.00	No	$0	$45,455	$4,545	$50,000	$2,454,815

PROPOSED FY 2006 GRANTS TO SOIL AND WATER CONSERVATION DISTRICTS

COMPOSITE

	COST SHARE		SERVICE GRANTS		
SWCD	BASE GRANTS	FEEDLOT	GENERAL SERVICES	EASEMENT SERVICES	GRANT TOTALS
AITKIN	$8,145		$24,649	147	**$32,941**
ANOKA	$16,803		$25,304		**$42,107**
BECKER	$43,711		$23,245	$369	**$67,325**
BELTRAMI #	$10,945		$23,105	$737	**$34,787**
BENTON	$18,869		$23,479	$1,770	**$44,118**
BIG STONE	$12,239		$22,075	$2,433	**$36,747**
BLUE EARTH	$31,340		$23,058	$14,747	**$69,145**
BROWN	$22,624		$23,152	$11,945	**$57,721**
CARLTON	$12,000		$22,824		**$34,824**
CARVER	$29,202	$49,500	$24,041	$2,949	**$105,692**
CASS	$10,648		$22,356	$147	**$33,151**
CHIPPEWA	$16,001		$23,152	$11,797	**$50,950**
CHISAGO	$16,524	$50,000	$24,087	$369	**$90,980**
CLAY	$25,821		$23,526	$3,908	**$53,255**
CLEARWATER	$11,025	$25,300	$22,918	$516	**$59,759**
COOK	$14,000		$22,263		**$36,263**
COTTONWOOD	$26,328		$23,152	$12,461	**$61,941**
CROW WING	$13,000		$22,450		**$35,450**
DAKOTA	$38,207	$76,391	$25,866	$516	**$140,980**
DODGE	$18,513		$23,620	$147	**$42,280**
DOUGLAS	$27,712		$24,602	$6,046	**$58,360**
FARIBAULT	$23,637		$23,620	$13,567	**$60,824**
FILLMORE	$40,432	$185,300	$24,555	$737	**$251,024**
FREEBORN	$26,846		$23,386	$5,456	**$55,688**
GOODHUE	$43,358	$100,000	$24,462	$3,982	**$171,802**
GRANT	$19,173		$23,245	$1,696	**$44,114**
HENNEPIN	$22,072		$33,071	$2,359	**$57,502**
HUBBARD	$12,500		$22,216	$74	**$34,790**
ISANTI	$11,303		$24,602	$737	**$36,642**
ITASCA	$10,000		$23,011		**$33,011**
JACKSON	$20,990		$22,403	$5,530	**$48,923**
KANABEC	$14,000	$5,500	$22,871	$516	**$42,887**
KANDIYOHI	$21,759		$23,807	$9,659	**$55,225**
KITTSON	$13,000		$23,432	$516	**$36,948**
KOOCHICHING	$14,000		$22,590		**$36,590**
LAC QUI PARLE	$37,341		$22,918	$12,830	**$73,089**
LAKE	$14,000		$22,403		**$36,403**
LAKE OF THE WOODS	$14,000	$17,325	$22,075		**$53,400**
LE SUEUR	$31,447		$23,947	$7,078	**$62,472**
LINCOLN	$24,062		$24,275	$6,931	**$55,268**
LYON	$22,472	$45,727	$23,479	$10,249	**$101,927**
MAHNOMEN	$16,229		$22,169		**$38,398**
MARSHALL	$13,014		$22,497	$1,253	**$36,764**
MARSHALL-BELTRAMI	$9,025		$22,824	$295	**$32,144**
MARTIN	$33,528		$23,105	$13,051	**$69,684**

	COST SHARE		SERVICE GRANTS		
SWCD	BASE GRANTS	FEEDLOT	GENERAL SERVICES	EASEMENT SERVICES	GRANT TOTALS
MC LEOD	$22,747		$22,965	$4,055	**$49,767**
MEEKER	$27,983	$74,663	$22,684	$5,309	**$130,639**
MILLE LACS	$9,025	$16,748	$23,058	$1,180	**$50,011**
MORRISON	$37,665	$164,807	$24,696	$2,286	**$229,454**
MOWER	$18,214		$25,351	$3,613	**$47,178**
MURRAY	$20,336		$22,309	$5,456	**$48,101**
NICOLLET	$19,082		$23,479	$5,235	**$47,796**
NOBLES	$32,479		$22,637	$959	**$56,075**
NORMAN	$17,947		$23,198	$2,359	**$43,504**
OLMSTED	$55,252		$26,474	$737	**$82,463**
OTTER TAIL EAST	$26,809	$72,000	$23,198	$811	**$122,818**
OTTER TAIL WEST	$36,159		$23,198	$3,244	**$62,601**
PENNINGTON	$17,674		$22,871	$74	**$40,619**
PINE	$19,424	$12,095	$23,198	$74	**$54,791**
PIPESTONE	$25,707		$22,824	$1,475	**$50,006**
POLK EAST	$15,282		$23,011	$442	**$38,735**
POLK WEST	$24,063		$23,011	$74	**$47,148**
POPE	$32,283		$22,731	$11,503	**$66,517**
RAMSEY	$17,988		$23,620		**$41,608**
RED LAKE	$8,574		$22,122	$295	**$30,991**
REDWOOD	$20,418		$23,620	$22,194	**$66,232**
RENVILLE	$14,594		$23,807	$28,019	**$66,420**
RICE	$24,873	$72,124	$27,878	$3,318	**$128,193**
ROCK	$26,802		$23,620	$959	**$51,381**
ROOT RIVER	$34,104	$39,270	$27,363	$3,318	**$104,055**
ROSEAU	$16,716		$22,918	$74	**$39,708**
SCOTT	$29,366		$24,321	$3,465	**$57,152**
SHERBURNE	$11,000		$26,333		**$37,333**
SIBLEY	$16,825		$23,058	$7,300	**$47,183**
ST. LOUIS NORTH	$11,025		$22,965		**$33,990**
ST. LOUIS SOUTH	$9,844		$22,965		**$32,809**
STEARNS	$64,834		$26,801	$1,401	**$93,036**
STEELE #	$16,947		$24,415	$3,539	**$44,901**
STEVENS	$28,603		$23,432	$4,424	**$56,459**
SWIFT	$13,839		$22,731	$11,945	**$48,515**
TODD	$27,056	$44,550	$24,462	$295	**$96,363**
TRAVERSE	$10,044		$23,386	$1,548	**$34,978**
WABASHA	$28,775	$226,895	$23,947	$1,843	**$281,460**
WADENA	$14,000		$22,871	$811	**$37,682**
WASECA #	$16,488		$23,198	$7,521	**$47,207**
WASHINGTON	$22,081		$25,070	$147	**$47,298**
WATONWAN	$16,113	$37,290	$22,497	$7,447	**$83,347**
WILKIN	$20,139		$23,526	$1,843	**$45,508**
WINONA	$21,728	$9,900	$25,538	$1,327	**$58,493**
WRIGHT	$24,565		$26,006	$3,097	**$53,668**
YELLOW MEDICINE	$27,926	$24,615	$23,526	$12,461	**$88,528**
ALLOCATED TOTALS	**$1,985,243**	**$1,350,000**	**$2,156,776**	**$344,997**	**$5,837,016**

NOTES:

COST SHARE BASE GRANT PENALTIES FOR RULE VIOLATION.
WASECA - $1,279
STEELE - $927
BELTRAMI - $1,216

H:FY06SWCD

Board Resolution #_____

FISCAL YEAR 06 SOIL AND WATER CONSERVATION DISTRICT GRANT ALLOCATIONS

WHEREAS, Fiscal Year 06 Soil and Water Conservation District (SWCD) grants, administered by the Board of Water and Soil Resources (BWSR), provide cost share and service grants allocations to SWCDs through its State Cost Share Base Grants, Feedlot Water Quality Management Grants, General Services Grants, and Easement Services Grants Programs; and,

WHEREAS, the Special Session Laws of Minnesota for 2005 are anticipated to appropriate cost share and service grant funds to BWSR; and,

WHEREAS, all SWCDs have BWSR approved plans and reports to comply with statutory allocation requirements.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate these individual grant amounts to SWCDs upon legislative appropriation for these respective grant programs.

_____ Date: _____

Jerome Deal, Chair
Board of Water and Soil Resources

H:06SWCDBR

State Cost Share Base Grants for Increased Technical Assistance

BACKGROUND
Funding for SWCD technical assistance has remained constant or declined in all state programs. Meanwhile, federal funding for conservation projects has drastically increased. This imbalance has created a shortage of available technical assistance in relation to practice funding.

ISSUE
Proposed legislative appropriation language for the fiscal year 06 – 07 biennium (July1, 2005 to June 30, 2007) would allow SWCDs to use all or part of their base grants for technical assistance. The desired outcome is an increase of local technical assistance for conservation practice application.

PROPOSED APPROPRIATION LANGUAGE
9.57 $3,285,000 the first year and
9.58 $3,285,000 the second year are for
10.1 grants to soil and water conservation
10.2 districts for cost-sharing contracts
10.3 for erosion control and water quality
10.4 management. **For base grant allocations**
10.5 made prior to January 1, 2007, up to
10.6 100% of this appropriation may be used
10.7 for technical assistance.

This expanded use necessitates additional BWSR policy to ensure compliance with legislative intent.

PROPOSED POLICY

General

A) A SWCD may use any or all of their base grant for technical assistance costs.
B) SWCD board action and documentation in the minutes will be required for any District using their base grant funds for technical assistance instead of practices. On a form provided by BWSR, the request must include a **narrative** indicating how the funds will be used, a **budget,** and **signature** of the chair. The request must then be sent to the board conservationist for prior approval.
C) The Performance Standards allocation policy will remain in place. Base grant funds used for technical assistance are regarded as **"used on practices"** for future productivity calculations.
D) The option remains for a SWCD to use up to 20% of their base grant for technical and **administrative** costs. (To further define technical and

administrative costs associated with the program see Part III, Grant Administration, B.2, "Technical and administrative costs and lower priority problems" on page 9, in the new cost share manual.)

E) State Cost Share Base grant funds dedicated to technical assistance instead of practices,
   1) Must be used for an ***increase*** in technical assistance, not maintenance.
   2) Must be used for SWCD or JPB staff costs, not private consultants.
   3) Must be spent by the end of the grant agreement period (June 30, 2007).
   4) Cannot be used as the 25% match for NPEA base grants.
   5) Cannot be used for administrative costs.

F) Technical assistance costs include technical staff salaries, wages, benefits, training, and travel expenses. Technical assistance costs do not include leasing or capital equipment purchases.

G) SWCDs may pool their funds to provide technical assistance via a pooling agreement or JPA.

Specific

A) SWCDs have until the end of the first FY (June 30, 2006) to request to use their base grant for technical assistance.

B) In accordance with BWSR administrative policy all base grant funds used for technical assistance must be reported in eLINK.

Board Resolution #_____

FY 06 – 07 STATE COST SHARE BASE GRANTS TECHNICAL ASSISTANCE ALTERNATIVE

WHEREAS, funding for SWCD technical assistance has remained constant or declined in all state programs while federal funding for conservation projects has drastically increased, creating a shortage of available technical assistance in relation to practice funding; and,

WHEREAS, proposed legislative appropriation language for the fiscal year 06 – 07 biennium (July1, 2005 to June 30, 2007) would allow SWCDs to use all or part of their base grants for technical assistance with the desired outcome of an increase of local technical assistance and conservation practice application; and,

WHEREAS, all SWCDs have BWSR approved plans and reports to comply with statutory allocation requirements; and,

NOW THEREFORE, the BWSR hereby authorizes SWCDs to utilize State Cost Share Based Grants to increase technical assistance where an increase in conservation practice application will result, according to the following policies:

General

A) A SWCD may use any or all of their base grant for technical assistance costs.
B) SWCD board action and documentation in the minutes will be required for any District using their base grant funds for technical assistance instead of practices. On a form provided by BWSR, the request must include a **narrative** indicating how the funds will be used, a **budget,** and **signature** of the chair. The request must then be sent to the board conservationist for prior approval.
C) The Performance Standards allocation policy will remain in place. Base grant funds used for technical assistance are regarded as **"used on practices"** for future productivity calculations.
D) The option remains for a SWCD to use up to 20% of their base grant for technical and **administrative** costs. (To further define technical and administrative costs associated with the program see Part III, Grant Administration, B.2, "Technical and administrative costs and lower priority problems" on page 9, in the new cost share manual.)
E) State Cost Share Base grant funds dedicated to technical assistance instead of practices,
    1) Must be used for an ***increase*** in technical assistance, not maintenance.
    2) Must be used for SWCD or JPB staff costs, not private consultants.
    3) Must be spent by the end of the grant agreement period (June 30, 2007).
    4) Cannot be used as the 25% match for NPEA base grants.
    5) Cannot be used for administrative costs.
F) Technical assistance costs include technical staff salaries, wages, benefits, training, and travel expenses. Technical assistance costs do not include leasing or capital equipment purchases.
G) SWCDs may pool their funds to provide technical assistance via a pooling agreement or JPA.

Specific

A) SWCDs have until the end of the first FY (June 30, 2006) to request to use their base grant for technical assistance.
B) In accordance with BWSR administrative policy all base grant funds used for technical assistance must be reported in eLINK.

_____ Date: _____

Jerome Deal, Chair
Board of Water and Soil Resources

H:SCSBGTAR

PROPOSED 2006 NATURAL RESOURCES BLOCK GRANT

Background
The Natural Resources Block Grant (NRBG) provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Individual Sewage Treatment Systems (ISTS).

The NRBG is a composite base grant generally formulated to reflect need/activity of these programs in all counties. This grant is not competitive and all counties are eligible to apply. A county may apply for any or all of the five grant program components.

2006 NRBG Schedule

June 22, 2005	BWSR Requested to authorize the 2006 NRBG Counties may Begin to Apply
July 2005	Grant Agreements Sent to Counties
August 2005	Grant Agreements Executed and Payments Transferred
February 1, 2006	eLINK Reports Due

Selected Program Highlights of the 2004 NRBG:
Comprehensive Local Water Management - $1,500,000 (proposed)
This component is for implementing comprehensive local water plans. A statutory local levy match is required that will generate $1.5 M on a statewide basis. This individual county amount is determined from a county's equalized taxable net tax capacity, as determined by the Dept. of Revenue.

Wetland Conservation Act - $2,172,000 (proposed)
This component is for the local administration of the WCA. A local 1:1 cash and/or in-kind match is required. The grant amount is formula derived from a base amount of county WCA activity. This formula was approved by BWSR at their April 2003 Meeting. Of this amount, SWCDs are entitled to receive at least 15% or $5,000, whichever is greater, for performing mandated WCA activities.

DNR Shoreland - $430,000 (proposed)
This component is for the administration of state approved Shoreland management programs. It is administered at the state level by the DNR. A local 1:1 cash and/or in-kind match is required. The grant amount is derived from a base estimated amount of county Shoreland activity.

MPCA County Feedlot Program - $1,992,941 (proposed)
This component is for county administration of the MPCA Feedlot Program. All counties that have received delegation from MPCA to administer this Program are eligible to apply. A local cash and/or in-kind match is required. Grant amounts are based on legislative approval of a $2,324,000 appropriation for each year of the biennium - the same as the previous biennium - and, approval of the proposed grant formula that includes the following highlights:

- Grant amounts are projections based on feedlot registration database information from October 2004 and a legislative appropriation of $2,324,000.

- Grants are based on the number of feedlots in shoreland with 10 or more AU and feedlots in non-shoreland with 50 or more AU.

- In addition to the projected grant amounts shown in the columns below, counties will be eligible to earn an incentive award. The incentive is based on work performed by the county during the program year that exceeds minimum program requirements. 15% of the legislative appropriation is reserved for performance credit awards.

These are preliminary grant determinations, as final determinations will be based on 2005 county feedlot registration database information.

MPCA County Individual Sewage Treatment Systems Program - $130,500 (available for FY 05)
All counties are required to pass ordinances regulating ISTS countywide. All counties that have enacted countywide ordinances are eligible to receive this grant. No local match is required.

Proposed base grants for the 2006 NRBG are itemized on the enclosed spreadsheet.

Recommendation
On behalf of the BWSR, DNR, and MPCA staffs, the Board is requested to adopt the attached resolution authorizing the BWSR staff to allocate these grants to counties meeting the NRBG Program requirements.

PROPOSED 2006 BWSR NATURAL RESOURCES BLOCK GRANT
BASE GRANT BREAKDOWN BY PROGRAM

	$1.5 M	$2.172 M		$.43 M	$1.993 M	$.13 M	
	LOCAL WATER MANAGEMENT	WCA CONSERVATION ACT		DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	MPCA COUNTY ISTS PROGRAM	
COUNTY	CLWM BASE GRANT	WCA BASE GRANT	MINIMUM SWCD TRANSFER	SHORELAND BASE GRANT	FEEDLOT BASE GRANT	MPCA BASE GRANT	GRANT AMOUNT
AITKIN	$18,285	$37,870	$5,681	$12,288		$1,500	**$69,943**
ANOKA	$10,657	$71,992	$10,799	$2,979		$1,500	**$87,128**
BECKER	$17,210	$27,613	$5,000	$12,234		$1,500	**$58,557**
BELTRAMI	$18,022	$69,034	$8,679	$6,272		$1,500	**$94,828**
BENTON	$17,473	$36,000	$5,400	$3,744		$1,500	**$58,717**
BIG STONE	$20,685	$10,000	$5,000	$3,065	$7,500	$1,500	**$42,750**
BLUE EARTH	$13,197	$20,710	$5,000	$3,695	$39,547	$1,500	**$78,649**
BROWN	$17,949	$10,000	$5,000	$3,048	$49,579	$1,500	**$82,076**
CARLTON	$17,575	$25,641	$5,000	$4,474		$1,500	**$49,190**
CARVER	$10,657	$36,000	$5,400	$2,979	$30,497	$1,500	**$81,633**
CASS	$13,827	$51,000	$7,650	$12,189		$1,500	**$78,516**
CHIPPEWA	$19,592	$10,000	$5,000	$2,990		$1,500	**$34,082**
CHISAGO	$14,803	$31,558	$5,000	$5,631		$1,500	**$53,492**
CLAY	$16,685	$18,737	$5,000	$3,354		$1,500	**$40,276**
CLEARWATER	$20,086	$22,682	$5,000	$3,604		$1,500	**$47,872**
COOK	$19,528	$14,793	$5,000	$4,780		$1,500	**$40,601**
COTTONWOOD	$19,544	$10,000	$5,000	$3,158	$23,989	$1,500	**$58,191**
CROW WING	$10,657	$43,392	$6,509	$21,792		$1,500	**$77,341**
DAKOTA	$10,657	$60,158	$9,024	$2,979	$26,892	$1,500	**$102,186**
DODGE	$19,070	$18,734	$5,000	$3,047	$31,738	$1,500	**$74,089**
DOUGLAS	$15,901	$24,655	$5,000	$9,734	$45,454	$1,500	**$97,244**
FARIBAULT	$19,157	$10,000	$5,000	$3,116	$38,346	$1,500	**$72,119**
FILLMORE	$18,799	$10,000	$5,000	$3,067	$86,804	$1,500	**$120,170**
FREEBORN	$17,274	$10,000	$5,000	$3,576	$36,844	$1,500	**$69,194**
GOODHUE	$12,419	$18,737	$5,000	$3,158	$81,498	$1,500	**$117,312**
GRANT	$20,411	$15,779	$5,000	$3,482		$1,500	**$41,172**
HENNEPIN	$10,657	$65,089	$9,763	$0		$1,500	**$77,246**
HOUSTON	$19,353	$14,793	$5,000	$3,105	$45,094	$1,500	**$83,845**
HUBBARD	$17,438	$28,599	$5,000	$9,609		$1,500	**$57,146**
ISANTI	$17,447	$28,599	$5,000	$4,562		$1,500	**$52,108**
ITASCA	$13,754	$50,296	$7,544	$11,514		$1,500	**$77,064**
JACKSON	$19,376	$10,000	$5,000	$3,430	$45,495	$1,500	**$79,801**
KANABEC	$19,843	$28,599	$5,000	$4,660		$1,500	**$54,602**
KANDIYOHI	$15,829	$24,655	$5,000	$7,693	$49,299	$1,500	**$98,976**
KITTSON	$20,116	$18,737	$5,000	$3,016	$7,500	$1,500	**$50,869**
KOOCHICHING	$19,782	$32,939	$5,010	$3,101		$1,500	**$57,322**
LAC QUI PARLE	$20,346	$10,000	$5,000	$2,995	$7,500	$1,500	**$42,341**
LAKE	$19,401	$18,737	$5,000	$5,257		$1,500	**$44,895**
LAKE OF THE WOODS	$20,814	$38,461	$5,769	$3,978	$7,500	$1,500	**$72,253**
LE SUEUR	$17,776	$18,737	$5,000	$5,603	$25,130	$1,500	**$68,746**
LINCOLN	$20,391	$10,000	$5,000	$3,153	$39,267	$1,500	**$74,311**
LYON	$18,023	$10,000	$5,000	$3,119		$1,500	**$32,642**
MCLEOD	$16,645	$18,737	$5,000	$3,404	$42,651	$1,500	**$82,937**
MAHNOMEN	$20,853	$14,793	$5,000	$3,828		$1,500	**$40,974**
MARSHALL	$19,740	$21,696	$5,000	$2,979	$7,500	$1,500	**$53,415**
MARTIN	$18,033	$10,000	$5,000	$3,445	$61,494	$1,500	**$94,472**
MEEKER	$18,419	$21,696	$5,000	$5,394	$22,147	$1,500	**$69,156**
MILLE LACS	$18,908	$25,641	$5,000	$5,478	$8,730	$1,500	**$60,257**

PROPOSED 2006 BWSR NATURAL RESOURCES BLOCK GRANT
BASE GRANT BREAKDOWN BY PROGRAM

	$1.5 M	$2.172 M		$.43 M	$1.993 M	$.13 M	
	LOCAL WATER MANAGEMENT	WCA CONSERVATION ACT		DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	MPCA COUNTY ISTS PROGRAM	
COUNTY	CLWM BASE GRANT	WCA BASE GRANT	MINIMUM SWCD TRANSFER	SHORELAND BASE GRANT	FEEDLOT BASE GRANT	MPCA BASE GRANT	GRANT AMOUNT
MORRISON	$17,918	$34,517	$5,178	$4,494	$63,877	$1,500	**$122,306**
MOWER	$17,178	$14,793	$5,000	$3,719	$46,456	$1,500	**$83,646**
MURRAY	$19,815	$10,000	$5,000	$3,670	$28,034	$1,500	**$63,019**
NICOLLET	$17,321	$18,737	$5,000	$3,055	$40,869	$1,500	**$81,482**
NOBLES	$18,962	$10,000	$5,000	$3,032	$37,705	$1,500	**$71,199**
NORMAN	$20,461	$14,793	$5,000	$2,989	$7,500	$1,500	**$47,243**
OLMSTED	$10,657	$28,599	$5,000	$3,588		$1,500	**$44,344**
OTTER TAIL	$12,934	$68,047	$13,807	$20,219		$1,500	**$102,700**
PENNINGTON	$20,198	$18,737	$5,000	$3,228	$7,500	$1,500	**$51,163**
PINE	$18,241	$39,448	$5,917	$6,720		$1,500	**$65,909**
PIPESTONE	$20,075	$10,000	$5,000	$2,979	$46,015	$1,500	**$80,569**
POLK	$17,732	$24,655	$10,000	$3,939	$7,500	$1,500	**$55,326**
POPE	$19,874	$17,751	$5,000	$4,842	$28,955	$1,500	**$72,922**
RAMSEY	$10,657	$19,000	$5,000	$0		$1,500	**$31,157**
RED LAKE	$20,877	$14,793	$5,000	$3,273	$7,500	$1,500	**$47,943**
REDWOOD	$19,054	$11,834	$5,000	$2,979		$1,500	**$35,367**
RENVILLE	$18,495	$10,000	$5,000	$3,033	$30,697	$1,500	**$63,725**
RICE	$13,768	$27,613	$5,000	$4,772	$75,470	$1,500	**$123,123**
ROCK	$19,980	$10,000	$5,000	$2,979	$56,388	$1,500	**$90,847**
ROSEAU	$19,922	$27,613	$5,000	$3,073		$1,500	**$52,108**
ST. LOUIS	$10,657	$86,193	$20,474	$22,712		$1,500	**$121,062**
SCOTT	$10,657	$47,337	$7,101	$2,979	$14,898	$1,500	**$77,371**
SHERBURNE	$10,657	$36,000	$5,400	$5,551		$1,500	**$53,708**
SIBLEY	$19,242	$15,325	$5,000	$3,076	$35,142	$1,500	**$74,285**
STEARNS	$10,657	$52,268	$7,840	$10,257	$199,099	$1,500	**$273,781**
STEELE	$16,405	$13,806	$5,000	$3,266	$33,841	$1,500	**$68,818**
STEVENS	$20,151	$10,000	$5,000	$3,108	$16,420	$1,500	**$51,179**
SWIFT	$19,816	$13,806	$5,000	$3,126	$16,580	$1,500	**$54,828**
TODD	$19,323	$24,655	$5,000	$5,620	$73,728	$1,500	**$124,826**
TRAVERSE	$20,520	$10,000	$5,000	$3,195	$7,500	$1,500	**$42,715**
WABASHA	$18,665	$13,806	$5,000	$4,008	$49,800	$1,500	**$87,779**
WADENA	$20,262	$22,682	$5,000	$3,514	$15,819	$1,500	**$63,777**
WASECA	$18,790	$13,806	$5,000	$3,425	$26,692	$1,500	**$64,213**
WASHINGTON	$10,657	$47,337	$7,101	$2,979		$1,500	**$62,473**
WATONWAN	$19,892	$10,000	$5,000	$3,114	$21,746	$1,500	**$56,252**
WILKIN	$20,055	$10,000	$5,000	$2,999		$1,500	**$34,554**
WINONA	$15,598	$13,806	$5,000	$3,021	$61,454	$1,500	**$95,379**
WRIGHT	$10,657	$48,323	$7,249	$10,640	$39,167	$1,500	**$110,287**
YELLOW MEDICINE	$19,980	$10,000	$5,000	$2,995	$28,594	$1,500	**$63,069**
MARSHALL-BELTRAMI SWCD	$0	$6,004	NA	$0			**$6,004**
TOTALS	**$1,499,824**	**$2,171,973**		**$429,926**	**$1,992,941**	**$130,500**	**$6,225,164**

NOTE: THE LOCAL WATER PLANNING BASE GRANT REQUIRES A LOCAL LEVY MATCH. THE WETLAND CONSERVATION ACT, DNR SHORELAND, AND MPCA FEEDLOT BASE GRANTS REQUIRE A 1:1 CASH/IN-KIND MATCH. THE MPCA COUNTY ISTS PROGRAM BASE GRANT DOES NOT REQUIRE A MATCH.

Board Resolution #_____

FY 06 Natural Resources Block Grant Authorization

WHEREAS, the Natural Resources Block Grant (NRBG), administered by the Board of Water and Soil Resources (BWSR), provides assistance to local governments to implement the state natural resource programs of Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Individual Sewage Treatment Systems (ISTS); and,

WHEREAS, the Laws of Minnesota for 2005, are expected to appropriate FY 06 Natural Resources Block Grant funds to BWSR, and funds to MPCA for MPCA's County Feedlot and ISTS allocations.

NOW THEREFORE, upon appropriation, the BWSR hereby authorizes staff to allocate appropriate individual grant amounts to counties meeting the NRBG Program requirements, as determined by the BWSR, MPCA, and DNR.

_____ Date: _____

Jerome Deal, Chair
Board of Water and Soil Resources

H:06NRBG

Stormwater Planning & Permitting Grant

The Stormwater Steering Committee (SSC) is a group of public and private stakeholders charged with building on the work of the MN Stormwater Design Team, to inform, advise, and coordinate stormwater management efforts across the state. An immediate goal of the SSC is to enhance the effectiveness of existing and emerging state and local stormwater regulatory management programs, in order to build an efficient and understandable regulatory and implementation framework. Long-term goals include conducting stormwater program planning and implementation on a watershed basis. The SSC will focus on, and provide subcommittee support for, activities within the current stormwater regulatory and implementation framework of the MPCA and other State agencies.

Activities that this group is intending to address over the next two years include:
• Provide technical expertise and recommendations for: education; inspection; enforcement; proposed regulatory initiatives' monitoring; training programs; program management; and watershed management.
• Establish a forum to improve cooperation/coordination between governmental units. SSC members will act as liaisons to their respective agencies/entities to achieve the committee's goals.
• Address developing links or merging stormwater management requirements with other state or local water resource programs and the Impaired Waters Program.
• Seek to establish real and perceived fairness in sharing the burden of improving water quality among all responsible groups and individuals.
• Seek to address source control as well as runoff control, to address the causes of polluted runoff instead of simply seeking to control the pollution after it has been carried by the runoff.

On May 17th the SCC approved, under the leadership of the Watershed Approach Sub-committee an effort to conduct an analysis/assessment that will measure the Minnesota Framework of local water management, including its associated laws and rules, against federal and state (PCA) requirements for watershed-based NPDES management and permitting, including an evaluation of gaps and barriers to its use to meet the requirements of NPDES strormwater permits.

Product: Analysis/assessment/recommendations for watershed-based NPDES management and permitting potential in Minnesota

Timeframe: 4 to 5 months

Objective: Complete an analysis/assessment that will measure the Minnesota framework of local water management, including its associated laws and rules, against the federal and state (PCA) requirements for watershed-based NPDES management and permitting, including an evaluation of gaps and barriers to its use to meet the requirements of NPDES stormwater permits.

Funding: PCA/BWSR $25,000

Who: Ramsey Washington Metro Watershed District

What:

I. Analysis/Assessment Components

- Federal
  1. MS-4 Standard
  2. MS-4 Non-degradation
  3. TMDL Plans
  4. Construction site
- State
  1. metro (MS 103B.201)
  2. Watershed districts (103D)
  3. Greater MN (103B.301)

II. Analysis/Assessment Elements

1. Various federal permit types
2. Statutory / rule requirements
3. Standards & Criteria
4. Public notice & review
5. Infrastructure responsibility
6. Liability
7. Enforcement
8. MN state court decisions
9. Federal guidance related to court decisions
10. What other State's have done
11. TMDL relationship

III. Conclusions and recommendations for implementation

1. Fit analysis (side by side)– where we match and where we do not
2. Required statute/rule changes
3. Potential required federal variances
4. Implementation/administrative procedures

BOARD RESOLUTION #____

Stormwater Planning Assistance Grant

WHEREAS, BWSR has determined that it would be beneficial to the management of the state's waters to have conducted an analysis/assessment that will measure the Minnesota Framework of local water management, including its associated laws and rules, against federal and state (PCA) requirements for watershed-based NPDES management and permitting, including an evaluation of gaps and barriers to its use to meet the requirements of NPDES strormwater permits, and

WHEREAS, BWSR is authorized by MS 103B.101 Subd. 9, to coordinate the water and soil resources planning activities of counties, watershed districts and watershed management organizations through its authorities for administration of state grants, and

WHEREAS, MS 103B.3369 Subd. 2, establishes the authority of the Board to provide financial assistance to local units of government for activities that protect or manage water and related land quality, and

WHEREAS, pursuant to MS103B.3369, Subd. 6, the Ramsey Washington Metro Watershed District has a current state approved and locally adopted comprehensive watershed management plan.

THEREFORE BE IT RESOLVED, that BWSR staff are authorized to enter into a grant agreement with the Ramsey Washington Metro Watershed District to support the completion of an analysis/assessment that will measure the Minnesota Framework of local water management, including its associated laws and rules, against federal and state (PCA) requirements for watershed-based NPDES management and permitting, including an evaluation of gaps and barriers to its use to meet the requirements of NPDES strormwater permits.

_____ Date: _____

Jerome Deal, Chair
Board of Water and Soil Resources

ANNUAL PLAN – FISCAL 2006

JULY 1, 2005 – JUNE 30, 2006



AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



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FISCAL 2006 TECHNICAL OFFICE BUDGET

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



2005 BOARD OF DIRECTORS

BROWN COUNTY
ANDREW LOCHNER – 1ST VICE CHAIR
CHARLES GUGGISBERG

COTTONWOOD COUNTY
GARY SORENSON
NORMAN HOLMEN

LAC QUI PARLE COUNTY
HAROLD SOLEM
TODD PATZER

LINCOLN COUNTY
CURT BLUMEYER
LARRY HANSEN

LYON COUNTY
PHILIP NELSON - SECRETARY/TREASURER
CLARENCE BUYSSE

MURRAY COUNTY
ROBERT MOLINE
KEVIN VICKERMAN

PIPESTONE COUNTY
LUKE JOHNSON
MARVIN TINKLENBERG

REDWOOD COUNTY
JOSEPH SCHOUVIELLER - CHAIR
JOHN SCHUELLER

YELLOW MEDICINE COUNTY
LOUIS SHERLIN
RON ANTONY

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



ANNUAL PLAN – FISCAL 2006
ADMINISTRATIVE WORK PLAN

AREA II STAFF: Kerry Netzke, Coordinator Joe DeSchepper, Engineering Technician Duane Hansel, P.E. ~ Consultant Engineer
Bolton & Menk, Inc.

NARRATIVE:

Area II's goal from the Fiscal 2004 and 2005 Annual Plans was "to seek more efficient ways of *'doing more with less'* while maintaining the high level of service to the member counties and the State of Minnesota". We feel strongly that we have successfully met this challenge by the projects completed and by splitting the State appropriation 64% for administration and 36% for project construction in Fiscal 2005.

Looking onward to Fiscal 2006 is especially exciting as our financial famine have turned into a potential feast. Through the 2005 Legislative Session, and Special Session, Area II was awarded $500,000 from the Bonding Bill, a $500,000 appropriation from LCMR, and continued funding of administrative efforts in the amount of $140,000 per year. With that stated, it is easy to see that our technical efforts are going to be solely directed to making sure this $1,000,000 in funding gets put on the ground. Our lists of projects that are designed and ready to go will require a final review as well as permitting and acquisition of easements. Some projects may be constructed in 2005, although the majority of the projects are intended for 2006 construction. We will continue to investigate new projects whenever time allows as well as design small dam repairs and other projects that are eligible for federal dollars through the EQIP and WHIP programs. It will be important to update and replenish our list of waiting projects so that future project funding can continue to be sought and acquired.

With much anticipation, the Lazarus Creek Floodwater Control Project is finally complete and will soon be dedicated into service. Area II, in cooperation with the Lac qui Parle-Yellow Bank Watershed District, will be hosting a Dedication Ceremony on Thursday, July 7, 2005. The invitation list will be large and we hope to attract several legislators to showcase this unique, and long-awaited floodwater control project. Recent photos of the project can be found on page 7 of this document. We hope that the BWSR Board members and many staff members will be able to attend the ceremony.

Area II greatly appreciates the long-term support and trust given to them from the Minnesota Board of Water & Soil Resources. We hope to continue our good work and make BWSR proud of the conservation practices that only we can do in southwestern Minnesota!



FISCAL 2005 COMPLETED PROJECTS

χ **Monroe 25 Small Dam Repair - Lyon County** ($20,388.44)
Funding was secured through the Redwood-Cottonwood River Control Area (RCRCA) providing 75% for construction activities. The remaining local match of 25% was provided by the landowner and Area II.

χ **Monroe 20 Small Dam Repair - Lyon County ($**16,060.08)
Survey, design and construction inspection were provided by Area II. 75% cost-share from RCRCA was matched by the landowner.

χ **Germantown 4 Road Retention – Phase I - Cottonwood County** ($272,881)
This project, designed by Area II, is being completed in two phases: Phase I – replace the deteriorated culverts and raise the roadway part-way; Phase II – install the riser section and low flow pipe to create the retention capabilities and finish raising the road grade to the design elevation. Phase I is to be funded largely by MNDOT Town Bridge funds with Cottonwood County and Germantown Township providing additional funds. Construction of Phase I was completed Summer 2004. Phase II is to be funded through the LCMR appropriation to Area II.

χ **Rock Lake 32 Small Dam Repair - Lyon County** ($28,074)
Area II provided survey, design and construction inspection services while 75% funding was secured through RCRCA cost-share funding. The landowner provided the local match.

χ **Minneota Recreational Trail - City of Minneota, Lyon County**
Area II assisted in the survey, engineering design and construction staking associated with a bituminous recreational trail around the City of Minneota. The project was complicated by two crossings of the Yellow Medicine River and trail location upon an existing flood dike built by the Army Corps of Engineers. Area II was able to establish bridge deck elevations corresponding to historic flood levels and address concerns of the DNR and Corps within the permit applications. Bids were let March 2004 with construction completed by June 30, 2004. Area II provided construction staking, inspection duties and final inspection. All engineering related fees were reimbursed by the Yellow Medicine River Watershed District through a DNR grant for trail development.

COMPLETED PROJECTS TOTAL
$ 337,403.52



ANNUAL PLAN – FISCAL 2005
PLANNED PROJECTS – OTHER FUNDING

χ **Lake Marshall 32 Small Dam - Lyon County** ($128,809.35)
This project was investigated and designed by Area II, however the previous lack of cost-share funding postponed its construction. In 2004, the landowner entered into agreement with Marshall Municipal Utilities (MMU) to construct two wind generators on his property. The wind generator contractor requires an adequate crossing of this ravine and MMU has committed $12,000 to jointly construct a dam to serve as their access to the wind generator sites. Construction was intended for October 2004 until wetland mitigation complications with the Corps of Engineers were encountered. All permits have been acquired. Environmental Quality Incentive Program (EQIP) funding is approved which will fund 36% of the project. The remaining amount is being cooperatively pooled from State of MN cost-share funds, MMU, Lyon County, Area II, and the landowner. We anticipate June and July 2005 construction for this project.

χ **Custer 13 Small Dam Construction - Lyon County** ($103,354.88)
This is another project previously investigated and designed by Area II, but was placed on hold due to lack of construction funding. The federal EQIP program awarded 50% funding to this project. The remaining funds have been secured from various sources: State of MN cost-share, Area II, and the Wild Turkey Federation. Wetland mitigation complications were also encountered on this project which delayed construction from October 2004. All permits have been acquired. We anticipate July 2005 construction for this project.

PENDING PROJECTS TOTAL
$ 232,164.23



FISCAL 2006
PLANNED PROJECTS – BONDING

χ **Alta Vista 36 Road Retention – Lyon/Lincoln County** ($ 685,000 Estimate)
This project has a long history as the landowner has been unwilling to compromise his pasture for dairy cattle for risk of contaminants getting into the milk supply. The bridge has reached a condition where it may not withstand another year of minor repair. The Yellow Medicine River Watershed District is working closely with both counties and Area II to see the project to completion. The project was awarded $250,000 in May 2005 from MNDOT's Local Road Improvement Program. Easements and permits are currently being sought with construction planned for 2005. The planned design will reduce peak flood flows up to 64% with a 774 cfs reduction of the 100-year storm. 613 acre-feet of storage will create a temporary flood pool of 47 acres.

χ **North Hero 34E Road Retention - Redwood County** ($ 238,000 Estimate)
This project is joint venture between Area II, Redwood County, Redwood County Water Plan, and North Hero Township. Peak flow reductions will be 24.7% amounting to 393 cfs on a 100-year storm event. 390 acre-feet of flood storage will temporarily pond on 56 acres.

χ **Springdale 21 Road Retention - Redwood County** ($ 230,000 Estimate)
This project is cooperative venture between Area II, Redwood County, and Springdale Township. Peak flow reductions will be 47.5% amounting to 260 cfs on a 100-year storm event. 147 acre-feet of flood storage will temporarily pond on 25.3 acres.

χ **Springdale 30 Road Retention - Redwood County** ($ 289,000 Estimate)
This project is another joint venture between Area II, Redwood County, and Springdale Township. Peak flow reductions will be 68% amounting to 508 cfs on a 100-year storm event. 214 acre-feet of flood storage will temporarily pond on 22 acres.

PLANNED BONDING TOTAL
$1,442,000



FISCAL 2006
PLANNED PROJECTS – LCMR

χ **Holly 9 Dam - Murray County** ($180,000 Estimate)
This proposed 36' high dam will reduce the 100-year storm peak flow by 65% (402 cfs). 121 acre-feet of storage will be temporarily held on 10.7 acres of pasture land, which will also include a shallow pond for habitat. This dam will also incorporate a bentonite slurry cutoff trench which is not normally used, however the glacial soil composites are more varied and likely to seep if the trench is not included. A former ACP livestock dam upon the property that has previously been designed for repair at a cost of $10,600. This repair will also be completed as part of the overall project.

χ **Florida 9 Road Retention – Yellow Medicine County** ($90,031)
Bids were let on this project April 26, 2005. For the floodwater retention portion of the road regarding project, costs not covered by MNDOT amounted to $90,031. Peak flow reductions will be 24% amounting to 229 cfs on a 100-year storm event. 98.7 acre-feet of flood storage will temporarily pond on 14 acres. Construction is scheduled to being the end of June 2005.

χ **Germantown 4 Road Retention (Phase II) - Cottonwood County** ($180,000 Estimate)
Phase I of this project was completed in 2004 and consisted of replacing the deficient metal arch pipe culverts with a 12' x 12' concrete box culvert and raising the roadway 12 feet. Phase II of the project includes adding a 10'x 14' riser structure and 78" round culvert as the low flow pipe. The roadway will be raised an additional 6 feet. Once completed, the project will provide 1,200 acre-feet of floodwater storage upon 126 acres. The 100-year storm peak flow will be reduced by 746 cfs (29%).

χ **Lyons 12 Dam - Lyon County** ($168,000 Estimate)
This project was previously designed by SCS several years ago, however the contractor fell into financial problems before construction began.Peak flow reductions will be 72% amounting to 293 cfs on a 100-year storm event. 104 acre-feet of flood storage will temporarily pond on 17.5 acres.

PLANNED LCMR TOTAL
$ 618,031

LAZARUS CREEK
FLOODWATER CONTROL PROJECT ~ UPDATE

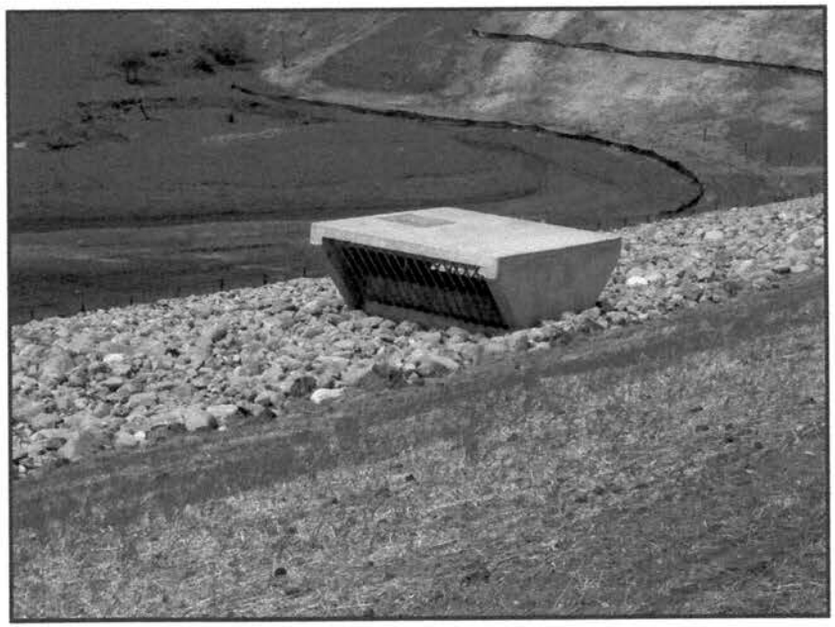
Project Description

- Earthen embankment, 62' in height and 1350' in length - Section 9, Fortier Township, Yellow Medicine Co.
- Designed as "dry dam", only to impound water during significant rainfall/runoff events. The 86-acre flood pool will lie within undisturbed pasture land; maximum depth of 50.2'.
- 100-yr storm flow of 1,207 cfs will be reduced to 385 cfs (68%). Floodwaters will be stored 12 days.

Project Status

- Construction began May 5, 2004. All major work items are complete and the contractor will be submitting the final pay estimate in the coming month.
- Excess funds will be used for Operation & Maintenance until the end of grant period (2007).

May 23, 2005





Dedication Ceremony - ***The celebration is planned for Thursday, July 7, 2005 at 1:00 pm at the project site.***

ATTACHMENTS

ANNUAL PLAN – FISCAL 2006

ATTACHMENT I –

FISCAL 2006 TECHNICAL OFFICE BUDGET

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

ATTACHMENT 1

FY'06 Technical Office Budget

OFFICE OPERATIONS

Personal Services:		
*Directors' Compensation	$	*5,600.00**
*Directors' FICA		*430.00**
Employees' Salaries		75,000.00
Employees' FICA		5,740.00
Employees' Medical Insurance		12,900.00
Employees' Retirement		4,147.50
Employee' FlexPlan		300.00
Total Personal Services	**$**	**104,117.50**

Supplies:		
Office	$	2,000.00
Field		500.00
Capital Outlay		0.00
Total Supplies	**$**	**2,500.00**

Other Services and Costs:		
*Directors' Expenses	$	*3,750.00**
Employees' Expenses		1,000.00
Continuing Education		0.00
Professional Services		30,000.00
Maintenance & Repairs		1,500.00
Telephone		800.00
Postage		1,000.00
Vehicle Expense		3,000.00
*Director's Insurance		*1,368.00**
Other Insurance		13,714.00
Rent		6,675.00
Miscellaneous & Other Expenses		2,500.00
*Miscellaneous Expenses - Directors		*0.00**
Total Other Services and Costs	**$**	**65,307.00**

TOTAL OFFICE OPERATIONS	$	171,924.50
Total Ineligible for Cost-Share by the State		*11,148.00**
Total Eligible for Cost-Share by the State	$	160,776.50
STATE SHARE OF ELIGIBLE OFFICE COSTS	**$**	120,582.38 (75%)
Local Share of Eligible Office Costs		40,194.12 (25%)

**** These items not cost-shared by the State***

SUMMARY: Anticipated Annual Allocation from the State of Minnesota	***$***	***140,000.00***
Less: Technical Office Grant		***-120,582.38 (86.1%)***
Less: Project Grants		***-19,417.62 (13.9%)***
Balance	***$***	***0.00***

June 8, 2005

TO: Board Members

THRU: Kevin Lines, Easement Section Administrator

FR: Tim Fredbo, Conservation Easement Specialist

RE: Alteration of Easements 34-04-01-01 and 34-04-99-03, Bernt Hall, Kandiyohi County

BACKGROUND:

Mr. Hall has two perpetual RIM Reserve conservation easements that lie side by side in the north ½ of the NW ¼ of Section 22, T120N, R36W, in Kandiyohi County. Easement 34-04-01-01 is a CREP easement and 34-04-99-03 is a regular RIM Reserve easement. Both easements together total 70.6 acres. Mr. Hall was not the original easement grantor. He purchased this property with the easements already in place in October of 2003 from Roger Rasmussen. Mr. Hall has requested the BWSR to remove .3 acres of land currently in easement 34-04-99-03. The .3 acre parcel proposed for release lies along the west edge of the easement adjacent to a building site that was never placed under easement. Mr. Hall is also proposing to change the location of the access road that leads to the building site area. This access road lies on easement 34-04-01-01. The new access will be 10 feet in width, same as the current field road width, and be approximately the same acreage as the current location as computed by the Kandiyohi SWCD. Mr. Hall is proposing to replace the .3 acres he would like released with 1.1 acres of non-crop wetland and upland in the current non-easement building site area.

Mr. Hall is requesting this alteration to enable him to build a home on the site. He would like to slightly shift the building site to the east to take advantage of a less sloping landscape because he is disabled. The location of the current access road to the building site follows a field road, which runs along the wetland edge and becomes somewhat impassable during spring and wet periods, plus the point where it intersects 150th Street is at the base of a hill and does not provide safe sight distance to the south to see on-coming traffic. Mr. Hall is proposing to move the access road to higher ground and intersect with 150th St. farther south along the easement boundary. This intersection has better visibility to the south.

Mr. Hall has been working with the Kandiyohi SWCD and the DNR Area Wildlife Mgr. for the last couple months to come up with a proposal that will work for all involved. This proposal reflects the results of those negotiations.

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

A) A letter from the landowner to the SWCD Board requesting the change.

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

All these items have been received and are attached for your review. The photo was prepared by easement staff to show the area for release and the replacement acres. It also shows both the existing and proposed access roads. Mr. Hall does not own the parcel in the SW corner of the North ½ of the NW ¼. The proposed access road runs parallel to the north boundary of this parcel and is hard to see due to the scale of the photo.

SUMMARY OF INFORMATION PROVIDED TO SUPPORT REQUEST:

Mr. Hall has submitted two letters to the SWCD to initiate this process and they are attached for your review. Both letters are on one page. The Kandiyohi SWCD has been working with Mr. Hall to come up with the current proposal that provides more benefit to the State and local resource concerns.

Ryan Peterson prepared a cover letter to the BWSR to explain the compromise that was reached and the SWCD's support for it. A copy of this May 27, 2005 letter is attached for your review. The current proposal provides a net gain of approximately.8 acres of additional easement land and wildlife habitat.

The Area Wildlife Manager, Jeff Miller, has also reviewed this proposal and supports it. A copy of his June 9, 2005 letter is attached.

FINDINGS:

This alteration request, as currently proposed, would release .33 acres and replace it with 1.12 acres, a net gain of .79 acres in wildlife habitat for the State. The area proposed for the new access road to the building site will not exceed the acreage excluded for the current access, plus it will be in a safer location at the intersection with 150th Street. There is some question as to whether or not the local zoning authorities in Kandiyohi County will permit the new buildings and drive way proposed. So easement staff will not proceed with amending these easements until we receive assurance from the zoning administrator.

Cost to the State and SWCD will be minimal as the landowner has agreed to pay for all costs associated with establishing native grasses on the old access acres and legal costs associated with the easement alteration, if approved.

The route of the proposed access road is part of the CREP easement so approval from the USDA Farm Service Agency (FSA) will also be necessary. Ryan Peterson has indicated that the FSA will approve of this CRP contract alteration after the State amends its easement.

OPTIONS AND STAFF RECOMMENDATION:

1. Approve of the exchange on the easement. **RECOMMENDED**. This proposed exchange does not harm the water quality protection benefits or the wildlife habitat

values that this easement area currently provides. An increase of .8 acres of upland cover / filter strip at little cost to the State is an exchange that should be made. This exchange has the approval of both the Kandiyohi SWCD, and the DNR area wildlife manager. Both entities worked effectively with the landowner to reach a compromise that preserves the benefits of the current easement area and also makes access onto 150th Street safer. As a condition of approving this request, should the Board so decide, I would suggest that a motion for approval to amend the easements be made conditional on the following items being accomplished by Mr. Hall:

- Provide a legal survey to the BWSR of the new access road alignment and building site boundary to be used as part of BWSR's new legal description for the amended easement.
- Provide a letter from the local zoning administrator stating that the site is buildable, new access will be allowed onto 150th St. and 10 foot width is adequate, and all necessary permits for both building and driveway can be secured.
- Provide a letter from the USDA Farm Service Agency that they will amend the CRP contract in the area of the proposed new access road.

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

KANDIYOHI SOIL AND WATER
CONSERVATION DISTRICT

1005 High Avenue
Willmar, Minnesota 56201
Telephone (320) 235-3906, ext. 3
FAX (320) 235-0984

MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

May 27, 2005

To: Tim Fredbo, Easement Programs Coordinator - BWSR

From: Ryan Peterson, RIM Coordinator - Kandiyohi County

Subject: Hall CREP # 34-04-01-01
Alteration Request

Mr Fredbo,

Enclosed please find the negotiated proposal and supporting documents for the Bernt Hall Alteration Request. This negotiated proposal, has been recommended for support by the Kandiyohi SWCD Board of Supervisors, provided: It meets criteria benefiting the State of MN in that at least a minimum ratio of 2 acres in for every 1 acre out of easement, Stated all legal fees incurred by Mr. Hall, title endorsement fee, recording fee, etc., and Mr. Hall be responsible for restoring native vegetation.

Mr. Hall had submitted two proposals to the Kandiyohi SWCD Board which the board could not endorse. The two proposals are included as supporting documentation. Through discussions with the SWCD Board, a negotiated alteration proposal was reached that the Board voted to support. Mr. Halls negotiated proposal is to move the existing 10 foot access road as shown in exhibit "B". Mr. Hall has provided exhibit "A", a detailed measured drawing of the proposed building site alteration. Mr. Hall proposes to "give back" the west 170 feet of the 288 foot by 320 foot exception area or building site in exchange for a 100 foot by 144 foot excluded from RIM easement as shown in both exhibits A and B. The length of the existing 10 foot access road and the length of the proposed new 10 access road have

been measured by the SWCD and determined to be the same length and therefore the same acreage.

In summary Mr. Halls negotiated alteration proposal has met the Kandiyohi SWCD Boards requirements with a 3:1 replacement ratio, and has their support with above mentioned stipulations regarding fees and native vegetation re-establishment. Please present this alteration request to the BWSR Board for consideration at your June 22 meeting. Due to time restraints DNR has yet to comment on the negotiated proposal. I will send you a copy of DNR Wildlife Biologist, Jeff Miller's recommendation ASAP. If you have any questions please let me know regarding this alteration request.

Sincerely;

Ryan Peterson
Kandiyohi SWCD

Minnesota Department of Natural Resources

Division of Wildlife
4566 Hwy. 71 NE
Willmar, MN 56201
PHONE: (320) 231-5163
FAX: (320) 231-5485

6-9-05

Ryan Peterson
Kandiyohi County SWCD

RE: Hall CREP #34-04-01-01, Alteration Request

Dear Mr. Peterson:

I have reviewed the written proposal and map of the request and offer the following comments:

First, relative to the access road connecting the present exemption to the township gravel road. As I stated in a previous correspondence, the new alignment would be fine as long as it does not exceed the dimensions of the original allowance and the old trail obliterated and seeded to grass nesting cover.

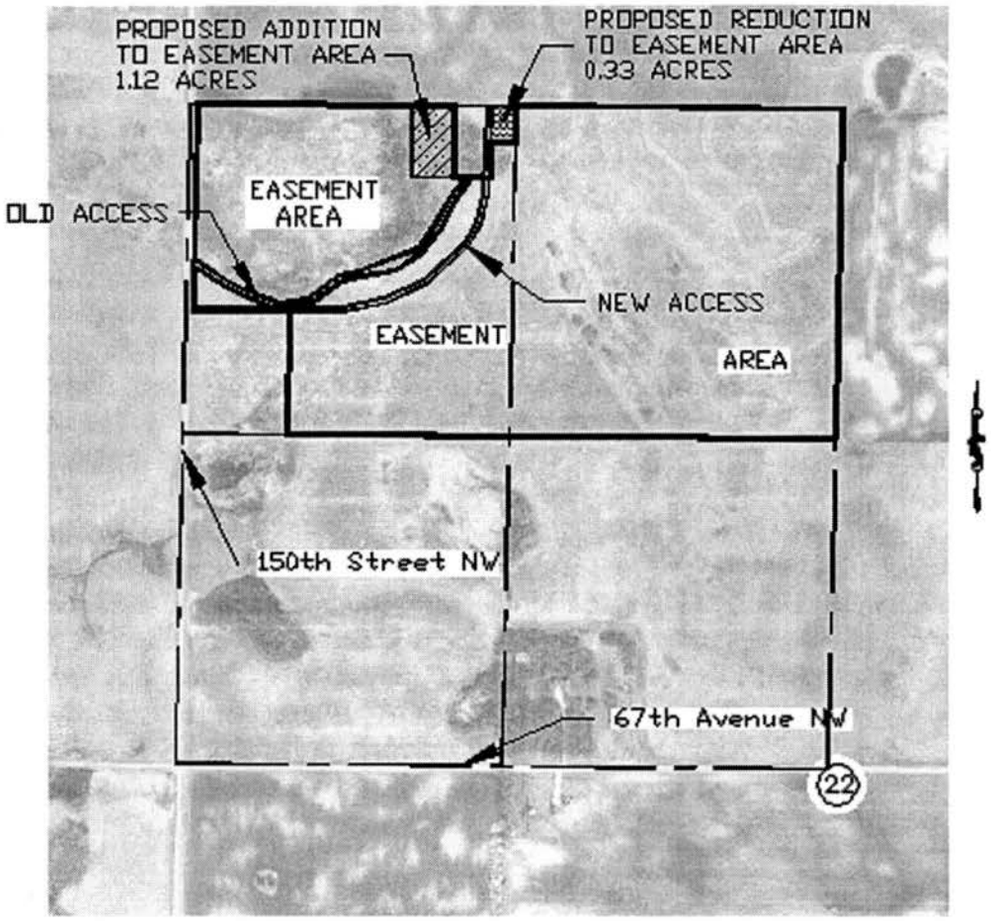
Second, relative to the present exemption and Mr. Hall's proposed alteration of said exemption. As per the map, Mr. Hall would exchange 1.12 acres of the present exemption (170' by 288') for an area of .33 acres (100' by 144') for a net gain of .79 acres or 3.4:1. With this positive gain for the State of Minnesota, I would recommend acceptance of this proposal based on this increase in wildlife habitat.

Sincerely,

Jeff Miller
DNR, Wildlife

BERNDT HALL
EASEMENT ALTERATION
34-04-04-01 & 34-04-99-03

Section 22 T. 120 N., R. 36 W., Kandiyohi County



0 660'

Scale

To the Kandiyohi Soil and Water Conservation District. We would like to initiate an alteration, or a termination or both of an existing easement. The change is needed so we can have a driveway that is on higher ground, so it is able to be used. The existing driveway is on the edge of a slough and is not usable in the winter and early spring. It also is very hazardous going onto 105 th ST. at such a low spot. We are unable to see over the hill to the South, for on coming traffic. The existing driveway can be seeded and you would never know it had been there. We would be exchanging it by moving the driveway to higher ground, and seeding the existing driveway. If we have to take and acre of two out of the programs to accomplish this and pay back the CRP payment and penalties we're willing to do that. It's not going to change anything because we are just moving it, there will not be any loss in area or resource. We would also like to take a acre of two out so we can get some clay out of our hill side to build our driveway and this we would pay back .

Sincerely,

Bernt A. Hall

Bernt a Hall

Elizabeth J. Hall

Elizabeth J. Hall

21250 62nd ST. N.W 4-22-05

Sunburg, MN 56289

354-2348

Cell - 220-4072

To the Kandiyohi Soil and Water Conservation District. We would like to initiate an alteration of an easement. We would like to move the East an West boundaries of the 2.2 acres that's not in the easement where our pole barn is and where our house is going. We would like to move the East an West 320 Ft lines 150 Ft further East, because it's more level and not so steep. I (Bernt) am a fully disabled veteran , with a very bad leg that's only going to worse and this would help me out now and in the future.

Thank you,

Bernt A. Hall

Bernt a Hall 5-9-05

Elizabeth J. Hall

Elizabeth J. Hall 5-9-05

Policy Establishing Payment Rates for Conservation Easements Acquired for Public Road Wetland Replacement Bank Sites

Background

The Board of Water and Soil Resources, based on authorizing language in the bonding bill, has three methods to acquire the wetland credits necessary to comply with the requirement of M.S. 103G.222 Subd. 1(i) to replace wetlands lost to safety improvements made to public transportation projects. These methods are:

1. Partner with another agency to acquire fee title interest in land and restore wetlands on the property;
2. Acquire a RIM conservation easement on land and work with the landowner to restore wetlands; and
3. Purchase credits from private wetland bank accounts.

The purpose of the proposed policy is to establish Board policy on acquiring RIM conservation easements for the purpose of developing wetland credits. The proposed policy is consistent with the current policy that was approved in February 2001. This policy is also consistent with a recent memorandum from the Attorney General's office regarding use of bond funds for public road wetland replacement projects and BWSR authority to acquire an interest in land.

This memorandum specifies that BWSR authority to acquire an interest in land is limited to RIM, and therefore acquiring conservation easements for the Public Road Wetland Replacement Program must occur as RIM easements. Accordingly, the resolution specifies that RIM will be used to acquire the easements.

The proposed policy will establish a payment rate not to exceed 125% of the applicable RIM Reserve payment rate, or appraised value* pursuant to Minn. Stat. 103F.515 Subd. 6(a)(5). These payment rates for conservation easements are appropriate for the following reasons:

- BWSR will be looking for sites that include restorable wetlands located in designated areas of the state, will result in high quality wetlands of the necessary types, will provide low risk and minimize construction and restoration costs;
- Easements reduce long-term State land management costs;
- The land is retained by a private owner who will be responsible for managing the land and paying property taxes;
- The land may not be available for fee title acquisition, but may be available with an easement.

*Appraised value for purposes of this policy is not the value of the land if sold on the private market. Instead it is the appraised value of the limited set of property rights, including wetland credits that will be purchased via a RIM conservation easement.

Resolution # _____

Policy Establishing Payment Rates for Conservation Easements Acquired for Public Road Wetland Replacement Bank Sites
DRAFT, 6-10-05

WHEREAS, in 2001, the Board of Water and Soil Resources (Board) adopted a policy establishing payment rates for conservation easements acquired for public road wetland replacement bank sites (Resolution # 01-17); and

WHEREAS, the Attorney General's Office has recently clarified state constitutional constraints on the use of state bonding funds for public road wetland replacement bank sites, and BWSR authority to acquire associated conservation easements.

NOW, THEREFORE, the Board hereby adopts the following updated policy establishing payment rates for conservation easements acquired by the Board for public road wetland replacement bank sites:

1. The Public Road Wetland Replacement program shall use the established Board authority and administrative process of the RIM Reserve program, together with the authority and responsibilities of the Board in Minnesota Statutes, Section 103G.222, and in the associated state funding appropriations, to acquire conservation easements for public road wetland replacement bank sites.

2. The Board establishes a payment rate not to exceed 125% of the applicable RIM Reserve payment rate(s), or another method approved by the Board on a project-specific basis to determine fair market value, for a conservation easement on lands that are expected to produce wetland credits under the Minnesota Wetland Conservation Act.

3. The Board establishes a payment rate of the applicable RIM Reserve payment rate(s) for a conservation easement on lands necessary to "square up" the easement area.

4. The Board establishes a payment rate of 100% of the costs for restoration of wetlands and establishment of vegetation on conservation easements acquired for public road wetland replacement bank sites, based on construction and vegetation establishment plans developed and/or approved by Board staff and receipts for construction and/or establishment of vegetation approved by Board staff as being fair and reasonable.

_____ _____

Jerome Deal, Chair Date

Sale of Wetland Credits to Public Transportation Authorities
Revised Policy

June 10, 2005

1. Current Policy - December 2003, Board Action 03-92

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

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

II. Cost of Credits/Sales Price for CY 2004
The cost to establish wetland credits and thus the sale price for public transportation authorities that purchase the credits are as follows:

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

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

2. Proposed New Policy

In updating this policy, the costs included in current BWSR Wetland Road Replacement projects for construction, engineering, site preparation, planting, seed, after-care and administration were used to determine restoration costs. The purpose of listing these costs are to ensure that the actual cost incurred by BWSR to establish wetland credits is reflected in the price charged to public road authorities wishing to purchase credits from BWSR.

Land values shown in the proposed prices were derived using data from the following:

- County parks departments on appraised values and land acquisition costs;
- Department of Natural Resources wildlife management area appraised values and land acquisition costs;
- Farmland values from the University of Minnesota website "Minnesota Land Economics"; and
- Reviewing the sale of wetland credits from private wetland banks.

The proposed Sale of Wetland Credits to Public Transportation Authorities policy, including the components of the prices, are shown below.

	Seven-County Metro	Major Watersheds Tributary to Metro Area	Other Areas of the State
Land Value	$30,000/acre	$5,500/acre	$2,000/acre
Construction	600/acre	600/acre	600/acre
Engineering	120/acre	120/acre	120/acre
Site Preparation	50/acre	50/acre	50/acre
Planting	300/acre	300/acre	300/acre
Seed	450/acre	450/acre	450/acre
After Care	100/acre	100/acre	100/acre
Administration (12%)	3,800/acre	860/acre	435/acre
Total	$35,420/acre	$7,980/acre	$4,055/acre

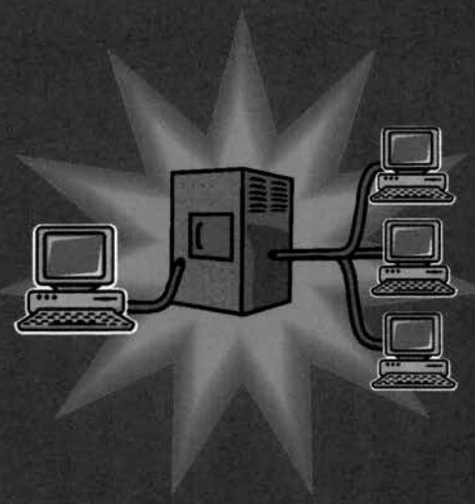
These prices would be effective on July 1, 2005.

It is further recommended that the BWSR Board annually review and revise this pricing policy, with an effective date of March 1 for future revisions to this policy. The goal of future revisions is to develop a county-by-county price, instead of the regional prices that are currently in use.

Database Integration

Status and Trends Data
(Remote Sampling)

Statewide NWI Mapping



Electronic Permitting
and Other Project Data

Local Mapping and
Inventories

Wetland ***Quality***-Probabilistic Surveys

- 4 mi^2 plot pilot
  - Utilize wetland quantity mapping as a sample frame to randomly select wetlands
  - IBIs
  - Outcomes
    - determine sampling effort
    - report status of one ECS region of MN

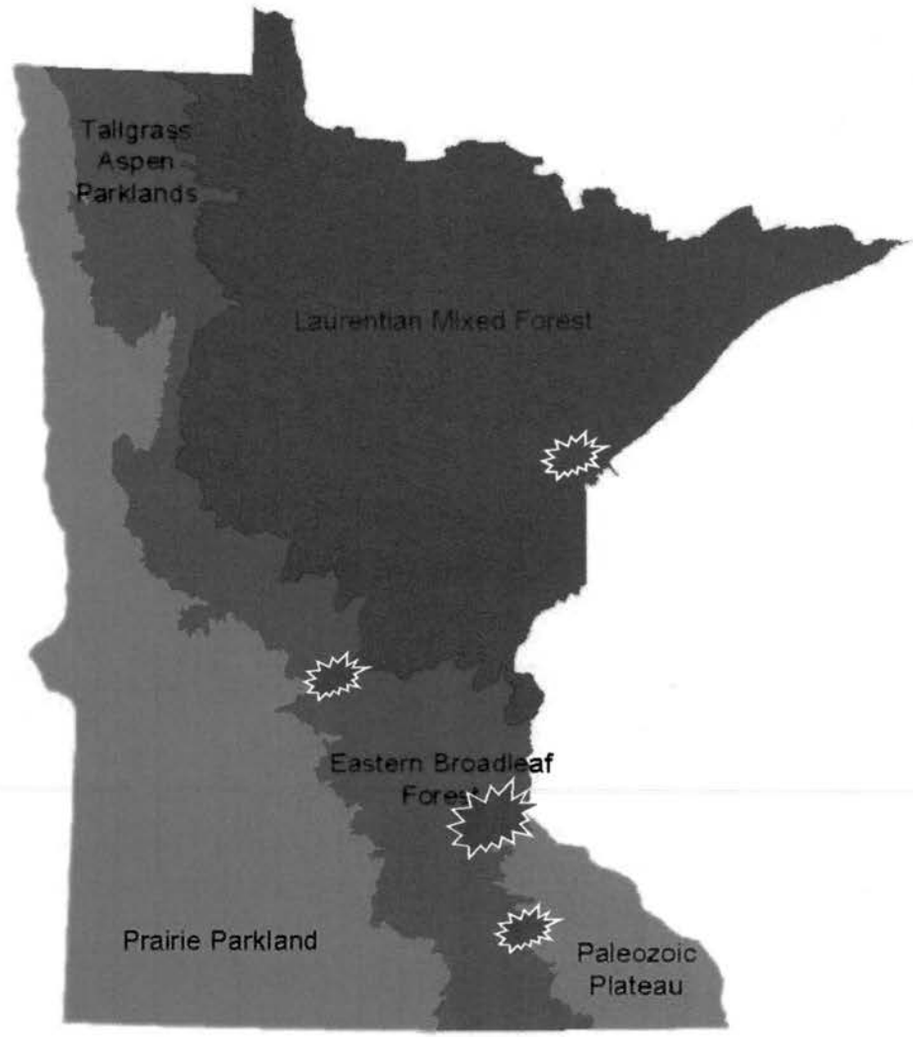


Wetland *Quality*-Indicators

- Level 1: Landscape Assessment
  - Landscape Development Index (LDI)
  - Remote Sensing Indicators
- Level 2: Rapid Assessment
  - MN Routine Assessment Method (MnRAM)
- Level 3: Intensive Site Assessment
  - Indexes of Biological Integrity (IBIs)
  - Floristic Quality Assessment Index (FQAI)

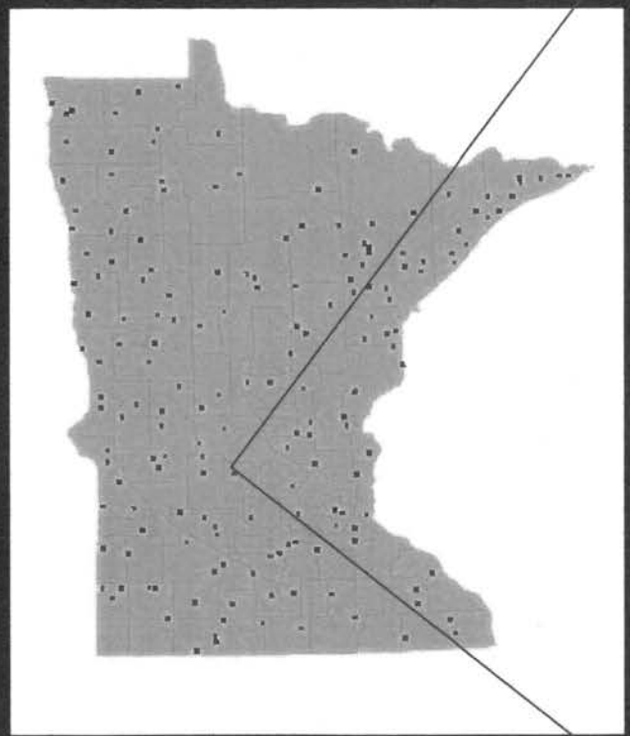
Wetland ***Quantity*** Monitoring & Assessment

- Sampling Strata:
  - Ecological Classification System
  - Developing areas
- Sampling Frequency:
  - 3-year interval?
- Cost:
  - $1.8m total?
  - $500k/year?



Comprehensive Wetland Monitoring Program:

-- Status and Trends



4-Square Mile Plots (?)



Wetland *Quantity* Monitoring & Assessment

Landscape Scale: Status and Trends



Achieving statutory "No Net Loss" goals?

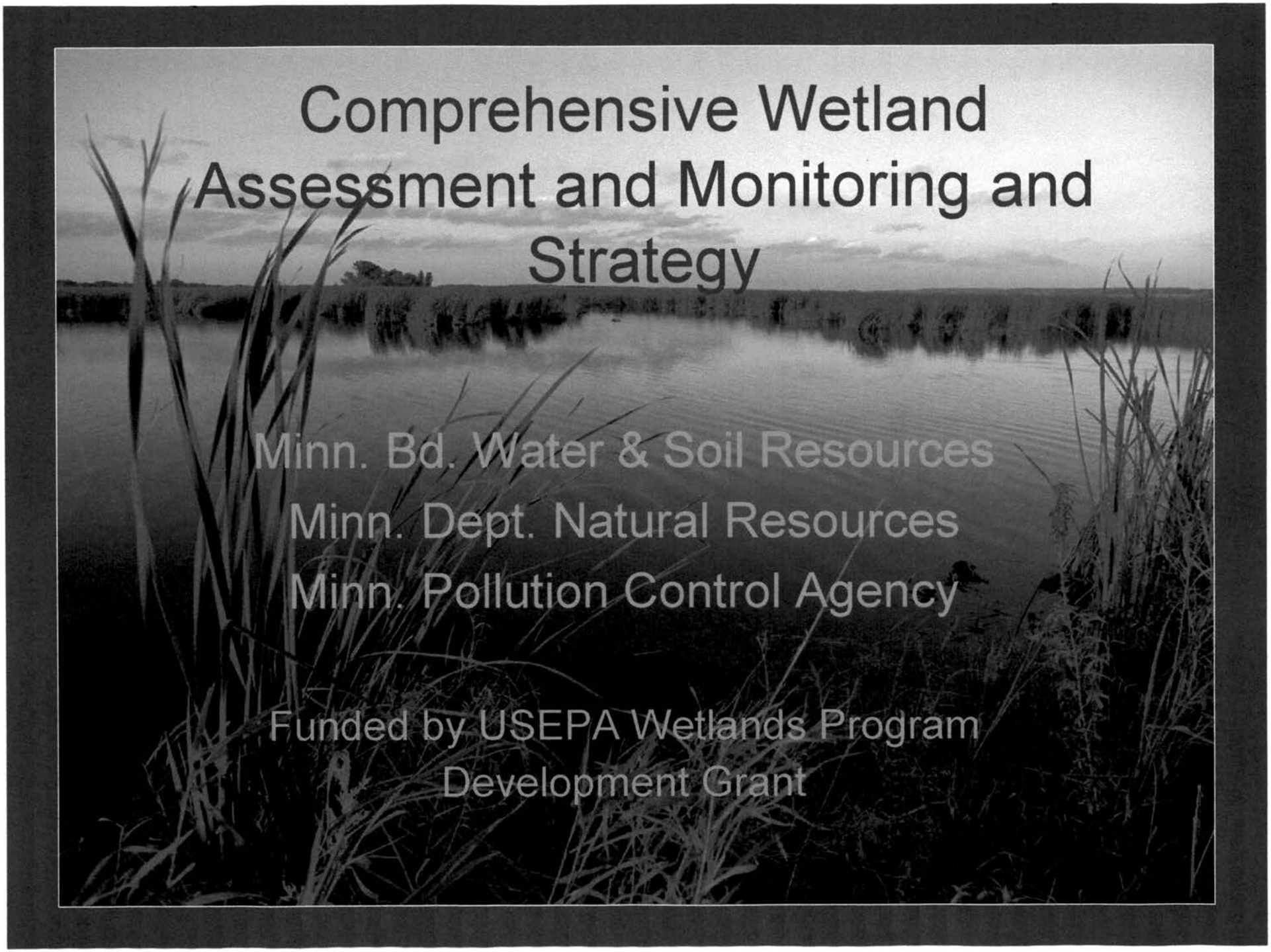
Photo courtesy USDA/NRCS

Minnesota Wetland Monitoring Strategy

- Goal: Ongoing assessment of statewide status and trends in wetland QUANTITY and QUALITY

- Relate to program actions




Comprehensive Wetland Assessment and Monitoring and Strategy
Minn. Bd. Water & Soil Resources
Minn. Dept. Natural Resources
Minn. Pollution Control Agency
Funded by USEPA Wetlands Program Development Grant

FOR YOUR INFORMATION

June 22, 2005

- "BWSR Update"
- BWSR News Release "Sign-Up Begins June 6 for CREP II Enrollment"
- BWSR News Release "Registration Open for Wetland Delineation Certification Exam"
- News Release "Governor Pawlenty Outlines Effects of Possible State Government Shutdown"
- News Release "Media Advisory – DOER Commissioner Cal Ludeman holds news conferences in Rochester, Austin, Mankato, St. Cloud, Moorhead, Duluth – June 16, 2005"
- Examples of Government Shutdown Impacts
- 2005 Agency Shutdown Determinations
- Proposed 2006 CSP Watersheds
- "The Minnesota Conservation Corps: Ready to help you reach your goals"
- *Agri News* "Envirothon gets students focused"

NEWS RELEASE

Minnesota Board of Water and Soil Resources • 520 Lafayette Road North • St. Paul, MN 55155
Contact: Peter Raeker, Communications Office; 651-296-0884; fax: 651-297-5615 • www.bwsr.state.mn.us

For immediate release
June 2, 2005

Contact: **Peter Raeker, BWSR, (651) 296-0884**
Jim Meisenheimer, FSA, (651) 602-7719

SIGN-UP BEGINS JUNE 6 FOR CREP II ENROLLMENT

ST. PAUL – Producers in three regions of the state whose land meets certain eligibility requirements can begin signing up Monday, June 6, for the Conservation Reserve Enhancement Program (CREP II) at their local USDA Service Center offices.

(Check the website at http://www.bwsr.state.mn.us/CREP2/newCREP.pdf for a map showing coverage of the CREP II areas.)

CREP II, administered by the USDA Farm Service Agency (FSA) and the Board of Water and Soil Resources (BWSR), in cooperation the USDA Natural Resources Conservation Service, Soil and Water Conservation Districts, and Watershed Districts, uses federal and state resources through the Conservation Reserve Program (CRP) and Reinvest in Minnesota (RIM) Reserve Program to meet state-specific environmental objectives and to protect environmentally sensitive land.

"This is the nation's largest-ever CREP," said John Monson, state executive director for FSA. "We've worked hard to get to this point, and we're excited to begin taking enrollments."

The program will have a continuous sign-up, ending Dec. 31, 2007, or before the 120,000-acre enrollment goal is reached. Producers are encouraged to consider enrolling early because of the program's short window of opportunity.

"We expect that landowners are champing at the bit for this program," said Ron Harnack, executive director of the Board of Water and Soil Resources. "CREP II has a shorter timeline when compared with the state's first CREP in the Minnesota River watershed. We encourage landowners to make their decisions early or else the opportunity for them to enroll may be lost."

Under CREP II, producers voluntarily enroll in a 15-year CRP contract and RIM easement of 45 years or perpetual in duration. Producers wanting to receive the full financial package available through CREP II must enroll in both CRP and RIM.

-More-

CREP II is a voluntary federal-state-local program that works with farmers and ranchers to enroll up to 120,000 acres of environmentally sensitive croplands to enhance fish and wildlife habitats, improve water quality, reduce erosion and sedimentation, and reduce the impacts of recurrent flooding. FSA, SWCDs, and Watershed Districts will partner in promoting and enrolling participants in CREP II.

CREP II will benefit the Red River watershed in northwest Minnesota, the Lower Mississippi watershed in southeast Minnesota and the Missouri River and Des Moines River watersheds in southwest Minnesota. Since Roseau, Marshall, and Pennington counties are at the 25 percent maximum cap for CRP, the opportunity to enroll in CREP II is limited in those counties until the CRP acreage drops.

As part of the program, producers agree not to farm or develop their cropland for a certain period of time. In turn, producers establish native vegetation or restore wetlands to help achieve natural resources goals.

Each watershed has developed its own goals and objectives for the program. Opportunities to enroll in a specific practice will end once the goals are met in a specific watershed.

Landowners can offer for enrollment land that is within one of the project areas. Cropland must meet cropping history criteria (cropped 4 out of 6 years from 1996-2001) and be physically and legally capable of being cropped in a normal manner. Persons who have land in an existing CRP contract or approved offer with a contract pending are not eligible for CREP II on that acreage until the contract expires or unless that CRP contract is in its last year.

Minnesota CREP II participants are eligible for several types of federal payments, including 15 annual CRP payments, incentive payments for certain CRP practices, and cost-share. Participants are eligible for two types of state payments, including a one-time payment for a RIM conservation easement and cost-share.

Landowners who enroll land in CREP II will receive a Landowners Bill of Rights that spells out what rights are maintained and what rights have been purchased by the state to benefit long-term conservation.

The program is funded with 80 percent federal money and 20 percent state money. In total, the federal share will total nearly $200 million and the state portion is $50.7 million. The first state installment of $23 million was approved by the Minnesota Legislature in the 2005 bonding bill.

For more information on CREP II, visit or call your local USDA Service Center.

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NEWS RELEASE

Minnesota Board of Water and Soil Resources • 520 Lafayette Road North • St. Paul, MN 55155
Contact: Peter Raeker, Communications Office; 651-296-0884; fax: 651-297-5615 • www.bwsr.state.mn.us

June 20, 2005
For immediate release

Contact: Peter Raeker, BWSR, (651) 296-0884
Rachel Roszina, U of M, (612) 625-8206

REGISTRATION OPEN FOR WETLAND DELINEATION CERTIFICATION EXAM

St. Paul – Registration is now open for the first examination to be offered through Minnesota's wetland delineator certification program, offered jointly by the University of Minnesota Department of Soil, Water, and Climate and the Minnesota Board of Water and Soil Resources.

The first examination is scheduled for Thursday, Aug. 11, at the U of M St. Paul campus, with exams set for Rochester on Aug. 16 and Duluth on Aug. 18. For the St. Paul location there will be two sessions—one from 9-11 a.m. and the other from 1-3 p.m. Exams at other locations are planned for the fall.

Persons interested must first apply to the program and then register for the examination. Application deadline for the St. Paul location is July 11. Exam registration deadline for this location is Aug. 8. The examination fee is $200. For additional information on application and registration deadlines, visit the program's web site at: www.mnwetlands.umn.edu/cert/.

This program seeks to encourage professionals involved with wetland delineations to become certified in order to improve the reputability of their work and enhance consumer confidence. The program provides stability to the local implementation of the Wetland Conservation Act and other wetland regulations by formally recognizing individuals uniquely qualified to perform wetland delineations. At this time, wetland delineator certification is voluntary.

Federal, state, and local government staff members who are involved in wetland regulation in Minnesota manage the boundaries of a wetland by a science-based procedure called wetland delineation. "Given the implications and the importance of making accurate wetland boundary determinations, state and federal agencies have spent a lot of time and effort in developing curricula and training," said Jay Bell, University of Minnesota professor of soil science.

"Certification will establish standards for education, experience, and performance for completing and reviewing delineations in Minnesota," said Greg Larson, BWSR soil scientist. "We've heard from many of our local governments who said that when a wetland delineation comes in for review, they will require that it be done by a certified wetland delineator. They anticipate that certified wetland delineators will be more consistent in their approach to the work."

The program will require a minimum score on a comprehensive exam. The program is open to persons who have successfully completed a wetland delineation training course or have broad course work related to wetland delineations and have had at least three years of experience working in the field.

-more-

Wetland delineation certification exam – page 2

A curriculum, instructions for the exam, sample exam questions, and registration information is available for practitioners on the web site www.mnwetlands.umn.edu/cert/. The web site also includes review materials related to soils, vegetation, hydrology, and delineation procedures.

If an exam must be retaken, the examination fee is reduced to $100 for each of up to two additional tries. After three unsuccessful attempts, an applicant must wait one year from the date of the third unsuccessful attempt to retake the exam.

For more information, contact Rachel Roszina at wdcp@umn.edu or call her at (612) 625-8206. Additional information is also available at: www.mnwetlands.umn.edu/cert/.

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From: "Stephanie Connolly" <Stephanie.Connolly@state.mn.us>
Date: 6/15/2005 2:05:09 PM
Subject: Governor Pawlenty outlines effects of possible state government shutdown -- June 15, 2005

FOR IMMEDIATE RELEASE: Contact:
Brian McClung

June 15, 2005
(651) 296-0001

GOVERNOR PAWLENTY OUTLINES EFFECTS OF POSSIBLE STATE GOVERNMENT SHUTDOWN

~ Pawlenty plan would keep critical services functioning, layoffs would number 15,700 ~

St. Paul - Vowing to protect Minnesotans and keep critical services functioning, Governor Tim Pawlenty today outlined his administration's plans for a partial state government shutdown that would occur on July 1 if the legislature does not pass key budget bills.

"Minnesotans need to hear about and understand the real human impacts if state government shuts down," Governor Pawlenty said. "State parks will close, rest areas will be boarded up and new drivers licenses won't be issued. More than 15,000 state employees - hardworking, dedicated people - will essentially be locked out of their jobs.

"Last week's budget offer from the Senate DFL was a shutdown offer. It was a deliberate stall, a non-starter and they knew it. Now it's going to take calls from the people of Minnesota to get the DFL back to the table and wrap up this Special Session. Anyone who considers the negative impacts of a shutdown should see it as a reason to seriously get back to the negotiating table."

The Governor also released documents that he will be submitting to the district court in order to keep core and critical services operating.

Key employment figures include:

* Approximately 24,200 state employees work at agencies that have not received funding for FY 2006-2007.

* Approximately 15,700 of those employees would be determined non-critical under the information collected by state agencies. Those employees would be laid off in a shutdown.

* Approximately 8,500 state employees at those agencies perform critical services and would be employed.

If a shutdown extends past July 14, separation costs for the approximately 15,700 employees who would be laid off would be an estimated $380 million. That figure includes payout of vacation time, sick leave, unemployment compensation and six months of health insurance.

"June is halfway over," Governor Pawlenty said. "Minnesotans are heading to the cabin and taking family vacations. They expect their elected officials to show leadership and get the job done without wreaking havoc on state employees and government services. I'm willing to make sure that we take care of government's core functions, but the cost and impact of a shutdown would be felt far into the future."

At the Governor's direction, the state will petition the court to continue operating a number of core state government functions, including:

* All road State Patrol troopers and selected supervisors

* Renewal of most types of professional licenses, including drivers license renewals

* Continuation of active state highway and bridge construction projects

* Stillwater Lift Bridge operation

* Continued operation of ramp meters and MnPass lane operations

* Agriculture inspections including food, dairy and meat inspection

* Health and safety inspections of nursing homes, hospitals and home health care facilities

* Background checks for persons working in programs licensed by the Department of Human Services and Department of Health

* State operated services for mentally ill, chemically dependent, psychopathic personalities and nursing homes

* Direct care and supporting operations at Veterans Homes

If the remaining budget bills are not passed by July 1, the Department of Employee Relations will implement a "Limited Interruption of Employment" from July 1 to July 14 for employees who are not allowed to work during the shutdown. Any employee with accrued vacation or comp time will be allowed to use it during the limited interruption, but they will not receive payment for those hours until their agencies have been funded. Several hundred state employees have little or no vacation or comp hours.

If the shutdown exceeds two weeks, employees will be laid off with all their contractual rights, including bumping and severance pay.

"We have a limited window to get this done the right way," Governor Pawlenty concluded. "I've been willing to compromise and lead. I hope that the Senate DFL won't lock state employees out of their jobs and hamper state government over their desire to give us the highest income tax rate in the nation."

--30--

Stephanie Connolly

Office of Governor Tim Pawlenty

130 State Capitol

Saint Paul, MN 55155

FAX 651-296-0056

Phone 651-296-0058

From: "Jeff Falk" <Jeff.Falk@state.mn.us>
Date: 6/15/2005 3:00:06 PM
Subject: DOER Commissioner Cal Ludeman holds news conferences in Rochester, Austin, Mankato, St. Cloud, Moorhead, and Duluth -- June 16, 2005

FOR IMMEDIATE RELEASE: Contact:
Brian McClung

June 15, 2005
(651) 296-0001

MEDIA ADVISORY

Employee Relations Commissioner Cal Ludeman holds news conferences in Rochester, Austin, Mankato, St. Cloud, Moorhead, and Duluth to discuss state government shutdown preparations on Thursday, June 16

Thursday, June 16

8:30 a.m. - Rochester Employee Relations Commissioner Cal Ludeman holds news conference to discuss state government shutdown preparations.

Rochester Airport

Rochester Aviation,
large conference room

7300 Brataas Drive SW

Rochester

9:20 a.m. - Austin Employee Relations Commissioner Cal Ludeman holds news conference to discuss state government shutdown preparations.

Austin Municipal Airport

Lobby

710 21st Street NE

Austin

10:20 a.m. - Mankato Employee Relations Commissioner Cal Ludeman holds news conference to discuss state government shutdown preparations.

Mankato Regional Airport

Main Lobby

3030 Airport Road North

Mankato

11:25 p.m. - St. Cloud Employee Relations Commissioner Cal Ludeman holds news conference to discuss state government shutdown preparations.

St. Cloud Regional Airport

General Aviation Building

Lobby

1550 45th Avenue SE

St. Cloud

1:05 p.m. - Moorhead Employee Relations Commissioner Cal Ludeman holds news conference to discuss state government shutdown preparations..

Moorhead Municipal Airport

Main Lobby

3309 70th Street South

Moorhead-Glyndon

2:45 p.m. - Duluth Employee Relations Commissioner
Cal Ludeman holds news conference to discuss state government shutdown preparations.

Duluth Airport

North Country Aviation

Conference Room

4535 Airport Approach Road

Duluth

--30--

Jeff Falk

Deputy Press Secretary

Office of Governor Tim Pawlenty

130 State Capitol

Saint Paul, MN 55155

651-296-2427 - phone

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Examples of Government Shutdown Impacts

Agency	Discontinued Services & Public Impact
Agriculture	• Delay implementation of Minnesota's 2% biodiesel requirement. • Suspend low-interest loans to farmers provided by the Minnesota Rural Finance Authority at MDA.
Commerce	• Suspend consumer complaint handling and consumer protection services • Applications to register securities and other financial instruments will not be reviewed for compliance with the law. • New license applications for real estate agents and brokers, insurance agents, and others will not be processed. • Suspend gasoline pump inspection.
Education	• State payments for Extended School Year programs and for certain children with disabilities would be delayed. • State portion of Head Start payments would be delayed.
Employment and Economic Development	• Suspend Dislocated Worker Program. • Suspend Job Services. • Suspend Vocational Rehabilitation Services & State Services for the Blind.
Health	• Suspend grants to local public health agencies
Human Services	• Suspend application processing for MinnesotaCare
Labor and Industry	• Suspend call-in assistance to injured workers. • Suspend enforcement of routine work site inspections for OSHA compliance. • Suspend vocational rehabilitation assistance to injured workers. • Suspend enforcement of minimum wage, prevailing wage and overtime laws.
Natural Resources	• Closure of state parks, campsites and picnic sites.
Office of Environmental Assistance	Closed • Suspend the administration of grants and loans for projects that impact the environment, affecting businesses, individuals, non-profits and other units of government.
Pollution Control Agency	• Suspend issuing air and water quality permits. • Delay responding to complaints or compliance violations. • Suspend non-emergency environmental reviews.

Agency	Discontinued Services & Public Impact
Public Safety	• Suspend issuing new drivers licenses and driver testing. • Administrative support and training for troopers will be reduced. • Most vehicle title processing will be delayed. • Internal investigations delayed.
Transportation	• Slow or no response on all maintenance activities. • Rest areas will be closed, affecting July 4th holiday travelers. • Suspension of rural transit reimbursement, possibly adversely impacting elderly and those unable to drive. • Suspend message boards & traffic information for motorists.
Board of Water & Soil Resources	Closed • Delay in processing landowner applications for CREP resulting in a delay in payments to participating private landowners - could result in the state not achieving 120,000 acres enrollment within the federal timeline.
Workers Compensation Court of Appeals	Closed • Impacts employers, insurers and injured employees throughout the state by delaying the resolution of appealed workers compensation cases.

AGENCY # of current employees	2005 AGENCY SHUTDOWN DETERMINATIONS CRITICAL and/or CORE OPERATIONS OR OPERATIONS IN DIRECT SUPPORT OF CRITICAL and/or CORE OPERATIONS That May Remain **Open** **All Others Closed**	# OF NON-CRITICAL / NON-CORE EMPLOYEES
ACCOUNTANCY BOARD Total Employees: 5	# of employees = 1 $1,160 / week personnel costs The following portions of your critical operations plan have been **approved:** • Renewal of licenses Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	4
AGRICULTURE DEPT Total Employees: 500 * Shared Services reduces critical/core employees by 10	# of employees = 97 $113,000 / week personnel costs The following portions of your critical operations plan have been **approved:** • Commercial Feed Regulation • Agricultural Chemical Emergency Response • Food Inspection • Dairy Inspection • Food Safety Emergency & Food Re-inspection • State Meat Inspection • Laboratory Services • Agronomy Analysis/Ag Chemical Emergency Response • Food Safety Emergencies/Dairy and Food Inspection Services • Monitoring and Regulatory Analysis to State Meat Inspection Program • Regulatory Analysis for Commercial Feed • Nuclear Response • Biological Control Program • Monitor and control invasive species of exotic plant diseases and pests • Soybean Rust • MDA Lab & Bldg. Construction • Core administrative support, including payroll processing Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down. Portions or all of this agency use non-appropriated funds as revenue source: # of employees = 42 • Farmers Market Nutrition Program • Grain Inspection • Seed Potato Inspection • Grain Licensing and Auditing Program • Livestock Weighing • Fruit and Vegetable Inspection	361
ANIMAL HEALTH BOARD Total Employees: 36	# of employees = 4 $6,983 / week personnel costs The following portions of your critical operations plan have been **approved:** • Investigate suspect rabies cases; and, • Investigate suspect foreign animal disease cases. Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	32

AGENCY # of current employees	2005 AGENCY SHUTDOWN DETERMINATIONS CRITICAL and/or CORE OPERATIONS OR OPERATIONS IN DIRECT SUPPORT OF CRITICAL and/or CORE OPERATIONS That May Remain **Open** **All Others Closed**	# OF NON-CRITICAL / NON-CORE EMPLOYEES
ARCHITECTURE, ENGINEERING BD Total Employees: 9	# of employees = 1 $1,160 / week personnel costs The following portions of your critical operations plan have been **approved**: • Renewal of licenses Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	8
ARTS BOARD Total Employees: 13	Closed	13
BARBER AND COSMETOLOGY EXAMINERS BOARD Total Employees: 6	Closed	6
BEHAVIORAL HEALTH & THERAPY BOARD Total employees: 5	# of employees = 2 $2,320 / week personnel costs The following portions of your critical operations plan have been **approved**: • Renewal of licenses Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	3
CENTER FOR ARTS EDUCATION Total Employees: 93	# of employees = 2 $2,320 / week personnel costs The following portions of your critical operations plan have been **approved**: • Property Security Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	91
CHIROPRACTIC EXAMINERS BOARD Total Employees: 5	# of employees = 1 $1,160 / week personnel costs The following portions of your critical operations plan have been **approved**: • Renewal of licenses Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	4

AGENCY # of current employees	2005 AGENCY SHUTDOWN DETERMINATIONS CRITICAL and/or CORE OPERATIONS OR OPERATIONS IN DIRECT SUPPORT OF CRITICAL and/or CORE OPERATIONS That May Remain **Open** **All Others Closed**	# OF NON-CRITICAL / NON-CORE EMPLOYEES
COMMERCE DEPT Total Employees: 328	# of employees = 5 $7,610 / week personnel costs The following portions of your critical operations plan have been **approved**: • Pre-payment for the Minnesota Message Relay Service • Preserve state's interest in pending litigation and on-going regulatory investigations • On-call payroll processing and IT system support Current licenses remain in effect if renewal applications are submitted to the Department of Commerce by 6/30/05 or the appropriate renewal deadline. Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	323
DENTISTRY BOARD Total Employees: 11	# of employees = 4 $4,640 / week personnel costs The following portions of your critical operations plan have been **approved**: • Respond to complaints about dental professionals • Issue disciplinary actions • Renewal of licenses Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	7
DIETETICS & NUTRITION PRACTICE Total Employees: 2	Closed	2
DISABILITY COUNCIL Total Employees: 6	Closed	6

AGENCY # of current employees	2005 AGENCY SHUTDOWN DETERMINATIONS CRITICAL and/or CORE OPERATIONS OR OPERATIONS IN DIRECT SUPPORT OF CRITICAL and/or CORE OPERATIONS That May Remain **Open** **All Others Closed**	# OF NON-CRITICAL / NON-CORE EMPLOYEES
EDUCATION Total Employees: 422	# of employees = 28.5 $33,230 / week personnel costs The following portions of your critical operations plan have been **approved**: • Maltreatment of Minors Program • Support operations to critical functions, including on-call payroll processing • Administrative Management and Communications • Protection of state buildings and other property owned by the government • Critical Sate Categorical and Formula Aids ✓ General Education aid, including all linkages to the formula (compensatory, limited English proficiency, extended sparsity, operating capital, training and experience, equity, transition and referendum aid) ✓ Special education-regular and excess ✓ Cost aid transition for disabled students aid; aid for children with disabilities ✓ Tribal contract aid ✓ Alternative teacher compensation aid ✓ Charter school building lease aid ✓ School lunch aid; school breakfast aid ✓ Adults with disabilities aid • Critical Federal Formula Aids ✓ Special Education Formula Aid; Special Education Pre-school Formula Aid ✓ Special Education Grants for Infants and Families with Disability ✓ Title I Formula Aid ✓ Title I Program for Neglected and Delinquent ✓ Title II – Part A Improving Teacher Quality and Teacher Quality Enhancement ✓ Title II – Education Technology Grants Formula Grants ✓ Title V Formula Aid ✓ Federal Food Program Breakfast; Federal Food Program Lunch; Federal Food Program Special Milk ✓ CACFP Food Service; CACFP Commodities ✓ Summer Food Program for Children • No Child Left Behind (NCLB) • Teacher and Administrator Licensing Only staff and operating expenses that are **minimally** necessary to continue, secure, or support this operation is authorized in the event of a government shut down.	393.5
EMERGENCY MEDICAL SERVICES BD Total Employees: 23	# of employees = 7 $8,120 / week personnel costs The following portions of your critical operations plan have been **approved**: • Ensuring ambulance coverage in the area of disaster declared by Governor's emergency management response team (On-call only) • Toxicology line • Receive, investigate, and resolve complaints from public • Monitor health professionals in HPSP program • Renewal of licenses Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	16

AGENCY # of current employees	2005 AGENCY SHUTDOWN DETERMINATIONS CRITICAL and/or CORE OPERATIONS OR OPERATIONS IN DIRECT SUPPORT OF CRITICAL and/or CORE OPERATIONS That May Remain **Open** All Others **Closed**	# OF NON-CRITICAL / NON-CORE EMPLOYEES
EMPLOYMENT & ECONOMIC DEVELOPMENT (DEED) Total Employees: 1693	# of employees = 64 $99,840 / week personnel costs The following portions of your critical operations plan have been **approved**: • Unemployment Insurance Benefit Payments and Initial Claims • Process claims for social security disability payments • Public Facilities Authority bond obligation on-call services • Business and Community Development Projects (on-call technical assistance) • On-call payroll processing Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	1629
ENVIRONMENTAL ASSISTANCE Total Employees: 63	Closed	63
EXPLORE MINNESOTA TOURISM Total Employees: 59	Closed	59
FARIBAULT ACADEMIES Total Employees: 267	# of employees = 56 $60,000 / week personnel costs The following portions of your critical operations plan have been **approved**: • Security personnel necessary to provide 24/7 coverage of two sites (16 state buildings) and 60+ acres of government land at an estimated value of $80-$100 million. • Continuation of July 5-22, 2005 Preparatory Assistance Summer School (PASS) required under Federal Law 94-142 and Minnesota Statute 125A, Individual Disability Education Act (IDEA). Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	211

AGENCY # of current employees	2005 AGENCY SHUTDOWN DETERMINATIONS CRITICAL and/or CORE OPERATIONS OR OPERATIONS IN DIRECT SUPPORT OF CRITICAL and/or CORE OPERATIONS That May Remain **Open** **All Others Closed**	# OF NON-CRITICAL / NON-CORE EMPLOYEES
HEALTH DEPT Total Employees: 1392	# of employees = 209 $ 342,750 / week personnel costs The following portions of your critical operations plan have been **approved**: • Investigate and respond to Disease Outbreaks • Core Public Health Laboratory Capacity • Health Facilities Complaint Investigation • Safeguard Public Health Data • Emergency Response to biological / chemical / radiological / nuclear and other public health emergencies • Public Health Management & Communications • Facility Security • Health and safety inspections of nursing homes, hospitals, and home health care facilities • Food inspection and food safety or security • Inspections of municipal water supply systems, swimming pools, water well drillers • Routine and non-emergency disease outbreak and intervention activities • All health occupations licensing and inspection activities • Issuance of birth and death certificates • WIC (Women, Infants and Children) Program • Administrative support, including payroll processing Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	1183
HOUSING FINANCE AGENCY Total Employees: 185	# of employees = 185 Portions or all of this agency use statutorily appropriated funds as revenue source: • All Functions	0

AGENCY # of current employees	2005 AGENCY SHUTDOWN DETERMINATIONS CRITICAL and/or CORE OPERATIONS OR OPERATIONS IN DIRECT SUPPORT OF CRITICAL and/or CORE OPERATIONS That May Remain **Open** **All Others Closed**	# OF NON-CRITICAL / NON-CORE EMPLOYEES
HUMAN SERVICES DEPT Total Employees: 6848	# of employees = 4080 $5 million / week payroll $117 million / week benefits The following portions of your critical operations plan have been **approved**: • State Operated Services inpatient and outpatient treatment for mentally ill (MI), chemically dependent (CD), psychopathic personalities (PP), Minnesota Extended Treatment Options (METO) & nursing home; residential services for persons with developmental disabilities (DD); day training and habilitation (DT&H) programs; mental health initiative (MHI); medication administration; MHI – crisis response teams; and DD Community Support Services (CSS); in home support staff; and DD CSS limited triage staff to respond to DD crisis. • State operated services system-wide support and oversight for client treatment services. • Cash, child care and food assistance to families & individuals. Monthly and daily issuance for cash & food. • Child Support Payments: receipt and disbursement; PRISM maintenance and operation for county Child Support agencies. • Adoption Assistance Payments/Relative Custody Assistance • Health care - Medical Assistance, General Assistance Medical Care, & Minnesota Care • Payments to the following MA providers: personal care attendants (PCAs), private duty nursing services; home health agencies; pharmacy services; waiver services, including CAC, CADI, MR/RC, TBI, Elderly and Alternative Care; nursing homes (SNF/ICF); volume purchasing for oxygen; children's therapeutic support services (CTSS); adult residential mental health services (ARMHS); mental health crisis services; intensive residential treatment services (IRTS); Rural Health clinics; and Federally Qualified Health Clinics. • Processing premium payments for MinnesotaCare enrollees. • HIV/AIDS program. • Senior nutrition and home delivered meals. • Ombudsman for Older MN. • Guardianship Services. • Maintain State-wide Social Service Information System Health Network support to county servers. • Commodity Distribution via TEFAP (The Emergency Food Assistance Program and USDA). • MA/EPD approval for late payments requests for good cause. • Approval of Nursing Home Admissions for persons under 21. • Approval of OBRA Level 1 and 2 Nursing Home Admission Screening Documents. Transitional Housing and Emergency Services Program • Community Action and Community Services Block Grants • Deaf blind support services, intervenor and independent living services for adult deaf blind • Residential and community mental health services for deaf, deaf blind, and hard of hearing • Services for Deaf and Hard of Hearing • Applicant background checks for persons working in programs licensed by DHS and MDH Building Construction-Project Management / Converged Network Development • Findings issued in Special Review Board Hearings already held Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down. Portions or all of this agency use statutorily appropriated funds as revenue source: • State Operated Services—Outside Laundry Contracts	2768

AGENCY # of current employees	2005 AGENCY SHUTDOWN DETERMINATIONS CRITICAL and/or CORE OPERATIONS OR OPERATIONS IN DIRECT SUPPORT OF CRITICAL and/or CORE OPERATIONS That May Remain **Open** **All Others Closed**	# OF NON-CRITICAL / NON-CORE EMPLOYEES
IRON RANGE RESOURCES & REHAB Total Employees: 135	# of employees = 135 Portions or all of this agency use statutorily appropriated funds as revenue source: • All Functions	0
LABOR AND INDUSTRY DEPT Total Employees: 373 • Shared services reduce critical/core employees by 5	# of employees = 39 $68,250 / week personnel costs The following portions of your critical operations plan have been **approved**: • Limited Workplace Safety/Health Regulation-Response to fatalities, imminent danger and catastrophic workplace events. • Boiler Vessel & High Pressure Piping - Routine inspections and inspections of system failures causing fatal or imminent danger and continued licensing of operators • Child Labor Regulation • Benefit Payments to Injured Workers • Routine electrical inspections, carnival events, and license renewals for current electricians (Board of Electricity) • Elevator Inspections on-call for accidents • Plumbing inspections on new and remodeled construction projects • Plumber license renewals • DLI Central and Technology Services, including payroll processing Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down. Portions or all of this agency use non-appropriated funds as revenue source: # of employees = 3 • Building codes and standards inspections of elevators, manufactured homes, and building inspections on projects located throughout the state.	331
MARRIAGE & FAMILY THERAPY BD Total Employees: 2	# of employees = 1 $1,160 / week personnel costs The following portions of your critical operations plan have been **approved**: • Renewal of licenses Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	1
MEDIATION SERVICES DEPT Total Employees: 16	Closed	16

AGENCY # of current employees	2005 AGENCY SHUTDOWN DETERMINATIONS CRITICAL and/or CORE OPERATIONS OR OPERATIONS IN DIRECT SUPPORT OF CRITICAL and/or CORE OPERATIONS That May Remain **Open** **All Others Closed**	# OF NON-CRITICAL / NON-CORE EMPLOYEES
MEDICAL PRACTICE BOARD Total Employees: 23	# of employees = 7 $7,500 / week personnel costs The following portions of your critical operations plan have been **approved**: • Processing and investigating complaints against physicians and other health care providers alleging unsafe or illegal health care practices. • Issuing new licenses and permits to physicians and other regulated health care providers. • Renewal of licenses and registrations to physicians and other health care providers in order that they may continue to practice medicine legally. Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	16
METROPOLITAN COUNCIL TRANSIT	# of employees = 3,660 Portions or all of this agency use other funds as revenue source: • Metro-Mobility • Metro Transit services (one month only) • Contracted regular routes (one month only) • Community Programs • Opt-Out Community Services	0
NATURAL RESOURCES DEPT Total Employees: 2474	# of employees = 211 $245,000 / week personnel costs The following portions of your critical operations plan have been **approved**: • Provide law enforcement, public safety, and safety training ◦ Enforce hunting, Off-Highway (OHV) vehicle and watercraft laws ◦ Wetlands law enforcement ◦ Firearms and vehicle safety training • Fire Suppression • Flood and Dam Safety Response • Hazmat Response • Fish Hatchery-Custodial, to keep hatchery fish alive • Tree Nursery-Custodial, to water nursery trees to keep them alive • On-call payroll services Note: Others (up to 75) may be added in event of emergencies such as fire, flood, tornado, etc. Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	2263
NURSING BOARD Total Employees: 25	# of employees = 6 $4,800 / week personnel costs The following portions of your critical operations plan have been **approved**: • Processing complaints alleging unsafe nursing practices. • Issuing of licenses/temporary permits to practice nursing • Renewal of licensure Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	19

AGENCY # of current employees	2005 AGENCY SHUTDOWN DETERMINATIONS CRITICAL and/or CORE OPERATIONS OR OPERATIONS IN DIRECT SUPPORT OF CRITICAL and/or CORE OPERATIONS That May Remain **Open** **All Others Closed**	# OF NON-CRITICAL / NON-CORE EMPLOYEES
NURSING HOME ADMIN BD Total Employees: 4	# of employees = 1 * = 2 $3,480 / week personnel costs The following portions of your critical operations plan have been **approved:** • Investigate complaints • Take disciplinary action • Issue and renewal of licenses * NHAB administers IT, HR, and payroll services for 15 health related boards. Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	1
OMBUDSMAN MH/MR Total Employees: 18	# of employees = 4 $4,640 / week personnel costs The following portions of your critical operations plan have been **approved:** • Individual Client Services/Investigations or Reviews • Death and Serious Injury Review Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	14
OMBUDSPERSON FOR FAMILIES Total Employees: 3	Closed	3
OPTOMETRY BOARD Total Employees: 2	# of employees = 1 $1,160 / week personnel costs The following portions of your critical operations plan have been **approved:** • Investigate complaints regarding optometrists Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	1
PHARMACY BOARD Total Employees: 16	# of employees = 6 $6,960 / week personnel costs The following portions of your critical operations plan have been **approved:** • Investigate complaints • Renewal of licenses • Inspect pharmacies, wholesalers. certain researchers Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	10
PHYSICAL THERAPY BOARD Total Employees: 2	Closed	2

AGENCY # of current employees	2005 AGENCY SHUTDOWN DETERMINATIONS CRITICAL and/or CORE OPERATIONS OR OPERATIONS IN DIRECT SUPPORT OF CRITICAL and/or CORE OPERATIONS That May Remain **Open** **All Others Closed**	# OF NON-CRITICAL / NON-CORE EMPLOYEES
PODIATRIC MEDICINE BOARD Total Employees: 1	# of employees = .5 $580 / week personnel costs The following portions of your critical operations plan have been **approved**: • Renewal of licenses Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	.5
POLLUTION CONTROL AGENCY Total Employees: 774	# of employees = 26 $52,000 / week personnel costs The following portions of your critical operations plan have been **approved**: • Emergency Response Remediation • Maintenance and monitoring of ongoing remedial systems at state owned closed landfills, LUST fund financed sites, and Superfund sites • Air quality monitoring and air quality health alerts • Training and licensing of environmental professionals • On-call payroll services Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	748
PSYCHOLOGY BOARD Total Employees: 9	# of employees = 3 $3,480 / week personnel costs The following portions of your critical operations plan have been **approved**: • Renewal of licenses Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	6

AGENCY # of current employees	2005 AGENCY SHUTDOWN DETERMINATIONS CRITICAL and/or CORE OPERATIONS OR OPERATIONS IN DIRECT SUPPORT OF CRITICAL and/or CORE OPERATIONS That May Remain **Open** **All Others Closed**	# OF NON-CRITICAL / NON-CORE EMPLOYEES
PUBLIC SAFETY DEPT Total Employees: 1515	# of employees = 712 $830,190 / week personnel costs The following portions of your critical operations plan have been **approved**: • State Patrol • All road troopers and selected supervisors • All Radio Communications Officers and supervisors • Capitol Security • Investigate all highway crashes and fatalities • Enforcement of commercial vehicles • School bus safety equipment and driver inspections • Weigh scales will be open • Flight or air support provided to local police agencies • Special response team will support local police agencies • Motor vehicle crash reports remain available • Pipeline Safety • Investigation and oversight of gas and hazardous liquids • Hazardous response • Federal inspection and infrastructure security • Driver and Vehicle Services • Driver's license renewals and duplicates • Commercial driver renewals and HazMat endorsements • Perform status checks for extensions for temporary residents • Driver evaluation hearings to meet due process requirements • Inspection of licensed motor vehicle dealers • Administrative support for IT, payroll processing and communications • Commissioner/State Homeland Security Director Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	803
PUBLIC UTILITIES COMM Total Employees: 41	Closed	41
SOCIAL WORK BOARD Total Employees: 10	# of employees = 2 $2,320 / week personnel costs The following portions of your critical operations plan have been **approved**: • Renewal of licenses Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	8

AGENCY # of current employees	2005 AGENCY SHUTDOWN DETERMINATIONS CRITICAL and/or CORE OPERATIONS OR OPERATIONS IN DIRECT SUPPORT OF CRITICAL and/or CORE OPERATIONS That May Remain **Open** **All Others Closed**	# OF NON-CRITICAL / NON-CORE EMPLOYEES
TRANSPORTATION DEPT Total Employees: 4851	# of employees: 864 $1.35 million / week personnel costs The following portions of your critical operations plan have been **approved:** • Provide highway operations and maintenance emergency services affecting the safety of the public: • Barricade replacement • Repair damaged guardrails or replace any removed construction site barriers • Repair hazardous conditions on roadways (pavement blow-ups, obstructions, wash-outs, etc.) • Traffic signal repair; stop and yield sign replacement • Continuation of active (200) construction projects • Hazardous Material Incident Response • Stillwater Lift Bridge operation • Continue ramp meters and MnPASS Hot Lane operations • Assessment of traffic damage to bridges • Maintain aeronautic navigation systems • Maintain pilot weather information systems • Provide computer and communications affecting the State Patrol in shared facilities • Provide Gopher One responses • Provide essential department leadership and management, communications, and support services • Continue to process payment for active county/municipal state aid projects; critical project plan review Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	3987
VETERANS HOME BOARD Total Employees: 1049	# of employees = 874 $961,000 / week personnel costs The following portions of your critical operations plan have been **approved:** • Direct Care and Supporting Operations Only staff and operating expenses that are **minimally** necessary to continue, secure, or support these operations are authorized in the event of a government shut down.	175
VETERINARY MEDICINE BD Total Employees: 2	Closed	2
WATER & SOIL RESOURCES BOARD Total Employees: 59	Closed	59
WORKERS COMP COURT OF APPEALS Total Employees: 15	Closed	15
ZOOLOGICAL BOARD/Minnesota Zoo Total Employees: 222	# of employees = 222 Portions or all of this agency use other funds as revenue source: • All Functions	0

Board Packet
FYI

From: "LeAnn Buck" <leann.buck@maswcd.org>
To: "All SWCD Employees " <mn.swcd2@mn.usda.gov>
Date: 6/15/2005 10:26:08 AM
Subject: Proposed 2006 CSP Watersheds

Minnesota SWCDs,

FYI. The Minnesota NRCS is submitting its PROPOSED 2006 CSP watershed list to Washington DC. Eleven Watersheds are being proposed for consideration for the 2006 Conservation Security Program. They include:

Clearwater-ELK
Hawk-Yellow Medicine
Lake of the Woods
Leech Lake
Long Prairie
Lower Rainy
Mississippi Headwaters
Prairie-Willow
Red Lakes
Roseau
Thief

Again, this is a proposed list and we will have to wait to hear back from the national level regarding the watersheds and details pertaining to the 2006 program.

LeAnn Buck
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CC: "'Stefanie Martinez'" <stefanie.martinez@maswcd.org>, "'Doug Thomas'" <Doug.Thomas@bwsr.state.mn.us>, "'Ron Harnack'" <Ron.Harnack@bwsr.state.mn.us>, "'Bill Hunt'" <william.hunt@mn.usda.gov>, "Tom Schulz" <tschulz@wcta.net>, "Bill Saumer" <wmsaumer@ecenet.com>, "Carol Berg" <crberg@paulbunyan.net>, "Greg Roiger" <gregandcath@yahoo.com>, "Kay Clark" <kay.clark@mn.nacdnet.net>, "Ken Pederson" <kennyp@gvtel.com>, "Loyal Fisher" <loyal@centurytel.net>, "Mary Ann Scharf" <mscharf@hometownsolutions.net>, "Mary Wetter" <mwetter@worldnet.att.net>

Board Packet FYI

The Minnesota Conservation Corps: Ready to help you reach your goals

Gearing up for a busy summer work season? The Minnesota Conservation Corps is an extremely cost-effective and practical way to get things done. Crews are located throughout the state and are ready to go to work on projects for your organization. MCC crews are easy to hire, well trained and professional. If you can find a more cost-effective way to get your projects completed and make a difference in the lives of Minnesota's young adults let us know.

The Minnesota Conservation Corps (MCC) Young Adult Program is a natural resource work program for 18-25 year olds. Each year young Minnesotans of all backgrounds are given an opportunity to develop natural resources and conservation interests and skills by combining employment, service and learning.

MCC Young Adult Crews complete high priority natural resource projects year-round for multiple government and non-profit agencies including cities, counties, state government and federal partners. Crews are well trained and commonly perform projects such as lakescaping, streambank stabilization, exotic species removal, and other natural resource related projects. MCC crews are set-up to work independently and have transportation and tools for a wide range of projects as well as access to trailers, ATV's and snowmobiles for special project needs. MCC corpsmembers are also trained in environmental education curriculums such as project WET, project learning tree, and project wild.

Fifteen Young Adult crews are available across the state. Crew size varies from 3-5 corpsmembers, and all crews are trained in chainsaw operation, pesticide application, first aid and many other skills. Many crews have experience in working on projects involved erosion control mats, willow stakes, cedar revetments, bio-logs, exotic species removal, and native plant installation. By using MCC, project hosts can complete their technical, priority projects in an extremely cost-effective fashion, and corpsmembers receive valuable experience working with professionals in the field in addition to receiving AmeriCorps national service benefits.

To learn more about what MCC can do for your organization and how to hire a crew contact the appropriate person listed below or go to the website at **www.conservationcorps.org** for more information

Northern District
Lisa Cassioppi
1201 East Highway 2
Grand Rapids, MN 55744
Office: (218) 327-4139
lisa.cassioppi@conservationcorps.org

Central District
Brian Miller
1200 Warner Road
St. Paul, MN 55106
Office: (651) 772-7566
brian.miller@conservationcorps.org

Southern District
John Roth
P.O. Box 607
New Ulm, MN 56073
Office: (507) 359-6058
john.roth@conservationcoprs.org

Agri News

Envirothon gets students focused

Competition may spark interest in careers

By Carol Stender

cstender@agrinews.com

ONAMIA, Minn. — The School of Environmental Studies in Apple Valley took top honors at the Minnesota Envirothon last week near Onamia.

The school's five Envirothon participants and advisor Roger Everhart will represent the state at the Canon Envirothon in Missouri this summer.

The state's Soil and Water Conservation Districts organized the event. Top teams from regional events are invited to the state Envirothon. Students visit five stations where they learn about environmental topics and are quizzed.

Stations cover soils, water quality, wildlife, forestry and an oral presentation which, focused on managing cultural landscapes with emphasis on the Mille Lacs Kathio State Park.

The event could even lead to a career as it did for Natural Resources and Conservation Service soil scientist Clayton Johnson.

Johnson was a high school junior when he participated in a regional Envirothon event. He studied environmental science and minored in soils in college and is now mapping soils in the Duluth area.

Mike Walczynski, a resource soils scientist with the Duluth NRCS office, worked with Johnson at the Envirothon soils station. Together they promoted conservation careers.

"In 10 years about 75 percent of the state's soil scientists will be eligible to retire," Walczynski said. "There is a need for more soil scientists and we need to recruit them."

Johnson and Walczynski developed the test questions for the event.

Anne Sittauer, refuge manager at the Sherburne National Wildlife Refuge, and Jeanne Holler, a wildlife biologist at Sherburne, focused their brief message before handing out the wildlife quiz on endangered species especially the Oak Savannah which has been identified globally by the Nature Conservancy as an endangered plant species.

"There is a keener awareness of the natural environment by these students," said Sittauer. "They know a heck of a lot more now than I did at that age. They are more prepared for a career in this profession."

Camp Onomia is near Mille Lacs Kathio State Park. Aaron Wunrow of the Department of Natural Resources is park manager.

> ***"In 10 years about 75 percent of the state's soil scientists will be eligible to retire. There is a need for more soil scientists and we need to recruit them."***
>
> — Mike Walczynski

"A few of the things I try to cover with the students is the state park management and the many different hats that you wear," Wunrow said. "We are preserving the landscape but also providing a recreational access to the land. And we are talking about the cultural landscape. There have been thousands of years of human interaction in the area. We want people to know about the area and its heritage."

Benilde-St. Margaret's of St. Louis Park took second in the competition with Mankato East High School taking third. Lincoln High School of Thief River Falls won the oral presentation award.

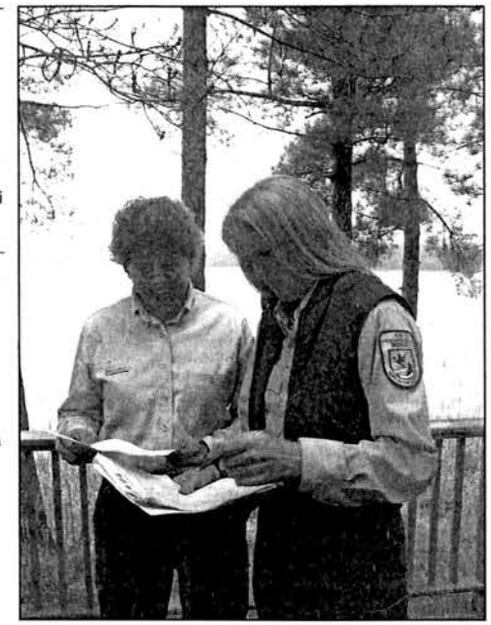
Members of the winning School of Environmental Studies team are Reed Perkins, Philip Harris, Kaylee Steffel and Whitney Florh, all seniors and Brandon Boxler, a junior.

Benilde-St. Margaret's second place team is Nadia Aboussir, Alex Hansen, Nicholas Hittler and Elizabeth Lefebvre, all seniors, and Will Javellana, a junior. The team is advised by Keith and Patty Leiseth.

Mankato East High School third place finishers include Aaron Marquette, Nick Burkhart, Will Van Duynhoven, Brandon Reemer and John Zehnder. The team is advised by Sue Pickus.

Patti Johnson advised the Lincoln High School team that won the oral presentation. Team members include Ben Willis, Matt Wold, Derek Mosloff, Dane Jensen and Cole Bylander.

Schools interested in competing in next year's regional Envirothon should contact their local SWCD office.



Carol Stender/Agri News

Fish and Wildlife Service employees Anne Sittauer, left, and Jeanne Holler correct tests at the wildlife station during the Minnesota Envirothon competition last week at Camp Onomia near Onamia. Sittauer is the refuge manager for the Sherburne National Wildlife Refuge and Holler is the refuge wildlife biologist.

Government running out of surplus milk powder; will limit supply to needy

Associated Press

WASHINGTON — The government is projected to run out of surplus nonfat milk powder later this year, which is a good sign for dairy farmers but will cut into food aid programs for the poor.

The surplus, which was more than a billion pounds just two years ago, is dwindling because of high milk prices. When prices are low, the government buys surplus dairy products to help boost farm income, and distributes that surplus to food aid and livestock feed programs. With high prices, the government cuts back on purchases.

The surplus is now less than 200 million pounds, and that's expected to be exhausted by Sept. 30, the end of the federal fiscal year.

As a result, the Department of Agriculture estimates that 45,000 seniors will be cut off from the federal Commodity Supplemental Food Program, which provides food assistance to needy mothers, infants and seniors. But the National CSFP Association, which is made up of state, local and nonprofit CSFP directors, predicts the number will be much higher — 120,000.

The CSFP has relied on free powdered milk and cheese over the last few years, but will have to purchase the products starting this fall, which will increase the cost of the program.

"We understand there's no money and hundreds of priorities, but we represent over 500,000 seniors, and they don't have someplace else to go," said Vicki Metheny, president of the National CSFP Association.

The seniors would be the ones affected by cutbacks because by law, mothers and infants get first priority under the CSFP program, she said.

Beneficiaries receive boxed food that is meant to supplement their nutritional intake, such as evaporated milk, dry milk, cereal, vegetables, fruit, beans and canned meat.

"It targets specific nutrients, typically lacking in most low-income diets, because they're expensive," Metheny said.

Jane Brown, executive director of America's Second Harvest in St. Paul., said dairy products make up an important source of protein for the people it serves.

"Any time that dairy is limited, it is a concern," she said.

Minnesota Board of Water & Soil Resources

DATE: August 15, 2005

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: August 24th Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, August 24, 2005, beginning at 9:00 a.m. The meeting will be held in the OEA conference room, 2nd floor, at 520 Lafayette Road North, in St. Paul. Parking is available in the lot directly in front of the building (use hooded parking areas).

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. **Petition for Boundary Change for Coon Creek and Rice Creek Watershed Districts** – The Coon Creek Watershed District filed a petition with the Board for a boundary change on June 1, 2005. The proposed boundary change involves the transfer of a 40-acre parcel owned by one landowner in the City of Ham Lake. The parcel would be transferred from the Rice Creek Watershed District to the Coon Creek Watershed District. The boundary change is being requested because the parcel is within the hydrologic boundary of the Coon Creek Watershed District. Both the Rice Creek Watershed District and the City of Ham Lake concur in the petition. A notice of filing for the boundary change was published once each week for two successive weeks in a local newspaper and also mailed as required by statute. No requests for a hearing and no comments were received during the specified period of time, thus no public hearing is required and none was held. The Metro Water Planning Committee unanimously recommends the boundary change be approved per the attached draft order. *DECISION ITEM*

Northern Water Planning Committee

1. **Hubbard County Priority Concerns Scoping Document** - Hubbard County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document (PCSD) for state review and comment. The BWSR Northern Water Planning Committee met on August 10, 2005 in Detroit Lakes to review the content of PCSD, state agency comments to the PCSD, and to make

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recommendations for the final water plan. The committee recommends approval of the Hubbard County PCSD. The state's expectations of the final plan must be sent to Hubbard County. See attached. *DECISION ITEM*

2. **Mille Lacs County Priority Concerns Scoping Document (PCSD) -** Mille Lacs County, as part of updating their Comprehensive Local Water Management Plan, submitted their Priority Concerns Scoping Document on May 18, 2005, for review and comment. The BWSR Northern Water Planning Committee, chaired by Jerome Deal, reviewed the (PCSD) on August 10, 2005. The Committee recommends approval of the Mille Lacs County PCSD. The Committee's official comments pertaining to the State review are drafted for the full Board to review and to take action on. See attached. *DECISION ITEM*

3. **Pelican River Watershed District Revised Watershed Management Plan** – The Pelican River Watershed District filed a Revised Watershed Management Plan with the Board on April 11, 2005. The district was established in 1966. The plan was last amended in 1997. Their mission is to enhance water quality. The district conducts water quality monitoring, permitting, weed harvesting, urban stormwater projects, ditch management and other activities. The county has transferred all ditches in the watershed to the District to manage. The District has a strong working relationship with state agencies, the SWCD, the county, and other local groups. The District sought input on the revised plan in letters to state, city, township, and county officials, lake associations, sportsman's groups, and interested citizens, and meetings with individual lake associations, the City of Detroit Lakes, and a public meeting in Detroit Lakes. A key component of the revised plan's action plan for attaining water quality goals is a two-tier strategy that utilizes Lake Water Quality Management Areas. A notice of filing for the revised plan was published in area newspapers and also mailed as required by statute. No requests for a hearing and no comments were received during the specified period of time, thus no public hearing is required and none was held. The Northern Water Planning Committee unanimously recommends the revised plan be approved per the attached draft order. *DECISION ITEM*

NEW BUSINESS

1. **Public Hearing on Petition for Termination of Cooks Valley Watershed District-** On June 28, 2005, the Board received 74 signed petitions by resident owners of the Cooks Valley Watershed District asking for termination of the watershed district pursuant to MS § 103D.271. The Wabasha County Auditor/Treasurer provided the certification of petitioner signatures as required by statute. The petitioners filed the required bond with the Board. The petition states the watershed district should be terminated because the watershed district has had no new projects started or taxes levied within the past 25 years, no inspection or maintenance programs have been maintained by the watershed district, currently there is no active appointed board of

managers for the watershed district, the continued existence of the watershed district does not benefit the public welfare and public interest, and the watershed district is not needed to accomplish the purposes of Minnesota Statutes Chapter 103D. The Board will need to appoint a hearing panel. Board staff have determined the petition meets the statutory requirements and a public hearing on the petition should be ordered per the attached draft order. *DECISION ITEM*

2. **FY 06 Non Point Engineering Assistance Base Grant -** This is a non-competitive annual grant allocated to the 11 SWCD Technical Service Areas (TSAs). It is to be used by each TSA to provide engineering/technical services to help landowners to implement erosion control and water quality improvement practices. The allocation policy was adopted by the BWSR at their June 2005 Meeting. The Cost-Share Committee recommends approval. See attached. *DECISION ITEM*

3. **Metro Surface Water Management Presentation** – A lot of cutting edge ideas and techniques incubate under the blanket of the 37 Watershed Management Organizations in the metropolitan area. This agenda item provides an overview of the forces that culminated in the Metropolitan Surface Water Management Act and its requirement that the entire seven-county area be organized along watershed lines. Steve Woods will discuss the history of "509" planning, our current practices, and finally some thoughts on what the future of the program is. *INFORMATION ITEM*

4. **Minnesota Wetland Report** – Dave Weirens will present the 2001-2003 Minnesota Wetland Report – *INFORMATION ITEM*

5. **Presentation on Recycling** – Bob Behnke, Office of Environmental Assistance (OEA) will present information on Recycling – *INFORMATION ITEM*

OLD BUSINESS

1. **Budget and Legislative Issues Update** – Ron Harnack - *INFORMATION ITEM*

The Southern Water Planning Committee will meet immediately following the Board meeting.

SPECIAL ATTENTION: Steve Woods still has tickets available to the Saints game on August 23. If you are interested in attending the 7:00 p.m. game, please contact Mary Jo Anderson at 651-297-4290 by 9:00 a.m. on Wednesday, August 17th.

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 August 24th!

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
OEA CONFERENCE ROOM – 2ND FLOOR
ST. PAUL, MINNESOTA 55155
WEDNESDAY, AUGUST 24, 2005

PRELIMINARY AGENDA

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

PLEDGE OF ALLEGIANCE

INTRODUCTION OF NEWLY APPOINTED BOARD MEMBERS

- Dana Allen, citizen member, Eyota
- Brian Kletscher, county commissioner member, Vesta

ADOPT AGENDA

MINUTES OF JUNE 22, 2005

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

REPORTS

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

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Petition for Boundary Change for Coon Creek and Rice Creek Watershed Districts – *DECISION ITEM*

Northern Water Planning Committee

1. Hubbard County Priority Concerns Scoping Document (PCSD) – *DECISION ITEM*

2. Mille Lacs County Priority Concerns Scoping Document (PCSD) – *DECISION ITEM*

3. Pelican River Watershed District Revised Watershed Management Plan – *DECISION ITEM*

NEW BUSINESS

1. Public Hearing on Petition for Termination of Cooks Valley Watershed District – Jim Haertel – *DECISION ITEM*

2. FY 06 Non Point Engineering Assistance Base Grant – Wayne Zellmer – *DECISION ITEM*

3. Metro Surface Water Management Presentation – Steve Woods – *INFORMATION ITEM*

4. 2001 – 2003 Minnesota Wetland Report – Dave Weirens – *INFORMATION ITEM*

Ginny Black, Colleen Hetzel, Melissa Wenzel

5. Presentation on Recycling – ~~Bob Behnke, Office~~ of Environmental Assistance (OEA) – *INFORMATION ITEM*

OLD BUSINESS

1. Budget and Legislative Issues Update – Ron Harnack – *INFORMATION ITEM*

AGENCY REPORTS

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

ADVISORY COMMENTS

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

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

UPCOMING MEETINGS

- September 28-29, 2005 BWSR Tour and Meeting, Rice County

12:30 p.m. ADJOURN

**** The Southern Water Planning Committee will meet immediately following the Board meeting.**

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
OEA CONFERENCE ROOM – 2ND FLOOR
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 22, 2005

BOARD MEMBERS PRESENT:
Jerome Deal, Randy Kramer, Perry Aasness, Department of Agriculture; Jim Anderson, Minnesota Extension Service; Paul Brutlag, Kay Cook, Randy Kramer, Gene Merriam, Department of Natural Resources; Quentin Fairbanks, Karen Harder, Clair Nelson, Victor Ormsby, Louise Smallidge, Lisa Thorvig, Pollution Control Agency; LuAnn Tolliver

BOARD MEMBERS ABSENT:
Paul Krabbenhoft

STAFF PRESENT:
Ron Harnack, Doug Thomas, Ron Shelito, Jim Haertel, Kevin Lines, Jeff Nielsen, Tim Fredbo, Tabor Hoek, Doug Norris, Dave Weirens, Al Kean, Mary Jo Anderson

OTHERS PRESENT:
Sandy Hooker, Minnesota Association of Townships
Rick Reimer, Minnesota Association of Conservation District Employees
Wayne Edgerton, Department of Natural Resources
Mary Mueller, Mueller's Habitat Restoration
George Erickson, wetland banker

Chair Deal called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

** 05-43 **ADOPT AGENDA** – Chair Deal stated that two new items were added to the agenda: 1) Koochiching County Water Plan Extension, and 2) FY 2006 Farm Bill Assistance Project – CREP II Implementation. Moved by Randy Kramer, seconded by Victor Ormsby, to adopt the agenda as amended. Motion passed on a voice vote.

** 05-44 **MINUTES OF MAY 25, 2005** – Moved by Louise Smallidge, seconded by Karen Harder, to approve the minutes of May 25, 2005, as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Chair Deal reported that he was unable to attend the EQB meeting last week.

Executive Director's Report – Ron Harnack reported that he attended the EQB meeting on Chair Deal's behalf. Discussions included: power line extensions in southwestern Minnesota; timber harvesting; and ATV rules.

Ron attended the Zumbro Watershed Partnership Celebration (NRCS, BWSR, SWCD, and Congressman Gutknecht) on June 13 in Elgin. The watershed partnership implements conservation practices on the ground. This celebrated the receipt of $200,000 of matching funds for development of a Zumbro River Watershed conservation plan.

Ron stated that BWSR is planning for a potential shutdown of BWSR offices if the budget stalemate continues. The Administrative Advisory Committee met this morning to discuss budget recommendations and adjustments relating to the grants decisions later on the agenda.

Wetlands Committee – Clair Nelson reported that the Wetlands Committee will meet today immediately following the Board meeting.

Administrative Advisory Committee – Chair Deal reported that the Administrative Advisory Committee have met via conference calls and also met this morning. Items discussed will be addressed today later on the agenda.

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

Houston County Priority Concerns Scoping Document (PCSD) – Victor Ormsby reported that the Southern Water Planning Committee met on June 2, 2005, to review and consider the Houston County Priority Concerns Scoping Document. The Committee recommends approval of the Houston County PCSD.

** 05-45 Moved by Victor Ormsby, seconded by Kay Cook, to approve the Houston County Priority Concerns Scoping Document. Motion passed on a voice vote.

Martin County Priority Concerns Scoping Document (PCSD) – Victor Ormsby reported that the Southern Water Planning Committee met on June 2, 2005, to review and consider the Martin County Priority Concerns Scoping Document. The Committee recommends approval of the Martin County PCSD. Moved by

** 05-46 Victor Ormsby, seconded by Dan Wilson, to approve the Martin County Priority Concerns Scoping Document. Motion passed on a voice vote.

Northern Water Planning Committee

Norman County Priority Concerns Scoping Document (PCSD) – Quentin Fairbanks reported that the Northern Water Planning Committee met on June 8, 2005, to review and consider the Norman County Priority Concerns Scoping Document. The Committee recommends approval of the Norman County PCSD.

** 05-47 Moved by Quentin Fairbanks, seconded by Paul Brutlag, to approve the Norman County Priority Concerns Scoping Document. Motion passed on a voice vote.

Polk County Local Water Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee met on June 8, 2005, to review and consider the Polk County Local Water Management Plan. The Committee recommends approval of the update of the Polk County Local Water

** 05-48 Management Plan. Moved by Quentin Fairbanks, seconded by Perry Aasness, to approve the Polk County Local Water Management Plan. Motion passed on a voice vote.

Todd County Priority Concerns Scoping Document (PCSD) –Paul Brutlag reported that the Northern Water Planning Committee met on June 8, 2005, to review and consider the Todd County Priority Concerns Scoping Document. Paul stated that Todd County did an excellent job of coordination. The

** 05-49 Committee recommends approval of the Todd County PCSD. Moved by Paul Brutlag, seconded by Quentin Fairbanks, to approve the Todd County Priority Concerns Scoping Document. Paul suggested that periodically we have a County Water Management Plan come before the full Board to show the entire

structure of their document, the process and the action plan. Wayne Edgerton stated that Todd County did an outstanding job of showing the new process. Motion passed on a voice vote.

NEW BUSINESS

Koochiching County Water Plan Extension – Ron Harnack reported that this item is an addition to the agenda today. Koochiching County is requesting a time extension for their local water management plan update until July 26, 2007. Reasons for the extension request is due to administrative oversights, changes in staff responsibilities for the update, and to allow adequate time to conform to the new CLWMP update process. There has been no previous extension approved for this update. The Koochiching County Water Management Plan will expire on July 26, 2005. Review of this request by the BWSR Northern Water Planning Committee was not required. Staff recommends approval of the two-year extension. Moved by Clair Nelson, seconded by Kay Cook, to approve the two–year extension for the Koochiching County Water Plan. Motion passed on a voice vote.

** 05-50

Ron Harnack reported that since BWSR does not have a budget yet, the approval of the Board grants presented today will be contingent upon Option B, subject to final appropriations by the legislature and signed by the Governor.

FY06 SWCD Grants - Wayne Zellmer reported that the Cost-Share Committee recommends approval of the annual allocations to SWCDs as proposed. FY06 SWCD Grants: Regular Statewide Cost-Share Base Grants $1,985,243; General Services Grant $2,156,776; Easement Services Grant $344,997; Feedlot Water Quality Management Grants $1,350,000. Moved by Randy Kramer, seconded by Victor Ormsby, to approve the FY06 SWCD Grants as presented. Motion passed on a voice vote.

** 05-51

State Cost-Share Base Grants for Increased Technical Assistance – Wayne Zellmer reported that BWSR is proposing legislative appropriation language for the FY06 - 07 biennium that would allow SWCDs to use all or part of their base grant for technical assistance. The Cost-Share Committee recommends approval of the allocation and is requesting approval of the administrative policy to implement this proposal. Moved by Victor Ormsby, seconded by Louise Smallidge, to approve the State Cost-Share Base Grants for Increased Technical Assistance and approval of the administrative policy to implement this proposal. Ron Harnack reported that legislative conference committee has approved the language for this allocation. Motion passed by a voice vote.

** 05-52

FY06 Natural Resources Block Grants (NRBG) – Wayne Zellmer reported that the Natural Resources Block Grant provides assistance to local governments to implement state natural resource programs. The programs and proposed amounts are: Comprehensive Local Water Management: $1,500,000; the Wetland Conservation Act: $2,172,000; DNR Shoreland Management: $430,000; the MPCA County Feedlot Program: $1,992,941; and the MPCA County Individual Sewage Treatment Systems (ISTS) Program: $130,500. The actual numbers will be generated when 2005 numbers are received.

Ron Harnack reported that the Administrative Advisory Committee recommends that the NRBG authorization of the proposed individual grant amounts to counties with the condition that 15% of each grant for Comprehensive Local Water Management, DNR Shoreland Mangement, and the Wetland Conservation Act be held back pending final legislative appropriations. This gives BWSR flexibility to address the final budget issues without withholding the entire allocation at the local level. Moved by Lisa Thorvig, seconded by Kay Cook, to authorize staff to allocate initially up to 85% of the individual grant amounts to counties for Comprehensive Local Water Management, DNR Shoreland Management, and the Wetland Conservation Act, with the remaining 15% reserved pending final legislative appropriations; and MPCA approved amounts for the County Feedlot, and Individual Sewage Treatment Systems Programs. Motion passed on a voice vote.

** 05-53

Stormwater Planning Assistant Grant – Doug Thomas presented information and stated that staff are seeking approval from the Board to provide a grant in the amount of $25,000 to the Ramsey Washington Metro Watershed District to support the completion of an analysis/assessment that will measure the Minnesota Framework of local water management, including its associated laws and rules, against federal and state (PCA) requirements for watershed-based NPDES management and permitting, including an evaluation of gaps and barriers to use to meet the requirements of NPDES stormwater permits. This project will support the work of the State Stormwater Steering Committee, of which BWSR is a member, and one of its objectives which is to address developing links or merging stormwater management requirements with other state or local water resource programs and the Impaired Waters Program.

** 05-54

Discussion followed. Moved by LuAnn Tolliver, seconded by Jim Anderson, to authorize BWSR staff to enter into a grant agreement with the Ramsey Washington Metro Watershed District to support the completion of an analysis/assessment that will measure the Minnesota Framework of local water management, including its associated laws and rules, against federal and state

(PCA) requirements for watershed-based NPDES management and permitting, including an evaluation of gaps and barriers to use to meet the requirements of NPDES stormwater permits, with research brought back before the full Board. Motion passed on a voice vote.

FY 2006 Farm Bill Assistance Project – CREP II Implementation – Kevin Lines explained that the Farm Bill Assistance Project was initiated in 2002 by BWSR, DNR and Pheasants Forever to continue staffing for conservation efforts started with the Minnesota River CREP. Implementing provisions of the Federal Farm Bill that result in grass and wetland cover remain the focus of the project. During the development of CREP II, it was decided to continue to utilize the structure of the FBA Project and merge financial resources of BWSR, DNR, Pheasants Forever, local sport groups and the SWCD's to implement the program. Presently we have 28.55 FTE's in 36 counties and are looking to maintain and expand this effort to 36.55 FTE's in 52 counties. The net result will be 11.3 FTE's covering 15 counties in the non-CREP area, and 25.25 FTE's in 37 CREP II counties. Funding for non-CREP and partial CREP counties would remain at a state/local split of 70/30. Due to increased workload demands on SWCD's to implement CREP II, a reduced local contribution would be required with a state/local split of 95/5. The total budget for each FTE would be calculated from a total budget $40,000/FTE with the appropriate split being applied. Staff recommends approval of this process. Ron Harnack stated that this does not create a long-term state employment obligation as these employees are hired by the SWCD. BWSR appreciates DNR's partnership with this project. Moved by Victor Ormsby, seconded by Louise Smallidge, to approve the FY 2006 Farm Bill Assistance Project CREP II Implementation Grant. Motion passed on a voice vote.

** 05-55

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

Area II Minnesota River Basins Project Inc. FY 2006 Annual Work Plan – Tabor Hoek, BWSR, introduced Kerry Netzke, coordinator for Area II; Gary Sorenson, Cottonwood County Commissioner; and Joseph Schouvieller, Chair of Area II Board and Redwood County Commissioner. Tabor explained that the work plan is for BWSR oversight of project and administrative funding related to the flood control efforts of the Area II project. Project funding for FY 2006 has been established at $500,000 in bonding which BWSR will administer and $500,000 in an LCMR grant administered by DNR. These sources of funding along with other sources of federal and state cost-share matched with local

funding will facilitate the implementation of 10 flood control projects totaling $2,292,195. A minimum 25% match is required of all funding sources. State administrative funding for Area II is anticipated to be at $140,000 (Senate version) or $105,000 (House version) requiring a 25% match as well. This plan is proposed at the higher level and will be adjusted down as necessary during the year. Staff recommends approval of the plan. Kerry Netzke presented the Area II work plan. Kerry invited board members to attend the Lazarus Creek floodwater control project dedication on July 7 at the project site. Moved by Victor Ormsby, seconded by Quentin Fairbanks, to approve the work plan and up to $140,000 for the Area II Minnesota River Basins Project, subject to legislative action. Motion passed on a voice vote.

** 05-56

Ron Harnack reported that new board member appointments have not yet been made by the Governor's Appointments Office. BWSR recognizes the efforts of Karen Harder and Victor Ormsby for their service on the Board; their terms expire on June 30, 2005. Ron Harnack, on behalf of the Board, presented a print to Karen Harder and Victor Ormsby, acknowledging their time and efforts on the Board. Chair Deal thanked Karen and Vic for their time on the various committees they have been involved in and appreciated their service.

Bernt Hall RIM Easement Alteration – Tim Fredbo presented information of the request for RIM easement alteration of two perpetual RIM Reserve conservation easements. BWSR staff, Kandiyohi SWCD, and DNR, recommend approval of the exchange on the easement be conditional upon the following items being accomplished by Mr. Hall:

- Provide a legal survey to BWSR of the new access road alignment and building site boundary to be used as part of BWSR's new legal description for the amended easement.
- Provide a letter from the local zoning administrator stating that the site is buildable, new access will be allowed onto 150th St., and 10 foot width is adequate, and all necessary permits for both building and driveway can be secured.
- Provide a letter from the USDA Farm Service Agency that they will amend the CRP contract in the area of the proposed new access road.

** 05-57

Moved by Clair Nelson, seconded by Perry Aasness, to approve the alteration easement as presented, contingent upon Mr. Hall's accomplishment of the three aforementioned items. Motion passed on a voice vote. Ron Harnack suggested establishing a subcommittee to review the current criteria for easement alterations, to review alteration decision history, to make recommendations to the Board on evaluation of future alterations and finally to review and make

recommendations on a current request for alteration. Chair Deal appointed an easement alteration committee: Gene Merriam, Perry Aasness, Randy Kramer, Louise Smallidge, and Paul Brutlag-chair of the committee.

Policy Establishing Payment Rates for Conservation Easements Acquired for Public Road Wetland Replacement Bank Sites – Dave Weirens explained that the Board last updated the policy to establish payment rates for conservation easements acquired for public road wetland replacement bank sites in 2001. Passage of the bonding bill and planning for the development of additional road replacement wetland bank sites has identified the need for the Board to update this policy. The Wetland Committee has reviewed the proposed policy and recommends Board approval.

** 05-58 Moved by Quentin Fairbanks, seconded by Clair Nelson, to approve the policy establishing payment rates for conservation easements acquired for public road wetland replacement bank sites. Paul Brutlag voted no, feeling that this is more of a legislative decision issue. Paul also thought that there should be a greater opportunity to promote the private banking process. Dave stated that there are certain limitations for BWSR in buying private bank credits due to our source of revenue, bonding funds.

Citizen question: When did BWSR last purchase private credits? Ron Harnack did not have the date; however, recent discussions with the Attorney General's Office advises that we do not have the authority to purchase "partial" credits from a private bank using bonding dollars. We need to purchase acquire the entire bank through a permanent easement. Motion passed on a voice vote.

Revised Policy – Sale of Wetland Credits to Public Transportation Authorities – Dave Weirens presented the proposed new policy. The Board established the current policy on the pricing of credits for sale to public transportation authorities in December 2003. To ensure the intent of the legislation is met, to cover the cost of the Board to establish credits, this policy needs to be revised to reflect current and expected costs to develop wetland credits. The Wetland Committee has reviewed the proposed policy and

** 05-59 recommends Board approval. Discussion followed. Moved by LuAnn Tolliver, seconded by Randy Kramer, to approve the revised policy. Ron Harnack stated that this will be back in July 2006 with recommendations for next year. Motion passed on a voice vote.

Chair Deal called for a lunch break at 12:10 p.m. The meeting reconvened at 12:35 p.m.

Comprehensive Wetland Monitoring and Assessment Program – Doug Norris, DNR/BWSR explained that the Comprehensive Wetland Monitoring Program is an interagency effort that is still under development. The program is aimed at developing and implementing a scientifically sound strategy for ongoing monitoring and assessment of the statewide status and trends in wetland quantity and quality. There are several components to the program, including: 1) periodic acquisition and interpretation of aerial photography on fixed, randomly located plots statewide; 2) periodic updates of National Wetland Inventory Maps; and 3) a comprehensive, geographically based programmatic database for tracking wetland gains and losses. Doug introduced Mark Guerness, MPCA, part of the project team. Doug stated that they hope to have the strategy project completed by December 2005. $250k/year in DNR Budget (Heritage Enhancement) and $200k/year from USEPA for 3 years. Ron Harnack thanked Doug for his informative presentation.

OLD BUSINESS

Budget and Legislative Issues Update – Ron Harnack commented on a letter from Governor Pawlenty sent to all state employees, regarding the potential for government shutdown. Ron sent an e-mail to all BWSR employees regarding the possible shutdown due to the legislature failing to appropriate funds to BWSR and other state agencies. Ron will be sending a letter out on Friday to BWSR clientele, letting them know of the potential government shut-down. BWSR does not fall under the term of critical, thus BWSR will be closed July 1, 2005, if the shutdown occurs.

AGENCY REPORTS

Minnesota Department of Natural Resources – Commissioner Gene Merriam reported that there is a tremendous amount of effort going on regarding the potential government shutdown. The DNR Enforcement Division will stay in force. One hazardous material person will stay in force, the rest of DNR will be closed.

Minnesota Department of Health – Dan Wilson reported that Environmental Health will be shutdown; however, they have authority to call back staff if an emergency should occur.

Minnesota Extension Service – Jim Anderson reported that the University of Minnesota is reorganizing into a new college, yet to be determined. Traditionally, a water resources conference has been held; MES has received many

comments to incorporate this into a fall conference, Oct. 25-26. The PCA, College of Engineering/University of Wisconsin/Madison, and MES, will have two week-long assessment workshops to be held, September 19-22, at Earle Brown Continuing Education; the other session will be held in Appleton, Wisconsin.

Pollution Control Agency – Lisa Thorvig reported that the PCA emergency response and methane gas monitoring will remain open during the shutdown; others will be closed. Lisa stated that draft TMDLs are now on PCA's website, public notice July 17-August 18. Lisa reported that the Minnesota River Basin Permit for trading mechanisms for wastewater treatment plants, an innovate trading option - public notice June 27. Lisa reported that stormwater construction permits can now be applied for on-line. Septic system rules are being revised.

ADVISORY COMMENTS

Minnesota Association of Conservation District Employees (MACDE) - Rick Reimer reported that MACDE has their summer session next week in Bemidji. MACDE is involved in training with DNR and NRCS; the wetland certification process; leadership training; a group of 30 going to Washington in September.

Chair Deal reported that the MAWD summer meeting and tour, will be held June 23-25 in Brainerd.

Chair Deal reported that the regulatory part of the U.S. Fish and Wildlife Service would like to be a part of the Red River Valley Memorandum of Agreement between BWSR and DNR.

Ron Harnack asked board members to submit their expense claims, as the fiscal year ends June 30, 2005.

The Wetlands Committee will meet immediately following adjournment of the Board meeting.

The Board will not meet in July; the next BWSR meeting will be held August 24th in St. Paul.

** 05-60 Moved by Dan Wilson, seconded by Clair Nelson, to adjourn the meeting at 1:40 p.m. Motion passed on a voice vote.

Respectfully submitted,

Jerome Deal
Chair

Dispute Resolution Report
August 10, 2005
by Jim Haertel

There are presently nine appeals pending. All of the appeals involve WCA. There has been two new appeals filed since the last report dated June 9.

File 05-15. This is a new appeal of a Restoration Order in St. Louis County. Over one-half acre of Type 8 wetland was filled for development of a single family residence. The fill is over 10 feet deep in some areas. The area of fill is near a lake classified as natural environment, but the area of fill is not within the shoreland wetland protection zone. Other zoning violations also exist. No decision has been made on the appeal.

File 05-14. This is a new appeal of a Restoration Order in Kandiyohi County. At issue is the placement of fill in approximately 7.39 acres of wetlands and also excavation in wetlands. No decision has been made on the appeal.

File 05-1. This is an appeal of a Replacement Plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Management Plan that BWSR approved. The appeal has been accepted and a pre-hearing conference was held. The appeal is presently is abeyance to allow additional field work to be completed.

File 04-30. This is an appeal of a Restoration Order in Roseau County. The violation involves excavation in a Type 3-4 wetland along a lake. A decision on accepting the appeal has been placed in abeyance per request from legal counsel for the appellant.

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

File 04-26. This is an appeal of a Restoration Order in Spring Lake Township, Scott County. At issue is the placement of 4,300 feet of fill in a wetland for a driveway. The approved plat showed access to the lot without wetland impacts. The appeal is in abeyance pending a decision on a replacement plan application.

File 04-25. There is an appeal of an exemption decision in the City of Albertville, Wright County. The exemption was granted by default after the requirements under Minn. Stat. § 15.99 (the "60-day rule") were not met. At issue is the scope of wetland filling allowed under the "approved development" exemption and whether wetland filling can be avoided. The project involves commercial development. The appeal has been accepted,

the record has been developed and a pre-hearing conference was held on January 20. The appeal briefing and hearing schedule is presently in abeyance pending the landowner considering Corps of Engineers requirements for the project.

File 04-23. This is an appeal of a forestry exemption decision in Kittson County. Unpermitted fill was placed in a Type 7 wetland for a road. A Cease and Desist Order was issued. Additional filling has recently occurred in violation of the CDO. Corps and DNR violations also exist. The appeal has been accepted and is in abeyance pending completion of a wetland delineation this spring and submittal of a replacement plan application.

File 04-15. This is an appeal of a wetland boundary and type decision in Anoka County. At issue is the decision by the Rice Creek Watershed District to classify a site as effectively drained. Last summer a wetland delineation report identified most of the site as wetland. The appeal has been remanded for a technical evaluation panel to meet onsite. The appeal remains in abeyance under the remand.

Appeals Filed in 2004 (All WCA)

File No. 04-	LGU Action	County (City)	LGU	Status
1	Replacement Plan	Waseca	MNDOT	Denied as meritless and brought for purposes of delay NOTE: appealed to Court of Appeals-affirmed, appealed to MN Supreme Court-not accepted
2	Exemption	Morrison	SWCD	Accepted, replacement plan application submitted, LGU again denied, denial appealed as 05-3, appeal 05-3 accepted and combined with 04-2, resolved with approval of replacement plan using wetland banking credits
3	Restoration Order	McLeod	County	Denied, Restoration Order Affirmed
4	Restoration Order	McLeod	County	Denied, Restoration Order Affirmed
5	Replacement Plan	Sherburne	County	Withdrawn
6	Replacement Plan	Sherburne	County	Withdrawn
7	Replacement Plan	Sherburne	County	Withdrawn
8	Restoration Order	Otter Tail	County	Denied, Restoration Order Affirmed
9	Restoration Order	Olmsted (Rochester)	City	Denied, Restoration Order Affirmed
10	Exemption	Kanabec	County	Denied as meritless
11	Restoration Order	Douglas	SWCD	Denied, Restoration Order Affirmed
12	Restoration Order	Chisago (North Branch)	County	Denied, Restoration Order Affirmed
13	Restoration Order	Olmsted (Rochester)	City	Denied, Restoration Order Affirmed
14	Exemption	Scott (Prior Lake)	City	Denied as meritless
15	Boundary and Type	Anoka (Blaine)	Rice Creek WD	Remanded
16	Restoration Order	Cass	SWCD	Denied, Restoration Order Affirmed
17	Replacement Plan	Anoka (Blaine)	Rice Creek WD	Remanded, LGU again approved, approval appealed as 05-1, appeal 05-1 accepted and combined with 04-17
18	Restoration Order	Cass	SWCD	Denied, Restoration Order Affirmed
19	Impoundment of water – cannot be appealed	Pine	SWCD	Denied
20	Restoration Order	Hubbard	SWCD	Denied, Restoration Order Affirmed
21	No-Loss	Traverse	SWCD	Resolved-stipulated agreement
22	Restoration Order	Hubbard	SWCD	Denied, Restoration Order Affirmed
23	Exemption	Kittson	SWCD	Abeyance

24	Restoration Order	Otter Tail	SWCD	Denied, Restoration Order Affirmed
25	Exemption	Wright (Albertville)	City	Accepted, pre-hearing held
26	Restoration Order	Scott County	SWCD	Pending
27	Exemption	Cass	County	Remanded
28	Replacement Plan	Hubbard	County	Denied
29	Restoration Order	Roseau	SWCD	Abeyance
30	Replacement Order	Wilken	SWCD	Denied, Replacement Order Affirmed
31	Restoration Order	Rice	SWCD	Denied, Restoration Order Affirmed
32	Replacement Plan	Hubbard	County	Denied
33	Restoration Order	Beltrami	SWCD	Denied, Restoration Order Affirmed

Updated 8/10/05

Appeals Filed in 2005 (All WCA)

File No. 05-	LGU Action	County (City)	LGU	Status
1	Replacement Plan	Anoka (Blaine)	Rice Creek WD	Appeal accepted, combined with 04-17, pre-hearing held and continued
2	Restoration Order	Chisago	County	Denied, Restoration Order Affirmed
3	Replacement Plan	Morrison	SWCD	Appeal accepted, combined with 04-2, resolved with approval of replacement plan using wetland banking credits
4	Restoration Order	Otter Tail	County	Denied, Restoration Order Affirmed
5	Exemption/No-Loss	Itasca	SWCD	Withdrawn
6	Restoration Order	Chisago	County	Denied, Restoration Order Affirmed
7	Restoration Order	Morrison	SWCD	Denied, Restoration Order Affirmed
8	Restoration Order	Roseau	SWCD	Denied, Restoration Order Affirmed
9	Restoration Order	St. Louis (Hibbing)	City	Denied, Restoration Order Affirmed
10	Restoration Order	St. Louis (Proctor)	City	Denied, Restoration Order Affirmed
11	Replacement Plan	Dakota (Eagan)	City	Denied as meritless
12	Restoration Order	Le Sueur (Montgomery)	SWCD	Denied, Restoration Order Affirmed
13	Restoration Order	St. Louis	County	Denied, Restoration Order Affirmed
14	Restoration Order	Kandiyohi	County	Pending
15	Restoration Order	St. Louis County	County	Pending

Updated 8/10/05

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Petition for Boundary Change for Coon Creek and Rice Creek Watershed Districts

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

In the Matter of the Boundary Change for the Coon Creek Watershed District and the Rice Creek Watershed District in Anoka County pursuant to Minnesota Statutes § 103B.215

ORDER BOUNDARY CHANGE

Whereas, the Coon Creek Watershed District filed a Petition dated May 27, 2005 with the Board of Water and Soil Resources (Board) on June 1, 2005, to change the boundary of the Coon Creek Watershed District (CCWD) and the Rice Creek Watershed District (RCWD) pursuant to Minn. Stat. § 103B.215, and;

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

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

FINDINGS OF FACT

1. **Petition.** The Petition to change the boundary of the CCWD and the RCWD was filed by the CCWD Board of Managers with the Board on June 1, 2005.

2. **Property Description.** The territory included in the boundary change, the Petitioned Area, is located in the City of Ham Lake in Anoka County entirely within the metropolitan area and totals approximately 40 acres. The Petitioned Area would be transferred from the RCWD to the CCWD. The Petitioned Area is depicted on a map attached to the Petition and further identified as the SE 1/4 of the SE 1/4 of Section 36, T. 32N, R.23W, PIN 36 32 23 44 0001.

3. **Reasons for Boundary Change.** The Petition states: The Petitioned Area is bordered by a ditch on the south and east sides. The ditch drains to the north to County Ditch No. 44. County Ditch No. 44 is under the jurisdiction of the CCWD. The Petitioned Area is within the hydrologic boundary of the CCWD. The City of Ham Lake requested the boundary change. The requested boundary change is consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255.

4. **Statements of Concurrence.** The required statements of concurrence pursuant to Minn. Stat. § 103B.215, Subd. 2, item c from the City of Ham Lake and the RCWD were submitted with the Petition.

5. **Effect on Benefits and Damages.** The Petition states the proposed boundary change will not affect the benefits or damages for any improvements previously constructed by the RCWD. The RCWD currently has jurisdiction over the Petitioned Area.

6. **Notice of Filing.** Legal Notice of Filing of the proposed boundary change, pursuant to Minn. Stat. § 103B.215, Subd. 3, was published in the Anoka County Union on June 24 and July 1, 2005. Further, a copy of the hearing notice was mailed to several addressees including the Anoka County Auditor, the Mayor of the City of Ham Lake, the Anoka Conservation District, the RCWD and the CCWD.

7. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minn. Stat. § 103B.215, Subd. 3, which requires within 20 days of the last date of publication of the Notice of Filing of the Petition that at least one request for hearing be received by the Board before a hearing will be held. No requests for hearing and no comments were received during the specified period of time and no hearing was held.

8. **Metro Water Planning Committee.** Based on the record in this matter, the Board's Metro Water Planning Committee in a unanimous decision recommend to the full Board that the requested boundary change be approved because the Petitioned Area is within the hydrologic boundary of the CCWD, the change is consistent with the purposes and requirements of the Metropolitan Surface Water Management Act in Minn. Stat. §§ 103B.205 to 103B.255, the change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages, and the governing bodies of the City of Ham Lake and the RCWD concur in the requested boundary change.

CONCLUSIONS

1. The Petition for boundary change of the Coon Creek Watershed District and the Rice Creek Watershed District is valid in accordance with Minn. Stat. § 103B.215.

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

3. The Board has proper jurisdiction in the matter of ordering a watershed district boundary change.

4. The territory included in the requested boundary change is within the hydrologic boundary of the Coon Creek Watershed District.

5. The governing bodies of the City of Ham Lake and the Rice Creek Watershed District concur in the requested boundary change.

6. The requested boundary change is consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255.

7. The requested boundary change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages.

8. The proposed boundary change should be approved per the Petition.

ORDER

The Board hereby orders that the boundaries of the Coon Creek Watershed District and the Rice Creek Watershed District are changed per the Petition. The Southeast one-quarter of the Southeast one-quarter of Section 36, Township 32 North, Range 23 West, PIN 36 32 23 44 0001, in the City of Ham Lake, Anoka County, is hereby transferred from the Rice Creek Watershed District to the Coon Creek Watershed District.

Dated this 24th day of August, 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Jerome Deal, Chair

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Hubbard County Priority Concerns Scoping Document

2. Mille Lacs County Priority Concerns Scoping Document

3. Pelican River Watershed District Revised Watershed Management Plan

MEMORANDUM

DATE: August 15, 2005

TO: BWSR North Region Water Management Plan Review Committee

FROM: Bill Best, Board Conservationist

SUBJECT: Review of Hubbard County Priority Concerns Scoping Document (PCSD)

The Hubbard Soil and Water Conservation District (SWCD) is responsible for the administration of the Local Water Management (LWM) Plan for Hubbard County. The update process began on September 15, 2004, when Hubbard County passed a resolution to update the county's LWM plan. The current plan's effective date will expire on December 31, 2005.

The county prepared and submitted in late September of 2004 to the state review agencies and adjacent counties a "Notice of Decision to Revise and Update the Hubbard County Local Water Plan". The notice requested that water and related land resource plans & official controls, and water related priority issues and concerns, be submitted to the county by November 10, 2004. The SWCD also, in their Fall 2004 newsletter "Focus", included a Hubbard County Citizen Survey to solicit citizen input into the development of the county's priority concerns.

Hubbard County received state agency priority concern input statements from the MDH, DNR, and the BWSR.

- The MDH concerns were to protect drinking water sources, sealing unused and/or unsealed wells, and the development of a ground water quality database.
- The DNR listed concerns with high levels of nitrates in the groundwater and drinking water supplies, the need for the protection of shoreland and river corridors, and the need to address point and non-point source pollution.
- BWSR concerns were the need to develop a wetland management plan and ordinance, increased storm water and non-point erosion from commercial and residential construction, and the impact of increased development on the county's lakes, rivers, and wetlands.

The SWCD received 7 citizen responses and a response from Thorpe Township. Concerns from the citizen survey were tabulated and were ranked by importance. The top issues identified by citizens were contaminated runoff, development pressure, natural habitat destruction, and declining water quality. Ranking of

citizen concerns by the broad categories of ground water, wetlands, lakes, and streams showed that lakes & streams were their number one concern.

The WRAC discussed how many government entities were already addressing many of the priority concerns submitted by the agencies and public. These concerns were considered by the county to be important and that they may become a higher priority concern in the next local water management plan update.

The following is a list of the Priority Concerns chosen by Hubbard County.

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

In early June of 2005 Hubbard County submitted its PCSD to the BWSR for final agency review and approval. The MDH, MPCA, EQB, DNR, and MDA sent letters stating that their agency concurred with the priority concerns developed by Hubbard County. One agency did offer comments to be considered when preparing the water plan update. The MPCA stated that the plan update should make mention of the ongoing water quantity issues associated with the Mantrap Chain of Lakes. Also, the county should reference its participation in the North Central Lakes Pilot Project, one of four projects under the Governors Clean Water Initiative.

Based on my review of the Hubbard County PCSD I have determined that the document does meet the requirements of the guidance material provided by the BWSR and that of 103B.312 and 103B.313 subp.1– 4.

Minnesota Board of Water & Soil Resources

August 24, 2005

Hubbard County Commissioners
C/O Alicia Laturnis
Hubbard Soil and Water Conservation District
212 1/2 - 2nd Street W.
Park Rapids, MN 56470

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

Dear Hubbard County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Hubbard County has chosen to address in the update of their Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, were sent the Hubbard County Priority Concerns Scoping Document (PCSD) in late May, 2005 and asked that comments be sent by June 25, 2005 to Ron Shelito, BWSR Northern Region Supervisor.

A number of water resource concerns were submitted to the Hubbard County Water Resources Advisory Committee (WRAC). The WRAC chose the following priority concerns that will be addressed in the Water Plan Revision.

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

The MDH, DNR, EQB, and MDA sent letters stating that their agency concurred with the priority concerns developed by Hubbard County.

The Minnesota Pollution Control Agency concurs with the priority concerns identified and offers the following comments for consideration when drafting the LWM Plan:

- That the plan update should make mention of the ongoing water quantity issues associated with the Mantrap Chain of Lakes.

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- The county should reference its participation in the North Central Lakes Pilot Project, one of four projects under the Governors Clean Water Initiative.

On August 10, 2005, the Northern Region Water Planning Committee (hereinafter referred to as the committee) met with the Hubbard SWCD Administrator to discuss Local Water Management activities within Hubbard County, the process used to gather input on priority concerns, the content of the PCSD, the state review agencies comments, and recommendations for the content of the final plan.

The committee approves the Hubbard PCSD with the following recommendations:

- That the Hubbard County Water Planning staff and committee participate actively in the proposed county-wide zoning process to manage development for water quality protection.
- The County is strongly encouraged to adopt no longer than a five year plan due to the growth potential in Hubbard County.
- The committee encourages the county to submit the final water plan to BWSR for approval within six months of receiving this letter.

Based on the committee's recommendations, the Board of Water and Soil Resources commends the county on the process they used to select the priority concerns. The priority concerns to be addressed in the plan were deemed to be appropriate for Hubbard County and does not recommend or require any changes to the PCSD as submitted.

Sincerely,

Jerome Deal
Chair, Board of Water and Soil Resources

Cc: Bill Best, BWSR
Ron Shelito, BWSR
Beth Kluthe, MDH
Becky Balk, MDA
Mike Carroll, DNR
Lisa Thorvig, MPCA
Sara Bertelson, EQB

Date: July 25, 2005

To: BWSR Northern Subcommittee

From: Keith R. Grow
Board Conservationist
Brainerd Field Office

Subject: Review of Mille Lacs County Priority Concerns Scoping Document (PCSD)

The Mille Lacs County Board of Commissioners adopted the original Local Water Management Plan (LWMP) on July 21, 1992 under the authority of M.S. 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources on August 26, 1992 pursuant to M.S. 1990, Section 103B.315, Subd.5. On January 21, 2003, the Mille Lacs County Board passed a resolution to update and revise their third generation Comprehensive Local Water Management plan (CLWMP).

In the fall of 1989, the Mille Lacs County Board of Commissioners voted unanimously to begin the water planning process. In doing so, they delegated the Mille Lacs Soil and Water Conservation District in conjunction with the advisory committee to administer and implement the program.

The Priority Concerns Scoping Document focuses on the Mille Lacs Lake Watershed and Rum River Watershed with specific concern in the Anoka Sandplain. The (PCSD) identifies the following priority concerns to be addressed in the Water Plan revision:

1. The cumulative effects of Development on Surface and Groundwater.
   * *This priority concern focuses on a coordinated holistic approach to development with particular focus and lakes and rivers.*
2. Development of TMDLs for Impaired Waters in Mille Lacs.

The Mille Lacs (CLWMP) process included the following actions:

- In January of 2004, the Advisory Committee initiated by-laws, which provided guidelines for the updating process.
- Written notice was sent out on March 30, 2004 to all interested parties informing them of the intent to update the (CLWMP), and offered membership on the Advisory Committee.

- A request and agency input survey was sent to County Boards of the adjacent counties, all townships, municipalities, DNR, MPCA, MDH, MDA, BWSR and EQB.
- A follow-up request for input and concerns was presented at the Mille Lacs County Association of Townships meeting.
- Phone contacts were made and newspaper articles published.
- Three public information meetings were held throughout the county.

The following priority concerns were submitted:

Local Comments

Comments were received from six townships, ag producers, rural residents, two cities, and the Mille Lacs County Health Department. Their suggested priority concerns included the following issues:

- Shoreland development.
- Long-term viability of development/housing density.
- Surface water quality, specifically ISTS compliance as it relates to lakes and subdivisions with special consideration given to Mille Lacs Lake.
- Excessive use of chemicals.
- Farming and Best Management Practices including manure management.
- Long-term planning that addresses compatibility of farming and development.
- Abandon wells; locate and seal in high priority areas.

Agency Comments

The following priority concerns were submitted by state agencies as required:

- EQB: Groundwater contamination; Mille Lacs County contains areas of high to medium groundwater contamination susceptibility. (TMDL)
- MPCA: Impaired waters/total maximum daily loads (TMDL); stormwater/BMPs, particularly in riparian areas; feedlot compliance; protection of shoreland/riparian areas.
- MDH: Drinking water protection, 1) well head protection planning; 2) non-community public water supply systems and inner well management zone; and 3) monitoring and testing of private wells; ISTS compliance
- BWSR: Surface water quality and development adjacent to riparian areas; erosion control and water quality impacts on recreational lands; erosion control and nutrient management.
- DNR: Basin monitoring for water quantity and quality information; improve nutrient management and water quality parameters; ground water availability as it relates to landuse activities; minimize storm water discharges from developing areas.

On May 18, 2005 Mille Lacs County advisory committee submitted the PCSD based on comments and concerns submitted. The two agreed to priority concerns focused on common themes indicated in the review process.
On May 19, 2005, Ron Shelito, Northern Regional Supervisor, sent the PCSD to the required state agencies for review and comment. He requested returned comments by June 18, 2005.

Responses to the PCSD as of July 28, 2005 were as follows:

- MDA: 5-19-05, MDA does not have any additional comments other than the plan looks good.
- MPCA: 6-9-05, the MPCA concurs with the priority concerns identified and offered the following comments for consideration when drafting the Local Water Management (LWM) plan:

    1. Consider identifying local water bodies for development of monitoring plans or a more comprehensive assessment of water quality.
    2. Identify local waters of concern for water quality monitoring by state agencies.

Mille Lacs County advisory committee has done an excellent job in obtaining input into their water planning process. The PCSD focuses on specific watersheds and landuse activities to be addressed within those watersheds. I conclude the guidance requirements are met and recommend the subcommittee approve the PSCD as submitted.

Minnesota Board of Water & Soil Resources

August 25, 2005

Mille Lacs County Commissioners
C/O Susan Shaw
Mille Lacs County Soil and Water Conservation District
900 5th Street SW
Milaca, MN 56353

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

Dear Mille Lacs County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns that Mille Lacs County has chosen to address in the update of their Comprehensive Local Water Management Plan. The Board of Water and Soil Resources, along with the state review agencies, received the Mille Lacs County Priority Concerns Scoping Document (PSCD) on May 18, 2005. The Northern Water Planning Committee (hereinafter referred to as Committee) met on August 10, 2005 to discuss the state review agencies comments, the content of the PCSD and recommendations for the content of the final plan.

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

The Committee offers no specific suggestions to be considered in the development of the final plan, but encourages the county to submit the final plan for board approval within (6) months of receiving this letter.

Sincerely,

Jerome Deal
Chair, Board of Water and Soil Resources

c: Ron Shelito, BWSR
David Weirens,BWSR
Keith R. Grow, BWSR
Kathleen Wallace, DNR
Art Persons, MDH
Becky Balk, MDA
Lisa Thorvig, MPCA
Sara Bertelsen, EQB

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

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

ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Pelican River Watershed District (PRWD) filed a proposed Revised Watershed Management Plan (Plan) dated April 6, 2005 with the Minnesota Board of Water and Soil Resources (Board) on April 11, 2005 pursuant to Minnesota Statutes Section 103D.405, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The Minnesota Water Resources Board, by order, established the PRWD on May 27, 1966.

2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The Plan includes an inventory of the District's physical features and water resources, describes water-related problems and possible solutions, describes activities and projects that the District has completed, and states objectives for current and future water resources management within the District.

3. **Nature of the Watershed.** The PRWD is approximately 120 square miles in size and is located in west central Minnesota. Lands within the District are distributed in the following counties: Becker (95%) and Otter Tail (5%), including the upper reaches of the Pelican River which eventually drains to the Otter Tail and Red Rivers. The City of Detroit Lakes is centrally located within the District. From inception, the District's focus has been to protect and improve the water quality of its lakes.

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

5. **Department of Natural Resources Review.** The District acknowledged regional DNR staff as having made notable contributions in guiding District staff and managers as this plan was revised. Comments dated June 16, 2005, submitted by the DNR in response to the proposed Plan consisted of commending the District for the effort in preparing the plan and development of Lake Water Quality Management Areas. The DNR stated the plan will be a practical tool to use in managing the water resources of the District.

6. **Board of Water and Soil Resources Review.** The District acknowledged Board staff as having made notable contributions in guiding District staff and managers as this plan was revised. Board staff provided numerous minor comments primarily specifying items that either needed further clarification or corrections. The majority of the comments was so noted by the Watershed District and will be incorporated into the plan.

7. **Highlights of the Plan.**
    - To protect the water quality of District lakes, the District must ensure wise decisions are made concerning the management of streams, wetlands, lakes, groundwater and related land resources, which affect these lakes.
    - The District's overriding water quality goals are:
        - The water quality in District lakes shall not be further degraded.
        - Water quality for any lakes classified as eutrophic shall be improved to mesotrophic.
    - The District has adopted a two-tier strategy in designing its action plan:
        - Tier 1. District-wide actions will consist of education, water quality monitoring, best management practices to reduce phosphorus and sediment, regulation, lake management planning, septic system management, and ditch management.
        - Tier 2. Actions for specific subwatersheds, called Lake Water Quality Management Areas, will more efficiently and completely address the different specific problems facing different lakes. Eight Lake Water Quality Management Areas are identified based on the following criteria: physical attributes, water quality attributes or problems, subwatersheds contributing to nutrient loads, development characteristics and contiguity.

8. **Publish Notice of Filing.** Legal Notice of Filing was published in the Detroit Lakes Tribune on June 26, 2005 and the Becker County Record on June 29, 2005. The Legal Notice of Filing was also mailed in a letter from Board staff Jim Haertel dated June 22, 2005 to several addressees including the Becker and Otter Tail County Auditors and Boards of Commissioners, the Becker and East Otter Tail Soil & Water Conservation Districts, and cities with land in the District.

9. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minnesota Statutes Sections 103D.105, Subd. 2 and 103D.405, Subd. 5, which require within 30 days of the last date of publication of the Notice of Filing of the Plan that at least one request for hearing be received by the Board before a hearing will be held. No requests for hearing and no comments were received during the specified period of time and no hearing was held.

10. **Northern Water Planning Committee Meeting.** On August 10, 2005, the Board's Northern Water Planning Committee and staff met with representatives from the PRWD in Detroit Lakes to review and discuss the Plan. Those in attendance from the Board's Committee were Jerome Deal, Kay Cook, and Paul Krabbenhoft. Board staff in attendance were Ron Shelito, Regional Supervisor, and Pete Waller, Board Conservationist. Representing the PRWD were Richard Hecock, Senior Advisor, Tera Guetter, Administrator, and District Board Managers Dennis Kral, Ginny Imholte, William Jordan, Robert Mullikin and David Brainard. Board staff recommended approval of the Plan. After discussion, the subcommittee unanimously voted to recommend approval of the Pelican River Watershed District Overall Plan to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Revised Watershed Management Plan for the Pelican River Watershed District pursuant to Minnesota Statutes Section 103D.405.

3. The Pelican River Watershed District Revised Watershed Management Plan attached to this Order defines water-related problems within the District boundaries, possible solutions thereto, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Chapter 103D, Board guidelines for Watershed District Plan content and is consistent with the affected county comprehensive water plans.

ORDER

The Board hereby prescribes the attached Plan as the Revised Watershed Management Plan for the Pelican River Watershed District.

Dated at Saint Paul, Minnesota this 24th day of August 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

NEW BUSINESS

1. Public Hearing on Petition for Termination of Cooks valley Watershed District

2. FY 06 Non-Point Engineering Assistance Base Grant

4. 2001-2003 Minnesota Wetland Report

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

In the Matter of the Termination Petition for the Cooks Valley Watershed District in Wabasha County pursuant to Minn. Stat. § 103D.271.

ORDER TERMINATION HEARING

Whereas, 74 resident owners in the Cooks Valley Watershed District in Wabasha County filed a Petition dated June 10, 2005, with the Board of Water and Soil Resources (Board) on June 28, 2005, to terminate the watershed district pursuant to Minn. Stat. § 103D.271, and;

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

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

FINDINGS OF FACT

1. **Termination Petition Filing.** The Petition dated June 10, 2005, was filed with the Wabasha County Auditor on June 21, 2005 and the Board on June 28, 2005 as required by Minn. Stat. § 103D.271, Subd. 4 (b).

2. **Certification of Petitioner Signatures.** On June 21, 2005, Jerry Leisen, Wabasha County Auditor/Treasurer, pursuant to Minn. Stat. § 103D.271, Subd. 5, based upon his inspection of the Petition, certified that at least 25 percent of the resident owners residing in the Cooks Valley Watershed District signed the Petition.

3. **Property Description.** The territory of the Cooks Valley Watershed District is in Wabasha County in all or parts of the Townships of Glasgow, Greenfield, Highland, Minneiska and Watopa.

4. **Petitioner's Bond.** The Petitioner's filed a bond, pursuant to Minn. Stat. § 103D.271, Subd. 6, with the Board on June 28, 2005. The bond in the amount of $2,000.00 is for the payment of all costs and expenses of the termination proceedings if the termination petition proceedings are dismissed or denied.

5. **Reasons for Termination.** The Petition lists the following:

   a. The Cooks Valley Watershed District was established on December 9, 1963

   b. The Cooks Valley Watershed District has had no new projects started or taxes levied within the past 25 years.

   c. No inspection or maintenance programs have been maintained by the Cooks Valley Watershed District.

   d. Currently, there is no active appointed board of managers for the Cooks Valley Watershed District.

   e. The continued existence of the Cooks Valley Watershed District does not benefit the public welfare and public interest, and the Cooks Valley Watershed District is not needed to accomplish the purposes of Minnesota Statutes Chapter 103D.

6. **Hearing Panel.** Board members _____ should preside over the public hearing and meet as necessary in order to bring a recommendation to the Board.

7. **Hearing Location.** The public hearing should be held at the Wabasha County Courthouse located at 625 Jefferson Avenue in Wabasha, Minnesota. The facility is located slightly outside the watershed district boundaries and within the City of Wabasha. Part of the City of Wabasha is located within the watershed district boundaries. The facility is handicap accessible.

8. **Hearing Time.** The hearing should take place on Tuesday, September 27, 2005 starting at 6:30 PM.

CONCLUSIONS

1. The Petition for termination of the Cooks Valley Watershed District is valid in accordance with Minn. Stat. § 103D.271.

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

3. The Board has proper jurisdiction in the matter of ordering a public hearing on the termination of the Cooks Valley Watershed District.

4. The public hearing on the Petition for Termination of the Cooks Valley Watershed District should be heard by Board members _____ at the Wabasha County Courthouse located at 625 Jefferson Avenue in Wabasha, Minnesota on Tuesday, September 27, 2005 starting at 6:30 PM.

ORDER

The Board hereby orders that the hearing on the Petition for Termination of the Cooks Valley Watershed District be heard by Board members _____ at the Wabasha County Courthouse located at 625 Jefferson Avenue in Wabasha, Minnesota on Tuesday, September 27, 2005 starting at 6:30 PM.

Dated at Saint Paul, Minnesota this 24th day of August, 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Jerome Deal, Chair

PROPOSED FY 06 NPEA BASE GRANTS

BACKGROUND

The Non Point Engineering Assistance (NPEA) Grants are allocated annually to the eleven NPEA Joint Powers Boards for the purpose of providing technical assistance to landowners to apply conservation practices. For FY 06, the legislature again has appropriated $1.064 M for this Program.

At the June 2004 BWSR Meeting, a new delivery model and set of performance standards was approved that went into effect July 1, 2005 (FY 06).

ISSUE

The new delivery model includes new allocation policy for the 06 NPEA Base Grant as follows:

In the first year, the local share will be equivalent to 25% of the agreed upon state financial share (or, 20% of the total contract amount. Both amounts are the same).

Given the existing level of funding, and assuming that each TSA requests the maximum in state resources, then the state and local shares for the first year shall be as follows:

State = $96,727 per TSA (i.e. equal state funding) *TSA = $24,182*

Local share does not include in-kind services, but can include local, other state and federal funding for shared technical assistance to and through the TSA SWCDs, such as:

- *fees for services (from landowners, or other sources)*
- *member SWCD cash contributions*
- *federal TSP funding*
- *federal grant funds*
- *other state programs*
- *gifts and donations*

All state NPEA program grant and local share dollars must be used within the two-year grant period.

A short summary of TSA requests and funding recommendations is attached.

NOTE: Local Share sources to balance JPB budgets include the following:

Charging fees for services
SWCD contributions
Grants from other sources
Spending down JPB fund balances

RECOMMENDATION

The Cost Share Committee requests the Board to adopt the enclosed resolution authorizing BWSR staff to allocate these grants according to policies, to JPBs meeting program requirements.

H:06NPEABGBM

2006 NPEA Base Grant Summary of Applications
August 8, 2005

Amount Available $1,063,997
Amount Requested $1,102,470

Funding Recommendation

Technical Service Area 1

Grant Request	Match	Funding Recommendation
$ 96,757.00	$ 24,373.00	**$96,757**

Initiative Items

1 Pay administration expenses

Funding

2006 NPEA Base Grant	$	30,000.00

2 Pay engineer/technician salaries

Funding

2006 NPEA Base Grant	$	66,727.00
EQIP Funding	$	700.00
Red Lake WSD	$	15,000.00
Red River Regional Council	$	8,673.00
Total Budget	**$**	**121,100.00**

Technical Service Area 2

Grant Request	Match	Funding Recommendation
$ 135,200.00	$ 33,800.00	**$96,727**

Initiative Items

1 NPEA staff, member SWCD staff and Supervisors, and landowners will receive the benefit of Beltrami SWCD support staff through the Host District Manager and Bookkeeper. Additionally, other program support services that may be required to facilitate the NPEA program will be provided

Funding

2006 NPEA Base Grant	$	25,200.00
Local Cash Match	$	6,300.00

2 NPEA staff will provide technical engineering assistance to landowners within NPEA Area 2 at the request of the local member SWCD. Results will be measured as to how promptly the service was provided, and how well the NPEA staff coordinated with the SWCD staff and landowners.

Funding

2006 NPEA Base Grant	$	110,000.00
Local Cash Match	$	27,500.00
Total Budget	**$**	**169,000.00**

Technical Service Area 3

Grant Request	Match	Funding Recommendation
$ 96,727.00	$ 75,198.00	**$96,727**

Initiative Items

1 Personnel Expenses

Funding

2006 NPEA Base Grant	$	96,727.00
CCLNS Local Fund	$	14,982.00

2 Operations

Funding

2006 NPEA Base Grant	$	-
CCLNS Local Fund	$	20,216.00

3 Forestry Specialist

Funding

2006 NPEA Base Grant	$	-
CCLNS Local Fund	$	40,000.00
Total Budget	**$**	**171,925.00**

2006 NPEA Base Grant Summary of Applications
August 8, 2005

Amount Available $1,063,997
Amount Requested $1,102,470

Funding Recommendation

Technical Service Area 4

Grant Request	Match	Funding Recommendation
$ 96,727.00	$ 24,182.00	**$96,727**

Initiative Items

1	Office and Field Equipment		
	Funding		
	2006 NPEA Base Grant	$	-
	NPEA Fund Match	$	6,200.00
2	Rent, Vehicle, Employees Exp, Equipment Repair, Supplies etc		
	Funding		
	2006 NPEA Base Grant	$	-
	NPEA Fund Match	$	12,180.00
3	Personal Services		
	Funding		
	2006 NPEA Base Grant	$	96,727.00
	NPEA Fund Match	$	4,352.00
4	Supplies		
	Funding		
	2006 NPEA Base Grant	$	-
	NPEA Fund Match	$	1,450.00
	Total Budget	**$**	**120,909.00**

Technical Service Area 5

Grant Request	Match	Funding Recommendation
$ 96,727.00	$ 71,326.00	**$96,727**

Initiative Items

1	JP5 team is fully funded		
	Funding		
	2006 NPEA Base Grant	$	-
	NPEA Local Cash Match	$	71,326.00
2	Fund the team for continued conservationprogram delivery to landowners		
	Funding		
	2006 NPEA Base Grant	$	96,727.00
	Total Budget	**$**	**168,053.00**

Technical Service Area 6

Grant Request	Match	Funding Recommendation
$ 96,727.00	$ 24,182.00	**$96,727**

Initiative Items

1	Provide financial reports, supervision/coordination and performance reviews for employees		
	Funding		
	2006 NPEA Base Grant	$	5,500.00
2	Engineering projects and technical assistance will be reported annually to BWSR. Funding will be used to pay salaries to employ the Engineer and Eng. Technician		
	Funding		
	2006 NPEA Base Grant	$	91,227.00
	IMPACK 6 - TSA	$	24,182.00
	Total Budget	**$**	**120,909.00**

2006 NPEA Base Grant Summary of Applications
August 8, 2005

Amount Available $1,063,997
Amount Requested $1,102,470

Funding Recommendation

Technical Service Area 7

Grant Request	Match	Funding Recommendation
$ 96,727.00	$ 68,873.00	**$96,727**

Initiative Items

1 Administer and coordinate JPB as host district manager. Provide financial reports, budgets, supervision and coordination of staff peformance reviews for employees. Keep JPB board informed by scheduling and holding quaterly meetings.

Funding

2006 NPEA Base Grant	$	-
Local Cash	$	5,500.00

2 Provide funding for joint powers technical staff and consulting engineer to service member SWCDs with engineering services in a competent and timely means; complete reports and data requests from the State on time; and participate in available training. Provide written quarterly reports to JPB.

Funding

2006 NPEA Base Grant	$	96,727.00
Local Cash	$	12,373.00

3 Maintain and operate overhead office needs, equipment and vehicle expenses

Funding

2006 NPEA Base Grant	$	-
Local Cash	$	26,818.00
NPEA Cash Match Fund	$	24,182.00
Total Budget	**$**	**165,600.00**

Technical Service Area 8

Grant Request	Match	Funding Recommendation
$ 96,727.00	$ 67,905.00	**$96,727**

Initiative Items

1 To provide engineering, planning, design and construction inspection assistance statewide for a variety of nonpoint water quality management practices on private lands. Types of practices included feedlot runoff and manure storage improvements, vegetated filter strips, streambank and lakeshore erosion controls, water and sediment control basins, grassed waterways, terraces and wetland restorations.

Funding

2006 NPEA Base Grant	$	5,500.00

2 Obtain consulting engineering services to secure engineering planning, design and construction inspection assistance for a variety of non-point source pollution water quality management practices on public or private land

Funding

2006 NPEA Base Grant	$	71,227.00
2006 NPEAP Base Grant Match	$	67,905.00

3 Obtain and maintain equipment to support the implementation of non-point source pollution control practices. Augment the technical capabilities of member staff, obtain training opportunities for staff.

Funding

2006 NPEA Base Grant	$	20,000.00
Total Budget	**$**	**164,632.00**

2006 NPEA Base Grant Summary of Applications
August 8, 2005

Amount Available $1,063,997
Amount Requested $1,102,470

Funding Recommendation

Technical Service Area 9

Grant Request	Match
$ 96,727.00	$ 24,182.00

$96,727

Initiative Items

1 Pay Senior Tech Salary and Support Expenses for F.Y. 2006 (July 1, 2005- June 30, 2006)

Funding

2006 NPEA Base Grant	$	96,727.00
2006 Local Cash Match	$	24,182.00
Total Budget	**$**	**120,909.00**

Technical Service Area 10

Grant Request	Match
$ 96,727.00	$ 43,273.00

$96,727

Initiative Items

1 Pay engineers salary

Funding

2006 NPEA Base Grant	$	46,207.00
Local Cash Match	$	15,402.00

2 Other Services and Charges

Funding

2006 NPEA Base Grant	$	16,972.00
Local Cash Match	$	16,688.00

3 Pay technicians salary

Funding

2006 NPEA Base Grant	$	33,548.00
Local Cash Match	$	11,183.00
Total Budget	**$**	**140,000.00**

Technical Service Area 11

Grant Request	Match
$ 96,727.00	$ 77,816.00

$96,727

Initiative Items

1 Reimburse Host and Fiscal SWCD for program administration as allowed: $5500

Funding

2006 NPEA Base Grant	$	5,500.00

2 Replace truck for one engineer

Funding

2006 NPEA Base Grant	$	27,000.00

3 Employ 2 full time engineers

Funding

2006 NPEA Base Grant	$	43,394.00
2005 NPEA Challenge Grant	$	46,807.00
206 EPA 319 funds	$	77,816.00

4 Employment related expenses including mileage, training and rent

Funding

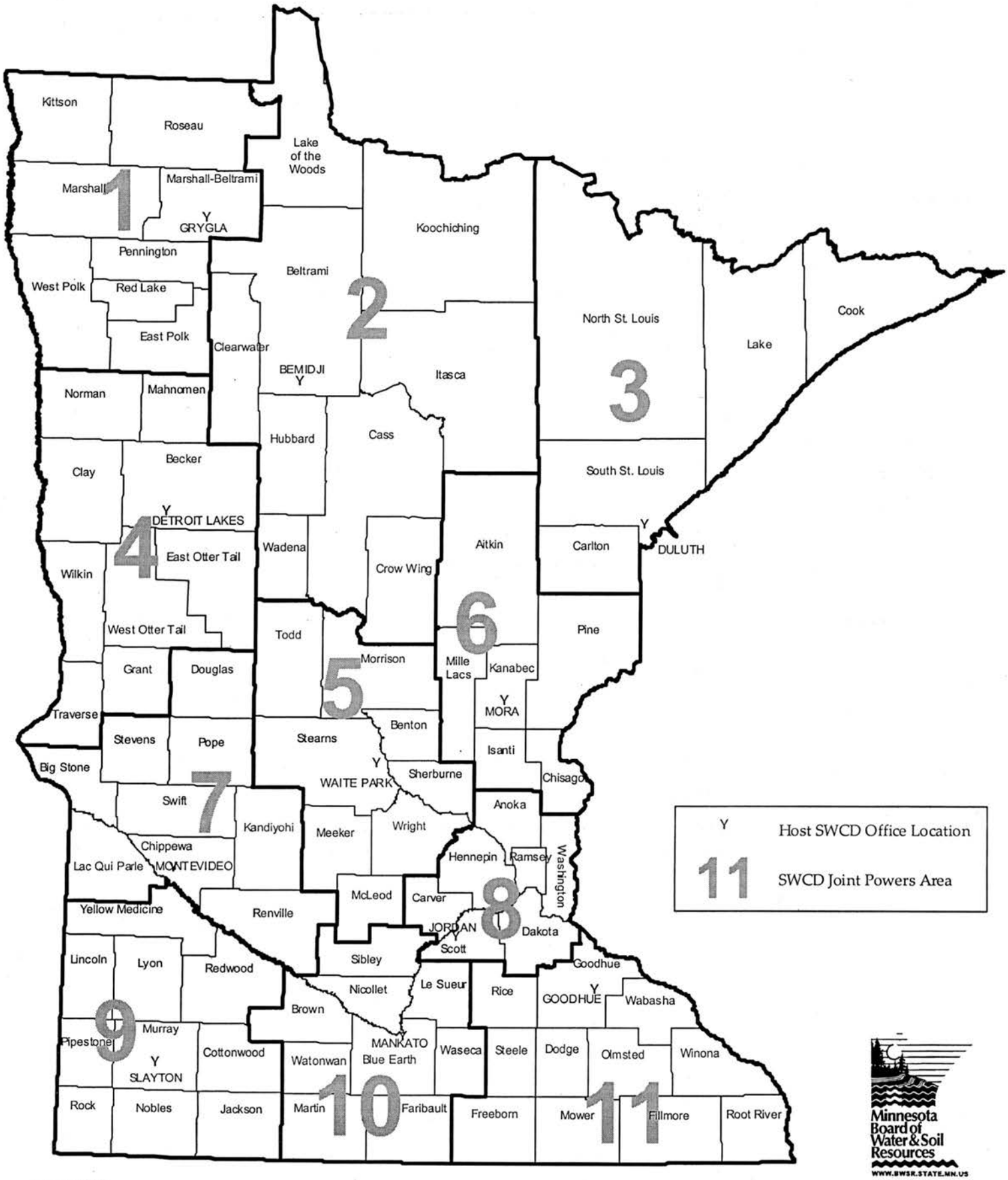
2006 NPEA Grant	$	17,700.00
2006 EPA 319 Funds	$	-

5 Upgrade AutoCAD from 2002 to 2006 for 2 licenses; plus misc supplies

Funding

2006 NPEA Base Grant	$	3,133.00
2006 EPA 319 Funds	$	-
Total Budget	**$**	**221,350.00**

Nonpoint Engineering Assistance Program



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

January 2003

Board Resolution #_____

FY 06 Non Point Engineering Assistance Base Grant Authorization

WHEREAS, the Non Point Engineering Assistance (NPEA) Base Grant, administered by the Board of Water and Soil Resources (BWSR), provides financial assistance to SWCD Joint Powers Boards for providing technical assistance to landowners to apply conservation practices; and,

WHEREAS, Minnesota Legislature, by S. F. No. 69, 2nd Engrossment – 2005 1st Special Session, has appropriated NPEA Base Grant funds to BWSR; and,

WHEREAS, the BWSR has adopted the following NPEA Base Grant allocation policies;

In the first year, the local share will be equivalent to 25% of the agreed upon state financial share (or, 20% of the total contract amount. Both amounts are the same).

Given the existing level of funding, and assuming that each TSA requests the maximum in state resources, then the state and local shares for the first year shall be as follows:
State = $96,727 per TSA (i.e. equal state funding) *TSA = $24,182*

Local share does not include in-kind services, but can include local, other state and federal funding for shared technical assistance to and through the TSA SWCDs, such as:

- *Fees for services (from landowners, or other sources)*
- *Member SWCD cash contributions*
- *Federal TSP funding*
- *Federal grant funds*
- *Other state programs*
- *Gifts and donations*

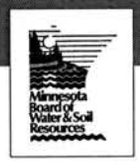
All state NPEA program grant and local share dollars must be used within the two-year grant period.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate the FY 06 NPEA Base Grants according to these policies, to JPBs meeting Program requirements.

_____ Date: _____

Jerome Deal, Chair
Board of Water and Soil Resources

H:05NPEABGR



Minnesota Wetland Report 2001-2003 DRAFT 8/15/05

Minnesota Wetland Report 2001-2003

- Includes data from multiple state and federal wetland programs
- Does not make policy recommendations
- Can be used to identify trends in program accomplishments

Minnesota Wetland Report 2001-2003

Includes data from:

- MN Board of Water and Soil Resources
- MN Department of Natural Resources
- MN Pollution Control Agency
- MN Department of Transportation
- U.S. Fish and Wildlife Service
- U.S. Army Corps of Engineers
- U.S.D.A. Natural Resources Conservation Service
- U.S.D.A. Farm Services Agency

Table 2

REPORTED WETLANDS AVOIDED, MITIGATED, RESTORED, & IMPACTED FROM WCA REGULATION 2001-2003				
WCA Activity	2001	2002	2003	Totals
Number of landowner Contacts to LGUs	17,086	18,507	17,561	53,145
Avoided/ Minimized (in acres)	3,943	3,052	3,150	10,145
Impacted (in acres)	(273)	(330)	(383)	(986)
Replacement (in acres)	535	347	584*	1,466[1]
Exempt (in acres)	(610)	(619)	(479)	(1,708)
Impact + Exempt	(883)	(949)	(862)	(2,694)
Impact + Exempt – Replacement = Net Loss	(348)	(602)	(417)	(1,367)

Source: BWSR

[1]Does not include a net balance of 464 acres of wetlands in the wetland bank during 2001-2003
* Total includes 139 acres of upland public value credits

- LGU's manage major WCA workload
- WCA provides significant wetland protection

Monday, August 15, 2005 4

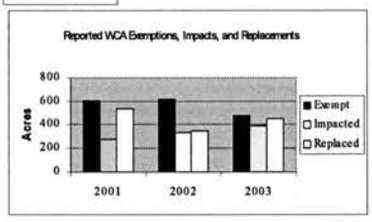
Table 3

NUMBER OF WCA IMPACTS BY SIZE						
	0-0.2 ac.	0.21-0.5 ac.	0.51-1.0 ac.	1.1-3.0 ac.	>3.0 ac.	Annual Totals
2001	1,692 (60.7%)	501 (18.6%)	270 (10.0%)	140 (5.2%)	145 (5.4%)	2,688
2002	1,573 (58.2%)	556 (20.5%)	259 (9.4%)	170 (6.3%)	144 (5.3%)	2,701
2003	1,450 (51.7%)	744 (26.5%)	257 (9.2%)	212 (7.6%)	142 (5.1%)	2,805
Totals	4,655 (57.2%)	1,800 (22.0%)	786 (9.6%)	522 (6.4%)	431 (5.3%)	8,194

- More than 85% of all WCA regulated impacts are less than 1 acre in size

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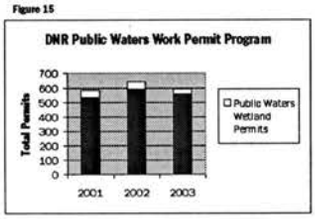
Figure 2



- WCA required wetland mitigation more than offsets regulated impacts
- Data on exemptions while incomplete, results in a wetland loss under WCA

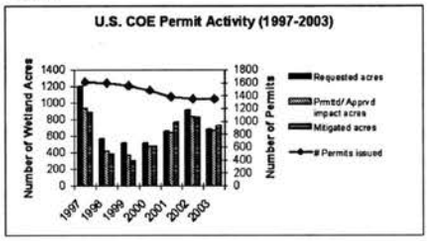
Monday, August 15, 2005 6

Figure 15



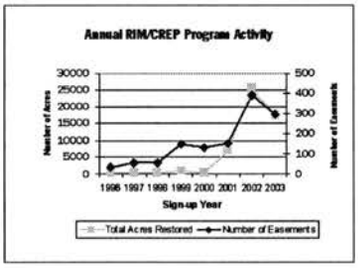
- DNR permitted wetland activity is minor part of the Public Waters Program
- This information does not include projects waived by the DNR to WCA LGU's

Figure 17



- Section 404 Program has results similar to WCA
- The Corps does not track unregulated activities

Figure 19



- Significant restoration has been accomplished, but activity level fluctuates

Table 7

DNR WETLAND RESTORATION ACTIVITY IN WMAs				
	2001	2002	2003	Total
No. Parcels Acquired	45	30	32	108
Acres Acquired	6,713	3,119	3,081	12,913
No. Wetlands Restored	24	33	13	70
Acres Wetlands Restored	314	158	269	741
Avg. Restoration Size (acres)	13.0	4.8	20.7	10.6

- DNR Wildlife Management Area restorations are permanently protected

Table 8

U.S. FISH AND WILDLIFE SERVICE	Maintenance		Enhancement		Restoration/Establishment	
Partners in Fish & Wildlife Program	Acres	Sites	Acres	Sites	Acres	Sites
2001 - Wetland	19	2	253.5	12	539.4	81
2002 - Wetland	144	16	356.9	22	6,058.3	903
2002 - Upland	11	1	503	5	2,540.4	75
2003 - Wetland	227	12	456.2	30	5,332.93	729
2003 - Upland	0	0	0	0	5,337.6	44

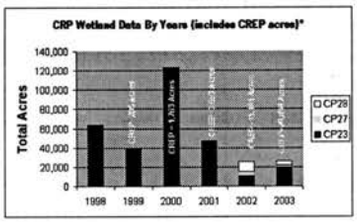
- The Partners for Fish and Wildlife Program protects wetlands for 10 years
- Data is not collected on the status of wetlands after the expiration of landowner agreements

Table 9

U.S. FISH AND WILDLIFE SERVICE	Easements		Fee Title/Exchange	
Year	Wetland Acres	Total Acres	Wetland Acres	Total Acres
2001	562.00	3,054.97	409.08	2,943.03
2002	788.64	5,144.94	659.82	2,499.12
2003	102.55	877.34	488.10	2,253.89
Totals	1,443.19	9,077.25	1557.00	7,696.04

- Similar to DNR WMAs, USFWS WMAs are also permanently protected.

Figure 22



*Note: To avoid potential double counting of wetland restorations, the CREP acres must be subtracted from the CRP yearly totals.

- CRP contracts have a duration of 10-15 years

Table 1

SUMMARY OF WETLAND ACTIVITY 2001-2003

	Agency	Program	Acres Gained	Acres Imported	Program Totals
REGULATORY	BWSR	Wetland Conservation Act	1,930[1]	988	944
		Local Road/WCA/Section 404	681	468	213
	DNR	Public Waters Permit	1.4	0.7	0.7
	DNR	Parks, Trails, & Waterways	141	26	115
	Mn/DOT	WCA/Section 404	352	195	157
	USACOE[3]	Clean Water Act/Sect. 404	2,322	2,137	185
	USDA[4]				
NON-REGULATORY	BWSR	Reinvest in Minn./Conservation Reserve Enhancement Program	49,956		49,956
	DNR	Wildlife Management Areas	741		741
	USFWS	Partners for Fish and Wildlife	19,809[5]		19,809
		Waterfowl Production Areas/Refuges	18,773[6]		18,773
	USDA - FSA	Conservation Reserve Program	84,137[7]		84,137
	USDA - NRCS	Wetlands Reserve Program	19,094[8]		19,094
		Reinvest in Minn./Wetlands Reserve Program	2,983[8]		2,983

[1] Includes the net balance in the banking system from 2001-2003 of 464 acres
[2] Does not include exemption data reported by LGUs; 1,708 acres from 2001-2003
[3] Does not include exempt activities or projects over which the US ACOE does not have jurisdiction
[4] The USDA has a regulatory program, however data is not available for this program. Also, the National Resources Inventory, conducted by the USDA Natural Resources Conservation Service reports a net gain of wetlands, nationals, during the period 1997-2002
[5] Data includes wetlands and associated upland habitat
[6] Acres are in limited-term contracts

Summary of Minnesota Wetland Activity 2001-2003

			Acres Gained			Acres Imported		
Agency	Program	Component	Upland	Wetland	Total	Upland	Wetland	Total
BWSR	WCA	Avoid/minimize			10,145			10,145
		Exempt					1,708	1,708
		Impact					988	988
		Replacement	139	1,327	1,466			
		Road Replacement			681			468
Banking			12	1,041	1,053		590 [1]	590 [1]
DNR	PWP				1.4			0.7
	WCA	Impact						26
		Replacement			181			
Mn/DOT	WCA/404	Impact						195
		Replacement			352			
USACOE	CWA Sec 404	Impact						2,137
		Replacement			2,322			
USDA								
BWSR	RIM/CREP		29,295	20,661	49,956			
DNR	WMAs			741				
USFWS	Partners for Fish & Wildlife[2]		7,870	11,939	19,809			
	WPAs			3,000	18,773			
USDA-FSA	CRP[2]				84,136			
USDA-NRCS	WRP[2]		11,136	7,958	19,094			
	RIM/WRP		1,515	1,468	2,983			

[1] Withdrawals from the Wetland Bank
[2] Acres are in limited-term contracts

FOR YOUR INFORMATION

August 24, 2005

- BWSR "Update"
- Updated Board Member Listing
- Updated Board Member Map
- Business Expense Change – Tax Implication
- Letter from John Velin, LCMR Director, regarding approved work programs
- News Release: "Pheasants Forever Forms New Quail Habitat Organization"
- Root River Clean-Up and TMDLs
- NRCS News Release: USDA Signs Technical Service Provider Agreement with Certified Professional in Erosion & Sediment Control, Inc.
- NRCS Bulletin: ADS – Freedom of Information Act (FOIA) and Privacy Act (PA) Guidelines
- Letter from Brian Livingston, MPCA Stormwater Coordinator, regarding Feedlot Construction Activity Conditional Exclusion and Revisions to the Proposed Rule Amendments Governing Stormwater Permits, Water Quality Permit Fees, and the Stormwater Regulatory 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 August 2005

NORTH

CREP Northwest

Several local project teams and watershed districts in the Red River Valley are establishing priority areas in an effort to maximize the natural resource enhancement and flood damage reduction benefits of CREP II. The local marketing will be initiated in these priority areas. The Red River Watershed Management Board and Flood Damage Reduction Work Group will pay SWCDs $300 per easement acquired in these priority areas. The initial amount available is $45,000 with the possibility of additional funding being dependent on future funding capacity and current success.

Based on feedback from local staff, Pete Waller will hold a meeting in the near future to discuss marketing efforts, practice eligibility, and easement processing.

Pete reports that a marketing package to ensure landowners will be contacted regarding CREP II is soon to be completed. This package will include: a cover letter with county average payment information and county contact information, the CREP brochure, and more specific county payment rate tables for CRP and RIM. This package can be tailored to meet local needs. This is part of an effort taking place in all regions involved in CREP II. BWSR is working with FSA on this project.

Watershed Districts

Dan Steward recently attended a meeting between staff from the Sauk River Watershed District and the Todd SWCD. The purpose of the meeting was to discuss developing an agreement that would provide for the Watershed District to compensate the SWCD for technical services the SWCD provides for Watershed District projects.

Wetlands

Several BWSR staff planned, spoke, or attended the July 14-15 "Lake Superior Basin Wetlands Management & Research Conference" in Duluth. Attendees included WCA LGUs and agencies. The meeting was combined with the annual meeting of the Minnesota Association of Professional Soil Scientists.

The conference provided a forum to share wetland policy ideas and wetland technical information. Charlie Newling, Wetland Training Institute, provided a keynote speech, which highlighted nationwide wetland issues including wetland regulations and the endangered species act (California) and possible updating of the Army Corps of Engineers delineation manual (nationwide).

BWSR, led by Mark Nelson, is producing on-going plant identification training in the 2005 field season via field trips and our ftp site. The purpose of the plant training is to provide detailed instruction on identifying plants typically found on the wetland/upland interface, especially focusing on plants that can be dominant (for wetland delineation purposes). The course participants meet monthly (attendance varies from 15-40 people). The BWSR ftp site is updated monthly because plants change throughout the growing season. Please see ftp://ftp.bwsr.state.mn.us (2005 Coastal Wetland Plant Field Challenge folder) to read about the plants.

The course is also highlighting plant communities in northeastern Minnesota. MnRAM and the Corps of Engineers mitigation policy both require identification of the wetland plant communities.

Jim Lemmerman, Dale Krystosek, Marc Hershfield, and Bill Best have attended sessions or assisted in the course production. MaryJo Flemming is providing key administrative support by keeping the ftp site updated and notifying the 100+ clientele of plant course activities.

Keith Grow completed WCA administrative spot checks in Itasca, Mille Lacs, Stearns, and Pine counties. Spot checks are used to analyze the health of a program and serves as a tool to assist LGUs to recognize positive elements of their implementation and make changes

Continued on next page

where such are needed. All four counties were commended for the administration of the program.

Keith recently had a meeting with the city of Colerain regarding WCA LGU status. They are pursuing a resolution requesting Itasca County (Itasca SWCD) take over administration of the program.

Minnesota Steel Industries (MSI) is proposing to reactivate the former Butler Taconite mine and tailings basin near Nashwauk. An EAW is currently underway. Several agencies, including BWSR, are meeting with MSI.
-Submitted by Ron Shelito

ENGINEERING

Manure Handling and Nutrient Management

The "Upper Midwest Manure Expo – Manure Handling for the 21st Century" was held at the U of M Southern Research and Outreach Center at Waseca on Aug.11. The latest equipment and technologies for manure handling and application were on hand. Numerous education sessions were also presented and many product and service vendors participated in the trade show. Some of the topics addressed included nitrogen and phosphorus management, economics of manure utilization, manure spill response, dairy compost barns, soil compaction, and crop residue management. Although the weather wasn't the best (sprinkles much of the day), two large sheds and a tent enabled the show to go on and substantial information sharing to occur. A few field demonstrations were conducted between periods of light rain. As you might expect, some of the latest manure application equipment is very large and very high tech. I believe it's fair to say that manure handling, nutrient management, and associated equipment and services have experienced substantial advancements in Minnesota during the past 10-15 years.

The U of M presented a new approach for nitrogen management recommendations for corn. The current U of M recommendations are based substantially on yield goal. The new approach is based substantially on soil productivity (medium or high) and a ratio of nitrogen cost and anticipated corn value (i.e. economic considerations). Recommendations continue to be correlated to crop rotation (e.g. corn after soybeans vs. corn on corn). It's expected that this new approach and somewhat lower nitrogen recommendations will take some getting used to by producers and their nutrient management advisors. However, this appears to be a significant update for good nitrogen management for corn, which requires substantial nitrogen for high productivity. Manure is an excellent source of nitrogen for crops, but requires significant management, due to variable nutrient content and mineralization rate of organic nitrogen related to variable soils and weather conditions. Excess nitrogen can leach through the soil profile to subsurface tile and ditches, and has been identified as a culprit in the hypoxia problem in the Gulf of Mexico — another reason for effective nitrogen management in the Corn Belt.

Drainage

An "Agricultural Drainage Field Day" was held at the U of M Southwest Research and Outreach Center at Lamberton on Aug. 19. Highlights included a field demonstration of a controlled drainage structure on a subsurface tile system and a number of presentations about recent and ongoing drainage research projects, including wetlands for drainage water quality management, rock inlets on tile systems, ditch design for water quality management, and the fate of livestock antibiotics. Dr. Wayne Skaggs, North Carolina State University, a noted researcher of controlled drainage, was one of the presenters for the controlled drainage structure demonstration. The primary objective of controlled subsurface drainage is to manage groundwater levels and use of soil moisture to reduce nutrient loss, particularly nitrogen. Dr. Skaggs pointed out the difference in climate and timing of drainage in Minnesota vs. states farther south and east in the U.S., and that controlled drainage works best for quite flat topography. Most of the drainage in Minnesota typically occurs in the spring and early summer when trafficability of fields is critical for planting and cultivating. Therefore, application of controlled drainage in Minnesota is expected to be more challenging than in states farther south and east.

Norm Fausey, USDA - Agricultural Research Service, Columbus, Ohio, a very experienced agriculture BMP researcher and educator, presented information about the use of wetlands in Ohio to naturally process phosphorus and nitrogen in conjunction with controlled drainage, surface water storage, and subirrigation. This system results in very consistent crop yields, in addition to improving drainage water quality. Although not a specific topic at this field day, wetland restorations on drainage systems in Minnesota are also providing nitrogen and phosphorus reduction in drainage water, as well as reduced peak flows and reduced runoff volumes, due to

Continued on next page

increased detention, infiltration, and evapo-transpiration. Wetlands on drainage systems provide denitrification via aeration and plant uptake, and phosphorus reduction via trapping of sediment and plant uptake. Therefore, in addition to helping reduce flooding downstream, wetland restorations on drainage systems can improve downstream water quality by both decreasing concentrations of nutrients, as well as decreasing volumes of runoff.

About two years ago, the Lamberton research center installed a paired drainage ditch facility to study drainage ditch BMPs. Dr. Jeff Strock has been leading this research. Data collection and analysis has been limited to date, due to ditch and monitoring system establishment and limited runoff during 2003. Research is also being conducted on an existing county drainage ditch in the area. We should look forward to the ongoing results of this research.

Lake Superior

The final two of six responses to NOAA and EPA conditions on approval of the Minnesota Lake Superior Nonpoint Program are expected to be forwarded to NOAA and EPA this week. Marc Hershfield, project specialist, and Al Kean, chief engineer, are working with MPCA and DNR to final these last two responses. Our approach continues to be to demonstrate that state and local programs and controls are in place to fully implement the Coastal Management Measures required by this state-federal partnership for coastal nonpoint management in Minnesota. We've heard from NOAA that a staff illness has delayed their review of our third and fourth responses submitted this past April and June. However, we're ahead of the response deadline, which is in October 2005.

The Glensheen shoreline stabilization project, funded in part by a 2005 Great Lakes Commission grant to the BWSR, is moving forward. SWCD Technical Services Area (TSA) 3, based in Duluth, is providing final engineering for this project that was originally designed by Gene Clark, former BWSR lakeshore engineer. Marc Hershfield is providing project management services. Bids were sought in early August. If a contract can be finalized with a contractor soon, the project should move into construction in September.

-Submitted by Al Kean

BRIEFS

A few new faces have been seen at BWSR lately. Sarma Straumanis and Bob Jacobson will come to us from Mn/DOT as part of the recently signed agreement between BWSR and Mn/DOT concerning mitigation of wetlands from Mn/DOT road construction activity. Working through an Interagency Personnel Agreement (IPA), Sarma and Bob will work with BWSR staff on a host of wetland mitigation-related activities. Sarma will address administrative and policy issues associated with Mn/DOT wetland banking accounts. Bob will focus on vegetation-related issues on banking sites, both new and existing. Effective Sept. 1, their IPA will be in effect for at least one year.

Dan Girolamo has accepted the position of WCA coordinator/wetland banking administrator.

Since 1998 Dan has served as the manager of the Watonwan Soil and Water Conservation District, where among other duties he served as the WCA LGU. Prior to that time he held engineering technician positions with the Joint Powers Board in Zone 10, the Wisconsin Department of Agriculture, Chippewa County (WI), and Sauk County (WI).

Dan has a soil science degree from the University of Wisconsin, River Falls, and is currently pursuing a masters degree from Minnesota State University, Mankato.

Dan will start with BWSR on Sept. 1.

Deadline for next edition: September 23

MINNESOTA BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155
Phone: 651-296-3767 Fax: 651-297-5615

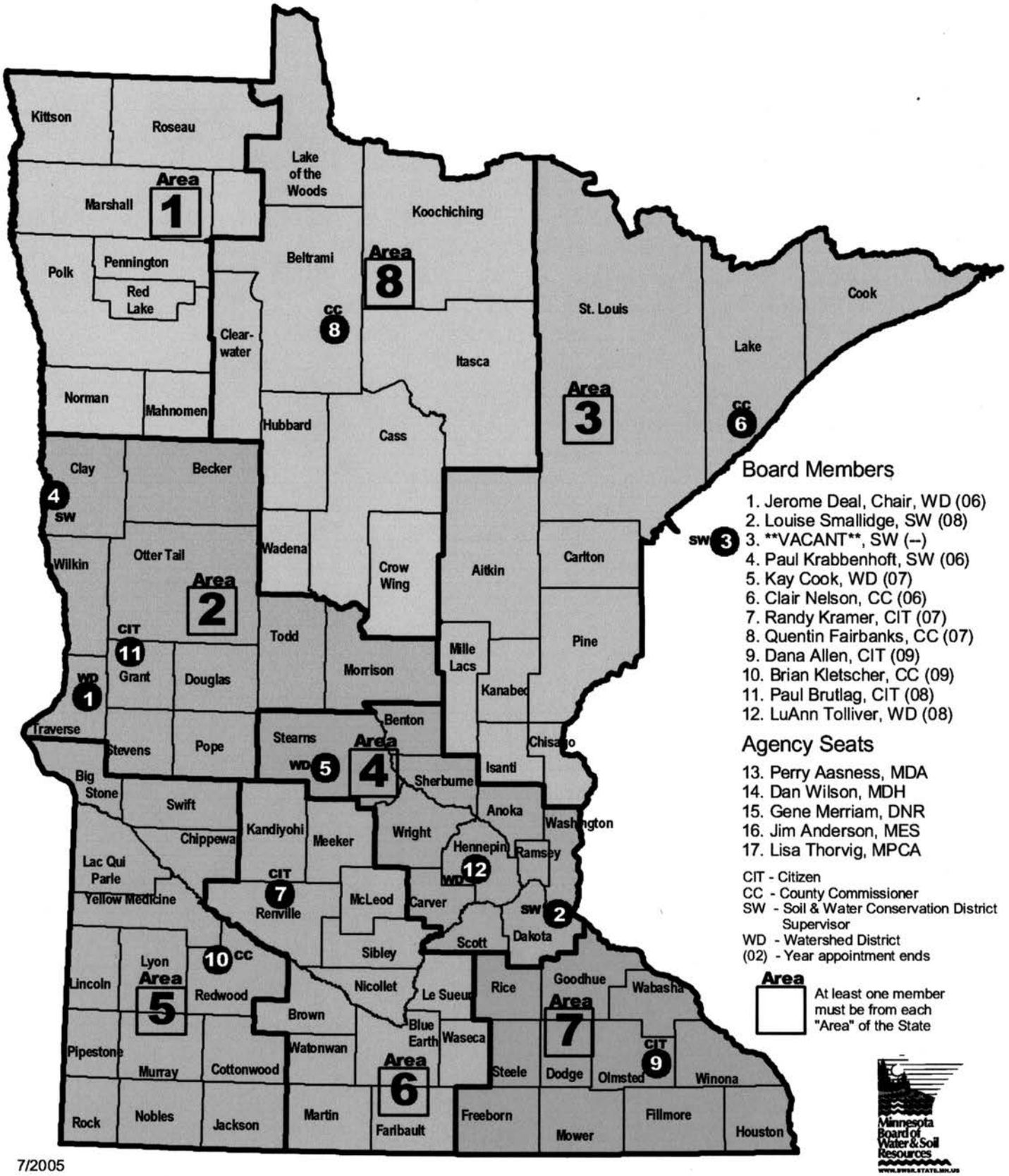
Appointed Members	***Appointment Designation***	***Term Expires***	***Telephone/Fax***	
Jerome Deal, Chair 1501 Second Ave., S., Wheaton, MN 56296 bdswd@traversenet.com	**Watershed**	01-02-06	320-563-8377 320-563-4194	*Home* *Fax*
Kay Cook 20783 Eastway Court, Richmond, MN 56368 neilkay@cloudnet.com	**Watershed**	01-01-07	320-597-2794	*Home*
LuAnn Tolliver 14801 Wychewood Road, Minnetonka, MN 55346	**Watershed**	01-07-08	952-938-6749 952-838-1571	*Home* *Office*
Dana Allen 11304 19th Street, SW, Eyota, MN 55934 dm.allen@myclearwave.net	**Citizen**	01-05-09	507-545-3969 507-951-5597	*Home* *Office*
Paul Brutlag 27113 County Road 11, Wendell, MN 56590 brutlagp@runestone.net	**Citizen**	01-07-08	218-458-2113 218-685-5400	*Home* *Office*
Randy Kramer 42808 County Road 11, Bird Island, MN 55310 randyk@willmar.com	**Citizen**	01-01-07	320-365-3094 320-365-4784	*Home* *Office*
Paul Krabbenhoft 1119 - 25th Ave., S., Moorhead, MN 56560 pkrabbenhoft@yahoo.com	**SWCD**	01-02-06	218-233-0313 701-281-3033 701-277-1570 701-799-0369	*Home* *Office* *Fax* *Cell*
Louise Smallidge 10992 Point Douglas, Hastings, MN 55033 Choregirl2@juno.com	**SWCD**	01-07-08	651-459-5600	*Home*
VACANT	**SWCD**			
Quentin Fairbanks 16374 Stoner Memorial Dr., NE, Hines, MN 55647 quentin@paulbunyan.net	**Co. Commissioner**	01-01-07	218-835-4184 218-679-3378	*Home* *Fax*
Brian Kletscher 30427 County Hwy. 10, Vesta, MN 56292 bk3376@rconnect.com	**Co. Commissioner**	01-05-09	507-762-3376 507-828-1429	*Home* *Office*
Clair Nelson Lake County Courthouse, 601 Third Avenue, Two Harbors, MN 55616 Wilma.rahn@co.lake.mn.us	**Co. Commissioner**	01-02-06	218-353-7385 218-834-8320 218-834-8360	*Home* *Office* *Fax*

State Agency Members:

Perry Aasness 90 W. Plato Blvd., St. Paul, MN 55155 Perry.Aasness@state.mn.us	**Department of Agriculture**	651-296-4435 651-297-5522	*Office* *Fax*
Dan Wilson Well Management Section, P.O. Box 64975, St. Paul, MN 55164-0975 Daniel.Wilson@health.state.mn.us	**Department of Health**	651-215-0812 651-215-0978	*Office* *Fax*
Gene Merriam 500 Lafayette Road, St. Paul, MN 55155 Gene.Merriam@state.mn.us	**Department of Natural Resources**	651-296-2549 651-296-4799	*Office* *Fax*
Jim Anderson 439 Borlaug Hall, 1991 Upper Buford Circle, St. Paul, MN 55108 Ander045@umn.edu	**U of M/Dept. of Soil, Water & Climate**	612-625-0279 612-625-2208	*Office* *Fax*
Lisa Thorvig 520 Lafayette Road, St. Paul, MN 55155 Lisa.Thorvig@pca.state.mn.us	**Pollution Control Agency**	651-296-8811 651-296-6334	*Office* *Fax*

July 2005

Board of Water & Soil Resources
Appointed Member Location Map (2005)



Board Members

1. Jerome Deal, Chair, WD (06)
2. Louise Smallidge, SW (08)
3. **VACANT**, SW (--)
4. Paul Krabbenhoft, SW (06)
5. Kay Cook, WD (07)
6. Clair Nelson, CC (06)
7. Randy Kramer, CIT (07)
8. Quentin Fairbanks, CC (07)
9. Dana Allen, CIT (09)
10. Brian Kletscher, CC (09)
11. Paul Brutlag, CIT (08)
12. LuAnn Tolliver, WD (08)

Agency Seats

13. Perry Aasness, MDA
14. Dan Wilson, MDH
15. Gene Merriam, DNR
16. Jim Anderson, MES
17. Lisa Thorvig, MPCA

CIT - Citizen
CC - County Commissioner
SW - Soil & Water Conservation District Supervisor
WD - Watershed District
(02) - Year appointment ends

Area

At least one member must be from each "Area" of the State

Minnesota Board of Water & Soil Resources
www.bwsr.state.mn.us

7/2005

Board Packet
FYI

DATE: June 29, 2005

TO: State Employees Who Are Reimbursed for Business Expenses

SUBJ: Business Expense Change – Tax Implication

The Internal Revenue Service (IRS) requires employee business expenses to be submitted for reimbursement within 60 days after the expense is incurred or the trip ends. If not submitted within 60 days, the reimbursement becomes taxable for federal, state, FICA and Medicare; and withholding tax must be taken.

Expenses groups with an end date of 7/1/05 and later are subject to this requirement. The first business expense reimbursements that will be taxable, if expense reports are submitted more than 60 days after the trip end date, will occur at the end of August (7/1 plus 60 days).

It is important that all employees take care to submit expenses for reimbursements before the 60-day period is over. Not doing so is an additional cost to both the employee and the agency. (The agency must match the FICA and Medicare tax paid by employees.)

If your reimbursement does become taxable, you will see the following on your pay stub:

The description and amount of the expenses for which you are being reimbursed will display as usual.

An item will display in the earnings section of the pay stub with the description **Tax Adj BE.** The amount will be the total expenses that are taxable due to the expense report being submitted more than 60 days after the trip end date. This is a non-paid item. It indicates to you that the taxable gross amounts on this check were increased by this amount and withholding calculations included this amount.

Employees who enter business expenses in Employee Self Service are also subject to the 60-day requirement. If a reimbursement is taxable, a row will display on the Other Expenses page *after your agency payroll or accounting staff completes their approval process.* The earn code on this row will be BTX and the amount will be the total of all expenses that are taxable.

If you have any questions about this information, please contact your agency payroll or accounting staff. To find out whom to contact, look for the link at the bottom of the State of Minnesota Employee Self Service home page.

State of Minnesota Employee Self Service

Close this Window

DATE: June 29, 2005

SUBJECT: Business Expense Change - Tax Implication

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Need more information?
Your agency HR/Payroll office will help

Board File

LEGISLATIVE COMMISSION ON MINNESOTA RESOURCES

100 REV. DR. MARTIN LUTHER KING JR. BLVD. - ROOM 65
ST. PAUL, MINNESOTA 55155-1201
PHONE: 651/296-2406 **FAX:** 651/296-1321
TTY: 651/296-9896 OR 1-800-657-3550
EMAIL: lcmr@commissions.leg.state.mn.us **WEB:** www.lcmr.leg.mn

John Velin, Director

July 1, 2005

JUL 0 6 2005

Ron Harnack, Executive Director
Board of Water and Soil Resources
One West Water Street, Suite 200
St. Paul, MN 55107

Dear Mr. Harnack:

The LCMR met on June 14 and 24, 2005, reviewed and recommended approval of the work programs (contingent upon final enactment) as indicated on the attached list. The legislation below was signed into law on June 30, 2005. The approved work programs are eligible to begin July 1, 2005.

ML 2005, First Special Session, Ch.1, Art. 2, Sec. 11,

Subd. 5(a): Restoring Minnesota's Fish and Wildlife Habitat Corridors - Phase III
Result: 3e - RIM Reserve Program ($200,000)
Subd. 7(a): Local Water Management Matching Challenge Grants
Subd. 7(c): Effects of Land Retirements on the Minnesota River
Subd. 8(b): Soil Survey

Please remember that Environment and Natural Resource Trust Fund spending can not exceed the appropriation available for the first year as stated in the law specific for that project. However, monies can be carried over from the first year through the ending date of the project.

If you have any questions concerning the projects or work programs, please call. The LCMR staff are here to assist in making your project as successful as possible and we always welcome the chance for you to update us on the project.

In addition, please keep us informed about the project activities, meetings and presentations. We (LCMR members and staff) appreciate the opportunity to participate and learn about your project activities and accomplishments throughout the biennium.

Sincerely,

John Velin

John R. Velin,
Director, LCMR

cc: LCMR Members
Office of Governor Tim Pawlenty
Marsha Battle-Jenks, Dept. of Finance
Doug Thomas, BWSR
Eric Mohring, BWSR

Project Managers:
Kevin Lines, BWSR
Dave Weirens, BWSR
James Stark, USGS
Greg Larson, BWSR

Senators: Ellen Anderson, D. Scott Dibble, Dennis Frederickson, Linda Higgins, Pat Pariseau, Carrie Ruud, Dallas Sams, David Tomassoni, Charles Wiger, Jim Vickerman

Representatives: Kathy Tingelstad, Chair , Lyndon Carlson, Dan Dorman, Tom Hackbarth, Larry Howes, Thomas Huntley, Denny McNamara, Peter Nelson, Dan Severson, Jean Wagenius

Sub #	Title	Appropriation to	Direct (D)	Pass-thru (PT)	"Agreement with. . ."	WP Approval Date	Conditions Contingent on final enactment
	Department of Agriculture						
07j	Improving Impaired Watersheds: Conservation Drainage Research	Ag	$300,000			6/24/2005	
10c	Manure Methane Digester Compatible Wastes and Electrical Generation	Ag	$100,000			6/14/2005	
12a	Minnesota Children's Pesticide Exposure Reduction Initiative	Ag	$200,000			6/24/2005	
	Board of Water and Soil Resources						
5a	Restoring Minnesota's Fish and Wildlife Habitat Corridors - Phase III	BWSR	$200,000		Pass Thru DNR	6/24/2005	
07a	Local Water Management Matching Challenge Grants	BWSR	$1,000,000			6/14/2005	
07c	Effects of Land Retirements on the Minnesota River	BWSR	$300,000		USGS	6/14/2005	
08b	Soil Survey	BWSR	$200,000	$300,000	Pine and Crow Wing Counties	6/14/2005	
	Dept of Commerce						
10a	Clean Energy Resource Teams and Community Wind Energy Rebate Programs	Commerce	$700,000			6/14/2005	
	DNR - Direct Agreement						
03b	Contract Administration	DNR	$150,000			6/14/2005	Classified Staff Approval
05c	Development of Scientific and Natural Areas	DNR	$134,000			6/14/2005	Classified Staff Approval
05d	Prairie Stewardship of Private Lands	DNR	$100,000			6/14/2005	Classified Staff Approval
05e	Local Initiative Grants (Conservation Partners and Environmental Partnerships)	DNR	$500,000			6/14/2005	Classified Staff Approval
05f	Minnesota ReLeaf Community Forest Development and Protection	DNR	$500,000			6/24/2005	
05h	Biological Control of European Buckthorn and Garlic Mustard	DNR	$200,000			6/14/2005	
06a	State Park and Recreation Area Land Acquisition	DNR	$2,000,000			6/14/2005	
06b	LAWCON Federal Reimbursements	DNR	$1,600,000			6/14/2005	Classified Staff Approval
~~06c~~	~~State Park and Recreation Area Revenue-Enhancing Development~~	~~DNR~~	~~$200,000~~			~~6/24/2005~~	**Gov. Veto**
06f	Gitchi-Gami State Trail	DNR	$500,000			6/14/2005	Classified Staff Approval
06g	The Casey Jones State Trail	DNR	$1,200,000			6/14/2005	Classified Staff Approval
06h	Paul Bunyan State Trail Connection	DNR	$400,000			6/14/2005	
06j	Local Initiative Grants (Parks and Natural Areas)	DNR	$1,200,000			6/14/2005	
06l	Local and Regional Trail Grant Initiative Program	DNR	$700,000			6/14/2005	
06q	Development and Rehabilitation of Minnesota Shooting Ranges	DNR	$300,000			6/14/2005	
08a	MN County Biological Survey	DNR	$1,000,000			6/14/2005	
09a	Completing Third-Party Certification of DNR Forest Lands	DNR	$250,000			6/14/2005	
09c	Sustainable Management of Private Forest Lands	DNR	$874,000			6/14/2005	
	DNR - Direct and Pass thru Agreement						
05a	Restoring Minnesota's Fish and Wildlife Habitat Corridors - Phase III	DNR	$948,350	$2,913,650	various entities in appropriation language	6/24/2005	Classified Staff Approval
05b	Metropolitan Area Wildlife Corridors - Phase II	DNR	$1,970,000	$1,560,000	various entities in appropriation language	6/24/2005	
07k	Hydrology, Habitat and Energy Potential of Mine Lakes	DNR	$334,055	$64,945	Architectural Resources	6/14/2005	
	DNR - Pass thru						
~~05i~~	~~Land Exchange Revolving Fund for Aitkin, Cass, and Crow Wing Counties~~	~~DNR~~		~~$500,000~~	~~Aitkin County~~	~~6/14/2005~~	**Gov. Veto**
06d	Best Management Practices for Parks and Outdoor Recreation	DNR		$200,000	MN Rec & Park Assoc.	6/14/2005	Classified Staff Approval
06i	Minnesota River Trail Planning	DNR		$200,000	U of M	6/14/2005	
06k	Regional Park Planning for Nonmetropolitan Urban Areas	DNR		$86,000	U of M	6/14/2005	
06m	Mesabi Trail	DNR		$1,000,000	Regional Rail Authority	6/14/2005	
06n	Cannon Valley Trail Belle Creek Bridge Replacement	DNR		$300,000	Cannon Valley Trail JPB	6/14/2005	Match Commitment Approved
06o	Arrowhead Regional Bike Trail Connections Plan	DNR		$83,000	Arrowhead Regional Development	6/14/2005	
06r	Birding Maps	DNR		$100,000	Audubon MN	6/14/2005	
07d	Recycling Treated Municipal Wastewater for Industrial Water Use	DNR		$300,000	Met Council	6/14/2005	
~~07g~~	~~Green Roof Cost Share and Monitoring~~	~~DNR~~		~~$350,000~~	~~Ramsey Co. Conservation District~~	~~6/14/2005~~	**Gov. Veto**

Sub #	Title	Appropriation to	Direct (D)	Pass-thru (PT)	"Agreement with. . . "	WP Approval Date	Conditions Contingent on final enactment
07l	Hennepin County Beach Water Quality Monitoring Project	DNR		$100,000	Hennepin County	6/14/2005	
07m	SW Minnesota Floodwater Retention Projects	DNR		$500,000	Area 2 MN River Basin Projects Inc.	6/14/2005	
07o	Bassett Creek Valley Channel Restoration	DNR		$175,000	City of Minneapolis	6/14/2005	
07p	Restoration of Indian Lake	DNR		$200,000	~~MN Environmental Services~~/Bemidji State Univ.	~~6/14/2005~~ - Later	Contingent on Permits, Changed to Indian Lake Improvement District
~~08c~~	~~Land Cover Mapping for Natural Resource Protection~~	~~DNR~~		~~$250,000~~	~~Hennepin County~~	~~6/14/2005~~	**Gov. Veto**
08d	Open Space Planning and Protection	DNR		$250,000	Anoka Conservation District	6/14/2005	
~~10b~~	~~Planning for Economic Development via Energy Independence~~	~~DNR~~		~~$240,000~~	~~U of M Duluth~~	6/14/2005	**Gov. Veto**
10d	Dairy Farm Digesters	DNR		$336,000	MN Project	6/14/2005	
10e	Wind to Hydrogen Demonstration	DNR		$800,000	U of M West Central Research and Outreach Ctr.	6/14/2005	
10f	Natural Gas Production from Agricultural Biomass	DNR		$100,000	Sebesta Blomberg Assoc.	6/14/2005	
~~10h~~	~~Phillips Biomass Community Energy System~~	~~DNR~~		~~$900,000~~	~~Phillips Community Cooperative~~	~~6/14/2005~~	**Gov. Veto**
~~10i~~	~~Laurentian Energy Authority Biomass Project~~	~~DNR~~		~~$466,000~~	~~Virginia Public Utility~~	~~6/14/2005~~	**Gov. Veto**
~~11a~~	~~Enhancing Civic Understanding of Groundwater~~	~~DNR~~		~~$150,000~~	~~Science Museum of MN~~	~~6/14/2005~~	**Gov. Veto**
~~11c~~	~~Environmental Problem-Solving Model for Twin Cities Schools~~	~~DNR~~		~~$75,000~~	~~Eco Education~~	~~6/14/2005~~	**Gov. Veto**
11d	Tamarack Nature Center Exhibits	DNR		$95,000	Ramsey County Park & Rec. Dept.	6/14/2005	
	PCA						
07b	Accelerating and Enhancing Surface Water Monitoring for Lakes and Streams	PCA	$350,000			6/14/2005	
07b	Accelerating and Enhancing Surface Water Monitoring for Lakes and Streams	PCA		$250,000	MN Lakes Assoc. and Rivers Council	6/14/2005	
	University of Minnesota - Direct						
05g	Integrated and Pheromonal Control of Common Carp	U of M	$550,000			6/14/2005	
06p	Land Acquisition, Minnesota Landscape Arboretum	U of M	$650,000			6/14/2005	
07e	Unwanted Hormone Therapy: Protecting Water and Public Health	U of M	$300,000			6/14/2005	
~~07f~~	~~Climate Change Impacts on Minnesota's Aquatic Resources~~	~~U of M~~	~~$250,000~~			~~6/24/2005~~	**Gov. Veto**
07k	Hydrology, Habitat and Energy Potential of Mine Lakes - Result 1	U of M / MGS	$101,000			6/14/2005	
~~07n~~	~~Upgrades to Blue Heron Research Vessel~~	~~U of M~~	~~$295,000~~			~~6/14/2005~~	**Gov. Veto**
09b	Third Party Certification of Private Woodlands	U of M	$376,000			6/14/2005	
09d	Evaluating Riparian Timber Harvesting Guidelines: Phase 2	U of M	$333,000			6/14/2005	
10g	Biomass-Derived Oils for Generating Electricity and Reducing Emissions	U of M	$150,000			6/14/2005	
	U of M / Pass thru DNR						
07h	Woodchip Biofilter Treatment of Feedlot Runoff	DNR		$270,000	Stearns Co. SWCD/ U of M	6/14/2005	Receives a portion of the appropriation under an agreement
07i	Improving Water Quality on the Central Sands	DNR		$587,000	MNScU / Central Lakes College of Ag / Uof M	6/14/2005	Receives a portion of the appropriation under an agreement
09e	3rd Crops for Water Quality - Phase 2	DNR		$500,000	Rural Adv. / U of M	6/14/2005	Receives a portion of the appropriation under an agreement
11b	Cedar Creek Natural History Area Interpretive Center and Restoration	DNR		400,000	U of M Cedar Creek Natural Area	6/14/2005	
	MNScU						
07i	Improving Water Quality on the Central Sands	DNR		$587,000	MNScU / Central Lakes College of Ag / Uof M	6/14/2005	Receives a portion of the appropriation under an agreement
09f	Bio-conversion of Potato Waste into Marketable Biopolymers	DNR		$350,000	Bemidji State University	6/14/2005	
	Metropolitan Council						
06e	Metropolitan Regional Parks Acquisition, Rehabilitation and Development	DNR	$2,000,000			6/14/2005	

Board Packet
FYI

From: Ron Harnack
To: Anderson, MaryJo
Date: 8/11/2005 7:16:57 AM
Subject: Fwd: Pheasants Forever Forms New Quail Habitat Organization

Add this to the Board info packet.

>>> "Bob StPierre" <stpete@pheasantsforever.org> 8/10/2005 8:10:06 AM >>>

Press Release

For Immediate Release

Bob St.Pierre, (877)773-2070

Pheasants Forever Forms New Quail Habitat Organization

Quail Forever to apply proven model to the quail range for benefit of habitat and hunters

St. Paul, Minn. - August 10, 2005 - Pheasants Forever (PF) announced today that it intends to extend its successful organizational model for habitat development by forming a new organization, Quail Forever, dedicated to quail conservation and education. Quail Forever will build on PF's track record of successful local chapter development, localized habitat initiatives, and national public policy leadership and advocacy. Plans for the new organization include recruitment of additional wildlife biologists and a phased chapter development plan.

PF was founded in St. Paul, Minnesota in 1982 and has grown to more than 110,000 members and 600 chapters nationwide. PF is unique among conservation organizations in that its local chapters maintain control of 100% of locally raised funds, and make all decisions on how to spend

those conservation and education dollars. The organization has a steady track record of success, including the completion of more than 300,000 habitat projects benefiting 3.4 million acres for wildlife since inception. PF has also participated in over 800 land acquisitions totaling more than 100,000 acres now open to public hunting. All told, PF has spent more than $170 million nationwide on wildlife habitat projects and conservation education during its 23-year history.

Leveraging a Successful Model

In forming Quail Forever, PF plans to deploy the same organizational model - localized decision-making with lean, low-overhead central administration. Pheasants Forever already has a strong presence in states where quail and pheasants share habitat - Idaho, Illinois, Iowa, Indiana, Maryland, Missouri, Kansas, Nebraska, Ohio, Oregon, and Pennsylvania. In fact, Pheasants Forever members have been responsible for delivering more than 2 million acres of wildlife habitat in those shared habitat ranges. Those same states have also been some of the country's most successful at enrolling acres in the bobwhite buffers (CP-33) component of the Conservation Reserve Program (CRP).

"Quail - like pheasants - don't migrate, so we believe locally raised funds shouldn't migrate either," said Howard Vincent, PF president and CEO. "Without a doubt, there is still plenty of pheasant habitat work to do. At the same time, we have an opportunity to share the successful Pheasants Forever model with quail and quail hunters."

Public Policy Leadership

PF is a respected voice in state and national government, helping promote the 39.2 million-acre CRP program, the 2.2 million-acre Wetlands Reserve Program (WRP), and a variety of state-specific wildlife conservation initiatives. PF was also involved with the creation of the CRP practice (CP-33) - known as the bobwhite buffers initiative - which has led to 250,000 acres targeted at quail conservation.

The Southeast Quail Study Group (SEQSG), a technical arm of the Southeastern Association of Fish and Wildlife Agencies, is a working group composed of many of the country's foremost bobwhite quail biologists. The SEQSG developed the Northern Bobwhite Conservation Initiative (NBCI), the first-ever national quail recovery plan. The NBCI provides a landscape-scale road map to restore quail populations to their 1980 levels through habitat conservation.

"With our experience in enrolling bobwhite buffer acres and the recent completion of the Northern Bobwhite Conservation Initiative plan, the

time was right for us to lend our habitat conservation expertise to help implement the NBCI," Vincent said. "We want to do what we can to make a difference for quail and quail hunters before it becomes too late."

Phased, Member-Centric Approach

PF outlined a phased approach to establishing the Quail Forever organization. Initial focus will be on states with both pheasant and quail hunters and habitat. Quail Forever's expansion south and west will be based on chapter interest and available resources. In the organization's first year, Quail Forever has set a goal of forming 50 chapters and recruiting 12,000 members to work on quail habitat projects.

PF currently employs 22 wildlife biologists covering 28 states and Canada. There are plans to add quail specialists in states where chapter need and state agency grants allow. The organization has promoted Jim Wooley of Iowa, PF's senior wildlife biologist, to oversee all Quail Forever biologists. Wooley has been with the organization for 20 years and was PF's first biologist. Current PF biologists along the shared pheasant and quail range will work with both PF and Quail Forever chapters in the interim as well.

Established Professional Management Structure

Quail Forever will be managed by the existing PF national staff, with oversight by the PF Board of Directors. The PF national office currently receives a nominal $30 membership fee from each member to cover administration, magazine publication, and chapter services costs, and raises additional funds through corporate sponsorships and merchandise sales. All locally raised event funds remain local for use by chapters in habitat development projects. "We have an opportunity to service two organizations while keeping administrative overhead low and leaving more dollars available for habitat projects to benefit quail and pheasants," added Vincent.

"The Northern Bobwhite Conservation Initiative points the way to restoring huntable quail populations across their range," said Don McKenzie, coordinator of the NBCI. "Now we need strong arms and legs to deliver that plan down to the grassroots level across two dozen states. Pheasants Forever has proven successful at delivering effective conservation programs to the ground across the pheasant range. If they can catalyze a similar movement of quail enthusiasts to implement the NBCI, they will help make a real difference to brighten the future of the South's game bird king."

To learn more about starting a Quail Forever chapter in your area, please contact the Quail Forever national office toll free at (866)45-QUAIL or contact Jim Wooley at (641)774-2238 or via email at jwooley@lisco.com.

-30-

For additional information about Pheasants Forever, please visit www.pheasantsforever.org <http://www.pheasantsforever.org/>

Board Packet
FYI

From: Ron Harnack
To: Anderson, MaryJo
Date: 8/11/2005 7:20:41 AM
Subject: Fwd: Root River Cleanup & TMDLs

For board info packet.

>>> <Raybohnmga@aol.com> 8/9/2005 4:47:17 PM >>>
MPCA must revise its water cleanup plan for southeast
by Erin Galbally, Minnesota Public Radio
July 19, 2005

Duke Hust is an expert angler who regularly trolls the south branch of the Root River for trout. He's noticed an increase in muck which he says comes from nearby farm fields. It's beginning to take a toll on the river. (MPR Photo/Erin Galbally)

The Root River in southeastern Minnesota is one of the state's most famous trout streams but it's threatened by pollution as are many waterways around southeast. A major problem is farm runoff which threatens both river life and the health of anglers and boaters. Recently a federal district court judge ruled that a clean up plan designed by the state pollution control agency is inadequate. Now the agency's on deadline to come up with a new plan.

Preston, Minn. — Renowned angler Duke Hust owns a farm near Preston. His property borders the south branch of the Root River and on most days from spring until fall, that's where Hust can be found. He wears waders and walks around the river effortlessly, holding on to his fishing pole.
"Normally when conditions are it's so clear you can see the bottom all the way across," says Hust. "This morning it's somewhere between the color of chocolate milk and steel. The water is quite murky and it's been over a week since the last major rain."
The Root's cold water is ideal for trout. Anglers flock to the river to test their skills. But there's a problem. Farm runoff from nearby fields is muddying the river, coating its rocky bottom with a thick layer of sticky muck. It threatens everything living in the river and it leaves Hust deeply troubled.
The state wants to clean things up, in fact it has to under federal law. The Minnesota Pollution Control Agency developed a plan but it's run into problems and a lawsuit.
The Minnesota Center for Environmental Advocacy filed the suit. The Center's Kris Sigford says the plan was inadequate.
"What we was a case where the pollution control agency developed a clean up plan for these rivers many of which would not meet water quality standards after the imposition of the TMDL," says Sigford.
TMDL stands for total maximum daily load. That's the amount of pollution a body of water can handle and still meet water quality standards.
Sigford says the PCA's proposal fell far short of its goal. She says since it was the state's first comprehensive TMDL project she was concerned about any precedent the plan could set.
So three years ago Sigford's group initiated the litigation that led to last month's court ruling. And now the state pollution control agency has until mid-September to adjust its plan. If it fails, the federal Environmental Protection Agency takes over.
Lee Ganske's a hydrologist with the state Pollution Control Agency. He's been

working on the study for years. Ganske cautions that the TMDL study is basically a numerical analysis. He says it doesn't translate in to specific clean up action.

He says most big industrial polluters have been taken care of. But that actually complicates things because now they have to trace hundreds of thousands of smaller polluters. On top of that the weather and even the seasons can have an impact on pollution levels.

"A rainfall that occurs in the spring might have a different effect than what happens in August when there are crops growing on the fields," explains Ganske. "So it's really a rather complex problem of assessing the link between the sources and water quality in this non-point world."

Ganske predicts if the federal Environmental Protection Agency is forced to take over the study it will produce a very similar report from the state's version. He says it might take another round of court hearings to resolve the issue.

Board Packet
FYI

From: Ron Harnack
To: Anderson, MaryJo
Date: 8/16/2005 7:28:47 AM
Subject: Fwd: NRCS News Release

For Board info packet.

>>> "MacSwain, Julie - St Paul, MN" <Julie.MacSwain@mn.usda.gov> 8/16/2005 6:54 AM >>>
Sylvia Rainford (202) 720-2536

USDA SIGNS TECHNICAL SERVICE PROVIDER AGREEMENT WITH

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL, INC.

ROCHESTER, N.Y., Aug 2, 2005-U.S. Department of Agriculture today signed an agreement that will allow farmers and ranchers who need technical assistance with soil erosion, sediment control and storm water quality to obtain that assistance from certified technical service providers (TSPs) or third-party vendors.

USDA-Natural Resources Conservation Service Chief Bruce Knight signed a memorandum of understanding (MOU) with the Certified Professional in Erosion and Sediment Control, Inc. (CPESC) at the Soil and Water Conservation Society's annual conference. Knight and CPESC Executive Director David Ward signed the three-year agreement, which recognizes certifications in soil erosion and sediment control as well as storm water quality.

"This MOU ensures private landowners who participate in USDA conservation programs will receive top-notch services from CPESC experts as these landowners plan, design and implement conservation practices such as buffers, conservation tillage, vegetative land stabilization and channel and stream stabilization," said Knight.

The 2002 Farm Bill expanded the availability of technical assistance to private landowners by encouraging the use of TSPs to assist USDA in delivering conservation technical assistance services to landowners.

The MOU allows CPESC to recommend its members to NRCS for certification in soil erosion and sediment control and storm water quality. They must complete CPESC's certified programs in these two areas to meet USDA's

performance criteria for providing conservation assistance in soil erosion and sediment control and storm water quality.

CPESC, headquartered in Marion, North Carolina, is a non profit, professional international organization with about 2,000 members throughout the United States as well as several countries, including Canada. The organization was first formed in 1983 through SWCS and became incorporated three years ago.

USDA has already signed MOUs with 13 organizations that provide for the partner organizations to recommend qualified individuals to USDA for certification as technical service providers in conservation planning and design, layout, installation and checkout of approved conservation practices.

- more -

- 2 -

In addition to the MOU signed today, USDA has existing agreements with the American Society of Agronomy, Society for Range Management, Iowa State University, The Wildlife Society, Society of American Foresters, The Irrigation Association, University of Tennessee, National Alliance of Independent Crop Consultants, Environmental Management Solutions, American Registry of Professional Animal Scientists, Association of Consulting Foresters of America, American Fisheries Society and American Forage and Grassland Council.

USDA-NRCS certifies TSPs and lists them on a national, web-based registry called TechReg. Farmers, ranchers and other landowners seeking conservation technical assistance can locate a TSP through this registry. More than 2,400 certified TSPs from across the nation are registered.

Additional information on technical service provider assistance is available at http://techreg.usda.gov <http://techreg.usda.gov/> .

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"Transmitted via Email"

October 14, 2003

MINNESOTA BULLETIN NO. 120-4-

SUBJECT: ADS – FREEDOM OF INFORMATION ACT / PRIVACY ACT

Purpose. Provide updated Freedom of Information Act (FOIA) and Privacy Act (PA) guidelines for NRCS.

Expiration date. September 30, 2003, Action Required by January 1, 2004

Section 1244 of the Farm Bill includes specific language pertaining to the release of technical and financial information. Technical and financial information includes all information given by cooperators to USDA for the purpose of providing technical or financial assistance to an owner, operator, or producer with respect to any natural resources conservation program administered by the NRCS or FSA. It also includes information that is proprietary to the agricultural operation or land that is part of an agricultural operation of the owner, operator, or producer. This type of information is not releasable to the general public. This information does not include payment information, such as, payment amounts and the names of payment recipients, which is releasable to the general public for approved contracts. This guidance is for NRCS programs only. **All CRP FOIA requests or related questions are to be directed to FSA.**

The following information is NOT releasable to the public:

- NRCS technical and financial information (as defined above)
- Specific contact information (i.e. phone numbers and addresses)
- TSP program obligations and fund amounts (not releasable to anyone unless cleared by Chief Knight)

The following are examples of information that may be contained in the case file that are NOT releasable:

Examples of Case File Contents (not all inclusive)	Release
Assistance Notes	No
Problems Identified on the Owner's, Operator's, or Producer's Unit	No
The Owner's, Operator's, or Producer's Objectives	No
Cultural Resources – Kind or Location	No
Resource Inventories Specific to the Owner's, Operator's, or Producer's Unit	No
Benchmark Data (Current Conditions) on the Owner's, Operator's, or Producer's Unit	No
Worksheets Specific to the Unit	No

Land Use Maps Specific to the Unit	No
Information on how the Owner, Operator, or Producer Manages Resources	No
Environmental Evaluation on the Unit	No
Environmental Assessment on the Unit	No
Record of the Owner's, Operator's, or Producer's Decisions	No
Program Contract/Agreement Information	No
Specific Alternatives Developed for the Owner, Operator, or Producer	No
Specific Alternatives Evaluated for the Owner, Operator, or Producer	No
Practices and Systems Installed	No
Acres in the Owner's, Operator's, or Producer's Unit	No
Livestock Numbers on the Owner's, Operator's, or Producer's Unit	No
Economic Data Specific to the Owner's, Operator's, or Producer's Operation	No
Crop Budgets, etc. Developed for the Owner, Operator, or Producer	No
Social Concerns of the Owner, Operator, or Producer	No
Land Relationships for the Owner's, Operator's, or Producer's Operation	No
Permits Obtained by the Owner, Operator, or Producer	No
Conservation Plan(s) for Owner's, Operator's, or Producer's Operation	No
Conservation Compliance Determinations (HEL/Wetlands)	No
Engineering Survey's, Designs, etc for Owner's, Operator's, or Producer's Operation	No

The following is releasable information:

Technical and financial information can be released to a person or Federal, State, local, or Tribal agency working in cooperation with USDA-NRCS to provide technical and financial assistance, or in collecting information from data gathering sites. This applies only to NRCS programs. **(All FOIA requests related to CRP are to be directed to FSA.)**. SWCD's that wish to provide vendor services to participants in CRP, such as selling grass seed or tree seedlings, must submit a FOIA request.

Landowners can sign a release waiver allowing TSPs to have access to their case file for specific purposes only (as expressed in the waiver), such as gaining information about applying a practice, acquiring design plans, survey data, etc. A release waiver is being produced. Once completed, copies will be distributed to all offices.

Approved landowners names, practice(s), and amount(s) (acres and dollars) for NRCS conservation programs can be released under FOIA. All requests are to be made in writing, however, they do not

have to site the FOIA and they do not have to disclose why they are requesting the information. Requests should be addressed to the State Conservationist or the FOIA Officer and sent to the state office the day the request is received. We have 20 working days in which to respond.

NRCS employees, consultants, or contractors of NRCS should not provide any information that reflects on the owner's, operator's, or producer's personal, commercial or financial matters; causes substantial harm to the competitive position of the owner; or impairs the Government's ability to obtain necessary information in the future. Requests for personal information contained in files are exempt from release under exemption (b) (6) of the FOIA and the PA.

The information in this bulletin **must** be reviewed with each SWCD at a regularly scheduled board meeting and documented in their meeting minutes. District Conservationists will notify their ASTC(FO) of the completion of this action by January 1, 2004.

For additional information on FOIA refer to:

-The NRCS General Manual, Subpart C, Sections 408.40-408.45
(http://policy.nrcs.usda.gov/scripts/lpsiis.dll/GM/GM_120_408_c.htm)

-Department of Agriculture, (7CFR Part 1), USDA Freedom of Information Act Regulations
(http://www.usda.gov/news/foia/usdaregs.pdf)

-Section 1244 of the Farm Bill (http://www.usda.gov/farmbill/conference_report/full_report.pdf)

Questions regarding this bulletin or FOIA can be referred to Tessa Garcia,
(651) 602-7872 (Tessa.garcia@mn.usda.gov) or Pat McLoughin, (651) 602-7907
(Patrick.mcloughlin@mn.usda.gov)

WILLIAM HUNT
State Conservationist

DIST: AE

Board Info Packet

Minnesota Pollution Control Agency

AUG 9 2005

August 8, 2005

Dear Interested Person:

RE: Feedlot Construction Activity Conditional Exclusion and Revisions to the Proposed Rule Amendments Governing Stormwater Permits, Water Quality Permit Fees, and the Stormwater Regulatory Program

This letter provides a brief description of changes to the proposed Stormwater Permit rules that impact feedlot owners. Specifically, the need for feedlot owners to obtain a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater Permit for construction activities will soon be modified. Feedlot owners will be receiving all information needed to comply with the rules. The final rule was published in the August 8, 2005, *State Register* and will be effective on August 15, 2005. See the following Internet site: http://www.pca.state.mn.us/water/stormwater/stormwater-rules.html for more information on the final rule including the fact sheet "Stormwater Rules: Minnesota Rules 7090" and a copy of the rules with changes since initially noticed.

As background, the Minnesota Pollution Control Agency (MPCA) published the notice of intent to adopt the Proposed Rule Amendments Governing Stormwater Permits, Water Quality Permit Fees, and the Stormwater Regulatory Program in the October 18, 2004, *State Register*. The MPCA received nine comment letters on the proposed rules, including two requests for a public hearing. The MPCA did not hold public hearings on the proposed rules because fewer than 25 requests were received. The MPCA reviewed all comments and made changes to the proposed rules based on these comments. The changes to the proposed rules will be discussed in detail in the Order Adopting Rules.

Under the proposed rules, certain feedlot projects would have been conditionally excluded from the requirement to apply for NPDES/SDS Construction Stormwater Permit coverage, if specific requirements are met. The rules were to streamline the permit process by relieving feedlot owners of the requirement of obtaining two permits for construction activity, a feedlot permit and a Construction Stormwater Permit, and from paying any or additional permit fees. However, the U.S. Environmental Protection Agency (EPA), in their comments, stated that the proposed rules for the conditional exclusion were less stringent and more narrow in scope than federal regulations. The MPCA, under federal law, may not draft rules less stringent than federal regulations. Therefore, to address EPA's comments, the MPCA added a new provision to replace the conditional exclusion.

Under the new provision, the MPCA will notify owners and operators of feedlot construction activities of one to less than five acres that they are covered by the NPDES/SDS Construction Stormwater General Permit; no permit application is required. Feedlot owners and operators may request an Individual NPDES/SDS Construction Stormwater Permit. Like the proposed conditional exclusion, the new provision requires that owners and operators of feedlot construction activities meet specific requirements for coverage under the notification section. There is no fee for a notification of coverage.

The general difference between the proposed conditional exclusion and a notification of permit coverage is that the conditional exclusion applied to all construction activity. Under the new provision, a notification of permit coverage is limited to feedlot construction activities of one to less than five acres.

Owners and operators of feedlot construction activities of five acres or greater must apply for NPDES/SDS Construction Stormwater Permit coverage.

The MPCA expects that feedlots conducting construction activities of five acres or greater will likely be Large Concentrated Animal Feeding Operations, which are covered under the NPDES/SDS General Permit or an Individual NPDES/SDS Permit for feedlots, both of which incorporate the requirements of the NPDES/SDS Construction Stormwater General Permit. Thus, no additional application or permit fee would be required.

Additionally, feedlot owners and operators notified of permit coverage will continue to follow the MPCA fact sheet *"Stormwater Control Requirements at Feedlot Construction Sites"* that is currently issued with the feedlot SDS, interim, and construction short-form permits. This fact sheet identifies the stormwater management requirements and best management practices that are typically applicable to smaller construction activities at feedlots. The MPCA will be updating this fact sheet so that it more closely follows the NPDES/SDS Construction Stormwater General Permit.

Please contact Kim Brynildson of the MPCA Feedlot Program at (651) 296-7366, or myself at (651) 296-5426 if you have any questions regarding this letter or the proposed Stormwater Permit rules for feedlot construction activity.

Sincerely,

Brian Livingston

Brian Livingston
Stormwater Coordinator
Municipal Division

BL:dac

cc: Myrna Halbach
Robert Finley
Don Jakes

From: MaryJo Anderson
To: # Everyone; Aasness, Perry; Allen, Dana; Anderson, Jim; Anderson, Kevin; Battles-Jenks, Marsha; Berg, Carol; Bohn, Ray; Brutlag, Paul; Buck, LeAnn; Burns, Paul; Cook, Kay; Deal, Jerome; Dittrich, Mark; Ebnet, Tom; Edgerton, Wayne; Engwall, Craig; Fairbanks, Quentin; Garletz, AnnaLee; Holsten, Mark; Hunt, William; Kletscher, Brian; Krabbenhoft, Paul; Kramer, Randy; Merriam, Gene; Monson, John; Moore, Brad; Nelson, Clair; reimer, rick; Smallidge, Louis; Thorvig, Lisa; watson, brian; Wilson, Dan
Subject: BWSR Tour and Meeting, September 28-29, 2005

Board of Water & Soil Resources' Members, Advisors, and Staff:

We are continually reviewing cost efficiencies as we deal with budget reductions and constraints. Review of administrative costs for monthly board meeting mailings is far more costly than conducting business by e-mail.

Since all current Board members do have e-mail addresses and can access the Board agenda information electronically, we will no longer be sending paper copies of the agenda beginning with the October Board meeting notice.

If members prefer to have the information sent to their county, SWCD, WD or business e-mail address rather than at home, please state that preference. I appreciate your help with this transition by verifying your e-mail address with me by October 1, 2005. You will be receiving only a brief agenda via mail for the September Board meeting, with the understanding that you can access all other information electronically. If that is not the case, please contact me.

The Board of Water and Soil Resources (BWSR) will tour Rice County on Wednesday, September 28, 2005. Welcome and introductions will begin at 8:00 a.m. in the lobby of the AmericInn, 1801 Lavender Drive, (2 blocks east of I-35, Hwy. 21, Exit #59) in Faribault. The coach bus will promptly depart from the AmericInn at 8:30 a.m. to begin the tour. See tour itinerary in board packet. An issues forum "Reserving Green Space in Rapidly Developing Communities" will be held after lunch. The coach bus will return to the AmericInn about 3:45 p.m.

The Administrative Advisory Committee, the RIM Easement Alteration Committee, and the Cost-Share Committee will meet on Wednesday, September 28. Time and location are noted in the board packet.

A block of sleeping rooms have been reserved for the nights of Tuesday, September 27, and Wednesday, September 28, at the AmericInn in Faribault. If you do not need a room reservation, please contact me immediately maryjo.anderson@bwsr.state.mn.us or call me at 651-297-4290.

Dinner reservations have been made for Wednesday evening at the Depot Bar & Grill in Faribault. Again, if you are unable to attend, please let me know.

The Board of Water and Soil Resources will meet on Thursday, September 29, at 9:00 a.m. in Room 3A of the Government Services Building, 320 NW 3rd Street (Hwy. 60 W), south entrance. See information in board packet.

The September 28-29 Board tour and meeting information is available on electronic files. To access your board meeting packet you will need to use the following information:

user name is: boardmember
password: member2enter

click on: http://www.bwsr.state.mn.us/boardpackets/index.html

Click on "September 28-29, 2005" and open the files in the folder.

If you have specific problems with printing, accessing the information or have any comments regarding the electronic version of the board meeting packet, please e-mail me at maryjo.anderson@bwsr.state.mn.us or call me directly at 651-297-4290. I appreciate your assistance and thank you for your cooperation!

Minnesota Board of Water & Soil Resources

DATE: September 19, 2005

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: September 28-29, 2005 BWSR Tour and Meeting

The Board of Water and Soil Resources (BWSR) will tour Rice County on Wednesday, September 28, 2005. See the attached tour itinerary. Welcome and introductions will begin at 8:00 a.m. in the lobby of the AmericInn, 1801 Lavender Drive, (I-35, Exit #59) in Faribault. The coach bus will promptly depart from the AmericInn at 8:30 a.m. for a tour of Rice County. An issues forum will be held after lunch at the Forest Township Hall in Millersburg from 1:30 p.m. – 3:30 p.m. The coach bus will return to the AmericInn about 3:45 p.m.

An informal social gathering will be held at 6:00 p.m. on Wednesday, September 28, at the Depot Bar & Grill, 311 Heritage Place in Faribault. Dinner reservations have been made for 6:30 p.m. at the Depot Bar & Grill. Please let Mary Jo Anderson (651-297-4290) know if you are unable to attend, as a reservation count is needed.

A block of sleeping rooms have been reserved for the nights of Tuesday, September 27, and Wednesday, September 28, at the AmericInn in Faribault. Attached is the list of room reservations. The rooms have been direct billed (you do not pay for the room), unless noted on the rooming list. If you do not need a room reservation, please contact Mary Jo Anderson immediately. A "deluxe continental breakfast" will be served in the morning.

The Administrative Advisory Committee will meet on Wednesday, September 28, after the tour in Ron Harnack's room at the AmericInn. The RIM Easement Alteration Committee will meet in Ron Harnack's room before dinner. The Cost-Share Committee will meet at 8:30 p.m. in the "meeting room" at the AmericInn.

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

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

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

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

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

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

Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

Web: www.bwsr.state.mn.us TTY: (800) 627-3529 An equal opportunity employer Printed on recycled paper

The Board of Water and Soil Resources will meet on Thursday, September 29, at 9:00 a.m. in Room 3A of the Government Services Building, 320 NW 3rd Street (Hwy. 60 W), south entrance. Click on Government Services Building for directions.
The following information pertains to the agenda items:

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. **Dodge County Priority Concerns Scoping Document** - Dodge County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document for state review and comment. The Southern Water Planning Committee of the Board met August 24, 2005, after the state agency 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 Dodge County. ***DECISION ITEM***

2. **Olmsted County Local Water Management Plan Update** – Olmsted 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, 20, 2005. On August 24, 2005, the Southern Water Planning Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Olmsted County Local Water Management Plan Update. The Board Southern Water Planning Committee recommends approval. The Findings of Fact, Conclusions and Order are drafted for the full Board to review and take action on. ***DECISION ITEM***

NEW BUSINESS

1. **Zumbro CPI Grant** – In February of 2005, BWSR submitted a Conservation Partnership Innovation grant to the USDA Natural Resources Conservation Service (NRCS) on behalf of the Zumbro Watershed Partnership (ZWP). The overall goal of the watershed project is to reduce sediment reaching the Zumbro River by 30 percent and improve aquatic habitat. This reduction will be achieved by accelerating the adoption of more perennials in cropping systems, promoting rotational or managed grazing, alternative tillage systems, contouring, incorporating grass buffer strips, encouraging green cover crops, diversifying crop rotations, extensive use of grassed waterways, constructing water and sediment basins, strategically retiring sensitive lands, forestry management/perennial vegetation in the floodplain, and restoring wetlands.

   At this time staff are requesting board approval to enter into a sub-grant with the ZWP to support the local implementation of the CPI grant project. ***DECISION ITEM***

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2. **Zumbro Watershed Partnership** - The need for an organization that "looks out for the best interest of the entire Zumbro Watershed" was recognized by a handful of private citizens back in March of 2004. On July 20, 2004, a group of concerned citizens hosted a public meeting to talk about impaired waters in the Zumbro Watershed. Invitees to the meeting included all interested individuals, farmers, cities, counties, townships, ag organizations, soil and water conservation districts, lake associations, environmental organizations and other state agencies located within the Zumbro Watershed. About 80 people attended. Guest speakers included State Representative Steve Sviggum, MDA Commissioner Gene Hugoson, DNR Commissioner Gene Merriam, BWSR Executive Director Ron Harnack, MPCA Assistant Commissioner Lisa Thorvig, and the Past Executive Director of the Cannon Rivers Watershed, Allene Moesler. Speakers talked about the need of a Watershed Organization and the importance of collaboration. The Zumbro Watershed Partnership (ZWP) currently has 50+ dues paying members, has filed our Articles of Incorporation, have Bylaws in place and has had its first annual meeting and elected our 13 citizen Board of Directors. The ZWP have committees currently working on the permanent web site, membership drive, and our short-term and long-term goals. ***INFORMATION ITEM***

3. **Public Drainage System Buffer Study** – FY06 Appropriation Language $109,000 the first year is for an implementation assessment of public drainage system buffers and their use, maintenance, and benefits. The assessment must be done in consultation with farm groups, watershed districts, soil and water conservation districts, counties, and conservation organizations, as well as federal agencies implementing voluntary buffer programs. The Board shall report the results to the Senate and House of Representatives committees with jurisdiction over drainage systems by January 15, 2006. This is a one-time appropriation. ***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 next week in Faribault!

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BOARD OF WATER AND SOIL RESOURCES
TOUR OF RICE COUNTY
DEVELOPMENT IMPACTS
WEDNESDAY, SEPTEMBER 28, 2005

8:30 AM	Leave AmericInn -- Travel to Site 1
8:35 AM	The Village Development -- Development pressures and WCA
9:00 AM	Travel to Site 2
9:20 AM	Strip Till Demonstration -- Soil conservation practice
9:35 AM	Travel to Site 3
9:50 AM	Zimmerman Development -- Transfer of Development Rights (TDR), community septics and stormwater
10:15 AM	Travel to Site 4 and Break
11:00 AM	Circle Lake Development -- TDR's, community septics, WCA regulation, wetland restoration
11:30 AM	Travel to Site 5
11:50 AM	LaFavre RIM -- Proposed RIM easement exchange for development
12:20 PM	Travel to Millersburg
12:30 PM	Lunch -- Forest Township Hall
1:30-3:30 PM	Issues Forum -- "Reserving Green Space in Rapidly Developing Communities"
	A couple of ways to reserve open space in developments is use of local regulatory processes and government easements. This forum will explore Rice County's experiences using TDR's and BWSR's easement programs.
	Arlyn Grussing, Planning and Zoning Director, Rice County Steve Pahs, Tim Labs and SWCD Board Members - Rice SWCD
3:45 PM	Arrive at AmericInn

Faribault

AmericInn
1801 Lavender Drive
Faribault, MN 55021
507-334-9464

Government Services Bldg.
320 NW 3rd Street
Faribault, MN
507-332-6100

Depot Bar & Grill
311 Heritage Place
Faribault, MN
507-332-2825

FROM: *AmericInn, 1801 Lavender Drive, Faribault*

TO: *Government Services Building, 320 NW 3rd Street, Faribault*

Driving Directions
1. Start out going NORTHEAST on LAVENDER DR toward BARD AVE. (0.07 miles)
2. Turn RIGHT onto MN-21 S. (1.53 miles)
3. Turn LEFT onto MN-60/4TH ST NW. Continue to follow MN-60. (0.07 miles)
4. Turn RIGHT onto 4th AVE NW (0.01 mile)
5. Turn LEFT onto 3rd St. NW (south entrance of Government Services Bldg.)

Total Estimated Time: 6 minutes
Total Estimated Distance: 2.52 miles

FROM: *AmericInn*

TO: *Depot Bar & Grill, 311 Heritage Place, Faribault*

Driving Directions
1. Start out going NORTHEAST on LAVENDER DR toward BARD AVE. (0.07 mi.)
2. Turn RIGHT onto MN-21 S. (1.53 miles)
3. Turn LEFT onto MN-60/4TH ST NW. Continue to follow MN-60. (1.16 miles)
4. Turn LEFT onto 4TH ST NE. (0.04 miles)
5. Turn RIGHT onto HERITAGE PL. (0.03 miles)
6. End at 311 Heritage Pl Faribault, MN 55021-5250 US

Total Estimated Time: 7 minutes
Total Distance: 2.84 miles

MapQuest: Where to go, how to get there!

ROOM RESERVATIONS

AMERICINN
1801 LAVENDER DRIVE
FARIBAULT, MN 55021
PHONE: 507-334-9464

***** = is not on direct billing – will pay for room***

Tuesday, September 27	Wednesday, September 28
1. ***Perry Aasness*** **	1. ***Perry Aasness*** **
2. Dana Allen	2. Dana Allen
~~3. ***Jim Anderson*** **~~	3. ***Jim Anderson*** **
4. Mary Jo Anderson	4. Mary Jo Anderson
5. Paul Brutlag	5. Paul Brutlag
6. Kay Cook	6. Kay Cook
7. Jerome Deal	7. Jerome Deal
8. Bill Eisele	8. Bill Eisele
~~9. Quentin Fairbanks~~	9. Quentin Fairbanks
10. Ron Harnack (suite)	10. Ron Harnack (suite)
11. Brian Kletscher	11. Brian Kletscher
12. Paul Krabbenhoft	12. Paul Krabbenhoft
13. Randy Kramer	13. Randy Kramer
14. ***Gene Merriam*** **	14. ***Gene Merriam*** **
15. Clair Nelson	15. Clair Nelson
16. Jeff Nielsen	16. Jeff Nielsen
17. Pete Raeker	17. Pete Raeker
18. Louise Smallidge	18. Louise Smallidge
19. Doug Thomas	19. Doug Thomas
20. ***Lisa Thorvig*** **	~~20. ***Lisa Thorvig*** **~~
21. LuAnn Tolliver	21. LuAnn Tolliver
22. ***Dan Wilson*** **	22. ***Dan Wilson*** **

BOARD OF WATER AND SOIL RESOURCES
RICE COUNTY GOVERNMENT SERVICES BUILDING
320 NW 3rd STREET – South Entrance
ROOM 3A
FARIBAULT, MINNESOTA 55021
THURSDAY, SEPTEMBER 29, 2005

PRELIMINARY AGENDA

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

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF AUGUST 24, 2005

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

TOUR OBSERVATIONS

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

Southern Water Planning Committee

1. Dodge County Priority Concerns Scoping Document – *DECISION ITEM*

2. Olmsted County Local Water Management Plan Update – *DECISION ITEM*

NEW BUSINESS

1. Zumbro CPI Grant – Doug Thomas - *DECISION ITEM*

2. Zumbro Watershed Partnership - Mary Kells, BWSR Board Conservationist, and ZWP Officers - *INFORMATION ITEM*

3. Public Drainage System Buffer Study –Al Kean – *INFORMATION ITEM*

AGENCY REPORTS

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next BWSR Meeting, October 26, 2005, St. Paul

Noon **ADJOURN**

DRAFT DRAFT DRAFT

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
OEA CONFERENCE ROOM – 2ND FLOOR
ST. PAUL, MINNESOTA 55155
WEDNESDAY, AUGUST 24, 2005

BOARD MEMBERS PRESENT:
Jerome Deal, Perry Aasness-Department of Agriculture, Dana Allen, Jim Anderson-Minnesota Extension Service, Paul Brutlag, Kay Cook, Wayne Edgerton-Department of Natural Resources, Quentin Fairbanks, Brian Kletscher, Randy Kramer, Clair Nelson, Louise Smallidge, Lisa Thorvig-Pollution Control Agency, LuAnn Tolliver, Dan Wilson-Department of Health

BOARD MEMBER ABSENT:
Paul Krabbenhoft

STAFF PRESENT:
Mary Jo Anderson, Bill Best, Bill Eisele, Jim Haertel, Ron Harnack, Greg Larson, Les Lemm, Kevin Lines, Jeff Nielsen, Peter Raeker, Doug Thomas, Steve Woods, Dave Weirens, Wayne Zellmer

OTHERS PRESENT:
Rick Reimer, Minnesota Association of Conservation District Employees
Sandy Hooker, Minnesota Association of Townships

Chair Deal called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

Chair Deal introduced Dana Allen, newly appointed citizen member from Eyota.

** 05-61 **ADOPT AGENDA** – Chair Deal stated that the MNDOT/BWSR Interagency Wetland Banking Agreement has been added to the agenda. Moved by LuAnn Tolliver, seconded by Randy Kramer, to adopt the agenda as presented. Motion passed on a voice vote.

** 05-62 **MINUTES OF JUNE 22, 2005** – Moved by Louise Smallidge, seconded by Jim Anderson, to approve the minutes of June 22, 2005, as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Chair Deal reported that he attended the Lazarus Creek dedication. Chair Deal attended the EQB meeting last week. Discussion included ATV rules and thresholds for EAWs. Chair Deal attended the MAWD summer tour and meeting. Chair Deal stated that he met with Ron Harnack regarding revisions to the BWSR Committees. The updated committee listing will be distributed to board members next week. Special interest partners will be available on BWSR committees.

Executive Director's Report – Ron Harnack reported that he met with the two newly appointed board members, Dana Allen and Brian Kletscher. Ron reported that a wetlands coordinator has been hired, Dan Giralamo, will start on September 1st.

Ron reported that there are new business expense changes regarding tax implications. The Internal Revenue Service (IRS) requires employees and board member expenses to be submitted for reimbursement within 60 days after the expense is incurred. If not submitted within 60 days, the reimbursement becomes taxable for federal, state, FICA and Medicare; and withholdings tax must be taken.

Ron stated that the September BWSR meeting will be held on Thursday, September 29, with a tour of Rice County on Wednesday, September 28. Ron reported that a core workgroup has been established regarding public drainage system buffer study. Doug Thomas will take the lead from BWSR, with

Al Kean also involved. Chair Deal appointed Brian Kletscher and Paul Brutlag to be part of that workgroup. The Minnesota State University-Mankato has been contacted to survey public drainage systems. Others on the workgroup include: AMC, MASWCD, MAWD, DNR, MDA, MN Center for Environmental Advocacy, MN Conservation Federation, MN Farm Bureau, MN Farmers Union, and MN Viewers Association. Rick Reimer, MACDE, stated that SWCDs locally are working on ditch restorations. The County has ditch authority, with SWCDs working technically as the local unit.

Dispute Resolution Committee – Jim Haertel reported that three new appeals have been received. Chair Deal and Ron Harnack appreciated Jim's work on the appeals.

Wetlands Committee – Clair Nelson reported that the wetland report will be discussed later on the agenda today.

Cost-Share/Soil Conservation Committee – Wayne Zellmer stated that the Cost-Share Committee will meet in September in conjunction with the next Board meeting.

Education and Public Relations Committee – Kay Cook reported that BWSR hosted a great State Envirothon. Kay will meet with Peter Raeker today to discuss education issues.

Administrative Advisory Committee – Jerome Deal reported that the Administrative Advisory Committee has not met since June, when discussions were held regarding the potential government shut-down, and budget issues. Ron stated that overall, BWSR came out okay regarding budget allocations, although budgets will be challenging over the next two years. The new BWSR office location has helped in addressing staffing partnerships with PCA. However, recent contract agreements will pose additional budget stress, if there is not a supplemental budget to cover these costs.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Petition for Boundary Change for Coon Creek and Rice Creek Watershed Districts – Jim Haertel reported that the Coon Creek Watershed District filed a petition with the Board for a boundary change on June 1, 2005. The proposed boundary change involves the transfer of a 40-acre parcel owned by one landowner in the City of Ham Lake. The parcel would be transferred from the

Rice Creek Watershed District to the Coon Creek Watershed District. The boundary change is being requested because the parcel is within the hydrologic boundary of the Coon Creek Watershed District. Both the Rice Creek Watershed District and the City of Ham Lake concur in the petition. A notice of filing for the boundary change was published once each week for two successive weeks in a local newspaper and also mailed as required by statute. No requests for a hearing and no comments were received during the specified period of time, thus no public hearing is required and none was held. The Metro Water Planning
** Committee unanimously recommends the boundary change be approved. Moved
05-63 by Lisa Thorvig, seconded by LuAnn Tolliver, to approve the petition for the boundary change for Coon Creek and Rice Creek Watershed Districts. Motion passed on a voice vote.

Northern Water Planning Committee

Hubbard County Priority Concerns Scoping Document (PCSD) – Jerome Deal reported that the Northern Water Planning Committee met on August 10, 2005, in Detroit Lakes to review and consider the Hubbard County PCSD. The
** Committee recommends approval of the Hubbard County PCSD. Moved by Clair
05-64 Nelson, seconded by Kay Cook, to approve the Hubbard County Priority Concerns Scoping Document. Motion passed on a voice vote.

Mille Lacs County Priority Concerns Scoping Document (PCSD) – Jerome Deal reported that the Northern Water Planning Committee met on August 10, 2005, to review and consider the Mille Lacs County PCSD. The Committee
** recommends approval of the Mille Lacs County PCSD. Moved by Clair Nelson,
05-65 seconded by Kay Cook, to approve the Mille Lacs County Priority Concerns Scoping Document. Motion passed on a voice vote.

Chair Deal stated that the Priority Concerns Scoping Document is a revised process, which works great. It's an opportunity to meet with local units of government on two occasions. The first relating to setting of local water priorities and the second the plan to address those priorities.

Pelican River Watershed District Revised Watershed Management Plan – Jerome Deal reported that the Northern water Planning Committee reviewed the revised watershed management plan. The Pelican River Watershed District has a strong working relationship with state agencies, the SWCD, the county, and other local groups. The District sought input on the revised plan in letters to state, city, township, and county officials, lake associations, sportsman's groups, and interested citizens, and meetings with individual lake associations, the City of Detroit Lakes, and a public meeting in Detroit Lakes. A key component of the

revised plan's action plan for attaining water quality goals is a two-tier strategy that utilizes Lake Water Quality Management Areas. The Northern Water Planning Committee unanimously recommends the revised plan be approved.

** 05-66 Moved by Kay Cook, seconded by Quentin Fairbanks, to approve the Pelican River Watershed District Revised Watershed Management Plan. Motion passed on a voice vote.

OLD BUSINESS

MNDOT/BWSR Interagency Wetland Banking Agreement – Greg Larson, BWSR, and Frank Pafko, MNDOT, presented the agreement. Greg stated that BWSR currently has an agreement with MNDOT and this new MOU significantly expands that agreement and brings together two wetland road replacement programs to achieve greater efficiencies in outcomes on the ground as well as providing sharing of staff that benefits both BWSR and MNDOT. This agreement integrates BWSR's and MNDOT's wetland road replacement programs into one through BWSR. This will significantly improve and enhance the quality of outcomes and the efficiency and timeliness of the process. Frank stated that efficiency is the key to this agreement, as it provides additional mechanisms for banking credits. BWSR staff and MNDOT recommend approval to enter into the MOU. Ron Harnack stated that he has met with the assistant commissioner of

** 05-67 MNDOT, this is a common approach to credits. Moved by Lisa Thorvig, seconded by Clair Nelson, to approve the MNDOT/BWSR Interagency Wetland Banking Agreement. Discussion followed. BWSR's new address needs to be changed in the agreement. Motion passed on a voice vote.

Chair Deal called for a break in the meeting at 10:15 a.m. The meeting reconvened at 10:35 a.m.

NEW BUSINESS

Public Hearing on Petition for Termination of Cooks Valley Watershed District – Jim Haertel reported that the Board received 74 signed petitions by resident owners of the Cooks Valley Watershed District asking for termination of the watershed district pursuant to MS § 103D.271. The Wabasha County Auditor/Treasurer provided the certification of petitioner signatures as required by statute. The petitioners filed the required bond with the Board. The petition states the watershed district should be terminated because the watershed district has had no new projects started or taxes levied within the past 25 years, no inspection or maintenance programs have been maintained by the watershed district, currently there is no active appointed board of managers for the watershed district, the continued existence of the watershed district does not benefit the public welfare and public interest, and the watershed district is not

needed to accomplish the purposes of Minnesota Statutes Chapter 103D. Board staff have determined the petition meets the statutory requirements and a public hearing on the petition should be ordered. Discussion followed.

** 05-68 Moved by Clair Nelson, seconded by Lisa Thorvig, to approve the hearing for the termination of the Cooks Valley Watershed District. Motion passed on a voice vote. Chair Deal appointed a hearing panel: Jerome Deal, Dana Allen, Brian Kletscher.

FY06 Non-Point Engineering Assistance Base Grant – Wayne Zellmer, on behalf of Cost-Share Committee, reported that this is a non-competitive annual grant allocated to the 11 SWCD Technical Service Areas (TSAs). It is to be used by each TSA to provide engineering/technical services to help landowners to implement erosion control and water quality improvement practices. The allocation policy was adopted by the BWSR at their June 2005 Meeting. In the first year, the local share will be equivalent to 25% of the agreed upon state financial share (or, 20% of the total contract amount. Both amounts are the same). Given the existing level of funding, and assuming that each TSA requests the maximum in state resources, then the state and local shares for the first year shall be as follows: State = $96,727 per TSA (i.e. equal state funding). The Cost-Share Committee recommends approval of the FY06 Non-Point Engineering

** 05-69 Assistance Base Grant. Moved by Louise Smallidge, seconded by Quentin Fairbanks, authorized staff to allocate the FY06 Non-Point Engineering Assistance Base Grant according to these policies, to JPBs meeting program requirements. Motion passed on a voice vote.

Metro Surface Water Management Presentation – Steve Woods distributed a map showing the 37 Watershed Management Organizations (WMOs) in the Twin Cities metropolitan area. Steve gave an overview of the Metropolitan Surface Water Management Act and its requirement that the entire seven-county area be organized along watershed lines. Steve briefly summarized the history of "509" planning, our current practices which include three types of plans: watershed management plans; county water plans; and metro WMO plans; and explained future goals of the program --the plan, the process, coordination, and organization. LuAnn Tolliver suggested adding education as a component of this presentation. Chair Deal thanked Steve for his presentation.

2001- 2003 Minnesota Wetland Report – Dave Weirens reported that today, August 24, 2005, is the effective date of release of the "2001- 2003 Minnesota Wetland Report". Dave summarized the report, which includes data from BWSR, the MN Department of Natural Resources, MN Pollution Control Agency, MN

Department of Transportation, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, U.S.D.A. Natural Resources Conservation Service, and the U.S.D.A. Farm Services Agency. The report includes data from multiple state and federal wetland programs; the report does not make policy recommendations; the report can be used to identify trends in program accomplishments. Discussion followed. Lisa Thorvig stated that the wetland quality issues and quantity issues need to be included. Ron Harnack stated that 10,000 acres would have been lost had WCA not been in place. Ron Harnack suggested that the report be referred to the Wetland Committee, (to be used as a forum) to consider what we really need, look at exemptions, are they still valid, look at mitigation ratios, look at some regulatory simplifications. The Wetland Committee would then bring recommendations to the full Board. Chair Deal thanked Dave for his presentation.

Brian Kletscher, newly appointed board member, Redwood County Commissioner, was introduced by Chair Deal.

Presentation on Recycling – Ginny Black, Melissa Wenzel, and Colleen Hetzel, PCA, were introduced. They presented information on recycling, reusing, and composting within PCA, and are eager to have BWSR assist in this effort.

AGENCY REPORTS

Department of Natural Resources - Wayne Edgerton reported that DNR has increased efforts on wildlife habitat on private lands. New staff will be hired for roadside management on public and private entities. Wayne reported that DNR is at the State Fair and encouraged board members to stop by the DNR Building.

Department of Health - Dan Wilson reported that the Department of Health benefited from the Legislative session by receiving continued funding for the drinking water program and well sealing program. Dan continues to see an increase in compliance efforts for the well sealing program. Dan reported that the Environmental Health Division will be moving to its new location on September 26; parking may be an issue.

Department of Agriculture - Perry Aasness reported that the Department of Agriculture will start the first phase of moving their office location in October and finish moving in November. Perry reported that the Legislature increased funding for ethanol testing grants; planning and zoning for agricultural; and odor research. Perry reported that Minnesota law requires that diesel fuel sold in Minnesota contain 2% biodiesel effective 30 days after 8 million gallons of state biodiesel production capacity is documented, but not before July 1, 2005. For this

reason, there is great interest in the completion of biodiesel production facilities in Albert Lea, Brewster, and Redwood Falls. Perry reported that MDA will be at the State Fair in the Horticulture Building; he encouraged board members to stop by the MDA booth.

Minnesota Extension Service - Jim Anderson reported that the University of Minnesota has appointed Charles Casey chancellor of the University of Minnesota, Crookston (UMC) and Bev Durgan dean and director of the University of Minnesota Extension Service. Both appointments will be brought before the Board of Regents on September 9. Jim reported that MES, in conjunction with BWSR, PCA and MDA, will hold watershed program sessions September 20-22, in Brainerd, Mankato and St Paul. Jim reported that MES is in the process of hiring a regional director to be selected in September.

Pollution Control Agency - Lisa Thorvig reported on the court decision regarding an Annandale/Maple Lake permit issue. The decision has significant statewide impact on water quality and permits for growth and economic development. PCA's decision was appealed by the appellate court. PCA will be holding applications due to the appellate court decision. Lisa reported that PCA was criticized in the press regarding mercury TMDLs. A stakeholder group will meet to discuss how PCA can issue permits, deal with lawsuits, and impaired waters. Lisa reported that a new TMDL in the southeast for fecal coliform, pet waste, and manure management. Lisa briefly commented on the contested case hearing regarding the Riley Purgatory Watershed District stormwater permit issue. Lisa reported that the Legislative session created a new agency – PCA merger with the Office of Environmental Assistance, same name, developing new logo and mission statement to be rolled out in the next few months.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Chair Deal reported that MAT's annual meeting will be held in Alexandria in late November. MAT requested that BWSR members and staff attend.

UPCOMING MEETINGS

- September 28-29, BWSR tour and meeting in Rice County.

The Southern Water Planning Committee will meet immediately following the Board meeting today. The RIM Reserve Easement Committee will also meet today immediately following the meeting.

** 05-70 Moved by Randy Kramer, seconded by Brian Kletscher, to adjourn the meeting. Motion passed on a voice vote. Chair Deal adjourned the meeting at 12:55 p.m.

Respectfully submitted,

Jerome Deal
Chair

Dispute Resolution Report
September 15, 2005
by Jim Haertel

There are presently ten appeals pending. All of the appeals involve WCA. There have been four new appeals filed since the last report dated August 10.

File 05-19. This is a new appeal of a restoration order in Kanabec County. At issue is the placement of a pump to drain surface water from a wetland. Also, steep slopes from fill material are unprotected resulting in erosion that has filled part of the wetland. No decision has been made on the appeal.

File 05-18. This is a new appeal of a restoration order in the City of Montgomery in Le Sueur County. At issue is the placement of fill in Type 3 wetlands. The appeal has been denied.

File 05-17. This is a new appeal of a replacement plan decision in the City of Holdingford in Stearns County. At issue is the denial of a replacement plan application relating to a residential development. Wetland impacts of 0.7 acres were proposed for construction of a road and multi-use trail. The TEP recommended approval of the application. The LGU denied the application on finding the development could proceed without wetland impacts. The Corps issued a permit for the project. The appeal has been accepted.

File 05-16. This is a new appeal of an exemption decision in Renville County. At issue is the denial of an incidental wetland exemption relating to a hard rock mining and crushing project. Two wetlands totaling 672 square feet are involved which are within the shoreland wetland protection zone of a wild and scenic river. The appeal has been denied.

File 05-15. This is an appeal of a Restoration Order in St. Louis County. Over one-half acre of Type 8 wetland was filled for development of a single family residence. The fill is over 10 feet deep in some areas. The area of fill is near a lake classified as natural environment, but the area of fill is not within the shoreland wetland protection zone. Other zoning violations also exist. No decision has been made on the appeal.

File 05-14. This is an appeal of a Restoration Order in Kandiyohi County. At issue is the placement of fill in approximately 7.39 acres of wetlands and also excavation in wetlands. No decision has been made on the appeal.

File 05-1. This is an appeal of a Replacement Plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the

Comprehensive Wetland Management Plan that BWSR approved. The appeal has been accepted and a pre-hearing conference was held. The appeal is presently in abeyance to allow additional field work to be completed.

File 04-30. This is an appeal of a Restoration Order in Roseau County. The violation involves excavation in a Type 3-4 wetland along a lake. A decision on accepting the appeal has been placed in abeyance per request from legal counsel for the appellant.

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

File 04-26. This is an appeal of a Restoration Order in Spring Lake Township, Scott County. At issue is the placement of 4,300 feet of fill in a wetland for a driveway. The approved plat showed access to the lot without wetland impacts. The appeal is in abeyance pending a decision on a replacement plan application.

File 04-25. There is an appeal of an exemption decision in the City of Albertville, Wright County. The exemption was granted by default after the requirements under Minn. Stat. § 15.99 (the "60-day rule") were not met. At issue is the scope of wetland filling allowed under the "approved development" exemption and whether wetland filling can be avoided. The project involves commercial development. The appeal has been accepted, the record has been developed and a pre-hearing conference was held on January 20. The appeal briefing and hearing schedule is presently in abeyance. A settlement agreement is being drafted.

File 04-23. This is an appeal of a forestry exemption decision in Kittson County. Unpermitted fill was placed in a Type 7 wetland for a road. A Cease and Desist Order was issued. Additional filling has recently occurred in violation of the CDO. Corps and DNR violations also exist. The appeal has been accepted and is in abeyance pending completion of a wetland delineation and submittal of a replacement plan application.

File 04-15. This is an appeal of a wetland boundary and type decision in Anoka County. At issue is the decision by the Rice Creek Watershed District to classify a site as effectively drained. Last summer a wetland delineation report identified most of the site as wetland. The appeal has been remanded for a technical evaluation panel to meet onsite. The appeal remains in abeyance under the remand.

July 25, 2005

Mark Gamm, Environmental Director
Dodge County, Dept 391
22 6th St East
Mantorville, MN 55955-2230

Dear Mr. Gamm,

On behalf of the Minnesota Board of Water and Soils Resources (BWSR), I have reviewed the Dodge County Priority Concerns Scoping Document (PCSD) and have the following comments.

The priority concerns were developed with extensive input through widely distributed questionnaires, a public meeting and task force meetings.

The priority concerns identified in the PCSD reflect the input received during the development process. The concerns are specific and clear.

The PCSD as it is written is acceptable. However, greater clarity might be achieved by combining concerns under broader headings. Possible concerns might be: 1."Groundwater contamination" with priority concerns 1 and 3 being restated as goals or actions within the revised priority concern. 2. "Surface water contamination" with priority concerns 2, 4 and 7 being restated as goals or actions within the revised priority concern. Priority concerns 5 and 6 would stand alone.

The Dodge County PCSD is based on broad public input and will serve well as the base for the Dodge County Water Management Plan; 2006-2015. I look forward to working with you in the plan development and approval phases of the update process.

Sincerely,

Dave Peterson
Board Conservationist

C: Jeff Nielsen, Regional Supervisor
Mn BWSR, New Ulm

DODGE COUNTY
WATER MANAGEMENT PLAN UPDATE; 2006 - 2015

PRIORITY CONCERNS SCOPING DOCUMENT, JUNE 2005

Introduction

Dodge County is located in Southeast Minnesota. The county seat is Mantorville City located about 70 miles south of St. Paul. The extrapolated population of the county in the year 2005 is 18,790. The projected population in the year 2020 is 22,250. The dominate land-use in the county is agriculture with about 83% of the total land area cultivated.

Local Water Management Plan

The County of Dodge is the local government unit responsible for the Comprehensive Local Water Management Plan authorized by MN Statute, Section 103B. The County's Environmental Quality Department is responsible for the administration of the Water Management Plan. The County's original Water Management Plan was adopted in 1990. The Plan was updated in 1996 and will expire at the end of 2005.

List of Priority Concerns

1. Fertilizers and herbicides from agricultural fields seeping into drinking water.
2. Nutrients and chemicals from animal feedlots flowing into rivers and streams.
3. Nutrients and chemicals from animal feedlots seeping into drinking water.
4. Soil, fertilizers, and herbicides from agricultural fields flowing into rivers and streams.
5. Loss of natural vegetation and habitat due to urban and rural development.
6. Flash flooding, or the quick rise and fall of water, and storm water management.
7. Inadequate individual septic systems, municipal sewers, and community systems that drain to field tile, wetlands, rivers, streams.

Priority Concern Identification

The Water Planning Task Force gathered input from the following:

1. Written questionnaire sent by mail to local and state governments returned by January 31, 2005.
2. Written questionnaire sent by mail to special interest groups returned by January 31, 2005
3. Written questionnaire sent by mail to 10% of the county's households in each township and city returned by Feb 1, 2005.
4. Public input meeting held at the county courthouse on March 14, 2005.

Attached are summaries of survey responses and the minutes from the public input meeting.

Priority Concern Selection

The Water Planning Task Force reviewed all information received from the surveys and the public meeting, and then identified concerns that commonly stand out as priorities. There is little difference between Dodge County's priority concerns and the concerns identified by local, state, and regional agencies.

Priority Concerns not Addressed by the Plan

Most agencies, local governments, and citizens recognize that agriculture practices dominate water quantity and quality trends in Dodge County. Therefore, fewer comments where received regarding non-agricultural concerns. Of the non-agricultural concerns, storm water management, sewage treatment, and loss of habitat due to development are included as priority concerns. All other concerns identified during the input process portray the views of a minority of participants and will not be included in the Water Management Plan.

September 29, 2005

Dodge County Commissioners
c/o Mark Gamm, Environmental Services Director
Dodge County Courthouse
22 6th Street S.E.
Mantorville, MN 55955-2230

Dear Dodge County Commissioners:

RE: Official Comments Pertaining to the State Review of the Dodge County Priority Concerns Scoping Document

Draft

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Dodge County has chosen to address in the update of their Comprehensive Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Dodge County Priority Concerns Scoping Document (PCSD) on June 27, 2005.

Dodge County has reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the update of the LWM Plan.

- Fertilizers and herbicides from agricultural fields seeping into drinking water.
- Nutrients and chemicals from animal feedlots flowing into rivers and streams.
- Nutrients and chemicals from animal feedlots seeping into drinking water.
- Soil, fertilizers, and herbicides from agricultural fields flowing into rivers and streams.
- Loss of natural vegetation and habitat due to urban and rural development.
- Flash flooding, or the quick rise and fall of water, and stormwater management.
- Inadequate individual septic systems, municipal sewers and community systems that drain to field tile, wetlands, rivers, and streams.

These issues may vary in priority within the different watersheds in the County.

Agency comments were received from the Department of Natural Resources (DNR), the Pollution Control Agency (MPCA), and the Department of Agriculture (MDA). Neither the Environmental Quality Board (EQB) nor the Department of Health (MDH) provided comments on the PCSD, but provided extensive comments during the development of the PCSD.

The DNR agreed with the priorities identified in the PCSD and recommended that wetland restoration opportunities be considered during the planning process. The MPCA agreed with the priorities identified in the PCSD and requests that the LWM Plan allow flexibility to address other priorities as they may come up, particularly when drainage system maintenance/repairs and buffer strip improvement opportunities arise. The MDA suggested that the plan identify impaired waters and steps to prevent future impairment.

The BWSR southern region water planning review committee (hereinafter referred to as Committee) met on August 24, 2005, to discuss any state review agency comments, the content of the PCSD, and recommendations for the content of the final plan.

The Committee commends the County for the process they used to select the concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the seven priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the Committee does not recommend or require any changes to the PCSD as drafted.

Draft

Sincerely,

Jerome Deal, Chair
Minnesota Board of Water and Soil Resources

c: Perry Aasness, MDA
Becky Balk, MDA
Sara Bertelsen, EQB
Art Persons, MDH
Cheryl Heide, DNR
Dave Johnson, MPCA
Dan Wilson, MDH
Dana Allen, BWSR Board
Brian Kletscher, BWSR Board
Randy Kramer, BWSR Board
Jeff Nielsen, BWSR Southern Region Supervisor
Dave Peterson, Board Conservationist

DATE: August 12, 2005

TO: Jeff Nielson, BWSR Southern Regional Supervisor

FROM: Mary Kells, Board Conservationist

SUBJECT: Olmsted County Local Water Management Plan Final Review

I have completed my final review of the Olmsted County Local Water Management Plan and recommend approval of this update.

The Olmsted County Local Water Management Plan (Plan) meets all requirements, including:

- Focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- Addresses any recommendations/requirements communicated in the state's official comment letter;
    - The County has acknowledged the DNR's concerns with placing structures in permanent streams within the South Zumbro Storm Water Management and Capital Improvement Plan and has committed to work with the DNR to identify and address potential natural resource concerns regarding specific implementation items. This work has already begun.
- Adequately assesses the priority concerns and set forth appropriate goals and objectives;
- Lays out an implementation program with timeline and budget; and
- Includes all the required sections.

State agency comments were received from the Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Natural Resources (DNR). Both agencies recommend approval of the Plan.

MPCA recommends that BWSR approve the Plan as submitted and offers the following comments.

- "MPCA staff appreciates the identified goals associated with priority concern #4 (Support of watershed management organizations for the Root, Zumbro and Whitewater watersheds). To make significant progress in regards to nonpoint source pollution, local initiatives and projects need to be supported and integrated with state and federal programs. In essence, this is the merging of priority concerns #1 and #4 in the County LWM Plan for 2005-2010." "Governmental units within the County have worked on this critical issue in the past, and continued work will be required during the lifespan of this LWM Plan, and beyond."
- The MPCA staff acknowledges the inclusion of Table 5 ("Olmsted County Waters Identified as Impaired") in the LWM Plan and the increased coordination that is needed by both local and state governmental agencies to improve the water quality.

DNR recommends that BWSR approve the Plan as submitted and offers the following comments.

- DNR supports the County's efforts to address important water quality issues as outlined in the plan.
- Comment applies to Goal 3 - Implement the South Zumbro Storm Water and Capital Improvement Plan (Page21). The referenced plan recommends holding water on the landscape to reduce downstream flood impacts. The plan focuses considerable attention on constructing water control structures on permanent streams in the upper reaches of the watershed. "We agree holding water on the landscape is critical to reducing flood impacts, however, we recommend non-structural approaches receive the highest priority (i.e. wetland restoration, restoring naturally meandering channels on previously straightened streams, and establishing natural riparian buffers). We strongly support these non-structural approaches, and while some of them were briefly listed in the plan, we could not determine their priority or how they might be implemented. We believe water control structures on permanent streams have the potential to negatively impact the streams morphology and fish and wildlife habitat, and continue to encourage the county to carefully consider these impacts before installing such structures. Intermittent streams seem more appropriate for this implementation strategy."

The coordination and commitment of the Olmsted County staff and resource partners towards addressing the water resources goals is commendable. I look forward to assisting Olmsted County in the implementation of their plan.

OLMSTED COUNTY COMPREHENSIVE LOCAL WATER MANAGEMENT PLAN

2005-2010

Prepared by the
Olmsted County Environmental Commission

and

Olmsted County Environmental Services

Submitted to the Minnesota Board of Water & Soil Resources
by the
Olmsted County Board of Commissioners
June 14, 2005

2005-2010 Olmsted County
Comprehensive Local Water Management Plan

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Appendix:

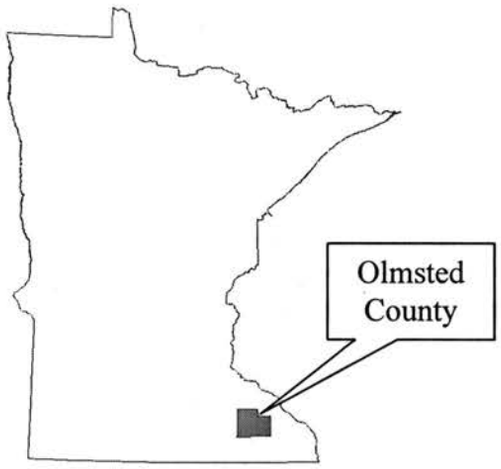
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Executive Summary

Introduction:

Olmsted County is located in southeastern Minnesota, approximately 85 miles south of the Twin Cities Metropolitan Area (Figure 1). The County has a land area of 660 square miles, or 422,400 acres, which includes 7 incorporated cities and 18 townships. The County is drained by three major watersheds, the Root, Whitewater, and Zumbro. About 10 percent of the land in the County has been developed for residential and commercial use, 50 percent is cropped, 25% is managed as pasture and grassland, and the remainder as forest. The largest population settlement and county seat is the city of Rochester which has a population of about 92,000. The population trend in Olmsted County is increasing. The population was 124,000 in 2000 and is projected to be 170,000 in 2030.

Figure 1. Olmsted County.



The Olmsted County Environmental Services Coordinator is responsible for the *Local Water Management Plan (*LWMP). Olmsted County has established an Environmental Management Team and an Environmental Commission to provide oversight and coordination of Water Management Plan implementation. Both of these groups meet monthly with the Environmental Services Coordinator.

The original LWMP was adopted in 1990 with an update in 1998. A two-year extension was granted in 2002 extending the expiration date of the 1998 plan to December of 2004.

The 1998 Water Plan recognized four basic water management goals:

- Maintain sources of potable groundwater for public and private drinking water supplies.
- Maintain sources of non-potable water for fire protection, cooling, processing, irrigation and livestock watering.
- Maintain streams, rivers, lakes, reservoirs, wetlands, and springs for swimming, boating, fishing, wildlife, and biological diversity.
- Minimize flood damage to homes, farms, businesses and public properties.

The 1998 Plan also recognized that the most significant challenge to meeting these goals is water pollution and/or the loss of the hydrologic functions of the landscape. In response, the Plan set forth two basic resource management strategies:

- Reduce the rate of nutrient losses and pollutant loadings into surface and ground water to no more than the natural system's ability to attenuate them.
- Preserve, restore, and enhance natural systems that provide water retention, nutrient cycling, pollutant degradation, biological diversity, and recreation.

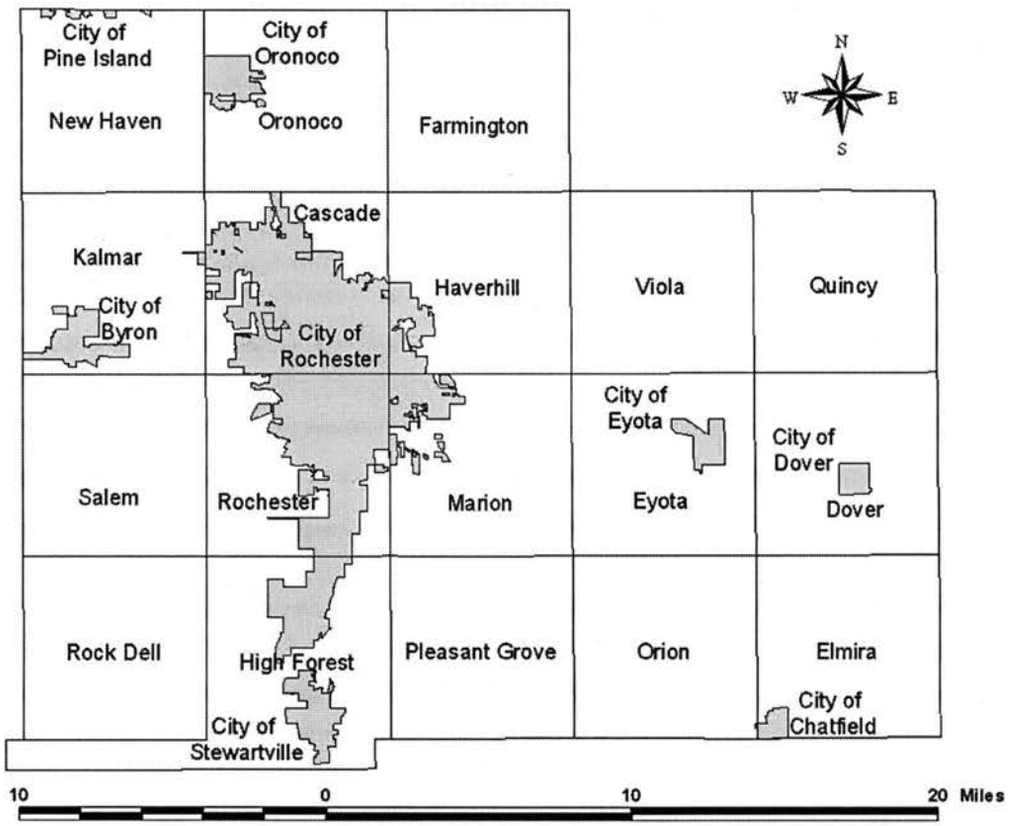
The 205 Water Plan continues to recognize these resource management goals and strategies, summarizes the water resource concerns identified in the Scoping Process, and lays out specific implementation priorities for the period 2005 to 2010.

The *Plan* follows the requirements of Minn. Stat. 103B.311subd.4:

1. The plan covers the entire county.

Olmsted County is comprised of 18 townships and 8 incorporated cities (Figure 2). Priorities identified in the *County Water Plan* support surface and ground water resource protection in all of the municipalities within the County. Table 2 summarizes local water management services by the organization providing services and by the jurisdiction served. Most water management services are provided county-wide.

Figure 2. Cities and Townships in Olmsted County.



2. The plan addresses problems in the context of watershed units and groundwater systems.

Olmsted County is drained by three major watersheds – the Root, Whitewater, and Zumbro (Figure 3). The Zumbro is an urbanizing watershed containing approximately 90% of the County's population (Table 1). Land use is the Root and Whitewater watersheds is dominated by are of

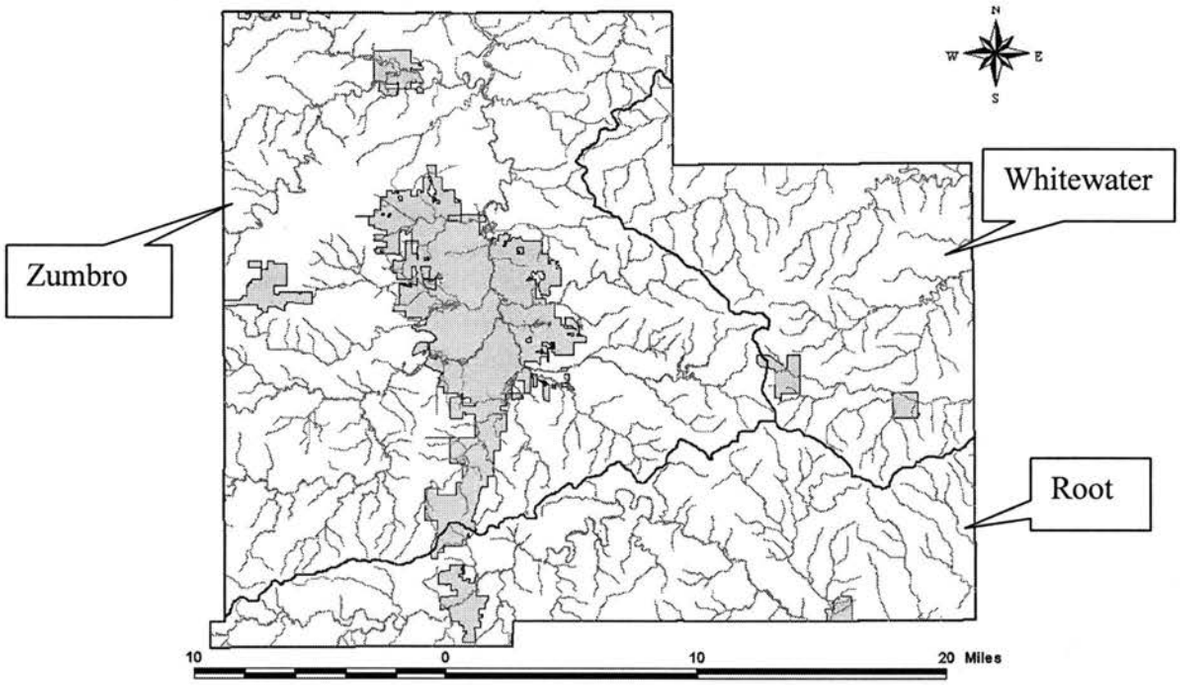
Olmsted County resides in the Zumbro Watershed. The County supports surface water management efforts in each of the major watersheds and supports groundwater and drinking water protection efforts through recharge preservation and pollution prevention in drinking waters supply management areas and wellhead protection areas (Figure 4).

Table 1. Olmsted County Watershed Population Estimates Based on the 2004 State Demographer's Population Estimates.

	2004 Estimate	Root River Watershed	Whitewater Watershed	Zumbro Watershed
Byron City	4,500	-	-	4,500
Chatfield City (part)	1,125	1,125	-	-
Dover City	555	-	555	-
Eyota City	1,788	-	1,788	-
Pine Island City (part)	408	-	-	408
Rochester City	94,820	-	-	94,820
Stewartville City	5,703	5,703	-	
Cascade Township	3,214	-	-	3,214
Dover Township	432	24	408	-
Elmira Township	355	345	10	-
Eyota Township	435	91	133	211
Farmington Township	503		112	391
Haverhill Township	1,575		372	1,203
High Forest Township	1,063	645	-	418
Kalmar Township	1,166		-	1,166
Marion Township	6,175	129	-	6,046
New Haven Township	1,215		-	1,215
Orion Township	600	600	-	-
Oronoco City	933		-	933
Oronoco Township	2,391		-	2,391
Pleasant Grove Township	778	692	-	86
Quincy Township	345		345	-
Rochester Township	1,991		-	1,991
Rock Dell Township	628	183	-	445
Salem Township	1,053		-	1,053
Viola Township	531		472	59
Olmsted County	134,282	9,537	4,194	120,551
	100%	7%	3%	90%

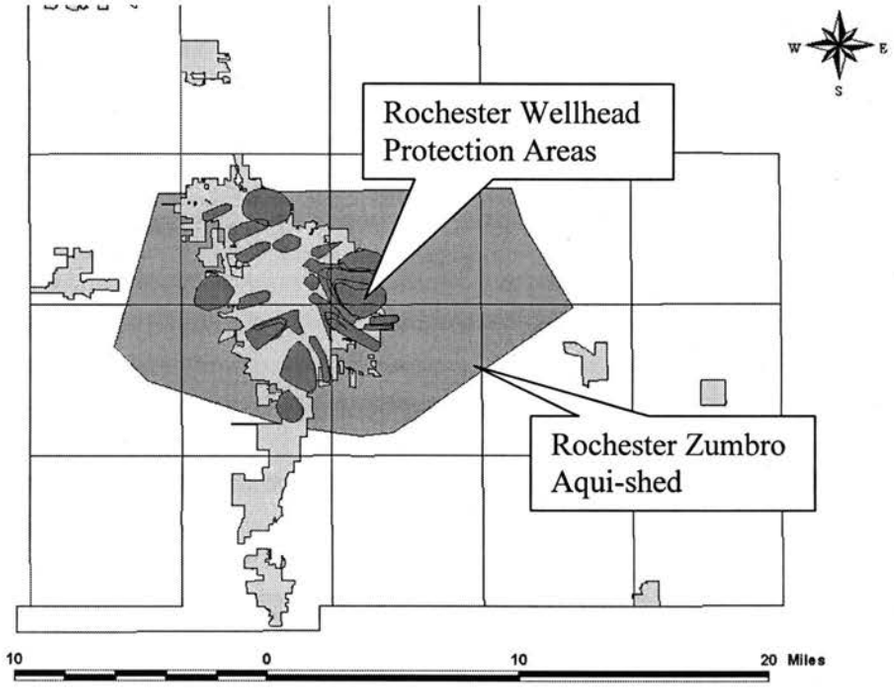
** Where municipalities drain to more than one watershed, the watershed population estimate is based on the percent of municipal area in the watershed.*

Figure 3. Major Watersheds in Olmsted County.



Source: Minnesota Department of Natural Resources

Figure 4. Groundwater Protection Areas in the Rochester Area.



Source: US Geological Survey & Rochester Public Utilities

3. **The plan is based upon principals of sound hydrologic management of water, effective environmental protection, and efficient management.**

Olmsted County relies largely on the advice provided by state and federal resource management agencies and professional consultants in its assessment of water resource conditions and the development of protection strategies.

4. **The plan is consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system.**

Olmsted County participates in local county and watershed planning efforts as a means of providing coordination within watershed areas and groundwater systems. The County is a Joint Powers Board member of the Southeast Minnesota Water Resources Board, Whitewater Watershed Project, and the Hiawatha Resource Conservation and Development Council. The County is also an active participant in the Basin Alliance for the Lower Mississippi and the Zumbro Watershed Partnership. The Environmental Services coordinator working in conjunction with the Environmental Management Team is responsible to see that all of these local and regional efforts are coordinated within Olmsted County and integrate County water management goals and objectives.

5. **The plan covers a five year period.**

The *Water Plan* covers the five year period 2005-2010.

Pursuant to 103B.301 Minnesota Statutes 2002, section 103B.305, Subd. 7b, priority concerns were selected by the County with consideration of the following guidance:

- That the number of priority concerns be limited and commiserate with the duration of the plan and the resources available to implement solutions.
- That the character of the priority concerns not be general, but rather limited in scope.
- That an ongoing water resource management issue in the county that has generated serious conflict should be selected, or a sound explanation provided why it will not be addressed in the plan.

A summary of all of the recommended priority concerns that were received are included in the Scoping Document which is included in the Appendix.

The following four priority concerns were recommended by the County Environmental Commission and adopted by the Olmsted County Board of Commissioners in response to the Priority Concerns identified in the Scoping Document. Effective implementation of these items will address the County's highest water management priorities as well as most of the concerns identified in the scoping process.

- Continue Current Water Management Services.
- Construct and Operate the Chester Community Sewer.
- Implement the South Zumbro Storm Water and Capital Improvement Plan.
- Support Watershed Management Organizations.

Table 2. Water Plan Implementation Priorities.

Implementation Priority	Lead Agency	Source of Specific Implementation Actions	Plan Available	Estimated Cost
Continue Current Water Management Services	Environmental Services	Annual Departmental Work Plans and Budgets	County Departments	$520,000/yr
Construct and Operate the Chester Community Sewer	Environmental Services	Chester Heights Wastewater Collection Project Facility Plan	Environmental Services	$2 million Plus $53,000/yr
Implement the South Zumbro Storm Water and Capital Improvement Plan	Public Works	South Zumbro Storm Water and Capital Improvement Plan	www.olmstedcounty.gov website and at Public Works Department	$1 million
Support Watershed Management Organizations	Environmental Services	Watershed Plans	www.zumbrowatershed.org Environmental Services	$40,000/yr

Olmsted County Environmental Services
2116 Campus Drive SE
Rochester, MN 55904
(507) 285-8339

Olmsted County Public Works
2122 Campus Drive SE
Rochester, MN 55904
(507) 285-8231

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Olmsted** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **June 20, 2005,** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

Draft

FINDINGS OF FACT

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

2. On **January 25, 2005** the Board of Water and Soil Resources approved official comments on the **Olmsted** County Priority Concerns Scoping Document, which were mailed to the county on **January 26, 2005**.

3. The priority concerns the local water management plan addresses include:
   a. Continue current water management services
   b. Construct and operate the Chester Community Services
   c. Implement the South Zumbro Storm Water and Capital Improvement Plan
   d. Support watershed management organizations

4. On **June 20, 2005,** the BWSR received the **Olmsted** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5. On **August 24, 2005,** the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the **Olmsted** County Plan Update. Recommendations of the state review agencies were:
   a. Minnesota Department of Agriculture: no recommendation received;
   b. Minnesota Department of Health: no recommendation received;

c. Minnesota Department of Natural Resources: recommends approval;
d. Minnesota Pollution Control Agency: recommends approval;
e. Minnesota Environmental Quality Board: no recommendation received
f. Minnesota Board of Water and Soil Resources regional staff: recommends approval;
g. Board Regional Water Planning Committee: recommends approval.

6. This update will be in effect until **December 31, 2010.**

CONCLUSIONS

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

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

draft

ORDER

The Board hereby approves the attached update of the **Olmsted County** Local Water Management Plan with a required update to the Implementation section (Goals, Objectives and Action) by May 31, 2010.

Dated at St. Paul, Minnesota, this **twenty-nine day of September 2005**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

ZUMBRO WATERSHED PARTNERSHIP TO BE AWARDED LARGEST CONSERVATION INITIATIVE GRANT IN THE NATION!

Conservation Partnership Initative Grant Partners working with the ZWP



Working Lands for Wildlife and Water quality: Leveraging Conservation Dollars in the Zumbro Watershed" Congressman Gil Gutnecht presented a $200,000 check to the Zumbro Watershed Partnership. Ron Harnack, Executive Director-MN Board of Water and Soil Resources, talked about details of the grant and what it means to the Zumbro Watershed Partnership and its partners. William Hunt- MN State Conservationist- Natural Resources Conservation Services spoke about this Federal grant program and what it means to Minnesota.

Many organizations are involved in this grant. $200,000 of "in kind" contributions will come from the following partners:

Zumbro Watershed Partnership MN Board of Water & Soil Resources (Project Management) Natural Resources Conservation Services (Technical Assistance) Soil and Water Conservation Districts (Enrollment in Conservation Programs) MN Dept of Agriculture and the Minnesota Project (Outreach) University of Minnesota Extension Services (Research and Data) 6 County Environment Management Departments MN Dept of Natural Resources MN Pollution Control Agency U.S. Fish and Wildlife University of MN Water Resources Center MN Milk Producers Midwest Forage Association MN Farm Bureau MN Farmers Union Grazing Land Conservation Initiative Southeast MN Ag Alliance SE MN Water Resources Join Powers Board. Hiawatha Valley RC & D Basin Alliance for the Lower Mississippi in MN

Working Lands for Wildlife and Water Quality:
Leveraging Conservation Dollars in the Zumbro River Watershed
Project Description

Project Background:

The Zumbro River Watershed is a major watershed (8-digit HUC) in the Lower Mississippi River basin in southeastern Minnesota. It includes parts of six counties, covering 910,291 acres (See Figure 1 and 2). Based on the Minnesota Land Use Cover – 1990 Census of the Land, roughly 69 percent of the land is cultivated, 13 percent is hay/pasture/grassland, 11 percent is forested, 5 percent urban and 2 percent other. As more mixed crop-livestock farmers leave farming, land previously rotated with hay or devoted to pasture is being used for continuous row-crop production with dramatic increases in acreage of soybeans, significantly increasing the challenges of erosion control on steeper and longer slopes and protection of sensitive aquifers because of the interconnect of surface and groundwater due to the karst landscape. Major segments of the Zumbro River are federally listed as impaired due to high turbidity and/or fecal coliform levels in violation of state water quality standards. Lake Zumbro is listed as impaired due to excess nutrients and is rapidly filling with sediment. Turbitity is an indication of sediment in the system and excessive amounts result in degradation of important aquatic habitat, including trout. As more agency and citizen stream monitoring is carried out many tributaries to the Zumbro, including the 57 miles of trout streams, are very likely to be listed as impaired unless strong steps are taken to change prevailing land management practices.

The Basin Alliance for the Lower Mississippi in Minnesota (BALMM) was formed in October 1999 to coordinate efforts to protect and improve water quality and biodiversity. Published in 2001, the BALMM's "*Basin Plan Scoping Document,*" http://www.pca.state.mn.us/water/basins/lowermiss/index.html#bid identifies a full range of strategies for accomplishing the habitat and water quality goals. This basin-wide plan provides an excellent foundation for developing a more focused plan for the Zumbro River watershed. The land use strategies with the greatest potential to be pursued by leveraging Farm Bill conservation programs include: (1) increasing perennial vegetation, including hay in rotation and buffer; (2) nutrient management; (3) soil and water conservation on row crops; and (4) wetland preservation and restoration.

In early 2004 a group of concerned Zumbro River watershed residents worked with BALMM to sponsor a public information meeting. This meeting, attended by over 80 producers and other residents, addressed impaired waters and declining habitats in the Zumbro River watershed and the importance of a watershed organization to collaborate efforts. As a result, the Zumbro Watershed Partnership (ZWP) has filed their Articles of Incorporation and created Bylaws, a 14-member interim Board of Directors, a dues structure, and draft goals (attached). The draft goals attest to the commitment of the partnership in voluntary and monetary means to achieve the protection and restoration of terrestrial and aquatic wildlife habitat in Zumbro River Watershed. The ZWP is primed and passionate about taking a leadership role in their watershed management plan and education outreach activities. This CPI project will help them collaborate with watershed producers, residents, resource partners, and agencies to better leverage local, state, and federal dollars to implement the land use strategies identified in this planning phase. The

result will be more conservation on the land, improved terrestrial and freshwater aquatic habitat, and more agricultural producers eligible for CSP when it comes to the watershed.

There are several related efforts at the state level that will be advanced by this project proposal, including: (1) statewide Clean Water Vision initiated by Governor Tim Pawlenty in June 2003, with emphasis on impaired waters restoration, drinking water protection, and habitat enhancement; (2) proposed state funding to help local conservation leaders leverage Farm Bill conservation programs in support of the state's Clean Water Vision; and (3) an ad-hoc Water Quality Practices panel of experts that has met four times to begin addressing scientific and technical questions and challenges associated with targeting water quality practices to the most environmentally sensitive features or lands in different agricultural resources regions of the state.

This CPI project will facilitate a process to address terrestrial and freshwater aquatic habitat restoration and help develop implementation plans that involve producers.

The partnerships established in the planning phase of this project will improve the chances of successful implementation. First, producers will be integral partners in planning, engaging them in the establishment of project goals for their subwatersheds and in the installation, demonstration, and maintenance of innovative conservation practices that affect multiple agricultural operations. Second, the partnering organizations have been united in their support of CSP, largely due to its working lands emphasis and international trade "green box" status. By incorporating CSP readiness strategies for the entire Zumbro Watershed, the project is likely to succeed in bringing all stakeholders to the table to ensure success when the Zumbro becomes eligible for CSP. Promotion and implementation of on-going programs such as the EQIP, WHIP, WREP, CRP, the proposed CREP, and state cost-share and low-interest loan programs will help accomplish our goals.

Project Objectives:

The overall goal of this watershed project is to reduce sediment reaching the Zumbro River by 30 percent and improve aquatic habitat. This reduction will be achieved by accelerating the adoption of more perennials in cropping systems, promoting rotational or managed grazing, alternative tillage systems, contouring, incorporating grass buffer strips, encouraging green cover crops, diversifying crop rotations, extensive use of grassed waterways, constructing water and sediment basins, strategically retiring sensitive lands, forestry management/perennial vegetation in the floodplain, and restoring wetlands.

The goal of a 30 percent reduction is supported by modeling done in the Wells Creek Watershed. Wells Creek is an 18.2-mile stream that flows from a 52,000-acre watershed into Lake Pepin, north of the Zumbro River Watershed. The modeling incorporated agricultural best management practices and a 100-foot perennial vegetative buffer on both sides of Wells Creek. In addition to a dramatic reduction in sediment, the modeling also showed a 37 percent reduction in nitrogen and 54 percent reduction in phosphorus.

The 30% pollutant reduction described above would likely be sufficient to remove any turbidity-impaired segments of the Zumbro River, as well as Lake Zumbro, from their impaired status. In addition, fewer new Zumbro River tributaries, including the 57 miles of trout streams, would be added to the list. Although the Wells Creek modeling

did not include fecal coliform, reductions of a similar magnitude would be expected as the processes that deliver sediment and nutrients to streams also deliver fecal coliform. Aquatic ecosystems will also benefit from reduced runoff and sedimentation. The U.S. Fish and Wildlife Service (USFWS) draft comprehensive plan which will be ready for public review this summer documents water quantity and quality issues affecting Upper Mississippi River backwater habitats including flooding, sedimentation, nutrients, and bacteria. Reducing flood peaks and flows from the Zumbro River watershed will improve stream physical characteristics by reducing streambank erosion and streambed movement. Higher base flows through increased infiltration will improve water quality and moderate stream temperatures. Stream temperature regimes will be further moderated by reduced surface flows, shading, and reduced residence time. All of which will improve and protect aquatic habitat in the Zumbro River and associated Mississippi River backwaters. Terrestrial ecosystems and wildlife populations will improve through the addition of perennials in cropping systems, habitat continuity created by buffering permanent and intermittent streams, and wetland restoration

History

The need for an organization that "looks out for the best interest of the entire Zumbro Watershed" was recognized by a handful of private citizens back in March of 2004.

We attended a sediment workshop and it was at this meeting we were told that our waters were put on the "impaired waters list".
We decided to start meeting weekly to figure out what we were going to do. As meetings took place we were joined by folks from Oronoco, Lake Shady, Pine Island and others that lived along the Zumbro River. We were interested in forming an organization, but needed to explore the extent of the interest.

On July 20, 2004 we had a public meeting to talk about impaired waters in the Zumbro Watershed. We invited all interested individuals, farmers, cities, counties, townships, ag organizations, soil and water conservation districts, lake associations, environmental organizations and other state agencies located within the Zumbro Watershed. We had about 80 people that attended. Our guest speakers included State Representative Steve Sviggum, MN Commissioner of Agriculture, Gene Hugoson, MN DNR Commissioner, Gene Merriam, Exec. Director of Soil and Water Resources, Ron Harnack, Asst. Commissioner of the MPCA, Lisa Thorvig, and the Past Exec. Director of the Cannon Rivers Watershed, Allene Moesler. Our speakers talked about the need of a Watershed Organization and the importance of collaboration.

With a budget of $700 in 2004, we were able to sponsor our July 20 public meeting, host a "Fall Foliage Fun Float" with pontoon boats on Lake Zumbro, design our maps and brochures, start a temporary web site, and still have carry-over funds of almost $500! Lots of volunteer effort!!

We currently have 50+ dues paying members of the Zumbro Watershed Partnership. We have filed our Articles of Incorporation, have our Bylaws in place and had our first annual meeting and elected our 13 citizen Board of Directors. We have committees currently working on the permanent web site, membership drive, and our short term and long term goals.

In February 2005 we filed our first grant. With the assistance of the Mn Board of Water and Soil Resources, we have applied for a Federal Conservation Partnership Initiative Grant. All grant requests were reviewed at the state level, and ours was selected to go on to the Federal level. We have heard that our grant was approved! This planning grant will provide $200,000 in funds, and $200,000 of in-kind support from our local partners.
Olmsted County has prepared a Challenge Grant on behalf of the Zumbro Watershed Partnership called the "Watershed Riparian Zone Inventory Grant Proposal". It is currently in the process of getting support from all 6 Counties in the Watershed. It would provide $75,000 in grant funding with matching contributions of approximately $10,000 per county for each of the two years.

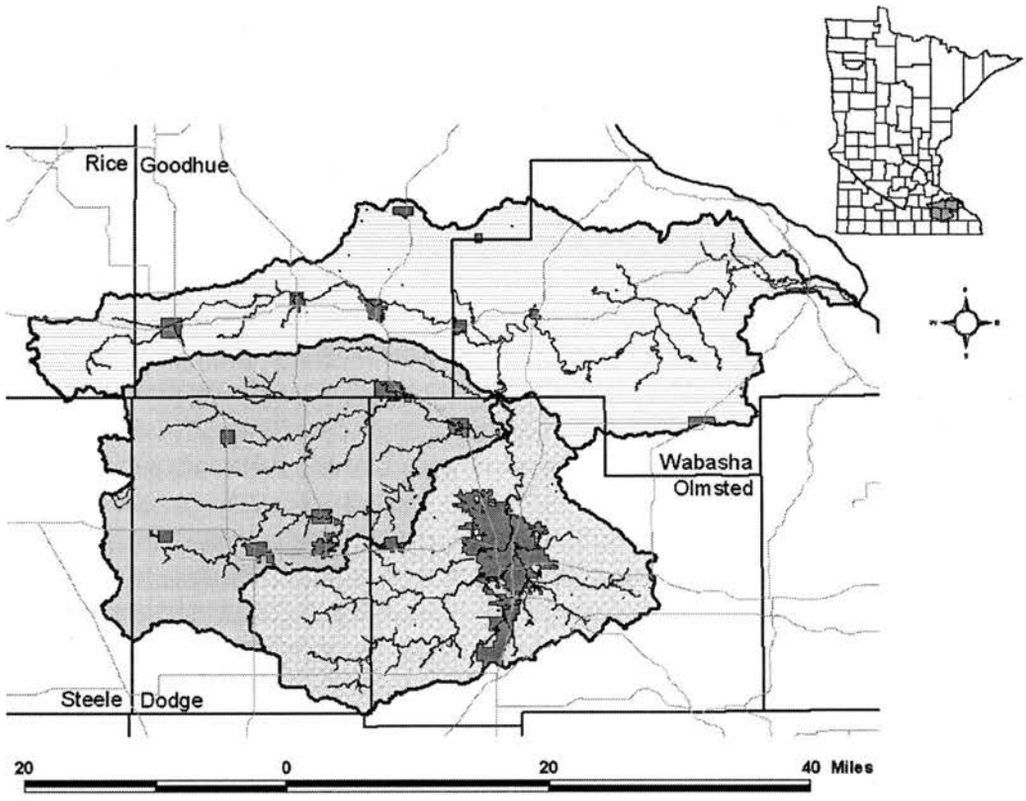
We are also in the process of filing a McKnight Start-up Grant. The Zumbro Watershed Partnership is on the fast track, and we desperately need office space and support staff. All efforts thus far have been through volunteers.

Our mission is "To Promote the Protection and Improvement of the Zumbro Watershed". The ZWP wants to serve as a "one stop" information resource for all stakeholders within the Zumbro Watershed and to play an active role to achieve our mission.

Our waters in the Zumbro Watershed drain to the Mississippi River. The efforts we make in Minnesota for clean water will set the standard to make a difference all the way to the Gulf of Mexico.

We meet monthly, the 2nd Thursday at 7:00 PM at the Oronoco Community Center. We welcome all folks that are interested in helping us with our mission "To Promote the Protection and Improvement of the Zumbro Watershed".

Zumbro River Watershed



Zumbro Watershed Partnership

Draft Goals

February, 2005

Prepared by:
The ZWP Executive Committee

Promote opportunities for good land stewardships

Goal	Potential Partners	Estimated Volunteer Hours	Period
1. Advocate for the use of sustainable farming and forestry practices that enhance water quality and improve aquatic wildlife habitat.	NRCS, SWCDs, BALMM, SE MN Ag Alliance, DNR	NA	Continuous
2. Advocate for the protection of productive farm and forestland.	NRCS, SWCDs, DNR	NA	Continuous
3. Implement demonstration conservation projects with willing landowners.	NRCS, SWCDs, DNR	200 hours/year	Annual
4. Enhance and protect systems of urban/suburban open space.	City & county planning departments, conservation organizations (i.e. Izaak Walton League, Minnesota Land Trust, etc.)	200 hours/year	Annual
5. Organize a degraded stream segment of stream bank restoration project (protect and enhance native biodiversity).	NRCS, SWCDs, DNR, schools, conservation organizations (i.e. Small Mouth Bass Alliance, Trout Unlimited, Pheasants Forever, etc.)	400 hours/year	Annual
6. Identify opportunities for flood damage reduction.	City & county planning departments, DNR, SWCDs, land owners	120 hours/year	Continuous

Promote Public Awareness

Goal	Potential Partners	Estimated Volunteer Hours	Period
1. Promote volunteers for the Minnesota Pollution Control Agency's Citizen Stream Monitoring Program to monitor aquatic habitats of the Zumbro River and its tributaries.	MPCA	250 hours/year for monitoring 80 hours/year to promote participation	Continuous
2. Work with county solid waste officers to co-host a river cleanup day.	MPCA, conservation organizations, Boy Scouts	20 hours/year to promote participation	Each spring

		400 hours/year for cleanup	
3. Work with DNR staff to co-host a warm water fisheries workshop.	DNR, SE MN Water Resources Board, Small Mouth Bass Alliance	40 hours	2006
4. Host a celebration/recognition program for watershed volunteers and the public.	Counties, SWCDs, Lake Zumbro Association	100 hours	Annually
5. Co-host three septic system owner education programs in the watershed.	SE MN Water Resources Board, U of M, MPCA	60 hours	2005-2006
6. Set up and maintain a web page with links to the information on the current farm and other conservation programs for farmers, homeowners, builders, land developers, and conservationists.	NRCS, SWCDs, MPCA, DNR, counties, conservation organizations	100 hours to set up and 200 hours/year to maintain	Begin in 2005
7. Host a series of educational programs about natural resources and challenges in the watershed.	NRCS, SWCDs, MPCA, DNR, BWSR, USFWS, ACE, RC&D, U o fM, counties, cities, conservation and agricultural organizations	120 hours/year	Continuous
8. Provide displays and information about the watershed and available farm programs at agricultural events.	NRCS, SWCDs, MPCA, DNR, BWSR, RC&D, U of M, conservation and agricultural organizations	40 hours/year	Begin in 2005
9. Promote awareness of groundwater pollution in the karst terrain of SE MN.	MPCA, U of M, SEMNWRB, cities, counties,	40 hours/year	Continuous
10. Promote awareness and advocate for responsible stormwater management during land development.	MPCA, cities, counties	30 hours/year	Annually during the construction season
11. Promote and educate property owners and the general public about sustainable resource management.	OEA, MPCA, SWCDs, DNR, U of M, cities, counties	40 hours/year	Continuous

12. Host a contest to design the logo for the Zumbro Watershed Partnership.	None	20 hours	2005

Become well informed of all efforts in process to monitor, promote protection, and improve the Zumbro Watershed

Goal	Potential Partners	Estimated Volunteer Hours	Period
1. Summarize available information about natural resources, water quality, and land use in the watershed.	NRCS, SWCDs, MPCA, DNR, BWSR, USFWS, ACE, RC&D, U of M, SEMNWRB, counties, cities, conservation organizations, agricultural organizations	120 hours	2006
2. Review the recommendations in the Basin Alliance for the Lower Mississippi Scoping Document.	BALMM	10 hours	2005
3. Review the Total Maximum Daily Load recommendations for reducing fecal coliform bacterial pollution in the Zumbro River.	MPCA	10 hours	2005
4. Arrange for presentations on the impaired water designation of the Zumbro River.	MPCA, EPA	10 hours	2005-2006

Identify technical and financial assistance programs to help landowners solve land management problems

Goal	Potential Partners	Estimated Volunteer Hours	Period
1. Promote enrollment in the Conservation Security Program.	NRCS, SWCDs, BWSR, RC&D, UofM, agricultural organizations	200 hours	2005-2006
2. Seek funding to leverage Conservation Security Program funding.	NRCS, SWCDs, BWSR, RC&D, UofM, agricultural organizations	40 hours	2005-2006

To be a valuable partner for all efforts in the entire Zumbro Watershed

Goal	Potential Partners	Estimated Volunteer Hours	Period
1. Survey recreational water use in the watershed (e.g. fishing, boating, canoeing, etc).	DNR, U of M	100 hours	2006
2. Support the implementation of the South Zumbro Watershed Capital Improvement Project.	Olmsted County, City of Rochester, townships, DNR, BWSR, MPCA, conservation and agricultural organizations	40 hours	Begin in 2005
3. Review each County's "Water Management Plan".	Counties, BWSR	20 hours	2005-2006
4. Hire a watershed coordinator to foster cooperation among the citizenship and all levels of government.	NRCS, SWCDs, MPCA, DNR, BWSR, USFWS, ACE, RC&D, UofM, SEMNWRB, counties, cities, conservation and agricultural organizations	60 hours	Begin in 2005
5. Support the implementation of the Conservation Reserve Enhancement Program.	NRCS, SWCDs, DNR, BWSR, RC&D, counties, conservation and agricultural organizations	30 hours	Begin in 2005
6. Encourage counties to be involved in Natural Resource Based Planning.	Counties, DNR	40 hours	2005-2006
7. Participate in regional water planning and management decisions.	SEMNWRB, BALMM	60 hours	Begin in 2005

Promote Watershed Partnership Participation

Goal	Potential Partners	Estimated Volunteer Hours	Period
1. Build a constituency for the watershed partnership through member recruitment.	SWCDs, counties, cities, conservation and agricultural organizations	80 hours	Begin in 2005
2. Establish and secure a sound funding base for operation of the partnership.	RC&D, McKnight Foundation, cities, counties, conservation and agricultural organizations	100 hours	Begin in 2005
3. Prepare and print educational information about the watershed partnership.	SWCDs, conservation and agricultural organizations	10 hours	2005
4. Find and purchase non-profit software to manage accounting.	RC&D	5 hours	2005
5. Identify high priority subwatersheds for use as pilot project areas.	NRCS, SWCDs, MPCA, DNR, BWSR, USFWS, RC&D, U of M, SEMNWRB, counties, cities, conservation and agricultural organizations	40 hours	Begin in 2005

Possible Partners

MPCA - Minnesota Pollution Control Agency: Norm Senjem, 651-280-3592
normansenjem@pca.state.mn.us
CREP - Conservation Reserve Enhancement Program
TNC- The Nature Conservancy
DNR- Minnesota Department of Natural Resources: Tim Schlagenhaft
TimSchlagenhaft@dnr.state.mn.us
BWSR - Board of Soil and Water Resources
BALMM - Basin Alliance for the Lower Mississippi in Minnesota
CRWP - Cannon River Watershed Partnership
LCMR - Legislative Commission on Minnesota Resources
Southeast Minnesota Water Resources Board: Bea Hoffman bhoffman@winona.edu
U of M Extension
Minnesota Department of Health
RC&D Joint Powers Board (Resource Conservation & Development)
City Parks Department: Roy Southerland
County Parks

FSA - Farm Service Agency
Soil and Water Conservation Districts
CWP - Clean Water Partnership
Counties
Farm Program Initiatives
Olmsted County Township Cooperative Planning Association
Township Officers
Olmsted County Water Management

Minnesota Board of Water & Soil Resources

Public Drainage System Buffer Study
Core Workgroup Meeting
September 9, 2005
9:00 a.m. to 11:00 a.m.
Minnesota Farm Bureau
2080 Eagandale Place
St. Paul, MN 55164

You are receiving this meeting notice as one of a handful of individuals who we have identified to participate as a core group to assist BWSR in finalizing a scope of work for the Public System Drainage Buffer Study that we have been charged with completing in the next six months. Hopefully you will be able to join us on September 9th .

FY 06 Appropriation Language
$109,000 the first year is for an implementation assessment of public drainage system buffers and their use, maintenance, and benefits. The assessment must be done in consultation with farm groups, watershed districts, soil and water conservation districts, counties, and conservation organizations, as well as federal agencies implementing voluntary buffer programs. The Board shall report the results to the Senate and House of Representatives committees with jurisdiction over drainage systems by January 15, 2006. This is a one-time appropriation.

Current Statute
103E.021 Ditches must be planted with permanent grass.
Subdivision 1. **Spoil banks must be spread and grass planted.** In any proceeding to establish, construct, improve, or do any work affecting a public drainage system under any law that appoints viewers to assess benefits and damages, the authority having jurisdiction over the proceeding shall order spoil banks to be spread consistent with the plan and function of the drainage system. The authority shall order that permanent grass, other than a noxious weed, be planted on the banks and on a strip 16-1/2 feet in width or to the crown of the leveled spoil bank, whichever is the greater, on each side of the top edge of the channel of the ditch. The acreage and additional property required for the planting must be acquired by the authority having jurisdiction.

Subd. 2. **Reseeding and harvesting grass.** The authority having jurisdiction over the repair and maintenance of the drainage system shall supervise all necessary reseeding. The permanent grass must be maintained in the same manner as other drainage system repairs. Harvest of the grass from the grass strip in a manner not harmful to the grass or the drainage system is the privilege of the fee owner or assigns. The county drainage inspector shall establish rules for the fee owner and assigns to harvest the grass.

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fax (218) 828-6036

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fax (651) 297-5615

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Subd. 3. **Agricultural practices prohibited.** Agricultural practices, other than those required for the maintenance of a permanent growth of grass, are not permitted on any portion of the property acquired for planting.

Subd. 4. **Compliance work by drainage authority.** If a property owner does not bring an area into compliance with this section as provided in the compliance notice, the inspection committee or drainage inspector must notify the drainage authority. If a property owner does not bring an area into compliance after being notified under section 103E.705, subdivision 2, the drainage authority must issue an order to have the work performed to bring the property into compliance. After the work is completed, the drainage authority must send a statement of the expenses incurred to bring the property into compliance to the auditor of the county where the property is located and to the property owner.

Subd. 5. **Collection of compliance expenses.** (a) The amount of the expenses to bring an area into compliance with this section is a lien in favor of the drainage authority against the property where the expenses were incurred. The auditor must certify the expenses and enter the amount in the same manner as other drainage liens on the tax list for the following year. The amount must be collected in the same manner as real estate taxes for the property. The provisions of law relating to the collection of real estate taxes shall be used to enforce payment of amounts due under this section. The auditor must include a notice of collection of compliance expenses with the tax statement.
(b) The amounts collected under this subdivision must be deposited in the drainage system account.

HIST: 1990 c 391 art 5 s 4

Proposed Issues and Information Needs

1) Compliance level with current law in regard to grass buffer establishment and maintenance (1-rod minimum grass buffers are triggered by public ditch system work that appoints viewers). Probably should explore barriers to implementation compliance (e.g. level of belief in benefits, costs, ditch repair cycles, thresholds for appointing viewers).
2) Benefits of grass buffers along drainage ditches, including benefits of grass buffers wider than 1 rod.
3) Available voluntary buffer programs, including pertinent information about what, why, how and where for buffer practices. Coordination of voluntary programs with drainage law requirements?
4) Can / should we address benefits of ditch side inlet controls?

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Proposed Study Methods

1) Literature search. Coordinate with U of M professors who work in this area. Keep level of detail commensurate with scope and time frame of this study.
2) Survey. Estimate 65 drainage authorities with significant numbers of public ditches. Maybe additional questions for counties and WDs that have done drainage system inventories.
3) Compilation and evaluation of drainage system inventories to date. Define what has been learned through drainage system inventories about statute compliance level (and reasons, if possible), including effects of drainage system inventories on level of compliance.
4) Develop representative GIS analysis/definition of mandatory and voluntary ditch buffer implementation (based on current inventories to date, 1989 Land Use data, and conservation program data?).
5) Define study recommendations that are based on good science and information.

Invite List:

Representative Rick Hanson
Association of Minnesota Counties
Minnesota Association of Watershed Districts
Minnesota Association of Soil and Water Conservation Districts
Minnesota Center for Environmental Advocacy
Minnesota Conservation Federation
Minnesota Department of Agriculture
Minnesota Department of Natural Resources
Minnesota Farm Bureau
Minnesota Farmers Union
Minnesota Viewers Association
Minnesota Board of Water and Soil Resources

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FOR YOUR INFORMATION
September 29, 2005

- "BWSR Update"
- Updated Board Member Listing
- Updated BWSR Staff Listing
- Change in Mileage Reimbursement
- Letter from Governor Pawlenty regarding the *2001-2003 Minnesota Wetland Report* and his concern for doing more to limit the loss of wetlands through the regulatory mechanisms of the Wetland Conservation Act
- Update regarding the Middle Fork Crow River Watershed District
- AGRI NEWS Article, "SWCD commissioner says federal farm programs should reward stewardship"
- AGRI NEWS Article, "Cheney named ag department policy advisor"
- AGRI NEWS Article, "Plan: Minnesota would lose 21 FSA offices"
- AGRI NEWS Article, "USDA closure plan draws mixed reaction"
- MANKATO FREE PRESS Article, "Report: State has gained wetland"

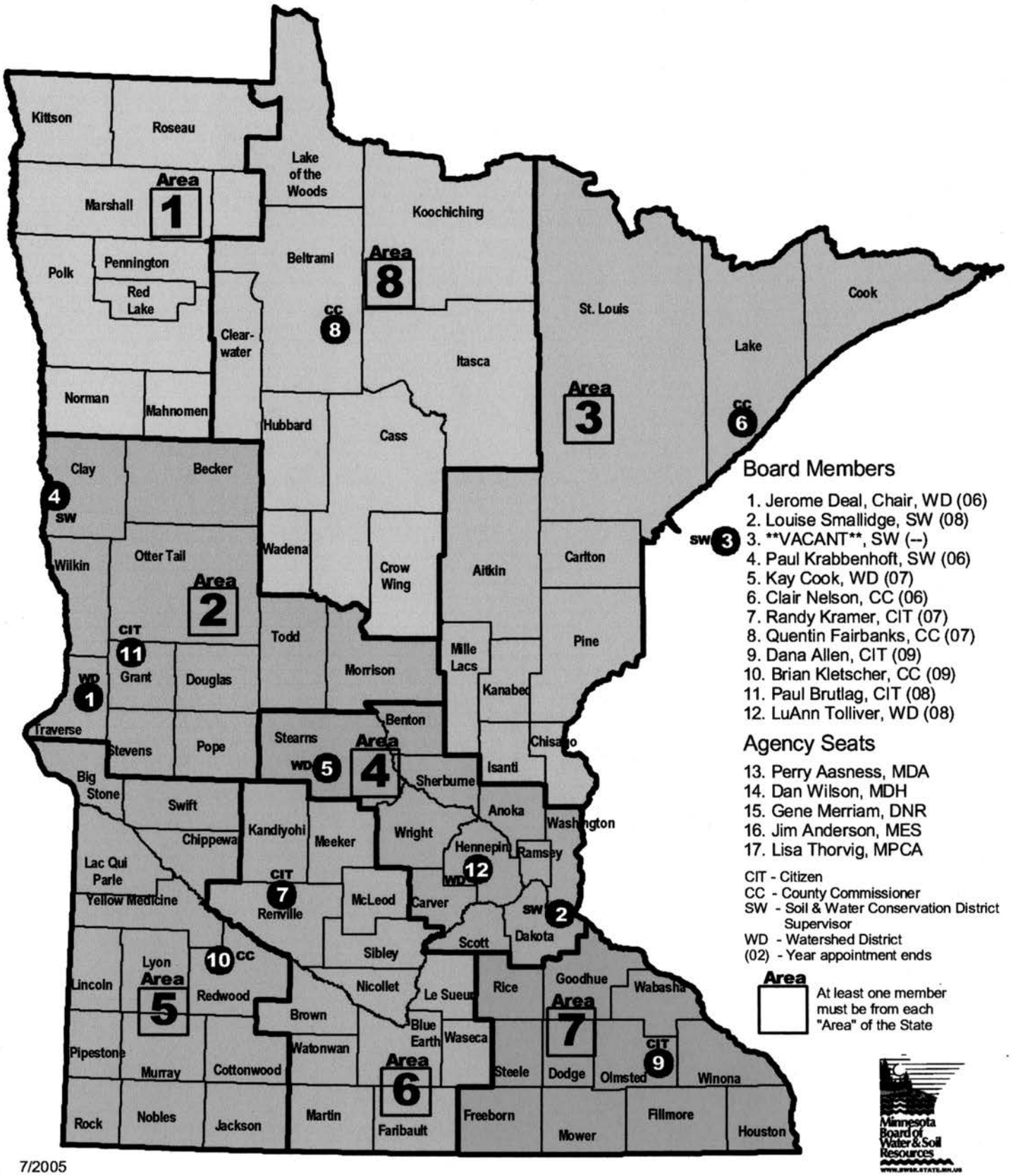
MINNESOTA BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155
Phone: 651-296-3767 Fax: 651-297-5615

Appointed Members	***Appointment Designation***	***Term Expires***	***Telephone/Fax***	
Jerome Deal, Chair 1501 Second Ave., S., Wheaton, MN 56296 bdswd@traversenet.com	**Watershed**	01-02-06	320-563-8377 320-563-4194	*Home* *Fax*
Kay Cook 20783 Eastway Court, Richmond, MN 56368 neilkay@cloudnet.com	**Watershed**	01-01-07	320-597-2794	*Home*
LuAnn Tolliver 14801 Wychewood Road, Minnetonka, MN 55346	**Watershed**	01-07-08	952-938-6749 952-838-1571	*Home* *Office*
Dana Allen 11304 19th Street, SW, Eyota, MN 55934 dm.allen@myclearwave.net	**Citizen**	01-05-09	507-545-3969 507-951-5597	*Home* *Office*
Paul Brutlag 27113 County Road 11, Wendell, MN 56590 brutlagp@runestone.net	**Citizen**	01-07-08	218-458-2113 218-685-5400	*Home* *Office*
Randy Kramer 42808 County Road 11, Bird Island, MN 55310 randyk@willmar.com	**Citizen**	01-01-07	320-365-3094 320-365-4784	*Home* *Office*
Paul Krabbenhoft 1119 - 25th Ave., S., Moorhead, MN 56560 pkrabbenhoft@yahoo.com	**SWCD**	01-02-06	218-233-0313 701-281-3033 701-277-1570 701-799-0369	*Home* *Office* *Fax* *Cell*
Louise Smallidge 10992 Point Douglas, Hastings, MN 55033 Choregirl2@juno.com	**SWCD**	01-07-08	651-459-5600	*Home*
VACANT	**SWCD**			
Quentin Fairbanks 16374 Stoner Memorial Dr., NE, Hines, MN 55647 quentin@paulbunyan.net	**Co. Commissioner**	01-01-07	218-835-4184 218-679-3378	*Home* *Fax*
Brian Kletscher 30427 County Hwy. 10, Vesta, MN 56292 bk3376@rconnect.com	**Co. Commissioner**	01-05-09	507-762-3376 507-828-1429	*Home* *Office*
Clair Nelson Lake County Courthouse, 601 Third Avenue, Two Harbors, MN 55616 Wilma.rahn@co.lake.mn.us	**Co. Commissioner**	01-02-06	218-353-7385 218-834-8320 218-834-8360	*Home* *Office* *Fax*

State Agency Members:			
Perry Aasness 90 W. Plato Blvd., St. Paul, MN 55155 Perry.Aasness@state.mn.us	**Department of Agriculture**	651-296-4435 651-297-5522	*Office* *Fax*
Dan Wilson Well Management Section, P.O. Box 64975, St. Paul, MN 55164-0975 Daniel.Wilson@health.state.mn.us	**Department of Health**	651-201-4598 651-215-0978	*Office* *Fax*
Gene Merriam 500 Lafayette Road, St. Paul, MN 55155 Gene.Merriam@state.mn.us	**Department of Natural Resources**	651-296-2549 651-296-4799	*Office* *Fax*
Jim Anderson 439 Borlaug Hall, 1991 Upper Buford Circle, St. Paul, MN 55108 Ander045@umn.edu	**U of M/Dept. of Soil, Water & Climate**	612-625-0279 612-625-2208	*Office* *Fax*
Lisa Thorvig 520 Lafayette Road, St. Paul, MN 55155 Lisa.Thorvig@pca.state.mn.us	**Pollution Control Agency**	651-296-8811 651-296-6334	*Office* *Fax*

September 2005

Board of Water & Soil Resources
Appointed Member Location Map (2005)



Board Members

1. Jerome Deal, Chair, WD (06)
2. Louise Smallidge, SW (08)
3. **VACANT**, SW (--)
4. Paul Krabbenhoft, SW (06)
5. Kay Cook, WD (07)
6. Clair Nelson, CC (06)
7. Randy Kramer, CIT (07)
8. Quentin Fairbanks, CC (07)
9. Dana Allen, CIT (09)
10. Brian Kletscher, CC (09)
11. Paul Brutlag, CIT (08)
12. LuAnn Tolliver, WD (08)

Agency Seats

13. Perry Aasness, MDA
14. Dan Wilson, MDH
15. Gene Merriam, DNR
16. Jim Anderson, MES
17. Lisa Thorvig, MPCA

CIT - Citizen
CC - County Commissioner
SW - Soil & Water Conservation District Supervisor
WD - Watershed District
(02) - Year appointment ends

Area

At least one member must be from each "Area" of the State

Minnesota Board of Water & Soil Resources
www.bwsr.state.mn.us

7/2005

PHONE NUMBERS FOR BWSR STAFF **USE LAST FIVE DIGITS WHEN TRANSFERRING**

Main Line: 651-296-3767 – FAX: 651-297-5615 - Updated 9/19//05

Central Office	296-3767
Fax #	297-5615
Anderson, Mary Jo	297-4290
Bonde, Karen	297-3998
DeVoe, Natasha	205-4664
Donnelly, Conor (cell 612-408-7002)	282-3815
Engineers Cell Phone	485-8466
Eisele, Bill (cell 651-245-5132)	282-2929
Fredbo, Tim	296-0880
Girolamo, Dan	215-1703
Haertel, Jim	297-2906
Harnack, Ron (cell 612-202-3815)	296-0878
Hubbell, Dianne	296-0873
Kean, Al (cell 651-245-6531)	297-2907
Keating, Kari	296-3767
Larson, Greg (U of M)	612-624-3427
BWSR Office (personal cell 612-751-3060)	651-297-7029

Lewis, Michelle	296-2428
Lines, Kevin (cell 612-518-5545)	297-1894
Luniewski, Jim	297-2622
Mack, Kristie	215-9420
Mings, Thomas (cell 612-965-8682)	284-4153
Mohring, Eric (cell 651-485-8466)	297-7360
Morrill, Ron Cell (612) 756-0773	297-4735
Norris, Doug (DNR)	296-0779
Ogg, Tim (cell 651-295-5737)	297-8024
Raeker, Pete	296-0884
Remick, Polly	297-4365
Salinas, Debbie	297-8025

Schmidt, Tom	215-9008
Sokatch, Char	297-4016
Thomas, Doug (cell 651-308-8647)	297-5617
Wenzel, Tom (cell)	296-0883 612-720-1412
Weirens, Dave (cell 763-229-4308)	297-3432
Zellmer, Wayne	297-7361

Metro Office	282-9969
Lemm, Les (cell 651-341-4208)	296-6057
Peterson, Lynda **(cell phone only)**	612-201-9806
Woods, Steve (cell 651-402-6997)	297-7748
Wozney Brad (cell 651-233-6673)	296-6068

Southern Regional Office
New Ulm

Fax #	(507) 359-6018
Cell Phone	(651) 485-8469
Jeff Nielsen	(507) 359-6075
Chris Hughes	(507) 359-6076
Tom Fischer	(507) 359-6091
Jeff Hedtke	(507) 359-6092
Cell	(651) 485-8470
Carla Swanson-Cullen	(507) 359-6074

Rochester

Fax #	(507) 285-7144
Cell Phone	(651) 485-8472
Dave Peterson	(507) 280-2874
Mary Kells	(507) 280-2873

Marshall

Fax #	(507) 537-6368
Cell Phone	(651) 485-8471
Tabor Hoek	(507) 537-7260
David Sill	(507) 537-6374
Tom Kresko	(507) 537-6125
Roxie Serreyn	(507) 537-6060
Scott Santjer	(507) 537-6097
Cell Phone	(612)-723-0298

Northern Regional Office
Brainerd

Fax #	(218) 828-6036
Cell Phone	(218) 820-9381
Ron Shelito	(218) 828-2604
Cell Phone	(218) 820-3794
Keith Grow	(218) 828-6035
Dan Steward	(218) 828-2598
John Overland	(218) 825-6807
@ COE	(218)-825-0515
Vacant (Vicky)	(218) 828-2383

Fergus Falls

Fax #	(218) 736-7215
Cell Phone	(218) 770-3802
Pete Waller	(218) 736-5445 ext 104

Duluth Office

Fax #	(218) 723-4794
Cell Phone	(218) 349-1834
Jim Lemmerman	(218) 723-4996
Mark Nelson	(218) 723-4923
Mary Jo Flemming	(218) 723-4752
Marc Hershfield	(218) 723-2351

Bemidji Office

Fax #	(218) 755-4201
Brian Dwight	(218) 755-3963
Cell Phone	(218) 820-2335
Bill Best	(218) 755-4176
Cell Phone	(218) 556-4686
Dale Krystosek	(218) 755-4236
Cell Phone	(218) 820-9381
Karen Johannsen	(218) 755-4235

FYI
Board Packet

From: Dianne Hubbell
To: # Everyone
Date: 9/14/2005 11:52:35 AM
Subject: Change in mileage reimbursement

DATE:
September 12, 2005

TO:
Agency Payroll and Accounting Staff

FROM:
Don Smith, Director, Statewide Payroll Services

SUBJECT:
IRS Mileage Rate

Effective immediately, the Internal Revenue Service (IRS) has increased the standard IRS mileage rate for all business miles driven between September 1 and December 31, 2005. The 40.5-cent rate, effective since January 1, 2005, has increased to 48.5 cents per mile. The rate effective for January 1, 2006, to be announced later this year, may be lower than 48.5 cents.

Most bargaining agreements and compensation plans refer to the IRS mileage rate when outlining expense allowances. This is the rate to use when a state vehicle is not available. Most plans specify a lower rate if a state vehicle is offered and declined. Regardless of the rate used, the portion of any mileage reimbursed at a rate greater than the IRS rate is taxable.

SEMA4 tables have been updated with the new rates, effective September 1. Users should adjust mileage reimbursements already entered or processed for miles driven since September 1 in order to reimburse employees for the difference in rate. This can be accomplished by entering additional mileage rows using the number of miles already reimbursed times 8 cents.

Use the FIHR6745, Biweekly Employee Business Expense Detail (Document Direct/InfoPac ID HP6745) report to identify employees who may be entitled to adjustments. Then refer to these employees' expense report forms to determine the number of miles to adjust.

Agency payroll or HR staff should contact Jeff Moe in Statewide Payroll Services at (651) 296-1199 or jeff.moe@state.mn.us.

PLEASE SHARE THIS INFORMATION WITH APPROPRIATE AGENCY STAFF.

Dianne Hubbell
Accounting Officer
Board of Water and Soil Resources
520 Lafeyette Road North
St Paul MN 55155
dianne.hubbell@bwsr.state.mn.us
(651) 296-0873
Fax (651) 297-5615

STATE OF MINNESOTA

FYI
Board Packet

Office of Governor Tim Pawlenty
130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

SEP 12 2005

September 7, 2005

Gene Hugoson
Commissioner, Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107

Gene Merriam
Commissioner, Department of Natural Resources
500 Lafayette Road, Box 37
St. Paul, MN 55155

Dianne Mandernach
Commissioner, Department of Health
85 East Seventh Place
St. Paul, MN 55101

Sheryl Corrigan
Commissioner, Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155

Ron Harnack
Executive Director, Board of Water and Soil Resources
520 Lafayette Road
St. Paul, MN 55155

Dear Commissioners and Director Harnack:

Minnesotans take seriously the importance of protecting our valuable wetlands. In that regard, I am writing to you in your capacity as members of the Clean Water Cabinet (CWC) concerning the *2001-2003 Minnesota Wetland Report* issued by the Board of Water and Soil Resources. With the backdrop of this valuable data, we can now make decisions and take appropriate actions.

Based on this report, Minnesotans can be comforted that significant efforts have been made by the agricultural and conservation communities to improve wetlands and associated uplands through voluntary programs like the Wetland and Conservation Reserve Enhancement Programs (WREP and CREP). These gains will enhance water quality and wildlife habitat throughout our state.

However, I believe we should consider doing more to limit the loss of wetlands through the regulatory mechanisms of the state's Wetland Conservation Act (WCA).

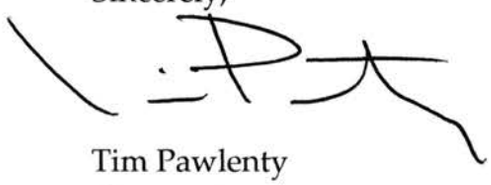
Specifically, I ask that the CWC report to me on the following issues so that we may more closely align with the principle of "no net loss:"

1. Improvements to the accounting and reporting system for wetlands.
2. Alternatives to the existing WCA exemptions.
3. Alternatives to the existing replacement ratios.
4. Improvements to voluntary efforts that build on the success of the past but require a minimum of additional resources.
5. Other recommendations you deem appropriate.

It is my sincere hope that through the combined efforts of regulatory enhancements and voluntary efforts, Minnesota will further protect our important wetlands.

Thank you for your prompt attention to this important matter.

Sincerely,



Tim Pawlenty
Governor

FYI
Board Packet

From: Ron Harnack
To: Anderson, MaryJo
Date: 9/20/2005 2:15:21 PM
Subject: Fwd: Middle Fork Crow River Watershed District

For board info packet.

>>> Tom Fischer 9/20/2005 10:18:18 AM >>>
Informational update from Ann Latham about the Middle Fork Crow River Watershed District.

>>> Bill and Ann Latham <blatham@tds.net> 9/20/2005 10:03 AM >>>
To every person who contributed energy and countless hours attending meetings and taking petitions out for signatures for the Establishment of Middle Fork Crow River Watershed District, CONGRATULATIONS! The River Council of Minnesota has selected Middle Fork Crow River Watershed District to receive the annual River Friendly Community Award, 2005. The award will be announced and presented at RiverNight 2005, during a Paddleboat cruise on the Mississippi River, by special guest Governor Pawlenty. The Award includes a $1,000 cash award to the Watershed District in support of projects.
"The River Friendly Community award program was created by the River Council of Minnesota to salute communities throughout Minnesota for their leadership in celebrating and protecting rivers. Minnesota's 92,000 miles of river have played an essential role in the founding and development of many of our cities around the state."
This award goes to everyone who worked on the effort to establish Middle Fork Crow River Watershed Disrtict. CONGRATULATIONS!

Watershed District Up-Date:
*Officers elected at the first meeting in May: Bob Hodapp, President and Chair; Bob Zenner, Vice President; Ruth Schaefer, Secretary; Gordy Behm, Treasurer; Joe Flanders, Co-Treasurer.
*Citizen's Advisory Committee- All persons who agreed to serve on CAC were appointed by Board of Managers at May meeting, including Rick Reimer-SWCD, Tom Bonde - Technical; there will be additions to the CAC to insure watershed-wide representation. You will be notified of the first CAC meeting, likely Dec. or Jan.
*A start-up loan, against the Organizational Fund, was advanced by Kandiyohi County, June 2005.
*District boundaries by legal description, necessary to effect funding, were established by Mid-Minnesota Development Commission-Matt Johnson and Rick Moore- in cooperation with 4 county auditors; MMDC, Rick Moore, accomplished this huge job by the deadline of August 15, 2005.
*Budget Hearing and 2006 proposed budget adopted at September 11 meeting; 2006 budget request to 4 county auditors by deadline of September 15, 2005.
*Office location at Bell Tower Plaza, 118 Lake Avenue North, Spicer - Meeting location at office on 3rd Thursday monthly: office is now completed with phone - 796-0888, e-mail - middlefork@charterinternet.com; government surplus furnishings, computer donated by Kandiyohi County, copy-fax-printer and office supplies by New London Township. Providing Temporary Administrative Assistance- Ann Latham.

*Request for Proposal advertised for Watershed District attorney; Kurt Deter, firm of Rinke-Noonan, St. Cloud, retained by Managers as Watershed District Attorney.
*The Request for Proposal for retaining an Engineering or Planning firm to work on the Watershed Plan will be advertised in the coming month. This is the important next step for the Middle Fork. The Watershed Plan must be completed and approved by BWSR before Projects can be initiated.
*Open House for the Watershed District being planned by the Board of Managers at the Office- November 17, Thursday, 6:00 PM

Any questions regarding this information can be directed to a Manager - Bob H., Bob Z., Ruth S., Gordy B., Joe F., or you can call the office - leave a message, or Ann Latham, Administrative Assistant at 796-5264.

FYI
Board Packet

SWCD commissioner says federal farm programs should reward stewardship

By Jean Caspers-Simmet
simmet@agrinews.com

WATERVILLE, Iowa — Allamakee County Soil and Water Conservation District Commissioner John Schultz has some farm policy suggestions for U.S. Rep. Tom Latham.

Schultz, a Postville farmer, offered the ideas at a recent meeting of the Big Paint Creek Watershed near Waterville.

As the 2007 farm bill debate is launched, Schultz urged Latham to support an incentive-based approach over traditional price support programs.

"The federal farm programs have an immense impact on land use, as the traditional commodity programs drive maximum production versus wise land use decisions," Schultz said. "It is easier to grow corn and beans than conserving crops. Our aging farm population is not pursuing land transfers as the price support program drives land rental upwards. These factors make it close to impossible for young produces to enter farming."

Rewarding stewardship through incentive-based programs such as the Conservation Security Program has resulted in positive impacts on the land while still providing needed capital for the rural economy, Schultz said.

Latham, an Alexander Republican, told Schultz he couldn't agree with him more on the problems with current farm programs when it comes to conservation and what future farm programs should look like.

"We need to put more into conservation," Latham said. "The current farm program is encouraging the escalation of land rents, and it makes it impossible for young people to start farming. Under the current farm bill, there is no support for raising more conserving crops. It's upside down."

MINNESOTA BRIEFS

Cheney named ag department policy advisor

ST. PAUL — The Minnesota Department of Agriculture has appointed Quinn Cheney as a policy advisor to help the agricultural community. Cheney is currently a senior policy advisor in Gov. Tim Pawlenty's office.

MDA commissioner Gene Hugoson said Cheney will focus on coordinating and directing state and federal policy for the MDA.

"Quinn brings a lot of experience from her past association with agricultural issues," said Hugoson.

Pawlenty said Cheney will help to provide a link with the agricultural community and the governor's office.

Blue Earth River Watershed tour is Sept. 20

MANKATO, Minn. — A tour of the Blue Earth River Watershed is planned Sept. 20. The tour will depart from the USDA Service Center at 1160 Victory Drive, Mankato at 9 a.m.

The tour will provide attendees with an in-depth look at farms in the Conservation Security Program, which is a voluntary program that provides financial and technical assistance to recognize good stewardship by farmers.

Pre-registration is requested by Sept. 16 to ensure a meal. Contact Three Rivers Resource Conservation and Development at (507) 345-7418, ext. 5.

MDA accepting applications for grants

ST. PAUL — The Minnesota Department of Agriculture is accepting applications for grants from farmers, researchers, educators and non-profit organizations that have innovative ideas for sustainable farming systems. The MDA's Agricultural Resources Management and Development Division has up to $70,000 to award this year.

Individual grants up to $25,000 are available for three-year projects that benefit the environment, increase farm net profits through cost reduction or enhanced marketing, and improve the farm family quality of life.

Eligible projects may include but are not limited to enterprise diversification; organic production; cover crops and crop rotations to increase nitrogen uptake, reduce erosion or control pests. Other projects might include conservation tillage and weed management, integrated pest management systems, livestock production and manure management systems, nutrient and pesticide management, and alternative energy production opportunities.

'Get Green' events scheduled Sept. 20

ATWATER, Minn. — Youth and their families in Meeker, Kandiyohi, and Renville counties are invited to discover the exciting things happening in 4-H today at "Get Green" events scheduled Sept. 20 at the ACGC School in Atwater from 5-7:30 p.m. and in the Olivia Library in Olivia from 3:30 p.m.-5:30 p.m.

4-H is for all kids, kindergarten through one year past high school, whether they live in cities, towns, or in the country.

4-H uses hands-on activities. There are more than 100 projects to explore like photography, foods, wood working, leadership, art, plants, fashion or animals of all kinds from guinea pigs to dogs and cats to horses, pigs and cows.

Stanislawski thinks 'big

By Carol Stender

cstender@agrinews.com

FERGUS FALLS, Minn. — Harold Stanislawski didn't leave agriculture behind when he left the Minnesota Department of Agriculture in July.

The state's former livestock specialist is continuing his push for farming and rural communities as executive director of the Fergus Falls Economic Improvement Commission.

Stanislawski traveled extensively in his MDA position. He jokes about "putting on more miles than a state trooper."

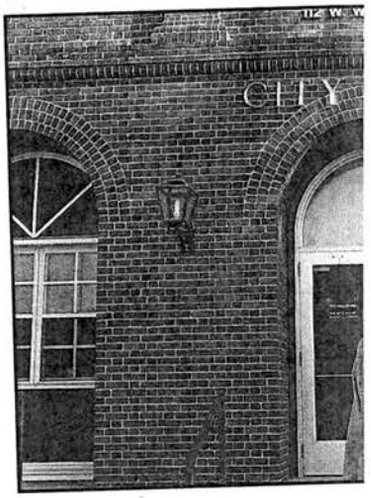
The EIC position gives him more time to spend with his wife, Mary, and daughters, Lauren and Rachel.

His interest in agriculture is an important part of his job that includes other community strengths.

"To be dynamic today you have to have a strong ag, manufacturing, tourism and retail sector," he said. "The interesting thing of ag is it's a huge, complex business that has cash values and balance sheets. Over the 10 years I was with the MDA, I helped create $500 million in investment in the ag sector."

His MDA experience and work with the University of Minnesota Extension Service are valuable assets in his new role. The resources and contacts are proving important as he develops new projects, especially his work with Otter Tail Ag Enterprises, a group of ag leaders and area businesses interested in a Fergus Falls-area ethanol plant.

A feasibility study is under



Harold Stanislawski stan
Fergus Falls, Minn.

way, and recently Stanislawski joined the group on a tour of two ethanol plants.

"Yes, we are focused on our town, but my Economic Improvement Commission board knows we have to be bigger than Fergus Falls if we are going to grow this town," he said. "They have encouraged me not to drop my contacts that I have developed over the last 23 years. I look at the position as very much a regional type of position to help create growth in a bigger circle than just Fergus Falls."

He's worked with many groups to develop agricultural opportunities in the state including his involvement with the Generic Environmental Impact Statement work group. The committee didn't always agree, but the were professionals who developed a dialogue to discuss the issues, he said.

"We recognized that none of us had all the answers,"

Clean Energy meeting is Sept. 15

FARIBAULT, Minn. — A Cannon Valley Clean Energy meeting is scheduled Sept. 15 from 4 p.m.-6 p.m. in the Buckham Library third floor meeting room in Faribault.

more, Freeborn, Goodh Houston and Le Sueur co ties, recently reported the fi ings of an 18-month assessm of the energy efficiency a renewable energy opportu



PAGE C1 These little pigs got plenty of attention.

CENTRAL MINNESOTA

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Agri News

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INSIDE

NATION/WORLD

Tough enough

Hurricane, drought a double whammy.

– Page A6

MIDWEST NEWS



Major contributor

The hog industry owes much to John Phillips.

– Page B1

COUNTRY LIVING

Plan: Minnesota would lose 21 FSA offices

State directors meeting this week in Washington

Associated Press

Inside

• For more reaction, turn to — **Page A2**

WASHINGTON — More than one-fourth of the nation's Farm Service Agency offices would close under a plan being pushed by the Agriculture Department, according to an agency document obtained by The Associated Press.

As outlined in the document, the department would shutter an estimated 665 of the 2,353 offices nationwide. Minnesota would lose 21 offices out of 79 and 22 Iowa offices would close out of 100.

J.B. Penn, undersecretary for the Agriculture Department's Farm and Foreign Agricultural Services, said that he hadn't seen the document but that the numbers cited were inaccurate.

He said the agency's main concern was not closing offices.

"We may consolidate functions, but we're going to provide improved service."

"When you talk about closing offices, people think you're taking away something from them," he said. "That's not the objective at all — we're going to be giving them something more."

State Farm Service Agency directors are coming to Washington this week for a briefing on the plan.

Minnesota FSA state executive director John Monson said he'd seen the document in April but hasn't seen a current report.

"What's happened from April to now has changed quite a bit," he said. "But what we do know is this: Our customer base in Minnesota has been dropping by 1 percent each year and staffing has corresponded at that same level. What hasn't changed is our structure of business."

Staff cuts are due, in part, to a government hiring freeze.

Dan Root, president of the National Association of FSA County Office Employees and Freeborn County FSA executive director, said counties didn't replace employees who left.

Root and other association members began contacting Congress for information after they couldn't get more details from USDA.

Seventh District Congressman Collin Peterson, D-Detroit Lakes, calls discussion of the closures ill-timed.

"We have bigger fish to fry right now," Peterson said. "At this point I question the timing. We have a disaster down south and ag disasters in Iowa, North Dakota and Minnesota. We are into an ad hoc disaster plan. That always taxes people in the county offices."

Sen. Norm Coleman said that while he is concerned about the prospect of closing FSA offices in Minnesota, the FSA's "foremost mission" must be to "provide high quality service to producers."

He vows to be in close contact with the Minnesota FSA state committee.

Agri News staff writer Carol Stender contributed to this story.

Kasper adjusts to celebrity status after being chosen finalist for magazine award

By Janet Kubat Willette

jkubat@agrinews.com

Inside

• Want to cast a ballot? Find out how — **Page A4**

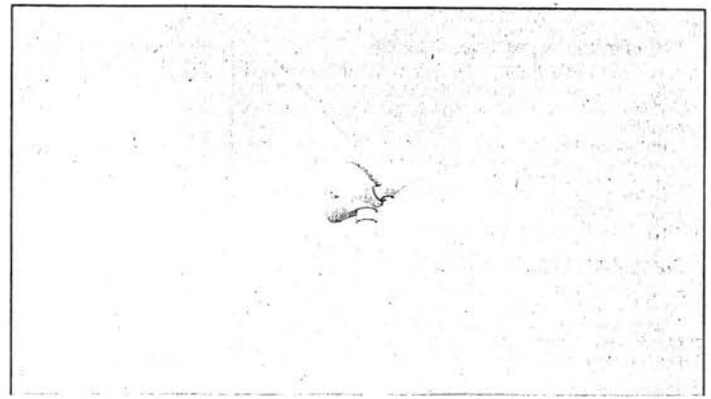
OWATONNA, Minn. — Karen Kasper can't even go to the bread store without being teased about being a celebrity.

Kasper, of rural Owatonna, is one of three finalists to be the "Country Woman of the Year." The contest is sponsored by Country Woman magazine in honor of its 35th year of publication. The other finalists are from Vir-

Kasper's three children nominated her for the award after reading about it in the magazine's March/April issue.

Her daughter was flipping through the magazine when she saw the article asking for nominations. She told her

ENERGY, NATURALLY



USDA closure plan draws mixed reaction

Democrats, Republicans question proposal

Associated Press

WASHINGTON — USDA's goal is to modernize a system now burdened with rustic technology and underused offices, says J.B. Penn, undersecretary for the Agriculture Department's Farm and Foreign Agricultural Services.

The FSA uses computer systems from the mid-1980s that can't use the Internet. The agency has an office in virtually every rural county in the nation, no matter how close together two county offices are.

"A lot of farmers go into an office now, and there are two full-time employees, and they have to wait a long time to get service," Penn said. "When they finally do get service, the employee doesn't have the experience or the knowledge of a particular program that they need."

In some offices, it costs $2 to distribute every dollar of benefits to farmers; in others, it costs less than a penny to deliver a dollar's worth of benefits, Penn said.

Dan Root, president of the National Association of FSA County Office Employees and Freeborn County (Minn.) FSA executive director, questions how much money will be saved by closing offices. Many USDA service centers house both FSA and the NRCS.

The government will still pay a lease on the building.

Root is concerned of the closure's affects on small communities.

"Look at rural Minnesota and you realize that where the FSA county offices are located, are hubs of business for the farmer," Root said. "This is not just about closing offices and providing better service. You look at rural Minnesota and you see how it relies on agriculture. The community relies on those farmers and their business."

The FSA is looking at the high cost of its program delivery, said John Monson, Minnesota FSA state executive director.

"When we established the FSA, 12 percent of rural American had telephones," Monson said. "Now about 50 percent have access to the Internet. Back when we established the agency we had one in four people on the farm. Now it's one in 750."

Derryl McLaren, Iowa state executive director of the Farm Service Agency, said he couldn't ask for any more than what Iowa's FSA employees are providing in terms of effort. They're doing a great job.

"The rumor mill among employees and the ag community is working at full speed," McLaren said. "As quickly as I can obtain solid information, the better off it's going to be. People want something definitive."

Republicans in Congress reacted cautiously. Georgia Sen. Saxby Chambliss, chairman of the Senate Agriculture Committee, hasn't signed off on a plan or seen specifics. He met last week with Penn to discuss the plan.

"If the goal is to modernize the agency and to train employees for continued service improvement to the customers, the producers, then he understands that reasoning," said Keith Williams, a spokesman for Chambliss.

Kansas Sen. Pat Roberts, a Republican Agriculture Committee member, said he would look carefully at any plan to close FSA offices in his state to make sure services aren't reduced, "especially with the high cost of energy already an enormous burden for our farmers and ranchers."

Congressional Democrats were hostile to the idea.

"If this is true, it's another slap at South Dakota farmers and ranchers from the Bush administration," said Sen. Tim Johnson, D-S.D., a member of the Senate Agriculture Appropriations subcommittee. "There's no substitute for the face-to-face interaction that producers have with FSA personnel. They need the opportunity to ask questions, to explain their circumstances. To lose that opportunity is going to be a serious problem."

Agri News staff writer Carol Stender and Agri News senior staff writer Jean Caspers-Simmet contributed to this story.



Report: State has gained wetland

By Tim Krohn
Free Press Staff Writer

Conservation incentive programs and regulations have added 148,000 acres of wetlands and related upland acres in the state over a three year period, according to a state report.

The Minnesota Board of Water and Soil Resources (BWSR) recently published the 2001-2003 Minnesota Wetland Report.

Ron Harnack, executive director of BWSR, said Friday that wetland protection laws saved about 10,000 acres of wetlands and that a variety of conservation programs added additional wetlands.

"We know there will be some wetlands lost, so we know we need a strong conservation effort to add more acres back," Harnack said.

The Wetlands Conservation Act was passed in 1991 and sets limits on the drainage or filling of wetlands and calls for replacement of lost wetlands.

Based on the data, more than 30 percent of initial landowner requests to drain or fill wetlands resulted in revisions that avoided it. That prevented approximately 10,000 acres of wetlands from being filled or drained, Harnack said.

Conservation programs managed by state and federal agencies and private groups showed a gain of more than 150,000 acres of wetland and associated upland during the three years. At the same time, 1,367 acres of wetlands were drained or filled in. But Harnack said those losses are relatively small, with more than 85 percent being less than one acre in size.

According to the National Wetland Inventory Minnesota has approximately 10.6 million acres of wetlands.

"Minnesota's wetland protection, conservation, and enhancement programs are some of the best in the nation."

RON HARNACK,
Executive director of the Minnesota Board of Water and Soil Resources

"Minnesota's wetland protection, conservation, and enhancement programs are some of the best in the nation," Harnack said. Still, he said that after more than a decade, the wetland protection acts should be reviewed. "I think it's probably time to look at their strengths and weaknesses."

Please see WETLAND, Page B3

Mankato Free Press Monday August 29, 2005.

WETLAND: A full report is available online

Continued from Page B1

The report includes data from a variety of state and federal regulatory and conservation programs, including BWSR, the Minnesota Department of Natural Resources, the Minnesota Department of Transportation, the Minnesota Pollution Control Agency, the U.S. Fish and Wildlife Service, the Army Corps of Engineers, the U.S.D.A. Natural Resources Conservation Service, and the U.S.D.A. Farm Service Agency.

The full report is available at www.bwsr.state.mn.us

Minnesota Board of Water & Soil Resources

DATE: October 17, 2005

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: October 26th Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, October 26, 2005, beginning at 9:00 a.m. The meeting will be held in the OEA conference room, 2nd floor, at 520 Lafayette Road North, in St. Paul. Parking is available in the lot directly in front of the building (use hooded parking areas).

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. **Vermillion River Watershed Management Organization (WMO) Plan -** The Metro Water Planning Committee met on October 5, 2005, to review the watershed plan for the Vermillion River Watershed Management Organization (WMO). The Metro Water Planning Committee recommends the Plan be approved per the attached draft Order. ***DECISION ITEM***

2. **Valley Branch Watershed District, Watershed Management Plan** – The Watershed Management Plan was filed with the Board on September 6, 2005. The highlights of the plan and the planning process are further described in the attached Overview. Agency input was obtained throughout development of the plan. The District solicited comments early through a preliminary review period. Comments from the preliminary and formal review periods were satisfactorily addressed, resulting in several revisions to the Plan. The Metro Water Planning Committee unanimously recommends the Plan be approved per the attached draft Order. ***DECISION ITEM***

3. **Browns Creek Watershed District, Watershed Management Plan Amendment** – The Watershed Management Plan Amendment was filed with the Board on September 26, 2005. The amendment is for a capital improvement project and is attached for further review. Few comments were received during the review

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

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

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

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

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

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

Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

process, resulting in only minor clarifications. The Metro Water Planning Committee unanimously recommends the amendment be approved per the attached draft order. ***DECISION ITEM***

4. **City of Rosemount, Comprehensive Wetland Protection and Management Plan Amendment** – The Comprehensive Wetland Protection and Management Plan Amendment was filed with the Board on August 1, 2005. The highlights of the amended plan and the planning process are further described in the attached Overview. Comments were received from BWSR only, resulting in only very minor revisions to the Plan. The Metro Water Planning Committee unanimously recommends the amended plan be approved per the attached draft order. ***DECISION ITEM***

Northern Water Planning Committee

1. **Grant County Priority Concerns Scoping Document (PCSD)** - The Grant County Local Water Management Plan has been completed using the Priority Concerns Scoping Document (PCSD) BWSR acted on January 26, 2005. The PCSD guided the development of the issues where the county will focus implementation. The final plan was drafted, the required public hearing was held and the plan was submitted for state review. October 5th, the Northern Regional Water Planning Committee reviewed and recommends approval by the full Board. ***DECISION ITEM***

2. **Marshall County Priority Concerns Scoping Document (PCSD)** – Marshall County, as part of updating their Comprehensive Local Water Management Plan, submitted their Priority Concerns Scoping Document (PCSD) for state review and comment. The Northern Region Water Planning Committee met on October 5, 2005 in Bemidji to review the content of PCSD, state agency comments to the PCSD, and to make recommendations for the final water plan. The Committee's recommendations or requirements for content of the final water plan are drafted for the full Board review and to take action on. The state's expectations of the final plan must be sent to Marshall County. See attached. ***DECISION ITEM***

3. **Cook County and Lake County Local Water Management Plan Update -** Coincidentally, both Cook and Lake County Water Plan Updates are both up for Board consideration. The two counties form the tip of the Arrowhead of Minnesota. Both plans focus on conserving the pristine quality of the two counties, especially the lakes, streams and the shoreline of Lake Superior. To achieve this conservation, both plans address stormwater management, erosion control, and water quality education. Since these counties are primarily publicly owned land, the plan updates focus on growth areas around the small cities and lakes such as Grand Marais, Two Harbors, Caribou Lake, and the White Iron Chain of Lakes. In both Cook and Lake Counties, the SWCD is in close cooperation with the county in implementing the

plan. Primary funding for plan implementation is from the BWSR water plan implementation annual grant. See attached. ***DECISION ITEM***

4. **Roseau County Local Water Management Plan Update** – Roseau 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 August 11, 2005. On October 5, 2005 the Northern Region Water Planning Committee reviewed the recommendation of the state review agencies regarding final approval of the Roseau County plan update. The Northern Region Water Planning Committee recommends approval of the Roseau County Local Water Management Plan Update. See attached. ***DECISION ITEM***

Southern Water Planning Committee

1. **Houston County Water Management Plan Extension** – See attached. ***DECISION ITEM***

RIM Easement Alteration Committee

1. **RIM Easement Alteration Request from Scott LaFavre, Easement 66-03-91-01, Rice County** - Request to release 12.8 acres currently in a perpetual easement and replace it with 30.24 acres to accommodate a five- lot subdivision of the property. ***DECISION ITEM***

NEW BUSINESS

1. **Petition for Termination of Cooks Valley Watershed District** – On June 28, 2005, the board received 74 petitions signed by 111 resident owners of the Cooks Valley Watershed District asking for termination of the watershed district pursuant to MS § 103D.271. The Wabasha County Auditor/Treasurer provided the certification of petitioner signatures as required by statute. The petitioners filed the required bond with the board. The petition states the watershed district should be terminated because the watershed district has had no new projects started or taxes levied within the past 25 years, no inspection or maintenance programs have been maintained by the watershed district, currently there is no active appointed board of managers for the watershed district, the continued existence of the watershed district does not benefit the public welfare and public interest, and the watershed district is not needed to accomplish the purposes of Minnesota Statutes Chapter 103D. The board ordered a public hearing that was held on September 27th. Presiding over the hearing were Dana Allen, Brian Kletscher and Jerome Deal. The hearing record remained open for two weeks after the hearing. Based on the record, the hearing panel unanimously recommends the watershed district be terminated per the attached draft order. ***DECISION ITEM***

2. **SWCD Late Audit Policy** - Current policy, agreed to by the Office of the State Auditor (OSA) and BWSR five years ago, requires SWCDs to have an audit when their cumulative revenues reach $400,000 since their last audit, or at least once every three years. Every year, several SWCDs do not follow this procedure or schedule. The Cost Share Committee is recommending that any SWCD that has not satisfied the SWCD audit requirements shall be subject to subsequent grant penalties. ***DECISION ITEM***

3. **Beaver Damage Control Grants Program** - The MN Legislature of 2005 in their 1st Special Session appropriated to BWSR $100,000 for this Program to provide grants for the control of beaver activities. The Cost Share Committee is requesting the Board to approve the authorization of the Beaver Damage Control Grants Program, allocation criteria, and target dates for Program implementation. ***DECISION ITEM***

4. **Alteration Request for CREP Easement 64-67-01-01, Duane Knott, Redwood County** - Landowner wants to remove 6.9 acres currently under easement and replace with 13.8 acres. ***DECISION ITEM***

**** The Wetland Committee will meet immediately following the Board meeting.**

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 1:00 p.m. I look forward to seeing you on October 26th!

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
OEA CONFERENCE ROOM – 2ND FLOOR
ST. PAUL, MINNESOTA 55155
WEDNESDAY, OCTOBER 26, 2005

PRELIMINARY AGENDA

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

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF SEPTEMBER 29, 2005

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

REPORTS

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

SPECIAL RECOGNITION and FSA REPORT – John Monson – ***INFORMATION ITEM***

COMMITTEE RECOMMENDATIONS
Metro Water Planning Committee

1. Vermillion River Watershed Management Organization (WMO) Plan – ***DECISION ITEM***

2. Valley Branch Watershed District, Watershed Management Plan – ***DECISION ITEM***

3. Browns Creek Watershed District, Watershed Management Plan Amendment – ***DECISION ITEM***

4. City of Rosemount, Comprehensive Wetland Protection and Management Plan Amendment – ***DECISION ITEM***

Northern Water Planning Committee

1. Grant County Priority Concerns Scoping Document – **DECISION ITEM**

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

3. Cook County Local Water Management Plan Update – ***DECISION ITEM***

4. Lake County Local Water Management Plan Update – ***DECISION ITEM***

5. Roseau County Local Water Management Plan Update – ***DECISION ITEM***

Southern Water Planning Committee

1. Houston County Water Management Plan Extension – ***DECISION ITEM***

RIM Easement Alteration Committee

1. RIM Easement Alteration Request from Scott LaFavre, Easement 66-03-91-01, Rice County – ***DECISION ITEM***

NEW BUSINESS

1. Petition for Termination of Cooks Valley Watershed District – Jim Haertel – ***DECISION ITEM***

2. SWCD Late Audit Policy – Wayne Zellmer – ***DECISION ITEM***

3. Beaver Damage Control Grants Program – Wayne Zellmer – ***DECISION ITEM***

4. Alteration Request for CREP Easement 64-67-01-01, Duane Knott, Redwood County – Tim Fredbo - ***DECISION ITEM***

AGENCY REPORTS

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next BWSR Meeting, December 14, 2005, in St. Paul
- MAWD Annual Meeting, December 1-3, Alexandria
- MASWCD Annual Meeting, December 4-6, Bloomington
- AMC Annual Meeting, December 5-7, St. Paul

1:00 p.m. ADJOURN

**** The Wetland Committee will meet immediately following the Board meeting.**

Dispute Resolution Report
October 13, 2005
by Jim Haertel

There are presently ten appeals pending. All of the appeals involve WCA. There have been no new appeals filed since the last report dated September 15. Also included are two tables showing the current status of all appeals filed in 2004 and through October 13, 2005.

File 05-19. This is an appeal of a restoration order in Kanabec County. At issue is the placement of a pump to drain surface water from a wetland. Also, steep slopes from fill material are unprotected resulting in erosion that has filled part of the wetland. No decision has been made on the appeal.

File 05-17. This is an appeal of a replacement plan decision in the City of Holdingford in Stearns County. At issue is the denial of a replacement plan application relating to a residential development. Wetland impacts of 0.7 acres were proposed for construction of a road and multi-use trail. The TEP recommended approval of the application. The LGU denied the application on finding the development could proceed without wetland impacts. The Corps issued a permit for the project. The appeal has been accepted and the record has been requested. A pre-hearing conference will be held once the record has been received.

File 05-14. This is an appeal of a Restoration Order in Kandiyohi County. At issue is the placement of fill in approximately 7.39 acres of wetlands and also excavation in wetlands. No decision has been made on the appeal.

File 05-1. This is an appeal of a Replacement Plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. The appeal has been accepted and pre-hearing conference were held. The appeal is presently in abeyance to allow settlement discussions to continue.

File 04-30. This is an appeal of a Restoration Order in Roseau County. The violation involves excavation in a Type 3-4 wetland along a lake. A decision on accepting the appeal has been placed in abeyance per request from legal counsel for the appellant.

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

File 04-26. This is an appeal of a Restoration Order in Spring Lake Township, Scott County. At issue is the placement of 4,300 feet of fill in a wetland for a driveway. The approved plat showed access to the lot without wetland impacts. The appeal is in abeyance pending a decision on a replacement plan application.

File 04-25. There is an appeal of an exemption decision in the City of Albertville, Wright County. The exemption was granted by default after the requirements under Minn. Stat. § 15.99 (the "60-day rule") were not met. At issue is the scope of wetland filling allowed under the "approved development" exemption and whether wetland filling can be avoided. The project involves commercial development. The appeal has been accepted, the record has been developed and a pre-hearing conference was held on January 20. The appeal briefing and hearing schedule is presently in abeyance. A settlement agreement is being drafted.

File 04-23. This is an appeal of a forestry exemption decision in Kittson County. Unpermitted fill was placed in a Type 7 wetland for a road. A Cease and Desist Order was issued. Additional filling has recently occurred in violation of the CDO. Corps and DNR violations also exist. The appeal has been accepted and is in abeyance pending completion of a wetland delineation and submittal of a replacement plan application.

File 04-15. This is an appeal of a wetland boundary and type decision in Anoka County. At issue is the decision by the Rice Creek Watershed District to classify a site as effectively drained. Last summer a wetland delineation report identified most of the site as wetland. The appeal has been remanded for a technical evaluation panel to meet onsite. The appeal remains in abeyance under the remand.

Appeals Filed in 2004 (All WCA)

File No. 04-	LGU Action	County (City)	LGU	Status
1	Replacement Plan	Waseca	MNDOT	Denied as meritless and brought for purposes of delay NOTE: appealed to Court of Appeals-affirmed, appealed to MN Supreme Court-not accepted
2	Exemption	Morrison	SWCD	Accepted, replacement plan application submitted, LGU again denied, denial appealed as 05-3, appeal 05-3 accepted and combined with 04-2, resolved with approval of replacement plan using wetland banking credits
3	Restoration Order	McLeod	County	Denied, Restoration Order Affirmed
4	Restoration Order	McLeod	County	Denied, Restoration Order Affirmed
5	Replacement Plan	Sherburne	County	Withdrawn
6	Replacement Plan	Sherburne	County	Withdrawn
7	Replacement Plan	Sherburne	County	Withdrawn
8	Restoration Order	Otter Tail	County	Denied, Restoration Order Affirmed
9	Restoration Order	Olmsted (Rochester)	City	Denied, Restoration Order Affirmed
10	Exemption	Kanabec	County	Denied as meritless
11	Restoration Order	Douglas	SWCD	Denied, Restoration Order Affirmed
12	Restoration Order	Chisago (North Branch)	County	Denied, Restoration Order Affirmed
13	Restoration Order	Olmsted (Rochester)	City	Denied, Restoration Order Affirmed
14	Exemption	Scott (Prior Lake)	City	Denied as meritless
15	Boundary and Type	Anoka (Blaine)	Rice Creek WD	Remanded
16	Restoration Order	Cass	SWCD	Denied, Restoration Order Affirmed
17	Replacement Plan	Anoka (Blaine)	Rice Creek WD	Remanded, LGU again approved, approval appealed as 05-1, appeal 05-1 accepted and combined with 04-17
18	Restoration Order	Cass	SWCD	Denied, Restoration Order Affirmed
19	Impoundment of water – cannot be appealed	Pine	SWCD	Denied
20	Restoration Order	Hubbard	SWCD	Denied, Restoration Order Affirmed
21	No-Loss	Traverse	SWCD	Resolved-stipulated agreement
22	Restoration Order	Hubbard	SWCD	Denied, Restoration Order Affirmed

23	Exemption	Kittson	SWCD	Abeyance, wetland delineation to be completed and replacement plan application to be submitted
24	Restoration Order	Otter Tail	SWCD	Denied, Restoration Order Affirmed
25	Exemption	Wright (Albertville)	City	Accepted, pre-hearing held and settlement being sought
26	Restoration Order	Scott County	SWCD	Pending, LGU waiting for Corps decision on replacement plan application
27	Exemption	Cass	County	Remanded
28	Replacement Plan	Hubbard	County	Denied
29	Restoration Order	Roseau	SWCD	Abeyance, meeting with parties and Corps to take place
30	Replacement Order	Wilken	SWCD	Denied, Replacement Order Affirmed
31	Restoration Order	Rice	SWCD	Denied, Restoration Order Affirmed
32	Replacement Plan	Hubbard	County	Denied
33	Restoration Order	Beltrami	SWCD	Denied, Restoration Order Affirmed

Updated 10/13/05

Appeals Filed in 2005 (All WCA)

File No. 05-	LGU Action	County (City)	LGU	Status
1	Replacement Plan	Anoka (Blaine)	Rice Creek WD	Accepted, combined with 04-17, pre-hearing held and continued, settlement agreement being drafted
2	Restoration Order	Chisago	County	Denied, Restoration Order Affirmed
3	Replacement Plan	Morrison	SWCD	Accepted, combined with 04-2, resolved with approval of replacement plan using wetland banking credits
4	Restoration Order	Otter Tail	County	Denied, Restoration Order Affirmed
5	Exemption/No-Loss	Itasca	SWCD	Withdrawn
6	Restoration Order	Chisago	County	Denied, Restoration Order Affirmed
7	Restoration Order	Morrison	SWCD	Denied, Restoration Order Affirmed
8	Restoration Order	Roseau	SWCD	Denied, Restoration Order Affirmed
9	Restoration Order	St. Louis (Hibbing)	City	Denied, Restoration Order Affirmed
10	Restoration Order	St. Louis (Proctor)	City	Denied, Restoration Order Affirmed
11	Replacement Plan	Dakota (Eagan)	City	Denied as meritless
12	Restoration Order	Le Sueur (Montgomery)	SWCD	Denied, Restoration Order Affirmed
13	Restoration Order	St. Louis	County	Denied, Restoration Order Affirmed
14	Restoration Order	Kandiyohi	County	Pending, additional TEP field work
15	Restoration Order	St. Louis	County	Denied, Restoration Order Affirmed
16	Replacement Plan	Renville	SWCD	Denied as meritless
17	Replacement Plan	Stearns (Holdingford)	County	Accepted, record requested
18	Restoration Order	Le Sueur (Montgomery)	SWCD	Denied, Restoration Order Affirmed
19	Restoration Order	Kanabec	County	Pending

Updated 10/13/05

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Vermillion River Watershed Management Organization (WMO) Plan – ***DECISION ITEM***

2. Valley Branch Watershed District, Watershed Management Plan – ***DECISION ITEM***

3. Browns Creek Watershed District, Watershed Management Plan Amendment – ***DECISION ITEM***

4. City of Rosemount, Comprehensive Wetland Protection and Management Plan – ***DECISION ITEM***

Minnesota Board of Water and Soil Resources
October 2005 Board Meeting

OVERVIEW
Vermillion River Watershed Joint Powers Organization Plan 2005-2015

Watershed Description

The Vermillion River Watershed Joint Powers Organization (VRWJPO) covers 335 square miles of Dakota and Scott Counties. The Vermillion River flows approximately 38 miles in an easterly direction before dropping 90 feet at the falls in the City of Hastings. East of Hastings, the river splits with one branch flowing north to the Mississippi River while the other flows south another 20 miles before entering the Mississippi near Red Wing. There is only a 420 foot elevation change between the head waters and mouth of the Vermillion which means that once the falls are accounted for, the river has a fairly mild slope with relatively slow flow velocities as it meanders from the upper suburban areas down through the agricultural portions of the watershed.

The Vermillion River supports a naturally reproducing trout population along 49 miles of designated trout habitat. In spite of being high enough water quality to support trout, the river is listed as "impaired" for high levels of fecal coliform bacteria along most of its length. South of the falls in Hastings, the river is listed as impaired due to high turbidity.

Governance

Following passage of the Metropolitan Surface Water Management Act in 1982, the Vermillion River Watershed Management Commission quickly formed. This organization approved a joint powers agreement (JPA) in 1984 and ultimately adopted a watershed plan in 1989. The JPA was updated in 1991 to add in Ravenna Township. The agreement was again revised and updated to comply with changes in Minnesota statute in 1996. During planning efforts for a second-generation watershed management plan the organization died. A draft plan had been prepared and submitted for initial public comments in 1999-2000. However, an inability to settle issues of control, financing, and allocation of revenues led to the organizations dissolution in August of 2000. The area attracted a Board of Innovation grant (administered by BWSR) to study governance options. In September 2002, Dakota and Scott Counties formalized their intention to jointly manage the watershed at the county level when they executed a new JPA.

Based on current valuations in the area, the Dakota County portion of the watershed covers 96.5% of the expenditures and Scott County the remaining 3.5%. Noteworthy communities within the watershed include the developing areas of New Market/Elko, Farmington, Lakeville, Empire Township, Rosemount, and Hastings. In addition more rural townships and towns of Vermillion, Hampton, Castle Rock and Douglas define the southern edge of the watershed. Two counties are now managing 21 cities and townships that were once parties to the original JPA.

Fiscal Context

Prior to the creation of the VRWJPO, annual expenditures typically ranged between $70,000 and $100,000. In the years since reorganization, the VRWJPO budget has climbed to a level consistent with the management challenges present in this largest of all the metropolitan watershed organizations. In 2004 the annual budget was $304,000, in 2005 the budget is set at $571,000, and the proposed budget for 2006 is $1.1 million dollars. BWSR staff opinion is that this budget correlates well with the proposed division of tasks between the watershed and local governments anticipated in the draft plan. In addition, the difficulties in managing such a large watershed with multiple waste water treatment plants, a large trout fishery and a quickly urbanizing upper watershed requires an aggressive budget to actively manage the increasing watershed yield, which threatens the river corridor (see graph on following page).

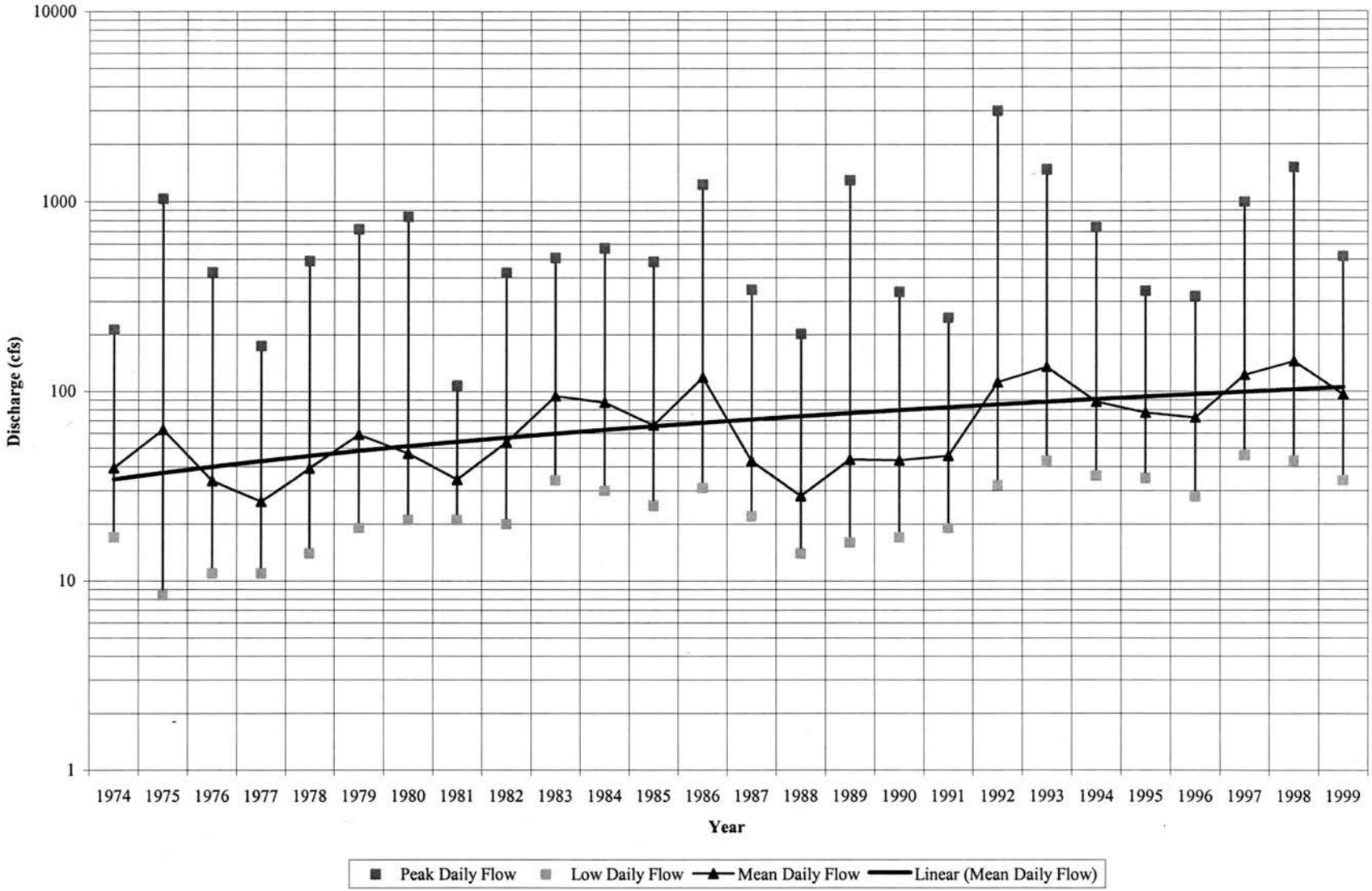
Summary of Plan Review Process

The draft submitted for review in 2000 was essentially abandoned. Once the two counties formed the new JPA, the planning process restarted while borrowing heavily from the old plan and numerous studies that had been done for the area. The redrafted plan was submitted to BWSR, state agencies and local governments for the required 60-day review from mid November 2004 to mid January 2005. The VRWJPO ran a vigorous review and comment period and received comments from BWSR, DNR, PCA, MDA and the Metropolitan Council. In addition to these state review agencies, comments were received from Scott County, Dakota SWCD, Gun Club Lake WMO, Corp of Engineers, Friends of the Mississippi River, Minnesota Conservation Federation, Trout Unlimited, four citizens, and the communities of Apple Valley, Lakeville, Farmington, Vermillion Township, Burnsville, Rosemount and Hastings. A public hearing was held February 24, 2005 and responses to all comments received were issued in May 2005 and included the addition of a new cost share program.

The commission submitted a final draft of the watershed management plan for a 45-day review held in June and July 2005. Comments were received from BWSR, PCA, DNR, MDA, Metropolitan Council, Dakota SWCD, Minnesota Geological Survey, and the cities of Rosemount and Farmington. Discussion below addresses comments of the state review agencies and significant comments raised during the final 45-day review period.

Review Comments and WMO Responses

BWRS's primary concern on the drafts were that they more clearly lay out the relative priority of the over 250 action items listed. The capital improvements portion of the plan did not clearly indicate the source and portion of the total project cost to be addressed by the WMO. Other significant comments addressed the clarity of local planning and regulatory requirements and that sufficient documentation be provided regarding the detailed standards being developed on a parallel-though-slightly-lagging path. The VRWJPO responded by providing the required information for the implementation plan addressing source and timing of funds. The new table clearly articulates the requirements for local plans, and a great deal of clarifying text now signals the organization's intent to adopt detailed regulatory standards via the minor amendment process.


10000
1000
100
10
1
Discharge (cfs)
1974 1975 1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999
Year
Peak Daily Flow
Low Daily Flow
Mean Daily Flow
Linear (Mean Daily Flow)

The DNR provided ample comments for both the 45- and 60-day review periods. The DNR was complimentary of the comprehensive approach, which the plan undertook and provided 11 pages of comments addressing nearly all areas of the plan in their January 2005 correspondence. The DNR indicated in their July 2005 correspondence that the JPO had completely and sufficiently considered responses to these first round of comments. Additional comments raised by the DNR were varied and ranged from typographical corrections to a commitment to continue the agency's participation with the development of rules and standards all the way through the adoption process. Other issues raised included expressing a desire for the watershed to someday undertake measures to address inadequate public access on watershed lakes, incorporation of barriers to fish migration on outlets for landlocked basins, and incorporation of Scott County ground water data which had yet to be included in the plan. As noted earlier, the JPO addressed all the items satisfactorily from the 60-day review. The additional items raised in the DNRs 45-day comments were also addressed. Most notably, DNR had expressed a concern that the local governments place a similar emphasis on protecting the cold-water fishery that the JPO was. The JPO plan text has gone to extraordinary lengths to make sure that local water plans and the standards that they adopt will have full buy-in by the local communities by the time the standards development process is completed in early 2006. The Commission has also articulated the regulatory structure by which communities may elect to regulate development to these standards or defer to JPO rules that will allow the JPO to regulate activity in the absence of local controls.

The PCA provided comments during both review periods. A number of typographical errors were noted and major comments included: clarifying roles of various levels of government and whether the role was voluntary or mandatory, clarifying when the cessation of wastewater flows from the Empire WWTP would occur, the need to address the increasing flow trend observed in the river, the anticipated role of the JPO in addressing the TMDLs needed in the watershed, the development standards to promote infiltration, need to mention the various citizen monitoring programs available for enlarging the monitoring network in the watershed, and a request to eliminate the words "whenever possible" from policy language addressing wetland replacement areas.

The PCA letter of July 2005 indicated that these items were satisfactorily addressed and went on to note additional typographical errors that should be addressed. The JPO did satisfactorily address agency concerns with the exception of one item. The JPO elected to retain their language addressing wetland replacement areas. It was the position of the JPO that removal of the phrase "whenever possible" essentially would constitute a complete prohibition of wetland replacement occurring outside of the subwatershed in which the impact occurred. Noting that this was sometimes physically impossible, the JPO affirmed their desire to see subwatershed wetland replacement but declined to change the policy. In addition several of the PCA comments related to detailed standards were deferred to the upcoming minor amendment process wherein the standards developed through the technical advisory group would be adopted by the JPO.

Metropolitan Council Environmental Services submitted numerous comments and asked for language clarifications. An underlining theme in both review letters was the need for local plans to address detailed standards and hit the goals the JPO establishes for them. To that end, it was desired that additional guidance be provided to local governments. Metropolitan Council

specifically noted allowable peak runoff rates, soil erosion controls, and the need to provide some guidance on how wetlands will be managed over the long haul. The JPO made a number of favorable changes to the plan to accommodate Met Councils concerns. However some language proposed by the JPO ended up seemingly lessening the requirement for local plan development. In their 45-day comment letters both BWSR and Met Council rejected the notion that the local water plans could be de-emphasized from both practical and statutory perspectives. The JPO has since revised the language in response to the comments received.

The Minnesota Department of Agriculture commented during both review periods. Their primary concern was that the JPO was encouraged to continue to work with them on the issues related to ground water protection in the agricultural sand plain areas in the east half of the watershed. The JPO responded that it was their intent to continue the association.

The Dakota SWCD submitted numerous comments addressing the wide variety of topics during the 60-day review period. The voluminous comments addressed a number of historical and current monitoring data that helped bridge the loss of institutional memory, which occurred when the WMO changed its format. Major comments of the SWCD included a request to be more specific with voluntary versus mandatory standards, several key insertions of thermal policy and objectives for the JPO, and comprehensive comments related to the Vermillion's context within the Regional TMDL for Fecal Coliform Bacteria completed for SE Minnesota. The JPO incorporated nearly all of the SWCD clarifications and suggestions. Similar to the response to other commentors regarding standards development, the JPO once again indicated that the line between voluntary and mandatory standards will be clarified as the standards are developed in detail. It is the intent of the JPO to utilize the plan to provide sufficient justification and an indication of where the standards will be headed. By taking this additional measure, the JPO has satisfactorily provided the foundation for undertaking minor amendments per the recommendations of BWSR staff. One last commenting area of note is the SWCDs encouragement and the JPOs willingness to undertake inspection and maintenance activities related to construction site permitting under the NPDES program. Both organizations are interested in localizing this NPDES program to the extent possible.

The city of Rosemount was the last commenting entity we'll highlight that submitted 45-day review comments. The city indicated that they were pleased with the WMO's responses to the earlier comments addressing landlocked basins, policies for designation of storm water storage, and the city's intention for directing surface water discharges toward the Mississippi River rather than the Vermillion River. The remaining issues for the city of Rosemount included a desire to accelerate the watersheds review of the hydrologic and political borders. The city also suggested a process improvement that would address the WMOs desire to have an "audit" function of city regulatory activities. The WMOs current approach of periodically conducting parallel reviews was not preferred by the city due to the unpredictability that would tend to cause for permit applicants and city staff attempting to route materials through the process. An after-the-fact process that looked at the overall program would be much preferred by the city. BWSR comments also concurred with the city's request. The WMO response to the issue related to the review of the hydrologic borders is that given the current prioritization underway in the watershed they could not be more specific in advancing the timeline for the effort other than stating the approximate 2006-2010 window. The plan has incorporated additional text related to

subjects that will require parallel JPO review in an effort to eliminate ambiguity for applicants; however, the JPO will still conduct some concurrent reviews.

Summary of Plan Strength and Weaknesses

The main goals of the watershed are as follows:

1. Manage the rate and volume of runoff
2. Protect and enhance surface water quality
3. Develop or improve recreational, fish and wildlife, and open space areas in conjunction with water quality improvement projects
4. Maintain, restore and create wetlands
5. Protect groundwater quality and quantity
6. Address land use management by promoting sustainable growth through land use planning and rural land conservation
7. Manage and protect the flood plains
8. Offer information that facilitates an understanding of watershed principals

Highlights of the plan include:

- The organization made a conscious decision to save the cold water trout fishery.
- JPO recognizes significant local efforts have been made within the developing communities for managing water resources.
- Plan strikes an informed balance between local implementation and watershed level implementation.
- Local governments are given the option for regulating per watershed standards or, in the absence of local controls, the JPO will have rules with which to regulate directly.

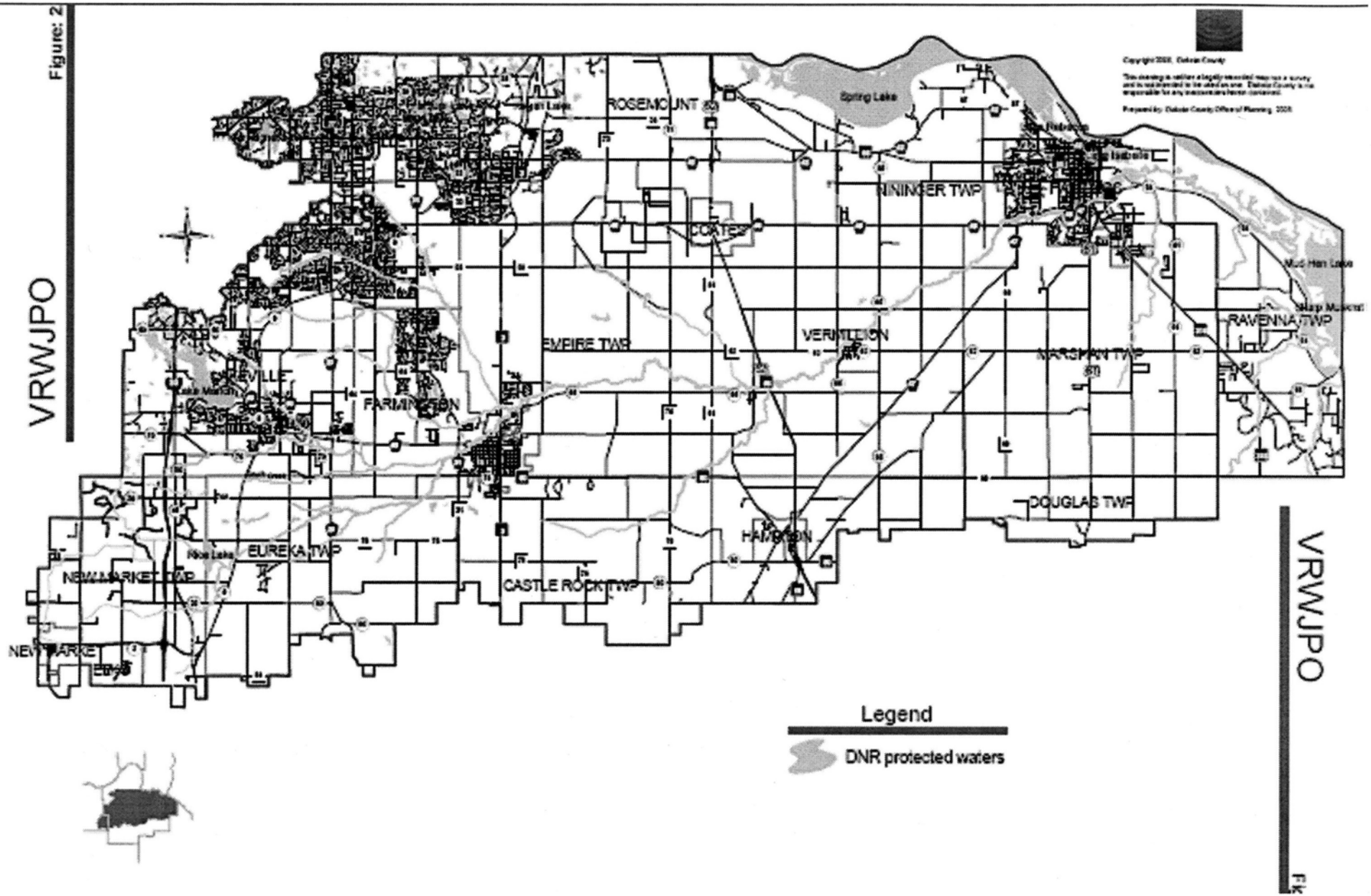
Issues not fully addressed in the plan include:

- Detailed performance standards are on a slightly-lagging-but-parallel track. Ample justification and conceptual goals are included in the watershed plan but the complexity detailed standards for preserving cold water habitat was seen to require extra development time with stakeholders in order to produce durable standards. The standards will be adopted via minor amendments early in 2006.
- The relatively young organization is still assimilating results and recommendations from previous monitoring work, runoff modeling, volume studies, and river assessment work. This planning effort took pains to catalog past activities and pull forward broad concepts. It has yet to utilize these in defining those detailed standards mentioned in the previous bullet. This will take time.

- The plan contains an unusually large array of implementation actions that will be undertaken in the next decade. A number of cautions were raised by commentors that the JPO will need to be diligent in prioritizing these efforts in order to achieve significant progress in critical areas of this rapidly developing watershed.

Various BWSR staff have undertaken review of the Vermillion River Watershed Joint Powers organization plan over the past 5 years. Phil Belfiori conducted initial review work and Mary Beth Block helped develop the most recent plan. Steve Woods—who recommends approval of the plan--conducted final review and coordination.

Figure: 2


VRWJPO
ROSEMOUNT
Spring Lake
NININGER TWP
COATES
VERMILLION
EMPIRE TWP
FARMINGTON
RAVENNA TWP
NARAMAN TWP
DOUGLAS TWP
HAMPTON
EUREKA TWP
NEWMARKET TWP
CASTLE ROCK TWP
Legend
DNR protected waters
VRWJPO

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

In the Matter of the review of the Watershed Management Plan for the **Vermillion River Watershed Joint Powers Organization** pursuant to Minnesota Statutes Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHEDMANAGEMENT PLAN

Whereas, the Board of the Vermillion River Watershed Joint-Powers Organization (VRWJPO) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The VRWJPO was established by an executed joint powers agreement between Dakota and Scott Counties in September 2002. The VRWJPO provides the forum for the counties to prioritize and address intercommunity drainage issues affecting the 21 cities and townships that comprised the former Vermillion River Watershed Management Organization.

2. **Requirement to Plan.** The Metropolitan Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The VRWJPO protects and preserves water resource, establishes policies for water resources management, prevents soil erosion, promotes groundwater recharge and protects wildlife habitat all while minimizing public capital expenditures.

3. **Nature of the Watershed.** The VRWJPO covers 335 square miles of Dakota and Scott Counties. The River flows 38 miles in an easterly direction before dropping 90 feet at the falls in the City of Hastings before entering the Mississippi River. The VRWJPO includes 49 miles of trout habitat, several wastewater treatment plants, and includes the large populations of Lakeville, Farmington, and Apple Valley in the upper watershed (See enclosed overview with map).

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

5. **Metropolitan Council Review.** In letters dated December 29, 2004 and June 28, 2005 the Council submitted numerous comments. An underlining theme in both review letters was the need for local plans to address detailed standards and hit the goals the JPO establishes for them. To that end, it was desired that additional guidance be provided to local governments. Metropolitan Council specifically noted allowable peak runoff rates, soil erosion controls, and the need to provide some guidance on how wetlands will be managed over the long haul. The JPO made a number of favorable changes to the plan to accommodate Met Councils concerns. However some language proposed by the JPO ended up seemingly lessening the requirement for local plan development. In their 45-day comment letters both BWSR and Met Council rejected the notion that the local water plans could be de-emphasized from both practical and statutory perspectives. The VRWJPO has since revised the language in response to the comments received.

6. **Department of Agriculture Review.** The Minnesota Department of Agriculture commented during both review periods in letters dated January 11, 2004 and June 14, 2005. Their primary concern was that the VRWJPO was encouraged to continue to work with them on ground water protection in the agricultural sand plain areas in the east half of the watershed. It is the VRWJPO intent to continue the association.

7. **Department of Health Review.** The Department did not provide written comments.

8. **Department of Natural Resources Review.** The DNR provided ample comments in letters dated January 14, 2005 and July 26, 2005. The DNR was complimentary of the comprehensive approach, which the plan undertook and provided 11 pages of comments addressing nearly all areas of the plan. The DNR indicated in their July 2005 correspondence that the JPO had sufficiently considered responses to these first round of comments. Additional comments raised by the DNR were varied and ranged from typographical corrections to a commitment to continue the agency's participation with the development of rules and standards all the way through the adoption process. Other issues raised included expressing a desire for the watershed to someday undertake measures to address inadequate public access on watershed lakes, incorporation of barriers to fish migration on outlets for landlocked basins, and incorporation of Scott County ground water data which had yet to be included in the plan. DNR expressed a concern that the local governments place a similar emphasis on protecting the cold-water fishery that the VRWJPO was. The plan text has gone to extraordinary lengths to make sure that local water plans and the standards that they adopt will have full buy-in by the local communities by the time the standards development process is completed in early

2006. The Commission has also articulated the regulatory structure by which communities may elect to regulate development to these standards or defer to JPO rules that will allow the VRWJPO to regulate activity in the absence of local controls.

9. **Pollution Control Agency Review.** The PCA provided comment in January 18, 2005 correspondence. Major comments included: clarifying roles of various levels of government and whether the role was voluntary or mandatory, clarifying when the cessation of wastewater flows from the Empire WWTP would occur, the need to address the increasing flow trend observed in the river, the anticipated role of the JPO in addressing the TMDLs needed in the watershed, the development standards to promote infiltration, need to mention the various citizen monitoring programs available for enlarging the monitoring network in the watershed, and a request to eliminate the words "whenever possible" from policy language addressing wetland replacement areas.

   The PCA letter of July 28, 2005 indicated that these items were satisfactorily addressed and went on to note additional issues. The VRWJPO did satisfactorily address agency concerns with the exception of one item. The VRWJPO elected to retain their language addressing wetland replacement areas. It was their position that removal of the phrase "whenever possible" essentially would constitute a complete prohibition of wetland replacement occurring outside of the subwatershed in which the impact occurred. Noting that this was sometimes physically impossible, the VRWJPO affirmed their desire to see subwatershed wetland replacement but declined to change the policy. Several PCA comments on detailed standards were deferred to the upcoming minor amendment process wherein the standards developed through the technical advisory group would be adopted.

10. **Board Review.** BWSR commented in letters dated January 13, 2005 and July 27, 2005. Primary concerns on both plan drafts were that they more clearly lay out the relative priority of the numerous action items listed. The capital improvements portion of the plan needed to indicate the source and portion of the total project cost to be addressed by the VRWJPO. Other comments addressed the clarity of local planning and regulatory requirements and that sufficient documentation be provided regarding the detailed standards being developed on a parallel path. The VRWJPO responded by providing the required information for the implementation plan addressing source and timing of funds. The new table clearly articulates the requirements for local plans, and a great deal of clarifying text now signals the organization's intent to adopt detailed regulatory standards via the minor amendment process.

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

   a. The organization made a conscious decision to save the cold water trout fishery
   b. JPO recognizes significant local efforts have been made within the developing

communities for managing water resources

c. Plan strikes an informed balance between local implementation and watershed level implementation
d. Local governments are given the option for regulating per watershed standards or, in the absence of local controls, the JPO will have rules with which to regulate directly
e. Identification of priority issues determined through extensive citizen involvement and agency participation

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Vermillion River Watershed Joint Powers Organization pursuant to Minnesota Statutes Sections 103B.201, Subd. 9.

3. The Vermillion River Watershed Joint Powers Organization Plan attached to this Order defines water and water-related problems within the VRWJPO boundary, possible solutions thereto, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Plan dated June 2001 as the Watershed Management Plan for the Vermillion River Watershed Joint Powers Organization.

Dated at Saint Paul, Minnesota this 26th day of October, 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Jerome Deal, Chair

Minnesota Board of Water and Soil Resources
October 2005 Metro Subcommittee Meeting

OVERVIEW
Valley Branch Watershed District Plan 2005 – 2015

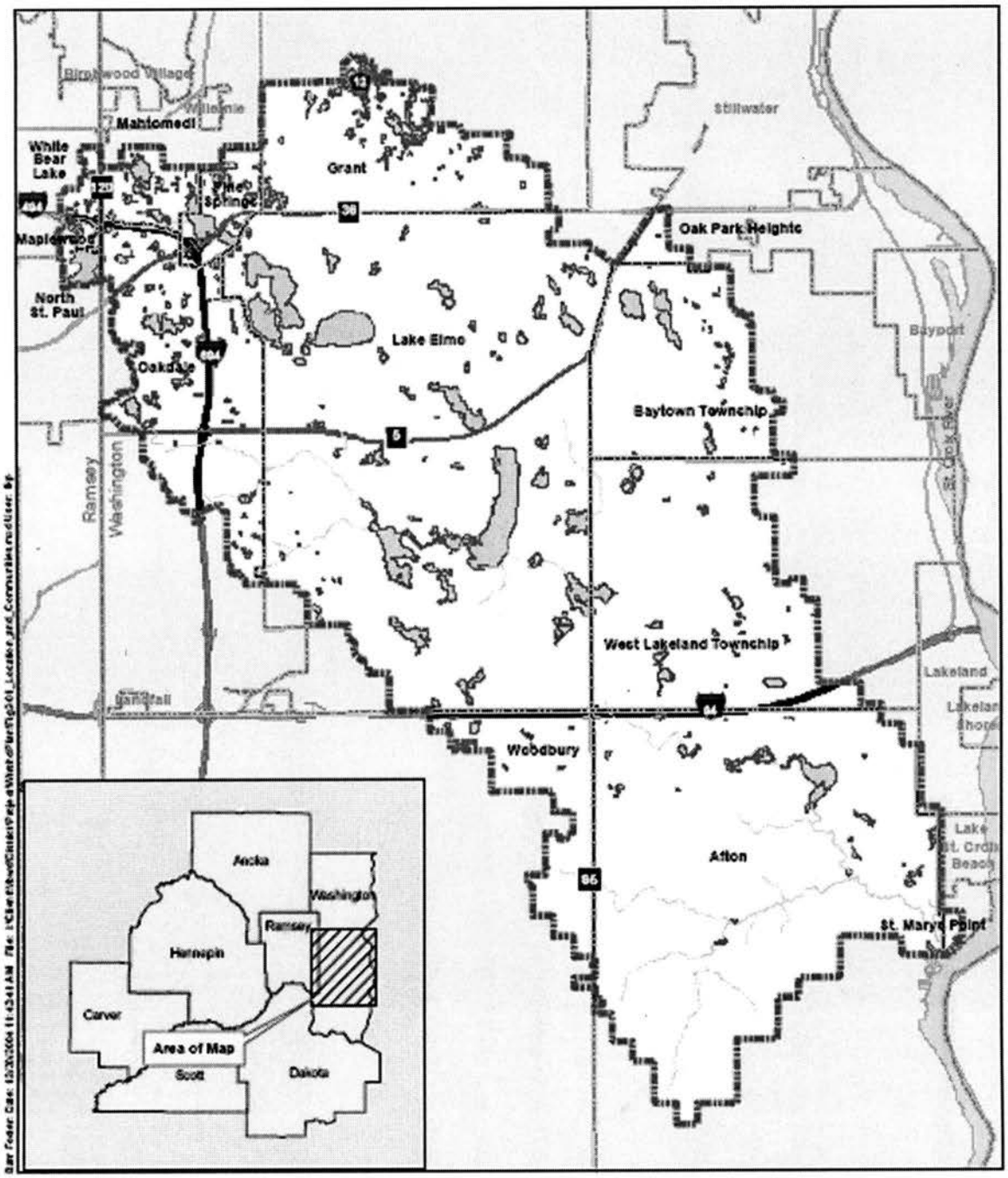


Figure 2-1

LOCATION AND COMMUNITIES
Valley Branch Watershed District

Watershed Description

The Valley Branch Watershed District (VBWD) is located on the eastern edge of the Minneapolis-St. Paul Metropolitan area and covers approximately 65 square miles. Approximately one square mile is in Ramsey County, the remainder of the VBWD lies in Washington County. The above figure shows the location of the VBWD and the communities that lie or partially lie within the VBWD. The following is a list of these communities:

Ramsey County Communities	Washington County Communities		
Maplewood	City of Afton	City of Mahtomedi	City of St. Mary's Point
North St. Paul	Baytown Township	City of Oak Park Heights	West Lakeland Township
White Bear Lake	City of Grant	City of Oakdale	City of Woodbury
	City of Lake Elmo	City of Pine Springs	

The namesake of the Valley Branch Watershed District is Valley Branch Creek. When the State of Minnesota approved the citizen's petition to form a watershed district, the State named the watershed district "Valley Branch Watershed District" because State maps labeled the creek which was the ultimate receiving water body of the area as "Valley Branch Creek." Local residents call the creek, "Valley Creek."

The land of the VBWD all eventually drains to the St. Croix River, and therefore, is within the St. Croix River watershed. Prior to the VBWD constructing a flood relief and water quality project (Project 1007), all of the land within the VBWD eventually drained to Valley Creek on its way to the St. Croix River. All of the VBWD still drains to the St. Croix River, but the outflows from the northern two-thirds of VBWD have been diverted from Valley Creek to a storm sewer pipe along Interstate 94.

The VBWD is adjacent to the following watershed districts and joint powers watershed management organizations:

- Ramsey-Washington Metro Watershed District, along west-northwest boundary of VBWD
- Rice Creek Watershed District, along north-northwest boundary of VBWD
- Browns Creek Watershed District, along north-northeast boundary of VBWD
- Middle St. Croix Water Management Organization, along east boundary of VBWD
- Lower St. Croix Water Management Organization, along southeast boundary of VBWD
- South Washington Watershed District, along southwest boundary of VBWD

The Twin Cities metropolitan region, particularly Washington County, is developing rapidly. By the year 2015, it is estimated that 36,500 new households will be added to Washington County. Inevitably, some of this development will occur in the VBWD, which will have an impact on water resources. National studies show that when the level of impervious surface in a watershed exceeds around 10%, the quality of streams becomes impacted. The current level of impervious surfaces in the VBWD varies greatly by subwatershed. In the Valley Creek watershed, the level of imperviousness is low (around 3% in 1994) due to the rural nature and limited amount of development in the watershed. In comparison, the level of imperviousness in the Silver Lake watershed is about 40%.

Fiscal Context and Implementation

Watershed Organizations Operating Parameters for select adjacent and 2nd ring suburban areas

Watershed	Type	Counties	Size (M^2)	Actual Expenditures			Exp./ Sq. Mile
				2001	2002	2003	
Bassett Creek	WMO	Hennepin	40	$433,208	$390,653	$318,823	7,971
Browns Creek	WD	Washington	28	$1,035,814	$536,531	$403,906	14,425
Capitol Region	WD	Ramsey	37	$397,354	$386,503	$577,504	15,608
Carnelian-Marine	WD	Washington	43	$404,561	$447,838	na	10,415
Coon Creek	WD	Anoka	96	$467,285	$601,544	$660,523	6,880
Gun Club Lake	WMO	Dakota	33	$42,900	$28,125	$18,451	559
Lower Mississippi River	WMO	Dakota, Ramsey	56	$43,324	$50,727	$57,383	1,025
Minnehaha Creek	WD	Hennepin	184	$6,086,030	$5,270,636	$3,343,963	18,174
Prior Lake-Spring Lake	WD	Scott	42	$410,171	$610,534	na	14,537
Ramsey-Washington Metro	WD	Ramsey, Washington	53	$3,048,986	$3,329,310	$3,370,862	63,601
Rice Creek	WD	Ramsey, Anoka, Washington	201	$1,319,055	$1,692,567	na	8,421
Shingle Creek	WMO	Hennepin	44	$238,813	$353,581	na	8,036
Vadnais Lake Area	WMO	Ramsey	24	$63,192	$66,409	$78,431	3,268
Valley Branch	WD	Washington	64	$443,537	$526,532	$730,992	11,422
West Mississippi	WMO	Hennepin	24	$83,385	$125,104	na	5,213

The table above reveals an increasing trend with regards to expenditures of VBWD over the past three years of available data. VBWD expenditures appear to be comparable to other Metro Watershed Districts in the lower funding bracket. Expenditures for the VBWD implementation program are projected to vary from approximately $1.1 million to $4.7 million annually during the life of the Plan, with most years averaging approximately $1.5 million.

Summary of Plan Review Process

VBWD was established on November 14, 1968 to address existing flooding problems and prevent future flooding problems in the watershed. This watershed management plan (Plan) will be the fourth VBWD Plan approved by the Minnesota Board of Water and Soil Resources (BWSR) or its predecessor. The previous VBWD Plans were:

1. 1970 – *Overall Plan, Valley Branch Watershed District*
2. 1987 – *Valley Branch Watershed District Water Management Plan* (The Minnesota Water Resources Board (now BWSR) approved the Plan in March 1986, but the order formally approving the plan was not issued until September 1987; the Plan was printed in 1988).
3. 1995 – *Valley Branch Watershed District Water Management Plan*

The current Plan was submitted for formal review to the following, in accordance with Minnesota statutes:

VBWD Cities:	VBWD Counties:	State/Regional Agencies:
Afton Grant Lake Elmo Mahtomedi Maplewood North St. Paul Oak Park Heights Oakdale Pine Springs St. Mary's Point White Bear Lake Woodbury **VBWD Townships:** Baytown West Lakeland	Ramsey County Ramsey Conservation Dist. Washington County Washington Conservation District	Metropolitan Council MN Board of Water and Soil Resources MN Dept. of Agriculture MN Dept. of Health MN Dept. of Natural Resources MN Pollution Control Agency

Prior to submitting the Plan for formal review, the VBWD solicited comments on a preliminary draft of the Plan from the above list of reviewers, plus the following:

VBWD Citizens Advisory Committee	Local legislators
July 31, 2003 Issue Identification Workshop invitees	Adjacent watershed management organizations
Minnesota Department of Transportation	Other interested citizens

The draft plan was submitted to BWSR, other state agencies, and local governments for the required 60-day review on January 24, 2005. In response to the 60-day review, VBWD received comments from BWSR, the MN Department of Natural Resources (DNR), Met Council, Washington County, Ramsey County Department of Public Works, Ramsey Conservation District, the City of Oakdale, the City of Mahtomedi, the City of Grant, the City of Lake Elmo, the Brown's Creek Watershed District, and the Lower St. Croix Watershed Management Organization. A public hearing was held on April 28, 2005 and no comments were received.

On June 9, 2005, all review agencies had received the revised draft plan for the required 45-day review period. VBWD received comments from BWSR, Met Council, DNR, and the MN Department of Agriculture (MDA). On August 9, 2005, VBWD managers and staff met with BWSR staff to discuss the District's response to BWSR and Met Council comments from the 45-day review. The meeting was productive and resulted in agreement on acceptable plan content regarding wetland management and plan amendments. The final draft Plan was submitted to BWSR on September 6, 2005.

Reviewing Agencies'/ LGUs' Comments and VBWD Responses

The following is a summary of the state review agencies' comments and any other significant comments raised during the 45-day review:

BWSR's comments pertained to the development of a wetland management planning strategy and plan revisions for capital improvement projects requiring amendment. BWSR recommended moving up the implementation date for developing a wetland management plan and corresponding policies, which originally was scheduled to start sometime after 2015. BWSR also supported the use of real dollars in cost estimates for capital improvement projects by adjusting for inflation, but recommended

lowering the proposed percentage increase allowed without completing a Plan amendment. These issues were discussed at the August 9, 2005 meeting with BWSR staff. As a result of that meeting, VBWD agreed to move up the date for beginning developing a wetland management plan, targeting specific areas likely to see increasing development pressures in the near future. Already developed areas and areas less likely to be developed in the near future will be addressed in later stages. The meeting also resulted in agreement on specific dollar amounts and percentage change of cost for capital improvement projects that is allowable without completing a plan amendment.

DNR commented that, overall, the Plan is very comprehensive and well presented. Specific recommendations after the 60-day review included adding information about the Minnesota Land Cover Classification System, rare animal species and plant communities, and the overarching problem of land cover conversion within VBWD. The DNR recommended the Surface Water Quality section be revised to refer to the goals established by the St. Croix River Basin Planning Team for a 20 percent nutrient load reduction to the St. Croix River Basin, to emphasize the importance of the St. Croix River as a water resource, and to include specific guidance language regarding restoration of river systems, which was provided. The DNR suggested that VBWD consider modifying the District's rules to require alternative stormwater treatment options rather than just "encouraging" them, and to require infiltration. Concerning individual watershed management plans, the DNR recommended the use of alum to control phosphorus should be limited to those basins with anaerobic hypolimnion, cautioned on the limited observed benefit of wide-spread application of the curly leaf pond-weed control methods proposed, and included information about fisheries management activities for several specific water bodies. Other DNR comments largely related to wording and clarifications. In the 45-day comment letter, the DNR found that VBWD had sufficiently and appropriately responded to the DNR's 60-day written comments.

MPCA did not provide comments on the VBWD plan.

MDH did not provide comments on the VBWD plan.

MDA provided comments for the 45-day review. MDA complimented VBWD on the excellent job it did, stating the Plan is very thoughtful in considering the issues impacting the watershed.

Met Council found the plan to be generally consistent with its Water Resources Management Plan. Due to development pressures in the area, the Council recommended moving forward the schedule for developing a comprehensive wetland plan including a function and value assessment and variable buffer widths. This comment was addresses as described above. The Council also expressed concern and posed several questions relating to Valley Creek as an identified trout stream, and the adoption by reference of the Plan as a local government's local surface water management plan.

Washington Conservation District requested that VBWD provide them with water resource data yearly, and recommended a set, regular monitoring schedule on high priority lakes.

Washington County found the plan generally consistent with County activities. The County expressed concern about the lack of specificity in the Plan as to what activities the County may be required to fund pursuant to Minn. Stat. 103B.251, and included recommended wording and draft County guidelines. The County also commended VBWD for the inclusion of groundwater protection into their rule making process.

Ramsey Conservation District recommended providing Best Management Practices assistance to agricultural producers within VBWD, supplementing the cities street sweeping activities, keeping

runoff velocities to a minimum to maintain natural drainage systems, and adopting a "net wetland gain" policy.

Ramsey County recommended more specificity in VBWD's plan to adopt rules and regulate stormwater runoff volume, and to discuss potential funding mechanisms and the process it intends to follow in implementing a stormwater pond maintenance program. VBWD responded with more specifics and clarifications. The County also recommended placing a higher priority on development of a wetland management plan and proceeding with its implementation much before 2015. Again, this was addressed as described above.

Summary of Plan Strengths

The VBWD general Vision and Mission statements are as follows:

VBWD Vision:
Always be careful stewards of the water resources within our watershed boundaries.

VBWD Mission:
To manage and protect our water resources: lakes, ponds, creeks, streams, wetlands, drainages, and groundwater by:

A. Promoting open communication with our constituents, both our citizen base and pertinent governmental units.
B. Improving and protecting the quality of water for all water bodies within the VBWD.
C. Managing the quantity of water and minimizing the negative impact on the VBWD from floods, high flows, and droughts by providing public works projects and other prudent measures.
D. Understanding the effects of community growth and other activities on groundwater, initially focusing on the groundwater-surface water interface.
E. Continuing to enforce the Wetland Conservation Act requirements as the responsible local unit of government.
F. Educating our constituents and the local units of government within the VBWD on water quality and quantity issues, management, and means of improvement.

The VBWD Plan addresses nine major topic areas, with each major topic area including a more specific mission statement and detailed policies to accomplish the District's mission. The major topic areas are:

1. Public Involvement and Public Information
2. Surface Water Quality
3. Stream Management and Restoration
4. Stormwater Runoff Management
5. Water Level and Floodplain Management
6. Groundwater Management
7. Wetland Management
8. Erosion Prevention and Sediment Control
9. Funding

The highlights of the plan include:

- The Plan is very comprehensive and contains a wealth of information on the resources of the watershed.
- The Plan contains a specific individual watershed management plan for 36 waterbodies and sub-watersheds within VBWD.
- The Plan includes an aggressive implementation program, focusing on water quality improvement projects.
- The District appears to do a good job of prioritizing energy and fiscal resources given the array of issues and development pressures they will face during the life of the plan.
- The Plan outlines a specific procedure to assess the need for completing a plan amendment for differences in projected and actual cost of capital improvement projects.
- The District has a focused and clearly defined vision.

BWSR Board Conservationist Les Lemm recommends approval of the Valley Branch Watershed District 2005-2015 Watershed Management Plan.

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

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

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Valley Branch Watershed District (VBWD) submitted a Watershed Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **VBWD Establishment.** VBWD was established on November 14, 1968 to address existing flooding problems and prevent future flooding problems in the watershed. This Plan will be the fourth VBWD Plan approved by the Board or its predecessor. The draft plan was submitted to BWSR, other state agencies, and local governments for the required 60-day review on January 24, 2005. A public hearing was held on April 28, 2005 and no comments were received. On June 9, 2005, all review agencies had received the revised draft plan for the required 45-day review period. The final draft Plan was submitted to BWSR on September 6, 2005.

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

3. **Nature of the Watershed.** The Valley Branch Watershed District (VBWD) is located on the eastern edge of the Minneapolis-St. Paul Metropolitan area and covers approximately 65 square miles. Approximately one square mile is in Ramsey County, the remainder of the VBWD lies in Washington County. The following communities lie wholly or partially within the VBWD: Maplewood, North Saint Paul, White Bear Lake, City of Afton, Baytown Township, City of Grant, City of Lake Elmo, City of Mahtomedi, City of Oak Park Heights, City of Oakdale, City of Pine Springs, City of St. Mary's Point, West Lakeland Township, and the City of Woodbury.

The land of the VBWD all eventually drains to the St. Croix River, and therefore, is within the St. Croix River watershed. Prior to the VBWD constructing a flood relief and water quality project (Project 1007), all of the land within the VBWD eventually drained to Valley Creek on its way to the St. Croix River. All of the VBWD still drains to the St. Croix River, but the outflows from the northern two-thirds of VBWD have been diverted from Valley Creek to a storm sewer pipe along Interstate 94.

The VBWD is adjacent to the following watershed districts and joint powers watershed management organizations:

- Ramsey-Washington Metro Watershed District, along west-northwest boundary of VBWD
- Rice Creek Watershed District, along north-northwest boundary of VBWD
- Browns Creek Watershed District, along north-northeast boundary of VBWD
- Middle St. Croix Water Management Organization, along east boundary of VBWD
- Lower St. Croix Water Management Organization, along southeast boundary of VBWD
- South Washington Watershed District, along southwest boundary of VBWD

The Twin Cities metropolitan region, particularly Washington County, is developing rapidly. By the year 2015, it is estimated that 36,500 new households will be added to Washington County. Inevitably, some of this development will occur in the VBWD, which will have an impact on water resources. National studies show that when the level of impervious surface in a watershed exceeds around 10%, the quality of streams becomes impacted. The current level of impervious surfaces in the VBWD varies greatly by subwatershed. In the Valley Creek watershed, the level of imperviousness is low (around 3% in 1994) due to the rural nature and limited amount of development in the watershed. In comparison, the level of imperviousness in the Silver Lake watershed is about 40%.

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

- Washington County found the plan generally consistent with County activities. The County expressed concern about the lack of specificity in the Plan as to what activities the County may be required to fund pursuant to Minn. Stat. 103B.251, and included recommended wording and draft County guidelines. The County also commended VBWD for the inclusion of groundwater protection into their rule making process.

- Washington Conservation District requested that VBWD provide them with water resource data yearly, and recommended a set, regular monitoring schedule on high priority lakes.

- Ramsey County recommended more specificity in VBWD's plan to adopt rules and regulate stormwater runoff volume, and to discuss potential funding mechanisms and

the process it intends to follow in implementing a stormwater pond maintenance program. VBWD responded with more specifics and clarifications. The County also recommended placing a higher priority on development of a wetland management plan and proceeding with its implementation much before 2015. Again, this was addressed as described above.

- Ramsey Conservation District recommended providing Best Management Practices assistance to agricultural producers within VBWD, supplementing the cities street sweeping activities, keeping runoff velocities to a minimum to maintain natural drainage systems, and adopting a "net wetland gain" policy.

5. **Metropolitan Council Review.** The Council found the Plan to be generally consistent with its Water Resources Management Plan. Due to development pressures in the area, the Council recommended moving forward the schedule for developing a comprehensive wetland plan including a function and value assessment and variable buffer widths. This comment was addresses after a later meeting with BWSR staff. The Council also expressed concern and posed several questions relating to Valley Creek as an identified trout stream, and the adoption by reference of the Plan as a local government's local surface water management plan.

6. **Department of Agriculture Review.** MDA complimented VBWD on the excellent job it did, stating the Plan is very thoughtful in considering the issues impacting the watershed.

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

8. **Department of Natural Resources Review.** The DNR commented that, overall, the Plan is very comprehensive and well presented. Specific recommendations after the 60-day review included adding information about the Minnesota Land Cover Classification System, rare animal species and plant communities, and the overarching problem of land cover conversion within VBWD. The DNR recommended the Surface Water Quality section be revised to refer to the goals established by the St. Croix River Basin Planning Team for a 20 percent nutrient load reduction to the St. Croix River Basin, to emphasize the importance of the St. Croix River as a water resource, and to include specific guidance language regarding restoration of river systems, which was provided. The DNR suggested that VBWD consider modifying the District's rules to require alternative stormwater treatment options rather than just "encouraging" them, and to require infiltration. Concerning individual watershed management plans, the DNR recommended the use of alum to control phosphorus should be limited to those basins with anaerobic hypolimnion, cautioned on the limited observed benefit of wide-spread application of the curly leaf pond-weed control methods proposed, and included information about fisheries management activities for several specific water bodies. Other DNR comments largely related to wording and clarifications. In the 45-day comment letter, the DNR found that VBWD had sufficiently and appropriately responded to the DNR's 60-day written comments.

9. **Pollution Control Agency Review.** PCA did not provide comments on the VBWD Plan.

10. **Board Review.** Comments from Board staff pertained to the development of a wetland management planning strategy, and plan revisions for capital improvement projects requiring amendment. Board staff recommended moving up the implementation date for developing a wetland management plan and corresponding policies, which originally was scheduled to start sometime after 2015. Board staff also supported the use of real dollars in cost estimates for capital improvement projects by adjusting for inflation, but recommended lowering the proposed percentage increase allowed without completing a Plan amendment. The District discussed these issues with Board staff at an August 9, 2005 meeting. As a result of that meeting, VBWD agreed to move up the date for beginning developing a wetland management plan, targeting specific areas likely to see increasing development pressures in the near future. Already developed areas and areas less likely to be developed in the near future will be addressed in later stages. The meeting also resulted in agreement on specific dollar amounts and percentage change of cost for capital improvement projects that is allowable without completing a plan amendment.

11. **Highlights of the Plan.**

- The Plan is very comprehensive and contains a wealth of information on the resources of the watershed.
- The Plan contains a specific individual watershed management plan for 36 waterbodies and sub-watersheds within VBWD.
- The Plan includes an aggressive implementation program, focusing on water quality improvement projects.
- The District appears to do a good job of prioritizing energy and fiscal resources given the array of issues and development pressures they will face during the life of the plan.
- The Plan outlines a specific procedure to assess the need for completing a plan amendment for differences in projected and actual cost of capital improvement projects.
- The District has a focused and clearly defined vision.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Valley Branch Watershed District pursuant to Minnesota Statutes Sections 103B.201, Subd. 9.

3. The Valley Branch Watershed District Watershed Management Plan attached to this Order defines water and water-related problems within the VBWD boundaries, possible solutions thereto, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Plan dated August 2005 as the Watershed Management Plan for the Valley Branch Watershed District.

Dated at Saint Paul, Minnesota this 26th day of October 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

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

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

ORDER APPROVING WATERSHED MANAGEMENT PLAN AMENDMENT

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

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

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

FINDINGS OF FACT

1. **BCWD Establishment.** The BCWD was formed from the Brown's Creek Watershed Management Organization in October 1997. The second generation Watershed Management Plan was written and adopted in 2001. The draft plan Amendment was submitted to BWSR, other state agencies, and local governments for the required 60-day review on April 18, 2005. On August 2, 2005, all review agencies had received the revised Amendment for the required 45-day review period. The final draft Amendment was submitted to BWSR on September 26, 2005.

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

3. **Nature of the Watershed.** The BCWD is located exclusively in Washington County in the east-central portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the Valley Branch Watershed District to the south, the Middle St. Croix Watershed Management Organization to the southeast, the Carnelian Marine Watershed District to the northeast, and the Rice Creek Watershed District to the east. The entire Browns Creek watershed is approximately 29.4 square miles in size. Approximately 48.5 percent of the watershed eventually flows overland to the St. Croix River. The remaining 51.5 percent of the watershed is composed of a series of landlocked basins. The

watershed contains several land uses and is a developing watershed with a number of significant natural resources.

4. **Local Review.** The BCWD circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 11.

   Washington County expressed concern with the lack of specificity in the Amendment as to what activities the County may be required to fund in the future pursuant to MN Stat. 103B.251, and requested the inclusion of a clarifying statement regarding the County's position on providing funding for capital improvement projects. BCWD responded that they are not requested any funding from the County for the implementation of this project, and that they would discuss these comments with the County for future projects rather than address them in this plan Amendment.

5. **Metropolitan Council Review.** The Council found the Amendment to be consistent with the Council's Water Resources Management Plan

6. **Department of Agriculture Review.** MDA did not comment on the draft plan Amendment.

7. **Department of Health Review.** MDH did not comment on the draft plan Amendment.

8. **Department of Natural Resources Review.** The DNR did not comment on the draft plan Amendment.

9. **Pollution Control Agency Review.** PCA requested information and clarification on potential wetland impacts that may fall under the jurisdiction of MN Rule 7050. BCWD responded that the Kern Center Pond was a stormwater management facility constructed in upland and added clarifying text, including a statement that the area was already an existing stormwater treatment facility.

10. **Board Review.** BWSR did not comment on the draft plan Amendment.

11. **Highlights of the Amendment.**

    - The project was the result of a 2001 Local Water Planning Challenge Grant from BWSR.
    - The project develops a demonstration site for the education of member communities, developers, and citizens regarding the environmental controls and stormwater management standards required by the District's rules.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan Amendment for the Browns Creek Watershed District pursuant to Minnesota Statutes Sections 103B.201, Subd. 9.

3. The Browns Creek Watershed District Plan Amendment attached to this Order defines the need and purpose of the project, its relation to the District's goals, and the method of financing.

4. The attached Plan Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Amendment to the Browns Creek Watershed District dated September 26, 2005.

Dated at Saint Paul, Minnesota this 26th day of October 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

Kern Center Pond - Project Description and Need

The Kern Center Pond is a regional stormwater management facility that serves the Kern Center Commercial Area (see Figure 1). The commercial area, which is approximately 92 acres in size, is bounded by Hwy 5 on the east and Hwy 36 to the north. Drainage from the Kern Center Pond enters a series of wetlands that drains north through an existing 30" diameter culvert under Hwy 36 and discharges into Long Lake. This project enhances an existing regional stormwater management facility by redesigning the pond into a regional infiltration facility.

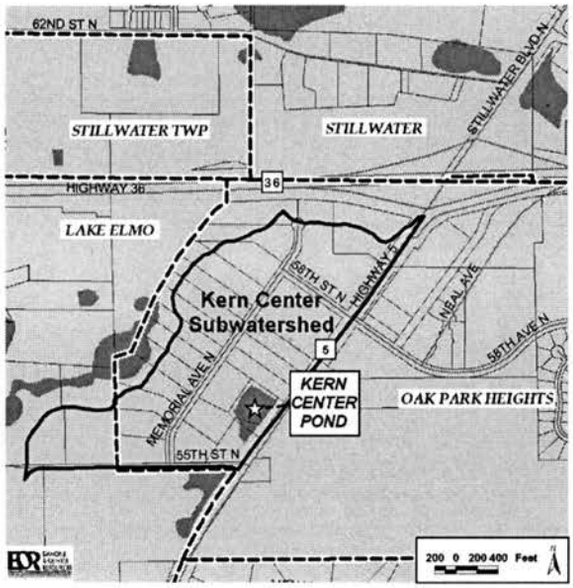


Figure 1. Location Map of the Kern Center Pond

Originally the Kern Center Pond, which was located in Baytown TWP, was a natural depression that was partially landlocked. The overflow for the depression routed excess flows to the south into the Valley Branch Watershed District (VBWD). In 1998, the City of Oak Park Heights annexed the Kern Center Area. Prior to this annexation, an 18" reinforced concrete pipe (RCP) culvert was installed to drain the pond to the west as it does today. In 1998, the 18" culvert was replaced by a 42" pipe restricted by a 12" orifice as part of the utility improvements for the area. According to the Kern Center Commercial Area Drainage Report (February 2002), the 12" orifice restriction was intended to be a temporary measure until outlet modifications to the downstream wetland complex were in place. The City of Oak Park Heights intended to use the downstream wetland complex as a regional ponding facility in order to reduce the peak flow rates under Hwy 36 per the City of Stillwater's Alternative Urban Areawide Review.

In 1999, the Brown's Creek Watershed District adopted Rules and Regulations, which made the use of the downstream wetland complex as a regional storage facility undesirable. While the existing Kern Center Pond was designed to meet the City of Oak

Park Heights' stormwater requirements under ultimate development conditions, it did little to reduce the volume of stormwater being transferred downstream. In an effort to alleviate on-going flooding issues on Long Lake and to reduce the peak flow rates under Hwy 36 to more closely match assumptions made in the City of Stillwater's Alternative Urban Areawide Review, the District decided to pursue modifications to the existing Kern Center Pond.

In 2001, the BCWD was awarded $25,000 from the Minnesota Board of Water and Soil Resources' (BWSR) Local Water Planning Challenge Grant Program. The objective of the project *BCWD Rules Implementation – Demonstration Site Plan* was to develop a demonstration site for the education of member communities, developers and citizens regarding the environmental controls and stormwater management standards required by the District's rules.

By 2002, the BCWD had identified the Kern Center Pond as a potential demonstration site for the District's rules. In order to ensure that future development within the Kern Center Commercial Area would meet the District's standards, and that peak flow rates and volumes under Hwy 36 were reduced, the BCWD offered to design the modifications that would achieve these goals. Since this decision was made, the BCWD and the City of Oak Park Heights have been collaborating on the following: development of a Cooperative Agreement; design of the pond modifications; development of an Operation and Maintenance Plan; development of a Monitoring Plan; the construction process. A copy of the signed Cooperative Agreement and construction documents can be found as an attachment to this amendment.

The construction of the Kern Center Pond modifications began in December of 2004. Final excavation and restoration of the site will be completed in the spring of 2005. Modifications to the Kern Center Pond will result in the following improvements: increased storage capacity; pretreatment of stormwater runoff; increased infiltration; and improved wildlife habitat. Since the existing outlet structure will not be modified as a result of this project, there will be no adverse impacts to the downstream receiving water body.

Estimated Cost

The following table summarizes the estimated total project cost for the design and construction of the Kern Center Pond modifications.

Project Component	**Cost**
Development of Construction Documents	$28,250.00
Kern Center Pond Construction	$290,000.00
Construction Services Administration	$22,000.00
Construction Observation	$10,000.00
Estimated Total Cost	**$350,250.00**

Schedule

Project Component	Completion Date
Preliminary Design Plans and Specifications	10/02
Final Design Plans and Specifications	10/04
Construction	12/04 – 04/05
Restoration	04/05 – 06/05

Method of Financing

The District funded completed feasibility and preliminary design work through a Local Water Planning Challenge Grant Program managed and disbursed by the Minnesota Board of Water and Soil Resources. All or a significant portion of the cost of construction, construction contract management and maintenance is intended to be borne by the City of Oak Park Heights pursuant to a cooperative agreement executed by the District and the City in December 12, 2004. The amount and method of further funding to be provided by the District will be determined by the Board of Managers at the time it orders the project. The source of District funding is likely to be an ad valorem levy on all property within the District pursuant to District funding and levy authorities specified in Minnesota Statutes §§103B.241 and 103B.251. Other potential sources include other federal, state or local contributions, grants, a subwatershed levy or special assessments.

Memorandum

DATE: October 17, 2005

TO: BWSR Metro Subcommittee

FROM: Les Lemm, BWSR Board Conservationist

SUBJECT: Rosemount Comprehensive Wetland Management Plan Amendment Review

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BACKGROUND

The City of Rosemount is located in southern Dakota County, and is expected to be one of the top ten growth cities in the metropolitan area between 1995 and 2020. Land development has put great pressure on the quality and benefits associated with the City's surface water resources. The total wetland area in Rosemount covers about 1,832 acres, or about eight percent of the City. About 1,174 of these acres are associated with the Mississippi River corridor.

GOAL OF THE PLAN

The city of Rosemount's Comprehensive Wetland Management Plan (CWMP) was developed and approved by BWSR in 1998. Past and present land development has influenced the administration of the CWMP since the adoption of the plan in 1998. Since then a number of issues have been brought to the attention of city staff that affect wetland mitigation and management. These issues have been handled administratively by City staff, by the Rosemount City Council, or through Technical Evaluation Panel discussions. Based on the implementation of this CWMP since 1998, it has been determined by the City that a number of policy clarifications were needed. This is a minor plan amendment. The purpose of this minor amendment is to address and clarify the following issues:

- Wetland buffer zones and related policies
- Location of storm ponds within buffers
- Public education
- Wetland management classification appeals
- Wetland mitigation regulations and procedure

Wetlands have been prioritized for management based on the assessed functional score. Each wetland has been mapped and included in the City's Geographic Information System. The functional assessment information contained within the CWMP consists of the previously performed field evaluations and assessments conducted by City staff in the development of the 1998 plan.

The purpose of establishing the CWMP was to develop policies related to the use and protection of wetlands within the City and provide the City with the authority to rule on wetland impacts and implement regulations based on the needs of the community. The CWMP was also designed to provide information to land developers and the public regarding the amount, characteristics, and value of local wetlands and surface water. The stated goals of this plan are to:

- Determine the quantity and quality of the wetland resources in Rosemount
- Map wetlands at a scale appropriate for local planning purposes
- Maintain data for use by residents and developers
- Focus limited resources in the most effective direction
- Solve chronic wetland management problems
- Identify key educational areas
- Achieve no net loss in the quantity, quality, functionality, and biological diversity of Rosemount's existing wetlands
- Increase the quantity, quality, functionality, and biological diversity of Rosemount's wetlands by enhancing diminished or drained wetlands
- Avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality, and biological diversity of wetlands
- Replace wetland values where avoidance of activity is not feasible and prudent
- Optimize management of City surface water and wetland by integrating all surface water related management plans and ordinances
- To identify existing and potential problems or opportunities for protection, management, and development of water resources and related land resources in the County
- To develop and implement a plan of action to promote sound management of water resources in the City

HOW THE PLAN MEETS, EXCEEDS, OR VARIES FROM WCA RULE 8420

Wetlands within the City were assessed in 1997 and 1998 as part of the CWMP development using a modified version of the Minnesota Routine Assessment Method (MnRAM). This field assessment focused on the undeveloped Municipal Urban Service Area (MUSA) identified in the 2020 Land Use Plan. Upon development of a site, the City requires that the applicant complete a re-assessment of the wetlands using the Rosemount Wetland Functional Assessment worksheet.

Wetlands are classified for management and protection based on the total score of each functional parameter evaluated. Each management category has a different management strategy. The management classifications and corresponding functional scores are as follows:

Preserve: Wetlands placed into the Preserve category received the highest functional score, ranging between 425-660.

Manage 1: Wetlands placed into the Manage 1 category received functional scores between 280-420 and were selected for the M1 category due to their special value.

Manage 2: Wetlands placed into the Manage 2 category received functional scores between 280-420.

Manage 3: Wetlands placed into the Manage 3 category received functional scores between 0-275

Replacement Policy: Dakota County is a less than 50 percent pre-settlement wetland county with a minimum 2:1 wetland replacement ratio required under WCA rule. The Rosemount plan increases the mitigation ratio for Preserve wetlands to 3:1. Increasing the replacement ratio for Preserve wetlands may act as a disincentive for impacting highly functioning wetlands.

The Rosemount plan maintains a 2:1 replacement ratio for all other wetland impacts. Increasing the ratio for Preserve wetlands while maintaining the 2:1 ratio for all impacts will ensure that no net loss of wetlands will occur within the plan area.

Sequencing: MN Rule 8420.0650 subp. 2B allows for the variation of sequencing standards based on the classification and criteria set forth in the CWMP. The Rosemount plan only allows impacts to Preserve wetlands under extreme hardship, allowing for the maximum amount of protection for these wetlands. Manage 3 wetlands are eligible for maximum sequencing flexibility. Due to the low functionality of these wetlands, the plan anticipates that replacement wetlands will have higher functions and values.

Wetland Buffers: WCA rules do not require maintenance of an upland buffer around wetlands. As part of the Rosemount plan, buffer zones around existing wetlands will be required for all new development as follows:

Preserve: 75 feet
Manage 1: 50 feet
Manage 2: 30 feet
Manage 3: 15 feet (non-agricultural areas only)

Buffer monumentation is required at the edge of all buffer areas except those adjacent to Manage 3 wetlands. Buffer averaging may be allowed on a case-by-case basis at a minimum of 30 feet for Preserve and Manage 1 wetlands, and a minimum of 15 feet for Manage 2 and Manage 3 wetlands. Conservation easements are required over the buffer perimeter and will be recorded at the time of final plat.

Buffers will also be required to be established around wetland mitigation sites. The required buffer width will be that of the existing wetland for expansions, or that of the impacted wetland if the mitigation site is an isolated site. Buffers are encouraged, but not required in previously developed areas.

Stormwater Pre-Treatment: Generally, WCA rules do not require pretreatment of stormwater before entering wetlands. The Rosemount plan regulates stormwater inputs to wetlands as follows:

Preserve: Sediment and nutrient pretreatment required, consider diversion if possible

Manage 1: Sediment and nutrient pretreatment required

Manage 2: Sediment pretreatment required

Manage 3: No pretreatment

These requirements are left somewhat open as to the particular method selected for each case, and the plan allows for flexibility in these standards.

CITIZEN PARTICIPATION

The Rosemount Minor Amendment process utilized a Wetland Management Plan Committee, which included agency staff and citizen representatives. A public hearing was also held in conjunction with a City Council meeting.

AGENCY PARTICIPATION

Agencies were notified of the City's intent to update the plan, and were provided with a copy of the draft minor plan amendment for a 45-day review period prior to submittal of the final plan amendment for review and approval. These agencies included the State Review Agencies, adjacent cities and townships, Dakota SWCD, Dakota County, and the U.S. Army Corps of Engineers. The City received comments from Met Council and BWSR.

MET COUNCIL

Met Council believes the plan provides an excellent framework for managing wetlands within the city and recommends that BWSR approve the plan.

BOARD OF WATER AND SOIL RESOURCES

BWSR staff recommended numerous minor changes in wording, additions, and clarifications. No substantive changes were recommended. BWSR comments were satisfactorily addressed.

BWSR STAFF RECOMMENDATION

The BWSR Staff recommends approval of the City of Rosemount Wetland Plan Amendment contingent on City Council approval of the plan and City of Rosemount Surface Water Management Ordinance.

The updates to the plan were generally clarifications and minor changes. The plan complies with Minnesota Rules 8420.0650 and the flexibility allowed for counties with less than 50% presettlement wetlands. The plan is expected to meet the no net loss provisions of WCA.

BWSR staff are currently discussing the stormwater pre-treatment provisions of the plan with representatives from the City for additional clarification. Any additional wording clarifications would likely be minor.

Overall, the Rosemount Amendment clarifies several aspects of their CWMP and wetland ordinance, and represents an improvement in the management of the City's wetland resources.

cc: Steve Woods, BWSR (file copy)
Brad Johnson, Army Corps of Engineers
Pat Lynch, DNR
Doug Norris, DNR
David Johnson, MPCA
Becky Balk, MDA
Jack Frost, Met Council
Jon Larson, EQB
Art Persons, MDH
Andrew Brotzler, City of Rosemount
Andi Moffatt, WSB & Associates
Brian Watson, Dakota SWCD
John Jaschke, Dakota County

Enclosed:
Section IX, Wetland Management Policies
Table IX-1, Wetland Management and Protection Requirements
Section X, Wetland Replacement

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

In the Matter of the review of the Wetland Management Plan Amendment for the **City of Rosemount** pursuant to Minnesota Statues Section 103G.2242, Subdivision 1 (c)

ORDER APPROVING WETLAND MANAGEMENT PLAN AMENDMENT

Whereas, the City of Rosemount submitted a Comprehensive Wetland Protection and Management Plan Amendment (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103G.2242, Subd. 1 (c), and;

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

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

FINDINGS OF FACT

1. **Requirement to Plan.** Minnesota Statutes Section 103G.2242, Subd. 1 (c) and Minnesota Rules Chapter 8420.650 allow the Board to approve a Comprehensive Wetland Protection and Management Plan developed by a city, provided it is implemented by an ordinance adopted under Minnesota Statues Chapter 462. The City of Rosemount intends to implement the plan through a Surface Water Management section of the City ordinance.

   The Plan was approved by the Board in 1998. The intent of the plan was to provide the means for the City of Rosemount to protect and manage its wetlands by utilizing the flexibility within the Wetland Conservation Act (WCA). The Plan provides guidelines for wetland protection and management, assistance with WCA, and acts as a reference guide to developers to use when working near wetlands. The development of protection and management strategies for wetlands within the City stems from the function and values assessment completed as part of the Plan. These management strategies allow the City to protect and manage wetland resources by implementing flexibility in WCA. The intent of the Plan amendment is to address needed policy clarifications that have arisen since adoption of the plan in 1998.

2. **Nature of the Plan Area.** The City of Rosemount is located in southern Dakota County, and is expected to be one of the top ten growth cities in the metropolitan area between 1995 and 2020. Land development has put great pressure on the quality and benefits associated with the City's surface water resources. The total wetland area in Rosemount

covers about 1,832 acres, or about eight percent of the City. About 1,174 of these acres are associated with the Mississippi River corridor.

3. **Local Review.** The Plan amendment was developed, reviewed, and revised in consultation with the state agencies, technical evaluation panel, landowners, and local governments. The amended Plan also has an amended Surface Water Management Ordinance that will be adopted by the City.

4. **Dakota Soil and Water Conservation District Review.** The Dakota SWCD did not provide comments on the Plan Amendment.

5. **Department of Agriculture Review.** The MDA did not provide comments on the Plan Amendment.

6. **Minnesota Environmental Quality Board Review.** The EQB did not provide comments on the Plan Amendment.

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

8. **Department of Natural Resources Review.** The DNR did not provide comments on the Plan Amendment.

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

10. **Metropolitan Council.** Met Council believes the amended Plan provides an excellent framework for managing wetlands within the city and recommends that the Board approve the plan.

11. **Board Review.** Board staff recommended numerous minor changes in wording, additions, and clarifications. No substantive changes were recommended. Board comments were satisfactorily addressed.

12. **Highlights of the Amended Plan.** The critical elements of the Plan are similar to the original Plan. They include:

    - A functional assessment of all wetlands in the plan area.
    - Development of management categories based on the functional assessment and comments from agencies and the public.
    - A 3:1 replacement ratio is required for the highest ranked wetlands, a 1:1 ratio is allowed for passive recreation projects, and a 2:1 ratio is required for all other wetland impacts.
    - Flexibility in sequencing is allowed for the lowest ranked wetlands.
    - Upland buffers are required around all wetlands, varying by management category.
    - Varying levels of bounce are allowed, varying by management category.

12. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on October 5, 2005 with representatives of the City to review and discuss the amended Plan. Board staff recommended approval of the Plan amendment. After discussion, the Committee unanimously decided to recommend approval of the City of Rosemount's Amended Comprehensive Wetland Protection and Management Plan and Ordinance to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving an Comprehensive Wetland Protection and Management Plan for the City of Rosemount pursuant to Minnesota Statutes Sections 103G.2242, Subd. 1 (c).

3. The City of Rosemount Comprehensive Wetland Protection and Management Plan attached to this Order provides a function and value assessment framework for all wetlands within the City of Rosemount, management strategies based on this assessment, and an implementation program.

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

ORDER

The Board hereby approves the attached Comprehensive Wetland Protection and Management Plan, dated September 2005, for the City of Rosemount, Dakota County, Minnesota.

Dated at Saint Paul, Minnesota this 26th day of October 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Jerome Deal, Chair

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Grant County Priority Concerns Scoping Document – ***DECISION ITEM***

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

3. Cook County Local Water Management Plan Update – ***DECISION ITEM***

4. Lake County Local Water Management Plan Update – ***DECISION ITEM***

5. Roseau County Local Water Management Plan Update - ***DECISION ITEM***

I. Executive Summary

Introduction:

Grant County is located in west central Minnesota, approximately 160 miles northwest of Minneapolis. It has a total land area of 546 square miles and 29 square miles of water. Grant County was first settled in the late 1860's. The first settlers were mainly hunters and trappers, followed by farmers. The county was formally organized on March 8, 1868. Elbow Lake, located in the north central part of the county was designated as the county seat. The population of Grant County in the 2000 census was 6,289 this was a 0.7% change from the 1990 census.

Grant County is fortunate to have an abundant supply of water for recreation, agriculture, industry, and home use. By planning now, we can offset problems and avoid situations that could be costly and difficult to control. If we do not take action to protect and manage our own resources, it is very likely we will find ourselves working with programs that are not necessarily responsive to the local needs and concerns. It is important that programs dealing with natural resource protection assure no one segment of the population bears the burden of protecting these resources.

The Comprehensive Local Water Management Act of 1985 (Minnesota Statutes, Chapter 110B) provided counties the opportunity to develop a course of action to better manage and protect their water and related resources. The legislation recognized that local residents and those involved with water related issues in the county are in the best position to determine priorities and set direction to assure local issues are addressed in the local water plan.

Grant County passed a resolution in October of 1985 to enter into the Comprehensive Local Water Plan (CLWP) process under Chapter 110B. The original Grant County water plan was adopted in May of 1990 and implementation began that year. The plan was revised in 1997. Administration of the Local Water Plan has been the responsibility of the Grant Soil and Water Conservation district since 1990.

While many of the issues and concerns outlined in the original plan remain unchanged, Grant County has taken this opportunity to review the water plan and make the necessary revisions that reflect the water and related land resource assessments, goals, objectives, and action plans for the next ten years.

This water plan revision is the result of a cooperative effort between Local units of government, land and water managers, and local residents.

Purpose of the Local Water Management Plan:

The purpose of this updated Local Water Management Plan (LWMP) is to identify existing and potential problems and opportunities for protection, management and development of water resources and related land resources in Grant County. Pursuant to the requirements of Minn. Stat. 103B.311 subd.4, the five requirements of this plan are as follows:

1. The plan must cover the entire county.

2. The plan must address problems in the context of watershed units and groundwater systems.

3. The plan must be based upon principals of sound hydrologic management of water, effective environmental protection, and efficient management.

4. The plan must be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or ground water system.

5. The plan will cover a ten year period (2005-2015) with an implementation plan that will cover a five year period (2005-2010) and will then be updated for the remaining five years.

Description of priority concerns:

Information collected through public meetings and participation was analyzed and used to develop three priority concerns. The process used to collect this information and identify priority concerns is thoroughly described in the Priority Concerns Scoping Document in Appendix A. The three priority concerns identified to focus water management efforts in Grant County are as follows:

Priority Concern 1: Contaminated runoff from both urban and agricultural land entering surface waters.
Uncontrolled runoff from agricultural land and urban areas are contributing to the decline of surface water quality through sedimentation and nutrient loading of the counties streams, wetlands, lakes and rivers. While none of the County lakes or rivers are currently listed as impaired, monitoring data collected from 1990 to 1995 indicates that surface water resources in all county watersheds have been negatively impacted by contaminated runoff.

Priority Concern 2: Excessive runoff water volumes from urban and agricultural land.
Excessive stormwater runoff volume from urban areas as well as agricultural areas is contributing to flooding problems in all watershed areas of the County. This problem is generally related to drainage and land use conversion.

Description of priority concerns: (continued)

Priority Concern 3: Management of shoreland areas and surface water use. Specifically, on natural environment lakes, rivers, and sensitive areas on recreational, and general development lakes.

Grant County has many shallow lakes located in the Chippewa, Pomme de Terre and Mustinka river watersheds. These lakes are beginning to experience development pressure as the availability of land on recreational lakes has diminished. Grant County recognizes the importance of establishing shore land management ordinances and surface water use ordinances that adequately protects sensitive areas and natural environment lakes.

Summary of goals and actions:

Priority Concern 1: Contaminated runoff from both urban and agricultural land entering surface waters.

- Promote and implement vegetated buffers adjacent to all surface water resources.
- Protect existing buffers adjacent to protected waters from development through the County Shoreland Ordinance.
- Promote and implement agricultural best management practices such as; conservation tillage and nutrient management on agricultural lands near surface water resources that have established vegetated buffers.
- Encourage compliance with stormwater rules and ordinances by continuing public education and promotion of stormwater best management practices.

Cost --- $600,000.00 --- 2005 to 2010 (see implementation schedule page IV-1)

Priority Concern 2: Excessive runoff water volumes from urban and agricultural land.

- Promote and implement the restoration of drained wetlands.
- Promote the installation of stormwater retention basins when more than an acre of impervious surface is constructed.
- Promote crop rotations that utilize perennial crops such as alfalfa.

Cost --- $265,000.00 --- 2005 to 2010 (see implementation schedule page IV-2)

Summary of goals and actions: (continued)

Priority Concern 3: Management of shoreland areas and surface water use. Specifically, on natural environment lakes, rivers, and sensitive areas on recreational, and general development lakes.

- Protect and improve water quality, and fish and wildlife habitat of protected surface water resources by initiating a process to reclassify lakes or portions of lakes where appropriate and clearly defining and mapping sensitive areas.

- Identify and implement a process of enacting surface water use regulations on selected lakes and or portions of lakes and rivers.

Cost --- $ 340,000.00 --- 2005 to 2010 (see implementation schedule pages IV-2 and IV-3)

Consistency with other plans:

In preparation of the Grant County Local Water Plan the most recent plans from several entities were examined to ensure consistency with their concerns. Major basin plans included the Red River Basin Water Quality Plan and the Minnesota River Basin Plan. Watershed plans included the Bois de Sioux Watershed District Overall Plan. Local plans included the Grant County Comprehensive Plan and Local Water Management Plans from adjacent counties. These plans were reviewed for compatibility and collaboration. The Grant County Local Water Management Plan update has utilized appropriate action items to support these plans and is consistent with goals and objectives presented in these plans.

Recommendations to other plans and official controls:

1. The Grant County Environmental Advisory Council recommends statewide revision of the Shoreland Regulations. While Grant County recognizes that they can adopt a more restrictive County Shoreland Ordinance that adequately protects shallow lakes and sensitive areas it would provide greater consistency for the state to provide a minimum statewide standard that adequately addresses water quality, and fish and wildlife issues created by the unforeseen development of natural environment lakes and sensitive areas on recreational and general development lakes.

2. The Grant County Environmental Advisory Council recommends that the State of Minnesota through the Department of Natural Resources review laws and policies related to the permitting of aquacultural activities in wetlands and natural environment lakes. Specifically, it is believed that it is inappropriate to issue a permit for this use without proper notification and input from all riparian landowners and local officials.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55107

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Grant County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on August 3, 2005, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On October 15, 2004, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Grant County, pursuant to M.S. Section 103B.312.

2) On January 26, 2005, the Board of Water and Soil Resources provided official comments on the Grant County Priority Concerns Scoping Document, which were mailed to the county on January 26, 2005.

3) The priority concerns the local water management plan addresses include:
   1. Contaminated runoff from both urban and agricultural land entering surface waters.
   2. Excessive runoff water volumes from urban and agricultural land.
   3. Management of shoreland areas and surface water use. Specifically, on natural environment lakes, rivers, and sensitive areas on recreational, and general development lakes.

4) On August 3, 2005, the BWSR received the Grant County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On October 5, 2005, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Grant County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommends approval;
   B) Minnesota Department of Health: no recommendation received;
   C) Minnesota Department of Natural Resources: recommends approval;
   D) Minnesota Pollution Control Agency: recommends approval;
   E) Minnesota Environmental Quality Board: no recommendation received;
   F) Minnesota Board of Water and Soil Resources regional staff: recommends approval;
   G) Board Water Plan Review Committee: recommends approval.

6) This update will be in effect for a ten-year period until December 31, 2015; with the Goals, Objectives and Action Items amended by December 31, 2010.

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the Grant County Local Water Management Plan through December 31, 2015; with the Goals, Objectives and Action Items being amended prior to December 31, 2010.

Dated at St Paul, Minnesota, this twenty-sixth day of October 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Minnesota Board of Water & Soil Resources

October 27, 2005

Grant County Commissioners
P.O. Box 1007
Elbow Lake, MN 56531

Dear Grant County Commissioners:

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you Grant County's revised Comprehensive Local Water Plan was approved October 26, 2005 at its regular meeting. Attached is the signed Finding of Fact, Conclusion, and Order that documents approval of the plan and indicates it meets all relevant requirements of law and rule. This update of the Grant County Comprehensive Local Water Plan is effective for a ten-year period until December 31, 2015; with the Goals, Objectives and Action Items to be amended by December 31, 2010.

The county must adopt and begin implementing the plan within 120 days (1990, M.S. 103B.08 Subd. 6, Adoption and Implementation). An example of a resolution adopting the plan can be found on BWSR's website at http://www.bwsr.state.mn.us/watermgmt/guidance/Adoption.doc. Upon adoption, please forward the resolution to Pete Waller, Board Conservationist, at 1004 Frontier Drive, Fergus Falls, MN 56537.

The Grant Soil and Water Conservation District staff and water plan advisory members are to be commended for writing a plan that clearly presents the water management goals, actions and priorities. With continued implementation of your water plan the protection and management of Grant County's water resources will be greatly enhanced. The BWSR looks forward to working with you as you implement this Plan and document its outcomes.

Sincerely,

Jerome Deal
Chair

Enclosures
cc: Joe Montonye, County Water Plan Coordinator
Pete Waller, Board Conservationist
File copy

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MEMORANDUM

DATE: October 12, 2005

TO: BWSR North Region Water Management Plan Review Committee

FROM: Bill Best, Board Conservationist

SUBJECT: Review of the Marshall County Priority Concerns Scoping Document (PCSD)

Jan Kaspari – the Marshall County Local Water Plan Coordinator - is responsible for the administration of the Local Water Management (LWM) Plan for Marshall County.

The update process began on January 18, 2005, when Marshall County passed a resolution to update the county's LWM plan. The current plan's effective date will expire on December 31, 2005.

The county prepared and submitted in late February of 2005 to the state review agencies, adjacent counties, watershed districts, local governments, and WRAC members a "Notice of Decision to Revise and Update the Marshall County Local Water Plan". The notice requested that water and related land resource plans & official controls, and water related priority issues and concerns, be submitted to the county by April 20, 2005.

Marshall County received state agency priority concern input statements from the MDA, MPCA, DNR, **EQB**, and the BWSR.

- The MDA listed priority concerns related to the impact of flooding on water quality, improving the county drainage infrastructure and the implementation of conservation drainage practices to improve water quality, and the need to reduce impacts to surface/groundwater from open pastures and feedlots.
- MPCA provided priority concerns regarding the need to address impaired waters/Total Maximum Daily Loads (TMDL) and the issues of stormwater problems.
- The DNR identified priority concerns with the need to address non-point pollution, improvements to surface water quality, restoration of fish passage and habitats, restoration of stream flows and habitats, and the improvement & protection of habitat corridors.
- EQB provided information and suggestions related to ground water contamination susceptibility, TMDL/impaired waters, the availability of ground water, and population extrapolations for Marshall County.

- BWSR priority concerns were the need to address soil erosion, sedimentation, and nutrient management, the trend towards the conversion of marginal agricultural land to rural residential or recreational uses, the reduction of flood damages, and ground water quality.

The WRAC discussed how many government entities were already addressing many of the priority concerns submitted by the agencies and public. These concerns were considered by the county to be important and that they may become a higher priority concern in the next local water management plan update.

The following list of the priority concerns were chosen by Marshall County because they are inter-related, major concerns that are within the scope of the LWM plan.

Priority Concern 1: Soil erosion causing water quality impairments to surface waters of the county. Address the high volume of sedimentation and low dissolved oxygen in the Snake and Thief Rivers.
Priority Concern 2: Protect ground water-based drinking water sources.
Priority Concern 3: Promote flood damage reduction to preserve agricultural land and prevent damage to property.

In late June 2005 Marshall County submitted its PCSD to the BWSR for final agency review and approval. The MDH and MPCA sent letters stating that their agency concurred with the priority concerns developed by Marshall County. DNR strongly recommended revisions to the priority concerns identified but did not require these revisions be made to the PCSD. MPCA did offer comments to be considered when preparing the water plan update. The MPCA stated that the plan update should identify priority impaired waters and the county's participation and development of TMDL pollutant allocations, include maps of impaired waters and identification of pollutant(s) causing the impairments, the county's commitment to submit data collected, plans for monitoring unmonitored waters for comprehensive assessment, and describe actions & timing intended to reduce pollutants causing the impairment plus actions to be part of an approved implementation plan for TMDL's.

INSERT COMMITTEE COMMENTS/ISSUES/CONCERNS AND ACTION HERE

Based on my review of the Marshall County PCSD I have determined that the document does meet the requirements of the guidance material provided by the BWSR and that of 103B.312 and 103B.313 subp.1– 4.

Minnesota Board of Water & Soil Resources

October 27, 2005

Marshall County Commissioners
C/O Jan Kaspari, Marshall County Land and Water Office
Courthouse, 208 East Colvin Avenue, Suite 3
Warren, MN 56762

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

Dear Marshall County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Marshall County has chosen to address in the update of their Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, were sent the Marshall County Priority Concerns Scoping Document (PCSD) in late June 2005 and asked that comments be sent by August 1, 2005 to Ron Shelito, BWSR Northern Region Supervisor.

A number of water resource concerns were submitted to the Marshall County Water Resources Advisory Committee (WRAC). The WRAC chose the following priority concerns that will be addressed in the Water Plan Revision.

Priority Concern 1: Soil erosion causing water quality impairments to surface waters of the county. Address the high volume of sedimentation and low dissolved oxygen in the Snake and Thief Rivers.
Priority Concern 2: Protect ground water-based drinking water sources.
Priority Concern 3: Promote flood damage reduction to preserve agricultural land and prevent damage to property.

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MPCA offered the following comments for consideration when drafting the LWM Plan:

- The MPCA stated that the plan update should identify priority impaired waters and the county's participation and development of TMDL pollutant allocations
- Include maps of impaired waters and identification of pollutant(s) causing the impairments.
- A statement of the county's commitment to submit data collected.
- Plans for monitoring unmonitored waters for comprehensive assessment.
- Describe actions & timing intended to reduce pollutants causing the impairment plus actions to be part of an approved implementation plan for TMDL's.

On October 5, 2005, the Northern Region Water Planning Committee (hereinafter referred to as the committee) met with the Marshall SWCD Administrator and a county commissioner to discuss Local Water Management activities within Marshall County, the process used to gather input on priority concerns, the content of the PCSD, the state review agencies comments, and recommendations for the content of the final plan.

The committee approves the Marshall PCSD with the following recommendations:

- The committee encourages the county to submit the final water plan to BWSR for approval within six months of receiving this letter.

Based on the committee's recommendations, the Board of Water and Soil Resources commends the county on the process they used to select the priority concerns. The priority concerns to be addressed in the plan were deemed to be appropriate for Marshall County and does not recommend or require any changes to the PCSD as submitted.

Sincerely,

Jerome Deal
Chair, Board of Water and Soil Resources

Cc: Bill Best, BWSR
Ron Shelito, BWSR
Beth Kluthe, MDH
Becky Balk, MDA
Mike Carroll, DNR
Lisa Thorvig, MPCA
Sara Bertelson, EQB

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Cook County Comprehensive Local Water Management Plan

2006 - 2012

Executive Summary

1. Purpose

The intent of this plan is to provide strategies to address the water related issues and problems in Cook County. Issues were identified during a systematic, regional-wide scoping process performed between October 2003 and January 2004. During 2004 the Local Water Plan Committee met five times using the scoping document to formulate strategies listed herein. This Plan was then reviewed during five public information meetings and was approved by the County Board of Commissioners.

2. Priority Concerns

A priority scoping strategy for the Cook County Water Management Plan revision was developed in accordance with the changes to the Comprehensive Local Water Management Act; Statutes: 103B.304 – 103B.355. Described below are the priority concerns the Cook County Water Management Task Force has identified and chosen as work priorities.

1) Water Quality Monitoring
2) Wetlands management
3) Water quality management (several categories listed)
4) Water Related Initiatives and New Resources
*

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

Summary of Concerns/Issues (Note: The summary describes general needs. A more developed discussion of issues is found in the priority scoping document)

Water quality monitoring: County leadership in the area of water quality monitoring needs to continue and expand. There is a need for more lake monitoring and an easy to access database of local information. There is a need for continued partnering with Grand Portage to monitor county waters that form a boundary with reservation waters. There is a need to monitor near shore and lake surface use that can negatively impact water quality: e.g. trash from fisherman, snowmobilers, jet ski and boating activities, exotic species impacts.

Wetlands: There is a need to consider a comprehensive wetland management and protection plan with at least two specific items of focus: conservation of significant wetlands on private property, development of a local wetland bank program.

Water Quality Management - General land use and development: There is a need for assistance with community planning issues related to wastewater and drinking water as communities develop and in specifically targeted county locations (i.e. Caribou Lake AUAR), There is a need to assess and document the impacts of cumulative developments at sub-watershed levels. There is a need to develop a response to program and policy inadequacies and failures i.e. variance, plats, conditional use requirements that are not completed by property owner.

Water Quality Management - Septic systems and sewage management: There is a need for continued focus and improvement of private property individual sewage treatment systems. There is a need for long term and regional / larger countywide wastewater planning. There is a need to ensure the long-term maintenance of properly operating septic systems.

Water Quality Management - Stormwater and erosion control: There is a need for more vigilant inspection, and a response to program inadequacies i.e. inadequate or poor construction site controls, vegetated buffers, etc. Stormwater ordinances must intersect water plan goals of protecting and improving water quality with code requirements and enforcement. There is a need to complete several stormwater management projects: Grand Marais stormwater plan and priority projects, various road, ditch and streamside erosion/protection projects, riparian buffer improvements, erosion/stormwater control and management along the Poplar River. There is a need to improve plat reviews with verifiable runoff models for the purposes of calculating soil loss/stormwater impacts. There is a need to ensure private roads/subdivision stormwater controls are properly maintained.

Water Quality Management – Roads/design, construction and long-term impacts There is a need for improved road planning and construction strategies relative to water quality. State agencies reported all phases of road planning have impacted water by location, orientation, proliferation where not needed, and problems or issues with abandonment. Runoff treatment adjacent to roads has been described as inadequate, flow patterns of intermittent or perennial streams have been interrupted or overloaded with concentrated flows, and erosion control intervention has been described as inadequate. There is a need for better policy that translates into adequate, permanent stewardship of private roads.

Water Initiatives/New water resources: There is a need to stay current with improving methods of assessing, sampling and monitoring water, creation and management of data and models, and training to effectively use these emerging tools. There is a need for continued coordination and partnering with state, federal and tribal resources. There is a need to develop a county response to the total maximum daily load impaired waters of Poplar River. There is a need for better stormwater and erosion control management that recognizes and addresses

unique features of county landscape i.e. bedrock, highly erodible soils, springs, perched aquifers, small surface water fed streams, extreme slopes etc.

Education: There is a need for enhanced outreach education via newsletters, workshops, newspaper articles, website and radio spots. There is a need for topic specific education in the areas of stormwater management for contractors and property owners. There is a need in educational messages to tie water quality issues to citizen health and the link between land use and water quality.

3. Summary of Goals and Actions

Water Management Mission Statement

"Cook County, a land of forests, lakes, streams and wildlife; is blessed with an abundance of relatively pristine, life sustaining surface and ground waters. This resource, if managed wisely, will remain a basis of wealth – material as well as biological, aesthetic and spiritual – for many years to come.

Accordingly, Cook County pledges to work diligently to protect its water resources; to use them wisely, with the goal that these resources will be as available and as sustaining to future generations of humans and other species, as they are to we who live now."

Goals

The mission statement sets the tone for the overall goals the water plan should accomplish. These goals are:

Goal 1 Maintain or improve the quality and availability of surface and groundwater resources.
Goal 2 Ensure that our uses of water are sustainable.
Goal 3 Promote a better understanding of the nature and value of Cook County's water resources.
Goal 4 Promote a better understanding of the critical link between land use, water quality and quantity.
Goal 5 Resolve to uniformly and consistently manage land use to maintain and/or improve water quality and quantity.

Actions

The objectives and actions identified for each goal are derived primarily from five major components. These components will reinforce a comprehensive planning approach and include: information & education, protection & sustainable use planning, program administration, database management , and broad citizen participation. This comprehensive planning approach was the basis for developing practical and realistic actions.

Projected Total Cost

Costs to implement actions identified in this plan will determined on a yearly basis. Primary funding will be the Natural Resource Block Grant from the State of Minnesota a mandated county levy. For 2006 this amount will be $19,528 and $3,562 respectively. This is a non-mandated state grant so funds for following years cannot be predicted. Yearly work plans will be developed with leadership from the Water Plan Committee and the Soil & Water Board. After yearly work plans are set, Cook County intends to

supplement the state grant funding by seeking grant dollars from other sources such as the Minnesota Lake Superior Coastal Program and the Great Lakes Commission.

Cook County is the local government unit responsible for the county water management plan. The Cook County Soil & Water Conservation District has been assigned as the primary agency responsible for the plan (County Resolution, 9/13/2005). Both Soil & Water staff and County Planning Department technical staff will be assigned to the work.

4. Consistency with Other Pertinent Local, State, and Regional Plans

This plan is consistent with other local plans such as the Soil & Water Conservation District Comprehensive Plan, City of Grand Marais Public Utilities & Water Emergency and Conservation Plan, and the County Land Use Guide Plan. Consistency is also achieved with the Minnesota Source Water Protection Program. The Lake Superior Basin Plan, the North Shore Management Plan, and the Lake Superior Coastal Management Program are pertinent regional plans which are reviewed and referenced throughout this plan.

Cook County adopted a water management program on January 1, 1994, revised the plan in 1998 and adopted the revision on July 13, 1999 which is currently scheduled to expire on December 31, 2005.

Minnesota Board of Water and Soil Resources
One West Water Street
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In the Matter of Reviewing the Local Water Management Plan Update for Cook **County** (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

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

FINDINGS OF FACT

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2) On October 27, 2004**, the** Board of Water and Soil Resources approved official comments on the Cook County Priority Concerns Scoping Document, which were mailed to the county on October 28.

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

   A) Water Quality Monitoring.
   B) Wetlands Management.
   C) Water Quality Management

4) On July 30, 2005**,** the BWSR received the **Cook** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On October 5, 2005 the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Cook County Plan Update . Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture recommends approval.
   B) Minnesota Department of Health recommends approval.
   C) Minnesota Department of Natural Resources recommends approval.
   D) Minnesota Pollution Control Agency recommends approval.
   E) Minnesota Environmental Quality Board recommends approval.
   F) Minnesota Board of Water and Soil Resources regional staff recommends approval.
   G) Board Water Plan Review Committee Meeting recommends approval with condition.

6) This update will be in effect until October 26, 2012.

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the Cook County Local Water Management Plan on October 26, 2005 with the condition of the final plan approved by the county prioritizes the objectives and includes stronger action items for each objective.

Dated at St. Paul, Minnesota, this October 26, 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Lake County
Local Water Management
Plan Update

July 2005

Duration: 2006 – 2015

Prepared By:

Wayne Seidel, Lake County Water Plan Administrator

With Assistance From:

Lake County Water Plan Advisory Committee

Cliff Bentley – MN DNR Area Hydrologist
John Eaton – Citizen Member
Lenore Johnson – Lake County Commissioner
Michelle Larson – Lake County Health Department
*** Debra Kosiak was selected to fill Ms. Larson's position on the committee effective May 2005.**
Jim Linscheid – Lake County Planning Commission
Brenda VanBergen – Lake County SWCD Supervisor
Walt VanDenHeuvel – Lake County Land Use Specialist
Don Warner – Lake County SWCD Supervisor

Executive Summary

The Lake County Local Water Management Plan was updated by a ten-member Water Plan Advisory Committee that was led by Wayne Seidel, Lake County Water Plan Administrator. The update process was started in 2002, suspended in 2003 due to the state budget shortfall, resumed in 2004, and completed in 2005. The purpose of the planning process was to develop a plan of work that would protect and enhance surface water, ground water and related land resources within Lake County. The Advisory Committee developed a planning process designed to incorporate input from the general public, input from local units of government and state agencies, and to develop consistency with local, state and federal plans and controls.

Following meetings with township officials, completion of a water issues survey (230 respondents), and feedback from state agencies, the Advisory Committee identified seven *Priority Concerns*.

1. Increased Development Pressures – Erosion Control on Construction Sites, Road Management, Cumulative Impacts, Shoreline Erosion Control
2. Enforcement of Existing Land Use Laws and Use of Best Management Practices in Development Activities and Forest Management Activities
3. Storm Water Management
4. Wastewater Management - Non-Conforming Sewage Treatment Systems, Surface and Groundwater Contamination, Drinking Water Quality
5. Natural Resources Education on Water/Land Issues
6. Lake and Stream Water Quality, Water Quantity and Biological Integrity
7. Supportive of Total Maximum Daily Load (TMDL) research project efforts on north shore streams.

After assessing the seven *Priority Concerns* and additional ongoing water plan programs, the Advisory Committee endorsed the overall goal of the original Local Water Management Plan (1993) as still being relevant for Lake County. The overall goal states, "Maintain and improve both surface and groundwater quality and quantity through sound ecosystem management." This overall goal encompasses three components that include: Education and Information; Natural Resources Planning and Practices; and Administration. The Advisory Committee combined this overall goal with six specific objectives, within the framework of a ten-year plan of work, to address the needs of the *Priority Concerns* and ongoing water plan programs.

The six objectives identified to achieve the overall goal include:

Objective 1: Promote and Implement Sound Land Use Practices

Objective 2: Promote Proper Use and Disposal of Household Hazardous Wastes

Objective 3: Improve the Management and Maintenance of Individual Sewage Treatment Systems

Executive Summary (cont.)

Objective 4: Coordinate Local Government Efforts to Address Surface and Ground Water Pollution Problems

Objective 5: Implement a Natural Resources Education Program that instills a Stewardship Ethic

Objective 6: Administer the Lake County Local Water Management Plan in an Efficient and Cost-Effective Manner

The ten-year plan of work concentrates on tasks that address priority concerns that are within current budgetary and staff time constraints. Presently, the Lake County Water Plan budget is approximately $23,000 per year and implementation has been delegated to the Lake County Soil and Water Conservation District. Examples of work plan items include:

a. Conduct an annual Erosion Control Workshop for Contractors.
b. Assist the Lake County Planning Commission on land use issues related to erosion control and storm water management.
c. Conduct a variety of natural resources education programs for students – Natural Resources Field Day, Area III ENVIROTHON Competition, Lake County Demonstration Forest, and Wastewater Treatment.
d. Provide educational opportunities on the proper maintenance of sewage treatment systems.
e. Encourage the development of a set of guidelines to evaluate cumulative impacts of development on water resources.
f. Provide a copy of the *Lake County Property Owner's Resource Guide* to all new property owners.

Background of Planning Process

The Lake County Comprehensive Water Management Plan, originally approved in 1993, was updated in 1998 by a 17-member Water Planning Task Force. The revised plan was set to expire on July 22, 2003, therefore, the second update process was begun in early 2002. The Water Plan Advisory Committee met bi-monthly to assess the previously identified issues and to develop a planning process that would incorporate public input.

In July and August of 2002, a notification letter was sent to townships and cities in Lake County informing them of the water plan update process and requesting their participation. Wayne Seidel, Water Plan Administrator, met with three of the five township boards (Beaver Bay, Crystal Bay, Silver Creek) and spoke with representatives of the other two townships (Stony River and Fall Lake) to gather input on water-related issues. Based on this input, a written survey tool was developed to gather public opinions on priority water issues in Lake County. The survey was used at the 2002 Lake County

Background of Planning Process (cont.)

Fair and over 220 people participated by rating water-related issues and identifying additional concerns. Township and city officials were also encouraged to complete and return the written survey. Altogether, 230 surveys were completed and the results were tabulated.

In February 2003, the State of Minnesota budget shortfall led to the unallottment of all local water management funds administered by the Minnesota Board of Water and Soil Resources. In response to this situation, the Lake County SWCD laid off the Water Plan Coordinator in March and suspended all water plan update activities due to the uncertainty of future funding. Following legislative action, a portion of local water planning funding was restored for FY 2004

The Water Plan Update process was resumed on April 14, 2004 when the Lake County Board of Commissioners approved a resolution to revise and update its current local water management plan. The County Board delegated to the Lake County SWCD the responsibility of coordinating, assembling, writing and implementing the revised local water management plan pursuant to M.S. 103B.301. The County Board also approved a ten-member Water Plan Advisory Committee (WPAC) to complete the update process. Members of the committee included:

Cliff Bentley – MN DNR Area Hydrologist
John Eaton – Citizen Member
Lenore Johnson – Lake County Commissioner
Michelle Larson – Lake County Health Department
* Debra Kosiak was selected to fill Ms. Larson's position on the committee effective May 2005.
Jim Linscheid – Lake County Planning Commission
Nancy Norlen – Citizen Member (resigned 8/04)
Dick Sigel - Lake County Land Use Administrator (retired 6/04)
Brenda VanBergen – Lake County SWCD Supervisor
Walt VanDenHeuvel – Lake County Land Use Specialist
Don Warner – Lake County SWCD Supervisor

The Water Plan Advisory Committee met on May 20, 2004 to resume the update process and completed the written survey to prioritize water issues. Letters were sent to townships, cities, and adjacent counties to notify them that Lake County was resuming the process of updating the Lake County Local Water Management Plan. Copies of the *Water Quality Issues Prioritization Survey* were included along with a request for a copy of any water and related land resources plans and official controls. Letters were also sent to the six state review agencies (BWSR, DNR, MPCA, MDA, MDH, EQB) requesting input on priority water concerns.

Background of Planning Process (cont.)

The Water Plan Advisory Committee hosted a Public Input Meeting on August 31, 2004 at the Lake County Courthouse. Wayne Seidel facilitated the meeting and the participants learned about the Lake County Water Management Plan (history, highlights, update process) and had an opportunity to share water quality concerns. The meeting was attended by eleven people and a number of water quality concerns and related issues were identified.

Over the next seven months, the Water Plan Advisory Committee – identified seven priority concerns; completed the *Priority Scoping Document*; received input from the public, state agencies, and local units of government; identified goals and objectives; and developed a ten-year plan of work. The work plan concentrates on priority concerns that are within the budgetary and staff time constraints of current funding levels.

Relevant Plans and Controls

The following plans and controls are consistent with the work plan efforts outlined in the Lake County Water Management Plan.

Lake County Environmental Review
Lake County ISTS Ordinance
Lake County Land Use Ordinance / Comprehensive Plan
Lake County Solid Waste Ordinance
Lake County Subdivision Ordinance
Lake County Soil and Water Conservation District Comprehensive Plan
Minnesota DNR Protected Waters Permit Program
Minnesota Wetland Conservation Act
North Shore Management Plan
Source Water Assessments for Beaver Bay, Silver Bay and Two Harbors

The additional plans and programs listed below, though not official controls, may have components implemented in Lake County provided that the components are consistent with the Lake County Water Management Plan and approved locally.

Lake Superior Basin Plan
Lake Superior Pilot Beach Monitoring Program
Minnesota's Lake Superior Coastal Resources Plan
Rainy River Basin Plan
Two Harbors Storm Water Management Plan

The Water Plan Advisory Committee is not recommending specific changes to official controls at this time. However, the committee is interested in strengthening storm water management controls and addressing cumulative impacts of

Relevant Plans and Controls (cont.)

development on water resources. The committee will be reviewing the proposed Cook County Storm Water Ordinance if it is approved by the Cook County Board.

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Lake County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on July 20, 2005, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On September 30, 2004, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Lake County, pursuant to M.S. Section 103B.312.

2) On December 15, 2004, **the** Board of Water and Soil Resources approved official comments on the Lake County Priority Concerns Scoping Document, which were mailed to the county on December 16.

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

   A) Increased Development Pressue – Erosion Control on Construction Sites, Road Management, Cumulative Impacts, Shoreline Erosion Control.
   B) Enforcement of Existing Land Use Laws and Use of Best Management Practices.
   C) Storm Water Management – Cumulative Impacts

4) On July 19, 2005, the BWSR received the **Lake** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On October 5, 2005 the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Lake County Plan Update . Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture recommends approval.
   B) Minnesota Department of Health recommends approval.
   C) Minnesota Department of Natural Resources recommends approval.
   D) Minnesota Pollution Control Agency recommends approval.
   E) Minnesota Environmental Quality Board recommends approval.

F) Minnesota Board of Water and Soil Resources regional staff recommends approval.
G) Board Water Plan Review Committee Meeting recommends approval with condition.

6) This update will be in effect until October 26, 2015.

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the Lake County Local Water Management Plan on October 26, 2005 with the condition of updating the action plan in 5 years (2010).

Dated at St. Paul, Minnesota, this October 26, 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Date: September 26, 2005

To: BWSR Northern Region Water Plan Management Review Committee Members

From: William Best – Board Conservationist

RE: Review of Roseau County Final Local Water Management Plan (LWMP)

The BWSR and the other state review agencies received the Roseau County Priority Concerns Scoping Document (PCSD) on September 28, 2004. The North Region Water Plan Management Review Committee (herein known at the "Committee") met January 12, 2005, to discuss state agency review comments, the content of the PCSD, and recommendations on the content of the final plan. The BWSR letter of January 26, 2005, written pursuant to Minnesota Statutes section 103B.313, subdivision 5, communicated the State's official review comments pertaining to the Priority Concerns chosen by Roseau County.

BWSR commended Roseau County for the process used to select the Priority Concerns and did not recommend or require any changes to the PCSD. The BWSR did recommend that the water plan address pursuing a comprehensive land use plan. Also, a footnote should be added to the PCSD and final water plan update "beneficial and designated uses".

Roseau County completed the final draft of the LWMP in July of 2005, held the required public hearing on July 26, 2005 and submitted the final draft for review by state agencies. Agency comments were to be sent to Ron Shelito (BWSR Northern Region Supervisor) by September 21, 2005.

The duration of the LWMP is a five-year period with a five-year implementation program with an effective date of December 31, 2009.

The MPCA, DNR, **MDH**, and MDA stated in their written comments that the Roseau County LWM plan update does not violate any statutory or rule requirements administered by their agency. The agencies recommended that the BWSR Board approve the entire water plan as submitted and, offered comments for consideration when reviewing and acting on the plan update. The MPCA recommends the LWM plan objectives are consistent with MPCA water quality goals and activities within the county. The DNR noted that organized townships in the county have either passed resolutions or ordinances prohibiting floodwater retention projects greater than one acre in size, and that this could impede floodwater management options and improvements in water quality for the Roseau River Watershed. Planned ditch maintenance activities (FEMA funded) have the potential to have short and/or long term implications to water quality. The DNR also noted that the retirement of CRP contracts have the potential to negatively affect water quality. **The MDH commended Roseau County for**

its recognition of the importance of protecting groundwater quality and quantity and encourages the county to recognize wellhead protection areas, as they are determined.

The Roseau County LWMP update meets all requirements of M.S. 103B.314 including:

- Focuses on the priority concerns identified in the PCSD;
- Adequately assesses the priority concerns and sets forth appropriate goals and objectives;
- Provides a detailed implementation program with measurable actions, timeline, and budget; and
- Includes all required sections.

BWSR staff recommended approval of the Roseau County Local Water Management Plan update, years 2005-2009. Committee members at the October 5, 2005 northern region LWM plan review committee meeting recommended approval.

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

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

ORDER
APPROVING
LOCAL
WATER MANAGEMENT
PLAN UPDATE

Whereas, the **Roseau** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **August 11, 2005,** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On **September 28, 2004,** the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Roseau** County, pursuant to M.S. Section 103B.312.

2) On **January 26, 2005** the Board of Water and Soil Resources approved official comments on the **Roseau** County Priority Concerns Scoping Document, which were mailed to the county on **January 27, 2005**.

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

   A) Impaired water due to low oxygen on the Roseau River from Hay Creek to the Canadian Border.
   B) Revision of the ISTS ordinance.
   C) Timely implementation of existing plans and controls targeted at water resource management.

4) On **August 11, 2005** the BWSR received the **Roseau** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On **October 5, 2005,** the northern region Water Planning Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Roseau County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommends approval;
   B) Minnesota Department of Health: recommends approval;
   C) Minnesota Department of Natural Resources: recommends approval;

D) Minnesota Pollution Control Agency: recommends approval;
E) Minnesota Environmental Quality Board: no recommendation received
F) Minnesota Board of Water and Soil Resources regional staff: recommends approval;
G) Board Water Plan Review Committee recommends approval.

6) This update will be in effect until **December 31, 2009.**

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the **Roseau County** Local Water Management Plan with a required update by May 31, 2010.

Dated at St. Paul, Minnesota, this **twenty-sixth day of October, 2005.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Houston County Water Management Plan Extension – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

October 7, 2005

A. Peter Johnson
Houston County Auditor
204 South Marshall Street STE 111
Caledonia, MN 55921-1324

Dear Mr. Johnson:

I have received your request for a two-year extension to the current Houston County Water Management Plan. I previously discussed this extension request with Ralph Tuck, County Water Planner, and recognize the benefits for the county to update both the Water Plan and the Comprehensive Land Use Plan concurrently.

The BWSR has communicated the State's official comments pertaining to the priority concerns Houston County has chosen to address in the update of their Comprehensive Local Water Management (LWM) Plan in a letter dated June 22, 2005 and I have enclosed this letter for your reference. Please be advised that if the county decides to change these priority concerns, during the concurrent local plans update process, a notification to BWSR is required so these revisions can be officially commented on by the state agencies as per statutes.

I will submit this request, with my recommendation to grant this extension, to the BWSR Board for action. Depending on the timing of BWSR board packet materials, agenda items, and processing this request, the BWSR will take this up at their October 26, 2005 or December 14, 2005 board meeting. The BWSR does not have a board meeting in November.

If you have any questions please contact me at (507)280-2873. Please keep me informed of these updates and the timetable so proper state review procedures and final approvals can be completed prior to December 30, 2007. I look forward to working with the county and your partners as you continue to update your local plans and address your priority resource concerns.

Sincerely,

Mary Kells
Board Conservationist

CC: Ralph Tuck, Houston County Water Planner (emailed)
Jeff Nielsen, BWSR Regional Supervisor (emailed)
Brian Kletscher, Chair, Southern LWP Committee (emailed)
Attachment

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

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

Duluth
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Room 403
Duluth, MN 55802
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fax (218) 723-4794

Fergus Falls
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Fergus Falls, MN 56537
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Marshall, MN 56258
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Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

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Saint Paul, MN 55155
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A. PETER JOHNSON
HOUSTON COUNTY AUDITOR

304 South Marshall Street STE 111
Caledonia, Minnesota 55921-1324

(507) 725-5803
FAX (507) 725-2647

received
OCT 0 3 2005

September 28, 2005

Mary Kells
MN BWSR
2300 Silver Creek Road NE
Rochester, MN 55904

RE: Houston County Comprehensive Water Management Plan

Dear Ms. Kells:

The Houston County Board of Commissioners, at yesterday's meeting, voted unanimously to adopt a resolution requesting a two-year extension to its current Water Plan. A copy of this resolution is enclosed for your review. Houston County is in the process of updating both the Water Plan and the Comprehensive Land Use Plan. Since these plans are interrelated, the Board felt that it would make sense to work on updating them simultaneously. In order to allow sufficient time for this process, we feel that a two-year extension to the current Water Plan is needed.

Your favorable consideration of this request will be greatly appreciated.

Sincerely,

A. Peter Johnson

A. Peter Johnson
Houston County Auditor

Enclosure

RESOLUTION 05-30

WHEREAS, Houston County is currently in the process of updating their Comprehensive Water Management Plan; and,

WHEREAS, Houston County is currently planning to update their Comprehensive Land-Use Plan; and

WHEREAS, many of the issues in each of the two plans are interrelated; and

WHEREAS, considering these two documents simultaneously would save time and tax dollars, as well as provide a more comprehensive framework for planned implementation; and

WHEREAS, Houston County's current Water Plan expires December 31, 2005; and

WHEREAS, the Water Plan rules allow the Minnesota Board of Water and Soil Resources to grant a 2-year extension to current Water Plan documents;

NOW, THEREFORE BE IT RESOLVED, that Houston County hereby requests the Minnesota Board of Water and Soil Resources to grant a 2-year extension of its current Water Plan in order to coordinate efforts with the Houston County Land-Use Plan update.

*****CERTIFICATION*****

STATE OF MINNESOTA

COUNTY OF HOUSTON

I, A. Peter Johnson, do hereby certify that the above is a true and correct copy of a resolution adopted by the Houston County Board of Commissioners at a special session dated September 27, 2005.

WITNESS my hand and the seal of my office this 27th day of September, 2005.

(SEAL)

A. Peter Johnson

A. Peter Johnson, County Auditor

COMMITTEE RECOMMENDATION

1. RIM Easement Alteration Request from Scott LaFavre, Easement 66-03-91-01, Rice County – ***DECISION ITEM***

DRAFT DRAFT DRAFT

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

In the Matter of the request to Alter RIM Reserve Conservation Easement 66-03-99-1, Scott LaFavre, pursuant to RIM Reserve Rule Section 8410.3610

ORDER DENYING REQUEST

Whereas, Scott LaFavre has requested the Board to alter his RIM Reserve easement boundary on his 40.4 acre perpetual conservation easement located in the W1/2 of the NW ¼ of Section 14, Webster Twp., Rice County, and;

Whereas, RIM Reserve Rule Section 8400.3610 allows the Board to alter, release or terminate an easement after consultation with the commissioners of agriculture and natural resources, and;

Whereas, RIM Reserve Rule Section 8400.3610 states that an easement may only be altered, released or terminated if the Board determines that the public interests and general welfare are better served by the proposed action, and;

Whereas, the Board, through its Easement Alteration Subcommittee, has completed its review of the Request;

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

FINDINGS OF FACT

1. **Alteration request.** The request to alter easement 66-03-99-1, dated July 27, 2005, was received on August 9, 2005. This request was prepared jointly by Dahlgren, Shardlow and Uban, Inc., and Applied Ecological Services, Inc.. Mr. LaFavre is requesting release of 12.78 acres of land currently under a perpetual conservation easement to accommodate a 5 lot subdivision on the property he owns in the W ½ of the NW ¼ of Section 14, T112N, R21W, Rice County. Mr. LaFavre is proposing to replace the acres released with 30.24 acres of existing woodland and wetland. (Exhibit 1)

2. **Existing RIM Reserve Easement.** The easement currently in place on this property was

recorded on October 27, 1992 as document 371624 in Rice County. This is a 40.4 acre perpetual easement that the state paid $29,987.42 for to the original landowner, Greg Anderson.

3. **Sale of Land.** Scott LaFavre purchased the property with the easement in place from Greg Anderson on November 22, 2002. The warranty deed for this transaction was recorded as document 518163 on 5-30-03 in Rice County.

4. **Subdivision development proposed.** The LaFavre easement alteration proposal is being sought to allow a 5 lot cluster type development on the land. Moving the easement is necessary to accomplish this. As part of this proposal the development would seek to enhance the existing habitat by spending $40,000 to plant additional native species on the site and establish a home owners association (HOA) that would establish a $10,000 stewardship fund to carry out needed restoration and management activities on the easement lands. (Exhibit 1)

5. **SWCD Board Review.** The Rice SWCD has reviewed Mr. LaFavres alteration request pursuant to the requirements of RIM Rules Section 8400.3610. They are opposed to the alteration of the easement area and state the reasons for their opposition in their September 21, 2005 letter. (Exhibit 2)

6. **DNR Wildlife Manager Review.** Pursuant to the requirements of RIM Rules Section 8400.3610, the LaFavre alteration proposal has been reviewed by Jeanine Vorland, DNR Area Wildlife Manager. Her June 10, 2005 letter to Tim Labs at the Rice SWCD states her opposition to the LaFavre's proposal. Ms. Vorland reviewed an earlier copy of the LaFavre proposal that was nearly the same as the July 27, 2005 version, plus she was on-site to review on May 20, 2005. (Exhibit 3)

7. **Rice County Board Tour.** The BWSR stopped at the LaFavre site on its Rice County tour on September 28, 2005. The Board viewed the site and was given a presentation of the proposal by Scott LaFavre and representatives from Applied Ecological Services, Inc.

8. **Easement Alteration Subcommittee.** The easement alteration subcommittee met to consider the LaFavre proposal on September 28, 2005. Committee members in attendance were Paul Brutlag, Randy Kramer, Louise Smallidge, Paul Burns (Ag.), and Wayne Edgerton (DNR). Based on the entire record in the matter and after due consideration, the committee with a majority vote decided to recommend to the full Board denial of the easement alteration request.

CONCLUSIONS

1. All items required for the BWSR to review a request to alter a conservation easement as required by RIM Reserve Rules Section 8400.3610 have been submitted.

2. The BWSR has reviewed the request at it's September 28, 2005 Rice County tour of the property and the subsequent Easement Alteration Subcommittee meeting voted unanimously to not approve the alteration.

3. The Rice SWCD and the DNR Area Wildlife Manger are opposed to the LaFavre easement alteration proposal. Neither entity was able to determine any positive impacts for wildlife or water resources if the easement were to be altered as proposed.

4. The purpose of this alteration proposal is to enable subdivision and development of up to 5 additional residences on the 79.7 acre parcel owned by Mr. LaFavre. This proposal, while having some merit for planned unit developments where existing RIM easements are not involved, is not in the best interests of the RIM Reserve easement program or the natural resources that the program seeks to protect and preserve. If the BWSR were to approve this request it would actually be promoting development of a perpetual conservation easement and surrounding lands. This would set a poor precedent and send the wrong message to local SWCDs and other easement program stakeholders for the continued success of the State's conservation easement program efforts.

5. The Board finds that the publics interest and general welfare are not better served by releasing and amending RIM Reserve conservation easement 66-03-91-1.

Now Therefore, the Board hereby makes the following Order.

ORDER

The Board hereby denies the Scott LaFavre request to alter his 40.4 acre perpetual RIM conservation easement 66-03-91-1, located in the W ½ of the NW ¼ of Section 14, T112N, R21W, Rice County, pursuant to RIM Reserve Rule Section 8400.3610.

Dated at Saint Paul, Minnesota this 26th day of October, 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Jerome Deal, Chair

October 10, 2005

TO: Board Members

THRU: Kevin Lines, Easement Section Administrator

FR: Tim Fredbo, Conservation Easement Specialist

RE: Alteration of Easement 66-03-91-01, Scott LaFavre

BACKGROUND:

Mr. LaFavre is requesting the Board to change his RIM Reserve easement boundary on his 40.4 acres of land currently under a perpetual easement. The parcel is located in the W1/2 of the NW ¼ of Section 14 of Webster Township in Rice County. Mr. LaFavre was not the original easement grantor. He purchased this property with the easement already in place on November 22, 2002 from Greg Anderson. The RIM easement with Greg Anderson was originally recorded on the property on October 27, 1992. Mr. LaFavre, working through Applied Eclogical Services, Inc., has requested the BWSR to remove 12.78 acres of land currently under easement to accommodate a 5 lot cluster type subdivision development of the property. The acres proposed for release lie along the west edge of the easement adjacent to Canby Avenue. Mr. LaFavre is proposing to replace the 12.78 acres he would like released with 12.78 acres of non-crop upland, plus an additional 17.46 acres of existing wetland and surrounding upland that would be granted in easement to the MN Land Trust. Total land under easement if the proposal were approved would increase to 57.9 acres. If the proposal is approved these easement acres will be owned by the homeowners association.

Trees were planted on 32.2 acres of the 40.4 acre easement that were in cropland prior to enrollment. At the time of enrollment all these acres were in hay and introduced grasses so all the trees were planted into existing cover. The site proposed for release was all planted to trees. As part of this proposal Mr. LaFavre plans to undertake a $40,000 wildlife habitat improvement plan on the site where acres remain under easement. In addition, Mr. LaFavre is proposing to establish a $10,000 stewardship fund via dues to the homeowners association to ensure long-term care and maintenance of the common easement areas.

Mr. LaFavre has been working with the Rice SWCD and the DNR Area Wildlife Mgr. for the last few months to come up with a proposal that will work for all involved. Up to this point Mr. LaFavre has not been successful in satisfying their concerns with his proposal.

The Board stopped at this site on their tour of Rice County on September 28, 2005. The easement alteration subcommittee also met on September 28, 2005 to consider the LaFavre request to alter this easement.

Section 8400.3610 of the RIM Reserve rule allows the Board to alter, release or terminate an easement after consultation with the commissioners of agriculture and natural resources. An easement may only be altered, released or terminated if the Board determines that the public interests and general welfare are better served by the proposed action. To assist the Board in

making it's decision the rule also states that the following items must be submitted before the Board will consider a request to alter, release or terminate an easement:

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

SUMMARY OF INFORMATION PROVIDED TO SUPPORT REQUEST:

Mr. LaFavre has submitted his proposal, as prepared by Applied Ecological Services, Inc., to both the SWCD and BWSR. The easement alteration subcommittee members have all received copies of this proposal. Both the SWCD and the DNR Area Wildlife Manager have reviewed copies of this proposal and reviewed the site in the field.

A map of the area, copied from the proposal prepared by Applied Ecological Services, is enclosed for reference. I have outlined the current easement boundary with a marker.

A letter dated September 21, 2005 from the Rice SWCD Board outlines their opposition to the proposal. A copy is attached for your review.

The Area Wildlife Manager, Jeanine Vorland, has also reviewed this proposal and is not in support of it. A copy of her October 7, 2005 letter is attached.

FINDINGS:

This alteration request, as currently proposed, would release 12.78 acres and replace it with 12.78 RIM acres, and 17.46 in a MN Land Trust easement, 30.24 acres total. This represents a 2.4 to 1 replacement ratio, and a net gain in acres under easement of 17.46 acres.

This parcel, owned by Mr. LaFavre, is 79.7 acres in total. There currently are 40.4 acres under easement. The current easement boundary and existing wetlands on the site make it somewhat difficult to develop the site but there are options that could work. Mr. LaFavre's proposal has merit as far as seeking to preserve open space and enhancing habitat, but that does not change the fact that the land proposed for development is under a perpetual RIM Reserve conservation easement. Mr. LaFavre is not the original easement holder. He bought the property knowing that the easement was there and that he would need to abide by it's terms and conditions. Releasing the easement to enable a 5 lot subdivision is not conducive to the long term resource protection and wildlife habitat benefits of the easement and surrounding area. Any development of the non-easement lands on this site, given the current easement boundary and existing wetland regulations, would likely amount to less than 5 new building sites on this 79 acre parcel.

OPTIONS AND RECOMMENDATION:

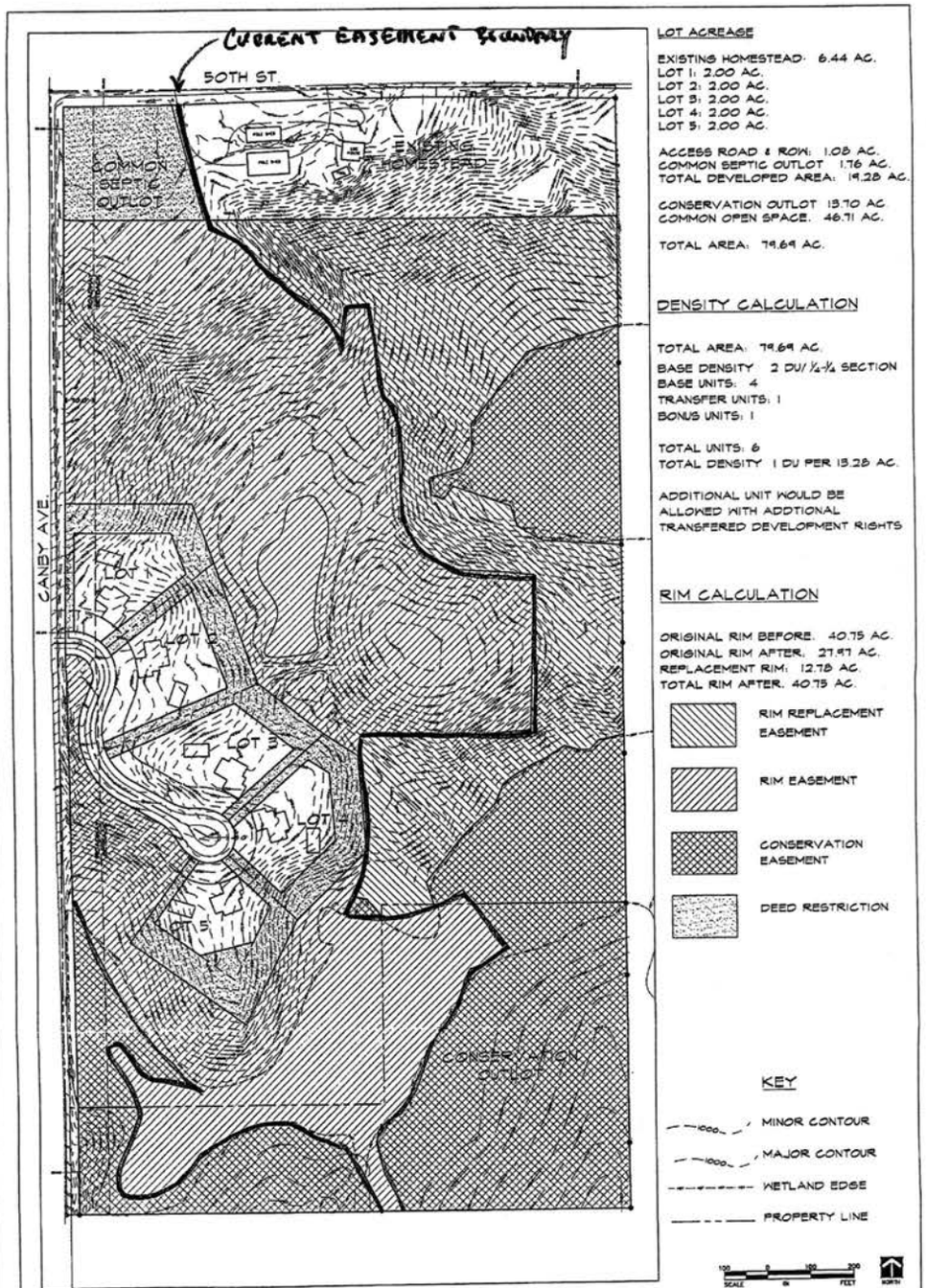
1. Approve of the exchange on the easement. NOT RECOMMENDED. This proposed exchange does not offer clear improvements in the water quality protection benefits or the wildlife habitat values over what the easement currently provides. Even though there would be a net increase in acres under state easement, releasing this easement to in effect promote development is not in the best interest of the RIM Reserve program or the State.

I am concerned with establishing a precedent that would enable land speculators to purchase easement lands and be free to amend them to promote development. This is not in line with the objectives of the RIM Reserve program, which is to take marginal lands out of crop production and preserve them in permanent habitat, not enable residential development on these lands.

If the Board were to decide to approve of Mr. LaFavre's proposed exchange, I would suggest that a motion for approval to amend the easements be made conditional on the following items being received prior to amending the easement:

- Provide a legal survey to the BWSR to be used as part of new legal description for the amended easement.
- Provide a letter from the local zoning administrator stating that the proposed subdivision has received county and township approval.
- The 17.46 acres of easement slated for the MN Land Trust be made part of the state RIM easement
- The home owners association (HOA) dues for the $10,000 stewardship fund must be put into an escrow account that the state and SWCD can access in the event that the HOA fails to maintain or carry out the habitat improvement plan.
- A $500 processing fee be paid to the BWSR by Mr. LaFavre.

2. Deny the request to exchange. **RECOMMENDED**. The easement alteration subcommittee unanimously voted to deny Mr. LaFavre's proposal to alter this easement at it's September 28, 2005 meeting. This proposal, while having merits for planned unit developments where easements are not involved, would set a poor precedent for the RIM Reserve easement program. If the BWSR were to approve of this proposal it would in essence be facilitating residential subdivision development on easement lands. This is not something that RIM Reserve should be condoning. Both the Rice SWCD and the local DNR wildlife manager are opposed to this proposal. The BWSR administers it's conservation easement program via the local SWCDs. Going against their recommendations could have negative implications for future easement program administration and delivery.



LOT ACREAGE

EXISTING HOMESTEAD: 6.44 AC.
LOT 1: 2.00 AC.
LOT 2: 2.00 AC.
LOT 3: 2.00 AC.
LOT 4: 2.00 AC.
LOT 5: 2.00 AC.

ACCESS ROAD & ROW: 1.08 AC.
COMMON SEPTIC OUTLOT 1.76 AC.
TOTAL DEVELOPED AREA: 19.28 AC.

CONSERVATION OUTLOT 13.70 AC.
COMMON OPEN SPACE: 46.71 AC.

TOTAL AREA: 79.69 AC.

DENSITY CALCULATION

TOTAL AREA: 79.69 AC.

BASE DENSITY 2 DU/ ¼-¼ SECTION
BASE UNITS: 4
TRANSFER UNITS: 1
BONUS UNITS: 1

TOTAL UNITS: 6
TOTAL DENSITY 1 DU PER 13.28 AC.

ADDITIONAL UNIT WOULD BE ALLOWED WITH ADDTIONAL TRANSFERED DEVELOPMENT RIGHTS

RIM CALCULATION

ORIGINAL RIM BEFORE: 40.75 AC.
ORIGINAL RIM AFTER: 27.97 AC.
REPLACEMENT RIM: 12.78 AC.
TOTAL RIM AFTER: 40.75 AC.

RIM REPLACEMENT EASEMENT

RIM EASEMENT

CONSERVATION EASEMENT

DEED RESTRICTION

KEY

MINOR CONTOUR

MAJOR CONTOUR

WETLAND EDGE

PROPERTY LINE

100 0 100 200
SCALE IN FEET

NORTH

LOT PLAN w/ EASEMENTS
SCOTT & SHARI LAFAVRE
WEBSTER TOWNSHIP
RICE COUNTY, MN

DAHLGREN SHARDLOW AND UBAN

CONSULTING PLANNERS LANDSCAPE ARCHITECTS
200 FIRST AVENUE NORTH MINNEAPOLIS, MN 55401 763.339.3300

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE _____ REG. NO. _____

SURVEY:	SCALE:	REVISION	DATE
DRAWN BY:	CCB	-	-
CHECKED BY:	CJM	-	-
APPROVED:	-	-	-
DATE: SEPT. 15, 2004			
PROJECT NUM.:	4445		

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Rice Soil and Water Conservation District

1810 30th Street NW, ❖ Faribault, MN 55021 Phone: (507)332-5408
Website: www.1rl.com Fax: (507)332-9892

September 21, 2005

Minnesota Board of Water & Soil Resources
Attn: Kevin Lines and Tim Fredbo
520 Lafayette Road North
St. Paul, MN 55155

Dear Gentlemen:

The Rice SWCD Board of Supervisors met at a regular monthly board meeting on September 21, 2005. We had received a revised request from Scott LaFavre to extinguish 12.78 acres of a perpetual Reinvest in Minnesota easement. In exchange for the 12.78 acres, Mr. LaFavre is proposing to enlarge the existing 40.4 acre easement to 58.26 acres by adding other non-easement lands, and creating new wildlife habitat improvements. Mr. LaFavre desires to do this to build five new homes on the current RIM site. Development restrictions would also be placed on an additional 5.93 acres.

After much discussion, the Rice SWCD Board voted not to support the cancellation of this easement for the same reasons as the first proposal including:

- The land was put into RIM as a perpetual easement, which our board strongly feels should be upheld to the original intentions of the landowner who acquired the easement.

- Rice County is experiencing tremendous residential growth. Allowing this easement to be altered in any way could set a dangerous precedent for other RIM easements in Rice County as well as elsewhere in Minnesota. Currently, there are many other sites available to build housing. Releasing a RIM easement for this purpose is not necessary for additional growth.

- Placing five houses in this easement will likely drive wildlife away from the area. Jeanine Vorland, DNR wildlife, concurred with this in a letter from the first proposal that she saw no long term benefit to wildlife to modify this easement.

We look forward to discussing this proposal further with the BWSR Board at the BWSR Tour and Board Meeting in Rice County on September 28, 2005..

Sincerely,

SWCD Acting Board Chairman

Minnesota Department of Natural Resources

Area Wildlife Office
8485 Rose Street
Owatonna, Minnesota 55060
Telephone: (507) 455-5841
Facsimile: (507) 446-2326
E-mail: jeanine.vorland@dnr.state.mn.us

7 October 2005

Tim Labs
Rice Soil and Water Conservation District
1810 30th Street Northwest
Faribault, Minnesota 55021

Re: LaFavre RIM Easement (#66-03-91-01) Revised Proposal

Dear Mr. Labs:

I have reviewed the request from Scott and Shari LaFarvre to extinguish a 12.8-acre portion of a 40.8-acre Reinvest in Minnesota (RIM) easement. The purpose of the request is to enable subdivision and development of 5 additional residences on the property currently protected by the conservation easement. The LaFarvres have provided a revised proposal illustrating how they intend to mitigate the unavoidable adverse impacts of the proposed development and should be commended. However, I am unable to conclude that the proposal offers a clear conservation advantage over alternatives that maintain the configuration of the existing easement while taking into consideration other protections provided by the Wetland Conservation Act and local zoning regulations. Therefore, I have not been able to conclude it is in the long-term interest of wildlife conservation and wildlife-based recreation to extinguish or modify this easement.

I recognize that the RIM easement does not cover the entire property and it is possible some development may occur regardless of the fate of this easement. The proposal does provide for a potential net gain of 17.5 acres of lands protected by conservation easement. The additional easement would include some natural forested lands in the southeast corner of the property, some additional planted woodland and offer an overlay of protection to some wetlands. The proposal also contains a mechanism to partially buffer the remaining protected lands from the housing development and provisions for funding additional conservation work through a homeowner's association. Unfortunately, it is difficult to mitigate the foreseeable impacts from the addition of 5 residences to this property.

Thank you for the opportunity to comment on this project. I would be willing to attend an upcoming Rice Soil and Water Conservation Board meeting to discuss the proposal. Please feel free to contact me if you have questions, comments or need more information.

Sincerely,

Jeanine Vorland

Jeanine Vorland
Area Wildlife Manager

c: Don Nelson
Wayne Edgerton
Dave Peterson
Kevin Lines

RECEIVED
OCT 11 2005
Bd. of Water & Soil Resources
St. Paul

NEW BUSINESS

1. Petition for Termination of Cooks Valley Watershed District – ***DECISION ITEM***

2. SWCD Late Audit Policy – ***DECISION ITEM***

3. Beaver Damage Control Grants Program – ***DECISION ITEM***

4. Alteration Request for CREP Easement 64-67-01-01, Duane Knott, Redwood County – ***DECISION ITEM***

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

In the Matter of the Termination Petition for the Cooks Valley Watershed District in Wabasha County pursuant to Minn. Stat. § 103D.271.

ORDER TERMINATION OF COOKS VALLEY WATERSHED DISTRICT

Whereas, 111 resident owners residing in the Cooks Valley Watershed District in Wabasha County filed a Petition dated June 10, 2005, with the Board of Water and Soil Resources (Board) on June 28, 2005, to terminate the Cooks Valley Watershed District pursuant to Minn. Stat. § 103D.271, and;

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

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

FINDINGS OF FACT

1. **Termination Petition Filing.** The Termination Petition (Petition) to terminate the Cooks Valley Watershed District (Exhibit 2) dated June 10, 2005, was filed with the Board on June 28, 2005. (Exhibit 1) The Petition, consisting of 74 pages, was signed by 111 resident owners residing in the Cooks Valley Watershed District pursuant to Minn. Stat. § 103D.271.

2. **Required Proofs of Service.** On June 21, 2005 at 9:00 AM, Jerry Leisen, Wabasha County Auditor/Treasurer, signed, and affixed his official seal unto, a statement of receipt of the Petition (Exhibit 4), which was included in the filing of the Petition with the Board on June 28, 2005, pursuant to Minn. Stat. § 103D.271, Subd. 4 (b).

3. **Certification of Petitioner Signatures.** On June 21, 2005, Jerry Leisen, Wabasha County Auditor/Treasurer, pursuant to Minn. Stat. § 103D.271, Subd. 5, based upon his inspection of the Petition and tax records, certified the Petition was signed by at least 25 percent of the resident owners residing in the Cooks Valley Watershed District. (Exhibit 5)

4. **Petitioner's Bond.** The Petitioner's filed a surety bond dated June 8, 2005, underwritten by Auto-Owners Insurance (Exhibit 3), pursuant to Minn. Stat. § 103D.271, Subd. 6, which was included in the filing of the Petition with the Board on June 28, 2005. The bond in the amount of two thousand dollars ($2,000.00) is conditioned on the payment of all costs and expenses of the termination proceedings if the termination petition proceedings are dismissed or denied.

5. **Property Description.** The territory of the Cooks Valley Watershed District is approximately 44.5 square miles and is entirely within Wabasha County in all or parts of the Cities of Kellogg and Wabasha, and the Towns of Glasgow, Greenfield, Highland, Minneiska and Watopa.

6. **Frequency of Termination Petition.** The Board has not accepted a termination petition for the Cooks Valley Watershed District within the past five years, pursuant to Minn. Stat. § 103D.271, Subd. 3.

7. **Reasons for Termination.** The Petition lists the following:

   a. The Cooks Valley Watershed District was established on December 9, 1963.

   b. The Cooks Valley Watershed District has had no new projects started or taxes levied within the past 25 years.

   c. No inspection or maintenance programs have been maintained by the Cooks Valley Watershed District.

   d. Currently, there is no active appointed Board of Managers for the Cooks Valley Watershed District.

   e. The continued existence of the Cooks Valley Watershed District does not benefit the public welfare and public interest, and the Cooks Valley Watershed District is not needed to accomplish the purposes of Minnesota Statutes Chapter 103D.

8. **Hearing Order.** At its regular meeting on August 24, 2005, the Board determined the Petition met the requirements of Minn. Stat. § 103D.271 and consequently ordered a public hearing to be held on the Petition. (Exhibit 6)

9. **Hearing Notice.** Legal notice of the public hearing on the Petition, pursuant to Minn. Stat. § 103D.271, Subd. 8, was published in the Wabasha County Herald on September 7, 2005. (Exhibit 10) Further, a copy of the legal notice was mailed to approximately 20 addressees including the affected county Board of Commissioners, County Auditor, County Water Planner, all of the cities in the watershed district, all of the towns in the watershed district, the SWCD, and the DNR. (Exhibit 8)

10. **Public Hearing.** A public hearing was held on the termination of the Cooks Valley Watershed District on September 27, 2005 at the Wabasha County Courthouse located at 625 Jefferson Avenue in Wabasha, Minnesota. The hearing started at 6:30 PM. The proceedings were tape recorded. The hearing panel consisted of Board members Dana Allen, Brian Kletscher, and Jerome Deal as chair. After all people present at the public hearing were given an opportunity to speak and enter exhibits, the hearing record was left open for two weeks until 4:30 PM on October 11, 2005, for receipt of written comments.

The following list of exhibits comprise the hearing record. Jim Haertel, Board staff, entered Exhibits 1 through 11 into the hearing record by reading a brief description of each exhibit. All exhibits in the hearing record are one page unless otherwise noted. Double sided pages count as two pages.

Exhibit 1. Letter dated June 10, 2005, from Larry Kronebusch forwarding the original Termination Petition for the Cooks Valley Watershed District, which is Exhibit 2.

Exhibit 2. Original Termination Petition for the Cooks Valley Watershed District containing 111 signatures, 74 pgs.

Exhibit 3. Surety Bond dated June 8, 2005, underwritten by Auto-Owners Insurance Company, in the amount of $2,000.00 conditioned on the payment of all costs and expenses of the termination proceedings if the termination petition proceedings are dismissed or denied, 3 pgs.

Exhibit 4. Proof of receipt of a copy of the Termination Petition for the Cooks Valley Watershed District dated June 21, 2005, signed by Jerry Leisen, Wabasha County Auditor/Treasurer.

Exhibit 5. Certification of Petitioner signatures dated June 21, 2005, signed by Jerry Leisen, Wabasha County Auditor/Treasurer, that the required number of signatories have been met and meet the applicable eligibility requirements under Minnesota Statutes Chapter 103D for the Termination Petition for the Cooks Valley Watershed District.

Exhibit 6. Order of the Board of Water and Soil Resources dated August 24, 2005, signed by Jerome Deal, Chair, setting the date, time and location of the public hearing on the Petition, 4 pgs.

Exhibit 7. News Release dated August 24, 2005, from the Board of Water and Soil Resources announcing the public hearing on the Petition, 2 pgs.

Exhibit 8. Letter dated September 6, 2005, from Jim Haertel to several addressees providing notification of the public hearing, with attached Legal Notice and List of Addressees, 3 pgs.

Exhibit 9. Notarized Affidavit of Service by Mail of Exhibit 8 signed by Deborah A. Salinas on September 8, 2005, with attached list of addressees, 2 pgs.

Exhibit 10. Affidavit of Publication of Legal Notice of Public Hearing in the Wabasha County Herald on September 7, 2005.

Exhibit 11. Cooks Valley Watershed District Overall Plan prescribed by the Minnesota Water Resources Board on September 10, 1964, 34 pgs.

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After all people present at the public hearing were given an opportunity to speak and enter exhibits, the hearing record was left open for two weeks until 4:30 PM on October 11, 2005, for receipt of written comments. The following exhibits were received while the record was open.

- - - - - - -

Exhibit 12. Notarized easement for watershed protection in favor of the Cooks Valley Watershed District dated January 13, 1966, signed by Carl and Mina Reinke, 3 pgs.

11. **Watershed Management Plan.** The Cooks Valley Watershed District Overall Plan was prescribed by the Minnesota Water Resources Board, which is now the Minnesota Board of Water and Soil Resources, on September 10, 1964. The plan must be revised at least once every ten years pursuant to Minn. Stat. § 103D.405, Subd. 1 (a). No revisions have been made to the plan since September 10, 1964.

12. **Managers Oath and Bond.** The Board of Managers of the Cooks Valley Watershed District must file oaths of office and bonds with the Board pursuant to Minn. Stat. § 103D.315, Subd. 1 and 2. The Board of Managers has not filed oaths or bonds with the Board since 1969.

13. **Board of Managers Meetings.** The Board of Managers of the Cooks Valley Watershed District must meet annually, at a minimum, pursuant to Minn. Stat. § 103D.315, Subd. 10. The Board of Managers has not met since 1991.

14. **Advisory Committee.** The Board of Managers of the Cooks Valley Watershed District must annually appoint an advisory committee pursuant to Minn. Stat. § 103D.331, Subd. 1. The Board of Managers has not appointed an advisory committee since the watershed district was established in 1963.

15. **Administration Bylaws.** The Board of Managers of the Cooks Valley Watershed District must adopt bylaws for the administration of the business and affairs of the watershed district pursuant to Minn. Stat. § 103D.315, Subd. 11. The Board of Managers has not adopted bylaws since the watershed district was established in 1963.

16. **Rules.** The Board of Managers of the Cooks Valley Watershed District must adopt rules to accomplish the purposes of Minnesota Statutes Chapter 103D and to implement the powers of the managers pursuant to Minn. Stat. § 103D.341, Subd. 1. The Board of Managers has not adopted rules since the watershed district was established in 1963.

17. **Annual Report and Audit.** The Board of Managers of the Cooks Valley Watershed District must have an annual report and annual audit completed and file the documents with the Board pursuant to Minn. Stat. §§ 103D.351 and 103D.355. The Board of Managers has not filed the required report or audit with the Board since the watershed district was established in 1963.

18. **Funds.** The Board of Managers of the Cooks Valley Watershed District has not levied or collected funds in more than 25 years. The present balance of all funds of the Cooks Valley Watershed District is approximately three hundred thirty-nine dollars ($339.00).

19. **Projects and Programs.** The Board of Managers of the Cooks Valley Watershed District has not commenced any type of project or program in more than 25 years.

20. **Easement.** An easement (Exhibit 12) to the Cooks Valley Watershed District was not recorded on the title for the property. The property currently has a different landowner from the landowner who signed the easement.

21. **Hearing Panel.** Based on the entire record in the matter and after due consideration, the hearing panel unanimously decided to recommend to the full Board the Cooks Valley Watershed District be terminated because the existence of the watershed district does not benefit the public welfare and public interest, and the watershed district is not needed to accomplish the purpose of Minnesota Statutes Chapter 103D. Further, all remaining funds of the watershed district should be transferred to the Wabasha County Auditor/Treasurer within 30 days of the date this Order is filed with the Secretary of State. Larry Kronebusch, the most recent Treasurer of the watershed district who continues in such position until a successor is appointed and qualified pursuant to Minn. Stat. § 103D.315, Subd. 6, shall conduct the transfer of funds from the watershed district to Wabasha County.

CONCLUSIONS

1. The Petition for termination of the Cooks Valley Watershed District is valid in accordance with Minn. Stat. § 103D.271.

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

3. The Board has proper jurisdiction in the matter of terminating the Cooks Valley Watershed District.

4. The Cooks Valley Watershed District should be terminated for the following reasons:

   A. The watershed management plan is required to be revised at least once every ten years and the plan has not been revised in more than 40 years.

   B. Oaths of office and bonds for the managers are required to be filed with the Board of Water and Soil Resources and none have been filed since 1969.

   C. The Board of Managers are required to meet at least annually and they have not met since 1991.

   D. An advisory committee is required to be appointed annually and no advisory committee has been appointed since the watershed district was established in 1963.

   E. Bylaws are required to be adopted and none have been adopted since the watershed district was established in 1963.

   F. Rules are required to be adopted and none have been adopted since the watershed district was established in 1963.

G. A report and audit is required to be filed annually with the Board of Water and Soil Resources and none has been filed since the watershed district was established in 1963.

H. The watershed district has collected no funds in more than 25 years.

I. The watershed district has not commenced any type of project or program in more than 25 years.

5. The Cooks Valley Watershed District should be terminated because the existence of the watershed district does not benefit the public welfare and public interest, and the watershed district is not needed to accomplish the purpose of Minnesota Statutes Chapter 103D.

6. All remaining funds of the Cooks Valley Watershed District should be transferred to the Wabasha County Auditor/Treasurer within 30 days of the date this Order is filed with the Secretary of State. Larry Kronebusch, the most recent Treasurer of the watershed district who continues in such position until a successor is appointed and qualified pursuant to Minn. Stat. § 103D.315, Subd. 6, shall conduct the transfer of funds from the watershed district to Wabasha County.

ORDER

The Board hereby orders that the Cooks Valley Watershed District is terminated because the existence of the watershed district does not benefit the public welfare and public interest, and the watershed district is not needed to accomplish the purpose of Minnesota Statutes Chapter 103D. The Board further orders that all remaining funds of the watershed district must be transferred to the Wabasha County Auditor/Treasurer by Larry Kronebusch, Treasurer of the watershed district, within 30 days of the date this Order is filed with the Secretary of State.

Dated at Saint Paul, Minnesota this 26th day of October, 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Jerome Deal, Chair

SWCD LATE AUDIT POLICY

BACKGROUND
Current policy, agreed to by the Office of the State Auditor (OSA) and BWSR five years ago, requires SWCDs to have an audit when their cumulative revenues reach $400,000 since their last audit, or at least once every three years. This results in 30 – 40% of all SWCDs being required to have an audit each year. Statute 103C.325 subd. 2, and our grant agreements also state that an audit is required.

BWSR sends out audit notices in late May. Most SWCDs know when they need to have an audit, and make audit arrangements early in the year. Some forget about the audit until they are notified. The audit notice states that SWCDs should hire a private CPA or request a state auditor to perform their audit and send a draft of the audit to the OSA for review by October 31. The OSA returns the review, with any notes, to the CPA, and then the final audit is due to BWSR by December 31.

ISSUE
Every year, several SWCDs do not follow this procedure or schedule. The OSA sends updates on which audits they have reviewed and when. Notices are sent out in November reminding SWCDs to get their draft audit sent in when the OSA has not received it yet. The same is done in December, January, etc. In March, BWSR may even offer to hold up their annual base grants until their audit is received, which usually starts the ball rolling, but it is then another month or so until the audit is received.

RECOMMENDATION
The Cost Share Committee is recommending that any SWCD that has not satisfied the SWCD audit requirements*, and submitted their audit to the BWSR by the due date, shall be subject to the following penalties, affecting Cost Share, General Services, and Easement Services base grants, hereafter collectively referred to as the base grants:

- An immediate five percent (5%) reduction to the next fiscal year base grants.
- An additional five percent per month base grant reduction each month past the due date.
- Base grants may be revoked if audits are not received within 90 days of the due date.

* According to the Office of the State Auditor and BWSR Policy.

The Committee also directed staff to discuss with MASWCD the potential of reserving a portion of the General Services appropriation for funding SWCD audits with a general vendor.

ACTION
Decision. Board support of this Recommendation by the enclosed resolution would implement this Policy effective January 1, 2006, and apply to all audits due in 2006 and thereafter.

Board Resolution #_____

SOIL AND WATER CONSERVATION DISTRICT
LATE AUDIT POLICY

WHEREAS, Current policy, agreed to by the Office of the State Auditor (OSA) and BWSR, requires SWCDs to have an audit when their cumulative revenues reach $400,000 since their last audit, or at least once every three years; and,

WHEREAS, Minnesota Statute 103C.325 subd. 2, and BWSR grant agreements state that an SWCD audit is required; and,

WHEREAS, SWCD non-compliance with audit requirements for several SWCDs is an annual occurrence.

NOW THEREFORE, effective January 1, 2006, and applicable to all SWCD audits due in 2006 and thereafter, any SWCD that has not satisfied the SWCD audit requirements*, and submitted their audit to the BWSR by the due date, shall be subject to the following penalties, affecting Cost Share, General Services, and Easement Services base grants, hereafter collectively referred to as the base grants:

- An immediate five percent (5%) reduction to the next fiscal year base grants.
- An additional five percent per month base grant reduction each month past the due date.
- Base grants may be revoked if audits are not received within 90 days of the due date.

* According to the Office of the State Auditor and BWSR Policy.

_____ Date: _____

Jerome Deal, Chair
Board of Water and Soil Resources

H:LAPR

BEAVER DAMAGE CONTROL GRANTS PROGRAM

BACKGROUND

In CY 1994 the Minnesota Legislature appropriated $50,000 to the Commissioner of Agriculture for a grant to the beaver damage control joint powers board formed by Beltrami, Clearwater, Marshall, Pennington, Polk, and Red Lake Counties. The grant was required to be matched by $30,000 from the joint powers board. A total of 2,425 problem beavers and several dams were removed.

Legislative appropriations continued and the Beaver Damage Control Grants were allocated to a variety of LGUs until 2002.

ISSUE

The MN Legislature of 2005 in their 1st Special Session appropriated to BWSR $100,000 for this Program to provide grants for the control of beaver activities causing damage to public waters, roads, and ditches, and adjacent private property.

The grants may be made to:

(1) A joint powers board established under section 471.59 by two or more governmental units;
(2) Soil and water conservation districts; and
(3) Indian tribal governments.

A 1:1 match is required.
The Cost Share Committee is recommending Program Policy.

RECOMMENDATION

	Targets
Program Policy Recommendation	Sept. 28 Cost Share Committee
Program Policy Approval	Oct. 26 BWSR Meeting
Application Period	Nov. 1 – March 1
Allocation Recommendation	March Cost Share Com. Meeting
Allocation Approval	April 26
Grant Agreements Sent	May 1

Allocations - $5,000 max. For individual LGU Applicant or tribal gov't. Unit
$20,000 max. Multi-LGU Applicant and/or tribal gov't. Units

Application Evaluation
Grants will be awarded on the following considerations:

1. 25% Description of the extent of the beaver control problem.

2. 25% Description of the beaver control program including how beaver damage control will be accomplished.
3. 25% The ability of the applicant to match the state grant.
4. 25% How will grant and match funds be spent? – Budget
5. Extra consideration will be given to applicants who can reference a relationship to priority problems in a Local Water Plan.

Considerations 1 – 5 will each be evaluated as Excellent – 3 points, Good – 2 points, Fair – 1 point, or No Consideration – 0 points.

ACTION

Decision. The Committee is requesting the Board to approve the authorization of the Beaver Damage Control Grants Program, allocation criteria, and target dates for Program implementation.

H:BDCGPBA

Board Resolution #_____

BEAVER DAMAGE CONTROL GRANTS PROGRAM AUTHORIZATION

WHEREAS, The MN Legislature of 2005 in their 1st Special Session Appropriated to BWSR $100,000 for this Program to provide grants for the control of beaver activities causing damage to public waters, roads, and ditches, and adjacent private property.

NOW THEREFORE, The BWSR authorizes staff to implement the Beaver Damage Control Grants Program according to the Laws of the State of Minnesota and the following administrative policies:

Allocation Maximums - $5,000 max. for individual LGU Applicant or tribal gov't. Unit
$20,000 max. for Multi-LGU Applicant and/or tribal gov't. Units

Application Evaluation
Grants will be awarded on the following considerations:

1. 25% Description of the extent of the beaver control problem.
2. 25% Description of the beaver control program including how beaver damage control will be accomplished.
3. 25% The ability of the applicant to match the state grant.
4. 25% How will grant and match funds be spent? – Budget
5. Extra consideration will be given to applicants who can reference a relationship to priority problems in a Local Water Plan.

Considerations 1 – 5 will each be evaluated as Excellent – 3 points, Good – 2 points, Fair – 1 point, or No Consideration – 0 points.

_____ Date: _____

Jerome Deal, Chair
Board of Water and Soil Resources

H:BDCGPR

October 10, 2005

TO: Board Members

THRU: Kevin Lines, Easement Section Administrator

FR: Tim Fredbo, Conservation Easement Specialist

RE: Alteration of Conservation Easement 64-67-01-01, Duane Knott

BACKGROUND:

Duane Knott, through the Redwood SWCD, has requested the BWSR to remove 6.9 acres of land currently in a perpetual RIM Reserve conservation easement. The land is located in the South ½ of Section 3, T109N, R38W, (North Hero Township), of Redwood County. Mr. Knott is proposing to replace it with 13.8 acres of land adjacent to the present easement area boundary. The original easement on Mr. Knott's property for 115.5 acres was recorded on October 29, 2002. The land was eligible as a MN River CREP riparian area adjacent to Plum Creek. The acres for release are non-crop riparian woodlands as are the replacement acres proposed. Mr. Knott has requested the alteration to alleviate a problem with trying to fence his cattle herd out of the existing easement area in the area he would like released. Topography is very steep in the area and difficult to maintain fencing. Mr. Knott is the original easement grantor with the State.

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

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

Items B and C have been received and are attached for your review. The photo was prepared by easement staff to show the area for release and the replacement acres. The landowner worked with SWCD staff in Redwood County to come up with the proposed alteration request.

SUMMARY OF INFORMATION PROVIDED TO SUPPORT REQUEST:

The Redwood SWCD Board approved Mr. Knott's request at their June 9, 2005 meeting. This is confirmed in the attached July 6, 2005 letter from Marilyn Bernhardson, District Administrator.

Mr. Jeff Zajac, DNR area wildlife manager from Redwood Falls, has also reviewed this proposal. Mr. Zajac concludes that the trade is a good one for the State's RIM program in that we will be protecting a larger parcel of riparian woodlands than the current easement provides.

FINDINGS:

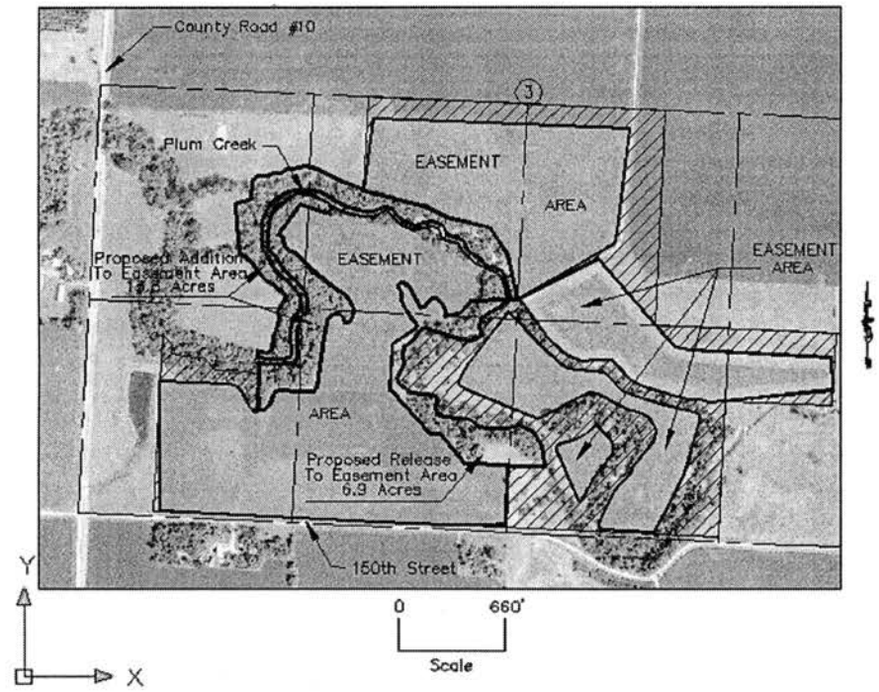
This alteration request, as proposed, would release 6.9 acres and replace it with 13.8 acres, a net gain of 6.9 acres in wildlife habitat and riparian buffer along Plum Creek for the State. All acres proposed for release and replacement, are in woodland that has never been cropped. The landowner requests this change to better be able to manage and fence off his pasture in areas where topography is not so steep with fences being remote and difficult to maintain.

OPTIONS AND STAFF RECOMMENDATION:

1. Approve of the exchange on the easement. **RECOMMENDED**. It is my opinion, along with both the Redwood SWCD and the DNR Area Wildlife Manager, that this proposed exchange will improve the wildlife habitat values of the easement area simply due to the net gain of 6.9 acres of additional easement lands.

2. Deny the request to exchange. NOT RECOMMENDED. This is a reasonable request proposed by the landowner. Mr. Knott worked with the SWCD staff to make his proposal fit the resource protection needs on the site while also making things more manageable for pasturing his livestock. The RIM Reserve easement program needs to be flexible when the benefits to the soil, water and wildlife resources our easements are protecting are maintained or increased.

Section 3 T. 109 N., R. 38 W., Redwood County



REDWOOD SOIL AND WATER CONSERVATION DISTRICT
1241 East Bridge Street, Suite C
Redwood Falls, MN 56283
(507) 637-2427 Ext. 3 or Fax: (507) 637-6002

Danny Potter	**Donald Steffen**	**Ralph Heiling**	**Tom Daub**	**Mike Hewitt**
District I	**District II**	**District III**	**District IV**	**District V**
(507) 641-3337	(507) 648-3485	(507) 249-3568	(507) 342-5493	(507) 859-2406

JUL 28 2005

July 6, 2005

Tim Fredbo
Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, MN 55155

Dear Tim:

Duane Knott, RIM contract 64-67-01-01, has requested a switching of RIM acres. There is an 8.7 acre non-cropped RIM field as part of his CREP contract, from which he would like to remove some of the acres. He is having a very difficult time keeping livestock off the area in question. This is because he is not able to construct a fence due to land topography.

At our June 9, 2005 board meeting the board approved the exchange of land Mr. Knott is requesting. The contract would be revised by removing 6.9 acres and adding 13.8 acres in a new location. Therefore, the state will gain 6.9 acres because Mr. Knott is willing to provide a 2:1 ratio for exchange. See the enclosed map.

Please give us a call if you have any questions.

Sincerely,

Marilyn Bernhardson

Marilyn Bernhardson
District Administrator

Minnesota Department of Natural Resources

Division of Wildlife
1241 East Bridge Street
Redwood Falls, MN 56283
PHONE: (507) 637-4076
FAX: (507) 637-4073

July 26 ,2005

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

To whom it may concern,

This letter is in response to the request to transfer 6.9 acres of RIM into grazing and replace it with 13.8 acres of new land into RIM by Duane Knott in Section 3 of T 109N, R 38 W. As said project will improve the public interest by safeguarding an even greater amount of habitat than was originally protected I support this request.

Yours truly,

Jeff Zajac
Area Wildlife Manager
Redwood Falls

FOR YOUR INFORMATION

October 26, 2005

- BWSR "Update"
- Updated Board Member Listing
- Updated Staff Listing
- Letter dated October 19, 2005, from Governor Pawlenty to Senator Mark Dayton and Senator Norm Coleman, regarding action by Congress to reduce the CRP program may jeopardize the pending Minnesota CREP agreement.
- News Release "Jennifer A. Ronnenberg Named Watershed Coordinator"
- Drainage Research Forum, November 2, 2005, Dows, Iowa
- Letter dated October 20, 2005, from Jim Haertel, regarding request for removal from Watershed District
- Annual Conventions – Attendance
  - MAWD, December 1-3, Alexandria
  - MASWCD, December 4-6, Bloomington
  - AMC, December 5-7, St. Paul

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 2005

ENGINEERING

Wetland Restorations

Sometimes, when it rains it not only pours, but pours and pours. The heavy rains in early October affected many areas in central Minnesota, including a number of wetland restoration sites. Late summer and fall typically are the best times for contractors to install wetland restorations, due to lower average monthly precipitation. However, averages are born from variability and wetland restorations typically are, of course, located on low ground that's easily affected by rain and runoff. If the good weather of late continues, many wetland restoration projects should be completed yet this fall.

Tom Wenzel and Steve Woods recently met with officials of Kandiyohi County and the City of Willmar to discuss a new concept for restoration of Grass Lake. RIM conservation easements were secured by the BWSR for most of Grass Lake in the 1990s and areas of wetland restoration implemented. However, the main drainage ditch through the lakebed is a primary stormwater outlet for Willmar, which currently precludes full restoration of Grass Lake. The new concept involves rerouting of the main county drainage ditch from through the lakebed to around most it. This would enable the restored lakebed to control runoff from a large agricultural watershed near Willmar, which would in turn help alleviate flooding and improve water quality in the chain of lakes downstream from Grass Lake. This concept might also involve pumping of low flow stormwater from the city into the restored lakebed for stormwater storage enhancement and water quality improvement. Willmar and the chain of prairie pothole lakes downstream to the southeast suffer from quite flat topography and shallow lake depths, which makes drainage a challenge and water quality a concern. Area legislators asked BWSR to develop a bonding proposal to potentially help address the situation. Support from the county and city are necessary ingredients for any project to proceed.

Feedlots

Al Kean recently attended a periodic advisory committee meeting for a Section 319 project to update the Feedlot Evaluation Model (FLEval). The University of Minnesota is working on an update that will include an ability to evaluate a continuous record of precipitation throughout the year, in addition to single storm events. Available research since the model was originally developed in the early 1980s is also being used in the update. The updated model is expected to enable both concentration and total mass of BOD and nutrients to be better evaluated, as well as the effects of vegetated buffers and filter strips.

MPCA and BWSR are developing a new nonpoint engineering assistance grant opportunity for SWCD Technical Services Areas in the southeast, southwest, and central parts of the state to add engineering technicians for accelerated technical assistance for Open Lot Agreements (OLAs). Recall that OLAs allow a partial fix until Oct. 1, 2010, for eligible feedlots with less than 300 animal units via such practices as clean water diversions, solids separation, and vegetated buffers. Several thousand OLAs were signed by producers in the past several years, before the Oct. 1, 2005 deadline. Many of these producers are awaiting technical and financial assistance. Approximately $300,000 available for this accelerated technical assistance opportunity is from the delegated county feedlot program. Two-year grants are envisioned.

Lake Superior

A conference call between NOAA, EPA, MPCA, BWSR, and DNR is scheduled for Oct. 25 to clarify the final approval process for Minnesota's responses to the six NOAA and EPA conditions on the Minnesota Coastal Nonpoint Program. Through an interagency agreement with MPCA, BWSR has led coordination and development of responses to resolve the conditional approval of the Coastal Nonpoint Program over the past year and a half. EPA recently requested additional information about one of the responses. We anticipate resolving that condition and achieving full program approval within the

Continued on next page

next several months. Although the approval process at the federal level has many steps, we're getting there much faster than many other coastal states have been able to, due at least in part to the partnership of MPCA, BWSR, and DNR.

As part of a Great Lakes Commission Erosion and Sediment Control Program grant to the Lake Superior Association of SWCDs, a demonstration project for flow-deflecting stream vanes is being developed in the Nemadji River Basin. The objective is to use low-cost vanes to reduce streambank erosion and related bank slumping that contribute substantial sediment to the Superior Harbor and Lake Superior. Dr. John Hoopes at the University of Wisconsin has researched this technique and will provide some technical assistance for the project.

Red River Basin

The Flood Damage Reduction Work Group and its Technical and Scientific Advisory Committee (TSAC) are evaluating potential next topics for the TSAC to tackle to assist project teams and the coordinated efforts in the basin for flood damage reduction (FDR) and natural resource enhancement (NRE). BWSR is a member of both the Work Group and the TSAC. What appears to be a top contender idea is to develop a method to better define and prioritize NRE objectives and benefits for individual projects and project prioritization. Culvert sizing at road crossings on drainage systems for FDR is another idea being considered. The TSAC might also serve in an advisory capacity for research projects conducted by universities, such as for research to better define vegetation response at existing water storage sites in the basin.

-Submitted by Al Kean

BRIEFS

Governor asks Clean Water Cabinet for follow-up to wetland report

After the release of the *2001-2003 Minnesota Wetland Report*, issued by the Board of Water and Soil Resources, Governor Tim Pawlenty asked the Clean Water Cabinet (CWC) to suggest ways that Minnesota "may more closely align with the principle of no net loss."

In a Sept. 7 letter to the CWC, the Governor said the report shows that "significant efforts have been made by the agricultural and conservation communities to improve wetlands and associated uplands through voluntary programs like the Wetland and Conservation Reserve Enhancement Programs (WREP and CREP)." He noted, however, that the state should consider doing more to limit the loss of wetlands through the regulatory mechanisms of the state's Wetland Conservation Act.

Specifically, the Governor asked for a report on the following:

- Improvements to the accounting and reporting system for wetlands;
- Alternatives to the existing WCA exemptions and replacement ratios;
- Improvements to voluntary efforts that build on the success of the past, but require a minimum of additional resources; and
- Other recommendations the CWC deems appropriate.

Members of the cabinet were asked to take the lead in identifying work plans steps for review at its November meeting. BWSR was asked to report on a process to complete an assessment of WCA exemptions and replacement ratios. BWSR will also work with the DNR on the process for enhanced wetland accounting and reporting.

In addition, BWSR would continue to seek regulatory simplification through agreements with the U.S. Army Corps of Engineers. Related areas would include banking credit accounting, comprehensive wetland plans, mitigation ratios, and mitigation banking geographical distribution.

◆◆◆

Middle Fork Crow River Watershed District recognized

In 2003, citizens in Kandiyohi, Meeker, and Stearns counties began sharing their concerns and observations of deteriorated water quality.

With little hope for state or federal funds for restoration projects, they launched an intensive grass roots effort to create a watershed district. Their efforts paid off earlier this year with formal approval of the district.

The watershed district was recognized for its efforts by recieving the Wenck River Friendly Community Award, which was presented Sept. 22 at the Minnesota Rivers Council RiverNight 2005 event.

Continued on next page

"We're delighted by the award and the recognition of the Governor," said Anne Latham, one of many citizens in the region who worked to form the watershed district. "We've already realized success in educating our communities about their impacts on watershed health and we look forward to working with citizens and local governments in crafting a watershed plan for action."

◆◆◆

Metro Junior Envirothon set for May 11

Plans are set for the first annual Metro Junior Envirothon. It will be held Wednesday, May 11, 2006, at the Minnesota Landscape Arboretum, Chanhassen.

The event is open to middle school students (in grades 6-8) from Carver, Hennepin, and Scott counties. Modeled after the successful Envirothon program for high school students in Minnesota, students will compete in the resource subject areas of aquatics, forestry, soils, wildlife, and a current environmental issue.

At the event, students visit five learning stations and take a 20-question exam at each station. Students work as teams to answer the exams. The event begins at 9 a.m. and ends around 1 p.m.

Carver SWCD, Hennepin Conservation District, and Scott SWCD are event sponsors and coordinators. The event will receive $500 in seed money made possible through the MASWCD Auxiliary to help defray expenses. In 2003, the auxiliary decided to earmark some funding from its annual convention proceeds to a pilot Envirothon program for middle school students.

Event planners are hoping for 25 to 30 teams. They will use the same presenters from their area Envirothon. Teams will not do an oral presentation.

Karen Halverson, Yellow Medicine SWCD supervisor and MASWCD education committee chairperson, encouraged the funding as a way to expand SWCD educational outreach to younger students in the state and to feed into the senior high Envirothon program. It is hoped that other areas will pick up the program in following years.

Felicia Brockoff, of Carver SWCD, said that Carver had eliminated two junior high environmental education opportunities because of lack of interest from schools, but continued looking for other possibilities to fill in the gap. "We wanted some sort of outreach program to stay in the schools and the Junior Envirothon fit," she noted. "It's hands-on, and that's what the kids love."

◆◆◆

Carol Strojny and Karli Swenson have joined BWSR as project analysts. They will be working with Greg Larson on developing and implementing a wetland monitoring plan.



Carol Strojny

Carol is originally from Green Bay, Wis. She has a B.S. degree in wildlife and biology from the University of Wisconsin-Stevens Point and an M.S. degree in wildlife ecology from the University of Maine. Her background includes working two seasons for the U.S. Fish and Wildlife Service and being a Peace Corps volunteer in Bulgaria.



Karli Swenson

Karli, originally from La Crosse, Wis., is a recent graduate of the University of Minnesota. She has a B.S. degree in environmental science, with an emphasis in soil and water conservation.

◆◆◆

Karen Johannsen, support staff for BWSR's Bemidji office, is retiring effective Friday, Oct. 28. Karen started working for BWSR in 1992.

When asked what her retirement plans were, she said, "Just to live life to its fullest and do a lot of snowmobiling."

Best wishes, Karen!

Deadline for next edition: December 9

MINNESOTA BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155
Phone: 651-296-3767 Fax: 651-297-5615

Appointed Members	***Appointment Designation***	***Term Expires***	***Telephone/Fax***	
Jerome Deal, Chair 1501 Second Ave., S., Wheaton, MN 56296 bdswd@traversenet.com	**Watershed**	01-02-06	320-563-8377 320-563-4194	*Home* *Fax*
Kay Cook 20783 Eastway Court, Richmond, MN 56368 neilkay@cloudnet.com	**Watershed**	01-01-07	320-597-2794	*Home*
LuAnn Tolliver 14801 Wychewood Road, Minnetonka, MN 55346	**Watershed**	01-07-08	952-938-6749 952-838-1571	*Home* *Office*
Dana Allen 11304 19th Street, SW, Eyota, MN 55934 dm.allen@myclearwave.net	**Citizen**	01-05-09	507-545-3969 507-951-5597	*Home* *Office*
Paul Brutlag 27113 County Road 11, Wendell, MN 56590 brutlagp@runestone.net	**Citizen**	01-07-08	218-458-2113 320-589-4151	*Home* *Office*
Randy Kramer 42808 County Road 11, Bird Island, MN 55310 randyk@willmar.com	**Citizen**	01-01-07	320-365-3094 320-365-4784	*Home* *Office*
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VACANT	**SWCD**			
Quentin Fairbanks 16374 Stoner Memorial Dr., NE, Hines, MN 55647 quentin@paulbunyan.net	**Co. Commissioner**	01-01-07	218-835-4184 218-679-3378	*Home* *Fax*
Brian Kletscher 30427 County Hwy. 10, Vesta, MN 56292 bk3376@rconnect.com	**Co. Commissioner**	01-05-09	507-762-3376 507-828-1429	*Home* *Office*
Clair Nelson Lake County Courthouse, 601 Third Avenue, Two Harbors, MN 55616 Wilma.rahn@co.lake.mn.us	**Co. Commissioner**	01-02-06	218-353-7385 218-834-8320 218-834-8360	*Home* *Office* *Fax*

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Perry Aasness 90 W. Plato Blvd., St. Paul, MN 55155 Perry.Aasness@state.mn.us	**Department of Agriculture**	651-296-4435 651-297-5522	*Office* *Fax*
Dan Wilson Well Management Section, P.O. Box 64975, St. Paul, MN 55164-0975 Daniel.Wilson@health.state.mn.us	**Department of Health**	651-201-4598 651-201-4599	*Office* *Fax*
Gene Merriam 500 Lafayette Road, St. Paul, MN 55155 Gene.Merriam@state.mn.us	**Department of Natural Resources**	651-296-2549 651-296-4799	*Office* *Fax*
Jim Anderson 439 Borlaug Hall, 1991 Upper Buford Circle, St. Paul, MN 55108 Ander045@umn.edu	**U of M/Dept. of Soil, Water & Climate**	612-625-0279 612-625-2208	*Office* *Fax*
Lisa Thorvig 520 Lafayette Road, St. Paul, MN 55155 Lisa.Thorvig@pca.state.mn.us	**Pollution Control Agency**	651-296-8811 651-296-6334	*Office* *Fax*

October 2005

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Eisele, Bill (cell 651-245-5132)	282-2929
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Girolamo, Dan	215-1703
Haertel, Jim	297-2906
Harnack, Ron (cell 612-202-3815)	296-0878
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Jacobson, Bob	297-4598
Kean, Al (cell 651-245-6531)	297-2907
Keating, Kari	296-3767
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(personal cell 612-751-3060)	
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Lines, Kevin (cell 612-518-5545)	297-1894
Luniewski, Jim	297-2622
Mack, Kristie	215-9420
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Mohring, Eric	297-7360
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Norris, Doug (DNR)	296-0779
Ogg, Tim (cell 651-295-5737)	297-8024
Raeker, Pete	296-0884
Remick, Polly	297-4365
Salinas, Debbie	297-8025
Schmidt, Tom	215-9008
Sokatch, Char	297-4016
Staumanis, Sarma	297-7965
Strojny, Carol	297-1893
Swenson, Karli	282-2600
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Wenzel, Tom	296-0883
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Zellmer, Wayne	297-7361
Metro Office	282-9969
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Peterson, Lynda **(cell phone only)**	612-201-9806
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Wozney Brad (cell 651-233-6673)	296-6068

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Tom Fischer	(507) 359-6091
Jeff Hedtke	(507) 359-6092
Cell	(651) 485-8470
Carla Swanson-Cullen	(507) 359-6074

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Dale Krystosek	(218) 755-4236
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Karen Johannsen	(218) 755-4235

STATE OF MINNESOTA

Office of Governor Tim Pawlenty

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

October 19, 2005

Senator Mark Dayton
United States Senate
123 Russell Senate Office Building
Washington, D.C. 20510

Senator Norm Coleman
United States Senate
320 Hart Senate Office Building
Washington, D.C. 20510

Dear Senators Dayton and Coleman:

Thank you for your service to Minnesota. Congress faces many challenging issues, and I respect and appreciate all you do for our great state.

I am writing to urge your continued support for Minnesota's Conservation Reserve Enhancement Program (CREP) despite the potential for reductions within the FY 2006 Senate Spending Reconciliation Act scheduled for mark-up today in the Senate Agriculture, Nutrition, and Forestry Committee. The proposed reduction to the Conservation Reserve Program (CRP) currently included in the bill would reduce the program acreage from 39.2 million acres to 36.4 million acres. Such a reduction could potentially jeopardize Minnesota's recently signed CREP agreement with the U.S. Department of Agriculture which is now being implemented throughout our great state.

As you know, a broad array of Minnesotans joined together in support of the CREP agreement. As a result, nearly 120,000 acres are scheduled to be protected to improve water quality, habitat and reduce flooding. These benefits could now be at risk and would be more costly even if the acreage were re-authorized by Congress at a later date. In short, action by Congress to reduce the CRP program may jeopardize the pending Minnesota CREP agreement and limit our ability to leave a lasting environmental legacy for Minnesota's future generations.

I certainly understand the budget challenges you face, but I respectfully urge you to honor existing and pending state agreements so they are covered within the appropriated amount.

Again, thank you for your service and consideration of this request.

Sincerely,

Tim Pawlenty
Governor

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NEWS RELEASE

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Contact: Peter Raeker, Communications Office; 651-296-0884; fax: 651-297-5615 • www.bwsr.state.mn.us

October 7, 2005

For immediate release
Contact: Peter Raeker, BWSR, 651-296-0884
Judy Ohly, Chair, Zumbro Watershed Partnership, 507-252-9763

JENNIFER A. RONNENBERG NAMED WATERSHED COORDINATOR

ROCHESTER – Jennifer A. Ronnenberg, of Albert Lea, has been named the first coordinator of the Zumbro Watershed Partnership, a new collaborative effort in southeastern Minnesota that is working to protect and improve wildlife habitat and water quality in the Zumbro River Watershed.

Ronnenberg received her B.A. in earth science/environmental studies from St. Cloud State University. Since 2002, she has been district technician at Freeborn County Soil and Water Conservation District. Her background includes college internships with Stearns County Environmental Services, the Minnesota Department of Natural Resources (Mystery Cave State Park), and the University of Minnesota Extension Service. She also served in the U.S. Marine Corps.

Her work experience has focused on working with landowners and farm operators on evaluating and creating their conservation plans; surveying and designing wetland restorations; administering the conservation district's tree program; planning windbreaks; and helping Freeborn County meet their water plans goals.

She will begin her new position on Oct. 17. Her office will be located at the USDA Service Center in Rochester (1485 Industrial Drive NW # 102, Rochester, 55901). The phone number is (507) 280-2850.

Ronnenberg plans to tour the entire watershed within the first several months of starting her new job.

The Zumbro River Watershed is a major watershed in the lower Mississippi River basin in southeastern Minnesota. It includes parts Dodge, Steele, Goodhue, Rice, Olmsted, and Wabasha counties.

-MORE-

In 2004, a group of concerned citizens began organizing in southeastern Minnesota, hoping to address water quality issues in the region. Segments of the Zumbro River are listed as "impaired waters" by the federal government, which means that they don't meet federal and state water quality standards. In this case, segments of the Zumbro River are listed because of high turbidity and fecal coliform levels. The group identified a goal of reducing sedimentation in the watershed by 30 percent in five years.

The group now has a formal watershed organization and is working with farmers, citizens, conservation groups, and local, state, and federal agencies in this effort. This summer, the organization received a $200,000 grant from the USDA Natural Resources Conservation Service, through a program called the Conservation Partnership Initiative. At its September meeting, the BWSR board gave formal approval to enter into a grant agreement with the watershed group. BWSR is the fiscal agent for the USDA grant.

The Zumbro Watershed Partnership meets at 7 p.m. the second Thursday of every month at the Oronocco Community Center.

###

Who Should Attend?

Producers, drainage contractors, state and federal agency staff, county supervisors, crop consultants, academics and others interested in drainage and water management issues in the upper Midwest.

Sponsors of the Forum include:

IOWA STATE UNIVERSITY
University Extension

IOWA STATE UNIVERSITY
COLLEGE OF AGRICULTURE

Agricultural and Biosystems Engineering
ABE
1905–2005: 100 Years of Service
IOWA STATE UNIVERSITY

UNIVERSITY OF MINNESOTA

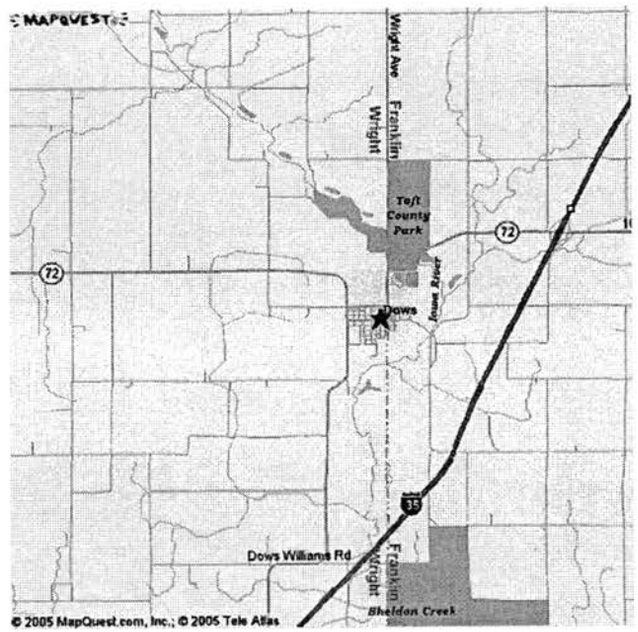
The College of Agricultural, Food and Environmental Sciences

University of Minnesota Extension Service

FOR MORE INFORMATION PLEASE CONTACT:

Matthew Helmers
Dept. of Agricultural & Biosystems Engr.
Iowa State University
515.294.6717
mhelmers@iastate.edu

Gary Sands
Dept. of Biosystems & Agricultural Engr.
University of Minnesota
612.625.4756
grsands@umn.edu



Driving Instructions From The North:

1. Exit I-35 at Exit 159. Follow signs to Dows.
2. Turn left (west) onto 100th Street (could also be marked Highway 72 or CR C47)
3. Follow the road into Dows.
4. Turn Right on Ellsworth and go a couple of blocks.

Driving Instructions From the South:

1. Get off I-35 at Exit 151 (Wolstock exit)
2. Take the Dows Williams Road north towards Dows. It will be about an 8 mile drive.
3. Turn right at the stop sign (Ellsworth Road) and go about four/five blocks.

Lodging near Dows

Iron Horse Motel
1001 Central Avenue West
Clarion, IA 50525
Phone: 515-532-6647

Best Western Norseman Inn—Williams
3086 220th Street
Williams, IA 50271
Phone: 515-854-2281 Fax: 515-854-2447

Minnesota
6th Annual

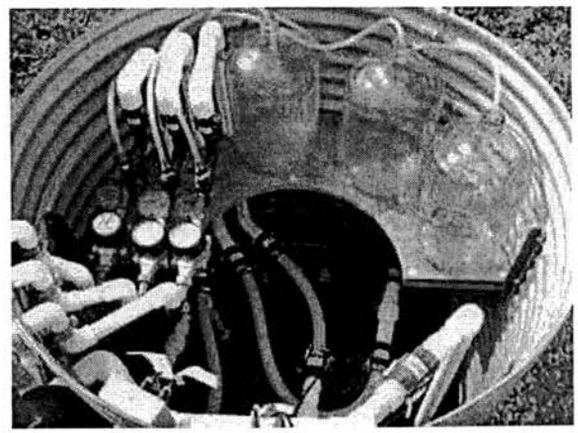
Drainage Research Forum

Iowa

November 2, 2005

Dows Community Convention Center

Dows, IA



Morning Program

8-9am	**Registration & coffee**
9-9:15	Opening Remarks
9:15-9:40	Implications of Nitrogen Management ***John Sawyer***
9:40-10:05	Flow and Water Quality at the Watershed Scale ***Jim Baker***
10:05-10:25	Discussion
10:30-10:45	**Refreshment Break**
10:45-11:10	Preferential Flow on Drained Lands ***Dan Jaynes***
11:10-11:45	Wetlands Research and Demonstration ***Dean Lemke and William Crumpton***
11:45-12:00	Discussion
12:00-1pm	***Lunch served*** *Remarks by the Agricultural Drainage Management Coalition*

Featured Speakers:

John Sawyer — Department of Agronomy, Iowa State University

Jim Baker — Department of Ag. and Bios. Engr., Iowa State University

Dan Jaynes — USDA-ARS, National Soil Tilth Laboratory

Dean Lemke — Iowa Department of Agriculture and Land Stewardship

William Crumpton — Dept. of Ecology, Evolution and Organismal Biology, Iowa State University

Afternoon Program

1-1:25pm	Drainage Modeling at the Watershed Scale ***David Mulla***

Session on Conservation Drainage

1:25-1:50	Drainage Water Management Review ***Gary Sands and Matt Helmers***
1:50-2:15	Shallow Drainage Update ***Gary Sands***
2:15-2:40	Cropping Strategies for Nitrogen Management **Don Wyse**
2:40-3:00	Review of Current Research and Demonstration Projects ***Minnesota Department of Agriculture***
3:00-3:45	Discussion
3:45	Adjourn

Featured Speakers:

David Mulla—Dept. of Soil, Water and Climate, University of Minnesota

Gary Sands — Dept. of Biosystems and Ag. Engr., University of Minnesota

Matt Helmers — Department of Ag. and Biosystems Engr., Iowa State University

Don Wyse— Dept. of Agronomy and Plant Genetics, University of Minnesota

Registration Form (Pre-registration due by October 26, 2005)

Registration fee $35/person (includes lunch & refreshments)
Registration after October 26 or at the door: $40/person

Registration Questions: (515) 294-0557

Name: _____ **Phone:** _____

Company/Organization: _____

Address: _____

City/State/Zip: _____

Payment Options Check, Money Order or Institutional Purchase Order payable to: Iowa State university

Mail Registration with Payment or purchase order to:
Drainage Research Forum
208 Davidson Hall
Iowa State University
Ames, IA 50011

Cancellation Policy: A refund will be given less a $5 processing fee for cancellations on or before Oct. 26. After Oct. 26, a $10 processing fee will be charged. No refund will be given for cancellations on the day of the Forum

Board Packet
FYI

Minnesota Board of Water & Soil Resources

October 20, 2005

The Honorable Ernie Schmit
Mayor, City of Holdingford
P.O. Box 69
Holdingford, MN 56340

RE: Request for Removal from Watershed District

Dear Mayor Schmit:

This letter is in response to your letter dated October 5, 2005, which we received on October 10, 2005, regarding withdrawal of the City of Holdingford from the South Two River Watershed District. I regret to inform you that we are unable to process the request until the following items are provided. Please find enclosed a copy of Minn. Stat. §§ 103D.205 and 103D.255 that set forth the requirements for a Petition of Withdrawal to request removal of territory from a watershed district.

The signatory requirements of Minn. Stat. § 103D.255, Subd. 1, item b could be met by the City of Holdingford, through an adopted resolution of the city council, authorizing a Petition of Withdrawal. The adopted resolution must, at a minimum, state the five items required to be in the Petition of Withdrawal, as specified in the next paragraph. Alternatively, Minn. Stat. § 103D.205, Subd. 3, items 1, 2 and 4 describe other means to meet the signatory requirements for the Petition of Withdrawal.

The Petition of Withdrawal, pursuant to Minn. Stat. § 103D.255, Subd. 1, items c and d, must state **ALL** of the following:

1. The territory to be withdrawn from the watershed district has not received or will not receive any benefits from the operation of the watershed district.

2. The watershed district can perform the functions for which it was established without inclusion of the territory to be withdrawn from the watershed district.

3. The territory to be withdrawn from the watershed district is not, in fact, a part of the hydrologic watershed unit that the watershed district is located in.

4. Request the release of the territory to be withdrawn from the watershed district.

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

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

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

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

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

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

Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

Web: www.bwsr.state.mn.us TTY: (800) 627-3529 An equal opportunity employer Printed on recycled paper

Upon satisfactory completion of the above requirements, the Petition of Withdrawal must be served on the Board of Water and Soil Resources and the South Two River Watershed District. After receipt of the petition, this agency will determine if the petition is sufficiently adequate to proceed to a public hearing.

With all due respect, I would encourage the council to carefully evaluate petition requirement number 3 listed on the previous page, as required by Minn. Stat. § 103D.255, Subd. 1, item c, subitem 3, before a resolution and Petition of Withdrawal are finalized.

Please feel free to contact me at (651) 297-2906, or at the Saint Paul address, if I may be of further assistance in this matter.

Sincerely,

Jim Haertel
Water Management Specialist

Enclosures

cc: South Two River Watershed District
Ray Bohn, MAWD
BWSR: Ron Harnack, Doug Thomas, Dave Weirens, Ron Shelito, Dan Steward

I plan to attend the following annual convention:

Board Member Name	MAWD Dec. 1-3	MASWCD Dec. 4-6	AMC Dec. 5-7
Dana Allen	_____	_____	_____
Paul Brutlag	_____	_____	_____
Kay Cook	_____	_____	_____
Jerome Deal	_____	_____	_____
Quentin Fairbanks	_____	_____	_____
Brian Kletscher	_____	_____	_____
Paul Krabbenhoft	_____	_____	_____
Randy Kramer	_____	_____	_____
Clair Nelson	_____	_____	_____
Louise Smallidge	_____	_____	_____
LuAnn Tolliver	_____	_____	_____

Minnesota Association of Watershed Districts

35th Annual Meeting & Trade Show

Registration Form

December 1-3, 2005

Arrowwood Conference Center

2100 Arrowwood Lane, Alexandria, MN 56308

DUE: NOVEMBER 25, 2005

Please use one form per party: copy as needed. Names of all attendees must be submitted.

Discount tickets: Big Splash Indoor Water Park discount tickets at $10 per person per day are available for MAWD Annual Meeting attendees.

Name: _____

Title (to be on nametag): _____

Organization: _____

Address: _____

City: _____ Zip _____

Phone: (Day) _____ (Evening) _____ Email _____

* Registration ____ @ $75.00 per person = $ _____
(Late registrations postmarked after Nov. 25, 2005 = $100.00 per person)

Registration Total $ _____

Guest (No registration fee) ____ Yes ____ No

Name of spouse or guest: _____

Please make check payable to Minnesota Association of Watershed Districts
and return with this form by November 25 to:

MINNESOTA ASSOCIATION OF WATERSHED DISTRICTS, INC
Land and Water Shall Be Preserved

Minnesota Association of Watershed Districts
540 Diffley Road
St. Paul, MN 55123

Phone: 651-452-8506
or email raybohnmga@aol.com

MAWD 35th Annual Meeting & Trade Show

December 1-3, 2005

Arrowwood Resort and Conference Center
2100 Arrowwood Lane, Alexandria, MN 56308

Please note: Please register for the MAWD Annual Meeting on the Registration Form. This form does not register you for the MAWD Annual Meeting & Trade Show.

Hotel & Meal Reservations

Please send completed form to Arrowwood by November 18.
(One form per party please — you may copy this form.)
Send to: 2100 Arrowwood Lane, Alexandria, MN 56308
Fax: 320-762-0133
(Phone reservations not accepted - fax or mail only.)

Discount tickets: Big Splash Indoor Water Park discount tickets at $10 per person per day are available for MAWD Annual Meeting attendees.

Name: _____

Organization: _____

Address: _____ City/Zip: _____

Phone: (Day) _____ Email: _____

Lodging:

- Please select **one room plan** per party. The room rates are for 1-4 persons

Lodging I
Room for December 1 & 2.....$159.76

Lodging II
Room for December 2.....$79.88

Smoking Preference : Smoking ___ Non/Smoking ___(Preference not guaranteed)

Rooming With (names please) _____ _____

Total Lodging: $ _____

Meal Packages:

Meal Package I
$61.65 per person
December 2
Breakfast, Lunch, Banquet

December 3
Breakfast

Meal Package II
$49.91 per person
December 2
Lunch and Banquet

December 3
Breakfast

Individual meal tickets will not be sold at the resort during the conference

Additional Banquet Tickets
$23.50 per person - # ___ @ $23.50 per person = $_____

Total Meals $ _____

Total Meals & Lodging: $ _____

Guaranteed Payment: ____Visa/MasterCard ____ American Express _____ Other: _____

Card Number: _____ Exp. Date: _____

Signature: _____

All rooms must be guaranteed. Individual reservations cancelled within 72 hours of the scheduled arrival date will be charged one night lodging on the date of cancellation. Check-in time is 4:00 p.m. Checkout time is 12:00 noon.

MINNESOTA ASSOCIATION OF WATERSHED DISTRICTS, INC.
35th Annual Meeting & Trade Show

PROGRAM SCHEDULE

Thursday, December 1, 2005

3:00 p.m. Director's Meeting — Executive Board Room II

6:00 - 9:00 p.m. Registration, Trade Show Floor

7:00 - 9:30 p.m. MAWD Trade Show — Tennis Center

7:00 - 8:00 p.m. Concurrent General Session I

Seminar A ***An Evaluation of Stormwater BMP's for Urban Development***

The Capitol Region Watershed District and the Ramsey Washington Metro Watershed District initiated their rulemaking/revisions in 2004. A key component was developing and evaluating technical standards for Urban Redevelopment. To achieve this objective the Watershed District's analyzed three active redevelopment sites in the City of St. Paul. The three sites were evaluated to determine the following: How to implement stormwater BMP's on high density urban redevelopment sites; what BMP's would be used and how much would they cost. For this evaluation the focus was on rate control, volume control, and water quality criteria only.

Presenters: Mark Doneux & Bob Fossum, Capitol Region Watershed District

Seminar B ***From Ditches to Streams: Integrating Water Quality, Wildlife Habitat and Stormwater Conveyance Needs***

How do you meet stormwater conveyance and flood control objectives while improving water quality, wildlife habitat, and community aesthetics? The Prior Lake-Spring Lake Watershed District recently wrestled with this question as they developed a plan to restore and enhance the seven-mile long Prior Lake Outlet Channel. This presentation will highlight the restoration plans, which combine "traditional" engineering techniques (such as the use of rock and boulders) with native vegetation and natural stream morphology, as well as the watershed district's efforts to involve local government partners and the broader community in the planning and implementation process.

Presenters: Shannon Lotthammer, District Administrator Prior Lake-Spring Lake Watershed District
Ed Matthiesen, P.E., Wenck Associates, Inc.
L. Peter MacDonagh, RLA, RHS, ISA, The Kestrel Design Group, Inc.

Seminar C ***Managing Groundwater Resources for Surface Water Protection***

A surface-water - groundwater model was developed of southern Washington County (included all or parts of six WSD/WMOs). This model quantified the spatial and temporal distribution of groundwater recharge that accounted for topography (very detailed), daily rainfall, temperature, wind speed, crop type, land use, percent impervious cover, humidity, etc.) and was coupled with groundwater flow of multiple aquifers. The model is being used to (1) manage the expansion of Woodbury's well field so as not to adversely diminish base flows in Valley Creek (designated trout stream); (2) define "groundwater sheds" (areas where groundwater feeds surface water bodies and how long it takes for groundwater to travel to a surface-water body); and (3) develop management tools for determining how much loss of recharge to groundwater would likely take place, given a proposed develop development. Two Excel-based programs were developed to allow managers the ability to access the model results and to actually run the model to evaluate proposed developments and proposed wells. The programs will provide information on: (1) depth to groundwater; (2) depth to bedrock; (3) typical groundwater recharge rate; (4) hydro logic soil group; (5) drawdown in the water table at up to 4 specified locations; (6) predicted base flow change to Valley Creek; and (7) amount of area required for infiltration for protection of water-quality. Studies were funded in part by BWSR and LCMR

Presenter: John Hanson, Barr Engineering

8:00 p.m. ***Welcome Reception*** - Trade Show Floor

Friday, December 2, 2005

7:00 - 9:00 a.m. Breakfast Buffet — Tennis Center

8:00 a.m Registration - Trade Show Floor

8:00 a.m. Resolutions Committee Meeting

8:30 a.m. MAWD Trade Show - Tennis Center

9:00 a.m. MAWD Business Meeting
Presiding - President Tom Ebnet
* Appointment of Annual Meeting Chair
* President's Report
* Secretary's Report
* Treasurer's Report
* Presentation of 2006 Budget

9 - 10:00 a.m. ***Concurrent Association of District Administrators Technical Session***
Tech Seminar A DNR Shoreland Regulation Update

Tech Seminar B Climate and Watersheds

9:30 a.m. Spouses Program

10:00 a.m. Break - MAWD Trade Show Floor - Tennis Center

10:30 a.m. 2005 Resolutions Committee Report

11:15 a.m. Regional Caucuses
Region I
Region II
Region III

Administrators Meeting

12:00 Noon Buffet Luncheon - Tennis Center
Dr. Mark Seeley, University of Minnesota Extension Climatologist
"Minnesota Climate Trends; Some Implications"

DNR Watershed District of the Year Award
Kent Lokkesmoe, Director, DNR Division of Waters

1:30 p.m. Break - MAWD Trade Show Floor

2:00 - 3:00 p.m. **Concurrent General Session II**

Seminar A ***Top Ten Reporting Issues! And maybe a few more...!***
The presentation will cover the most common deficiencies or mistakes that state audits of local governments discover. Also covered will be compliance letters, internal controls and new requirements for districts to list capital assets.
Presenter: State Auditor's Office

Seminar B ***How to Run an Effective Permitting and Enforcement Program***

With more watershed district's permitting, there is much to be learned from each other. Panel discussion will include individuals subject to permits, managers that have acted on permits, consulting engineers, and staff that run a permitting program.

Presenters: Panel – to be determined

Seminar C ***Rice Creek Watershed District Comprehensive Wetland Management Plan***

A Plan has been completed for the watershed of Anoka County Ditch 53-62 in Blaine, Minnesota, which will help landowners develop a portion of their property, while at the same time conserving and improving the wetlands in this area. The plan uses a provision in the Minnesota Wetland Conservation Act (WCA) in conjunction with provisions of the Minnesota drainage law for the creation of a Comprehensive Wetland Management Plan (CWMP). The CWMP will allow the wetlands of entire 53-62 watershed to be managed as a single unit. Using this type of approach, the uplands are aggregated, making them more both more valuable and more usable; while the wetlands are combined making a higher-quality, contiguous wetland complex allowing for greater biodiversity and better water quality function.

Presenter: Steve Hobbs, Administrator, Rice Creek Watershed District.

3:00 - 3:30 p.m. Break - MAWD Trade Show Floor

3:30 - 4:30 p.m. Concurrent **General Session III**

Seminar A ***Watershed Districts & SWCDs; Building Beneficial Working Relationships***

A panel discussion on how watershed districts and soil and water conservation districts can build working relationships to benefit both entities by enhancing coordinated efforts. Panel will include members of watershed districts and SWCDs

Moderator: Doug Thomas, BWSR

Seminar B ***Minnesota Stormwater Steering Committee Manual Review***

A review of the recently completed Stormwater Manual complied by the Minnesota Stormwater Steering Committee. This is a new tool available to stormwater managers with BMP guidance, regulatory information, with background discussions on stormwater issues.

Presenters: Brian Livingston, MPCA
Gary Oberts, Emmons Olivier Resources

Seminar C ***Upper Mississippi River Source Water Protection Project; Protecting Local Drinking Water Supplies***

The Upper Mississippi River Source Water Protection Project is a voluntary effort by the Cities of St. Cloud, St. Paul and Minneapolis to develop a source water protection plan for the Mississippi River intakes that supply drinking water for the three cities. The watershed area that supplies drinking water for these intakes has been delineated and encompasses some 7800 square miles of the central part of the state. The success of the source water protection efforts will depend upon help and assistance from all local units of government in the defined area.

Presenter: David Neiman
Minnesota Rural Water Association

6:00 p.m. Social Hour (Cash Bar)

7:00 p.m. Association Banquet
MAWD Awards
Entertainment – Skipper Chorus

Saturday, December 3, 2005

7:00- 9:00 a.m. Breakfast Buffet

8:30 **Concurrent General Session IV**

Seminar A ***Bagley Urban Runoff Reduction Project***

The City of Bagley along with several other agencies, entities and private citizens had an interest in improving and protecting the water quality in the Clearwater River Basin. An opportunity existed to detain and treat substantial amount of the runoff water coming from the City of Bagley flowing south to the Clearwater River. This project consisted of the dividing the City of Bagley into three drainage basis and constructing three sedimentation ponds in and around the City of Bagley to handle the runoff. The project was completed in the fall of 2003 with the measurable results, probably better than was even expected.

Presenters: Myron Jesme, Administrator, Red Lake Watershed District
Jon Hodgeson, Project Engineer, Joint Powers Engineer

Seminar B ***Impacts of Shallow Lake Ecology on Lake Nutrient TMDLs in Minnesota***

Minnesota lakes demonstrate an ecological diversity that varies with ecoregion, biological characteristics, and lake morphometry (most notably, average depth). To address these differences, the MPCA has recently proposed new standards within each ecoregion for both shallow and deep lakes. As a result, understanding shallow lake ecology is imperative to the development of appropriate TMDLs for Minnesota lakes. Here we will present some examples of the effects of shallow lake ecology on the development of excess nutrient TMDLs using examples from the Shingle Creek Watershed and lakes in Carver County.

Presenter: Joe Bischoff, Wenck Associates

Seminar C ***Buffer Strips in Minnesota***

Part I ***Red River Basin 319 Buffer Initiative***

The Buffer initiative is examining the technical, economic and social challenges of marketing conservation practices in the Red River Basin. In a panel discussion representatives of local government units participating in this Basin pilot project will describe regional approaches to informing farmers as well as expected benefits for the resources.

Moderator: Ruth Lewis, Basin Coordinator

Part II ***Public Drainage System Buffer Study***

This buffer study, being conducted by BWSR, was mandated in the 2005 session. BWSR has worked with stakeholder groups and the University of Minnesota, Mankato Water Resources Center, and the University of Minnesota in framing and conducting this study. The buffer study will build upon the survey of drainage authorities conducted in 1987. Literature searches regarding the benefits of grass buffer strips along drainage ditches is a component of the study. A summary of buffer strip implementation in Minnesota via voluntary conservation programs will be compiled. A final report will be issued by mid-February 2006.

Presenter: Al Kean, Chief Engineer, BWSR

9:30 a.m. **MAWD Business Meeting Continued**

Presiding – President Tom Ebnet

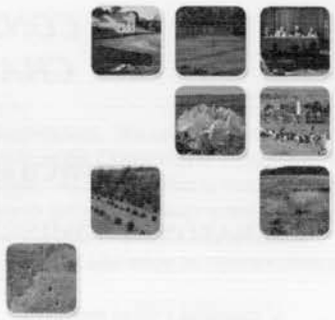
* BWSR Report
* Administrative Report
* Regional Reports
* Watershed District Administrators Report
* Final Report on Attendance
* Audit Committee Report
* 2006 Budget Adoption
* 2006 Annual Meeting
* Introduction of new MAWD Board Members

11:30 a.m. Meeting Adjourned

~~***BOARD OF DIRECTORS MEET FOR REORGANIZATION AT 12:00 NOON - BOARD ROOM II***~~

MINNESOTA ASSOCIATION OF
SOIL AND WATER CONSERVATION DISTRICTS

69th ANNUAL MEETING AND 15th ANNUAL TRADE SHOW



CONSERVING AMERICA'S HEARTLAND - CHANGING ROLES IN CHANGING TIMES

December 4-6, 2005
SHERATON BLOOMINGTON HOTEL - MINNEAPOLIS SOUTH
BLOOMINGTON, MINNESOTA



Featuring Keynote Speaker

Ron Schara

Outdoors Journalist & Host of "Minnesota Bound" on KARE 11 TV/NBC

A conference featuring grass-roots initiatives to conserve
the soil and water resources of the State of Minnesota.

The function of the Soil and Water Conservation Districts is to take technical, financial and educational resources, whatever their source, and focus or coordinate them so that they meet the needs of the local land user.

Hosted By:
Minnesota Association of Soil and Water Conservation Districts and Area VII (Southeast)
Soil and Water Conservation Districts (SWCDs), Ralph Breuer, Area VII Director

MASWCD

Minnesota Association of Soil & Water Conservation Districts



69th Annual Convention & 15th Annual Trade Show

December 4-6, 2005

Sheraton Bloomington Hotel Minneapolis South, Bloomington, Minnesota

REGISTRATION FORM

Please use a separate form for each couple or person.
*Registrations must include full payment and must be postmarked by **November 11**.*
Cancellations received by November 18 will be refunded less a $25 cancellation fee.
No refunds for cancellations after November 18.

Name _____

Spouse's Name (*if spouse is registering on this form*) _____

SWCD _____ MASWCD Area (1-8)

☐ Outstanding Conservationist ☐ SWCD Supervisor

☐ Other Award Recipient ☐ SWCD Employee

(Outstanding Conservationists and other award recipients do *not* pay the registration fee)

☐ BWSR ☐ NACD

☐ NRCS ☐ DNR

☐ MPCA ☐ MDA

Other _____

Registration Fee	**Quantity**		**Amount**
Convention Registration	_____	@ $175.00 =	$ _____
Sunday Activities			
Welcome Reception (Hors d'oeuvres & Cash Bar)	_____	@ no charge	
Monday Activities			
Awards Luncheon	_____	@ $23.00 =	$ _____
Tuesday Activities			
Outstanding Conservationist's Luncheon**	_____	@ $25.00 =	$ _____
Evening Banquet	_____	@ $32.00 =	$ _____

** ***note*** – There is reserved seating for Tuesday's luncheon; reservations can be made at the registration desk starting Monday morning.

Please enclose check for the *full* amount payable to MASWCD.
Mail to: MASWCD, 790 Cleveland Avenue South, Suite 201, St. Paul, MN 55116

→→ **IMPORTANT**: Please return **both** copies of this form with your check. Your receipt will be returned to you at the convention registration desk. Please feel free to make your own copy of the completed form before mailing.

CONSERVING AMERICA'S HEARTLAND -- CHANGING ROLES IN CHANGING TIMES

MASWCD 69th ANNUAL MEETING AND 15th ANNUAL TRADE SHOW
DECEMBER 4-6, 2005
SHERATON BLOOMINGTON HOTEL - MINNEAPOLIS SOUTH, BLOOMINGTON, MINNESOTA

SUNDAY, DECEMBER 4, 2005

5:00 – 7:00 p.m. **Registration Open**

7:00 p.m. **Reception**

- Join MASWCD President Carol Berg and other MASWCD Board Members for a welcome reception.

MONDAY, DECEMBER 5, 2005

6:30 a.m. – 8:15 a.m. **Hospitality Room** – *Poolside* - Open to all convention attendees

7:00 a.m. **Registration Opens**

8:25 a.m. – 10:15 a.m. **Opening Ceremony and Business Meeting** - *Monday business meeting will have reports & introduction of business only - all voting will take place during the Tuesday business meeting*



Carol Berg

- Presiding: Carol Berg, MASWCD President
- President's Report, Carol Berg, MASWCD President
- Introduction of MASWCD Committee Chairs
- Introduction of MASWCD Resolutions, Loyal Fisher, MASWCD Vice President
- Introduction of New Business, Loyal Fisher, MASWCD Vice President
- Finance Committee Report, Greg Roiger, MASWCD Secretary/Treasurer

9:00 a.m. – 4:00 p.m. **Press Room Open** to all convention attendees

9:15 a.m. – 10:15 a.m. **Keynote Address – *Ron Schara***



Ron Schara

Ron Schara's soft spoken but direct delivery, and appealing on-camera image, have made him a popular resource as an all-purpose, outdoor/naturalist commentator for many Minnesota radio and television stations. This includes his own program, *Minnesota Bound*, which airs weekends on KARE 11 TV/NBC. Ron's national program, *Backroads with Ron & Raven*, airs on The Outdoor Life Network and has consistently been one of the highest rated shows on the outdoor block. He also host's *The Outdoor Beat* on ESPN 2. Whether writing a newspaper story, or preparing for radio or television programs, Ron prides himself in letting the story happen through those who live it and simply allow himself to be the guide to discovery. Hear about Ron's passion for *Conserving America's Heartland*, his observations on how times have changed the way we use and value our natural surroundings, and how soil and water resource managers can change their management techniques to meet these challenges.

8:00 a.m. – 5:00 p.m. **Trade Show Open**

9:00 a.m. – 4:45 p.m. **Silent Auction Open in the Trade Show Area**

10:15 a.m. – 10:45 a.m. **Refreshment Break in the Trade Show Area**

10:45 a.m. – 11:30 a.m. **Panel Discussion: Moving Forward with Addressing Minnesota's Clean Water Legacy & Nonpoint Source Pollution**

A broad coalition of partners, including MASWCD, produced a consensus policy framework that defines the scope for Minnesota's clean water effort to address the federal Clean Water Act requirements. The proposal outlines strategies for testing, studying and restoring Minnesota's polluted waters and protecting clean water. Policy recommendations include encouraging local leadership in implementation and accountability with state level coordination. You will hear from legislators and policy leaders on the next steps needed to protect our water resources.

11:45 a.m. – 1:45 p.m. **Awards Luncheon**

- Minnesota DNR Division of Waters Appreciation Award
- MASWCD/DNR Outstanding Forest Steward Award
- MASWCD/MPCA Outstanding Community Conservationist Award
- Outstanding District Employee Award, sponsored by the Board of Water & Soil Resources
- MASWCD Media, Environmental Education, & Outstanding Supervisor Awards

2:00 p.m. – 3:00 p.m. **CONCURRENT-SESSIONS**

POWERING UP FOR THE FUTURE: PLUGGING DISTRICTS IN TO ALTERNATIVE ENERGY

The future of energy is upon us. From E85 and Biodiesel to methane digesters, biomass, and wind energy, SWCDs can have an important link to our energy needs while conserving our natural resources in the process. Learn what you can do to get involved in the creation of Minnesota's energy future.

Presenters: Mark Lindquist, Energy Policy Specialist, The Minnesota Project
Moderator: Jim Gebhardt, Mower Soil and Water Conservation District

OLD MAN RIVER JUST KEEPS ROLLING ALONG *(repeated again from 3:30 – 4:30 p.m.)*

Attend this session to learn about the history of the Mississippi River, from the start of its navigation to the present time. Participants will also hear about the fisheries aspects of the river as well as the water quality issues that are being addressed in the watershed.

Presenters: John Anfinson, Historian, National Park Service
Tim Schlagenhaft, Mississippi River & Blufflands Landscape Coordinator, DNR
Norman Senjem, Mississippi River Basin Coordinator, MPCA
Moderator: Ralph Breuer, Wabasha Soil and Water Conservation District

RUBBING ELBOWS WITH WATERSHED DISTRICTS, DEFINING ROLES & RESPONSIBILITIES

Watersheds are not confined to political boundaries, neither should our efforts. Come join our panel discussion, where we will bring together staff from both SWCD and watershed district offices to discuss building beneficial working relationships.

Presenters: Julie Klocker, District Administrator, Sauk River Watershed District
Don Bajumpaa, District Manager, Wilkin SWCD
Cathy Rofshus, District Administrator, Shell Rock River Watershed District
Tom Butler, Board Chair, Turtle Creek Watershed District
Moderator: Don Kropp, Freeborn Soil and Water Conservation District

YOU'RE INVADING MY SPACE….IDENTIFICATION & CONTROL OF TERRESTRIAL INVASIVE PLANTS

Invasive species are not only popping up here and there, they're everywhere. They can be plants, animals, or diseases that are not native to our ecosystem. This session is designed to help teach the identification and control of some non-native plant invaders of Minnesota. These invasive plants change the composition and structure of our natural communities and can displace native plants and wildlife. Participants will learn to identify species that are problems in Minnesota, how to select the most appropriate control methods, how to prioritize their eradication efforts, and become aware of new species that threaten the diversity of our forests and grasslands.

Presenters: Gigi La Budde, Educ. Coordinator/Ecologist, Community Forestry Resource Center
Luke Skinner, Invasive Species Program, DNR
Moderator: Rudie Spitzer, Winona Soil and Water Conservation District

3:00 p.m. – 3:30 p.m. **Refreshment Break in the Trade Show Area**

3:30 p.m. – 4:30 p.m. **CONCURRENT-SESSIONS**

THE STATE OF WETLANDS IN MINNESOTA – ARE WE AHEAD OF THE GAME, OR FALLING BEHIND

There has been on-going discussion about the status of wetlands in Minnesota. Are exemptions in the regulations causing a loss in wetlands? Are wetland restorations resulting in a net gain of wetlands? Two state agency representatives have prepared reports on this subject and will share different perspectives on the status of wetlands in Minnesota. This session will provide a discussion on different ways wetlands are inventoried and perspective on whether we are actually gaining or losing wetlands in Minnesota.

Presenters: Doug Norris, Program Consultant, DNR
Dave Weirens, Land and Water Section Manager, BWSR
Moderator: Jim Gebhardt, Mower Soil and Water Conservation District

OLD MAN RIVER JUST KEEPS ROLLING ALONG *(repeated)*

THE "INS AND OUTS" OF THE CONSERVATION SECURITY ACT

A panel discussion on the Conservation Security Act in Minnesota. The session will include an overview of the Conservation Security Program (CSP) in Minnesota. Also included will be examples of what your district can do to prepare cooperators for CSP and a landowner's perspective on the program.

Presenters: Paul Flynn, State Resource Conservationist, USDA-NRCS
Andy Hart, Olmsted SWCD Supervisor;
Tim Orr, Houston County farmer
Moderator: Ralph Tuck, Root River Soil and Water Conservation District

3:30 p.m. – 4:30 p.m. **CONCURRENT-SESSIONS (*continued*)**

GOVERNMENT REGULATIONS = MORE POLLUTION?

Panel discussion providing a better understanding of state and federal feedlot rules; how these rules affect livestock producers, how these rules affect conservation practices, and what can be done legislatively to ensure clean air, land, and water. Session attendees will gain a better understanding of problems faced by livestock farmers trying to comply with feedlot rules as well as conservation practices. Attendees will also be provided with a holistic approach to feedlot and conservation regulation.

Presenters: Lowell Schafer, swine and beef producer
Charles Peterson, Feedlot Specialist/NPDES Permit Writer, MPCA
Minnesota State Representative Dennis Ozment

Moderator: Edward McNamara, Goodhue Soil and Water Conservation District

7:30 p.m. **Auction for Conservation Education**

- Funds raised by the Auction support conservation education, the Minnesota Association of Conservation District Employees and an MASWCD endowment fund.
- Auctioneers – former Steele SWCD Supervisor and MASWCD President Vern Wilker and current Steele SWCD Supervisor Doug Pirkl.

TUESDAY, DECEMBER 6, 2005

6:30 a.m. – 8:15 a.m. **Hospitality Room** – *Poolside* - Open to all convention attendees

7:30 a.m. **Registration Opens**

8:30 a.m. – 9:30 a.m. **Presentation for Outstanding Conservationists – "Stress Busters"**

What is your favorite way to relieve stress? Sharing a cup of coffee with a good friend? Spending the day fishing? Soaking in a hot tub? In this presentation, attendees will have the opportunity to expand on favorite ways to relieve stress by learning more than fifteen fun, easy and effective ways to increase "stress busting" options.

Presenter: Dorothy Yeager, MS, CFCS, Professional Speaker

Dorothy Yeager is a professional speaker, facilitator and grant writer. Her warm and compassionate style makes her a favorite with audiences throughout the United States.

8:30 a.m. – 11:45 a.m. **Business Meeting**

- Presiding: Carol Berg, MASWCD President
- Approval of Standing Rules
- Action on 2005 Budget
- Action on Proposed Resolutions
- New Business

8:30 a.m. – 10:00 a.m. **EMPLOYEE SESSIONS**

TRICKS OF THE TRADE – HOW TECHNOLOGY CAN HELP YOU WORK SMARTER, NOT HARDER

Want a better way to do your job? Tired of the pencil method to do your survey, designs and map work? It isn't rocket science, but sometimes it seems that way. Find out what it takes to put technology to work for your office. We will discuss and demonstrate equipment and software for surveying, creating designs and data analysis using ArcGIS.

Presenters: Christiane Roy, GIS Specialist, USDA-NRCS
Steve Richter, Technology Specialist-Certified Trainer, Frontier Precision Inc.

Moderator: Jennifer Ronnenberg, Freeborn Soil and Water Conservation District

THE TRAIN IS LEAVING, ARE YOU ON BOARD?

Conservation programs are changing faster than a speeding locomotive these days. If your staff aren't trained and certified to handle new programs, you could be missing the train, and revenue sources as well. Find out about Technical Approval Authority, Erosion and Sediment Control Certification, and more to see why your district could benefit from being trained in all the right places.

Presenters: Al Kean, Chief Engineer, BWSR
Keith Cherryholmes, Stormwater Management Director, MPCA

Moderator: Steve Pahs, Rice Soil and Water Conservation District

TUESDAY, DECEMBER 6, 2005 (continued)

8:30 a.m. – 10:00 a.m. **EMPLOYEE SESSIONS (*continued*)**

SELLING CONSERVATION THROUGH EDUCATION

Conserving today's land and resources begins with environmental education. We need to start with educating today's youth and work toward adult learning. Agriculture in the Classroom is a great way to get the youth interested in learning about agriculture and conservation. As adults, what is your learning style? Learn how to be an effective educator by understanding how to get your message across to people with different learning styles. This session will touch on resources to teach youth and adults how to effectively educate people about conservation. Come learn how important education on conservation is to the future of resource management.

Presenters: Alan Withers, Program Director, Minnesota Agriculture in the Classroom
Susan Anderson, Food & Life Science Educ. Specialist, University of Minnesota
Kim Boyce, Regional Extension Educator, Univ. of Minnesota Extension Service
Moderator: Anne Marie Spanbauer, Fillmore Soil and Water Conservation District

9:00 a.m. – 4:00 p.m. **Press Room Open** to all convention attendees

9:30 a.m. – 11:45 a.m. **Outstanding Conservationist Photo Area Open**

10:00 a.m. – 10:30 a.m. **Refreshment Break**

10:30 a.m. – 11:45 a.m. **EMPLOYEE SESSIONS**

PUTTING THE 'SERVICE' BACK IN YOUR LOCAL 'SERVICE' CENTER

A light-hearted look at customer service from the customer's perspective. Be prepared for interaction and audience participation.

Presenters: Root River and Fillmore Soil and Water Conservation District staff

TECHNICAL ISSUES, INNOVATIVE IDEAS FROM IN AND OUT OF STATE

A rapid fire power point run through from an agricultural engineer's perspective on established BMPS, tracking technical issues, and some tools to address them. Topics will include runoff control systems, manure storage, standards, and design tools, among many others. The session will provide an opportunity for you to interact on issues and ideas.

Presenter: Ron Williams, Ag. Engineer, WI Dept. of Ag., Trade & Consumer Protection
Moderator: Jim Straskowski, Wabasha Soil and Water Conservation District

LEAPING LIZZARD WEBSITE

Is your SWCD ready to take the big leap into the 21st Century? Or have you leaped but feel like you're bringing in the rear? This session is designed to help SWCD staff to understand the effectiveness and roles of websites in their district. We will focus on structure, lay-out, good content, and tried-and-true rules. Whether you are just starting a website or need some new ideas to pizzazz an existing one, this is a session that will benefit all. Come away from this session with information to design or update an exciting website to keep people coming back for more.

Presenter: Ken Graetz, Director of E-Learning, Winona State University
Moderator: Brein Rose Neldner, Winona Soil and Water Conservation District

Noon – 2:00 p.m. **MASWCD Outstanding Conservationists Luncheon** (*with support from The Farmer Magazine*)

- Presentation of Distinguished Service Awards to SWCDs
- Presentation of the SWCD of the Year Award
- Slide Show of Minnesota's Outstanding Conservationists – selected by local SWCDs
- Presentation of Minnesota Outstanding Conservationist Award - Area Finalists & State Winner

2:00 p.m. – 2:30 p.m. **Refreshment Break**

2:30 p.m. – 3:30 p.m. ***PATHWAYS TO SUCCESS: BUILDING EFFECTIVE WORK RELATIONSHIPS***



Dorothy Yeager

What makes an office a professional, productive and fun place to work? Could it be the quality of the relationships you have with your co-workers? Absolutely. In this presentation you will learn how to be a team player and top-notch communicator. We'll go over the characteristics of healthy teams, discuss the principles of team-building, review the different forms of communication and learn techniques for assertive communication. And you may even learn how to tie a balloon animal!

Presenter: Dorothy Yeager, MS, CFCS, Professional Speaker

Dorothy Yeager is a professional speaker, facilitator and grant writer. Her warm and compassionate style makes her a favorite with audiences throughout the United States.

5:00 p.m. – 6:00 p.m. **Reception**

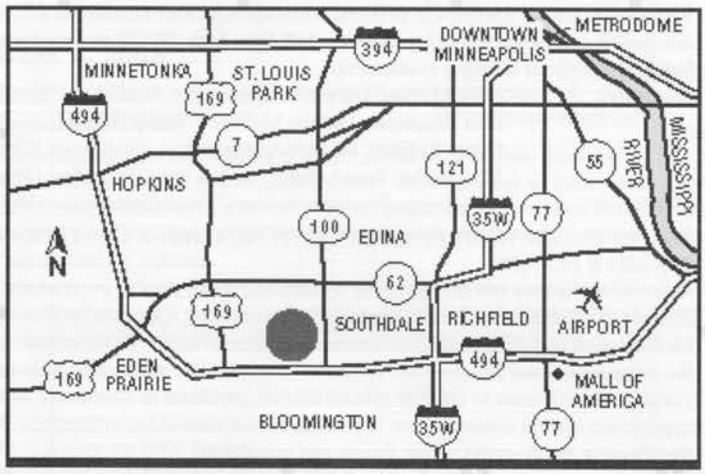
6:00 p.m. – 8:15 p.m. **Closing Banquet**

- Recognition of retiring and deceased SWCD supervisors and staff
- Time to relax, network and reflect on two days of conservation information and policy setting
- Entertainment – during the dinner, enjoy the jazz music of pianist Steve Hegman

2005 CONVENTION SPONSORED BY:
Minnesota Association of Soil and Water Conservation Districts (MASWCD)
WITH SUPPORT FROM:
MN Board of Water and Soil Resources
MN Natural Resource Conservation Service

FOR CONVENTION INFORMATION CONTACT:
Minnesota Association of Soil and Water Conservation Districts (MASWCD)
790 Cleveland Avenue South Suite 201, St. Paul, MN 55116
Phone: (651) 690-9028 FAX: (651) 690-9065 www.maswcd.org
LeAnn Buck, Executive Director
Sheila Vanney, Assistant Director & Convention Coordinator
Stefanie Martinez, Administrative Assistant & Trade Show Coordinator

LODGING & MEETING FUNCTIONS:
Sheraton Bloomington Hotel Minneapolis South
7800 Normandale Boulevard
Bloomington, Minnesota 55439
Phone: (952) 835-7800



GENERAL DIRECTIONS

FROM EAST
From the airport, take Interstate 494 West and exit at Highway 100 North. Exit at Industrial Boulevard and the hotel will be located directly off of the exit.

FROM NORTH
Take Interstate 35W South to Highway 62 West. Take Highway 100 South to Industrial Blvd. and the hotel is located on the right.

FROM WEST
Take Interstate 494 South to Highway 100 North. Exit at Industrial Blvd. and the hotel will be located directly off of the exit.

FROM SOUTH
Take 35W North to Interstate 494 West and then to Highway 100 North. Exit at Industrial Blvd. and the hotel will be located directly off of the exit.

ASSOCIATION OF MINNESOTA COUNTIES'

Annual Conference

DECEMBER 5 -7, 2005 RIVERCENTRE, ST. PAUL

Monday, December 5

7:30 A.M. - 9:30 A.M.	AMC EXTENSION COMMITTEE
8:00 A.M.	REGISTRATION BEGINS
8:00 A.M. - 9:30 A.M.	AG TASK FORCE
8:30 A.M. - 12:00 P.M.	MINNESOTA ASSOCIATION OF COUNTY OFFICERS (MACO) BOARD OF DIRECTORS
9:00 A.M. - 4:00 P.M.	ASSOCIATION OF MINNESOTA EMERGENCY MANAGERS (AMEM)
9:30 A.M. - 11:30 A.M.	POLICY COMMITTEE MEETINGS • Environment & Natural Resources • General Government
10:00 A.M. - 11:30 A.M.	MINNESOTA COUNTIES INSURANCE TRUST (MCIT) BOARD OF DIRECTORS
10:00 A.M. - 12:30 P.M.	MINNESOTA COUNTY ENGINEERS ASSOCIATION (MCEA)
10:00 A.M. - 12:30 P.M.	MINNESOTA SOLID WASTE ADMINISTRATORS ASSOCIATION (MSWAA)
10:00 A.M. - 1:00 P.M.	MINNESOTA ASSOCIATION OF COUNTY SURVEYORS (MACS)
11:00 A.M. - 12:00 P.M.	COUNTY CHOIR PRACTICE
11:00 A.M. - 1:30 P.M.	MINNESOTA ASSOCIATION OF COUNTY ADMINISTRATORS (MACA) BUSINESS MEETING
11:30 A.M. - 6:00 P.M.	VENDOR FAIR CYBERCOUNTIES COMPUTER LOUNGE *Sponsored by NRS*
11:30 A.M. - 12:30 P.M.	LUNCH *Inside the Vendor Fair*
11:30 A.M. - 1:00 P.M.	MAGIC FUND ANNUAL MEETING
12:00 P.M. - 2:00 P.M.	POLICY COMMITTEE MEETINGS • Health & Human Services • Transportation
12:30 P.M. - 2:30 P.M.	MCIT ANNUAL MEETING
1:30 P.M. - 2:30 P.M.	CANDIDATE SCREENING FOR AMC OFFICERS
1:00 P.M. - 4:00 P.M.	MINNESOTA ASSOCIATION OF PLANNING & ZONING ADMINISTRATORS (MACPZA)
3:00 P.M. - 5:00 P.M.	OPENING SESSION • Presentation of Colors & Pledge of Allegiance • Host County Welcome • AMC Officer Candidate Presentations *Brief addresses from declared candidates.* • Keynote Presentation: GREG SCHWEM, "COMEDY WITH A BYTE" Audiences coast to coast have laughed at "Comedy With a Byte," Greg's corporate comedy includes hilarious observations on technology and the business world. Combining inoffensive comedy with lightning fast ad-lib skills, Greg takes his audiences on hilarious tours through their work environments. A former NBC television reporter, Greg has numerous national television appearances to his credit and has shared the concert stage with the likes of Celine Dion, Jay Leno and LeAnn Rimes.
5:00 P.M. - 6:00 P.M.	PAST PRESIDENTS' RECEPTION *In the Vendor Fair Hallway*
6:00 P.M.	AWARDS BANQUET



Tuesday, December 6

7:00 A.M. - 8:00 A.M.	BREAKFAST BUFFET
8:00 A.M. - 3:30 P.M.	VENDOR FAIR CYBERCOUNTIES COMPUTER LOUNGE *Sponsored by NRS*
8:00 A.M. - 10:00 A.M.	AMC BUSINESS MEETING • Secretary/Treasurer Report • Screening Committee Report • AMC Presidential Election • Policy Committee Reports • Platform Adoption
10:00 A.M. – 10:45 A.M.	BREAK
11:00 A.M. – 12:00 P.M.	NACo's ENERGY EFFICIENCY WORKSHOP 'HOT TOPICS' WORKSHOP *(TBD)*
12:00 P.M. - 1:00 P.M.	LUNCH • SILENT AUCTION bidding closes at 1:15 p.m.
1:15 P.M. - 2:15 P.M.	CONCURRENT WORKSHOPS I

"BUILDING COMMUNITY IN THE MIDST OF DIVERSITY: CONTACT, CULTURE, COMPLEXITY, AND CONFLICT"
Diversity is more than hiring minorities and dealing with conflict issues among staff that may arise when cultural differences exist. Community and diversity are profoundly interrelated concepts. Communities large and small across Minnesota as well as the U.S. are changing rapidly making the United States the most diverse nation in the history of the world. All of this transformation is having a dramatic impact on the very nature of our communities, congregations, neighborhoods, schools, and workplaces. This session will help county leaders explore the connection between diversity and community. The group will learn how to address diversity issues and remove barriers that prevent us from understanding and providing services to diverse populations.

"MSHO EXPANSION BRINGS BIG CHANGES FOR COUNTIES"
Minnesota Senior Health Options (MSHO) is expanding statewide within the next year. This will mean big changes for counties as seniors served under both Medicare and Medicaid have changes in their service delivery system. Counties are exploring new ways to partner with health plans to make sure services are continued. What is the county role? Will the model be different in Metro vs. Greater Minnesota? What are the risks? How can we collaborate most effectively to ensure that we best control our costs and serve our citizens? Representatives from counties, DHS, and health plans will share their perspectives and respond to questions.

"ROAD RESTRICTIONS"
This workshop will focus on the current study that MNDoT has undertaken. It will inform members about their analysis and evaluation of the impacts of increasing truck size and weight with and without various restrictions, including local roads. They will be making recommendations and proposing changes to state law including increased weight limits.

"BE PREPARED: ARE COUNTIES READY TO HANDLE POTENTIAL PUBLIC HEALTH EMERGENCIES?"
Minnesota's "Emergency Health Powers Act" outlines the roles and responsibilities of state and local government in the case of an emergency that affects human health. The law, which was updated and extended during the last Legislative session, includes significant responsibilities for counties. This session will provide an overview of the Emergency Health Powers Act and the scenarios under which it might be utilized. Representatives from the Minnesota Department of Health and counties will highlight issues that county boards should consider in their planning for public health emergencies.

"THE CHANGING STANDARDS REQUIRING ENVIRONMENTAL REVIEW"
Recent case law and upcoming rule making efforts will impact the process county boards use to determine the level of environmental review needed for such activities as feedlots, lakeshore districts and gravel pits. State agencies, environmental groups and developers continue to attempt to influence board decisions. This session will focus on the responsibilities of county commissioners when applying the changing standards for environmental review.

"ELECTED OR APPOINTED: WHAT'S RIGHT FOR YOUR COUNTY?"
Have you been thinking about changing the status of your county officers from being elected to being board appointed? Does your county elect any or all of the following officials: Auditor, Auditor-Treasurer, Treasurer, and Recorder? Are looking for answers to questions like these: What are the advantages and disadvantages for appointing these officials? How will I know if it is right change for my county right now? Where do I begin? If you answered yes to these questions, then this is the session for you. You will hear from officials who were once elected and are now appointed. They will explain why their county chose to make this change, how they went about it, and help you determine if this is something your county should do.

1:30 P.M. - 5:00 P.M.	MINNESOTA ASSOCIATION OF PROFESSIONAL COUNTY ECONOMIC DEVELOPERS (MAPCED) QUARTERLY MEETING *(Reception from 4-5 p.m.)*
2:15 P.M. - 3:15 P.M.	BREAK - 'TREASURE MAP' FINALE *(Vendor Fair ends at 3:30)* • SILENT AUCTION winners may pick-up prizes during this break. • Final chance to complete the 'TREASURE MAP' to be eligible for the drawings at 5:30 p.m. during the President's Reception.

3:15 P.M. - 4:15 P.M. CONCURRENT WORKSHOPS II

"THE THREE E'S OF COUNTY GOVERNMENT"

Is your county feeling pressure from the state or the private sector to provide services electronically? Do you feel as if your county is behind in transitioning to e-government or there is much more you could be doing electronically, but you aren't sure what that may be? In this session you will learn about the Three E's of E-Government: Efficiencies, Economics and Electronics. You will learn about some of the e-government programs in place in other counties, as well as some of the best practices of e-government.

"BUILDING SECURITY AND EMPLOYEE SAFETY IN THE PUBLIC SECTOR"

Counties, as public institutions, face unique challenges when protecting county property and employees from the public. Safety takes on a whole new twist in the public sector. George Demers, a consultant with the Minnesota Safety Council, will share his experiences working for the F.B.I., the State of Minnesota and other municipalities across the nation, which enable him to discuss the role of county commissioners in setting the standard for security and policy development for the county.

"FOOD SAFETY: WHAT'S IN IT FOR COUNTIES?"

Counties, as local boards of health, are responsible for protecting the health of their citizens. But only half the counties in the state directly have direct responsibility for food, beverage and lodging inspections. Changes in a county's population and hospitality may provoke rethinking their position. What should counties consider in deciding whether or not to get into this business? Learn how these programs are changing from a focus on regulation to a focus on partnership with the hospitality for improved food safety and economic development.

"JOBZ: INTENT VS. REALITY"

JobZ is intended to spur economic development opportunities in Minnesota. Like so many good intentions, when put into action, practices don't always match the theory. This panel of county representatives will discuss difficulties they have encountered when dealing with: property tax impact; public perspective when tax dollars are used for private enterprise; ensuring the county gets what it expects; and risks faced by county commissioners when having to decide the fate of a JOBZ application. Learn from successful projects how JOBZ can be used more constructively to stimulate economic development in Minnesota.

"METH: WHAT CAN COUNTIES EXPECT IN 2006?"

By all accounts, meth has become the fastest growing substance abuse problem in the country. The impact on Minnesota counties has been significant both in its human impacts and on the budget. This session will summarize the new law and its effects, and preview the 2006 session. How does a county manage its responsibilities under the new law? Are there uniform protocols to follow in areas such as reporting and recording? And are there strategies for county action in the areas of education and prevention? The results of the AMC and NACo surveys will also be presented.

"NATIONWIDE RETIREMENT SOLUTIONS' (NRS) RETIREMENT INSTITUTE"

You will learn more about a county board's fiduciary responsibility in offering retirement plans, like 457 Deferred Compensation, 401a or Post Employment Health Plans. Updates to last year's successful session and handouts will be included. Appointed or elected officials and staff are encouraged to attend. It is not intended to make participants experts, but you'll receive enough solid information to start asking the right questions in your respective counties.

5:00 P.M. PRESIDENT'S RECEPTION

- **"TREASURE MAP" drawings at 5:30 p.m. You must be present to win!**
- **Installation of the 2006 AMC President.**

6:00 P.M. PRESIDENT'S BASH & DINNER BUFFET

- **Featuring "THE JOHNNY HOLM BAND"** Back again by popular demand, because "never a dull moment" was never a more true description!

Wednesday, December 7

7:00 A.M. – 8:00 A.M. MINNESOTA COUNTIES HUMAN RESOURCE MANAGEMENT ASSOCIATION (MCHRMA)

8:00 A.M. – 9:00 A.M. GENERAL ASSEMBLY & BREAKFAST BUFFET

8:30 A.M. COUNTY CHOIR PERFORMANCE

8:45 A.M. AMC OFFICER ELECTIONS

9:00 A.M. – 11:30 A.M. CLOSING SESSION

- **Keynote Presentation: NICK MEZACAPA, "BATTLING THE 'NO PEOPLE'"** Working within the structure and intensity of institutional life, making a case for innovation seems to be repelled at every turn. What is this reluctance all about? How can new ideas find their way to serious consideration? Find out during this important closing session, presented by a speaker who has inspired audiences across the country with his unique and unforgettable presentations.



11:30 A.M. FINAL GRAND PRIZE DRAWING

ADJOURN

**All events are subject to change*

2005 Annual Conference Registration

COUNTY/ ORGANIZATION: _____

ADDRESS: _____

_____

PHONE:( ) _____

FAX:( ) _____

E-MAIL: _____

REGISTRANT(S): _____

_____

_____

_____

_____

_____

THE CONFERENCE FEE IS $325 PER ATTENDEE IF RECEIVED BEFORE OCTOBER 15, 2005, AND $350 AFTER THAT DATE.

Refunds will be granted without penalty if cancellation is received by October 31. Refunds will be granted less a $50 cancellation fee if notice is received November 1 -18. No refunds will be granted after that date.

AMOUNT DUE: $ _____

PLEASE CHECK ONE OF THE FOLLOWING METHODS OF PAYMENT:

☐ **CHECK ENCLOSED** ***(make checks payable to AMC)***
Please send this form *with payment* to:
Association of Minnesota Counties, PO Box 64689, St. Paul, MN 55164

☐ **BILL COUNTY**
Please fax this form to: (651) 224-6540, Attn: Eileen

☐ **VOUCHER**
Please send this form *with voucher* to:
Association of Minnesota Counties, Attn: Eileen
125 Charles Avenue, St. Paul, MN 55103-2108

OR REGISTER ON-LINE AT WWW.MNCOUNTIES.ORG!

GUEST INFORMATION

There are no specific guest events planned during the conference, but spouses and guests are invited to any or all conference meals/events.

Individual tickets for conference meals and evening events will be sold at the Registration Booth during the conference.

Minnesota Board of Water & Soil Resources

DATE: November 29, 2005

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: December 14th Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, December 14, 2005, beginning at 9:00 a.m. The meeting will be held in the fifth floor conference room, (room 51-52), at 520 Lafayette Road North, in St. Paul. Parking is available in the lot directly in front of the building (use hooded parking areas).

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. **Bois de Sioux Watershed District Boundary Change Petition** – The Bois de Sioux Watershed District filed a petition for a boundary change with BWSR on September 22, 2005. The petition requests the removal of 240 acres of land along the southeast boundary of the watershed district in Stevens County. Over 50 percent of each of the six 40 acre parcels does not drain into the watershed of the Bois de Sioux Watershed District. Notice of Filing of the petition was published in local newspapers and mailed to local units of government. No comments and no requests for hearing were received in response to the notice. The Northern Water Planning Committee reviewed the petition and unanimously recommends approval per the attached draft order. ***DECISION ITEM***

2. **Clay County Local Water Management Plan** - The Clay County Local Water Management Plan has been completed using the Priority Concerns Scoping Document (PCSD) BWSR acted on March 23, 2005. The PCSD guided the development of the issues where the county will focus on 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 met on November 30th to review the plan and recommends approval by the full Board. ***DECISION ITEM***

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

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

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

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

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

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

Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

3. **Mille Lacs County Local Water Management Plan (CLWMP) Extension Request** The effective or end date of the Mille Lacs County Local Water Management Plan is December 31, 2005. On November 22, 2005, in accordance with current guidelines, BWSR received a request to extend the expiration date of their CLWMP until December 31, 2007. The Mille Lacs Soil and Water Conservation District has been delegated responsibility for revising and updating the Plan. Currently, the Priority Concerns Scoping Document has been approved. The extension request is based on staff turnover and the designation of a new water management planning coordinator will give the County an adequate amount of time to complete the final plan. The extension request was recommended for approval by BWSR staff and approved by the Northern Water Planning Committee. See attached. ***DECISION ITEM***

Southern Water Planning Committee

1. **Fillmore County Local Water Management Plan Update** – Fillmore County submitted their Local Water Management 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 on September 16, 2005. On November 17, 2005, the Southern Water Planning Committee reviewed the recommendations of the state review agencies regarding final approval of the Fillmore County Local Water Management Plan Update. The Southern Water Planning Committee recommends approval. The Findings of Fact, Conclusions, and Order are drafted for the full Board to review and take action on. See attached. ***DECISION ITEM***

2. **Mower County Local Water Management Plan Update** – Mower County submitted their Local Water Management 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 on October 7, 2005. On November 17, 2005, the Southern Water Planning Committee reviewed the recommendation of the state review agencies regarding final approval of the Mower County Local Water Management Plan Update. The Southern Water Planning Committee recommends approval. The Findings of Fact, Conclusions and Order are drafted for the full Board to review and take action on. See attached. ***DECISION ITEM***

3. **Redwood County Local Water Management Plan Update** – Redwood County submitted their Local Water Management 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 on September 30, 2005. On November 17, 2005, the Southern Water Planning Committee reviewed the recommendation of the state review agencies regarding final approval of the Redwood County Local Water Management Plan Update. The Southern Water Planning Committee recommends approval. The Findings of Fact, Conclusions and Order are drafted for the full Board to review and take action on. See attached. ***DECISION ITEM***

4. **Wabasha County Request for Local Water Management Plan Extension** – Wabasha County is requesting a two-year extension for their current Comprehensive Local Water Management Plan; which is scheduled to expire on December 31, 2005. The extension request is to ensure that they have an approved water plan in place to qualify for next year's Natural Resources Block Grant (NRBG) and to provide time to reassess program priorities, staffing needs, and their commitment to a coordinated local water resource program. On November 17, 2005, the Southern Water Planning Committee reviewed Wabasha County's request for a two-year extension to their current water plan, bringing the new expiration date to December 31, 2007. The Southern Water Planning Committee recommends approval. See attached. ***DECISION ITEM***

RIM Easement Alteration Committee Report – Paul Brutlag and Kevin Lines

1. Fergus Falls Fish and Game Club Conservation Easement – Board subcommittee is meeting on December 6th to review the request. Pending the outcome of this meeting, the decision may be deferred to January. If the subcommittee reaches a decision/recommendation for the December 14th meeting, the supporting information will be e-mailed to members. ***DECISION ITEM ???***

NEW BUSINESS

1. **Presentation on Minnesota Campaign for Conservation** – John Curry, Campaign Director, will present information on the efforts of the Minnesota Campaign for Conservation to elevate Minnesota's conservation capacity far beyond where we are today. ***INFORMATION ITEM***

** **The Southern Water Planning Committee will meet immediately following the Board meeting.**

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 December 14th!

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
FIFTH FLOOR CONFERENCE ROOM (51 - 52)
ST. PAUL, MINNESOTA 55155
WEDNESDAY, DECEMBER 14, 2005

PRELIMINARY AGENDA

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

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF OCTOBER 26, 2005

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

REPORTS

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

SPECIAL RECOGNITION and FARM SERVICE AGENCY (FSA) REPORT – John Monson – ***INFORMATION ITEM***

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Bois de Sioux Watershed District Boundary Change Petition – ***DECISION ITEM***

2. Clay County Local Water Management Plan – ***DECISION ITEM***

3. Mille Lacs County Local Water Management Plan (CLWMP) Extension Request – ***DECISION ITEM***

Southern Water Planning Committee

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

2. Mower County Local Water Management Plan Update - ***DECISION ITEM***

3. Redwood County Local Water Management Plan Update – ***DECISION ITEM***

4. Wabasha County Request for Local Water Management Plan Extension – ***DECISION ITEM***

RIM Easement Alteration Committee Report – Paul Brutlag and Kevin Lines

1. Fergus Falls Fish and Game Club Conservation Easement - ***DECISION ITEM***

NEW BUSINESS

1. Presentation on Minnesota Campaign for Conservation – John Curry, Campaign Director – ***INFORMATION ITEM***

AGENCY REPORTS

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next BWSR Meeting, January 25, 2006

Noon **ADJOURN**

**** The Southern Water Planning Committee will meet immediately following the Board meeting.**

Dispute Resolution Report
November 17, 2005
by Jim Haertel

There are presently nine appeals pending. All of the appeals involve WCA. There have been two new appeals filed since the last report dated October 13.

File 05-21. This is a new appeal of a restoration order in St. Louis County. At issue is 1.69 acres of wetland impacts associated with construction of a motorcycle trail.

File 05-20. This is a new appeal of a replacement plan decision in Cokato, Wright County. The decision approved the filling of a 0.2 acre Type 2 wetland on a residential lot for construction of a residence. There is a question about the alternatives proposed for sequencing. Also, no TEP was held. The appeal has been remanded for a TEP to be held and sequencing to be addressed.

File 05-17. This is an appeal of a replacement plan decision in the City of Holdingford in Stearns County. At issue is the denial of a replacement plan application relating to a residential development. Wetland impacts of 0.7 acres were proposed for construction of a road and multi-use trail. The TEP recommended approval of the application. The LGU denied the application on finding the development could proceed without wetland impacts. The Corps issued a permit for the project. The appeal has been accepted, the record has been received and a pre-hearing conference will be scheduled.

File 05-1. This is an appeal of a Replacement Plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. The appeal has been accepted and pre-hearing conferences were held. The appeal is presently in abeyance to allow settlement discussions to continue.

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

File 04-26. This is an appeal of a Restoration Order in Spring Lake Township, Scott County. At issue is the placement of 4,300 feet of fill in a wetland for a driveway. The approved plat showed access to the lot without wetland impacts. The appeal is in abeyance pending a decision on a replacement plan application.

File 04-25. There is an appeal of an exemption decision in the City of Albertville, Wright County. The exemption was granted by default after the requirements under Minn. Stat. §

15.99 (the "60-day rule") were not met. At issue is the scope of wetland filling allowed under the "approved development" exemption and whether wetland filling can be avoided. The project involves commercial development. The appeal has been accepted, briefing has commenced and a DRC hearing is scheduled for January 5.

File 04-23. This is an appeal of a forestry exemption decision in Kittson County. Unpermitted fill was placed in a Type 7 wetland for a road. A Cease and Desist Order was issued. Additional filling has recently occurred in violation of the CDO. Corps and DNR violations also exist. The appeal has been accepted and is in abeyance pending completion of a wetland delineation and submittal of a replacement plan application.

File 04-15. This is an appeal of a wetland boundary and type decision in Anoka County. At issue is the decision by the Rice Creek Watershed District to classify a site as effectively drained. Last summer a wetland delineation report identified most of the site as wetland. The appeal has been remanded for a technical evaluation panel to meet onsite. The appeal remains in abeyance under the remand.

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Bois de Sioux Watershed District Boundary Change Petition – ***DECISION ITEM***

2. Clay County Local Water Management Plan – ***DECISION ITEM***

3. Mille Lacs County Local Water Management Plan Extension Request – ***DECISION ITEM***

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

In the Matter of the Boundary Change of the Bois de Sioux Watershed District in Stevens County, Minnesota, pursuant to Minnesota Statutes Section 103D.251.

ORDER BOUNDARY CHANGE OF BOIS DE SIOUX WATERSHED DISTRICT

Whereas, the Board of Managers of the Bois de Sioux Watershed District filed a Petition with the Board of Water and Soil Resources (Board) dated September 14, 2005, to change the boundary of the Bois de Sioux Watershed District pursuant to Minn. Stat. § 103D.251, and;

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

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

FINDINGS OF FACT

1. **Boundary Change Petition.** The Petition to remove territory from the Bois de Sioux Watershed District dated September 14, 2005, was filed by the Board of Managers of the Bois de Sioux Watershed District with the Board on September 22, 2005.

2. **Property Description.** The territory to be removed from the Bois de Sioux Watershed District, the Petitioned Area, is 240 acres of land in parts of Sections 15 and 22, Rendsville Township, Stevens County. The Petitioned Area is fully described as follows:

   SE ¼ of the SE ¼ of Section 15, T. 126N, R. 42W
   NE ¼ of the NE¼ of Section 22, T. 126N, R. 42W
   NW ¼ of the NE¼ of Section 22, T. 126N, R. 42W

SE ¼ of the NE¼ of Section 22, T. 126N, R. 42W
NE ¼ of the SE¼ of Section 22, T. 126N, R. 42W
NW ¼ of the SE¼ of Section 22, T. 126N, R. 42W

3. **Reasons for Removal.** The Petition lists the following:

   A. More than 50 percent of each 40 acre parcel in the Petitioned Area is not a part of the watershed of the Bois de Sioux Watershed District.

   B. The Petitioned Area has not and will not receive any benefits from the operation of the Bois de Sioux Watershed District.

   C. The Bois de Sioux Watershed District can perform the functions for which it was established without the inclusion of the Petitioned Area.

4. **Hydrologic Boundary.** A letter from JOR engineering and a map accompanying the Petition shows the Petitioned Area is outside of the watershed boundary of the Bois de Sioux Watershed District. Therefore, the Petition is noncontroversial pursuant to Minn. Stat. § 103D.105, Subd. 2.

5. **Notice of Filing.** Legal Notice of Filing was published in the Wheaton Gazette on October 4, 2005, the Fergus Falls Daily Journal on October 5, 2005, the Grant County Herald on October 5, 2005, the Wahpeton Daily News on October 7, 2005, the Chokio Review on October 13, 2005, the Herman Review on October 6, 2005, and the Northern Star on October 6, 2005. The Legal Notice of Filing along with a copy of a map was also mailed on October 3, 2005 to several addressees including the affected county auditors, SWCD, cities and the DNR.

6. **Public Hearing.** The legal notice was published pursuant to Minn. Stat. §§ 103D.105, Subd. 2 and 103D.251, Subd. 6, which require within 30 days of the last date of publication of the notice of filing of the Petition that at least one request for hearing be received by the Board before a hearing will be held. No requests for hearing were received during the specified time and no hearing was held.

7. **Northern Water Planning Committee Meeting.** On November 30, 2005, the Board's Northern Water Planning Committee and staff met to review and discuss the Petition. Board staff recommended approval of the Petition because the Petitioned Area is outside of the hydrologic boundary of the Bois de Sioux Watershed District, the Petitioned Area has not and will not receive any benefits from the watershed district, the watershed district can perform the functions for which it was established without the inclusion of the Petitioned Area, and the granting of the Petition would benefit the public welfare and public interest and would advance the purpose of Minnesota Statutes Chapter 103D. After due consideration the Committee unanimously voted to recommend approval of the Petition to the full Board because the boundary change would benefit the public welfare and public interest and would advance the purpose of Minnesota Statutes Chapter 103D.

CONCLUSIONS

1. The Petition for a boundary change of the Bois de Sioux Watershed District is valid in accordance with Minn. Stat. § 103D.251.

2. Proper notice of filing was given and a public hearing was not held in accordance with applicable laws.

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

4. The Board has proper jurisdiction in the matter of ordering a watershed district boundary change.

5. The boundary change of the Bois de Sioux Watershed District as proposed in the Petition would be for the public welfare and public interest and would advance the purpose of Minnesota Statutes Chapter 103D.

6. The removal of land from the Bois de Sioux Watershed District as proposed in the Petition affects land that drains out of the watershed district.

7. The Petitioned Area has not received and will not receive any benefit from the operation of the Bois de Sioux Watershed District.

8. The Bois de Sioux Watershed District can perform the functions for which it was established without the inclusion of the Petitioned Area.

ORDER

The Board hereby orders that the boundary of the Bois de Sioux Watershed District be changed to remove the following 240 acres of land:

SE ¼ of the SE ¼ of Section 15, T. 126N, R. 42W
NE ¼ of the NE¼ of Section 22, T. 126N, R. 42W
NW ¼ of the NE¼ of Section 22, T. 126N, R. 42W
SE ¼ of the NE¼ of Section 22, T. 126N, R. 42W
NE ¼ of the SE¼ of Section 22, T. 126N, R. 42W
NW ¼ of the SE¼ of Section 22, T. 126N, R. 42W

Dated at Saint Paul, Minnesota this 14th day of December, 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Jerome Deal, Chair

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55107

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Clay County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on September 28, 2005, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On January 28, 2005, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Clay County, pursuant to M.S. Section 103B.312.

2) On March 23, 2005, the Board of Water and Soil Resources provided official comments on the Clay County Priority Concerns Scoping Document, which were mailed to the county on March 23, 2005.

3) The priority concerns the local water management plan addresses include:
   1. **Water Quality Concerns** – Including, but not limited to; impaired waters (TMDLs), groundwater pollution, aquifer protection, nonpoint pollution, delineation of critical/sensitive groundwater areas, water supply, etc.
   2. **Natural Resource Enhancement & Protection Concerns** – Including, but not limited to; natural resource preservation in the beach ridge area, stream/river restoration and connectivity, native prairie conservation, wetland and grassland restoration and protection, etc.
   3. **Erosion Concerns** – Including, but not limited to; soil erosion (wind and water), streambank erosion, sedimentation of streams and rivers, etc.
   4. **Flood Damage Reduction** - Including, but not limited to; flooding, effects of tiling, drainage, etc.

4) On September 28, 2005, the BWSR received the Clay County Plan Update, a record of the September 20, 2005 public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On November 30, 2005, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Clay County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommends approval;
   B) Minnesota Department of Health: recommends approval;
   C) Minnesota Department of Natural Resources: recommends approval;
   D) Minnesota Pollution Control Agency: recommends approval;
   E) Minnesota Environmental Quality Board: no recommendation received;
   F) Minnesota Board of Water and Soil Resources regional staff: recommends approval;
   G) Board Water Plan Review Committee: recommends approval.

6) This update will be in effect for a ten-year period until December 31, 2015; with the Goals, Objectives and Action Items amended by December 31, 2010.

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the Clay County Local Water Management Plan through December 31, 2015; with the Goals, Objectives and Action Items being amended prior to December 31, 2010.

Dated at St Paul, Minnesota, this fourteenth day of December 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

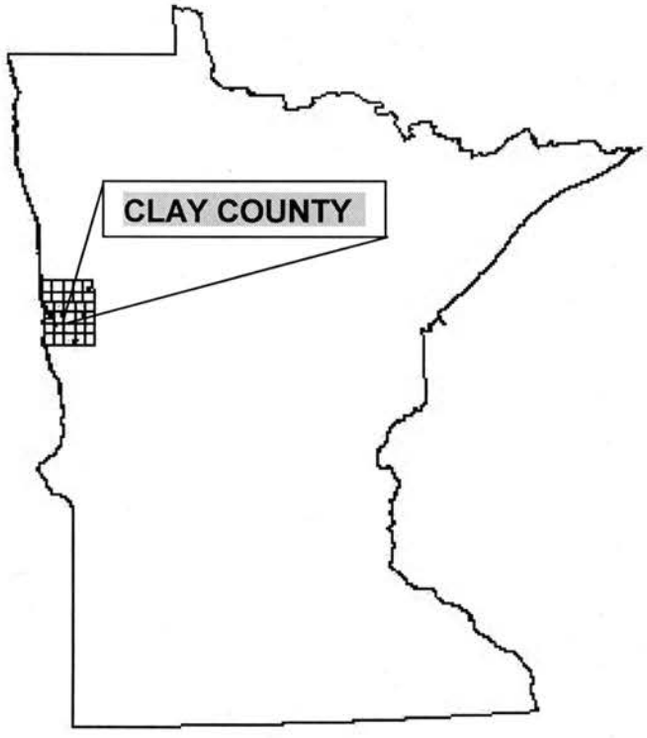
BY: Jerome Deal, Chair

CLAY COUNTY

LOCAL WATER MANAGEMENT PLAN

2006-2015

***An amendment to the plan and implementation schedule to be completed Dec. 31, 2010**



Prepared by the Clay Soil & Water Conservation District
And the Local Water Management Plan Advisory Committee

EXECUTIVE SUMMARY

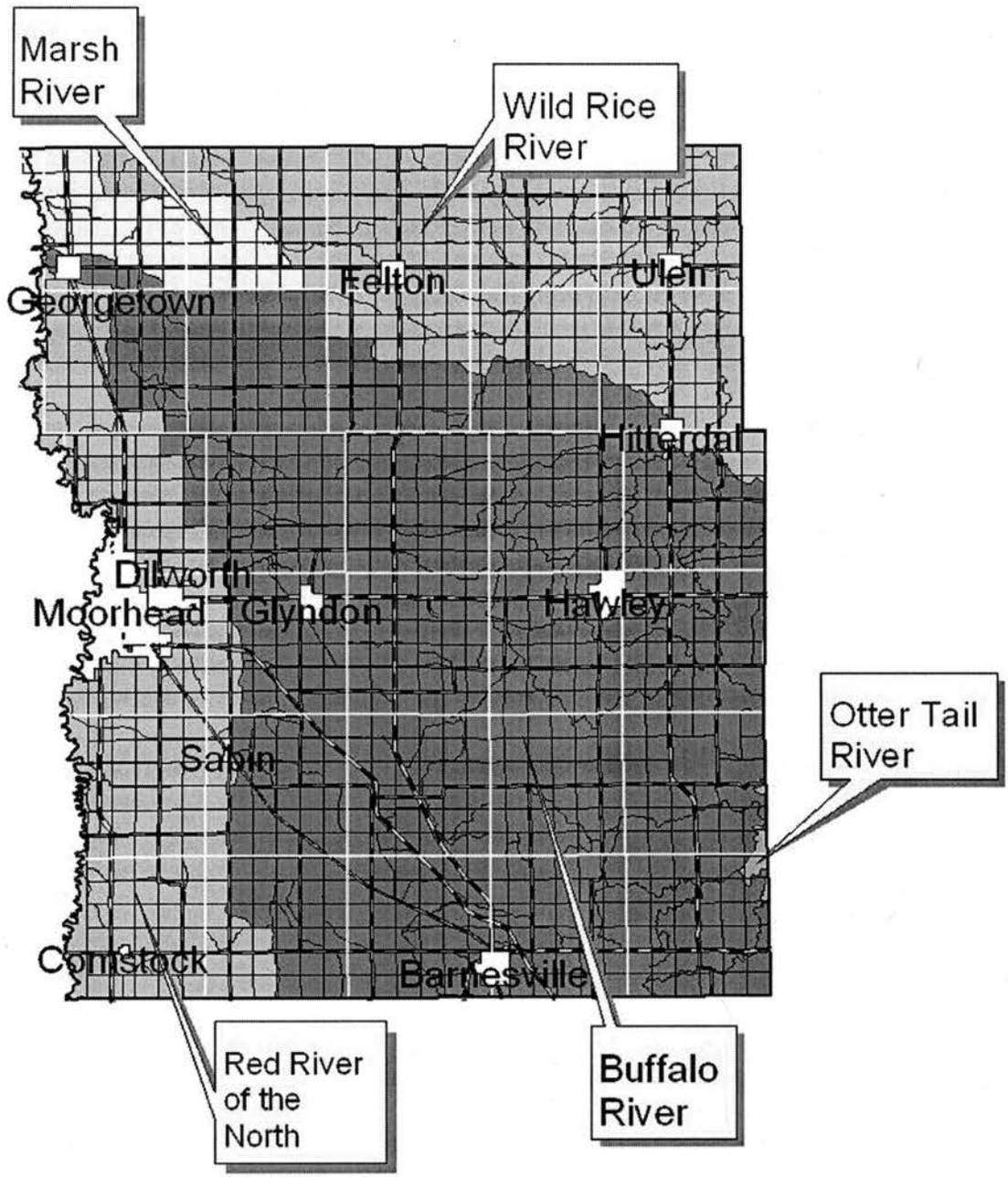
Clay County is situated on the western border of Minnesota, separated from Cass County, North Dakota by the Red River of the North. Clay County encompasses 1,053 square miles, and includes 30 townships and 11 cities. The County seat, Moorhead, comprises 63 percent of the total county population of 51,229 people (2000 Census). The State Demographer's Office projects that the population of Clay County will grow by 5.6 percent from 2000 to 2020, from 51,229 to 54,000. Much of this growth, if current trends continue, will occur near Moorhead and along primary transportation corridors. Of the 30 townships, only 6 have experienced an increase in population since 1950 (see maps in the Appendix denoting township growth and land use).

Of the 673,733 acres that make up Clay County, agricultural land classification dominates accounting for nearly 90 percent of the land use. Interestingly, the total amount of land in farms (cropland) compared to the total acreage in the County has dropped from 1978 to 1997 while the amount of cropland actually harvested has risen from 1978 to 1997 despite a decrease in cropland acres. The most obvious explanation is a decrease in the number of acres in farm programs such as the Conservation Reserve Program (CRP), or other programs. Also of interest, wheat, corn, sunflower seeds, soybeans and hay/alfalfa have increase in the number of acres grown while barley and oats have decreased (Clay County Comprehensive Plan, 2000).

Land Use Category	Percent of Total
Cultivated Land	81.4%
Grassland, hayland, or pasture (combined)	7.9%
Forested land	4.4%
Urban and rural development	2.5%
Bog, marsh, fen	1.6%
Water	1.1%
Brushland	0.9%
Mining	0.2%

Source: 1989 Land Use Data (Compared with Clay County Assessors data)

Despite the limited amount of surface water resources, surface water drainage dictates land use, and management of water resources on a watershed scale is paramount. Two primary watersheds, the Buffalo River watershed and the Wild Rice River watershed divide Clay County. Three smaller, secondary watersheds, the Red River (headwaters) watershed, the Otter Tail River watershed, and the Marsh River watershed, drain smaller portions of the county to the west, east and north respectively. In terms of water management, those areas in Minnesota that drain directly to the Red River are included under the Buffalo River Watershed and Wild Rice River Watershed, and the Marsh River is also included under the Wild Rice River.



The Buffalo-Red River Watershed District (BRRWD) encompasses a land area of 1,380 square miles. Approximately 75 percent of the geographic area of Clay County is in the BRRWD, which translates to 58 percent of the watershed area. The Buffalo River originates in Becker County, but transects Clay County where it enters the Red River of the North northwest of Georgetown. The main tributaries to the main branch of the Buffalo River include Hay Creek (originating in Becker County) and the South Branch of the Buffalo River. Again, several drainage ditches also contribute to this branch of the Buffalo River. Major tributaries of the South Branch of the Buffalo River include Hay Creek, Stony Creek, Spring Creek, Whisky Creek, and several drainage ditches. Wolverton Creek/ Comstock Coulee, although a direct tributary of the Red River of the

North, is also included in this watershed. The Wild Rice Watershed District (WRWD) encompasses a land area of 2,080 square miles. Approximately 25 percent of the geographic area of Clay County is in the WRWD, which translates to 12 percent of the watershed area. The South Branch of the Wild Rice River runs across the northeast corner of Clay County from east to west with its headwaters located in Becker County and its terminus in Norman County. Other surface waters in Clay County include Stiner Creek, Felton Ditch, Dalen Coulee and several drainage ditches that are tributaries of the Wild Rice River, or the Red River of the North.

Although the land use figures vary somewhat from year to year, the dominant land uses do not. The struggle between urbanization or increased growth and the traditional agricultural character of the County is clear and present. The challenge for Clay County is to find balance between the preservation of the agricultural heritage, protection of the remaining natural resources and the desire for economic and community growth. To achieve such goals will require the careful, comprehensive consideration of the County's natural resources.

Administration of the Clay County Local Water Management Plan

The administration of the Clay County Local Water Management Plan has been the responsibility of the Clay Soil and Water Conservation District (Clay SWCD) since 1998 (from 1990 to 1998 with the County Planning and Zoning Department). The first generation "Water Plan" was adopted June 12, 1990, and, in 1997, was revised and adopted locally on December 17, 1997. This second generation plan, after a requested two-year extension, will expire on December 31, 2005. The revised Clay County Local Water Management Plan will cover a ten year period from 2006 to 2015, with an implementation plan covering five year increments (2006 to 2010, and a revised implementation plan covering 2011 to 2015).

The Purpose of Local Water Management

The purpose of this Local Water Management Plan for Clay County is:

1. *To identify existing or potential problems and opportunities for protection, management, or development of water resources and related land resources in the county.*
2. *To develop and implement a plan of action to promote sound hydrologic management of water and related land resources in the county, and*
3. *To work toward effective environmental protection and management in the county.*

Pursuant to Minnesota Statute 103B.311, subd. 4, the local water management plan must;

1. address water management issues over the entire county
2. address problems in the context of watershed units and groundwater systems
3. be based upon principles of sound hydrologic management of water,

effective environmental protection, and efficient management

4. be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater systems
5. address water management issues over a ten year period with five year implementation plans.

The Water Management Plan revision process requires that the county base future management considerations on public input derived from private citizens and public agencies. Public input was gathered through landowner surveys (paper and internet based surveys), township officer surveys and agency comments (see the *Clay County Priority Concerns Scoping Document* in the Appendix for more information). Through the Water Management Plan revision process, four *PRIORITY CONCERNS* were identified to address in the coming decade; water quality, natural resources enhancement and protection, erosion, and flood damage reduction. The process through which these concerns were identified is detailed in the *Clay County Priority Concerns Scoping Document* located in the Appendix.

Summary of Priority Concerns and Objectives

Priority Concern: Water Quality (surface and groundwater)
Clay County is bordered on its west by the Red River of the North and is dissected by the Buffalo River (South Branch and Main Branch), South Branch of the Wild Rice River, and their respective tributaries. Additional surface waters include several small, shallow lakes and numerous scattered wetlands. Four of these lakes, Lake 15, Turtle Lake, Silver Lake and Lee Lake, are moderately to extensively developed, and many more are experiencing development. Most surface waters in Clay County are degraded, and several are listed as "impaired waters" (see *Impaired Waters of Clay County* map in the Appendix) as defined by the Clean Water Act (CWA). As such, these waters do not meet water quality standards designed to protect human health and biological functions and, thus, must be cleaned up to meet their intended use via locally developed Total Maximum Daily Load (TMDL) Plans. Further, groundwater resources within the County are of utmost concern. Specifically, the Buffalo Aquifer, emergency water supply source for over 70 percent of the County's population, is vulnerable to contamination from surface water (the South Branch of the Buffalo River and gravel pits exposing the water table), land use activities, abandoned wells and leaking storage tanks. In addition, the geology of the middle portion of the county causes the underlying groundwater resources to be very highly susceptible to contamination (RHA 3, Part B, Plate 4 of 4, 1997). As such, it is critical that future land uses be carefully considered to further protect the county's groundwater resources. For more information on groundwater resources of Clay County, see the maps highlighting groundwater resources (including major aquifers and current, defined wellhead protection areas) and contamination potential in the Appendix.

This plan will address the following objectives related to this concern:

- Actively participate in the development and implementation of Total Maximum Daily Load (TMDL) Plans for impaired waters within Clay County and target those watersheds to address these impairments; particularly, sedimentation
- Aggressively market conservation programs (such as CRP and CREP II) in areas lacking riparian buffers, and low interest loan programs (such as the State Revolving Fund [SRF]) for failing septic systems to further protect water quality
- Protect and preserve critical groundwater sources (such as the Buffalo Aquifer) through assisting in Wellhead Protection Plans, Source Water Assessment Plans, and prioritizing cost share funds for sealing abandoned wells within and out of delineated Drinking Water Supply Management Areas (DWSMA).

Estimated Potential Cost: $13,153,500

Priority Concern: Natural Resources Enhancement and Protection

Clay County is truly unique in that it is dominated by agricultural land use, yet retains some of the highest quality, biologically significant natural resources in Minnesota. According to the Minnesota County Biological Survey (MCBS), Clay County retains only 4 percent of its original native (presettlement) landscape – much of which is high quality, high biodiversity natural lands. As the *Original Vegetation of Clay County* map in the Appendix denotes, much of the historic vegetation regime of Clay County prior to European settlement was comprised of Tallgrass prairie, wet prairie, riverine and pothole wetland complexes, and oak savannah. Much of this original landscape has been altered in one way or another resulting in a patchwork of natural resource features. The Felton Prairie, Bluestem Prairie near Buffalo River State Park, and the Barnesville Wildlife Management Area denote three key large-block habitats linking the Glacial Lake Agassiz Beach Ridges landscape from north to south. Indeed, agency efforts at the federal, state and local level are all focused on connecting large blocks of native habitats, restoring riverine corridors, and buffering surface waters to reduce the effects of habitat fragmentation, providing connections (connectivity) between habitats for wildlife, and protecting the unique natural resources of Clay County and the greater Red River Basin Ecosystem. Although a watershed approach to these efforts is noteworthy, the preferred focus may be on the three "geomorphic regions" of the County as depicted in the *Public Lands of Clay County* in the Appendix. This plan will address the following objectives related to this concern:

- Consolidate the natural resource management planning and implementation efforts of federal, state and local agencies using existing prioritization models to target program funds to areas where the greatest ecological benefit can be realized. Also, develop public outreach materials to educate the public of the value of natural resource areas.
- Develop and organize a series of workshops, or other outreach options, to educate landowners on the options available to them to protect natural resources and reduce the impacts of wildlife habitat fragmentation of existing woodland and wetland/grassland habitat on their land through conservation program agreements, tax exemption programs, or easements.
- Quantify the need for adequate buffers on stream/rivers county-wide and "natural environment lakes" and target areas with inadequate buffers for program marketing and implementation, and target minor watersheds with greater than 50 percent drained wetland acreage for wetland restoration and enhancement using available conservation programs and tax exemption programs.
- Improve County wetland management by reintroducing the "Clay County Wetland Model", a GIS based model designed to rank existing wetlands and potential restoration sites via a "functions and values" point system.
- Complete a quality restoration of an abandoned gravel pit complete with grading, shaping, seeding with native vegetation, and vegetative management. Use the proposed reclamation as a public outreach/education event.
- Quantify the need for grade stabilization on specific reaches of streams and rivers

throughout the beach ridges to enhance fish habitat and reduce in-stream erosion.

- Publicize the vast "outdoor based" recreational opportunities in the county - canoeing, kayaking, hunting, fishing, birding, hiking, etc. - as viable "ecotourism", revenue producing opportunities.
- Educate the public on how conservation efforts can be supported through easy-to-do opportunities such as "Backyard Conservation", and new marketing strategies for commodities - "earth friendly" cereals, bread, etc

Estimated Potential Cost: $50,500

Priority Concern: Erosion

There are many general land use practices in Clay County that have the potential to impact both surface water quality, but soil erosion from the landscape is the leading cause of sedimentation of Clay County's surface waters. The geology and topography of the landscape, in addition to the predominance of open cultivated land, creates a challenge for agricultural producers and resource managers alike to prevent soil erosion. As the economics of farming goes, so goes the landscape. Commodity prices, cost of fuel and the introduction of genetically modified crops all play a role in *how* cropland is farmed and *how much* is farmed. Nearly all of the soils in Clay County are potentially subject to erosion rates beyond sustainability if adequate groundcover is lacking according to the calculations used by the Natural Resources Conservation Service (NRCS). All soil has the potential to erode, but there are soils that are much more prone to erosion than others as shown in the *Highly Erodible Soils of Clay County* map in the Appendix. Wind and water erosion delivers sediment to water bodies, as well as chemical residue and nutrients such as phosphorus and nitrogen. In addition to degrading the quality of the water, storage capacity and the conveyance of a water body can be altered, increasing the severity of in-stream erosion and flooding. The resulting increase in turbidity causes exceedences in turbidity water quality parameters thereby leading to "impairment". In the case of the Red River of the North, municipal water treatment facilities in Moorhead, MN and Fargo, ND incur increased costs to treat turbid water for human consumption. This plan will address the following objectives related to this concern:

- Coordinate with Clay County Farm Management Educators to improve dialogue and discuss topics such as; the economics of tillage to illustrate the potential savings of reduced tillage for a "typical farm" (reduced recreational tillage, conversion to no-till or mulch-till, etc.), and the obstacles to tillage practices including the relationship between residue management and incidence of crop disease.
- Continue to market (with emphasis on the eastern half of the county) no-till and mulch-till via the SWCD No-till Drill Program and the Environmental Qualities Incentive Program (EQIP). Also, research the Clay SWCD records to determine the percentage of producers who rented the no-till drill, then bought their own through the SWCD administered low interest loan program.

- Address the problem of erosion county-wide by; 1) Marketing "alternatives" to field windbreaks in the form of replacing trees with shrubs (and thereby more windbreaks to adequately cover the entire field), and implementing herbaceous wind barriers and field borders, 2) Tracking tillage practices over time using the results of the "Tillage Transect Survey" to determine the extent of no-till vs. conventional tillage practices, 3) Utilize GIS to select soils with C slopes or greater ($C \geq 6$-12 percent) to determine the extent of gully erosion and target establishment of grassed waterways and sediment basins and subsequent enrollment into conservation programs, 4) Investigate and document the extent of farming of road ditches in the county, and 5) Investigate the potential for a soil loss ordinance.
- Reduce the incidence of in-stream erosion and streambank erosion by; 1) Utilizing existing stream survey information to target practices and special projects, and 2) Cooperate with townships and agencies to inventory streams and rivers for grade stabilization needs.

Estimated Potential Cost: $12,000

Priority Concern: Flood Damage Reduction (FDR)

Flooding and flood related damages have, and will continue to plague the Red River Basin. However, the period since 1993 has been an abnormally wet hydrologic cycle. The topography of the county, an especially flat western half, lends itself to the potential for flooding (see *Floodplain Areas of Clay County by Watershed* map in the Appendix). The challenge is dealing with flooding and flood related damages in a collective manner. Improvements have been made by communities and resource agencies to deal with flood damage reduction, but there is room for improvement. Zoning regulations between communities seem to lack consistency in dealing with flood prone areas, and poor land use decisions continue to be made. Stormwater issues, runoff from developed and developing areas, in addition to urban drainage require more attention and coordination from local levels of government. As such, this plan will address the following objectives related to this topic:

- Commit to a decade of county involvement in the FDR process by Local Water Management focus on FDR strategies including, but not limited to, flood storage wetlands and impoundments, wetland restorations, river corridor restorations, riparian buffer strips, retirement of land, land use and best management practices.
- Investigate issues of conflict/concern with FDR efforts including; 1) the conflict in culvert sizing between fish passage and flow velocity, 2) the perceived inconsistent use of roads as temporary floodwater control structures (not allowed on CSAH # 31, but now being allowed on County Road 56 for the Whisky Creek Tributaries Project), and 3) the effects of pattern tiling on water quality and water quantity.
- Involve townships in the FDR process by interviewing township officers to determine where flooding consistently occurs in their township and correlate with

soils data, past floodplain data, and new floodplain data to create maps of "flood prone areas" in the county and provide these maps to the Clay County Planning Commission and County Board.

- Involve communities in the FDR process through enhanced education and outreach, and challenging communities to develop plans to address drainage and stormwater challenges caused by future land use changes.

Estimated Potential Cost: Attempts will be made to cover Objectives with existing staff and funds.

Consistency with Other Local, State and Regional Plans

Preparation of the Clay County Local Water Management Plan (LWMP) required the review of several existing planning documents from governmental and nongovernmental organizations. Due to the nature of county based water management, the plans were examined for consistency from the "local level up" approach.

City Plans Some plans at the city level were analyzed for consistency including the City of Moorhead Wellhead Protection Plan, Source Water Assessment Plan and the Stormwater Ordinance. These plans address many of the same issues raised in the LWMP, but address certain issues in more detail. The intent of the LWMP is to assist in these efforts and not duplicate efforts unnecessarily.

County Plans The Clay County Comprehensive Plan completed and adopted in 2001 addresses many of the concerns raised in this LWMP revision. There exists consistency with issues such as development, agricultural preservation and natural resources protection.

Watershed District Plans The BRRWD is currently in the process of revising their 1998 Watershed Management Plan, whereas the WRWD Management Plan was revised in 2002. Watershed Districts inherently deal with many of the same issues as LWM, thus it is assumed that the concerns to be addressed by the LWMP are consistent with those of the Watershed Districts. The Clay County, through LWM will continue to work closely with both Watershed Districts to promote the betterment of Clay County's water resources.

Red River Basin Plans Given the nature of Clay County and the water management concerns raised, the revised Clay County LWMP supports the goals and principles of the Red River Basin Flood Damage Reduction Work Group Agreement dated December 9, 1998. Also completed in 1999, the MN Pollution Control Agency (MPCA) spearheaded the completion of the Red River Basin Water Quality Plan which addresses issues related to water quality. Again, the Clay County LWMP supports the goals, priorities and strategies of this plan.

Regional Plans Given the acreage owned by The Nature Conservancy (TNC) in Clay County, the Ecological Planning in the Northern Tallgrass Prairie was reviewed for commonalities. High priority issues that parallel those of the Clay County LWMP include grassland management, habitat fragmentation and conversion, hydrologic alterations to the landscape, wetland management and recreational use.

Neighboring County Plans Nearly all of the neighboring counties have updated their LWM Plans with the exception of Norman County. Several recurring themes arise in the review of these plans including concerns related to; erosion, water quality, and development pressure. Clay County does not anticipate any inconsistencies between county LWM Plans.

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

In the Matter of Extending the Comprehensive Local Water Plan For Mille Lacs County (Minnesota Statutes, Section 103B. 311, Subdivision 4, authorizing BWSR to grant extensions)

ORDER EXTENDING LOCAL WATER MANAGEMENT PLAN

Whereas, Mille Lacs County has a state approved Comprehensive Local Water Plan (CLWP) that is effective until December 31, 2005, pursuant to Minnesota Statute 1990, Section 103B.301, and

Whereas, the Board of Water and Soil Resources has authorization to grant extensions pursuant to Minnesota Statute 103B. 311, Subdivision 4.

Now therefore, the Board of Water and Soil Resources hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. On November 22, 2005, in pursuant to Minnesota Statute, Section 103B.315, Subdivision 3, the Board of Water and Soil Resources received a resolution from Mille Lacs County requesting an extension of their Comprehensive Local Water Plan to December 31, 2007.

2. The two-year extension request is based on the following:

   - The Mille Lacs Soil and Water Conservation District has been delegated the responsibility for revising and updating the Plan. Staff turnover and the required designation of a new water management plan coordinator attributed to the delay in the process.
   - In accordance with BWSR Local Water Management Plan guidance, the extension request must be for two years.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Mille Lacs County pursuant to Minnesota Statute 103B.311, Subdivision 4.

ORDER

The Board of Water and Soil resources hereby approves the extension of the Mille Lacs County Comprehensive Local Water Plan until December 31, 2007. Dated at St. Paul, Minnesota, this 14th day of December 2005.

BY:_____
Jerome Deal, Chairperson
December 14, 2005

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

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

2. Mower County Local Water Management Plan Update – ***DECISION ITEM***

3. Redwood County Local Water Management Plan Update – ***DECISION ITEM***

4. Wabasha County Request for Local Water Management Plan Extension – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

DATE: November 10, 2005

TO: Jeff Nielsen, BWSR Southern Region Supervisor

FROM: Mary Kells, Board Conservationist

SUBJECT: Fillmore County Local Water Management Final Review

I have completed my final review of the Fillmore County Local Water Management Plan 2006-2015 and recommend approval.

The Fillmore County Local Water Management (LWM) Plan meets the requirements of water management planning under M.S. 103B and BWSR Local Water Management Plan Guidance.

The Fillmore County LWM Plan:

- Focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- Adequately assesses the priority concerns and sets forth appropriate goals and objectives;
- Lays out a detailed implementation program with measurable actions, timeline, and budget; and
- Includes all required sections.

State agency comments were received from the Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Agriculture (MDA), and the Minnesota Department of Natural Resources (DNR). All agencies recommend approval of this LWM Plan.

The MPCA commented that the LWM Plan is well written and truly comprehensive. Fillmore County's track record of successful implementation of previous LWM Plan activities makes this document all the more valuable.

Water Plan Coordinator Donna Rasmussen should be commended for her leadership and dedication throughout this planning process. The County proactively solicited public input and engaged the partners during their regularly scheduled LWM technical committee and Citizen Advisory Committee meetings. It's been a privilege to be a part of the process, and I look forward to working with the County in the implementation of their LWM Plan.

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Fillmore** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Minnesota Board of Water and Soil Resources (Board) on **September 15, 2005,** pursuant to M.S. Section 103B.315, Subd. 5; and

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

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

DRAFT

FINDINGS OF FACT

1. On **November 29, 2004**, the Board received a Priority Concerns Scoping Document from **Fillmore** County, pursuant to M.S. Section 103B.312.

2. On **January 26, 2005**, the Board approved official comments on the **Fillmore** County Priority Concerns Scoping Document, which were mailed to the county on **January 26, 2005**.

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

   a. Soil Erosion and Runoff (Turbidity TMDL/Impaired Waters)
   b. Drinking Water Quality
   c. Human Sewage Treatment (Fecal Coliform Bacterial TMDL/Impaired Waters)
   d. Sinkholes and Other Karst Features
   e. Pesticide and Fertilizer Use
   f. Feedlots and Livestock Waster (Fecal Coliform Bacterial TMDL/Impaired Waters)

4. On **September 16, 2005**, the Board received the **Fillmore** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5. On **November 17, 2005,** the Southern Water Planning Committee of the Board reviewed the recommendations of the state review agencies regarding final approval of the Fillmore County Plan Update. Recommendations of the state review agencies were:
   a. Minnesota Department of Agriculture: recommends approval;
   b. Minnesota Department of Health: no recommendation received;
   c. Minnesota Department of Natural Resources: recommends approval;
   d. Minnesota Pollution Control Agency: recommends approval;

e. Minnesota Environmental Quality Board: no recommendation received
f. Minnesota Board of Water and Soil Resources regional staff: recommends approval;
g. Board Southern Water Planning Committee: recommends approval.

6. This update will be in effect until **December 31, 2015.**

CONCLUSIONS

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

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

DRAFT

ORDER

The Board hereby approves the attached update of the **Fillmore County** Local Water Management Plan with a required update to the Implementation Section (Goals, Objectives and Actions) by December 31, 2010.

Dated at St. Paul, Minnesota, this **fourteenth of December 2005**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

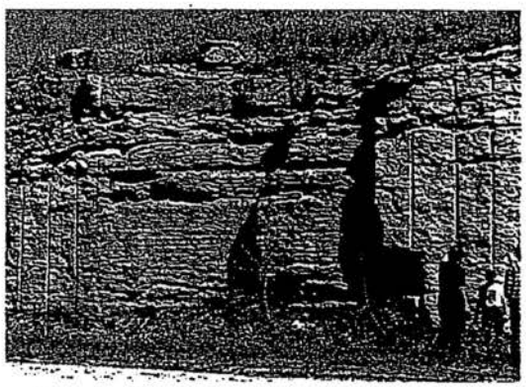
BY: Jerome Deal, Chair

Executive Summary

Introduction

Fillmore County is located in southeastern Minnesota in the southernmost tier of counties along the Iowa border. Only Houston County to the east lies between Fillmore County and the Mississippi River. Mower County borders Fillmore County to the west, and Olmsted and Winona counties lie along its northern border.

The landscape of Fillmore County is characterized by karst. Karst describes a three-dimensional hydrologic system created by the solution of carbonate bedrock resulting in conduits which facilitate rapid movement of water through the subsurface. Shallow soil cover over much of the county and the prevalence of karst features create an area highly sensitive to ground water contamination from pollution sources at or near the land's surface. Karst features include sinkholes, springs, caves, disappearing streams, and blind valleys. These features provide many interconnections between surface water and ground water.



Oneota dolomite road cut near Chatfield

Fillmore County's first Comprehensive Local Water Management Plan was approved by the MN Board of Water and Soil Resources (BWSR) on March 28, 1990, and adopted by the Fillmore County Board of Commissioners on December 11, 1990, following about two years of development by a committee of local residents and county and state agency staff. In January, 1991, the county hired a halftime Water Plan Coordinator to coordinate implementation of the plan. In 1995, the water plan underwent a five-year revision and update which was approved by the BWSR on January 24, 1996. A second update was completed in 2000 which was approved by the BWSR on December 13, 2000. This update of the water plan will be effective for ten years from January, 2006 to December, 2015. The plan will be reviewed and amended as needed in 2010.

In 2001, the Fillmore Soil and Water Conservation District (SWCD) Board of Supervisors adopted the Local Water Management Plan as the SWCD's Comprehensive Plan. This broadens the scope of the SWCD's mission and reduces the duplication of developing two plans that essentially addressed many of the same land and water resource concerns.

The Fillmore County Water Planning Committee is responsible for the update of the Comprehensive Local Water Plan. The Fillmore County Board of Commissioners has appointed the following citizens to three-year terms on the Water Planning Citizens' Advisory Committee to make policy recommendations for a plan to manage the county's water resources:

Debby Anderson, Chatfield	(District 1)
Roger Ekern, Rushford	(District 2)
Vacant	(District 3)
Pat Troendle, Lanesboro	(District 4)
Nancy Overcott, Canton	(District 5)

The Fillmore Soil and Water Conservation District (SWCD) Board of Supervisors representative is Margaret Ness. County Board representatives are Duane Bakke and Stafford Hansen.

The Water Planning Technical Committee consists of county and state agency staff who have more direct involvement with the implementation of the water plan. Technical Committee members are:

Sandra Benson	Fillmore County Recycling Education Coordinator
Norman Craig	Fillmore County Zoning Administrator
Mike Frauenkron	Fillmore County Feedlot Officer
Lee Ganske	MN Pollution Control Agency (MPCA)
Sue Glende	USDA Natural Resources Conservation Service (NRCS) District Conservationist
Jeff Green	MN Department of Natural Resources (DNR) Regional Groundwater Specialist
Bea Hoffmann	SE MN Water Resources Board (WRB) Executive Director
Mary Kells	MN Board of Water and Soil Resources (BWSR) Board Conservationist
John Kelly	MN DNR District Forester
Don Krohn	Fillmore SWCD Administrator
Tammy Martin	USDA Farm Service Agency (FSA) County Executive Director
Brenda Pohlman	Fillmore County Public Health
Jerry Tesmer	University of Minnesota Extension Service, Fillmore County

Implementation of the water plan and the update and revision of the plan are coordinated by Donna Rasmussen, Fillmore County Water Plan Coordinator.

Other cooperating agencies are the Minnesota Department of Agriculture (MDA), Minnesota Department of Health (MDH), Minnesota Geological Survey (MGS), and the University of Minnesota.

Fillmore County is a member of the Southeast Minnesota Water Resources Board (formerly the Zumbro/Root River Joint Powers Board) with nine other counties. Two county commissioners serve on the Board, which meets every other month. The mission of the Board is to "help sustain the quality of life in the ten counties of southeastern Minnesota by improving and protecting the water resources through the coordination of local water planning efforts." Priorities for regional projects are based on water quality issues that are common to the karst region and to the watersheds in the region and are identified as priorities in each county's water management plan. The SE MN Water Resources Board website is http://csweb.winona.edu/semnwrb.

Fillmore County is an active participant in the Basin Alliance for the Lower Mississippi in Minnesota (BALMM). BALMM is a locally led coalition of land and water resource agencies formed to coordinate efforts to protect and improve water quality in the basin. Projects initiated in the last five years through BALMM are aimed at reducing fecal coliform bacteria in surface water (which also benefits ground water) and increasing permanent vegetative cover on the landscape to reduce soil erosion and runoff. For more information about BALMM, go to www.pca.state.mn.us/water/basins/lowermiss/balmm.pdf.

Purpose of the Local Water Management Plan

The purpose of the local water management plan is the protection of water resources in the county from point and nonpoint sources of pollution. Coordination of these protection efforts between the various local, state, and local agencies and organizations reduces duplication and eliminates gaps in implementation strategies aimed at a common goal of water protection. The Water Plan Committee will continue to meet regularly to guide implementation programs and projects with the Citizens' Advisory Committee acting as liaison to the community at large to assure a broader perspective of water issues.

The water plan meets the requirements set forth in M.S. 103B.311subd.4 as follows:

1. The plan covers the entire county.
2. The plan addresses problems in the context of watershed units and ground water systems.
3. The plan is based upon principles of sound hydrologic management of water, effective environmental protection, and efficient management.
4. The plan is consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or ground water system.
5. The plan duration is for ten years with review and amendment to the plan as necessary in five years.

Description of Priority Concerns, Summary of Goals and Actions, and Projected Costs

The goals of the Fillmore County Local Water Management Plan are water quality goals that align with those in other local, regional, state, and federal plans to meet water quality standards for both surface water and ground water, including TMDLs (Total Daily Maximum Loads). (More information about TMDLs can be found at www.pca.state.mn.us/water/tmdl/index.html.) Actions within each priority concern are aimed at achieving the water quality goals taking into account the availability of funding and other resources that can be reasonably expected over the next ten years.

Water quality goals:

- Reduce fecal coliform bacteria levels in streams by 65% and in ground water to meet the drinking water standard.
- Reduce turbidity in surface waters to meet the water quality standard equivalent to 25 cm of transparency.
- Reduce nitrate concentrations to less than 10 mg/liter in ground water and in streams.
- Reduce concentrations of pesticides in streams and ground water to meet water quality standards.

1. Soil erosion and runoff were ranked as the highest priority based on all ranking processes used in developing the priority concerns. The visible effects of erosion and runoff, i.e. rills and gullies in fields and construction sites, turbid streams and rivers, silt-covered stream beds, and even muddy well water, have raised awareness of this problem among all segments of the county's population. Concerns are not limited to erosion on agricultural lands, although 80% of the land in Fillmore County is in farmland, and 77% of the farmland is cropland, according to the USDA National Agricultural Statistics Service. Increased development in both rural and urban areas emphasizes the need for erosion control whenever the natural land cover is disturbed. Runoff into sinkholes and contaminants transported in losing and disappearing streams compound these concerns because of the potential impacts to ground water and springs. Efforts to increase the number of acres in permanent vegetation are encouraged by programs such as the Conservation Reserve Enhancement Program (CREP) and the Conservation Security Program (CSP) which bring in federal funds that help achieve water plan goals. Other incentives for innovative practices that increase water infiltration and reduce runoff will be pursued as opportunities arise. Watershed-based efforts with other agencies and organizations are most effective in addressing water quality concerns identified through the TMDL process or other monitoring of individual streams.

   Projected Cost over 10 years: $181,000 in-kind + $940,000 = $1,121,000

2. Drinking water quality is a priority due to the susceptibility of ground water in the county to pollution. Well water test results from the county over the past 25 years show elevated nitrate levels and/or coliform bacteria present in a significant percentage of the samples. Both have serious health implications plus indicate the potential for the presence of other harmful contaminants. A key first step in addressing these issues is to test the water for contamination so those consuming it are aware of any problems. Once a problem is identified, steps can be taken to remediate the pollution sources or to find an alternative water supply. Pollution prevention measures will be encouraged. Financial assistance for

well sealing and replacement is also needed to assure safer drinking water for county residents.

About 53% of the county's population is served by community public water supplies. These public water suppliers are developing Wellhead Protection Plans that identify the land area in the contribution area of the well and the best management practices (BMPs) needed to reduce the risk of pollution entering ground water in those areas.

Projected Cost over 10 years: $64,000 in-kind + $520,000 = $584,000

3. Inadequately treated human sewage is a source of fecal coliform bacteria and excess nutrients in streams and ground water. All but two of the 14 cities in the county have municipal wastewater treatment facilities that are regulated by the MN Pollution Control Agency. The county is delegated enforcement of Chapter 7080 rules for individual sewage treatment systems (ISTS). Only about one-third of the ISTS in the county have been issued an ISTS permit since 1995. The remaining two-thirds pose a potential water pollution risk over the next ten years. Fillmore County's ISTS Pilot Program to inventory and upgrade all ISTS that are defined as imminent threats to public health by 2008 is expected to correct 300 to 500 systems. Financial assistance through this type of program and low-interest loans will help to increase the number of systems that are brought into compliance.

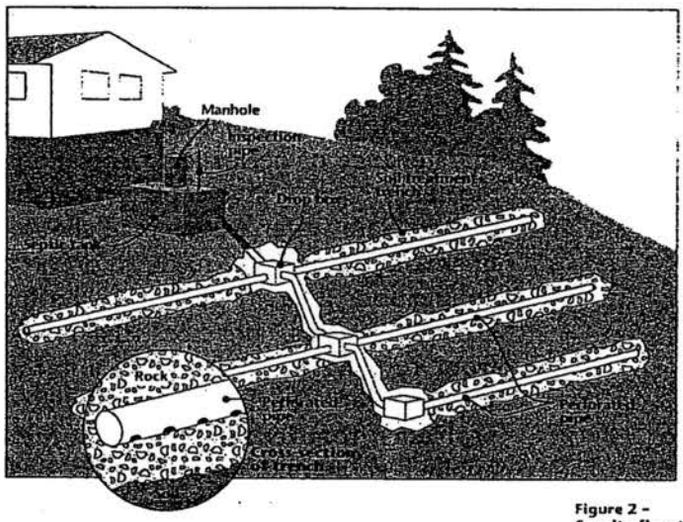


Figure 2 - Gravity flow to trench system

Projected Cost over 10 years: $85,000 in-kind + $721,000 = $806,000

4. Sinkholes and other karst features create complex interconnections between surface water and ground water. Thin soils overlying fractured carbonate bedrock and sinkholes that bypass the soil filtration process allow contaminants to enter ground water with relative ease. Once in the subsurface, contaminants can move quickly with ground water through the enlarged conduits in a karst system potentially affecting drinking water wells which draw water from surficial karst aquifers. Education of the public about karst and the susceptibility of ground water to contamination is an important first step. Assistance will be provided to landowners for implementing BMPs that reduce runoff and increase water infiltration through existing and new programs. Increasing our understanding of karst and the interactions between surface water and ground water is also necessary for making good land use decisions.

Projected Cost over 10 years: $62,000 in-kind + $111,000 = $173,000

5. Pesticide and fertilizer overapplication and mismanagement increase the risk of these compounds contaminating streams and ground water. Nitrate contamination of drinking water is common in wells that draw water from surficial bedrock aquifers. Atrazine and other pesticides are found at low levels in both ground water and streams all year round. Spikes in concentrations of atrazine, metolachlor (Dual), and acetochlor (Harness) are seen in early summer runoff oftentimes exceeding stream water quality standards. Alachlor (Lasso), which has not been used in the last decade, is found frequently at low concentrations in springs. Monitoring efforts will continue in cooperation with other agencies to monitor trends. BMPs must be adopted to keep these compounds out of streams and ground water. Nutrient management plans are needed to make the most efficient use of nutrients applied to cropland reducing the risk of environmental damage and reducing costs for farmers. Urban homeowners must also be aware of the impacts of overapplication of lawn and garden chemicals.

   Projected Cost over 10 years: $91,500 in-kind + $145,000 = $236,500

6. Livestock production is an important part of the local economy, and it also encourages the maintenance of permanent vegetation on the land. However, fecal coliform bacteria and nutrients in livestock manure can contaminate water resources if the manure is mismanaged on a feedlot or a manure application area. Adequate buffer areas around feedlots, practices that keep water from running through or off a feedlot, and well placed fencing can alleviate runoff problems from feedlots. Manure that is land applied at agronomic rates plus BMPs that control runoff ensure that the nutrients in manure are used effectively by crops without being transported to waterways from land application areas.



   Projected Cost over 10 years: $52,000 in-kind + $1,000,500 = $1,052,500

Consistency with Other Pertinent Local, State, and Federal Plans

Several plans were referred to in setting water quality goals and determining actions to take to achieve these goals. These plans include:

Minnesota Watermarks: Gauging the Flow of Progress 2000-2010
– MN Environmental Quality Board
http://server.admin.state.mn.us/pdf/2000/eqb/wtr_mrk.pdf

Lower Mississippi River 2001 Basin Plan Scoping Document
– Basin Alliance for the Lower Mississippi in Minnesota (BALMM)
http://www.pca.state.mn.us/water/basins/lowermiss/lm-basinscoping2001.pdf

Strategic Plan for Coldwater Resources Management in Southeast Minnesota 2004-2015
– MN Department of Natural Resources Division of Fisheries
http://files.dnr.state.mn.us/fisheries/management/coldwaterstrategicplan_semn.pdf

Regional Total Maximum Daily Load Study of Fecal Coliform Bacteria Impairments in the Lower Mississippi River Basin of Southeast Minnesota Implementation Plan 2003
- MN Pollution Control Agency and BALMM
http://www.pca.state.mn.us/publications/reports/tmdl-semn-fecalcoliform.pdf

Plans from neighboring counties were also referred to in order to assure consistency with their water resource goals and objectives.

*Estimated cost over ten years unless otherwise indicated

Implementation Schedule

Priority Concerns/ Objectives	Actions/ Brief Description	Lead Agency(ies)	Est. Cost* In-kind/Cash		Timeline
Soil Erosion and Runoff					
1. Annual education programs	A. Promote cover crops	SWCD, Extension, NRCS, FSA	$5,000		2006-2015
	B. Communication with state and federal legislators	SWCD, BWSR, BALMM	$5,000		2006-2015
	C. Pilot project to develop simplified farm plans with "managed set-aside"	SWCD		$300,000/ 3 years	2010
	D. Safe use and storage of road salt, alternatives	SWCD, Hwy Dept., Twps	$5,000		2010
	E. School assistance, educational tools	SWCD, Extension	$10,000	$10,000	2006-2015
	F. Urban, construction, logging runoff control practices	SWCD, Extension, MPCA, DNR	$10,000		2006-2015
2. Watershed-based management	A. Upper Iowa River Alliance	SWCD, NRCS, DNR	$20,000		2006-2015
	B. Management strategies for trout stream watersheds	DNR, SWCD, NRCS	$20,000		2006-2015
	C. Complete S. Branch Root River project	Fillmore Co. Zoning, SWCD, Mower Co., MPCA	$50,000	$600,000/ 3 years	2006-2008
	D. Investigate where bridge and culvert replacements can be used for temporary water storage	Hwy Dept., DNR, SWCD, MN DOT	$5,000		2010
3. Data collection	A. Support and expand volunteer monitoring	SWCD, MPCA, UIRA	$5,000		2006-2015
	B. Data management with GIS	SWCD	$10,000		2006-2015
	C. Cooperate with state and federal agencies	SWCD, MPCA, DNR, MDA,	$30,000	$30,000	2006-2015
4. Local ordinances and permitting	A. Review, clarify, and improve enforcement of soil erosion ordinance requirements for erosion control plans	Zoning, SWCD	$3,000		2006
	B. Review, clarify, and improve enforcement of shoreland and bluffland ordinances	Zoning, SWCD	$3,000		2008
		SUBTOTAL	**$181,000**	**$940,000**	
Drinking Water Protection					
1. Annual education programs	A. Promote private well water testing	SWCD, Public Health, MDA	$15,000	$5,000	2006-2015
	B. Promote BMPs that protect wells and ground water	SWCD, Public Health, MDH	$10,000	$5,000	2006-2015
	C. Assist with Wellhead Protection Plans and DNR Emergency and Conservation Plans	SWCD, MDH, DNR, Cities	$1,000/ plan		2006-2015
	D. Promote water conservation	SWCD, Cities	$3,000		2006-2015
	E. County revolving fund for well sealing and replacement	Fillmore Co., SWCD,		$500,000	2010

*Estimated cost over ten years unless otherwise indicated

Priority Concerns/ Objectives	Actions/ Brief Description	Lead Agency(ies)	Est. Cost* In-kind/Cash		Timeline
	F. Education for health care providers and caregivers	Public Health, SWCD, Zoning	$5,000		2006,2020,2015
	G. Assist farm fuel tank owners with upgrading tanks	SWCD, Extension	$5,000	$10,000	2006-2010
	H. Promote shared wells in subdivisions	Zoning, MDH	$5,000		2006-2015
2. Maintain local data	A. Maintain CWI information with GIS	SWCD, MGS, MDH	$5,000		2006-2015
	B. Support ground water monitoring	SWCD, SE MN WRB, MPCA, MDH	$15,000		2006-2015
		SUBTOTAL	**$64,000**	**$520,000**	
Human Sewage Treatment					
1. Bring 50% of noncompliant systems into compliance by 2015	A. Implement county-administered and Ag BMP financial assistance programs to encourage compliance	Zoning, SWCD, MPCA	$20,000	$500,000	2015
	B. Inspect 100% of newly installed septic systems	Zoning, SWCD	$20,000		2006-2015
	C. Complete MPCA ISTS Pilot Program	Zoning, SWCD, SE MN Wastewater Initiative	$10,000/ 2 years	$120,000	2008
	D. Sewage treatment options for unsewered communities	Zoning, SWCD, SE MN Wastewater Initiative	$20,000		2015
	E. Amend zoning ordinance to require inspection at point of sale	Zoning, Planning Commission	$2,000		2007
2. Annual education programs	A. Education for homeowners	Zoning, SE MN Wastewater Initiative, SWCD	$7,500		2006-2010
	B. Assist with HHW collection	Solid Waste, SWCD	$2,500	$100,000	2006-2015
	C. Promote water conservation for extending life of septic system	Zoning, SWCD	$1,000	$1,000	2006-2015
	D. Education for lenders and realtors	Zoning, SWCD, SE MN Wastewater Initiative	$2,000		2006-2010
		SUBTOTAL	**$85,000**	**$721,000**	
Sinkholes and Karst					
1. Annual education programs	A. Promote efforts that reduce dumping into sinkholes	Zoning, SWCD, Solid Waste	$5,000		2006-2015
	B. Utilize karst educational materials in schools, etc.	SWCD	$10,000	$1,000	2006-2015
2. Enforce existing ordinances	A. Review feedlot permit applications for karst features	Zoning, SWCD	$20,000		2006-2015
	B. Review definition of construction materials in sinkhole ordinance. Improve enforcement of sinkhole ordinance.	Zoning, DNR, Twps, Solid Waste, SWCD	$2,000		2006

*Estimated cost over ten years unless otherwise indicated

Priority Concerns/ Objectives	Actions/ Brief Description	Lead Agency(ies)	Est. Cost* In-kind/Cash		Timeline
	C. Review requirements in Decorah Shale Overlay District	Zoning, SWCD	$2,000		2008
3. Implement practices that reduce pollution potential in karst	A. Provide financial assistance for BMP implementation	SWCD, NRCS	$10,000	$50,000	2006-2015
	B. Dumpsite cleanup	Solid Waste, SWCD	$10,000	$10,000	2006-2015
4. Gather information and data about karst	A. Conduct karst studies, e.g. dye traces, spring monitoring	SWCD, DNR, U of M, UIRA		$50,000	2006-2015
	B. Compile information about pipelines/contingency plans	Zoning, SWCD, MPCA	$3,000		2007
		SUBTOTAL	**$62,000**	**$111,000**	
Fertilizer and Pesticide Use					
1. Annual education programs	A. Promote reduced ag and non-ag use of fertilizers and pesticides	Extension, SWCD, MDA, MPCA	$10,000		2006-2015
	B. Promote no fall application of anhydrous ammonia	Extension, SWCD, MDA	$5,000		2006-2015
	C. Enhance natural resource curriculum for schools	SWCD, Extension	$5,000	$5,000	2006-2015
	D. Nutrient management research, demos, test plots	Extension, SWCD	$10,000	$20,000	2006-2015
	E. Provide information about common detection implications	MDA, Extension, SWCD	$3,000		2008
2. Monitor surface and ground water	A. Annual pesticide and nutrient monitoring	MDA, MPCA, UIRA	$5,000	$10,000	2006-2015
	B. Support long-term volunteer nitrate well monitoring	SWCD, SE MN WRB, MDH, MDA	$25,000		2006-2015
3. Proper disposal of waste pesticides	A. Publicize Winona Co. service to collect waste pesticides from Fillmore Co. homes, farms, and businesses	Solid Waste	$1,000	$8,000	2006-2015
	B. Assist with HHW collection	Solid Waste, SWCD	$2,500	$92,000	2006-2015
4. Commercial applications at agronomic rates	A. Require fertilizer and pesticide plans for appropriate CUPs, such as golf courses	Zoning	$5,000		2006-2015
	B. Assistance and referrals for nutrient and pesticide management for ag and non-ag residents	SWCD, Extension, NRCS, MDA	$20,000	$10,000	
		SUBTOTAL	**$91,500**	**$145,000**	

*Estimated cost over ten years unless otherwise indicated

Priority Concerns/ Objectives	Actions/ Brief Description	Lead Agency(ies)	Est. Cost* In-kind/Cash		Timeline
Feedlots and Manure Management					
1. Implement county feedlot program	A. Complete Level III inventory by 2015	Zoning, SWCD	$10,000		2010
	B. Convene Feedlot Advisory Group	Zoning, SWCD	$5,000		2006-2015
2. Annual education and information	A. Educational events on livestock-related issues	Zoning, Extension, SWCD	$5,000	$5,000	2006-2015
	B. Annually update education packet for new and expanding facilities	Zoning	$5,000		2006-2015
	C. Provide producers with overwintering BMP information	Zoning, SWCD	$2,000		2006-2015
3. Financial and technical assistance	A. Financial and technical assistance for nutrient management planning	SWCD, NRCS	$10,000	$100,000	2006-2015
	B. Financial and technical assistance for feedlot runoff control and land application	SWCD, Zoning, NRCS	$10,000	$900,000	2006-2015
	C. Leverage state and federal funding	SWCD, Zoning, NRCS	$5,000		2006-2015
		SUBTOTAL	**$52,000**	**$1,000,500**	
		TOTALS	**$535,500**	**$3,437,500**	

7/20/2005

Implementation Schedule
Ongoing Activities

Feedlots

The County's feedlot program includes enforcement of Minnesota Rules Chapter 7020 and oversees permitting for new and expanding facilities of up to 1000 AU. Current staffing levels can be maintained as long as state funding through the MPCA Feedlot Base Grant is available to the county and regional technical assistance grants are continued to address emerging needs. This should ensure that program goals laid out in the water plan and in annual feedlot program work plans will be met.

Individual Sewage Treatment Systems

Fillmore County enforces Minnesota Rules Chapter 7080 in the entire county. Any changes to 7080 are adopted by reference in the county's ordinance. All new ISTS are permitted through the Zoning Office. Ag BMP loans are available for upgrading existing systems. Clean Water Partnership loan funds for upgrading existing failing ISTS in the South Branch Root River Watershed Project will be available for three years and possibly longer if continuation funds are approved. There is growing support for a county administered low-interest loan program that would allow pay back of the loans through the property taxes.

Municipal Wastewater Treatment

The MPCA regulates and monitors activities related to municipal treatment facilities. The county has input if expansion or upgrading of a facility is proposed. None of the municipalities have informed the county of plans to upgrade or expand facilities in the next ten years.

Wetland Conservation Act

Fillmore County will continue to administer the Wetland Conservation Act for the entire county except the city of Chatfield, which lies partially in Olmsted County. Delegation for administration of the program will remain with the Fillmore SWCD. The Wetland Preservation Area program continues to be promoted and administered. Currently there are three contracts in the county totaling approximately 30 acres. One pending contract is for 20 acres.

Floodplains and Shorelands

Flooding events in recent years have highlighted the need for floodplain ordinances. The county and cities with ordinances are gradually working to eliminate those structures that are not flood worthy and introduce land uses in the floodplain that are least impacted by floods. The public is coming to accept the need for limits on development in the floodplain. The maps from the Federal Emergency Management Agency appear to be acceptable to all local units of government as a

guide to the areas susceptible to flooding. All unincorporated areas of the county fall under the county's floodplain ordinance. The cities, including Rushford Village, enforce their own floodplain ordinances. The ordinances appear to be adequate in their scope to deal with floodplain issues.

Floods in Spring Valley in 2000 were the worst since 1942. A proposal for a PL566 project in the Spring Valley Creek watershed was developed but not accepted by the federal government after a cost/benefit analysis showed that removal of structures in the floodplain within the city would be more cost-effective than investing in upland practices to reduce peak flows in the stream.

The Fillmore County shoreland ordinance was most recently updated in 1999. The county receives a small grant each year from the MN DNR for administration of the ordinance on all lands in the county within 300 feet landward from the ordinary high water level of all protected watercourses as identified on the Protected Waters and Wetlands map. An annual report is submitted to the DNR about the activities regulated in the shoreland district. Rushford Village currently enforces its own shoreland ordinance. Much of the shoreland district also falls under floodplain regulations which the municipalities also enforce. Soil erosion impacts are addressed in the ordinance, as well as use of fertilizers and pesticides, placement and design of roads and parking areas, water supplies, and sewage treatment, and stormwater management. The section of the ordinance related to Planned Unit Developments (PUDs) also addresses issues associated with campgrounds.

Solid Waste

The County's Solid Waste Management Plan will be the primary mechanism used to address solid waste issues. The plan was updated in 2001. The issues given more attention are on-site disposal (i.e. burn barrel emissions, ash disposal) and illegal dumping. Mechanisms will continue to achieve the source reduction and recycling goals, to keep hazardous waste out of the general waste stream, and to recycle as large a portion of the waste stream as possible. Fillmore County has an integrated solid waste management system that includes: a transfer station, and recycling operations and household hazardous waste collections held twice a year. The broad programs included in the solid waste system include: education, recycling, rural recycling drop-off sheds, a problem materials and Household Hazardous Waste collection program, and source reduction practices. The County discontinued Municipal Solid Waste (MSW) composting and increased the number of recycling categories accepted in the county. Fillmore County is a member of the Southeast Minnesota Recycling Exchange (SEMREX) which provides a regional approach for cooperative marketing of recyclables, materials exchange and for cooperative educational activities.

Fuels and Hazardous Materials Storage and Transportation

Non-commercial farm fuel tanks and tanks that store fuels for residential use are not regulated yet pose a water pollution risk if they leak. Education continues to encourage leak and spill protection measures in other portions of the water plan.

Transportation of fuels and other hazardous materials through the county presents a threat to water resources if an accident occurs and tanker truck contents are released into the environment. Local fire departments are equipped and trained to address these situations. Regional or statewide hazardous materials teams are called in to help with containment and clean up. Past efforts to improve the response to these emergencies locally have been unsuccessful but will be reactivated if opportunities arise for cooperative efforts with other responsible agencies through wellhead protection or other avenues.

Mercury-Impaired Waters and TMDLs

Actions will not be taken locally to address pollution sources for streams designated as impaired due to mercury contamination. These sources lie outside of the county's jurisdiction and are widespread requiring a statewide or national approach to mercury pollution abatement.

Minnesota Board of Water & Soil Resources

OCT 27 2005

DATE: October 26, 2005

TO: Jeff Nielsen, BWSR Southern Region Supervisor

FROM: Dave Peterson, Board Conservationist Dave Peterson

SUBJECT: Mower County Local Water Management Plan Final Review

I have completed my review of the Mower County Local Water Management Plan 2006-2015 and recommend approval.

The Mower county Local Water Management Plan (LWM) meets the requirements of water management planning under MS 103B and BWSR Local Water Management Plan Guidance.

The Mower LWM Plan,

- Identifies five priority concerns included in the Priority Concerns Scoping Document approved January 26, 2005,
- Adequately assesses the priority concerns and sets out appropriate goals and objectives, and
- Includes a detailed implementation program with measurable actions, timeline and budget.

Mower County always takes the time to understand and follow the LWM program requirements, guidance and timelines while effectively using resources to develop a LWM plan that responds to the interests and needs of Mower County. Mower County makes good use of the active and interested Water Management Committee. The committee helps guide LWM planning and implementation ensuring effective public input.

The Mower County LWM Plan 2006-2015 reflects the work and commitment of the staff, committee and boards in Mower County to effective local water management and is recommended for approval.

C: Daryl Franklin, Mower County

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Mower County

Local Water Management Plan
2006 - 2015

Executive Summary

Mower County is situated in southeastern Minnesota approximately 100 miles south of Minneapolis, 362 miles northwest of Chicago, 381 miles northeast of Kansas City and 197 miles east of Sioux Falls, South Dakota. It is bordered on the north by Dodge and Olmsted Counties, Minnesota; on the east by Fillmore County, Minnesota; on the west by Freeborn County, Minnesota; and the northern border of Iowa on the south. It contains 449,920 acres or 703 square miles of rich, productive agricultural land. Austin, a city of approximately 23,900 people located in the west central section of the county, is the county seat. Thirteen smaller cities serve as trade centers for the rural population.

Historically, two major factors are responsible for the growth of the Mower County economy. The first is the rich agricultural land and good agricultural climate, which is conducive to the growing of wheat and later corn, soybeans and other crops. More recently the highly productive soil made it easy to grow livestock feeding crops which in turn fostered the growth of livestock raised in the area. The other factor which fostered the early growth of the Mower County community was the coming of the railroads in the late 1800's. The railroads enabled the farmers to market their products to other than local markets. High agricultural productivity of the area and the ability to market these crops via the good railroad system fostered the growth of the second largest industry in the county – the meat packing industry.

Although a few additional industries have developed in the county, there have not been many and as a result the Mower County economy has been dominated by agriculture and meat packing since its early development.

Mower County took its first step in water planning on November 23, 1987, when the County Board established by resolution the Mower County Water Policies Resource Policy Committee. The Committee included representatives of the City of Austin, Mower County Board of Commissioners, Austin Utilities, Township

Association, County Planning Commission, City Planning Commission and citizens. The committee met many times during this period as it developed its Comprehensive Water Plan and Action Implementation Plan. The County held their public information meeting on March 15, 1988. Citizen comments and concerns were also requested.

Purpose of the Local Water Management Plan

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

1. To focus efforts on identified existing and potential priority concerns and/or opportunities for protection, management, and development of water resources and related land resources in the county.
2. To continue to develop, update, and implement a plan of action to promote sound management of water and related land resources in the county through the use of Best Management Practices.
3. To intensify work aimed at effective environmental protection and management in the county by addressing existing and potential priority concerns on a watershed basis.

Description of Priority Concerns

Through the Water Plan update process, 5 priority concerns were identified to focus water management efforts in 2006 through December 31, 2015; Soil Erosion, Flooding, TMDL, Pollution Management and Groundwater. The process through which these priority concerns were identified is further detailed in the Priority Concerns Scoping Document contained in Appendix A.

Summary of Goals and Actions

The following is a summary of goals and actions to be taken for the five identied priority concerns:

1) Soil Erosion – Protect our surface water and farm land from excessive soil erosion.
2) Flooding – Identify all potential properties that might be at risk for flooding.
3) TMDL – To work towards bringing Mower County rivers, streams and lakes into compliance with TMDL requirements.
4) Pollution Management – To protect surface and ground water resources from pollution sources.
5) Groundwater – To protect ground water resources by determining which hydrologic units are determined to be vulnerable due to geography or geology and implement protection strategies.

In the process of the LWM plan update, Mower County examined the Turtle Creek Watershed, other counties, and State Agencies to ensure consistency with other water resource management efforts.

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

The Mower County LWM plan fits well as a customized application of the Pollution Control Agency's (PCA) recently completed Lower Mississippi River Basin Water Quality Plan.

The Turtle Creek Watershed District revised their overall plan in 2004. Major needs or issues of concern from the plan focus on: 1) Permit Requirement; 2) Criteria for Reviewing Permit Applications; and 3) Enforcement Powers of Managers. Additional cooperation between the County and Turtle Creek

Watershed is expected due to the proposed BWSR grant to study flooding, etc. in Mower County, Freeborn County and Steele County.

Recommended Amendments to Other Plans

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

III. Implementation Schedule – Priority Concerns (Soil Erosion)

Proposed Actions	Source of Action	Time Frame	Watershed	Measurable Outcomes	Approx Cost/Yr	Funding Source
Soil Erosion Ordinance	SWCD	On-going	All	Number of Contacts	$ 7,500	NRBG
Education on Soil Erosion	SWCD	On-going	All	Number of Contacts	500	SWCD
Reduce Sediment	SWCD & NRCS	On-going	All	Number of Contacts	$ 3,000	SWCD
Action Plan – Buffers	SWCD & NRCS	2006 – On-going	All	Number of Contacts	$35,000	SWCD / BWSR
Conservation Practices	SWCD & NRCS	On-going	All	Number of Contacts	$35,000	SWCD / BWSR
Stormwater Program	SWCD, MCES & Cities	On-going	All	Number of Contacts	$ 2,000	SWCD
Select BMP's	SWCD & NRCS	2007	All	Number of Contacts	$ 500	SWCD
TOTAL					$88,000	

III. Implementation Schedule – Priority Concerns (Flooding)

Proposed Actions	Source of Action	Time Frame	Watershed	Measurable Outcomes	Approx Cost/Yr	Funding Source
Warning Systems, Map Flood Properties	County Emergency Mgt.	2005 – 2008	All	Maps	$25,000	FEMA / Local
Gauging Stations	City & County	2005 – 2006	All	Number of Stations	$ 2,500	FEMA / Local
Warning Systems	LEC, City & County	2005 – 2008	All	Number of Warning Systems	$10,000	FEMA / Local
Cedar River Water Management Plan	Mower & Freeborn County, Turtle Creek Watershed	2005 – 2007	Cedar River	Number of Plans	$ 75,000	BWSR / Local
Hire Watershed Coordinator	Mower County, City of Austin	On-going	All	Hire Person	$ 60,000	Local
Map Wetlands	SWCD	2006	All	Map of Wetlands	$ 25,000	Local
City of Austin Stormwater Management	City of Austin	2005 – 2006	Cedar River	Plan	$ 25,000	City of Austin
Stormwater ???	Mower County & SWCD	2005 – 2008	All	Standards	$ 5,000	Mower Co. SWCD
Ditch Cleaning	SWCD	2005 – 2008	All	Miles of Ditches Cleaned	$ 10,000	SWCD / Local
Develop Strategies for Plan Flood ??	Mower County, City of Austin, SWCD, Emerg. Mgt. Coordinator	On-going	All	Plan	$ 5,000	Mower County, City of Austin & SWCD
TOTAL					$242,500	

III. Implementation Schedule – Priority Concerns (TMDL)

Proposed Actions	Source of Action	Time Frame	Watershed	Measurable Outcomes	Approx Cost/Yr	Funding Source
Education – TMDL	MCES, SWCD, MPCA	On-Going	All	Number of Systems	$2,000	Local & State
Reduce Fecal Impairments	MCES, SE MN WWI	On-Going	Cedar River & Upper Iowa	Number of Systems Upgraded	Unknown	Local, State & Federal
TOTAL					$2,000	

III. Implementation Schedule – Priority Concerns (Pollution Management)

Proposed Actions	Source of Action	Time Frame	Watershed	Measurable Outcomes	Approx Cost/Yr	Funding Source
Education on ISTS	MCES, Extension	On-going	All	Number of Contact	$ 2,000	MPCA
Eliminate Direct Discharges	MCES	On-going	All	Number of Systems	$ 15,000	Local
Eliminate ITPHS's	MCES	On-going	All	Number of Systems	$ 20,000	Local
Oil Recycling	MCES	On-going	All	Number of Contacts	$ 2,000	Local
Remove HHW	MCES	On-going	All	Number of Contacts	$ 35,000	State / Local
Provide Loans on ISTS	MCES	On-going	All	Number of Loans	$100,000	State / Local
Nutrient Management Plans	MCES	On-going	All	Number of Contacts	$ 10,000	State / Local
Inventory Vacant Feedlots	MCES	On-going	All	Number of Contacts	$ 2,500	State / Local
TOTAL					$186,500	

III. Implementation Schedule – Priority Concerns (Groundwater)

Proposed Actions	Source of Action	Time Frame	Watershed	Measurable Outcomes	Approx Cost/Yr	Funding Source
Utilize Geologic Atlas	MCES, SWCD & DNR	2006	All	Map of Area	$ 5,000	State & Local
Identify Nitrates	MCES, DNR & MDH	2006 - 2007	All	Map of Area	$12,000	State & Local
Education on Lawn Fertilizers	Extension, SWCD & MCES		All	Number of Contacts	Existing Budget	State & Local
Cost-Share Program for Sealing Wells	MCES	On-going	All	Number of wells Sealed	$ 7,000	State & NRBG
Well Head Protection	MN Dept. of Health	On-going	All	Number of Plans	Existing Staff	State & Local
TOTAL					$ 26,000	

IV. Implementation Schedule – Ongoing Program

Proposed Actions	Source of Action	Time Frame	Watershed	Measurable Outcomes	Approx Cost/Yr	Funding Source
Flood Control	Mower County, Cities, MN DNR, FEMA	Ongoing	All	Number of Homes Moved	Unknown	Local Tax Levy, FEMA, DNR, State Bonding Fund
WAC	SWCD	Ongoing	All	Number of Contacts	$24,000	NRBG, Local Tax Levy, In-Kind
Watershed Plan	SWCD	Ongoing	All	Number of Contacts	$ 7,500	BWSR, Local Tax Levy, In-Kind
HHW	MCES	Ongoing	All	Number of Participants	$51,000	SCORE Funding
Soil Erosion	SWCD	Ongoing	All	Number of Contacts	$ 7,500	NRBG, Local Tax Levy, In-Kind
ISTS	MCES	Ongoing	All	Number of Systems Installed	$65,000	MPCA, Local Tax
Feedlot	MCES	Ongoing	All	Number of Inspections	$65,000	Fees, NRBG, Local Tax
TOTAL					$220,000	

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Mower** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board of Water and Soil Resources (Board) on **October 6, 2005,** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

Draft

FINDINGS OF FACT

1. On **October 4, 2004**, the Board received a Priority Concerns Scoping Document from **Mower** County, pursuant to M.S. Section 103B.312.

2. On **January 26, 2005** the Board approved official comments on the **Mower** County Priority Concerns Scoping Document, which were mailed to the County on **January 26, 2005**.

3. The priority concerns the local water management plan addresses include:
   a. Soil erosion
   b. Flooding
   c. TMDL – (total maximum daily load)
   d. Feedlot and Land Application of Manure/Nutrient Management Plans on Cropland/Pesticide and Agricultural Related Pollutants and Trends
   e. Groundwater

4. On **October 7, 2005,** the Board received the **Mower** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5. On **November 17, 2005,** the Southern Water Planning Committee of the Board reviewed the recommendations of the state review agencies regarding final approval of the **Mower** County Plan Update. Recommendations of the state review agencies were:

a. Minnesota Department of Agriculture: recommends approval;
b. Minnesota Department of Health: no recommendation received;
c. Minnesota Department of Natural Resources: recommends approval;
d. Minnesota Pollution Control Agency: recommends approval;
e. Minnesota Environmental Quality Board: no recommendation received
f. Minnesota Board of Water and Soil Resources regional staff: recommends approval;
g. Board Southern Water Planning Committee: recommends approval.

6. This update will be in effect until **December 31, 2015.**

CONCLUSIONS

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

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

draft

ORDER

The Board hereby approves the attached update of the **Mower County** Local Water Management Plan with a required update to the Implementation section (Goals, Objectives and Action) by December 31, 2010.

Dated at St. Paul, Minnesota, this **fourteenth day of December 2005**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Redwood** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board of Water and Soil Resources (Board) on **September 30, 2005** pursuant to M.S. Section 103B.315, Subd. 5; and

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

DRAFT

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

FINDINGS OF FACT

1. On **November 10, 2004** the Board received a Priority Concerns Scoping Document from **Redwood** County pursuant to M.S. Section 103B.312.

2. On **January 26, 2005** the Board approved official comments on the **Redwood** County Priority Concerns Scoping Document, which were mailed to the county on **January 26, 2005.**

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

   a. **Groundwater protection that will focus on wellhead protection for public water supply;**
   b. **Drainage management focusing on wetland restorations and road retention opportunities;**
   c. **Surface water quality addressing impaired waters by major watershed for these priority pollutants: phosphorous, nitrogen, and fecal coliform bacteria;**
   d. **Erosion and sediment control focusing on residue management countywide, and gully and concentrated flow areas in the southwest portion of the county.**

4. On **September 30, 2005** the Board received the **Redwood** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5. On **November 17, 2005,** the Southern Water Planning Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Redwood County Plan Update. Recommendations of the state review agencies were:
   a. Minnesota Department of Agriculture: recommends approval;
   b. Minnesota Department of Health: **no recommendation received;**
   c. Minnesota Department of Natural Resources: recommends approval;
   d. Minnesota Pollution Control Agency: recommends approval;

e. Minnesota Environmental Quality Board: **no recommendation received**;
f. Minnesota Board of Water and Soil Resources regional staff: recommends approval;
g. Board Southern Water Planning Committee: recommends **approval**.

6. This update will be in effect until **January 1, 2016.**

CONCLUSIONS

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

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

DRAFT

ORDER

The Board hereby approves the attached update of the Redwood Local Water Management Plan with a required update to the implementation section (Goals, Objectives and Action) by **January 1, 2011.**

Dated at St. Paul, Minnesota, this **fourteenth day of December 2005.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Minnesota Board of Water & Soil Resources

DATE: November 9, 2005

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Tom Kresko, Board Conservationist

SUBJECT: **Redwood County Local Water Management Plan Final Review**
January 2006 – January 2016

I have completed my final review of the Redwood County Local Water Management Plan and recommend approval of this update.

The Redwood County Local Water Management Plan meets all requirements including:

- focuses on the four priority concerns identified in the Priority Concerns Scoping Document;
- adequately assesses the priority concerns and sets forth appropriate, concise, and measurable goals and objectives;
- displays a detailed implementation program with measurable actions, timeline, and budget; and
- includes all required sections.

State agency comments were received from the Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Agriculture (MDA), and the Minnesota Department of Natural Resources (DNR). These agencies recommend approval of the Plan.

I look forward to assisting Redwood County in the implementation of their plan. Water Plan Coordinator Marilyn Bernhardson should be commended for her leadership and dedication throughout the planning process. I have confidence that their proven success will continue to be fulfilled by the Redwood SWCD board and staff throughout the implementation of the identified initiatives.

(This is a draft letter as of November 9th. Agencies have until November 15th to submit official comments.)

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Bemidji, MN 56601
phone (218) 755-4235
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Brainerd
217 S. 7th Street
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Brainerd, MN 56401
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Duluth
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Fergus Falls
1004 Frontier Drive
Fergus Falls, MN 56537
phone (218) 736-5445
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Marshall
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Box 267
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phone (507) 537-6060
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New Ulm
261 Highway 15 S.
New Ulm, MN 56073
phone (507) 359-6074
fax (507) 359-6018

Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
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Executive Summary

The Redwood County Local Water Management Plan will be in effect for 10 years, with a five-year implementation plan.

This section will address the following items:

- Version and Purpose of the plan
- Description of the Priority Concerns that will be addressed
- A summary of the goals and action to be taken along with the projected total cost of the implementation program for each of the Priority Concerns
- A summary of the consistency of the plan with other pertinent local, state and regional plans and controls, and where inconsistencies are notes
- A summary of recommended amendments to other plans and official controls

VERSION AND PURPOSE:

This is the third version of the Redwood County Comprehensive Water Plan. This version dated, December 2005, will be renamed Redwood County Comprehensive Local Water Management Plan. This plan will place more emphasis on implementation versus planning.

Redwood County Comprehensive Local Water Management Plan has two purposes:

1) To identify existing and potential problems and opportunities for the protection, management and development of water and related land resources.
2) To develop objectives and carry out a plan of action to promote sound hydrologic management of water and related resources and effective environmental protection.

The plan focuses on Priority Concerns as identified in coordination with local governments and state agencies (2003 Statutory M.S. 103B.301) and an Implementation Plan that addresses the Priority Concerns.

DESCRIPTION OF PRIORITY CONCERNS:

The Priority Concerns on which the Redwood County Local Water Management Advisory Board will focus are as follows:

PRIORITY CONCERN 1: GROUNDWATER PROTECTION THAT WILL FOCUS ON WELLHEAD PROTECTION FOR PUBLIC WATER SUPPLY.

All communities as well as the rural residents depend on groundwater as the source of their water supply. Necessary measures should be taken to assure its quality and quantity.

PRIORITY CONCERN 2: DRAINAGE MANAGEMENT FOCUSING ON WETLAND RESTORATIONS AND FLOODWATER RETENTION OPPORTUNITIES.

Redwood County has lost more than 90 percent of its natural wetlands. Loss of wetlands has resulted in increased agricultural and rural flooding, loss of groundwater recharge, wildlife habitat and reduced and impaired water quality. Sedimentation readings on creeks and rivers document the need to manage drained land in Redwood County focusing on wetland restorations and floodwater retention opportunities.

PRIORITY CONCERN 3: SURFACE WATER QUALITY ADDRESSING IMPAIRED WATERS BY MAJOR WATERSHED FOR THESE PRIORITY POLLUTANTS: PHOSPHORUS, NITROGEN AND FECAL COLIFORM BACTERIA.

Redwood County has a high percentage of land in row crop production using large amounts of commercial fertilizer. The county also has large numbers of livestock requiring proper manure management. Surface water tests in all the watersheds in the county show increased levels of these pollutants in the water, particularly following heavy rains.

PRIORITY CONCERN 4: EROSION AND SEDIMENT CONTROL FOCUSING ON RESIDUE MANAGEMENT COUNTY-WIDE, AND GULLY AND CONCENTRATED FLOW AREAS IN THE SOUTHWEST PORTION OF REDWOOD COUNTY.

Increased erosion results in excess sediment and nutrients reaching the streams and lakes in the county. This, in turn, results in poor water quality and also negatively impacts aquatic plants and animals. Redwood County includes topography throughout which is susceptible to gully and concentrated flow. There is a very high percentage of land in row crop production that exposes the soil to both wind and water erosion much of the year. The sediment-laden water from the southwestern part of the county flows to the eastern part of the county.

SUMMARY OF GOALS AND ACTIONS AND PROJECTED TOTAL COST:

Summary of goals and actions along with the projected total cost of the implementation program for each Priority Concern includes:

PRIORITY CONCERN 1: GROUNDWATER PROTECTION THAT WILL FOCUS ON WELLHEAD PROTECTION FOR PUBLIC WATER SUPPLY.

The goal summary of this Priority Concern is to protect groundwater for all the citizens in the county.

Summary of the actions and cost include:

- Send letter to cities outlining the importance of completing Phase I, the delineation of wellhead protection areas.
- Identify landowners and provide them with a brochure on the importance of wise land use in designated areas.
- Offer individuals who have abandoned wells in designated areas funds to seal abandoned wells.
- Develop a brochure identifying potential groundwater contaminants for private well users.
- Make presentation using the groundwater model and other educational tools illustrating the importance of groundwater protection.

Approximate Cost: $2,800 per year with most of the funding coming from the Redwood County Comprehensive Local Water Management Plan.

PRIORITY CONCERN 2: DRAINAGE MANAGEMENT FOCUSING ON WETLAND RESTORATION AND FLOODWATER RETENTION OPPORTUNITIES.

The goal summary of this priority concern is to improve surface water management by decreasing runoff and flooding and maintaining the current drainage systems in the county.

Summary of the actions and costs include:

- Each year enroll 10 producers in the Farmable Wetland Program or CP-23 wetland restoration practice of CRP.
- Redwood SWCD will continue to implement the State Wetland Conservation Act.
- Replace bridges with floodwater retention projects where feasible.
- Complete an assessment of the percent of drainage ditches that are protected by filterstrips.
- Using CRP, promote filterstrips until 50% of water courses in the county are protected by filterstrips at least 33 feet wide.
- Continue maintaining the 72.5 acres of filterstrips enrolled through Comprehensive Local Water Management Plan.
- Educate landowners on the drainage issues in the county.
- Write newsletters and newspaper articles promoting awareness of drainage regulations that affect citizens in the county.
- Inventory all existing small dams constructed with federal and state funds. Replace corroding metal culverts with concrete culverts as needed.

Approximate Cost: $464,400 – $1,000,000 with most of the funding from CRP.

PRIORITY CONCERN 3: SURFACE WATER QUALITY ADDRESSING IMPAIRED WATERS BY MAJOR WATERSHED FOR THE PRIORITY POLLUTANTS: PHOSPHORUS, NITROGEN AND FECAL COLIFORM BACTERIA.

The goal summary of this priority is to protect, restore and improve the deterioration of surface water quality in lakes, rivers and streams.

- Work with five agricultural producers each year to develop nutrient management plans that follow University of Minnesota recommendations.
- Work with producers to ensure the utilization of manure and ensure proper testing and correct application.
- Each year, provide assistance to one feedlot operator who has a pollution problem utilizing funds through EQIP or State Cost Share.
- Target all TMDL water bodies for implementation of practices to reduce pollutants.
- Identify failing septic systems in Redwood River and Cottonwood River Watersheds
- Educate Redwood County citizens on the importance of runoff control and surface water protection.

Approximate Cost: $246,000 – $450,000 with the majority of funding coming from the Best Management Loan Program, EQIP and RCRCA.

PRIORITY CONCERN 4: EROSION AND SEDIMENT CONTROL FOCUSING ON RESIDUE MANAGEMENT COUNTY-WIDE AND GULLY AND CONCENTRATED FLOW AREAS IN THE SOUTHWEST PORTION OF REDWOOD COUNTY.

The goal of this priority is to protect and preserve the soil resources in the county.

Summary of the actions include:

- Encourage land operators to install structural conservation practices to reduce erosion and sedimentation.
- Promote residue management
- Protect and increase wildlife habitat.

Approximate Cost: $392,250 with most of the funding coming from EQIP, WHIP and State Cost Share.

CONSISTENCY OF PLAN WITH OTHER PLANS DEVELOPED LOCALLY:

- Redwood County Comprehensive Local Water Management Plan is also the plan Redwood Soil and Water Conservation District adopts as its Comprehensive Plan.
- Redwood County is in the process of updating its existing Comprehensive Plan which includes land use plans, highway plans and information about the county's facilities.
- The following plans have been references and used in the development of this plan:
  - Redwood River Diagnostic and Implementation Plan
  - Cottonwood River Diagnostic and Implementation Plan
  - Redwood County Ordinance

RECOMMENDED AMENDMENTS TO OTHER PLANS AND OFFICIAL CONTROL AUTHORITIES:

It would be recommended to incorporate data from this Redwood County Comprehensive Local Water Management Plan into the new Redwood County Comprehensive Plan.

* The Redwood County Comprehensive Local Water Management Plan is also published on the Redwood Soil and Water Conservation District website at www.redwoodswcd.org.

Implementation Program

This section establishes the implementation program for the Priority Concerns. The program will identify the following items:

- Action to be completed.
- Who is responsible for implementation of the action
- When the action will be completed.
- The financial resources necessary to complete action.
- Which watershed, water body or groundwater resource will benefit from the accomplished action.

Below is a list of abbreviations used under the Action items of this Implementation Program section:

- **WMC** = Water Management Coordinator
- **SWCD** = Soil and Water Conservation District
- **RCWMP** = Redwood County Water Management Plan
- **NRCS** = Natural Resources Conservation Service
- **FSA** = Farm Service Agency
- **USFWS** = United States Fish & Wildlife Service
- **DNR** = Department of Natural Resources
- **CH** = Redwood County Highway Department
- **Twps** = Townships
- **Area II** = Area II Minnesota River Basin Project
- **EO** = Redwood County Environmental Office
- **RCRCA** = Redwood-Cottonwood Rivers Control Area
- **EXT** = University of Minnesota Extension Service

PRIORITY CONCERN 1: GROUNDWATER PROTECTION THAT WILL FOCUS ON WELLHEAD PROTECTION FOR PUBLIC WATER SUPPLY.

GOAL: Work with cities and groups to ensure groundwater supply for public water suppliers are protected from contamination.

Prevent public drinking supplies from becoming polluted by working with suppliers to manage possible sources of contamination.

Protect public water supplies from possible sources of contamination due to land use activities.

Implementation Program

OBJECTIVE 1: The cities of Belview, Vesta, Morgan and Redwood Falls have completed Phase I of the Wellhead Protection Plan. Make contact with officials in the remaining 11 cities to encourage delineation of wellhead protection areas and drinking water supply management areas and to conduct the vulnerability assessments of the public water supply wells and drinking water supply management areas.

ACTION: Send letters to two cities each year outlining the importance of completing Phase I, the delineation of wellhead protection areas.

Who: WMC
When: 2007-2012
Cost: In-kind
Benefit: Groundwater

OBJECTIVE 2: Identify landowners who own and operate land in the delineated wellhead protection areas and encourage them to use practices that will aid in the protection of groundwater.

ACTION: Identify landowners, using tract numbers, and provide them with brochure on the importance of wise land use in these delineated areas.

Who: SWCD
When: 2006-2011
Cost: $100 to develop brochure
Benefit: Groundwater

OBJECTIVE 3: Provide well sealing funds to individuals who have abandoned wells in the wellhead protection areas of each city.

ACTION: Send letter to identified individuals who may have abandoned wells in protection area, giving them highest priority for well sealing funds.

Who: RCWMP
When: 2006-2011 (as cities complete)
Cost: $200 per well sealed
Benefit: Groundwater

OBJECTIVE 4: Develop a program for private well users to identify concerns for contamination.

ACTION: Develop a brochure identifying potential groundwater contaminants for private well users and distribute.

Who: RCWMP
When: 2008
Cost: $100 to develop brochure
Benefit: Groundwater

OBJECTIVE 5: Educate county citizens of all ages on the importance of groundwater protection.

ACTION: Make 10 presentations utilizing the groundwater model and other educational tools to illustrate the importance of groundwater protection.

Who: RCWMP, SWCD
When: 2006-2011
Cost: $100/year
Benefit: Schools, civic groups and other organizations

PRIORITY CONCERN 2: DRAINAGE MANAGEMENT FOCUSING ON WETLAND RESTORATIONS AND FLOODWATER RETENTION OPPORTUNITIES.

GOAL: Provide protection to the drainage management system in place in the county.

OBJECTIVE 1: Apply watershed-based principles to properly manage drainage system and wetland restorations.

ACTION: Enroll 10 people in the Farmable Wetland Program and CP-23 program to reduce flood potential by restoring wetlands.

Who: SWCD, NRCS, FSA, USFWS, DNR
When: 2006-2011
Cost: $200,000 - $400,000
Benefit: Redwood River and Cottonwood River watersheds

ACTION: Implement the State Wetland Conservation Act. Redwood SWCD has been identified as the Local Governmental Unit in charge of implementation:

Who: SWCD
When: 2006-2011
Cost: $25,000 per year (BWSR 11,418 and SWCD in-kind)
Benefit: All county watersheds and rivers

OBJECTIVE 2: Incorporate flood control benefits into future road and bridge replacements.

ACTION: Replace a bridge with a floodwater retention project whenever possible.

Who: RCWMP, CH, Twps, Area II
When: 2006-2011
Cost: $30,000-$200,000 per project
Benefit: Cottonwood River and Redwood River

OBJECTIVE 3: Improve the drainage ditch system in the county through proper management and the implementation of filterstrips.

ACTION: Assess the percentage of drainage ways in the county protected by filterstrips.

Who: NRCS, SWCD, FSA
When: 2006-2011
Cost: In-kind
Benefit: All watersheds in county

ACTION: Utilizing CRP, promote filterstrips until 50% of the water courses in the county have filterstrips at least 33 feet wide.

Who: SWCD, NRCS, FSA
When: 2006-2011
Cost: $200,000 - $400,000
Benefits: All watersheds and water courses in the county

ACTION: Maintain the 72.5 acres of filterstrips enrolled through Redwood County Water Management Plan.

Who: RCWMP
When: 2006-2011
Cost: $9,400
Benefits: Drainage system where each filterstrip lies

OBJECTIVE 4: Educate landowners in the county on the drainage issues.

ACTION: Through news releases and direct contact inform landowners of the importance of not farming right up to a water course and the importance of leaving a filterstrip to protect the drainage system.

Who: SWCD, NRCS, FSA, EO
When: 2006-2011
Cost: In-kind
Benefits: All water courses in the county

ACTION: Write a newsletter and newspaper article at least once each year to promote awareness of drainage regulations that affect citizens in the county.

Who: RCWMP, SWCD
When: 2006-2011
Cost: In-kind
Benefit: Redwood County citizens

PRIORITY CONCERN 3: SURFACE WATER QUALITY ADDRESSING THE FOLLOWING PRIORITY POLLUTANTS: PHOSPHORUS, NITROGEN AND FECAL COLIFORM BACTERIA.

GOAL: To improve, restore and protect the surface water quality of the lakes, rivers and streams in Redwood County.

OBJECTIVE 1: Promote and encourage the use of University of Minnesota Recommendations for nutrient management.

ACTION: Work with five producers each year to develop nutrient management plans that follow University of Minnesota recommendations.

Who: NRCS, SWCD
When: 2006-2011
Cost: $10,000
Benefits: Watersheds in which producers are located

ACTION: Work with commercial fertilizer applicators to ensure that the maximum yield is obtained while applying and utilizing the least amount of fertilizer.

Who: NRCS, SWCD, EXT
When: 2006-2011
Cost: In-kind
Benefits: All watersheds in the county

OBJECTIVE 2: Work with landowners who utilize manure to educate them on the importance of testing and correct application.

ACTION: Each year, work with two livestock producers who utilize manure to ensure they are testing before application and taking proper credits.

Who: NRCS, SWCD
When: 2006-2011
Cost: In-kind
Benefits: Watersheds in which producers are located

OBJECTIVE 3: Provide technical assistance to feedlot operators who have a positive FLEval rating.

ACTION: Each year, provide assistance to one feedlot operator who has a pollution problem utilizing funds through the EQIP or State Cost Share programs.

Who: NRCS, SWCD, EO
When: 2006-2011
Cost: $20,000 - $150,000
Benefits: Watershed in which producer is located

OBJECTIVE 4: Target all identified Total Maximum Daily Load (TMDL) water bodies for implementation of practices to reduce pollutants.

ACTION: Promote the installation of best management practices that will aid in the reduction of pollutant loading.

Who: SWCD, NRCS
When: 2006-2011
Cost: $40,000 - $300,000
Benefits: Redwood River and Cottonwood River watersheds

OBJECTIVE 5: Identify failing septic systems in the Redwood River and Cottonwood River watersheds.

ACTION: Upgrade 50 failing septic systems each year, utilizing low-interest loan programs for 25 of the upgrades.

Who: EO, SWCD, RCRCA
When: 2006-2011
Cost: $175,000 (low interest loans)
Benefits: Redwood River and Cottonwood River Watersheds

OBJECTIVE 6: Educate county citizens on the importance of runoff control and surface water protection.

ACTION: Make presentations to five groups utilizing the Enviroscape, Mobile Environmental Education Transport (MEET) and other educational tools.

Who: SWCD. RCRCA, EO
When: 2006-2011
Cost: In-kind
Benefit: Citizens of Redwood County

ACTION: Provide funds to sponsor presentations by the Prairie Ecology Bus Center to two schools in the county each year.

Who: RCWMP
When: 2006-2011
Cost: $1,000
Benefit: School students in Redwood County

PRIORITY CONCERN 4: EROSION AND SEDIMENT CONTROL FOCUSING ON RESIDUE MANAGEMENT COUNTYWIDE AND GULLY AND CONCENTRATED FLOW AREAS IN THE SOUTHWEST PORTION OF REDWOOD COUNTY.

GOAL: To protect and preserve the resource value of soil on agricultural producing land in Redwood County.

OBJECTIVE 1: Educate and encourage land operators on the importance of installing structural conservation practices to reduce erosion and sedimentation.

ACTION:

- Develop brochure promoting Best Management Practices (BMPs)
- Write 10 news releases promoting importance of installing BMPs
- Publish at least two newsletters jointly with other agencies
- Hold one public information gathering meeting each year

Who: SWCD, RCWMP, NRCS, FSA
When: 2006-2011
Cost: $500/year
Benefit: All Redwood County citizens

OBJECTIVE 2: Continue to promote residue management.

ACTION:

- Write news releases promoting conservation tillage practices
- Make three presentations utilizing the rainfall simulator
- Enroll five producers to improve residue levels through EQIP

Who: SWCD, NRCS
When: 2006-2011
Cost: $375,000
Benefit: Redwood River and Cottonwood River watersheds

OBJECTIVE 4: Protect and increase wildlife habitat.

ACTION: Work with five RIM contract holders to improve existing cover.

Who: SWCD, NRCS
When: 2006-2011
Cost: $9,000
Benefit: Minnesota River Watershed

ACTION: Enroll 50 acres in general CRP sign-up.

Who: SWCD, NRCS, FSA
When: 2006-2011
Cost: $6,000
Benefit: Minnesota River Watershed

ACTION: Establish two acres per year of tree plantings to include field windbreaks, farmstead shelterbelt and wildlife plantings

Who: SWCD, NRCS, FSA
When: 2006-2011
Cost: $3,750
Benefit: Redwood River and Cottonwood River watersheds

IMPLEMENTATION: ONGOING ACTIVITIES

This section identifies other activities and programs in Redwood County which may contribute to the work of the local water management plan but are not reflected in the selected Priority Concerns. These include activities and programs of the Redwood County Environmental Office and the Redwood-Cottonwood Rivers Control Area (RCRCA).

Redwood County is currently in the process of rewriting its existing County Comprehensive Plan which includes Land Use Plans. For additional information on these plans or for copies, contact the Redwood County Environmental Office at 507-637-4023 or on the web at www.co.redwood.mn.us, and RCRCA at 507-637-2142 or www.rcrca.com .

REDWOOD COUNTY ZONING ORDINANCE:

The Redwood County Zoning Ordinance is adopted for the purpose of: protecting the public health, safety, comfort, convenience and general welfare; dividing the unincorporated portions of the county into zones and districts and regulating therein the location, construction, reconstruction, alteration and use of structures and land; promoting orderly development of the residential, business, industrial, recreational and public areas; providing for adequate light, air and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right-of-ways; providing for the administration of this Ordinance and defining the powers and duties of the administrating officer as provided herein; prescribing penalties for the violation of the provisions in this Ordinance or any amendment to this Ordinance.

The following issues of the Zoning Ordinance are addressed in this section:

* Flood Plain District
* Scenic River District
* Agricultural District
* Rural Residential District
* Urban Expansion District
* Highway Service Business District
* Industry District
* Feedlot Regulations
* Individual Sewage Treatment Systems
* Shoreland Ordinance

"FP" FLOOD PLAIN DISTRICT

The flood hazard areas of Redwood County, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

The ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

The "S" SCENIC RIVER DISTRICT is intended to preserve and protect those rivers and adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific, and similar values, to reduce the effects of overcrowding and poorly planned development of such adjacent lands, to prevent pollution, to provide ample space on lots for sanitary facilities, to preserve natural beauty and quietude, to maintain property values and to promote the general welfare.

The "A" AGRICULTURAL DISTRICT is intended to provide a district which will allow extensive areas of the county to be retained in agricultural use; control scattered non-farm development, preserve woodland sand other areas of aesthetic and scenic value, which, because of their physical features, are desirable as water retention areas, habitat for plant and animal life, green space or other environmental uses beneficial to the county.

The "R-1" RURAL RESIDENTIAL DISTRICT is intended to provide a district which occurs in the small unincorporated villages and rural residential subdivisions allowing low density residential development and on-lot utilities where municipal or community utility systems are not available.

The "UE" URBAN EXPANSION DISTRICT is intended to provide an area adjacent to incorporated municipalities which is designed to:

- Contain and manage urban development within planned urban areas where basic services such as sewers, water facilities and police and fire protection can be provided efficiently and economically.
- Conserve resources by encouraging orderly development of land.
- Preserve farmland and open space
- Make more economical use of local tax dollars in locating facilities and providing services for the benefit of all citizens within the urban growth area.
- Provide property owners greater security in long-range planning and investments.
- Make it possible for utility extensions, transportation facilities and schools to be designed and located so as to match population growth more closely.
- Preserve and enhance the livability of the area.

The "B-1" HIGHWAY SERVICE BUSINESS DISTRICT is intended to provide a district which will allow highway-oriented businesses closely related to existing urban areas. The trade area population served by these establishments requires easy access; therefore, it is desirable to group the uses at locations along major traffic routes providing for appropriate and adequate access ways. These uses should be designed to standards that will not impair the traffic carrying capabilities of abutting roads and highways.

The "I -1" INDUSTRY DISTRICT is intended to provide a district for a broad range of industrial activities. Because of their potential adverse effects on other county land uses, these industrial developments should be located in areas capable of providing adequate utilities and transportation facilities and standards should be applied to control noise, odor, dust, smoke, glare or other hazards.

FEEDLOT REGULATIONS
Redwood County has written its own ordinance for Animal Confinement Feedlots. All existing and new feedlots in Redwood County must comply with the minimum standards contained in Minnesota Rules Chapter 7020 in addition to and in conjunction with those established by the county.

INDIVIDUAL SEWAGE TREATMENT SYSTEMS
The improper location, design, installation, use and maintenance of individual sewage treatment systems aversely affect the public health, safety and general welfare by discharge of inadequately treated sewage to the ground, surface water and ground waters. In accordance with the authority granted in Minnesota Statutes, chapters 103F, 103g, 115 and 116, the Minnesota Pollution Control Agency provides minimum standards and criteria for individual sewage treatments systems, and thus protects the surface waters and ground waters of the state, and promotes the public health, safety and general welfare.

SHORELAND ORDINANCE
The uncontrolled use of shorelands of Redwood County affects the public health, safety and general welfare not only by contributing to the pollution of public waters, but also impairing the local tax base. Therefore, it is in the best interest of the public health, safety and welfare to provide for wise subdivision, use and development of shoreland and public waters. The Minnesota Legislature has delegated responsibility to local governments of the state to regulate subdivision, use and development of shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shoreland, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Redwood County.

REDWOOD-COTTONWOOD RIVERS CONTROL AREA:

The Redwood-Cottonwood Rivers Control Area (RCRCA) is an eight county non-regulatory joint powers organization which was established in 1983. RCRCA works to enhance and protect the Redwood and Cottonwood Rivers by making land use changes that improve water quality.

Its purpose is to develop and implement plans for the Redwood River and Cottonwood River watersheds to:

- Protect property, streams and lakes from sedimentation and pollution
- Maintain and improve the quality of water in streams, lakes and ground water

- Protect property from flood damages
- Control erosion of land
- Improve recreational and wildlife opportunities

Members include the counties and soil and water conservation districts of Brown, Cottonwood, Lincoln, Lyon, Murray, Pipestone, Redwood, and Yellow Medicine. It is governed by a sixteen member Board of Directors which meets monthly.

Cottonwood River Restoration Project

Goals:

- To achieve the highest water quality attainable for ecoregion streams.
- To have watershed residents take an active role in enhancing and protecting the Cottonwood River.
- To develop the Cottonwood River as a major recreational resource within the Minnesota River Basin.

Objectives:

- Make the Cottonwood River from Sanborn to Flandrau Park navigable and canoe accessible.
- Increase game fish populations in the main stem from near Lamberton to Flandrau State Park.
- Produce and construct trails, signage, kiosks and outdoor learning centers.
- Establish, train, and support a group of volunteers to monitor watershed health.
- Accelerate adoption of best management practices (BMPs) in high priority areas.
- Help watershed residents understand the connection between their actions and water quality.
- Strengthen cooperation between agencies and units of government that address water quality issues.
- Collect and distribute credible information about water resources in the watershed.
- Work with municipalities and unsewered communities to develop point source reduction plans.
- Develop and implement plans to address total maximum daily load (TMDL) requirements.

Goals and objectives for the Cottonwood River Watershed are based on sampling results, land use assessments, and judgments about reasonable expectations for rivers and streams in this region of the state. In setting goals and objectives, consideration is given to four important watershed characteristics. First, agriculture is the predominant land use in the watershed and improvements to water quality will necessarily require changes in agricultural practices. Second, pollutant transport in the watershed is primarily affected by uncontrolled runoff. Third, the Cottonwood River holds enormous potential for being a recreational resource, but past and present conditions prevent it

from being used to its full potential. And, fourth, watershed residents through their involvement and actions hold the key to protecting and enhancing the Cottonwood River.

Executive Summary:

The purpose of a the initial phase of this project between 1997 and 1999 was to document factors affecting sediment and nutrient transport to the Cottonwood River, and to determine reductions necessary to meet both main stem and tributary goals. The study defined characteristics of specific pollutants, the processes affecting their transport, and appropriate measures to reduce their delivery to the Cottonwood River. Priority management areas were selected based on relative contributions to the total sediment and nutrient load in the River. Attitudes and opinions of watershed residents were explored as they relate to water quality and measures for its protection.

The Cottonwood River Watershed encompasses 1,310 square miles, and is one of thirteen major watersheds in the Minnesota River Basin. The River originates on the Coteau des Prairies, flowing eastward approximately 150 miles to the Minnesota River, with a drop in elevation of about 750 feet. This topography results in periodic spring and summer flooding in the central portion of the watershed. At times, damages are severe. A related implication is rapid transport of sediment and attached nutrients from inadequately treated cropland during spring snowmelt and spring and summer rainfall events.

Nearly all wetlands have been drained by a highly efficient and interconnected artificial drainage system. This drainage system has allowed agriculture, the primary land use, to flourish. Corn and soybeans are the main crops grown in the watershed.

The study's primary research tool was a water quality monitoring program used to gather data at three main stem locations and six tributary sites. Streambank erosion assessments were made at several locations along the lower reach of the Cottonwood River. A fishery survey was used to assess populations and species diversity. Land use and physical characteristics of the watershed were analyzed through application of Geographic Information System (GIS) data layers. These evaluations were supplemented by field observations using the tailored integrated stream and watershed assessment (TISWA) methodology.

Annual sediment (TSS) loading from the Cottonwood River in 1997 was estimated at over 330,000 tons, or 252 tons per square mile. Total phosphorus (TP) was estimated at 505 tons. These are much higher figures than reported in earlier studies of the Cottonwood River. Highwater and Dutch Charley Creeks exhibited the largest sediment yield of all sampled tributaries, annually delivering approximately 136 tons per square mile, based on data collected in 1997 and 1998. Additionally, highest flow weighted mean concentrations of total suspended solids and total phosphorus of all sampling stations, including those on the main stem, were recorded on these two tributaries. Sleepy Eye Creek contributed a high nitrate nitrogen load during the study period, but a

much lower sediment load than expected. Throughout the study period, flow-weighted mean concentrations of sediment and nutrients on the main stem and most tributaries exceeded expected values for minimally impacted ecoregion streams.

Recreational opportunities on the Cottonwood River are limited by degraded water quality, channel obstructions, limited access, and a general lack of awareness by watershed residents. Potentially, the river is a major recreational resource.

Ten-year goals and objectives were established in the areas of water quality, public participation, and recreation. Main stem and tributary water quality goals will require

pollutant reductions of twenty-five to thirty percent. These will be accomplished by concentrating best management practices (BMPs) within priority management areas. The public participation goal will emphasize citizen involvement in watershed monitoring and observation activities. Developing means for people to personally experience the river will help achieve the recreational goal.

Project evaluation will be accomplished through continued water quality monitoring at five stations, citizen surveys, fishery and watershed inventories and assessments, and BMP tracking.

The estimated cost to carry out the six-year implementation plan is slightly under $10 million. About fifty percent of this amount will be used to convert cropland to permanent vegetation and wetlands. These funds will be derived from existing federal and state land retirement programs. Clean Water Partnership low interest loans will be used to upgrade septic systems, increase residue management, and reduce livestock impacts on water quality. State and federal cost-share funds will be used to cover costs related to other best management practices listed in the plan. Additional staff positions will be created to assess needs within priority management areas and work with landowners to select and implement appropriate practices.

Redwood River Clean Water Project

The Redwood River Clean Water Project is a six year program designed to improve water quality in the Redwood River and Lake Redwood.

Goals:

Redwood River:

- Reduce sediment and nutrients by 15%-30%
- Expand game fishery habitat and fishing opportunities
- Reduce peak flows and improve flow stability

Implementation: Ongoing Activities

Lake Redwood:

- Reduce sediment and nutrients by 15%-25%
- Capable of supporting a fish management program
- Stabilize lake levels

Objectives:

- Support restoration of 5000 acres of wetlands
- Create and maintain permanent buffer strips on all public watercourses
- Establish tillage practices of minimum or no-till on 90% of cropland in priority areas
- Design and install livestock waste management systems in priority areas

These goals and objectives are accomplished through one-on-one landowner contacts and an extensive information and education program that encourages implementation of best management practices on agricultural land.

Landowners who voluntarily choose to implement best management practices receive technical assistance and up to seventy-five percent cost share to help pay the cost of installing conservation practices. Effects of best management practices on water quality are monitored through a comprehensive monitoring and evaluation program.

Minnesota Board of Water & Soil Resources

RECEIVED
NOV 21 2005
Bd. of Water & Soil Resources
St. Paul

DATE: November 17, 2005

TO: Ronald Harnack, Executive Director

FROM: Mary Kells, Board Conservationist

SUBJECT: Water Plan Extension Request for Wabasha County

I have received a written request from Wabasha County for a two-year extension of the expiration date for their current Comprehensive Local Water Management Plan. The Plan is scheduled to expire on December 31, 2005. The county started the planning process last winter by inviting input on priority concerns from agencies and LGUs. Recently they convened a task force meeting to review the input received to-date and begin the process of priority concern selection.

I have been in discussions with County and SWCD staff regarding the update process and this extension request. Currently, the county uses the majority of the water plan funds for cost-sharing BMPs through the SWCD efforts and this has resulted in on-the-ground BMP accomplishments during the implementation phase. The county also uses the special taxing authorities under M.S.103B to fund their share of the Whitewater River Watershed JPB. I believe that changes in several staff positions within the county administration and other departments, budget cuts and county program priorities have resulted in the coordination of NRBG programs and water planning efforts being neglected. Proactive participation and leadership in the overall planning and management of the county's water resources has been limited due to these changes.

By granting the extension request, the county staff and officials will have time to reassess program priorities, staffing needs, and their commitment to a coordinated local water resource program. This assessment has already started. Local staff and officials are developing alternatives for NRBG program administration that includes increased staff (up to 1 FTE) to better utilize the state grant funds and to integrate county partners roles and responsibilities for water resource management.

I recommend that this two-year extension be granted. I have attached Wabasha's written extension request including the adopted County Board resolution. If you have any questions please contact me at (507) 280-2873.

C: Jeff Nielsen, BWSR Southern Region Supervisor
Darrin Thompson, Wabasha County
Jim Straskowski, Wabasha SWCD

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

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

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

Fergus Falls
1004 Frontier Drive
Fergus Falls, MN 56537
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fax (218) 736-7215

Marshall
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fax (507) 537-6368

New Ulm
261 Highway 15 S.
New Ulm, MN 56073
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Rochester
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Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

Wabasha County Public Health

-ENVIRONMENTAL SERVICES-
107 East Third Street ◆ Wabasha, MN 55981
651-565-5200 ◆ Fax: 651-565-2637

Received
NOV 16 2005

October 27, 2005

Mary Kells, Board Conservationist
Board of Water & Soil Resources
2300 Silver Creek Rd NE
Rochester, MN 55906

Dear Mrs. Kells,

Wabasha County is requesting an extension of the expiration date for our current Comprehensive Local Water Management Plan. We understand that all extension requests must be for two years.

The construction season workload has made it difficult to work on this update process more than intermittently. Progress has been made, however, not enough to have the update complete before the current plan expires on December 31, 2005.

We have a proposed timeline for completing this update process before the start of the next construction season. The timeline is as follows. Complete Draft Priority Concerns Scoping Document and submit to agencies by December 2, 2005. The final plan will be completed by April 30, 2006. The public hearing will be held on the first available county board meeting in May 2006. The plan will then be submitted to BWSR for review and final approval. If steps can be taken to shorten this timeline, we will do so.

Thank you for considering this request. If you have any questions or need clarification on the information presented above, please feel free to call me a 651-565-5200.

Sincerely,

Darrin Thompson, RS
Wabasha County Water Planner

Wabasha County Board of Commissioners

Resolution No. 2005-175

WHEREAS, Wabasha County is currently in the process of updating their Comprehensive Water Management Plan; and

WHEREAS, the Wabasha County Water Planner's duties require extension office and field time during the construction season related to permitting and inspection, therefore, work on the update could not be accommodated during this time; and

WHEREAS, Wabasha County has a timeline set to ensure the plan is updated within the next year; and

WHEREAS, Wabasha County's current Water Plan expires December 31, 2005; and

WHEREAS, the Water Plan rules allow the Minnesota Board of Water and Soil Resources to grant a 2-year extension to current Water Plan documents;

BE IT RESOLVED by the Wabasha County Board of Commissioners that the county requests a two-year extension of the expiration date of the existing Comprehensive Local Water Management Plan.

Adopted this 1st day of November, 2005 by the Wabasha County Board of Commissioners.

By: _____
Its Board Chair

Attest:

By: _____
Its County Administrator

STATE OF MINNESOTA COUNTY OF WABASHA
I certify this to be a true and exact copy of the original record in my custody.
Dated November 15, 2005
Jerry Leisen, Auditor/Treasurer
By Jessica Graner, deputy

STATE OF MINNESOTA COUNTY OF WABASHA
I certify this to be a true and exact copy of the
original record in my custody.
Dated _____
Jerry Leisen, Auditor/Treasurer
By _____

FOR YOUR INFORMATION

December 14, 2005

- BWSR "Update"
- Updated Board Member Listing
- Updated Board Staff Listing
- News Release "Governor Pawlenty Appoints Burandt to the Board of Water and Soil Resources"
- News Release "BWSR Board Terminates Cooks Valley Watershed District"
- News Release "Eight Names as Finalists for State's 2005 Outstanding Conservationist Award"
- News Release "BWSR Distributes Questionnaire as Part of Ditch Buffer Study"
- News Release "BWSR Accepting Grant Applications for Beaver Damage Control"
- News Release "MN/Dot-BWSR Agreement Creates Wetland Banking Cooperative"
- News Release "Conservation Partners Joint to Restore Otter Tail County Wetland, Honor Colleague
- "Budget Brief 05-15" Appropriations and Reconciliation Update, December 5, 2005
- Letter to The Honorable Senator Norm Coleman, from Members of the Minnesota River Watershed Alliance Coordinating Team
- Request for Comments, MN Rules Chapter 8415 – Appeals of WD Rules and Permit Decisions; Governor's Tracking Number AR207
- Article in StarTribune: "Study offers a dire prediction for waterfowl population"

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 2005

NORTH

Brian Dwight recently assisted Polk County in the review and response to a request by the Red Lake Watershed District to make changes to the operation of a flood impoundment site. The site is a WCA bank site. Dale Krystosek and Brian attended the Interagency Wetland Group meeting to discuss this site. As a result of this meeting. it was recommended by the IWG to not support this request and encourage BWSR to be careful not to set a precedent in allowing changes to banking sites.

Brian assisted Norman County on the review of a proposal for a new sanitary sewer system for the city of Gary. This site is the third site considered. There are some wetland impacts, but this site appeared to be the one with the least environmental impacts.

Brian has been providing some final review comments to HDR, the consulting firm working with the Red Lake Watershed District, in developing their long-range plan. The plan is out for public review.

The North Central Pilot Project's Technical Committee is working on their final report to the Clean Water Cabinet. Dan Steward is representing BWSR on this project. The project participants are happy with their progress to date and hope that the project continues into the future.

BWSR has been involved in the efforts to restore an Otter Tail County wetland (see article in this edition). Once complete, the wetland will be donated to the DNR and will become the Conservation Officer Grant Coyour Memorial Wildlife Management Area. The parcel, located south of Fergus Falls, is currently open for hunting.

The project was made possible through the hard word of several DNR conservation officers, Otter Tail County and SWCD, BWSR staff Dale Krystosek and Pete Waller, and the courts. Pheasants Forever was an excellent partner in making this land acquisition possible. They did a lot of the legwork to make the purchase possible, along with helping to secure funding for balance of the purchase price and a good portion of the restoration.
-Submitted by Ron Shelito

SOUTH

On Oct. 4 and Nov. 1, Tom Mings and Chris Hughes provided "WCA 101" and "WCA Atypical Situation" training to technical evaluation panelists. "WCA 101" administrative training provided an opportunity for long-standing and new TEP members alike to review the proper administrative procedures of WCA. Recipients were given instruction on application procedures of no loss, boundary and type, exemption, and replacement plan determinations. Attendees were also given a review of enforcement procedures.

The Nov. 1 training provided three "Atypical Situation" case histories and ended with a brief overview of the WETS analysis procedure being used as a wetland delineation tool by consultants. Tom and Chris provided an overview of atypical situations and WETS analysis; WCA contacts Paul Davis, Brown County, and Marla Watje, Waseca County, each presented the case history of atypical situations in their respective counties.
-Submitted by Chris Hughes

BRIEFS

MASWCD awards announced
The following awards were announced at the 69th annual meeting of the Minnesota Association of Soil and Water Conservation Districts (MASWCD), which was held Dec.4-6 at the Sheraton Bloomington Hotel:

- MASWCD/MPCA Community Conservationist Award: City of Stillwater
- MASWCD Education Award: Mary Harrison, Sebeka
- MASWCD/DNR Outstanding Forest Stewards: John and Sandra O'Reilly, Hinckley
- MASWCD Outstanding Legislator of the Year: Rep. Dennis Ozment

Continued on next page

- MASWCD Outstanding Supervisor: Doug Rutten, Douglas SWCD
- Outstanding Conservationists (sponsored by MASWCD with support from The Farmer Magazine): Ron and Sue Johnson, Lindstrom
- Outstanding Conservation District: Becker SWCD
- Outstanding District Employee (sponsored by BWSR): R.C. Boheim, South St. Louis SWCD.

For a complete roundup, view the BWSR web site at http://www.bwsr.state.mn.us/news/.

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Board member named

Governor Tim Pawlenty announced in November the appointment of Robert Burandt to the Board of Water and Soil Resources.

Burandt, of Waconia, is a Carver County Soil and Water Conservation District supervisor. Burandt also serves as the treasurer of his Soil and Water Conservation District. A fifth generation owner of Burandt Lakeview Farms, Burandt is treasurer of Carver Camp Gideons and is a member of the building committee for Trinity Lutheran School in Waconia.

Burandt served on the American Dairy Association Board, the Trinity Lutheran Church Stewardship Board, and the Executive Board of Lutheran High School in Mayer. Burandt is appointed to a Board position for an SWCD supervisor and will serve a four-year term which ends Jan. 5, 2009. He replaces Victor Ormsby on the Board.

◆◆◆

Conservation partners join to restore Otter Tail County wetland, honor colleague

Conservation partners in Otter Tail County are turning something bad that happened to the county's wetland resources into something positive for wildlife, water quality, and recreation. At the same time, they'll honor the memory and work of Grant Coyour, a Minnesota Department of Natural Resources conservation officer and pilot who died in 1999.

The negative part of this story relates to a series of wetland violations in the county. In April 2003, a local landowner was ordered to pay more than $123,000 in restitution and serve a jail sentence for violating Minnesota's Wetland Conservation Act. He was found guilty by a jury of a series of wetland violations dating back to 1998.

What's the positive? The restitution, when coupled with funding from Pheasants Forever, the Minnesota Habitat Corridors Partnership, and other local partners, allowed for the acquisition of a 160-acre tract of land southwest of Fergus Falls. Local partners are already designing the wetland and upland restoration for the unit, which includes more than 28 acres of wetlands.

Once the restoration project is finished, the land will be donated to the Minnesota Department of Natural Resources and will become the Conservation Officer Grant Coyour Memorial Wildlife Management Area (WMA).

Coyour joined the DNR in 1988 as a conservation officer in Moose Lake, working as a field officer and a standby pilot. He worked with the DNR's Marine Unit in Duluth for a short time before becoming a full-time pilot in 1997. He and researcher Eric Cox, of Harbor Springs, Mich., were killed in June 1999 when their aircraft crashed south of Baudette. They were conducting a moose tracking survey in the Red Lake Wildlife Management Area at the time of the crash.

In 1993, Coyour received the DNR Division of Enforcement "Meritorious Service Award for Valor" for his actions in an armed hostage situation. "Grant was full of life and greatly enjoyed the outdoors and protecting the resources. He is still missed within the DNR Enforcement family and this is a wonderful tribute to his memory," said Colonel Mike Hamm, DNR enforcement chief.



Photo: DNR

Grant Coyour

The restoration project will result in complying with the court's sentencing order for restitution in the case, while the supplemental funds will allow additional wetlands and upland habitat to be restored.

Continued on next page

"The good news is that the restitution dollars are going to be put back into wetlands and wetland habitats," said Matt Holland, Minnesota director of conservation for Pheasants Forever, Inc. "This quarter section will be restored and provide benefits to all Minnesotans in perpetuity. In that respect, it's a good thing for soil, water, wildlife, and people."

Holland also noted that the project is "smack dab in the middle of a complex of private and public land habitat projects." He expects that once the project is finished, it will attract a wide range of waterfowl, songbirds, pheasants, prairie chickens, and deer.

The restoration is not taking place on land where the violation took place because of the landowner's failure to comply with previous court orders, according to Dale Krystosek, Board of Water and Soil Resources wetland specialist. The restitution figure was based on what it would cost at that time to buy wetland banking credits on the open market. The court order specified that the mitigation of the impacted wetlands be done at a two to one ratio.

The court recently gave permission to the DNR and BWSR to enter into an agreement with Pheasants Forever to purchase land for the mitigation. Local PF chapters providing funding include: Otter Tail, Pelican River, and Clay County. The Fergus Falls Fish and Game Club, the Bois De Sioux Watershed District, Ashby Coots Unlimited, the Stalker Lake Sportsman's Club, and Andrew and Brenda Lacey also supported the project. The Habitat Corridors Partnership funding is made possible by the Minnesota Environment and Natural Resources Trust Fund.

"We're pleased to see such a positive outcome to the original wetland violations and the court case," Krystosek said. "The wetland restoration will take place in an area that was likely a calcareous fen prior to conversion to agriculture several decades ago. This wetland type is rare and receives special protection under state wetland laws."

A formal dedication of the site is expected to take place in late summer 2006.

ENGINEERING

Lake Superior

Minnesota representatives Marc Hershfield, BWSR project specialist, and Mike Peloquin, DNR regional hydrologist, attended a National Coastal Nonpoint Pollution Control Conference in Washington, D.C., Nov. 16–18. The conference included sessions pertaining to tracking and evaluation of BMPs, shared successes of specific case studies, and measures to leverage federal grant dollars. Coastal coordinators from around the country warmly applauded as NOAA and EPA formally recommended approval of the Minnesota Coastal Nonpoint Program (CNP). Minnesota was one of the last coastal states to enter the Coastal Zone Management program, but will become the 17th of 34 coastal states to achieve final CNP approval, a process Minnesota has been involved with for more than 7 years. NOAA and EPA published findings and gave Minnesota conditional approval of the Minnesota CNP in 2003, subject to six conditions. Via 319 funding from MPCA, BWSR was hired to lead an interagency effort to resolve the six conditions. Reasons for this partnership included BWSR's connection with LGUs, which are local land use authorities and providers of nonpoint pollution control assistance, as well as BWSR's good working relationships with MPCA and DNR. Gene Clark, former BWSR lakeshore engineer, and Al Kean began this effort.

When Gene left BWSR in 2004, Marc Hershfield was hired to lead completion of the project. We succeeded in resolving the conditions with only one iteration of comments by EPA on one of the condition responses. Implementation of the CNP will be an ongoing effort of state and local government units, in partnership with private and public landowners.

Unfortunately for BWSR, Marc will be leaving us on Dec. 16 to take a position with MPCA in Duluth. During the past 9 months, Marc has also worked on a Great Lakes Commission grant to the Lake Superior Association of SWCDS to help develop a strategic plan and erosion

Continued on next page

Deadline for next edition: Jan. 20, 2006

control demonstration project, and a GLC grant to complete Phase 2 of the Glensheen stormwater runoff control and shoreline stabilization project in partnership with South St. Louis SWCD, NPEA TSA 3, and the U of M, which operates Glensheen. We had also established an agreement with the U of M for Marc to assist with instruction in the Erosion and Sediment Control Certification Program, including WCA requirements pertaining to LGUs and stormwater erosion control, and environmental documentation. This partnership is an example of coordinated efforts to train and empower LGUs, contractors, site managers, and designers to comply with new NPDES stormwater permit requirements.

Drainage

In early November, Al Kean and several BWSR Southern Region staff attended the Sixth Annual Minnesota-Iowa Drainage Research Forum in Dows, Iowa. The forum included many good reports about drainage research and demonstration projects, including:

- Wetland restoration for nitrogen management of tile outflows,
- Controlled drainage,
- Drainage modeling and water quality at the watershed scale, and
- Cropping strategies for nitrogen management.

This annual partnership forum, led by the U of M and Iowa State University, is a good event to bring researchers, practitioners, and advocates together to discuss current drainage research and implementation projects. It'll be Minnesota's turn to host the conference next year.

The Public Drainage Ditch Buffer Strip Study is progressing toward a report in early 2006. In October, all drainage authorities in Minnesota were asked to participate in the study by completing a survey questionnaire focused on the implementation and maintenance of required grass buffer strips. Minnesota State University, Mankato, Water Resources Center was hired by BWSR to compile the results of the questionnaire, as well as to help map voluntary buffers along drainage ditches that have been implemented via federal and state conservation programs. The Farm Services Agency is providing information about voluntary buffers via the federal Conservation Reserve Program. The U of M Water Resources Center was hired to conduct a literature review regarding the benefits of grass buffers along drainage ditches. Al Kean provided an overview of this study at the recent MAWD annual meeting, including encouragement for Watershed Districts to participate in the survey, if they haven't already. The Association of Minnesota Counties and MAWD leadership have also provided a letter and e-mail to members promoting participation in the survey.

Wetland Restorations

Tom Wenzel gave a presentation titled "Wetland Mitigation/Restoration - Keys to a Successful Project" to the Wetland Delineators Association on Dec. 7. The focus was the successful design and construction process for wetland restoration projects that has been honed by many years of BWSR experience with RIM Reserve and public wetland banking. Based on comments received, much training is still needed in this area as we continue to work with LGUs in implementing the WCA mitigation requirements and wetland banking opportunities.

Five topographic surveys for the BWSR portion of the WREP program were completed this fall by BWSR engineering staff in Mower and Freeborn counties. We are still working with the NRCS and the respective field offices as we move towards easement acquisition for these sites.

Feedlots

Rock SWCD is helping the president of the Minnesota Cattlemen's Association look into environmental stewardship planning programs. This could help give members of the Cattlemen's Association higher priority for BWSR Feedlot Water Quality Management Cost-Share. One program being investigated is the on-farm environmental review program started by the National Pork Producers in the late 1990s that was later adapted for multiple animal species and had been implemented via an environmental consulting firm based in Des Moines, Iowa. The status is uncertain at this time, reportedly due to funding problems between the EPA and America's Clean Water Foundation, which had been funding the program.

-Submitted by Al Kean

MINNESOTA BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155
Phone: 651-296-3767 Fax: 651-297-5615

Appointed Members	***Appointment Designation***	***Term Expires***	***Telephone/Fax***	
Jerome Deal, Chair 1501 Second Ave., S., Wheaton, MN 56296 bdswd@traversenet.com	**Watershed**	01-02-06	320-563-8377 320-563-4194	*Home* *Fax*
Kay Cook 20783 Eastway Court, Richmond, MN 56368 neilkay@cloudnet.com	**Watershed**	01-01-07	320-597-2794	*Home*
LuAnn Tolliver 14801 Wychewood Road, Minnetonka, MN 55346	**Watershed**	01-07-08	952-938-6749 952-838-1571	*Home* *Office*
Dana Allen 11304 19th Street, SW, Eyota, MN 55934 dm.allen@myclearwave.net	**Citizen**	01-05-09	507-545-3969 507-951-5597	*Home* *Office*
Paul Brutlag 27113 County Road 11, Wendell, MN 56590 brutlagp@runestone.net	**Citizen**	01-07-08	218-458-2113 320-589-4151	*Home* *Office*
Randy Kramer 42808 County Road 11, Bird Island, MN 55310 randyk@willmar.com	**Citizen**	01-01-07	320-365-3094 320-365-4784	*Home* *Office*
Paul Krabbenhoft 1119 - 25th Ave., S., Moorhead, MN 56560 pkrabbenhoft@yahoo.com	**SWCD**	01-02-06	218-233-0313 701-281-3033 701-277-1570 701-799-0369	*Home* *Office* *Fax* *Cell*
Louise Smallidge 10992 Point Douglas, Hastings, MN 55033 Choregirl2@juno.com	**SWCD**	01-07-08	651-459-5600	*Home*
Robert Burandt 1340 Waconia Pkwy. S., Waconia, MN 55387 robertburandt@aol.com	**SWCD**	01-10-09	952-442-4216	*Home*
Quentin Fairbanks 16374 Stoner Memorial Dr., NE, Hines, MN 55647 quentin@paulbunyan.net	**Co. Commissioner**	01-01-07	218-835-4184 218-679-3378	*Home* *Fax*
Brian Kletscher 30427 County Hwy. 10, Vesta, MN 56292 bk3376@rconnect.com	**Co. Commissioner**	01-05-09	507-762-3376 507-828-1429	*Home* *Office*
Clair Nelson Lake County Courthouse, 601 Third Avenue, Two Harbors, MN 55616 Wilma.rahn@co.lake.mn.us	**Co. Commissioner**	01-02-06	218-353-7385 218-834-8320 218-834-8360	*Home* *Office* *Fax*

State Agency Members:

Joe Martin Freeman Office Bldg., 625 Robert St. N., St. Paul, MN 55155 Joe.Martin@state.mn.us	**Department of Agriculture**	651-201-6551 651-297-5522	*Office* *Fax*
Dan Wilson Well Management Section, P.O. Box 64975, St. Paul, MN 55164-0975 Daniel.Wilson@health.state.mn.us	**Department of Health**	651-201-4598 651-201-4599	*Office* *Fax*
Gene Merriam 500 Lafayette Road, St. Paul, MN 55155 Gene.Merriam@state.mn.us	**Department of Natural Resources**	651-296-2549 651-296-4799	*Office* *Fax*
Jim Anderson 439 Borlaug Hall, 1991 Upper Buford Circle, St. Paul, MN 55108 Ander045@umn.edu	**U of M/Dept. of Soil, Water & Climate**	612-625-0279 612-625-2208	*Office* *Fax*
Lisa Thorvig 520 Lafayette Road, St. Paul, MN 55155 Lisa.Thorvig@pca.state.mn.us	**Pollution Control Agency**	651-296-8811 651-296-6334	*Office* *Fax*

December 2005

PHONE NUMBERS FOR BWSR STAFF **USE LAST FIVE DIGITS WHEN TRANSFERRING**

Main Line: 651-296-3767 – FAX: 651-297-5615 - Updated 11/18/05

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Fax #	297-5615
Anderson, Mary Jo	297-4290
Bonde, Karen	297-3998
DeVoe, Natasha	205-4664
Donnelly, Conor (cell 612-408-7002)	282-3815
Engineers Cell Phone	485-8466
Eisele, Bill (cell 651-245-5132)	282-2929
Fredbo, Tim	296-0880
Girolamo, Dan	215-1703
Haertel, Jim	297-2906
Harnack, Ron (cell 612-202-3815)	296-0878
Hubbell, Dianne	296-0873
Jacobson, Bob	297-4958
Kean, Al (cell 651-245-6531)	297-2907
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Larson, Greg (U of M)	612-624-3427
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Lewis, Michelle	296-2428
Lines, Kevin (cell 612-518-5545)	297-1894
Luniewski, Jim	297-2622
Mack, Kristie	215-9420
Mings, Thomas (cell 612-965-8682)	284-4153
Mohring, Eric	297-7360
Morrill, Ron	297-4735
Norris, Doug (DNR)	259-5125
Ogg, Tim (cell 651-295-5737)	297-8024
Raeker, Pete	296-0884
Remick, Polly	297-4365
Salinas, Debbie	297-8025
Schmidt, Tom	215-9008
Sokatch, Char	297-4016
Straumanis, Sarma	297-7965
Strojny, Carol	297-1893
Swenson, Karli	282-2600
Thomas, Doug (cell 651-308-8647)	297-5617
Wenzel, Tom (cell 612-720-1412)	296-0883
Weirens, Dave (cell 763-229-4308)	297-3432
Zellmer, Wayne	297-7361
Metro Office	282-9969
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Peterson, Lynda **(cell phone only)**	612-201-9806
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From: Peter Raeker
To: Anderson, MaryJo; Eisele, Bill; Harnack, Ron; Steve Woods; Thomas, Doug
Date: 11/10/2005 12:50:56 PM
Subject: Board announcement

This just in from the Gov's office:

***

FOR IMMEDIATE RELEASE:
Contact: Jeff Falk

November 10, 2005
(651) 296-0001

GOVERNOR PAWLENTY APPOINTS BURANDT TO THE

BOARD OF WATER AND SOIL RESOURCES

Saint Paul - Governor Tim Pawlenty today announced the appointment of Robert Burandt to the Board of Water and Soil Resources.

Robert Burandt, of Waconia, is an elected Carver County Soil and Water Conservation District Supervisor. Burandt also serves as the treasurer of his Soil and Water Conservation District. He is a fifth generation owner of Burandt Lakeview Farms and currently serves as treasurer of Carver Camp Gideons, and as a member of the building committee for Trinity Lutheran School in Waconia.

Burandt previously served on the American Dairy Association Board, the Trinity Lutheran Church Stewardship Board, and the Executive Board of Lutheran High School in Mayer. His history as a conservation-minded farmer goes back to 1977, when he was named Carver County Conservation Farmer of the Year.

Burandt is appointed to a Board position for a soil and water conservation district supervisor and will serve a four-year term which ends January 5, 2009. He replaces Victor Ormsby on the Board.

The Board of Water and Soil Resources (BWSR) is the state's administrative agency for 91 soil and water conservation districts, 46 watershed districts, 27 metropolitan watersheds, and 80 county water

management organizations. The agency's purpose, working through local government, is to protect and enhance the state's irreplaceable soil and water resources by implementing the state's soil and water conservation policy, comprehensive local water management, and the Wetland Conservation Act as it relates to the 41.7 million acres of private land in Minnesota. The board consists of 17 members, including 12 members appointed by the Governor.

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CC: leann.buck@maswcd.org; sheila.vanney@maswcd.org

FYI

NEWS RELEASE

Minnesota Board of Water and Soil Resources • 520 Lafayette Road North • St. Paul, MN 55155
Contact: Peter Raeker, Communications Office; 651-296-0884; fax: 651-297-5615 • www.bwsr.state.mn.us

For immediate release
October 26, 2005

Contact: Peter Raeker, 651-296-0884

BWSR BOARD TERMINATES COOKS VALLEY WATERSHED DISTRICT

St. Paul – At its October board meeting today (Oct. 26), the Minnesota Board of Water and Soil Resources voted to terminate the Cooks Valley Watershed District.

The action concluded a process that began when a petition was filed with BWSR on June 28 to terminate the watershed district. One hundred eleven resident owners in the Cooks Valley Watershed District filed a petition with the Wabasha County auditor on June 21 to terminate the watershed district. State law requires that at least 25 percent of resident owners in a particular watershed district sign a petition to terminate a watershed district before it can be brought before the BWSR board for action. As part of the process, a public hearing was held Sept. 27 in Wabasha.

The watershed district was approximately 44.5 square miles and was entirely within Wabasha County. It included all or parts of the cities of Kellogg and Wabasha, and the towns of Glasgow, Greenfield, Highland, Minneiska, and Watopa. The watershed district was established in 1963.

A BWSR board subcommittee noted that the watershed district should be terminated for the following reasons:

- A watershed management plan has not been revised in more than 40 years.
- Oaths of office and bonds for the managers have not been filed with BWSR since 1969.
- A board of managers for the watershed district has not met since 1991.
- No advisory committee has been appointed since the watershed district was established.
- No bylaws or rules have been adopted since the watershed district was established.
- No reports or audits have been filed with BWSR since the watershed district was established.
- The watershed district has collected no funds in more than 25 years.
- The watershed district has not commenced any type of project or program in more than 25 years.
- The watershed district does not benefit the public welfare and public interest, and the watershed district is not needed to accomplish the purpose of Minnesota Watershed Law.

Watershed districts are local units of government that work to solve and prevent water-related problems. With the termination of this watershed district, Minnesota has 46 total watershed districts.

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(This news release is posted on BWSR's web site: www.bwsr.state.mn.us/news/)

PYI

NEWS RELEASE

Minnesota Board of Water and Soil Resources • 520 Lafayette Road North • St. Paul, MN 55155
Contact: Peter Raeker, Communications Office; 651-296-0884; fax: 651-297-5615 • www.bwsr.state.mn.us

November 1, 2005
For immediate release

Contacts: Peter Raeker, BWSR, 651-296-0884
Sheila Vanney, MASWCD, 651-690-9028

STORY TIP: Eight named as finalists for state's 2005 Outstanding Conservationist Award

ST. PAUL—The Minnesota Association of Soil and Water Conservation Districts (MASWCD) has named the finalists for the state's 2005 Outstanding Conservationist Award.

The winner will be announced at the 69th annual MASWCD Annual Meeting, set for Dec. 4-6 at the Sheraton Bloomington Hotel. 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) Lundeen Farms, Kelly and Connie Lundeen, Trail, Area I Outstanding Conservationists (nominated by Pennington SWCD). **SWCD contact:** Bryan Malone, (218) 683-7075.

Background on the Lundeens: They operate a grain farm, raising wheat, soybeans, sunflowers, corn, and alfalfa. They have planted about a mile of multiple row farmstead windbreaks and use conservation tillage practices to control wind erosion. A portion of their farm is certified organic, where they raise soybeans and blue corn. Lundeen Farms was accepted into the Conservation Security Program. They also planted over 5 acres of trees and shrubs through the Wildlife Habitat Incentives Program and installed a 3,800-foot filter strip along the Red Lake River.

Quote from Pennington SWCD: Lundeen Farms was recently accepted into the Conservation Security Program. Considering the goals of CSP to reward the best and motivate the rest, it seems that the Lundeens are Outstanding Conservationists for Pennington County.

2) John and Jill Walkup, Campbell, Area II Outstanding Conservationists (nominated by West Otter Tail SWCD). **SWCD contact**: Brad Mergens, (218) 739-1308.

-More-

Background on the Walkups: The Walkups, who have been farming for more than 30 years, operate a 1,200-acre grain farm incorporating conservation tillage practices. They raise corn, soybeans, wheat, alfalfa, and sunflowers. They also manage a beef operation. Their conservation practices include field and farmstead windbreaks, wildlife tree plantings, and food plots. The Walkups established 2,500 feet of riparian buffers and installed several water and sediment control basins to improve water quality in Upper Lighting Lake.

Quote from West Otter Tail SWCD: People like the Walkups are key to soil and water conservation success, now and into the future.

3) Ron and Sue Johnson, Lindstrom, Area III Outstanding Conservationists (nominated by Chisago SWCD). SWCD contact: Craig Mell, (651) 674-2333.

Background on the Johnsons: The Johnsons have been active in treating all of their resource concerns on their family farm. The first main conservation project they carried out was to stabilize their shoreline along First Lake. They also installed a grass filter strip along their lakeshore to provide a buffer between the lake and runoff from their farmstead. Their other projects have included clean water diversions, an animal waste storage facility, abandoned well sealing, residue management, nutrient management, and pest management.

Quote from Chisago SWCD: The Johnsons have shown a strong commitment to preserving their family farm while coexisting in a rapidly developing county. This commitment has been evident through the countless number of projects that they have completed through the SWCD/NRCS office and the strong leadership they have shown in the community through involvement with a variety of local, state, and international organizations.

4) Kevin and Curtis Koepp and family, Belle Plaine, Area IV Outstanding Conservationists (nominated by Scott SWCD). SWCD contact: Peter Beckius, (952) 492-5425.

Background on the Koepps: The Koepps are operating approximately 1,300 acres of cropland in Scott, Le Sueur, and Sibley counties. They have worked closely with SWCD staff to develop plans that address conservation concerns on the land. The Koepps have worked with SWCD to install numerous filter strips, a wetland restoration, water and sediment control basins, upland buffers, and rock inlets. They also have land enrolled in the Conservation Reserve Program and have residue, pest, and nutrient management plans in the Environmental Quality Incentives program on several of their tracts.

Quote from Scott SWCD: The Koepps have been pioneers in soil conservation in Scott County since the early 1800s and the latest Koepp generation is no exception to this family's farming tradition. Although modest about their contributions, the Koepp brothers have made an impact on the land as well as the people.

5) Rod Vander Ziel (operator) and Fern Harris (landowner), Marshall, Area V Outstanding Conservationists (nominated by Lyon SWCD). SWCD contact: Rose Anderson, (507) 537-0396, ext. 3.

Background on Vander Ziel and Harris: Vander Ziel operates a corn and soybean rotation with a small sheep herd near Marshall. Part of the land in his operation is owned by Harris; both enjoy a long-standing relationship in farming and conservation. Harris installed a number of grassed waterways and field windbreaks since the 1950s, including a new waterway in 2005 in cooperation with Vander Ziel. Vander Ziel has installed field windbreaks and is one of two known ridge tillers in Lyon County, and has practiced ridge tilling since 1988 when he began farming on his own.

Quote from Lyon SWCD: Rod and Fern have been excellent cooperators with the Lyon SWCD and both have been exemplary facilitators of conservation measures both now and in the past. They both have a firm belief that we don't own the land we live on, we rent it from future generations, and it is our duty to leave the land in better condition than we found it.

6) K & L Pork, Keven and Larry Rahn, Good Thunder, Area VI Outstanding Conservationists (nominated by Blue Earth SWCD). SWCD contact: Kari Christnagel, (507) 345-4744, ext. 4.

Background on the Rahns: Keven and Larry Rahn, who farm almost 2,000 acres near the city of Good Thunder, were some of the first landowners in Blue Earth County to qualify for the Conservation Security Program on 190 of their cropland acres. They have land enrolled in the nutrient management NRCS Environmental Quality Incentives Program (EQIP) and in the Lower Maple River Clean Water Partnership nutrient management program. The Rahns have planted windbreaks around all of the farm sites. They have installed terraces, waterways, and other structures to control erosion on their farms. They have established or maintained habitat transition zones such as filter strips, field borders, and contour buffer strips.

Quote from Blue Earth SWCD: The Rahns have been very progressive in their stewardship of the land. This is evident in their enrollment in the Lower Maple River Watershed Programs, Environmental Quality Incentives Program, and the Conservation Security Program.

7) The Serfling Family, Preston, Area VII Outstanding Conservationists (nominated by Fillmore SWCD). SWCD contact: Jeremy Maul, (507) 765-3878, ext. 3.

Background on the Serflings: They operate a diversified crop and livestock farm in the rolling hills of southeastern Minnesota. Called a model for conservation farming, their operation includes several examples of conservation practices, including resource-conserving crop rotations, sinkhole treatment, manure management techniques, and conservation tillage. They also worked with Fillmore SWCD to construct a windbreak and restore a wetland.

Quote from Fillmore SWCD: The Fillmore SWCD believes that the Serfling family has been an example for others to follow, not just in the last year or two, but for the past two decades. They have repeatedly shown that conservation programs can be economically feasible, not just environmentally functional.

8) Jerry and Lois Nanik, Verndale, Area VIII Outstanding Conservationists (nominated by Wadena SWCD). SWCD contact: Malinda Dexter, (218) 631-3195, ext. 3.

Background on the Naniks: They own and operate a farm north of Verndale. The Naniks have installed wildlife ponds, miles of field windbreaks, and have used conservation minimum till on hundreds of acres. In 2005, they enrolled in the NRCS Environmental Quality Incentives Program Low Pressure Conversion and Irrigation Water Management Program. They converted two fields from high pressure to low-pressure irrigation systems.

Quote from Wadena NRCS: Whether it has been in the field while planting trees or in the office going over the paperwork, Jerry has been enthusiastic, conscientious, and gracious toward the Wadena SWCD and NRCS staff when working toward his and Lois's conservation objectives.

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NEWS RELEASE

Minnesota Board of Water and Soil Resources • 520 Lafayette Road North • St. Paul, MN 55155
Contact: Peter Raeker, Communications Office; 651-296-0884; fax: 651-297-5615 • www.bwsr.state.mn.us

November 3, 2005
For immediate release

Contact: Peter Raeker, 651-296-0884

BWSR DISTRIBUTES QUESTIONNAIRE AS PART OF DITCH BUFFER STUDY

ST. PAUL – The Minnesota Board of Water and Soil Resources (BWSR) is distributing questionnaires to drainage authorities in Minnesota as part of a study of buffers along public drainage ditches.

In the last legislative session, the Minnesota Legislature directed BWSR to conduct an assessment of public drainage system buffers and their use, maintenance, and benefits. The assessment is being done in consultation with farm groups, conservation groups, watershed districts, soil and water conservation districts, counties, and federal agencies. BWSR was provided $109,000 to fund the study. Because Minnesota has thousands of miles of public and private drainage ditches, buffer strips along these ditches are a significant issue from both environmental and agricultural production perspectives.

The Soil and Water Conservation Board conducted a related statewide study in 1986-87, and BWSR conducted an inventory of metro area drainage authorities in 1993-94.

The primary components of the latest study include:

-Historical information about the minimum 1-rod grass buffer strip requirement of state law;

-A survey of county, watershed district, and watershed management organization drainage authorities regarding the status of use, maintenance, and enforcement of grass buffer strips;

-A literature review about the benefits of grass buffer strips along drainage ditches; and

-A summary of voluntary buffer strip implementation along drainage ditches in Minnesota in recent years through voluntary conservation programs.

BWSR is working with the Water Resources Center at Minnesota State University, Mankato, on the survey design and documentation. BWSR is working with the University of Minnesota on the literature review. A copy of the questionnaire is available on the BWSR web site: www.bwsr.state.mn.us.

Ditch authorities are asked to return the questionnaire by Dec. 9. The Legislature asked for a report on the study in early 2006.

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NEWS RELEASE

Minnesota Board of Water and Soil Resources • 520 Lafayette Road North • St. Paul, MN 55155
Contact: Peter Raeker, Communications Office; 651-296-0884; fax: 651-297-5615 • www.bwsr.state.mn.us

November 7, 2005
For immediate release

Contact: Peter Raeker, 651-296-0884
Wayne Zellmer, 651-297-7361

BWSR ACCEPTING GRANT APPLICATIONS FOR BEAVER DAMAGE CONTROL

ST. PAUL – The Minnesota Board of Water and Soil Resources (BWSR) is now accepting grant applications for the control of beaver activities causing damage to public waters, roads, and ditches and adjacent private property.

Grant funds are provided by the State of Minnesota through BWSR only to joint powers boards established under Minnesota Statutes Section 471.59, Soil and Water Conservation Districts, and Indian tribal governments. Landowners do not qualify for the grant funds.

The maximum award for individual local government or tribal government applicants is $5,000. The maximum award for multi-local government or tribal government applicants is $20,000. A one-to-one minimum cash and/or in-kind match is required. Application period ends Feb. 1, 2006.

Successful applicants are expected to receive funding in April 2006. The period of the grant will end June 30, 2008. Grantees will be required to submit a yearly report to BWSR on their efforts to control beaver damage. BWSR received a $100,000 appropriation for the project.

The Minnesota Department of Agriculture ran a similar program from 1994 to 2001.

Grant application forms are available from the BWSR website or by contacting Wayne Zellmer at BWSR, phone 651-297-7361 or e-mail: wayne.zellmer@bwsr.state.mn.us.

Because beavers are a protected species in Minnesota, a permit may be required to implement a beaver control program. BWSR is working with the DNR to coordinate permitting.

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(This news release is posted on BWSR's website: www.bwsr.state.mn.us)

NEWS RELEASE

Minnesota Board of Water and Soil Resources • 520 Lafayette Road North • St. Paul, MN 55155
Contact: Peter Raeker, Communications Office; 651-296-0884; fax: 651-297-5615 • www.bwsr.state.mn.us

November 23, 2005
For immediate release

Contact: Peter Raeker, BWSR, 651-296-0884
Sarma Straumanis, Mn/DOT, 651-284-3788

Mn/DOT-BWSR AGREEMENT CREATES WETLAND BANKING COOPERATIVE

St. Paul, Minn. – A new wetland-banking cooperative at the Minnesota Board of Water and Soil Resources has created a centralized program to oversee replacement of wetlands lost due to road construction projects in Minnesota, thanks to an agreement reached between BWSR and the Minnesota Department of Transportation.

Both agencies had been running separate wetland banking programs prior to the agreement. BWSR handled wetlands lost through repair and rehabilitation of local roads, such as county and township road projects. Mn/DOT was responsible for wetland replacements involving their highway construction projects.

The agreement will be in effect for five years. According to the terms, BWSR will receive $1 million a year in funding to run the combined program. In return for the funding, BWSR will develop mitigation banking sites for joint use, and both agencies can use existing banking sites.

Wetland regulations require that replacement of a wetland lost due to road construction be done prior to an impact. To stay ahead of the mitigation, wetlands are restored, and the wetland credits established at these sites are deposited into a bank from which the agencies draw credits.

"This is a win-win for both agencies," said Frank Pafko, director of environmental services at Mn/DOT. "Our project managers will have access to a larger pool of wetland bank sites as a result of this agreement. In addition, wetland replacement will be more cost effective due to economies of scale achieved by pooling resources."

"BWSR and Mn/DOT had been competing for some of the same sites, and add on a hot land market, it's often challenging to find good sites where we need them," said Greg Larson, BWSR technical services director.

Prior to the agreement, BWSR and Mn/DOT could only use credits from their own banking sites to replace wetlands lost to road projects. In 2006, BWSR will begin to purchase credits from private banking sites to meet projected needs.

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NEWS RELEASE

Minnesota Board of Water and Soil Resources • 520 Lafayette Road North • St. Paul, MN 55155
Contact: Peter Raeker, Communications Office; 651-296-0884; fax: 651-297-5615 • www.bwsr.state.mn.us

FOR IMMEDIATE RELEASE
November 30, 2005

Contact: Peter Raeker, BWSR, 651-296-0884

Conservation partners join to restore Otter Tail County wetland, honor colleague

OTTER TAIL COUNTY—Conservation partners in Otter Tail County are turning something bad that happened to the county's wetland resources into something positive for wildlife, water quality, and recreation. At the same time, they'll honor the memory and work of Grant Coyour, a Minnesota Department of Natural Resources conservation officer and pilot who died in 1999.

The negative part of this story relates to a series of wetland violations in the county. In April 2003, a local landowner was ordered to pay more than $123,000 in restitution and serve a jail sentence for violating Minnesota's Wetland Conservation Act. He was found guilty by a jury of a series of wetland violations dating back to 1998.

What's the positive? The restitution, when coupled with funding from Pheasants Forever, the Minnesota Habitat Corridors Partnership, and other local partners, allowed for the acquisition of a 160-acre tract of land southwest of Fergus Falls. Local partners are already designing the wetland and upland restoration for the unit, which includes more than 28 acres of wetlands.

Once the restoration project is finished, the land will be donated to the Minnesota Department of Natural Resources and will become the Conservation Officer Grant Coyour Memorial Wildlife Management Area (WMA).

Coyour joined the DNR in 1988 as a conservation officer in Moose Lake, working as a field officer and a standby pilot. He worked with the DNR's Marine Unit in Duluth for a short time before becoming a full-time pilot in 1997. He and researcher Eric Cox, of Harbor Springs, Mich., were killed in June 1999 when their aircraft crashed south of Baudette. They were conducting a moose tracking survey in the Red Lake Wildlife Management Area at the time of the crash.

In 1993, Coyour received the DNR Division of Enforcement "Meritorious Service Award for Valor" for his actions in an armed hostage situation. "Grant was full of life and greatly enjoyed the outdoors and protecting the resources. He is still missed within the DNR Enforcement family and this is a wonderful tribute to his memory," said Colonel Mike Hamm, DNR enforcement chief.

The restoration project will result in complying with the court's sentencing order for restitution in the case, while the supplemental funds will allow additional wetlands and upland habitat to be restored.

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"The good news is that the restitution dollars are going to be put back into wetlands and wetland habitats," said Matt Holland, Minnesota director of conservation for Pheasants Forever, Inc. "This quarter section will be restored and provide benefits to all Minnesotans in perpetuity. In that respect, it's a good thing for soil, water, wildlife, and people."

Holland also noted that the project is "smack dab in the middle of a complex of private and public land habitat projects." He expects that once the project is finished, it will attract a wide range of waterfowl, songbirds, pheasants, prairie chickens, and deer.

The restoration is not taking place on land where the violation took place because of the landowner's failure to comply with previous court orders, according to Dale Krystosek, Board of Water and Soil Resources wetland specialist. The restitution figure was based on what it would cost at that time to buy wetland banking credits on the open market. The court order specified that the mitigation of the impacted wetlands be done at a two to one ratio.

The court recently gave permission to the DNR and BWSR to enter into an agreement with Pheasants Forever to purchase land for the mitigation. Local PF chapters providing funding include: Otter Tail, Pelican River, and Clay County. The Fergus Falls Fish and Game Club, the Bois De Sioux Watershed District, Ashby Coots Unlimited, and Andrew and Brenda Lacey also supported the project. The Habitat Corridors Partnership funding is made possible by the Minnesota Environment and Natural Resources Trust Fund.

"We're pleased to see such a positive outcome to the original wetland violations and the court case," Krystosek said. "The wetland restoration will take place in an area that was likely a calcareous fen prior to conversion to agriculture several decades ago. This wetland type is rare and receives special protection under state wetland laws."

A formal dedication of the site is expected to take place in late summer 2006.

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Photo of Grant Coyour available by e-mailing Peter Raeker: peter.raeker@bwsr.state.mn.us.
Photo credit: Department of Natural Resources.

FFIS

BUDGET BRIEF 05-15

Appropriations and Reconciliation Update December 5, 2005

Executive Summary

With all but two appropriation bills enacted, Congress is expected to complete work on the fiscal year (FY) 2006 budget when the Senate returns next week. Two reconciliation bills, one to reduce federal spending for mandatory programs and another to reduce taxes, are part of a totally separate process that also is ongoing.

Table 1 provides a brief description of major FY 2006 federal budget actions and lists the status of each.

Timetable

One reconciliation bill under consideration would reduce taxes, primarily by extending provisions that currently expire and possibly amending provisions surrounding the alternative minimum tax. The Senate has passed its tax reconciliation package; the House is expected to consider its package in the next several days. No projection is currently being offered for when this legislation will head into conference or be reported out of conference; it may not be brought to a final vote before next year.

The second reconciliation bill would reduce the cost of entitlement programs. On December 1, 2005, in a press statement following a recent leadership retreat, Speaker Hastert and Majority Leader Frist affirmed their commitment to passage of this bill in 2005. They hope to develop a conference agreement and pass it by December 19 or 20. Differences remain both in the overall size of the spending reductions and in the specific cuts proposed, but leadership expects that these differences can be resolved.

Other items mentioned by Majority Leader Frist for immediate consideration include the Patriot Act and the Department of Defense appropriations bill, through which funds for pandemic flu activities may be provided. Frist made no mention of the other pending appropriations bill of interest to states, the bill covering the departments of Labor, Health and Human Services, Education and related agencies.

Reconciliation

Both the House and the Senate have passed their reconciliation packages. The House package calls for $53.9 billion in mandatory spending cuts, exceeding the original spending cut target of $34.7 billion. The Senate package calls for $35 billion in cuts.

Social Services

The House proposal reduces the child support enforcement program, including reducing the federal matching rate for administration, assessing a $25 fee on some families receiving services and allowing more of the collections from child support payments to be distributed to families. (For more information on these provisions, see *Issue Brief 05-48.)*

Also included in this package is Temporary Assistance for Needy Families (TANF) reauthorization. The bill would reauthorize TANF at its current annual funding level ($16.6 billion). High-performance bonuses would be eliminated along with grants to states for reducing out-of-wedlock births. The bill would require TANF participants who are receiving cash assistance to participate in an increased amount of work activities. Recipients would be required to work 40 hours a week, an increase for parents with a child under age 6 who currently must meet a 20-hour requirement. The percent of recipients engaged in countable activities would rise from the current 50% to 70%. Also, activities defined as work would be reduced from the number in current law.

Medicaid/Medicare

The Senate reconciliation bill includes substantial savings from Medicare, but those provisions would have little real effect until FY 2008 (see *Budget Brief 05-13*). The House has no such provisions. The Senate bill also contains a "Sense of the Senate" resolution that expresses opposition to the reduction in the child support program included in the House reconciliation package.

Senate The Senate bill would establish a new standard for prescription drug pricing based on average manufacturer prices with new upper limits for single-source drugs, generics and critical access pharmacies, and would require states to pay dispensing fees. It would increase minimum rebates on brand name drugs, require rebates on certain physician-administered drugs and include rebates to managed-care organizations with Medicaid enrollees. It would tighten rules limiting asset transfers. Reimbursement for targeted case management would be restricted, and the requirement that provider taxes apply to all providers would be extended to Medicaid managed-care organizations, with hold-harmless provisions for current states.

The availability of funds for spending under the State Children's Health Insurance Program (SCHIP) would be shortened from three to two years, and unspent funds from FYs 2003-2004 would be redistributed to states expected to fully exhaust currently available SCHIP resources. Additional Medicaid relief would be provided for disaster-related services for residents of certain counties in Alabama, Louisiana and Mississippi. Current-law reductions in federal medical assistance percentages (FMAPs) and enhanced FMAPs now in place for most states would be limited.

House House Medicaid provisions are similar to those in the Senate, although they would collect substantially less from prescription drug savings and more from asset transfer changes. The House bill also provides for increased cost-sharing for certain beneficiaries as a state option and tiered co-payments. It provides for state flexibility through such provisions as the availability of benchmark coverage to certain beneficiaries and a less cumbersome waiver process.

The House bill has no SCHIP provisions, and its FMAP provisions are limited to those providing for disaster victims and protecting states from unusual circumstances, such as those resulting from extraordinary pension payments and from the population and income impacts of Katrina evacuees.

Appropriations

All but two appropriation bills, Labor/HHS/Education and Defense, have been signed into law.

The agriculture appropriations bill became P.L. 109-97 on November 11,

2005. It provides $5.3 billion for the Women, Infants and Children program, an increase of $22 billion from FY 2005.

Work on the bill covering energy and water programs also was completed in November and included a 5% increase for the Weatherization Assistance Program.

Table 2 lists the appropriated amounts for the major state grant programs.

Labor/HHS/ Education

A bill covering appropriations for the departments of Labor, Health and Human Services, Education and related agencies was reported out of conference committee in November but failed in the House; it is expected to head back to conference to be re-worked. Failure to develop a new bill could result in these programs being funded by a continuing resolution for the remainder of the fiscal year.

Labor The failed conference report included $3.7 billion for the four programs that make up the Workforce Investment Act, $537 billion less than FY 2005. The four programs and the proposed funding are: $1.2 billion for dislocated worker assistance, $866 million for adult training, $950 million for youth training and $723 million for employment services. The president's proposal to combine funding for these programs was rejected.

The report also included $2.5 billion for unemployment insurance, $141 million less than FY 2005.

Health Most health grants are approximately level-funded or reduced. The most substantial reductions are for bioterrorism grants in the Centers for Disease Control and Prevention (-$158 million) and the maternal and child health block grant (-$24 million) and preventive health services block grant (-$31 million). Some other non-grant programs that interact with state programs experienced much larger reductions, such as Bureau of Health Professions training for diversity and interdisciplinary community-based programs. The consolidated health centers increase of $66 million was substantially less than the $300 million recommended in the president's budget, probably deferring the expected opening of a number of new centers.

Human Services The Low Income Home Energy Assistance Program (LIHEAP) is level-funded at $2.2 billion. Substantial interest has centered on increasing funding for this program in light of recent increases in energy costs, including $1 billion in the House-passed reconciliation bill.

Most other human services programs would be level-funded or have their funding cut slightly. However, refugee assistance would receive an additional $92 million for FY 2006 and Head Start would receive an additional $10 million.

Education Title I and special education state grants are funded at $12.8 billion and $11.5 billion, a less than 1% increase from FY 2005 for each. Most other education programs are level-funded.

Congress did provide reduced funding for educational technology state grants, drug-free schools and Even Start, programs the president proposed to eliminate in his FY 2006 budget.

Commerce/Justice/ State/Science

The FY 2006 spending bill for the Department of Justice reduces funding to major state criminal justice programs, continuing the trend from previous fiscal years. Justice Assistance Grants were funded at a 41% cut from FY 2005. The COPS program was reduced by 20% and the Violence Against Women STOP Grants were reduced by 5%. The only exception is the 34% increase in funding for the State Criminal Alien Assistance Program.

Transportation/ Treasury/HUD

The federal-aid highway obligation limitation was increased by $1.8 billion (5.2%) and the airport and airways obligation ceiling by $78 million (2.3%). Overall, mass transit funding would increase $1.1 billion (13%), with reductions in capital investment grants more than made up for by substantial increases in formula grants.

Most community development programs in the Department of Housing and Urban Development would receive 8-9% reductions. A $1 billion increase in funding for the public housing operating fund primarily reflects an accounting shift in FY 2003, and the program is approximately level-funded.

Next Steps

When the House reconvenes this week, the situation regarding the Labor/HHS/Education appropriations bill may come into better focus. The Defense appropriation bill also will be addressed. Not until the Senate returns next week, however, will a game plan for this busy budget season begin to take shape. At the very least, the spending reconciliation package and Defense appropriations bill look to be leadership priorities for completion by the end of the year. Tax reconciliation and Labor/HHS/Education appropriations could slip into the new year.

For additional information, contact:

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Table 1

Status of Major Federal Budget Actions

Action	Bill Number	Description	Important Components	Status	FFIS Product
Budget Resolution	H. Con. Res 95	Sets targets for spending and reconciliation.	Allows $2.56 trillion in total budget authority. Sets limits at $843 billion in discretionary spending and $1.6 trillion for mandatory spending. Calls for $1.5 billion (FY 2006) and $34.7 billion (FY 2006-2010) in savings from mandatory spending programs.	Concurrent resolution passed.	Budget Brief 05-04 Budget Brief 05-05
Budget Reconciliation	S. 1932, H.R.4241	Provides for spending reductions in mandatory programs to be enacted under expedited procedures.	Both bills change Medicaid prescription drug pricing, tighten rules on asset transfers, restrict targeted case management reimbursement and constrain Medicaid managed care reimbursement structures. The Senate bill also minimizes FMAP losses and redistributes SCHIP funds. The House bill permits states flexibility for Medicaid waivers and recipient cost sharing, cuts child support enforcement by $5 billion over 5 years, and cuts child welfare and food stamp funding. The House bill also reauthorizes TANF for 5 years.	Senate passed S. 1932. House approved S. 1932 with language from House-passed H.R. 4241 inserted into S. 1932.	Budget Brief 05-04 Budget Brief 05-05 Budget Brief 05-13 Issue Brief 05-47 Issue Brief 05-48
Tax Reconciliation	S. 2020, H.R.4297	Outlines tax cuts.	Senate plan calls for $74 billion in tax cuts over 5 years, but includes $14.5 billion in revenue-raising offsets. House plan calls for $56 billion in tax cuts over 5 years.	House Ways and Means committee passed H.R. 4297. Senate passed S. 2020.	Budget Brief 05-04 Budget Brief 05-05
Katrina Relief Transfers and Rescissions		Provides funds for rebuilding federal facilities, reimbursing federal agencies and assisting governments with Katrina-related costs.	Calls for transfers of funds from the already appropriated FEMA disaster relief fund and for rescissions of many grant-in-aid programs to finance Katrina-related federal expenses and some relief expenses for affected states.	May be considered as part of Department of Defense FY 2006 appropriations.	Budget Brief 05-14
Labor/ HHS/ Education Appropriations	H.R. 3010	Provides funding for the departments of Labor, Health and Human Services, Education and related agencies.	Constrained totals for discretionary programs produce many programs level-funded or with small cuts; some substantial cuts.	Conference report passed Senate, failed House.	Budget Brief 05-07 Budget Brief 05-08 Budget Brief 05-09 See Table 2
Commerce/ Justice/ Science Appropriations	H.R. 2862	Provides funding for science, the departments of Commerce, Justice and related agencies.	Provides $6.6 billion for the Department of Commerce and $21.7 billion for the Department of Justice including more that $320 million for Justice Assistance Grants.	P.L. 109-108	See Table 2
Transportation/ Treasury/HUD Appropriations	H.R. 3058	Provides funding for the departments of Transportation, Treasury, Housing and Urban Development, the judiciary, District of Columbia and independent agencies.	Provides increases for transportation reflecting the new SAFETEA-LU authorization and net reductions for community development and wastewater treatment programs.	P.L. 109-115	Budget Brief 05-08 Budget Brief 05-09 See Table 2
Homeland Security Appropriations	H.R. 2360	Provides funding for the Department of Homeland Security.	Provides a total of $30.8 billion for the Department of Homeland Security. First responder formula grants provide a 0.75% minimum to states and disburse the remaining money based on risk.	P.L. 109-90	Budget Brief 05-06 Budget Brief 05-11 See Table 2

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Table 2

Funding for Selected Major Programs

(dollars in millions)

Major Discretionary	Enacted 1/ FY 2005	Pres. Budget FY 2006	House FY 2006	Senate FY 2006	Conference* FY 2006	Change FY 2005 vs. Conference $ Change	% Change
Department of Agriculture	**$5,235**	**$5,510**	**$5,257**	**$5,257**	**$5,257**	**$22**	**0.42%**
Women, Infants & Children (WIC)	5,235	5,510	5,257	5,257	5,257	22	0.42%
Department of Commerce	**254**	**3,710**	**201**	**284**	**254**	**$0**	**0.00%**
Economic Development Assistance 2/ 9/	254	0	201	284	254	0	0.00%
Economic Development Grants 9/	0	3,710	0	0	0	0	
Department of Education	**49,528**	**49,738**	**49,924**	**49,367**	**49,416**	**-$112**	**-0.23%**
Title I: Education for the Disadvantaged 4/	12,740	13,342	12,840	12,840	12,840	100	0.78%
Improving Teacher Quality 4/	2,917	2,917	2,917	2,917	2,917	0	-0.01%
Educational Technology State Grants	496	0	300	425	275	-221	-44.56%
Impact Aid	1,244	1,241	1,241	1,241	1,241	-3	-0.25%
Innovative Programs Block Grants 4/	198	100	198	100	100	-98	-49.60%
Reading First 4/ 21/	1,042	1,042	1,042	1,042	1,042	0	0.00%
21st Century Community Learning Centers	991	991	991	991	991	0	0.01%
State Assessments	412	412	412	412	412	0	0.00%
Drug-Free Schools State Grants 4/	437	0	400	300	350	-87	-19.99%
Special Education State Grants 4/ 18/	11,415	11,923	11,565	11,519	11,515	100	0.88%
Even Start	225	0	200	0	100	-125	-55.59%
English Language Acquisition 4/	676	676	676	683	676	0	0.03%
Vocational & Adult Education 4/ 24/	2,038	216	1,992	1,927	2,012	-25	-1.25%
Pell Grants 20/	12,929	13,619	13,383	13,177	13,177	248	1.92%
Federal Supplemental Ed. Opportunity Grants	779	779	779	805	779	0	0.00%
Work Study	990	990	990	990	990	0	0.02%
High School Assessments	0	250	0	0	0	0	
High School Intervention	0	1,240	0	0	0	0	
Health and Human Services	**22,478**	**21,746**	**22,091**	**22,521**	**22,463**	**-$15**	**-0.07%**
Substance Abuse Block Grant	1,776	1,776	1,776	1,776	1,776	0	0.00%
Mental Health Block Grant	433	433	433	433	434	1	0.34%
Maternal & Child Health Block Grant	724	724	700	710	700	-24	-3.34%
Consolidated Health Centers	1,734	2,038	1,834	1,839	1,800	66	3.82%
Preventive Health Block Grant	131	0	100	100	100	-31	-23.63%
Family Planning	286	286	286	286	286	0	0.11%
Immunization Grants 13/	481	416	490	511	500	19	3.95%
Ryan White AIDS Grants	2,073	2,083	2,083	2,083	2,083	10	0.47%
CDC-State & Local Capacity (Bioterrorism)	927	797	853	753	769	-158	-17.03%
Head Start 4/	6,844	6,899	6,899	6,874	6,854	10	0.15%
Child Welfare Services	290	290	290	290	290	0	0.12%
Community Services Block Grant	637	0	320	637	637	0	0.02%
Child Care & Dev. Block Grants	2,083	2,083	2,083	2,083	2,083	0	-0.01%
Low Income Home Energy Assistance 8/	2,183	2,000	2,007	2,183	2,183	0	0.00%
Refugee Assistance	484	552	561	571	576	92	18.98%
Administration On Aging	1,393	1,369	1,376	1,392	1,392	-1	-0.07%
HUD and Independent Agencies	**32,673**	**30,110**	**34,002**	**34,062**	**33,921**	**$1,248**	**3.82%**
Community Development Block Grant (Entitlement) 9/	2,882	0	2,702	2,590	2,624	-258	-8.96%
Community Dev. Block Grants (Nonentitlement) 9/	1,235	0	1,158	1,110	1,125	-110	-8.95%
Homeless Assistance Grants	1,241	1,404	1,344	1,415	1,340	99	7.98%
HOME Program	1,900	1,941	1,900	1,900	1,750	-150	-7.88%
Public Housing Operating Fund 19/	2,438	3,407	3,600	3,407	3,600	1,162	47.66%
Tenant-Based Rental Assistance (Section 8) /12	14,766	15,845	15,531	15,636	15,574	808	5.47%
Project-Based Rental Assistance (Section 8) /12	5,298	5,072	5,088	5,072	5,088	-210	-3.97%
Housing for the Elderly	741	741	741	742	742	1	0.13%
Housing for Persons with Disabilities	238	120	238	240	239	1	0.39%
EPA Clean Water State Rev. Fund	1,091	730	850	1,100	990	-101	-9.27%
EPA Drinking Water State Rev. Fund	843	850	850	850	850	7	0.81%
Departments of Energy and Interior	**189**	**188**	**188**	**188**	**188**	**-$1**	**-0.78%**
Abandoned Mine Rec. Fund	189	188	188	188	188	-1	-0.78%
Weatherization Assistance Program	228	230	235	240	240	12	5.19%
Department of Justice 2/	**1,668**	**275**	**1,346**	**1,451**	**1,412**	**-$256**	**-15.36%**
Violence Against Women	166	157	157	157	157	-9	-5.15%
COPS/21st Century Policing 19/	598	118	520	515	478	-120	-20.05%
Local Law Enforcement Block Grant 15/	0	0	0	0	0	0	
State Criminal Alien Assistance Program	301	0	355	200	405	104	34.59%
E. Byrne Formula Grants 15/	0	0	0	0	0	0	
Justice Assistance Grants 15/	549	0	253	530	321	-228	-41.45%
Juvenile Accountability Block Grant	54	0	60	49	50	-4	-7.86%
Department of Homeland Security	**2,555**	**2,260**	**2,220**	**2,123**	**1,920**	**-$635**	**-24.85%**
State Homeland Security Grant Program 23/ 26/	1,085	1,020	750	425	550	-535	-49.31%
Law Enforcement Terrorism Prevention Program	400	0	400	400	400	0	0.00%
Citizen Corps	15	50	40	25	20	5	33.33%
High-Threat, High-Density Urban Areas Grants 23/ 26/	875	1,020	850	1,093	765	-110	-12.57%
Emergency Management Performance Grants	180	170	180	180	185	5	2.78%

(Continued)

Major Discretionary (Cont'd.)	Enacted 1/ FY 2005	Pres. Budget FY 2006	House FY 2006	Senate FY 2006	Enacted* FY 2006	Change FY 2005 vs. Conference $ Change	% Change
Department of Labor	**$6,802**	**$6,711**	**$6,327**	**$6,702**	**$6,255**	**-$547**	**-8.05%**
Dislocated Worker Assistance 4/ 10/	1,476	1,075	1,193	1,476	1,193	-283	-19.17%
Adult Training 4/ 10/	896	866	866	894	866	-30	-3.35%
Youth Training 10/	986	0	950	986	950	-36	-3.66%
Employment Service State Admin. 10/	781	0	696	746	723	-58	-7.39%
Consolidated Grant Proposal 10/	0	2,148	0	0	0	0	
Unemployment Insurance State Admin.	2,664	2,622	2,622	2,600	2,523	-141	-5.28%
Department of Transportation	**46,009**	**46,602**	**47,949**	**44,283**	**49,334**	**$3,325**	**7.23%**
Airport Obligation Ceiling	3,472	3,000	3,600	3,500	3,550	78	2.25%
Highway Obligation Ceiling	34,263	34,700	35,000	39,500	36,032	1,769	5.16%
Highway Exempt from Ceiling	739	739	739	739	739	0	0.00%
Highway Traffic Safety Grants 25/	223	465	551	544	578	355	158.96%
Mass Transit Formula Grants 22/	4,000	6,135	4,417	n/a	6,980	2,980	74.50%
Mass Transit Capital Investment Grants 22/	3,312	1,563	3,642	n/a	1,455	-1,857	-56.07%
Subtotal: Discretionary	**$167,392**	**$166,850**	**$169,506**	**$166,239**	**$170,420**	**$3,028**	**1.81%**

Mandatory/Entitlement	Enacted 1/ FY 2005	Pres. Budget FY 2006	House FY 2006	Senate FY 2006		Change FY 2005 vs. Conference $ Change	% Change
Child Nutrition	11,803	12,454	12,412	12,412	12,661	858	7.27%
Commodity Assistance Program	179	178	179	180	179	0	0.00%
Food Stamps - State Administration	2,402	2,481	2,481	2,481	2,481	79	3.29%
Social Services Block Grant (SSBG)	1,700	1,700	1,700	1,700	1,700	0	0.00%
Child Care Entitlements to States 14/	2,717	2,717	2,917	2,917	2,917	200	7.36%
Temporary Assistance to Needy Families (TANF) 6/ 14/	16,886	16,892	16,886	16,886	16,886	0	0.00%
Child Support Enforcement Benefit Payments 3/ 4/	4,101	4,270	4,186	4,270	4,270	169	4.12%
Foster Care 17/	4,627	4,685	4,685	4,685	4,685	58	1.25%
Adoption Assistance	1,703	1,795	1,795	1,795	1,795	92	5.40%
Independent Living 7/ 16/	187	140	140	140	140	-47	-25.13%
Promoting Safe and Stable Families 16/	404	410	404	395	395	-9	-2.32%
State Child Health Insurance (SCHIP) 11/	4,725	4,082	4,082	4,082	4,082	-643	-13.61%
Medicaid Vendor Payments 5/	171,407	204,166	204,166	204,166	204,166	32,759	19.11%
Medicaid Administration	9,318	9,803	9,803	9,803	9,803	485	5.20%
Vaccines for Children 13/	1,469	1,502	1,502	1,502	1,502	33	2.25%
Vocational Rehab. State Grants	2,636	2,720	2,720	2,720	2,720	84	3.19%
Subtotal: Mandatory/Entitlement	**$236,264**	**$269,995**	**$270,058**	**$270,134**	**$270,382**	**$34,118**	**14.44%**
Total: Selected Grants-In-Aid	**$403,657**	**$436,845**	**$439,564**	**$436,373**	**$440,802**	**$37,145**	**9.20%**

*Conference amounts for Labor, Health and Human Services, and Education are not final but are as reflected in the conference agreement.

Footnotes:

1/ The enacted FY 2005 omnibus included a 0.8% across-the-board cut for most discretionary programs. Funding levels reflect the cut.

2/ The FY 2005 omnibus included a separate across-the-board cut of 0.54% for all programs in the departments of Justice and Commerce. Funding levels reflect the cut.

3/ Funding levels include administrative costs, hold-harmless payments, incentive payments, and access and visitation grants.

4/ Funding for these programs includes an advance appropriation.

5/ Medicaid budget authority data reflect two unusual events: the carryover of $6.0 billion of FY 2004 budget authority for use in FY 2005 and a new accounting system for Medicaid budget authority in FY 2006 to reflect accrued expenses incurred but not reported.

6/ Funding levels include state and territory family assistance grants and supplemental grants for population increases.

7/ The amounts include discretionary funding for education and training vouchers for youth aging out of foster care.

8/ Amounts include emergency funding of $298 million (FY 2005), and $183 million (conference), though Senate action after conference would make the full appropriation an emergency. Additional funding may be provided in one of a number of bills.

9/ The FY 2006 budget proposed Economic Development Grants, funded at $3.7 billion, that would replace several programs, including Economic Development Assistance and the Community Development Block Grant.

10/ Data reflect program years rather than fiscal years. The president's FY 2006 budget consolidates Dislocated Workers, Adult Training, Youth Services and Employment Services.

11/ SCHIP appropriations are provided in Title XXI of the Social Security Act. FY 2005 amount includes $0.6 billion in redistributed funds.

12/ In FY 2005, Section 8 funding was divided between tenant-based rental assistance and project-based rental assistance.

13/ Both houses rejected the budget proposal for an increase in Vaccines for Children offset by a $100 million reduction in the discretionary immunization program.

14/ These amounts are provided in authorizing legislation, which has not yet been reauthorized. Current funding expires on March 30, 2006.

15/ LLEBG and Byrne Grants were consolidated into Justice Assistance Grants in FY 2005. For FY 2006, the president proposes a new criminal justice grant program that does not appear to include formula funds for states.

16/ These programs consist of discretionary and mandatory funds; only the discretionary funds are subject to the FY 2005 across-the-board cut.

17/ The FY 2005 president's budget figures reflect a proposal for a child welfare financing option and changes to the eligibility process ($40 million in savings).

18/ Amount includes the basic state grant (Part B-611 and Part D-164), preschool grants (Part B-619), and grants for infants and families (Part C).

19/ For FY 2005, converting PHAs to calendar-year accounting is expected to save about $1 billion.

20/ The maximum grant amount increases to $4,150 in FY 2006 under the president's proposal. Also, the budget proposes $4.3 billion to make up a FY 2005 shortfall.

21/ This program's funding level excludes Early Reading First Grants.

22/ Details have not been made available for mass transit funding in the Senate.

23/ The Senate proposes $1.5 billion for grants to states, urban areas and regions, $425 million of which shall be allocated to states and territories in the same amount distributed in the state minimum for FY 2005. The conference report allocates 0.75% of the total grant to states and disbursed the remaining funds to states based on risk.

24/ New funding for state grants is eliminated in the FY 2006 budget proposal.

25/ The FY 2006 proposal and House appropriation would fund the program entirely from the appropriation rather than the current partial transfer from highways.

26/ The president's budget requires 20% of the funding allocated for this grant must be used for law-enforcement terrorism-prevention efforts.

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Organizations and Businesses:

Chippewa River Watershed Project

Citizens for Big Stone Lake

Clean Up the River Environment (CURE)

Coalition for a Clean Minnesota River (CCMR)

Earthrise Farm Foundation

Friends of the Minnesota Valley

Hawk Creek Watershed Project

Java River Company

Minnesota River School

Minnesota Trails Initiative

New Ulm Area Sport Fisherman

Tri-County Solid Waste

Twin Rivers Canoe Club

River Restoration Action Team, 3M Corporation

November 2, 2005

The Honorable Senator Norm Coleman
United States Senate
320 Hart Senate Office Building
Washington, DC 20510

Dear Senator Coleman,

On behalf of the Minnesota River Watershed Alliance, representing organizations that serve at least 700,000 of your constituents, we are writing to urge you to do what is right for Minnesota Farmers and the Minnesota River Watershed by voting for the Grassley-Dorgan Budget amendment on November 3rd. This amendment would save approximately $1 billion dollars and direct the savings towards restoring cuts to conservation and basic farm support programs, including the Conservation Security Program (CSP).

We are very concerned by your recent vote on October 19th where you followed Senator Saxby Chambliss' proposal in the Senate Ag. Committee to drastically reduce federal farm conservation programs.

We need you to understand that the CSP is a good program. It rewards farmers for providing conservation benefits to society. Unlike commodity program subsidies, the CSP links federal farm program subsidies to stewardship of our farm and water resources. The CSP is the best federal farm policy tool we have to keep family sized farmers on the land and move toward cleaner water and more abundant wildlife in the Minnesota River Watershed.

We know that Senator Dayton supports the Grassley-Dorgan Budget amendment. By supporting this amendment, you can free up funds that will allow the CSP to continue.

Do the right thing. Limit payments and use the savings to continue the CSP.

Farmers, Individuals and Land Owners:

Audrey Arner

Ron Bolduan

Pat Cragoe

Dee Czech

Richard Fish

Charlie Guggisberg

Larry Gunderson

Chris Hughes

Randy Krzmarzick

Kevin Molloy

Diane Overbo

Greg Roiger

Chantill Kahler Royer

Richard Currie Smith

Del Wehrspann

John White

Lyle Winterfeldt

Jim & Kathleen Wolf

Lucas Youngsma

Sincerely,

Members of the Minnesota River Watershed Alliance Coordinating Team:

Dee Czech Private Citizen	**Loren Engelby** Hawk Creek Watershed Project	**Charlie Guggisberg** Citizen Land Owner	**Patrick Moore** CURE
Richard Smith Private Citizen	**Lori Nelson** Friends of the Minnesota Valley	**Kylene Olson** Chippewa Watershed Project	**Scott Sparlin** CCMR

P.S. for an overview of the Minnesota River Watershed and its problems, visit:
http://www.extension.umn.edu/distribution/naturalresources/DD7079.html

Board Packet - FYI

Minnesota Board of Water & Soil Resources

M E M O R A N D U M

November 18, 2005

TO: Sen. John Marty, Chair, Senate Environment and Natural Resources Committee
Sen. Steve Murphy, Chair, Senate Transportation Policy and Budget Division
Rep. Tom Hackbarth, Chair, House Environment and Natural Resources Committee
Rep. Ron Erhardt, Chair, House Transportation Committee
Tom Schultz, Committee Administrator, Senate Environment and Natural Resources Committee
Billie Ball, Committee Administrator, Senate Transportation Policy and Budget Division
Jacob Hamlin, Committee Administrator, House Environment and Natural Resources Committee
Margaret Amundson, Committee Administrator, House Transportation Committee

FR: Jim Haertel, Water Management Specialist

PH: (651) 297-2906

RE: Request for Comments, MN Rules Chapter 8415
Appeals of WD Rules and Permit Decisions
Governor's Tracking Number AR207

Please find enclosed the Request for Comments on MR Chapter 8415 to convert the exempt rules to permanent rules. It is our intention to publish a Notice of Intent to Adopt Rules without a Public Hearing in mid-February, with final adoption of the rules occurring at the end of March, 2006.

Please forward any comments to be received by me before 4:30 PM on January 20, 2006.

Enclosure

c: Jenny Glumack, Legislative Coordinator, Office of the Governor
Ron Harnack, BWSR
Doug Thomas, BWSR
Dave Weirens, BWSR

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REQUEST FOR COMMENTS on Proposed Conversion of Exempt Rules to Permanent Rules Relating to Watershed District Appeals, *Minnesota Rules*, parts 8415.0100 through 8415.0120

Subject of Rules. The Minnesota Board of Water and Soil Resources requests comments on its proposed conversion of *Minnesota Rules*, parts 8415.0100 through 8415.0120, from exempt rules to permanent rules. No revisions to the exempt rules are proposed, other than to make the exempt rules permanent rules. The rules of procedure in *Minnesota Rules*, parts 8415.0100 through 8415.0120, govern appeals to the Board of watershed district rules and watershed district permit decisions for pubic transportation authorities.

Persons Affected. The rules would likely affect watershed districts, public transportation authorities, and persons or groups with an interest in the requirements of a watershed district rule.

Statutory Authority. *Minnesota Statutes*, section 103D.537, authorizes the Board to adopt rules governing watershed district appeals.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on January 20, 2006. The Board does not contemplate appointing an advisory committee to comment on the possible rules.

Rules Drafts. The draft rules are the exempt rules, *Minnesota Rules*, parts 8415.0100 through 8415.0120. No revisions to the exempt rules are proposed.

Agency Contact Person. Written comments, questions, and requests for more information on these possible rules should be directed to: Jim Haertel at the Minnesota Board of Water and Soil Resources, 520 Lafayette Road North, Saint Paul, MN 55155; **Telephone:** (651) 297-2906; **Fax:** (651) 297-5615; **E-mail:** *jim.haertel@bwsr.state.mn.us*. TTY users may call the Board at (651) 282-5332.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the addresses or telephone numbers listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: November 21, 2005

Ronald Harnack, Executive Director

Minnesota Board of Water & Soil Resources

MEMORANDUM

November 18, 2005

TO: Nick Tiedeken
Joel Carlson
Carol Lovro
Doug Fischer
Tim Kelly
Ray Bohn

FR: Jim Haertel, Water Management Specialist

PH: (651) 297-2906

RE: Request for Comments, MN Rules Chapter 8415
Appeals of WD Rules and Permit Decisions

Please find enclosed the Request for Comments on MR Chapter 8415 to convert the exempt rules to permanent rules. I request you pass this on to all interested parties. It is our intention to publish a Notice of Intent to Adopt Rules without a Public Hearing in mid-February, with final adoption of the rules occurring at the end of March, 2006.

Please forward any comments to be received by me before 4:30 PM on January 20, 2006.

Enclosure

c: BWSR: Ron Harnack, Doug Thomas, Dave Weirens

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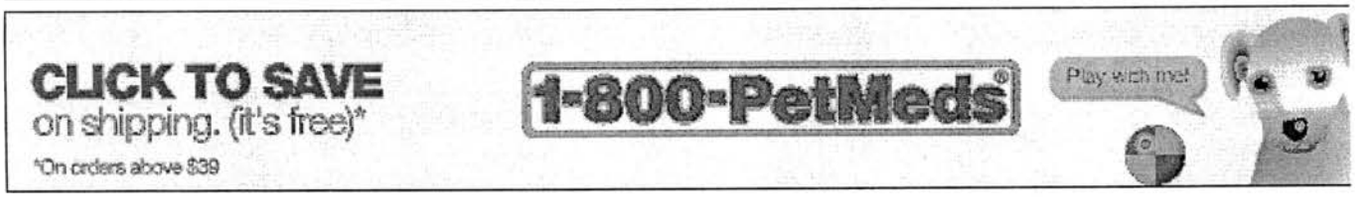
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Dated: November 21, 2005

Ronald Harnack, Executive Director

Board Packet - FYI



DUCKSTUDY1128

Study offers a dire prediction for waterfowl population

The wetlands that produce most of North America's ducks and other waterfowl could be lost to global warming in a few decades, says a new study.



Species such as the trumpeter swans could be hurt if ponds, marshes and sloughs in the Upper Midwest dry up as a result of global warming, say the authors of the waterfowl study. **Bruce Bisping** Star Tribune

Tom Meersman, Star Tribune
Last update: November 27, 2005 at 8:54 PM

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North America's premier duck breeding grounds will be much drier and in many places will disappear, according to a study on how climate change could affect the Upper Midwest in the next 50 to 100 years.

Carter Johnson, a professor of ecology at South Dakota State University and co-author of the research, said that the number of ducks could plummet

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by 50 percent or more as early as 2050 if global warming dries up the wetlands where they nest.

The area, known as the prairie pothole region, contains an estimated 5 million small ponds spread across more than 300,000 square miles of the Dakotas, western Minnesota and Iowa, northeastern Montana and three Canadian provinces. It is notorious for episodic wet and dry spells, but is large enough for waterfowl to adapt and migrate past localized areas of drought to find other ponds in the region with enough water and cover.

That would end if climate change increases average temperatures across the entire prairie pothole region, Johnson said.

Most of the area would become too dry for ducks and other birds, he said. Only the fringes of the region -- in western Minnesota and northwestern Iowa -- might still have wetlands, he said.

Johnson and a team of researchers from Minnesota and Montana reached these dire conclusions after studying 95 years of climate data and using hydrologic models to simulate how the Northern Great Plains would change during this century. Their report, published in the journal BioScience, offers detailed predictions on how global warming might affect the prairie potholes, which produce between 50 to 80 percent of the continent's ducks.

Region is a 'duck factory'

The prairie pothole region has been described as a "duck factory" and is considered to be one of the most productive habitats for waterfowl in the world. The reason, according to study co-author Glenn Guntenspergen, is that it contains different types of wetlands that birds need at different times. Temporary wetlands that hold water only in early spring are critical for ducks as they migrate north because they harbor insects and other food while deeper wetlands remain frozen, he said. After the ducks pair, mate and nest, he said, they and their ducklings need deeper wetlands for food and protection in late spring and summer.

Guntenspergen, a research ecologist with the U.S. Geological Survey in Duluth, said the team used conservative projections of temperature increases in the study, and estimated what would happen with an average temperature increase of 5.4 degrees Fahrenheit during the next 100 years.

The area would still have occasional wet years, he said, but they would be much less frequent. The net effect would be lower water levels, longer dry periods and no water for years in many shallow wetlands.

The effect on birds would be dramatic, and the research paper cited mallards as an example. Whereas the number of mallards during the past century has ranged from 2 million to 7 million birds a year during droughts and wet periods, it said, the outlook for the coming decades is that mallard populations will drop below historical lows

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The next best habitat

Guntenspergen said that if the most productive waterfowl breeding areas in the Dakotas become marginal, the next best habitat for birds will be on the eastern and northern fringes of the pothole region, including western Minnesota and northwestern Iowa.

In those areas, most wetlands have been drained and would need to be restored, he said. For that reason, federal conservation managers may need to "hedge their bets" and begin spending more money on wetlands restoration in Minnesota and Iowa, he added.

The study's predictions left Dave Zentner dumbfounded. He is a Duluth conservationist who coordinated a rally for ducks, wetlands and clean water in April that drew an estimated 4,000 people to the state Capitol.

The predicted wetland and waterfowl losses should concern not only hunters but everyone who cares about trumpeter swans, gulls, terns, bitterns, night herons and other wildlife that depends on wetlands, he said.

"I would hope that duck hunters would take this seriously and realize that this is not far-fetched theory," he said. "This is a real threat and the country needs to develop policies for it."

Many conservation groups have worked to protect and restore wetlands. That work is continuing, said Bill Henke, president of the Minnesota division of the Izaak Walton League. Now, the threat of global warming means that conservationists must take on that issue as well.

Tom Meersman • 612-673-7388

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