



Minnesota Board of Water and Soil Resources.
Minutes.

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DATE: January 17, 2006

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

FROM: Ronald D. Harnack, Executive Director 

SUBJECT: January 25th Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, January 25, 2006, beginning at 9:00 a.m. The meeting will be held in the 2nd floor conference room, at 520 Lafayette Road North, in St. Paul. Parking is available in the lot directly in front of the building (use hooded parking areas).

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Freeborn County Priority Concerns Scoping Document - Freeborn 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 via conference call January 4, 2006, after the state agency review period ended. The Committee's recommendation for the content of the final plan is drafted for the full Board review and action. The State's expectations for the final plan must be sent to Freeborn County. See attached.

DECISION ITEM

RIM Easement Alteration Committee

1. Fergus Falls Fish and Game Club Conservation Easement Exchange Update - The Otter Tail Ag Enterprises, LLC, has withdrawn the easement exchange request. See attached. ***INFORMATION ITEM***

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OLD BUSINESS

1. Update on CREP Technical Assistance and Payment Rates – Ron Harnack - ***INFORMATION ITEM***
2. Public Drainage Ditch Buffer Study Update - Staff will be updating the Board on the status of the legislatively directed report for BWSR to conduct "an implementation assessment of public drainage system buffers and their use, maintenance and benefits. The assessment must be done in consultation with farm groups, watershed districts, soil and water conservation districts, counties and conservation organizations, as well as federal agencies implementing voluntary buffer programs." See attached. ***INFORMATION ITEM***

NEW BUSINESS

1. SWCD Audit Policy Revision – See attached. ***DECISION ITEM***
2. Public Road Wetland Replacement Credit Solicitation – See attached. ***DECISION ITEM***
3. Appeals of Watershed District Rules and Permit Decisions - Conversion of Exempt Rule to Permanent Rule – See attached. ***DECISION ITEM***
4. WCA Appeal of an Exemption Decision, City of Albertville, Wright County, File 04-25, Dispute Resolution Committee – See attached. ***DECISION ITEM***
5. Area II River Basin Projects, Inc. - The 2005 Minnesota Legislature appropriated \$500,000 in bonding to Area II for flood control work in their nine-county joint powers area. This appropriation required a 25% local match. Area II River Basin Projects Inc. seeks approval for expenditure of the \$500,000 Bonding appropriation granted to them through BWSR. Please find attached the project list to expend the funding and a resolution of financial commitment for the local match required. One grant agreement will be drafted between Area II and BWSR to cover the entire \$500,000. In June of 2005, BWSR approved the annual work plan and administrative grant for Area II. This request is follow-up to that plan and is specific to the bonding. Staff recommends approval of the project list and entering into the grant agreement with Area II. ***DECISION ITEM***
6. An Examination of the Processes Contained in the term "TMDL" – This is an informational item intended to allow the Board to ask questions about portions of the processes associated with the Clean Water Legacy Act bill. Steve Woods reported in October on how the bill is structured and the dynamics behind its continuing evolution namely - the desire to: monitor just enough, study efficiently, and implement with the majority of the money. Lisa Thorvig will provide an overview of

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some of the PCA's internal processes pertaining to how and why waters have to be assessed, the implications of being labeled "impaired", how funding becomes available to study certain waters, and how such priorities come about. See attached. **INFORMATION ITEM**

7. State of Minnesota 2007 Farm Bill Recommendations - 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 a 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 the Board of Water and Soil Resources are leading the effort, which also involves the Minnesota Pollution Control Agency and Department of Natural Resources. See attached. **INFORMATION ITEM**

8. Trends in Private Forest Management in Minnesota – **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. If bad weather conditions exist in your area and you are unable to attend the meeting due to travel restrictions, please notify the Board office by noon on Tuesday, if possible. I look forward to seeing you on January 25th!

*** The Cost-Share Committee will meet immediately following the Board meeting.

<i>Bemidji</i>	<i>Brainerd</i>	<i>Duluth</i>	<i>Fergus Falls</i>	<i>Marshall</i>	<i>New Ulm</i>	<i>Rochester</i>	<i>Saint Paul</i>
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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
2nd FLOOR CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JANUARY 25, 2006

PRELIMINARY AGENDA

9:00 a.m. CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF DECEMBER 14, 2005

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

STATE EMPLOYEE RECOGNITION WEEK – Chair Jerome Deal

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. Freeborn County Priority Concerns Scoping Document - **DECISION ITEM**

RIM Easement Alteration Committee

1. Fergus Falls Fish and Game Club Conservation Easement Exchange Update - **INFORMATION ITEM**

OLD BUSINESS

1. Update on CREP Technical Assistance and Payment Rates – Ron Harnack - **INFORMATION ITEM**
2. Public Drainage Ditch Buffer Study Update – Doug Thomas – **INFORMATION ITEM**

NEW BUSINESS

1. SWCD Audit Policy Revision - Bill Eisele - **DECISION ITEM**
2. Public Road Wetland Replacement Credit Solicitation – Dave Weirens and Dan Girolamo – **DECISION ITEM**
3. Appeals of Watershed District Rules and Permit Decisions - Conversion of Exempt Rule to Permanent Rule – Jim Haertel – **DECISION ITEM**
4. WCA Appeal of an Exemption Decision, City of Albertville, Wright County, File 04-25, Dispute Resolution Committee – **DECISION ITEM**
5. Area II River Basin Projects, Inc – Kerry Netzke – **DECISION ITEM**
6. An Examination of the Processes Contained in the term "TMDL" – Lisa Thorvig, Glenn Skuta, Dan Helwig, MPCA; and Steve Woods – **INFORMATION ITEM**
7. State of Minnesota 2007 Farm Bill Recommendations – Doug Thomas – **INFORMATION ITEM**
8. Trends in Private Forest Management in Minnesota – Dave Epperly, Director, DNR Division of Forestry, Andrew Arends, DNR Division of Forestry; and Jim Lemmerman, BWSR – **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, March 22, 2006

1:00 p.m. **ADJOURN**

**** The Cost-Share Committee will meet immediately following the Board Meeting**

Dispute Resolution Report
January 12, 2006
by Jim Haertel

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

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

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

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

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

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

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

File 05-20. This is an appeal of a replacement plan decision in Cokato, Wright County. The decision approved the filling of a 0.2 acre Type 2 wetland on a residential lot for

construction of a residence. There is a question about the alternatives proposed for sequencing. Also, no TEP was held. The appeal has been remanded for a TEP to be held and sequencing to be addressed.

File 05-17. This is an appeal of a replacement plan decision in the City of Holdingford in Stearns County. At issue is the denial of a replacement plan application relating to a residential development. Wetland impacts of 0.7 acres were proposed for construction of a road and multi-use trail. The TEP recommended approval of the application. The LGU denied the application on finding the development could proceed without wetland impacts. The Corps issued a permit for the project. The appeal has been accepted and the record has been received. A pre-hearing conference will be scheduled.

File 05-1. This is an appeal of a Replacement Plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. The appeal has been accepted and pre-hearing conferences were held. The appeal is presently in abeyance to allow settlement discussions to continue.

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

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

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

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

Appeals Filed in 2005 (All WCA except #24)

File No.	LGU Action	County (City)	LGU	Status
05-				
1	Replacement Plan	Anoka (Blaine)	Rice Creek WD	Accepted, combined with 04-17, pre-hearing held and continued, settlement agreement being drafted
2	Restoration Order	Chisago	County	Denied, Restoration Order Affirmed
3	Replacement Plan	Morrison	SWCD	Accepted, combined with 04-2, resolved with approval of replacement plan using wetland banking credits
4	Restoration Order	Otter Tail	County	Denied, Restoration Order Affirmed
5	Exemption/No-Loss	Itasca	SWCD	Withdrawn
6	Restoration Order	Chisago	County	Denied, Restoration Order Affirmed
7	Restoration Order	Morrison	SWCD	Denied, Restoration Order Affirmed
8	Restoration Order	Roseau	SWCD	Denied, Restoration Order Affirmed
9	Restoration Order	St. Louis (Hibbing)	City	Denied, Restoration Order Affirmed
10	Restoration Order	St. Louis (Proctor)	City	Denied, Restoration Order Affirmed
11	Replacement Plan	Dakota (Eagan)	City	Denied as meritless
12	Restoration Order	Le Sueur (Montgomery)	SWCD	Denied, Restoration Order Affirmed
13	Restoration Order	St. Louis	County	Denied, Restoration Order Affirmed
14	Restoration Order	Kandiyohi	County	Denied, Restoration Order Affirmed
15	Restoration Order	St. Louis	County	Denied, Restoration Order Affirmed
16	Replacement Plan	Renville	SWCD	Denied as meritless
17	Replacement Plan	Stearns (Holdingford)	County	Accepted, record received, scheduling pre-hearing conference
18	Restoration Order	Le Sueur (Montgomery)	SWCD	Denied, Restoration Order Affirmed
19	Restoration Order	Kanabec	County	Denied, Restoration Order Affirmed
20	Replacement Plan	Wright County (Cokato)	City	Remanded
21	Restoration Order	St. Louis	County	Denied, Restoration Order Affirmed
22	Restoration Order	Anoka	Coon Creek WD	Pending
23	Wetland Banking	Stearns	County	Denied as meritless
24	Watershed district appeal of Bois de Sioux WD			Pending
25	Replacement Plan	Kanabec	County	Pending
26	Replacement Plan	Crow Wing	County	Pending

Updated 1/10/06

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Freeborn County priority Concerns Scoping Document –
DECISION ITEM

RIM Easement Alteration Committee

1. Fergus Falls Fish and Game Club Conservation Easement
Exchange Update – ***INFORMATION ITEM***



October 26, 2005

Richard Hoffman
Environmental Health Coordinator
Freeborn County Environmental Services
411 South Broadway
Albert Lea, MN 56007

Dear Mr. Hoffman,

On behalf of the Minnesota Board of Water and Soils Resources (BWSR), I have reviewed the Freeborn County Priority Concerns Scoping Document (PCSD) and have the following comments.

The priority concerns were developed with input developed from widely distributed questionnaires, the Freeborn County Water Planning Advisory Committee and a public meeting.

The priority concerns identified in the PCSD reflect the input received during the development process. The concerns are specific and clear.

The PCSD could address an additional priority concern for stormwater runoff and sediment from agricultural and development land uses.

The Freeborn County PCSD is based on public input and will serve well as the base for the Freeborn 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

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January 25, 2006

Freeborn County Commissioners
c/o Richard Hoffman
Freeborn County Environmental Services
P.O. Box 1147
Albert Lea, MN 56007

**RE: Official Comments Pertaining to the State Review of the Freeborn County Priority Concerns
Scoping Document for the Local Water Management Plan Update**

Dear Freeborn County Commissioners:

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the official comments of the State of Minnesota pertaining to the priority concerns Freeborn County has chosen to address in the update of the Freeborn County Comprehensive Local Water Management (CLWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Freeborn County Priority Concerns Scoping Document (PCSD) on November 30, 2005.

The Freeborn County Water Planning Advisory Committee reviewed the concerns raised during the input process and selected the following general priority concerns for inclusion in the CLWM Plan update.

1. Minimize flood damage
2. Municipal storm water treatment/discharge
3. Individual sewage treatment systems
4. Preserve wetlands
5. Protect water resources from feedlot/animal manure
6. Protect and preserve existing shorelands

The BWSR southern water planning review committee (hereinafter referred to as Committee) met by conference call on January 4, 2006, to discuss comments received from state review agencies and others, discuss the content of the Freeborn County PCSD, and make recommendations for the content of the final plan.

The BWSR received comments from BWSR staff, the Department of Natural Resources (DNR), the Pollution Control Agency (MPCA), and the Department of Agriculture (MDA), and the Department of Health (MDH). The Environmental Quality Board (EQB) did not provide comments on the PCSD.

The DNR agreed with the priorities identified in the PCSD and recommended that inclusion of agricultural best management practices during the planning process. DNR agreed with the priority concerns. The Minnesota Pollution Control Agency expressed concern about the completeness of the priority concerns and recommended inclusion of a number of additional concerns. MPCA did not indicate a recommendation on adoption of the draft PCSD. The MDA recommended inclusion of priority concerns for conservation tillage, pesticides and manure management and individual sewage treatment systems. The Minnesota Department of Health recommended the addition of a priority concern for the protection of drinking water supplies. MDH found the process for priority concerns was adequate. The Board of Water and Soil Resources suggested inclusion of a priority concern for stormwater runoff and sediment from development and agricultural lands. The BWSR agreed with the priority concerns.

The Committee recognizes the good work by Freeborn County in developing the draft "Comprehensive Water Plan 2006-2015" that served as the basis of the PCSD. The priority concerns reflect goals that are a part of the final plan. The Committee stressed the importance of including timelines, responsibilities, and funding of goals in the final plan.

The priority concerns to be addressed in the update of the CLWM Plan are deemed to be appropriate as stated. The Committee does not require nor recommend changes to the PCSD submitted by Freeborn County.

Sincerely,

Jerome Deal, Chair
Minnesota Board of Water and Soil Resources

c: Becky Balk, MDA
Sara Bertelsen, EQB
Art Persons, MDH
Cheryl Heide, DNR
David L. Johnson, MPCA
Dan Wilson, MDH
Dana Allen, BWSR Board
Brian Kletscher, BWSR Board
Randy Kramer, BWSR Board
Jeff Nielson, BWSR Southern Region Supervisor
Dave Peterson, Board Conservationist



Jerry Larson, President
Mark Ellison, Secretary

Jonathan Piekarski, Vice-President
Hans Ronnevik, Treasurer

✓ Mr. Ron Harnack, Executive Director
Minnesota Board of Water & Soil Resources
520 Lafayette Road North
St. Paul, MN 55155

Mr. Jerome Deal, Chairman
Minnesota Board of Water & Soil Resources
1501 Second Avenue South
Wheaton, MN 56296

January 6, 2006

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

Dear Gentlemen:

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

RECEIVED

JAN 07 2006

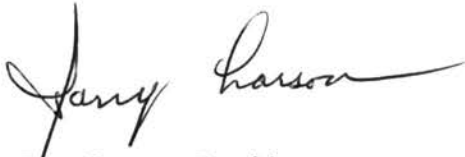
Bd. of Water & Soil Resources
St. Paul

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

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

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

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



Jerry Larson, President

OLD BUSINESS

1. Update on CREP Technical Assistance and Payment Rates –
Ron Harnack - ***INFORMATION ITEM***
2. Public Drainage Ditch Buffer Study Update – Doug Thomas –
INFORMATION ITEM

Background Information on the Public Drainage Ditch Buffer Strip Study

Components of Current Public Drainage Ditch Buffer Strip Study

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

Survey Questionnaire to all MN Drainage Authorities

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

Draft Topics for Proactive Work Group Discussion

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

NEW BUSINESS

1. SWCD Audit Policy Revision - Bill Eisele - ***DECISION ITEM***
2. Public Road Wetland Replacement Credit Solicitation – Dave Weirens and Dan Girolamo – ***DECISION ITEM***
3. Appeals of Watershed District Rules and Permit Decisions - Conversion of Exempt Rule to Permanent Rule – Jim Haertel – ***DECISION ITEM***
4. WCA Appeal of an Exemption Decision, City of Albertville, Wright County, File 04-25, Dispute Resolution Committee – ***DECISION ITEM***
5. Area II River Basin Projects, Inc – Kerry Netzke – ***DECISION ITEM***
6. An Examination of the Processes Contained in the term "TMDL" – Lisa Thorvig, Glenn Skuta, Dan Helwig, MPCA; and Steve Woods – ***INFORMATION ITEM***
7. State of Minnesota 2007 Farm Bill Recommendations – Doug Thomas – ***INFORMATION ITEM***
8. Trends in Private Forest Management in Minnesota – Dave Epperly, Director, DNR Division of Forestry, Andrew Arends, DNR Division of Forestry; and Jim Lemmerman, BWSR – ***INFORMATION ITEM***

**AUDIT POLICY REVISION PROPOSAL
FOR
SOIL AND WATER CONSERVATION DISTRICTS**

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

Current Policy

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

Proposed Policy (language change underlined)

An audit of the district is required every three years, or earlier if cumulative revenues since the last audit reach \$500,000.

Background

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

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

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

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

If the threshold had been \$500,000:

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

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

2005 – 2007 Road Replacement Program Overview

January 25, 2006 BWSR Board Meeting

1.) Over view of the road program

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

2.) Over view of dollars available

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

3.) Review of methods to acquire credits

Four methods are proposed to secure credits, as follows:

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

4.) Proposed allocation of available funds

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

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

2006- 2007 Funding Scenario

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

5.) Selection Criteria

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

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

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

6.) Method for determining price

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

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

7.) Timing

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

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

Resolution # _____

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

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

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

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

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

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

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

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

Jerome Deal, Chair

Date

NEW BUSINESS

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

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

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

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

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

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

RESOLUTION NUMBER 06-__

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

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

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

NEW BUSINESS

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

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

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

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

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

Minnesota Board Of Water And Soil Resources

520 Lafayette Road North
St. Paul, Minnesota 55155

BWSR File No. 04-25

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

ORDER

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

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

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

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

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

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

ORDER

1. The September 7, 2004 decision of the City of Albertville to grant the Application for Certificate of Exemption for Michael Potter is affirmed.
2. The attached Memorandum is incorporated by reference and made a part of this Order.

Dated: January __, 2006

Board of Water and Soil Resources

Its Chair

MEMORANDUM

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

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

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

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

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

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

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

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

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



FISCAL 2006

PLANNED BONDING PROJECTS

- χ **Alta Vista 36 Road Retention – Lyon/Lincoln County Line** (\$530,000 Estimate)
This project has a long history with previously unwilling landowners. The dangerously deficient bridge has reached a condition where it may not withstand another year of minor repair. The Yellow Medicine River Watershed District is working closely with both counties, both townships, and Area II to obtain easements and right-of-way. All permits have been acquired. The project was awarded \$250,000 in May 2005 from MNDOT's Local Road Improvement Program. The planned design will reduce peak flood flows up to 56% with 568 cfs reduction of the 100-year storm. 498 acre-feet of storage will create a temporary flood pool of 41 acres.
- χ **North Hero 34E Road Retention - Redwood County** (\$ 263,000 Estimate)
This project is a cooperative effort between Area II, Redwood County, Redwood County Water Plan, and North Hero Township. Peak flow reductions will be 21% amounting to 204 cfs on a 100-year storm event. 370 acre-feet of flood storage will temporarily pond on 54 acres.
- χ **Springdale 21 Road Retention - Redwood County** (\$ 230,000 Estimate)
This project is joint venture between Area II, Redwood County, and Springdale Township. Peak flow reductions will be 47.5% amounting to 260 cfs on a 100-year storm event. 147 acre-feet of flood storage will temporarily pond on 25.3 acres.
- χ **Springdale 30 Road Retention - Redwood County** (\$ 289,000 Estimate)
The planned design provides peak flow reductions of 68% amounting to 508 cfs on a 100-year storm event. 214 acre-feet of flood storage will temporarily pond on 22 acres.
- η **Alternate Project Sites:**
- η **Monroe 10 Road Retention/Dam – Lyon County** (\$201,765 Estimate)
515 cfs reduction on a 100-year storm event (38%). 211 acre-feet of storage will pond upon 22.8 acres.
- η **Marble 10 Road Retention – Lincoln County** (\$113,557 Estimate)
247 cfs reduction on a 100-year storm event (68.7%). 36 acre-feet of storage will pond upon 6.4 acres.

AREA II MINNESOTA RIVER BASIN PROJECTS,

RESOLUTION OF LOCAL FINANCIAL COMMITMENT

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

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

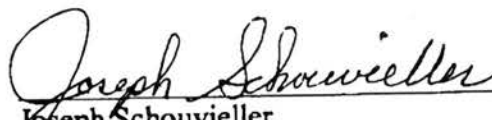
WHEREAS, the State of Minnesota has appropriated \$500,000 for the construction of floodwater retention projects through the 2005 Bonding Bill; and

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

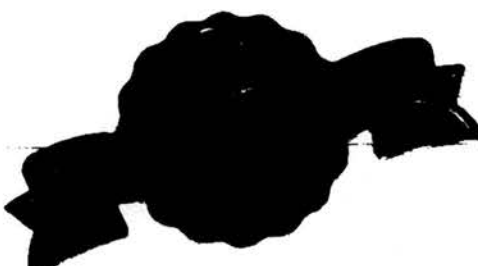
NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1) The nine member counties of Area II Minnesota River Basin Projects, Inc. have levied and collected the local match in the amount of \$166,667; and
- 2) This funding has been established in an account and is committed for use as local match in addition to other local matching funds from project partners.

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


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

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



TMDL Process

- Federal Clean Water Act directs MN to designate uses for waters
- MN set most of the quality standards in '67 and '90 to meet the intended use
- Large-scale, low-intensity monitoring done to determine whether physical, chemical, and biological standards are met enough of the time
- Waters consistently violating standards must be added to list of "impaired waters" (even years)
- Impaired waters prioritized for study and cleanup
- Higher intensity monitoring determines if listing appropriate (if not, de-list) and further study needs
- Total Maximum Daily Load (TMDL) study and pollutant allocations performed (pollutant budget)
- Public comment period
- PCA approval and submittal to EPA for approval
- TMDL implementation plan developed within 1 yr.
- Implementation of TMDL until standards met
- De-list water when standards consistently met

Common Qs

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



STATE OF MINNESOTA

Office of Governor Tim Pawlenty

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

December 30, 2005

United States Department of Agriculture
Washington, DC

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

To Whom It May Concern:

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

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

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

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

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

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

Sincerely,



Tim Pawlenty
Governor

Via email FarmBillRules@usda.gov

Attachments (2)

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

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

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

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

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

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

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

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

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

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

**MN
Clean Water Vision
Principles**

*Keep working lands
working*

Focus on priorities

*One size does not
fit all*

*No one agency or
organization can do it
alone*

**Guiding Principles for
Clean Water Cabinet
2007 Farm Bill
Conservation Policy
Recommendations
(DRAFT)**

*Strengthen the
economic viability
of farming*

*Facilitate state & local
efforts to address
environmental
priorities*

*Implement long-term
conservation plans*

**Sample Strategies
(DRAFT)**

Technical Assistance

Conservation Planning

Financial Incentives

Results-Oriented
Accountability

Strategic Targeting

Flexibility

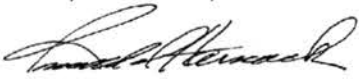
Transparency

**Program-Specific
Recommendations
(to be developed)**



DATE: March 13, 2006

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

FROM: Ronald D. Harnack, Executive Director 

SUBJECT: March 22nd Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, March 22, 2006, beginning at 9:00 a.m. The meeting will be held in the 2nd floor conference room, at 520 Lafayette Road North, in St. Paul. Parking is available in the lot directly in front of the building (use hooded parking areas).

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Revised Todd County Comprehensive Local Water Management Plan - Todd County submitted the Revised Todd County Comprehensive Local Water Management plan for state review and comment. The Northern Water Planning Committee of the Board met March 8th after the state agencies comment period ended. The Northern Water Planning Committee recommends approval. **DECISION ITEM**
2. Revised Wadena County Comprehensive Local Water Management Plan - Wadena County submitted their Revised Comprehensive Local Water Management Plan for state review and comment. The Northern Water Planning Committee of the Board met March 8th after the state agency comment period ended. The Northern Water Planning Committee recommends approval. **DECISION ITEM**
3. Red Lake Watershed District Withdrawal of Territory - A petition for withdrawal of territory from the Red Lake Watershed District has been filed jointly by the Clearwater County Board of Commissioners and the Red Lake Watershed District with the Board of Water and Soil Resources pursuant to Minn. Statutes Section 103D.255. The proposed withdrawal of territory would remove from the watershed district approximately 3,638 acres of land in parts of Copley, Shevlin and Moose Creek Townships in Clearwater County. The land proposed to be removed from the

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) 828-2583 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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watershed district is part of the Mississippi watershed and not part of the Red Lake watershed. Subject lands flow into the Mississippi River system. Portions of Clearwater County Ditch No. 2, which flows into the Mississippi River system, are currently within the boundaries of the Red Lake Watershed District.

The petition was determined to be non-controversial and a Notice of Filing of the petition was published in local newspapers and mailed as required by statute. No comments and no request for hearing were received.

The petition is proper, subject lands are not a part of the Red Lake watershed, subject lands have not received and will not receive any benefits from the operation of the watershed district, and the watershed district can perform the functions for which it was established without the inclusion of subject lands.

The Northern Water Planning Committee recommends the board approve the withdrawal of territory from the Red Lake Watershed District per the attached draft order. **DECISION ITEM**

NEW BUSINESS

1. Alteration of Conservation Easement 43-03-89-01, Robert Billiet – See attached. **DECISION ITEM**
2. Beaver Damage Control Grants Allocations - The Legislature appropriated to BWSR \$100,000 to provide grants for the control of beaver activities causing damage to public waters, roads, and ditches, and adjacent private property. The Board has received requests for these funds from 27 applicants. The Cost Share Committee is requesting the Board to approve their funding recommendation. **DECISION ITEM**
3. Feedlot Cost Share Policy - The Cost Share Committee has completed their review of the: 1) State Cost Share Standard for feedlot projects, and 2) Policies and ranking priorities of the Feedlot Water Quality Management Grant Program. The Committee is recommending certain revisions to update the standard. The 2007 FWQMG is also requested to be authorized. **DECISION ITEM**

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The meeting will adjourn about 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 22nd!

*****The Wetlands Committee will meet immediately following the Board Meeting*****

<i>Bemidji</i>	<i>Brainerd</i>	<i>Duluth</i>	<i>Fergus Falls</i>	<i>Marshall</i>	<i>New Ulm</i>	<i>Rochester</i>	<i>Saint Paul</i>
217 Bemidji Avenue N. Bemidji, MN 56601 phone (218) 755-4235 fax (218) 755-4201	217 S. 7th Street Suite 202 Brainerd, MN 56401 phone (218) 828-2583 fax (218) 828-6036	394 S. Lake Avenue Room 403 Duluth, MN 55802 phone (218) 723-4752 fax (218) 723-4794	1004 Frontier Drive Fergus Falls, MN 56537 phone (218) 736-5445 fax (218) 736-7215	1400 E. Lyon Street Box 267 Marshall, MN 56258 phone (507) 537-6060 fax (507) 537-6368	261 Highway 15 S. New Ulm, MN 56073 phone (507) 359-6074 fax (507) 359-6018	2300 Silver Creek Road N.E. Rochester, MN 55906 phone (507) 280-2874 fax (507) 285-7144	520 Lafayette Road N. Saint Paul, MN 55155 phone (651) 296-3767 fax (651) 297-5615

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

PRELIMINARY AGENDA

9:00 a.m. CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF JANUARY 25, 2006

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 – Louise Smallidge
- Education and Public Relations Committee – Kay Cook
- Administrative Advisory Committee – Jerome Deal

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Revised Todd County Comprehensive Local Water Management Plan – ***DECISION ITEM***
2. Revised Wadena County Comprehensive Local Water Management Plan – ***DECISION ITEM***
3. Red Lake Watershed District Withdrawal of Territory – ***DECISION ITEM***

NEW BUSINESS

1. Alteration of Conservation Easement 43-03-89-01, Robert Billiet – Kevin Lines – **DECISION ITEM**
2. Beaver Damage Control Grants Allocations – Wayne Zellmer – **DECISION ITEM**
3. Feedlot Cost Share Policy – Wayne Zellmer – **DECISION ITEM**

AGENCY REPORTS

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next BWSR Meeting, April 26, 2006

Noon **ADJOURN**

*****The Wetlands Committee will meet immediately following the Board Meeting*****

Dispute Resolution Report
March 9, 2006
by Jim Haertel

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

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

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

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

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

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

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

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

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

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

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

File 05-20. This is an appeal of a replacement plan decision in Cokato, Wright County. The decision approved the filling of a 0.2 acre Type 2 wetland on a residential lot for construction of a residence. There is a question about the alternatives proposed for sequencing. Also, no TEP was held. The appeal has been remanded for a TEP to be held and sequencing to be addressed.

File 05-17. This is an appeal of a replacement plan decision in the City of Holdingford in Stearns County. At issue is the denial of a replacement plan application relating to a residential development. Wetland impacts of 0.7 acres were proposed for construction of a road and multi-use trail. The TEP recommended approval of the application. The LGU denied the application on finding the development could proceed without wetland impacts. The Corps issued a permit for the project. The appeal has been accepted and is in abeyance pending settlement discussions.

File 05-1. This is an appeal of a Replacement Plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. The appeal has been accepted and pre-hearing conferences were held. The appeal is presently in abeyance to allow settlement discussions to continue.

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

File 04-26. This is an appeal of a Restoration Order in Spring Lake Township, Scott County. At issue is the placement of 4,300 feet of fill in a wetland for a driveway. The

approved plat showed access to the lot without wetland impacts. The appeal is in abeyance pending a decision on a replacement plan application.

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

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

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DRAFT

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD
2ND FLOOR CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JANUARY 25, 2006**

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Dana Allen and Clair Nelson

STAFF PRESENT:

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

OTHERS PRESENT:

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

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

PLEDGE OF ALLEGIANCE

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

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

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

REPORTS

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

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

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

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

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

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

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

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

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

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

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

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06-03

RIM Easement Alteration Committee

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

OLD BUSINESS

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

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

**

06-04

Public Drainage Ditch Buffer Study Update – Doug gave an overview and status of the work group. Doug explained that this is a Legislative directive for BWSR to conduct an implementation assessment of public drainage system buffers and their use, maintenance and benefits. The assessment must be done in consultation with farm groups, watershed districts, soil and water conservation districts, counties and conservation organizations, as well as federal agencies implementing voluntary buffer programs. Doug presented a brief history of Section 103E.021. The work group met four times and is scheduled to meet one more time in order to meet the February 15th deadline for submittal to the Legislature. Doug presented the preliminary findings. January 27th is the deadline for surveys; the work group will review the draft report on February 8th; then review report recommendations with the Governor's office. Discussion followed. LuAnn Tolliver requested periodic updates from the work group. Chair Deal requested that the Administrative Advisory Committee review the report before it goes to the Legislature.

NEW BUSINESS

SWCD Audit Policy Revision – Ron Harnack reported that Bill Eisele worked with the Office of the State Auditor regarding the SWCD audit policy revision. Ron explained that both the Office of the State Auditor and BWSR must approve the change. The current policy is: an audit of the district is required every three years, or earlier if cumulative revenues since the last audit reach \$400,000. The proposed policy is to increase \$400,000 to \$500,000. The Administrative Advisory Committee recommendation is to raise the \$400,000 to \$500,000.

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06-05

Moved by Bob Burandt, seconded by Paul Krabbenhoft, to accept the Administrative Advisory Committee's recommendation to raise the cumulative revenues from \$400,000 to \$500,000. Motion passed on a voice vote.

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

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

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

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

Appeals of Watershed District Rules and Permit Decisions – Conversion of Exempt Rule to Permanent Rule – Jim Haertel presented a resolution

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

**
06-07

WCA Appeal of an Exemption Decision, City of Albertville, Wright County,

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

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06-08

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

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06-09

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

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

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

AGENCY REPORTS

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

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

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January 25, 2006
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Pollution Control Agency (PCA) - Lisa Thorvig reported that the citizens board met yesterday and approved the southeast TMDL. The municipal stormwater permit will come before the Board in February. Lisa stated that the 2006 impaired waters list is now out for the 30-day comment period, January 26 through February 24. An informational hearing will be held on this tomorrow.

ADVISORY COMMENTS

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

UPCOMING MEETINGS

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

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

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

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

Respectfully submitted,

Jerome Deal
Chair

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Revised Todd County Comprehensive Local Water Management Plan – ***DECISION ITEM***
2. Revised Wadena County Comprehensive Local Water Management Plan – ***DECISION ITEM***
3. Red Lake Watershed District Withdrawal of Territory – ***DECISION ITEM***

DATE: February 23, 2006

TO: BWSR North Region Water Plan Review Subcommittee

FROM: Dan Steward, BWSR Board Conservationist

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

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

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

Todd County's three Priority Concerns are:

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

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

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

The following agencies provided these comments:

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

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

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

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

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

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

Todd County Comprehensive Local Water Management Plan

Executive Summary

Purpose

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

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

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

Priority Concerns

1. **Protect and preserve ground water quality and quantity**
2. **Protect and preserve surface water quality and quantity**
3. **Promote and encourage land uses that lessen the impacts on water resources in the county.**
4. **Continue ongoing programs, practices and projects from previous plans**

Projected Costs

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

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

Consistency with Other Plans

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

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

Recommendations to Other Plans and Official Controls

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

Priority Concerns

Protect and preserve ground water quality and quantity

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

Protect and preserve surface water quality and quantity

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

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

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

Continue ongoing programs, practices and projects from previous plans

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

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

ORDER
APPROVING
LOCAL
WATER MANAGEMENT
PLAN UPDATE

Whereas, the Todd County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on December 1, 2006, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

- 1) On April 25, 2005, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Todd County, pursuant to M.S. Section 103B.312.
- 2) On June 8, 2005, the BWSR North Region Water Plan Review Committee met with representatives of Todd County to review the Priority Concerns Scoping Document.
- 3) On June 22, 2005, the Board of Water and Soil Resources approved official comments on the Todd County Priority Concerns Scoping Document, which were mailed to the county on June 22, 2005.
- 4) The priority concerns, in no particular order of importance, the local water management plan addresses include:
 - Protect and Preserve Ground Water Quality and Quantity.
 - Protect and Preserve Surface Water Quality and Quantity.
 - Promote and Encourage Land Uses That Lessen the Impacts on Water Resources.
- 5) On December 1, 2005, the BWSR received the **Todd** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.
- 6) On March 8, 2006, the Regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Todd County Plan Update. Recommendations of the state review agencies were:
 - A) Minnesota Department of Agriculture: Recommends approval;
 - B) Minnesota Department of Health recommends approval;
 - C) Minnesota Department of Natural Resources: provided comment without recommendation on Board action.

- D) Minnesota Pollution Control Agency: recommends approval;
- E) Minnesota Environmental Quality Board: no recommendation received;
- F) Minnesota Board of Water and Soil Resources regional staff recommends approval;
- G) Board Water Plan Review Committee Meeting recommends approval.

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

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Todd County pursuant to Minnesota Statutes, 103B.315, Subd. 5.
2. The Todd County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached update of the Todd County Local Water Management Plan – March 22, 2006 to March 31, 2011.

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

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

DATE: February 24, 2006

TO: BWSR North Region Water Plan Review Subcommittee

FROM: Dan Steward, BWSR Board Conservationist

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

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

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

Wadena County's three Priority Concerns are:

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

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

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

The following agencies provided these comments:

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

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

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

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

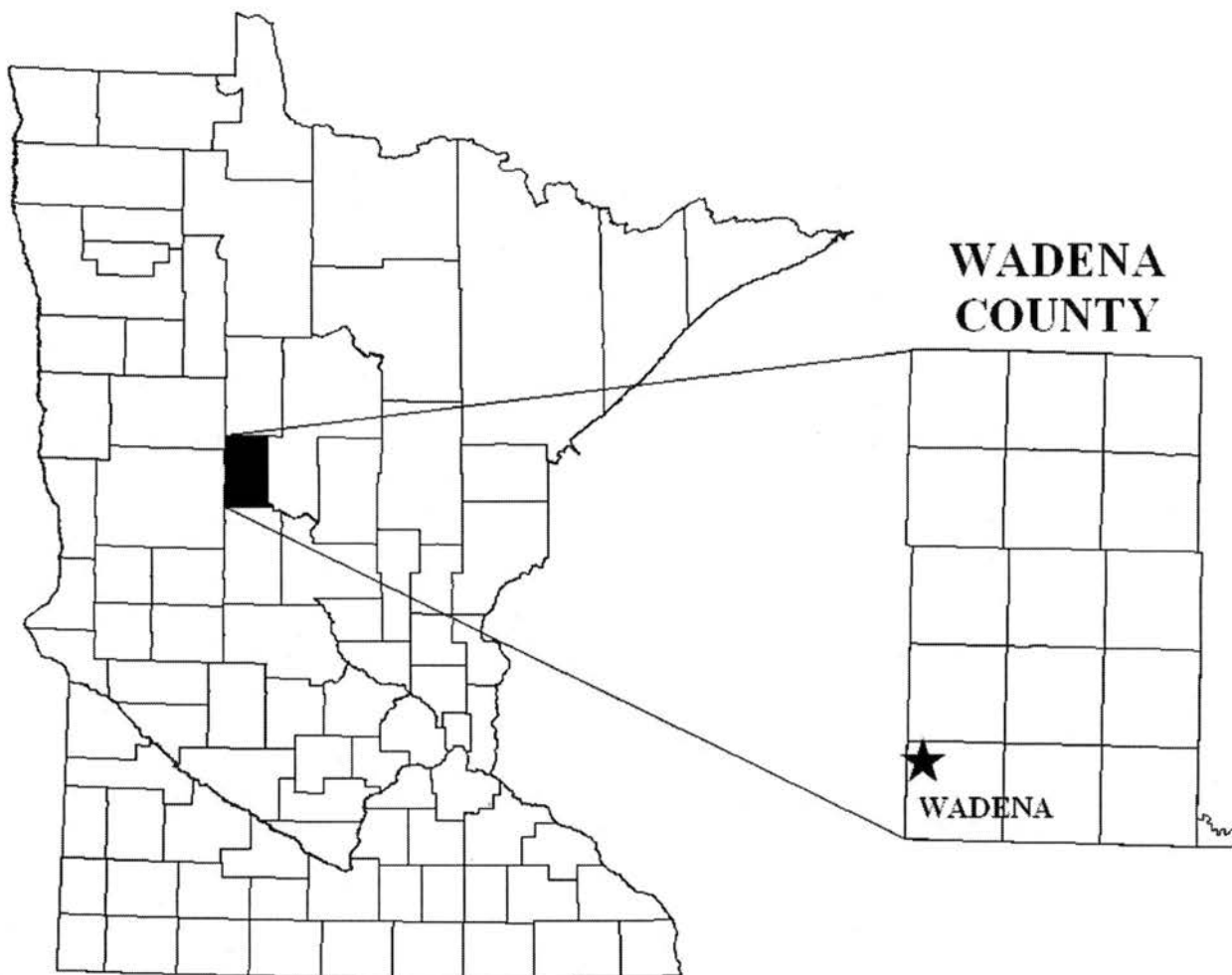
Kari Tomperi, Wadena County Water Planner and Malinda Dexter, Wadena SWCD Manager, will attend the March 8th meeting in Brainerd, and make a short presentation on the Final Plan.

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

Wadena County

Comprehensive Local Water Management Plan

2006- 2016



Wadena County Local Water Management Plan

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Frequently Used Acronyms and Abbreviations

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

A. EXECUTIVE SUMMARY

1. PURPOSE

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

LOCAL WATER PLANNING NEWSLETTER FALL 2000

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

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

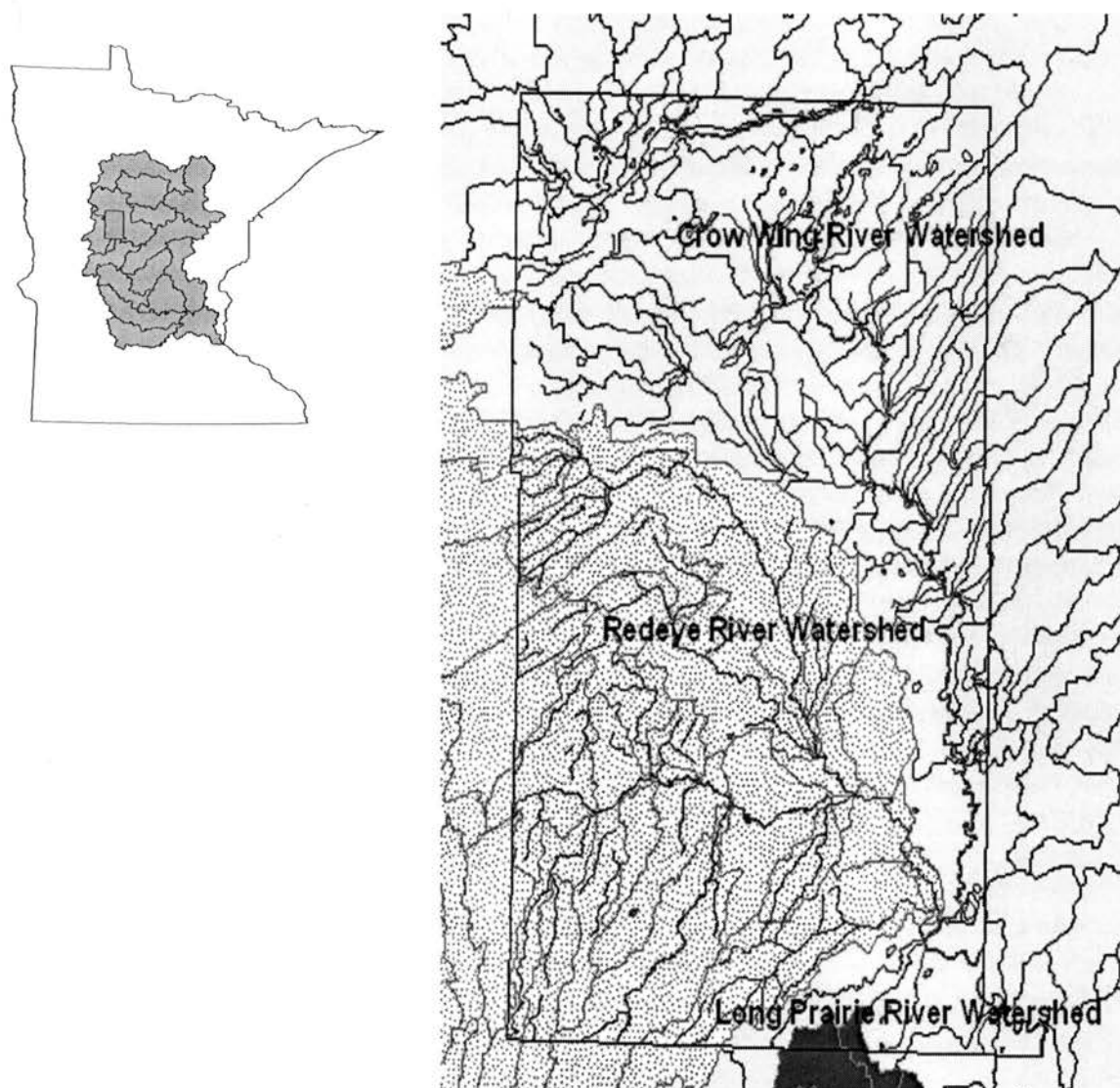
Education of citizens, landowners, businesses, local governments, interest organizations, and other agencies is the most effective approach to managing our water resources. Assistance is then needed to implement change.

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

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

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

Figure 1
Watersheds of Wadena County



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

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

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

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

Figure 2 Aquifers of Wadena County

16 Ground-Water Availability from Surficial Aquifers in the Red River of the North Basin, Minnesota

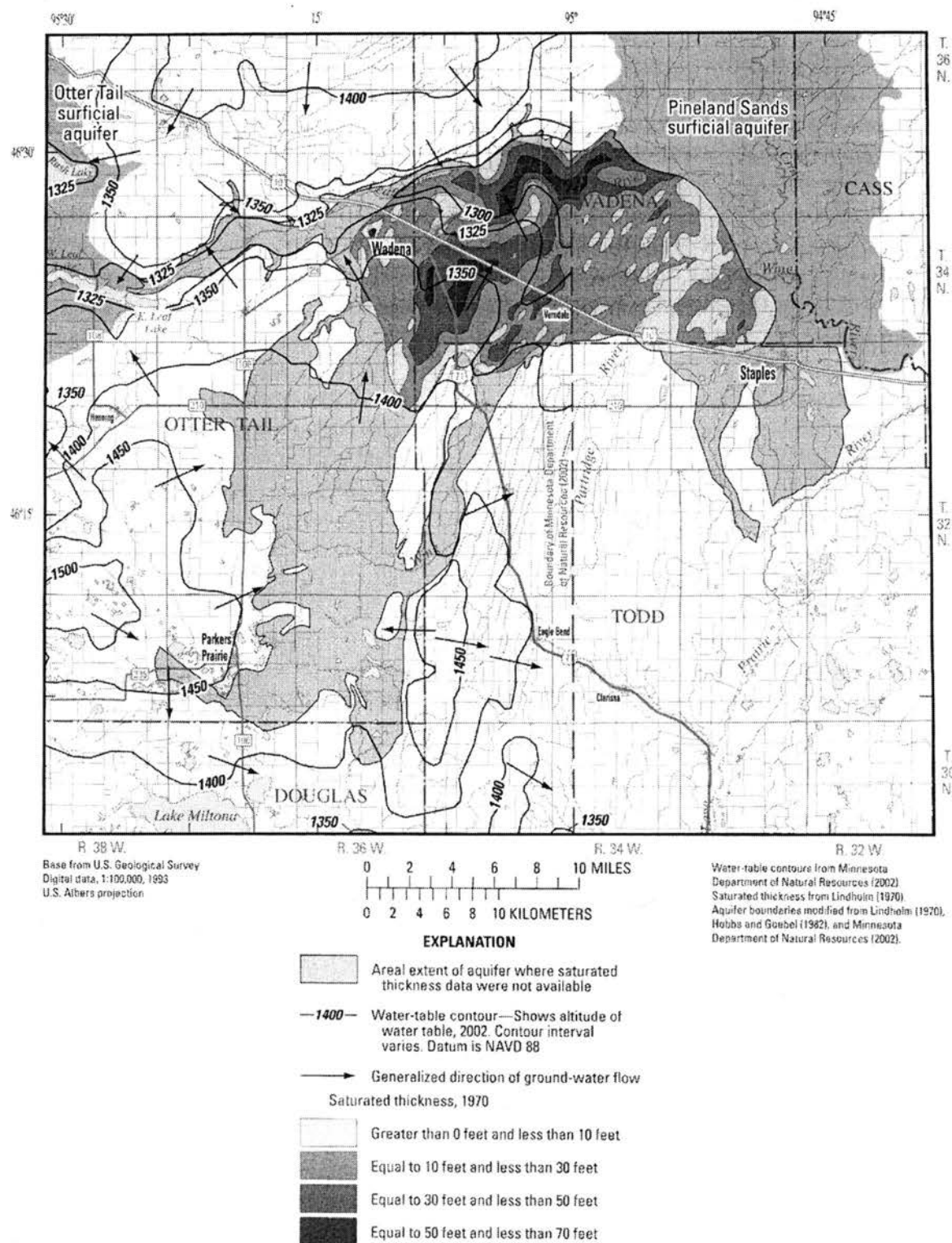


Figure 8. Generalized extent, saturated thickness, altitude of regional water table, and generalized direction of ground-water flow of Wadena surficial aquifer.

Aquifer Extent and Hydrogeologic Characteristic

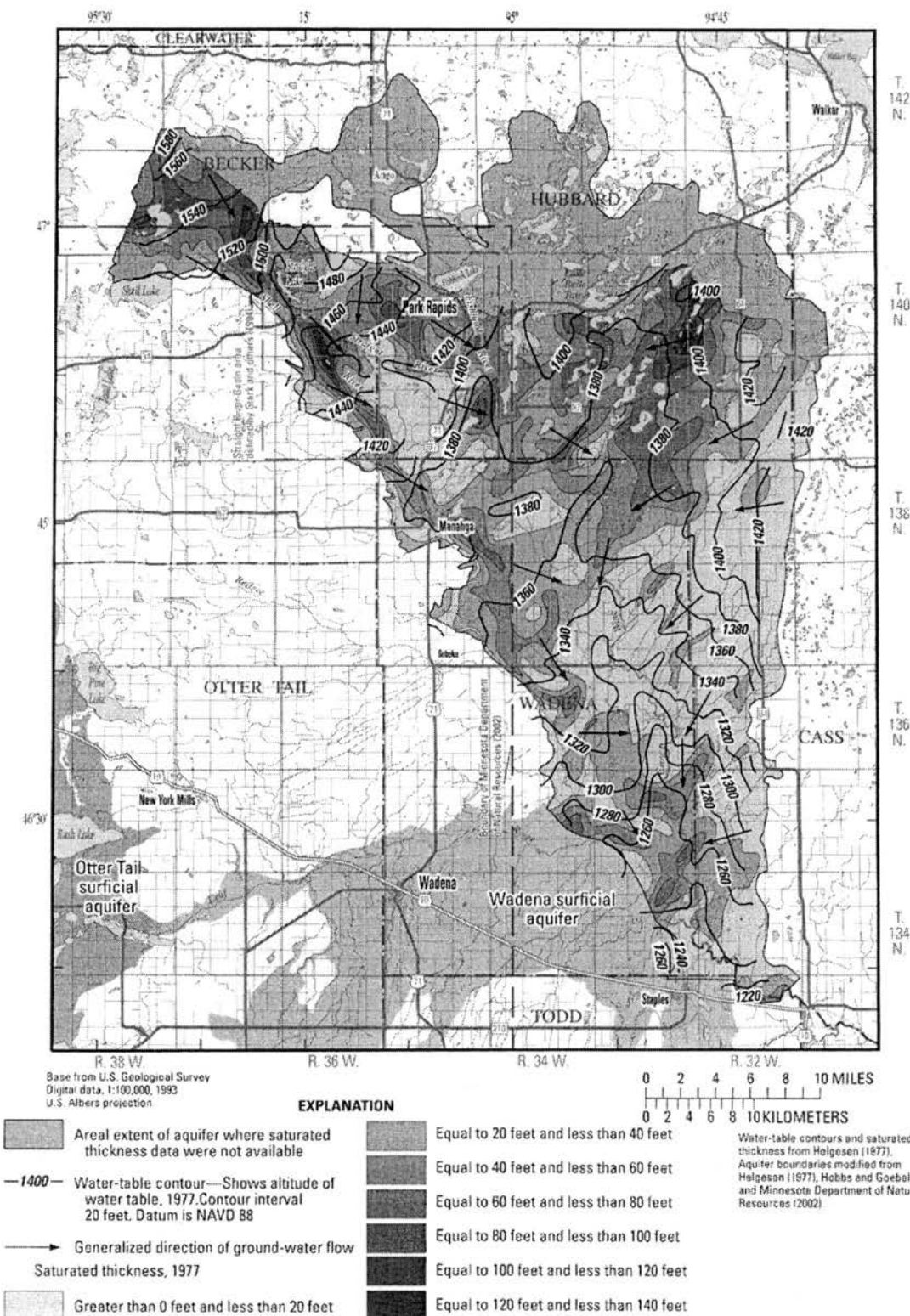


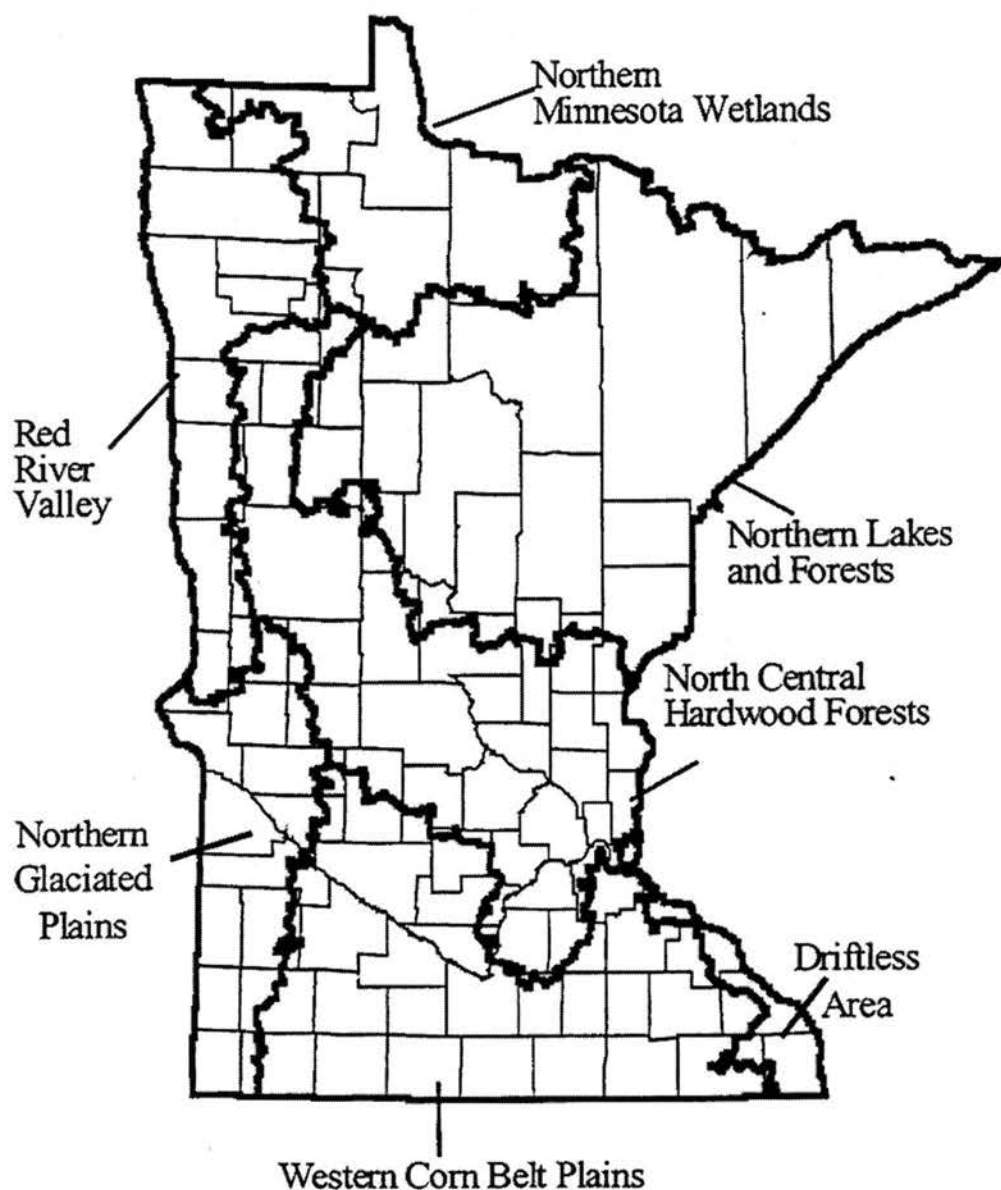
Figure 9. Generalized extent, saturated thickness, altitude of water table, and generalized direction of ground-water

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

Figure 3

Ecoregions of Wadena County

Minnesota's Seven Ecoregions. Mapped by USEPA.



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

WRMTF2005

Membership

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

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

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

ORDER
APPROVING
LOCAL
WATER MANAGEMENT
PLAN UPDATE

Whereas, the Wadena County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on January 6, 2006, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

- 1) On February 1, 2005, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Wadena County, pursuant to M.S. Section 103B.312.
- 2) On March 9, 2005, the BWSR North Region Water Plan Review Committee met with representatives of Wadena County to review the Priority Concerns Scoping Document.
- 3) On March 23, 2005, the Board of Water and Soil Resources approved official comments on the Wadena County Priority Concerns Scoping Document, which were mailed to the county on March 24, 2005.
- 4) The priority concerns, in no particular order of importance, the local water management plan addresses include:
 - Protection of Drinking Water Quality.
 - Protection of Surface Water Quality.
 - Efficient Utilization of Water.
- 5) On January 6, 2006, the BWSR received the **Wadena** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.
- 6) On March 8, 2006, the Regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Wadena County Plan Update. Recommendations of the state review agencies were:
 - A) Minnesota Department of Agriculture: Recommends approval;
 - B) Minnesota Department of Health recommends approval;
 - C) Minnesota Department of Natural Resources: recommends approval;

- D) Minnesota Pollution Control Agency: recommends approval;
 - E) Minnesota Environmental Quality Board: no recommendation received;
 - F) Minnesota Board of Water and Soil Resources regional staff recommends approval;
 - G) Board Water Plan Review Committee Meeting recommends approval.
- 7) This update will be in effect for a ten year period until March 31, 2016; with the Goals, objectives and Action Items amended by March 31, 2011.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Wadena County pursuant to Minnesota Statutes, 103B.315, Subd. 5.
2. The Wadena County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

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

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

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

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

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

**ORDER WITHDRAWAL
OF TERRITORY**

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

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

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

FINDINGS

1. **Petition.** The Petition to withdraw territory from the Red Lake Watershed District was filed jointly by the Clearwater County Board of Commissioners and the Red Lake Watershed District Board of Managers with the Board on December 1, 2005.
2. **Property Description.** The territory proposed to be removed from the watershed district, the Petitioned Area, is approximately 3,637.5 acres located in the Townships of Copley, Shevlin and Moose Creek in Clearwater County described as follows:

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

NE $\frac{1}{4}$	Section	24
E $\frac{1}{2}$ of SE $\frac{1}{4}$	Section	24
E $\frac{1}{2}$ of NE $\frac{1}{4}$	Section	25
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	Section	25
E $\frac{1}{2}$ of SW $\frac{1}{4}$	Section	25
SE $\frac{1}{4}$	Section	25

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

E $\frac{1}{2}$ of NE $\frac{1}{4}$	Section	8
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	Section	8
E $\frac{1}{2}$ of SW $\frac{1}{4}$	Section	8
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	Section	8
SE $\frac{1}{4}$	Section	8
W $\frac{1}{2}$	Section	17
Lot 4	Section	18
Lot 5	Section	18
Lot 1	Section	19
Lot 2	Section	19
Lot 3	Section	19
Lot 4	Section	19
W $\frac{1}{2}$	Section	20
W $\frac{1}{2}$	Section	29
Lot 1	Section	30
Lot 2	Section	30
Lot 3	Section	30
Lot 4	Section	30
W $\frac{1}{2}$	Section	32

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

NW $\frac{1}{4}$	Section	5
E $\frac{1}{2}$ of SW $\frac{1}{4}$	Section	5
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	Section	5
E $\frac{1}{2}$	Section	8
E $\frac{1}{2}$ of NE $\frac{1}{4}$	Section	17
NW $\frac{1}{4}$ of NE $\frac{1}{4}$	Section	17

3. **No Benefits Received.** The Petition states that the Petitioned Area has not received and will not receive any benefits from the operation of the watershed district.
4. **District Performance.** The Petition states that the watershed district can perform the functions for which it was established without the inclusion of the Petitioned Area.
5. **Territory not in Watershed.** The Petition states that the Petitioned Area is not, in fact, a part of the watershed for which the Red Lake Watershed District was formed.
6. **Notice of Filing.** Legal Notice of Filing was published in the Bemidji Pioneer on January 22, 2006, the Leader Record on January 25, 2006, Farmers Independent on January 25, 2006, the Thief River Falls Times on January 25, 2006, the Thirteen Towns on January 24, 2006, and the Oklee Herald on January 26, 2006. The Legal Notice of Filing was also mailed on January 23, 2006 to several addressees including the affected county board of commissioners, county auditors, Soil and Water Conservation District, Watershed District and the Department of Natural Resources Division of Waters.
7. **Public Hearing.** The legal notice of filing was published pursuant to Minn. Stat. §§ 103D.105, Subd. 2 and 103D.255, Subd. 1 (e), which require within 30 days of the last date of publication of the notice of filing of the Petition that at least one request for hearing be submitted to the Board before a hearing will be held. No requests for hearing were received during the specified period of time and no hearing was held.
8. **Comments Received.** No comments were submitted within 30 days of the last publication date of the legal notice of filing.
9. **Northern Water Planning Committee.** The Northern Water Planning Committee met on March 8, 2006. Based on the record in this matter a unanimous decision was reached to

recommend to the full Board that all of the Petitioned Area be released from the Red Lake Watershed District because the Petitioned Area does not drain into the Red Lake watershed. The Committee also decided that the Petitioned Area to be released has not received and will not receive any benefits from the operation of the Red Lake Watershed District, that the watershed district can perform the functions for which it was established without the inclusion of the released area, and that the released area is not a part of the watershed.

CONCLUSIONS

1. The Petition for the withdrawal of territory in the Red Lake Watershed District is valid in accordance with Minn. Stat. § 103D.255.
2. All relevant substantive and procedural requirements of law and rule have been fulfilled.
3. The Board has proper jurisdiction in the matter of ordering a watershed district withdrawal of territory.
4. None of the Petitioned Area drains into the Red Lake watershed.
5. The Petitioned Area to be released has not received and will not receive any benefits from the operation of the Red Lake Watershed District.
6. The Red Lake Watershed District can perform the functions for which it was established without the inclusion of the released area.
7. The released area is not a part of the watershed for which the Red Lake Watershed District was formed.

ORDER

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

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

NE $\frac{1}{4}$	Section	24
E $\frac{1}{2}$ of SE $\frac{1}{4}$	Section	24
E $\frac{1}{2}$ of NE $\frac{1}{4}$	Section	25
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	Section	25
E $\frac{1}{2}$ of SW $\frac{1}{4}$	Section	25
SE $\frac{1}{4}$	Section	25

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

E $\frac{1}{2}$ of NE $\frac{1}{4}$	Section	8
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	Section	8
E $\frac{1}{2}$ of SW $\frac{1}{4}$	Section	8
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	Section	8
SE $\frac{1}{4}$	Section	8
W $\frac{1}{2}$	Section	17
Lot 4	Section	18
Lot 5	Section	18
Lot 1	Section	19
Lot 2	Section	19
Lot 3	Section	19
Lot 4	Section	19
W $\frac{1}{2}$	Section	20
W $\frac{1}{2}$	Section	29
Lot 1	Section	30

Lot 2	Section	30
Lot 3	Section	30
Lot 4	Section	30
W ½	Section	32

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

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

Dated this 22nd day of March, 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Jerome Deal, Chair

NEW BUSINESS

1. Alteration of Conservation Easement 43-03-89-01, Robert Billiet – Kevin Lines – ***DECISION ITEM***
2. Beaver Damage Control Grants Allocations – Wayne Zellmer – ***DECISION ITEM***
3. Feedlot Cost Share Policy – Wayne Zellmer – ***DECISION ITEM***

March 7, 2006

TO: Board Members

THRU: Kevin Lines, Easement Section Administrator

FR: Tim Fredbo, Conservation Easement Specialist

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

BACKGROUND:

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

MN Statute Section 84C.02, and RIM Reserve rule section 8400.3610 allows the Board to alter, release or terminate an easement after consultation with the commissioners of agriculture and natural resources. An easement may only be altered, released or terminated if the Board determines that the public interests and general welfare are better served by the proposed action. To assist the Board in making it's decision the rule also states that the following items must be submitted before the Board will consider a request to alter, release or terminate an easement:

- A) A letter from the landowner to the SWCD Board requesting the change.
- B) A letter or minutes from the SWCD recommending either approval or disapproval of the proposed change.
- C) A letter from the DNR area wildlife manager recommending either approval or disapproval of the proposed change.

The above listed items have been received and are attached for your review. The photo was prepared by easement staff to show the area for release and the replacement acres. The landowner worked with SWCD staff in McLeod County to come up with the proposed alteration request.

SUMMARY OF INFORMATION PROVIDED TO SUPPORT REQUEST:

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

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

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

FINDINGS:

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

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

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

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

OPTIONS AND STAFF RECOMMENDATION:

1. Approve of the exchange on the easement. **RECOMMENDED.** It is my opinion, along with both the McLeod SWCD and the DNR Area Wildlife Manager, that this proposed exchange will improve the wildlife habitat values of the easement area simply due to the net gain of 8.4 acres of additional easement lands. No cover will need to be established as the cropland acres (4.5 acres) are already in CRP.

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

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

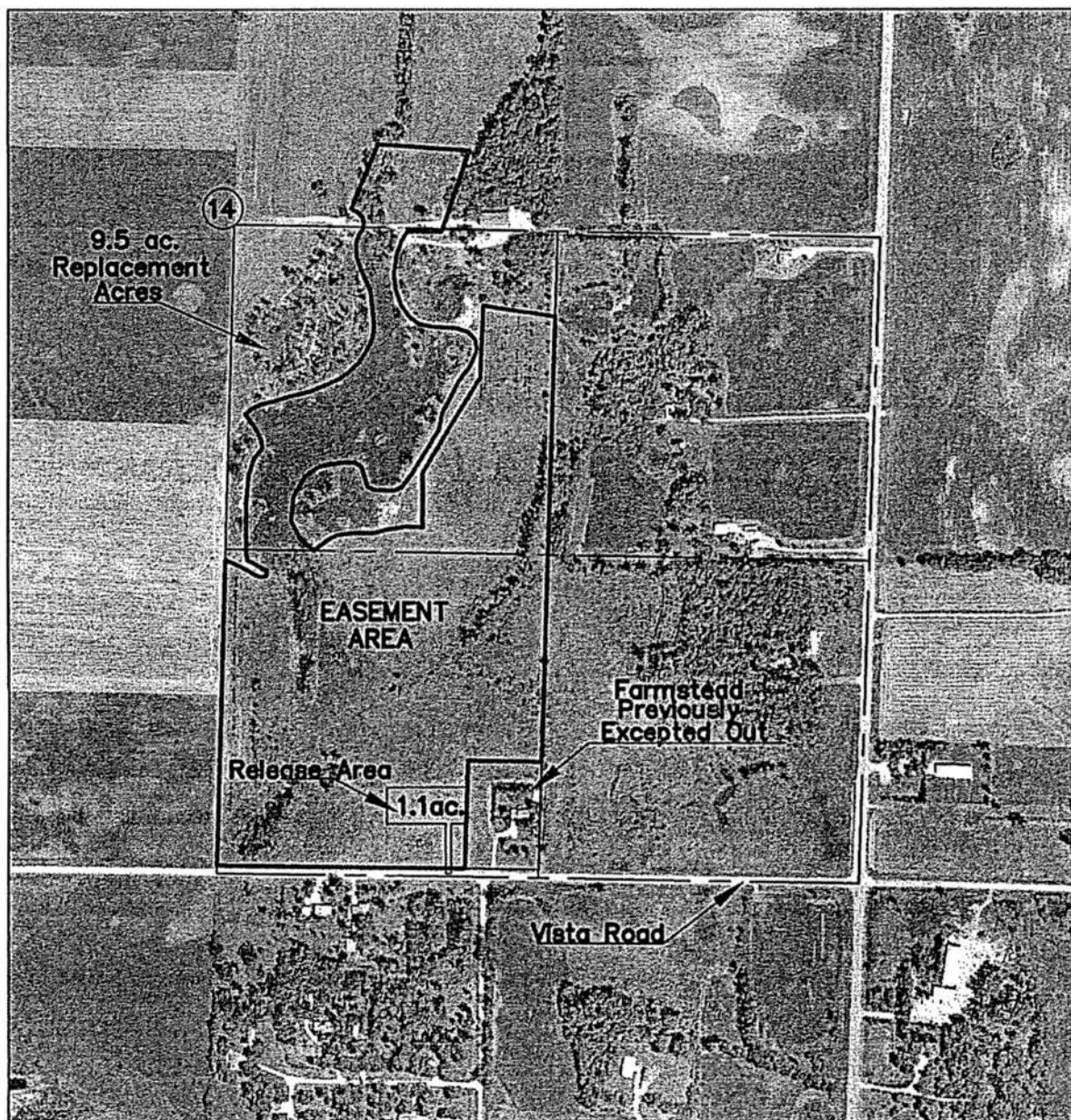
Easement I.D. No: 43-03-89-01

Map 1 of 1

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

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

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



OCTOBER 25, 2005

DEAR MCLEOD CO. BOARD OF SOIL & WATER CONSERVATION DISTRICT

I WOULD LIKE TO REQUEST A ALTERATION OF 3.91 ACRES OF EXISTING RIM LAND. I WOULD LIKE TO TRANSFER THIS TO EXISTING CRP AS OUTLINED IN THE ATTACHED AREAIL MAP.

I HAVE APPLIED TO PLAT THIS AREA FOR A SINGLE FAMILY DWELLING. MY WIFE AND I ARE CONSIDERING BUILDING A HOUSE FOR OUR RETIREMENT. THIS MAY NOT HAPPEN FOR A FEW YEARS THOUGH.

AS THIS EXISTING AREA IS SURROUNDED BY ROAD AND HOUSING ON 2 SIDES I FIND THAT IT IS SELDOM USED BY WILDLIFE.

THE AREA THAT IT WOULD TRANSFER TO IS MUCH MORE REMOTE AND CAN NEVER BE DEVELOPED. THIS AREA IS NOW IN CRP AND WOULD THEREFORE REMAIN AS WILDLIFE HABITAT.

I WOULD ALSO LIKE TO STATE THAT YEARS AGO I DONATED THE OLD GRAVEL PIT AREA (NOW FULL OF WATER) INTO THE RIM PROGRAM. THIS 10 ACRE POND IS NOW FULL OF WILDLIFE. I ALSO HAVE APPROXIMATELY 1 ACRE THAT IS PLANTED WITH SWITCH GRASS AND NOT IN ANY PROGRAM.

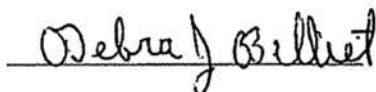
MY FUTURE PLANS ALSO INCLUDE ENROLLING MY REMAINING 7 TILABLE ACRES INTO RIM OR CRP TYPE PROGRAM.

I ALSO PLAN ON REENTERING THE NORTH CREP & CRP ACRES INTO THE PROGRAM WHEN IT ENDS IN 5 YEARS.

I HAVE HAD THE AREA TO BE PLATTED DELINEATED FOR WETLANDS. THERE WILL BE NOT BUILDING OR DESTROYING OF THESE AREAS. I PLAN ON LEAVING THIS AREA AS IT IS, AS MUCH AS POSSIBLE.

PLEASE FEEL FREE TO CALL ME WITH ANY CONCERNS.

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





McLEOD SOIL AND WATER CONSERVATION DISTRICT

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

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

RE: RIM Alteration

BWSR
Tim Fredbo
520 Lafayette Road North
St Paul MN 55155

Dear Mr. Fredbo,

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

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

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

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

Sincerely,

Ryan Freitag
Program Director
McLeod SWCD

Enclosure (2)

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

State of
DEPARTMENT OF NATURAL RESOURCES

Date: 2/8/06

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

Dear Ryan,

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

Joel Anderson



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

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

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

BEAVER DAMAGE CONTROL GRANTS PROGRAM

BACKGROUND

The MN Legislature of 2005 in their 1st Special Session appropriated to BWSR \$100,000 to provide grants for the control of beaver activities causing damage to public waters, roads, and ditches, and adjacent private property.

The grants may be made to:

- (1) A joint powers board established under section 471.59 by two or more governmental units; and
- (2) Soil and water conservation districts; and
- (3) Indian tribal governments.

A 1:1 match is required.

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

Allocations - \$5,000 max. For individual LGU Applicant or tribal gov't. Unit
\$20,000 max. Multi-LGU Applicant and/or tribal gov't. Units

Application Evaluation

Grants will be awarded on the following considerations:

1. 25% Description of the extent of the beaver control problem.
2. 25% Description of the beaver control program including how beaver damage control will be accomplished.
3. 25% The ability of the applicant to match the state grant at a minimum 1:1. Local match offered in excess of 1:1 may receive increased point considerations.
4. 25% How will grant and match funds be spent? – Budget
5. Extra consideration will be given to applicants who can reference a relationship to priority problems in a Local Water Plan.

Considerations 1 – 5 will each be evaluated as Excellent – 3 points, Good – 2 points, Fair – 1 point, or No Consideration – 0 points.

RECOMMENDATION

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

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

ACTION

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

BEAVER DAMAGE CONTROL GRANT APPLICATIONS – SHORT SUMMARY

West Central Minnesota County & Watershed JPB

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

Tordenskjold Township

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

Fortier Township

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

Wadena SWCD

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

Clearwater SWCD

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

Marshall-Beltrami SWCD

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

Corliss Township

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

Redwood-Cottonwood Rivers Control Area

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

Wild Rice WD

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

Fond du Lac Reservation

Beaver dams flooding-out wild rice. 200 active beaver dams inventoried. Remove dams and beaver. \$70,000 match

Morrison SWCD

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

Buffalo-Red River WD

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

Two Rivers WD

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

West Central Joint Powers

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

Northwest MN JPB

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

Watsonwan County JPB

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

Becker SWCD and Pelican River WD

Flooding of drainage ditches and residences. Trapping and dam removal. 1:1 cash match

Koochiching SWCD

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

South Two Rivers WD and Stearns SWCD

Flooding and sediment build-up. Remove problem beavers and dams. Encourage riparian buffers. 1:1 match.

East Polk SWCD

Flooding problems. Pay for dam removal. 1:1 cash match

Red Lake SWCD

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

Roseau County Beaver Control JPB

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

Pine SWCD and Pine County

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

Helena Township

Questionable eligibility. Block culverts. Cash match.

Kanabec SWCD and County

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

Lake of the Woods SWCD and County

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

Becker SWCD and County

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

GRANTS WILL BE AWARDED ON THE FOLLOWING CONSIDERATIONS:

- Considerations 1 – 5 will each be evaluated as: Excellent – 3 points, Good – 2 points, Fair – 1 point, or No Consideration – 0 points.
15 POINTS MAX.

[illegible]

Board Resolution # _____

BEAVER DAMAGE CONTROL GRANTS PROGRAM ALLOCATIONS

WHEREAS, The MN Legislature of 2005 in their 1st Special Session Appropriated to BWSR \$100,000 for this Program to provide grants for the control of beaver activities causing damage to public waters, roads, and ditches, and adjacent private property; and,

WHEREAS, The BWSR authorized staff to implement the Beaver Damage Control Grants Program according to the Laws of the State of Minnesota and the following administrative policies:

Application Period – November 1, 2005 – February 1, 2006

Allocation Maximums - \$5,000 max. for individual LGU Applicant or tribal gov't. Unit
\$20,000 max. for Multi-LGU Applicant and/or tribal gov't. Units

Match – A 1:1 minimum cash and/or in-kind match is required.

Application Evaluation

Grants will be awarded on the following considerations:

- 25% Description of the extent of the beaver control problem.
- 25% Description of the beaver control program including how beaver damage control will be accomplished.
- 25% The ability of the applicant to match the state grant at a minimum 1:1. Local match offered in excess of 1:1 may receive increased point considerations.
- 25% How will grant and match funds be spent? – Budget
Extra consideration will be given to applicants who can reference a relationship to priority problems in a Local Water Plan.

Considerations 1 – 5 will each be evaluated as Excellent – 3 points, Good – 2 points, Fair – 1 point, or No Consideration – 0 points.

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

Jerome Deal, Chair
Board of Water and Soil Resources

Date: _____

Attachment: *Beaver Damage Control Grant Application Reviews*.

H:BDCGP/AR

FEEDLOT COST SHARE POLICY

BACKGROUND

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

Examples of These Issues are:

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

Examples of Changed Policies:

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

ISSUES

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

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

RECOMMENDATIONS

1) The Cost Share Standard

The Committee is recommending the Board approve the recommended revisions to the State Cost Share Standard. These revisions will update the standard to reflect current objectives of BWSR and not conflict with other agency policies.

(Please refer to *D.6 Livestock Waste Management*)

2) 07 Feedlot Water Quality Management Grants

A thorough review was conducted of current project ranking priorities. The ranking priority as well as alternative priorities were considered. The Committee is *not* recommending any changes to the ranking priorities or eligibility criteria. The Committee is also recommending authorization of a \$1.35 M 07 FWQMG Program according to the following schedule:

(Please refer to *Cost Share Committee Feedlot Water Quality Management Grant Policy*.)

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

D. 6 Livestock Waste Management

Conservation Practice

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



Eligible Component(s):

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

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

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

STATE FEEDLOT COST-SHARE POLICIES

General Policies

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

STATE FEEDLOT COST-SHARE POLICIES, CONTINUED

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

Feedlot Relocation Policies (in addition to General Policies)

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

Feedlot Roof Structure Policies (in addition to General Policies)

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

COST SHARE COMMITTEE FEEDLOT WATER QUALITY MANAGEMENT GRANT POLICY

Current FWQMG Allocation Priorities

1. Feedlots in riparian locations enrolled in a recognized stewardship plan and high FLEVAL pollution potential.
2. Feedlots in riparian locations and high FLEVAL pollution potential.
3. Feedlot operations where a high FLEVAL indicates a greater pollution potential.
4. Practices that will be applied in 2006.
5. Feedlot operators who have received a notice of violation.
6. Feedlots in counties that are conducting or have completed a level 2 or level 3 feedlot inventory.

Discussion

- **Riparian Location –**

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

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

- **Stewardship Plans –**

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

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

- **FLEval (Feedlot evaluation model)**

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

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

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

- **Projects that will be started in 2005**

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

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

- **Feedlot operators who have received a notice of violation.**

Originally, this was the #1 funding priority. Beginning in FY 01, it was recognized that riparian feedlots with high FLEval ratings were not being funded. It was also noted that “notices of violation” were not administered uniformly on a statewide basis. This allocation priority was then lowered.

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

- **Feedlots in counties that are conducting or have completed a level 2 or level 3 feedlot inventory.**

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

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

Other Specific Comments

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

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

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

Other Potential Options of Interest

Incentive Payments

Buy-Outs

Priority to TMDLs

Lower Cost Share Rate

Priority to OLAs

Cost Share only to “Long-Term” Operations

Cost Share According to Environmental Benefit

FOR YOUR INFORMATION

March 22, 2006

- BWSR Staff Listing
- BWSR "Update"
- Conservation Policy Recommendations for the 2007 Farm Bill Stakeholder Input Process – Summary as of March 15, 2006
- Copy of letter to Ron Harnack regarding "Petition to Request to Redistribute Managers to the Wild Rice Watershed"
- Report of the Environment and Natural Resources Trust Fund Advisory Task Force, February 15, 2006
- Sierra Club, "Minnesota's Wetlands Legacy"
- MPCA's "Discharge Impact Map Expanding Discharges"
- MPCA's Discharge Impact Map "New Potential Discharges"
- News Articles
 - "Renewed focus on Minnesota's wetlands is most welcome"
 - "BWSR publishes "Public Drainage Ditch Buffer Study"
 - "Ditch law changes advance"
 - "Organizations, agencies work together to restore wetland"
 - "Ground water valuable as oil beneath farm fields"
 - "Report says wetlands continue to disappear"
 - "Get tough to protect wetlands, group says"
 - "Farm policy, dollars called key to better wetlands, water"
 - "Conservation Technology Information Center true to its name"
 - "Experience leads to SWCD success"
 - "SWCD honors Rutten for his work"
 - "Boheim honored during SWCD meeting"
 - "Johnsons are Outstanding Conservationists"

PHONE NUMBERS FOR BWSR STAFF **USE LAST FIVE DIGITS WHEN TRANSFERRING****Main Line: 651-296-3767 – FAX: 651-297-5615 - Updated 3/21/06**

Central Office	296-3767	Lewis, Michelle	296-2428	Weirens, Dave	297-3432
Fax #	297-5615	Lines, Kevin	297-1894	(cell 763-229-4308)	
Anderson, Mary Jo	297-4290	(cell 612-518-5545)		Zellmer, Wayne	297-7361
Bonde, Karen	297-3998	Luniewski, Jim	297-2622		
DeVoe, Natasha	205-4664	Mack, Kristie	215-9420		
Donnelly, Conor	282-3815	Mings, Thomas	284-4153	Metro Office	282-9969
(cell 612-408-7002)		(cell 612-965-8682)		Lemm, Les	296-6057
Engineers Cell Phone	485-8466	Mohring, Eric	297-7360	(cell 651-341-4208)	
Eisele, Bill	282-2929	Morrill, Ron	297-4735	Peterson, Lynda	
(cell 651-245-5132)		Ogg, Tim	297-8024	(cell phone only)	612-201-9806
Fredbo, Tim	296-0880	(cell 651-295-5737)		Woods, Steve	297-7748
Girolamo, Dan	215-1703	Raeker, Pete	296-0884	(cell 651-402-6997)	
Haertel, Jim	297-2906	Remick, Polly	297-4365	Wozney Brad	296-6068
Harnack, Ron	296-0878	Salinas, Debbie	297-8025	(cell 651-233-6673)	
(cell 612-202-3815)		Schmidt, Tom	215-9008		
Hubbell, Dianne	296-0873	Sokatch, Char	297-4016		
Jacobson, Bob	297-4958	Straumanis, Sarma	297-7965		
Kean, Al	297-2907	Strojny, Carol	297-1893		
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BWSR Office	651-297-7029	Wenzel, Tom	296-0883		
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Southern Regional Office**New Ulm**

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Cell Phone	(218) 820-1679
John Overland	(218) 825-6807
Cell Phone	(218) 232-4852
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Cell Phone	(218) 820-9381
Jeff Hrubes	(218) 755-2626
Cell Phone	(218) 368-7683
Jennifer Scramstad	(218) 755-4235



Board of Water and Soil Resources UPDATE

A publication of the Minnesota Board of Water and Soil Resources

March 2006

BWSR publishes "Public Drainage Ditch Buffer Study"

~ Report shows approximately 60 percent of public drainage ditches may have buffers ~

Approximately 60 percent of the estimated 21,415 miles of public drainage ditches in Minnesota may have natural buffer, a buffer established because of state law, or one established through a voluntary state or federal conservation program.

This was one of several key findings of a report released March 3 by the Minnesota Board of Water and Soil Resources. In 2005, the Minnesota Legislature directed BWSR to conduct an assessment of the use, maintenance, and benefits of grass strips required along certain public drainage ditches. BWSR worked in consultation with farm groups, local government unit and other associations, conservation groups, and federal agencies that implement voluntary conservation programs involving vegetated buffers. BWSR received \$109,000 in state funding for the study.

Because Minnesota has many thousands of miles of public and private drainage ditches, buffer strips along these ditches are a significant issue from both environmental and agricultural perspectives.

The requirement for grass strips along certain public drainage ditches is contained in Minnesota Statutes, Section 103E.021 ("Ditches must be planted with permanent grass"). Drainage authorities were first given the authority to require minimum 1-rod grass strips along public drainage ditches in 1959. It is believed that the principal purpose was to help reduce ditch maintenance related to tillage up to or over the edge of the bank of public drainage ditches. In 1977, the Legislature changed the operative word from "may" to "shall," creating a requirement for grass strips when the drainage authority appoints viewers to assess benefits and damages and acquire drainage system right-of-way.

The report also found that:

- 72 percent of the reported public ditch miles required to have minimum 1-rod grass strips along them are reported to be in place, compared to 43 percent reported in a 1987 study;
- major federal and state conservation programs have enabled filter strip and riparian buffer practices along 1,787 miles of public drainage ditches in the state;
- concentrations of conservation program lands were noted in three areas of the state, one of which is the Minnesota River Basin where the second Conservation Reserve Enhancement Program in the U.S. was implemented;
- narrow grass buffers along drainage ditches can have soil erosion control, water quality, and limited wildlife habitat benefits, depending in part on the topography along the ditch and management of the grass strips;
- Minnesota is one of three states in the Midwest that have state requirements for permanent grass strips, ditch corridors, or seeded berms along certain public drainage ditches.

The study provides historical information about the minimum 1-rod grass buffer strip requirements of state law. In addition, the study included a literature review about the benefits of grass strips along drainage ditches. Another study component is a summary of the requirements, incentives, and state roles regarding buffers along public drainage ditches in Minnesota and other Midwestern states having substantial agricultural drainage.

The Minnesota State University, Mankato, Water Resources Center developed Geographic Information

Continued on next page

Board of Water and Soil Resources Update, Page 2

Buffer Study, from Page 1

System analyses and illustrations of voluntary buffer implementation along public drainage ditches. The MSU Water Resources Center also assisted with compilation and interpretation of responses of surveys. The University of Minnesota Water Resources Center conducted a literature review regarding the benefits of grass buffer strips along public drainage ditches.

An electronic copy (in PDF format) of the report is available on the BWSR web site (www.bwsr.state.mn.us).

BRIEFS

Ron Harnack, BWSR executive director, will now have a regular column in Agri-News.

His first column discussed the 2001-03 Minnesota Wetland Report and BWSR's WCA assessment and stakeholder process. A copy of his first column is available on BWSR's web site. Find the column by clicking on the "News" link on the bottom of the home page.



Interested in reviewing some of the WCA assessment and stakeholder information? A page has been created on BWSR's web site that will serve as a place to store information related to this project. You can find the web page by clicking on the "Wetlands" link on the left, then "Wetland Conservation Act," then "WCA Assessment Information."



The Shallow Lakes Forum will be held on April 5-6 in Willmar, Minn. The Shallow Lakes Forum encourages protection and management actions that recognize and balance the needs and interests of shallow lakes stakeholders, who include public and private interests, conservation and recreational interests, and human and wildlife interests. Co-sponsored by the Minnesota River Board, the Forum includes six stakeholder groups including Ducks Unlimited, Inc.; Minnesota Department of Natural Resources; Minnesota Lakes Association; Minnesota Pollution Control Agency; Minnesota Chapter, American Fisheries Society; Minnesota Board of Water and Soil Resources; Water Resources Center,

Minnesota State University, Mankato; and The Wildlife Society (Minnesota Chapter). For more information, visit <http://www.shallowlakes.info>.



Welcome to the following new staff members:

Dorothy Erickson is the new office and administrative specialist at the BWSR Rochester office. She comes to BWSR with 22 years of experience with the DNR.

Jason Weinerman is a new BC in BWSR's Brainerd office. His counties include Stearns, Benton, Sherburne, Mille Lacs, Kanabec, and Pine. Jason comes to BWSR from North Dakota, where he served in a position similar to a BC.

Jeff Hrubes is a new BC in BWSR's Bemidji office. His counties include Kittson, Marshall, Pennington, Roseau, Becker, Clearwater, Beltrami, and Lake of the Woods. Jeff previously worked for PCA and has worked for BWSR as a BC in the past.



The Minnesota Envirothon program has received a \$5,000 grant from the Canon Envirothon and the U.S. Forest Service to encourage participation of students of color in Minnesota's Envirothon.

The project will target Twin Cities public schools with diverse student populations. It will focus on encouraging participation in the regional Envirothon of the Twin Cities area. One component of the program will include a half-day training event for teachers from these schools on Saturday, April 22, at Fort Snelling State Park. Another component of the project is the creation and implementation of an "Envirothon Discovery Trunk," which will be available for short-term loan for schools in the target area.

*Deadline for next edition:
April 21*

Conservation Policy Recommendations for the 2007 Farm Bill

Stakeholder Input Process – Summary as of March 15, 2006

2005

June

- DNR draft farm bill recommendations developed (prior to Cabinet's decision to develop farm bill recommendations)

October

- Informed USDA (Minnesota NRCS & FSA) about the process
- Informed the MN Congressional delegation about the process

November

- Meeting with farm and commodity group leaders (MDA)
- Meetings with regional conservation officials (BWSR)

December

- Guiding Principles developed using input from the above activities
- Informed USDA (Wash DC) about the process

2006

January

- Cabinet letter to > 30 stakeholder organizations (see back) inviting their input
 - Written responses received: 5

February/March

- Meeting with Ducks Unlimited at their request
- Online forum launched February 24
 - Forum website hits: $\approx$ 1,000
 - Participants registered: 9
 - Postings by participants: 1
- Online forum publicity
 - Stakeholder organizations contacted March 1
 - Press release issued March 3

March/April

- *Ongoing efforts to invigorate online forum*
- *Meetings with other stakeholder organizations on request*
- *Analyze and summarize stakeholder input received through April 30*
Review and summarize Dec 2005 comments to USDA from Minnesotans
- *Review and summarize policy papers, position statements, etc. available at this point*

Draft Recommendations to be presented at May 17 Cabinet meeting

Ducks Unlimited
Izaak Walton League MN
Land Stewardship Project
Midwest Forage Association
MN Agri-Growth Council
MN Association of Wheat Growers
MN Barley Growers Association
MN Conservation Federation / member organizations
MN Corn Growers Association
MN Deer Hunters Association
MN Environmental Partnership / member organizations
MN Farm Bureau Federation
MN Farmers Union
MN Impaired Waters Stakeholder Policy Group (G-16)
MN Milk Producers Association
MN Pork Producers Association
MN Soil & Water Conservation Districts / individual districts
MN Soybean Growers Association
MN State Cattlemen's Association
MN State Technical Committee
MN Trout Unlimited
MN Turkey Growers Association
MN Waterfowl Association
MN Watershed Districts / individual districts
Pheasants Forever
Red River Valley Sugarbeet Growers Association
Southern MN Beet Sugar Cooperative
Sustainable Farming Association of MN
The Minnesota Project
The Nature Conservancy of MN
University of MN Extension Service / Water Resources Center
OTHER



Board Packet
FXI

January 24, 2006

Minnesota Board of Water and Soil Resources
Attn: Ron Harnack, Executive Director
520 Lafayette Road N.
St. Paul, MN 55155

RE: Mahnomen County Petition

Dear Mr. Harnack:

Please find enclosed a copy of the Mahnomen County Board of Commissioners' "Petition to Request to Redistribute Managers to the Wild Rice Watershed". The County Board took official resolution action at their recent regular meeting on January 17th, 2006 to submit the petition request, pursuant to Minnesota Statute 103D.301, Subd 3.

The Mahnomen County Board of Commissioners look forward to a continued positive working relationship with all the applicable Boards and Counties.

If we can be of any further assistance in this matter, please feel free to contact any of the County Board of Commissioners or myself.

Thank you in advance for your prompt attention in this matter.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Frank Thompson".

Frank Thompson, Auditor/Clerk to the Board
Mahnomen County, Minnesota

cc: Brian Dwight, BWSR Watershed Specialist
Warren Seykora, Chairman Wild Rice Watershed District
Brian Berg, Becker County Administrator
Vijay Sethi, Clay County Administrator
Tom Anderson, Clearwater Co. Board Chair
Lee Ann Hall, Norman Co. Board Chair
John Schmalenberg, Polk Co. Coordinator

RECEIVED

JAN 26 2006

Bd. of Water & Soil Resources
St. Paul



OFFICE OF THE COUNTY AUDITOR
Frank Thompson
Phone: 218-935-5669

January 24, 2006

Minnesota Board of Water and Soil Resources
Attn: Ron Harnack, Executive Director
520 Lafayette Road N.
St. Paul, MN 55155

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Frank Thompson, Auditor/Clerk to the Board
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cc: Brian Dwight, BWSR Watershed Specialist
Warren Seykora, Chairman Wild Rice Watershed District
Brian Berg, Becker County Administrator
Vijay Sethi, Clay County Administrator
Tom Anderson, Clearwater Co. Board Chair
Lee Ann Hall, Norman Co. Board Chair
John Schmalenberg, Polk Co. Coordinator

RECEIVED

JAN 26 2006

Bd. of Water & Soil Resources
St. Paul

PETITION TO REDISTRIBUTE BOARD MEMBERS

MAHNOMEN COUNTY'S REQUEST TO REDISTRIBUTE MANAGERS TO THE WILD RICE WATERSHED

THE PURPOSE of the Wild Rice Watershed Board is to conserve the natural resources of the land within the watershed's district by land use management, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of the natural use of the natural resources. Currently, the Wild Rice Watershed Board consists of seven (7) managers. The distribution of those manages are as follows: Norman County three (3); Clay County two (2); Becker County one (1); and Mahnomen County one (1). Mahnomen County requests that the Wild Rice Watershed District Board redistribute the managers to ensure a greater representation to affected counties, and specifically to increase Mahnomen County's membership to two (2) board members.

WHEREAS, ten (10) years or more has lapsed since the establishment of the Wild Rice Watershed District Board; and

WHEREAS, according to Minnesota Statute Section 103D.301 subd. 3(b) a petition to redistribute managers has not been filed with the board of soil and water resources within the proceeding ten (10) years; and

WHEREAS, according to Minnesota Statute Section 103D.301 subd. 1, when the district is made up of multiple counties, distribution on the watershed board must be made according to residence affected by the watershed; and

WHEREAS, Mahnomen County currently has only one (1) board member to the Wild Rice Watershed Board; and

WHEREAS, Mahnomen County has approximately twenty-six percent (26%) of the population of the Wild Rice Watershed District residing within its borders; and

WHEREAS, Mahnomen County also has approximately twenty-six and one-half percent (26.5%) of the total land that the Wild Rice Watershed is affecting; and

WHEREAS, Mahnomen County has to levy for approximately twenty-five and one-half percent (25.5%) of all revenues that goes into funding the Wild Rice Watershed District; and

WHEREAS, Mahnomen County's percentage of valuation on levy certifications to the Watershed were approximately twenty-five and six-tenths percent (25.6%); and

THEREFORE, because it would be in the best interests of the residence of the Wild Rice Watershed District, Mahnomen County requests consideration for redistribution to increase Mahnomen County's representation from one (1) board member to two (2) on the Wild Rice Watershed District Board to more adequately represent Mahnomen County interest in the watershed district.

By signing this petition the Members of the Mahnomen County Board of Commissioners agree that redistribution is necessary at this time based upon the above mentioned items:

Karen Ahmann

Karen Ahmann, Vice Chairman

Jerry Dahl, Chairman

Jerry Dahl

Wallace M. Eid

Wallace Eid

Charles Pazdernik

Charles Pazdernik

John Peterick

John Peterick

BWSR info
packet - Marsh

Report of the Enviro Natural Resources Trust Fund Advisory Task Force

February 15, 2006
Adopted February 7, 2006

Report of the Environment and Natural Resources Trust Fund Advisory Task Force

February 15, 2006
Adopted February 7, 2006

Advisory Task Force authorizing law, appointments and membership

Minnesota Constitution Article XI, Sec. 14

Sec. 14. **ENVIRONMENT AND NATURAL RESOURCES FUND.** A permanent environment and natural resources trust fund is established in the state treasury. Loans may be made of up to five percent of the principal of the fund for water system improvements as provided by law. The assets of the fund shall be appropriated by law for the public purpose of protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources. The amount appropriated each year of a biennium, commencing on July 1 in each odd-numbered year and ending on and including June 30 in the next odd-numbered year, may be up to 5-1/2 percent of the market value of the fund on June 30 one year before the start of the biennium. Not less than 40 percent of the net proceeds from any state-operated lottery must be credited to the fund until the year 2025. [Adopted, November 8, 1988; Amended, November 6, 1990; November 3, 1998]

Per ML 2005, First Special Session, Chapter 1, Article 2, Section 156:

Sec. 156. [ENVIRONMENT AND NATURAL RESOURCES TRUST FUND; ADVISORY TASK FORCE.]

Subdivision 1. [ESTABLISHMENT.] (a) An advisory task force to examine the process for making recommendations on expenditures from the environment and natural resources trust fund is created, consisting of:

- (1) four former members of the current Legislative Commission on Minnesota Resources from the house of representatives, appointed by the executive committee of the commission;
- (2) four former members of the current Legislative Commission on Minnesota Resources from the senate, appointed by the executive committee of the commission; and
- (3) eight public members who are not current or past members of the Legislative Commission on Natural Resources or the Citizens Advisory Council, established under Minnesota Statutes, section 116P.06, but who have submitted trust fund proposals for funding, appointed by the governor.

(b) The members of the task force shall select a chair who shall preside and convene meetings of the task force. At least two house members and two senate members appointed must be from the minority caucus. Current legislative members of the task force are entitled to reimbursement for per diem expenses plus travel expenses incurred in the services of the task force. Public members of the task force shall be compensated as provided in Minnesota Statutes, section 15.0575.

(c) The task force shall examine the current process for recommending appropriations from the environment and natural resources trust fund and make recommendations for changes in the process. (d) By February 15, 2006, the task force shall report on its recommendations to the governor and the legislative committees and divisions with jurisdiction over environment and natural resources policy and finance.

Subd. 2. [SUNSET.] The duties of the Legislative Commission on Minnesota Resources to recommend expenditures from the environment and natural resources trust fund expire on June 30, 2006.

Advisory Task Force Membership

Governor Pawlenty Appointments:

David Zentner – Co-chair, Karen Bowen, Jeff Broberg, Joe Duggan, Wayne Enger, Ryan Heiniger, Pam Landers, Craig Shaver.

LCMR Executive Committee Appointments:

Loren Solberg – Co-chair, Charlie Berg**, Dave Bishop, Ron Erhardt, Phyllis Kahn, Jane Krentz, Gary Laidig, Steve Morse, Earl Renneke**.

** Earl Renneke resigned on January 6, 2006. He was replaced by Charlie Berg.

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EXECUTIVE SUMMARY

The Advisory Task Force for the Environment and Natural Resources Trust Fund ("Task Force") was established in ML 2005, First Special Session, Chapter 1, Article 2, Section 156 to "examine the process for making recommendations on expenditures from the environment and natural resources trust fund...."

The Task Force was composed of sixteen members with many years of legislative and citizen expertise in the environment, natural resource and governance issues. Although Task Force members had diverse perspectives, they shared a common goal of assuring the preservation and enhancement of Minnesota's environment and natural resources through the best possible stewardship of Trust Fund expenditures. This report reflects the consensus views of the Task Force on how this goal can best be achieved.

The Advisory Task Force held its first meeting on Sept. 27, 2005, and met an additional seven times before the report deadline of February 15, 2006.

The Task Force deliberations served to balance two overriding interests:

- The interest in providing meaningful citizen involvement in the Environment and Natural Resources Trust Fund decision making process; and
- The interest in maintaining the constitutional responsibility of the legislature to appropriate money and oversee the spending of any appropriation.

The Task Force concluded that the goal of increasing citizen input could be achieved by:

- Adding non-legislative citizen appointments to make final funding recommendations by creating a joint Legislative Citizen Commission on Minnesota Resources (Commission).
- Regularly rotating the chair between the citizen and legislative members.
- Requiring a two-thirds majority vote for all final funding decision recommendations.
- Creating a Citizen Selection Committee appointed by the Governor to make recommendations for the citizen appointments.
- Providing for the establishment and use of technical expert advisory committees to assist in strategic plan development and proposal review and evaluation.
- Allocating a portion of the Trust Fund dollars to regions, to engage citizens at the local level and to invest in projects that address the unique needs of the area served.

The Task Force also concluded that the constitutional responsibility of the legislature to appropriate money and oversee the spending of any appropriation could be assured by:

- Maintaining legislative members on the Legislative Citizen Commission on Minnesota Resources to determine final project funding recommendations.
- Forwarding final project funding recommendations from the Commission to the full Legislature for review and appropriation.

Key Findings of the Task Force:

- The Trust Fund expenditures must follow the constitutional "mandate" as defined in MS 116P.02 and allowed in MS 116P.08.
- The Trust Fund must be appropriated by the Legislature.
- The Trust Fund expenditures must provide a long-term benefit to Minnesota's environment and natural resources.
- The Trust Fund expenditures must supplement and not supplant other environment and natural resource funding.

Summary of Task Force Recommendations:

The Advisory Task Force Recommendations for changes to the process used for expenditures from the Environment and Natural Resources Trust Fund are in the four major areas of:

- Governance
- Long Range Planning
- Grant Administration
- Other Funds to Enhance Trust Fund Expenditures

The Task Force Recommendations include:

The full recommendations are on page 8.

Governance:

In order to provide increased citizen involvement the Task Force recommends replacing the current Legislative Commission on Minnesota Resources (LCMR) and Citizen Advisory Committee (CAC) process for making recommendations for the Trust Fund expenditures to the Legislature with a 17 member Commission composed of citizen and legislative appointed membership.

The 17 members are composed of: 7 citizen appointees, 5 House members and 5 Senate members. The citizen members are appointed by the Governor (5), the Senate (1) and the House (1).

The citizen members are appointed by the Governor, House, and Senate from recommendations received by the Citizen Selection Committee appointed by the Governor. The House and Senate appoint the 10 legislative members.

The chair of the Commission is elected by the membership and rotates between citizen and legislative members. A super majority of 12 of the 17 members (two-thirds) is required for Trust Fund expenditure recommendations.

Technical Advisory Expert Committees must be established to assist in long range planning for expenditures and proposal review and evaluation.

Annually, the Legislature will receive the Commission's recommendations for review and appropriation to forward to the Governor for signature.

Long Range Plan:

The Commission must adopt a 6 –year strategic long range plan for Trust Fund expenditures with measurable outcomes and determine areas of emphasis for funding.

Grant Administration and Funding Cycle

To make the funding available on a more timely basis, the funding cycle is adjusted as follows:

- (1) the cycle is changed from biennial to annual;
- (2) the Legislature is asked to take action on the funding recommendations at the beginning of its annual legislative session as stand alone appropriation legislation;
- (3) regional block grants are encouraged; and
- (4) an account should be set up to fund emerging issues outside of the proposed annual grant cycle with final approval by the Governor.

Other Funds to Enhance Trust Fund Expenditures

- Trust Fund Expenditures should seek to maximize leveraging of non-state dollars in project funding
- The Governor and the Legislative should restore the funding for the MN Future Resources Fund for environment and natural resource expenditures.

INTRODUCTION

Advisory Task Force Charge

The Advisory Task Force for the Environment and Natural Resources Trust Fund was established in ML 2005, First Special Session, Chapter 1, Article 2, Section 156 to "examine the process for making recommendations on expenditures from the environment and natural resources trust fund..."

Advisory Task Force Meetings

The Advisory Task Force held its first meeting on Sept. 27, 2005, and met an additional seven times before the report deadline of February 15, 2006. The Task Force Report was adopted on February 7, 2006 by a unanimous vote.

All materials distributed at the Advisory Task Force meetings and meeting minutes are available on the web at www.lcmr.leg.mn. In addition, the audio of all Advisory Task Force meetings is located at this web site.

Facilitation of the Advisory Task Force was conducted under contract with the Department of Administration.

Information Gathering

The Task Force reviewed the Constitutional amendments for the Trust Fund and MS 116P, the statute that implements the constitutional amendment. Various constitutional issues related to governance structures and expenditure options were provided by House and Senate Research for discussion.

The Advisory Task Force also reviewed the current process for Trust Fund expenditures and programs and processes used by other states, local and national foundations and other state grant programs. Included in the review were presentations from:

- **House, Senate and the Office of the Governor.** House and Senate conference committee members, a representative from the Governor's office and the current LCMR chair shared their thoughts on the establishment of the Advisory Task Force and its charge.
- **Public Testimony.** The public was invited to share comments and suggestions to improve the process for Trust Fund expenditures. On November 17, 2005, twenty-three people presented testimony. An additional sixteen written comments were received.

- **Citizen Advisory Committee for the Environment and Natural Resources Trust Fund (CAC).**

All current and former CAC members were invited to share their perspectives with the Task Force during the November 17, 2005 meeting. Three CAC members provided testimony. In addition Nancy Gibson, Chair of the CAC, provided written comments.

- **States with Constitutionally Dedicated Environment and Natural Resource Funding and/or Established Trust Funds.**

Representatives of Great Outdoors Colorado, the Nebraska Environmental Trust, and the Missouri Department of Conservation presented overviews of the programs and activities in their states. House Research provided an Issue Brief on "State Environmental Trust Funds" (Appendix A).

- **Foundations and State Grant Programs.** The McKnight Foundation, the National Fish and Wildlife Foundation, and the Minnesota Arts Board presented overviews of their funding governance and process.

FINDINGS AND CONCLUSIONS

The Task Force deliberations served to balance two overriding interests:

- The interest in providing meaningful citizen involvement in the Environment and Natural Resources Trust Fund decision making process; and
- The interest in maintaining the constitutional responsibility of the legislature to appropriate money and oversee the spending of any appropriation.

The Task Force concluded that the goal of increasing citizen input could be achieved by:

- Adding non-legislative citizen appointments to the make final funding recommendations by creating a Legislative Citizen Commission on Minnesota Resources (Commission).
- Regularly rotating the chair between the citizen and legislative members.
- Requiring a two-thirds majority vote for all final funding decision recommendations.
- Creating a Citizen Selection Committee appointed by the Governor to make recommendations for the citizen appointments.
- Providing for the establishment and use of technical expert advisory committees by the Commission to assist in strategic plan development and proposal review and evaluation.
- Allocating a portion of the Trust Fund dollars to regions, to engage citizens at the local level and to invest in projects that address the unique needs of the area served.

The Task Force also concluded that the constitutional responsibility of the legislature to appropriate money and oversee the spending of any appropriation would be assured by:

- Maintaining legislative members on the Legislative Citizen Commission on Minnesota Resources to determine final project funding recommendations.
- Forwarding final project funding recommendations from the Commission to the full Legislature for review and appropriation.

The Task Force identified the following additional findings and conclusions, based on the results of their information gathering and deliberations.

Guiding principles for Trust Fund Expenditures:

- The Trust Fund expenditures must follow the constitutional "mandate" as defined in MS 116P.02 and allowed in MS 116P.08.
- The Trust Fund must be appropriated by the Legislature.
- The Trust Fund expenditures must provide a long-term benefit to Minnesota's environment and natural resources.
- The Trust Fund expenditures must supplement and not supplant other environment and natural resource funding.

Governance

- Ensure an open public process in the development of the strategic plan and project funding review.
- Increase the involvement of Minnesota citizens in the Trust Fund strategic plan and expenditure decisions.
- Increase the public outreach for reporting the funding accomplishments.

Long Range Planning

- The long-range plan (strategic plan) must conform to the Trust Fund Constitution and M.S. 116P. 08, Environment and Natural Resources Trust Fund allowed expenditures, and definitions in M. S. 116P.02.
- The strategic plan required in M.S. 116P.08, Subd. 3, must provide measurable outcomes for expenditures and determine areas of emphasis for funding.

Grant Administration

- Increase the frequency of the funding cycle.
- Provide for regional grants to address unique needs of the regions.
- Increase responsiveness to emerging issues.

Other Funds to Enhance Trust Fund Expenditures

- Additional state and non-state sources of funds should be leveraged to enhance and maximize the impact of Trust Fund expenditures.

RECOMMENDATIONS

The Advisory Task Force Recommendations address four major areas including,

- Governance
- Long Range Planning
- Grant Administration
- Other Funds to Enhance Trust Fund Expenditures

The Advisory Task Force recommends that a sunset of June 30, 2016 apply to all of its recommendations.

Governance Structure and Membership

- A 17 member Legislative Citizen Commission on Minnesota Resources (Commission) composed of legislative members and citizen appointed members is created to make final recommendations on the Trust Fund expenditures to the legislature.
- The Commission should consist of a membership size that can provide for streamlined decision making and represent diverse points of view and opinions of elected and non-elected citizens.
- All appointments made to the Commission must take into consideration the appointee's qualifications and interest in the mission of the Trust Fund.
- Members are expected to participate in all meetings related to funding decision recommendations through procedures established by the Commission.
- A conflict of interest process would apply to all members of the Commission.

Composition and Duties

- The composition of the 17 member Commission legislative and non-legislative citizen members is:
 - 7 citizen members
 - 5 House members
 - 5 Senate members
- The Commission makes final project funding recommendations for the Trust Fund to the Legislature.
- Funding decision recommendations require a two-thirds majority vote of the full membership (12 members).
- The Commission must establish and use technical expert advisory panels.
- Citizen appointed members will be selected to chair the technical expert advisory panels.
- The Commission must adopt and regularly review a long-term strategic plan.
- The Commission shall operate within the current legislative administrative structure.

Membership

- Appointment process
 - Legislative members are appointed by the House and Senate.
 - Citizen members are appointed by the Governor (5), House (1) and Senate, (1) based on the recommendations of Governor's appointed Citizen Selection Committee.
- The Commission chair is elected by Commission membership. Selection of the chair rotates between citizen membership and legislative membership.
- Membership Terms
 - The Task Force recommends that the legislature develop term limits for the citizen and legislative appointees, such as:
 - Citizen Membership: Staggered 3-year terms, with a maximum of two full terms
 - Legislative Membership: 2-year terms, with a maximum of 3 full terms.

Citizen Membership Criteria

- Criteria for citizen members to the Commission includes:
 - Demonstrated expertise and experience in the science, policy, or practice of the protection, conservation, prevention and enhancement of the State's air, water, land, fish, wildlife and other natural resources (as defined in 116P).
 - Demonstrated ability to work in a collaborative environment.
 - A strong knowledge of the environment and natural resource issues faced across the variety of geographic regions of the state.

Legislative Membership Criteria

- Criteria for legislative members to the Commission includes:
 - Limiting automatic appointments to be the chairs of the environment finance/budget committees in the House and the Senate, or the Chairs' designees.
 - At least 2 of the 5 appointments from the House and Senate must be minority members.
 - A strong knowledge of the environment and natural resource issues faced across the variety of geographic regions of the state.

Citizen Selection Committee Composition and Duties

- A committee totaling 5 – 8 members, representing a geographic balance and diversity in the environment and natural resource interests, appointed by the Governor, recommends citizen members for appointment to the Commission.
- The Citizen Selection Committee duties include:
 - Identification of citizen Commission member candidates from the open appointments process "pool."
 - Requesting and reviewing special applications for citizen member candidates.
 - Interviewing and recommending a "pool" of member candidates to the Governor, House and Senate.

Long-Range Plan

- The strategic plan required in M.S. 116P.08, Subd. 3, (6- year plan, reviewed every 2 years) must provide measurable outcomes for expenditures and determine areas of emphasis for funding.
- The strategic plan must have clearly stated short and long term goals and strategies for Trust Fund expenditures that can move the environment and natural resources toward the desired outcomes.
- The Commission shall consider the long term strategic plans of agencies with environmental programs and responsibilities and conservation and environmental organizations during the development and review of the Trust Fund strategic plan.
- The long-range plan (strategic plan) adopted by the Commission must conform to the Trust Fund Constitution, M.S. 116P.08, Environment and Natural Resources Trust Fund allowed expenditures, and definitions in M.S. 116P.02.

The Task Force recommends that the Commission strategic plan development consider the following as part of its process:

The Commission should develop the first draft of the Trust Fund long range content plan from their combined expertise on and understanding of statewide issues. Once the first draft of the long range plan has been written, the Commission should review the state agency long range plans to determine what portions of the Commission trust fund plan are already being addressed. The Trust Fund long range plan could then be revised to emphasize funding those identified needs not being addressed in the agency plans.

Additionally, the Advisory Task Force recommends that:

- The Commission recommend adequate funding for the Advisory Task Force recommendations for increased citizen outreach and communications as part of the long-range planning and grant-making functions.

Grants Administration

The Legislature is asked to take action on the project funding recommendations at the beginning of its annual legislative session as stand alone appropriation legislation.

Additionally, it is recommended that the Commission:

- Increase the frequency of the funding cycle to an annual cycle (Example of annual cycle in Appendix B).
- Continue to allow for direct administrative expenses for the project expenditures, as needed
- Establish and use technical advisory review committee(s), in proposal

evaluation and project outcome evaluation.

- Continue to conduct scientific peer reviews for research proposals.
- Research expenditures must focus on the environment and natural resources identified in the Trust Fund Constitution and long-range plan.
- Simplify the grant application and review process.
- Streamline the administration of the project expenditures for recipients.
- Continue to ensure the accountability of the expenditures and provide for the evaluation of the projects and the auditing of the expenditures.

The Advisory Task Force also recommends that staff of the Commission be given a stronger role in the screening and initial evaluation of proposals.

In addition to making specific project funding recommendations, the Commission should consider recommending funding for regional block grants and an account for emerging issues.

Regional Block Grants

The Commission should consider establishing regional block grants for a portion of the funding to:

- Partner with existing administrative structures that have strong citizen involvement
- Leverage local and federal funding.
- Help build local capacity for the environment and natural resource activities, education and awareness.
- Address unique needs of areas served.
- Capture potentially high-return, local citizen efforts.

The Commission should consider providing the block grants to existing regional organizations.

The regional block grant expenditures must conform to Constitutional and statutory authorizations and the adopted long-range plan.

Grant recipients must report their grant awards and evaluation results to the Commission and be expected to maximize the funding provided to projects, minimize the administrative dollars, and leverage additional funds.

Emerging Issues Account

The Commission is encouraged to establish an account for emerging issues to be appropriated by the legislature for the Commission to respond rapidly to emerging issues brought to their attention. Expenditures would need to conform to the adopted strategic long-range plan. Recommendations for the account expenditures are subject to final approval by the Governor.

Other Funds to Enhance Trust Fund Expenditures

- Trust Fund expenditures should seek to maximize the leveraging of non-state dollars in project funding by partnering with 501c(3)s, other organizations and agencies.
- It is recommended the Governor and the Legislature restore the funding for the MN Future Resources Fund for environment and natural resource expenditures.
- The Governor and Legislature are encouraged to recognize the need for the environment and natural resource project funding in the capital bonding considerations.



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Minnesota's Wetlands Legacy

IS MINNESOTA DOING ENOUGH TO PROTECT ITS REMAINING WETLANDS?

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Cover photo: A wetland in Springbrook Nature Center. *Photo by Trevor Russell.*

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EXECUTIVE SUMMARY

Wetlands are a treasured resource for Minnesota: swamps, bogs, marshes, potholes, and wet meadows all are a part of Minnesota's great water heritage. Wetlands provide recreation for people, habitat for migratory birds plus many kinds of animals and plants, and flood and pollution control. All of these functions give economic benefit to the state.

Wetlands have been drained and lost due to the desire to use the land they occupy for agriculture, business development, roads, utilities, or homes. Only about 9 million acres of wetlands remain of the 20 million acres that existed in the 1850s.

The Wetlands Conservation Act (WCA), passed by the Minnesota legislature in 1991, has provided important protection for the quantity, quality, and biological diversity of Minnesota's remaining wetlands. One of its goals is to ensure that there is no net loss of wetland acreage; this is accomplished by regulating some actions taken on wetlands.

When an action is to be taken on a wetland, WCA regulations include creating a plan, gaining approval from the local government unit (LGU), replacing losses, and monitoring the actions taken. WCA contains ten kinds of exemptions where action can be taken without a permit or a replacement plan.

WCA is having a positive impact on the quality and quantity of wetland preservation in Minnesota. However, the Sierra Club North Star Chapter's Water and Wetlands Committee supports changes to current regulations that would improve wetlands, thus ensuring their continued ecological and economic benefits to the state.

- RECOMMENDATION 1** All actions to wetlands exempted by WCA must be reported. Landowners must be required to report all wetland drain and fill activities to their LGU, regardless of whether their wetland is exempt under WCA. This would allow for accurate and consistent measurements of wetlands loss in Minnesota and would assist state agencies and decision makers in their efforts to prevent wetlands loss.
- RECOMMENDATION 2** LGUs should be required to keep permanent files on wetland-related decisions. Additionally, wetlands should be mapped statewide.
- RECOMMENDATION 3** Minnesota has an opportunity to provide protection for isolated wetlands affected by the United States Supreme Court decision *Solid Waste Agency of Northern Cook County v. US Army Corps of Engineers* (SWANCC) by providing isolated wetlands with at least the same protection in the state law that they enjoyed prior to the court's decision in SWANCC. One way to accomplish this would be to remove or limit the exemption for isolated wetlands (type 1, 2, or 6) so that applicants seeking to drain these types need to develop a replacement plan.
- RECOMMENDATION 4** Minnesota should require the use of the 1979 Cowardin Classification of Wetlands when documenting and making determinations about a wetland's value and type. This would assist in attaining the goal of replacing wetlands with ones that have the same values and functions as the destroyed wetlands.
- RECOMMENDATION 5** When upland restoration is part of a wetland replacement plan, the wetland replacement and the upland replacement need to be accounted for separately.

The entire report is available at
<http://northstar.sierraclub.org/campaigns/water/wetlands/drippingReport20060301.pdf>

Minnesota's Wetlands Legacy

What are Wetlands?

Wetlands are a treasured resource for Minnesota: swamps, bogs, marshes, potholes, and wet meadows all are a part of Minnesota's great water heritage. Wetlands are a key component of the entire ecological system. They also have social and economic values.

A wetland is an area that

- is either covered by shallow water or contains water-saturated soil for at least part of the growing season
- has soil that lacks oxygen
- grows water-loving plants.

Minnesota currently has over 9 million acres of wetlands.¹ Wetlands occur in many forms, including forested swamps, deep and shallow marshes, bogs, and prairie potholes. Each of these different types of wetlands has its own important functions.

Why Are Wetlands Important?

Recreation

Wetlands provide many opportunities for outdoor recreation such as hunting, hiking, fishing, and birding.² In Minnesota, 35% of the people fish, 15% hunt, and 54% watch wildlife for recreation.³ Both Minnesotans and non-state residents purchase licenses to hunt or fish. All this activity is important to Minnesota's economy since outdoor recreation

contributes \$4.25 billion to the gross state product, which generates \$201.7 million in tax revenue per year.⁴

Losses of wetlands reduce recreational activity and, consequently, the amount of revenue generated for the economy. Reduced opportunity for these recreational activities is also a quality-of-life issue.

Habitat for Migratory Birds

Wetlands across the nation provide breeding, nesting, and feeding habitats for millions of birds of all types. Wetlands are especially important for migratory birds, which follow special routes during seasonal migrations. These routes are typically aligned with wetlands crucial to the survival of these birds. As the number of wetlands is reduced, these birds are forced to change their flight paths, which reduces their chances of survival and successful reproduction.⁵ Minnesota, along with North and South Dakota and Iowa, has historically been of vital importance to these migration paths because of the abundance of small, scattered, highly productive wetlands in these areas.⁶

Loss of these vital migratory habitats has a profound effect on the bird population. In the past 15 years alone, the destruction of wetlands is a key factor in the continental duck breeding population falling from 45 million to 31 million birds—a decline of 31 percent.⁷

Biodiversity

Wetlands provide homes and sustenance for more than migratory birds. They share these habitats with an abundance of plant and animal species. Wetlands are among the

¹ Minn. Dept. Natural Resources, *Wetlands*, "Wetland Facts," <http://www.dnr.state.mn.us/wetlands/index.html> (accessed Feb. 4, 2006).

² Minn. Bd. Water Soil Resources, *Wetland Regulation in Minnesota*, "Why Are Wetlands Important?" <http://www.bwsr.state.mn.us/wetlands/publications/wetlandregulation2.html> (accessed Feb. 4, 2006).

³ Minn. Dept. Natural Resources, *Natural Resources, Recreation & the Economy*, <http://www.dnr.state.mn.us/faq/mnfacts/economy.html> (accessed Feb. 4, 2006).

⁴ *Id.*

⁵ Natural Resources Conservation Serv., *Wetlands Values and Trends: RCA Brief #4*, "Wetlands – A Valuable Asset," <http://www.nrcs.usda.gov/technical/land/pubs/ib4text.html> (Nov. 1995).

⁶ *Id.*

⁷ U.S. Env'tl. Protec. Agency, *Threats to Wetlands 1*, <http://www.epa.gov/owow/wetlands/pdf/threats.pdf> (Sept. 2001).

richest and biologically most productive habitats on earth. Wetlands in the United States support about 5,000 plant species, 190 amphibian species, one-third of all bird species, and numerous invertebrates.⁸ Wetlands are even more important as habitats for endangered species. They provide habitat for about one-half the fish, one-third of the birds, one-fourth of the plants, and one-sixth of the mammals on the U.S. threatened and endangered species lists.⁹

Flood Control

Wetlands reduce flood damage by serving as holding areas for water and absorbing and slowing down excess floodwaters and runoff during times of heavy rain.¹⁰ By acting as reservoirs that fill up with excess water, wetlands have the ability to act as flood control agents and reduce erosion.

The protection and restoration of wetlands throughout the state could significantly reduce flood damage in all of the watersheds in Minnesota. In fact, the destruction of this form of flood control has been a significant factor in the flooding of the Mississippi River.¹¹

Restoration of natural wetlands could save millions spent annually on artificial flood management structures and insurance, and, combined with changes to other land use practices in flood plains, could potentially save billions in future flood damage.

Pollution Control and Water Quality

Wetlands have the ability to work as a natural form of pollution control, removing nutrients, pesticides, and sediments from surface waters.¹² When water enters a wetland, pollutants and nutrients are filtered from the water before

it flows into lakes and rivers, resulting in cleaner waters.¹³ Some types of wetlands are so good at this filtration function that environmental managers construct similar artificial wetlands to treat storm water and wastewater.¹⁴ For example, a study on the bottomland hardwood wetlands in South Carolina showed that the same amount of pollution removal would require a water treatment plant costing at



Seminary Fen. Photo by Trevor Russell.

least \$5 million (in 1991 dollars) to construct and even more to maintain.¹⁵

What are Uplands?

Uplands are the lands adjacent to a wetland and are important to a properly functioning wetland. These buffer areas prevent the natural filling of wetlands from erosion because the upland vegetation holds the adjacent soils in place that prevents degradation of the wetland environment.

Erosion of uplands can also destroy wildlife nesting and breeding grounds, degrade the habitat of macro-invertebrates living and breeding in the wetland, and alter the flood- and storm water-retention capabilities of the wetland.

⁸ Natural Resources Conservation Serv., *Wetlands Values and Trends: RCA Brief #4*, "Did You Know," <http://www.nrcs.usda.gov/technical/land/pubs/ib4text.html> (Nov. 1995).

⁹ *Id.*

¹⁰ Minn. Bd. Water Soil Resources, *Wetlands in Minnesota 2*, <http://www.bwsr.state.mn.us/wetlands/publications/wetland.pdf> (accessed Feb. 6, 2006).

¹¹ Richard P. Novitzki, R. Daniel Smith & Judy D. Fretwell, *Wetland Functions, Values, and Assessment*, <http://water.usgs.gov/nwsum/WSP2425/functions.html> (accessed Feb. 6, 2006).

¹² Natural Resources Conservation Serv., *Wetlands Values and Trends: RCA Brief #4*, "Wetlands - A Valuable Asset," <http://www.nrcs.usda.gov/technical/land/pubs/ib4text.html> (Nov. 1995).

¹³ Virginia Carter, *Wetland Hydrology, Water Quality, and Associated Functions*, "Maintenance of Water Quality," <http://water.usgs.gov/nwsum/WSP2425/hydrology.html> (accessed Feb. 6, 2006).

¹⁴ U.S. Envt. Protec. Agency, *Functions and Values of Wetlands 1*, http://www.epa.gov/owow/wetlands/pdf/fun_val.pdf (Sept. 2001).

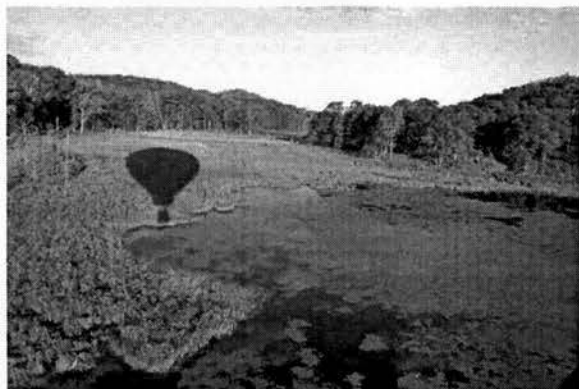
¹⁵ Natural Resources Conservation Serv., *Wetlands Values and Trends: RCA Brief #4*, "Wetlands Help Us in Many Ways," <http://www.nrcs.usda.gov/technical/land/pubs/ib4text.html> (Nov. 1995).

State Protection of Wetlands: The Wetlands Conservation Act

Background

In 1858 when Minnesota became a state, it had 18.6 million acres of wetlands.¹⁶ Since then, agriculture and development in the state have eliminated half of the wetlands to make way for crops, roads, and buildings.¹⁷ Now only about 9 million acres are left.¹⁸ In fact, some areas have lost over 90% of their wetlands.¹⁹

Agriculture used to be the main source of wetland loss, as wetlands were filled in to increase crop acreage, but now development is the leading cause of wetland loss, as urban sprawl continues to grow.²⁰ From 1982 to 1992, 57% of wetland loss was due to development.²¹ Pollution, runoff, and invasive species have led to a marked decrease in the quality of existing wetlands.



A wetland amidst glacial moraine in Todd County. Photo by Sue Rich.

What is the Wetlands Conservation Act?

In an effort to prevent more wetlands from disappearing, the Minnesota Legislature passed the Wetlands Conservation Act (WCA) of 1991 with overwhelming support.²²

WCA has four goals:

1. Achieve no net loss in the quality and quantity of wetlands.
2. Increase the quantity, quality, and biological diversity of Minnesota's wetlands.
3. Avoid activities that harm wetlands.
4. Replace wetlands when damage is unavoidable.²³

WCA mandates that the wetlands regulated by the law cannot be filled or drained, either wholly or partially, without being replaced by a wetland of at least equal value.²⁴ In fact, in most instances, there must be two acres of replacement wetland for every one acre that is destroyed.²⁵

The Minnesota Board of Water and Soil Resources (BWSR) was named the authority for implementing and overseeing WCA regulations.²⁶

WCA contains exemptions specifying that some existing wetlands are not subject to the law's regulations. These exemptions allow a landowner to destroy certain wetlands without any legal consequences.²⁷ There are ten distinct categories of exemptions: agricultural, drainage, federal approvals, wetland restoration, incidental wetlands, utilities/public works, forestry, approved development, de minimis, and wildlife habitat.²⁸

When some action (such as construction) is proposed for an area containing a wetland, the preferred option is to design the project so no harm is done to the wetland. Any landowner who desires to drain or fill a regulated wetland must create a replacement plan and have it approved by his/her local government unit (LGU).²⁹ An LGU can be a city council, county board, or a watershed district,

¹⁶ Minn. Bd. Water Soil Resources, *Wetlands in Minnesota* 1, <http://www.bwsr.state.mn.us/wetlands/publications/wetland.pdf> (accessed Feb. 6, 2006).

¹⁷ *Id.*

¹⁸ Minn. Dept. Natural Resources, *Wetlands*, "Wetland Facts," <http://www.dnr.state.mn.us/wetlands/index.html> (accessed Feb. 6, 2006).

¹⁹ Minn. Bd. Water Soil Resources, *Wetland Regulation in Minnesota*, "Why are Wetlands Important?" <http://www.bwsr.state.mn.us/wetlands/publications/wetlandregulation2.html> (accessed Feb. 6, 2006).

²⁰ U.S. Envtl. Protect. Agency, *Threats to Wetlands* 1, <http://www.epa.gov/owow/wetlands/pdf/threats.pdf> (Sept. 2001).

²¹ Natural Resources Conservation Serv., *Wetlands Values and Trends: RCA Brief #4* pie chart, <http://www.nrcs.usda.gov/technical/land/pubs/ib4text.html> (Nov. 1995).

²² Dean Rebuffoni, *State Wetlands Bill Approved; Gov. Carlson Says He'll Sign It*, *Star Tribune* (Minneapolis, Minn.) 4B (May 22, 1991).

²³ Minn. Stat. § 103A.201 Subd. 2(b) (2004).

²⁴ Minn. Stat. § 103G.222 Subd. 1(a) (2004).

²⁵ See Minn. Stat. § 103G.222 Subd. 1(e) (2004).

²⁶ Minn. Stat. § 103G.2242 Subd. 1(a) (2004).

²⁷ See generally Minn. Stat. § 103G.2241 (2004).

²⁸ *Id.*

²⁹ Minn. Stat. § 103G.222 Subd. 1(a) (2004).



Bass Lake Trail, north of Ely in the Boundary Waters. Photo courtesy of Friends of the Boundary Waters.

depending on where the landowner lives.³⁰ The replacement plan must show that there was first an attempt to avoid or minimize damage to the current wetland.³¹

A technical evaluation panel consisting of scientific professional wetlands experts from state and local agencies evaluates the plan to ensure that it complies with WCA regulations.³² A recommendation is then made to the LGU.³³

If there is expected to be damage to a wetland that could be avoided or minimized, the LGU is required to reject the plan; otherwise the landowner is allowed to proceed with the project according to the approved replacement plan.³⁴

The landowner must monitor the replacement wetlands and report to the LGU for five years to ensure the replacement plan has been followed.³⁵

WCA also refers briefly to upland buffers, stating that there are circumstances where upland buffers can be

considered part of the replacement plan for a destroyed wetland.³⁶

Impact of the Wetlands Conservation Act

In many cases, WCA is being used to protect the original wetland in an area that a landowner wants to change. In 1999 and 2000, 41% of total wetlands projects were redesigned to successfully avoid impacting wetlands.³⁷ Also there is an awareness of WCA regulations in Minnesota that is sometimes causing landowners to avoid wetlands when planning development projects.³⁸

While there have been positive results, the quantity and quality of our wetlands continues to decrease. Although the stated goal of WCA is "no net loss," actual net wetland loss, both in quantity and quality, is occurring. This is due, in part, to the issues listed in the next section.

³⁰ Minn. Stat. § 103G.005 Subd. 10e (2004).

³¹ Minn. Stat. § 103G.222 Subd. 1(b) (2004).

³² Minn. Stat. § 103G.2242 Subd. 2(a) (2004).

³³ *Id.*

³⁴ Minn. R. 8420.0540 Subp. 1 (2004).

³⁵ Minn. R. 8420.0610 (2004).

³⁶ Minn. R. 8420.0541 Subp. 6 (2004).

³⁷ Minn. Bd. Water Soil Resources, *1999/2000 Minnesota Wetland Report* 1 (2001).

³⁸ Minn. Bd. Water Soil Resources, *2001-2003 Minnesota Wetland Report* 2 (2005).

Recommendations for Improving Protection of Minnesota's Wetlands

PROBLEM 1

Actions to wetlands exempted by WCA are not currently required to be reported

When a landowner has a wetland area that is exempt from WCA regulation, the landowner can destroy or change the wetland at will. No application or registry is necessary to qualify for an exemption before the destruction of the wetland.³⁹ Because this activity is not reported, these losses are not calculated in the wetland loss numbers, even though they represent an actual loss.

De minimis exemptions allow landowners to destroy between 400 and 10,000 square feet of wetlands at a time, depending on wetland type and location.⁴⁰ Agricultural lands receive the most exemptions. When WCA was passed, 78% of wetlands on Minnesota's farmland were considered exempt because they were already enrolled in federal farm programs.⁴¹

It is generally accepted that most destruction occurs under exemptions that are not reported.⁴² According to the Department of Natural Resources, since 1995 more than 11,000 wetlands acres have been reported destroyed and only 6,000 replacement acres have been created.⁴³

From 2001-2003, there were 1,708 acres of exempted wetlands destroyed that were reported, leaving a net loss of 1,367 acres under WCA activities.⁴⁴ These numbers would be significantly higher if actions taken to exempted wetlands were also reported and included in the acres lost.

The lack of an application requirement can result in wetland destruction that property owners assumed was an exempted activity but was actually disallowed under WCA. It may also come from lack of knowledge or of judgment about the WCA exemption standards.

In summary, no accurate totals exist for the total destruction of wetlands under WCA exemptions. The "no net loss" equation is therefore impossible to calculate when unreported wetlands are being left out.

RECOMMENDATION

All actions to wetlands exempted by WCA must be reported.

Landowners must be required to report all wetland drain and fill activities to their LGUs, regardless of whether their wetland is exempt under WCA. This would allow for actual and consistent assessment of wetlands lost in Minnesota and would assist state agencies and decision makers in their efforts to prevent wetlands loss.

The state and local units of government and private property owners would all benefit from requiring prior approvals for the draining of all wetlands, either in the form of a filed form, approval letter, or more formal certification. This will also provide assurances to property owners that they are applying the exemption criteria properly.

By assessing each application before issuing the permit, BWSR or the LGU would be able to verify that every wetland destroyed under an exemption does, in fact, comply with the exemption criteria. This would reduce the number of violations, disputes, and costs for all parties involved.

³⁹ Minn. Stat. § 103G.2241 Subd. 11(c) (2004) (saying the state "encourages" those filling or draining a wetland under an exemption to contact the local government unit before doing so, but does not require it).

⁴⁰ Minn. Stat. § 103G.2241 Subd. 9 (2004).

⁴¹ Dean Rebuffoni, *State Wetlands Bill Approved: Gov. Carlson Says He'll Sign It*, Star Tribune (Minneapolis, Minn.) 4B (May 22, 1991).

⁴² See Minn. Bd. Water Soil Resources, *1999/2000 Minnesota Wetland Report* 5-6 (2001) (stating "many, if not most WCA-exempt losses are not recorded").

⁴³ Chris Niskanen, *Minnesota Still Losing Wetlands: 1991 law meant to protect them lacks oversight, agencies say*, St. Paul Pioneer Press A1 (Jan. 18, 2005).

⁴⁴ Minn. Bd. Water Soil Resources, *2001-2003 Minnesota Wetland Report* 4, tbl. 2 (2005).

PROBLEM 2

Minnesota has an inadequate wetlands accounting and recording system

Besides the lack of reporting on activity to exempted wetlands noted above, the lack of a total inventory of wetlands prevents accurate calculations of wetlands gained and lost.

To see where wetlands are located, the Department of Natural Resources relies on county highway maps made for the Department of Transportation for a purpose other than locating wetlands. These maps are inadequate for assessing the current status of wetlands and tracking wetland changes.

Additionally, LGUs are required to keep wetlands-related records for only ten years.⁴⁵ This time period does not provide enough history when new actions are considered. When a replacement wetland is wooded, a longer period is needed to assess its status. The longer time period will allow for historical assessment.



Springbrook Nature Center. Photo by Trevor Russell.

RECOMMENDATIONS

A. Wetlands should be mapped statewide. Money should be allocated to allow state agencies to inventory the size and location of wetlands throughout the state of Minnesota. This recommendation is in support of current allocations to create the maps, but goes further because it also suggests that money should be provided beyond a one-time effort to create the maps.

2 A more detailed map of the state's wetlands could be created through a combination of aerial photography and satellite mapping. A complete map of the state's wetlands would serve many valuable functions. First, by viewing the current layout of wetlands, the map will allow agencies to calculate more accurately how many have been destroyed in the past. More importantly, it would serve as a reference to check against future unreported wetland destruction. If there has been a suspected unreported wetland destroyed, enforcement agencies will be able to check the map to see if there was a wetland at the location in the past. Finally, a map such as this would be valuable to those conducting studies on wetlands. Also, many different agencies, social groups (like outdoors clubs), and environmental groups would benefit from an accurate wetland map of Minnesota.

B. LGUs should be required to keep permanent files on wetland-related decisions. Currently, LGUs need to keep wetland records on file for only ten years. This can create a problem if long-term data is needed but is no longer available. Access to this data would be useful for determining state progress for achieving no net loss, fact finding for decisions, and other purposes.

⁴⁵ Minn. R. 8420.0220 (2004).

PROBLEM 3

Isolated wetlands are not protected under WCA

Isolated wetlands are those that are not adjacent to or connected via surface water to another navigable water body, such as a lake or river.

From 1974, when the federal Clean Water Act was passed, until 2001, the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Army Corps) regulated wetlands in a comprehensive manner. These agencies used the "commerce clause" of the U.S. Constitution to interpret the Clean Water Act in a way that gave them broad authority to regulate isolated wetlands and require permits before isolated wetlands were dredged or filled.⁴⁶ This federal jurisdiction greatly decreased the number of acres of destroyed wetlands. National losses went from an estimated 458,000 acres annually pre-CWA, to just about 58,500 acres annually between 1986 and 1997.⁴⁷

In 2001, however, the U.S. Supreme Court decided *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* (SWANCC),⁴⁸ and limited the federal government's authority to regulated intrastate, isolated wetlands. The Court found that the Clean Water Act did not give the EPA and the Army Corps jurisdiction to regulated isolated wetlands where the only connection to interstate commerce is the use of these isolated wetlands by migratory birds.⁴⁹

In 2003, BWSR performed a study to determine how the SWANCC decision would impact Minnesota's wetlands.⁵⁰ They found that between 12% and 23% of Minnesota's wetlands have lost protection since the 2001 SWANCC decision.

RECOMMENDATION

Minnesota has an opportunity to provide protection for wetlands affected by the SWANCC decision by providing isolated wetlands with at least the same protection in the state law that they enjoyed prior to the court's decision in SWANCC.

One way to accomplish this would be to remove or limit the exemption for isolated wetlands (type 1, 2, or 6) so that applicants seeking to drain these types need to develop a replacement plan.

3

With such a large potential loss of wetlands, state protection of isolated wetlands is required to achieve no net loss.

⁴⁶ *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 531 U.S. 159, 163, 165-166 (2001).

⁴⁷ Mark A. Chertok & Kate Sinding, *Federal Regulation of Wetlands*, SJ101 Am. Law Inst. - Am. Bar Assn. Continuing Leg. Educ. 1051, 1053 (June 23-26, 2004).

⁴⁸ *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 531 U.S. 159 (2001).

⁴⁹ *Id.* at 174.

⁵⁰ Minn. Bd. Water Soil Resources, *Federal Deregulation of Isolated Wetlands: What it Might Mean for Minnesota*, Board of Water and Soil Resources Update 2 (March 2003) (available at <http://www.bwsr.state.mn.us/aboutbwsr/updates/march2003.pdf>). See also Minn. Bd. Water Soil Resources, *2001-2003 Minnesota Wetland Report* 38-46, tbls.10-11, figs. 23-27 (2005).

PROBLEM 4

Minnesota's wetlands classification system is out of date

WCA currently uses the wetland typing created in 1956 by the U.S. Fish and Wildlife Service Circular 39.⁵¹ This system categorizes wetlands by amount and length of water coverage.

In 1979, the Cowardin system was created in order to add the ecological considerations of the type of plants growing in the wetland. The U.S. Fish and Wildlife Service adopted the Cowardin system in 1980.⁵² When WCA was written, the 1956 Circular 39 system was used to define wetland types.

Many states have moved to the Cowardin classification in their laws. It provides a better method for calculating wetland replacement requirements and measuring wetland values.

Because the 1956 system does not consider plant types, replacement plans can actually propose different plant communities for the replacement wetland than those that existed in the destroyed wetland. As a result, the replacement wetland can be of lower quality. Although wooded wetlands are being destroyed, they are seldom replaced by another wooded wetland.

RECOMMENDATION

Minnesota should require the use of the 1979 Cowardin Classification of Wetlands when documenting and making determinations about a wetland's value and type.

4



Hunters value wetlands for the habitat it provides wildlife. Shown here amongst cattails are Ken Little and his son, Matt Little. *Photo by Andy Hyser.*

⁵¹ Minn. Stat. § 103G.005 Subd. 17b (2004).

⁵² U.S. Fish Wildlife Serv., 660 FW2: *Wetlands Classification System* § 2.4, <http://www.fws.gov/policy/660fw2.html> (June 21, 1993).

PROBLEM 5

WCA allows upland replacements to count as wetland replacements

WCA allows a person to receive wetland replacement credit for upland creation. For example, if a person is required to replace a one-acre wetland at a 2:1 ratio, in some cases, rather than creating two new acres of wetland, one acre can be wetland and the other replacement acre can be upland. This outcome can be a good plan since uplands are so important to the health of a wetland. However, the upland replacement acre is counted as a wetland acre gained for the purposes of measuring gains and losses. The artificial gain number can mask other losses.

RECOMMENDATION

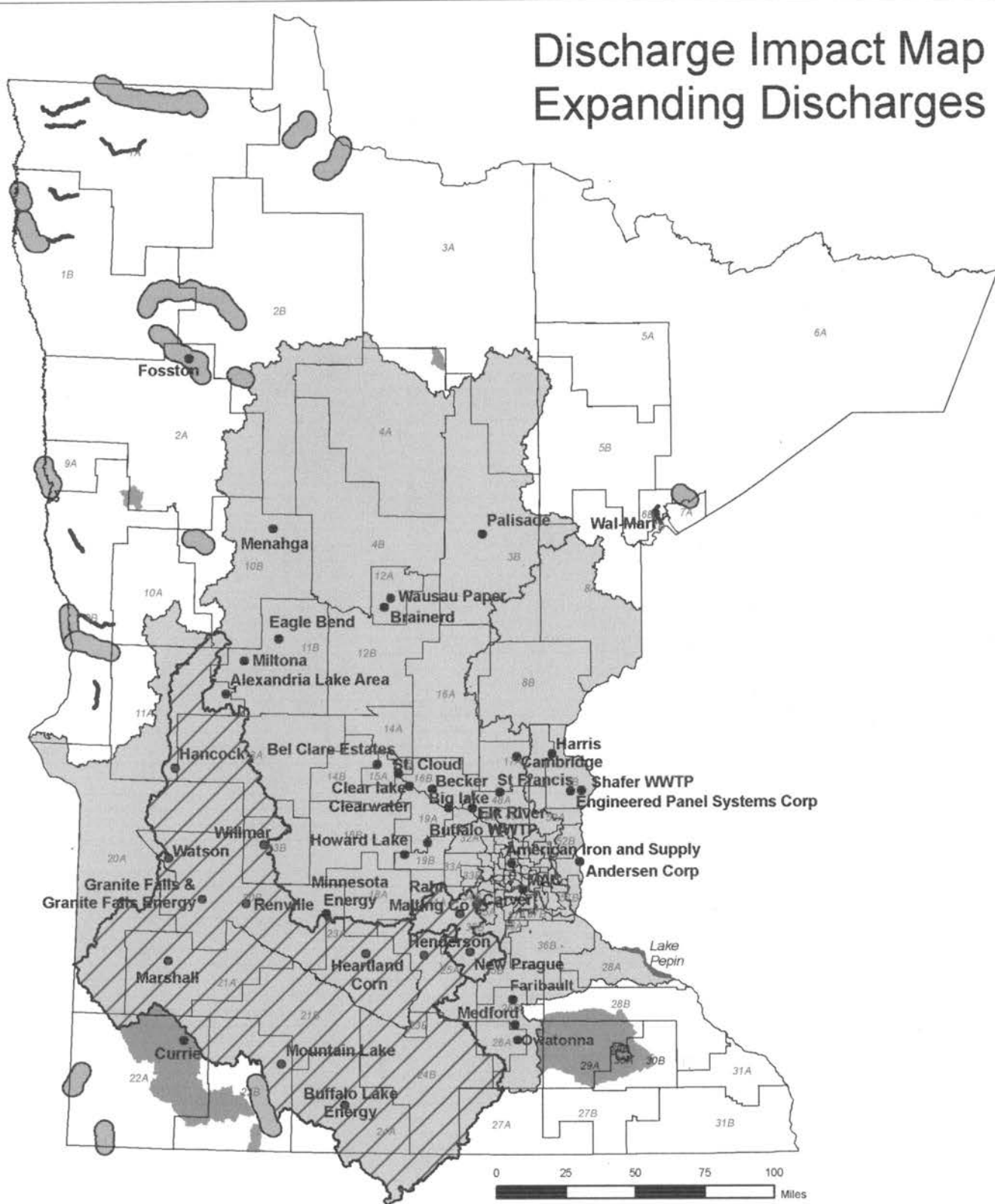
If wetlands are replaced with uplands, the upland portion should not be counted as a wetland gain.

5

Conclusion

These recommendations provide to state agencies, landowners and interested groups information they need to evaluate the current status of wetlands and wetland protection in Minnesota. They help to ensure protection of isolated wetlands and extend protection to uplands. The Sierra Club North Star Chapter hopes that all Minnesota agencies and citizens will support wetland preservation by supporting these recommendations.

Discharge Impact Map Expanding Discharges



Potentially Expanding Dischargers

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

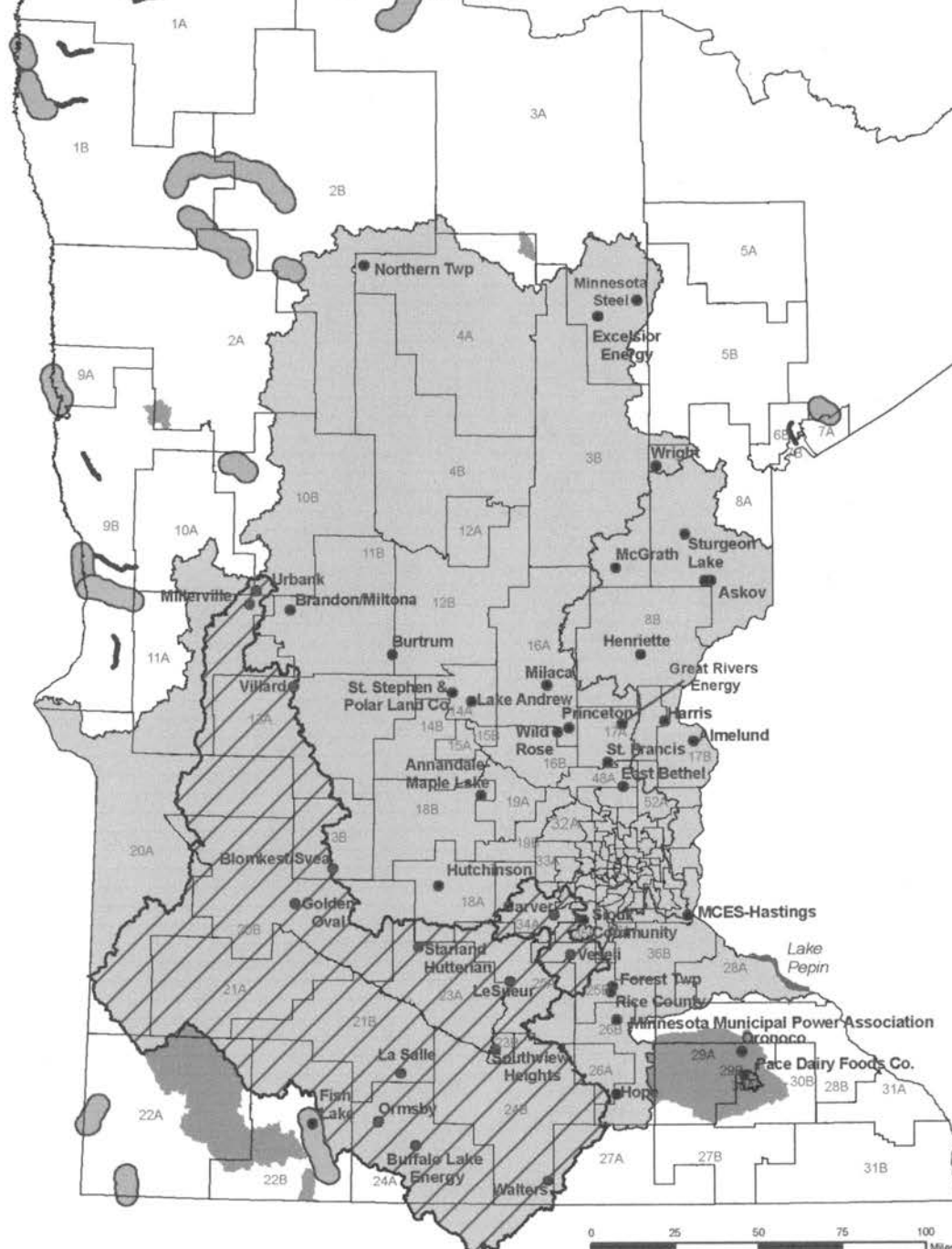
Three mile buffer

- Ammonia
- Low DO
- Ammonia and Low DO

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



Discharge Impact Map New Potential Discharges



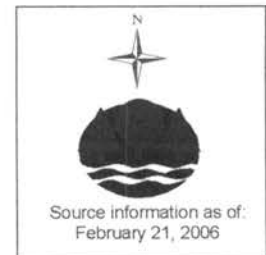
Permit Application for New Surface Water Discharge

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

Three mile buffer

- ☁ Ammonia
- ☁ Low DO
- ☁ Ammonia and Low DO

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



environmentalists, and those who are concerned about their communities and their neighborhoods in general.

First of all, a good farm neighbor/activist would want the right to participate in local decision making commonly referred to as democracy. Our nation was founded on the principle of self-government.

President Bush continues to argue that democracy for Iraq is worth fighting for and is a justification for being at war. If democracy for Iraq is so important, why does Gov. Tim Pawlenty want to limit the rights of Minnesota citizens in their communities?

Second, these activists would also be concerned about our environment as we continue to understand that we have the knowledge and ability to do a better job environmentally, yet we are failing to do so. We are not addressing our impaired waters as our laws require and we continue to add more lakes, rivers, and watersheds to the list of polluted waters in Minnesota.

Furthermore, while air pollution from large concen-

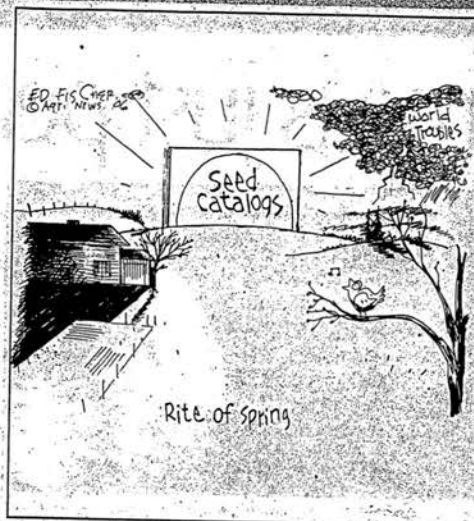
wonder who is really behind those advertisements. The extensive lobbying for legislation to limit our democratic rights, and the general governmental waste to promote an unpopular and unwanted model of corporate animal agriculture, brings into question the timing of this award.

I sincerely believe there are many, many deserving recipients of a Good Farm Neighbor award. Unfortunately, overshadowing the whole process is the rather obvious realization that mega-feedlots or vertical integrators tend not to be good neighbors at all. Realistically, no one really desires to live next to a 50 million gallon manure cesspool and a truly good farm neighbor would not wish that on their worst enemy. I'm sure Commissioner Hugoson with a little help from groups like the Agri-Growth Council or the Farm and Food Coalition will find some "good farm neighbors." I am just not sure if any of them will be those activists that I would like as my good farm neighbor.

— Jim Falk, Murdock, MN

and more imports are coming into the country. The Bush administration's attack on dairy producers is both ill-conceived and ill-timed and should be quashed by the Senate.

ED FISCHER



form, national warning labels so "consumers will be able to have confidence in the safety of the food supply," according to the Grocery Manufacturers Association.

If that explanation is read more slowly a second time—slow enough to keep your eyes focused during the classic Capitol Hill spin cycle—what the GMA really wants is less regulation and less labeling.

H.R. 4167, "is not a simple food-safety uniformity bill," explained the non-profit, Independent Consumers Union.

"Under the guise of national 'uniformity,' this bill would eliminate critical state laws that protect consumer health while leaving in place an inadequate federal system based on the lowest common denominator protection," opines the CU.

Consumers Union isn't the only national voice in opposition to watering down local food safety and food labeling laws. Attorneys general of 39 states sent a joint letter to Congress noting the uniformity labeling proposal "eviscerates" important consumer

on a 30-18 party-line vote, saw no need to sort out this confusing environment with public hearings.

The GOP-dominated committee simply imposed the change and pushed the legislation on to the House floor.

Grassroots support from Coalition members like Cargill, the American Meat Institute, ConAgra, Dean Foods, Hormel, the National Cattlemen's Beef Association and the National Pork Producers Council. The latter, you may recall, have opposed federal country of origin labeling but now want federal oversight of all food labeling.

Why in the world when all empirical evidence shows more food labeling, not less, sells more food more quickly and at higher prices would the NPPC and NCBA endorse the plan to run states out of food labeling?

Ask 'em next time you're asked to either join 'em or renew your membership. In the meantime, farmers and ranchers should be fighting for more labeling, not less, that boosts prices and ensures their products' origin, safety and quality.

Renewed focus on Minnesota's wetlands is most welcome

By Ron Hamack

The Minnesota Board of Water and Soil Resources published the 2001-2003 Minnesota Wetland Report last fall.

The report included data from state and federal agencies that administer regulatory and non-regulatory wetland programs. In addition, the report gave a status report on state laws—including the Wetland Conservation Act—and other programs related to wetlands. I invite you to review the report at www.bwsr.state.mn.us.

Before I get into some of the report's findings, let me provide some background on WCA itself.

WCA is built around the state policy of:

- Achieving no-net loss of wetland quantity, quality and biological diversity.

- Increasing wetland quantity, quality and biological diversity.

- Avoiding direct and indirect wetland impacts.

- Replacing wetland functions and values where avoidance isn't feasible and prudent.

WCA is locally administered by more than 300 counties, cities, soil and water conservation districts, townships, watershed districts and watershed management organizations. BWSR oversees the act statewide and provides technical assistance, training and an administrative appeal mechanism.

The DNR and local peace officers provide enforcement.



Hamack

ment.

The Legislature approved WCA in 1991, after reacting to public concern about the state's disappearing wetlands. Historically, Minnesota has lost approximately one-half of its wetlands, and losses were continuing even though the federal and state governments had developed programs to limit losses. WCA was intended to fill these regulatory gaps and ensure oversight for all activities proposed to impact wetlands. The status of Minnesota's wetlands has been in the news of late. We welcome a renewed focus on wetlands. Since it has been 15 years since WCA's enactment, this would be an appropriate time to examine strategic elements of the law. As we begin to examine the law, let's take a closer look at some of the recent report's findings:

Data reported by local governments that administer WCA show that it's fulfilling one of its major goals—to avoid and minimize impacts to wetlands. During 2001-2003, more than 30 percent of initial landowner inquiries about draining or filling wetlands resulted in project revision to avoid and minimize impacts to wetlands, preventing approximately 10,000 acres of wetlands from being filled or drained.

Significant efforts have been made to restore and enhance wetlands through voluntary, incentive-based programs like the Conservation Reserve Program, Conservation Reserve Enhancement Program and others.

While the state is seeing an overall net gain in wetland acres when combining the work done through the regulatory side and voluntary conservation programs,

the report noted that on the regulatory side alone, the state had an estimated loss of 1,367 acres during 2001-2003 because of exemptions that are allowed under the law.

Following the release of the wetland report, Gov. Tim Pawlenty asked the Clean Water Cabinet to suggest ways that Minnesota "may more closely align with the principle of no net loss."

In a letter to the Clean Water Cabinet, Pawlenty praised the efforts of both agricultural and environmental communities to improve wetlands through conservation programs, but noted that the state should consider ways to further limit the loss of wetlands through the regulatory mechanisms of WCA.

To that end, BWSR will assess WCA exemptions and replacement ratios, wetland

accounting/reporting and options for regulatory simplification. To help in that process, we've convened a stakeholder group, including members of the agricultural community, that will help us tackle a number of important issues related to WCA.

It's our intention that this stakeholder group will meet once a month through next August. Any potential recommendations from the group will be presented to the BWSR Wetland Committee, the BWSR Board and the Clean Water Cabinet for consideration in the fall. If any proposals for legislative changes come out of this process, they could be presented to the Legislature as early as 2007.

Hamack is executive director of the Minnesota Board of Water and Soil Resources. This is his first column for Agri News.

Thurs March 16 - Agri News



NEWS RELEASE

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March 3, 2006
For immediate release

Contact: Peter Raeker, 651-296-0884

BWSR publishes "Public Drainage Ditch Buffer Study"

~ Report shows approximately 60 percent of public drainage ditches may have buffers ~

ST. PAUL, MINN. – Approximately 60 percent of the estimated 21,415 miles of public drainage ditches in Minnesota may have natural buffer, a buffer established because of state law, or one established through a voluntary state or federal conservation program.

This was one of several key findings of a report released today (March 3) by the Minnesota Board of Water and Soil Resources. In 2005, the Minnesota Legislature directed BWSR to conduct an assessment of the use, maintenance, and benefits of grass strips required along certain public drainage ditches. BWSR worked in consultation with farm groups, local government unit and other associations, conservation groups, and federal agencies that implement voluntary conservation programs involving vegetated buffers. BWSR received \$109,000 in state funding for the study.

Because Minnesota has many thousands of miles of public and private drainage ditches, buffer strips along these ditches are a significant issue from both environmental and agricultural perspectives.

The requirement for grass strips along certain public drainage ditches is contained in Minnesota Statutes, Section 103E.021 ("Ditches must be planted with permanent grass"). Drainage authorities were first given the authority to require minimum 1-rod grass strips along public drainage ditches in 1959. It is believed that the principal purpose was to help reduce ditch maintenance related to tillage up to or over the edge of the bank of public drainage ditches. In 1977, the Legislature changed the operative word from "may" to "shall," creating a requirement for grass strips when the drainage authority appoints viewers to assess benefits and damages and acquire drainage system right-of-way.

The report also found that:

- 72 percent of the reported public ditch miles required to have minimum 1-rod grass strips along them are reported to be in place, compared to 43 percent reported in a 1987 study;
- major federal and state conservation programs have enabled filter strip and riparian buffer practices along 1,787 miles of public drainage ditches in the state;

-more-

- concentrations of conservation program lands were noted in three areas of the state, one of which is the Minnesota River Basin where the second Conservation Reserve Enhancement Program in the U.S. was implemented;
- narrow grass buffers along drainage ditches can have soil erosion control, water quality, and limited wildlife habitat benefits, depending in part on the topography along the ditch and management of the grass strips;
- Minnesota is one of three states in the Midwest that have state requirements for permanent grass strips, ditch corridors, or seeded berms along certain public drainage ditches.

The study provides historical information about the minimum 1-rod grass buffer strip requirements of state law. In addition, the study included a literature review about the benefits of grass strips along drainage ditches. Another study component is a summary of the requirements, incentives, and state roles regarding buffers along public drainage ditches in Minnesota and other Midwestern states having substantial agricultural drainage.

The Minnesota State University, Mankato, Water Resources Center developed Geographic Information System analyses and illustrations of voluntary buffer implementation along public drainage ditches. The MSU Water Resources Center also assisted with compilation and interpretation of responses of surveys. The University of Minnesota Water Resources Center conducted a literature review regarding the benefits of grass buffer strips along public drainage ditches.

An electronic copy (in PDF format) of the report is available on the BWSR web site (www.bwsr.state.mn.us).

###

across state

DNR Reports

St. Paul — The second annual Minnesota Archery in the Schools State Tournament will be held Saturday, April 1, at the Sauk Rapids-Rice High School in central Minnesota. The competition is open to students in schools that are participating in the National Archery in the Schools Program, a project sponsored by the Minnesota DNR.

With more than 100 schools enrolled in NASP in the state,

archery through the program in 2006. An additional 10,000 students will use the gear at summer camps and after-school programs.

The state tournament is an event for students who participate in archery as an in-school unit. All participants use the same equipment they use in class. The NASP program uses the Genesis bow, full-length aluminum arrows and at the 80-centimeter target used in the Olympics. Each participant shoots 15 arrows at 10 meters and 15 arrows at 15 meters.

ers, at least five of whom must be of the opposite gender.

Archery is popular with teachers and students because everyone can compete fairly, regardless of size, gender, or athletic talent. In fact, archery is often most popular with students who lag behind in other athletic activities.

According to the DNR's Ryan Bronson, who supervises the NASP efforts in Minnesota, archery is breaking down a number of barriers.

"Teachers and administrators are seeing the benefits of archery on kids' self-esteem in places as

state tournament consisted of almost all girls from Grand Rapids."

The state tournament is a cooperative effort among the DNR and several state archery organizations, including the Minnesota State Archery Association, Minnesota Archers Alliance and Minnesota Bowhunters, Inc. The National Wild Turkey Federation's Minnesota Chapter is a major sponsor of NASP in the state.

Linda Beck is the tournament chairperson and the lead volunteer instructor for NASP in

"Archery is a sport that whole families can do together," Beck said. "Unlike football or basketball, kids can expect to shoot archery for decades after they graduate."

The archery competition begins at 9:30 a.m. on April 1. It is open to spectators from the public at no charge. Participating schools and archers must preregister with the tournament chairperson, Linda Beck, prior to the competition.

For more information about the NASP program, visit www.nas-parchery.org or www.dnr.state.mn.us.

Ditch law changes advance

By Joe Albert
Staff Writer

St. Paul — As much as 60 percent of Minnesota's estimated 21,415 miles of public drainage ditches has some sort of buffer, according to a study released last week by the Minnesota Board of Water and Soil Resources.

The report also showed that vegetated buffer strips along ditches are good for the environment.

"The science shows that buffers are needed," said Rep. Rick Hansen, DFL-South St. Paul, who last year introduced a bill that led to the study. "It proves they protect water quality, reduce erosion, and provide wildlife habitat."

A work group made up of farm groups, conservation groups, local governments, and federal and state agencies met between last September and February, and helped formulate and review the study, which included surveys of all drainage authorities in the state, as well as a review of existing literature relating to the environmental benefits of ditch buffers.

Ditch authorities in 1959 were given the option of requiring a 16.5-foot, or one-rod, buffer along public drainage ditches, and the practice became mandatory in 1977.

The last time a similar study was completed was in 1987, when BWSR's predecessor, the Soil and Water Conservation Board, undertook a similar effort.

In 1987, fewer than half of the public drainage ditches that were supposed to have one-rod grass buffer strips actually had them in place, compared to 72 percent in the current study.

"It looks as if we have more buffers on the ground, but the report also shows people are measuring them from different points," Hansen said.

Hansen was referring to where the various drainage authorities start the 16.5-foot buffer strip measurement.

Doug Thomas, BWSR assistant director, said the results of the study weren't unexpected.

"Because we simply just don't have a lot of new ditches and improvement taking place (which could require buffer strips to be put in), the number of ditches required to have grass buffer strips hasn't changed dramatically since 1987," Thomas said.

The report also notes there's a lot of variability in how drainage authorities keep records relating to drainage ditches and buffers.

"Some of these folks are keeping what I call paper files in a cardboard box," said Lance Ness, president of the Fish and Wildlife Legislative Alliance. We need "some additional accounting or reporting." That, he said, would allow observers to follow what's happening with drainage ditches in the state.

The new report, in contrast to the old one, shows the effectiveness of voluntary programs such as the Conservation Reserve Program and Conservation Reserve Enhancement Program, Thomas said. Such programs account for 1,787 miles of public drainage ditches in the state, according to the report.

"They've been pretty successful," Thomas said.

Of the 21,415 miles of public ditches in the state, about 45 percent have natural buffers made up of perennial vegetation; 8.3 percent have buffers from a voluntary conservation program; and 7.3 percent have grass buffer strips as required by the 1977 law.

"The way I look at the whole picture is ditch law has taken 100 years to develop," Hansen said. "This is going to be a three- to five-year process of moving the ball forward on getting buffers established where they are required."

Hansen said he likely would introduce legislation this session to formalize the task force, which would be charged with delving deeper into the issue, and looking at things like barriers to buffer implementation.

"The report is a good first step," Hansen said. "Hopefully we will get a next step passed this session."

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March 10

Outdoor News

Cities but still hunts Moonan Marsh near Waseca, said it's not only the dire problems facing wetlands that made him attend, but also their beauty.

"Unless you have been to a wetland duck hunting in the morning to see the marsh come alive, I don't know that you have experienced everything you can about nature," he said. He said he hopes the new save-the-wetlands movement, begun a year ago, will leave a legacy that goes well beyond him, his children or grandchildren.

Because George Poch is a stalwart conservationist with the Rochester Izaak Walton League, he was at the summit. He is one of the key people protecting and enhancing one wetland — the Izaak Walton Wetland just west of Rochester on Olmsted County Road 25.

He would love to see that wetland used far more, not only by birders, but also for educating children and teens about marshes, fens and their needs.

These were among the rea-

oers or ducks being produced in Minnesota seldom came up; instead, the wide-ranging benefits of wetlands was a central theme.

That one issue has emerged as the one that is uniting many conservation, environmental, hunting and fishing groups. More than two dozen of them, such as the Izaak Walton League, Pheasants Forever, Ducks Unlimited and Land Stewardship Project, were sponsors. "We might not be all birds of the same feather, but we sure as heck can flock together," said Audrey Arner of Montevideo, Minn., a speaker.

No one had to stand up and spell out why wetlands are so critical.

Everyone knew. They knew wetlands are where ducks are raised, fish are hatched and water is cleaned. They knew about the beauty of wetlands at dawn and at sunset. They knew that wetlands, once thought of as wasteland fitting only to be drained, actually are valued treasures, fitting to be loved, preserved



Wetlands today

Source: "Growing Energy Crops on Minnesota's Wetlands: The Land Use Perspective," 1994 P-B graphic

and expanded.

They also know that Minnesota has lost more than half its wetlands, especially the prairie potholes so critical to waterfowl. That pothole region once started near Faribault and swept in a grand arc northwest to Canada and the Dakotas. In the past 150 years, nearly all the wetlands have been drained.

What the 300 didn't know was exactly how to improve and protect wetlands.

When the day was done, however, a consensus slowly

emerged. It will take time, energy, lots of money and political clout.

"Without that public policy, we will not succeed," said Dave Zentner of Duluth, a former national Izaak's president and organizer of the April 1 rally. A lot was done last year, but there's still much left to do.

"Let's finish the job of '06," he said.

John Weiss is the Post-Bulletin's outdoors writer. If you have comments or story ideas, call him at 285-7749.

of seeds in the soil at the start of every growing season, count the number of emerged seedlings, and determine the number of new weed seeds produced and shed back onto the soil. Using simple input-output accounting methods, we figure that 70 to 90 percent of the weed seeds that should be in the soil aren't there."

So what happened to those "missing" weed seeds?

"We think most of the missing seeds have been consumed by insects and rodents that live in crop fields," Liebman said. "This project attempts to get a better picture of the effects of various cropping systems on deer mice and other species in the seed-eating community. We're particularly interested in how these animals can contribute to better control of weeds."

The prairie deer mouse, one of North America's most abundant vertebrates, lives in the middle of fields. Its cousin, the white-footed mouse, lives near field borders. The ISU team has found

Averaged over 27 measurement periods in two years, about one-third of the velvetleaf seeds and half of the giant foxtail seeds were lost to predators within two days.

In 2003, the loss of velvetleaf seeds to predators was greater in the four-year rotation than in the two-year rotation.

Overall, seed predation patterns in the different crops were complementary. For example, in triticale the largest number of weed seeds was consumed in the spring, whereas weed seed consumption in corn and soybean was greatest in late summer and early fall.

The new project uses special cages to regulate access to seeds between November and April so the researchers can measure rates of weed seed predation that occur after the harvest of one crop and before planting another.

The researchers also will examine DNA in the feces of mice live-trapped during the winter to determine what and where the animal has been eating.

Organizations, agencies work together to restore wetland

By Carol Stender

cstender@agrnews.com

FERGUS FALLS, Minn. — A violation of federal wetland regulations had a happy ending thanks to state and local conservation agencies and organizations in Otter Tail County.

The situation started when an Otter Tail County farmer repeatedly violated wetland laws over a 10-year period, said Dale Krystosek, Board of Water and Soil Resources wetland specialist. The farmer, not named by BWSR officials, appeared before three judges during that time for violations and was ordered by the third judge in 2003 to pay \$123,000 in restitution.

Restoration will take place on land other than the site of

the original violation since the landowner failed to comply with previous court orders, he said.

"This was a severe case," he said. "Most violations don't go this far."

The restoration figure was based on the cost of purchasing wetland banking credits on the open market at the time of the decision.

The court gave permission to the Department of Natural Resources and BWSR to enter into an agreement with Pheasants Forever to purchase land for the mitigation. Otter Tail, Pelican River and Clay County Pheasants Forever chapters provided funding for the purchase. The Fergus Falls Fish and Game Club, Bois De Sioux Watershed District, Ashby Coots Unlimited and

A fitting tribute to fallen officer, friends say

FERGUS FALLS, Minn.

— Conservation Officer Grant Coyour was dedicated to wildlife, conservation habitat and water quality.

Coyour, who died in a plane crash in 1999 while conducting a moose telemetry survey, will have a wetland restoration project named after him.

It's a fitting tribute, said several people who worked

with Coyour.

"Grant was full of life and greatly enjoyed the outdoors and protecting the resources," said Col. Mike Hamm, DNR enforcement chief. "He is still missed within the DNR enforcement family."

DNR public information officer Rich Sprouse said Coyour "always had this great smile, a bright face.

"It was obvious to me that he loved what he did," Sprouse said.

Coyour fulfilled a lifelong dream when he became a state conservation officer in 1988. He received several letters praising his professionalism and his courteous and compassionate personality during his 11 years with the DNR.

— Carol Stender

Andrew and Brenda Lacey supported the project.

A 160-acre tract, located southwest of Fergus Falls, was acquired from restitution plus funding from Pheasants Forever, the Min-

nesota Habitat Corridors Partnership and other local groups. A project design is in the planning process for wetland and upland restoration including more than 28 acres of wetlands.

The land will be donated to the Minnesota Department of Natural Resources when the project is finished and will be named the Grant Coyour Memorial Wildlife Management Area, Krystosek

said. Coyour was a conservation officer and pilot killed in an airplane accident south of Baudette when he and researcher Eric Cox were conducting a moose tracking survey in the Red Lake Wildlife Management area. Cox, from Harbor Springs, Mich., was also killed.

"This quartersection will be restored and provide benefits to all current and future generations of Minnesotans," said Matt Holland, Minnesota director of conservation for Pheasants Forever.

The project is "smack dab in the middle of a complex of private and public land habitat projects," he said.

The area is expected to attract an array of waterfowl, songbirds, pheasants, prairie chickens and deer.

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Janet Kubat Willette/Agri News

John Piepgras, Dan Cook and Mike Boyenga are pictured near a well for the Rock County Rural Water system. The 38-foot-deep well pumps 270 gallons of water per minute. The water is high in nitrates, so it is blended with water from other wells with lower nitrate levels. It's hoped that by planting the area around the well to native grasses that the nitrate concentration in the well's water will decrease. The land in the background is the Boyenga land that is enrolled.

Ground water valuable as oil beneath farm fields

By Janet Kubat Willette

jkubat@agrnews.com

LUVERNE, Minn. — Humans and wildlife will benefit from the actions of two Rock County landowners.

Ron and Anita Boyenga and John, David and Alice Piepgras enrolled a total of 142 acres located in a well-head protection area in the Conservation Reserve Enhancement Program.

The Piepgras family enrolled 38 acres that have been in their family for 30 years.

John Piepgras said his family was inspired to enroll the land by the example of their deceased father, Elmer. Elmer was a hunter and fisherman who was close to the land, Piepgras said.

Piepgras, of Chicago, also complimented David Wessels, who operates the land, for bringing the program to his attention, and Justin Decker, a CREP technician in the Rock County Land Management Office, for spending countless time on the phone with him going over the details.

The Boyengas enrolled 104 acres along the Rock River. The land was soybeans last year and will be seeded to native grasses for 45 years, the length of the Conservation Reserve Enhancement Program contract.

Minnesota's second Conservation Reserve Program, which allows for the enrollment of 120,000 acres from designated portions of northwestern, southwestern and southeastern Minnesota, includes a special category for enrolling land in wellhead protection areas.

About 2,000 acres can be

Sign-up time

Minnesota's second Conservation Reserve Enhancement Program expires Dec. 31, 2007, with the 2002 farm bill. Landowners may enroll up to 120,000 acres in the program, but so far sign-up has been slow.

Greg Anderson, Farm Service Agency agricultural program specialist, said about 3,000 to 4,000 acres are being worked on for enrollment into the conservation program.

"We've got a ways to go," he said, adding that enrollment in the Minnesota River CREP got off to a slow start as well. Sign-up began in June 2005.

enrolled from wellhead protection areas in southwestern Minnesota and about 6,000 from southeastern Minnesota, said Greg Anderson, Farm Service Agency agricultural program specialist. Sensitive ground water areas are also included in the total 8,196 acre allotment.

Wellhead protection areas are areas specifically targeted for protection of underground drinking water supplies. There are vulnerable aquifers located where soils near the surface are highly permeable, where there's karst features or where aquifers are near the surface.

Many don't think of CREP as a tool to protect ground water, said Rep. Doug Magnus, R-Slayton, but it's a tool to protect a valuable asset. Without clean drinking water, the region can't grow its economy or attract new residents.

Tabor Hoek shared his first-hand experiences with polluted drinking water.



Hoek, board conservationist with the Minnesota Board of Water and Soil Resources, remembered relatives coming to his family's farm in Cottonwood County once a week while he was growing up to fill up five-gallon jugs of water for their use at home.

They didn't know what was wrong with their water, but didn't taste good and it smelled bad, Hoek said.

Then, when he was a senior in high school, the well water on his family's farm became unusable. The family turned to Red Rock Rural Water for a safe water supply. Water was piped from 20 miles to their farm.

The alternatives are limited, Hoek said, making it important to protect and improve ground water.

It's a good investment to keep water clean, rather than treating contaminated water, said Bruce Olsen, source water protection unit supervisor with the Minnesota Department of Health.

As the demand for water increases, Olsen said, landowners may find a clean supply of drinking water under their land to be as valuable as oil.

The case of the missing socks and other tales

"When all else fails, blame it on the washing machine."

Confucius or some great American thinker like Benjamin Franklin might have said something to that affect. In nearly 20 years of marriage, the washing machine — to be more accurate the four that we've gone through during that time — has been blamed for many things.

I wash clothes more often than I like. The guiding principle is stuff as many clothes in the washer as possible without breaking it. In this regard it is somewhat akin to loading the manure spreader with as much straw-laden calf manure as possible without breaking the apron. The natural tendency is to push too hard with less than desirable results.

My wife's standing order is to wash clothes as she does — whites in one pile, permanent press in another and colors in yet another. This is a wasted step since they will all be getting wet eventually. Her standing rule is "If you ruin them, you buy them."

I have paid many times over, payments made with stern lectures and cold shoulder.

"Most husbands I know wouldn't spend a Saturday washing clothes in the first place," is the first line of defense. Yes, that makes me a bit of a sexist and discounts the worth of husbands everywhere. But that's how I feel.

She isn't particularly interested in my feelings and tells me so in a machine-gun like cadence.

I could count on one hand the number of times my father washed clothes. It was mother's job to turn the heaps of manure-stiffened coveralls, greasy blue jeans and holey socks into respectable clothes. She often hand-scrubbed the worst on the washing board even after she had an automatic machine. She avoided using the machine, seeing how she considered it too wasteful of water and not as effective as the



MYCHAL WILMES

board. She used the ringer more often.

The clothes line was burdened with four filled rows twice a week. If she was able to corral me, it was my job to bring them back in. She watched closely, least I rush too quickly and forget to put the clothes pins back in the egg basket used for that purpose. We have a clothes line today, but it is rarely used. The dryer is far more convenient, though the electricity it eats like candy surely isn't.

The dryer, of course, eats something else. A half-dozen dress socks lost their mates the last time I washed. A complaint soon followed.

"Where did they all go," I asked.

The mystery solved itself quickly. My son admitted that he was looking to get some attention in recent weeks at basketball practice so he'd taken to wearing one white sports sock and one black sock that he had graciously borrowed from me. He seemed quite satisfied that the mismatched socks had served him well.

I'm not sure wearing one white and one black sock would get me the attention I seek at work. I asked him if he might consider bringing my dress socks home from his locker.

The request was made two weeks ago and still no socks. His inaction left me little choice but to embarrass him in a way that only a parent can. I threatened that unless the socks returned home the next day I would come to school and empty his locker out in broad daylight.

Needless to say, the socks returned the next day. They may have smelled worse than any sock worn when pitching calf manure, but at least they were home again.

Farm bill discussed

By Stephanie Corbin

scorbin@agrnews.com

MORTON, Minn. — Former U.S. Department of Agriculture Undersecretary William Hawks mentioned the 2007 farm bill at last month's Minnesota Soybean Growers Association annual meeting.

"Obviously the budget is going to affect the outcome of the 2007 farm bill," Hawks said. Hawks said he isn't sure how the 2007 farm bill will be written, but said he thinks it will be similar to the 2002 farm bill. WTO trade talks will have an influence, he said.

"Our family is getting smaller and smaller," he said of agriculture.

But although only a small percent of U.S. residents farm,

Hawks said 100 percent of the people in the United States eat and wear clothes.

Hawks said when the 2002 farm bill was debated, partisanship wasn't part of the agriculture discussion. Now it is, he said.

Hawks said that information is power in Washington, D.C., and that sharing information means losing that power, so groups don't share.

For that reason, farmers can't expect someone to do favors for them.

"You have to do it for yourself," he said.

The World Trade Organization negotiations also will effect the farm bill.

"We have some tremendous opportunities," Hawks said.

Fick named national Outstanding Cattlewoman of the Year



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Report says wetlands continue to disappear

by Lorna Benson, Minnesota Public Radio
February 2, 2006



*The shore of this lake shows a healthy wetland.
(Photo courtesy of the Minnesota Center for Environmental Advocacy)*

Minnesota has lost thousands of acres of marshes, bogs and swamps in recent years, according to a new report. The losses come despite numerous federal and state laws designed to protect wetlands. The Minnesota Center for Environmental Advocacy issued the report Thursday and called on policymakers to limit wetlands exemptions, improve enforcement and update the state's drainage code.

St. Paul, Minn. — The MCEA report grew out of last year's Duck, Wetlands and Clean Water Rally that attracted some 5,000 hunters, anglers and environmentalists to the state Capitol.

The group's legal director, Janette Brimmer, says her staff heard countless stories from rally participants who were concerned about wetlands that they had seen damaged or destroyed in recent years.



After draining

Brimmer says her organization began checking out some of those stories. It discovered that more than 3,000 acres of wetlands have been destroyed, due to exemptions and inadequate enforcement of Minnesota's Wetland Conservation Act.

"We still have net wetland losses being reported which is a real core issue, since we were hoping to -- all the way back 15 years ago when the Wetland Conservation Act passed -- have net gains," says Brimmer.

Brimmer says her organization doesn't have a grasp yet on the full extent of the losses. She says that's because state and federal agencies usually don't require reporting of small-scale wetlands destruction.

PHOTOS

[Healthy wetland](#)

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"We need to know better. We need to inventory, monitor, report better what is going on with wetlands," she says.

Brimmer says MCEA intends its report to serve as an early warning that the state may have a big wetlands problem. Wetlands provide important habitat for waterfowl, and they filter and store excess water.

The report tends to suggest that this is a very, very significant loss of quantity and quality of wetlands in the state, and I think that is subject to some significant debate.

*- Ron Harnack,
Board of Water
and Soil
Resources*

But Ron Harnack, a member of the Board of Water and Soil Resources, says he believes the report lacks the proper context.

"The report tends to suggest that this is a very, very significant loss of quantity and quality of wetlands in the state, and I think that is subject to some significant debate," says Harnack.

Harnack doesn't dispute the MCEA's findings, since some of the data is based on numbers collected from his organization. But he says while he agrees that wetland losses are worth studying, he says it's not clear the losses are problematic.

"The vast majority of all these little incremental increases, probably better than 80 percent, are less than a half acre in size," Harnack says.

Harnack says the Board of Water and Soil Resources will convene a group of stakeholders in the coming weeks to study wetlands exemptions, figure out whether the wetlands losses are significant, and if there are reasonable ways to reduce the losses.

The Department of Natural Resources will be one of the groups involved in that project. Wetlands program coordinator Ron Norris says the DNR is also planning to conduct its own monitoring of wetlands to identify losses and gains. The department will take aerial photographs of several thousand randomly located plots, and then compare those pictures from year to year.

"And by doing that in a statistically sound way, we can make some objective determinations about what's really happening in terms of gains and losses of wetlands statewide," says Norris.

But Norris says the MCEA report is valuable because it does provide a good first look at some of the state's wetlands problems. And he predicts it will spark a lot of debate at this weekend's Wetlands Summit in Bloomington, where policy recommendations will be set for the upcoming legislative session.

Many of the people who will attend the summit are especially concerned about habitat losses in Minnesota's Prairie Pothole region, which includes parts of southern and western Minnesota. More than 90 percent of those wetlands have been drained, and Norris says many hunters are convinced that's why ducks numbers have declined so dramatically in recent years.

"We've gotten to the point where we've gotta begin asking the question, when do we stop losing wetlands down there?" says Norris.

In addition to better wetlands monitoring, the Minnesota Center for Environmental Advocacy report calls on state officials to tighten up wetlands exemptions, and dedicate more resources to wetlands enforcement.

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Environment

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Posted on Sun, Feb. 05, 2006

Get tough to protect wetlands, group says

BY CHRIS NISKANEN
Pioneer Press

Participants in the first Minnesota Wetlands Summit, held Saturday in Bloomington, expressed frustration over the state's disappearing wetlands and federal and state policies that aren't protecting them.

Many of the summit's more than 300 participants called on state lawmakers to tighten rules in the Minnesota Wetlands Conservation Act, passed in 1991 to achieve a no-net-loss of wetlands in the state. Participants also expressed frustration with federal farm policy, which they said rewards Minnesota farmers to maximize crop yields at the expense of responsible conservation practices.

Retiree Dick Kroger drove to the summit from his home in Yellow Medicine County to decry policies and programs that drain wetlands. "If you go to my county, 99 to 100 percent of the wetlands are gone. We're never going to get them back with the programs we have," he said.

The Minnesota division of the Izaak Walton League of America sponsored the summit, which was attended by duck hunters, farmers, conservation group leaders and officials from the Department of Natural Resources, the Board of Water and Soil Resources and other agencies. A handful of state lawmakers also attended.

Bob Whiting, chief of the regulatory branch of the U.S. Corps of Engineers in St. Paul, explained that a long string of federal laws and court cases have given protection to wetlands since the 1970s, but he acknowledged, "We are still not at a no-net-loss."

State Sen. Steve Dille, a Republican farmer from Dassel, defended farmers' rights to drain their land. "We need to drain our lands to farm efficiently to be competitive," he said. He said urban and suburban sprawl also should be blamed for wetland losses and that some state figures show a growth in wetlands in the state.

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At one point, a participant challenged the Dille's assertion that farmers weren't the problem, and Dille shot back.

"I don't agree with you. You say I'm taking away your ducks. You also have to eat," Dille said.

While some federal and state programs pay landowners to restore wetlands, there isn't enough money to meet demand for the programs, state officials said. They added that no one knows for sure whether wetland gains are keeping up with the losses, which is why new inventories of the state wetlands will begin soon.

A report from the Minnesota Center for Environmental Advocacy last week blasted state wetlands laws for being lax, complicated and without adequate enforcement. Janette Brimmer, legal director for the group, challenged some state regulators' assertions that nothing was wrong.

"Everyone agrees the pace of wetlands loss has slowed, but there are holes in the system," she said.

After hearing about flaws in the Minnesota Wetlands Conservation Act, many participants asked for increased enforcement and changes in exemptions that allow wetlands to be drained.

The participants, who broke into small discussion groups at afternoon sessions, also largely agreed the state needed a new dedicated funding structure for natural resources.

They said current funding isn't enough and the state's leaders lack long-term vision for conservation programs. Many participants threw their support behind a legislative proposal asking voters to dedicate three-sixteenths of 1 percent of the state's 6.5 percent sales tax to natural resources.

Among the other ideas proposed were capping federal commodity payments to farmers and using the saved money for conservation. Some participants said there should be a grassroots movement to lobby for conservation provisions in the 2007 Farm Bill.

Duck hunter Joe LaFave of St. Paul said he's worried about wetlands losses. "I've seen a change in what's happening on the land," he said. "It's not about duck hunters. It's a signal something more significant is up."

Recommendations from the wetlands summit will be outlined and distributed to lawmakers and Gov. Tim Pawlenty within a few weeks, organizers said.

The summit came out of last year's Rally for Ducks, Wetlands and Clean Water, which drew 5,000 people. Another rally is scheduled for April 22 at the state Capitol.



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ron schara columnist



Deep in a Louisiana bayou, a stone's throw from the mouth of the Mississippi River and with the New Orleans skyline visible in the north, you would hear it

over and over.

"The fish are still here, the fish are still here," said a defiant Ryan Lambert.

We were casting in brackish shallows for bull redfish that roam the abundant oyster beds. Once hooked, a bull red swims like a 5-horse outboard on full throttle.

Lambert, a fishing lodge owner, was right on. We had a dozen bull reds to the boat in the span of about four dozen casts with lead-head jigs, tipped with Gulf shrimp replicas.

"They're here," he exclaimed.

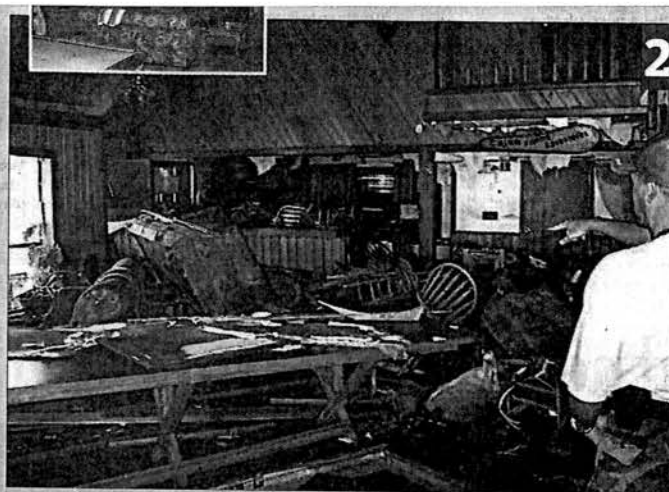
Yes, the fish were here. Only... Lambert's Cajun Fishing Adventures lodge... well, that was pretty much gone.

Yet one more casualty of Katrina.

"The storm's eye went right over us," Lambert recalled. "But I'm rebuilding. Plan to be open by April."

Lambert is an optimistic face surrounded by indescribable devastation that goes on for miles and miles.

To the east, in a place called Breton Sound, Barry Brechtel's fishing marina to-



day consists of a used house trailer filled with snacks and pop machines.

Back in August, a fully stocked marina store stood on the site.

Then came Katrina.

Brechtel's old boat is gone, too, which explains why he's guiding in a brand new skiff with 250 horses, thanks to an insurance check.

It's not the new boat that makes him smile.

"It's all about the fish," Brechtel says, his eyes shining.

Based on his fishing experiences, Brechtel explains, Katrina didn't do much harm to the rich marine life in the bayou.

Schara continues on C16 ▶

other in relatively close quarters for a week or two.

- Immediately go online and purchase necessary guide books, particularly one called "Mileposts," which is available at some book stores in the Twin Cities, as well as over the Internet. This is the bible of northern travel, with up-to-date information on motels, campgrounds, festivals, and other important information.

- Traveling in Alaska in an RV allows you to see more of the countryside than you would in a rental car or with a tour group. Also — this was our experience — you can save money. A primary savings, of course, is realized by not having to rent motel rooms. But you also save on food, providing you cook in the RV or on a small grill like the one we toted along. In fact, we brought a lot of our food with us. From home. Some was frozen (including complete meals my wife, Jan, prepared ahead of time), which we carried on the plane to Anchorage in a large cooler. Also we vacuum-sealed much of the dry goods we needed and carried them in duffels. Our advantage here was twofold: We had access to high-quality food, and we paid for it at Lower 48 prices.

- We rented from a large RV company called ABC Motorhomes in Anchorage. (907-279-2000). Our 27-foot unit was new, clean and in good working order.

Anderson continues: Bears shouldn't be a big problem if you're careful. C16 ▶

Farm policy, dollars called keys to better wetlands, water

By DOUG SMITH • dsmith@startribune.com

To significantly improve Minnesota's wetlands, waters and wildlife habitat, federal farm policy must be dramatically altered to put greater emphasis on conservation.

And Minnesota desperately needs dedicated funding for natural resources.

Those were two key recommendations that came from the first "wetlands summit" attended by more than 300 people Saturday in Bloomington.

The daylong summit at Normandale Community College was an offshoot of last year's Ducks, Wetlands and Clean Water Rally at the state Capitol. The goal Saturday was to crystallize the state's duck, wetland and water problems and develop solutions.

A focal point was federal farm policy, which speakers and attendees said drives what happens on the landscape. Some said the farm program, which pays billions of dollars to farmers for commodity supports, needs to be retooled to provide more

conservation incentives.

Instead, the current system encourages intensive agriculture and the overproduction of crops, water drainage and destruction of grasslands.

"We need to change the way we farm," said Terry VanDerPol, a farmer and staff member of the Land Stewardship Project.

Some recommended that a cap be placed on commodity payments, with the savings going to conservation. Others suggested tightening current state wetland drainage laws

and boosting enforcement.

Just last week the Minnesota Center for Environmental Advocacy issued a study saying the state is losing thousands of acres of wetlands because of loopholes in laws, inadequate enforcement and outdated drainage policies.

Minnesota has lost more than half its wetlands, and more than 90 percent in the prairie pothole region.

"We can't lay the blame on agriculture; it was public policy that drove this," said Ron Harnack, executive director of the Minnesota Board of Wa-

ter and Soil Resources.

Dave Zentner of Duluth, co-chair of the rally, said he was encouraged by Saturday's turnout.

"It reaffirms that a lot of people know we're in trouble," he said. "We can make change. We have to have the will to do it." A second rally is scheduled for April 22 at the Capitol.

With an infusion of dollars from a dedicated funding source, Minnesota could launch a "conservation crusade" to clean waters and restore wetlands and wildlife habitat, Zentner said.

2/5/06 Strub

From: Ron Harnack
To: Anderson, MaryJo
Date: 2/27/2006 7:11:03 AM
Subject: Fwd: FYI - CTIC and Gulf Hypoxia

For member info packet in March.

>>> Jim Cox <jwcox@crosslink.net> 2/24/2006 3:19:13 PM >>>
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February 24, 2006

CONSERVATION TECHNOLOGY INFORMATION CENTER TRUE TO ITS NAME

WEST LAFAYETTE, Ind. -- The Conservation Technology Information Center (CTIC) in West Lafayette, Ind., announced a new partnership-building and technology-transfer project aimed at reducing hypoxia in the Gulf of Mexico. Hypoxia, a state of low oxygen levels, occurs seasonally in the Gulf of Mexico. Fertilizer runoff from farms in the watersheds feeding into the Mississippi River contributes significantly to the problem.

For this two-year project, selected for full proposal submission to the Environmental Protection Agency's Gulf of Mexico Program, CTIC will utilize its expertise in finding profitable solutions for agriculture and delivering that information to farmers and their advisors. The project has three phases:

- * In the first year, CTIC will work with its members in agribusiness to compile the best-available technologies for nutrient management.
- * That information will then be delivered to local-level producer groups, who will incorporate appropriate technologies into nutrient reduction plans for their watersheds.
- * A final-phase conference will allow all project partners to share their stories, highlight successes and reveal opportunities for improving the process of technology transfer.

"This exciting project will draw on CTIC's established reputation as a trusted information source and its ability to bring together public-private partnerships," said Karen A. Scanlon, CTIC's executive director. Scanlon accepted the executive director position of the not-for-profit organization on Feb. 1, 2006 at the CTIC Board of Director's meeting.

Scanlon pointed out that the Gulf of Mexico project reflects the Center's focus on being the paramount source for research and technology in agricultural conservation. With this new project, CTIC strengthens its core values of partnership building, technology transfer and delivery of credible, reliable information. Like farmers in Mississippi River basins, producers across the country need balanced information to help them make sound decisions about the emerging issues in conservation today.

"Through this project and many others, CTIC will continue to collect and distribute the information that is needed to answer questions about and increase adoption of conservation on our working lands," Scanlon added.

###

Experience leads to SWCD success

Relationships built through the years

By Carol Stender

cstender@agrnews.com

DETROIT LAKES, Minn. — Brad Grant has worked 35 years at the Becker County Soil and Water Conservation District based in Detroit Lakes.

His four-person staff have a combined 70 years of experience with SWCD and no one plans to leave.

They all like working with landowners, farmers and lakeshore groups as they implement conservation programs to meet the county's diverse topography. The district's efforts were recognized when it received the 2005 Minnesota Association of SWCD's Outstanding District Award.

"We've had a strong program for more than 30 years," said Grant, who has been the district's administrator since 1978. "We've taken on new responsibilities and the program seems to keep building."

Grant credits the district's success on strong working relationships with everyone.

"Some of the most rewarding parts I have had in this job has been in meeting the people of the county," he said. "The people have been a big part of what I have enjoyed about my job."

Grant and his staff work with farmers and landowners and other conservation groups to maximize conservation and cost-share programs.

"The work can be costly," he said. "The cost-share programs help producers implement their conservation plans and address conservation issues."

Staff works closely with the Natural Resources Conservation Service to optimize cost-share funds. The two agencies work on the Conservation Reserve Program, Environmental Quality Incentive Program, Wetland Reserve Program and the continuous Conservation Reserve Program.



Carol Stender/Agri News

Becker County Soil and Water Conservation District technician Dean Hendrickson, left, has 28 years experience with the district and District Administrator Brad Grant, 35. The experienced staff at the SWCD and the relationships they have maintained with other conservation agencies, farmers, landowners and lakeshore groups have resulted in successful conservation programs for the county. Their efforts garnered the district the Minnesota Association of SWCD's Outstanding District award.

The SWCD also works closely with the Pelican River Watershed District and the Buffalo-Red River Watershed District.

"Connecting with others helps us get the cost-share dollars we need to implement many of the projects," he said.

Becker County SWCD received the third-highest cost share allocation in the state in 2005 when it got \$34,768 to work with landowners.

Becker County has 918 CRP contracts totaling 35,457 acres with an annual payment to landowners of more than \$1.5 million.

The SWCD offers engineering assistance to landowners to design conservation practices for the West Central Minnesota Joint Powers Board, which covers a nine-SWCD area.

Becker County implements many conservation programs to meet the county's diverse topography.

"(The county) is so diverse," he said. "There's farming in the northwest part of the county and lakes,

wetlands and wildlife refuges in the middle and eastern areas. It has everything you could want."

Grant said he was a "greenhorn" about the district's programs when he started in 1970. He was simply an Audubon High school graduate looking for a job. When he got the SWCD position, he was eager to learn and, through hard work and study, was named the district's administrator.

He's seen shifts in the conservation programs during his tenure with the district.

When dairy was a big industry in the county, the SWCD designed ag waste systems for farms. The district is applying for and receiving grants now to close those same systems as dairy farms close, he said.

A greater focus has been placed on lakeshore development and water quality as more lake homes and cabins are built. The district is working with the county's planning and zoning commission on water quality monitoring programs and septic and water systems around

"WE'VE TAKEN ON NEW RESPONSIBILITIES AND THE PROGRAM SEEMS TO KEEP BUILDING."

— BRAD GRANT

the lakes.

Water is an important resource for the county for recreation, irrigation and human consumption. The county has 412 lakes within a 25-mile radius of Detroit Lakes, he said.

"The lakes make this a very attractive area in the state," Grant said. "But we also have major agricultural production in the northwestern part of the county with 300,000 acres plus we have two national wildlife refuges and vast public lands and forests ... if it is in the state of Minnesota, it has to be in Becker County."

SWCD honors Rutten for his work

Conservation has always been important for family

By Carol Stender

cstender@agrinews.com

OSAKIS, Minn. — Doug and Joan Rutten knew their Osakis farm needed help after they purchased it more than 30 years ago. Their land had gullies and the rocky soil was eroding.

They called the Douglas County Soil and Water Conservation District and, using SWCD's suggestions, started strip cropping and implementing a conservation program.

The SWCD, noting the couple's strong conservation ethic, asked Doug to run for district supervisor. He did and is celebrating 30 years on the board. His efforts and commitment to conservation garnered him the Minnesota Association of Soil and Water Conservation Districts Outstanding Supervisor award for 2005.

His initial conservation efforts weren't fruitful. Everything washed out the first year, he said.

"The guys at the SWCD said they would put it in new the next year," Doug said. "And they did."

They alternate crops in their strip cropping program between alfalfa and corn, Joan said. Waterways remain grassed and are cut and



Carol Stender/Agri News

Doug Rutten was named outstanding supervisor by the Minnesota Association of Soil and Water Conservation Districts. Rutten and his wife, Joan, have worked with the Douglas County SWCD on their farm's conservation projects since the couple started farming more than 30 years ago.

baled.

They started farming 36 years ago with 12 cows and a few brood sows, Doug said. They got rid of the hogs but continue to milk 24 cows.

"We like it this way," Doug said. "We are making a decent living."

They raise 30 to 40 Holstein steers each year, selling them as Tenderlean. They use a Doboy product that finishes the steers at 14 months, Doug said. Klinder

Processing by Belle River processes the animals and direct market the tender meat as mixed quarters.

The farm's rolling terrain is good land for livestock.

He's taught the importance of conservation to the couple's five children and 15 grandchildren.

As SWCD district supervisor. He works with farmers in a four-township area and discusses SWCD projects with producers.

"This isn't a problem-type job," he said. "I like it. I like being around people."

Their children aren't interested in taking over the farm but several share another passion with the couple — a love for old tractors and cars. Doug and Joan belong to the Lakes Area Cruisers and the Pioneer Power Club, a group of vintage tractor enthusiasts.

Ken, their son, focuses on tractor restoration and painting. Other family members share Doug's mechanical ability to restore the machines.

"I always took care of my tractors," Doug said. "I've owned one of them for 41 years."

He got the mechanical talent from his father.

"I always wondered why he carried an oil can with him," Doug said. "If he worked on something and he had to remove a bolt, he would put oil on it so the next time, it was easier to remove."

Pioneer Power Club members own a variety of makes and models. Doug's passion is in Farmalls as can be seen by his toy tractor collection in the couple's kitchen. A rack above the kitchen sink was meant for a plate collection but Doug's tractors took the spot.

Joan merely laughs about the collection's inclusion in her kitchen decor. She's as enthused about the hobby as Doug.

MINNESOTA BRIEFS

Boheim honored during SWCD meeting

BLOOMINGTON, Minn. — R.C. Boehm, manager of the South St. Louis Soil and Water Conservation District, is the 2005 Outstanding District Employee. Boehm was honored at the recent Minnesota Association of Soil and Water Conservation Districts annual meeting held in Bloomington.

Boehm started working for the SWCD in 1999. His background includes working for two conservation districts in Wisconsin and for the Wisconsin and Minnesota Department of Natural Resources and the Natural Resources Conservation Service.

One of the programs Boehm helped develop was a pilot urban erosion control program with the Minnesota Pollution Control Agency.

MINNESOTA BRIEFS

Johnsons are Outstanding Conservationists

LINDSTROM, Minn. — Ron and Sue Johnson of Lindstrom have been named the 2005 Minnesota Association of Soil and Water Conservation Districts Outstanding Conservationists in the state.

Chisago Soil and Water Conservation District nominated the Lindstroms for the award.

The Johnsons have a dairy farm in southern Chisago County on First Lake. The farm has been in Ron's family since 1927.

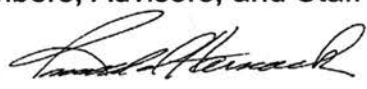
The Johnsons have a self-sufficient operation that relies on dairy and crop farming along with the sale of home-grown beef. Ron's parents live on the farm and provide help daily.

The first major conservation effort involved stabilizing their shoreline along First Lake. They also installed a grass filter strip along the lake shore to provide a better buffer between the lake and possible runoff from their farm.



DATE: April 18, 2006

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

FROM: Ronald D. Harnack, Executive Director 

SUBJECT: April 26th Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, April 26, 2006, beginning at 9:00 a.m. The meeting will be held in the 2nd floor conference room, at 520 Lafayette Road North, in St. Paul. Parking is available in the lot directly in front of the building (use hooded parking areas).

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. **Middle St. Croix Watershed Management Organization, Watershed Management Plan** – The Watershed Management Plan was filed with the Board on February 14, 2006. The highlights of the plan and the planning process are further described in the attached Order. Context on implementation expenditures is provided in the attached fiscal summary. Many comments were received during the formal review periods. The WMO satisfactorily addressed all comments, resulting in significant revisions to the Plan. The Metro Water Planning Committee unanimously recommends the Plan be approved per the attached draft Order. **DECISION ITEM**
2. **Prior Lake-Spring Lake Watershed District, Watershed Management Plan Amendment** – The Watershed Management Plan Amendment was filed with the Board on February 17, 2006. The highlights of the amendment to the implementation plan and agency comments are described in the attached Order. Context on implementation expenditures is provided in the attached fiscal summary. Few comments were received during the review process, and no revisions were required. The Metro Water Planning Committee unanimously recommends the amendment be approved per the attached draft order. **DECISION ITEM**

<i>Bemidji</i>	<i>Brainerd</i>	<i>Duluth</i>	<i>Fergus Falls</i>	<i>Marshall</i>	<i>New Ulm</i>	<i>Rochester</i>	<i>Saint Paul</i>
217 Bemidji Avenue N. Bemidji, MN 56601 phone (218) 755-4235 fax (218) 755-4201	217 S. 7th Street Suite 202 Brainerd, MN 56401 phone (218) 828-2383 fax (218) 828-6036	394 S. Lake Avenue Room 403 Duluth, MN 55802 phone (218) 723-4752 fax (218) 723-4794	1004 Frontier Drive Fergus Falls, MN 56557 phone (218) 736-5445 fax (218) 736-7215	1400 E. Lyon Street Box 267 Marshall, MN 56258 phone (507) 537-6060 fax (507) 537-6368	261 Highway 15 S. New Ulm, MN 56073 phone (507) 359-6074 fax (507) 359-6018	2300 Silver Creek Road N.E. Rochester, MN 55906 phone (507) 280-2874 fax (507) 285-7144	520 Lafayette Road N. Saint Paul, MN 55155 phone (651) 296-3767 fax (651) 297-5615

3. **Sherburne County Priority Concerns Scoping Document** – The Metro Water Planning Committee met on April 6, 2006, to consider the Sherburne 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 letter. *DECISION ITEM*

Southern Water Planning Committee

1. **Faribault County Priority Concerns Scoping Document** - Faribault 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 April 6, 2006, after the state agency review period ended. The committee's recommendation for the content of the final plan is drafted for the full Board review and action. The state's expectations for the final plan must be sent to Faribault County. *DECISION ITEM*
2. **LeSueur County Priority Concerns Scoping Document** – LeSueur 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 April 6, 2006, after the state agency review period ended. The committee's recommendation for the content of the final plan is drafted for the full Board review and action. The state's expectations for the final plan must be sent to Le Sueur County. *DECISION ITEM*
3. **Rock County Priority Concerns Scoping Document** – Rock 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 April 6, 2006, after the state agency review period ended. The committee's recommendation for the content of the final plan is drafted for the full Board review and action. The state's expectations for the final plan must be sent to Rock County. *DECISION ITEM*

OLD BUSINESS

1. **CREP Update** – Representatives from each of the areas will review progress, issues, concerns and offer some recommendations. *DISCUSSION ITEM*

NEW BUSINESS

1. **Stearns County Comprehensive Local Water Plan Extension Request** – Stearns County is requesting a one-year extension to update their Comprehensive Local Water Management Plan. This would extend the effectiveness of the current plan to January 31, 2008. The County Board's resolution is attached. The County is proposing the extension in order to

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coordinate its water plan with the update of their comprehensive land use plan, which will be updated over the next two years. Approval recommended. See attached. *DECISION ITEM*

- 2. Bond Requirement for Termination Petition for South Two River Watershed District** - A petition has been filed with the Board to terminate the South Two River Watershed District. As part of the petition process, a bond is required to reimburse the Board for the costs and expenses of the termination proceedings, but only in the case of the termination petition being dismissed or denied. If the watershed district is terminated by an order of the Board, the bond would be returned to the petitioners. The pertinent statute follows:

Minn. Stat. § 103D.271, Subd. 6. Petitioners' bond. Before the board gives notice of a termination hearing, the petitioners must file a bond with the board. The bond must be in an amount determined by the board and is subject to the board's approval. The bond must state that the petitioners will pay all costs and expenses of the termination proceedings if the termination petition proceedings are dismissed or denied.

The bond amount was set at \$ 5,000.00 based largely on staff involvement to date on issues surrounding the South Two River Watershed District. Two to three days of hearings and a voluminous hearing record were expected. The petitioners have requested the bond amount be waived. The Administrative Advisory Committee met and, based on discussion of the hearing procedures, recommend the full Board deny the request to waive the bond and set the bond at \$2,000.00 to cover the estimated costs and expenses for the termination proceedings.

- 3. Army Compatible Use Buffer (ACUB) Project Cooperative Agreement (CA)** - The Board of Water and Soil Resources and the National Guard Bureau (NGB) have entered into a cooperative agreement to establish the terms and conditions applicable to the contribution of federal funds to assist BWSR's acquisition of long-term interest in or title to parcels of land adjacent to the Minnesota Department of Military Affairs' Camp Ripley in accordance with Title 10 U.S. Chapter 159 Section 2684a. The CA has been reviewed by our Attorney General's office and BWSR's Administrative Advisory Committee. Attached is the draft Cooperative Agreement. *DECISION ITEM*
- 4. Open Lot Technical Assistance Project** - The MPCA has made funds available through the BWSR to LGUs and have jointly agreed to establish the Open Lot Technical Assistance Project (OLTAP) to assist livestock producers that are either signed up for the Open Lot Agreement (OLA) or that were eligible for the

<i>Bemidji</i>	<i>Brainerd</i>	<i>Duluth</i>	<i>Fergus Falls</i>	<i>Marshall</i>	<i>New Ulm</i>	<i>Rochester</i>	<i>Saint Paul</i>
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OLA but didn't sign up. The Board has received Board Conservationist approved Work Plans and Budgets from NPEA JPBs 5 and 9, and the SE MN WRB, for these funds. The Administrative Advisory Committee has reviewed and recommends approval. *DECISION ITEM*

5. Public Road Wetland Replacement Credit Acquisition – See attached. *DECISION ITEM*

6. Red River Basin Commission (RRBC) Grant and Work Plan – Approval of \$100,000 grant to the Red River Basin Commission. Grant is matched by resources from North Dakota, South Dakota, and Manitoba for coordination of water resources issues in the Red River Basin. Approval recommended. See attached. *DECISION ITEM*

7. Legislative Update – See attached. *INFORMATION ITEM*

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The meeting will adjourn about 1:00 p.m. I look forward to seeing you on April 26th!

*****The Wetlands Committee will meet immediately following the Board Meeting*****

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

PRELIMINARY AGENDA

9:00 a.m. CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF MARCH 22, 2006

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 – Louise Smallidge
- Education and Public Relations Committee – Kay Cook
- Administrative Advisory Committee – Jerome Deal

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Middle St. Croix Watershed Management Organization, Watershed Management Plan – *DECISION ITEM*
2. Prior Lake-Spring Lake Watershed District, Watershed Management Plan Amendment - *DECISION ITEM*
3. Sherburne County Priority Concerns Scoping Document – *DECISION ITEM*

Southern Water Planning Committee

1. Faribault County Priority Concerns Scoping Document – *DECISION ITEM*

2. LeSueur County Priority Concerns Scoping Document – DECISION ITEM
3. Rock County Priority Concerns Scoping Document – DECISION ITEM

OLD BUSINESS

1. CREP Update – *DISCUSSION ITEM*

NEW BUSINESS

1. Stearns County Local Water Plan Extension Request – Dan Steward - *DECISION ITEM*
2. Bond Requirement for Termination Petition for South Two River Watershed District – Jim Haertel – *DECISION ITEM*
3. Army Compatible Use Buffer (ACUB) Project Cooperative Agreement (CA) – Ron Harnack – *DECISION ITEM*
4. Open Lot Technical Assistance Project – Wayne Zellmer – *DECISION ITEM*
5. Public Road Wetland Replacement Credit Acquisition – Dan Girolamo - *DECISION ITEM*
6. Red River Basin Commission (RRBC) Grant and Work Plan – Lance Yohe, RRBC Executive Director – *DECISION ITEM*
7. Legislative Update – Ron Harnack – *INFORMATION ITEM*

AGENCY REPORTS

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

ADVISORY COMMENTS

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

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

UPCOMING MEETINGS

- State Envirothon, May 17, 2006, Lake Bronson State Park
- Next BWSR Meeting, May 24, 2006, St. Paul

1:00 a.m. ADJOURN

*****The Wetlands Committee will meet immediately following the Board Meeting*****

Dispute Resolution Report
April 13, 2006
by Jim Haertel

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

File 05-20. This is an appeal of a replacement plan decision in Cokato, Wright County. The decision approved the filling of a 0.2 acre Type 2 wetland on a residential lot for construction of a residence. There is a question about the alternatives proposed for

sequencing. Also, no TEP was held. The appeal has been remanded for a TEP to be held and sequencing to be addressed.

File 05-17. This is an appeal of a replacement plan decision in the City of Holdingford in Stearns County. At issue is the denial of a replacement plan application relating to a residential development. Wetland impacts of 0.7 acres were proposed for construction of a road and multi-use trail. The TEP recommended approval of the application. The LGU denied the application on finding the development could proceed without wetland impacts. The Corps issued a permit for the project. The appeal has been accepted and is in abeyance pending settlement discussions.

File 05-1. This is an appeal of a Replacement Plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. The appeal has been accepted and pre-hearing conferences were held. The appeal is presently in abeyance to allow settlement discussions to continue.

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

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

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

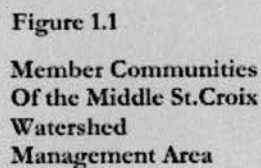
File 04-15. This is an appeal of a wetland boundary and type decision in Anoka County. At issue is the decision by the Rice Creek Watershed District to classify a site as effectively drained. Last summer a wetland delineation report identified most of the site as wetland. The appeal has been remanded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

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Middle St. Croix Watershed Management Organization, Watershed Management Plan – *DECISION ITEM*
2. Prior Lake-Spring Lake Watershed District, Watershed Management Plan Amendment – *DECISION ITEM*
3. Sherburne County Priority Concerns Scoping Document – *DECISION ITEM*

MSCWMO Watershed Boundary Map and Fiscal Context



Fiscal Context and Implementation

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

* Gray cells indicate incomplete data.

** All RBWMO expenditures occur through member communities.

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

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

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

In the Matter of the review of the
Watershed Management Plan for the **Middle
St. Croix Watershed Management
Organization** pursuant to Minnesota Statutes
Section 103B.231, Subdivision 9

**ORDER
APPROVING
WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Managers of the Middle St. Croix Watershed Management Organization (MSCWMO) submitted a Watershed Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

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

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

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

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

3. **Nature of the Watershed.** The Middle St. Croix watershed encompasses approximately 19.8 square miles and is located in the east-central part of Washington County. The WMO is bound by the St. Croix River on the east, Valley Branch Watershed District on the west and south, and the Browns Creek Watershed District to the north. A distinction exists between the Middle St. Croix watershed and the other watersheds of Washington County in that the Middle St. Croix watershed has many small, parallel watersheds that all flow to the St. Croix, whereas the other watersheds in the County generally have one major drainage with a headwaters and outlet. Land use in the watershed is evenly distributed between agricultural uses, rural residential, and high-density residential/commercial land uses.
4. **Local Review.** The MSCWMO circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. The following local units of government commented on the draft Plan:

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

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

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

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

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

5. **Metropolitan Council Review.** The Council found the Plan to provide a framework for managing water resources in the area, but pointed out a number of areas in the plan that could be clarified or strengthened. The Council recommended timeframes for ensuring member communities come into conformance with the watershed plan, and for further assessment of wetlands in the watershed. MSCWMO added the recommended timeframes. MSCWMO also clarified policy and performance standard wording in response to Council recommendations.
6. **Department of Agriculture Review.** MDA recommended developing strategies to address TMDLs. MSCWMO responded that the Plan does mention TMDLs, but the appropriate section would be clarified and strengthened per other comments received.
7. **Department of Health Review.** MDH did not provide comments on the draft Plan.
8. **Department of Natural Resources Review.** The DNR recommended the Plan include specific information about the rare features found in the watershed, including a list of native plant communities and rare plant and animal species that have been documented in the watershed, and a list of goals and strategies to address how they will be protected. The MSCWMO added the requested information to the plan, indicated that future MLCCS data will also be added to the plan upon completion, and added a prioritization table to Section 6 to address protection of rare features. The DNR recommended the Plan incorporate strategies to reach the St. Croix River Basin Planning Team (SCBPT) to reduce nutrient loads by 20%. The MSCWMO added wording recognizing the SCBPT goal, and indicated a willingness to incorporate strategies to meet the goal when available. The DNR also included background information regarding stream restoration and recommended its incorporation in the plan. MSCWMO responded that it appreciated the information, but would not be incorporating it into the plan at this time. The DNR recommended establishing a range of wetland buffer widths based on site-specific conditions. The MSCWMO modified buffer width standards in response to this and other comments. The MSCWMO also updated various tables and wording to provide more specificity in response to other DNR comments.
9. **Pollution Control Agency Review.** The PCA, similar to the DNR, recommended the Plan incorporate strategies to reach the St. Croix River Basin Planning Team (SCBPT) to reduce nutrient loads by 20%. The MSCWMO added wording recognizing the SCBPT goal, and indicated a willingness to incorporate strategies to meet the goal when available. The PCA recommended modification of performance standards to include no increase of runoff from 1-year events as well as 2, 10, and 100-year events, and urged consideration of a performance standard that reflects the goal of infiltrating any incremental volumes of runoff created by development. The MSCWMO added a policy

and corresponding performance standard to address these concerns. Concerning MSCWMO water quality monitoring plans and impaired waters, the PCA recommended incorporating monitoring protocols that ensure the data generated meet the MPCA requirements for datasets used in the identification, listing, and restoration of impaired waters, and noted that McKusiak Lake will be a candidate for listing in the 2006 list of impaired waters. The MSCWMO added the requirement that data collection practices encompass dataset requirements set by the PCA, and added wording about McKusiak Lake. The MSCWMO also included additional MPCA permit information, groundwater contamination information, and text about the current Section 401 certification waiver in response to PCA comments.

10. **Board Review.** BWSR commented that the Plan must contain a functional analysis and valuation of wetlands, or a process for determining such, and corresponding policies and performance standards. The MSCWMO completed a functional assessment for all wetlands in the watershed and developed corresponding management strategies, and a plan for a functional assessment of all wetlands in the watershed. BWSR requested clarification as to when WMO review of projects would be required. The WMO first proposed clarifying these issues as part of updating the JPA, which was added as an implementation item. Subsequent BWSR review of the JPA revealed the need for update prior to plan approval. The MSCWMO has since clarified the requirements for WMO review of projects, and updated the JPA to address BWSR's comments. The MSCWMO adequately addressed additional BWSR comments by adding information on local shoreland ordinances and existing monitoring data, expanding discussion of flooding issues and specifying development of future floodplain policies, adding a map of anticipated land use, providing more specificity regarding priority resources, providing a more thorough assessment of existing and future potential water resource related problems, changing performance standards to correspond more directly to stated policies (including the addition of a specific performance standard addressing runoff volume control), and adding an amendment section with a table of potential amendments.

11. **Highlights of the Plan.**

- The Plan is a significant step forward in the management of the watershed's resources.
- The Plan provides for WMO review of projects meeting certain thresholds.
- The Plan includes a performance standard requiring retaining the first one-half inch of runoff for all projects requiring WMO review.
- As part of the Plan update, a functional assessment was performed on all wetlands within the watershed and corresponding management categories and strategies were developed, including variable buffer widths, greater emphasis on avoidance of high valued wetlands, and not allowing excavation or type alteration of high valued wetlands.
- The Plan provides for improved communications between member communities within the MSCWMO.
- The plan includes a fully updated and executed Joint Powers Agreement and updated legal description.
- The Plan was revised significantly to address comments submitted by review agencies.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Middle St. Croix Watershed Management Organization pursuant to Minnesota Statutes Sections 103B.201, Subd. 9.
3. The Middle St. Croix Watershed Management Organization plan attached to this Order defines water and water-related problems within the MSCWMO boundaries, possible solutions thereto, and an implementation program.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Plan dated February 14, 2006 as the Watershed Management Plan for the Middle St. Croix Watershed Management Organization.

Dated at Saint Paul, Minnesota this 26th day of April 2006.

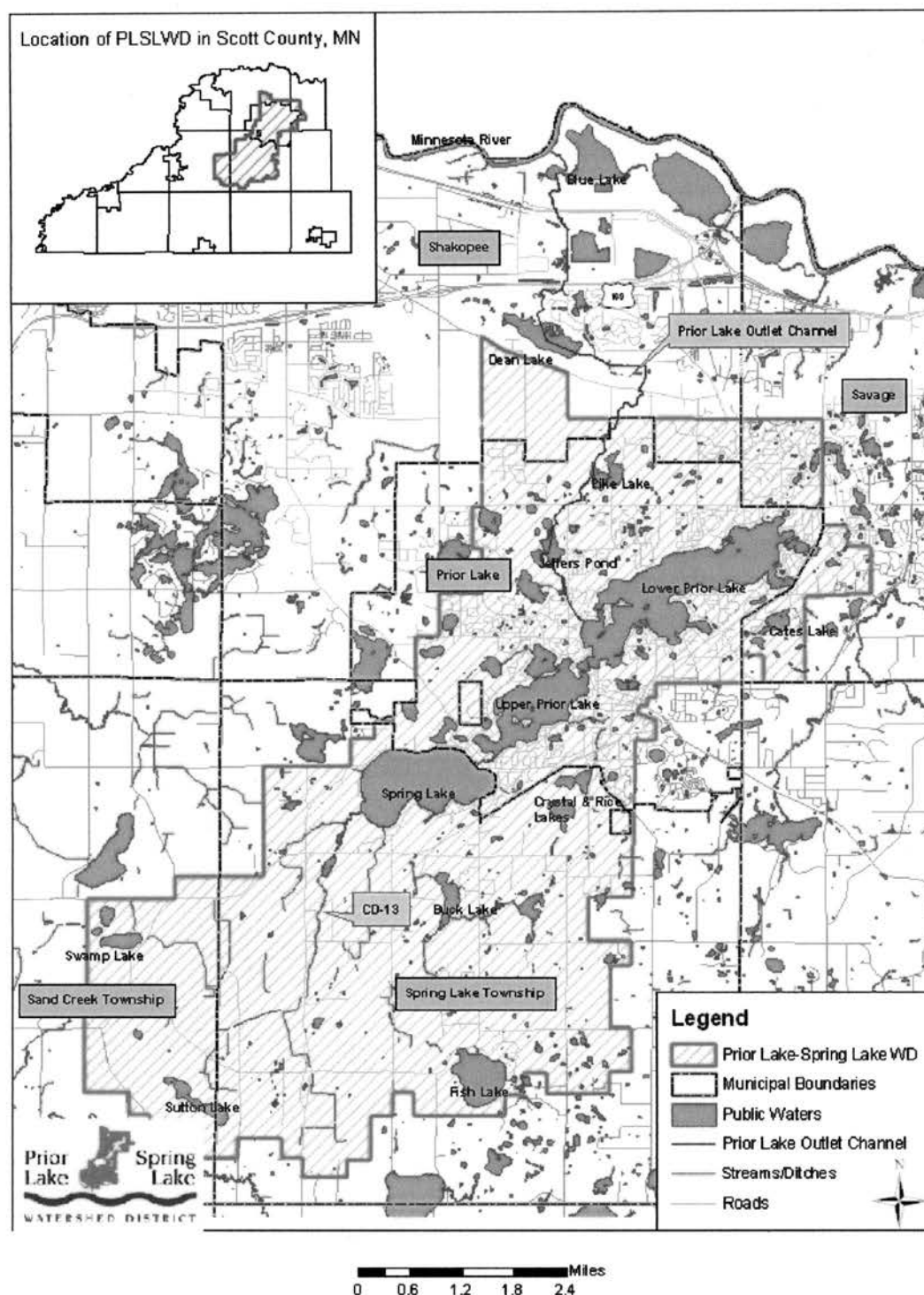
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

Minnesota Board of Water and Soil Resources
April 2006 Board Meeting

Prior Lake-Spring Lake Watershed District Plan Amendment
Watershed Boundary Map and Fiscal Context

Prior Lake-Spring Lake Watershed District
and Outlet Channel



Fiscal Context and Implementation

The table below reveals an increasing trend with regards to expenditures of PLSLWD over the past four years of available data. PLSLWD expenditures appear to be comparable to other Metro Watershed Districts in the lower funding bracket. Expenditures for the PLSLWD Capital and Administrative Improvements Program are projected to vary from approximately \$623,000 to \$800,000 annually during the life of the amended plan, with a roughly linear yearly increase. This does not include significant contributions from PLSLWD partners for certain specified projects, such as the Outlet Channel Restoration and Enhancement Project.

Watershed District	Taxes Payable 2004 (TMV)	Area (sq mi)	Expenditures			
			2001	2002	2003	2004
Browns Creek	1,118,882,500	28	1,035,814	536,531	403,906	320,385
Capitol Region	12,180,656,400	37	397,354	386,503	577,504	1,327,715
Carnelian-Marine	517,571,600	43	404,561	447,838	491,103	420,888
Comfort Lake Forest Lake	1,289,010,500	49	77,716	301,143	206,157	287,058
Coon Creek	6,763,641,200	96	467,285	601,544	660,523	640,591
Lower Minnesota River	5,748,966,600	64	427,058	292,621	204,346	318,216
Minnehaha Creek	28,338,875,675	184	6,086,030	5,270,636	3,343,963	2,436,635
Nine Mile Creek	13,293,860,700	50	1,021,981	950,905	1,015,845	1,484,029
Prior Lake-Spring Lake	1,882,034,700	42	410,171	610,534	732,799	655,410
Ramsey-Washington Metro	9,197,769,100	53	3,048,986	3,329,310	3,370,862	2,350,399
Rice Creek	13,893,021,700	201	1,319,055	1,692,567	2,589,521	3,041,834
Riley-Purgatory-Bluff Creek	9,434,538,700	47	480,471	772,593	2,366,737	2,245,286
South Washington	6,070,592,700	53	2,356,478	2,323,327	5,771,911	1,921,135
Valley Branch	2,681,731,600	64	443,537	526,532	730,992	

* Gray cell indicates incomplete data.

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

**In the Matter of the review of the
Watershed Management Plan Amendment
for the Prior Lake-Spring Lake
Watershed District pursuant to Minnesota
Statutes Section 103B.231, Subdivision 9**

**ORDER
APPROVING
WATERSHED MANAGEMENT
PLAN AMENDMENT**

Whereas, the Board of Managers of the Prior Lake-Spring Lake Watershed District (PLSLWD) submitted a Watershed Plan Amendment (Amendment) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **PLSLWD Establishment.** The PLSLWD was established on March 4, 1970 by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act (Minnesota Statutes, Chapter 112). The order was in response to a petition filed by residents within the watershed on June 24, 1969. The first water resources management plan for the PLSLWD was prepared and adopted in 1971, shortly after the District's inception, in accordance with the Minnesota Statute 103D. The plan was then revised in accordance with the Metropolitan Surface Water Management Act of 1982, and adopted by the PLSLWD in 1991. The second generation watershed management plan was approved by the Board on January 27, 1999. According to the plan, the stated mission of the PLSLWD is "to manage and preserve the water resources of the Prior Lake-Spring Lake Watershed District to the best of our ability using input from our communities, sound engineering practices, and our ability to efficiently fund beneficial projects which transcend political jurisdictions."

The Amendment is an update of the District's implementation program. The draft Amendment was submitted to BWSR, other state agencies, and local governments for the required 60-day review on September 9, 2005. A public hearing was held on December 13, 2005 and no comments were received. On December 23, 2005, all review agencies had received the revised draft Amendment for the required 45-day review period. The final draft Amendment was submitted to BWSR on February 17, 2006.

2. **Requirement to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.
3. **Nature of the Watershed.** The PLSLWD is approximately 42 square miles in size and located in north central Scott County, within the Minnesota River basin. The upper one-half of the PLSLWD is largely developed, with residential land use being the predominant use. The lower one-half of the watershed is rural land use comprising small to medium farms. Development pressure and changes in land uses within the watershed will likely increase over the next five years. The major water resource features of the District are Spring Lake, Upper Prior Lake, and Lower Prior Lake.

The following communities lie partially or entirely within the District: the cities of Prior Lake, Savage, and Shakopee, and the Sand Creek and Spring Lake Townships. The District is bound by the Lower Minnesota River Watershed District to the north, and the Scott County managed Credit River, Sand Creek, and Shakopee Basin watersheds to the east, south, and west respectively.

4. **Local Review.** The PLSLWD circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 11. The local units of government did not comment on the Amendment.
5. **Metropolitan Council Review.** The Council found the Amendment to be consistent with the Council's Water Resources Management Policy Plan and stated no significant concerns.
6. **Department of Agriculture Review.** MDA did not provide comments on the PLSLWD Amendment.
7. **Department of Health Review.** The MDH comment letter noted favorably that the PLSLWD's proposed Amendment adds language regarding the District's intent to "support and coordinate" with the efforts of the Scott County Groundwater Protection Plan within the watershed and with regional groundwater protection efforts. As part of the PLSLWD's efforts to support groundwater protection, the MDH encouraged the PLSLWD to do the following:
 - Coordinate and support the wellhead protection activities of the public water suppliers with the PLSLWD,
 - Become involved in the implementation of the Scott County NPDES Phase II Storm Water Pollution Prevention Program (SWPPP) which will provide many opportunities for partners in water resources management to implement surface water best management practices (BMPs) that will also benefit groundwater, and
 - Provide assistance to public water suppliers in the PLSLWD that could use the District's help in inventorying and managing unused or abandoned wells within their wellhead protection areas.

PLSLWD's written response indicated that they are very interested in coordinating efforts with and supporting the wellhead protection activities of the public water suppliers within the watershed, and will actively seek opportunities to do so. The District is an active partner with Scott County in the implementation of the NPDES Phase II requirements, and noted that they will be revising their SWPPP once the new Phase II general permit is promulgated, and will look for opportunities to incorporate additional BMPs into the District's SWPPP that will also benefit groundwater. PLSLWD also pointed out that the additional monitoring they propose will provide information to assist public water suppliers in managing the system, and that the District will work with its partners to provide an expanded abandoned well sealing effort if identified as a need in the watershed.

8. **Department of Natural Resources Review.** The DNR noted that several agency staff were involved in elements of the proposed Amendment, and commended PLSLWD Board and staff for the District's past accomplishments and continued implementation of its plan and rules.
9. **Pollution Control Agency Review.** The PCA provided information on a study regarding in-lake alum treatment and supported the District's approach to this treatment option. The PCA also had several specific suggestions in regards to wording, noted that the TMDL studies listed in Table 5-3 should be complementary to management plans which have been or are planned to be prepared by the District for impaired waters, and pointed out the requirements of Minn. Rule 7050.
10. **Board Review.** BWSR did not provide comments on the PLSLWD Amendment.
11. **Highlights of the Amendment.**
 - Provides for the establishment of nutrient TMDLs and implementation plans for Spring, Upper Prior, Pike, and Fish lakes.
 - Establishes a program to inspect and maintain buffer areas and infiltration features.
 - Provides for purchase of permanent easements over wetland restorations and water storage areas to progress towards the District goal of 1,500 to 3,000 acre-feet of additional storage.
 - Provides for accelerated, in-depth lake monitoring and vegetation surveys for an increased understanding of lake water quality and trend tracking.
 - Restoration, enhancement, and management of the Prior Lake outlet channel to improve and maintain stability, enhance water quality and habitat, and meet water conveyance needs.
 - Establishes a significant BMP program for technical design assistance and cost-share for rain gardens, shoreland restoration, and innovative BMPs that exceed rule requirements.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan Amendment for the Prior Lake-Spring Lake Watershed District pursuant to Minnesota Statutes Sections 103B.201, Subd. 9.
3. The Prior Lake-Spring Lake Watershed District Plan Amendment attached to this Order defines the need and purpose of the project, its relation to the District's goals, and the method of financing.
4. The attached Plan Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Amendment to the Prior Lake-Spring Lake Watershed District dated February 17, 2006.

Dated at Saint Paul, Minnesota this 26th day of April, 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

TO: BWSR Metro Water Planning Subcommittee

FROM: Brad Wozney, Board Conservationist

DATE: March 24, 2006

**SUBJECT: SHERBURNE COUNTY PRIORITY CONCERNS SCOPING DOCUMENT
(PCSD) REVIEW**

The following memo outlines the BWSR staff review and recommendations of the Sherburne County PCSD. Background information of the County, a summary of the priority concerns development process, and the reviewing agencies' preliminary recommendations can be found in the PCSD and adjoining documents.

The Third Generation Local Watershed Management Plan for Sherburne County was approved in 2002 and is set to expire on February 19, 2007. The process that led up to the development of the PCSD before you today allowed ample opportunity for stakeholders as well as local, state, and federal agencies to provide input, prioritize, and review the water management issues identified for Sherburne County. In June 2005, BWSR staff drafted their priority concerns (please refer to the "Priority Concerns Identification" document).

On February 17, 2006, Mark Basiletti, the Sherburne County Water Plan Coordinator submitted the PCSD to the reviewing agencies for final review and approval. The BWSR Metro Water Planning Subcommittee meets on April 6, 2006, to refine and/or recommend approval of the following potential priority concerns (please note several recommended changes by BWSR staff to the original priority concerns from p.3-4 of the PCSD):

- Impaired and degraded lakes and streams in the Elk River Watershed.
- Increasing urban and residential land use replacing agriculture, forest and open space creates a concern about water quality and quantity due to increased impervious areas. Sedimentation from construction site runoff is also associated with development. Many areas of the County with older development do not have any means to store or treat stormwater runoff.

(**Please note BWSR staff recommends including the following two priorities only if adequate staff and financial resources are available to fully implement.)

- **Quality of riparian and aquatic vegetation. Native vegetation has been replaced by the invasion of undesirable species or has been removed and replaced with turf grasses. Exotic aquatic species most notably Curly Leaf Pondweed dominate some lakes in the County. The result is the loss of the filtering provided by buffers, increased shoreline and streambank erosion, and loss of wildlife and fish habitat.

- **Ground water use. Rapid growth and new developments on city water supplies and on private wells create a concern about the increasing demand for ground water. In some areas, there is a concern about the availability of safe drinking water due to nitrate contamination.

Two other priority concerns identified by the county were recommended by BWSR staff to be eliminated due to inadequate staff and financial resources. These two priority concerns will likely be incorporated into a list of "on-going action items".

All reviewing agencies responded to the PCSD and concur with the priority concerns identified. The DNR, Department of Health, and MPCA offered resources/inclusions when drafting the Plan.

Possible points of discussion at the meeting for the subcommittee in addition to the proposed priority concerns might include: 1) the county water plan's position on TMDLs, 2) their education plan (i.e. Will they target elected officials, realtors, grade schoolers?), 3) the county water plan's intent to address agricultural-induced pollution? 4) Shoreland development and re-development, 5) There seems to be a need in Sherburne County for something akin to the Washington County program that pulls together all entities involved in stormwater management for regular meetings. We recommend that a technical advisory group reach out to the consultants and public works directors who help municipal officials assess infrastructure alternatives.

In summary, the PCSD lays out the potential issues the Sherburne County Water Plan Task Force considered. Given the above-mentioned changes, I recommend approving the Sherburne County PCSD.

March 17, 2006

Mark Basiletti
Sherburne SWCD
14855 US Hwy 10
Elk River, MN 55330

Dear Mark:

This letter is intended to update you on the Priority Concerns Scoping Document (PCSD) process and provide BWSR comments. As of the comment deadline, I have received comments from the MPCA, Department of Health, and Department of Agriculture. I have also followed up with the Department of Natural Resources and EQB in an effort to get their clear recommendation regarding the PCSD. I eventually received responses from both agencies.

The PCSD process is intended to promote solid, up-front agency input near the beginning of your planning process. The intent is to ascertain the County's intention to address common issues. The feedback received from the commenting agencies shows no major objections. MPCA, DNR, and Department of Health offered suggestions when drafting the Plan.

As for BWSR's recommendation, I concur that the priority concerns you have selected are high priority and if achieved do not come without controversy. However, it is imperative that your priority concerns and subsequent plan implementation strategies reflect the financial resources and staff time available to pull off everything listed. The BWSR Board adopted the PCSD concept in part because they saw attempts by counties at doing too much with too few resources. It is this reason that I recommend paring down the number of priority concerns, perhaps in half, unless the county can illustrate how they intend to allocate their time to sufficiently accomplish action items within all 6 priority concerns. BWSR staff agrees that Priority Concerns #1, and #2 are "time sensitive" and are critical objectives as significant development pressures increase countywide. Priority Concerns #3 and #6 should be more closely considered for inclusion, whereas Priority Concerns #4 and #5 could be categorized as activities with a lesser time dependency, and consequently may need to be sacrificed based on limited resources. Alternatively, #4 and #5 could be placed in a separate section of the water plan as "water management plan ongoing action items" per our phone conversation.

As you wade through the plan writing process, enough detail will emerge to determine just how your staff time is allocated. Another aspect of your water management role consists

of coordination, such that if you can synchronize activities creating partnerships with other agencies and cooperators given your support (financial or otherwise) to assist with plan goals, then it obviously augments your own Local Water Management accomplishments, particularly if the water quality issues transcend county boundaries.

We anticipate that there will be liberal use of the Water Management Task Force in the development of plan goals and subsequently in guiding the implementation process. It is our hope that you include a targeted education effort as part of your implementation strategies, particularly aimed at officials making land use decisions, for each of the final priority concerns. We also encourage those involved in the county water management process to complete an annual self-assessment of progress.

I want to commend the County for a very good public/stakeholder participation process and for identifying a number of priority concerns that coincide with local and state priorities. With the exception of the revisions noted above and on my memo to the BWSR subcommittee, we will likely be recommending approval to our Metro Subcommittee on April 6th. It is there that the subcommittee will establish dialogue with you and debate the recommended priority concerns.

Sincerely,

Bradley J. Wozney
Board Conservationist

Cc: Steve Woods, BWSR (office copy)
Dave Weirens, BWSR
John Wells, EQB
Sharon Pfeifer, DNR
Fred Bengtson, DNR
David L. Johnson, MPCA
Art Persons, MDH
Mike Howe, MDH
Becky Balk, MDA



April 26, 2006

Sherburne County Commissioners
C/o Mark Basiletti, Water Plan Coordinator
Sherburne County Soil and Water Conservation District
14855 US Hwy 10
Elk River, MN 55330

RE: Official State Comments Pertaining to the Review of Sherburne County Priority Concerns Scoping Document for the Fourth Generation Water Management Plan Update.

Dear Sherburne County Commissioners:

Pursuant to MS Section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns that Sherburne County has chosen to eventually address in the update of their comprehensive local water management plan. The State reviewing agencies reviewed the priority concerns scoping document (PCSD) and submitted all comments by March 17, 2006. The DNR received an extension and submitted their draft comments by March 24, 2006. The Board of Water and Soil Resources' (BWSR) metro water planning subcommittee (the subcommittee) met on April 6, 2006, to discuss agency comments, the content of the PCSD, and recommendations for the content of the final plan.

The subcommittee highly commends the county for the process they used for collecting and reviewing issues raised by community stakeholders and ultimately selecting the priority concerns. The Task Force along with Water Plan Coordinator Mark Basiletti have done an effective job of condensing these down to the priority issues, which will be the focus of the water plan coordinator for the remainder of the process. None of the agencies have registered significant reservations regarding either the processes used or the priority concerns submitted. The MPCA, Department of Health, and the DNR offered suggestions and resources when drafting the plan. Following the discussion of the priority concerns at the subcommittee meeting, it is mutually agreed that the priority concerns to be assessed and addressed in your final plan include:

- **Impaired and degraded lakes and streams in the Elk River Watershed**
- **Increasing urban and residential land use replacing agriculture, forest and open space creates a concern about water quality and quantity due to increased impervious areas.**

<i>Bemidji</i>	<i>Brainerd</i>	<i>Duluth</i>	<i>Fergus Falls</i>	<i>Marshall</i>	<i>New Ulm</i>	<i>Rochester</i>	<i>Saint Paul</i>
217 Bemidji Avenue N. Bemidji, MN 56601 phone (218) 755-4235 fax (218) 755-4201	217 S. 7th Street Suite 202 Brainerd, MN 56401 phone (218) 828-2383 fax (218) 828-6036	394 S. Lake Avenue Room 403 Duluth, MN 55802 phone (218) 723-4752 fax (218) 723-4794	1004 Frontier Drive Fergus Falls, MN 56537 phone (218) 736-5445 fax (218) 736-7215	1400 E. Lyon Street Box 267 Marshall, MN 56258 phone (507) 537-6060 fax (507) 537-6368	261 Highway 15 S. New Ulm, MN 56073 phone (507) 359-6074 fax (507) 359-6018	2300 Silver Creek Road N.E. Rochester, MN 55906 phone (507) 280-2874 fax (507) 285-7144	520 Lafayette Road N. Saint Paul, MN 55155 phone (651) 296-3767 fax (651) 297-5615

[It is important to be aware of the county's authority under MS 103B.331 to regulate the use and development of water and related land resources within incorporated areas if a municipality does not have official controls consistent with standards in the approved local water management plan. Once standards are adopted into the Sherburne County Water Plan and mailed to LGUs within their jurisdiction, municipalities have 270 days adopt the minimum standards (or make an appeal to BWSR) pursuant to MS 103B.325, subd. 2.]

- **Quality and quantity of riparian and aquatic vegetation.**

These priority concerns are fewer and somewhat altered compared to those originally submitted for review.

As discussed at the subcommittee meeting, Sherburne County will add a written section under "Ongoing Water Activities Coordinated by the Plan" generally addressing the actions they will undertake to address ground water use/quantity, groundwater quality including but not limited to contamination from nitrates and pesticides, and pollution of water resources by toxic chemicals. The plan should also contain a section briefly explaining the water resource concerns/activities they will not implement, or expect another entity to carry out. An education plan will also be incorporated into various, pertinent implementation sections of the Plan update.

In summary, the committee was impressed with the breadth of information assembled by the county and the willingness to run a very open process incorporating a large number of stakeholders. We look forward to participating in the completion of your plan and its ultimate implementation.

Sincerely,

Jerome Deal
Chair

cc: Steve Woods
Doug Thomas
Dave Weirens
John Wells, EQB
Sharon Pfeifer, DNR
David L. Johnson, MPCA
Art Persons, MDH
Becky Balk, MDA

<i>Bemidji</i> 217 Bemidji Avenue N. Bemidji, MN 56601 phone (218) 755-4235 fax (218) 755-4201	<i>Brainerd</i> 217 S. 7th Street Suite 202 Brainerd, MN 56401 phone (218) 828-2583 fax (218) 828-6036	<i>Duluth</i> 394 S. Lake Avenue Room 403 Duluth, MN 55802 phone (218) 723-4752 fax (218) 723-4794	<i>Fergus Falls</i> 1004 Frontier Drive Fergus Falls, MN 56537 phone (218) 736-5445 fax (218) 736-7215	<i>Marshall</i> 1400 E. Lyon Street Box 267 Marshall, MN 56258 phone (507) 537-6060 fax (507) 537-6368	<i>New Ulm</i> 261 Highway 15 S. New Ulm, MN 56073 phone (507) 359-6074 fax (507) 359-6018	<i>Rochester</i> 2300 Silver Creek Road N.E. Rochester, MN 55906 phone (507) 280-2874 fax (507) 285-7144	<i>Saint Paul</i> 520 Lafayette Road N. Saint Paul, MN 55155 phone (651) 296-3767 fax (651) 297-5615
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**Sherburne County Local Water Management Plan
Priority Concerns Scoping Document
February 15, 2006**

A. Introduction

1. County Primer

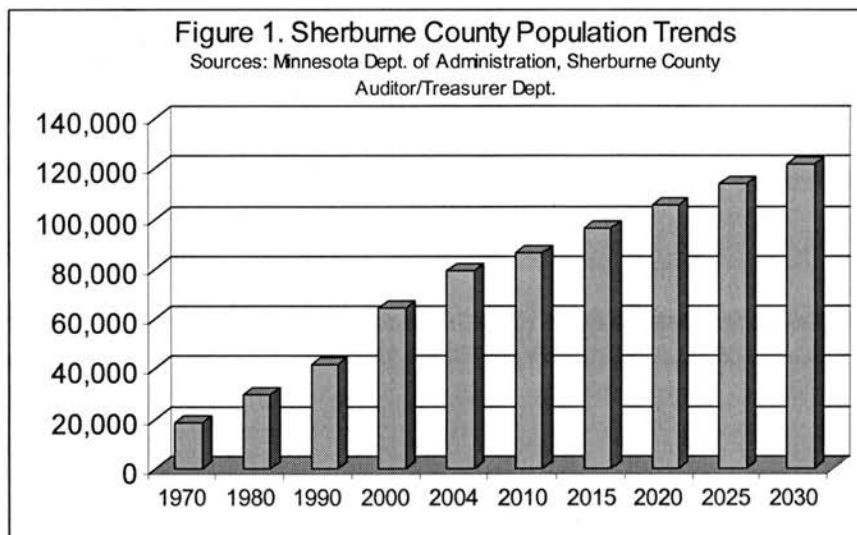
Sherburne County is located in east central Minnesota. The County Seat is located in Elk River (Map 1). Elk River is approximately 35 miles northwest of Minneapolis and 30 miles southeast of St. Cloud.



Map 1. Location of Sherburne County

The estimated 2004 population of Sherburne County is 79,030 with 45,300 residing within incorporated areas. County has experienced rapid population growth in recent decades and is one of the fastest growing Counties in Minnesota (Figure 1). Based on birth rate statistics provided by the Sherburne County Public Health Department, the population increase projected in Figure 1 may be conservative. The rapid population growth of Sherburne County is primarily due to its proximity to the Twin Cities metropolitan area and the St. Cloud urban area.

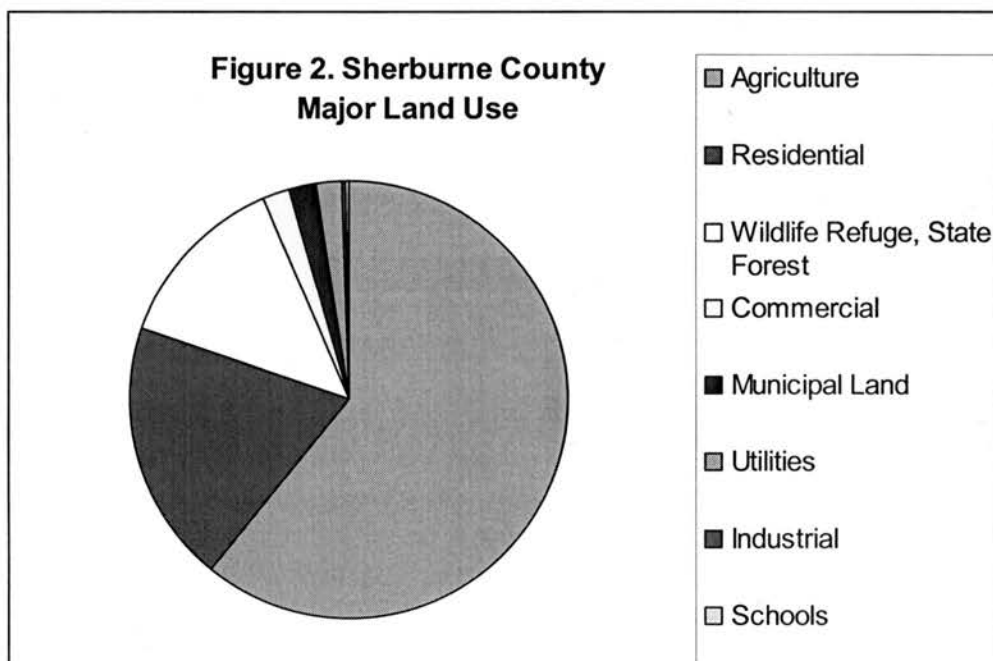
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The dominant land uses in the County are agriculture and residential (Table 1, Figure 2).

Table 1. Land Use

Land Use	Acres
Total Area of County	288,256
Agriculture	161,322
Residential	50,926
Wildlife Refuge, State Forest	35,925
Commercial	5,236
Municipal Land	4,997
Utilities	4,980
Industrial	743
Schools	691



Based on projected population trends, it is expected that the proportion of land in residential, commercial land use will increase proportionately and agricultural land use will continue to decline.

2. Plan Information

The Sherburne Soil and Water Conservation District has been delegated the responsibility for developing and implementing the Local Water Management Plan. The original local water management plan was adopted by the County Board on July 8, 1992. The plan was updated twice: in 1995 and in 2001. The current plan expires February 28, 2007.

B. Priority Concerns

Priority Concern 1: Impaired and degraded lakes and streams in the Elk River Watershed.

The following waters are listed on the State's 2006 draft list of impaired waters (303d list):

- 1) Elk River, Rice Creek to St. Francis R, Invertebrate IBI and Turbidity; 2) Rice Creek, Rice Lake to Elk River, Low Oxygen and Turbidity; 3) Battle Brook, CD 18 to Elk Lake, Invertebrate IBI

The following waters have water quality below the typical range for the ecoregion:

Lakes based on Secchi disc transparency and Total Phosphorus: Briggs Lake, Julia Lake, Rush Lake, Big Elk Lake, Big Eagle Lake, Little Elk Lake, Fremont Lake, Lake Orono

Streams based on Total Suspended Solids, Total Phosphorus and Total Kjeldahl nitrogen: Elk River, Tibbits Brook, Snake River, St. Francis River, Rice Creek

Results from monitoring projects conducted in the County show that nutrient loading is the primary cause of low water quality for lakes and streams in the Elk River Watershed. In the Briggs Lake Chain and Big Elk Lake sub-watersheds, flooding is associated with poor water quality. Fecal coliform bacteria levels exceeded the water quality standard on the Elk River and Tibbits Brook in 2 out of 5 months in 2005.

The following pollutant sources and related land use concerns have been identified:

- 1) Failed septic systems
- 2) Septic systems in flood plains that are not flood proofed
- 3) Fertilizer use in residential areas
- 4) Urban and residential runoff
- 5) Lack of riparian buffers on lakeshore, streams and drainage ditches
- 6) Resident goose population
- 7) Yard waste
- 8) Livestock (agricultural and on small acreage)
- 9) Agricultural fertilizer use
- 10) Flood plain impacts: current controls are adequate for protecting the floodway. In some areas, protecting the flood fringe to prevent loss of flood water storage would prevent increase in peak flows.
- 11) Wetland impacts
- 12) Sedimentation from bank erosion

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The establishment of Total Maximum Daily Loads (TMDLs) for waters listed as impaired (303d list) will create opportunities for the County to work with the Minnesota Pollution Control Agency toward identifying sources, setting TMDLs and mitigation of sources. The County Water Plan will address how the County will work with the MPCA as TMDLs are phased in for the County.

Sherburne County is within the Source Water Protection Area delineated for the Minneapolis and St. Paul public water suppliers, which draw water from the Mississippi River. Where priority concerns complement Source Water Protection Planning efforts, the County Local Water Management Plan will address how the County will work with Source Water Protection efforts to identify and reduce pollutants to surface waters within the County.

Priority Concern 2: Increasing urban and residential land use replacing agriculture, forest and open space creates a concern about water quantity and quality due to increased impervious areas. Sedimentation from construction site runoff is also associated with development. Many areas of the County with older development do not have any means to store or treat storm water runoff.

Priority Concern 3: Quality of riparian and aquatic vegetation. Native vegetation has been replaced by the invasion of undesirable species or has been removed and replaced with turf grasses. Exotic aquatic species most notably Curly Leaf Pondweed dominate some lakes in the County. The result is the loss of the filtering provided by buffers, increased shoreline and streambank erosion and loss of wildlife and fish habitat. Better enforcement of shoreland ordinances is needed. The County PUD ordinance will be a tool to help preserve riparian habitat.

Priority Concern 4: Pollution of water resources by toxic chemicals. The priority area of concern is in residential areas. Chemicals of concern include pesticides. More information is needed on the occurrence of other chemicals which have been identified as endocrine disruptors, which can enter water resources via sanitary sewer systems.

Priority Concern 5: Nitrate contamination of ground water. Results of clinics held in the county show that 951 tests of private wells resulted in 17% with nitrates above the health risk limit of 10 mg/L.

The following pollutant sources and related land use concerns have been identified:

- 1) Irrigated agriculture
- 2) Septic systems

Priority Concern 6: Ground water use. Rapid growth and new developments on city water supplies and on private wells creates a concern about the increasing demand for ground water. In some areas, there is a concern about the availability of safe drinking water due to nitrate contamination.

C. Priority Concern Identification

1. Public and Internal Forums Held

February 22, 2005 Sherburne County Water Plan Advisory Committee Meeting

Participants: C. Perry Schenck, member at large; Bryan Adams, member at large; John Riebel, County Commissioner; Leander Schlosser, SWCD Supervisory; Mark Basiletti, Water Plan Coordinator; Gina Hugo, SWCD.

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Summary: See attached minutes. Timeline for the water plan update and revision was reviewed. Plans for a public survey were discussed. The survey was to be distributed to all Sherburne County households. Plans for a public information meeting were discussed.

June 28, 2005 Sherburne County Water Plan Advisory Committee Meeting

Participants: C. Perry Schenk, Water Plan Advisory Committee Chair; John Weicht, Water Plan Advisory Committee Vice Chair; Tiffany Babich, member at large; Roger Nelson, member at large; Bryan Adams, member at large; Barbara Tucker, member at large; Nels Anderson, member at large; John Riebel, County Commissioner; Leander Schlosser, SWCD Supervisor; Mark Basiletti, Water Plan Coordinator; Gina Hugo, SWCD; Nicola Blake-Bradley, Sherburne County Zoning; Vonna Henry, Sherburne County Public Health; Margaret Leach, MPCA.

Summary: See attached minutes. Input from LGUs, State agencies was concerning their priority concerns was discussed. Mark Basiletti pointed out which concerns listed by the LGUs and agencies are already addressed in the current Local Water Management Plan. There was discussion to limit the number of goals to what can be accomplished in a 5 year plan. Progress in implementing the current LWMP was reviewed. A list of quantifiable results to date for each action item was presented.

August 23, 2005 Sherburne County Water Plan Advisory Committee Meeting

Participants: C. Perry Schenk, Water Plan Advisory Committee Chair; John Weicht, Water Plan Advisory Committee Vice Chair; Terry Polsfuss, member at large; Barbara Tucker, member at large; Nels Anderson, member at large; Garry Anderson, member at large; John Riebel, County Commissioner; Leander Schlosser, SWCD Supervisor; Mark Basiletti, Water Plan Coordinator; Gina Hugo, SWCD; Vonna Henry, Sherburne County Public Health; Margaret Leach, MPCA.

Summary: See attached minutes. Results of the citizen survey were discussed. The survey had been sent to all County households with the County Zoning's Environmental Educator publication. A comprehensive list of all issues and concerns was presented. The list included those issues currently listed in the Local Water Management Plan and those identified through input from State Agencies, local government units, and through the citizen survey. Major concerns were discussed which included nutrient loading to surface water, nitrate levels in well water. All committee members voted on their top 10 concerns.

October 25, 2005 Sherburne County Water Plan Public Information Meeting

Participants: Barbara Tucker, Water Plan Advisory Committee; Nels Anderson, Water Plan Advisory Committee; Tiffany Babich, Water Plan Advisory Committee; Roger Nelson, Water Plan Advisory Committee; John Riebel, County Commissioner; Mark Basiletti, Water Plan Coordinator; Gina Hugo, SWCD; Nicola Blake-Bradley; Margaret Leach, MPCA; George Kydd, Palmer Township Supervisor; C.G. Phillips, Sherburne County Citizen; John, Sherburne County Citizen; Darrell Tucker, Briggs Lake Chain Association; Suzanne Chmielewski, Briggs Lake Chain Association; Charlene Langowski, Briggs Lake Chain Association; Susie Brown, Briggs Lake Chain Association.

Summary: See attached minutes. A presentation on current Sherburne County Local Water Management Plan issues and implementation activities was given. A summary of issues identified in the on-going update and revision process was distributed. Priority lakes and watersheds were discussed.

January 24, 2006 Sherburne County Water Plan Advisory Committee Meeting

Participants: John Weicht, Water Plan Advisory Committee Vice Chair; John Riebel, County Commissioner; Barbara Tucker, Water Plan Advisory Committee; Tiffany Babich, Water Plan Advisory Committee; Terry Polsfuss, Water Plan Advisory Committee; Bryan Adams, Water Plan Advisory Committee; Leander Schlosser, SWCD Supervisory; Maggie Leach, MPCA; Mark Basiletti, Water Plan Coordinator; Nicki Blake-

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Bradley, Sherburne County Zoning; Gina Hugo, Sherburne SWCD; Vonna Henry, Sherburne County Public Health.

Summary: A summary of meetings with the County LGUs was discussed. Stormwater runoff, water quantity issues, flood plain impacts, flood plain ordinances, habitat loss were issues highlighted from the meetings. A draft of the Priority Concerns Scoping Document was reviewed.

October 19, 2005 Lake Orono Water Quality Task Force Meeting

Participants: Rebecca Haug, City of Elk River Environmental Director; Mara Anderson, City of Elk River Environmental Specialist; Patrick Plant, Lake Orono Improvement Association; Cindi Edwards-Plant, Lake Orono Improvement Association; Vance Zehringer, Lake Orono Improvement Association and Elk River Watershed Association Joint Powers Board; Mark Basiletti, Water Plan Coordinator.

Summary: See attached minutes. Local Water Management Plan update and revision issues and concerns identified to date were summarized. Issues identified during the meeting by task force members were: Phosphorus lawn fertilizer continues to be used; Curly Leaf Pondweed control; monitoring of sediment build up in Lake Orono should be increased; on-going monitoring of fecal coliform bacteria for Lake Orono and the Elk River is needed; impaired waters listing for the Elk River (303d list).

March 12, 2005 Briggs Lake Chain Association Board Meeting

Participants: Briggs Lake Chain Board of Directors: Kenzie Phelps, Randy Peterson, Susie Brown, Charlene Langowski, Stan Herkenhoff, Norm Ashfeld, Tom Koontz, Steve Demueles, Sue Chmielewski, Sean Conlon, Leonard Packer, Barb Tucker, Bill Stai, Chuck Heinemann, Dick Nygaard, Barb Johnson, and Karen Jones. Also attending: Sandy Stai and Mark Basiletti, Water Plan Coordinator.

Summary: Mark Basiletti gave a presentation on the historical record of flooding on the Briggs Lake Chain and Big Elk Lake. Issues related to flooding were discussed including: wetland impacts, and increasing impervious surfaces. Mitigation of impacts was discussed. It was determined that wetland restoration, enhancement and creation should be a priority in the watershed.

November 28, 2005 Meeting with City of Big Lake Public Works Department

Participants: Michael Goebel, Public Works Director; Mark Basiletti, Water Plan Coordinator.

Summary: The City's wetland ordinance was discussed. Signs are being posted at a required 30 foot buffer boundary. Storm water management was discussed. They are currently following procedures well within what will be required under the MS-4 designation (NPDES Phase II). Infiltration ponds are being designed for new development. For new developments, most runoff will infiltrate and not impact surface water resources. In addition, below grade infiltration drains and rain gardens are being installed for existing development with street projects. Storm water treatment ponds and under drains will be installed for the U.S. Highway 10 runoff and the park parking lot scheduled to begin in 2006. The City has begun a goose control program because of water quality concerns associated with the large numbers of geese present on shorelands. Currently they have excess capacity for their waste water treatment facility. They are in the process of applying for a permit for an expansion of the WWTF. They expect to be able to meet the MPCA's discharge requirements.

December 6, 2005 Meeting with City of Elk River Environmental Department

Participants: Rebecca Haug, Environmental Administrator; Mara Anderson, Environmental Assistant; Mark Basiletti, Water Plan Coordinator.

Summary: Rebecca pointed out that the main problem is runoff from increasing impervious surfaces due to on-going development. In addition, erosion from construction sites is a problem. City staff agrees with the concern put forward from MNBWSR that current controls on storm water runoff are not

sufficient to prevent increased runoff volume and degradation of water quality even with the new revisions to NPDES Phase II permitting. There was discussion concerning whether the Local Water Management Plan should require LGUs in the County to develop storm water controls which would go beyond NPDES Phase II requirements. The need to seed the county ditch banks after dredging was also discussed. Sedimentation occurs when there is runoff prior to new vegetation being established. This is frequently a problem when ditches are cleaned out when soils are frozen and new vegetation cannot be established until the growing season starts. Chemical use in residential areas and in agricultural areas was discussed.

December 7, 2005 Meeting with City of Zimmerman Planning and Zoning

Participants: Randy Piasecki, City Planner/Coordinator; Mark Basiletti, Water Plan Coordinator

Summary: Storm water runoff was discussed. Generally the ponds installed infiltrate most runoff and do not hold water for more than a couple of days. Below grade infiltration systems have been used in the City. Older development on Lake Fremont will require improvements including storm water management. There is little space for ponds and water tables are too high for below ground systems. Rain gardens and vegetated swales were discussed as possible options. The routing of storm water to County Ditch 1 was discussed. There has been ponding in residential neighborhoods due to an under sized culvert in the ditch system. The city is scheduling to update their storm water management plan in 2006 and 2007. There was discussion concerning whether the Local Water Management Plan should require LGUs in the County to develop storm water controls which would go beyond NPDES Phase II requirements. Plans to expand City services to the north of the current city limits were discussed.

December 8, 2005 Meeting with City of Becker

Participants: Kelly Neu, Community Development Director; Jeremy Halvorson, Water Superintendent; Mark Basiletti, Water Plan Coordinator

Summary: Storm water runoff issues were discussed. The City has an inspector that inspects the storm water BMPs at all development construction sites. There was discussion concerning whether the Local Water Management Plan should require LGUs in the County to develop storm water controls which would go beyond NPDES Phase II requirements. City staff did not have a perspective on this issue. The City requires developers to obtain NPDES permits from the MPCA. The City is concerned about the quantity of water use in the city and has begun educating residents on conservation. The city also has initiated a requirement that developments have top soil spread to improve soil quality and lower the need for irrigation. The City staff pointed out the need for more public education about water conservation. Nitrate levels are a concern for 2 of 4 of the City wells. Current nitrate level in these 2 wells is about 5 mg/L.

December 15, 2005 Meeting with City of St. Cloud

Participants: Matt Glaesman, Zoning Administrator, City of St. Cloud; Mark Basiletti, Water Plan Coordinator.

Summary: City expansion in Haven Township was discussed. No plats will be approved on the Sherburne County side of the river until the sewer and water capacity is increased. The increase in capacity is scheduled for 2009 and 2010. It is projected that there will be development within Sherburne County following that time. The airport master plan which is 75% completed was discussed. Runoff and wetland mitigation issues related to future expansion were discussed. Storm water runoff related to development within Sherburne County was discussed. The City has a pilot project consisting of a 160 acre Low Impact Development in Stearns County. Rain Gardens will be incorporated into the design. Storm water runoff controls and NPDES permitting were discussed. The question as to whether the

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existing storm water controls are sufficient to prevent degradation of surface water resources was raised. More involvement with inspections by LGUs may be one way of improving controls.

December 20, 2005 Meeting with the City of Clear Lake

Participants: William Kiffmeyer, Mayor; Alan Corne, Public Works Supervisor; Mark Basiletti, Water Plan Coordinator.

Summary: The principle concern for the City is management of the Drinking Water Supply Management Areas for the 2 city wells. Nitrates in the older city well currently are from 20 ppm to over 40 ppm. The key issue is that DWSMA managers need to be aware of activities and changes within and near the DWSMA. Many of these activities are under the jurisdiction of the State and County. Attention needs to be given by State agencies and the County to providing information for activities under their jurisdiction that is relevant to well head protection to DWSMA managers. For example, the City should get copies of well logs for any new wells in or near a DWSMA and copies of septic permits and inspections for systems in or near a DWSMA. The DWSMA managers should also be made aware of what ground water information has been collected by state agencies such as the DNR, MPCA and MDA. This would include data on ground water quality, and information on ground water supplies. It was also discussed that there is a need for education about water conservation in the City. Over watering lawns is a particular problem. Improving soil quality for new developments is needed to reduce watering needs. Education on establishing lawns and low maintenance lawns is needed for developers, contractors and homeowners. Chemical use in residential areas was discussed. Nutrient loading to surface water was discussed. One issue discussed is the suspension of sediments caused by motorized water craft and driving on the ice.

January 19, 2006 Meeting with Sherburne County Zoning Department

Participants: Nancy Riddle, County Zoning Administrator; Nicola Blake-Bradley, County Environmental Specialist; Mark Basiletti, Water Plan Coordinator.

Summary:

- 1) Storm water runoff: The County has developed a SWPPP for an NPDES II permit for County highways. They will also eventually need a NPDES II storm water permit for the entire County. It was agreed that the current County storm water controls are not adequate. Zoning staff did not think the County Board would want to require the cities to adopt controls specified by the County. The County Board usually does not want to mandate controls for the cities.
- 2) Flood plain controls: County controls are strict for flood ways but there are impacts to the flood fringe. Placement of fill in flood fringe areas is minimal for new plats. Requiring mitigation for impacts to the flood fringe in priority areas may be possible but the result is likely to be that some areas would not be developed. The best way to implement more restrictive controls would be in response to a citizen's petition with Township support.
- 3) Wildlife habitat in riparian areas: There is a need for controls to protect more habitat. Some efforts have been successful in creating riparian conservation zones for plats through out-lots and covenants. It is also important that upland habitat be preserved in connection to riparian habitat. The PUD ordinance can be used to preserve habitat.
- 4) Drinking water supply for rural subdivisions: The County does not usually require verification that there is an adequate drinking water supply available before approving a plat. There has been a few cases of water supplies being insufficient or cases where nitrates are high. It was discussed that it would be difficult to determine the quantity and quality of the water supply unless a test well is installed for each lot. The need for a ground water study for the area was discussed. Public education on water conservation is needed.

5) Fecal coliform levels in the Elk River: Zoning staff felt that the County is not likely to support an ordinance that requires livestock to be fenced out of streams, lakes and ditches. No other counties have this ordinance. There are relatively few known locations where there are problems. BMPs have been installed in some locations where livestock impacts were identified. Several known instances of septic tanks being pumped directly into streams were discussed. The frequency of this type of problem is not known. The County requires septic system certificate of compliance with building permits and transfer of property, which is reducing the number of failed systems. Large numbers of geese are observed in parks on County lakes which is another probable source.

2. Written comments received at the Public Information Meeting: none received

3. Issue Identified by the Stakeholders

Table 1. Issues Currently Addressed in the Local Water Management Plan

Surface Water - Nutrient Loading priority 5	Major Watershed	Current Priority 1 lowest 5 highest	No. Votes in 2005¹
Failed septic systems	Miss.	5	5
Lawn fertilizers - <i>connected to urban stormwater runoff</i>	Miss.	4	4
Agricultural fertilizers	Miss.	2.5	2
Livestock (commercial)	Miss.	3	3
Urban stormwater runoff – <i>Sedimentation ponds do not remove all nutrients, and it is a growing problem. The most effective method is to treat the runoff at the source. Wet retention ponds are now required.</i>	Miss.	4	1
Gray water discharge	Miss.	2	
Rural development – <i>The issues that are associated with rural development are listed above and below: failed septic systems, lawn fertilizers, increased stormwater runoff, small acreage livestock, and yard waste deposited in lakes and rivers.</i>	Miss.	N/A	
Small acreage livestock	Miss.	4	3
Yard waste deposited in lakes and rivers – <i>Leaves are very high in phosphorous.</i>	Miss.	4	2
Drainage ditches – <i>Not many buffers existing on ditches. Nutrient loading comes from agricultural row crops, livestock, urban runoff, and sedimentation.</i>	Miss.	5	3
Algae blooms – frequent and intense – <i>Algae blooms are a symptom of the other nutrient issues.</i>	Miss.	--	
Nutrient loading from resident goose population – <i>One solution would be to plant shoreland buffers.</i>	Miss.	3	1
Surface Water – Pesticides priority 2			
Residential chemical use	Miss.	2.5	6
Agricultural pesticide use	Miss.	2	

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Surface Water – Toxic Chemicals priority 3			
Disposal to storm drains (oil etc.)	Miss.	3	3
Industrial discharge – <i>State has strict guidelines</i>	Miss.	1	On-going
Hazardous spills (pipelines, railroads, trucks) – <i>Response coordinated by MPCA</i>	Miss.	2	On-going
Surface Water – Solid Waste priority 2			
Debris in the Elk River	Miss.	2	
Surface Water – Habitat priority 4			
Compliance with ordinances protecting riparian land and lakeshore	Miss.	5	4
Poor quality of aquatic vegetation	Miss.	4	3
Surface Water – Exotic Species priority 5			
Introduction of exotic species	Miss.	5	6
Curly leaf pond weed	Miss.	5	6
Purple loosestrife	Miss.	5	6
Combine all exotics into one category			
Surface Water – Flooding priority 4			
Big Elk and Briggs Lake Chain	Miss.	4	1
Surface Water – Sedimentation priority 4			
Stormwater runoff	Miss.	4	1
Bank erosion	Miss.	3	3
Ditches: BMPs need to be implemented for clean-outs	Miss.	5	2
TMDLs. Sherburne County Water Management Plan should position the county to leverage funds and avoid economic sanctions associated with the development of TMDLs.	County-wide	4	
Source Water Protection. Sherburne County is in the source water contribution area of Minneapolis and St. Paul.	County-wide	NA	
Ground Water – Nitrate Contamination priority 5			
Implementation of wellhead protection plans – <i>High priority for wells completed in geologically sensitive aquifers.</i>	Miss.	5	2
Failed septic systems	Miss.	5	5
Irrigation water management	Miss.	5	2
Rural development effects	Miss.	2	2
Land spreading of sewage treatment plant sludge	Miss.	2	
Land spreading of septic system pumpage	Miss.	3	1
Unused – unsealed wells	Miss.	5	1
Agricultural fertilizer application	Miss.	4	2
Residential fertilizer application	Miss.	2	1
Livestock on small acreage – <i>Data is needed on the effects on</i>	Miss.	4	

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<i>groundwater.</i>			
Ground Water – Pesticides priority 2			
Agricultural pesticide use	Miss.	2	1
Unused pesticides and pesticide container disposal	Miss.	3	
Ground Water – Toxic Chemicals priority 3			
Leaking underground storage tanks	County-wide	3	On-going
Hazardous spills – gas lines, trucks, railroad	County-wide	3	On-going
Water Quality/Quantity Data Collection priority 4			
Water quality data should be made available to planners	County-wide	5	1
Stream monitoring data is needed	County-wide	4	On-going
Ground water monitoring data is needed	County-wide	4	On-going
Data is needed for the County Well Index	County-wide	4	
Lake monitoring data is needed	County-wide	4	On-going

1. In August of 2005 the Water Plan Advisory Committee each selected their top 10 issues.

Table 2. Concerns Identified in 2005 which are not currently addressed in the Local Water Management Plan

	Major Watershed	Current Priority	No. Votes in 2005¹
BWSR: Current Controls are not sufficient to prevent increased runoff volume and degraded water quality of runoff to priority lakes and rivers.		NA	
BWSR: Protection of floodplain areas and other areas of significant wildlife habitat.			
City of Elk River/Lake Orono Water Quality Task Force: There is no ordinance that prohibits or regulates domestic livestock in pasture areas from entering rivers or waterways that contribute to public waters.		NA	1
MN EQB: Impaired waters in the County: consider how to plan for developments contemplated near impaired waters		NA	
MN EQB: Ground water availability: consider how to plan for significant water using developments		NA	
Livonia Township: Discharge of waste water into local streams, ponds, ditches		NA	
Livonia Township: Maintenance of drainage ditches-their affect on local roads		NA	
Public Survey: Debris from home construction blowing into		NA	

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wetlands			
Public Survey: Educate the public on low maintenance lawns.		NA	1
Public Survey: Failure to educate public and enforce existing regulations. Need to obtain resources.		NA	
Public Survey: Consequences should be harsher for law breakers—They should not be able to just pay a fine and not restore what was unlawfully impacted.		NA	
Public Survey: Motor boats and jet skis (PWC) disrupting shore lines and nesting Loons		NA	
Public Survey: Garbage thrown into Rivers and on Lakes in the winter when frozen.		NA	
Public Survey: Increase the shoreland impact zone to allow at least 75' to 100' of natural vegetation which cannot be disturbed.		NA	
Public Survey: Boaters don't know what NO WAKE (means).		NA	
Water Plan Committee: High fecal coliform bacteria counts in the Elk River.		NA	1
Water Plan Committee: Endocrine disruptors		NA	3
Water Plan Committee: Septic systems in flood plains that are not flood proofed		NA	
City of Becker and City of Clear Lake: Water conservation is needed. The public needs to be educated on reducing water use. Excessive lawn watering needs particular attention. Soil quality in new subdivision needs to be improved to reduce watering needs.			
City of Clear Lake: Information that the State and County collects for activities in and near DWSMAs, which is related to well head protection issues needs to be forwarded to the DWSMA managers. This would include well logs for new wells drilled and septic permits. The DWSMA managers also need to be informed as to what ground water information is available from the DNR and other agencies such as the MPCA and MDA who are collecting ground water data.			
City of Clear Lake: Motorized watercraft cause water quality problems for lakes due to suspending sediment. Driving on the ice also tends to suspend sediment.			
Sherburne County Zoning: County storm water controls are not adequate.			
Sherburne County Zoning: loss of riparian wildlife habitat and fragmentation of connections to upland habitat			
Sherburne County Zoning: impacts to the flood plain fringe			

1. In August of 2005 the Water Plan Advisory Committee each selected their top 10 issues.

D. Priority Concerns Selection

1. How priority concerns were selected.

Issues were reviewed at Water Plan Advisory Committee meetings in 2005. Quantifiable results of implementation of the current Local Water Management Plan actions were summarized. Updated

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water quality data for streams, lakes and ground water was reviewed and discussed. The priority issues listed in the current Local Water Management Plan were reviewed. Input was requested from state agencies, and all LGUs in the County. A survey listing all of the current water plan issues was distributed to all households in the county as an insert to the County's quarterly Environmental Educator. People were asked to circle whether an issue was a high priority or not an issue. They could also list additional concerns. The Water Plan Advisory Committee reviewed the input from the state agencies, the summarized results from the survey. The Water Plan Advisory Committee also identified several issues not identified by other sources. A list of all identified issues was compiled. The Water Plan Advisory Committee then voted on their top 10 concerns from the list of identified issues. Current priority levels were compared to the voting results.

Meetings were held with staff from Cities within the County to discuss issues in their jurisdiction. The final list of priority concerns reflected the input from all agencies, LGUs and the Water Plan Advisory Committee.

In selecting priority concerns, the Water Plan Coordinator assessed each issue and concern listed in the update process and evaluated each on the basis of the current priority, input from state agencies, existing water resource data, projected changes to land use and related impacts on water resources and the results of voting by the Advisory Committee. A draft list of priority concerns was reviewed and discussed by the Advisory Committee.

2. Differences between plan priority concerns and other state, local and regional concerns.

No differences with state, local and regional concerns were identified.

E. Priority Concerns Not Addressed by the Plan

Concerns:	Explanation
Gray water discharge	Regulated by Sherburne County Zoning through implementing Minn. Rules Chapter 7080. Will be included in the On-going Water Quality Activities section of the LWMP.
Agricultural pesticide use (surface water pollution potential)	This will be addressed by USDA-NRCS through the EQIP program. Will be included in the On-going Water Quality Activities section of the LWMP.
Industrial discharge – <i>State has strict guidelines</i>	This is regulated by the MPCA.
Hazardous spills (pipelines, railroads, trucks). Surface water pollution potential – <i>Response coordinated by MPCA</i>	Coordinated by County Emergency Services. Will be included in the On-going Water Quality Activities section of the LWMP.
Debris in the Elk River	The DNR has an Adopt a River program. Participation by local

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	groups and individuals will be encouraged.
Ditches: BMPs need to be implemented for clean-outs	A process has been established to make recommendations to the Ditch Inspector when clean-outs are planned. Will be included in the On-going Water Quality Activities section of the LWMP.
Implementation of wellhead protection plans – <i>High priority for wells completed in geologically sensitive aquifers.</i>	Will be included in the On-going Water Quality Activities section of the LWMP.
Land spreading of sewage treatment plant sludge	Regulated by the MPCA. County Zoning works with the MPCA on regulation.
Land spreading of septic system pumpage	Regulated by the MPCA. County Zoning works with the MPCA on regulation.
Unused – unsealed wells	Regulated by the Minnesota Department of Health. Will be included in the On-going Water Quality Activities section of the LWMP.
Agricultural pesticide use - ground water pollution potential	This will be addressed by USDA-NRCS through the EQIP program. Will be included in the On-going Water Quality Activities section of the LWMP.
Unused pesticides and pesticide container disposal	Minnesota Department of Agriculture has a disposal program.
Leaking underground storage tanks	Storage tanks are regulated by the MPCA.
Hazardous spills – gas lines, trucks, railroad. - ground water pollution potential	Coordinated by County Emergency Services. Will be included in the On-going Water Quality Activities section of the LWMP.
Water quality data should be made available to planners	Will be included in the On-going Water Quality Activities section of the LWMP.
Stream monitoring data is needed	Will be included in the On-going Water Quality Activities section of the LWMP.
Ground water monitoring data is needed	Will be included in the On-going Water Quality Activities section of the LWMP.

Data is needed for the County Well Index	Wells are being located by the MDH Well Inspector.
Lake monitoring data is needed	Will be included in the On-going Water Quality Activities section of the LWMP.

1. In August of 2005 the Water Plan Advisory Committee each selected their top 10 issues.

Table 2. Concerns Identified in 2005 which are not currently listed in the Local Water Management Plan

City of Elk River/Lake Orono Water Quality Task Force: There is no ordinance that prohibits or regulates domestic livestock in pasture areas from entering rivers or waterways that contribute to public waters.	A relatively small number of impacted areas have been inventoried. Livestock production is declining in the County with less pastured livestock in riparian areas as land use changes to residential. This concern can be addressed through on-going pasture management programs sponsored by the Elk River Watershed Association and USDA-NRCS. These programs work with landowners on a voluntary basis. To date, some producers have not adopted sufficient pasture management BMPs but efforts to work with them will continue.
Livonia Township: Discharge of waste water into local streams, ponds, ditches	This is regulated by the MPCA for municipal WWTPs and the County for ISTS. With the development of TMDLs which is addressed with priority concerns in Section B above, this problem will be adequately addressed in the LWMP.
Livonia Township: Maintenance of drainage ditches-their affect on local roads	This is regulated by the County Ditch Authority in implementing public ditch law under State Statutes.
Public Survey: Debris from home construction blowing into wetlands	This is a solid waste issue which can be handled through the County Solid Waste authority.
Public Survey: Educate the public on low maintenance lawns.	This issue can be addressed in conjunction with priority concerns 1 and 6 identified in Section B above.
Public Survey: Failure to educate public and enforce existing	This issue can be addressed in

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regulations. Need to obtain resources.	conjunction with the priority concerns identified in Section B above.
Public Survey: Consequences should be harsher for law breakers—They should not be able to just pay a fine and not restore what was unlawfully impacted.	The LWMP area of concern is shoreland ordinances. The County has adopted a policy requiring a mitigation escrow for shoreland ordinance violations. They also require an escrow fund for some shoreland permits. These measures will provide a means to pay for restorations when violations occur.
Public Survey: Motor boats and jet skis (PWC) disrupting shore lines and nesting Loons	This issue can be addressed in conjunction with priority concerns 1 and 3 identified in Section B above. Lake associations can work with local government and the DNR to establish regulations for boating.
Public Survey: Garbage thrown into Rivers and on Lakes in the winter when frozen.	This issue can be addressed through the County Solid Waste authority which funds a quarterly environmental periodical mailed to all County households. Articles can educate the public on this issue. Will be included in the On-going Water Quality Activities section of the LWMP.
Public Survey: Increase the shoreland impact zone to allow at least 75' to 100' of natural vegetation which cannot be disturbed.	Under current shoreland regulations, natural vegetation cannot be disturbed in the shoreland impact zone. This zone is between 25 to 75 feet depending on lake/stream classification. For most shorelines, this should provide water quality benefits if the regulations are followed.
Public Survey: Boaters don't know what NO WAKE (means).	This issue can be addressed in conjunction with priority concerns 1 and 3 identified in Section B above.
City of Clear Lake: Information that the State and County collects for activities in and near DWSMAs, which is related to well head protection issues needs to be forwarded to the DWSMA managers. This would include well logs for new wells drilled and septic permits. The DWSMA managers also need to be informed as to	This can be accomplished by the state agencies if they set up procedures to keep the DWSMA managers up to date on needed information. The County Water

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what ground water information is available from the DNR and other agencies such as the MPCA and MDA who are collecting ground water data.	Plan Coordinator will inform state agencies about this issue.
City of Clear Lake: Motorized watercraft cause water quality problems for lakes due to suspending sediment. Driving on the ice also tends to suspend sediment.	This issue can be addressed in conjunction with priority concern 1 identified in Section B above. Lake associations can work with local government and the DNR to establish regulations for boating and driving on ice.
Sherburne County Zoning: County storm water controls are not adequate.	This issue will be addressed in conjunction with priority concern 2 identified in Section B above.
Sherburne County Zoning: loss of riparian wildlife habitat and fragmentation of connections to upland habitat	This issue will be addressed in conjunction with priority concern 3 identified in Section B above.

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Appendix I. Meeting Minutes: Water Plan Advisory Committee, Public Information Meeting

Minutes, Sherburne County Water Plan Advisory Committee Meeting
February 22, 2005, Becker Township Hall

Members in Attendance: C. Perry Schenk, John Riebel, Roger Nelson, Leander Schlosser, Bryan Adams
Advisors in Attendance: Mark Basiletti, Sherburne SWCD; Gina Hugo, Sherburne SWCD

Meeting called to order at 7:00 PM by Vice Chairman C. Perry Schenk.

1. Review and Approval of Agenda

Roger Nelson made a motion to approve the agenda as distributed. Leander Schlosser seconded the motion. All were in favor. Motion passed.

2. Review and Approval of October 26, 2004 Meeting Minutes

There were no additions or corrections to the minutes. Vice Chairman C. Perry Schenk announced that the minutes stood approved as distributed.

3. Review Draft Water Plan Advisory Committee By-Laws

Mark briefed the committee on the content of the draft by-laws. The committee has never had by-laws and has operated based on the committee description in the County Water Plan. The by-laws spell such things as length of term, number of at-large members, etc.

Mark distributed a committee member list and informed members that John Hoss and Derald Ewing had resigned from the committee. Roger Nelson has recently been appointed by the County Board as a member at large.

The committee discussed the benefits of having two alternate members in addition to the seven at large members. Alternate committee members would receive all meeting materials and be encouraged to come to as many meetings as they could. Alternates would only have a valid vote if a regular at-large member were absent. Also, only *voting* members are eligible for mileage reimbursement and meeting compensation. Leander Schlosser made a motion to add two alternate members to the County Water Plan Advisory Committee By-laws. Bryan Adams seconded the motion. All were in favor. Motion passed.

Mark discussed the process by which the by-laws are adopted. Once they are drawn up the committee formally adopts them and a copy is forwarded to the County Administrator, Brian Bensen. The County Board does not need to approve the by-laws. The County Board does appoint member at large. Leander Schlosser made a motion to adopt the by-laws that Mark distributed; with the addition of two alternate at-large members. Bryan Adams seconded the motion. All were in favor. Motion passed. Mark will amend the draft by-laws to include language about having alternate members on the committee. He will bring a revised copy to the next meeting for review.

4. Make recommendation to County Board on New Advisory Committee Members

To initiate terms, Mark will ask the County Board to appoint all existing members with a staggered term length. This way, future members will not be appointed all at once. The existing member list will be used to assign a rotation of 1, 2, 3 years. The new members will be treated the same. Mark had put an ad in the Environmental Educator to let people know that the Water Plan Advisory Committee had an opening for a new member. Three individuals responded.

The committee drew one of the names, Barbara Tucker, from a hat to recommend for an at large member. The remaining two, Nels Anderson and Tiffany Babich, will be recommended for alternate members.

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5. Water Plan Update & Revision

The state is mandating a different approach to the County Water Plan update/revision process. Mark distributed a handout that overviews the process. Mark said that there may not be a huge change in content, but that priorities will need to be narrowed down. In short, the water plan is to identify what is realistic to work on in the next five years.

The Water Plan will need to focus on identified resource concerns and five state agencies, DNR, PCA, MDA, MDH, and EQB, will be invited to submit suggestions before any draft revisions are done. The committee will also need to solicit public input through public meetings and surveys. From the suggestions from the five state agencies and the public input a Priority Scoping Document will be written and include explanations as to why priorities were chosen. The Priority Scoping Document will be sent out for comment and then the draft revision will be drawn up.

The committee discussed a timeline for the update/revision process.

- The Priority Scoping Document will need to be completed by November, 2005 and then sent out for a 60-day review period.
- An announcement will be sent out to state agencies and local government in the next month – with request for input.
- The suggestions received from them will be reviewed in late spring.
- Public input should be received by the end of August, 2005.
- Public input will be reviewed in late summer/early fall; then public input and state agency suggestions can be put together.

In the past public input has been obtained through public information meetings and surveys have been sent out. Surveys are limited by the cost of mailing. Roger suggested putting the survey in the Environmental Educator. Mark suggested putting the survey on the SWCD website as well. C. Perry emphasized the importance of utilizing township boards. Mark will send a survey specific to LGUs to all the townboards and cities, he will bring a draft survey to the next meeting.

The committee discussed survey questions. Mark distributed a 2001 Water Plan Issues List and entertained the idea of asking people to rate identified issues as a high priority, low priority, or not an issue. Bryan suggested using items listed as issues in 2001 that had a priority of 3, 4, or 5. If that makes for too many survey questions Mark will use only issues of priority 4 or 5. Space will be included for people to express additional issues.

A public information meeting will be set in September. The survey must go in the Summer Environmental Educator. Survey results can go in the Fall Environmental Educator.

The next Meeting date will be scheduled for Tuesday, April 26, 2005.

Roger Nelson made a motion to adjourn. Bryan Adams seconded the motion. All were in favor. Motion passed.

Meeting adjourned at 8:25 PM

Respectfully submitted by Gina Hugo, Sherburne SWCD

Minutes, Sherburne County Water Plan Advisory Committee Meeting
June 28, 2005, Becker Township Hall

Members in Attendance: Tiffany Babich, John Weicht, Roger Nelson, John Riebel, Bryan Adams, C. Perry Schenk, Barbara Tucker, Leander J. Schlosser, Nels A. Anderson

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Advisors in Attendance: Maggie Leach, MPCA; Mark Basiletti, Sherburne SWCD; Vonna Henry, Sherburne County Public Health; Nicola Blake-Bradley, Sherburne County Zoning Administration; Gina Hugo, Sherburne SWCD

Meeting called to order at 7:00 PM by Vice Chairman C. Perry Schenk.

1. Review and Approval of Agenda

Bryan Adams made a motion to approve the agenda as distributed. Leander Schlosser seconded the motion. All were in favor. The motion passed.

2. Review and Approval of February 22, 2005 Meeting Minutes

There were no additions or corrections to the minutes. Vice Chairman C. Perry Schenk declared that the minutes stood approved as distributed.

3. Introduction of New Members

New member at large, Barbara Tucker, was present and introduced herself. Both new at large alternates were also in attendance and were introduced; Tiffany Babich and Nels Anderson.

4. Nominations and Election of Chair and Vice Chair

Roger Nelson nominated John Weicht for Chair. John Weicht nominated C. Perry Schenk for Chair. Roger Nelson made a motion to cease nominations. Leander Schlosser seconded the motion. All were in favor. The motion passed. Nels Anderson suggested a blind vote. All voting members closed their eyes and raised their hands to signal their vote. John Weicht received four votes. C. Perry Schenk received five votes. C. Perry Schenk was elected to the position of Chairman.

Bryan Adams nominated John Weicht for Vice Chair. John Riebel made a motion to cease nominations. Bryan Adams seconded the motion. All were in favor. The motion passed. John Riebel made a motion that John Weicht be elected Vice Chair by unanimous vote. Bryan Adams seconded the motion. All were in favor. The motion passed. John Weicht was elected to the position of Vice Chairman.

5. Bylaws

Mark distributed a copy of the bylaws and discussed the changes that have been made since the last meeting. Changes made under the membership section include the addition of two alternate members at large; and a 3-year length of term for all members.

The county attorney added a statement under I. Purpose: *The Committee is an advisory committee and has no taxing, hiring, or contracting authority.* The county attorney also added a statement under **III. Compliance and Applicable Law:** *The Minnesota Open Meeting Law, Minnesota Chapter 13D will apply to the Water Plan Advisory Committee.*

Bryan Adams made a motion to adopt the bylaws as distributed. Nels Anderson seconded the motion. All were in favor. The motion passed. C. Perry Schenk and John Weicht signed the official copy of the bylaws.

6. Water Plan Update: Schedule

Mark distributed a proposed schedule for the update, which is planned for completion by March of 2007. A survey was sent to all the cities, townships, and agencies with enough copies for each staff person. They were also asked to fill out a form that would identify their top three water resource concerns.

An Issues Scoping Document needs to be submitted to the four state agencies (MN DNR, MPCA, BWSR, MDA) by December 2005 for a 60-day review.

7. Water Plan: Input from Agencies

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Mark distributed a summary of input from agencies and LGUs. The Committee is not required to adopt the issues, but must respond by addressing them in the Issues Scoping Document. The Committee went through the list issue by issue and discussed the input from agencies and LGUs.

Mark thought it would be a good idea to meet with the Public Works Director from each city to find out what they require for stormwater management.

Through discussion on groundwater data it was suggested that groundwater quality data from county well tests be matched to well logs that are already in the CWI.

Maggie suggested adding critical area seeding during and after clean out of ditches under the ditch section of water plan.

8. Water Plan Goals: Review of Progress

Mark distributed a summary of accomplishments from 2002 to 2005. Mark stated that there are 110 action items in the CWP and that some actions items are identical; there is also a lot of overlap. Mark identified 20 action items on which nothing had been done; for some it was just not feasible to do anything. The action items that were successfully addressed included establishing riparian buffer, nutrient management, wildlife habitat, and surface water monitoring.

Bryan Adams suggested cutting down on goals and eliminating duplicates and overlaps; make it more manageable.

Next meeting is scheduled for August 23, 2005. C. Perry Schenk requested that the following be sent to all committee members prior to the meeting:

1. Review of agency and LGU input
2. Page 3-3 of the CWP Review of identified issues (3 pages)

C. Perry Schenk declared the meeting adjourned at 9:05 P.M.

Respectfully submitted by Gina Hugo, Sherburne SWCD

Minutes, Sherburne County Water Plan Advisory Committee Meeting
August 23, 2005, Becker Township Hall

Members in Attendance: Terry Polsfuss, John Riebel, Leander Schlosser, Barbara Tucker, John Weicht, Nels Anderson, Garry Anderson, C. Perry Schenk

Advisors in Attendance: Maggie Leach, MPCA; Mark Basiletti, Sherburne SWCD; Vonna Henry, Sherburne County Public Health; Gina Hugo, Sherburne SWCD

Meeting called to order at 7:00 PM by Chairman C. Perry Schenk.

1. Review and Approval of Agenda

Terry Polsfuss requested to be added to the agenda. Leander Schlosser made a motion to approve the agenda with the addition of Terry Polsfuss. Terry Polsfuss seconded the motion. All were in favor. The motion passed.

2. Review and Approval of June 28, 2005 Meeting Minutes

There were no additions or corrections to the minutes. Vice Chairman C. Perry Schenk declared that the minutes stood approved as distributed.

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3. USDA – Environmental Quality Incentives Program (EQIP)

Mark explained that the Water Plan Advisory Committee Usually serves as the local work group for EQIP. Typically the annual local work group meeting is held as part of a water plan meeting. Due to time constraints this year a separate EQIP work group meeting will be held at the USDA Agriculture Service Center in Elk River at 1:00 P.M. on September 14, 2005. A meeting announcement was enclosed with the agenda for this meeting. Mark summarized that EQIP is an ongoing water quality program that provides cost share and incentives to farmers for adopting BMPS. Each county is required to put together a local work group to set priorities for scoring EQIP applications. Usually Mark does not find out the amount of money that will be allocated until January or February; Sherburne County's allocation is getting up near \$100,000.

4. Water Plan Update & Revision

Mark distributed four handouts to assist water plan advisory members in looking at what issues they want to give priority to: Sherburne County Water Plan Issues survey results, existing water plan resources concerns and issues, Sherburne County well water nitrate clinic results, and a map that illustrates surface water nutrient loading. As Mark went through each handout discussions were had. C. Perry Schenk brought up his concern about endocrine disrupters getting into water from pharmaceuticals. An action item that would address this concern would be to draft a letter from the water plan committee to the state legislators and the county commissioners asking for their support. The next topic of discussion was nutrient loading to surface waters, the effects of cultural eutrophication on Sherburne County lakes, low dissolved oxygen, high turbidity, and high fecal coliform of the streams. While discussing ground water contamination Mark referred members to the well water nitrate clinic results. He pointed out that 17% of the results were over 10 ppm, but that samples were biased, because when people know they have high nitrates or may have high nitrates they are more likely to bring in a sample. It is still a very real concern due to the geologic sensitivity of Sherburne County. Mark went on to explain the process of how nitrates get into the ground water.

After the discussion advisory members were asked to vote on their top ten resource concerns from the list of existing concerns and those included in the issues survey. Each member was given ten sticky dots to place next to the issues they felt were a priority. They were allowed to place more than one dot per issue if desired. The votes were tallied and Mark reviewed the results.

Members discussed what issues are being addressed now and should be considered ongoing. It was agreed that water quality monitoring should be viewed as an ongoing project. Members agreed to cross off the issue "dealing with obstructions and barriers on the Elk River". "Toxic chemicals in surface water due to industrial discharge" was also crossed off. There was discussion about crossing off hazardous spills, but it was left in; as Vonna pointed out that it is an important item to have listed for the sake of County Emergency Response.

A brief discussion was had on how to handle issues and concerns that are being addressed and will continue to be addressed; also other ways to handle issues that are not being actively addressed but are still important issues.

5. Plan for Public Information Meeting

The Public meeting will be held October 25, 2005. Mark asked for suggestions on how to publicize it. He will do a press release. Vonna offered to try to get it on the County Website and suggested an announcement in the Environmental Educator. Other suggestions included U of M Extension newsletter or FSA newsletter and public service announcements on the radio.

6. Terry Polsfuss

Terry asked to step down as a regular advisory member. He offered to stay on the committee as an alternate. Nels Anderson will take Terry Polsfuss's place on the committee as a regular member. Terry will now be an alternate. C. Perry Schenk requested a member list with phone numbers, Mark agreed to prepare and distribute one.

Terry Polsfuss made a motion to adjourn. C. Perry Schenk declared adjournment at 9:12 P.M.

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Respectfully submitted by Gina Hugo, Sherburne SWCD

Minutes, Sherburne County Water Plan Advisory Committee
Public Information Meeting
October 25, 2005, Becker Township Hall

Members in Attendance: John Riebel, Barbara Tucker, Nels Anderson, Tiffany Babich, Roger Nelson

Advisors in Attendance: Maggie Leach, MPCA; Mark Basiletti, Sherburne SWCD; Nicki Blake-Bradley, Sherburne County Zoning; Gina Hugo, Sherburne SWCD

Others in Attendance: G. G. Phillips; John Barr; Darrell Tucker, Brigg's Lake Chain Association; Suzanne Chmielewski, Brigg's Lake Chain Association; Charlene Langawski, Brigg's Lake Chain Association; Susie Brown, Brigg's Lake Chain Association; George Kydd, Palmer Township Supervisor

Chair & Co-chair absent, meeting called to order at 7:00 PM by Advisor, Mark Basiletti

Mark began the meeting by discussing the County Water Plan Committee and its role. He explained that the existing Water Plan is now being reviewed and updated.

Mark then introduced the Water Plan Committee members and advisors to the public in attendance.

1. Review and Approval of Agenda

Roger Nelson made a motion to approve the agenda as distributed. Nels Anderson seconded the motion. All were in favor. The motion passed.

2. Review and Approval of August 23, 2005 Meeting Minutes

There were no additions or corrections to the minutes. Barb Tucker made a motion to approve the minutes as distributed. Nels Anderson seconded the motion. All were in favor. The motion passed.

3. Summary of County Water Planning and current priorities

Mark gave a power point presentation that cover current water plan priorities.

Identified issues:

Nutrient Loading – Discussion on difference between factors affecting eutrophic lakes versus mesotrophic lakes such as tributaries and depth.

Stream water quality

Non-point sources of pollution

Stormwater runoff and Low Impact Development

Soil Erosion

Manure

Construction Erosion

Removal of natural riparian vegetation/conversion of riparian vegetation to turf grass

There was discussion on vegetation removal along streams and lakes. The county has a shoreline ordinance that regulates removal of vegetation within a certain distance of a stream or lake.

Exotic species problems in lakes such as curly leaf pond weed, purple loosestrife, Eurasian water milfoil, and zebra mussels

Nitrates in groundwater – Discussion on the effect of well depth on nitrates concentration. There was discussion on the various aquifers within the county.

4. Examples of on-going Water Plan projects

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Mark continued with his power point presentation to cover on-going implementation. On-going water plan projects include:

- Livestock Best Management Practices (BMPs)*
- Planting riparian buffers and filter strips* – Discussion on the County's Manure Ordinance.
- Streambank erosion protection*
- Aquatic vegetation planting*
- Shoreland revegetation demonstration projects*
- Demonstration projects through MPCA – 319 grant*
- Stormwater treatment demonstration projects*
- Water quality monitoring*
- Education workshops*

Mark ended his presentation with a chart that illustrated pollution reduction in tons of sediment and pounds of phosphorus saved per year for different projects that were implemented.

5. Summary of issues identified from surveys and Water Plan meetings – including priorities

Mark distributed a summary of issues identified from public surveys and Water Plan Meetings. The summary also showed all issues listed in the current Water Plan. Mark discussed the priorities and the ranking voted on by the Water Plan Committee. Mark noted that for *pesticides in surface water* sampling is needed to verify that pesticides are getting into the surface water and in what quantity. *Endocrine disruptors* are also listed as an issue; and it was the consensus of the Water Plan Committee that this needs to be looked into further. Mark mentioned that it is at a research phase right now. There was discussion on the Elk River Watershed Joint Powers Board and the major watersheds within the county. There was discussion on new development between Big Elk Lake and Hwy 25.

6. Discussion: other water resources issues and concerns

Mark answered a question on how to get involved in volunteer stream monitoring. He suggested visiting the DNR Water website. Discussion continued on locations that are now being monitored by volunteers. No additional water resources issues or concerns were brought forward.

7. Identify priority watersheds, lakes and streams

Mark distributed a handout on the existing prioritization of lakes (Table 5-5.1 Sherburne County Water Plan). The table listed facts for each lake such as watershed, acres, depth, recreational usability and the goal for each lake. The majority of the lakes listed in the table are within the Elk River Watershed. He recommended keeping the Elk River Watershed as the priority watershed for the county. Mark mentioned that more monitoring data would allow us to do a better assessment of the lakes. Mark recommends continuing this method of lake prioritization.

No other discussion.

Mark thanked all who attended.

Roger Nelson made a motion to adjourn. Tiffany Babut seconded the motion. All were in favor. The motion passed.

Meeting adjourned at 8:48 PM

Respectfully submitted by Gina Hugo, Sherburne SWCD

Minutes, Sherburne County Water Plan Advisory Committee Meeting
January 24, 2006, Becker Township Hall

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Members in Attendance: John Riebel, Barbara Tucker, Tiffany Babich, Terry Polsfuss, Bryan Adams, John Weicht, Leander Schlosser

Advisors in Attendance: Maggie Leach, MPCA, Mark Basiletti, Sherburne SWCD, Nicki Blake-Bradley, Sherburne County Zoning, Gina Hugo, Sherburne SWCD, Vonna Henry, Sherburne County Public Health

John Weicht, Vice Chair, called the meeting to order at 7:03 PM.

1. Review & approval of the agenda

Leander Schlosser made a motion to approve the agenda as distributed. Bryan Adams seconded the motion. All were in favor. The motion passed.

2. Review and approval of the October 25, 2005 meeting minutes

Leander Schlosser made a motion to approve the October 25, 2005 minutes as distributed. Barbara Tucker seconded the motion. All were in favor. The motion passed.

3. Election of 2006 Chair & Vice Chair

Bryan Adams nominated John Weicht for office of Chair. Leander Schlosser seconded the nomination. All were in favor. John Weicht was elected as the 2006 Chair.

John Weicht nominated Bryan Adams for the office of Vice Chair. John Riebel seconded the nomination. All were in favor. Bryan Adams was elected as the 2006 Vice Chair.

4. Water Plan Update and Revision: discuss results of meetings held with city representatives

Mark scheduled meetings with city representatives and Sherburne County Zoning. They were asked about their concerns regarding water resources. Highlights included:

- **Storm water runoff** - Big Lake and Zimmerman have both been implementing some innovative stormwater management practices. Elk River and Sherburne County do not feel their controls are adequate for the amount impervious surface that exists.
- **Water Quantity** - This is an issue for Becker, Haven and Clear Lake. Will municipal water supplies be able to meet the demand of increasing development? Mark discussed the infeasibility of establishing water availability in an area before a rural subdivision is approved; a boring would be need on every lot - there is not an obvious solution. Mark also mentioned that there is a proposal on the state level to do a groundwater study between St. Cloud and Minneapolis. Mark reasoned that irrigated crop land uses much more water than a rural subdivision, enough water should be there, however it may be high in nitrates.
- **Flood Plain Impacts & Adequacy of Flood Plain Ordinance** - Storage for flood water is affected. Now more houses will be built in the flood fringe, because builders are now allowed to bring in fill to meet the 1' separation between base flood elevation and lowest floor of the structure. Nicki offered that if a builder proposes to bring in more than 1,000 cubic yards of fill for a lot they need to prove that there will not be a negative impact to adjacent land owners due to the fill. Mark voiced that his concern is not so much about individual lots but about the cumulative effect of fill in the flood fringe. Mark said that a possible solution would be to require mitigation for fill in the flood fringe.

According to Nancy Riddle, Sherburne County Zoning Administrator, if citizens were to petition this, it could become part of the ordinance. Nicki informed the committee that the County is preparing to have a flood hazard study done. A grant received through FEMA will pay for the study. The study will focus on priority reaches of the Elk, St. Francis, and Rum Rivers. Secondary priority areas have also been identified and added to the RFP, including the Brigg's Lake Chain.

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- **Habitat Loss and Fragmentation** – Sherburne County Zoning voiced this as a concern. A lot of habitat initiatives and action items are in the current water plan. The new PUD ordinance may help to preserve riparian and upland wildlife habitat.

John Weicht asked if there were alternatives to irrigated lawns that would help to reduce water consumption. Mark said, yes alternatives do exist such as, xeriscaping, low maintenance grass mixes that contain more fescues, bringing in better topsoil in new subdivisions, and composting turf to build organic matter.

5. Water Plan Update and Revision: review draft Priority Concerns Scoping Document

Mark distributed a copy of the draft Priority Concerns Scoping Document. Mark summarized that the purpose of the document is to tell the state what the county feels its water resource priorities are. The updated water plan will be based on this document.

Six priority concerns are listed in the document; they are not ranked, but considered equal priority. There was discussion on the accuracy of the projection graph (source: state demographer) on page 2. Vonna said that the birth rate is 10.2% for Sherburne County. Mark said he would revise the graph based on the current rate of growth. Vonna suggested changing the last sentence on page 1 to read: *The rapid population growth of Sherburne County is primarily due to its proximity to the Twin Cities metropolitan area and the City of St. Cloud.*

Mark commented that flood plain impacts are listed as a related land use concern under priority concern 1. He asked if the committee thought it should be its own priority. No committee members suggested this change. Mark discussed the differences between the new priority concerns list and the priorities listed in the existing water plan.

A concern was brought up that even certified septic systems in a flood plain can be a source of pollution, because they are not necessarily flood-proofed. Mark agreed to add *septics in flood plains that are not flood-proofed* to the list of land use concerns under priority concern 1. Three solutions were suggested to this concern which included: considering an action item recommending to the county to adopt an ordinance requiring flood-proofing of septics in flood plains, offer a program that would offer incentives to people for flood-proofing their septics, participate in MPCA's loan program, which offers low interest loans for septic upgrades and flood-proofing.

Mark said that if anyone came up with additional suggestions for the Priority Concerns Scoping Document to call him before February 1, 2006.

Mark said that the priority concerns can be ranked in the water plan, but they do not have to be; it is up to the committee. If they are ranked, feasibility should be considered in the ranking process.

Discussion was had on the expiration of committee member terms as of March 15, 2006. Terms that will be ending include Tiffany Babich, Bryan Adams, and Terry Polsfuss.

Maggie Leach brought up Source Water Protection (SWP) and suggested that it be listed somewhere in the Priority Concerns Scoping Document. Grant eligibility is tied to whether or not SWP is listed in the local water plan. Mark will add it to the first page of the scoping document.

Terry Polsfuss made a motion to recommend the Priority Concerns Scoping Document with the Changes that were discussed. Bryan Adams seconded the motion. All were in favor. The motion passed.

6. Elk River Watershed Association Report

Mark announced that the Elk River Watershed Association was awarded \$185,000 319 grant through the MPCA. Receiving this grant means that the Elk River Watershed Association has funding to continue work on residential stormwater management practices, shoreline naturalization, and ag BMPs, for another four years. Some things are being added on to the grant for this round, including more education, monitoring, and wetland

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restoration/creation. Benton County has identified a few potential wetland projects; in Sherburne there is a need to identify possible wetland creation sites.

Brigg's Lake Chain Association is getting a phosphorus loading study underway.

Upcoming workshops include a Low Impact Development Workshop on March 2, 2006 from 8:30 am – 11:30 am in the Commissioner's Room of the Sherburne County Government Center, and a Rain Garden Workshop on April 6, 2006 from 6 pm – 9 pm – location to be determined. A brochure for the Rain Garden Workshop will go out to all the water plan committee members.

John Weicht declared the meeting adjourned at 8:50pm

Respectfully submitted by Gina Hugo, Sherburne SWCD

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Appendix II. Summary of Priority Concern Input from State Agencies and LGUs

Table 3. Summary of Concerns Identified

	Is the concern currently referenced in the LWMP?	If currently referenced, what is the priority? (1 lowest 5 highest)
<u>Board of Water and Soil Resources</u>		
1) Current Controls are not sufficient to prevent increased runoff volume and degraded water quality of runoff to priority lakes and rivers.	no	
2) Protection of floodplain areas and other areas of significant wildlife habitat.	floodplain no other yes.	4
3) Sherburne County Water Management plan should position the county to leverage funds and avoid economic sanctions associated with the development of TMDLs.	yes – action item	4
<u>Minnesota Pollution Control Agency</u>		
1) Impaired Waters/Total Maximum Daily Loads (TMDL). The Federal Clean Water Act requires states to adopt water quality standards to protect the nation's waters. These standards define how much of a pollutant can be in a surface and/or ground water while still allowing it to meet its designated uses, such as drinking water, fishing, swimming, irrigation or industrial purposes. Many of Minnesota's water resources do not currently meet their designated uses because of pollution problems from a combination of point and nonpoint sources. Addressing impaired waters in LWM Plans is voluntary. However, the MPCA strongly encourages counties to consider how their LWM Plans address impaired waters, as identified on the "Final List of Impaired Waters" available on MPCA's Web site at: http://www.pca.state.mn.us/water/tmdl.html .	yes – action item. The Water Plan should include how the County plans to participate in developing and implementing TMDLs	4
2) Stormwater. The County is experiencing a high rate of growth and development. Impervious surface, and therefore the amount of runoff, is increasing Countywide. Potential new discharges to impaired (waters) should must be addressed.	yes	4
3) High Nitrate Levels in Ground Water. New developments in the county are occurring at an ever increasing rate. Many of these developments are constructed outside the existing infrastructure of municipalities, but adjacent to population centers. These new construction areas will need to be serviced by individual wells and individual sewage treatment systems. Much of the construction is occurring on former agricultural land that most likely has been irrigated and fertilized for many years. The combination of agricultural land use practices and the predominantly rapidly permeable soils have produced high nitrate levels in well water in	yes	5

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some areas of the county.		
4) The County Contribution to Minneapolis/St. Paul Source Water Protection Area. The cities of Minneapolis and St. Paul are currently developing a source water protection plan to ensure the quality and health of their potable surface water supply. Drainage from the County flows into the Mississippi River which provides drinking water to these two major metropolitan areas.	yes - action	not determined
<u>MN Dept. of Natural Resources</u>		
1) Basin monitoring for water quantity and quality information and nutrient loading.	yes	4
2) Improve nutrient management and other water quality parameters: phosphorus, nitrogen, turbidity, dissolved oxygen, and bacterial levels.	yes	5
3) Minimize storm water discharges from developed/developing areas.	yes	4
<u>MN Department of Agriculture</u>		
1) Pesticides	yes	2
2) Impaired Waters	yes- action	4
3) Manure Management and ISTS	yes yes	3 5
<u>MN Department of Health</u>		
1) Priority to the MDH will be that the Local Water Management Plan recognizes the importance of drinking water to Sherburne county, to the public water suppliers with Wellhead Protection Plans in place or in development phase, and to the public water suppliers that are transient nature and will not have a formal wellhead protection plan. Because of the fragile nature of the water supply in large areas of the County, and due to rapid growth of urban development and potential contaminants, it is important that a drinking water consciousness is present in the planning documents of the county.	yes	5
2) Establishment of regular County involvement in support of County Well Index is important for a better understanding of the County's underground geology and the aquifers which supply the drinking water.	yes - action	4
3) That the county continues to monitor groundwater as appropriate in areas of known and suspected contamination.	yes	4
<u>MN Environmental Quality Board</u>		
1) Ground water contamination susceptibility: reduce risks associated with new developments	yes- actions	5
2) Impaired waters in the County: consider how to plan for developments contemplated near impaired waters	no	
3) Ground water availability: consider how to plan for significant water using developments	no	
<u>City of Elk River and Lake Orono Water Quality Task Force</u>		
1) There is no ordinance that prohibits or regulates domestic livestock in pasture areas from entering rivers or waterways that	no Developing	

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contribute to public waters.	an ordinance is an action.	
<u>Palmer Township</u>		
1) Water level stabilization and related problems. Water levels are not stabilized; water levels vary significantly.	yes in relation to flooding	4
2) All four lakes within the Briggs Lake chain are considered hypertrophic on the Trophic Status Index. [Nutrient rich with heavy algal blooms possible throughout the summer.]; there are increasing concentrations of phosphorous and chlorophyll-a.	yes – nutrient loading	5
3) There is increasing pressure from developments [large and small] in Sherburne County on water quality.	yes – issues related to development are addressed	5
<u>Livonia Township</u>		
1) Shoreland protection	yes	5
2) Discharge of waste water into local streams, ponds, ditches	septics- yes municipal - no	5
3) Maintenance of drainage ditches-their affect on local roads	no	
4) Impact of development on downstream tributaries	yes	4
<u>Blue Hill Township</u>		
As Blue Hill Township has no lakes and few rivers – low nitrates. We feel that our water problems are very few if any.		

Text of Priority Concerns Submitted by State Agencies and LGUs

Agency/organization

Board of Water and Soil Resources

Submitted by

Brad Wozney

Priority Concern 1: Current controls are not sufficient to prevent increased runoff volume and degraded water quality of runoff to priority lakes and rivers.

Why is it important the plan focus on this concern? Sherburne County's proximity to the Twin Cities and St. Cloud, along with its many natural resource amenities, makes it an attractive area to live. The Twin Cities found out how expensive it was for taxpayers to try to correct avoidable problems and retrofit corrective measures. Given the rate of development in Sherburne County, it is important to learn from the metro's mistakes and get new development and public infrastructure going in properly. Site development will result in increased runoff and severe on- and off-site erosion into surface waters, unless effective measures/policies/ordinances are in place. In addition, a 303d listing would adversely affect economic development.

What actions are needed?

- 1) The County has the authority granted in 103B.325 to establish baseline stormwater and erosion control standards that all jurisdictions (including cities and townships) will be required to follow upon county adoption of the plan. We recommend developing infiltration standards for areas not susceptible to groundwater contamination to take advantage of the predominantly coarse soils in the county and to address increased runoff volume from development. Establishing a local erosion control inspection and enforcement mechanism can be much more effective than the current situation. These ordinances should encourage cities to adopt "low impact development" standards, i.e. narrower street widths and clustering, where appropriate. These standards could evolve from implementation actions such as developing a model ordinance, sponsoring a "Sand Plain Low Impact Development Conference", assigning staff to a technical advisory committee, or by adopting such standards with a timeline for cities to adopt.
- 2) Convene technical meetings with staff of the county's growing cities to work toward and establish common water quality goals.
- 3) Consider strengthening the county shoreland ordinance; Contemplate a "Point-of-sale Lakeshore Buffer/Restoration" ordinance.
- 4) Consider utilizing 103B.331, subd. 4 that gives the county the authority to establish special tax districts. An alternative to a special tax district is the formation of Lake Improvement District, which has an indirect taxing authority. This much needed revenue can give the county options for modeling watersheds and employing water quality improvement/protection measures on quantitative and special project bases.
- 5) Use the plan to elevate priority water resource features like conveyance routes and self-contained depressional areas into your natural resources inventory work to target areas for preservation/management. The less land that is "connected" to waterbodies, the higher the water quality will remain.
- 6) Include provisions for special waterbodies that stakeholders attach greater value to or are more susceptible to adverse changes, such as trout streams or tamarack swamps.
- 7) Consider an assessment (gap analysis) of the adequacy and effectiveness of existing land use regulations to protect water quality both from ordinance/regulations and fiscal standpoints. The steps within this assessment can include but not be limited to:

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- Compile the regulations of various jurisdictions within Sherburne County.
- Identify where there are conflicting standards.
- Identify where standards are needed.
- Identify where standards are being inadequately enforced.

What resources may be available to accomplish the actions?

- Low impact development information and model ordinances are available from Minnesota Erosion Control Association (MECA) and/or MPCA.
- Jay Riggs, formerly of Dakota SWCD, is a regional expert in low impact development practices. He has just relocated to the Washington SWCD.
- Wright County is currently in the process of adopting similar ordinances – contact Kerry Saxton, Wright SWCD, 763-682-1970.
- Brainerd Lakes Area currently has a five-county initiative to upgrade shoreland regulations for the changing challenges facing lakeshore zones. John Sumption, Cass County, and Dan Steward, BWSR BC in Brainerd are excellent contacts.
- Burnett County, WI, has developed a program giving tax breaks to lakeshore owners who establish shoreline restorations.

What areas of the county are high priority? 1) Countywide within the 20-year projected high density municipal growth areas. 2) Shoreland protection zones.

Priority Concern 2: Protection of floodplain areas and other areas of significant wildlife habitat.

Why is it important the plan focus on this concern (include or cite relevant data)? In order to protect the integrity and important functions of the priority floodplains in Sherburne County, it is crucial to mitigate the effects of floodplain impacts. Given the amount of development within the county, implementation of stricter floodplain standards can be justified. Flood storage is expensive to create so protecting existing storage areas makes fiscal sense as well. It also helps minimize damage to structures.

What actions are needed?

- 1) Implementation of a two-tiered floodplain ordinance reaching above and beyond state standards. Such an ordinance would require 1:1 compensatory on-site floodplain mitigation within all major/priority river floodplains including the “flood fringe”. Outside of the priority floodplain areas, the minimum state standards would likely be sufficient based on the county’s drainage network, slope, and soils.
- 2) Plan to include dollars to conduct an inventory of upland and wetland resources using the MLCCS classification system to identify and subsequently protect high and medium quality

habitat areas and corridors. This would be valuable on a countywide basis, particularly for floodplains, to attract funds for conservation easements (Greenways dollars), purchase/transfer of development rights, and acquisition of parkland.

- 3) Using a drained wetland inventory, identify sites where impounding and diverting drainage system waters under M.S. 103E.227 would be beneficial for flood reduction and possibly serve as a revenue source through banking credits.
- 4) Assess the agricultural drainage systems and how projected development will attempt to utilize the public ditches to convey increased stormwater flows. Establish a policy to guide drainage management in the watersheds, with particular emphasis on M.S. 103E.015 (impact) and 103E.227 (restoration), 103E.011 subd. 5 (funding) and 103E.812 (responsibility transfer).

What resources may be available to accomplish the actions?

- Use Dakota County's Land Protection (levy) Program as a model, contact Kurt Chatfield, Dakota County principal planner.
- Compile all Greenways/open space/comprehensive parks and trails plans.
- BWSR Challenge Grant.
- Wetland Conservation Act – Wetland Banking program.

Priority Concern 3: Sherburne County Water Management Plan should position the county to leverage funds and avoid economic sanctions associated with the development of TMDLs.

Why is it important the plan focus on this concern (include or cite relevant data)? Sherburne County participation in the development and implementation of TMDLs is of an utmost importance. The Impaired Waters/ TMDL program is still relatively new and all levels of government are feeling their way through it. Bottom line is the TMDL program will attract fiscal resources, retain local control, and eliminate development obstacles/binding implications. Sherburne County will want to be in a position to fully leverage the TMDL funds and match money once they are available for any water bodies making the 303d list. The following are examples of TMDL study costs, excluding implementation dollars, for various watershed projects: Clearwater River (Clearwater River WD) = \$175,000; Shingle Creek, chloride (Shingle Creek WMO) = \$175,000; Sauk River, fecal coliform (Sauk River WD) = \$400,000; Lake Independence (Pioneer – Sarah Creek WMO) = \$100,000.

What actions are needed?

- 1) Document the locally preferred approaches and local roles.
- 2) Define where the TMDL plan intersects with county plans and who can access money.
- 3) Target implementation dollars such as the State Cost Program and Pheasants Forever project dollars to this watershed.

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What resources may be available to accomplish the actions?

- Jeff Risberg at MPCA
- Other entities that are going through the process: Shingle Creek Watershed Management Organization (Wenck Assoc.), Todd SWCD, Carver County, Chisago County, and Sauk River Watershed District.

Agency/organization Minnesota Department of Agriculture

Submitted by Becky Balk

Priority Concern 1: Pesticides

Regarding this concern please answer the following:

- ***Why is it important the plan focus on this concern (include or cite relevant data.*** 1) Limiting or reducing pesticides in surface water and ground water is important for water quality and public health. Infiltration to groundwater is the primary issue for pesticides and Sherburne County should focus their efforts on this aspect. Surface waters are also of concern and should not be overlooked.
- ***What actions are needed.*** Sherburne County should continue to promote generic and specific BMPs for reducing potential impacts of pesticides on surface and ground water. Once the State Pesticide Management Plan revisions are complete, Sherburne County may want to coordinate with the MDA on the implementation of BMPs to protect water resources from pesticide impacts
- ***What resources may be available to accomplish the actions.*** For specific information on pesticides and the State Pesticide Management Plan, contact John Hines, MDA, (651) 297-3994. Brian Williams is the MDA contact for ground water protection BMPs and is the agency reviewer for wellhead protection plans. His phone number is (507) 665-6806. Brian has put together a set of fact sheets on preventing nitrogen impacts to groundwater, see link: <http://www.mda.state.mn.us/appd/waterprotect.htm>. Additionally, more information on source water assessment information on the MDH website can be found at: <http://www.health.state.mn.us/divs/eh/water/swp/swa/index.htm>
- ***What area(s) of the county is high priority?*** Focus would be countywide on lands where pesticides are applied.

Priority Concern 2: Impaired Waters

Regarding this concern please answer the following:

Why is it important the plan focus on this concern (include or cite relevant data)?

Impaired waters and TMDLs will be the major driving force for improving water quality in Minnesota for years to come. It is important that Sherburne County consider current impaired waters and potential future TMDLs during the water plan development process. Impaired waters in Sherburne County include Elk River for low oxygen and the Mississippi River for biota and fecal coliform.

What actions are needed? The impairments should be address in the water plan and implementation activities should also be coordinated with any future TMDLs. For water quality impairments that impact agriculture, it is important that Sherburne County engage the agricultural community (farmers, agribusinesses) and involve them in the TMDL processes.

What resources may be available to accomplish the actions? 319 grants for TMDL, AgBMP loans are available for farmers to meet TMDL goals.

What area(s) of the county is high priority? Elk River and the Mississippi River

Priority Concern 3: Manure Management and ISTS

Regarding this concern please answer the following:

Why is it important the plan focus on this concern (include or cite relevant data)?

- 1) It's important that the county develops a good plan to address failing lake shore ISTS and encourage cluster systems or other alternative systems etc. for new and old lake shore developments. ISTS can be a major source of fecal coliform in surface waters. There are a great number of non-compliant ISTS in MN

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and many millions of dollars will be needed to fix these systems. Because of this large task, it is important that the County continue to develop strategies to address this issue.

- 2) According to the University of Minnesota, land application of manure, under certain circumstances, has the potential to be a larger contributor of nutrient loading to waters than open lot feedlots. The development of manure management and nutrient management plans will help ensure that producers have the tools to apply manure at agronomic rates and reduce the potential for impacts to surface and ground waters.

What actions are needed?

- 1) Seek additional funding sources to help assist landowners in upgrading ISTS in the County.
- 2) Continue education and outreach efforts on manure management in the County.
- 3) Provide technical and financial assistance for producers to assist them in adopting practices to reduce the impacts from manure runoff.

What resources may be available to accomplish the actions?

(include contact names, funding sources, partnerships, citizen volunteers, etc)

- 1) AgBMP Loans
- 2) Farm Bill (EQIP and future CSP)
- 3) State Cost Share
- 4) 319 Grants

What area(s) of the county is high priority?

- Lakeshore areas and rural villages where ISTS systems need to be upgraded. Open lot feedlots near resources of concern and land where manure is applied.

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Agency/organization: MINNESOTA DEPARTMENT OF HEALTH

Submitted by: MIKE HOWE, Principal Planner -Source Water Protection

Priority Concern 1: Priority to the MDH will be that the Local Water Management Plan recognize the importance of drinking water to Sherburne county, to the public water suppliers with Wellhead Protection Plans in place or in development phase, and to the public water suppliers that are transient nature and will not have a formal wellhead protection plan. Because of the fragile nature of the water supply in large areas of the County, and due to rapid growth of urban development and potential contaminants, it is important that a drinking water consciousness is present in the planning documents of the county.

Regarding this concern please answer the following:

Why is it important the plan focus on this concern (include or cite relevant data)? Public water suppliers including Becker, Big Lake, Clear Lake, Elk River and Zimmerman have wellhead protection areas defined that need recognition in all phases of Comprehensive planning to protect public drinking water supplies. Other public water suppliers that do not yet have a WHP plan in place need recognition for preventive actions that can be taken to provide basic protection needs in the "Inner Well Management Zone" (ie.200 ft. radius around pws well).

What actions are needed? The local water management plan should initially recognize who the public water suppliers are. A listing can be found on MDH's Source water Assessment website:

<http://156.98.150.16/swa/pdwgetpws.cfm> This site has basic information on the public water suppliers in Sherburne County which should be useful to the LWMP. Public water suppliers who have a delineated protection area should be recognized by map inclusion in the LWMP. This can then be used for recognition of protection areas which may call for greater scrutiny of proposed changes in land use located in the protection areas.

What resources may be available to accomplish the actions? The County should use existing resources in place: the LWMP, any County, Township, or City Land Use or Comprehensive Plans, and any official controls which follow there from. The Department of Health Source Water Protection staff will respond to County request for advisement on drinking water issues that may develop.

What area(s) of the county is high priority. High priority areas are drinking water supply management areas (DWSMA's) with sensitive geology or areas of known groundwater contamination. For a map identifying sensitive areas, contact MDH Source Water Protection. Recognition of the Mississippi River as a drinking water source would also be appropriately considered a priority area for uses that may have direct impact on a surface water source. It would be appropriate that the LWMP provide a support statement for the Upper Mississippi River Source Water Protection Project (UMRSWPP).

Regarding this concern please answer the following:

Why is it important the plan focus on this concern (include or cite relevant data)? Because the health, welfare and economic well being of the citizens of Sherburne County all are dependent upon a safe and reliable

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source of drinking water. An example of this concern might be the additional cost to construct, operate and maintain a water treatment plant such as that at Clear Lake.

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Priority Concern 2: Establishment of regular County involvement in support of County Well Index (<http://mdh-agua.health.state.mn.us/cwi/cwiViewer.htm>) is important for a better understanding of the County's underground geology and the aquifers which supply the drinking water.

What actions are needed? Provide field staff with GPS receivers and training for locating wells and well construction records.

What resources may be available to accomplish the actions? MDH provides technical assistance and equipment for this as resources are available. James Lundy would be the contact person for this (james.lundy@health.state.mn.us).

What area(s) of the county is high priority? Highest priority areas would be where the highest demand for knowledge of the underground geology exists. This could include: well locations where drilling/construction/geologic logs exist; well locations where water quality data exist; areas mapped as high probability for nitrate occurrence (see link below); and areas where Class 5 injection well map indicates other than "not sensitive".

.....

Priority Concern 3: That the county continue to monitor groundwater as appropriate in areas of known and suspected contamination.

Regarding this concern please answer the following:

Why is it important the plan focus on this concern (include or cite relevant data)? Because it is important to be able to detect trends in groundwater quality so focus on appropriate best management practices can be done.

What actions are needed? Utilize the water quality data base provided by MDH (County Well Index compatible) to enter water quality data as it becomes available. Enter results of data collected from special projects, nitrate testing clinics, etc. Special projects could be established where there is current contamination or to identify trends in future development areas.

What resources may be available to accomplish the actions? Existing resources may be augmented by challenge grants or collaborative resources of the public water suppliers in some cases.

What area(s) of the county is high priority? Higher priority areas have approved wellhead protection areas. The County map of nitrate nitrogen sensitivity (<http://www.health.state.mn.us/divs/eh/water/swp/nitrate/nitratemaps.html>) can help to identify priority areas.

Agency/Organization: Minnesota Environmental Quality Board

Submitted By: Sara Bertelsen, Water Planner, Environmental Quality Board

The Environmental Quality Board provides the following recommendations to aid Sherburne County in updating its Local Water Management Plan.

Attached Maps

1. Ground water contamination susceptibility

Throughout Sherburne County there are areas of medium to high ground water contamination susceptibility (see attached map). The designated JOBZones in the county appear to be located in especially sensitive areas. Ground water contamination susceptibility analysis focuses on four parameters: aquifer material, recharge potential, soil material and vadose zone material.¹ We suggest that you check with the Pollution Control Agency and the local soil and water conservation district or watershed district on how to reduce the risk of ground water contamination associated with developments in sensitive areas.

2. TMDL – Impaired waters

The attached map illustrates lakes and streams within Sherburne County which were designated as impaired in 2004.² The JOBZones appear to be located near impaired watersheds. Total maximum daily load or TMDL studies identify both point and non-point sources of each pollutant that contributes to the impairment of waters restricting certain types of development. We suggest you check with the Pollution Control Agency to consider how to plan for developments contemplated in or near impaired waters.

Other Water information

1. Ground water availability

The eastern part Sherburne County is located within the metro province while the western part of the county is located in the central province of Minnesota. The metro province is characterized by sand aquifers in generally thick sandy and clayey glacial drift overlying Precambrian sandstone and Paleozoic sandstones, limestone and other dolostone aquifers. The central geologic province is characterized by buried sand aquifers overlaid by thick glacial sediments. In this province, the upper layer made up of sand and gravel aquifers is more commonly tapped for water than the deeper fractured bedrock. We suggest you check with the Department of Natural Resources to consider how to plan for significant water using developments.

Attached spreadsheet

1. MCD population extrapolations for Sherburne County

The population for Sherburne County is extrapolated to increase over the next 30 years. "These population extrapolations are based on simple mathematical formulas. They are controlled to county populations published by the Minnesota State Demographic Center in October 2002. The numbers do not reflect any special knowledge about individual communities such as zoning

¹ http://www.dnr.state.mn.us/waters/groundwater_section/mapping/sensitivity.html#references

² <http://www.pca.state.mn.us/water/tmdl.html>

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regulations, land available for development, current development projects, one-time events or any of the myriad other factors that can and do affect future population. The extrapolations are not a substitute for projections based on such detailed local knowledge and development plans” (Minnesota State Demographic Center). For further information please contact the Minnesota State Demographic Center.³

³ <http://www.demography.state.mn.us/>

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Agency/Organization: Palmer Township [by Briggs Lake Chain Association]

Submitted by: Kenzie Phelps, Bill Stai, Tom Koontz

Priority Concern 1:

Water level stabilization and related problems. Water levels are not stabilized; water levels vary significantly.

- a. Why important: Over the past 10 years we have had 4 100 yr floods, resulting in property damage, shoreline erosion, flooded wells, nutrient/chemical pollution. During low water levels there has been sediment churning and some dry wells.
- b. What actions are needed: Building a dam on the Elk River, rebuilding the dam on Lilly And/or removing the levy/dam on private land that borders Elk River. Development of holding ponds, retention and expansion of wetlands, and possibly converting wet lands to holding ponds.
- c. Sherburne Soil and Conservation, Initiative Fund, Mn DNR, BLCA, and Minnesota Waters [the new organization resulting from the Merger of the Mn Lakes Association, Mn River Council, and the Fresh Water Society.
- d. Palmer, Clear Lake, and Haven Townships.

Priority Concern 2:

All four lakes within the Briggs Lake chain are considered hypertrophic on the Trophic Status Index. [Nutrient rich with heavy algal blooms possible throughout the summer.]; there are increasing concentrations of phosphorous and chlorophyll-a.

- a. Why important: In hypertrophic lakes [the highest on the trophic index], heavy algal blooms are likely in the summer. Economic values increase with improved water quality. [separate studies from Bemidji State University and University of Wisconsin]. There are only a few lakes within Sherburne county and are heavily used for recreation [boating, skiing, fishing], plus there is growing pressure due to continued development on and around the lakes. See Concern3].
- b. What actions are needed. Reduction of all fertilizers, herbicides, insecticides, etc throughout the watershed. Monitoring to determine where highest loads come from. Development of buffer zones and/or berms in those areas with the highest loads. Collaboration with Benton County. .Systematic regulation of septic systems. Storm water control: diversion from the creeks, rivers and lakes. Restoration of wetlands [e.g. as compensation for loss of wetlands from the airport development].
- c. Sherburne Soil and Conservation, Initiative Fund, Mn DNR, BLCA, and Minnesota Waters [the new organization resulting from the Merger of the Mn Lakes Association, Mn River Council, and the Fresh Water Society.
- e. Palmer, Clear Lake, and Haven Townships.

Priority Concern 3:

There is increasing pressure from developments [large and small] in Sherburne County on water quality.

- a. Why important: Increased pressure [uncontrolled] will result in lower water quality [Briggs Lake chain is already hypertrophic], overcrowding, increased pollution, and loss of environmentally sensitive areas. There is currently very little control or planning, too many variances and inconsistencies in granting CUPs. The comprehensive plan is not up to date, and often plans that are up to date are not followed, and decisions are made by exceptions.
- b. What actions needed: Update and follow the comprehensive plan. Develop individual comprehensive plans for townships within the county's plan. Consistency in granting variances and CUPs. Strengthening and updating of shoreland regulations.
- c. Sherburne County Zoning, Townships, DNR, Soil and Water Conservation, Developer association [if one exists], realtor association, Initiative Fund, Minnesota Waters
- d. All areas of county

**Sherburne County Local Water Management Plan
Priority Concerns Scoping - Supporting Documents, 2006**

Agency/organization City of Elk River - Lake Orono Water Quality Task Force

Submitted by Patrick Plant, Lake Orono Water Quality Task Force

Submission deadline: May 31, 2005

Priority Concern 1: There is no ordinance that prohibits or regulates domestic livestock in pasture areas from entering rivers or waterways that contribute to public waters.

Regarding this concern please answer the following:

Why is it important the plan focus on this concern (include or cite relevant data)? It is a significant public health concern and is suspected to be a primary contributor to high fecal coli form counts in Elk River Watershed, including Lake Orono. Due to high fecal coliform counts, the Lake Orono Beach has been closed multiple times to public use.

What actions are needed? Continue and preferably expand the existing monitoring program and create an ordinance and enforcement mechanism to control the issue.

What resources may be available to accomplish the actions? Elk River Watershed Board (cost share grants and financial aide).

- e. *What area(s) of the county is high priority?* The entire Elk River Watershed as it directly feeds Lake Orono.

Agency/Organization: Minnesota Department of Natural Resources

Submitted by: Tim Bremicker, Acting Regional Director

9 April 2004

MNDNR's Role in Local Water Management Planning
Central Region

Central Region contains parts of the basins of the Upper Mississippi, Lower Mississippi, Minnesota, and St. Croix rivers. By far the largest basin in the region, containing all or parts of 11 counties, is the Upper Mississippi watershed. The region has 3 counties in the St. Croix basin, parts of 3 in the Minnesota River basin, and only one county, Dakota, in the Lower Mississippi. The Southern Region will do the bulk of priority setting for the Minnesota and Lower Mississippi basins, though Dakota County in the Lower Mississippi Basin remains a concern for Central Region and will be tracked. This first cut at Central Region's water management priorities concerns just the Upper Mississippi and St. Croix basins.

Sources consulted for the following list of priorities include:

- Directions 2000
- The PCA's draft report: Upper Mississippi River Basin Water Quality Plan (headwaters to Anoka),
- MEQB's Minnesota Watermarks, and
- Water issues in the Governor's Clean Water Vision pilot projects.

List of Proposed Priorities for the Upper Mississippi and St. Croix Basins
for Local Water Planning

- Basin monitoring for water quantity and quality information and nutrient loading;
- Improve nutrient management and other water quality parameters: phosphorus, nitrogen, turbidity, dissolved oxygen, and bacterial levels.
- Minimize storm water discharges from developed/developing areas;
- Protect groundwater resources; and
- Protect scenic and ecological values of basin lakes and streams
- Promote local learning about watershed values and issues.

These priorities are discussed in more detail in the following.

**Sherburne County Local Water Management Plan
Priority Concerns Scoping - Supporting Documents, 2006**

Priority 1: Basin Monitoring for Water Quantity and Quality Information

Why this is a priority

Management decisions require good information. However, the number of water bodies monitored in both the Upper Mississippi and St. Croix basins is low. For example, more than half of basin lakes in the Upper Mississippi basin have not been monitored or assessed.

Recommended actions to address the priority.

- Support long-term basin monitoring program for river, lakes, streams and groundwater;
- Quantify nutrient loadings and other water quality parameters;
- Develop a coordinated approach with federal, state, and local governments to collect water data necessary for informed management decisions.

Priority 2: Improve Nutrient Management and Other Water Quality Parameters (phosphorus, nitrogen, turbidity, dissolved oxygen, and bacterial levels.

Why this is a priority?

The lakes and rivers of the basins increasingly suffer from degraded water quality due to excessive nutrient deposition in their waters. This affects not only fish and wildlife and ecological functions but property values and human health as well.

Recommended actions to address the priority.

- Maintain proper sewage systems to prevent contaminants from entering ground and surface waters;
- Promote reduced use of fertilizers, pesticides and cleaning agents;
- Promote the use of filter strips of vegetation along and near water bodies;
- Model implementation of identified management actions at government/Department facilities
- Advocate best management practices in land use; and
- Provide information to ensure that nutrient loads meet targets for ecological integrity.

Priority 3: Minimize Storm Water Discharges from Developed and Developing Areas

Why this is a priority

Increased stormwater runoff associated with development often initiates a chain of events that includes flooding, erosion, stream channel alteration and ecological damage. Non-point pollution also grows as increased runoff transports pollutants directly into waterways. Sediment itself contributes to water quality degradation, both directly and through transport of pollutants adhering to soil particles.

Recommended actions to address the priority.

- Minimize stormwater impacts through encouraging good site design, especially low impact development technologies;
- Encourage stormwater best management practices in all development plans.
- Identify sites where increased storm water discharge has a high potential for adversely impacting important natural resources.

Priority 4: Protect Groundwater Resources

Why this is a priority

The groundwater resources in the two basins are stressed in places by failing or sub standard individual sewage treatment systems, agricultural waste systems, and withdrawals that threaten both aquifers and surface waters.

Recommended actions to address the priority

- Promote water conservation;
- Develop sustainable water resource protection thresholds for communities;
- Protect, restore and manage the quality of groundwater and surface water used for drinking water in the basins;
- Protect, restore and manage the quality of groundwater in the sand plains, recharge zones and other sensitive areas

Priority 5: Protect scenic and ecological values of basin lakes and streams.

Why this is a priority

What is done with the shoreline of waters, in floodplains and in wetlands affects the quality of the water resource and the diversity of habitats

**Sherburne County Local Water Management Plan
Priority Concerns Scoping - Supporting Documents, 2006**

available. Maintaining and/or restoring intact shoreline ecosystems are important goals that serve many other resource management goals.

Recommended actions to address the priority

- Identify and address high priority areas for wetland protection and restoration in shoreland and riparian areas, ground water recharge areas, and wetland complexes;
- Encourage lakeshore owners to retain or restore existing, native vegetation;
- Encourage plantings of emergent vegetation as techniques for reducing shoreline erosion.
- Assist local communities with natural resource inventories as guides to the conservation of ecological functions.

Priority 6: Promote local learning about watershed values and issues.

Why this is a priority

Public awareness of the need to protect and preserve what is left of our natural ecological heritage is the first step towards increasing stewardship of our resources. Many communities and counties have discovered the value of active public education programs.

Recommended actions to address the priority

- Establish newsletters and informational packets for landowners and new home owners outlining steps for watershed stewardship;
- Sponsor educational seminars and workshops on topics related to watershed ecological functions;

Agency/Organization: Minnesota Pollution Control Agency

Submitted by: Lisa J. Thorvig, Assistant Commissioner



Minnesota Pollution Control Agency

Office of the Commissioner

May 16, 2005

Mr. Mark Basiletti, Water Resource Specialist
Sherburne County Soil and Water Conservation District
14855 Highway 10
Elk River, MN 55330

RE: Priority Concerns
Sherburne County Local Water Management Plan

Dear Mr. Basiletti:

The Minnesota Pollution Control Agency (MPCA) is pleased to provide priority concerns for consideration in Sherburne County's (County) Local Water Management (LWM) Planning efforts. We trust these priority concerns will be helpful with developing the forthcoming Priority Concerns Scoping Document (PCSD) and LWM Plan.

1. Impaired Waters/Total Maximum Daily Loads (TMDL)

The federal Clean Water Act requires states to adopt water quality standards to protect the nation's waters. These standards define how much of a pollutant can be in a surface and/or ground water while still allowing it to meet its designated uses, such as drinking water, fishing, swimming, irrigation or industrial purposes. Many of Minnesota's water resources do not currently meet their designated uses because of pollution problems from a combination of point and nonpoint sources.

Addressing impaired waters in LWM Plans is voluntary. However, the MPCA strongly encourages counties to consider how their LWM Plans address impaired waters, as identified on the "Final List of Impaired Waters" available on MPCA's Web site at:
<http://www.pca.state.mn.us/water/tmdl.html>.

It is suggested that the LWM Plan:

- Identify the priority the County places on addressing impaired waters, and how the County plans to participate in the development of (TMDL) pollutant allocations or implementation of TMDLs for impaired waters;
- Include maps of impaired waters (MPCA Web site: 2004 List of Impaired Waters: <http://www.pca.state.mn.us/water/tmdl/index.html#maps>) and identification of the pollutant(s) causing the impairment(s). (The impaired list is scheduled to be updated in 2006);

**Sherburne County Local Water Management Plan
Priority Concerns Scoping - Supporting Documents, 2006**

Mr. Mark Basiletti

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- Address the commitment of the County to submit any data it collects to MPCA for use in identifying impaired waters and data entry into the U.S. Environmental Protection Agency's STORET data base. Projects funded through MPCA's Clean Water Partnership, Section 319 and TMDL Programs need to have this data entered into this database (for assistance, please see <http://www.pca.state.mn.us/water/storet/html>);
- Provide plans, if any, for monitoring as yet unmonitored waters for a more comprehensive assessment of waters in the County; and
- Describe actions and timing the County intends to take to reduce the pollutants causing the impairment, including those actions that are part of an approved implementation plan for TMDLs.

The MPCA will use this information to help guide its funding and resource allocation priorities for impaired waters activities.

Areas of the County that should be considered priority waters are the impaired water bodies and reaches of impaired water bodies on this list (Clean Water Act 303 [d] TMDL List). We believe the County should consider impaired waters as a top priority for discussion in the LWM Plan.

Regional TMDL Reports for mercury are under way. Therefore, waters listed as impaired for a pollutant/stressor other than mercury in the table below are recommended to be addressed in the LWM Plan.

Reach	Assessment Unit ID #	Affected Use	Pollutant/ Stressor
Mississippi River; Sauk R to St. Cloud Dam	07010203-501	Aquatic consumption	Mercury ¹ FCA
Mississippi River; Elk R to Crow R	07010203-503	Aquatic consumption	Mercury ¹ FCA
Mississippi River; Elk R to Crow R	07010203-503	Aquatic consumption	² PCB FCA
Elk River; Rice Cr to St. Francis R	07010203-506	Aquatic consumption	Mercury ¹ FCA
Elk River; Mayhew R to Rice Cr	07010203-507	Aquatic consumption	Mercury ¹ FCA
Mississippi River; St. Cloud Dam to Clearwater R	07010203-513	Aquatic consumption	Mercury ¹ FCA
Elk River; Orono Lk to Mississippi R	07010203-525	Aquatic consumption	Mercury ¹ FCA
Elk River; St. Francis R to Orono Lake	07010203-548	Aquatic life	Low Oxygen

Mr. Mark Basiletti
Page 3

Elk River; St. Francis R to Orono Lake	07010203-548	Aquatic consumption	Mercury ¹ FCA
Mississippi River; Crow R to Class 1C, 2Bd, 3B	07010206-567	Aquatic recreation	Fecal coliform
Mississippi River; Crow R to Class 1C, 2Bd, 3B	07010206-567	Aquatic consumption	Mercury ¹ FCA
Mississippi River; Crow R to Class 1C, 2Bd, 3B	07010206-567	Aquatic consumption	² PCB FCA
Rum River; West Br Rum R to Stanchfield Cr	07010207-512	Aquatic consumption	Mercury ¹ FCA

LAKE	LAKE ID #	Affected Use	Pollutant/Stressor
Orono	71-0013	Aquatic consumption	Mercury ¹ FCA

¹ Fish Consumption Advisory

² Polychlorinated Biphenyls

2. Stormwater

The County is experiencing a high rate of growth and development. Impervious surface, and therefore the amount of runoff, is increasing Countywide. Potential new discharges to impaired should must be addressed.

Recommended Actions

- Educate contractors/developers regarding stormwater permit requirements;
- Educate contractors/developers regarding effective Best Management Practices for controlling/containing stormwater on construction sites during and after construction;
- Educate contractors/developers regarding new discharges to impaired waters;
- Require operation and maintenance plans for permanent stormwater ponds;
- Require a copy of Stormwater Pollution Prevention Plan (SWPPP) prior to granting of final plat approval; and
- Create a local partnership to achieve the goals of the municipal separate storm sewer systems (MS4s) program.

Priority areas of the County are those where growth is occurring that has the potential to drain to surface/ground waters.

3. High Nitrate Levels in Ground Water

New developments in the County are occurring at an ever increasing rate. Many of these developments are constructed outside the existing infrastructure of municipalities, but adjacent to population centers. These new construction areas will need to be serviced by individual wells

**Sherburne County Local Water Management Plan
Priority Concerns Scoping - Supporting Documents, 2006**

Mr. Mark Basiletti
Page 4

and individual sewage treatment systems. Much of the construction is occurring on former agricultural land that most likely has been irrigated and fertilized for many years. The combination of agricultural land use practices and the predominantly rapidly permeable soils have produced high nitrate levels in well water in some areas of the County.

Recommended Actions

- Identify and map sensitive ground water areas of the County;
- Develop a County geologic atlas;
- Provide annual nitrate screening clinics for well water; and
- Educate landowners about the impact/dangers of high nitrate levels in well water.

4. The County Contribution to Minneapolis/St. Paul Source Water Protection Area.

The cities of Minneapolis and St. Paul are currently developing a source water protection plan to ensure the quality and health of their potable surface water supply. Drainage from the County flows into the Mississippi River which provides drinking water to these two major metropolitan areas.

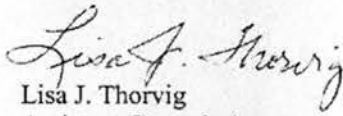
Recommended Actions

- Identify contaminants of concern;
- Identify areas of concern;
- Consideration of downstream impacts before new construction is permitted; and
- Update/develop a County emergency response plan.

If we may be of further assistance, please contact Maggie Leach in the Brainerd Office at (218) 855-5018, or Dave L. Johnson in the St. Paul Office at (651) 296-6041.

Thank you and we look forward to reviewing the forthcoming PCSD and LWM Plan.

Sincerely,



Lisa J. Thorvig
Assistant Commissioner

LJT:kb:mk

cc: Steve Woods, Board of Water and Soil Resources
Laurel Mezner, MPCA Brainerd Office
Maggie Leach, MPCA Brainerd Office

Sherburne County Local Water Management Plan
Priority Concerns Scoping - Supporting Documents, 2006

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Agency/Organization: Livonia Township

Submitted by: Livonia Town Board

Priority Concerns Input
Sherburne County Local Water Management Plan Update

Agency/organization Livonia twp

Submitted by Livonia town Board

Submission deadline: May 31, 2005

Priority Concern 1: Shoreland Protection

Regarding this concern please answer the following:

Why is it important the plan focus on this concern (include or cite relevant data)?

What actions are needed?

What resources may be available to accomplish the actions?
(include contact names, funding sources, partnerships, citizen volunteers, etc)

What area(s) of the county is high priority?

Priority Concern 2: Discharge of wastewater into local streams, ponds
ditches

Regarding this concern please answer the following:

Why is it important the plan focus on this concern (include or cite relevant data)?

What actions are needed?

What resources may be available to accomplish the actions?
(include contact names, funding sources, partnerships, citizen volunteers, etc)

What area(s) of the county is high priority?

Priority Concern 3: Maintenance of drainage ditches - their
affect on local roads

Regarding this concern please answer the following:

Why is it important the plan focus on this concern (include or cite relevant data)?

What actions are needed?

What resources may be available to accomplish the actions?
(include contact names, funding sources, partnerships, citizen volunteers, etc)

What area(s) of the county is high priority?

#4 Impact of development on downstream tributaries

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Faribault County Priority Concerns Scoping Document – *DECISION ITEM*
2. LeSueur County Priority Concerns Scoping Document – *DECISION ITEM*
3. Rock County Priority Concerns Scoping Document – *DECISION ITEM*



January 31, 2006

Jeff Nielsen
Minnesota Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff:

Faribault County has submitted their Priority Concerns Scoping Document (PCSD) for the 2006 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on December 30, 2005. State agency comments were received from DNR, MDA and MPCA. DNR concurred with the priority concerns identified. MDA commented that the process to identify priority concerns is commendable but inadequate and requested the water planning committee consider MDA comments that were inadvertently not included in the scoping document. Subsequently Faribault County did agree to include MDA priority concerns in the agency response section of the scoping document and bring the comments to the water planning committee for priority concern consideration. The MPCA concurred with the priority concerns. MPCA recommended a water quality monitoring component be included with the priority concerns and commented on the importance of a watershed-system analysis and implementation strategy that includes land use/management and water quality management. No other state agency comments were received during this review period. In addition to PCSD comments the MPCA, BWSR, DNR and other local stakeholders provided comments early on in the process.

On behalf of the BWSR I have completed my review of the Faribault County PCSD and recommend the BWSR concur with the priority concerns identified.

I look forward to working with Faribault County elected officials, staff and residents as the plan update moves forward. If you have questions or need additional information, please contact me at 507-359-6076.

Sincerely,

Chris Hughes
Board Conservationist

Bemidji 3217 Bemidji Avenue N. Bemidji, MN 56601 phone (218) 755-4235 fax (218) 755-4201	Brainerd 217 S. 7th Street Suite 202 Brainerd, MN 56401 phone (218) 828-2383 fax (218) 828-6036	Duluth 394 S. Lake Avenue Room 403 Duluth, MN 55802 phone (218) 723-4752 fax (218) 723-4794	Fergus Falls 413 W. Stanton Avenue Fergus Falls, MN 56537 phone (218) 736-5445 fax (218) 736-7215	Marshall 1400 E. Lyon Street Box 267 Marshall, MN 56258 phone (507) 537-6060 fax (507) 537-6368	New Ulm 261 Highway 15 S. New Ulm, MN 56073 phone (507) 359-6074 fax (507) 359-6018	Rochester 40 16th Street S.E. Suite A Rochester, MN 55904 phone (507) 285-7458 fax (507) 280-2875	Saint Paul One West Water Street Suite 250 Saint Paul, MN 55107 phone (651) 282-9969 fax (651) 284-0000
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April 26, 2006

Faribault County Commissioners
c/o Michele Stindtman
Faribault County SWCD Water Plan Coordinator
Faribault County Ag Center
415 South Grove Street, Suite 8
Blue Earth, MN 56013

Draft

Dear Faribault County Commissioners:

RE: Official Comments Pertaining to the State Review of the Faribault County Priority Concerns Scoping Document

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Faribault County has chosen to address in the update of their Comprehensive Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Faribault County Priority Concerns Scoping Document (PCSD) on December 30, 2005.

Faribault County has reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the update of the LWM Plan.

1. ***Water Quality Concerns*** - including addressing impaired waters (TMDLs) by major watershed for priority pollutants; groundwater quality focusing on wellhead protection and sealing abandoned or unused wells; lake watershed management; and targeting non-point pollution sources.
2. ***Urban and Rural Stormwater Management Concerns*** - including addressing urban stormwater control and treatment; drainage management focusing on public drainage systems; and flood damage reduction focusing on controlled drainage, out of county drainage inputs, water retention areas and wetland restorations.
3. ***Erosion Concerns*** - including prevention of soil erosion and sedimentation from runoff and stream banks; and construction site erosion control regulations and techniques.
4. ***Agriculture Concerns*** - including animal agriculture; land application of manure and setbacks from sensitive features; crediting of manure nutrients; and nutrient management planning.
5. ***Natural Resource Concerns*** - including identifying and targeting natural corridors to be enhanced and protected; increased wetland resources; and preserving the natural resources of the county.

The BWSR received comments from Minnesota Pollution Control Agency (MPCA), the Department of Natural Resources (DNR), and the Minnesota Department of Agriculture (MDA) on the Faribault County PCSD during the official review period. All agencies concurred with priority concerns identified. The MPCA recommended a water quality monitoring component be included with the priority concerns and commented on the importance of a watershed-system analysis and implementation strategy that includes land use/management and water quality management.

The BWSR southern region water planning review committee (hereinafter referred to as Committee) met on April 6, 2006, to discuss content of the PCSD, state review agency comments on the PCSD, and recommendations for the content of the final LWM Plan.

The Committee commends Faribault County for the process they used to select the concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the five priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the Committee does not recommend or require any changes to the PCSD as drafted.

Sincerely,

Jerome Deal, Chair
Minnesota Board of Water and Soil Resources

c: Becky Balk, MDA
Joe Martin, MDA
John Wells, EQB
Art Persons, MDH
Cheryl Heide, DNR
David L. Johnson, MPCA
Dan Wilson, MDH
Dana Allen, BWSR Board
Brian Kletscher, BWSR Board
Randy Kramer, BWSR Board
Jeff Nielsen, BWSR Southern Region Supervisor
Chris Hughes, Board Conservationist
Michele Stindtman, Faribault County SWCD

Draft



February 13, 2006

Jeff Nielsen
Minnesota Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff:

LeSueur County has submitted their Priority Concerns Scoping Document (PCSD) for the 2006 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on January 9, 2006. State agency comments were received from DNR, MDA and MPCA. DNR concurred with the priority concerns identified. DNR felt the priority concern identification process was adequate and that the county did a good job of gathering input from local organizations and residents. DNR also commented that the document was adequate on which to base their future work. MDA commented that the process to identify priority concerns was adequate and concurred with the priority concerns identified. The MPCA concurred with the priority concerns and strongly recommended, but does not require, the priority concerns include a direct reference to lake monitoring, protection and prioritization at the local level. MPCA also provided information about what to include in a basic lake monitoring. Also, the county should work with partners like MPCA, the Cannon River Watershed Partnership and BWSR to fully understand lakes (via monitoring), to prioritize potential management opportunities, and integrate findings/ideas/concepts into local planning and zoning. No other state agency comments were received during this review period. In addition to PCSD comments the MPCA, BWSR, DNR, MDA, MDH and numerous other local stakeholders provided comments early on in the process.

On behalf of the BWSR I have completed my review of the LeSueur County PCSD and recommend the BWSR concur with the priority concerns identified and consider adding lake monitoring as a priority concern.

I look forward to working with County elected officials, staff and residents as the plan update moves forward. If you have questions or need additional information, please contact me at 507-359-6076.

Sincerely,

Chris Hughes
Board Conservationist

Bemidji 3217 Bemidji Avenue N. Bemidji, MN 56601 phone (218) 755-4235 fax (218) 755-4201	Brainerd 217 S. 7th Street Suite 202 Brainerd, MN 56401 phone (218) 828-2383 fax (218) 828-6036	Duluth 394 S. Lake Avenue Room 403 Duluth, MN 55802 phone (218) 723-4752 fax (218) 723-4794	Fergus Falls 413 W. Stanton Avenue Fergus Falls, MN 56537 phone (218) 736-5445 fax (218) 736-7215	Marshall 1400 E. Lyon Street Box 267 Marshall, MN 56258 phone (507) 537-6060 fax (507) 537-6368	New Ulm 261 Highway 15 S. New Ulm, MN 56073 phone (507) 359-6074 fax (507) 359-6018	Rochester 40 16th Street S.E. Suite A Rochester, MN 55904 phone (507) 285-7458 fax (507) 280-2875	Saint Paul One West Water Street Suite 250 Saint Paul, MN 55107 phone (651) 282-9969 fax (651) 284-0000
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April 26, 2006

Le Sueur County Commissioners
c/o Lauren Klement
Le Sueur County Water Plan Coordinator
88 South Park Avenue
LeCenter, MN 56057

Draft

Dear Le Sueur County Commissioners:

RE: Official Comments Pertaining to the State Review of the Le Sueur County Priority Concerns Scoping Document

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Le Sueur County has chosen to address in the update of their Comprehensive Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Le Sueur County Priority Concerns Scoping Document (PCSD) on January 9, 2006.

Le Sueur County has reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the update of the LWM Plan.

- Impaired Waters and Total Maximum Daily Loads (TMDLS)
- Drainage System Management
- Wastewater Treatment
- Stormwater Management
- Protection of Undeveloped Shorelines
- Drinking Water Protection
- Reduce Contamination from Agricultural Sources

The BWSR received comments from the Minnesota Pollution Control Agency (MPCA), the Department of Natural Resources (DNR), and the Minnesota Department of Agriculture (MDA) on the Le Sueur County PCSD during the official review period. All agencies concurred with priority concerns identified. DNR concurred with the priority concerns identified. DNR felt the priority concern identification process was adequate and that the County did a good job of gathering input from local organizations and residents. DNR also commented that the document was adequate on which to base their future work.

MDA commented that the process to identify priority concerns was adequate and concurred with the priority concerns identified. MPCA concurred with the priority concerns and strongly recommended, but does not require, the priority concerns include a direct reference to lake monitoring, protection, and prioritization at the local level. MPCA also provided information about what to include in a basic lake monitoring. Also, the County should work with partners like MPCA, the Cannon River Watershed Partnership, and BWSR to fully understand lakes (via monitoring), to prioritize potential management opportunities, and integrate findings/ideas/concepts into local planning and zoning.

The BWSR southern region water planning review committee (hereinafter referred to as Committee) met on April 6, 2006, to discuss the content of the PCSD, state review agency comments on the PCSD, and recommendations for the content of the final LWM Plan.

The Committee commends Le Sueur County for the process they used to select the concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the seven priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the Committee does not recommend or require any changes to the PCSD as drafted.

Sincerely,

Jerome Deal, Chair
Minnesota Board of Water and Soil Resources

c: Becky Balk, MDA
Joe Martin, MDA
John Wells, EQB
Art Persons, MDH
Cheryl Heide, DNR
David L. Johnson, MPCA
Dan Wilson, MDH
Dana Allen, BWSR Board
Brian Kletscher, BWSR Board
Randy Kramer, BWSR Board
Jeff Nielsen, BWSR Southern Region Supervisor
Chris Hughes, Board Conservationist
Lauren Klement, Le Sueur County SWCD

Draft



March 27, 2006

Jeff Nielsen
Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff:

Rock County has submitted their Priority Concerns Scoping Document (PCSD) for the 2006 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on February 23, 2006.

State agency comments received from MPCA on March 10, 2006, concurred with the County's priority concerns identified. State agency comments were received from DNR on March 20, 2006. DNR was pleased with the PCSD, but asked for clarification of Priority #4, Goal 3 as it relates to wetlands and endangered species. State agency comments were received from MN Dept. of Ag on March 13, 2006 concurring with the PCSD.

Representing BWSR staff, I have completed my review of the Priority Concerns Scoping Document for Rock County and recommend that BWSR concur with the priority concerns identified:

1. Protect groundwater quality and supply.
2. Feedlot program management.
3. Non-Conforming ISTS.
4. Protect surface water quality.

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

Sincerely,

Tabor Hoek
Board Conservationist
c: Doug Bos, Rock County Water Plan Coordinator

Bemidji 3217 Bemidji Avenue N. Bemidji, MN 56601 phone (218) 755-4235 fax (218) 755-4201	Brainerd 217 S. 7th Street Suite 202 Brainerd, MN 56401 phone (218) 828-2383 fax (218) 828-6036	Duluth 394 S. Lake Avenue Room 403 Duluth, MN 55802 phone (218) 723-4752 fax (218) 723-4794	Fergus Falls 413 W. Stanton Avenue Fergus Falls, MN 56537 phone (218) 736-5445 fax (218) 736-7215	Marshall 1400 E. Lyon Street Box 267 Marshall, MN 56258 phone (507) 537-6060 fax (507) 537-6368	New Ulm 261 Highway 15 S. New Ulm, MN 56073 phone (507) 359-6074 fax (507) 359-6018	Rochester 40 16th Street S.E. Suite A Rochester, MN 55904 phone (507) 285-7458 fax (507) 280-2875	Saint Paul One West Water Street Suite 250 Saint Paul, MN 55107 phone (651) 282-9969 fax (651) 284-0000
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April 26, 2006

Rock County Commissioners
c/o Doug Bos
Rock County Land Management Office
311 West Gabrielson Road
Luverne, MN 56156

Draft

RE: Official Comments Pertaining to the State Review of the Rock County Priority Concerns Scoping Document

Dear Rock County Commissioners:

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Rock County has chosen to address in the update of their Comprehensive Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Rock County Priority Concerns Scoping Document (PCSD) on February 23, 2006.

Rock County has reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the update of the LWM Plan.

- Protect Groundwater Quality and Supply
- Feedlot Program Management
- Non-Conforming Individual Septic Treatment Systems (ISTS)
- Protect Surface Water Quality

While these issues may vary in priority within the different watersheds, each is considered a priority concern within all the major watersheds.

The Board of Water and Soil Resources received comments from the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources, and the Minnesota Department of Agriculture. Review of the PCSD by BWSR staff noted that the priority issues identified and established in the document are reasonable and appropriate.

The BWSR southern region water planning review committee (hereinafter referred to as the Committee) met on April 6, 2006, to discuss the content of the PCSD, state review agencies comments on the PCSD, and recommendations for the content of the final plan.

Rock County Commissioners
April 26, 2006
Page 2

The Committee commends Rock County for the process they used to select the concerns – input from state agencies, local government, and citizens was incorporated into the four priority concerns. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate.

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

Sincerely,

Jerome Deal, Chair
Board of Water and Soil Resources

c: Becky Balk, MDA
Joe Martin, MDA
John Wells, EQB
Art Persons, MDH
Cheryl Heide, DNR
David L. Johnson, MPCA
Dan Wilson, MDH
Dana Allen, BWSR Board
Brian Kletscher, BWSR Board
Randy Kramer, BWSR Board
Jeff Nielsen, BWSR Southern Region Supervisor
Tabor Hoek, Board Conservationist

Draft

NEW BUSINESS

1. Stearns County Comprehensive Local Water Plan Extension Request –
DECISION ITEM
2. Bond Requirement for Termination Petition for South Two River
Watershed District – *DECISION ITEM*
3. Army Compatible Use Buffer (ACUB) Project Cooperative Agreement –
DECISION ITEM
4. Open Lot Technical Assistance Project – *DECISION ITEM*
5. Public Road Wetland Replacement Credit Acquisition – *DECISION ITEM*
6. Red River Basin Commission (RRBC) Grant and Work Plan – *DECISION
ITEM*
7. Legislative Update – *INFORMATION ITEM*



COUNTY OF STEARNS

Environmental Services Department

Administration Center Rm 343 • 705 Courthouse Square • St. Cloud, MN 56303
320-656-3613 • Fax 320-656-6484 • 1-800-450-0852

December 27, 2005

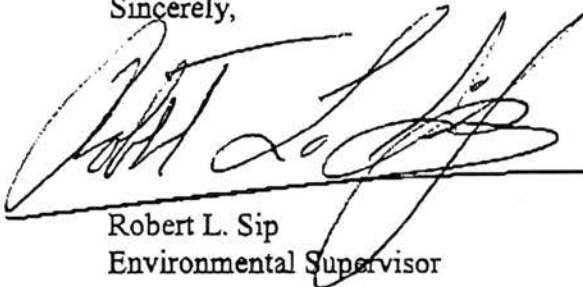
Dan Steward
Board Conservationist
MN BWSR
217 South 7th Street
Brainerd, MN 56401

Dear Mr. Steward,

Stearns County is requesting a one year extension to update the Stearns County Comprehensive Local Water Management Plan. The new proposed date is January 31, 2008. This request is being driven by the fact that over the next two years, the Stearns County Comprehensive Landuse Plan will be re-written in conjunction with the Water Management Plan re-write.

Stearns County wants to take advantage of the public meetings that will be held for the Landuse Plan re-write. By coordinating efforts, public funds will be expended in an efficient manner and duplication of efforts will be avoided. Attached is a resolution requesting the extension as requested by BWSR. Future correspondence regarding the Water Management Plan can be submitted to Sue McGuire of this Department. Thank you.

Sincerely,



Robert L. Sip
Environmental Supervisor

RECEIVED

DEC 28 2005

**BD OF WATER & SOIL
RESOURCES - BRAINERD**

Coordinating, Initiating and Implementing Environmental Health and Natural Resource Programs in Stearns County

Stearns County Resolution Number 05-138

**Resolution to Update the Stearns County
Comprehensive Local Water Management Plan**

WHEREAS, Minnesota Statutes, Chapter 103B.301, Comprehensive Local Water Management Act, authorizes Minnesota Counties to develop and implement a local water management plan; and

WHEREAS, the Act requires that a county update and revise their local water management plan on a periodic basis; and

WHEREAS, the Act encourages that a county coordinate its planning with contiguous counties, and solicit input from local governmental units and state review agencies; and

WHEREAS, the Act requires that plans an official controls of other local governmental units be consistent with the local water management plan; and

WHEREAS, Stearns County has determined that the revision and continued implementation of a local water management plan will help promote the health and welfare of the citizens of Stearns County; and

NOW, THEREFORE, BE IT RESOLVED, that the Stearns County Board of Commissioners resolve to revise and update its current local water management plan and to request a one year extension to update the plan by January 31, 2008.

BE IT FURTHER RESOLVED that Stearns County will coordinate its efforts in the revision and update of its plan with all local units of government within the county, and the state review agencies; and will incorporate, where appropriate, any existing plans and rules which have been developed and adopted by watershed districts having jurisdiction wholly or partly within Stearns County into its local water management plan.

BE IT FURTHER RESOLVED that the Stearns County Board of Commissioners authorizes the Stearns County Comprehensive Local Water Management Advisory Committee to revise and update the plan and shall report to the County Board on a periodic basis.

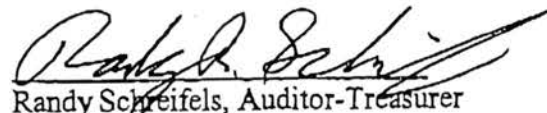
BE IT FURTHER RESOLVED that the Stearns County Board of Commissioners delegates the Stearns County Environmental Services Department the responsibility of coordinating, assembling, writing and implementing the revised local water management plan pursuant to M.S. 103B.301.

Adopted by the Stearns County Board of Commissioners this 20th day of December, 2005.

APPROVED:


Vince Schaefer, Chair
Stearns County Board of Commissioners

ATTEST:


Randy Schreifels, Auditor-Treasurer
Clerk
Stearns County Board of Commissioners

COOPERATIVE AGREEMENT		DRAFT 4/10/06	
AGREEMENT NO.		PAGE 1 OF 20 PAGES	
ISSUED BY: NATIONAL GUARD BUREAU		ISSUED TO: MINNESOTA BOARD OF WATER AND SOIL RESOURCES	

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EXECUTION

By executing this Cooperative Agreement, the parties agree to the terms and conditions contained herein, including attachments.

IN WITNESS WHEREOF, the parties, by their authorized representatives, execute this Cooperative Agreement.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES	NATIONAL GUARD BUREAU
BY: _____ BWSR, Director	BY: _____ NGB-PARC (Principal Assistant Responsible for Contracting)
_____ Date	_____ Date
Contract review and approval: _____ Dept. of Administration _____ Date	Approved as to legal form: _____ NGB-JA _____ Date
	Approved as to availability of funds: _____ NGB-ARZ-DRM

ARTICLE I - SCOPE, PURPOSE AND AUTHORITY**Section 101. General.**

- a. The National Guard Bureau (NGB) and the State of Minnesota, acting by and through its Minnesota Board of Water and Soil Resources (BWSR) have entered into this Cooperative Agreement (CA) to establish the terms and conditions applicable to the contribution of Federal funds to assist BWSR's acquisition of long-term interest in or title to parcels of land adjacent to Minnesota Department of Military Affairs' Camp Ripley in accordance with Title 10 U.S.C. Chapter 159 Section 2684a.
- b. This CA with attachments includes all terms and conditions related to NGB's contribution of funds for the above stated purpose. Attachments are an integral part of this CA.

Section 102. Scope.

The scope of this CA includes all activities enumerated in this agreement and Attachments.

Section 103. Performance Specifications.

Specifications for the performance of these activities are contained within the scope of this CA are contained in Article VII and Attachments.

Section 104. Authority.

- a. Section 2684a of Title 10, United States Code as added by Section 2811 of the National Defense Authorization Act for Fiscal Year 2003, Public Law 107-314, authorizes the Secretary of the Army to enter into agreements with State or Local governments or private conservation organizations to address the use or development of real property in the vicinity of a military installation. Such agreements are for the purposes of (a) limiting any development or use of the property that would be incompatible with the mission of the installation; or (b) preserving habitat on the property that is compatible with environmental requirements and that may eliminate or relieve environmental restrictions that would restrict, impede, or interfere with military training, testing, or operations on the installation. By Delegation of Authority dated September 4, 2003, the Acting Secretary of the Army delegated this authority to the Assistant Secretary of the Army (Acquisition, Logistics, and Technology). On September 30, 2003, the Assistant Secretary of the Army (Acquisition, Logistics, and Technology) delegated this authority to the Chief, National Guard Bureau. Also on September 30, 2003, the Chief, National Guard Bureau, has re-delegated this authority to the Principal Assistant Responsible for Contracting, National Guard Bureau. All aforementioned delegations expire on July 1, 2011, unless sooner rescinded in writing.
- b. Minnesota Statutes, section 103B.101, subdivision 9 (2005), states that the BWSR may accept grants, gifts, donations, or contributions in money, services, materials, or otherwise from the United States, a state agency, or others source to achieve an authorized purpose. The Board may receive and expend money to acquire conservation easements, as defined in Minnesota Statutes Chapter 84C (2004), on behalf of the state and federal government consistent with the Camp Ripley's Army Compatible Use Buffer Project (ACUB). Any money received is hereby appropriated and dedicated for the purpose for which it is granted.

Minnesota Statutes sections 103F.501 to 103F.531 (2004) authorizes BWSR to keep certain marginal agricultural land out of production to protect soil and water quality and support fish and wildlife habitat. It is state policy to encourage the retirement of marginal, highly erodible land, particularly adjacent to public waters, drainage systems, wetlands, and locally designated priority waters, from crop production and to reestablish a cover of perennial vegetation.

ARTICLE II - OBLIGATIONS OF THE PARTIES

Section 201. Obligations of the BWSR

- a. The BWSR shall exercise its best efforts to supervise, manage, operate and/or maintain all activities or projects within the scope of this CA according to sound, efficient, commercial practice and the terms, conditions, and specifications of this CA.
- b. The BWSR will generate sufficient funds to satisfy the cost sharing requirements of this CA, which will include but not be limited to in-kind services and real estate transactions provided by the BWSR, landowners, and Project Participants throughout the ten mile project area as outlined in Attachment B. An annual report will be submitted by the BWSR to document the cost sharing invested in the project area.
- c. The BWSR's obligations under the provisions of this CA are contingent upon the NGB funding of this CA in each fiscal year.

Section 202. Obligations of NGB.

- a. NGB shall reimburse or advance funds to the BWSR for the allowable acquisition costs as defined in Section 721 incurred in performance of this CA according to its terms and conditions for reimbursement or advance. NGB will send reimbursement or advance funds to BWSR within 30 days of the receipt of an invoice or memorandum requesting advance funds with supporting documentation to justify the advance. NGB may reimburse the BWSR in advance as stated in Section 501a of this CA.
- b. Whenever the terms of this CA provide for approval by NGB, the approval will not be unreasonably withheld. Any request for approval shall be considered and acted upon by NGB in a timely fashion.
- c. The obligations of NGB are subject to the availability of Federal funds for the CA.

ARTICLE III - COSTS

Section 301. General.

- a. NGB shall make available an amount not to exceed \$900,000 for Fiscal Year 2006 toward the cost of acquiring real estate interests in land parcels identified in Attachment A of the CA.
- b. Future funding will depend upon availability of Federal funds in each fiscal year.

Section 302. Cost Sharing.

- a. The total estimated Federal cost of this CA for Fiscal Year 2006 is an amount not to exceed \$900,000. The minimum cost sharing contribution from the BWSR, Landowners, and Project Participants for Fiscal Year 2006, is \$225,000 to include reimbursable expenses outlined in Section 721 and in-kind services, Landowner contributions, and Project Participant contributions as defined in Attachment C. The BWSR, Landowners, Project Participant, and NGB contributions will be documented in the annual report submitted by the BWSR for each fiscal year.

Section 303. BWSR Annual Report.

- a. The BWSR shall deliver to the Chief, National Guard Bureau, Environmental Programs Division an accounting of funding and disbursements under the CA for each fiscal year. The accounting shall include properties where NGB's funds are being expended and include the items outlined in Attachment B.

ARTICLE IV - FUNDING LIMITATIONS**Section 401. Funding Limitation.**

- a. The maximum funding limitation amount for NGB for Fiscal Year 2006 is an amount not to exceed \$900,000
- b. Funding for subsequent Fiscal Years will be accomplished by a bilateral modification of this CA.
- c. The BWSR shall be responsible for management of lands or interest in lands acquired and held by the BWSR through this CA contingent upon appropriations by the Minnesota Legislature.

Section 402. Method of Funding.

- a. The Army National Guard Comptroller in conjunction with the NGB Environmental Programs Division will provide funding in an amount not to exceed \$900,000 to the BWSR.
 1. Advance Funds: The BWSR must request advance funds at least 30 days prior to the date needed for closing on parcels. The request for funds will include documentation supporting the request to include: closing date, acreage, location, appraised value of parcel or easement, amount of NGB funds requested, and nature of interest being acquired. NGB acknowledges that the property interests subject to the CA, if successfully negotiated for acquisition by BWSR, cannot be acquired until the acquisition funds are received from NGB and NGB has authorized expenditure of such funds.
 2. Reimbursement of Expenditures: The NGB will reimburse the BWSR for expenses incurred within 30 days of invoice receipt for allowable expenditures as outlined in Section 721.
- b. All funds to be contributed through this CA shall be considered to be obligated upon final signature of the CA and proper posting to the NGB accounting system during the current Fiscal Year.

Section 403. Limitation on the Availability of Funds for BWSR's Obligation.

- a. Funds provided by NGB under this CA for any federal fiscal year are available for obligation (as the term "obligation" is defined in 32 CFR 33.3) by the BWSR only as long as the BWSR or Project Participant initiates action during the fiscal year to accomplish real estate transactions for parcels listed in the applicable Attachment A. "Initiates action" as the phrase is used herein shall mean and refer to the inclusion of the property on an acquisition list and the receipt of a signed easement application.
- b. The BWSR will purchase conservation easements from landowner who voluntarily enroll in the ACUB Program. Landowners who chose to enroll will be paid 50% of the county assessor's average market value of the land in township the land is located. Conservation easement payment rates are shown in Attachment B.

ARTICLE V - PAYMENT**Section 501. Payment by Advance**

- a. NGB may reimburse the BWSR in advance. The advance payment shall be made according to the procedures established by the Defense Finance and Accounting Service and the NGB Army Comptroller Division.
- b. Funds advanced shall be deposited into a special account indicating the source and purpose of the funds pursuant to State Accounting and Budgetary Procedures Law.
- c. The BWSR agrees to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the BWSR.
- d. The funds provided by this advance payment arrangement are to be used solely by the BWSR for the items of allowable acquisition costs incurred in the performance of this CA as defined in Section 721.
- e. Appropriate payment documents, such as vouchers, options, or closing statements, for actual expenditures shall be submitted to the NGB Army Comptroller Division during the period for which advanced payments have been made. The documents shall be reconciled with the advanced payments that were previously made and shall be applied to the liquidation of those advanced payments outstanding.
- f. The BWSR shall make records and accounts pertaining to this CA available for inspection by auditors and other authorized Federal government officials as required.

Section 502. Direct Federal Payment of State Obligations.

- a. In no event, shall the NGB make direct payment to a BWSR contractor, BWSR employee, contractor employee, or BWSR vendor for any costs incurred by the BWSR under this CA.

ARTICLE VI - DEFINITIONS**Section 601. Chief, National Guard Bureau.**

The Chief, National Guard Bureau means the head of the National Guard Bureau or his designee.

Section 602. Fiscal Year.

Fiscal Year (FY) means the federal funding year that begins on October 1 and ends on September 30.

Section 603. STATE OF MINNESOTA BOARD OF WATER AND SOIL RESOURCES

- a. As set forth in Minnesota Statutes sections 103F.501 to 103F.531 (2005), the BWSR is the state's administrative agency for 90 soil and water conservation districts, 46 watershed districts, 23 metropolitan watershed management organizations, and 80 county water managers. The agency's purpose, working through local government, is to protect and enhance the state's irreplaceable soil and water resources by implementing the state's soil and water conservation policy, comprehensive local water management, and the Wetland Conservation Act as it relates to the 41.7 million acres of private land in Minnesota.
- b. Because 78 percent of the state's land is in private ownership, the BWSR's focus on private lands is critical for the state to attaining its goals for clean water, clean air, and abundant fish and wildlife. Managed wisely, these working lands – Minnesota's farms, forest, and urban areas – contribute greatly to the production of environmental goods and benefits including cleaner air and water, fish and wildlife habitat, and preservation of open spaces.
- c. The BWSR has a unique service delivery system using the staff and resources of local government, along with the state staff and resources, to work with private landowners to implement conservation on the ground. This provides an opportunity to partner state, federal, local, and private resources to private lands projects that help maintain water quality, prevent soil loss and erosion, plan for land use, and protect wetlands. These partnerships in service delivery ensure that the interest of state policy is implemented with local issues and problems in mind.

Section 604. Grants Officer.

- a. Grants Officer (GO) shall mean an individual appointed by the NGB, Head of Contracting Activity (HCA) authorized to provide approvals, receive reports, modify or change the terms of this CA, provide funds under the CA or take any other action for NGB under this CA except for deciding any appeal of a dispute under this CA as provided in Section 1203 and any other action delegated to a specific person by this CA. For purposes of this agreement, the Grants Officer shall be the National Guard Bureau Principal Assistant Responsible for Contracting.

Section 605. Grants Officer Representative.

- a. Grants Officer Representative (GOR) means a representative of the Grants Officer acting within the limits of his or her authority as delegated, in writing, by the Grants Officer.

Section 606. National Guard Bureau.

- a. The National Guard Bureau (NGB) is a Joint Bureau of the Department of the Army and the Department of the Air Force, headed by a chief who is the advisor to the Army Chief of Staff and the Air Force Chief of Staff on National Guard matters. The National Guard Bureau is the channel of communication between the departments concerned and the several States, Territories, Puerto Rico, and the District of Columbia, on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

Section 607. State.

- a. Any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State exclusive of local governments.

Section 608. Project Participants.

- a. The Project Participants refer to the list enumerated in Attachment B.

ARTICLE VII - GENERAL PROVISIONS

Section 701. Term of Agreement.

- a. Unless sooner terminated by its terms or extended for project completion, this CA shall terminate on September 30, 2011.

Section 702. Primary Benefit.

- a. This CA is intended for the primary benefit of NGB, Minnesota Department of Military Affairs, and the State of Minnesota through the BWSR.

Section 703. Modification.

- a. This CA may be modified only by a written instrument signed by the parties hereto.

Section 704. Successors and Assigns.

- a. This CA may not be assigned by a party without the express written consent of the other party. All covenants made under this CA shall bind and inure to the benefit of any successors and assigns of the parties whether or not expressly assumed or acknowledged by such successors or assigns.

Section 705. Entire Agreement.

- a. This CA forms the entire agreement between the parties as to scope and subject matter of this CA. All prior discussions and understandings concerning the scope and subject matter are superseded and incorporated by this CA.

Section 706. Severability.

- a. If any provision of this CA is held judicially invalid, the remainder of the CA shall continue in force and effect to the extent not inconsistent with such holding.

Section 707. Waiver of Breach.

- a. If a party waives enforcement of any provision of this CA upon any event of breach by the other party, the waiver shall not automatically extend to any other or future events of breach.

Section 708. Notices.

- a. Any notice, transmittal, approval, or other official communication made under this CA shall be in writing and shall be delivered by hand, facsimile transmission, or by mail to the other party at the address or facsimile transmission telephone number set forth below or at such other address as may be later designated:

Dr. Tom Kennedy
Principal Assistant Responsible for Contracting
National Guard Bureau
ATTN: NGB-AQ
1411 Jefferson Davis Highway
Arlington, VA 22202-3231
703-607-1174 fax

Ron Harnack
Executive Director
Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, MN 55155
651-296-0878
651-297-5615 (fax)

Section 709. Execution.

- a. This CA may be executed in several counterparts, each of which shall be deemed an original.

Section 710. Conflict of Interest.

- a. The BWSR shall insure that its employees are prohibited from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others.

Section 711. Access to and Retention of Records.

- a. The BWSR shall afford any authorized representative of NGB, the Department of Defense, or the Comptroller General access to and the right to examine all records, books, papers, and documents ("Records") that are within the State's custody or control and that relate to its performance under this CA. The BWSR shall retain all such records intact in a form, if not original documents, as required by Minnesota law for at least three (3) years following termination of this CA.

Section 712. Change of Circumstances.

- a. Each party shall promptly notify the other party of any legal impediment, change of circumstances, pending litigation, or any other event or condition that may adversely affect the party's ability to carry out any of its obligations under this CA.

Section 713. Liability and Indemnity.

- a. Nothing in this CA shall be construed as an indemnification by one party of the other for liabilities of a party or third persons for property loss or damage or death or personal injury arising out of and during the performance of this CA, or arising from any other action that may arise as a result of this agreement. Any claims or any liabilities or claims for property loss or damage or for death or personal injury by a party or its agents, employees, contractors or assigns or by third persons, arising out of and during the performance of this CA shall be determined according to applicable law. The BWSR's liability is subject to the limits and exclusions contained in the Minnesota Tort Claims Act, Minnesota Statutes, sec. 3.736.

Section 714. Reports.

- a. In addition to any financial or other reports required by the terms of this CA, NGB will require the BWSR to prepare an annual report to document the contributions of the BWSR and Project Participants. The NGB may request the BWSR to provide additional information relating to this CA. The BWSR agrees to provide any additional information within a reasonable time of request and in such detail as may be required.

Section 715. Special State Requirements.

- a. Changes to established requirements of this CA made necessary by governing state statutes will be coordinated with NGB Office of the Chief Counsel prior to submission of this CA for approval by NGB. Upon acceptance of the submitted change or alteration by the NGB Office of Chief Counsel, a complete statement of alterations or changes, along with their justification, must be either presented below or attached to this CA and will be considered a part hereof.

Section 716. Confidentiality of Appraisals.

- a. In accordance with Army Regulation 405-10, paragraph 1-7b, the NGB will maintain the confidentiality of all appraisals until the data becomes public.

Section 717. Availability of Public Records

- a. Except as provided in Section 716 above, the NGB understands and agrees that all documents, papers, letters, maps and other materials specifically relating to the acquisition of a parcel are public data, unless otherwise provided under the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13 (2004).

Section 718. Certifications.

- a. None.

Section 719. Ownership of Real Estate.

- a. Title to land interests acquired with federal funds under this CA shall be subject to 10 U.S. C. Sec. 2684a(d)(3), and shall be held either: (i) solely by the State of Minnesota, acting by and through the BWSR, or (ii) jointly by the State of Minnesota, acting by and through the BWSR and a non-governmental organization or other government unit as a subcontractor to the BWSR, and authorized to hold conservation easements pursuant to Minnesota Statutes, section 84C.01, section 103B.101, subd 9, and sections 103F.501 to 103F.531. The BWSR may transfer management responsibilities in its holding of a conservation easement to a party eligible to hold conservation easements under Minnesota Statutes. The BWSR may transfer ownership and management responsibilities in its holding in a conservation easement to Cass County, Crow Wing County, Morrison County or the Minnesota Department of Natural Resources, which are eligible to hold conservation easements. Any transfer of ownership or management responsibilities will provide that the recipient is subject to the terms and conditions of this CA, as amended and modified.
- b. If requested by the Secretary of the Army in the future, the BWSR agrees to transfer any portion of the property or interest acquired under this agreement or a lesser interest therein to the United States. Any request from the Secretary of the Army shall be limited to the minimum property or interests necessary to ensure that the property concerned is developed and used in a manner appropriate for purposes of 10 U.S.C. §2684a as outlined in Section 104a.
- c. The parties agree and acknowledge that only the parcel or parcels of land severed from the properties acquired in less than fee simple with funds provided by NGB under the provisions of this CA shall be deemed "under" the CA, as referred to in title 10, chapter 159, Section 2684a(d)(3). This CA shall not be construed to apply to any real property or interest therein acquired by the BWSR with state funds whether or not such property is included within the properties listed in Attachment A.
- d. The BWSR and the Minnesota Army Reserve National Guard must agree with the selection of parcels to be acquired under this agreement.

Section 720. Interest To Be Acquired.

- a. The real property interest to be acquired will be less-than-fee; provided, however, the parties shall have agreed to the form of the acquisition, the property rights to be acquired and the legal rights and responsibilities to be obtained or assumed, and the specifications for such less-than-fee acquisition are attached to this CA as an exhibit.

Section 721. Allowable Acquisition Costs.

- a. Except on limited in paragraph 2 below, the NGB shall contribute to all valid reimbursable expenses associated with the acquisition of less-than-fee simple real property interests including but not limited to: all administrative and technical costs associated with conservation easement acquisition for BWSR or project participants, conservation plan implementation costs, easement purchase price, legal fees and title insurance costs. The NGB cost is not to exceed 7.5% above the purchase price in expenses for the contract services or acquisition costs in accordance with federal auditable standards.
- b. The NGB will reimburse the BWSR or Project Participants for certain expenses associated with the acquisition of less-than-fee simple real property interests including, but not limited to, easement monitoring escrows and indirect expenses.

Section 722. Negotiations

- a. Negotiations with the owners of all parcels will be conducted by the BWSR, or its Project Participants, in a manner intended to assure that the most favorable price and terms are obtained for the BWSR.

Section 723. Management and Monitoring of Lands Acquired by the BWSR

- a. The costs of long-term management and easement monitoring is the responsibility of the BWSR or Project Participants. In the event that a Project Participant defaults in the long-term monitoring of easements, the BWSR will assume responsibility or reassign management responsibilities to a party that is eligible to hold a conservation easement. Pursuant to 10 USC Section 2684a(d)(1)(B), the US may share only in the cost of acquisitions. The NGB shall cooperate in development of each land management plan where appropriate and practicable. Each parcel shall be managed such that development or use of the land will be compatible with the mission of Camp Ripley and such that natural resources on the parcel are preserved to help eliminate or relieve current or anticipated environmental restrictions that might otherwise restrict, impede, or otherwise interfere, either directly or indirectly, with current or anticipated military training and operations on Camp Ripley. Any parcel encumbered through a conservation easement pursuant to this CA shall be managed or monitored by the BWSR or the party holding a conservation easement, under the provisions of Section 719 a., for the conservation purposes set forth in this CA, and implemented according to a management plan or the terms of the easement.

ARTICLE VIII - REPRESENTATIONS AND CERTIFICATIONS

Include the following provisions in any contracts resulting from this Cooperative Agreement

Section 801. Applicable Law.

- a. This CA is incidental to the implementation of a Federal program. Accordingly, this CA shall be governed by and construed according to Federal law as it may affect the rights, remedies, and obligations of the United States.

Section 802. Governing Regulations.

- a. To the extent not inconsistent with the express terms of this Agreement, the provisions of 32 CFR Part 33, Uniform Administrative Requirements for Grants and Cooperative Agreements, apply to this CA.

Section 803. Nondiscrimination.

- a. The Contractor/Vendor agrees that no person shall be denied benefits of, or otherwise be subjected to discrimination in connection with the State of Minnesota's performance under this CA, on the ground of race, religion, color, national origin, sex or handicap. Accordingly and to the extent applicable, the BWSR covenants and agrees to comply with the following:
 1. Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), and DOD regulations (32 CFR Part 300) issued thereunder;
 2. Executive Order 11246 and Department of Labor regulations issued thereunder (41 CFR Part 60);
 3. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and DOD Regulations issued thereunder (32 CFR Part 56); and,
 4. The Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.) and regulations issued thereunder (45 CFR Part 90).

Section 804. Lobbying.

- a. The Contractor/Vendor agrees that it will not expend any funds appropriated by Congress to pay any person for influencing or attempting to influence an officer or employee of any agency, or a Member of Congress in connection with any of the following covered Federal actions: the awarding of any Federal contract; the making of any Federal grant; the making of any Federal loan; the entering into of any cooperative agreement; and, the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- b. The Final Rule, New Restrictions on Lobbying, issued by the Office of Management and Budget and the Department of Defense (32 CFR Part 28) to implement the provisions of section 319 of Public Law 101-121 (31 U.S.C. § 1352) is incorporated by reference.

Section 805. Drug-Free Work Place.

- a. The Contractor/Vendor agrees that it will comply with the provisions of the Drug-Free Work Place Act of 1988 (Public Law 100-690, Title V, Subtitle D; 41 U.S.C. § 701 et seq.) and maintain a drug-free workplace.
- b. The Final Rule, Government-Wide Requirements for Drug-Free Workplace (Grants), issued by the Office of Management and Budget and the Department of Defense (32 CFR Part 28, Subpart f) to implement the provisions of the Drug-Free Work Place Act of 1988 is incorporated by reference and the BWSR covenants and agrees to comply with all the provisions thereof, including any amendments to the Final Rule that may hereafter be issued.

Section 806. Equal Employment Opportunity.

- a. The Contractor/Vendor agrees to comply with Executive Order 11246 of September 24, 1965 entitled "Equal Employment Opportunity," as amended by Department of Labor regulations (41 CFR Chapter 60).

Section 807. Copeland "Anti-Kickback" Act.

- a. The Contractor/Vendor agrees that it will comply with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). As applied to this CA, the Copeland "Anti-Kickback" Act makes it unlawful to induce, by force, intimidation, threat or procuring dismissal from employment, or otherwise, any person employed in the construction or repair of public buildings or public works, financed in whole or in part by the United States, to give up any part of the compensation to which that person is entitled under a contract of employment.

Section 808. Exceptions to Provisions of Article VIII.

- a. The above provisions in Article VIII do not apply to land transactions. They apply only to any other contracts written as a result of this agreement, which are funded with these federal funds.

ARTICLE IX - RESERVED

ARTICLE X - LEGAL AUTHORITY

Section 1001. Legal Authority.

- a. Neither the BWSR nor NGB is under any existing or foreseeable legal disability that would prevent or hinder it from fulfilling the terms and conditions of this CA. The parties shall promptly notify each other of any legal impediment that arises during the term of this CA that may prevent or hinder its fulfillment of its obligations under this CA.
- b. The NGB enters into this CA pursuant to the provisions of 10 USC Section 2684a and 31 USC Section 6305.
- c. The BWSR enters into this CA pursuant to the provisions of Minnesota Statutes, 2005, Section 103B.101, subdivision 9, Minnesota Statutes, Chapter 84C, Minnesota statutes 103F.505 – 103F.521 and other applicable law.

ARTICLE XI - TERMINATION, ENFORCEMENT, CLAIMS, DISPUTES RESOLUTION AND APPEALS**Section 1101. Termination.**

- a. This CA may be terminated by either party according to the terms and conditions of 32 CFR § 33.44. See also Article VII, Section 724.

Section 1102. Enforcement.

- a. NGB may take such actions to enforce the terms of this CA as may be provided for in and under the terms of 32 CFR § 33.43.

Section 1103. Claims, Disputes Resolution and Appeals.

- a. Any claim made by the BWSR arising out of this CA shall be presented in writing to the Grants Officer. The claim shall include: the amount of monetary relief claimed or the nature of other relief requested; the basis for relief; and, the documents or other evidence pertinent to the claim.
- b. Claims shall be made within 60 days after the basis of the claim is known or should have been known, whichever is earlier. It is the BWSR's duty to include in its claim all information needed to demonstrate its timeliness.
- c. Upon receipt of a claim, the Grants Officer shall provide a written decision denying or sustaining the claim, in whole or part, which decision shall include the reason for the action, within 60 days of the date of the receipt of a claim. The determination shall be final unless appealed by the BWSR pursuant to the provisions of this section.
- d. Alternative Dispute Resolution (ADR).
 1. It is NGB policy to try to resolve all issues concerning cooperative agreements at the Grants Officer's level. Grant Officers are encouraged to use ADR procedures to the maximum extent practicable.
 2. If the BWSR decides to appeal a Grants Officer's decision, the Grants Officer shall encourage the BWSR to enter into ADR procedures. The ADR procedures to be used shall be agreed to at the time the parties determine to employ them.
- e. Appeals.
 1. Grant Appeal Authority. The CNGB shall designate a Grants Appeal Authority at the time of receipt of appeal.
 2. Right of Appeal. The BWSR has the right to appeal a Grants Officer's decision to the Grant Appeal Authority.
 3. Appeal Procedures.
 - a. The BWSR may appeal a decision of the Grants Officer within 90 days of receiving that decision, by filing a written notice of appeal to the Grant Appeal Authority and to the Grants Officer.
 - b. Within 30 days of receiving the notice of appeal, the Grants Officer shall forward to the Grant Appeal Authority and the BWSR the appeal file, which shall include copies of all documents relevant to the appeal.
 - c. Any fact-finding or hearing shall be conducted using procedures that the Grant Appeal Authority deems appropriate.
- f. Nothing in this section is intended to limit the BWSR's right to any remedy under the law or in equity.

Attachment A: Parcels to be Pursued by the BWSR in Fiscal Year 2006

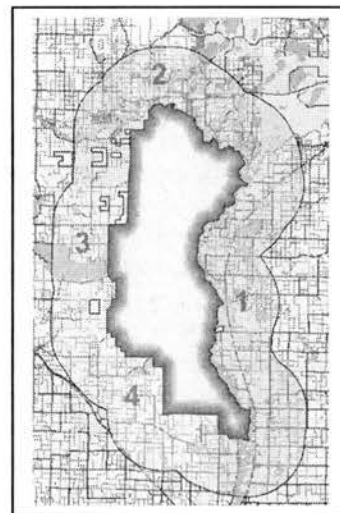
A parcel, interest in a parcel or parcels to be pursued by the BWSR in Fiscal Year 2006 must be located within the three-mile buffer area surrounding Camp Ripley. Furthermore, the parcels will be pursued in accordance with a prioritization process presented in the Camp Ripley Army Compatible Use Buffer (ACUB) proposal including, but not limited to, proximity to Camp Ripley, size of parcel(s), potential for development, land owner willingness, availability, and cost. The three-mile buffer area encompasses a total of 110,923 acres and is further subdivided into four priority areas including:

Priority Area 1 – Mississippi River Corridor (40,925 total acres)

Priority Area 2 – Crow Wing River Corridor (30,838 total acres)

Priority Area 3 – Lincoln Lakes Area (16,707 total acres)

Priority Area 4 – Randall Agricultural Lands (22,453 total acres)



The four priority areas shown in the attached map were delineated based on the potential for development, opportunities for land and/or development right acquisitions, and the potential for partnering.

Parcels to be pursued by the BWSR in FY06 include interest in a parcel or parcels valued at approximately \$1,125,000 (\$900,000 federal and \$225,000 minimum cost-share) severed from one or more of the priority areas within the Camp Ripley ACUB.

Whether a parcel or parcels is sufficiently in the vicinity of Camp Ripley shall be determined by NGB.

The parties agree and acknowledge that only the parcel or parcels of land severed from the properties located within the four priority areas listed above and acquired with funds provided by NGB under the provisions of this CA shall be deemed "under" the CA, as referred to in title 10, chapter 159, s. 2684a(d)(3).

Attachment B: Payment Rates

County	Township/City	ACUB Payment Rate
Cass	Ansel township	541
Cass	Barclay township	661
Cass	Becker township	579
Cass	Birch Lake township	564
Cass	Blind Lake township	524
Cass	Boy Lake township	500
Cass	Boy River township	388
Cass	Bull Moose township	552
Cass	Bungo township	604
Cass	Byron township	546
Cass	Chickamaw Beach city	678
Cass	Deerfield township	543
Cass	Fairview township	653
Cass	Federal Dam city	375
Cass	Gould township	355
Cass	Hiram township	500
Cass	Home Brook township	547
Cass	Inguadona township	458
Cass	Kego township	540
Cass	Lake Shore city	676
Cass	Leech Lake township	516
Cass	Lima township	461
Cass	Loon Lake township	646
Cass	Maple township	552
Cass	May township	561

County	Township/City	ACUB Payment Rate
Cass	McKinley township	544
Cass	Meadow Brook township	538
Cass	Moose Lake township	542
Cass	Pike Bay township	350
Cass	Pillager city	949
Cass	Pine River township	593
Cass	Ponto Lake township	498
Cass	Poplar township	545
Cass	Powers township	521
Cass	Remer city	505
Cass	Remer township	492
Cass	Rogers township	504
Cass	Salem township	367
Cass	Shingobee township	643
Cass	Slater township	420
Cass	Smoky Hollow township	436
Cass	Sylvan township	662
Cass	Thunder Lake township	450
Cass	Torrey township	380
Cass	Trelipe township	530
Cass	Turtle Lake township	500
Cass	Unorg. 142-25	428
Cass	Unorg. 144-25	396
Cass	Wabedo township	750
Cass	Walden township	568
Cass	Wilkinson township	375
Cass	Wilson township	609
Cass	Woodrow township	514

County	Township/City	ACUB Payment Rate
Crow Wing	1st Assessment	1,907
Crow Wing	Baxter city	2,822
Crow Wing	Bay Lake township	815
Crow Wing	Center township	732
Crow Wing	Crosslake city	1,376
Crow Wing	Crow Wing township	767
Crow Wing	Daggett Brook township	827
Crow Wing	Dean Lake township	719
Crow Wing	Deerwood township	792
Crow Wing	Emily city	826
Crow Wing	Fairfield township	703
Crow Wing	Fifty Lakes city	827
Crow Wing	Fort Ripley city	819
Crow Wing	Fort Ripley township	829
Crow Wing	Gail Lake township	711
Crow Wing	Garrison township	661
Crow Wing	Ideal township	1,211

County	Township/City	ACUB Payment Rate
Morrison	Agram township	723
Morrison	Belle Prairie township	734
Morrison	Bellevue township	725
Morrison	Bowlus city	748
Morrison	Buckman city	744
Morrison	Buckman township	731
Morrison	Buh township	742
Morrison	Culdrum township	749
Morrison	Cushing township	706
Morrison	Darling township	722
Morrison	Elmdale city	753
Morrison	Elmdale township	762
Morrison	Flensburg city	746
Morrison	Genola city	748
Morrison	Granite township	770
Morrison	Green Prairie township	719
Morrison	Harding city	717
Morrison	Hillman city	700
Morrison	Hillman township	733
Morrison	Lakin township	735
Morrison	Lastrup city	742

County	Township/City	ACUB Payment Rate
Crow Wing	Jenkins city	991
Crow Wing	Jenkins township	1,053
Crow Wing	Lake Edwards township	1,100
Crow Wing	Little Pine township	662
Crow Wing	Long Lake township	768
Crow Wing	Maple Grove township	788
Crow Wing	Mission township	1,217
Crow Wing	Nokay Lake township	801
Crow Wing	Oak Lawn township	550
Crow Wing	Pequot Lakes city	1,086
Crow Wing	Perry Lake township	942
Crow Wing	Platte Lake township	614
Crow Wing	Rabbit Lake township	580
Crow Wing	Roosevelt township	601
Crow Wing	Ross Lake township	767
Crow Wing	St. Mathias township	826
Crow Wing	Timothy township	866
Crow Wing	Wolford township	606

County	Township/City	ACUB Payment Rate
Morrison	Leigh township	707
Morrison	Morrill township	593
Morrison	Motley township	706
Morrison	Mount Morris township	729
Morrison	Parker township	734
Morrison	Pierz city	733
Morrison	Pierz township	744
Morrison	Pike Creek township	741
Morrison	Platte township	731
Morrison	Pulaski township	723
Morrison	Randall city	727
Morrison	Richardson township	710
Morrison	Ripley township	717
Morrison	Rosing township	960
Morrison	Royalton city	699
Morrison	Scandia Valley township	737
Morrison	Sobieski city	746
Morrison	Swan River township	768
Morrison	Swanville township	754
Morrison	Two Rivers township	785
Morrison	Upsala city	747

Attachment C: Project Participants

Realizing the significance that encroachment poses to military installations across the country, the Minnesota Department of Military Affairs prepared an Army Compatible Use Buffer (ACUB) proposal for Camp Ripley. The study was initiated in October 2001 and focused on a ten-mile area around Camp Ripley encompassing 516,000 acres or 806 square miles. This represents the "Study Area" for the purposes of this CA.

The primary purpose of the ACUB is to create and enhance a natural buffer around Camp Ripley to ensure that the military training mission of Camp Ripley is not impeded by the impacts of encroachment. Secondly, the ACUB will greatly benefit the natural resources of central Minnesota by minimizing the fragmentation of surrounding lands and subsequent loss of valuable habitat for sensitive species. Lastly, the ACUB will contribute to preserving the local heritage by maintaining the rural character of the area that residents cherish. Because of the multiple benefits that will be realized through the ACUB, the Camp Ripley ACUB has generated interest from numerous governmental and conservation organizations. As a result, the Camp Ripley ACUB is known locally as "*Central Minnesota Prairie to Pines Partnership...preserving our heritage*".

To date, twenty-one organizations have come forward as partners to assist in the implementation of the Camp Ripley ACUB. The following list of partners, herein referred to as "Project Participants," are parties to the Central Minnesota Prairie to Pines Partnership.

- Audubon Society, Minnesota Chapter
- Brainerd Lakes Area Audubon Society
- Cass County Board of Commissioners
- Cass County Soil and Water Conservation District
- Crow Wing County Board of Commissioners
- Crow Wing County Soil and Water Conservation District
- Ducks Unlimited
- Minnesota Board of Water and Soil Resources
- Minnesota Department of Natural Resources
- Minnesota Department of Transportation, District 3
- Minnesota Deer Hunters Association
- Minnesota Land Trust
- Minnesota National Guard
- Morrison County Board of Commissioners
- Morrison County Soil and Water Conservation District
- National Wild Turkey Federation, Minnesota Chapter
- Parks and Trail Council of Minnesota
- Pheasants Forever
- The Nature Conservancy, Minnesota Chapter
- The Trust for Public Land
- 1000 Friends of Minnesota

Section 302 of this CA requires cost-sharing from the Project Participants and the BWSR, Landowners, and Project Participants in support of the federal contribution of funds. The total estimated Federal cost of this CA for Fiscal Year 2006 is an amount not to exceed \$900,000. The minimum cost-sharing contribution from the BWSR, Landowners, and Project Participants for Fiscal Year 2006, is \$225,000 to include reimbursable expenses outlined in Section 721 and in-kind services, Landowners contribution, or Project Participant contributions as defined in this attachment. Project Participant contributions including but not limited in-kind services such as staff time, appraisals, legal support/documents, recording fees, closing costs, transportation costs, acquisition costs, preparing/ recording a conservation easement, purchasing conservation easements and purchasing fee simple property. Landowner contributions include no less than 50% of the fair market value of the conservation easements.

For the purposes of tracking cost-sharing contributions, the BWSR and Project Participants will prepare an annual report which documents contributions for the federal fiscal year (1 October 2005 through 30 September 2006). The report will be submitted to NGB for this fiscal year and subsequent fiscal years. A standard format will be used to capture and document the contributions of the BWSR and the Project Participants. The standard information will include:

1. Name of cost-sharing contributor;
2. description of land deal including legal description, acreage, and name of landowners; and
3. list of expenses incurred including, but not limited to: direct staff costs, legal fees, appraisal and appraisal review fees, closing fees, surveying costs, environmental assessments, taxes payable, and negotiated indirect expenses.

Attachment C: Guidelines and Policies for Use of Conservation Easements

The following policies and practices will control the use of easements in the Camp Ripley ACUB.

1. Easements will be obtained from willing landowners only.
2. Easements will be obtained only within the priority zones identified by Camp Ripley ACUB management staff and recognizing prioritization that achieves ACUB program objectives.
3. Camp Ripley Environmental staff and the BWSR shall approve which property easements are obtained.
4. Easement may be obtained through a combination of purchase and donation on a case-by-case basis.
5. Value paid for easements will be determined through accepted practices used in state easement acquisition programs.
6. All easements will secure development rights and will restrict residential and commercial development that would otherwise result in increased density within the project area that threatens the ability of Camp Ripley to achieve its objectives.
7. When a landowner is willing and the property has appropriate characteristics, easements may also include restrictions on additional uses or agreements to implement management practices that preserve, protect, or improve the characteristics of the property including but not limited to soil, water, forest, wetland, endangered or threatened species and communities or other natural resource values appropriate to the organization that will hold and enforce the easement.
8. Easements will be held by the BWSR or Project Participants (Appendix B) that have the capacity and expertise to monitor and enforce the terms of the easement.
9. Easements will be structured with the intent to be perpetual, but can be limited term contingent upon Camp Ripley functioning as a military facility.
10. Easements will be structured to allow the Department of Defense to secure the rights in the easement in the event the easement holder does not fulfill its duties and the objectives of the ACUB are not being met.
11. Easement documents shall be a fully recordable instruments meeting all standards for form and execution patterned upon accepted legal practices.

OPEN LOT TECHNICAL ASSISTANCE PROJECT

BACKGROUND

The Minnesota Pollution Control Agency (MPCA), the Board of Water and Soil Resources (BWSR) and Local Governmental Units (LGUs) have jointly agreed to establish the Open Lot Technical Assistance Project (OLTAP) to assist livestock producers that are either signed up for the Open Lot Agreement (OLA) or that were eligible for the OLA but didn't sign up.

Approximately three FTE engineering technician positions will be created by participating LGUs to provide technical assistance to livestock producers who have signed an OLA. The engineering technicians will contact producers at sites that have been identified by LGUs as having the highest pollution potential. The technicians will have the authority to approve low-tech corrective action plans at the OLA site in accordance with the Open Lot Agreement Technical Assistance Guide (OLA Guide) and assist with their implementation. The cost of the project is estimated to be about \$582,000 with \$291,000 to come from 2004-05 MPCA County Feedlot Program appropriations.

The Agency has identified 3,800 livestock producers who have signed an Open Lot Agreement who are awaiting technical assistance. Most of these producers are located within the NPEA JPB areas 5, 9, and 11. It is projected that approximately 300 (50 producers/year x 3 FTEs x 2 years) producers will receive technical assistance.

The OLTAP will make available \$291,000 (\$97,000 each) to these three JPBs to employ OLA Engineering Technicians. These Technicians are to provide technical assistance to these OLA producers. A minimum 1:1 cash and/or in-kind match is required.

ISSUE

The Board has received Board Conservationist approved Workplans and Budgets from NPEA JPBs 5 and 9, and the SE MN WRB, for these funds.

NOTE: The SE MN WRB is the applicant (in full agreement with the NPEA JPB) for this area instead of the NPEA JPB. The WRB currently has a very similar EPA 319 grant. The OLTAP would complement this existing program very well.

Priority producers will be identified as follows:

- NPEA JPB #5 – According to an environmental prioritization matrix.

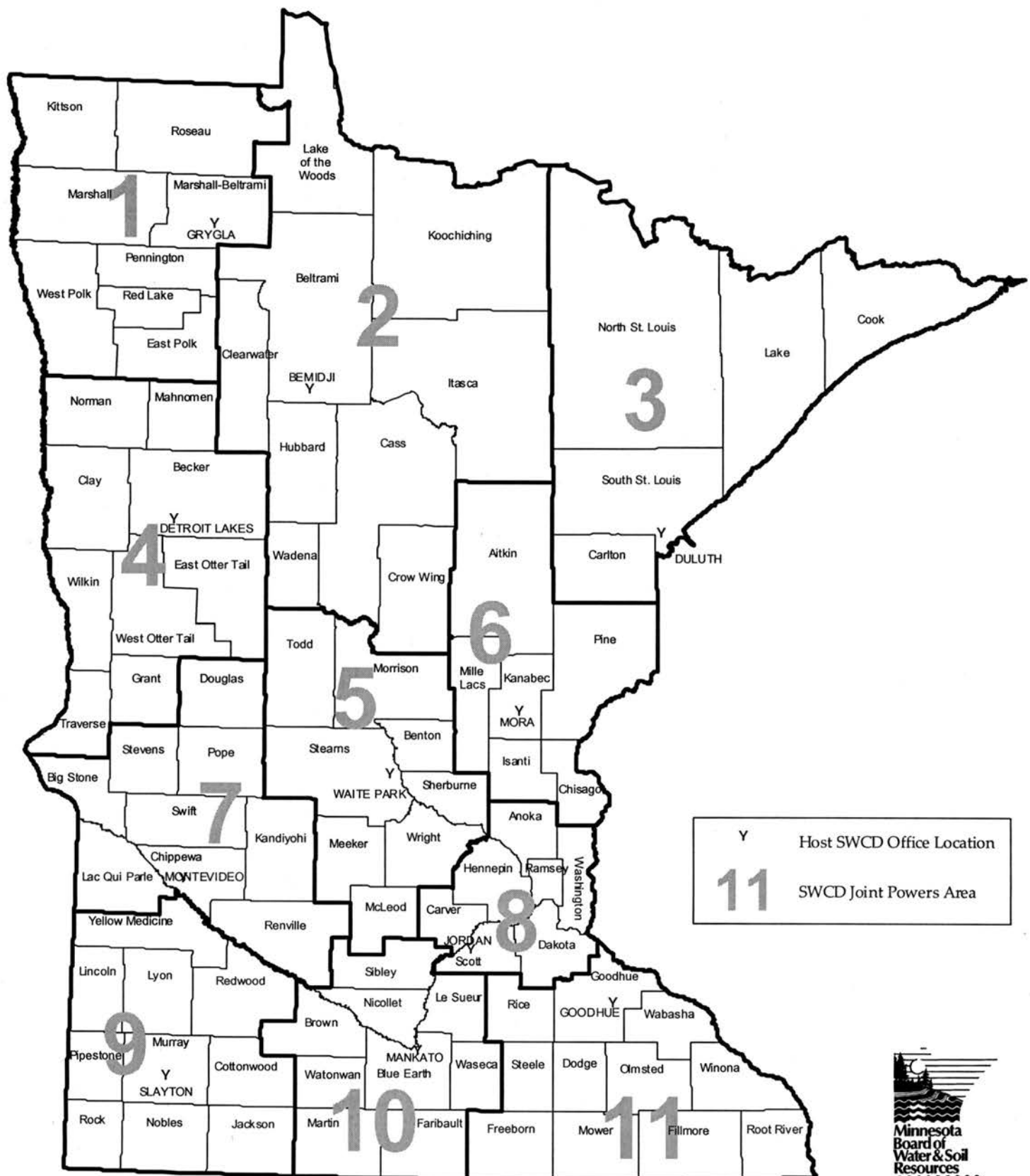
- NPEA JPB #9 – A county commissioner and the county feedlot officer from each county, will jointly with the SWCD Supervisors, identify 5 producers in each county (10), each year.

- SE MN WRB – Each county determines their priority feedlots according to varying methods.

RECOMENDATION

The Administrative Advisory Committee recommends Board approval of allocations of \$97,000 each to the NPEA JPBs 5 and 9, and the SE MN WRB, for the OLTAP.

Nonpoint Engineering Assistance Program



January 2003



Public Road Wetland Replacement Credit Acquisition

April 26, 2006 BWSR Board Meeting

1. Purchase of Existing Wetland Credits from Private Bank Account Holders

A. Process

The BWSR approved the 2006-07 Public Road Wetland Replacement Strategy on January 25, 2006. Staff have divided the solicitation process into two steps:

- (1) a request for bids from current wetland bank account holders was sent out in early February with a response deadline of March 3; and
- (2) a solicitation will be sent out before the end of April to look to identify projects that can be developed via fee title acquisitions in partnership with a public entity, conservation easements with private landowners (RIM-like option), and entering into a purchase agreement with private landowners for wetland credits that will be developed (purchase agreement option).

B. Over view of dollars available

Currently available funding to acquire existing private wetland bank credits for the Road Replacement Program include MnDOT compact funds (\$800,000) and revenue from the sale of wetland credits to public transportation authorities (approximately \$80,000.00)

C. Selection criteria

Credits recommended for purchase place a priority on geographic location, cost per acre of wetland credit and wetland type.

D. Method for determining price

The price that BWSR will pay for existing private wetland bank will be determined on the basis of competitive bids.

E. Bid Results

A total of 19 bids were received that included a total of 219 acres of wetland and public value credit at a total bid cost of \$3,138,123.

These bids were reviewed and ranked by the Interagency Wetland Banking Team and the BWSR Wetland Banking Staff Team. Nine of the nineteen bids were prioritized by staff and submitted to the BWSR Wetland Committee on 3/22/06 for further review and discussion. The wetland committee approved forwarding the nine bids to the full board.

2. Conservation Easements with Private Landowners (RIM-like option)

Approval is requested to finalize conservation easements with two private landowners (RIM-like option) in Renville County for projects that have been reviewed by BWSR wetland staff and meet all BWSR requirements and conditions. The first project includes 57.3 acres with a 125% RIM rate of \$2,957.67 resulting in a total easement cost of

\$169,474.50. The second project includes 20.5 acres with a 125% RIM rate of \$2,610.84 resulting in a total easement cost of \$53,522.22. Opportunity to modify agreement language and amounts will be retained by BWSR as project specific details are finalized.

3. Entering into a Purchase Agreement with Private Landowners for Wetland Credits that will be Developed (purchase agreement option).

In addition, approval is requested to enter into purchase agreements for wetland credits with two landowners, one in Lake of the Woods County and one in Beltrami County. These sites have also been reviewed by BWSR wetland staff and meet all BWSR requirements and conditions. The Lake of the Woods County site will include 80.0 acres with a purchase agreement price of \$4,050.00 resulting in a total easement payment of \$330,482.00. The Beltrami County site will include 46.7 acres with a purchase agreement price of \$4,050.00 resulting in a total easement payment of \$189,135.00. Unfortunately, this project has taken a turn toward private banking rather than contracting with BWSR Road Program. Again, opportunity to modify agreement language and amounts will be retained by BWSR as project specific details are finalized.

RFP Bid Responses from Account Holders with Wetland Bank Credits

Acct. #	Account Holder	County	WS	COE Svc Area	Acres offered	Credit Type	Wet Type	Topo	COE?	\$/Acre	Total Price	Cum. Acres	Cum. Total Cost	2004 Calc. Value/ Acre	Cost ratio
1147	Heggedal & Krog	Roseau	70	3	10	NWC	3	Isolated	Y	\$8,276.40	\$82,764.00	10	\$82,764	2,061	4.02
1057	Diane Westrom	Grant	23	9	0.66	PVC	3	Trib	Y	\$6,098.00	\$4,024.68	11	\$86,789	7,237	0.84
1057	Diane Westrom	Grant	23	9	1.67	NWC	3	Trib	Y	\$6,098.00	\$10,183.66	12	\$96,972	7,237	0.84
1057	Diane Westrom	Grant	23	9	7.7	PVC	U	Buffer	Y	\$6,098.00	\$46,954.60	20	\$143,927	7,237	0.84
1112	Mike Kuka	Hennepin	18	7	3	NWC	4	F-T	Y	\$35,420.00	\$106,260.00	23	\$250,187	28,015	1.26
1039	Dr. Held	Wright	18	7	2.6067	PVC	5	Isolated	Y	\$10,890.00	\$28,386.96	26	\$278,574	12,380	0.88
1029	Thomas Mariska*	Rice	39	8	0.241	NWC	1	Isolated	Y	\$16,900.00	\$4,072.90	26	\$282,647	18,211	0.93
1029	Thomas Mariska*	Rice	39	8	0.175	NWC	2	Isolated	Y	\$16,900.00	\$2,957.50	26	\$285,604	18,211	0.93
1029	Thomas Mariska*	Rice	39	8	2.3	PVC	4	Isolated	Y	\$11,500.00	\$26,450.00	28	\$312,054	18,211	0.63
1029	Thomas Mariska*	Rice	39	8	0.1017	PVC	U	Buffer	Y	\$11,500.00	\$1,169.55	28	\$313,224	18,211	0.63
1264	Dale Quist	Rice	39	8	1.25	NWC	2	F-T	Y	\$18,211.00	\$22,763.75	30	\$335,988	18,211	1
1264	Dale Quist	Rice	39	8	13.04	NWC	3	F-T	Y	\$18,211.00	\$237,471.44	43	\$573,459	18,211	1
1264	Dale Quist	Rice	39	8	2.88	NWC	4	F-T	Y	\$18,211.00	\$52,447.68	46	\$625,907	18,211	1
1143	Bruce Paakh	Becker	58	5	2	NWC	3	Isolated	Y	\$12,196.80	\$24,393.60	48	\$650,300	4,862	2.51
1143	Bruce Paakh	Becker	58	5	2	PVC	U	Buffer	Y	\$12,196.80	\$24,393.60	50	\$674,694	4,862	2.51
1142	Mueller for MnDOT	Sibley	33	9	4.3366	NWC	2	Isolated	Y	\$14,347.00	\$62,217.20	54	\$736,911	13,841	1.04
1142	Mueller for MnDOT	Sibley	33	9	4.3365	PVC	U	Buffer	Y	\$8,712.00	\$37,779.59	58	\$774,691	13,841	0.63
174	Thomas Ryan	Rice	33	9	1.75	NWC	4	Isolated	Y	\$18,211.00	\$31,869.25	60	\$806,560	18,211	1
174	Thomas Ryan	Rice	33	9	4.486	PVC	U	Buffer	Y	\$18,211.00	\$81,694.55	65	\$888,255	18,211	1
174	Thomas Ryan	Rice	33	9	0.436	NWC	3	Isolated	Y	\$18,211.00	\$7,940.00	65	\$896,195	18,211	1
184	Linus Meyer	Stearns	16	7	0.0297	NWC	3	Isolated	Y	\$13,068.00	\$388.12	65	\$896,583	8,805	1.48
1113	Thomas Mariska*	Rice	39	8	1.5	NWC	4	Isolated	Y	\$17,900.00	\$26,850.00	66	\$923,433	18,211	0.98
1081	Thomas Mariska*	Rice	39	8	1.5	PVC	3	Trib	Y	\$11,500.00	\$17,250.00	68	\$940,683	18,211	0.63
1119	Dirk Blundell	Hennepin	20	7	2	NWC	4	Isolated	Y	\$70,000.00	\$140,000.00	70	\$1,080,683	28,015	2.5
1105	George Erickson	Mower	43	8	8	NWC	2	F-T	Y	\$10,000.00	\$80,000.00	78	\$1,160,683	13,966	0.72
1144	Alan Bachman**	Dakota	38	8	13.47	NWC	3	Trib	Y	\$32,000.00	\$431,040.00	91	\$1,591,723	14,495	2.21
1106	George Erickson	Mower	48	8	7	NWC	3	Isolated	Y	\$12,000.00	\$84,000.00	98	\$1,675,723	13,966	0.86
1153	Terry Banick	Morrison	15	7	7.33	PVC	2	F-T	Y	\$4,050.00	\$29,686.50	106	\$1,705,409	7,547	0.54
1105	George Erickson	Mower	43	8	7	NWC	3	F-T	Y	\$12,000.00	\$84,000.00	113	\$1,789,409	13,966	0.86
1056	Steve Alvstad	Grant	23	9	1.08	PVC	3	Trib	Y	\$4,356.00	\$4,704.48	114	\$1,794,114	7,237	0.6
1144	Alan Bachman**	Dakota	38	8	11.71	PVC	U	Buffer	Y	\$32,000.00	\$374,720.00	126	\$2,168,834	14,495	2.21
1106	George Erickson	Mower	48	8	17	PVC	U	Buffer	Y	\$4,000.00	\$68,000.00	143	\$2,236,834	13,966	0.29
181	Philip Miller	Stearns	16	7	7.8665	PVC	U	Buffer	Y	\$10,340.00	\$81,339.61	150	\$2,318,173	8,805	1.17
1105	George Erickson	Mower	43	8	15	PVC	U	Buffer	Y	\$4,000.00	\$60,000.00	165	\$2,378,173	13,966	0.29
1056	Steve Alvstad	Grant	23	9	4.121	PVC	U	Buffer	Y	\$4,356.00	\$17,951.08	170	\$2,396,124	7,237	0.6
1044	M. Burggraff	Morrison	15	7	3.6354	PVC	U	Buffer	Y	\$4,050.00	\$14,723.37	173	\$2,410,848	7,547	0.54

Resolution # _____

Public Road Wetland Replacement Credit Acquisition

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

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

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

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

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

WHEREAS, BWSR on January 25, 2006 authorized implementation of the 2006-07 Public Road Wetland replacement Strategy.

NOW THEREFORE BE IT RESOLVED, that the BWSR authorize acquiring wetland credits as follows:

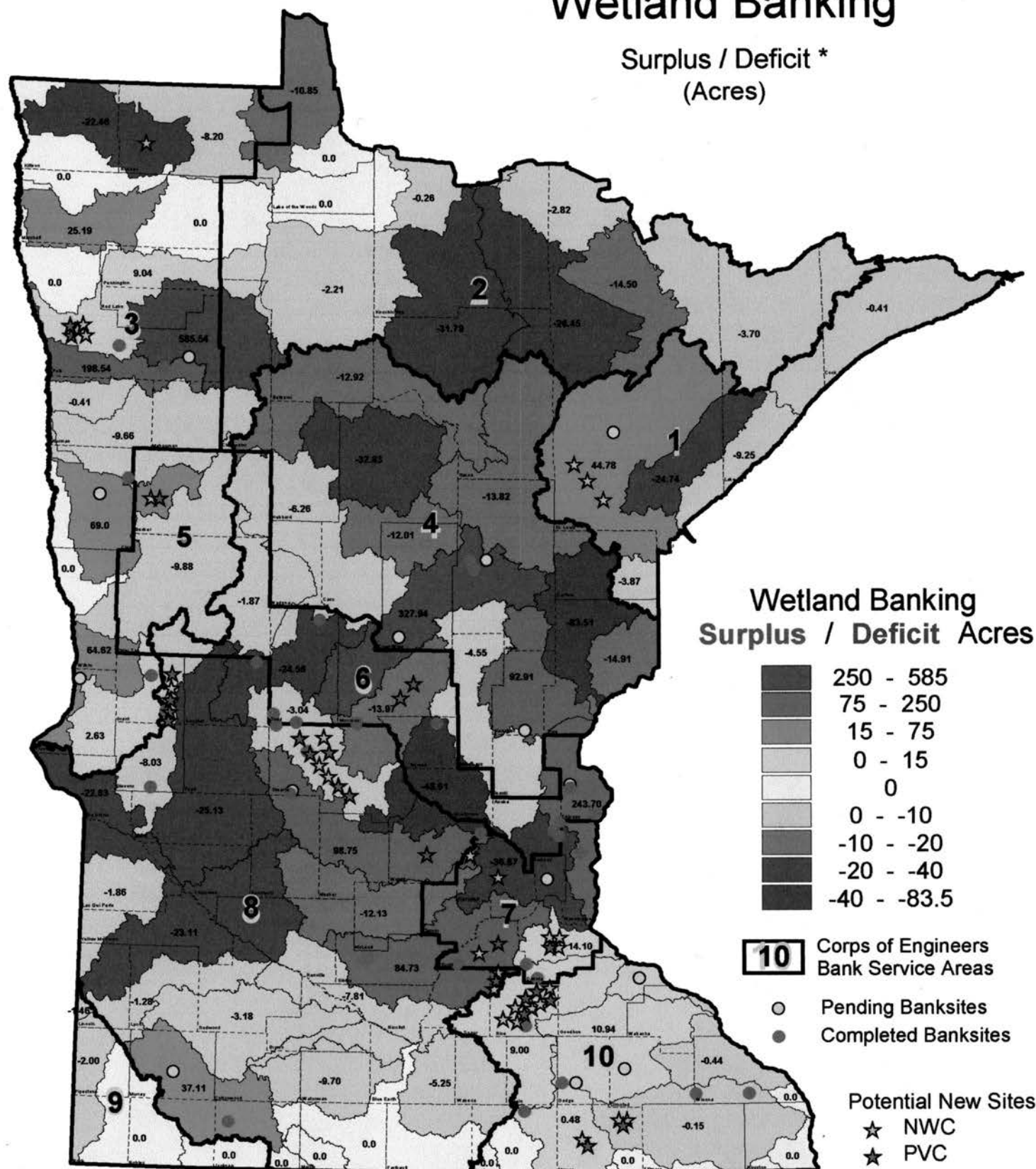
1. Purchase existing wetland credits from private bank account holders that have been reviewed by the Interagency Wetland Banking Committee, the Staff Wetland Banking Team, recommended by the BWSR Wetland Committee and meet all BWSR requirements and conditions;
2. Purchase conservation easements with two private landowners (RIM-like option) in Renville County for projects that have been reviewed by BWSR wetland staff, recommended by the BWSR Wetland Committee and meet all BWSR Requirements and conditions; and
3. Enter into a purchase agreement with one landowner in Beltrami County and one in Lake of the Woods County that have been reviewed by BWSR wetland staff, recommended by the BWSR Wetland Committee and meet all BWSR requirements and conditions.

Jerome Deal, Chair

Date

BWSR Local Road Wetland Banking

Surplus / Deficit *
(Acres)



January, 2006

* includes pending credits, not yet certified

2005
OVERALL WORKPLAN

4/18/2006

NRFP GOAL & ISSUE AREA	RRBC ACTION	NRFP ACTION	TIMELINE	STAFF
New Activities	CODES:		MT Management Team: ly, jg, akn	
Ongoing Projects	Grey = Current Project - Wrapping Up		ly - Lance	mo - Mike
Outreach Partnerships	Blue = Ongoing Linking Roles - Facilitation/Support		jg - Julie	rh - Ron
	Yellow = Upcoming Major Focus Activities		akn - April	ra - Rachel
			ri - Ruth	lab - Leigh Anne
			all - all staff	ksp - Kathy
			Con- Consultant	
	ADMINISTRATION			
	Board Meetings			
	7 Board Meetings in 2006-Jan, Mar, May, June, Aug, Sept, & Nov- 1st Thursday		Ja, Mr, My, Jn, Ag, S, N	ra, lab, all
	2 Board Tours & Discussion in 2006-June & August		Jn, Ag	ra, lab, all
	1 Board Retreat-Nov-1st Thursday (and day before)		Nov	ra, lab, all
	Executive Committee Meetings			
	12 Executive Committee Meetings in 2006-3rd Thursday		3rd Th - Month	MT
	Executive Director Evaluation			3/30/2006 ly
	Human Resource Committee Meetings		as Needed	ly
	General			
	All Staff Evaluations, Documentation, Records, Workplans			2006 MT, ra, lab
	Monthly Staff Meetings		2nd Fri - Month	all
	Management Team Meetings		Weekly	MT
	FIANANCE			
	Finance Committee Meetings			
	12 Finance Committee Meetings n 2006 - 3rd Wednesday		3rd Wed - Month	MT
	General			
	Monthly Finances		ongoing	ra, lab, ly
	Base Funding -Local, Provincial, State Requests, Federal Strategies		1/1/05 to 6/3/2006	MT, ra, lab, ksp
	Project Funding-as needed			2006 all
	Prepare 2007 Budget		6/1/30 to 12/31/05	ly, Mt
	2005 Audit		1/1/05 to 6/30/05	ly, lab, ra

LEADERSHIP CENTER				
	Plan Implementation Committee			
	11 Plan Management Committee Meetings in 2006		11 meetings	rl,mo,rh, MT
	Review Projects, Programs, Studies, etc. and Link to NRFP	6.1.3-6.1.6	ongoing	rl,mo,rh, MT
WATERSHEDS-G # 1	Assist with Roseau River Watershed Planning Concept	1.2.2	Jan-June	mo,ly
	NRFP: Educate on, Gain Support, Refine, & Implement--mini conference	1.1.1, 1.1.2		4/19/2006 board,all
	Review Red Lake Watershed Plan	1.2.19		2/28/2006 rl
	Board Update on Goal # 1 in 2006		Jan-Dec	all
INTEGRATE MNG-G # 2	Support Integrated Projects through Plan Implementation	2.1.2-2.1.2.6	Jan-Dec	board,all
	Board Update on Goal # 2 in 2006		Jan-Dec	board,all
RES & DATA-G # 3	Model Red River using Mike II	3.3.1	Jan-Apr	ly,rh
	Model Pembina River using Mike II	3.3.3	Jan-Apr	ly, con
	Board Update on Goal # 3 in 2006		Jan-Dec	all
FDR-G # 5, 6, 7	Board Presentation & Discussion on FDR strategies	6.1.1		11/6/2006 board, all
	CFMP-F		Jan-Dec	ly,rl,h,mo,board
	Mainstem Modeling Scenario Workshop		May	ly,rh,rl
DRAINAGE G # 8	Board Presentation & Discussion on Drainage needs			May-06 all
WATER QUALITY-G # 9	Board Update on Goal # 8 in 2006	9.1.1	Jan-Dec	all
	Finish Lake Winnipeg Implementation Strategy Project		Jan-Mar	ly, con
WATER SUPPLY-G # 10	Board Presentation & Discussion on Water Supply needs	10.1.1		9/6/2006 board,all
	Basin Drought Plan		Jan-Dec	ly,rl,mo con
CONS,F,W,OR-G # 11, 12, 13	Board Presentation & Discussion on Conservation, F, W, OR needs	11.1.1, 12.1.1, 13.1.1	Mar 06	board,all
	Identify RRBC actions		Mar 06	board,all
	Legislative Committee			
	Inform, Educate, and Dialogue on RRB with Provincial and State Legislators		1 x year	ly,
	Provide Briefing for Canada and US Federal Legislators		as needed	ly,
	Continue Basin Policy Committee		ongoing	ly,
	Report FDR Needs to Prem/Gov		1 x year	ly,
	Support legislative funding for RRB		ongoing	ly,
	Assist with Legislator's Forum		May	ly,
	Conflict Resolution			
	Identify Conflict Areas in Basin		ongoing	all
	Develop Strategies to Address Conflict Areas			2006 MT
	Develop Expertise to Address Conflict		ongoing	board,MT
	Facilitation			
	CFMP-F			
	Basin Drought Plan		as needed	ly,rl,h,mo,
	Treatment Requirements for Out of Basin Water Report		3-4 x year	ly,akn,mo,con
			monthly	ly,akn,rl
			3-4 x year	all

2005
OVERALL WORKPLAN

4/18/2006

	PARTNERSHIP CENTER			
	Partnership Committee			
	4 Partnership Committee Meetings		1st M of quarter	ht,jg
STAKEHOLDER	Attend L/P/S/F water meetings		set mtgs for each	all
PART & AWARENESS-G # 4	Support River Festivals	4.2.2	ongoing	jg,lab,rl,ra
	Support River Watch & Explore Working Relationship	4.2.4	ongoing	all
	Continue JPB	4.2.6	ongoing	ly
	Continue N/S Chapters	4.2.7	quarterly	lab
	Wild Rice-Southern Basin	1.2.5	quarterly	rl,jg,ly
	RRIW	1.2.1	monthly	mo,ly
	PRBAB	1.2.3	tbd	jg,mo,ly
	COMMUNICATION CENTER			
	Education & Communication Committee			
	10 Education & Communication Meetings in 2006		1st M -- Month	jg,ra
STAKEHOLDER				
PART & AWARENESS-G # 4	NRFP & Nutrient Workshops -- Feedback, buy-in,	1.1.1, 1.1.2	2006	all
	Develop and Implement Water Minutes	4.2.1	by 12/31/2006	jg,com com
	Publish Quarterly Newsletter "Around the Basin"	4.2.1	each quarter	jg,all
	Maintain and Improve Web Site	4.2.1	improve by 6/30/05-ongoing	jg,all
	Produce Press Releases on Topics and Activities	4.2.1	ongoing	jg,lab,ht,ra
	Produce Board Highlights After Each Board Meeting	4.2.1	8 brd mtgs	jg
	Attend Conferences, Trade Shows, etc with RRBC Display and Materials	4.2.1	ongoing	all
	RRB Education/Awareness (watershed approach, cross border issues, integration,	4.2.2, 4.2.3	2006	jg, com com
	Develop Stewardship Ethic "Basin Statesman"	4.2.1	2006	jg,ly
	Report Card--Comp/Integ Wat Stew & Manag		2006	ra, conf com
	Report Card--Basin FDR Activities		2006	ra, conf com
	Report on Jurisdictional Nutrient Data Base Study	9.1.2, 9.5.2	June	akn
	Report on Water Supply Use, Allocation, and Needs	10.1.3, 10.4.1	March	jg
	Report on In-Stream Flow Criteria and Differences	10.1.3, 10.4.1	March	jg
	Conference Committee			
	9 Conference Planning Committee Meetings in 2006		2006	ra,all
	Hold Annual Conference -- 24th in January 2007 in Fargo	4.2.1	Jan-07	ra,all
	Begin Planning for 25th Annual Conference		2006-2007	ra,all
	Develop Recognition Program for all NRFP Goal areas	1.1.1	ongoing	ra,all

[illegible]

Clean Water legacy – BWSR Initiatives

BWSR money in the Clean Water Legacy funding is directed toward one thing: non-point restoration and protection strategies envisioned in the Act. From the beginning the entire G16 recognized that in order to address non-point source pollution and to protect waters from becoming impaired, local governments and private citizens must be fully engaged partners. This principle formed the basis for the allocation of non-point source pollution restoration and protection activities that will be funded by BWSR, DNR, and MDA.

Following is a breakdown of the appropriation language found in the Clean Water Legacy bills (**in bold**) and a brief description of the activity of each.

Board of Water and Soil Resources. The following amounts are appropriated to the Board of Water and Soil Resources for restoration and prevention actions. All money appropriated as grants to local governments will be administered through the BWSR's Local Water Resources Protection and Management Program (103B.3369).

The Local Water Resources protection and Management Program (LWRPMP) was chosen as the vehicle to deliver grant dollars to local governments because it provides BWSR with the greatest amount of flexibility to:

- *Coordinate and maximize the use of local water management planning and management programs.*
- *Coordinate our funding decisions with programs such as MPCA's section 319 program and MDA's AgBMP loan programs.*
- *Be responsive to varied partnerships that will be necessary in individual impaired watersheds and lake basins depending on the pollutant/s of concern.*
- *Create a single point of entry for the various partners that will be engaged in implementing TMDL plans.*
- *Utilize BWSR's current eLINK grant and reporting system.*
- *Provide multi year commitments.*

(blank amount) is for targeted non-point restoration cost-share and incentive payments.

This activity is designed to:

- *Provide financial assistance to offset a portion of landowner costs to implement agricultural, forestry and urban non-point source pollution best management practices.*
- *Leverage federal farm bill conservation programs such as EQIP.*
- *Target implementation requests submitted from areas with implementation plans completed by 2008.*
- *Utilize SWCD's as the local administrator, similar to our regular cost-share program.*

(blank amount) is for targeted non-point restoration technical, compliance, and engineering assistance activities.

This activity is designed to:

- *Provide technical and engineering assistance that landowners need for planning, design, and implementation of a wide variety of water quality improvement practices.*
- *Funnel through local governments, with a primary emphasis on those SWCD's and Non-point Engineering Assistance Teams in impaired watershed and lake basins.*
- *Leverage farmbill conservation and technical assistance programs.*

(blank amount) in fiscal year 2007 is for reporting and evaluation of applied soil and water conservation practices

This activity will enhance the eLINK reporting system so that it becomes the primary mechanism for local governments to report projects and activities that will be conducted as part of a local TMDL implementation plan. Funds will also provide additional user support to local government offices that will be entering data into eLINK.

(blank amount) is for grants for implementation of county individual sewage treatment programs

These funds will be disbursed statewide to counties to assist them in addressing non-conforming and failing septic systems and to support the implementation of county ISTS ordinances. These grants will be administered by BWSR as part of the base grant provisions (NRBG) of the LWRPMP.

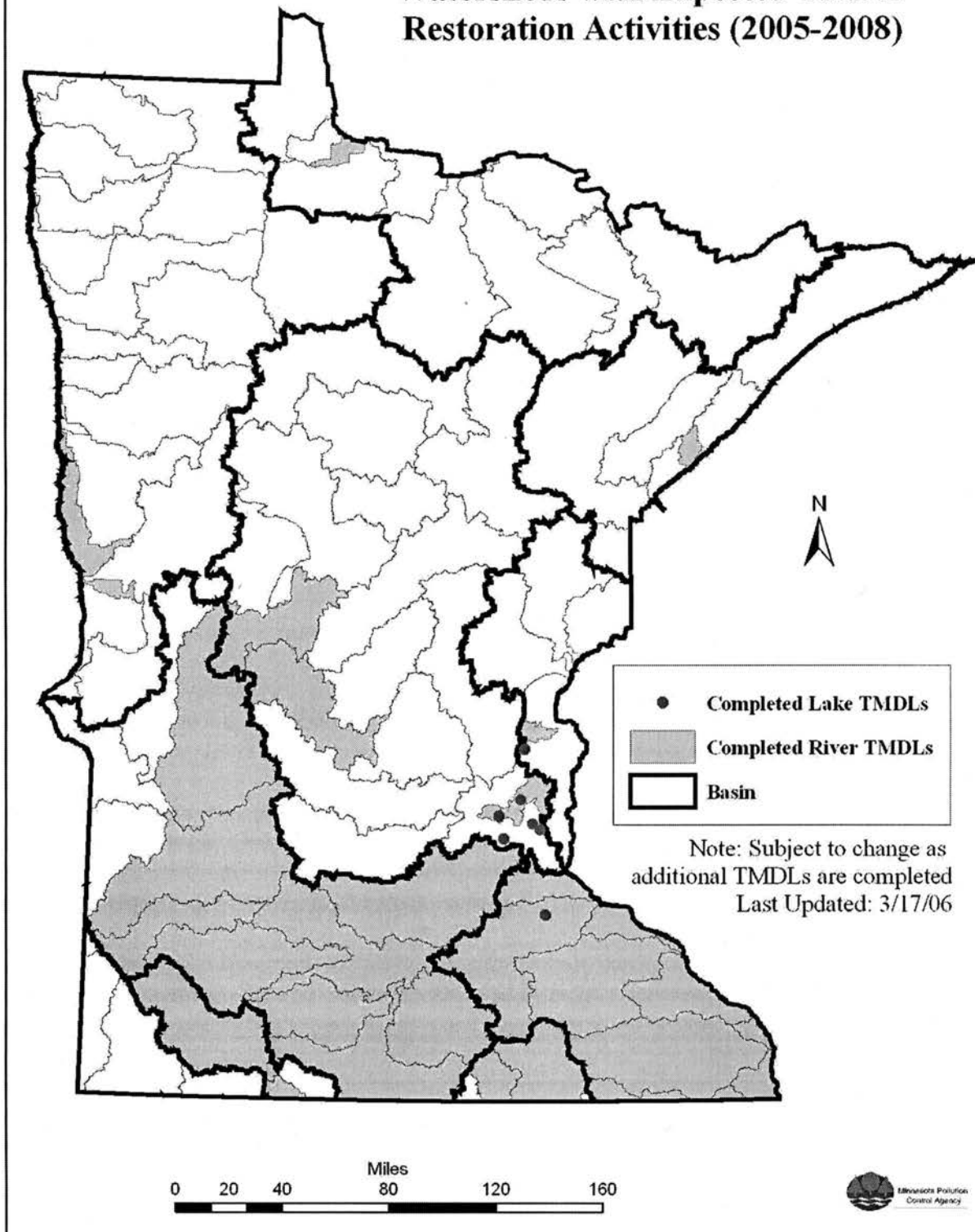
(blank amount) is for grants to support local non-point source protection activities related to lake and river protection and management

These grants are designed to accelerate lake and river non-point source protection activities. These funds will allow local governments with state approved and locally adopted comprehensive local water management plans to apply for to help them implement programs and projects designed to protect high priority surface water resources from becoming impaired.

(blank amount) is appropriate to the BWSR for grants to soil and water conservation districts for streambank, stream channel, lakeshore, and roadside protection and restoration projects.

These grants are for lakeshore, streambank and roadside projects focused on reducing erosion and subsequent sedimentation of surface waters and restoring native vegetation. These grants will be administered through soil and water conservation districts.

Watersheds with Expected TMDL Restoration Activities (2005-2008)



COMPARISON

4/18/2006

G16 - Governor's - House - Senate CWLA General Fund/Bonding Expenditure by Agency and Function

MPCA	G16	GovRec	HOUSE	SENATE
Monitoring at 32 of 80 Milestone sites per year and collecting chemistry at 86 flow sites	\$0.195	\$0.195	\$0.195	\$0.195
Biological, chemical and physical sampling at 600 sites per year by FY09	\$0.330	\$0.330	\$0.330	\$0.330
MPCA/Local Org Chem & Lab costs for Citizen Stream Monitoring Program and pass through money to ~81 local organizations.	\$0.510	\$0.510	\$0.305	\$0.510
Assessment of 100 lakes per year by FY09, starting with lakes over 500	\$0.100	\$0.100	\$0.100	\$0.100
MPCA/Local Orgs Chemistry and lab costs for Citizen Lake Monitoring Program expansion and pass through money to lake organizations.	\$0.500	\$0.500	\$0.295	\$0.500
Statewide remote sensing of lakes and streams once every 5 years	\$0.075	\$0.075	\$0.075	\$0.075
MPCA - Data management and system upgrades for increased data handling and analysis for ~9,000 new sites.	\$0.150	\$0.150	\$0.150	\$0.150
Third Party TMDLs: - Led by local government, contractors and others following MPCA protocols: Development of TMDLs, including monitoring, land use assessment, data analysis, modeling, load allocations, document preparation, public participation.	\$0.390	\$0.390	\$0.390	\$0.390
MPCA-led TMDLs: - Development of TMDLs, including monitoring, land use assessment, data analysis, modeling, load allocations, document preparation, public participation	\$1.350	\$1.350	\$1.350	\$1.350
Other MPCA TMDL Activities: - TMDL project oversight, contracting, technical assistance, training, scientific expertise, implementation planning, effectiveness monitoring, wastewater and stormwater permitting, compliance with federal requirements, rulemaking, guidance development, performance tracking, de-listing waters, Clean Waters Council staffing.	\$1.430	\$1.430	\$1.430	\$1.430
MPCA Total	\$5.030	\$5.030	\$4.620	\$5.030

DNR	G16	GovRec	HOUSE	SENATE
DNR/USGS flow monitoring at 86 sites	\$0.150	\$0.150	\$0.150	\$0.150
Lake biological monitoring	\$0.080	\$0.080	\$0.080	\$0.080
Mercury in fish tissue trend monitoring	\$0.050	\$0.050	\$0.050	\$0.050
Forest stewardship plans on private riparian forest lands	\$1.000	\$0.200	\$0.000	\$0.200
Fee title acquisition and easements of high priority, sensitive riparian lands that provide high value for watershed protection	\$0.000	\$0.000	\$2.248	\$0.000
Fee title acquisition and easements of high priority, sensitive riparian lands that provide high value for watershed protection	\$1.000	\$1.000	\$0.000	\$1.000
Research, reporting, evaluation & monitoring	\$0.400	\$0.400	\$0.000	\$0.400
Agency implementation costs to expand capacity to provide technical assistance to local units of government	\$0.500	\$0.250	\$0.200	\$0.250
DNR Total	\$3.180	\$2.130	\$2.728	\$2.130

COMPARISON

4/18/2006

G16 - Governor's - House - Senate CWLA General Fund/Bonding Expenditure by Agency and Function

BWSR	G16	GovRec	HOUSE	SENATE
Targeted Financial Assistance: BWSR - Cost-Share & Incentive payments	\$2.500	\$1.500	\$0.875	\$1.500
Targeted Technical Assistance to support practice implementation	\$2.000	\$1.000	\$0.875	\$1.000
Grants to SWCD's for engineering and technical assistance via the SWCD				
General Services Grant	\$2.000	\$1.000	\$0.700	\$1.000
Research, reporting, evaluation & monitoring (e-link)	\$0.200	\$0.200	\$0.200	\$0.200
Comprehensive Local Water Management	\$1.500	\$1.500	\$0.500	\$1.500
Streambank, stream channel, lakeshore road	\$2.500	\$0.000	\$2.500	\$0.000
County ISTS	\$0.730	\$0.730	\$0.250	\$0.730
BWSR Total	\$11.430	\$5.930	\$5.900	\$5.930

MDA	G16	GovRec	HOUSE	SENATE
Targeted Financial Assistance: MDA - AgBMP Loan Program	\$2.200	\$1.400	\$1.000	\$1.400
Technical assistance for nutrient and pasture management	\$0.400	\$0.400	\$0.300	\$0.400
Promotion of Priority practices in impaired watersheds	\$0.100	\$0.100	\$0.000	\$0.100
Conservation planning assistance	\$0.300	\$0.300	\$0.000	\$0.300
Research, reporting, evaluation and monitoring	\$1.000	\$0.400	\$0.200	\$0.400
MDA Total	\$4.000	\$2.600	\$1.500	\$2.600

PFA	G16	GovRec	HOUSE	SENATE
Small Community Septic low interest loans and direct assistance to local governments or private landowners with permanent easement for septic systems	\$0.900	\$0.900	\$0.900	\$0.900
Small Community Septic Tech Assistance through PFA to Extension on small community septic	\$0.100	\$0.100	\$0.100	\$0.100
75% grants for phosphorus treatment infrastructure	\$10.000	\$2.000	\$7.000	\$2.000
Funds for low interest loans for qualified public infrastructure projects - change in \$40.	\$5.360	\$1.310	\$4.000	\$1.310
PFA Total	\$16.360	\$4.310	\$12.000	\$4.310

Total FY2007 Clean Water Legacy Act Expenditures	\$40.000	\$20.000	\$26.748	\$20.000
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General Fund Expenditure	\$20.240	\$20.000	\$10.100	\$20.000
Capital Budget Expenditure	\$19.760	\$0.000	\$14.400	\$0.000
ETF Expenditure (FY2006-FY2007)	\$0.000	\$0.000	\$2.248	\$0.000
Total FY2007 Clean Water Legacy Act Expenditures	\$40.000	\$20.000	\$26.748	\$20.000

COMPARISON

4/18/2006

G16 - Governor's - House - Senate CWLA General Fund/Bonding Expenditure by Agency and Function

TMDL GRANT PROGRAM	G16	GovRec	HOUSE	SENATE
Grants to municipalities to cover up to one-half 50 percent of the cost of wastewater treatment or stormwater projects made necessary by wasteload reductions under TMDL's required by the CWA			\$3.000	\$5.000
	G16	GovRec	HOUSE	SENATE
General Fund Expenditure	\$20.240	\$20.000	\$10.100	\$20.000
Capital Budget Expenditure	\$19.760	\$0.000	\$17.400	\$5.000
ETF Expenditure (FY2006-FY2007)	\$0.000	\$0.000	\$2.248	\$0.000
	\$40.000	\$20.000	\$29.748	\$25.000

FOR YOUR INFORMATION

April 26, 2006

- BWSR "Update"
- Updated Board Member Listing
- Letter to Governor Pawlenty dated April 6, 2006, from Congressman Mark Dayton urging the Dakota, Minnesota and Eastern (DM&E) Railroad to comply with all state laws and regulations prior to expanding its rail line through southern Minnesota. Congressman Dayton is asking Governor Pawlenty to direct DNR, PCA, and BWSR to enforce all state statutes, rules, and permitting requirements related to this major expansion project.
- Letter to Mr. Dennis Breitzman, Bureau of Reclamation, dated April 14, 2006, from John Linc Stine, Minnesota Department of Health, Acting Director, Environmental Health Division, regarding the Minnesota Department of Health Comments on the Draft Environmental Impact Statement for the Red River Valley Water Supply Project.
- Article in *Agri News*, "Fertilizer fee amounts to investment in research"



Board of Water and Soil Resources UPDATE

A publication of the Minnesota Board of Water and Soil Resources

April 2006

NORTH

Work for the upcoming Minnesota Waters Conference (Sept. 7-9, Duluth) is starting to pick up. Doug Thomas and Dan Steward recently surveyed local water management coordinators statewide to determine their interest in linking up with the new Minnesota Waters organization and cooperate on a potential water planners track for the organization's fall conference. The answer was a strong yes. They were also queried for potential conference sessions. Some suggestions were TMDLs, the new local water management process, successful demonstration projects, and the future of local water management funding. Dan attended the Arrowhead Water Quality Team meeting on April 17 to get more input.

Dan Steward met with Keith Pohl, Crow Wing SWCD, and staff from Baxter on March 22 to discuss conservation easements. This meeting was held to prepare Baxter city staff for a meeting with citizens the following day. Dan also attended the meeting the following night, which was attended by about 20 residents. City staff has marching orders from the council to proceed with conservation easements in order to address a growing concern about development in the city. The southwest corner of the city is within the 3-mile buffer zone of the ACUB project (Army Compatible Use Buffer project at Camp Ripley) and has raised citizen awareness of conservation easements as a conservation tool. Crow Wing SWCD is recipient of a local water management challenge grant to assist with closing costs of donated easements. The donations must have lake or stream frontage to be eligible for the assistance with closing costs. Some of the interested landowners have lake frontage or Mississippi River frontage.

Dan Steward attended a meeting at the Wadena SWCD office March 30 to bring together various folks with forestry experience and provide Wadena SWCD with an opportunity for an excellent forestry project. As an outcome of the meeting, Tom Schultz, Wadena SWCD supervisor, will bring a letter to his board asking the

West Central Landscape Committee to approve and support a pilot project for two Wadena County townships. The project will be to inventory and analyze forestry resources at the township level. The project will also make recommendations on steps the SWCD and other organizations can take to help implement landscape plan components.

-Submitted by Ron Shelito

ENGINEERING

Public Drainage Ditch Buffer Study

Since the study report was published on March 3, the types and limited number of comments and questions we've received generally indicate that the report is reasonably balanced and complete. There have been a few questions and concerns from a local government drainage inspector and conservation program staff about some of the numbers for their counties. These concerns generally focus on the statewide GIS analyses that utilized the Channelized Streams and Ditches data layer from DNR Surface Hydrology data and a spatial analysis to identify conservation lands and "natural" buffers along public drainage ditches. The limitations of the data sources are noted in the report. Limited comparison in the report of available data sets indicated that local variations exist, either more or less than the statewide data set. It is expected that on a statewide scale these variations essentially cancel. Better data sets would be needed to refine the statewide spatial analyses.

Al Kean presented an overview of the study at the Redwood-Cottonwood Control Area annual meeting in Springfield, Minn., on March 20 and at the Minnesota Viewers Association meeting on April 6 near Morton, Minn.

We intend to invite the study Work Group back together after the 2006 Legislative Session to continue discussions about the drainage recommendations of the group outlined in Section 6 of the report. We anticipate

Continued on next page

Board of Water and Soil Resources Update, Page 2

additional meetings of this group during 2006, with a goal of providing additional recommendations to the 2007 Legislature.

Conservation Technical Assistance Committee

The CTAC, which involves BWSR and representatives of the 11 SWCD shared Technical Services Areas (TSAs), MASWCD, and MACDE, met in early April for ongoing coordination of the Nonpoint Engineering Assistance Program and TSAs. The agenda included advancement of a commitment outlined in the 2004 agreement between BWSR and the TSAs related to annual evaluation of accomplishments, as well as work quantity and quality. It was decided to utilize an existing accomplishments reporting method, with some enhancements, for documentation and evaluation of TSA accomplishments on a calendar year basis. A standardized form for TSA staff performance evaluation was also introduced and tentatively accepted, along with protocols for both annual accomplishments reporting and staff performance review. These documents were drafted by BWSR, based on existing forms and methods used by BWSR and SWCD TSAs. The final drafts of these forms and protocols are currently out for review. When complete, SWCD TSAs will be asked to provide input to BWSR for calendar year 2005 accomplishment reporting, and BWSR will consolidate and provide associated maps and charts back to the SWCD TSAs, MASWCD, and others.

The CTAC also invited John Brach, NRCS state conservation engineer, to discuss the current status of need for additional technical assistance for EQIP projects and how SWCD TSAs might, or might not, be able to provide accelerated technical assistance as Technical Service Providers (TSPs). This discussion led to further investigation by BWSR staff with NRCS staff and a request to NRCS for some TSP policy clarification. Many SWCD TSAs currently provide technical assistance for EQIP projects via Contribution Agreements between member SWCDs and the NRCS.

Conservation Partnership Engineering Meeting

In early March, an annual meeting of staff from NRCS, SWCD TSAs, and BWSR met in Alexandria to discuss current engineering technical assistance issues, technology, and experience. Many different project investigation, design, and construction issues were presented and discussed, including pertinent program policy issues related to feedlot pollution abatement, erosion control, wetland restoration, and construction stormwater

control. Tom Wenzel presented an overview of wetland restoration accomplishments and challenges of the Minnesota River Basin CREP, including a series of large wetland restoration projects in the Murray County Ditch 65 watershed.

This 2-plus day meeting also provides good opportunity for creating and renewing working relationships. These discussions highlighted the high demand for engineering technical assistance and ways that federal, state, and local government staff are managing the associated workload. There was some concern expressed that high workloads promote simpler conservation solutions that might not always be best tailored for project sites and searching for available funding sources can compromise priorities. However, the commitment of engineering technical assistance staff to conservation was evident.

Evaluation of the Nation's Conservation Delivery System

The National Association of State Conservation Agencies (NASCA) is currently working on Phase 2 of the subject evaluation under a contribution agreement with the NRCS. Al Kean represented BWSR at an associated recent national meeting to further develop the recommendations identified Phase 1. Four categories of recommendations from Phase 1 were further evaluated including: 1) improve flexibility and local decision-making to better accommodate regional and local differences and priorities; 2) simplify and streamline the delivery process; 3) reduce inconsistencies and associated delays in programs and between agencies; 4) better apply technology and human resources, including the private sector, to increase capacity to better deliver conservation services. Approximately 60 private, local, state and federal representatives attended the recent meeting. Substantial experience from many different perspectives was present, which enabled spirited presentations and discussion. The NASCA will boil down input from the Phase 2 meeting into a final report to the NRCS and other conservation partners.

-Submitted by Al Kean

BRIEFS

Hal Anderson, 80, one of the original BWSR BCs, died earlier this month. He had lived in the Bethany Good Samaritan Village, Brainerd. Hal worked in central and west central Minnesota (MASWCD Area II) and his office was located out of Staples, Minn. Hal came to work for BWSR with the original group of field staff around 1979.

Board of Water and Soil Resources Update, Page 3

Later, he wrote "Hiking with Hal" outdoors column that was a mainstay in the Brainerd Dispatch for nearly 35 years. Hal also worked as assistant manager of the Crow Wing County Rural Electric Cooperative.



The Confluence is the new monthly electronic newsletter of Minnesota Waters, the new organization formed by the merger of Minnesota Lakes Association and the Rivers Council of Minnesota. To subscribe, email: info@minnesotawaters.org. Indicate in the subject line: SUBSCRIBE TO THE CONFLUENCE.



The United States Department of Agriculture recently announced that more than \$70 million is available to protect agricultural land through the Farm and Ranch Lands Protection Program (FRPP) in fiscal year 2006. Minnesota has \$563,489 allocated for the program.

USDA's Natural Resources Conservation Service (NRCS) is seeking proposals from state, federally recognized tribal and local governments, and non-governmental organizations interested in working together to acquire conservation easements on farms and ranches. NRCS State Offices must receive proposals by 5:00 p.m. EDT on May 11, 2006. NRCS is expected to announce final project selections in June.

FRPP protects productive agricultural land by purchasing conservation easements to limit conversion of farm and ranch lands to non-agricultural uses. Using existing programs, USDA partners with State, tribal, or local governments and non-government organizations to acquire conservation easements or other interests in land from landowners. USDA provides up to 50 percent of the appraised fair market value of the conservation easement in this voluntary program. State and local entities can match that amount, including the use of landowner donations.

*Deadline for next edition:
May 22*



The Minnesota Association of Soil and Water Conservation Districts (MASWCD) Day at the Capitol in March was a successful event. Over 100 Soil and Water Conservation District (SWCD) members participated in the Association's legislative briefing and visited with legislators to discuss conservation districts programs, the Clean Water Legacy initiative, CREP II, and levy options for SWCDs.



A U.S. Fish and Wildlife Service report released in late March shows a net gain in America's nonagricultural and agricultural wetlands for the first time since the Service began compiling data in 1954.

Approximately 191,800 acres of wetlands were gained between 1998 and 2004, bringing the nation's total wetlands acreage to 107.7 million acres, or 5 percent of the land area of the lower 48 states.

The net gain in wetland areas in the report was attributed to construction of freshwater ponds in combination with wetland restorations on agricultural and conservation lands. For more details on the report, visit wetlandsfws.er.usgs.gov/.



A 5-day delineation training course is being offered by the U of M's Wetland Delineator Certification Program this summer. This is the same course that was previously sponsored by the Board of Water and Soil Resources. BWSR will not be sponsoring a separate session this summer.

Dates and locations for the courses are: June 12-16, Lamberton, Minn.; July 17-21, St. Paul; and Aug. 7-11, Little Falls, Minn.

For more information, visit the Minnesota Wetland Delineator Certification Program web site at: www.mnwetlands.umn.edu/cert/.



United States Senate
WASHINGTON, D. C.

FYI
Board Packet

MARK DAYTON
MINNESOTA

April 6, 2006

The Honorable Tim Pawlenty
Governor of Minnesota
130 State Capitol
Saint Paul, Minnesota 55155

Dear Governor Pawlenty:

I urge you to compel the Dakota, Minnesota and Eastern Railroad to comply fully with all state laws and regulations, prior to expanding its rail line through southern Minnesota. I ask you to direct the Minnesota Department of Natural Resources, the Pollution Control Agency, and the Board of Water and Soil Resources to enforce all state statutes, rules, and permitting requirements related to this major expansion project.

As you know, Minnesota laws require DM&E to obtain multiple state permits relative to public waters, groundwaters, wetlands, and industrial and construction storm water management. They require the railroad to avoid harm to any endangered or threatened animal or plant species. The federal Clean Air Act also requires the State of Minnesota to protect its air quality from this project. Additionally, the National Historic Preservation Act requires the Minnesota Historical Society to ensure that all sites which are on, or eligible to be on, the National Register of Historic Places be protected from any harm.

Given the numerous Minnesota laws and regulations applicable to this project, I trust you will insist that the Minnesota DNR, PCA, BWSR, and Historical Society all conduct their own independent reviews of every aspect of it.

I also urge you to join with me in finding a way to alter DM&E's proposed route through downtown Rochester, which is adamantly opposed by the City and by the Mayo Clinic. As you know, the Mayo Clinic employs over 29,000 people and receives over 1.1 million patient visits every year. It operates satellite clinics in Arizona and Florida. It would be catastrophic, if DM&E's 34 daily, unit coal trains, each one over a mile long, were to drive the Mayo Clinic's future away from Rochester.

Under your predecessor, Governor Ventura, the Minnesota DNR did a commendable job of identifying some of the adverse impacts that the expansion of the DM&E Railroad would have on Minnesota's environment. In a March 5, 2001 letter to the federal Surface Transportation Board, the Minnesota DNR cited many environmental problems that would be caused by DM&E's proposed expansion. The DNR identified 35 endangered or threatened species which might be harmed. It expressed concern about the damage this expansion would do to Minneopa State Park.

RECEIVED

APR 18 2006

Ron

Bd. of Water & Soil Resources
St. Paul

The DNR also questioned the planned locations of multiple rail sidings and rail yards throughout the route. It identified adverse impacts to state wildlife management areas, including a 221-acre Pheasants Forever Wildlife Management Area. It expressed many concerns about surface and groundwater degradation and the damage to wetlands.

The Minnesota DNR concluded:

"Our recommendation for a preferred alternative combines Alternative C (for location of rail yards in Minnesota) with the No Build Alternative east of Owatonna. While the DM&E has identified the Mississippi River as one of four primary target markets, and the shortest route to the Mississippi River is via Winona, the railroad has stated that it does not intend to build a facility for transloading coal onto barges in Winona. In addition, we understand that the connecting rail lines serving Winona (the Union Pacific and the Canadian Pacific) have little additional capacity available to accommodate unit coal trains coming off the DM&E. For the other markets (Great Lakes, Minneapolis-St. Paul and Chicago) the shortest route to these markets involves connections with the UP Railroad in Mankato or the I&M Rail Link in Owatonna. Based on these facts, it appears that most, if not all, of the coal hauled by the DM&E will leave its line west of Rochester, i.e., at Owatonna or Mankato, and there may be little need to upgrade the DM&E line east of Owatonna for hauling coal."

Thus, even before DM&E's purchase of the I&M rail link, the DNR recognized the advantages of re-routing this project to run south from Owatonna, through Iowa, and into Chicago. Now that DM&E owns the I&M rail link, this alternative route makes even more sense. It avoids causing serious harm to the City of Rochester and the Mayo Clinic; damage to surface and groundwater, plants, and animal species east of Owatonna; and destruction to historic sites east of Owatonna.

I understand that, in response to a general application from the DM&E for various permits required by Minnesota law, the DNR previously requested significant amounts of additional information. That information was necessary for the DNR to evaluate the permit applications. According to DNR staff, the DM&E did not respond to their repeated requests for that information. The failure of the DM&E to respond to requests for information caused the DNR to terminate DM&E's application and to advise the railroad that it would need to submit new applications for the requested permits.

DM&E's arrogant disregard for the oversight and permitting responsibilities of the Minnesota DNR is characteristic of that railroad. It has refused to resolve the concerns of the City of Rochester and of the Mayo Clinic. It believes that it can ram its project, potentially financed by \$2.5 billion in low-interest taxpayer loans, down the throats of anyone and everyone.

The Honorable Tim Pawlenty
April 6, 2006
Page 3

I stand ready to assist you and Minnesota's agencies, who are the safeguards of our sacred public trusts, in requiring this project, if it proceeds, to respect our most precious natural and community resources. Otherwise, it should not be approved.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Dayton". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Mark Dayton
United States Senator

cc: Mr. Gene Merriam, Minnesota Department of Natural Resources
Ms. Sheryl Corrigan, Commissioner, Minnesota Pollution Control Agency
Mr. Ron Harnack, Executive Director, Board of Water and Soil Resources
Ms. Nina Archabal, Director, Minnesota Historical Society
Members, Minnesota Congressional Delegation



Protecting, maintaining and improving the health of all Minnesotans

FYI -
Board Packet

April 14, 2006

Mr. Dennis Breitzman, Area Manager
Bureau of Reclamation
Dakota Area Office
304 East Broadway
Bismarck, North Dakota 58502

RECEIVED
APR 18 2006 Ron
Bd. of Water & Soil Resources
St. Paul

Re: Minnesota Department of Health Comments on the *Draft Environmental Impact Statement for the Red River Valley Water Supply Project*

Dear Mr. Breitzman;

Following extensive review and coordination with other agencies of the State of Minnesota, the Minnesota Department of Health (MDH) offers the following comments to the Draft Environmental Impact Statement (DEIS) for the Red River Valley Water Supply Project (RRVWSP). MDH has taken the lead among MN State agencies for comments on the topic of aquifer storage and recovery (ASR). ASR is a component of at least four of the eight options subject of the DEIS. MDH's position on the other DEIS issues can be presumed to be generally consistent with the positions of other MN state agencies.

This letter will summarize the items that MDH seeks to have addressed in the final Environmental Impact Statement (EIS). We are also attaching an April 14, 2006 Memo stating technical comments about utilization of ASR in conjunction with the RRVWSP.

Issues that MDH would like to see addressed in further detail in the final EIS:

- 1) Since the development of ASR in the Red River Valley has not been done previously, it is imperative that pilot work and extensive testing and monitoring of the geochemistry of the storage aquifers be done. MDH believes that it is prudent to include much more detail in the EIS on the design and operation of the ASR proposals in order to fully evaluate the environmental impact on those aquifers.
- 2) The DEIS states that "...other difficult aspects of ASR include regulatory requirements and the establishment of rights to the stored water which are not addressed within the content of this document." MDH believes that since implementation of ASR for the Red River Valley will involve at least three Minnesota State Agencies, possibly three North Dakota State Agencies, two EPA regional offices and potential legislative involvement, it is appropriate to immediately identify a more specific ASR proposal and include a conceptual

General Information: (651) 201-5000 ■ TDD/TTY: (651) 201-5797 ■ Minnesota Relay Service: (800) 627-3529 ■ www.health.state.mn.us

For directions to any of the MDH locations, call (651) 201-5000 ■ An equal opportunity employer

Mr. Dennis Breitzman

April 14, 2006

Page 2

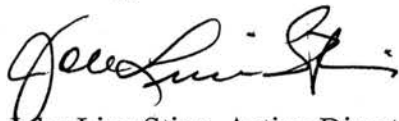
design, governance plan and estimated requirements for construction time and materials in the EIS.

- 3) A final statement in the DEIS discussion on the Moorhead ASR proposal states "Social and economic considerations may prove problematic..." without clearly stating what those social and economic considerations are. It is MDH's position that those social and economic considerations need to be clearly spelled out and included in the EIS.
- 4) Not connected to ASR, safe drinking water is best secured through a concerted effort to protect sources of drinking water as spelled out in the Safe Drinking Water Act. Source water protection was not discussed in the DEIS. MDH believes that it is important to identify the spill response plans for Lake of the Woods, the Pelican River, Ottertail Outwash et. al. aquifers, the Missouri River, Audubon Lake, McClusky Canal and the Sheyenne River areas. Additionally, the EIS should describe appropriate measures to address and manage potential contaminant sources such as feedlots, septic tanks, and other land use activities that could potentially degrade the quality of the water for drinking purposes for all options.

A memo containing technical comments regarding ASR is attached as a supplement to this letter.

Thank you for the opportunity to comment on the RRVWSP DEIS.

Sincerely,



John Linc Stine, Acting Director
Environmental Health Division
P.O. Box 64975
St. Paul, Minnesota 55164-0975

JLS/pc
Enclosure

Copy to: Lynda Boudreau, MDH Deputy Commissioner
Kent Lokkesmoe, MN DNR Waters
Will Haapala, MN PCA
Ron Harnack, BWSR ✓

Memo



Date: April 14, 2006

To: John Linc Stine *JS*
Acting Division Director
Environmental Health Division

From: Bruce Olsen
Supervisor, Source Water Protection Unit

Subject: MN Department of Health (MDH) Technical Comments Regarding the
Draft EIS Pertaining to Aquifer Storage and Recovery (ASR)

Item 1 – Chemical Reactions Between the Injected Water and Groundwater May Result in Plugging of the Well Screen or Aquifer Materials.

The Minnesota Department of Health (MDH) agrees with the comments in the draft EIS that the effects of injecting treated surface water or groundwater into deeper aquifers be determined before large-scale ASR facilities would be constructed. The MDH recommends that the potential for plugging of the aquifer materials by the precipitation of iron or manganese be evaluated by laboratory testing before actual pilot testing with injection and recovery is undertaken. Injecting surface water or groundwater that has differing chemical or physical properties will result in changing the chemistry of the ambient groundwater. However, the degree to which this may affect the efficiency or even the practicality of storage or recovery is not known. Therefore, it is important to evaluate these potential impacts and their additional costs on pursuing ASR options before federal, state, and local funding is committed.

Item 2 – The Potential for ASR to Increase Existing Arsenic Levels in the Moorhead Aquifer.

Naturally occurring arsenic levels in the Moorhead aquifer already exceed the federal maximum contaminant level (MCL) for drinking water in some areas of the Red River valley in Minnesota. For example, the wells used city of Dilworth pump from this aquifer and have arsenic levels that are consistently above the MCL. Mixing of injected water and ambient groundwater is very likely to occur and the ambient groundwater in the deeper aquifer has potential to affect the quality of the water that is recovered.

The reaction between chemically reduced groundwater in the deeper aquifer and treated water containing oxygen may mobilize arsenic from aquifer materials and further increase arsenic levels. If so, the water that is recovered may have to be treated to remove the arsenic before it can be used for drinking water. This would increase treatment costs and affect the long-term costs of pursuing any water supply option that includes ASR. Also, increasing arsenic levels

MEMO to John Linc Stine

April 14, 2006

Page 2

very likely will result in additional environmental review by the State of Minnesota to determine whether ASR presents an endangerment to others who use the Moorhead aquifer as their source of water supply.

Item 3 – ASR will Require Permitting and Environmental Monitoring.

The operation of an ASR facility in Minnesota will have to be permitted by 1) the MDH to meet well construction and public water supply regulations, 2) the Minnesota Pollution Control Agency to meet pollution prevention regulations, and 3) the Minnesota Department of Natural Resources to meet water use regulations. Furthermore, ASR is a type of underground injection that must be permitted by U.S. Environmental Protection Agency Region 5 because the state of Minnesota does not have primacy for federal underground injection control regulations. The four agencies are currently coordinating their permitting efforts on proposals for two other ASR projects in Minnesota. This experience has identified permitting requirements that will likely affect ASR as a water supply option in the Red River valley of Minnesota.

Generally, permitting of ASR will progress by first evaluating the environmental impacts of pilot testing at the proposed site(s). Long-term permitting for ASR in Minnesota would only occur if the initial results did not show any degradation of the groundwater or potential adverse impacts on other groundwater users. Permitting requirements will likely include the construction of monitoring wells and monitoring the effects on groundwater levels and the chemical impacts on groundwater quality. The costs associated with monitoring and reporting should be considered in determining the overall costs of using ASR in water supply options for the Red River valley in Minnesota.

I don't understand how it's ethanol's problem," said Ralph Groschen, senior marketing specialist for the Minnesota Department of Agriculture. "It seems to me that we're on the solution side of the problem."

Where would the gasoline price be without ethanol, Groschen asks. The ethanol industry produced 2.1 billion gallons of ethanol in

The report also details the challenges Midwest ethanol producers will have in getting their fuel to key East Coast markets.

Transporting ethanol is an issue, Doyal said, because much of the production is in the Midwest and the railroad industry hasn't caught up with the ethanol industry.

the industry's challenges and their influence on gasoline prices are being overblown. The association sent an angry letter to the Energy Department questioning the overall thoroughness of its research and accusing it of creating "unnecessary fears in the marketplace."

Agri News staff writers Stephanie Corbin and Janet Kubat Willette contributed to this article.

They also question the sale to a foreign company that could take profits out-of-state.

"The foreign investment bothers me, but we have a global economy and we have to deal with it," said Chuck Holland of Britt, owner of Holland Construction. Investors who support the sale say it gives them access to capital that is needed to compete with

Nelson said the plant's directors are reluctant to give up local control, but that as more ethanol is produced, profits could tighten and more capital will be needed to make it through the tough times.

"We have wrestled with this control thing and, quite frankly, we don't like it, either," Nelson said. "But, we're thinking about (Midwest Grain Processors)."

'Fertilizer fee' amounts to investment in research

Lawmakers will decide its fate

By Janet Kubat Willette

jkubat@agrnews.com

Randy Kramer hopes an investment now will yield results that will save him money later.

Kramer, who raises sweet peas, sweet corn, sugar beets, corn and soybeans near Bird Island, Minn., chaired the Agricultural Nutrient Task Force, authorized last legislative session.

He represented Minnesota Farm Bureau on the task force.

The task force was charged with making recommendations on several topics, including:

- The need for research, education and training in the selection and application of agricultural fertilizer and soil nutrients.

- The imposition of a tonnage fee on all agricultural fertilizer applied in Minnesota and the use of the fee proceeds.

- On-farm storage of agricultural fertilizer and soil nutrients; and,

- Methods to protect against the theft of anhydrous ammonia for the production of methamphetamine.

Kramer said the task force decided there was a

Inside

• Supporters say research hasn't kept up with the times. — Page A3

"IT'S NOT SOMETHING THAT EVERYBODY'S FOR"

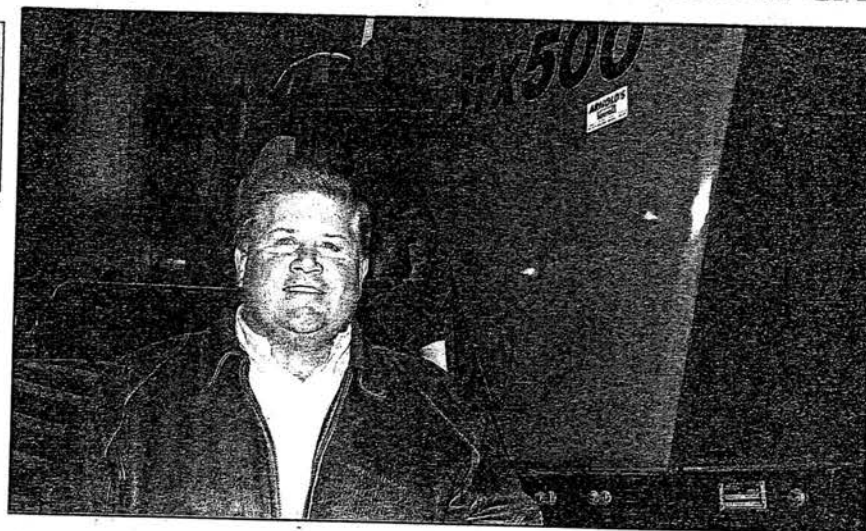
— RANDY KRAMER

need for more research to determine better ways to use and apply nitrogen, among other things.

"It was a hard decision for us," Kramer said. "We all agreed that we needed more research."

The group set the fee at 40 cents per ton of commercial fertilizer sold, working backward from the amount needed annually for effective research.

Task force members figured they needed to raise \$500,000 to \$1 million annually to fund research. Plugging the 2 million tons of commercial fertilizer sold annually for the past five or six years into the equation, the 40-cent fee was adopted.



Randy Kramer, who farms north of Bird Island, Minn., is a member of the Agricultural Nutrient Task Force. The Legislature created the task force to come up with suggestions for improving fertilizer and nutrient research in the state.

Ryan Wendland/Agri News

However, the fee will be refundable, which was a key issue for many task force members. It will sunset in 2017 as written in the bills advancing in both the House and Senate. Collections would begin Jan. 1, 2007, if the bill passes this session.

The money wouldn't be a blank check for the University of Minnesota, Kramer said. Members of the Minnesota Agricultural Fertilizer Research and Education Council would evaluate proposals, rank them and

decide which to fund. For example, the money could go to the University of Minnesota, land grant universities outside Minnesota, watershed groups or three individuals with an idea, Kramer said.

He acknowledges that his farmer neighbors aren't real happy with paying another fee. They agree more research is needed, but they question who should pay for it. His support for the fee and the report hinges on it passing as written by the task force.

Follow the bills

The bills are HF3441, sponsored by Rep. Al Juhnke, DFL-Willmar, and SF3283, sponsored by Sen. Steve Dille, R-Dassel. The House bill passed out of the agriculture committee and was referred to Government Operations and Veteran's Affairs. The Senate bill passed the Agriculture, Veteran's and Gaming Committee and has been referred to Finance.

PKI

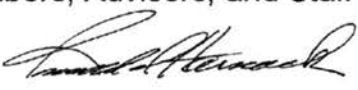
3-30 Agri news

going to be an inconvenience and cost a little



DATE: May 15, 2006

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

FROM: Ronald D. Harnack, Executive Director 

SUBJECT: May 24th Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, May 24, 2006, beginning at 9:00 a.m. The meeting will be held in the 2nd floor conference room, at 520 Lafayette Road North, in St. Paul. Parking is available in the lot directly in front of the building (use hooded parking areas).

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. **Isanti County Comprehensive Local Water Management Plan Update** – Isanti County submitted their updated Comprehensive Local Water Management Plan on March 20, 2006, for State review and comment. The Metro Water Planning Committee met on May 10, 2006, after the State agencies' comment period deadline. The Metro Water Planning Committee recommends approval.

DECISION ITEM

OLD BUSINESS

1. **Termination Petition for South Two River Watershed District**
Petitioner's Bond - A petition has been filed with the Board to terminate the South Two River Watershed District. At the April Board meeting the bond requirement and amount were discussed, but a decision was tabled until the May Board meeting because of a \$2,135 billing from the Stearns County Auditor's Office. Since the April Board meeting, it has been determined with advice from the Attorney General's Office, that BWSR need not pay the billing. As part of the petition process, a bond is required to reimburse the Board for the costs and expenses of the termination proceedings, but only in the case of the termination petition being dismissed or denied. If the watershed district is terminated by an order of the Board, the bond would be returned to the petitioners. The pertinent statute follows:

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

Brainerd
217 S. 7th Street
Suite 202
Brainerd, MN 56401
phone (218) 828-2385
fax (218) 828-6036

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

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

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

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

Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

Minn. Stat. § 103D.271, Subd. 6. Petitioners' bond. Before the board gives notice of a termination hearing, the petitioners must file a bond with the board. The bond must be in an amount determined by the board and is subject to the board's approval. The bond must state that the petitioners will pay all costs and expenses of the termination proceedings if the termination petition proceedings are dismissed or denied.

The petitioners have requested the bond amount be waived. The Administrative Advisory Committee met and, based on discussion of the hearing procedures, recommend the full Board deny the request to waive the bond and set the bond at \$2,000.00 to cover the estimated costs and expenses for the termination proceedings. **DECISION ITEM**

NEW BUSINESS

1. Termination Petition for South Two River Watershed District

Number of Signatures - The Board is required to make a decision on the number of signatures required on the petition. The pertinent statute follows:

Subd. 4. **Termination petition.** (a) The termination petition must be signed by at least 25 percent of the *resident owners residing in the watershed district*. The termination petition must state that 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 purposes of this chapter. (*emphasis added*)

The Morrison County Auditor certified 16 petitioner signatures of individuals that own real estate and have their home located within the watershed district. Additional information was received from the Morrison County Auditor showing 79 interested parties associated with homesteaded tax parcels with a residence within the Morrison County portion of the watershed district. 25% of 79 yields 20 signatures.

The Stearns County Auditor certified 746 petitioner signatures. The Stearns County Auditor showed 3,179 interested parties associated with homesteaded tax parcels within the Stearns County portion of the watershed district. Additional information has been requested from the Stearns County Auditor to determine the number of interested parties associated with homesteaded tax parcels that have a residence within the Stearns County portion of the watershed district. The additional information should be available for the Board meeting. Note the Morrison and Stearns signatures can be added together to reach the 25% threshold. **DECISION ITEM**

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Brainerd, MN 56601
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fax (218) 828-6036

Duluth
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Duluth, MN 55802
phone (218) 723-4752
fax (218) 723-4794

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

Marshall
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Box 267
Marshall, MN 56258
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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) 297-5667
fax (651) 297-5615

2. **Termination Petition for South Two River Watershed District**
Termination Hearing - The Board is required to make a decision on the termination petition meeting the requirements of law to order a termination hearing. Except for the number of petitioner signatures required and the posting of the bond, it is staff's position that all other requirements of law have been fulfilled such that a termination hearing could be ordered. The Administrative Advisory Committee recommends the Board delegate to the Board Chair the authority to issue an order for the termination hearing upon satisfactory completion of the posting of the bond and that a sufficient number of petitioner signatures have been certified by the auditors, according to the attached draft resolution. **DECISION ITEM**

3. **Conservation Easement Alteration Subcommittee's Policy**
Recommendation - The Conservation Easement Alteration Subcommittee consists of the following board members: Paul Brutlag, co-chair; Randy Kramer, co-chair; Louise Smallidge, Dana Allen, Gene Merriam, and Joe Martin. In addition, Kevin Lines, Conservation Easement Section Manager and Tim Fredbo, Conservation Easement Specialist, provided historical information and technical assistance to the Subcommittee. The Subcommittee's work began at the September Board meeting in 2005, and continued over the winter with several conference calls to finalize their recommendation to the Board. Randy Kramer, subcommittee co-chair, along with Kevin Lines, will be presenting the agenda item to the board. **DECISION ITEM**

4. **Update on Clean Water Cabinet's Development of Conservation Recommendations for 2007 Farm Bill** - See the Clean Water Cabinet's web site for background information. <http://cwc.state.mn.us/index.html>
 Barbara Weisman, Minnesota Department of Agriculture, and Doug Thomas, BWSR, will present an update. **INFORMATION ITEM**

5. **Legislative Update – INFORMATION ITEM**

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The meeting will adjourn about noon. I look forward to seeing you on May 24th!

**The Administrative Advisory Committee will meet at 8:30 a.m.
 The Cost-Share Committee will meet immediately following the Board Meeting**

<i>Bemidji</i>	<i>Brainerd</i>	<i>Duluth</i>	<i>Fergus Falls</i>	<i>Marshall</i>	<i>New Ulm</i>	<i>Rochester</i>	<i>Saint Paul</i>
217 Bemidji Avenue N. Bemidji, MN 56601 phone (218) 755-4235 fax (218) 755-4201	217 S. 7th Street Suite 202 Brainerd, MN 56401 phone (218) 828-2383 fax (218) 828-6036	394 S. Lake Avenue Room 403 Duluth, MN 55802 phone (218) 723-4752 fax (218) 723-4794	1004 Frontier Drive Fergus Falls, MN 56537 phone (218) 736-5445 fax (218) 736-7215	1400 E. Lyon Street Box 267 Marshall, MN 56258 phone (507) 537-6060 fax (507) 537-6368	261 Highway 15 S. New Ulm, MN 56073 phone (507) 359-6074 fax (507) 359-6018	2300 Silver Creek Road N.E. Rochester, MN 55906 phone (507) 280-2874 fax (507) 285-7144	520 Lafayette Road N. Saint Paul, MN 55155 phone (651) 296-3767 fax (651) 297-5615

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
2nd FLOOR CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 24, 2006**

PRELIMINARY AGENDA

9:00 a.m. CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF APRIL 26, 2006

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 – Louise Smallidge
- Education and Public Relations Committee – Kay Cook
- Administrative Advisory Committee – Jerome Deal

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Isanti County Comprehensive Local Water Management Plan Update –
DECISION ITEM

OLD BUSINESS

1. Termination Petition for South Two River Watershed District
Petitioner's Bond - Jim Haertel – *DECISION ITEM*

NEW BUSINESS

1. Termination Petition for South Two River Watershed District
Number of Signatures – Jim Haertel – *DECISION ITEM*

2. Termination Petition for South Two River Watershed District
Termination Hearing – Jim Haertel – **DECISION ITEM**
3. Conservation Easement Alteration Subcommittee's Policy
Recommendation – Randy Kramer and Kevin Lines - **DECISION ITEM**
4. Update on Clean Water Cabinet's Development of Conservation
Recommendations for 2007 Farm Bill - Barbara Weisman, Minnesota
Department of Agriculture, and Doug Thomas, BWSR –
INFORMATION ITEM
5. Legislative Update – **INFORMATION ITEM**

AGENCY REPORTS

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next BWSR Meeting, May 24, 2006, St. Paul
- All Staff Meeting, May 31-June 1, 2006, Willmar
- BWSR Meeting, June 28, 2006, St. Paul
- BWSR Tour and Meeting, August 23-24, 2006, Martin County

Noon **ADJOURN**

****The Administrative Advisory Committee will meet at 8:30 a.m.****

****The Cost-Share Committee will meet immediately following the Board Meeting****

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DRAFT

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

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Dana Allen, Paul Brutlag, Paul Krabbenhoft, Clair Nelson

STAFF PRESENT:

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

OTHERS PRESENT:

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

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

PLEDGE OF ALLEGIANCE

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

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

REPORTS

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

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

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

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

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

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

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

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

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Middle St. Croix Watershed Management Organization, Watershed

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

**
06-22

Prior Lake-Spring Lake Watershed District, Watershed Management Plan

Amendment – LuAnn Tolliver reported that the Metro Water Planning Committee reviewed the Prior Lake-Spring Lake Watershed District, Watershed

- Management Plan amendment, and recommends approval. Moved by LuAnn Tolliver, seconded by Bob Burandt, to approve the Prior Lake-Spring Lake Watershed District, Watershed Management Plan amendment. Motion passed on a voice vote.

**
06-23

Sherburne County Priority Concerns Scoping Document – LuAnn Tolliver

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

**
06-24

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Southern Water Planning Committee

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

**
06-25

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

**
06-26

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

**
06-27

NEW BUSINESS

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

**
06-28

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

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

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

**

06-29

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

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

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

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

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

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

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

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

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

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

Army Compatible Use Buffer (ACUB) Project Cooperative Agreement –

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

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

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

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06-31

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

**
06-32

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

**
06-33

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

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

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

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

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

AGENCY REPORTS

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

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

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

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

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

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

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

ADVISORY COMMENTS

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

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

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

UPCOMING MEETINGS

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

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

Respectfully submitted,

Jerome Deal
Chair

Dispute Resolution Report
May 11, 2006
by Jim Haertel

There are presently eighteen appeals pending. All of the appeals involve WCA except number 05-24. There have been three new appeals filed since the last report dated April 13.

File 16-15. This is a new appeal of a Restoration Order in Isanti County. At issue is excavation in a Type 5 wetland. No decision has been made on the appeal.

File 06-14. This is a new appeal of a Replacement Order in the City of Green Isle in Sibley County. A replacement plan was approved, replacement wetlands were constructed, and wetland impacts have occurred as authorized under the approved replacement plan. The ownership of the wetland replacement credits is in dispute. A district court decision on the ownership issue was appealed to the Minnesota Court of Appeals. The appeal has been placed in abeyance and the Replacement Order has been stayed until the court proceedings have been finalized.

File 06-13. This is a new appeal of a Restoration Order in Brown County. The appeal regards tiling and drainage of a Type 3 wetland on agricultural land. No decision has been made on the appeal.

File 06-12. This is an appeal of a no-loss decision in Stearns County. It involves the same project and issues as File 06-6. After a restoration order was issued, a no-loss application was submitted by the developer and denied by the LGU. The appeal has been remanded for further technical evaluation.

File 06-6. This is an appeal of a restoration order in Stearns County. At issue are numerous wetlands impacted by filling, sedimentation, reduction of hydrology and lack of Best Management Practices associated with a residential development. The appeal has been denied in part. The Restoration Order has been affirmed in part and has been stayed in part.

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

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

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

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

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

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

File 05-20. This is an appeal of a replacement plan decision in Cokato, Wright County. The decision approved the filling of a 0.2 acre Type 2 wetland on a residential lot for construction of a residence. There is a question about the alternatives proposed for sequencing. Also, no TEP was held. The appeal has been remanded for a TEP to be held and sequencing to be addressed.

File 05-17. This is an appeal of a replacement plan decision in the City of Holdingford in Stearns County. At issue is the denial of a replacement plan application relating to a residential development. Wetland impacts of 0.7 acres were proposed for construction of a road and multi-use trail. The TEP recommended approval of the application. The LGU denied the application on finding the development could proceed without wetland impacts. The Corps issued a permit for the project. The appeal has been accepted and is in abeyance pending settlement discussions.

File 05-1. This is an appeal of a Replacement Plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. The appeal has been accepted and pre-hearing conferences were held. The appeal is presently in abeyance to allow settlement discussions to continue.

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

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

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

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

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

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

MEMORANDUM

DATE: May 2, 2005

TO: Metro Water Management Subcommittee

FROM: Brad Wozney, Board Conservationist

SUBJECT: **Review of Isanti County Third Generation Plan Update - Final Draft**

The Isanti Soil and Water Conservation District (SWCD) is currently responsible for the administration of the Local Water Management Plan (Plan) for Isanti County. The Plan expired on December 31, 2005. Consultant Marilyn Bayerl was hired to produce Isanti County's Third Generation Water Management Plan. Ms. Bayerl was also hired as interim County Water Plan Coordinator for one year (2006) as the County establishes a budget for a more permanent Water Plan Coordinator position for 2007.

BWSR staff have been active participants throughout the Plan update process. The Priority Concerns Scoping Document was approved on May 25, 2005. Numerous Task Force and Technical Advisory meetings were held thereafter allowing ample opportunities for state/local agencies' and citizen input in the plan development. The Isanti County Board held a public hearing of the final draft on February 15, 2006.

The final draft was submitted to the state agencies on March 20, 2006 for the required 30-day review. Comments were received from Department of Ag, DNR, EQB, and MPCA:

The Department of Ag approved the entire plan as submitted. The DNR commended the County for an ambitious plan, emphasizing the need for a dedicated staff person in order to implement it adequately, rather than utilizing existing staff resources. The EQB submitted comments complimenting the well developed document, while recommending that the county and local jurisdictions adopt this Plan into their Comprehensive Land Use Plans and incorporate the water plan language into their ordinances. MPCA recommended approval of the entire Plan, but insisted there be a clear intent by the County to support implementation of it. BWSR staff noted this concern to the county and SWCD staff early on in the planning process, which in part lead to the delay in submittal of the final draft. MDH did not comment.

Ms. Bayerl should be commended for a well developed Plan given the tight timeframe needed to get it approved. The Isanti County Local Water Management Plan meets all requirements set forth in 103B and in the "Updating Water Management Plan guidance" including:

- focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- adequately assesses the priority concerns and sets forth appropriate goals and objectives;
- lays out a detailed implementation program with measurable actions, timeline, and budget; and
- includes all required sections.

Highlights of the Plan include:

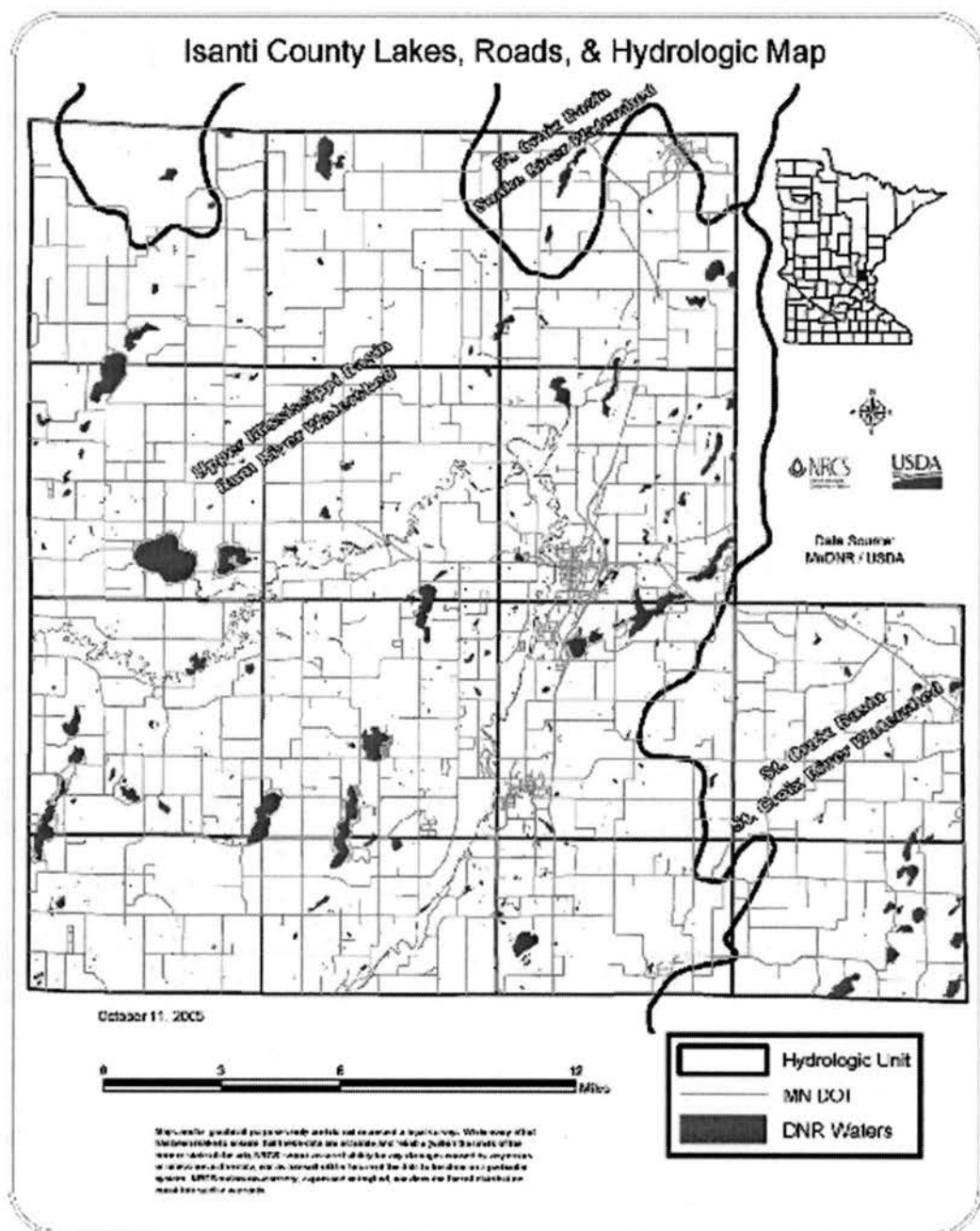
- 1) A thorough assessment of each priority concern
- 2) A more committed approach to water plan implementation as evidenced by implementation activities that have already begun: lake association meeting attendance to commence the TMDL process, cooperation with neighboring counties for TMDLs that extend outside county boundaries, awarded the Healthy Lakes and Rivers grant program for development of lake management plans
- 3) Incorporation of water plan language into the County Comp Plan.
- 4) Aggressive education efforts targeting elected officials throughout the county.
- 5) Provides support and funding to update the 1958 county soil survey.
- 6) Aggressive approach to stormwater management in developing areas near priority waterbodies via assessment of nutrient loads and runoff volume under "full build-out" conditions
- 7) Mapping of areas susceptible to groundwater/drinking water contamination

Included in the packet for the Subcommittee is the agencies' comments and several sections of the Plan, ie. Executive Summary, Goals/Objectives/Actions section (with various budget items to be revised), Implementation Schedule, and an On-going Activities table.

I have advised Ms. Bayerl to include expected costs or amount of staff time associated with the various action items missing this information. With the inclusion of those revisions, I recommend approval of the entire Plan.

DRAFT

Figure One



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

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

ORDER
APPROVING
LOCAL
WATER MANAGEMENT
PLAN UPDATE

Whereas, the **Isanti** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **March 20, 2006**, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

DRAFT
FINDINGS OF FACT

- 1) On **March 23, 2005**, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Isanti** County, pursuant to M.S. Section 103B.312.
- 2) On **May 25, 2005**, the Board of Water and Soil Resources approved official comments on the **Isanti** County Priority Concerns Scoping Document, which were mailed to the county on **May 26, 2005**.
- 3) The priority concerns the local water management plan addresses include:
 - A) **The cumulative effects of development on surface waters.**
 - B) **Protection and restoration of natural habitat and impaired waters in Isanti and bordering counties.**
 - C) **Groundwater quality and quantity.**
- 4) On **March 20, 2006**, the BWSR received the **Isanti** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.
- 5) On **May 10, 2006** the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the **Isanti** County Plan Update .
Recommendations of the state review agencies were:
 - A) Minnesota Department of Agriculture: recommends approval.
 - B) Minnesota Department of Health: no recommendation received.
 - C) Minnesota Department of Natural Resources: recommends approval.
 - D) Minnesota Pollution Control Agency: recommends approval.
 - E) Minnesota Environmental Quality Board: recommends approval.
 - F) Minnesota Board of Water and Soil Resources regional staff: recommends approval.
 - G) Board Water Plan Review Committee: recommends approval.

- 6) This update will be in effect for a ten-year period until **May 31, 2016, with the Goals, Objectives, and Action Items amended by May 31, 2011.**

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of **Isanti** County pursuant to Minnesota Statutes , 103B.315, Subd. 5.
2. The **Isanti** County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

DRAFT

ORDER

The Board hereby approves the attached update of the **Isanti County** Local Water Management Plan - **May 31, 2006 to May 31, 2016**, with the Goals, Objectives, and Action Items being amended prior to **May 31, 2011.**

Dated at **St. Paul** , Minnesota, this **twenty-fourth day of May 2006.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

NOTE: For a complete description of each strategy, refer to Isanti CLWMP, Section III.

Isanti County Implementation Schedule				Ongoing Activities	
Programs	Cooperators	Staff/ Cooperator match	Funding	Grant Sources	Watershed
Shoreland Management	Zoning	\$4,562	\$4,562	BWSR Base Grant	ALL
WCA	Zoning	\$23,599	\$23,599	BWSR Base Grant	ALL
WCA	SWCD	\$5,000	\$5,000	BWSR Base Grant	ALL
EQIP	NRCS	\$263,475	\$263,475	USDA	ALL
WHIP	NRCS	\$35,607	\$11,869	USDA	ALL
ISTS Administration	Zoning	\$1,500	\$1,500	BWSR Base Grant	ALL
State Cost Share Program	SWCD	\$7,000	\$11,303	BWSR / State	ALL
Local Water Management Plan	SWCD	\$9,132	\$17,447	BWSR Base Grant	ALL
Pheasants Forever	SWCD	\$5,000	\$10,000	Isanti County PF	ALL
Ag BMP Loan Program	SWCD	\$3,200	\$188,000	IN Department of Ag	ALL
Total Annual Projected Cost		\$358,075	\$536,755		

I. Executive Summary

Introduction

Isanti County is located north of the twin cities metro region amid the Anoka Sand Plain with relatively smooth relief and fingerlike depressions of lakes and rivers, developing into gently rolling hills along the northwestern and southwestern edges. The majority of the county's 54 protected lakes and 151 protected wetlands are formed in this sandy area. The Rum River flows through the county from the west to the northeast, then abruptly turns and flows out the to the south – southeast. Greater than eighty percent of the county lies within the Rum River Watershed. The eastern edge (14%) is in the St. Croix River Watershed and two fingers (5%) of the Snake River Watershed creep down along the northern edge of the county. Isanti County is bordered on the east by Chisago County, north by Kanabec County, west by Mille Lacs County and Sherburne County and south by Anoka county in east central Minnesota. It is 24 miles across at the southern border and 18 miles across at the northern border, extending 22 miles from north to south. It encompasses a total area of 452 square miles or 289,404 acres. The City of Cambridge is the county seat. The county population between 1990 and 2000 has increased by 20.7%.

Agriculture, in the form of cultivated land is the dominant land use within the county. Of the 289,404 acres of land in Isanti County, 103,358 acres (35.7%) is classified as cultivated land. The county acreage includes 3.1% water and 3.4% wetlands classification.

Isanti County's Local Water Management Plan (LWMP) is implemented by the Soil and Water Conservation District. The original LWMP was formally adopted on August 18, 1993. A plan revision was implemented in 2000 and expired on December 31, 2005. This 5-year plan will be effective on or before January 1, 2006 and be implemented through December 31, 2011.

Purpose

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

1. The plan must cover the entire county.
2. The plan must address problems in the context of watershed units and groundwater systems.
3. The plan must be based upon principals of sound hydrologic management of water, effective environmental protection, and efficient management.
4. The plan must be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or ground water system.
5. The plan must cover a five year period (2004 – 2009).

Changing development patterns and economic growth will eventually create more pressure on natural resources and impact agricultural, water resources and recreational needs of Isanti County residents.

Description of Priority Concerns

Following public participation meeting in Isanti County, priority concerns were established. This meeting was facilitated with both a survey of perceived threatened resources and problems within the county and an active participation process to address these problems. From this process, the following priority concerns were identified:

1. Development Pressures: Zoning and Ordinances – platting within the shoreland / sensitive areas, stormwater runoff and existing drainage systems.
2. Natural Habitat / Impaired Waters: breaking up contiguous natural areas for habitat, destruction of wetlands, development of agriculture lands and diminishing water quality in area lakes.
3. Groundwater Quality and Quantity: failing septic systems, agriculture contamination, potential for well contamination, arsenic / radon, and education needs of the public.

These three issues will be the focus in establishment of goals, objectives and a plan for implementation.

Summary of Goals and Actions

During the public input process, pressure on the lakes created by development was the number one concern of residents in Isanti County.

Cumulative Effects of Development on Surface Waters Goal: Develop regulations, education, and incentives to ensure orderly development with minimal impacts to sensitive areas to preserve Isanti County's natural resources. Actions focus on implementation of the following objectives:

- ⬇ Guide new development with comprehensive planning, accurate information, and consideration for natural resources.
- ⬇ Improve stormwater runoff quality by compliance with stormwater rules, continuing public education, and promotion of BMPs.

Protection and Restoration of Natural Habitat and Impaired Waters Goal: Preserve and improve quality and quantity of habitat areas and quality of lakes and wetlands in Isanti County. Actions focus on implementation of the following objectives:

- ⬇ Implement and promote land use practices that will reduce and/or mitigate negative human impacts on natural resources.
- ⬇ Position Isanti County to maximize local control and funding of TMDLs.
- ⬇ Reduce the loss of water clarity in Isanti County lakes and rivers by promoting lakeshore and river stewardship, wetland restoration, and preservation of habitat areas.

Groundwater Quality and Quantity Goal: Protect groundwater quality and quantity through education and enforcement of existing regulations. Actions focus on implementation of the following objectives:

- ✦ Educate County residents about distribution of naturally occurring contaminants in groundwater, well construction, and geologic factors that affect contaminant distributions.
- ✦ Work to prevent failure of ISTS and related sewage pollution in Isanti County.

Consistency of plan with other pertinent local, state, and regional plans

Plans considered in the completion of this document include the Upper Mississippi River Basin Plan with data and concerns regarding the Rum River and the St. Croix Basin Water Resources Planning Status Report with its data on the North Branch of the Sunrise River. Input from Chisago and Anoka County was considered and included in the implementation strategies of this plan. Chisago County expressed concerns regarding the North Branch of the Sunrise River TMDL, increased coordination on water resources issues between Chisago and Isanti Counties, and stormwater management in developing areas. Anoka County expressed concern as a downstream neighbor that has already experienced the development pressures now being faced by Isanti County. Their suggested focus on Impaired Waters, protection of sensitive areas and the Rum River fit with Isanti County's focus areas.

Summary of recommended amendments of other plans and official controls

The Isanti County Local Water Management task force recommends statewide revision of the Shoreland Regulations. It was the feeling of the general public, supported by the task force, that the existing regulations do not adequately preserve the sensitive shorelines that are still undeveloped.

NOTE: for a complete description of each strategy, refer to Isanti CLWMP, Section III.

Isanti County Implementation Schedule								Priority Concerns
		Responsible	2006	2007	2008	2009	2010	Watershed
Priority 1 - Cumulative Effects of Development on Surface Waters								
Objective A -- Guide new development with comprehensive planning, accurate information, consideration for natural resources and continued protection.								
Actions	1	Encourage CB to fully fund implementation of CLWMP	SWCD Zoning DNR LA	X				ALL
	2	Participate with cities / county to promote stormwater management	WPM Zoning	X	X			ALL
	3	Create matrix of all land use ordinances in county	WPM	X				ALL
	4	Support / input on County Comp Plan update	WPM DNR LA Zoning	X	X			ALL
	5	On-going education program for elected officials	WPM	X	X	X	X	ALL
	6	Natural Resource information on county website	Zoning WPM	X \$7,000				ALL
Objective B -- Improve stormwater runoff quality by compliance with stormwater rules, continuing public education and promotion of BMPs..								
Actions	1	Low impact development standards	WPM	X	X	X	X	ALL
	2	Identify development sensitive stormwater sites	WPM DNR MPCA	X				ALL
	3	Digital Soil Survey	NRCS WPM	X \$7,000	X			ALL
	4	Quantify runoff volume for "full build out" on development areas	MPCA WPM Summer Intern	X \$7,000				ALL
	5	Education for local decision makers	WPM Zoning	X	X	X	X	ALL
	6	Project NEMO	WPM	X				ALL

NOTE: for a complete description of each strategy, refer to Isanti CLWMP, Section III.

Isanti County Implementation Schedule								Priority Concerns
		Responsible	2006	2007	2008	2009	2010	Watershed
Priority 2 - Protection and restoration of natural habitat and impaired waters in Isanti and bordering counties.								
Objective A -- Implement and promote land use practices that will reduce and/or mitigate negative human impacts on natural resources.								
Actions	1	Identify and designate Conservation Corridors	DNR WPM	X				ALL
	2	Address natural resource issues at sketch plan	Zoning WPM		X			ALL
	3	Pursue DNR acquisition / easement-sensitive areas	DNR WPM	X \$7,000	X	X	X	ALL
	4	Adopt policies for conservation easement, etc. for sensitive areas	Zoning WPM	X	X			ALL
	5	Support existing standards Rum River Scenic District	DNR WPM Citizen groups	X				Rum River
	6	Lakescaping Education / Incentives	DNR WPM LID / LA	X \$7,000	X	X	X	ALL
	7	Buffers in Ag areas	USDA SWCD WPM County LID / LA	X \$7,000	X	X	X	ALL
Objective B -- Position Isanti County to maximize local control and funding of TMDLs.								
Actions	1	103.B levy / funding	WPM	X	X	X	X	ALL
	2	Prioritize impaired waters	WPM	X	X	X	X	ALL
	3	North Branch of Sunrise River / Chisago County	WPM	X	X	X	X	St. Croix River
	4	Typo Lake TMDL / Anoka County	WPM	X	X	X	X	Rum River

NOTE: for a complete description of each strategy, refer to Isanti CLWMP, Section III.

Isanti County Implementation Schedule								Priority Concerns	
			Responsible	2006	2007	2008	2009	2010	Watershed
Objective C -- Reduce the loss of water clarity in Isanti County lakes and rivers by promoting lakeshore and river stewardship, wetland restoration, and preservation of habitat areas.									
Actions	1	Long-term basin monitoring program	WPM	X	X	X	X	X	ALL
	2	Funding to quantify nutrient loading	WPM	X	X				ALL
	3	Lakeshed mapping	DNR WPM Summer Intern	X \$7,000	X \$7,000	X \$7,000	X \$7,000	X \$7,000	ALL
	4	Coordinated data collection approach	WPM	X	X	X	X	X	ALL
	5	Inventory drained wetlands	WPM SWCD	X					ALL
	6	wetland setback / buffer recommendations	DNR WPM	X					ALL
	7	PICKM Water Quality Team	WPM	X	X	X	X	X	ALL
	8	Lakeshore property owners education	WPM	X	X	X	X	X	ALL
	9	Healthy Lakes and Rivers program	WPM	X	X				ALL
	10	Host Healthy Rivers workshop w/DNR	WPM	X					Rum River
	11	Countywide COLA	WPM DNR	X	X	X	X	X	ALL

NOTE: for a complete description of each strategy, refer to Isanti CLWMP, Section III.

Isanti County Implementation Schedule								Priority Concerns
		Responsible	2006	2007	2008	2009	2010	Watershed
Priority 3 - Groundwater Quality and Quantity								
Objective A -- Educate County residents about distribution of naturally occurring contaminants in groundwater, well construction, and geologic factors that affect contaminant distributions.								
Actions	1	Education program / Anoka Sand Plain	WPM City Managers	X	X			ALL
	2	Newsletter - HHW	WPM	X \$7,000	X \$7,000	X \$7,000	X \$7,000	ALL
	3	Wellhead Protection Plans	WPM	X	X	X	X	ALL
	4	Mapping Radon areas	WPM MDH	X	X			ALL
	5	Cost-share well sealing	SWCD WPM	X \$7,000	X \$7,000	X \$7,000	X \$7,000	ALL
	6	Promote water conservation	DNR WPM MDH	X	X	X	X	ALL
	7	Irrigation permits in sensitive groundwater areas	DNR WPM	X	X	X	X	ALL
	8	Annual nitrate clinic / education	MDH WPM	X	X	X	X	ALL
	9	Nitrate Probability Map	MDH WPM	X	X			ALL
	10	Protect, preserve, restore wetlands	DNR WPM Zoning	X	X	X	X	ALL
Objective B -- Work to prevent failure of ISTS and related sewage pollution in Isanti County.								
Actions	1	ISTS maintenance education	Zoning WPM	X \$7,000	X \$7,000	X \$7,000	X \$7,000	ALL
	2	Lake / River Association education	WPM DNR	X	X	X	X	ALL
	3	Low interest loan program	SWCD WPM	X \$7,000	X \$7,000	X \$7,000	X \$7,000	ALL
Annual Total Cost								

NEW BUSINESS

2. Termination Petition for South Two River Watershed District
Termination Hearing – Jim Haertel – ***DECISION ITEM***
3. Conservation Easement Alteration Subcommittee's Policy
Recommendation – Randy Kramer and Kevin Lines - ***DECISION
ITEM***

Termination Petition for South Two River Watershed District
Termination Hearing

RESOLUTION NUMBER 06-____

RESOLVED, that Jerome Deal, the Chair of the Minnesota Board of Water and Soil Resources, is authorized to affirm that the Termination Petition involving the South Two River Watershed District meets the requirements of Minn. Stat. 103D.271, subdivisions 4 and 5; that the petitioner's bond has been filed pursuant to subdivision 6; and, if those provisions have been fully met, is further authorized to sign the Order for the Termination Hearing setting forth the date, time and location of the hearing, along with appointing a hearing panel of five board members.

Conservation Easement Alteration Requests and Board Action

RIM Reserve Rule Affecting Alteration Requests

8400.3610 Alteration, Release or Termination of Conservation Easements

The state board may alter, release, or terminate a conservation easement after consultation with the commissioners of agriculture and natural resources. The board may alter, release, or terminate an easement only if the state board determines that the public interests and general welfare are better served by the alteration, release, or termination.

The state board must be provided the following information at least 30 days prior to a state board meeting, before the state board will consider a request to alter, release, or terminate a conservation easement:

- A. a copy of the letter from the landowner to the district board justifying the change and identifying how the public interest and general welfare will be better served;
- B. a letter from the district board recommending either approval or disapproval of the proposed change;
- C. a letter from the Department of Natural Resources area wildlife manager recommending either approval or disapproval of the proposed change; and
- D. other supporting documents, including:
 - 1) an aerial photo identifying the requested change;
 - 2) a soil survey map of the area;
 - 3) cropping history information; and
 - 4) other pertinent documentation that will support the request.

The state board reserves the right to require special provisions to ensure at least equal resource value as a condition of approving the request. The state board must be compensated by the landowner for all damages and loss of benefits to the conservation easement and the state board may also require reimbursement for administrative expenses and costs incurred in the alteration, release, or termination of a conservation easement.

Proposed Policy as Recommended by Easement Alteration Subcommittee

All alteration requests will be accompanied by a \$500 minimum processing fee. For alterations where actual costs to amend the easement exceed \$500 the state reserves the right to charge the applicant the actual cost.

Public initiated projects

Easement staff have the authority to tentatively approve of releases for public infrastructure projects. However, releases are not considered final until after the release request is presented to and approved by the Board and all fees have been paid.

In addition to the fee as outlined above, public entities must pay:

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

Private landowner requests

All requests must meet the following conditions for BWSR approval:

- 1) Replacement acres will increase by a minimum factor of 2:1 (replacement acres to released acres). Replacement acres proposed on easements must meet crop history requirements, cropped 2 of last 5 years, if land proposed for release was cropland at the time the easement was granted.
- 2) The resource protection and habitat benefits of the original easement will remain the same or be enhanced by the proposed alteration. For example;
 - restored wetland acres will not be drained or filled by the proposal
 - riparian buffers will be preserved or enhanced
 - easement configuration will preserve or enhance wildlife benefits (larger blocks of habitat, not fractured puzzle-like boundaries).
- 3) The SWCD Board and/or the DNR Area Wildlife Manager approve of the proposed alteration.
- 4) Landowners will be required to pay all costs associated with establishment of conservation cover practices on replacement acres according to an approved conservation plan.
- 5) Any alteration proposed would not allow or enable any land development projects to occur on lands currently under easement.

Meeting the criteria outlined above for private requests does not guarantee that the Board will approve of the request for release and alteration of a conservation easement.

FOR YOUR INFORMATION
May 24, 2006

- BWSR "Update"
- News Release "Rushford-Peterson Team Takes First Place at State Envirothon"
- Letter from Brian Brandt, Director of Risk Management Programs, American Farmland Trust
- "Saving Energy News"
- AgriNews article, "Wetland banking program creates unique commodity"
- AgriNews article, "Public drainage ditches key part of Minnesota's environment"



Board of Water and Soil Resources UPDATE

A publication of the Minnesota Board of Water and Soil Resources

May 2006

ENGINEERING

Engineering Inspection of Wetland Restorations

BWSR engineering staff took

some time in April to visit a number of representative wetland restoration sites in southern Minnesota, including RIM, CREP, and RIM/WRP projects. The purpose was to see the outcomes of different wetland restoration designs and construction specifications after various time periods since construction, and to learn how we might improve our designs and specifications. Several different types of water control structures were inspected, including weirs, drop inlets, and inline control structures with removable stop logs. This included different trash rack designs to prevent conduit plugging, while passing the design flows, and minimizing maintenance requirements as well. Various designs for protecting embankments from wave erosion were also inspected, including flatter embankment slopes, underwater berms at the toe of embankments, and staged construction to allow vegetation establishment before normal pools are established. These site visits also involved further investigations about where and how to protect against damage by those pesky muskrats. Engineering staff hadn't taken focused time for this type of learning in quite some time. Therefore, this was a valuable effort to "sharpen our saws."

Drainage

On May 19, Al Kean attended and helped present at a Conservation Drainage Field Day near St. Peter sponsored by the Brown-Nicollet-Cottonwood Water Quality Board. The demo projects visited are located in the St. Peter Drinking Water Supply Management Area. Federal, state, and local government units, the U of M, equipment suppliers, and area farmers were represented at the field day. A representative of EPA and of NRCS from their headquarters offices were in attendance, as well as several representatives of the McKnight Foundation, all of which have contributed funds to one or more of these projects. The types of practices viewed included controlled subsurface drainage, a wood chip bioreactor

on a tile line, and a wetland restoration with tile outlets into the wetland. The controlled drainage demo is part of an NRCS Conservation Innovation Grant awarded to the MDA. This project will demonstrate the water quality improvement and ag production effects of controlling subsurface drainage at different levels during different times of the year. The wood chip bioreactor will provide a carbon source for microbes that can denitrify tile drainage water. The wetland restoration site is a CREP, CRP, and LCMR Habitat Corridors project constructed several years ago that denitrifies tile drainage water by outletting subsurface tiles into the wetland. This site also provides runoff detention and wildlife habitat. BNC Water Quality Board staff is a key player in the water quality monitoring of these projects. The wetland restoration site has been monitored for two years and has shown nitrate reductions averaging about 70 percent.

Public Drainage Ditch Buffer Study

Al provided a PowerPoint overview of the study to the Red River Basin Water Quality Team on May 22 in Moorhead. There was much discussion about the study, including how public drainage systems are administered, enforcement of the grass strip requirement of drainage law, the definition of how to measure the minimum 1-rod grass strip requirement, the design and benefits of side inlet controls, and how road ditches might also be buffered.

Al and Doug Thomas are coordinating with the Study Work Group members to identify a meeting date in June to resume discussions about the Work Group recommendations in the study.

Wetland Banking

Tom Wenzel continues to work with other Wetland Banking Retooling Team members to define and implement improved processes and procedures for wetland banking projects, both public and private. This includes revised agreement and easement forms, Wetland Bank Application forms, and processing checklists. We are

Continued on next page

Board of Water and Soil Resources Update, Page 2

confident that these retooling efforts will substantially improve the efficiency and quality of wetland banking projects.

Lake Superior Nonpoint Implementation

Julie McDonnell was hired in April to work half-time on a Minnesota Coastal Program grant project for which BWSR received funding in 2005. Julie will pick up this project where Marc Hershfield left off. The focus of the project is to identify retrofit BMP opportunities for water quality improvement along the Hwy. 61 corridor, which runs along the North Shore of Lake Superior. Retrofit BMPs are part of the Existing Development Management Measure specified by NOAA and EPA and adopted with Minnesota's Lake Superior Coastal Nonpoint Program (CNP). Minnesota's CNP is in the process of being fully approved by NOAA and EPA.

-Submitted by Al Kean

BRIEFS

A team of students from Rushford-Peterson High School took first place out of 27

schools competing at the 2006 Minnesota State Envirothon held May 17 at Lake Bronson State Park, north of Thief River Falls, Minn.

Students representing Rushford-Peterson include: seniors Adam Norton, Matt Halverson, Jon O'Donnell, Charlie Foxx; and junior, Justin Brown. Advisor is Jordan Donnerbauer. Total score was 90.33.

Second place went to a team from Benilde-St. Margaret's (St. Louis Park), with a score of 85.67. Team members include: Erica Eiden, Jennifer Brown, Katie Byers-Ferrian, Alex Cutchey, and Harry Niedermaier. Advisors are Patty and Keith Leiseth.

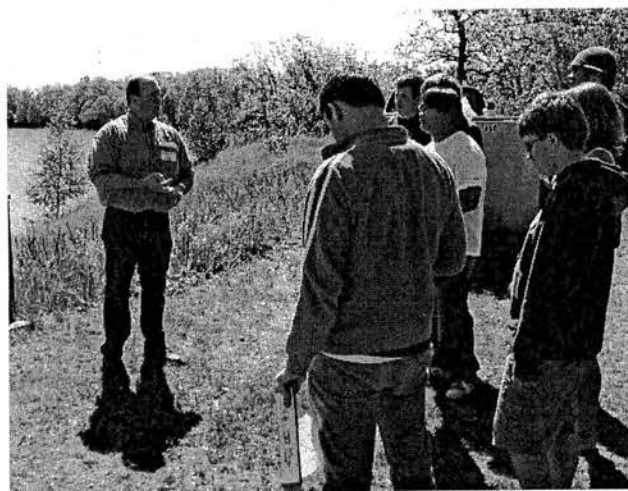
Third place went to a team from Eastview High School (Apple Valley), with a score of 85. Team members include: Beth Weidenhaft, Brandon Boxler, Devin Tunseth, Alex Jaffe, and Brenna Callinan. Advisor is Jane Porterfield.

The State Envirothon is the culminating event of nine regional Envirothon competitions, which are organized by the state's Soil and Water Conservation Districts.

The Rushford-Peterson team will represent Minnesota in the Canon Envirothon, hosted at the University of

Manitoba in Winnipeg, Manitoba, July 23-29. Members of the Rushford-Peterson team are also eligible for a \$1,000 scholarship from the University of Minnesota Twin Cities campus.

The 2006 Minnesota State Envirothon received support from the Minnesota Board of Water and Soil Resources, the Minnesota Association of Soil and Water Conservation Districts, Great River Energy, Minnesota Pollution Control Agency, Canon U.S.A./Canon Envirothon, Mille Lacs Band of Ojibwe, Minnesota Association of Conservation Districts Employees, Security State Bank of Warroad, Minnesota Deer Hunters Association-North Red River Chapter, Area I Envirothon Committee, Dalhgrens Sunflower Seed Company, Northern Plains Potato Growers, and Digi-Key. The State Envirothon is also supported by SWCD employees and federal and state agency staff who volunteer at the event.



Les Lemm, BWSR board conservationist, was a presenter at the water quality station.



Jerome Deal, BWSR board chair, with the winning team from Rushford-Peterson.



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

May 18, 2006
For immediate release

Contact: Peter Raeker, 651-296-0884

RUSHFORD-PETERSON TEAM TAKES FIRST PLACE AT STATE ENVIROTHON

LAKE BRONSON, MINN. — A team of students from Rushford-Peterson High School took first place out of 27 schools competing at the 2006 Minnesota State Envirothon held yesterday (May 17) at Lake Bronson State Park, north of Thief River Falls, Minn.

Students representing Rushford-Peterson include: seniors Adam Norton, Matt Halverson, Jon O'Donnell, Charlie Foxx; and junior, Justin Brown. Advisor is Jordan Donnerbauer. Total score was 90.33.

Second place went to a team from Benilde-St. Margaret's (St. Louis Park), with a score of 85.67. Teams members include: Erica Eiden, Jennifer Brown, Katie Byers-Ferrian, Alex Cutchey, and Harry Niedermaier. Advisors are Patty and Keith Leiseth.

Third place went to a team from Eastview High School (Apple Valley), with a score of 85. Team members include: Beth Weidenhaft, Brandon Boxler, Devin Tunseth, Alex Jaffe, and Brenna Callinan. Advisor is Jane Porterfield.

The State Envirothon is the culminating event of nine regional Envirothon competitions, which are organized by the state's Soil and Water Conservation Districts. The top teams from regional Envirothons attend the State Envirothon. At the event, teams of students take exams on various subjects related to the environment and give an oral presentation before a panel of judges.

The Rushford-Peterson team will represent Minnesota in the Canon Envirothon, hosted at the University of Manitoba in Winnipeg, Manitoba, July 23-29. Members of the Rushford-Peterson team are also eligible for a \$1,000 scholarship from the University of Minnesota Twin Cities campus.

The 2006 Minnesota State Envirothon received support from the Minnesota Board of Water and Soil Resources, the Minnesota Association of Soil and Water Conservation Districts, Great River Energy, Minnesota Pollution Control Agency, Canon U.S.A./Canon Envirothon, Mille Lacs Band of Ojibwe, Minnesota Association of Conservation Districts Employees, Security State Bank of Warroad, Minnesota Deer Hunters Association-North Red River Chapter, Area I Envirothon Committee, Dalhgrens Sunflower Seed Company, Northern Plains Potato Growers, and Digi-Key. The State Envirothon is also supported by SWCD employees and federal and state agency staff who volunteer at the event.

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Note: final score sheet is posted on BWSR's web site. (www.bwsr.state.mn.us)

STATE ENVIROTHON 2006 - LAKE BRONSON

Place	Team	School	TOTAL	Forestry	Soils	Aquatics	Wildlife	Curr Event	Oral
1	13	Rushford-Peterson H S	90.33	14	10	9	10	14	33.33
2	18	Benilde-St. Margaret's (Blue Team)	85.67	13	14	10	4	12	32.67
3	27	Eastview High School	85.00	14	9	12	8	12	30.00
4	21	Stephen/Argyle Central	85.00	11	10	15	6	12	31.00
5	2	Mankato East High School (Blue Team)	82.67	11	11	11	5	15	29.67
6	12	Tri-County High School	82.33	13	11	11	7	10	30.33
7	4	Cannon Valley Lutheran HS	81.67	12	10	12	9	14	24.67
8	11	Martin County West	80.00	7	13	12	5	8	35.00
9	14	Park Rapids High School	77.67	8	7	12	8	9	33.67
10	3	Grygla High School	77.33	8	11	10	9	9	30.33
11	9	Benilde-St. Margaret's (Red team)	75.67	12	11	7	7	13	25.67
12	23	Clearbrook-Gonvick Schools	75.67	9	12	12	6	12	24.67
13	15	Breckenridge H S (Red Team)	75.33	9	11	7	2	12	34.33
14	6	Dilworth-Glyndon-Felton H S	74.00	8	9	10	10	6	31.00
15	8	Mahnomen H S (Blue Team)	72.00	8	11	8	5	14	26.00
16	10	Worthington H S (White Team)	71.33	9	12	9	4	14	23.33
17	19	SW Minnesota Christian H S	70.33	10	8	6	9	7	30.33
18	20	Mankato East High School (Red Team)	69.00	9	8	9	8	7	28.00
19	1	Worthington H S (Blue Team)	67.33	7	10	9	7	9	25.33
20	17	Two Harbors H S (White Team)	66.33	8	11	6	6	11	24.33
21	7	Two Harbors H S (Red Team)	65.33	7	9	7	5	9	28.33
22	22	Stewartville High School	64.67	10	8	10	5	9	22.67
23	5	Walker-Hackensack-Akeley	64.00	10	6	12	5	6	25.00
24	26	Mahnomen H S (Red Team)	59.33	3	8	10	3	8	27.33
25	24	Breckenridge H S (White Team)	59.00	6	6	7	2	13	25.00
26	25	Two Harbors H S (Blue Team)	58.33	7	7	8	4	8	24.33
27	16	Climax-Shelly	50.67	6	8	9	3	7	17.67
28	A1	Alternate 1	48.00	12	8	10	9	9	
29	A2	Alternate 2	43.00	8	5	12	5	13	
30	A3	Alternate 3	43.00	9	9	11	7	7	

Name	Organization	Task
Judges		
Becker, Lori	Enviro. Ed. Teacher, Crookston	
Cook, Kay	BWSR	
Jenkins, Kim	Arctic Cat	
Johnson, Patti	Grygla High School Principal	
Kajewski, Glen	NRCS	
Leach, Maggie	PCA	
Pederson, Jim	Polaris Industries	
Pederson, Ken	MASWCD Board	
Struss, Ron	U of MN	Judges Orientation
Presenters		
Barron, Don	Retired SCS	Soils
Bennett, David	US Fish and Wildlife Service	Wildlife
Ellering, Amber	DNR-Warroad	Forestry
Goeken, Wayne	RRWMB	Current Topic
Halvorson, Danni	RRWMB	Current Topic
Heschke, Rod	USDA NRCS	Soils
Lemm, Les	BWSR	Water Quality
Neuman, Darren	DNR	Forestry
Newton, Luther	USDA	Wildlife
Olson, Shane	Kittson SWCD	Water Quality
Schlesser, Nick	DNR	Water Quality
Trask, Corryn	Lake of the Woods SWCD	Water Quality
Volunteers		
Anderson, Holly	Kittson SWCD	T-shirts
Anderson, Mary Jo	BWSR	Registration/Score Runner
Bernd, Nicole	West Polk SWCD	Parking-Directions/Horn Blower
Byklum, Karla	Marshall-Beltrami SWCD	Breakfast
Crandall, Lance	DNR-Lake Bronson State Park	Teachers Guide
Flemming, Mary Jo	BWSR	Registration/Score Recorder
Green, Cheryl	Mahnomen SWCD	T-shirts/Score Runner
Guetter, Paige	West Polk SWCD	Forestry Station Helper
Haag, Shawn	University of Minnesota	
Hanson, Tanya	Red Lake SWCD	Score Runner
Hasbrouck, Bonnie	USDA	Lunch
Hest, Jim	Marshall-Beltrami SWCD	Oral Presentation Monitors
Hubbell, Dianne	BWSR	Timer
Johnson, Judy	Stevens SWCD	Timer
Kaspari, Jan	Marshall County	Current Topic Station Helper
Miller, Vicki	Norman SWCD	Registration/Score Recorder
Molskness, Barb	Pennington SWCD	Breakfast
Nordby, Tony	Marshall-Beltrami SWCD	Oral Presentation Monitors
Neubert, Aaron	Mahnomen SWCD	Timer
Newton, Lisa	Marshall-Beltrami SWCD	Soil Station Helper
Quiner, Joanne	Kittson SWCD	Lunch
Rebischke, Cari	NRCS	Wildlife Station Helper
Sistad, Cheryl	Marshall-Beltrami SWCD	Volunteer Coordinator
Swart, Peggy	Roseau SWCD	Breakfast/Score Recorder
Tuck, Ralph	Root River SWCD	Wildlife Station Helper

Special Guests

	Jerome Deal	BWSR Board	
	Quentin Fairbanks	BWSR Board	
	Carol Berg	MASWCD Board	
	Shawn Haag	U of M admissions	
	Pete Raeker	BWSR	

American Farmland Trust
SAVING THE LAND THAT SUSTAINS US

*Board Packet
FYI*

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RECEIVED

MAY 18 2006

*Bd. of Water & Soil Resources
St. Paul*

Dear Friend of Agriculture:

I'm writing to inform you about a program that has resulted in a 24% reduction in fertilizer use by participating corn farmers in seven states.

The BMP CHALLENGE reduces economic risks to farmers when they adopt Best Management Practices, or BMPs. BMPs are designed to reduce inputs and improve returns over time, but can lower yield and income in any one year due to unpredictable weather or other conditions. For example, under bumper crop growing conditions, BMP rates of nutrients may not be sufficient to maximize yields.

The BMP CHALLENGE provides financial assurance so that farmers can see how these practices perform, on their own fields, without income risk. In our recent survey of 700 corn farmers, more than half indicated they wanted this protection before experimenting with BMPs.

The concept is simple. The farmer selects one or two fields to enroll. He or she applies traditional nutrient rates or tillage practice on a check strip in those fields. The balance receives BMP nutrient rates or reduced tillage. At harvest, we perform a comparison of net returns and compensate the farmer for any loss.

The BMP CHALLENGE program has been used successfully in conjunction with grant-funded projects including EPA 319 and other federal and state programs. Please review the enclosed brochure and contact me if you would like more information on how this program can help you in your conservation work.

Sincerely,



Brian Brandt
Director of Risk Management Programs

*Board Packet
FYI*

From: Bill Eisele
To: # Everyone
Date: 5/10/2006 2:49:09 PM
Subject: SavingEnergy e-letter

Too all staff: Here is the last news on energy savings activities directed towards state operations, including news on upcoming energy fairs. Please take the time to read.

Saving Energy News

Governor Tim Pawlenty has issued an Executive Order challenging all state agencies to reduce energy use in state-owned buildings by 10 percent in 2006. As we all know, rising energy prices pose a significant challenge for state government. Minnesota's state agencies should be leaders in saving energy and demonstrating the public benefits of energy conservation. This periodic e-letter is part of an effort to increase awareness across state government of the importance of SavingEnergy.

SavingEnergy Fairs for May

SavingEnergy Fairs are on the May calendar at two of the newest, most energy-efficient state buildings in St. Paul. The first stop is Thursday, May 18 at the Elmer L. Andersen Human Services Building (second floor conference room area), 540 Cedar Street. The second is Thursday, May 25 at the Orville L. Freeman State Office Building (AB atrium), 625 N. Robert Street. The SavingEnergy Fairs are open 11 a.m.-1:30p.m.

SavingEnergy Fairs offer information on ways to reduce energy consumption, conserve natural resources and lower energy costs at home and at work. Specialists from the Department of Commerce, State Energy Information Office, and energy companies will be on hand to answer your questions about energy saving opportunities.

The two facilities, along with the new Department of Agriculture/Department of Health Laboratory adjacent to the Freeman Building, opened in the fall of 2005. All three integrate sustainable-design strategies that significantly reduce energy costs through capitalizing on natural light, open space and energy efficient materials and equipment.

ENERGY STAR is State Standard

ENERGY STAR has served as the standard for state purchases of electrical equipment since the introduction of the program in 1992 by the Environmental Protection Agency.

The Minnesota Department of Administration procures more than \$1 billion annually in goods and services for state government. All pertinent state contracts include a provision for "environmental coding" for energy efficiency, as well as reduced packaging, recycled content and more. When purchasers order products through MAPS, the state's accounting and procurement system, an "EE" code identifies energy efficient equipment.

In addition, personal computer equipment standards established under the Drive to Excellence by the state Office of Enterprise Technology require ENERGY STAR-qualified desktop and laptop computers and monitors from suppliers. The energy savings from purchasing ENERGY STAR-qualified equipment can be significant.

A single office with an ENERGY STAR-qualified computer, monitor, printer and fax machine can, over the

life of the equipment, save enough electricity to light an entire home for more than four years. ENERGY STAR-qualified equipment, with its low-power mode, can also reduce cooling costs because equipment in hibernation produces less heat. Equipment also lasts longer when it runs cooler. More information about ENERGY STAR is available at www.energystar.gov <<http://www.energystar.gov/>> .

Switching to CFLs in State Buildings

Among the many products that are ENERGY STAR-qualified are compact fluorescent lights (CFLs) - and they really provide energy savings. A CFL uses 66 percent less energy than its incandescent equivalent and will last 10 times longer - providing up to a \$30 savings in energy costs over the life of the bulb (at today's rates) and reduced maintenance costs for bulb replacement.

Where are incandescent bulbs used in most state buildings? Most general overhead lighting is fluorescent tubes, an efficient alternative to incandescents. But often task lighting at desks and workstations, spot and flood lighting, and dimmer-controlled fixtures have incandescent bulbs. Many people assume that CFLs are not suited for these uses, but improvements in technologies have brought many new products to market that will satisfy most of the lighting needs for state buildings. Newer CFLs come in a wide variety of sizes and shapes (including spot and floodlights) and some can be used with dimmers and three-way fixtures. A few are rated for outdoor use.

So, when it comes to replace bulbs in your office or workplace, insist on a CFL. In nearly all situations, it is the right choice - and an easy way to help meet the 10 percent energy reduction goal. And (as a reminder) you can install CFLs in your home fixtures, too, saving your own money and the environment, as well. (Factoid: If every household in the country replaced the five most frequently used incandescent bulbs with CFLs, it would negate the need for the construction of 21 power plants. (Really.)

Want to know more?

Visit the SavingEnergy web site, www.savingenergy.state.mn.us <<http://www.savingenergy.state.mn.us/>> or www.commerce.state.mn.us <<http://www.commerce.state.mn.us/>> and click on Energy Info Center.

for our tables.

It seems to me that Americans are increasingly being held hostage by OPEC and Big Oil. Our economic well-being and ultimately, our national security, are being controlled by these two hostile forces that are sucking our very lifeblood.

It's time to declare our energy independence. While Washington politicians like to make speeches on this subject whenever gas prices peak, this kind of hot air won't get the job done. We need bold, decisive action and we need it now.

I don't understand why our elected leaders in Washington allow us to become so dependent on imported oil from politically unstable parts of the world. The only solution is to literally grow

a good start with corn-based ethanol production, but we've got to expand this effort greatly to include other renewable plant and animal resources.

Ethanol creates new markets and generates income for farmers while decreasing our dependence on the Middle East. We need to consider the example of Brazil, an agricultural competitor that has stopped importing oil by replacing much of its motor fuel with ethanol made from home-grown sugar cane.

The Great Plains states, where the wind never stops blowing, has virtually unlimited potential to harness this cheap, abundant energy source to produce electricity. The same applies to solar energy production in many states with abundant sunshine. The second step will

be to use windmill profits tax under discussion in Washington. This exemption, however, must not be extended to wealthy nonfarmers who inherited mineral rights and receive royalty income while sitting on their duffs. Like mailbox farmers who get a big federal farm program check, these absentee mineral rights owners are getting rich at the taxpayers' expense.

We need to push forward today with a windfall profits tax that makes Big Oil giants pay their fair share. National energy independence can be financed in large part by the same market that has produced obscene, multi-billion dollar profits at the expense of every hardworking man and woman in America.

— Tim Pedrozo, dairy farmer from Orland, Calif.

Rochester, MN 55903-6118.
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wilmes@agrnews.com
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(507) 281-7474.

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in the run-up to the legislative debate.

The foundation-laying papers, explained Johanns, are "not to suggest policy but to inform and educate the public... My hope is that this analysis will help focus our national conversation as we work with Congress to develop future farm policy."

Not to suggest policy but "focus the national conversation?" Someone at USDA's policy shop is watching way too much Oprah. Arguably, Cabinet level officers have two key functions: develop policy and implement policy. Holding hands around the national campfire and singing "Kumbaya" isn't part of their job description.

Yet, according to the Washington Post, selling the war in Iraq to American farmers is part of Johanns' portfolio. In a copyrighted story, Post reporter Al Kamen wrote of a May 2 e-mail from USDA speechwriter Heather Vaughn to "about 60 undersecretaries, assistant secretaries and other political appointees" explaining how to incorporate the White House's "clear strategy for victory in Iraq" in every speech they give for the department.

The e-mail then included three pages of prescribed language that already is "being used by Secretary Johanns and deputy secretary Conner in all of their remarks and is being sent to you for inclusion in your speeches."

For example, Vaughn explains, each USDA yakker should begin upcoming talks with this gear-switching introduction: "Several topics I'd like to talk about today — farm bill, trade with Japan, WTO, avian flu, animal ID — but before I do, let me touch on a subject people always ask about... progress in Iraq."

The USDA Iraq "talking points" memo then sports "specific examples of Greater War on Terrorism within agricultural speeches. Please use these message points as often as possible and send Harry Phillips, USDA's director of speechwriting, a weekly e-mail summarizing the event,

responses will be included in a weekly account sent to the White House."

Not only is it the primary task of every USDA talker to now promote the president's "strategy for victory in Iraq" into every speech "as often as possible," they also must report back to White House scorekeepers who is on message and who isn't.

The Post's Kamen, quoting directly from the memo, has a field day with its suggestions on how to slip an Iraqi mickey into, say, a speech on "U.S. agricultural productivity. Try this: 'I'd like to take a moment to talk about a nation that is just now beginning to rebuild its own agricultural production.'

"Iraq is part to the 'fertile crescent' of Mesopotamia," the sample script says. "It is there, in around 8,500 to 8,000 BC, that mankind first domesticated wheat, there that agriculture was born. In recent years, however the birthplace of farming has been in trouble."

Then, as an aside, Kamen writes, "Probably want to pause here and give the audience a chance to catch its breath. It's hard to travel 10,500 year that quickly."

After the pause, however, he returns to the USDA-provided script. "But revitalization is under way. President Bush has a clear strategy..."

None of this nonsense comes as a surprise to anyone who has followed the farm follies of this White House. After all, this is an administration that, among other sins, didn't even offer a farm policy blueprint during the 2002 farm bill debate; hasn't found one instance of meatpucker wrongdoing since taking office and is selling U.S. cotton, soybean and sugar producers down the WTO river.

What is surprising, even shocking, however, is that most U.S. farmers and ranchers continue to wordlessly, almost worshipfully, accept these hacks' always-politics, never-policy approach as the 2007 farm bill fight looms.

COMMENTARY

Wetland banking program creates unique commodity

By Ron Harnack

Since May is American Wetlands Month, this seems like an appropriate time to write about a portion of work by the Board of Water and Soil Resources in the wetland arena, which is wetland banking.



Harnack

Under most wetland regulations in Minnesota, individuals who impact wetlands must either create new wetlands or restore previously drained wetlands to replace the ones lost. Since on-site replacement is sometimes impractical — and the person proposing the project may have no idea of how to create or restore a wetland — purchasing credits from the Minnesota Wetland Bank can be an attractive option.

BWSR maintains two wetland banks: one for private wetland impacts and one for public road impacts. The public bank was created to

mitigate wetlands lost through repair and rehabilitation of existing local government roads in Minnesota. BWSR has administered the Local Government Road Wetland Replacement Program since 1996, when the Legislature amended the Wetland Conservation Act.

The Legislature provides funding to BWSR to run this program to replace about 206 acres of reported wetlands each year. A centralized program results in saving local governments dollars and wetlands of greater quality, diversity, and distribution.

Wetland banking can also provide income for landowners who decide to restore a quality wetland. Instead of restoring wetlands through voluntary conservation programs like the Wetlands Reserve Program, Reinvest in Minnesota Reserve Program, and others, landowners can restore wetlands on their own, bank the resulting wetland credits and sell credits generated from the restoration to landowners who are impacting a wetland. This work falls under the private wetland bank.

Wetland banking for entre-

preneurs comes with financial commitment and risks.

First, the process to establish and deposit wetland credits in the bank involves both technical and legal processes. Restorations undergo inspections before credits are approved. A poor quality wetland restoration will yield no credits and therefore no return on investment. Second, an entrepreneur has to be savvy to the needs of the marketplace: Will there be buyers for the wetland credits generated? What wetland type and geographical location are best? That said, impacts to wetlands continue to occur and replacement/mitigation for those losses will sustain a demand. These restored wetlands can also provide recreational satisfaction to the landowner.

BWSR's public wetland banking program expanded this year. Thanks to an agreement reached with the Minnesota Department of Transportation, BWSR integrated the state and local road mitigation programs benefiting wetland quality, diversity, and distribution; this cooperative also will result in effi-

ciencies and savings for the state. BWSR now can purchase wetland credits from private bankers through the new cooperative — an added benefit for private wetland credit holders. At its April meeting, the BWSR Board approved the purchase of 64 credits from private wetland banking entrepreneurs to deposit in the public roads wetland bank. This was done to help meet projected mitigation needs in targeted areas of the state. Money to purchase the credits came through funding from MnDOT. This month, BWSR is soliciting wetland restoration project applications to supply wetland mitigation credits to the Local Government Road Wetland Replacement Program. Applications for enrollment will be taken until June 30.

Anyone interested in Minnesota's Wetland Banking Program should contact their local SWCD office or your local BWSR office.

Harnack is executive director of the Minnesota Board of Water and Soil Resources

AgriNews - May 18

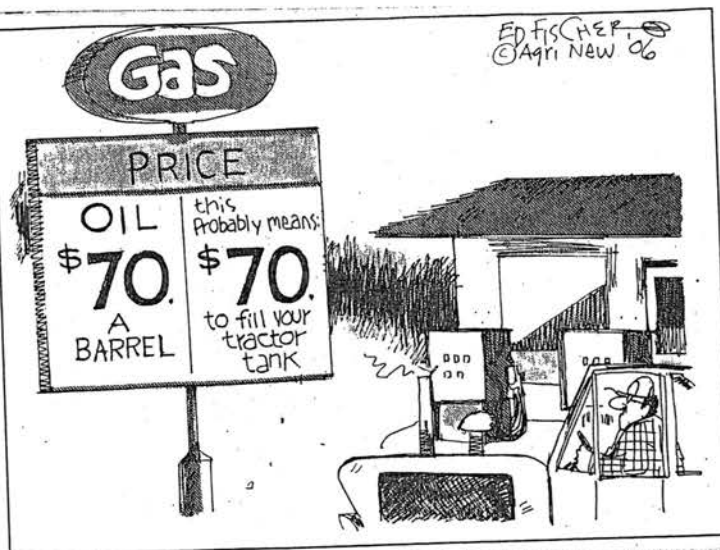
Call your congressmen and representatives: The Iraq War: 2,400 lives, 18,000 wounded; and one-half trillion dollar war cost. \$3.9 trillion national debt. We owe Japan \$1 trillion. We owe \$700 billion to China. We are selling ports, national forest land-toll roads to foreign countries. All our foundries and jobs sent out of United States. The price of oil up from \$28 a barrel to \$70 a barrel.

Our grandchildren will suffer for these mistakes. The buck stops with each and every one of us to get our country back under control. Call, write or e-mail your congressman or representative to stop this runaway situation.

We send our jobs out of the United States (no jobs). The Price of oil breaks the people (no money). Takes land out of production (no food). Depend on foreign countries?

Is this what our country has come to? How sad!

— Dick Sullivan, Waukon, IA



and distribution (of food) are taken into account, it takes 10 to 15 calories of energy for every calorie of food energy produced, according to the Center for Integrated Agricultural Systems at the University of Wisconsin.

For example, the mythbuster (www.landstewardshipproject.org) continues, "The more processing done to food, the more energy it

major crops are corn and soybeans, or are the universities doing their job for the public good, e.g., supporting alternatives to the major commodities? The story is crystal clear, it seems, to me."

My dirty work, spring cleaning, is complete. My real work, however, following up on these leads, is just beginning.

LETTERS POLICY

Agri News would like to hear from you. Letters to the Editor are welcome via e-mail, mail or fax.

They must be signed and accompanied by a telephone number and address. Letters will be edited for space and occasionally a letter that is too lengthy will be published in its entirety on the Agri News Web site.

Mail letters to Box 6118, Rochester, Mn 55903-6118.

Letters can be e-mailed to wilmes@agrinews.com

They can also be faxed to (507) 281-7474.

WWW.AGRINEWS.COM

COMMENTARY

Public drainage ditches key part of Minnesota's environment

By Ron Harnack

Public drainage ditches have been and continue to be used extensively in Minnesota to improve the productivity of agricultural lands in the state.

Estimates of total length of public drainage ditches range from 17,000 miles to 21,000 miles.

While the state's economy benefits from agricultural drainage, growing attention is being paid to water quality and impairments of lakes, rivers, and streams and the potential sources of sediment and nutrients, particularly phosphorus and nitrogen. Buffers along ditches, side inlet controls, and strategically located wetland restorations have commonly been used to filter and detain the runoff to help mitigate those adverse impacts.

A little history lesson is in order here.

Back in 1959, the Minnesota Legislature passed a law that gave drainage authorities the power to require 1-rod (16.5 feet) grass strips along public drainage ditches whenever a drainage authority would undertake a project that appoints viewers to assess benefits and damages or acquire drainage system right-of-way.

It's believed that the principal purpose of that law wasn't for water quality, but to help reduce ditch maintenance related to tillage up to or over the bank of a ditch. This tillage setback protected the stability of a ditch bank and kept dirt out of the channel. In 1977, the Legislature changed the operative word in the law from "may"

to "shall."

How is the state doing on this requirement?

In 2005, the Legislature directed BWSR to find that out by conducting an assessment of the use, maintenance, and benefits of grass strips required along public drainage ditches. BWSR worked in conjunction with farm groups, local government units and their associations, conservation groups, and federal agencies involved in voluntary conservation programs. A final report was released last month (I encourage you to read more about it on



Harnack

BWSR's web site: www.bwsr.state.mn.us).

The findings in the study confirmed what we suspected: Drainage authorities are doing better at meeting the requirement than in 1987, when another study was conducted, but there's still room for improvement.

For instance, 72 percent of the reported public ditch miles required to have the minimum 1-rod grass strips along them are reported to be in place, compared to 43 percent in the 1987 study.

The new study also shows the success of voluntary federal and state conservation programs like the Conservation Reserve Program, Reinvest in Minnesota Reserve, and the Conservation Reserve Enhancement Program. According to the study, these programs have added

1,787 miles of buffers along public drainage ditches.

Some ditch authorities have been aggressive in promoting these voluntary buffer programs with their ditch landowners.

Significant reduction in maintenance and improvements in water quality reduces operational costs for the ditch system and reduces the risk exposure of the ditch system to water quality regulations.

I would encourage ditch authorities to consider incentives or other promotions to encourage landowner participation in these buffer programs along drainage systems.

The study provides historical information about the minimum 1-rod grass buffer strip requirements of state

law. In addition, the study included a literature review about the benefits of grass strips along drainage ditches.

Another study component is a summary of Midwest states' requirements of public drainage ditch buffers, incentives available for public drainage ditch buffers, and state roles in implementing and maintaining public drainage ditch buffers.

The original work group continues to meet and discuss recommendations related to issues in the report. It's my hope that the work group will be able to reach consensus on many of the issues by January 2007.

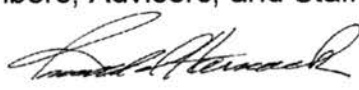
Ron Harnack is executive director of the Minnesota Board of Water and Soil Resources

Thurs April 27, 2006 - agrinews FYE



DATE: June 19, 2006

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

FROM: Ronald D. Harnack, Executive Director 

SUBJECT: June 28th Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, June 28, 2006, beginning at 9:00 a.m. The meeting will be held in the 2nd floor conference room, at 520 Lafayette Road North, in St. Paul. Parking is available in the lot directly in front of the building (use hooded parking areas).

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. **Kanabec County Priority Concerns Scoping Document** - Kanabec County submitted their Priority Concerns Scoping Document for State review and comment. The Northern Water Planning Committee, led by Quentin Fairbanks, approved the scoping document. The Committee encouraged the Kanabec County water plan task force to consider the following when developing the final plan:
 - The increased pressure that residential and recreational development will place on rivers and streams;
 - How to use the water plan to preposition the county for ditch assessment and management;
 - Increasing general public and local government participation in the development of the final plan;
 - Developing strategies to enhance the publics' understanding of the importance of the comprehensive local water management plan.

Taking this information into consideration, the Committee recommends approval of the Kanabec County Priority Concerns Scoping Document. **DECISION ITEM**

2. **Norman County Local Water Management Plan** - The Northern Water Planning Committee met on June 24, 2006 in Detroit Lakes to discuss the state review agencies comments and recommendations for updated Norman County Local Water

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Management Plan. The priority concerns for Norman County are the coordination of local, state and federal agencies in the areas of water quality, water quantities (flooding), unwanted soil movement, and the correct use of natural resources. The Northern Water Planning Committee recommends the Plan be approved per the attached draft Order. **DECISION ITEM**

3. **Red Lake Watershed District Revised Watershed Management Plan** – The Red Lake Watershed District submitted a Revised Watershed Management Plan in April. Please note the attached Overview of the revised Plan. A public hearing was held on May 22, 2006 at the watershed district office in Thief River Falls. Comments were submitted at the hearing and while the hearing record remained open, almost all of the comments concerned the Thief River Subwatershed component of the revised Plan. Both favorable and unfavorable comments concerning the Thief River Subwatershed were received. The controversial component of the revised Plan is a concept plan approved by the Project Work Team that would reduce flood damages along the Thief River. The Northern Water Planning Committee met on June 14, 2006, and decided to recommend approval of the revised Plan per the attached draft Order. **DECISION ITEM**
4. **Wild Rice Watershed District Redistribution of Managers** - Mahnomen County submitted a petition in January to redistribute the managers of the Wild Rice Watershed District. The current board of managers consists of seven managers. Three managers are appointed by Norman County from Norman and Polk Counties. Two managers are appointed by Clay County. One manager is appointed by Becker County. One manager is appointed by Mahnomen County for Mahnomen and Clearwater Counties. The petition requested Mahnomen County be authorized to appoint two managers. No increase in the total number of managers was requested. The petition cited Mahnomen County's portion of taxable market value, population and land area as reasons to grant the petition. A public hearing was held on March 30, 2006, at the Twin Valley Community Center. Comments submitted at the hearing and while the hearing record remained open were both favorable and unfavorable towards the petition. The Northern Water Planning Committee met on June 14, 2006, and decided to recommend approval of the petition. The one additional manager position for the Mahnomen and Clearwater manager district would come from a new manager district of Clay and Becker Counties consisting of two managers per the attached draft Order. **DECISION ITEM**

NEW BUSINESS

1. **FY 07 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. Enclosed information provides selected detail of recommended grant programs. **DECISION ITEM**

<i>Bemidji</i>	<i>Brainerd</i>	<i>Duluth</i>	<i>Fergus Falls</i>	<i>Marshall</i>	<i>New Ulm</i>	<i>Rochester</i>	<i>Saint Paul</i>
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2. **FY 07 Natural Resources Block Grant** - The Natural Resources Block Grant provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Individual Sewage Treatment Systems. The Board is requested to authorize staff to allocate the attached grants. **DECISION ITEM**

3. **Red River Valley Set-Aside Program, Re-Allocation** -The 2000 Legislature appropriated \$2,650,000 to BWSR to establish an agricultural land set-aside program to provide short-term economic assistance to landowners. The Cost-Share Committee is proposing to re-allocate the remaining unspent balance. See attached. **DECISION ITEM**

4. **FY 2007 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 Farm Bill Assistance Project and merge financial resources of BWSR, DNR, Pheasants Forever, local sport groups and the SWCDs to implement the program. Presently, we have 36.8 FTE's in 52 counties and are looking to maintain that level of effort. The funding formula for non-CREP and partial CREP counties would be a state/local split of 70/30. Due to increased workload demands on SWCDs to implement CREP II, a reduced local contribution would be required with a state/local split of 95/5. The total budget for each FTE would be calculated from a total budget of \$40,000/FTE with the appropriate split being applied. Staff recommends this process for approval. See attached. **DECISION ITEM**

5. **City of Hermantown Comprehensive Wetland Protection and Management Plan**
The City of Hermantown has developed a Comprehensive Wetland Protection and Management Plan over the past 30 months. The plan generally increases wetland protection within the city by using MnRAM to evaluate wetland functions and uses the results to vary replacement ratios from 1:1 up to 3:1. The plan also adds requires sequencing for all exemptions, levies a fee for each square foot of wetland impacted through an exemption and sets up a "*Hermantown Wetland Fund*" that will be used to restore, enhance and restore wetlands. The plan and ordinance also establishes city policy to preserve wetlands within 500 feet of a trout stream through zoning restrictions and conservation easements. An eighteen-member task force of residents, elected officials, environmental groups and agency staff had oversight of the development of the plan. The city is in the process of also developing a Special Area Management Plan (SAMP) in cooperation with the Corps of Engineers. See attached. **DECISION ITEM**

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6. **Area II Minnesota River Basins Project Inc. FY 2007 Annual Work Plan** -This plan is for the BWSR oversight of project and administrative funding related to the flood control efforts of the Area II project. Project funding for FY 2007 has been established at \$500,000 in bonding. This new funding will facilitate the implementation of up to 7 new flood control projects. A minimum 25% local match is required. Numerous other projects are also underway with previous years funding. Administrative funding for Area II, via state general fund, is \$105,000. A budget is included in the plan. Staff recommends approval of this plan and execution of the administrative and project grant agreements. See attached. **DECISION ITEM**
7. **Clean Water Legacy Update** - Staff from the state agencies have been meeting to strategize how the one-time Clean Water Legacy Act funds will be processed and distributed. A conceptual framework of the results will be presented to the Board. See attached. **INFORMATION ITEM**
8. **CREP II Payment Rate Modifications** – See attached. **DECISION ITEM**

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The meeting will adjourn about 1:00 p.m. I look forward to seeing you on June 28th!

The Wetland Committee will meet immediately following the Board Meeting

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**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
2nd FLOOR CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 28, 2006**

PRELIMINARY AGENDA

9:00 a.m. CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF MAY 24, 2006

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 – Louise Smallidge
- Education and Public Relations Committee – Kay Cook
- Administrative Advisory Committee – Jerome Deal

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Kanabec County Priority Concerns Scoping Document - *DECISION ITEM*
2. Norman County Local Water Management Plan – *DECISION ITEM*
3. Red Lake Watershed District Revised Watershed Management Plan –
DECISION ITEM
4. Wild Rice Watershed District Redistribution of Managers – *DECISION ITEM*

NEW BUSINESS

1. FY 07 SWCD Grants – Wayne Zellmer – *DECISION ITEM*
2. FY 07 Natural Resources Block Grant – Wayne Zellmer – *DECISION
ITEM*

3. Red River Valley Set-Aside Program, Re-Allocation – Wayne Zellmer – *DECISION ITEM*
4. FY 2007 Farm Bill Assistance Project-CREP II Implementation – Kevin Lines – *DECISION ITEM*
5. City of Hermantown Comprehensive Wetland Protection and Management Plan - Quentin Fairbanks - *DECISION ITEM*
6. Area II Minnesota River Basins Project Inc., FY 2007 Annual Work Plan - Tabor Hoek, BWSR, and Joe Schouvieller, Area II Board Chair – *DECISION ITEM*
7. Clean Water Legacy Update – Steve Woods - *INFORMATION ITEM*
8. CREP II Payment Rate Modifications – Kevin Lines – *DECISION ITEM*

AGENCY REPORTS

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- BWSR Tour and Meeting, August 23-24, 2006, Martin County

1:00 p.m. **ADJOURN**

****The Wetland Committee will meet immediately following the Board Meeting****

DRAFT

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**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 24, 2006**

BOARD MEMBERS PRESENT:

Dana Allen, Jim Anderson, Minnesota Extension Service; Paul Brutlag, Bob Burandt, Kay Cook, Jerome Deal, Wayne Edgerton, Department of Natural Resources; Quentin Fairbanks, Brian Kletscher, Randy Kramer, Joe Martin, Department of Agriculture; Clair Nelson, Bruce Olson, Department of Health; Louise Smallidge, Lisa Thorvig, Pollution Control Agency; LuAnn Tolliver

BOARD MEMBERS ABSENT:

Paul Krabbenhoft

STAFF PRESENT:

Mary Jo Anderson, Tim Fredbo, Ron Harnack, Jim Haertel, Al Kean, Kari Keating, Kevin Lines, Doug Thomas, Steve Woods, Brad Wozney

OTHERS PRESENT:

LeAnn Buck, Minnesota Association of Soil and Water Conservation Districts
Jack Frost, Met Council
Sandy Hooker, Minnesota Association of Townships
James Vagle, Builders Association
Joe, Darlene and Mary Peters
Ray Bohn, Minnesota Association of Watershed Districts
Barbara Weisman, Department of Agriculture

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

PLEDGE OF ALLEGIANCE

**** ADOPT AGENDA** – Moved by LuAnn Tolliver, seconded by Louise Smallidge, to
06-35 adopt the agenda as presented. Motion passed on a voice vote.

**** MINUTES OF APRIL 26, 2006** – Moved by Clair Nelson, seconded by Quentin
06-36 Fairbanks, to approve the minutes of April 26, 2006, as circulated. Motion passed on a voice vote.

OPEN MIKE

Joe, Dee, and Mary Peters presented information regarding the Big Fish Lake shoreland alteration and water quality issue in Stearns County, explaining that nothing has been done over the years to resolve this problem. The Peters' family requested that BWSR assist with resolving this issue. Ron Harnack suggested that regional staff review the concern with DNR, PCA, Stearns County, the SWCD, township, and Mary Peters, President of the Lakes Association. They will look at the alleged problem, causes, possible solutions and related implementation roles, and provide a report by August 15. The Board acknowledged this approach and thanked the Peters' for their time. The Peters' family asked to present a one-minute video showing the area of concern. Ron asked for a copy of the one-minute video.

REPORTS

Chair's Report – Jerome Deal reported that EQB did not meet this month. Chair Deal, Ron Harnack, and Joe Martin attended the 'National Wetland Month' celebration on May 15, in Albert Lea, sponsored by NRCS. BWSR received an "Outstanding Conservationist Award" from FSA in recognition of 20 years of dedicated and professional service and partnership with the Farm Service Agency in administering the Conservation Reserve Program and the Conservation Reserve Enhancement Program (CREP). Jerome stated that it was a great event, good attendance. Chair Deal reported that he attended the State Envirothon, held on May 17, at Lake Bronson State Park in Hallock.

Executive Director's Report – Ron Harnack reported that the 2006 legislative session has adjourned. Ron reported on bonding appropriations for BWSR: no dollars available for CREP; wetland road replacement was funded at \$2.4M; streambank, lakeshore sediment and erosion control - \$1M; Area 2 - \$500,000; and Grass Lake - \$2.2M. Ron commented on the comparison of general fund/bonding recommendations of G16-Governor-House-Senate by agency.

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Ron briefly commented on the Clean Water Legacy appropriations. Ron reported that SF 2973 – Watershed District Termination Petition Amended and Bond Requirement Repealed. Ron stated that to date, the Governor has not yet signed the bill, which is part of a larger bill. Ron briefly commented on the wetland mitigation amendment for a mining company to access tax forfeit land in St. Louis County.

Ron briefly commented on the Middle River Snake River issue that was mediated last month, the agreement has not yet been finalized, but he anticipates that will happen next week.

Ron stated that Kari Keating's father passed away last week; Kevin Lines's mother-in-law passed away last week; and Les Lemm's father is in poor health. Our condolences, thoughts and prayers are with staff and their families.

Dispute Resolution Committee – Jim Haertel reported that a new appeal has been received from Kanabec County. One item of note is the appeal in Hermantown, current status is that field work is being compiled, then possibly talks with developers. Ron stated that he met with the Senator Tom Bakk and Representative Mary Murphy to inform them of the issue. A public meeting will be held with the landowners in June. Chair Deal thanked Jim for his hard work and great efforts on the appeals.

Wetlands Committee – Clair Nelson reported that he has received questions regarding the ditch law. Ron stated that the wetlands stakeholders meeting was held yesterday. The Wetland Committee will meet next month. Lisa Thorvig reported that the Wetlands Committee will meet all day on July 24.

Cost-Share/Soil Conservation Committee – Louise Smallidge reported that the Cost-Share Committee will meet this afternoon.

Education and Public Relations Committee – Kay Cook reported that the State Envirothon was a success. 27 high school teams competed; Rushford-Peterson was the winner. Jerome Deal, Quentin Fairbanks, and Kay attended, as well as Carol Berg, President of MASWCD. The Rushford-Peterson team will now compete at the national level in Winnipeg, July 23-29. Kay stated that if any board members are interested in being a judge next year, contact Peter Raeker. Ron commended the volunteers for making the State Envirothon a success.

Chair Deal thanked everyone for their assistance with the State Envirothon. Kay stated that the Education Committee will meet on June 28th.

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Administrative Advisory Committee – Jerome Deal stated that the Administrative Advisory Committee met a few times via conference calls and again this morning. Board member appointments have not yet been made.

COMMITTEE RECOMMENDATION

Metro Water Planning Committee

Isanti County Comprehensive Local Water Management Plan Update – LuAnn Tolliver reported that the Metro Water Planning Committee reviewed the Isanti County Comprehensive Local Water Management Plan Update and recommends approval.

**
06-37 Discussion followed. Moved by LuAnn Tolliver, seconded by Lisa Thorvig, to approve the Isanti County Comprehensive Local Water Management Plan Update. Motion passed on a voice vote.

OLD BUSINESS

Termination Petition for South Two River Watershed District Petitioner's Bond, Number of Signatures, Termination Hearing – Jim Haertel explained that 2006 legislative amendments to Minnesota Statute 103D.271, subdivisions 4 and 5, states that no bond is required, pending the Governor's signature. Jim reported that enough signatures have been received. Jim stated that he is very satisfied with the termination petition meets the requirements of the statute. He presented a draft resolution that recommends ordering the termination hearing and authorizing the executive director to set the time and location of the hearing. Moved by Clair Nelson, seconded by Louise Smallidge, to approve the following resolution:

**
06-38

RESOLVED, that the Minnesota Board of Water and Soil Resources affirms that the Termination Petition involving the South Two River watershed District meets the requirements of Minnesota Statute 103D.271, subdivisions 4 and 5, that no bond is required pursuant to legislative amendments and pending the Governor's signature, therefore, orders the Termination Hearing authorizing the Executive Director to set the time and location of the hearing.

FURTHER RESOLVED, that the hearing panel will consist of Randy Kramer, Paul Brutlag, Louise Smallidge, Quentin Fairbanks, and Kay Cook.

Motion passed on a voice vote.

NEW BUSINESS

Conservation Easement Alteration Subcommittee's Policy Recommendation – Randy Kramer explained that the subcommittee consists of Randy as co-chair; Paul Brutlag, co-chair; Louise Smallidge, Dana Allen, Gene Merriam, and Joe Martin. In addition, Kevin Lines, conservation easement section manager, and Tim Fredbo,

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conservation easement specialist. Randy explained that the Board may alter, release or terminate a conservation easement after consultation with the Commissioner of the Department of Agriculture and the Commissioner of the Department of Natural Resources, and only if determined that the public interests and general welfare are better served by the alteration, release or termination. Kevin presented the proposed policy recommendations. All alteration requests will be accompanied by a \$500 minimum processing fee. For alterations where actual costs to amend the easement exceed \$500, the State reserves the right to charge the applicant the actual cost.

06-39 ** Moved by Randy Kramer, seconded by Wayne Edgerton, to endorse the Easement Alteration Subcommittee's proposed policy recommendations. Discussion followed. Motion passed on a voice vote.

Chair Deal called for a break in the meeting at 10:30 a.m. The meeting reconvened at 10:45 a.m.

Update on Clean Water Cabinet's Development of Conservation

Recommendations for 2007 Farm Bill – Doug Thomas introduced Barbara Weisman, Department of Agriculture, and stated that he appreciated Barbara's work on this effort. Barbara explained that the Clean Water Cabinet (CWC) will use guiding principles (working document) for development of conservation policy recommendations for the 2007 Farm Bill. In order to meet the state and national environmental goals, the 2007 Farm Bill should strengthen the economic viability of farming; facilitate state and local efforts to address environmental priorities; and implement long-term conservation plans. The draft Conservation Policy Recommendations for the 2007 Farm Bill will be posted on the Clean Water Cabinet website by the end of May. Discussion followed. Paul Brutlag suggested adding a soils issue; participation in other programs, as well as liability. Chair Deal thanked Doug and Barbara for the update.

AGENCY REPORTS

Department of Health (MDH) - Bruce Olson, Department of Health, briefly reported on MDH's wellhead protection program.

Minnesota Pollution Control Agency (MPCA) - Lisa Thorvig reported that the Clean Water Legacy received funding. MPCA is now working on an implementation plan with agencies on how to spend the appropriation. MPCA is addressing the issue of hiring staff. Lisa stated that counties will receive significant funding for septic systems implementation. Lisa reported that MPCA is trying to streamline the process for ethanol plant proposals, 10-15 applications have been received for new or expansion of ethanol plants.

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Department of Agriculture (MDA) - Joe Martin reported that MDA received Clean Water Legacy funding for AgBMP funding matches with local governmental units with apparent water issues. The funding is for research focused on how conservation practices impact counties and land use. Working with stakeholder group on delivery of TMDL plans. Joe reported that MDA received funding for an event held last week for controlled drainage structures, a remote sensor, showing the future of modern drainage systems, and a groundwater drinking system for St. Peter and Seven Mile Creek.

Department of Natural Resources (DNR) - Wayne Edgerton reported that the dedicated funding legislation did not pass. Wayne stated that there is good fishing in the northwest.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD)

LeAnn Buck reported that SWCDs are looking forward to receiving funding for non-point source engineering. LeAnn suggested that the Farm Bill guiding principles document should address forestry and the Conservation Security Program. LeAnn stated that MASWCD supports technical assistance. They will watch the legislative auditing in local watershed management planning.

Minnesota Association of Watershed Districts (MAWD) - Ray Bohn reported that MAWD played a lot of defense this year during the legislative session. MAWD is happy that BWSR is moving forward on the hearing for termination petition for the South Two River Watershed District. MAWD was willing to participate on the buffer task force, even though the legislation did not pass. Ray reported that the MAWD Summer Tour will be held June 22-24, hosted by Sauk River Watershed District.

UPCOMING MEETINGS

- All Staff Meeting, May 31-June 1, 2006, Willmar
- Next BWSR Meeting, June 28, 2006, St. Paul
- BWSR Tour and Meeting, August 23-24, Martin County

06-40 Moved by Kay Cook, seconded by Bob Burandt, to adjourn the meeting at 11:50 a.m.

Respectfully submitted,

Jerome Deal
Chair

Dispute Resolution Report
May 11, 2006
by Jim Haertel

There are presently 19 appeals pending. All of the appeals involve WCA except number 05-24. There have been 3 new appeals filed since the last report dated May 11.

File 06-18. This is a new appeal of a Restoration Order in the City of Montgomery in LeSueur County. The appeal regards filling in a Type 2 wetland. The filling has occurred over several years and some of the fill is demolition material. The appeal concerns the same area as File 06-17. No decision has been made on the appeal.

File 06-17. This is a new appeal of a Replacement Plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. No decision has been made on the appeal.

File 06-16. This is a new appeal of a Replacement Plan decision in Kanabec County. The LGU denied a wetland replacement plan application based on a lack of sequencing. Sequencing flexibility had been requested, however the proposed replacement wetland was found to have less functions and values than the impacted wetland. The appeal has been remanded for further processing at the local level.

File 06-14. This is an appeal of a Replacement Order in the City of Green Isle in Sibley County. A replacement plan was approved, replacement wetlands were constructed, and wetland impacts have occurred as authorized under the approved replacement plan. The ownership of the wetland replacement credits is in dispute. A district court decision on the ownership issue was appealed to the Minnesota Court of Appeals. The appeal has been placed in abeyance and the Replacement Order has been stayed until the court proceedings have been finalized.

File 06-12. This is an appeal of a no-loss decision in Stearns County. It involves the same project and issues as File 06-6. After a restoration order was issued, a no-loss application was submitted by the developer and denied by the LGU. The appeal has been remanded for further technical evaluation.

File 06-6. This is an appeal of a restoration order in Stearns County. At issue are numerous wetlands impacted by filling, sedimentation, reduction of hydrology and lack of Best Management Practices associated with a residential development. The appeal has been denied in part. The Restoration Order has been affirmed in part and has been stayed in part.

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

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

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

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

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

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

File 05-20. This is an appeal of a replacement plan decision in Cokato, Wright County. The decision approved the filling of a 0.2 acre Type 2 wetland on a residential lot for construction of a residence. There is a question about the alternatives proposed for sequencing. Also, no TEP was held. The appeal has been remanded for a TEP to be held and sequencing to be addressed.

File 05-17. This is an appeal of a replacement plan decision in the City of Holdingford in Stearns County. At issue is the denial of a replacement plan application relating to a residential development. Wetland impacts of 0.7 acres were proposed for construction of a road and multi-use trail. The TEP recommended approval of the application. The LGU denied the application on finding the development could proceed without wetland impacts. The Corps issued a permit for the project. The appeal has been accepted and is in abeyance pending settlement discussions.

File 05-1. This is an appeal of a Replacement Plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. The appeal has been accepted and pre-hearing conferences were held. The appeal is presently in abeyance to allow settlement discussions to continue.

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

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

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

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

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Kanabec County Priority Concerns Scoping Document - *DECISION ITEM*
2. Norman County Local Water Management Plan – *DECISION ITEM*
3. Red Lake Watershed District Revised Watershed Management Plan – *DECISION ITEM*
4. Wild Rice Watershed District Redistribution of Managers – *DECISION ITEM*



June 29, 2006

Kanabec County Commissioners
c/o Teresa Bearce
Kanabec County Environmental Services Department
18 North Vine Street Suite 291
Mora, MN 55051

SUBJECT: Official Comments Pertaining to the State Review of the Kanabec County Priority Concerns Scoping Document

Dear Kanabec County Commissioners,

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns that Kanabec County has chosen to address in the update of their Comprehensive Local Water Management Plan. The Board of Water and Soil Resources, along with the state review agencies, received the Kanabec County Priority Concerns Scoping Document on April 4, 2006. The Northern Water Planning Committee (hereinafter referred to as Committee) met on June 14, 2006, to discuss the state review agencies comments, the content of the PCSD and recommendations for the content of the final plan.

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

The Committee offers no specific suggestions to be considered in the development of the final plan, however, the Committee encourages the Kanabec County Water Management Plan Task Force to consider the following points in the development of the final plan:

- Consider the significance of residential and recreational development on the use and quality of lakes, rivers and streams
- Consider how to preposition the county to address challenge grants for ditch assessment and management
- Enhance public and local government participation in the development of the final plan
- Develop a strategy to inform local residents about the importance of the comprehensive local water management plan

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Saint Paul, MN 55155
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fax (651) 297-5615

Bearing these issues in mind, the Committee encourages the county to submit the final plan for board approval within six (6) months of receiving this letter.

Sincerely,

Jerome Deal
Chair

cc: Ron Shelito, BWSR
David Weirens, BWSR
Jason Weirnerman, BWSR
Sharon Pfeifer, DNR
Art Persons, MDH
Becky Balk, MDA
David L. Johnson, MPCA
John Wells, EQB

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Minnesota Board of Water and Soil Resources
520 Lafayette Road N.
Saint Paul, MN 55155

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

ORDER
APPROVING
LOCAL
WATER MANAGEMENT
PLAN UPDATE

Whereas, the Norman County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on May 10, 2006, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

- 1) On March 9, 2005 the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Norman County, pursuant to M.S. Section 103B.312.
- 2) On June 22, 2005 the Board of Water and Soil Resources approved official comments on the Polk County Priority Concerns Scoping Document, which were mailed to the county on June 22, 2005.
- 3) The priority concerns, in no particular order of importance, the local water management plan addresses include:
 - Norman County will focus on wind and water erosion and the associated sedimentation that occurs within Norman County.
 - Norman County will focus on surface and ground water quality
 - Norman County will focus on the correct use of the natural resources within Norman County
 - Norman County will focus on water movement through the county
- 4) On May 11, 2006 the BWSR received the Norman County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.
- 5) On June 14, 2006, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Becker County Plan Update. Recommendations of the state review agencies were:
 - A) Minnesota Department of Agriculture: recommends approval;
 - B) Minnesota Department of Health: no recommendation received;
 - C) Minnesota Department of Natural Resources: recommends approval;
 - D) Minnesota Pollution Control Agency: recommends approval;

- E) Minnesota Environmental Quality Board: no recommendation received;
- F) Minnesota Board of Water and Soil Resources: regional staff recommends approval;
- G) Board Water Plan Review Committee: recommends approval.

- 6) This update will be in effect for a ten-year period until December 31, 2016, with a review of the Plan Update in five years.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Norman County pursuant to Minnesota Statutes, 103B.315, Subd. 5.
2. The Norman County Plan Update attached to this Order states water and water-related problems within the county; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached update of the Polk County Local Water Management Plan – July 1, 2006 to December 31, 2016.

Dated at St Paul, Minnesota, this twenty-fourth day of June 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair



Norman County Commissioners
Norman County Courthouse
P.O. Box 266,
Ada, MN 56510

June 28, 2006

Dear Norman County Commissioners:

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you that Norman County's revised Local Water Management Plan was approved at its regular meeting held on June 28, 2006. Attached is the signed Finding of Fact, Conclusion, and Order that documents approval of the plan and indicates it meets all relevant requirements of law and rule. This update of the Norman County Local Water Management Plan, once locally adopted by resolution, is effective for a ten-year period until December 31, 2016, with a review of the plan to be conducted in five years.

For Norman County's Local Water Management Plan to be in effect, the County must adopt and begin implementing the plan within 120 days (M.S. 103B.315 Subd. 6, Adoption and Implementation). Upon adoption, please forward the resolution to your Board Conservationist. An example of a resolution adopting the plan can be found on BWSR's website at <http://www.bwsr.state.mn.us/watermgmt/guidance/Adoption.doc>.

The Norman Soil and Water Conservation District staff and water plan advisory members are to be commended for developing a Local Water Management Plan that emphasizes the need for Norman County to coordinate the efforts of local, state, and federal entities in addressing the priority concerns and related actions needed that not only effect water issues facing Norman County but the Red River Basin. With the continued implementation of your updated Local Water Management Plan the protection, and management of Norman County's water and related resources will be greatly enhanced. The BWSR looks forward to working with you as you implement this Plan and document its outcomes.

Sincerely,

Jerome Deal, Chair

Enclosures

cc: Curtis Borchert, County Water Plan Coordinator
Brian Dwight, Board of Water and Soil Resources
File copy

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OVERVIEW

Red Lake Watershed District updated Long Range Plan

Background

The Red Lake Drainage and Conservancy District was originally established in February, 1920. Becoming inactive after its establishment, the Red Lake Drainage and Conservancy District was re-activated and new board members appointed in January, 1946. The board members of the Drainage and Conservancy felt the District could function better under the Minnesota Watershed Act and petitioned District Court. The Red Lake Watershed District (RLWD) was established on April 2, 1970, by order of the Minnesota Water Resources Board under the provisions of Minnesota Statutes, Chapter 112, otherwise referred to as the Minnesota Watershed Act. The initial long-range plan for the Red Lake Watershed District was prescribed in November, 1972, and an Order prescribing an updated plan was adopted in October, 1990.

Location and Land use

RLWD is located in northwestern Minnesota and includes the entire drainage basin, in Minnesota, of the Red Lake River and tributaries such as the Clearwater River and Thief River. The Counties included in this area are Red Lake County and parts of the following counties: Beltrami, Clearwater, Itasca, Koochiching, Mahnomen, Marshall, Pennington, Polk and Roseau. Major cities within the RLWD include Thief River Falls, East Grand Forks, Crookston and Red Lake Falls. The total area is about 5,990 square miles of which 41% is cultivated land, 30% is forested, and 20% is wetland/brush/grasslands. The Red Lake River, draining Lower and Upper Red Lakes, the Clearwater River and the Thief River make up the major drainage areas of the RLWD.

The mission of the Red Lake Watershed District is to "Reduce flooding and flood damages to seek to improve water quality and enhance fish and wildlife habitat through sound water management".

Plan process and content

This being a planning effort done following the "Red River Basin Flood Damage Reduction Work Group Agreement of December 1998" (Mediation Agreement) BWSR staff worked closely with watershed district staff, consultants, and the meeting facilitator to assure that the intent of the Mediation Agreement was incorporated into the Plan.

The Following is a partial list on Plan strengths:

- Incorporates the principles of the "Mediation Agreement".
- Comprehensive natural resource inventory/assessment.
- Aggressive public/agency - issue/solution identification process.
- Development of a hydrologic model.
- Balanced flood damage reduction and natural resources enhancement goals

The plan includes a general description of the RLWD and its water resources. It outlines the problems known to exist in the RLWD, potential solutions and the policies the district's Board intends to follow. This plan is intended to be a guide to implementation

of watershed projects. The plan identifies problems through goals, objectives and actions developed on a watershed-wide basis as well as on a subwatershed basis.

Problems identified include:

- Flooding of agricultural land;
- Flood damages to public and private property;
- Erosion and sedimentation;
- Water quality impairment;
- Loss of fish and wildlife habitat;

Some of the potential solutions and implementation items include:

- Impoundments, levees and drainage system modifications;
- Acquisition and relocation of structures;
- Wetland and watercourse restorations;
- Buffer and filter strips;
- Enhanced public education and outreach; and
- Watershed permitting programs.

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

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

**ORDER
PRESCRIBING
WATERSHED MAGEMENT
PLAN**

Whereas, the Board of Managers of the Red Lake Watershed District (RLWD or District) filed a Draft Revised Watershed Management Plan (Plan) dated April, 2006 with the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103D.405, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The Red Lake Watershed District was established on April 2, 1970 by order of the Minnesota Water Resources Board under the provisions of Minnesota Statutes, Chapter 112 otherwise referred to as the Minnesota Watershed Act.
2. **Requirement to Plan.** The Plan includes an executive summary, a physical description of the District, an updated hydrologic model, identifies the flood damage reduction (FDR) and natural resource enhancement (NRE) issues within the District, sets overall watershed and sub-watershed goals for FDR and NRE, identifies alternative projects and programs and the utilization of project work teams to accomplish these goals, recognizes other planning efforts and the need to coordinate efforts, and the rules and policies of the District. Challenges facing the District are: flooding of agricultural land, flood damages to public and private property, erosion and sedimentation, water quality impairments, loss of fish and wildlife habitat, and limited recreational opportunities. The Plan was developed and will be implemented following the principals and process identified in Minnesota Statutes Section 103D.405 and the "Red River Basin Flood Damage Reduction Work Group Mediation Agreement". The mission of the Red Lake Watershed District is to

reduce flooding and flood damages, to seek to improve water quality and enhance fish and wildlife through sound water management.

3. **Nature of the Watershed.** The RLWD is approximately 5,990 square miles in size in northwestern Minnesota. It lies between Range 28 west and Range 50 west and Township 146 North and Township 158 North. The District includes the watersheds of the Red Lake River, Thief River, Clearwater River and the Grand Marais River, which are tributaries to the Red River of the North. The District occupies all or parts of Beltrami, Clearwater, Itasca, Koochiching, Mahnomen, Marshall, Pennington, Polk, Red Lake and Roseau Counties. The RLWD also encompasses a major portion of the Red Lake Indian Reservation.
4. **Local Review.** On December 13, 2005 the RLWD sent a copy of the draft Plan to units of government for their review pursuant to Minnesota Statutes Section 103D.405. In addition, copies were sent to member of the Citizens Advisory Committee (CAC) and the Technical Advisory Committee (TAC) which where assembled for the plan update process, the Red River Basin Commission, Flood Damage Reduction Work Group, the Northwest Regional Development Commission, additional local units of government, and numerous non-governmental organizations.
5. **Citizens Advisory Committee (CAC) review.** Four members of the CAC provided written comments. Items identified where corrections in map labeling, concerns over some NRE establishment and management activities on peat lands, and the need to provide actions addressing identified concerns of flooding in the cities of Clearbrook, Bagley, and Mentor. Also identified was that the concept plan to address flooding concerns in the Thief River watershed did not have consensus and should not be included in the plan.
6. **Marshall-Beltrami Soil and Water Conservation District review.** Comments received from the Marshall-Beltrami SWCD indicated that before more flood damage reduction structures are installed in the Thief River watershed a better outlet is needed. They also felt that the discussion on the concept plan for flood control in the Thief River watershed should not be included in the Plan because consensus was not reached.
7. **Marshall County review.** Marshall County comments requested not including the flood damage reduction concept plan in the Thief River watershed section and also felt it was in conflict with the Marshall County Land use plan.

8. **Department of Natural Resources (DNR) review.** Comments received from the DNR were primarily rectifying and further clarifying the historical and existing conditions of the RLWD in the areas of fisheries and the natural resources within the Thief River watershed. The proposed activities seemed consistent with DNR priorities.
9. **Minnesota Department of Health (MDH) review.** MDH stated it was "great to see" inclusion of wellhead protection information and drinking water protection issues and commended the RLWD for their recognition of, and commitment to, sound water quantity and quality management.
10. **Minnesota Department of Agriculture (MDA) review.** MDA requested that they, as well as producer groups, be identified on the list of cooperating partners in the policies of the RLWD. They also stated that they look forward to working with the RLWD as it continues its planning efforts.
11. **Minnesota Pollution Control Agency (PCA) review.** PCA asked the RLWD to include a brief impaired water description. PCA provided language with an identified web site as a reference.
12. **The Board of Water and Soil Resources review.** Board comments encouraged the RLWD to further describe the factors that drive the need for water management in the RLWD, which are land use, water use, and recreation. Board comments requested the inclusion of more maps showing the natural resource enhancement areas within the watershed. Board comments requested the RLWD expand the discussions on the existing conditions in the sub-watershed section of the Plan. Board comments recommended that the RLWD develop guiding principles to follow in project development. Board comments identified two items that needed to be included in the plan to meet 103D.405 requirements, namely a description of active or planned projects and an analysis of the effectiveness of the RLWD's rules and permits in the achieving the RLWD's objectives.
13. **U.S. Fish and Wildlife Service (USFWS) review.** USFWS provided comments further clarifying endangered species, identified the need to further clarify the impacts drainage has on existing wetland hydrology, provided some suggested actions to address erosion and sedimentation, and suggested implementing a permit system for actions affecting drainage on land more than 20 acres in size.

14. **RLWD response to local review comments received.** In review of the RLWD response to local review comments received, the Board feels the RLWD has adequately addressed all of the comments received.

15. **Highlights of the Plan.** Critical elements in the Plan include:

- a. Incorporates the principles of the "Red River Flood Damage Reduction Work Group Mediation Agreement".
- b. Aggressive citizen input process.
- c. Utilization of a Citizens Advisory Committee (CAC) for identification and prioritizations of issues.
- d. Utilization of a Technical Advisory Committee (TAC) for alternative solutions development.
- e. Comprehensive natural resource inventory/assessment.
- f. The development of a watershed hydrologic model.
- g. Focused FDR and NRE goals to address "vision statements" on an overall watershed basis as well as 6 sub-watershed basis.
 - i. Water Quantity vision statement: "We envision a reduction in flood damages with the active cooperation and education of constituents and public partners. Goal 1 of 5 "Reduce peak flows from the Red Lake River at East Grand forks and Crookston by 10 percent and reduce corresponding flood stages by approximately 1 foot".
 - ii. Water Quality vision statement: "We envision that there will be measured improvement in water quality in the majority of district water bodies through increased knowledge in location and sources of problems within the RLWD, improved public education, interagency cooperation, and project implementation. Goal 1 of 4 "Increased knowledge of sources that cause water quality problems".
 - iii. Erosion vision statement: "We envision a RLWD that will have a reduction in the delivery of sediment to district water bodies and drainage systems through enhanced interagency cooperation and public education on erosion causes and effects. Goal 1 of 6 "Reduce agricultural erosion".
 - iv. Natural Resources vision statement: "We envision a Red Lake watershed with a quantity and quality of habitats that function to sustain diverse and healthy fish and wildlife populations and provide abundant recreational opportunities". Goal 1 of 5 "Maintain existing quality habitats, such as watercourses, wetlands, lakes, grasslands, and brushlands.

16. **Publish Notice of Public Hearing.** Legal notice of public hearing was published in the Roseau Times-Region on May 6, 2006, the Exponent on May 10, 2006, the Pioneer on May 10, 2006, the Leader Record on May 10, 2006, the Farmer on May 10, 2006, the Grygla Eagle on May 11, 2006, the Thief River Falls Times on May 10, 2006, the Crookston Daily Times on May 10, 2006, the Red Lake Falls Gazette on May 10, 2006, the Grand Rapids Herald Review on May 10, 2006, the Daily Journal on May 11, 2006, and the Mahnomen Pioneer on May 11, 2006. Legal notice was also mailed to several addressees including the auditors of each county in the RLWD, the county boards of each county in the RLWD, each SWCD in the RLWD, all cities in the RLWD, the Red Lake Indian Reservation, and the DNR.

17. **Public Hearing.** A public hearing was held on May 22, 2006, at the RLWD office located at 102 North Main Avenue in Thief River Falls. The proceedings were tape recorded. The hearing panel consisted of Board members Louise Smallidge, Kay Cook, and Jerome Deal as Chair. After all people present at the public hearing were given an opportunity to speak and enter exhibits, the hearing record was left open for two weeks until 4:30 PM on June 5, 2006 for receipt of written comments.

The following list of exhibits comprise the hearing record.

Exhibit 1. Revised Watershed Management Plan for the Red Lake Watershed District entitled "10-Year Comprehensive Plan" dated April, 2006.

Exhibit 2. Letter dated May 4, 2006, from Jim Haertel, Board of Water and Soil Resources, to several addressees notifying them of the public hearing, together with the List of Addressees, the Legal Notice, and an Affidavit of Mailing dated May 5, 2006.

Exhibit 3. Affidavit of Publication dated May 15, 2006, of Legal Notice in the Roseau Times-Region on May 6, 2006.

Exhibit 4. Affidavit of Publication dated May 10, 2006, of Legal Notice in the Exponent on May 10, 2006.

Exhibit 5. Affidavit of Publication dated May 10, 2006, of Legal Notice in the Pioneer, Bemidji on May 10, 2006.

Exhibit 6. Affidavit of Publication dated , 2006, of Legal Notice in the Leader Record on May 10, 2006.

Exhibit 7. Affidavit of Publication dated May 31, 2006, of Legal Notice in the Farmers Independent on May 10, 2006.

Exhibit 8. Affidavit of Publication dated July 8, 2006, of Legal Notice in the Grygla Eagle on May 11, 2006.

Exhibit 9. Affidavit of Publication dated May 10, 2006, of Legal Notice in the Thief River Falls Times on May 10, 2006.

Exhibit 10. Affidavit of Publication dated May 15, 2006, of Legal Notice in the Crookston Daily Times on May 10, 2006.

Exhibit 11. Affidavit of Publication dated May 10, 2006, of Legal Notice in the Red Lake Falls Gazette on May 10, 2006.

Exhibit 12. Affidavit of Publication dated May 12, 2006, of Legal Notice in the Grand Rapids Herald Review on May 10, 2006.

Exhibit 13. Affidavit of Publication dated , 2006, of Legal Notice in the Daily Journal on May 11, 2006.

Exhibit 14. Affidavit of Publication dated May 11, 2006, of Legal Notice in the Mahnomen Pioneer on May 11, 2006.

Exhibit 15. Letter dated May 19, 2006, received on May 22, 2006 from Brent Boen, Marshall County Chairperson, in opposition to the Thief River Subwatershed component of the revised Plan.

The following exhibits were entered into the record after the hearing and before 4:30PM on June 5, 2006 when the record closed.

Exhibit 16. Letter dated May 25, 2006 from Jan Kaspari, Marshall County Water Plan Coordinator, requesting the plan acknowledge their partnership in contributing to water quality monitoring.

Exhibit 17. Letter received on May 30, 2006 from Steven Jorland in favor of the Thief River Subwatershed component of the revised Plan.

Exhibit 18. Copy of electronic mail dated May 31, 2006 from Myron Jesme, Red Lake Watershed District Administrator, stating the Marshall County Water Planner should be added as a partner in water quality monitoring in the revised Plan.

Exhibit 19. Letter dated May 31, 2006, with attachments, from Donald Barron and Ronald Lindberg, Thief River Falls Director of Public Works, in favor of the Thief River Subwatershed component of the revised Plan.

Exhibit 20. Petition received on June 5, 2006 from 10 residents of the Thief River Subwatershed in opposition to the Thief River Subwatershed component of the revised Plan.

Exhibit 21. Petition received on June 5, 2006 from four residents of the Thief River Subwatershed in opposition to the Thief River Subwatershed component of the revised Plan.

Exhibit 22. Letter dated June 5, 2006 from Virgil and Cathy Erickson in favor of the Thief River Subwatershed component of the revised Plan.

Exhibit 23. Letter dated May 25, 2006 from Stacy Blawat in favor of the Thief River Subwatershed component of the revised Plan.

Exhibit 24. Letter received on June 5, 2006 from Clifford Steinhaur in favor of the Thief River Subwatershed component of the revised Plan.

Exhibit 25. Letter received on June 5, 2006 from Owen Steinhaur in favor of the Thief River Subwatershed component of the revised Plan.

Exhibit 26. Letter dated May 31, 2006 from Donald Larson in favor of the Thief River Subwatershed component of the revised Plan.

Exhibit 27. Letter dated May 31, 2006 from the Grand Plain Board of Supervisors in opposition to the Thief River Subwatershed component of the revised Plan.

Exhibit 28. Petition received on June 5, 2006 from 39 residents of the Thief River Subwatershed in opposition to the Thief River Subwatershed component of the revised Plan.

Exhibit 29. Petition received on June 5, 2006 from 11 residents of the Thief River Subwatershed in opposition to the Thief River Subwatershed component of the revised Plan.

Exhibit 30. Letter dated June 5, 2006 from David Rodahl in opposition to the Petition.

18. **Northern Water Planning Committee.** The committee met on Wednesday, June 14, 2006 and, based on the oral and written testimony on the Plan, and based on the entire record, the committee decided to recommend approval of the Red Lake Watershed District Revised Watershed Management Plan to the full Board contingent on the Marshall County Water Planner being added as a partner in water quality monitoring in the Thief River watershed.

CONCLUSIONS

1. All relevant, substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Revised Watershed Management Plan for the Red Lake Watershed District pursuant to Minnesota Statutes Section 103D.405.
3. The Marshall County Water Planner should be added as a partner in water quality monitoring in the Thief River watershed
4. The Red Lake Watershed District Revised Watershed Management Plan attached to this Order defines water-related problems within the District's boundaries, possible solutions thereto, and an implementation program.
5. The attached Plan is in conformance with the requirements of Minnesota Statutes Chapter 103D, Board guidelines for Watershed District Plan content, the "Red River Basin Flood Damage Reduction Mediation Agreement, and is consistent with the affected counties' comprehensive water plans.

ORDER

The Board hereby prescribes the attached Plan dated April, 2006 as the Revised Watershed Management Plan for the Red Lake Watershed District contingent on the addition of the Marshall County Water Planner as a partner in water quality monitoring in the Thief River watershed.

Dated at Saint Paul, Minnesota this 28th day of June 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

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

**In the Matter of the Petition for Redistribution
of Managers for the Wild Rice Watershed
District pursuant to Minnesota Statutes
Section 103D.301, Subd. 3**

**ORDER
REDISTRIBUTION OF
WATERSHED DISTRICT
MANAGERS**

Whereas, the Board of Commissioners of Mahnomen County filed a Petition dated January 17, 2006 for Redistribution of Managers for the Wild Rice Watershed District (District) with the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103D.301, Subd. 3, and;

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

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

FINDINGS OF FACT

1. **Petition for Redistribution of Managers.** The Mahnomen County Board of Commissioners filed a Petition with the Board on January 26, 2006. The Petition requests the seven managers of the District be redistributed such that Mahnomen County would appoint two managers.
2. **Reasons for Redistribution.** The Petition states the following:
 - A. Ten years or more has lapsed since the establishment of the District.
 - B. A petition to redistribute managers has not been filed with the Board within the previous ten years.
 - C. When more than one county is affected by a watershed district, Minnesota Statutes Section 103D.301 requires the distribution of managers be made according to residence among the affected counties.
 - D. Mahnomen County presently has only one manager on the District board.
 - E. Mahnomen County has approximately 26 percent of the population of the District.
 - F. Mahnomen County also has approximately 26.5 percent of the total land within the District.

- G. Mahnomen County has to levy for approximately 25.5 percent of all revenue that goes into funding the District.
- H. Mahnomen County's percentage of valuation on levy certifications to the District were approximately 25.6 percent.

3. **Present Distribution of Managers.** Presently, Mahnomen County appoints one manager for Clearwater and Mahnomen Counties, Norman County appoints three managers for Polk and Norman Counties, Clay County appoints two managers and Becker County appoints one manager.
4. **Publish Notice of Public Hearing.** Legal notice of public hearing was published in the Norman County Index on March 14, 2006, the Twin Valley Times on March 14, 2006, the Becker County Recorder on March 15, 2006, the Mahnomen Pioneer on March 16, 2006, the Clay County Union on March 15, 2006, the Farmers Independent on March 15, 2006, the Valley Journal on March 13, 2006, and the Fertile Journal on March 15, 2006. Legal notice was also mailed to several addressees including the auditors of each county in the District, the county boards of each county in the District, each SWCD in the District, all cities in the District, and the DNR.
5. **Public Hearing.** A public hearing was held on March 30, 2006, at the Twin Valley Community Center located at 107 Second Street in Twin Valley. The proceedings were tape recorded. The hearing panel consisted of Board members Kay Cook, Paul Krabbenhoft and Jerome Deal as Chair. After all people present at the public hearing were given an opportunity to speak and enter exhibits, the hearing record was left open for two weeks until 4:30 PM on April 20, 2006 for receipt of written comments. Based on comments received, on April 17, 2006 the closing date for the hearing record was extended until 4:30 PM on May 18, 2006.

The following list of exhibits comprise the hearing record.

Exhibit 1. Letter dated January 24, 2006, from Frank Thompson, Mahnomen County Auditor, forwarding Exhibit 2.

Exhibit 2. Resolution from the Mahnomen County Board of Commissioners adopted on January 17, 2006, requesting the redistribution of managers of the Wild Rice Watershed District Board of Managers to increase the representation from Mahnomen County from one manager to two managers.

Exhibit 3. Letter dated February 17, 2006, from Vijay Sethi, Clay County Administrator, forwarding Exhibit 4.

Exhibit 4. Excerpts from the minutes of the Clay County Board of Commissioners meeting held on February 14, 2006, showing a unanimous vote to approve a motion stating their strong support for retaining two manager appointments on the Wild Rice Watershed District Board of Managers.

Exhibit 5. Legal Notice of Public Hearing dated March 7, 2006, signed by Jim Haertel of the Board of Water and Soil Resources.

Exhibit 6. Letter dated March 9, 2006, from Jim Haertel, Board of Water and Soil Resources, to several addressees providing notification of the public hearing, together with the List of Addressees, the Legal Notice, and an Affidavit of Mailing dated March 13, 2006.

Exhibit 7. Affidavit of Publication dated March 14, 2006, of Legal Notice in the Norman County Index on March 14, 2006.

Exhibit 8. Affidavit of Publication dated March 14, 2006, of Legal Notice in the Twin Valley Times on March 14, 2006.

Exhibit 9. Affidavit of Publication dated March 15, 2006, of Legal Notice in the Becker County Recorder on March 15, 2006.

Exhibit 10. Affidavit of Publication dated March 16, 2006, of Legal Notice in the Mahnomen Pioneer on March 16, 2006.

Exhibit 11. Affidavit of Publication dated March 20, 2006, of Legal Notice in the Fertile Journal on March 15, 2006.

Exhibit 12. Letter dated March 22, 2006, from the Chairman of the Mahnomen Soil and Water Conservation District, in support of the Petition.

Exhibit 13. Letter dated February 24, 2006 from Brian Berg, Becker County Administrator stating no objection to granting the Petition.

Exhibit 14. Resolution of Statements from the "Concerned Citizens of the Wild Rice Watershed District".

Exhibit 15. Statement from the Mahnomen County Board of Commissioners in support of the Petition.

Exhibit 16. Table showing population, taxable market value and land area by county within the Wild Rice Watershed District.

Exhibit 17. Letter dated February 23, 2006 from Thomas Anderson, Clearwater County Board of Commissioners Chairman, in support of the Petition.

Exhibit 18. Letter dated March 21, 2006 from Dean Newland, Clearwater County Commissioner, District 2, in support of the Petition.

Exhibit 19. Affidavit of Publication dated April 3, 2006, of Legal Notice in the Clay County Union on March 15, 2006.

Exhibit 20. Affidavit of Publication dated April 3, 2006, of Legal Notice in the Farmers Independent on March 15, 2006.

Exhibit 21. Affidavit of Publication dated April 13, 2006, of Legal Notice in the Valley Journal on March 13, 2006.

Exhibit 22. Testimony of Mark Harless at the hearing in support of Clay County retaining two managers.

The following exhibits were entered into the record after the hearing and before 4:30PM on May 18, 2006 when the record closed.

Exhibit 23. Letter dated March 31, 2006 from Mark Harless in support of Clay County retaining two managers.

Exhibit 24. Letter dated April 12, 2006 from Curt Jacobson in support of the Petition with a recommendation that Norman County retain three managers and a new manager district be formed of Clay and Becker Counties with Clay County appointing two managers.

Exhibit 25. Letter dated April 17, 2006 from Jim Haertel, Board of Water and Soil Resources, to several addressees providing notification of an extension of the close of the hearing record and the purpose for the extension, together with the List of Addressees and an Affidavit of Mailing dated April 18, 2006.

Exhibit 26. Letter faxed on April 17, 2006 from Perry Ellingson in support of the Petition with a recommendation that Norman County retain three managers and a new manager district be formed of Clay and Becker Counties with Clay County appointing two managers.

Exhibit 27. Email dated April 18, 2006 from Curt Jacobson encouraging the Board to make a prompt decision on the Petition.

Exhibit 28. Email dated April 18, 2006 from Perry Ellingson regarding problems with the current leadership of the watershed district.

Exhibit 29. Norman County Board of Commissioners Resolution dated April 12, 2006 supporting the Petition with one manager position from Clay County being redistributed to Mahnomen County.

Exhibit 30. Letter dated April 17, 2006 from Zenas Baer on behalf of A. C. Heiraas in support of Clay County retaining two managers and in opposition to the Petition.

Exhibit 31. Letter dated April 18, 2006 from Randy Berggren, Mayor, City of Hendrum, in support of Norman County retaining three managers.

Exhibit 32. Becker Soil and Water Conservation District Resolution dated April 19, 2006 in support of Becker County retaining one manager.

Exhibit 33. Letter dated April 20, 2006 from Chuck Hopwood regarding problems with the current leadership of the watershed district.

Exhibit 34. Letter dated April 18, 2006 from Don Vellenga regarding problems with the current leadership of the watershed district.

Exhibit 35. Letter dated May 16, 2006 from Mike McCarthy, Chair, Clay County Board of Commissioners, with attached Resolution from the Becker County Board of Commissioners dated April 25, 2006 and attached letter from Zenas Baer dated May 4, 2006, all in opposition to the Petition because removal of one manager from Clay and Becker Counties would "...have a tendency to dilute membership of the Watershed District for those people who live on the flat portion of the watershed" and factors other than market value, population and land area as listed in the Petition should be considered, such as downstream river flows, hydraulic capacity, extent of flood damage and number, location and cost of flood control projects.

Exhibit 36. Mahnomen County Board of Commissioners comment dated May 16, 2006 signed by five commissioners in support of Becker County maintaining their right to appoint a manager.

Exhibit 37. Letter dated May 18, 2006 from Frank Thompson, Mahnomen County Auditor, forwarding exhibit 36.

6. **Northern Water Planning Committee.** The committee met on Wednesday, June 14, 2006 and, based on the oral and written testimony on the Petition, and based on the entire record, the committee decided to recommend approval of the Petition to the full Board with the one redistributed manager position coming from a new manager district of Clay and Becker Counties. The new manager district would consist of two managers appointed by the Clay County Board of Commissioners. The Clay County manager position that is currently

vacant will be redistributed to Mahnomen and Clearwater Counties. The current Becker County manager will finish their term. The Committee determined the changes were supported by the taxable market value of each county's area within the District, the percent of area of each county within the District, and the percent of population of each county's area within the District, as further depicted in the following table.

COUNTY	'02 TMV (\$ millions)	AREA (% of WD)	'90 POP'L (% of WD)
Norman	446	43%	44%
Polk	11	2%	0.6%
Norman & Polk subtotal	457	45%	45%
Mahnomen	207	27%	29%
Clearwater	34	10%	7%
Mahnomen & Clearwater subtotal	241	37%	36%
Clay	150	13%	11%
Becker	104	7%	7%
Clay & Becker subtotal	254	20%	18%

CONCLUSIONS

1. All relevant, substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of redistribution of a manager position for the Wild Rice Watershed District pursuant to Minnesota Statutes Section 103D.301, Subd. 3.
3. The 2002 taxable market value of the Mahnomen and Clearwater manager district is approximately \$241 million and for the Clay and Becker manager district it is approximately \$254 million.
4. The percent of area within the District for the Mahnomen and Clearwater manager district is approximately 37% and for the Clay and Becker manager district it is approximately 20%.
5. The 1990 population percentage within the District for the Mahnomen and Clearwater manager district is approximately 36% and for the Clay and Becker manager district it is approximately 18%.

ORDER

The Board hereby approves the Petition for Redistribution of Managers for the Wild Rice Watershed District. The Mahnomen County Board of Commissioners will appoint two managers from Mahnomen and Clearwater County. A new manager district will consist of two managers appointed by the Clay County Board of Commissioners from Clay and Becker Counties. The Clay County manager position that is currently vacant will be redistributed to Mahnomen and Clearwater Counties as of the date of this order. The current Becker County manager and the current Clay County manager will finish their terms.

Dated at Saint Paul, Minnesota this 28th day of June 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

NEW BUSINESS

1. FY 07 SWCD Grants – Wayne Zellmer – *DECISION ITEM*
2. FY 07 Natural Resources Block Grant – Wayne Zellmer – *DECISION ITEM*
3. Red River Valley Set-Aside Program, Re-Allocation – Wayne Zellmer – *DECISION ITEM*
4. FY 2007 Farm Bill Assistance Project-CREP II Implementation – Kevin Lines – *DECISION ITEM*
5. City of Hermantown Comprehensive Wetland Protection and Management Plan - Quentin Fairbanks - *DECISION ITEM*
6. Area II Minnesota River Basins Project Inc., FY 2007 Annual Work Plan - Tabor Hoek, BWSR, and Joe Schouvieller, Area II Board Chair – *DECISION ITEM*
7. Clean Water Legacy Update – Steve Woods - *INFORMATION ITEM*
8. CREP II Payment Rate Modifications – Kevin Lines – *DECISION ITEM*

PROPOSED FY 07 SWCD GRANTS

The Board is requested to approve the Cost Share Committee's recommendations to approve FY 07 SWCD allocations for four BWSR grant programs. These grant programs are:

- A) Regular Statewide Cost Share Base Grants
- B) General Services
- C) Easement Services
- D) Feedlot Water Quality Management Grants

A brief summary of each of these programs follows with highlights and topics of concern for this year.

A) Regular Statewide Cost Share Base Grants - \$2,026,428 These base grants are for the installation of conservation practices. The FY 07 legislative appropriation is \$1,820,000. These allocations utilize the Board's Performance Standards allocation policy:

..... SWCDs with a "high" level of productivity will receive a \$1,000 annual increase. Grants to SWCDs with a "medium" level of productivity will remain the same. SWCDs with a "low" level of productivity will receive a 5% grant decrease. . . . The Board has defined "high" as spending 80% or more; "medium", 60% - 79%; and "low", as < 60% of their grant, on projects.

Recommended Performance Adjustments

For FY 07, these definitions would indicate that the following SWCDs (49) will receive a \$1,000 high level of performance increase for spending 80% or more of their base grant on projects:

Brown	Dakota	Cass	Sherburne	Wadena	Chippewa
Fillmore	Rock	Pine	Redwood	Watsonwan	Koochiching
Lincoln	Root River	Morrison	Olmsted	Nicollet	Pope
Mower	Grant	Cook	Clay	Ramsey	Lake of the Woods
Wright	Clearwater	Kittson	Anoka	Lake	Crow Wing
Kanabec	Benton	Swift	Goodhue	Hubbard	East Ottertail
Hennepin	Becker	Scott	Pipestone	Lac Qui Parle	North St. Louis
Waseca*	Washington	Wilkin	West Polk	Le Sueur	Kandiyohi
Renville					

The following SWCDs (5) will receive a 5% decrease for spending less than 60% of their base grant on projects: McLeod Marshall South St. Louis Beltrami Aitkin

* Waseca's performance increase is not recommended because of State Cost Share Program Rule violations.

Cost Share Performance Range: Highest - Brown 97%, Lowest - Aitkin 47%

Regular Statewide Cost Share Base Grant funding recommendations are listed on the composite spreadsheet.

NOTE: The difference between the amount proposed to be allocated and the legislative appropriation is \$206,428. There is sufficient rollover to cover this amount.

B) General Services Grant - \$2,155,595 - This base grant is for expenditures necessary to the operations of the district. It is noncompetitive.

Recommendation

Proposed allocations are listed on the enclosed composite spreadsheet.

C) Easement Services Grant - \$344,972 - This grant is allocated to SWCDs as compensation for local delivery of the RIM Reserve Program and the conveyance of easements. The grant amount is calculated by a strategy and formula approved by the Board on May 25, 2005. It reflects the relative amount of easement activity in the SWCD.

Recommendation

Proposed allocations are listed on the enclosed composite spreadsheet.

D) Feedlot Water Quality Management Grants - \$1,523,324 - The BWSR received requests of \$2,691,024 to fund 112 projects. The FY 07 appropriation is \$1,350,000. Grant funds must be used for waste management systems for feedlots less than 1,000 animal units to benefit water quality. Grant funds may not be used for new or expansion feedlot projects. The State Cost Share Program is used to administer and implement this Program. Funding priorities established by the Board for this Program are ranked as follows:

Priority

1. Feedlots in riparian locations enrolled in a recognized stewardship plan and high FLEVAL pollution potential.
2. Feedlots in riparian locations and high FLEVAL pollution potential.
3. Feedlot operations where a high FLEVAL indicates a greater pollution potential.
4. Practices that will be applied in 2006.
5. Feedlot operators who have received a notice of violation.
6. Feedlots in counties that are conducting or have completed a level 2 or level 3 feedlot inventory.

SWCDs may request an amount for their technical and administrative costs up to ten percent of individual project funds requested.

NOTE: The proposed funding recommendation, as indicated on attached FWQMG spreadsheet would fund all the 55 riparian projects. The additional \$173,324 above the appropriation is proposed to come from available Cost Share Roll-Over funds.

Total amounts proposed to be allocated to SWCDs are listed on the composite spreadsheet.

FY 07 FEEDLOT WATER QUALITY MANAGEMENT GRANT APPLICATIONS

TOTAL FWQMG REQUESTED: \$2,691,024

TOTAL PROJECTS: 112

APPROPRIATION: \$1,350,000

05/24/06

	SWCD	PRODUCER	STEW. PLAN	RIP. LOC	FLEVAL	START DATE	COMP. INVENT.	LEVEL	AU	SPECIES	VIOLATION	PARTIAL SYSTEM	PROJECT COST	EQUIP FUNDS REQUESTED	EQUIP AMOUNT	FWQMG FUNDS REQUESTED	T/A FUNDS REQUESTED	TOTAL FUNDS REQUESTED	CUMMULATIVE
1	Stearns	Paul	YES	A	90	10/1/06	YES	3	775	Dairy	NO	NO	\$818,800	YES	\$409,400	\$45,455	\$4,545	\$50,000	\$50,000
2	Stearns	George	YES	A	48	10/1/06	YES	3	61	Buffalo	NO	NO	\$5,640	YES	\$2,820	\$1,410	\$141	\$1,551	\$51,551
3	Todd	Jerome	YES	B	45	7/1/07	YES	3	160	Dairy	NO	NO	\$106,000	YES	\$0	\$42,400	\$4,200	\$46,600	\$98,151
4	Lyon	Peter	YES	B	44	7/1/06	YES	0	112	Beef	NO	NO	\$80,200	YES	\$40,100	\$20,050	\$2,000	\$22,050	\$120,201
5	Lyon	Brian	YES	B	40	7/1/06	YES	0	135	Swine	NO	NO	\$86,730	YES	\$43,365	\$21,682	\$2,100	\$23,782	\$143,983
6	Stearns	Bob	YES	B	39	10/1/06	YES	3	140	Dairy	NO	NO	\$95,000	YES	\$42,500	\$28,750	\$2,875	\$31,625	\$175,608
7	Lyon	John	YES	B	37	7/1/06	YES	0	600	Steer	NO	NO	\$220,766	YES	\$106,838	\$45,455	\$4,545	\$50,000	\$225,608
8	Stearns	Stanley	YES	B	36	10/1/06	YES	3	191	Dairy	NO	NO	\$7,600	YES	\$3,180	\$2,520	\$252	\$2,772	\$228,380
9	Stearns	Ken	YES	B	28	10/1/06	YES	3	148	Dairy	NO	NO	\$31,000	YES	\$12,700	\$10,550	\$1,055	\$11,605	\$239,985
10	Stearns	Michael	YES	B	27	10/1/06	YES	3	52	Dairy	NO	NO	\$25,000	YES	\$12,160	\$6,590	\$659	\$7,249	\$247,234
11	Stearns	Ben	YES	B	22	10/1/06	YES	3	147	Dairy	NO	NO	\$75,000	YES	\$37,500	\$18,750	\$1,875	\$20,625	\$267,859
12	Stearns	William	YES	B	18	10/1/06	YES	3	75	Dairy	NO	NO	\$200,000	YES	\$83,250	\$45,455	\$4,545	\$50,000	\$317,859
13	Stearns	Shawn	YES	B	18	10/1/06	YES	3	80	Horse	NO	NO	\$30,000	YES	\$15,000	\$7,500	\$750	\$8,250	\$326,109
14	Lake of the Woods	Steven	NO	B,C	82	7/15/06	YES	3	285	Beef	NO	NO	\$35,000	NO	\$0	\$26,250	\$2,625	\$28,875	\$354,984
15	Morrison	David	NO	B	80	7/6/06	YES	3	80	Dairy	YES	NO	\$27,000	NO	\$0	\$20,250	\$2,025	\$22,275	\$377,259
16	Winona	Mark	NO	B	76	8/1/06	YES	3	560	Dairy	NO	NO	\$403,779	YES	\$201,887	\$45,500	\$4,500	\$50,000	\$427,259
17	Lake of the Woods	Mark	NO	B,C	73	7/1/06	YES	3	248	Beef	NO	YES	\$38,000	NO	\$0	\$28,500	\$2,850	\$31,350	\$458,609
18	Fillmore	Kevin	NO	B	69	8/1/06	YES	2	200	Beef	YES	NO	\$95,000	NO	\$0	\$45,500	\$4,500	\$50,000	\$508,609
19	Fillmore	Terry	NO	B	66	8/1/06	YES	2	275	Dairy	NO	NO	\$66,000	NO	\$0	\$45,500	\$4,500	\$50,000	\$558,609
20	Fillmore	Dave	NO	B	63	8/1/06	YES	2	160	Beef/Hogs	NO	NO	\$128,567	YES	\$66,380	\$30,045	\$3,004	\$33,049	\$591,658
21	Winona	Ben	NO	B	58	8/1/06	YES	3	518	Dairy	NO	NO	\$181,550	NO	\$0	\$45,500	\$4,500	\$50,000	\$641,658
22	Winona	Earl	NO	B	57	9/1/06	YES	3	165	Beef	NO	NO	\$30,000	NO	\$0	\$22,500	\$2,250	\$24,750	\$666,408
23	Mower	Ron	NO	B	56	8/1/06	YES	3	184	Beef/Hogs	YES	YES	\$56,400	NO	\$0	\$30,145	\$3,014	\$33,159	\$699,567
24	Goodhue	John	NO	B	55	10/1/06	NO	3	250	Dairy	NO	NO	\$70,065	NO	\$0	\$45,500	\$4,500	\$50,000	\$749,567
25	Rock	Farms	NO	B	52	9/1/06	YES	0	560	Dairy	YES	NO	\$60,000	YES	\$30,000	\$15,000	\$1,500	\$16,500	\$766,067
26	Ottertail, East	Dan	NO	YES	50	8/15/06	NO	0	110	Dairy	NO	YES	\$72,000	NO	\$0	\$45,455	\$4,545	\$50,000	\$816,067
27	Sibley	Mark	NO	B	49	8/1/06	YES	2	999	Dairy	YES	NO	\$72,776	YES	\$36,388	\$18,194	\$1,819	\$20,013	\$836,080
28	Fillmore	Jerry	NO	B	49	8/1/06	YES	2	295	Beef	NO	NO	\$102,000	NO	\$0	\$45,500	\$4,500	\$50,000	\$886,080
29	Fillmore	Rodney	NO	B	49	8/1/06	YES	2	300	Beef/Hogs	NO	NO	\$157,194	NO	\$0	\$45,500	\$4,500	\$50,000	\$936,080
30	Renville	Willard	NO	YES	48	7/1/06	NO	3	119	Beef	YES	NO	\$90,214	YES	\$45,107	\$22,554	\$2,000	\$24,554	\$960,634
31	Goodhue	Brad	NO	B	46	10/1/06	NO	3	300	Dairy	NO	NO	\$160,000	NO	\$0	\$45,500	\$4,500	\$50,000	\$1,010,634
32	Fillmore	Lynn	NO	D	45	8/1/06	YES	2	150	Beef	NO	NO	\$61,000	NO	\$0	\$45,500	\$4,500	\$50,000	\$1,060,634
33	Goodhue	Mark	NO	B	40	7/1/07	NO	3	60	Beef	NO	NO	\$14,700	NO	\$0	\$11,025	\$1,103	\$12,128	\$1,072,762
34	Renville	Craig	NO	B	35	7/1/06	NO	3	100	Beef	YES	NO	\$67,000	YES	\$10,000	\$21,000	\$2,000	\$23,000	\$1,095,762
35	Pine	Dairy	NO	B	34	8/1/07	YES	3	226	Dairy	NO	NO	\$91,080	YES	\$45,540	\$22,770	\$2,277	\$25,047	\$1,120,809
36	Stearns	Peter	NO	B	33	10/1/06	YES	3	189	Dairy	NO	NO	\$30,000	YES	\$15,000	\$7,500	\$750	\$8,250	\$1,129,059
37	Pipestone	Scott	NO	B	33	7/1/06	YES	2	400	Beef	NO	NO	\$50,000	YES	\$25,000	\$12,500	\$1,250	\$13,750	\$1,142,809
38	Rock	Troy	NO	B	32	9/1/06	YES	0	167	Beef	YES	NO	\$3,000	NO	\$0	\$2,250	\$225	\$2,475	\$1,145,284
39	Rock	Craig	NO	B	32	9/1/06	YES	0	100	Beef	YES	NO	\$35,000	YES	\$19,200	\$7,050	\$705	\$7,755	\$1,153,039
40	Kanabec	Tom	NO	B	32	9/1/06	YES	0	75	Beef	NO	NO	\$0	NO	\$0	\$4,000	\$400	\$4,400	\$1,157,439
41	Root River	John	NO	B	31	9/1/06	YES	3	280	Dairy	NO	NO	\$296,887	YES	\$140,390	\$45,500	\$4,500	\$50,000	\$1,207,439
42	Morrison	Mike	NO	B	31	7/6/06	YES	3	102	Dairy	YES	NO	\$52,500	YES	\$7,500	\$31,875	\$3,187	\$35,062	\$1,242,501
43	Renville	Jason	NO	B	30	7/1/06	NO	3	80	Dairy	YES	NO	\$42,376	YES	\$21,188	\$10,594	\$1,000	\$11,594	\$1,254,095
44	Morrison	Jim	NO	YES	30	7/6/06	YES	3	136	Dairy	YES	NO	\$52,500	NO	\$0	\$39,375	\$3,937	\$43,312	\$1,297,407
45	Root River	Randy	NO	B	28	9/1/06	YES	3	85	Beef	NO	NO	\$68,000	NO	\$0	\$45,500	\$4,500	\$50,000	\$1,347,407
46	Washington	Faith	NO	A	28	9/1/06	YES	1	8	Horse	NO	NO	\$9,000	NO	\$0	\$6,750	\$675	\$7,425	\$1,354,832
47	Rice	Mark	NO	B	27	7/15/06	YES	3	168	Dairy	NO	NO	\$14,980	NO	\$0	\$11,235	\$1,123	\$12,358	\$1,367,190
48	Rock	Myron	NO	E	27	9/1/06	YES	0	250	Beef	YES	NO	\$8,600	NO	\$0	\$6,450	\$645	\$7,095	\$1,374,285
49	Morrison	John	NO	A	26	7/6/06	YES	3	489	Dairy/Hog	YES	NO	\$114,500	YES	\$57,131	\$28,744	\$2,874	\$31,618	\$1,405,903
50	Winona	Donald	NO	B	26	8/1/06	YES	3	300	Dairy	NO	NO	\$190,550	YES	\$95,275	\$45,500	\$4,500	\$50,000	\$1,455,903
51	Marlin	James	NO	A	25	10/1/06	YES	1	10	Beef	NO	NO	\$5,030	NO	\$0	\$3,772	\$377	\$4,149	\$1,460,052
52	Wadena	Timothy	NO	YES	17	7/1/06	YES	3	17	Dairy/Beef	YES	NO	\$23,700	NO	\$0	\$17,770	\$1,777	\$19,547	\$1,479,599
53	Morrison	Gilbert	NO	B	14	7/6/06	YES	3	124	Dairy	YES	NO	\$27,000	NO	\$0	\$20,250	\$2,025	\$22,275	\$1,501,874
54	Winona *	Luke	NO	B	N/A	7/1/06	YES	3	599	Dairy	NO	NO	\$13,000	NO	\$0	\$9,750	\$975	\$10,725	\$1,512,599

\$1.35 Million Appropriated

	SWCD	PRODUCER	STEW. PLAN	RIP. LOC	FLEVAL	START DATE	COMP. INVENT.	LEVEL	AU	SPECIES	VIOLATION	PARTIAL SYSTEM	PROJECT COST	EQUIP FUNDS REQUESTED	EQUIP AMOUNT	FWQMG FUNDS REQUESTED	T/A FUNDS REQUESTED	TOTAL FUNDS REQUESTED	CUMMULATIVE
55	Winona *	Ron	NO	B	N/A	7/1/06	YES	3	200	Dairy	NO	YES	\$13,000	NO	\$0	\$9,750	\$975	\$10,725	\$1,523,324
56	Stearns	Randy	YES	NO	66	10/1/06	YES	3	61	Dairy	NO	YES	\$14,000	YES	\$3,465	\$7,035	\$704	\$7,739	\$1,531,063
57	Stearns	Joseph	YES	NO	66	10/1/06	YES	3	15	Swine	NO	NO	\$30,000	YES	\$12,400	\$10,100	\$1,010	\$11,110	\$1,542,173
58	Pipestone	Pat	YES	NO	58	7/1/06	YES	2	290	Dairy	NO	NO	\$78,500	NO		\$45,455	\$4,545	\$50,000	\$1,592,173
59	Wabasha	Mark	YES	NO	51	7/22/06	YES	3	174	Dairy	NO	NO	\$76,808	NO	\$0	\$45,500	\$4,500	\$50,000	\$1,642,173
60	Stearns	Fred	YES	NO	49	10/1/06	YES	3	161	Dairy	NO	NO	\$27,840	YES	\$13,920	\$6,960	\$696	\$7,656	\$1,649,829
61	Rock	Dave	YES	NO	39	9/1/06	YES	0	197	Beef	YES	NO	\$36,000	YES	\$18,000	\$6,000	\$600	\$6,600	\$1,656,429
62	Stearns	Michael	YES	NO	36	10/1/06	YES	3	286	Dairy	NO	NO	\$70,200	YES	\$35,100	\$17,550	\$1,755	\$19,305	\$1,675,734
63	Stearns	Kurt	YES	NO	35	10/1/06	YES	3	104	Dairy	NO	NO	\$58,000	YES	\$27,000	\$16,500	\$1,650	\$18,150	\$1,693,884
64	Martin	Richard	YES	NO	32	9/1/06	YES	1	300	Beef	NO	NO	\$42,738	YES	\$21,364	\$10,684	\$1,068	\$11,752	\$1,705,636
65	Stearns	Steve	YES	NO	30	10/1/06	YES	3	97	Dairy	NO	NO	\$60,000	YES	\$28,000	\$17,000	\$1,700	\$18,700	\$1,724,336
66	Stearns	Leon	YES	NO	30	10/1/06	YES	3	103	Dairy	NO	NO	\$56,000	YES	\$28,000	\$14,000	\$1,400	\$15,400	\$1,739,736
67	Stearns	Ken	YES	NO	30	10/1/06	YES	3	125	Dairy	NO	NO	\$64,000	YES	\$25,000	\$23,000	\$2,300	\$25,300	\$1,765,036
68	Stearns	Gill	YES	NO	28	10/1/06	YES	3	82	Dairy	NO	NO	\$51,738	YES	\$25,869	\$12,935	\$1,293	\$14,228	\$1,779,264
69	Stearns	Doug	YES	NO	27	10/1/06	YES	3	185	Beef	NO	NO	\$45,000	YES	\$21,221	\$12,529	\$1,253	\$13,782	\$1,793,046
70	Stearns	Glen	YES	NO	19	10/1/06	YES	3	115	Dairy	NO	NO	\$53,306	YES	\$26,653	\$13,327	\$1,333	\$14,669	\$1,807,705
71	Stearns	Theresa	YES	NO	18	10/1/06	YES	3	77	Dairy	NO	NO	\$50,000	YES	\$25,000	\$12,500	\$1,250	\$13,750	\$1,821,455
72	Stearns	Ryan	YES	NO	16	10/1/06	YES	3	100	Dairy	NO	NO	\$18,000	YES	\$8,790	\$4,710	\$471	\$5,181	\$1,826,636
73	Stearns	Joel	YES	NO	10	10/1/06	YES	3	104	Dairy	NO	NO	\$80,000	YES	\$34,000	\$26,000	\$2,600	\$28,600	\$1,855,236
74	Scott	Martin	YES	NO	3	10/1/06	YES	3	50	Dairy	YES	NO	\$7,000	YES	\$2,605	\$2,645	\$265	\$2,910	\$1,858,146
75	Stearns	Scott	YES	NO	3	10/1/06	YES	3	100	Swine	NO	NO	\$30,000	YES	\$12,500	\$10,000	\$1,000	\$11,000	\$1,869,146
76	Stearns	Martin	YES	NO	3	10/1/06	YES	2	50	Dairy	NO	NO	\$7,000	YES	\$2,605	\$2,645	\$265	\$2,910	\$1,872,055
77	Stearns	Jamie	NO	NO	85	10/1/06	YES	3	65	Dairy	NO	NO	\$30,000	YES	\$2,950	\$19,550	\$1,955	\$21,505	\$1,893,560
78	Pipestone	Mike	NO	NO	64	7/1/06	YES	2	263	Dairy Heifers	NO	NO	\$78,720	YES	\$39,360	\$19,680	\$1,968	\$21,648	\$1,915,208
79	Goodhue	David	NO	NO	60	7/1/07	NO	3	250	Beef	NO	NO	\$43,500	NO	\$0	\$32,625	\$3,263	\$35,888	\$1,951,096
80	Stearns	James	NO	NO	58	10/1/06	YES	3	134	Dairy	NO	NO	\$110,000	YES	\$54,472	\$28,028	\$2,803	\$30,831	\$1,981,926
81	Lincoln	Andrew	NO	NO	55	7/14/06	YES	2	390	Beef	NO	NO	\$138,075	YES	\$34,600	\$48,000	\$2,000	\$50,000	\$2,031,926
82	Stearns	Steve	NO	NO	53	10/1/06	YES	3	400	Beef	NO	NO	\$65,000	YES	\$27,662	\$21,088	\$2,109	\$23,197	\$2,055,123
83	Fillmore	John	NO	NO	52	6/1/07	YES	2	250	Beef	NO	NO	\$66,000	NO	\$0	\$45,500	\$4,500	\$50,000	\$2,105,123
84	Stearns	Neal	NO	NO	47	10/1/06	YES	3	118	Dairy	NO	NO	\$73,000	YES	\$36,039	\$18,711	\$1,871	\$20,582	\$2,125,705
85	Stearns	Joe	NO	NO	44	10/1/06	YES	3	998	Dairy	NO	NO	\$32,000	YES	\$11,000	\$13,000	\$1,300	\$14,300	\$2,140,005
86	Pipestone	Bill	NO	NO	43	8/1/06	YES	2	228	Dairy	YES	NO	\$89,500	YES	\$44,750	\$45,455	\$4,545	\$50,000	\$2,190,005
87	Stearns	Joe	NO	NO	43	10/1/06	YES	3	149	Dairy	NO	NO	\$54,000	YES	\$27,000	\$13,500	\$1,350	\$14,850	\$2,204,855
88	Goodhue	Steve	NO	NO	42	7/1/07	NO	3	250	Dairy	NO	NO	\$91,050	NO	\$0	\$45,500	\$4,500	\$50,000	\$2,254,855
89	Stearns	Greg	NO	NO	41	10/1/06	YES	3	121	Dairy	NO	NO	\$78,000	YES	\$39,000	\$19,500	\$1,950	\$21,450	\$2,276,305
90	Lincoln	Gene	NO	NO	41	7/15/06	YES	2	494	Beef	NO	NO	\$310,000	YES	\$61,700	\$48,000	\$2,000	\$50,000	\$2,326,305
91	Stearns	Perry	NO	NO	38	10/1/06	YES	3	150	Dairy	NO	NO	\$30,000	YES	\$2,825	\$19,675	\$1,968	\$21,643	\$2,347,948
92	Stearns	Christina	NO	NO	36	10/1/06	YES	3	73	Beef	NO	NO	\$33,000	YES	\$15,228	\$9,522	\$952	\$10,474	\$2,358,422
93	Stearns	James	NO	NO	35	10/1/06	YES	3	92	Dairy	NO	NO	\$40,000	YES	\$16,837	\$13,163	\$1,316	\$14,479	\$2,372,901
94	Stearns	Richard	NO	NO	33	10/1/06	YES	3	154	Dairy	NO	NO	\$30,000	YES	\$6,200	\$16,300	\$1,630	\$17,930	\$2,390,831
95	Sibley	Dale	NO	NO	31	8/1/06	YES	2	120	Beef	NO	NO	\$71,600	YES	\$30,800	\$22,900	\$2,290	\$25,190	\$2,416,021
96	Stearns	David	NO	NO	29	10/1/06	YES	3	150	Dairy	NO	NO	\$13,700	YES	\$6,250	\$4,025	\$403	\$4,428	\$2,420,449
97	Winona	Dave	NO	NO	26	7/1/06	YES	3	84	Dairy	NO	NO	\$61,000	NO	\$0	\$45,500	\$4,500	\$50,000	\$2,470,449
98	Dakota	Jay	NO	NO	25	8/1/06	YES	2	140	Beef	YES	NO	\$23,000	YES	\$11,500	\$5,750	\$575	\$6,325	\$2,476,774
99	Stearns	Lawrence	NO	NO	21	10/1/06	YES	3	68	Dairy	NO	NO	\$19,996	YES	\$9,998	\$4,999	\$500	\$5,499	\$2,482,272
100	Stearns	Gene	NO	NO	21	10/1/06	YES	3	70	Dairy	NO	NO	\$45,000	YES	\$22,360	\$11,390	\$1,139	\$12,529	\$2,494,801
101	Washington	George	NO	NO	20	5/1/07	YES	1	18	Dairy	YES	NO	\$12,000	NO	\$0	\$9,000	\$900	\$9,900	\$2,504,701
102	Dakota	Melvin	NO	NO	20	8/1/06	YES	2	250	Dairy	YES	NO	\$20,630	NO	\$0	\$15,473	\$1,547	\$17,020	\$2,521,721
103	Root River	Mike	NO	NO	17	9/1/06	YES	3	140	Dairy	NO	NO	\$97,484	NO	\$0	\$22,725	\$2,525	\$25,250	\$2,546,971
104	Washington	Brian	NO	NO	17	5/1/07	YES	1	44	Beef	YES	NO	\$25,000	NO	\$0	\$18,750	\$1,875	\$20,625	\$2,567,596
105	Rice	Randy	NO	NO	14	10/1/06	YES	3	190	Dairy	NO	NO	\$15,000	NO	\$0	\$11,250	\$1,125	\$12,375	\$2,579,971
106	Stearns	Michael	NO	NO	11	10/1/06	YES	3	92	Dairy	NO	NO	\$23,000	YES	\$8,840	\$8,410	\$841	\$9,251	\$2,589,222
107	Stearns	Darrell	NO	NO	4	10/1/06	YES	3	158	Dairy	NO	NO	\$82,000	YES	\$31,020	\$30,480	\$3,048	\$33,528	\$2,622,750
108	Stearns	Jeff	NO	NO	3	10/1/06	YES	3	240	Dairy	NO	NO	\$15,000	YES	\$5,617	\$5,633	\$563	\$6,196	\$2,628,947
109	Stearns	Kevin	NO	NO	3	10/1/06	YES	3	180	Swine	NO	NO	\$35,000	YES	\$16,250	\$10,000	\$1,000	\$11,000	\$2,639,947
110	Wadena	John	NO	NO	0	7/1/06	YES	3	140	Dairy	NO	YES	\$44,000	NO	\$0	\$33,000	\$3,300	\$36,300	\$2,676,247
111	Sibley	Silvio	NO	NO	0	7/1/06	YES	2	275	Hogs	YES	NO	\$31,000	YES	\$15,500	\$7,750	\$775	\$8,525	\$2,684,772
112	Yellow Medicine	Rolland	NO	NO	0	8/1/06	NO	2	400	Swine	NO	NO	\$117,248	YES	\$82,252	\$5,684	\$568	\$6,252	\$2,691,024

Funding Recommendation
\$173,324 Roll-over

Note: Milkhouse waste projects. FLEVAL not available at this time.

PROPOSED FY 2007 GRANTS TO SOIL AND WATER CONSERVATION DISTRICTS

COMPOSITE

SWCD	COST SHARE		SERVICE GRANTS		GRANT TOTALS
	BASE GRANTS	FEEDLOT	GENERAL SERVICES	EASEMENT SERVICES	
AITKIN	\$7,738		\$24,649	\$144	\$32,531
ANOKA	\$17,803		\$25,304		\$43,107
BECKER	\$44,711		\$23,245	\$361	\$68,317
BELTRAMI	\$11,553		\$23,105	\$722	\$35,380
BENTON	\$19,869		\$23,479	\$1,733	\$45,081
BIG STONE	\$12,239		\$22,075	\$2,383	\$36,697
BLUE EARTH	\$31,340		\$23,058	\$14,801	\$69,199
BROWN	\$23,624		\$23,152	\$12,057	\$58,833
CARLTON	\$12,000		\$22,824		\$34,824
CARVER	\$29,202		\$24,041	\$2,888	\$56,131
CASS	\$11,648		\$22,356	\$144	\$34,148
CHIPPEWA	\$17,001		\$23,152	\$11,696	\$51,849
CHISAGO	\$16,524		\$24,087	\$722	\$41,333
CLAY	\$26,821		\$23,526	\$3,827	\$54,174
CLEARWATER	\$12,025		\$22,918	\$505	\$35,448
COOK	\$15,000		\$22,263		\$37,263
COTTONWOOD	\$26,328		\$23,152	\$13,140	\$62,620
CROW WING	\$14,000		\$22,450		\$36,450
DAKOTA	\$39,207		\$25,866	\$505	\$65,578
DODGE	\$18,513		\$23,620	\$144	\$42,277
DOUGLAS	\$27,712		\$24,602	\$6,281	\$58,595
FARIBAULT #	\$19,173		\$23,620	\$13,285	\$56,078
FILLMORE	\$41,432	\$283,049	\$24,555	\$722	\$349,758
FREEBORN	\$26,846		\$23,386	\$5,487	\$55,719
GOODHUE	\$44,358	\$112,128	\$24,462	\$3,971	\$184,919
GRANT	\$20,173		\$23,245	\$1,661	\$45,079
HENNEPIN	\$23,072		\$33,071	\$2,383	\$58,526
HUBBARD	\$13,500		\$22,216	\$72	\$35,788
ISANTI	\$11,303		\$24,602	\$650	\$36,555
ITASCA	\$10,000		\$23,011		\$33,011
JACKSON	\$20,990		\$22,403	\$5,632	\$49,025
KANABEC	\$15,000	\$4,400	\$22,871	\$505	\$42,776
KANDIYOHI	\$22,759		\$23,807	\$9,530	\$56,096
KITTSO	\$14,000		\$23,432	\$505	\$37,937
KOOCHICHING	\$15,000		\$22,590		\$37,590
LAC QUI PARLE	\$38,341		\$22,918	\$12,563	\$73,822
LAKE	\$15,000		\$22,403		\$37,403
LAKE OF THE WOODS	\$15,000	\$60,225	\$22,075		\$97,300
LE SUEUR	\$32,447		\$23,947	\$6,931	\$63,325
LINCOLN	\$25,062		\$24,275	\$6,859	\$56,196
LYON	\$22,472	\$95,832	\$23,479	\$10,252	\$152,035
MAHNOMEN #	\$15,030		\$22,169		\$37,199
MARSHALL	\$12,363		\$22,497	\$1,227	\$36,088
MARSHALL-BELTRAMI	\$9,025		\$22,824	\$289	\$32,138
MARTIN	\$33,528	\$4,149	\$23,105	\$13,790	\$74,572

SWCD	COST SHARE		SERVICE GRANTS		GRANT TOTALS
	BASE GRANTS	FEEDLOT	GENERAL SERVICES	EASEMENT SERVICES	
MC LEOD	\$21,609		\$22,965	\$4,188	\$48,762
MEEKER	\$27,983		\$22,684	\$5,198	\$55,865
MILLE LACS	\$9,025		\$23,058	\$1,155	\$33,238
MORRISON	\$38,665	\$154,542	\$24,696	\$2,238	\$220,141
MOWER	\$19,214	\$33,159	\$25,351	\$3,538	\$81,262
MURRAY	\$20,336		\$22,309	\$5,632	\$48,277
NICOLLET	\$20,082		\$23,479	\$5,126	\$48,687
NOBLES	\$32,479		\$22,637	\$1,011	\$56,127
NORMAN	\$17,947		\$23,198	\$2,383	\$43,528
OLMSTED	\$56,252		\$26,474	\$866	\$83,592
OTTER TAIL EAST	\$27,809	\$50,000	\$23,198	\$794	\$101,801
OTTER TAIL WEST	\$36,159		\$23,198	\$3,466	\$62,823
PENNINGTON	\$17,674		\$22,871	\$72	\$40,617
PINE	\$20,424	\$25,047	\$23,198	\$72	\$68,741
PIPESTONE	\$26,707	\$13,750	\$22,824	\$1,444	\$64,725
POLK EAST	\$15,282		\$23,011	\$433	\$38,726
POLK WEST	\$25,063		\$23,011	\$72	\$48,146
POPE	\$33,283		\$22,731	\$11,408	\$67,422
RAMSEY *	\$18,988		\$22,439		\$41,427
RED LAKE	\$8,574		\$22,122	\$289	\$30,985
REDWOOD	\$21,418		\$23,620	\$22,238	\$67,276
RENVILLE	\$15,594	\$59,148	\$23,807	\$27,580	\$126,129
RICE	\$24,873	\$12,358	\$27,878	\$3,249	\$68,358
ROCK	\$27,802	\$33,825	\$23,620	\$1,083	\$86,330
ROOT RIVER	\$35,104	\$100,000	\$27,363	\$3,249	\$165,716
ROSEAU	\$16,716		\$22,918	\$72	\$39,706
SCOTT	\$30,366		\$24,321	\$3,393	\$58,080
SHERBURNE	\$12,000		\$26,333		\$38,333
SIBLEY	\$16,825	\$20,013	\$23,058	\$7,076	\$66,972
ST. LOUIS NORTH	\$12,025		\$22,965		\$34,990
ST. LOUIS SOUTH	\$9,352		\$22,965		\$32,317
STEARNS	\$64,834	\$191,927	\$26,801	\$1,372	\$284,934
STEELE	\$17,874		\$24,415	\$3,466	\$45,755
STEVENS	\$28,603		\$23,432	\$4,549	\$56,584
SWIFT	\$14,839		\$22,731	\$11,841	\$49,411
TODD	\$27,056	\$46,600	\$24,462	\$289	\$98,407
TRAVERSE	\$10,044		\$23,386	\$1,516	\$34,946
WABASHA	\$28,775		\$23,947	\$1,733	\$54,455
WADENA	\$15,000	\$19,547	\$22,871	\$794	\$58,212
WASECA #	\$16,488		\$23,198	\$7,581	\$47,267
WASHINGTON	\$23,081	\$7,425	\$25,070	\$144	\$55,720
WATONWAN	\$17,113		\$22,497	\$7,437	\$47,047
WILKIN	\$21,139		\$23,526	\$1,805	\$46,470
WINONA	\$21,728	\$196,200	\$25,538	\$1,300	\$244,766
WRIGHT	\$25,565		\$26,006	\$3,105	\$54,676
YELLOW MEDICINE	\$27,926		\$23,526	\$12,346	\$63,798
ALLOCATED TOTALS	\$2,026,428	\$1,523,324	\$2,155,595	\$344,972	\$6,050,318

NOTES:

COST SHARE BASE GRANT PENALTIES FOR RULE VIOLATION.

WASECA - \$1,279

FARIBAULT - \$4,464

MAHNOMEN - \$1,199

* 5% GENERAL SERVICES PENALTY FOR LATE REPORTING

Board Resolution # _____

**FISCAL YEAR 07 SOIL AND WATER CONSERVATION DISTRICT
GRANT ALLOCATIONS**

WHEREAS, Fiscal Year 07 Soil and Water Conservation District (SWCD) grants, administered by the Board of Water and Soil Resources (BWSR), provide cost share and service grants allocations to SWCDs through its State Cost Share Base Grants, Feedlot Water Quality Management Grants, General Services Grants, and Easement Services Grants Programs; and,

WHEREAS, the Laws of Minnesota for 2005, 1st Special Session, appropriate cost share and service grant funds to BWSR; and,

WHEREAS, all SWCDs that have BWSR approved plans and reports to comply with statutory allocation requirements, are eligible to receive these grants.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate these individual grant amounts to eligible SWCDs for these respective grant programs.

Jerome Deal, Chair
Board of Water and Soil Resources

Date: _____

PROPOSED FY 2007 NATURAL RESOURCES BLOCK GRANT

Background

The Natural Resources Block Grant (NRBG) provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Individual Sewage Treatment Systems (ISTS).

The NRBG is a composite base grant generally formulated to reflect need/activity of these programs in all counties. This grant is not competitive and all counties are eligible to apply. A county may apply for any or all of the five grant program components.

FY 2007 NRBG Schedule

June 28, 2006	BWSR Requested to authorize the FY 2007 NRBG
July 2006	Counties Begin to Apply
August 2006	Grant Agreements Sent to Counties
October 30, 2006	Grant Agreements Executed and Payments Transferred
February 1, 2007	Application Deadline
	eLINK Reports Due

Selected Program Highlights of the FY 2007 NRBG:

Comprehensive Local Water Management - \$1,499,824

This component is for implementing comprehensive local water plans. A statutory local levy match is required that will generate \$1.5 M on a statewide basis. This individual county amount is determined from a county's equalized taxable net tax capacity, as determined by the Dept. of Revenue.

Wetland Conservation Act - \$2,171,973

This component is for the local administration of the WCA. A local 1:1 cash and/or in-kind match is required. The grant amount is formula derived from a base amount of county WCA activity. This formula was approved by BWSR at their April 2003 Meeting. Of this amount, SWCDs are entitled to receive at least 15% or \$5,000, whichever is greater, for performing mandated WCA activities.

DNR Shoreland - \$429,926

This component is for the administration of state approved Shoreland management programs. It is administered at the state level by the DNR. A local 1:1 cash and/or in-kind match is required. The grant amount is derived from a base estimated amount of county Shoreland activity.

MPCA County Feedlot Program - \$1,966,875

This component is for county administration of the MPCA Feedlot Program. All counties that have received delegation from MPCA to administer this Program are eligible to apply. A local .75:1 cash and/or in-kind match is required. Grant amounts are based on the grant formula that includes the following highlights:

- Grant amounts are based on feedlot registration database information from 2005 and a legislative appropriation of \$2,324,000.
- Grants are based on the number of feedlots in shoreland with 10 or more AU and feedlots in non-shoreland with 50 or more AU.
- In addition to the projected grant amounts shown, counties will be eligible to earn an incentive award. The incentive is based on work performed by the county during the program year that exceeds minimum program requirements. Ten percent of the legislative appropriation is reserved for performance credit awards.

MPCA County Individual Sewage Treatment Systems Program - \$859,995 (\$730,000 one-time funding from Clean Water Legacy)

All counties are required to pass ordinances regulating ISTS countywide. All counties that have enacted countywide ordinances are eligible to receive this grant. No local match is required. Grant amount of \$9,885 determined by equal county allocations. (If dedicated funding is achieved for FY 08, this amount will become the base amount for FY 08 grants.)

Recommendation

On behalf of the BWSR, DNR, and MPCA staffs, the Board is requested to adopt the attached resolution authorizing the BWSR staff to allocate these grants to counties meeting the NRBG Program requirements.

PROPOSED 2007 BWSR NATURAL RESOURCES BLOCK GRANT
BASE GRANT BREAKDOWN BY PROGRAM

COUNTY	\$1.5 M	\$2.17 M		\$4.43 M	\$1.97 M	\$1.86 M	GRANT AMOUNT
	LOCAL WATER MANAGEMENT	WCA CONSERVATION ACT		DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	MPCA COUNTY ISTS PROGRAM	
	CLWM BASE GRANT	WCA BASE GRANT	MINIMUM SWCD TRANSFER	SHORELAND BASE GRANT	FEEDLOT BASE GRANT	ISTS BASE GRANT	
AITKIN	\$18,285	\$37,870	\$5,681	\$12,288		\$9,885	\$78,328
ANOKA	\$10,657	\$71,992	\$10,799	\$2,979		\$9,885	\$95,513
BECKER	\$17,210	\$27,613	\$5,000	\$12,234		\$9,885	\$66,942
BELTRAMI	\$18,022	\$69,034	\$8,679	\$6,272		\$9,885	\$103,213
BENTON	\$17,473	\$36,000	\$5,400	\$3,744		\$9,885	\$67,102
BIG STONE	\$20,685	\$10,000	\$5,000	\$3,065	\$7,500	\$9,885	\$51,135
BLUE EARTH	\$13,197	\$20,710	\$5,000	\$3,695	\$34,681	\$9,885	\$82,168
BROWN	\$17,949	\$10,000	\$5,000	\$3,048	\$41,225	\$9,885	\$82,107
CARLTON	\$17,575	\$25,641	\$5,000	\$4,474		\$9,885	\$57,575
CARVER	\$10,657	\$36,000	\$5,400	\$2,979	\$30,474	\$9,885	\$89,995
CASS	\$13,827	\$51,000	\$7,650	\$12,189		\$9,885	\$86,901
CHIPPEWA	\$19,592	\$10,000	\$5,000	\$2,990		\$9,885	\$42,467
CHISAGO	\$14,803	\$31,558	\$5,000	\$5,631		\$9,885	\$61,877
CLAY	\$16,685	\$18,737	\$5,000	\$3,354		\$9,885	\$48,661
CLEARWATER	\$20,086	\$22,682	\$5,000	\$3,604		\$9,885	\$56,257
COOK	\$19,528	\$14,793	\$5,000	\$4,780		\$9,885	\$48,986
COTTONWOOD	\$19,544	\$10,000	\$5,000	\$3,158	\$27,109	\$9,885	\$69,696
CROW WING	\$10,657	\$43,392	\$6,509	\$21,792		\$9,885	\$85,726
DAKOTA	\$10,657	\$60,158	\$9,024	\$2,979	\$25,707	\$9,885	\$109,386
DODGE	\$19,070	\$18,734	\$5,000	\$3,047	\$30,474	\$9,885	\$81,210
DOUGLAS	\$15,901	\$24,655	\$5,000	\$9,734	\$47,768	\$9,885	\$107,943
FARIBAUT	\$19,157	\$10,000	\$5,000	\$3,116	\$38,981	\$9,885	\$81,139
FILLMORE	\$18,799	\$10,000	\$5,000	\$3,067	\$106,754	\$9,885	\$148,505
FREEBORN	\$17,274	\$10,000	\$5,000	\$3,576	\$36,738	\$9,885	\$77,473
GOODHUE	\$12,419	\$18,737	\$5,000	\$3,158	\$75,906	\$9,885	\$120,105
GRANT	\$20,411	\$15,779	\$5,000	\$3,482		\$9,885	\$49,557
HENNEPIN	\$10,657	\$65,089	\$9,763	\$0		\$9,885	\$85,631
HOUSTON	\$19,353	\$14,793	\$5,000	\$3,105	\$43,468	\$9,885	\$90,604
HUBBARD	\$17,438	\$28,599	\$5,000	\$9,609		\$9,885	\$65,531
ISANTI	\$17,447	\$28,599	\$5,000	\$4,562		\$9,885	\$60,493
ITASCA	\$13,754	\$50,296	\$7,544	\$11,514		\$9,885	\$85,449
JACKSON	\$19,376	\$10,000	\$5,000	\$3,430	\$42,533	\$9,885	\$85,224
KANABEC	\$19,843	\$28,599	\$5,000	\$4,660		\$9,885	\$62,987
KANDIYOHI	\$15,829	\$24,655	\$5,000	\$7,693	\$47,301	\$9,885	\$105,363
KITSON	\$20,116	\$18,737	\$5,000	\$3,016	\$7,500	\$9,885	\$59,254
KOOCHICING	\$19,782	\$32,939	\$5,010	\$3,101		\$9,885	\$65,707
LAC QUI PARLE	\$20,346	\$10,000	\$5,000	\$2,995	\$7,500	\$9,885	\$50,726
LAKE	\$19,401	\$18,737	\$5,000	\$5,257		\$9,885	\$53,280
LAKE OF THE WOODS	\$20,814	\$38,461	\$5,769	\$3,978	\$7,500	\$9,885	\$80,638
LE SUEUR	\$17,776	\$18,737	\$5,000	\$5,603	\$23,370	\$9,885	\$75,371
LINCOLN	\$20,391	\$10,000	\$5,000	\$3,153	\$41,412	\$9,885	\$84,841
LYON	\$18,023	\$10,000	\$5,000	\$3,119		\$9,885	\$41,027
MCLEOD	\$16,645	\$18,737	\$5,000	\$3,404	\$36,364	\$9,885	\$85,035
MAHONOMEN	\$20,853	\$14,793	\$5,000	\$3,828		\$9,885	\$49,359
MARSHALL	\$19,740	\$21,696	\$5,000	\$2,979	\$7,500	\$9,885	\$61,800
MARTIN	\$18,033	\$10,000	\$5,000	\$3,445	\$57,116	\$9,885	\$98,479
MEEKER	\$18,419	\$21,696	\$5,000	\$5,394	\$27,109	\$9,885	\$82,503
MILLE LACS	\$18,908	\$25,641	\$5,000	\$5,478	\$8,133	\$9,885	\$68,045

PROPOSED 2007 BWSR NATURAL RESOURCES BLOCK GRANT
BASE GRANT BREAKDOWN BY PROGRAM

COUNTY	\$1.5 M	\$2.17 M		\$4.43 M	\$1.97 M	\$8.86 M	GRANT AMOUNT
	LOCAL WATER MANAGEMENT	WCA CONSERVATION ACT		DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	MPCA COUNTY ISTS PROGRAM	
	CLWM BASE GRANT	WCA BASE GRANT	MINIMUM SWCD TRANSFER	SHORELAND BASE GRANT	FEEDLOT BASE GRANT	ISTS BASE GRANT	
MORRISON	\$17,918	\$34,517	\$5,178	\$4,494	\$57,490	\$9,885	\$124,304
MOWER	\$17,178	\$14,793	\$5,000	\$3,719	\$26,688	\$9,885	\$72,263
MURRAY	\$19,815	\$10,000	\$5,000	\$3,670	\$39,075	\$9,885	\$82,445
NICOLLET	\$17,321	\$18,737	\$5,000	\$3,055	\$38,514	\$9,885	\$87,512
NOBLES	\$18,962	\$10,000	\$5,000	\$3,032	\$49,264	\$9,885	\$91,143
NORMAN	\$20,461	\$14,793	\$5,000	\$2,989	\$7,500	\$9,885	\$55,628
OLMSTED	\$10,657	\$28,599	\$5,000	\$3,588		\$9,885	\$52,729
OTTER TAIL	\$12,934	\$68,047	\$13,807	\$20,219		\$9,885	\$111,085
PENNINGTON	\$20,198	\$18,737	\$5,000	\$3,228	\$7,500	\$9,885	\$59,548
PINE	\$18,241	\$39,448	\$5,917	\$6,720		\$9,885	\$74,294
PIPESTONE	\$20,075	\$10,000	\$5,000	\$2,979	\$48,049	\$9,885	\$90,988
POLK	\$17,732	\$24,655	\$10,000	\$3,939	\$10,470	\$9,885	\$66,681
POPE	\$19,874	\$17,751	\$5,000	\$4,842	\$32,998	\$9,885	\$85,350
RAMSEY	\$10,657	\$19,000	\$5,000	\$0		\$9,885	\$39,542
RED LAKE	\$20,877	\$14,793	\$5,000	\$3,273	\$7,500	\$9,885	\$56,328
REDWOOD	\$19,054	\$11,834	\$5,000	\$2,979		\$9,885	\$43,752
RENVILLE	\$18,495	\$10,000	\$5,000	\$3,033	\$33,372	\$9,885	\$74,785
RICE	\$13,768	\$27,613	\$5,000	\$4,772	\$70,390	\$9,885	\$126,428
ROCK	\$19,980	\$10,000	\$5,000	\$2,979	\$47,394	\$9,885	\$90,238
ROSEAU	\$19,922	\$27,613	\$5,000	\$3,073		\$9,885	\$60,493
ST. LOUIS	\$10,657	\$86,193	\$20,474	\$22,712		\$9,885	\$129,447
SCOTT	\$10,657	\$47,337	\$7,101	\$2,979	\$18,696	\$9,885	\$89,554
SHERBURNE	\$10,657	\$36,000	\$5,400	\$5,551		\$9,885	\$62,093
SIBLEY	\$19,242	\$15,325	\$5,000	\$3,076	\$32,718	\$9,885	\$80,246
STEARNS	\$10,657	\$52,268	\$7,840	\$10,257	\$199,099	\$9,885	\$282,166
STEELE	\$16,405	\$13,806	\$5,000	\$3,266	\$28,060	\$9,885	\$71,422
STEVENS	\$20,151	\$10,000	\$5,000	\$3,108	\$15,518	\$9,885	\$58,662
SWIFT	\$19,816	\$13,806	\$5,000	\$3,126	\$15,892	\$9,885	\$62,525
TODD	\$19,323	\$24,655	\$5,000	\$5,620	\$71,045	\$9,885	\$130,528
TRAVERSE	\$20,520	\$10,000	\$5,000	\$3,195	\$7,500	\$9,885	\$51,100
WABASHA	\$18,665	\$13,806	\$5,000	\$4,008	\$47,768	\$9,885	\$94,132
WADENA	\$20,262	\$22,682	\$5,000	\$3,514	\$18,603	\$9,885	\$74,946
WASECA	\$18,790	\$13,806	\$5,000	\$3,425	\$26,455	\$9,885	\$72,361
WASHINGTON	\$10,657	\$47,337	\$7,101	\$2,979		\$9,885	\$70,858
WATONWAN	\$19,892	\$10,000	\$5,000	\$3,114	\$20,753	\$9,885	\$63,644
WILKIN	\$20,055	\$10,000	\$5,000	\$2,999		\$9,885	\$42,939
WINONA	\$15,598	\$13,806	\$5,000	\$3,021	\$58,892	\$9,885	\$101,202
WRIGHT	\$10,657	\$48,323	\$7,249	\$10,640	\$41,225	\$9,885	\$120,730
YELLOW MEDICINE	\$19,980	\$10,000	\$5,000	\$2,995	\$28,324	\$9,885	\$71,184
MARSHALL-BELTRAMI SWCD	\$0	\$6,004	NA	\$0			\$6,004
TOTALS	\$1,499,824	\$2,171,973		\$429,926	\$1,966,875	\$859,995	\$6,928,593

NOTE: THE LOCAL WATER PLANNING BASE GRANT REQUIRES A LOCAL LEVY MATCH. THE WETLAND CONSERVATION ACT and DNR SHORELAND REQUIRE A 1:1 CASH/IN-KIND MATCH. THE FEEDLOT BASE GRANT REQUIRES A .75:1 CASH/IN-KIND MATCH. THE MPCA COUNTY ISTS PROGRAM BASE GRANT DOES NOT REQUIRE A MATCH.

Board Resolution # _____

FY 07 Natural Resources Block Grant Authorization

WHEREAS, the Natural Resources Block Grant (NRBG), administered by the Board of Water and Soil Resources (BWSR), provides assistance to local governments to implement the state natural resource programs of Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Individual Sewage Treatment Systems (ISTS); and,

WHEREAS, the Laws of Minnesota for 2005, 1st Special Session, appropriated FY 07 Natural Resources Block Grant funds to BWSR and MPCA; and the Laws of Minnesota for 2006 appropriated funds to MPCA.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate appropriate individual grant amounts to counties meeting the NRBG Program requirements, as determined by the BWSR, MPCA, and DNR.

Date: _____

Jerome Deal, Chair
Board of Water and Soil Resources

RED RIVER VALLEY SET ASIDE PROGRAM, RE-ALLOCATION

BACKGROUND

The 2000 Legislature appropriated \$2,650,000 to BWSR to establish an agricultural land set aside program to provide short-term economic assistance to landowners. The legislature recognized that agricultural areas have suffered through disaster declarations due to flooding, crop disease, and excess precipitation. Funds were allocated to northwest Minnesota SWCDs in Clay, Polk, Red Lake, Pennington, Marshall, Kittson, and Roseau counties.

ISSUE

Our grant agreement with these SWCDs expired June 30, 2002. At that time, \$189,177 remained unspent and was returned to BWSR. The legislative appropriation allows BWSR to keep these funds until they are expended.

RECOMMENDATION

The Cost Share Committee recommends the BWSR make the remaining balance, \$189,177, available to the original SWCDs (9) on an equal basis, \$21,020 each. If an SWCD desires a lesser amount, the remainder is available to the other SWCDs. Up to 20% of allocation actually spent on projects may be used for SWCD technical and administrative costs.

- Primary consideration will be given to projects for living snow fences on county and township roads and ditch buffers with watershed district match.
- Secondary consideration will be given to extensions on existing contracts.

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:farbill2/phasevgrantformula

FARM BILL IMPLEMENTATION FUNDING

6/28/2006

FUNDING

PARTNERS	FY 2006
DNR	\$337,500
BWSR	\$757,000
Carry-Over	\$206,633
Total Cash	\$1,301,133

MATCH	
SWCD Match	\$153,074
Local Organization	\$76,537
Other	
TOTAL FUNDING	\$1,530,744

City of Hermantown Wetland Plan

Executive Summary

The City of Hermantown wetland plan is the first Wetland Conservation Act (WCA) planning effort in Minnesota that is coordinating with the development of a Special Area Management Plan (SAMP) under the Clean Water Act. The City, BWSR, and Corps of Engineers and other cooperating agencies have coordinated planning efforts to dovetail the plans to the extent possible. Because of special federal requirements, the SAMP is likely to take an additional 18 to 24 months to complete.

An 18 member special task force of city residents, environmental groups, elected officials and local staff and local, state and federal agencies oversaw the planning effort. This task force met for 17 months and participated in policy discussions, wetland function and value training and field trips.

The City of Hermantown is a suburb of Duluth in northeastern Minnesota and covers an area of 20,480 acres or 32 square miles. The city has experienced very rapid commercial and residential growth in recent years. A 2003 wetland inventory within the city identified 4,380 acres of wetlands within the city, compared to 5,466 acres of wetlands within the city identified in the National Wetland Inventory by the U.S. Fish and Wildlife Service. The technical advisory committee has recommended to the city that a digital map that combines the two inventories be used for planning purposes. That map is included in the plan. Jurisdictional decisions will continue to be made based on a wetland delineation report prepared by applicants based on the 1987 Corps of Engineers Wetland Delineation Manual.

Highlights of the Hermantown Comprehensive Wetland Protection and management plan include:

1. **Requiring a MnRAM (Minnesota Routine Assessment Methodology for Assessing Wetland Functions) on all wetland impact proposals.**
2. **City policy to permanently preserve highest functioning wetlands, such as wetlands within 500 feet of a trout stream, through zoning restrictions, deed restrictions, and conservation easements.**
3. **Tracking of wetland impacts by watershed and limiting impacts by watershed water quality conditions.**
4. **City has commenced development of a Special Area Management Plan (SAMP) with the Corps of Engineers that has been coordinated with the WCA plan. The city hopes to have the SAMP completed and approved by 2007.**
5. **Tracking the cumulative impacts of exemptions by watershed on a yearly basis.**
6. **Establishment of reference wetlands within the city that were evaluated in 2004 using MnRAM 3.0 to establish baseline wetland function scores.**
7. **Establishment a Hermantown wetland banking account to provide opportunities for mitigation within the city and contributing watersheds.**
8. **Use of wetland mitigation ratio matrix (page 38) that incorporates mitigation location, wetland type, and timing. The mitigation matrix also considers the MnRAM 3.0 results and the resulting management classification (from Preserve to Manage 3) to vary the replacement ratios from a minimum of 1:1 to a maximum of 3:1.**

**Comparison of
Hermantown Comprehensive Wetland Management Plan
With WCA and 404 Minimum Standards**

<u>ISSUE</u>	<u>Hermantown Wetland Management Plan</u>	<u>WCA Minimum Standards</u>	<u>404 Min. Standards</u>
Mitigation Ratios	1:1 to 3:1 based on MnRAM & Corps matrix	1:1 (in >80% pre-settlement wetland areas)	1:1 to 1.5:1 based on Corps matrix
Mitigation Methods	Follows WCA standards	See Minnesota Rule 8420.0541	Restoration, creation, enhancement, and preservation allowed
Mitigation siting	Same as WCA	On-site/same minor watershed, Same major watershed, Same county, Adjacent county/major watershed	"In-place" preferred, increased replacement ratio penalty for "Not In-Place"
Sequencing	Same as WCA, plus exemptions must meet avoidance/minimization	See Minnesota Rule 8420.0520	Similar to WCA
Exemptions	Exemptions same as WCA standards (agricultural exemptions NOT expanded for non-ag. Uses)	See Minnesota Rule 8420.0122	See Section 404 of Clean Water Act
Enforcement	DNR Conservation Officers and Hermantown Police Force	DNR Conservation Officers and other licensed peace officers	EPA/Corps
Wetland Functional Assessment	MnRAM 3.0 / Hermantown version	MnRAM 3.0 or other board approved methods	MnRAM 3.0/other methods
Wetland banking	City will establish an Account in BWSR bank	BWSR administered bank	Recognize BWSR administered bank
Technical Issues	TEP/ Monthly Technical Advisory Committee Meetings (incl. Corps)	3-4 Member Technical Evaluation Panel plus outside experts	Corps staff
Jurisdictional Decisions	Pre-project delineations using 1987 Manual required with approval of boundary by TEP	1987 Manual	1987 Manual

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

In the Matter of the review of the Wetland
Management Plan for City of Hermantown
pursuant to Minnesota Statutes
Section 103G.2242 Subd. 1 (c.)

**ORDER
APPROVING
WETLAND
MANAGEMENT PLAN**

Whereas, the City of Hermantown submitted a Wetland Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103G.2242 Subd. 1 (c.), and;

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

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

FINDINGS OF FACT

Requirement to Plan. Minnesota Statutes Section 103G.2242 Subd. 1 (c.) allows the Board to approve a comprehensive wetland protection plan developed by a local government unit provided that the Plan is incorporated into sections 103A.201, Subd. 2 and 103G.222, is adopted as part of an approved local water plan under section 103B.231 and is adopted as part of the local government's official controls.

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

Background of the City. Hermantown is located in northeastern Minnesota near the City of Duluth. Wetland resources within the City total approximately 4,380 acres of the 20,480 acres of total land area in the City. The major wetland types in the City are Type 6 (scrub shrub swamps) totaling 1,805 acres; 595 acres of Type 7 deciduous forested wetland; and 525 acres of Type 7 coniferous forested wetland. There is significant commercial and residential development pressure along the major surface waters in the City. Much of this development has the potential to impact wetlands. Several important trout streams and riparian wetlands adjacent to the streams lie within the city limits.

Local Review. The Wetland Management Plan (Plan) was developed with assistance from an 18-member task force of city residents, environmental groups, elected officials and staff of state, local and federal agencies. The Hermantown City Council has reviewed the plan and ordinance. The Plan and attached wetland management ordinance will be adopted by ordinance and is to be used in conjunction with other City land use ordinances.

Department of Natural Resources Involvement. The Minnesota Department of Natural Resources was an active participant in the plan development. Deserae Hendrickson, MnDNR, Duluth, Division of Fisheries, assisted with evaluation of fisheries issues.

Pollution Control Agency Involvement. The MPCA was an active participant in the planning process. Tom Estabrooks, MPCA Duluth Regional Office, assisted with evaluation of the water quality functions and issues and participated in other aspects of the plan development.

Army Corps of Engineers Involvement. The Corps participated in the planning effort in several ways. Two Harbors Corps staff Tim Peterson participated in most of the monthly meetings. In addition, Steve Eggers, St. Paul District Corps Ecologist participated in several meetings to coordinate development of a Special Area Management Plan (SAMP) for Section 404 of the Clean Water Act.

Board Review and Involvement. The BWSR Staff recommends approval of the City of Hermantown Wetland Plan contingent on City Council approval of the plan and attached Hermantown Wetland Protection Ordinance.

The plan complies with Minnesota Rules 8420.0650 and the flexibility allowed for local government units with greater than 80% presettlement wetlands. The plan is expected to meet the no net loss provisions of WCA. Provisions within the plan provide for a periodic review of the wetland plan and ordinance. In accordance with the no net loss requirement of the Wetland Conservation Act, a review of the plan will be conducted within 5 years of adoption of the plan and at least once every 5 years thereafter. An inter-agency technical team consisting of, at a minimum, the City of Hermantown, BWSR, DNR, and South St. Louis SWCD will conduct the review.

The wetland values determined by the policy committee were in line with technical assessments made by the technical advisory committee. The Hermantown staff was extremely cooperative in addressing issues raised by BWSR staff during the planning effort and made modifications to the plan to ensure that the goal of no net loss of wetland functions and values within the City was achieved.

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

- a. Definition of specific projects/actions, responsible parties and set time line,
- b. Identification of wetland management classifications determined through citizen involvement and agency participation,

- c. Concise implementation section with identified management standards and activities,
- d. Communication among the various responsible departments within the City and SWCD and partnership with other local technical and regulatory partners and programs.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Wetland Management Plan for the City of Hermantown pursuant to Minnesota Statutes Section 103G.2242 Subd. 1 (c.).
3. The City of Hermantown Final Wetland Management Plan attached to this Order provides a function and value assessment framework for all wetlands within the City of Hermantown jurisdictional boundary and defines all wetland-related problems within the City boundaries, possible solutions thereto, and an implementation program.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103G.221 to 103G.2373.

ORDER

The Board hereby approves the attached Comprehensive Wetland Protection and Management Plan and Local Wetland Management Ordinance dated May 2006 for Hermantown City contingent on City Board of Commissions approval of Plan and ordinance.

Dated at Saint Paul, Minnesota this 28th day of June 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

ANNUAL PLAN – FISCAL 2007

JULY 1, 2006 – JUNE 30, 2007



AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



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FISCAL 2007 TECHNICAL OFFICE BUDGET

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



2006 BOARD OF DIRECTORS

BROWN COUNTY

ANDREW LOCHNER – 1ST VICE CHAIR
CHARLES GUGGISBERG

COTTONWOOD COUNTY

GARY SORENSON
NORMAN HOLMEN

LAC QUI PARLE COUNTY

HAROLD SOLEM
TODD PATZER

LINCOLN COUNTY

CURT BLUMEYER
LARRY HANSEN

LYON COUNTY

PHILIP NELSON - SECRETARY/TREASURER
CLARENCE BUYSSE

MURRAY COUNTY

ROBERT MOLINE
KEVIN VICKERMAN

PIPESTONE COUNTY

LUKE JOHNSON
MARVIN TINKLENBERG

REDWOOD COUNTY

JOSEPH SCHOUVIELLER - CHAIR
JOHN SCHUELLER

YELLOW MEDICINE COUNTY

LOUIS SHERLIN
RON ANTONY

AREA II MINNESOTA RIVER BASIN PROJECTS, INC



ANNUAL PLAN – FISCAL 2007

ADMINISTRATIVE WORK PLAN

AREA II STAFF:

Kerry Netzke, *Coordinator*

Joe DeSchepper, *Engineering Technician*

Duane Hansel, P.E. ~ *Consultant Engineer*
Bolton & Menk, Inc.

NARRATIVE:

Looking toward Fiscal 2007 is exciting as there is a great supply of cost-share funding for floodwater retention projects within our reach. We continue to expend the 2005 appropriations of \$500,000 LCMR and \$500,000 Bonding funds, and now we add a 2006 appropriation of \$500,000 of Bonding funds to that pot.

We continue to rely upon project partners to partially fund projects to further our project implementation dollars. Credit is due to the Redwood-Cottonwood Rivers Control Area (RCRCA) and their Clean Water Partnerships and the federally-funded Environmental Quality Incentives Program (EQIP) through NRCS. Without those resources and partnerships, many of the projects would not have been completed.

We are already experiencing a busy construction season in 2006. Of the nine projects on the **Other Projects** list (*page 5*), all are currently active in some shape or form. Our main priority is seeing that the LCMR and 2005 Bonding projects are completed as scheduled. We hope to construct at least four of the six remaining projects this summer/fall with cooperation from the weather and permitting authorities. When staff is not busy staking or inspecting ongoing construction, design work for the projects slated to receive the 2006 Bonding appropriation will be of importance. With a small staff, the project management of multiple projects becomes challenging.

Administrative funding will again become an issue in 2007 (Fiscal 2008) as our annual appropriation of \$105,000 will need to be reinstituted. The Board hopes to see this amount increased to at least \$140,000 per year as it was before the cut to the current allotment. The local legislators that represent Area II are very supportive and dedicated and have been very successful in assisting with funding needs. The nine member counties are currently considering increasing their levies to Area II by 2% as the levies have remained the same for essentially ten years. Even when the State's funds for administration were reduced from \$189,000 annually, the nine member counties choose to keep their levies the same despite the financial strain on the county governments at that time. Their dedication to Area II remains strong.

Area II greatly appreciates the long-term support and trust given to them from the Minnesota Board of Water & Soil Resources. We hope to continue our good work and make BWSR proud of the conservation practices that only we can do in southwestern Minnesota!

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



FISCAL 2006 COMPLETED PROJECTS

χ **Lake Marshall 32 Dam - Lyon County** (\$137,473.35)

BWSR Cost-Share	\$45,934.51
EQIP Federal Funds	\$46,869.00
Lyon County	\$11,500.00
Marshall Utilities	\$12,000.00
Area II counties	\$21,169.84

χ **Custer 13 Dam - Lyon County** (\$104,558.68)

BWSR Cost-Share	\$23,295.10
EQIP Federal Funds	\$52,029.34
Wild Turkey Federation	\$20,000.00
Area II counties	\$ 9,234.24

χ **Alta Vista 36 Road Retention – Lincoln/Lyon County** (\$658,603.34)

MNDOT Local Road Improvement Grant	\$250,000.00
Lincoln County – MNDOT State Aid	\$ 73,104.66
Yellow Medicine Watershed District	\$ 51,976.70

2005 Bonding Funds	\$155,000.00
Lincoln County In-kind (Engineering)	\$ 58,521.98
Lyon County In-kind (asphalt surfacing)	\$ 70,000.00



BEFORE



AFTER

χ **Springdale 32 Small Dam Repair - Redwood County** (\$10,632.68)

RCRCA Cost-Share	\$ 2,974.51
WHIP Federal Funds	\$ 5,000.00
Landowner/Renter	\$ 2,658.17

χ **Nordland 16 Streambank Stabilization - Lyon County** (\$38,155.00)

Lyon SWCD	\$ 4,000.00
Lyon Water Plan	\$ 15,000.00
Yellow Medicine Watershed District	\$ 9,577.50
Nordland Township	\$ 9,577.50

BEFORE



AFTER



χ **Coon Creek 24 Small Dam Repair - Lyon County** (\$17,378.60)

RCRCA Cost-Share	\$12,906.00
Area II counties	\$ 2,321.60
Landowner	\$ 2,151.00

χ **Florida 9 Road Retention - Yellow Medicine County** (\$112,366.59)

LCMR	\$81,307.57
Area II counties	\$31,059.02

<u>COMPLETED PROJECTS TOTAL</u> \$1,079,168.24



FISCAL 2007 OTHER PROJECTS

- χ **Gales 17 Small Dam Repair - Redwood County (\$9,775.14)**
Funding has been secured through the Redwood-Cottonwood River Control Area providing 75% for construction. The remaining local match of 25% is being provided by the landowner. The bid has been awarded and we await construction in June.
- χ **Monroe 1 Small Dam Repair - Lyon County (\$10,734.81)**
Funding has been secured through the Redwood-Cottonwood River Control Area providing 75% for construction. The remaining local match of 25% will be provided by the landowner. The bid has been awarded and we await construction in June.
- χ **Monroe 7 Small Dam Repair - Lyon County (\$24,162.00 estimate)**
Funding has been secured through the Redwood-Cottonwood River Control Area providing 75% for construction. The remaining local match of 25% will be provided by the landowner. We are finalizing plans and specifications to solicit construction bids.
- χ **Lynd 8 Small Dam Repair - Lyon County (\$17,514.00 estimate)**
Funding has been secured through the Redwood-Cottonwood River Control Area providing 75% for construction. The remaining local match of 25% will be provided by the landowners. We are finalizing plans and specifications to solicit construction bids.
- χ **Aetna 22 Small Dam Repair - Lyon County (\$15,425.50 estimate)**
Funding has been obtained through the Redwood-Cottonwood River Control Area providing 75% for construction. The remaining local match of 25% will be provided by the landowner. The bid will be awarded June 16th and we will await construction in July.
- χ **Custer 15 Small Dam Repair - Lyon County**
Funding will be obtained through the Redwood-Cottonwood River Control Area providing 75% for construction. The remaining local match of 25% will be provided by the landowner. We are finalizing the design to secure funding.
- χ **Lake Marshall 31 Small Dam Repair - Lyon County (\$20,834.55 estimate)**
Funding will be obtained through the Redwood-Cottonwood River Control Area providing 75% for construction. The remaining local match of 25% will be provided by the landowner. We are finalizing the design to secure funding.
- χ **Nordland 35 Small Dam Repair - Yellow Medicine County (\$20,834.55 estimate)**
Funding has been secured through EQIP and the Yellow Medicine River Watershed District. We are finalizing the design to solicit bids.
- χ **Lac qui Parle 28 Streambank Stabilization - Lac qui Parle County**
Funding is being sought from the Corps of Engineers under Section 14 - Streambank Protection as the erosion is threatening the integrity of a county highway. Area II has provided survey, engineering, and preliminary plans to be provided to the Corps for continued design.



FISCAL 2007 2005 BONDING PROJECTS

- χ **Alta Vista 36 Road Retention – Lyon/Lincoln County** (\$658,603.34) **COMPLETED**
- χ **North Hero 34E Road Retention - Redwood County** (\$ 264,669 Estimate)
This project is a collaboration between Area II, Redwood County, and North Hero Township. Peak flow reductions will be 54% amounting to 393 cfs on a 100-year storm event. 390.4 acre-feet of flood storage will temporarily pond on 56.1 acres. Plans are currently being drafted and will then be submitted to Redwood County for review and approval. Once approved, a wetland delineation will be conducted and permit applications submitted for Fall 2006 or Spring 2007 construction.
- χ **Springdale 21 Road Retention - Redwood County** (\$ 274,963 Estimate with \$160,000 MNDOT participating)
This project is joint venture between Area II, Redwood County, and Springdale Township. Peak flow reductions will be 47.5% amounting to 260 cfs on a 100-year storm event. 147 acre-feet of flood storage will temporarily pond on 25.3 acres. Draft plans have been submitted to Redwood County for review and approval. Once approved, a wetland delineation will be conducted and permit applications submitted for Fall 2006 construction.
- χ **Monroe 10 Road Retention/Dam - Lyon County** (\$ 289,000 Estimate)
Lyon County initiated the project but encountered problems acquiring the DNR Dam Safety permit. With Area II's assistance, soil borings were obtained and additional dam-like features were added to the design. The new plans will soon be submitted to DNR for review and permit issuance. Summer/Fall 2006 construction is planned.

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



FISCAL 2007

2007 BONDING PROJECTS

χ **Sodus 27 Dam - Lyon County**

The project had been submitted for EQIP funding, but due to the large demand in funds, project funding was not granted since 60% of all EQIP dollars are earmarked for feedlot improvements. Final design is complete and permits are being prepared.

χ **Hansonville 17/18 Dam – Lincoln County**

The location of the project is immediately downstream of Fish Lake (South Dakota) that has been operating with an uncontrolled outlet for decades. This reach has caused tremendous damage as it drains to the Lac qui Parle River.

χ **Aetna 9 Dam - Pipestone County**

This location near the headwaters of the Redwood River is a great opportunity to keep the water where it falls on the landscape.

χ **Ann 36 Dam - Cottonwood County**

The location of this project in the upper reaches of the Cottonwood River will be especially beneficial as the floodflows are “flashy” in nature here, meaning that they come fast and unexpected.

χ **Springdale 17 Dam - Redwood County**

This location immediately upstream of a county highway is drawing the interest and cooperation of Redwood County. Outflows from this area have caused extensive damage to township roadways and private property in the past.

χ **Lynd 32 Dam – Lyon County**

The proposed dam site is adjacent to Camden State Park, near Marshall, and within one mile of the Redwood River.

χ **Bashaw 20/21 Road Retention – Brown County**

This site may utilize the adjacent, abandoned railroad line to help hold floodwaters. The bridge to be replaced is only 1.5 miles from the start of the Little Cottonwood River.

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



FISCAL 2007 LCMR PROJECTS

- χ **Florida 9 Road Retention – Yellow Medicine County** (\$112,367.09) **COMPLETED**
- χ **Holly 9 Dam - Murray County**
Previously, soil borings revealed a sand layer which could have required an expensive slurry trench cut-off if the project was to proceed. Additional soil borings were acquired which showed more favorable soil conditions just 200' upstream of the previous centerline location. The restoration of a small dam upon the property will be done in conjunction with the construction of the large dam. Construction is planned for Fall 2006.
- χ **Germantown 4 Road Retention - Cottonwood County**
Phase I of this project was completed in 2004 which consisted of installing the 12' x 12' box culvert and raising the roadway elevation 15'. Phase II will consist of adding the low-flow inlet and riser pipe to the existing culvert and raising the road an additional 5' to create the retention capability of the project.
- χ **Lyons 12 Dam - Lyon County**
This project has a long history as it was once designed by the Soil Conservation Service and construction begun. The contractor declared bankruptcy just after finishing the core trench. The project has remained incomplete since that time. From our updated design, peak flow reductions will be 72% amounting to 293 cfs on a 100-year storm event. 104 acre-feet of flood storage will temporarily pond on 17.5 acres. We will soon conduct a wetland delineation and begin the permitting process. Some wetland mitigation may be necessary for this project.

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



FISCAL 2007 LAZARUS CREEK UPDATE

Since the project's completion and Dedication Ceremony on July 7, 2005, there has been little activity at the project site other than the contractor finalizing some minor "fix its" before final payment was released in October. Houston Engineering, Inc. conducted the final walk-through inspection on June 7, 2006 to certify that the project requires no further attention from the contractor. The seeded vegetation has established very well due to plentiful spring rains and the silt fences were approved for removal. Just a few minor details remain, and the project looks fantastic.



The floodpool is 8' deep following heavy rains in South Dakota.

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



FY'07 Technical Office Budget

OFFICE OPERATIONS

Personal Services:

Directors' Compensation.....	\$ 5,600.00
Directors' FICA.....	430.00
Employees' Salaries.....	82,631.06
Employees' FICA.....	6,321.28
Employees' Medical Insurance.....	13,868.00
Employees' Retirement.....	4,957.86
Employee' FlexPlan.....	300.00
Total Personal Services.....	\$ 114,108.20

Supplies:

Office.....	\$ 2,000.00
Field.....	500.00
Capital Outlay.....	0.00
Total Supplies.....	\$ 2,500.00

Other Services and Costs:

Directors' Expenses.....	\$ 3,750.00
Employees' Expenses.....	1,000.00
Continuing Education.....	0.00
Professional Services.....	30,000.00
Maintenance & Repairs.....	1,500.00
Telephone.....	650.00
Postage.....	1,000.00
Vehicle Expense.....	3,500.00
Director's Insurance.....	1,299.00
Other Insurance.....	13,668.00
Rent.....	7,083.00
Miscellaneous & Other Expenses.....	2,500.00
Miscellaneous Expenses - Directors.....	0.00
Total Other Services and Costs.....	\$ 65,950.00

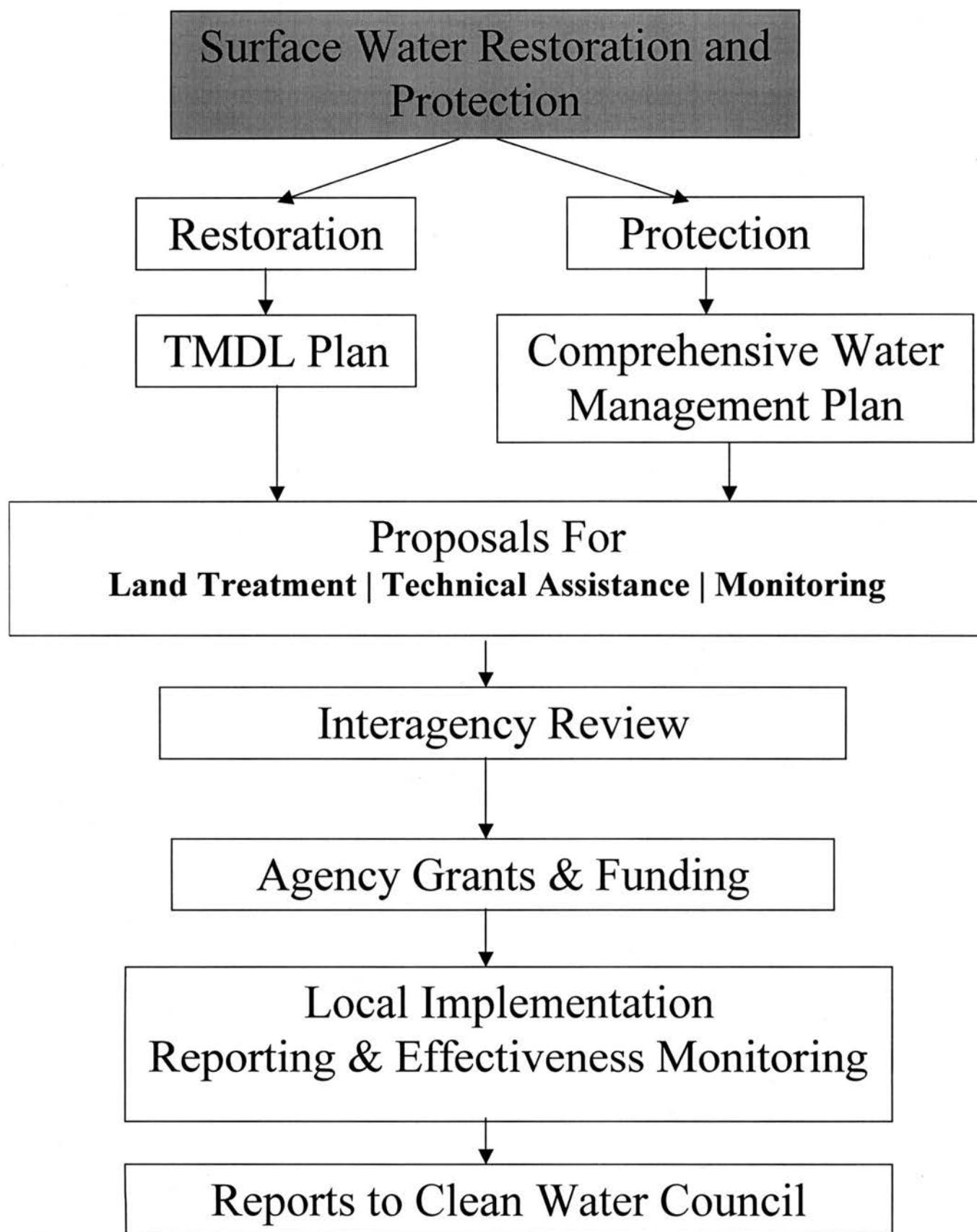
TOTAL OFFICE OPERATIONS.....	\$ 182,558.20
Total Ineligible for Cost-Share by the State.....	11,079.00*
Total Eligible for Cost-Share by the State.....	\$ 171,479.20

STATE SHARE OF ELIGIBLE OFFICE COSTS.....	\$ 105,000.00 (61%)
Local Share of Eligible Office Costs.....	66,479.20 (39%)

* These items not cost-shared by the State

SUMMARY: Previous Annual Allocation from the State of Minnesota	\$ 105,000.00
Less: Technical Office Grant	105,000.00 (100%)
Less: Project Grants	0.00 (0%)
Balance	\$ 0.00

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



CREP II PAYMENT RATE INCREASE

Minnesota CREP II needs your immediate attention. Since the programs start on June 6, 2005 we have enrolled 1650 ac., far off the pace needed to attain the 120,00 ac. goal by Dec. 31, 2007. At the April 26, 2006 Board meeting we heard from representatives from each of the three project areas in Minnesota's CREP II. Landowner interest in the CREP concept remains strong, but payment low rates discourage them from enrolling. Each stated that at the present payment rate Minnesota's CREP II is "dead". They urged the Board to significantly increase the CREP II RIM Reserve payment rate if we are serious about landowners enrolling in Minnesota's CREP II. The term of the easement was not voiced as an issue, only the low payment rate.

BWSR Easement staff in consultation with Dr. Steve Taff, Department of Applied Economics at the University of Minnesota. (See attached letter) has conducted an analysis of CREP II payment rates.

Attached is our recommendation for the state RIM Reserve increase for CREP II payment rate adjustment:

- 90% of project 2007 EMV is our payment rate target.
- 2007 EMV based upon Steve Taff's trend analysis.
- RIM payment rate multipliers for RIM Reserve Payment to achieve 90% of EMV using a 5% discount rate would be .333 for 30 yr. easement and .433 for perpetual easement.
- We need to establish a competitive payment rate that will not change for the term of this CREP II agreement (December 31, 2007).

Background:

- First 13 months of Implementation has achieved 82 easement applications signed for 1,650 acres (see attached map).
- \$1.3 M invested in local marketing of CREP II program in 37 counties. Built on the successful Minnesota River model. Have developed thousands of individual proposals to landowners.
- August 2005, FSA, NRCS & SWCD's sent a joint letter sent to all eligible landowners in CREP II project areas. (50,000 letters).
- The 3 CREP II project representatives reported findings to BWSR board at April 26, 2006 meeting. Low payment rates were the number one issue discussed.

- Original application for CREP 2 requested a 50% CRP bonus payment and a 30% was approved by USDA. The RIM Reserve payment was not adjusted accordingly.
- State's RIM Reserve interest in CREP II is long-term conservation, not short term contracts (45 years and permanent). Landowners already have a short-term option with CRP and CCRP.
- Low enrollment has resulted in zero bonding appropriation in 2006 legislative session. \$19M presently available.
- 18 months remaining in our CREP II open enrollment through December 31, 2007.
- Conservation programs must be financially competitive with other options available to landowners if we want them to be successful. RIM Reserve payment rates for regular RIM Reserve are 90% EMV for permanent; limited duration easements may not exceed 75 % of EMV.
- There is a tremendous backlog of interest for WRP/WREP. The amended RIM Reserve appropriation provides latitude for BWSR to use the funds for other than CREP 2. It would be appropriate to consider WREP as an equal with CREP 2 and market WREP along with CREP 2.

UNIVERSITY OF MINNESOTA

Twin Cities Campus

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College of Agricultural, Food
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MAY 11 2006

Bd. of Water & Soil Resources
St. Paul

May 9, 2006

To: Kevin Lines, Board of Water and Soil Resources
From: Steven J. Taff, Department of Applied Economics, University of Minnesota
Subject: Estimated land values for CREP easements



You asked me for an estimate of average farmland values for three regions of Minnesota, to be used to help prepare CREP budgets. In the following table, I have prepared a simple extrapolation of 2002-2005 average assessor estimated land values (EMV) from Minnesota Land Economics for the Northwest, Southwest, and South East regions. The estimates are not based upon an economic model; rather, they are the best exponential fit (using Microsoft Excel) for values reported by assessors.

I suspect that these values will prove to be underestimates of actual 2006-2008 average land prices when these become available. Estimated land values tend to lag actual sales price movements in many areas, because assessors are required to use previous year sales prices to help them estimate land values for the indicated year. Sellers tend to look at current sales prices, not at assessor estimates, when they consider what they think their land is worth.

I include the actual 2005 averages for comparison. I will record 2005 sales prices and 2006 EMV averages on Minnesota Land Economics in June 2006.

	2005 actual	Dollars per acre 2006 estimate	2007 estimate	2008 estimate	Rate of increase	equation
Northwest	775	827	904	988	.093	$530.7\exp(.089x)$
Southwest	2,076	2,250	2,481	2,737	.103	$1378.2\exp(.098x)$
South East	3,235	3,617	4,100	4,648	.133	$1933.4\exp(.125x)$

You also asked me to calculate the present value multiplier for RIM payments for 90% of EMV at a 5% rate for both a 30-year and a perpetual easement after year 15. These proportions are shown in the chart below. For example, using the CREPII payment procedure, a 30-year RIM contract would be priced at .333 of estimated market value.

Years in RIM contract (after CRP expires)	Payment proportion
<i>20</i>	0.270
<i>30</i>	0.333
<i>50</i>	0.395
<i>forever</i>	0.433

MN CREP II Offers Discounted at 5 Percent*

CREP II Area	County	Township	CREP II Bonus@ 30% CRP/Acre	15 yrs CRP PV	CREP II (1) \$ RIM/Acre	Total \$ PV/Acre	Present 2005 EMV	Proposed 2007 EMV**	Proposed CREP II \$ RIM/Acre Perp. (2) .433	Proposed Total \$ PV/Acre	% of 2007	Proposed CREP II \$ RIM/Acre Limited (3) .333	Proposed Total \$ PV/Acre	% of 2007
SE	Dodge	Ellington	160	1661	482	2142	\$2,786	\$3,576	1549	3210	90%	1191	2852	80%
SE	Fillmore	Holt	155	1608	364	1972	\$2,157	\$2,769	1199	2807	101%	922	2530	91%
SE	Fillmore	Jordan	145	1505	374	1879	\$2,159	\$2,771	1200	2705	98%	923	2428	88%
SE	Fillmore	Jordan	142	1474	374	1847	\$2,159	\$2,771	1200	2674	96%	923	2397	86%
SE	Fillmore	Spring Valley	133	1380	370	1750	\$2,138	\$2,745	1188	2568	94%	914	2294	84%
SE	Fillmore	York	122	1266	381	1647	\$2,158	\$2,770	1199	2465	89%	922	2188	79%
SE	Goodhue	Bell Creek	144	1495	513	2007	\$2,967	\$3,809	1649	3144	83%	1268	2763	73%
SE	Goodhue	Belvidere	166	1723	448	2171	\$2,548	\$3,271	1416	3139	96%	1089	2812	86%
SE	Goodhue	Goodhue	153	1588	474	2062	\$2,739	\$3,516	1522	3110	88%	1171	2759	78%
SE	Goodhue	Leon	140	1453	540	1993	\$3,119	\$4,004	1734	3187	80%	1333	2786	70%
SE - Perp.	Mower	Austin	195	2024	493	2517	\$2,234	\$2,868	1242	3266	114%	955	2979	104%
SE	Mower	Dexter	174	1806	461	2267	\$2,664	\$3,420	1481	3287	96%	1139	2945	86%
SE - Perp.	Mower	Lansing	145	1505	527	2032	\$2,382	\$3,058	1324	2829	93%	1018	2523	83%
SE	Mower	Lansing	148	1536	423	1959	\$2,382	\$3,058	1324	2860	94%	1018	2554	84%
SE - Perp.	Mower	Lansing	145	1505	524	2029	\$2,382	\$3,058	1324	2829	93%	1018	2523	83%
SE	Olmsted	Kalmer	118	1225	516	1740	\$2,920	\$3,748	1623	2848	76%	1248	2473	66%
SE	Olmsted	Orion	119	1235	495	1730	\$2,858	\$3,669	1589	2824	77%	1222	2457	67%
SE	Winona	St Charles	166	1723	388	2111	\$2,236	\$2,870	1243	2966	103%	956	2679	93%
SE	Winona	Utica	152	1578	410	1987	\$2,375	\$3,049	1320	2898	95%	1015	2593	85%
SE	Winona	Whitewater	142	1474	308	1781	\$1,780	\$2,285	989	2463	108%	761	2235	98%
SE AVERAGES			148	1536	443	1981	\$2,457	\$3,154	1366	2902	92%	1050	2586	82%

SW	Cottonwood	Dale	121	1256	351	1606	\$2,026	\$2,465	1067	2323	94%	821	2077	84%
SW	Cottonwood	Great Bend	119	1235	321	1514	\$1,857	\$2,259	978	2213	98%	752	1987	88%
SW	Cottonwood	Lakeside	124	1287	416	1703	\$2,406	\$2,927	1267	2554	87%	975	2262	77%
SW	Cottonwood	Southbrook	124	1287	336	1623	\$1,942	\$2,363	1023	2310	98%	787	2074	88%
SW	Jackson	Christiania	128	1329	400	1706	\$2,315	\$2,816	1220	2549	90%	938	2267	80%
SW	Martin	Jay	135	1401	443	1844	\$2,562	\$3,117	1350	2751	88%	1038	2439	78%
SW	Martin	Lake Belt	153	1588	434	1976	\$2,506	\$3,049	1320	2908	95%	1015	2603	85%
SW	Martin	Lake Belt	148	1536	433	1969	\$2,506	\$3,049	1320	2856	94%	1015	2551	84%
SW	Martin	Manyaska	152	1578	429	1692	\$2,478	\$3,015	1305	2883	96%	1004	2582	86%
SW	Murray	Iona	127	1318	386	1704	\$2,231	\$2,714	1175	2493	92%	904	2222	82%
SW	Murray	Leeds	140	1453	298	1751	\$1,722	\$2,095	907	2360	113%	698	2151	103%
SW	Murray	Mason	127	1318	323	1641	\$1,870	\$2,275	985	2303	101%	758	2076	91%
SW	Murray	Murray	108	1127	331	1452	\$1,916	\$2,331	1009	2136	92%	776	1903	82%
SW	Murray	Murray	120	1246	331	1576	\$1,916	\$2,331	1009	2255	97%	776	2022	87%
SW	Nobles	Hersey	153	1588	399	1987	\$2,304	\$2,803	1214	2802	100%	933	2521	90%
SW	Nobles	Hersey	157	1630	399	2028	\$2,304	\$2,803	1214	2844	101%	933	2563	91%
SW	Nobles	Ransom	131	1360	392	1751	\$2,263	\$2,753	1192	2552	93%	917	2277	83%
SW	Nobles	Worthington	148	1536	384	1920	\$2,219	\$2,700	1169	2705	100%	899	2435	90%
SW	Pipestone	Rock	104	1079	233	1312	\$1,347	\$1,639	710	1789	109%	546	1625	99%
SW	Rock	Clinton	154	1598	457	2055	\$2,667	\$3,245	1405	3003	93%	1080	2678	83%
SW AVERAGES			134	1391	375	1741	\$2,168	\$2,637	1142	2533	96%	878	2269	86%

*For USDA and BWSR use only

** SE EMV trend .133/yr, SW EMV trend .103/yr., NW EMV Trend .093/yr.

(1) 70% of EMV at 8% discount rate (.221) for permanent easement

(2) 90% of EMV at 5% discount rate (.433) for permanent easement

(3) 90% of EMV at 5% discount rate (.333) for limited duration easement

S:\#Crep2\CREPOffers@5%7

MN CREP II Offers Discounted at 5 Percent*

CREP II Area	County	Township	CREP II Bonus@ 30% CRP/Acre	15 yrs CRP PV	CREP II (1) \$ RIM/Acre	Total \$ PV/Acre	Present 2005 EMV	Proposed 2007 EMV**	Proposed CREP II \$ RIM/Acre Perp. (2) .433	Proposed Total \$ PV/Acre	% of 2007	Proposed CREP II \$ RIM/Acre Limited (3) .333	Proposed Total \$ PV/Acre	% of 2007
NW- NORTH														
NW - Perp.	Clay	Barnesville	94	976	194	1169	\$877	\$1,048	454	1430	136%	349	1325	126%
NW - Perp.	Clay	Barnesville	96	996	194	1190	\$877	\$1,048	454	1450	138%	349	1345	128%
NW - Perp.	Clay	Barnesville	90	934	194	1128	\$877	\$1,048	454	1388	132%	349	1283	122%
NW - CCRP Ex.	Clay	Kurtz	82	851	247	1098	\$1,426	\$1,704	738	1589	93%	567	1418	83%
NW - CCRP Ex.	Clay	Moland	68	706	246	952	\$1,422	\$1,699	736	1442	85%	566	1272	75%
NW - CCRP Ex.	Clay	Georgetown	66	685	237	922	\$1,372	\$1,639	710	1395	85%	546	1231	75%
NW - CCRP Ex.	Clay	Ulen	70	727	155	882	\$894	\$1,068	462	1189	111%	356	1083	101%
NW	E. Polk	King	59	612	86	698	\$499	\$596	258	870	146%	199	811	136%
NW - FSA Ex.	Kittson	Skane	51	529	172	701	\$992	\$1,185	513	1042	88%	395	924	78%
NW - FSA Ex.	Red Lake	River	47	488	94	581	\$570	\$681	295	783	115%	227	715	105%
NW- NORTH AVG.			72	747	182	932	\$981	\$1,171	507	1254	107%	390	1137	97%
NW- SOUTH														
NW - CCRP Ex.	E. Ottertail	Pine Lake	69	716	142	857	\$820	\$980	424	1140	116%	326	1042	106%
NW - CCRP Ex.	E. Ottertail	Gorman	69	716	154	869	\$888	\$1,061	459	1175	111%	353	1069	101%
NW - CCRP Ex.	E. Ottertail	Henning	57	592	158	751	\$911	\$1,088	471	1063	98%	362	954	88%
NW - CCRP Ex.	E. Ottertail	Woodside	53	550	149	702	\$860	\$1,027	445	995	97%	342	892	87%
NW - CCRP Ex.	E. Ottertail	Newton	83	862	149	1010	\$859	\$1,026	444	1306	127%	342	1204	117%
NW - CCRP Ex.	Grant	Lawrence	113	1173	252	1424	\$1,459	\$1,743	755	1928	111%	580	1753	101%
NW - CCRP Ex.	Grant	N. Ottawa	105	1090	254	1343	\$1,473	\$1,760	762	1852	105%	586	1676	95%
NW - CCRP Ex.	Grant	Gorton	87	903	243	1146	\$1,404	\$1,677	726	1629	97%	559	1462	87%
NW - CCRP Ex.	Grant	Logan	98	1017	243	1260	\$1,402	\$1,675	725	1742	104%	558	1575	94%
NW - CCRP Ex.	Traverse	Folsom	92	955	251	1206	\$1,450	\$1,732	750	1705	98%	577	1532	88%
NW - CCRP Ex.	Traverse	Dollymount	99	1028	285	1312	\$1,651	\$1,972	854	1882	95%	657	1685	85%
NW - CCRP Ex.	Traverse	Lake Valley	92	955	276	1230	\$1,596	\$1,907	826	1781	93%	635	1590	83%
NW	Wilkin	Foxhome	75	778	244	1022	\$1,411	\$1,686	730	1508	89%	561	1339	79%
NW - FSA Ex.	Wilkin	Mitchell	88	913	205	1118	\$1,186	\$1,417	613	1526	108%	472	1385	98%
NW - CCRP Ex.	Wilkin	Bradrup	101	1048	244	1292	\$1,410	\$1,684	729	1777	106%	561	1609	96%
NW - CCRP Ex.	Wilkin	Bradford	116	1204	247	1451	\$1,426	\$1,704	738	1942	114%	567	1771	104%
NW - CCRP Ex.	Wilkin	Wolverton	93	965	237	1202	\$1,370	\$1,637	709	1674	102%	545	1510	92%
NW - CCRP Ex.	Wilkin	Tangberg	86	892	175	1067	\$1,012	\$1,209	523	1415	117%	403	1295	107%
NW - CCRP Ex.	Wilkin	Ankron	93	965	175	1140	\$1,010	\$1,207	522	1487	123%	402	1367	113%
NW - CCRP Ex.	Wilkin	Atherton	86	892	166	1058	\$957	\$1,143	495	1387	121%	381	1273	111%
NW- SOUTH AVG.			88	913	212	1123	\$1,228	\$1,467	635	1548	106%	488	1401	96%
NW- TOTAL AVG.			83	862	202	1059	\$1,145	\$1,368	592	1454	106%	456	1318	96%

*For USDA and BWSR use only

** SE EMV trend .133/yr, SW EMV trend .103/yr., NW EMV Trend .093/yr.

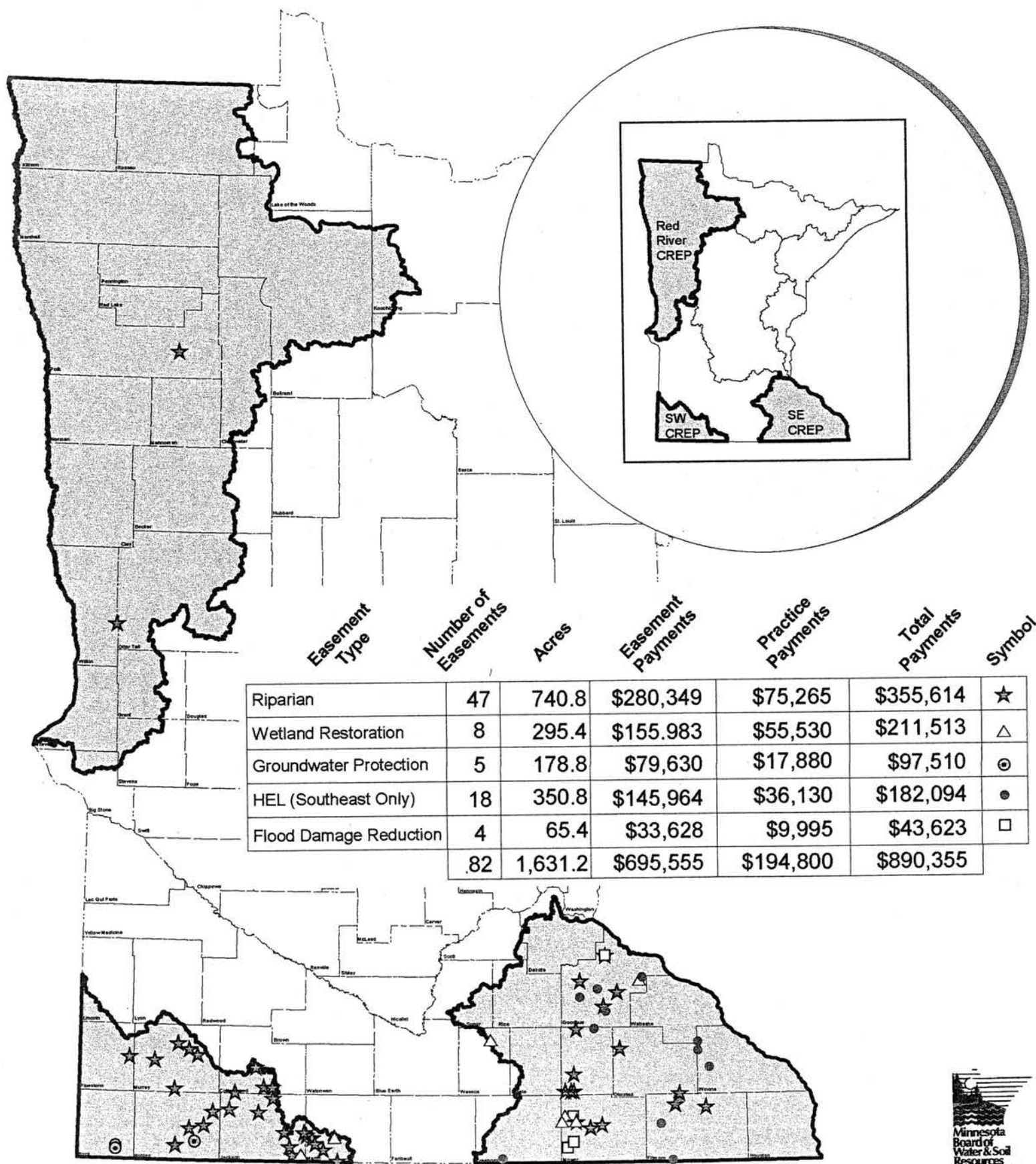
(1) 70% of EMV at 8% discount rate (.221) for permanent easement

(2) 90% of EMV at 5% discount rate (.433) for permanent easement

(3) 90% of EMV at 5% discount rate (.333) for limited duration easement

Minnesota CREP II

BWSR Applications Approved
June 6th, 2005 through June 15, 2006



FOR YOUR INFORMATION

June 28, 2006

- ❑ Updated Board Member Listing
- ❑ Updated Staff Listing
- ❑ Mower SWCD Request for CREP II Rate Changes
- ❑ MASWCD Principles Related to the Conservation Title of the 2007 Farm Bill
- ❑ News Release: "Free Strip Tillage Expo highlights innovation in conservation tillage"
- ❑ Article in AgriNews: "What the Clean Water Legacy Act means to BWSR and the future"

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

	<u>Appointment Designation</u>	<u>Term Expires</u>	<u>Telephone/Fax</u>	
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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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June 2006

PHONE NUMBERS FOR BWSR STAFF **USE LAST FIVE DIGITS WHEN TRANSFERRING****Main Line: 651-296-3767 – FAX: 651-297-5615 – Updated 6/6/06**

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Fax #	297-5615	Lines, Kevin	297-1894	(cell 763-229-4308)	
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Bonde, Karen	297-3998	Luniewski, Jim	297-2622		
DeVoe, Natasha	205-4664	Mack, Kristie	215-9420		
Donnelly, Conor	282-3815	Mings, Thomas	284-4153	Metro Office	282-9969
(cell 612-408-7002)		(cell 612-965-8682)		Lemm, Les	296-6057
Engineers Cell Phone	485-8466	Mohring, Eric	297-7360	(cell 651-341-4208)	
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(cell 651-245-5132)		Ogg, Tim	297-8024	(cell phone only)	612-201-9806
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Girolamo, Dan	215-1703	Raeker, Pete	296-0884	(cell 651-402-6997)	
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Harnack, Ron	296-0878	Salinas, Debbie	297-8025	(cell 651-233-6673)	
(cell 612-202-3815)		Schmidt, Tom	215-9008		
Hubbell, Dianne	296-0873	Sokatch, Char	297-4016		
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Kean, Al	297-2907	Strojny, Carol	297-1893		
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Larson, Greg (U of M)	612-624-3427	(cell 651-308-8647)			
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Chris Hughes	(507) 359-6076
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Jeff Hedtke	(507) 359-6092
Cell Phone	(651) 485-8470
Carla Swanson-Cullen	(507) 359-6074

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Mary Kells	(507) 280-2873
Dorothy Erickson	(507) 281-7797

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Cell Phone	(218) 820-1679
John Overland	(218) 825-6807
Cell Phone	(218) 232-4852
Jason Weinerman	(218) 828-6045
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Board Packet
FYI

1408 21st Ave. NW
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FAX: 507-434-2680

*"Serving the people
and resources
of Mower County
for over 50 years."*

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Member
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Bev Nordby

Engineering Tech
Rick Morrison

Resource Specialist
Justin Hanson

District Tech
Matt Taylor

Administrative Asst.
Jeanne Crump

DATE: June 15, 2006

TO: Board Members
Board of Water & Soil Resources

FROM: Bev Nordby, Mower SWCD

RE: CREP II Rate Changes

The Mower SWCD Board of Supervisors and staff would like to request your assistance in raising the RIM rates for CREP II as soon as possible.

The Mower SWCD has been requesting increased rates since last fall. We could tell early into the program the incentives were not high enough to attract landowners in participating in the program. We now have been marketing this program for one year and the results are not good as you well know. Being the LGU to implement conservation programs, we have built good relationships with landowners. Landowners are telling us what CREP II is paying does not justify taking this marginal, sensitive, flood prone land out of production. They come to our office interested in the program and walk out the door when they know what the program pays. It is just not enough. Ask them, they will tell you.

We now have many opportunities to start restoring our impaired waters in Minnesota. CREP II can be a very big part of that success, but yet the political games that have been played with this program is a disgrace. You as a board are in the driver's seat to move this program forward, start restoring our impaired waters, protecting our groundwater and reduce damage in flood prone areas.

Due to the challenges of getting this program implemented, our time frame is short and we want to achieve our goals before the 2007 deadline. We need these rate changes in the next 45 days. Changes are needed or maybe we should consider calling it quits.

Please consider raising the RIM rates before August 1st.

RECEIVED

JUN 19 2006

Bd. of Water & Soil Resources
St. Paul



MASWCD

Legislation_Farm Bill2007
NACD_MASWCD_Principles.doc

*Board Packet
FYI*

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Minnesota Association of Soil and Water Conservation Districts

790 Cleveland Avenue South, Suite 201, St. Paul, MN 55116 651-690-9028 www.maswcd.org

May 18, 2006

Billy Wilson
President
NACD
509 Capitol Court, NE
Washington DC 20002

Dear Mr. Wilson;

On behalf of the Minnesota Association of Soil and Water Conservation Districts Board of Directors, I am presenting NACD with our 2007 Farm Bill Principles. Please see the attached document. The MASWCD Farm Bill principles include grassroots policy issues adopted by our membership through our resolution process. The principles are also reflective of our continued partnership and policy development with the NACD.

The MASWCD supports a farm bill that continues and enhances the conservation programs, technical assistance and delivery system to implement conservation on our private working lands. It is integral that successful conservation programs in Minnesota include programs that provide opportunities to have local flexibility, local decision making, streamlined administration, and technical resources to meet the needs of the local landowners.

The MASWCD supports NACD's work to advocate the conservation district perspective in the 2007 Farm Bill policy discussion. Thank you for the opportunity to provide you with our principles and we look forward to our continued partnering to strengthen federal legislation.

Sincerely,

Carol Berg
President

Cc: MASWCD Board of Directors
Bill Hunt, Minnesota NRCS
Ron Harnack, Minnesota BWSR ✓
Christa Jones, NACD North Central

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MAY 30 2006

Bd. of Water & Soil Resources
St. Paul

**Minnesota Association of Soil and Water Conservation Districts
Principles Related to the
Conservation Title of the 2007 Farm Bill**

Conservation Driven Farm Bill

The Minnesota Association of Soil and Water Conservation Districts (MASWCD) is a nonprofit organization that represents Soil and Water Conservation Districts and their locally elected supervisors who serve on their boards. The SWCDs are local units of government established under Minnesota state law to carry out natural resource management programs at the local level. The guiding principles are reflective of grassroots policy development through the Association's resolution process.

The MASWCD's guiding principles for future Farm Bill conservation programs are:

- Maintain a voluntary, incentive-driven, science based approach to help private landowners and managers protect their soil, water, wildlife and related resources.
- Continue to provide for local leadership and involvement with implementing programs, setting priorities, developing policies and advocating natural resource conservation and management. An excellent example of providing for locally led conservation includes the implementation of the NRCS's Local Work Group process implemented in Minnesota.
- Correlate Conservation Program Funding with Implementation Funding. Increased investments in technical assistance and implementation will be necessary to get conservation accomplished. It is critical that Congress establish stable sources of technical assistance funding for the Farm Bill programs and the implementation assistance for landowners.
- The next farm bill should include incentive programs which encourage landowners to implement conservation benefits.
- The Conservation Security Program (CSP), as part of the 2002 Farm Bill, was established to reward conservation oriented farmers. We encourage congress to modify CSP to allow for streamlining of the administrative complexities while at the same time continuing to reward landowners for their conservation practices. Guiding principals for the program include conservation tillage, ephemeral erosion control, nutrient management and conservation buffers.
- The Conservation Reserve Program (CRP) is an integral conservation program and MASWCD encourages congress to have the entire CRP program administered by NRCS, a conservation agency with technical oversight.

- Congress should support federal funding to assist private forestland owners in implementing sustainable forest practices. In Minnesota, we recognize the current trends toward smaller parcels in private ownership of forest land. This land use change is putting a tremendous strain on stewardship efforts with limited forestry technical staff to assist landowners.
- Continue to support the flexibility and the funding that was provided in the last Farm Bill related to the Environmental Quality Incentive Program. Minnesota's conservation partnership is very successful in working with landowners to implement conservation practices under the EQIP program. EQIP is not only a "popular" program with landowners, it provides for the protection of our natural resources.
- Maintain and enhance opportunities for leveraging resources between the federal agencies and the state and local agencies through areas like the Conservation Reserve Enhancement Program (CREP), the Wetland Reserve Enhancement Program (WREP), and technical assistance (TA) at the local level, building on the existing federal-state-local conservation delivery structure.

Conclusion

Over the past 20 years, the Farm Bill has become one of the most important vehicles in providing landowners with guidance and assistance in protecting and enhancing Minnesota's natural resources. It is important to continue and enhance the conservation programs, technical assistance and delivery system to implement conservation on our private working lands.

Adopted by the MASWCD Board of Directors, April 25, 2006

Minnesota Department of Agriculture
625 North Robert Street
St. Paul, Minnesota 55155
(651) 201-6629

News Release

FOR IMMEDIATE RELEASE: Friday, June 16, 2006

Contacts: Mark Zumwinkle, Minnesota Department of Agriculture, 651-201-6240
Les Everett, University of Minnesota, 612-625-6751

Free Strip Tillage Expo highlights innovation in conservation tillage

ST. PAUL, Minn. – Farmers, researchers and agricultural professionals are invited to attend one of two upcoming workshops on the benefits of strip tillage.

Strip tillage is a relatively new conservation practice that offers a middle-ground between full and no till practices. In strip tilling, the soil between tilled strips is left undisturbed. As a result, the tilled strip warms up more quickly than is typical for no till fields. At the same time, the undisturbed soil is protected by last season's crop residue.

The University of Minnesota (U of M) is offering Strip Tillage Expos on July 25 at the Southwest Research and Outreach Center in Lamberton and again at the Southern Research and Outreach Center in Waseca on July 27. Tillage demonstrations will be held from 9 to 11 a.m. and again from 1 to 3 p.m. Educational presentations are scheduled from 10 a.m. to 2:30 p.m. There is no cost to attend, and pre-registration is not required.

At the expo, manufacturers will demonstrate strip tillage equipment, including auto-guidance systems and fertilizer injectors. Speakers will discuss equipment management, soil fertility in high residue systems, economics of reduced tillage systems, and yield results from two years of on-farm trials across Minnesota comparing tillage systems. A panel of long-term strip tillers will discuss tips for success.

Minnesota Department of Agriculture Commissioner (MDA) Gene Hugoson said the expo is an important event for farmers to learn more about this emerging conservation practice. "Strip till is an innovative option that has proven environmental and economic benefits for Minnesota's farmers," said Commissioner Hugoson.

Les Everett, U of M Water Resource Center, says, "Fall strip tillage combines the advantage of early spring soil warm-up in the tilled row area with soil protection from crop residue between the rows. It also reduces fuel expense, trips across the field, and fertilizer costs when coupled with band application of potassium and phosphorus."

In its efforts to reduce soil erosion and improve water quality, the MDA works with farmers looking to incorporate conservation tillage and winter cover crops into their farming operations. Mark Zumwinkle, planner with the MDA, said, "Strip tillage increases the effectiveness of winter cover crops by reducing sedimentation and wind erosion."

More information on the Strip Tillage Expo can be found at <http://wrc.coafes.umn.edu> under Upcoming Events, or by contacting Les Everett at the University of Minnesota Water Resources Center at 612-625-6751.

-30-

This release is available on the MDA website at <http://www.mda.state.mn.us>



Likewise, \$3 North Dakota wheat may fetch \$5.50 when it leaves Washington state for Shanghai, but the grower still only received \$3 when he sold it in Jamestown.

As such, counting the steak's \$14 markup or the wheat's \$1.50 price boost as "farm value" is "logically ridiculous," Maixner continues.

What USDA is actually tabulating, he adds, is "added export value, not farm value." USDA Chief Economist Keith Collins says Maixner's math is "a valid concept. We shouldn't think of exports as cash receipts."

But that's as far as Collins will take the thought without walking it backwards

production and averaged 24 percent since 1996. By value, however, the export share of U.S. agricultural products averaged 17 percent from 1998 to 2002, or 5 percentage points lower than the volume-based average.

Still, the value number includes far too much off-farm money in its total, Maixner believes.

For example, he says, three out of four bales of U.S.-produced cotton will be exported this year. "USDA should chalk up the cleaned bales of cotton sitting at an ocean or Mississippi River port as farm value."

Not hardly," he explains. What about ginning, transporting, warehousing and interest — all included in the port price?

They deserve all the federal help they can get. Playing politics and showing favoritism is the wrong approach.

Congress should ignore President Bush's veto threats and include the \$175 million for Minnesota farmers.

In a country where the federal deficit reaches into the trillions, that kind of money is peanuts. However, it is sorely needed by Minnesota farmers.

self-serving public metonic

Avian influenza is a topic worthy of attention. The H5N1 virus — one of more than 144 characterizations of the disease — has been found in birds in more than 48 countries.

It has killed more than 125 people out of 224 sick enough to be treated — including seven family members from

Indonesia. It's been the subject of special reports, books, talk shows, the evening news and a made-for-TV movie titled "Fatal Contact: Bird Flu in America."

Given the seriousness of the disease and the attention it's received, it was only a matter of time before opportunists seized upon the issue for self-serving purposes.

Some anti-meat proponents say those who consume poultry risk acquiring the disease. Others, including the Organic Consumers Association, blame factory farms, not backyard birds, for creating and spreading the diseases. Still others say too much is unknown about the virus so consumers should do the natural thing — and go vegetarian. For confused consumers, all three can be compelling arguments. It's human nature to be concerned and find some thing or someone to blame. Yet the H5N1 virus — including its potential impact on domestic human health and animal welfare — demands rational, thoughtful discussion, not sensationalistic, self-serving rhetoric. Avian influenza should be taken seriously. But its threat to U.S. consumers should not be overstated.

— Aaron Putze is the executive director-public relations officer for the Coalition to Support Iowa's farmers

ED FISCHER'S VIEWPOINT



LETTERS POLICY

Agri News would like to hear from you. Letters to the Editor are welcome via e-mail, mail or fax. They must be signed and accompanied by a telephone number and address. Letters will be edited for space and sometimes a letter that is too lengthy will be published in its entirety on the Agri News Web site. Mail letters to Box 6118, Rochester, MN 55903-6118. Letters can be e-mailed to wilmes@agrinews.com. They can also be faxed to (507) 281-7474.

WWW.AGRINEWS.COM

COMMENTARY

What the Clean Water Legacy Act means to BWSR and the future

By Doug Thomas

The Board of Water and Soil Resources, along with other state agencies, kept a close watch on the final outcome of the 2006 legislative session. Among the key issues we tracked was the Clean Water Legacy Act, which passed this year.

Funding for the Clean Water Legacy includes \$15 million in one-time funding from the general fund and \$9.3 million in bonding money. Funding will pass through the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, the Department of Agriculture,

the Public Facilities Authority, and BWSR to protect, restore, and preserve the quality of Minnesota's surface waters.

The funds will go to activities like surface water monitoring and assessments, development of restoration plans, municipal wastewater upgrades, restoration activities that target impaired waters, and local protection efforts to keep waters from being impaired.

Although funding is short of the \$80 million a year that has been estimated to clean up Minnesota's impaired waters over the next 10 years, it's a good first step. We appreciate the support

from the Pawlenty administration, legislators, and members of the G-16, a stakeholder group that pushed for the legislation.

BWSR will receive \$5.84 million in general fund dollars through the program, and the money will be administered through BWSR's local water resources protection and management program. Specifically, these funds are available for the following programs and projects:

- Financial assistance to offset a portion of landowner costs to implement agricultural, forestry, and urban nonpoint source pollution best management practices

(\$1.5 million)

- Technical and engineering assistance that landowners need for planning, design, and implementation of a variety of water quality improvement practices (\$2 million).

- Reporting and evaluation of applied soil and water conservation practices (\$200,000)

- Grants to implement county individual sewage treatment system programs (\$730,000).

- Grants to support local nonpoint source protection activities related to lake and river protection and management (\$1.41 million).

BWSR will also receive a

\$1 million bonding appropriation, which is designated for grants to soil and water conservation districts for streambank, stream channel, lakeshore, and roadside erosion control and restoration of native habitat projects.

This funding represents the largest infusion of new money for soil and water conservation in more than 15 years. The Clean Water Legacy will allow BWSR, working in partnership with the state's soil and water conservation districts, watershed districts, and counties, to accelerate local efforts to begin the clean-up of waters that are not meeting the state's water-quality standards.

dards.

By working through BWSR's local government delivery system, the state will be able to leverage additional funding through federal programs such as the USDA's Environmental Quality Incentive Program and the Continuous Conservation Reserve Program.

This is a great start to the effort to help clean up the state's waters. BWSR looks forward to working with all of our partners to deliver a successful program.

Thomas is an assistant director of the Minnesota Board of Water and Soil Resources. He is guest columnist this month for BWSR.

THURS JUN 15, 2006

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